

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2004

 ONE HUNDRED FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 10, 2004

The House of Representatives convened at 12:00 noon and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

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

A quorum was present.

Tingelstad was excused.

Swenson was excused until 1:05 p.m. Thao was excused until 1:30 p.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 2869 and H. F. No. 2970, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Bradley moved that S. F. No. 2869 be substituted for H. F. No. 2970 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 1086, A bill for an act relating to retirement; statewide and major local public pension plans; making various changes of an administrative nature; setting various limitations and requirements for public employees police and fire retirement plan disability benefit applications; resolving one person and small group pension problems; reducing the early retirement age for the judges retirement plan; authorizing a shorter vesting schedule for the Marine on St. Croix Volunteer Firefighters Relief Association; revising the salary maximum for the executive secretary of the Minneapolis Firefighters Relief Association; permitting single Teachers Retirement Association members to make survivor benefit designations; authorizing retirement coverage discontinuation by an elected county official; revising the manner in which actuarial services to the Legislative Commission on Pensions and Retirement are provided; continuing retirement coverage by the general employees retirement plan of the Public Employees Retirement Association for Anoka County Achieve Program and the Government Training Services; including in privatized public employee retirement coverage employees of the Fair Oaks Lodge, Wadena, and RenVilla Nursing Home; extending the expiration date on certain prior military service credit purchases; temporarily exempting Metropolitan Airports Commission police from reemployed annuitant earnings limitation; ratifying certain Bellingham volunteer firefighter relief association annuity purchases; including the Lake Johanna fire department employees in Public Employees Retirement Association coverage; expanding the health care savings plan; modifying the department of transportation pilots retirement plan; creating a statewide volunteer firefighter retirement plan study task force; authorizing shorter vesting periods for defined contribution volunteer firefighter relief associations; modifying Minneapolis Police Relief Association provisions; appropriating money; amending Minnesota Statutes 2002, sections 3A.03, subdivision 2; 69.77, subdivision 4; 352.01, subdivision 13; 352.03, subdivision 6; 352.113, subdivisions 4, 6, 8, by adding a subdivision; 352.12, subdivisions 1, 6; 352.22, subdivisions 2, 3; 352.27; 352.275, subdivision 1; 352.86, subdivision 1; 352.95, subdivisions 1, 2, 4; 352.98; 352B.01, subdivisions 3a, 11, by adding a subdivision; 352B.02, subdivision 1e; 352B.10, subdivisions 1, 2, 3, 4, 5; 352B.105; 352B.11, subdivisions 1, 2, by adding subdivisions; 352D.065, subdivision 2; 352D.075, subdivisions 2, 3, by adding a subdivision; 353.01, subdivisions 2b, 10, 12a, 12b, 16, 16a; 353.03, subdivision 3a; 353.33, subdivisions 4, 6, 6b, 7, by adding a subdivision; 353.37, subdivision 3, by adding a subdivision; 353.656, subdivision 5, by adding subdivisions; 354.05, subdivisions 2, 22, 35; 354.06, subdivision 2a; 354.07, subdivision 9; 354.091; 354.096, subdivision 1; 354.42, subdivision 7; 354.44, subdivisions 4, 5; 354.46, subdivisions 2, 2b, 5, by adding a subdivision; 354.48, subdivisions 2, 4, 6, 6a, 10; 354.51, subdivision 5; 354.52, subdivisions 4a, 6, by adding a subdivision; 354.53; 354.533, subdivision 1; 354.66, subdivision 2; 354A.011, subdivision 24; 354A.021, subdivision 7; 354A.093; 354A.094, subdivision 3; 354A.097, subdivision 1; 354B.20, subdivisions 4, 6; 354B.23, subdivision 1; 354B.32; 354C.11, subdivision 2; 356.215, subdivisions 2, 18; 356.216; 356.302, subdivision 3;

356.441; 356.611, subdivision 2, by adding subdivisions; 422A.06, subdivision 2; 422A.18, subdivisions 1, 4; 423B.01, subdivision 12; 423B.09, subdivisions 1, 4, by adding a subdivision; 423B.10, subdivision 1; 423B.15, subdivision 3; 423C.05, subdivisions 4, 5, 6, by adding a subdivision; 424A.02, subdivisions 2, 7; 490.121, subdivision 10, by adding a subdivision; 490.124, subdivision 12; Minnesota Statutes 2003 Supplement, sections 353.01, subdivision 6; 353F.02, subdivision 4; 423C.03, subdivision 3; Laws 1999, chapter 222, article 16, section 16, as amended; Laws 2000, chapter 461, article 4, section 4; proposing coding for new law in Minnesota Statutes, chapters 352F; 356; 423B; repealing Minnesota Statutes 2002, sections 3.85, subdivisions 11, 12; 352D.02, subdivision 5; 353.33, subdivision 5b; 354A.107; 356.217; 490.11.

Reported the same back with the following amendments:

Page 2, after line 43, insert:

"Section 1. Minnesota Statutes 2002, section 352.91, subdivision 3g, is amended to read:

Subd. 3g. [ADDITIONAL CORRECTIONS DEPARTMENT PERSONNEL.] (a) "Covered correctional service" means service by a state employee in one of the employment positions at the designated Minnesota correctional facility specified in paragraph (b), ~~provided that~~ if at least 75 percent of the employee's working time is spent in direct contact with inmates and the fact of this direct contact is certified to the executive director by the commissioner of corrections.

(b) The qualifying employment positions and the designated correctional facilities are:

(1) corrections discipline unit supervisor, at the Minnesota Correctional Facility-Faribault, the Minnesota Correctional Facility-Lino Lakes, the Minnesota Correctional Facility-Oak Park Heights, the Minnesota Correctional Facility-Rush City, and the Minnesota Correctional Facility-St. Cloud;

(2) dental assistant registered, at the Minnesota Correctional Facility-Faribault, the Minnesota Correctional Facility-Lino Lakes, the Minnesota Correctional Facility-Moose Lake, the Minnesota Correctional Facility-Oak Park Heights, and the Minnesota Correctional Facility-Red Wing;

(3) dental hygienist, at the Minnesota Correctional Facility-Shakopee and the Minnesota Correctional Facility-Rush City;

(4) psychologist 2, at the Minnesota Correctional Facility-Faribault, the Minnesota Correctional Facility-Lino Lakes, the Minnesota Correctional Facility-Moose Lake, the Minnesota Correctional Facility-Oak Park Heights, the Minnesota Correctional Facility-Red Wing, the Minnesota Correctional Facility-Rush City, the Minnesota Correctional Facility-St. Cloud, the Minnesota Correctional Facility-Shakopee, and the Minnesota Correctional Facility-Stillwater; ~~and or~~

(5) sentencing to service crew leader involved with the inmate community work crew program, at the Minnesota Correctional Facility-Faribault and the Minnesota Correctional Facility-Lino Lakes."

Page 12, line 3, delete "1 to 5 and 8" and insert "2 to 6 and 9"

Page 12, line 4, delete "6" and insert "7"

Page 12, line 7, delete "7" and insert "8"

Page 17, after line 29, insert:

"Sec. 6. Minnesota Statutes 2002, section 356.611, subdivision 1, is amended to read:

Subdivision 1. [STATE SALARY LIMITATIONS.] (a) Notwithstanding any provision of law, bylaws, articles of incorporation, retirement and disability allowance plan agreements, or retirement plan contracts to the contrary, the covered salary for pension purposes for a plan participant of a covered retirement fund enumerated in section 356.30, subdivision 3, may not exceed 95 percent of the salary established for the governor under section 15A.082 at the time the person received the salary.

(b) This section does not apply to a salary paid:

(1) to the governor or to a judge;

(2) to an employee of a political subdivision in a position that is excluded from the limit as specified under section 43A.17, subdivision 9; ~~or~~

(3) to a state employee ~~in a position for which the commissioner of employee relations has approved a salary rate that exceeds 95 percent of the governor's salary as defined under section 43A.02, subdivision 21; or~~

(4) to an employee of Gillette Hospital who is covered by the general state employees retirement plan of the Minnesota State Retirement System.

(c) The limited covered salary determined under this section must be used in determining employee and employer contributions and in determining retirement annuities and other benefits under the respective covered retirement fund and under this chapter."

Page 18, line 24, delete "6, and 7" and insert "7, and 8"

Page 18, after line 27, insert:

"(c) For a person who retired on or before the effective date of section 6, section 6 applies retroactively to April 28, 1994, and retirement annuities that were based on covered salary amounts that were in excess of the limit in effect after April 28, 1994, but conform with section 6, are ratified."

Page 44, after line 8, insert:

"Sec. 5. [LEGISLATIVE COMMISSION ON PENSIONS AND RETIREMENT; ACTUARIAL SERVICES BILLING TO THIRD PARTIES.]

Notwithstanding any provision of law to the contrary, the Legislative Commission on Pensions and Retirement may bill third parties for actuarial services performed for their benefit under its contract with its consulting actuary under Minnesota Statutes, section 3.85, and may deposit the actuarial services reimbursements from those third parties to the credit of the commission, and those deposited reimbursements are reappropriated to the commission."

Page 44, line 10, before "Sections" insert "(a)"

Page 44, after line 10, insert:

"(b) Section 5 is effective retroactively to July 1, 2003, and expires when the requirement that the Legislative Commission on Pensions and Retirement retain a consulting actuary to perform annual actuarial valuations of retirement plans terminates."

Page 47, after line 14, insert:

"Sec. 6. Minnesota Statutes 2002, section 354.44, subdivision 6, is amended to read:

Subd. 6. [COMPUTATION OF FORMULA PROGRAM RETIREMENT ANNUITY.] ~~(a)~~ (a) The formula retirement annuity must be computed in accordance with the applicable provisions of the formulas stated in ~~clause (2) or (4) paragraph (b) or (d)~~ clause (a) on the basis of each member's average salary for the period of the member's formula service credit.

For all years of formula service credit, "average salary," for the purpose of determining the member's retirement annuity, means the average salary upon which contributions were made and upon which payments were made to increase the salary limitation provided in Minnesota Statutes 1971, section 354.511, for the highest five successive years of formula service credit provided, however, that such "average salary" shall not include any more than the equivalent of 60 monthly salary payments. Average salary must be based upon all years of formula service credit if this service credit is less than five years.

~~(2)~~ (b) This clause paragraph, in conjunction with ~~clause (3) paragraph (c)~~, applies to a person who first became a member of the association or a member of a pension fund listed in section 356.30, subdivision 3, before July 1, 1989, unless ~~clause (4) paragraph (d)~~, in conjunction with ~~clause (5) paragraph (e)~~, produces a higher annuity amount, in which case ~~clause (4) paragraph (d)~~ applies. The average salary as defined in ~~clause (1) paragraph (a)~~, multiplied by the following percentages per year of formula service credit shall determine the amount of the annuity to which the member qualifying therefor is entitled:

	Coordinated Member	Basic Member
Each year of service during first ten	the percent specified in section 356.315, subdivision 1, per year	the percent specified in section 356.315, subdivision 3, per year
Each year of service thereafter	the percent specified in section 356.315, subdivision 2, per year	the percent specified in section 356.315, subdivision 4, per year

~~(3)~~ (c)(i) This clause paragraph applies only to a person who first became a member of the association or a member of a pension fund listed in section 356.30, subdivision 3, before July 1, 1989, and whose annuity is higher when calculated under ~~clause (2) paragraph (b)~~, in conjunction with this clause paragraph than when calculated under ~~clause (4) paragraph (d)~~, in conjunction with ~~clause (5) paragraph (e)~~.

(ii) Where any member retires prior to normal retirement age under a formula annuity, the member shall be paid a retirement annuity in an amount equal to the normal annuity provided in ~~clause (2) paragraph (b)~~ reduced by one-quarter of one percent for each month that the member is under normal retirement age at the time of retirement except that for any member who has 30 or more years of allowable service credit, the reduction shall be applied only for each month that the member is under age 62.

(iii) Any member whose attained age plus credited allowable service totals 90 years is entitled, upon application, to a retirement annuity in an amount equal to the normal annuity provided in ~~clause (2) paragraph (b)~~, without any reduction by reason of early retirement.

~~(4) (d)~~ This ~~clause paragraph~~ applies to a member who has become at least 55 years old and first became a member of the association after June 30, 1989, and to any other member who has become at least 55 years old and whose annuity amount when calculated under this ~~clause paragraph~~ and in conjunction with ~~clause (5) paragraph (e)~~, is higher than it is when calculated under ~~clause (2) paragraph (b)~~, in conjunction with ~~clause (3) paragraph (c)~~. The average salary, as defined in ~~clause (1) paragraph (a)~~ multiplied by the percent specified by section 356.315, subdivision 4, for each year of service for a basic member and by the percent specified in section 356.315, subdivision 2, for each year of service for a coordinated member shall determine the amount of the retirement annuity to which the member is entitled.

~~(5) (e)~~ This ~~clause paragraph~~ applies to a person who has become at least 55 years old and first becomes a member of the association after June 30, 1989, and to any other member who has become at least 55 years old and whose annuity is higher when calculated under ~~clause (4) paragraph (d)~~ in conjunction with this ~~clause paragraph~~ than when calculated under ~~clause (2) paragraph (b)~~, in conjunction with ~~clause (3) paragraph (c)~~. An employee who retires under the formula annuity before the normal retirement age shall be paid the normal annuity provided in ~~clause (4) paragraph (d)~~ reduced so that the reduced annuity is the actuarial equivalent of the annuity that would be payable to the employee if the employee deferred receipt of the annuity and the annuity amount were augmented at an annual rate of three percent compounded annually from the day the annuity begins to accrue until the normal retirement age.

(f) No retirement annuity is payable to a former employee with a salary that exceeds 95 percent of the governor's salary unless and until the salary figures used in computing the highest five successive years average salary under paragraph (a) have been audited by the Teachers Retirement Association and determined by the executive director to comply with the requirements and limitations of section 354.05, subdivisions 35 and 35a."

Page 47, after line 28, insert:

"Sec. 9. [TRA; REPORT ON CERTAIN SALARY AUDITS.]

(a) The executive director shall report to the chair of the Legislative Commission on Pensions and Retirement, the chair of the Committee on Governmental Operations and Veterans Affairs Policy of the house of representatives, and the chair of the State and Local Government Operations Committee of the senate on the number of superintendents, assistant superintendents, and principals who retired during the most recent calendar year, the number of superintendents, assistant superintendents, and principals where the preretirement salary audit under Minnesota Statutes, section 354.44, subdivision 6, paragraph (f), disclosed an impermissible salary inclusion amount, the school district or districts in which impermissible salary inclusions occurred, the average amount of the impermissible salary inclusions where there were impermissible salary inclusions, and the range of impermissible salary inclusions.

(b) When a report is due, the report must be filed on or before February 15.

(c) Reports under this section must be made for calendar years 2004 and 2005. A report under this section also must be filed for calendar years 2006 and 2007 if the report for calendar year 2005 indicates that there were impermissible salary inclusions that occurred during the calendar year."

Page 47, line 32, delete "and" and after "6" insert ", and 7"

Page 47, line 34, delete "7" and insert "8"

Page 93, line 15, delete "and"

Page 93, line 16, after "(6)" insert "the St. Peter Community Healthcare Center; and
(7)"

Page 95, line 13, after "(d)" insert "Section 1, relating to the St. Peter Community Healthcare Center, is effective upon the latter of:

(1) the day after the governing body of the city of St. Peter and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3; and

(2) the first day of the month next following certification to the governing body of the city of St. Peter by the executive director of the Public Employees Retirement Association that the actuarial accrued liability of the special benefit coverage proposed for extension to the privatized St. Peter Community Healthcare Center employees under section 1 does not exceed the actuarial gain otherwise to be accrued by the Public Employees Retirement Association, as calculated by the consulting actuary retained by the Legislative Commission on Pensions and Retirement.

(e) The cost of the actuarial calculations must be borne by the city of St. Peter or the purchaser of the St. Peter Community Healthcare Center.

(f)"

Page 95, line 16, delete "(e)" and insert "(g)"

Page 95, line 19, delete "(f)" and insert "(h)"

Page 106, after line 8, insert:

"Sec. 3. [MSRS-UNCLASSIFIED PROGRAM; ELECTION BY SURVIVOR.]

(a) Notwithstanding any provision of Minnesota Statutes, chapter 352 or 352D, to the contrary, a person described in paragraph (b) may make the posthumous coverage election specified in paragraph (c) and be eligible for the survivor benefit specified in paragraph (d).

(b) An eligible person is the personal representative of the estate of a person who:

(1) was born on March 26, 1942;

(2) was employed by the house of representatives for several years prior to being laid off;

(3) was covered by the unclassified state employees retirement program of the Minnesota State Retirement System as a house employee until electing alternative coverage by the general employee retirement plan at or prior to the termination of house employment;

(4) was employed by the senate prior to death, but did not make the election to transfer prior service contributions to the unclassified state employees retirement program under Minnesota Statutes, section 352D.12; and

(5) died on February 19, 2004.

(c) The posthumous coverage election is the transfer election under Minnesota Statutes, section 352D.12, and the personal representative of the estate of a person described in paragraph (b) may make the election as if the representative was a participant in the unclassified program.

(d) If the posthumous coverage election is made under paragraph (c), the estate is entitled to a death benefit under Minnesota Statutes, section 352D.075.

(e) The posthumous coverage election under this section expires July 1, 2005."

Page 106, line 9, delete "3" and insert "4"

Page 106, line 10, delete "and 2" and insert "to 3"

Page 106, line 24, reinstate the stricken "if"

Page 106, line 25, reinstate the stricken "the employee"

Page 106, line 27, reinstate the stricken "has not purchased service credit from any other defined" and after "other" insert "Minnesota"

Page 106, lines 28 and 29, reinstate the stricken language

Page 107, line 3, reinstate the stricken "if the employee"

Page 107, line 5, reinstate the stricken "has not purchased service credit"

Page 107, line 6, reinstate the stricken language and after "other" insert "Minnesota"

Page 107, reinstate line 7

Page 107, line 33, reinstate the stricken "if the public employee"

Page 107, line 35, reinstate the stricken "has not purchased service credit"

Page 107, line 36, reinstate the stricken language and after "other" insert "Minnesota"

Page 108, line 1, reinstate the stricken language

Page 108, line 28, reinstate the stricken "provided the teacher"

Page 108, line 30, reinstate the stricken "has not purchased service credit from any other" and after "other" insert "Minnesota"

Page 108, lines 31 and 32, reinstate the stricken language

Page 109, line 8, reinstate the stricken "provided the teacher"

Page 109, line 10, reinstate the stricken "has not"

Page 109, line 11, reinstate the stricken language and after "another" insert "Minnesota"

Page 109, line 12, reinstate the stricken language

Page 109, line 23, delete "4" and insert "3"

Pages 109 to 124, delete article 18

Page 124, line 17, delete "19" and insert "18"

Page 135, after line 1, insert:

"ARTICLE 19

MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION

Section 1. Minnesota Statutes 2002, section 354A.08, is amended to read:

354A.08 [AUTHORIZED INVESTMENTS.]

(a) A Teachers Retirement Fund Association may receive, hold, and dispose of real estate or personal property acquired by it, whether the acquisition was by purchase, or any other lawful means, as provided in this chapter or in the association's articles of incorporation. In addition to other authorized real estate investments, an association may also invest funds in Minnesota situs nonfarm real estate ownership interests or loans secured by mortgages or deeds of trust.

(b) All or a portion of the assets of a first class city teachers retirement fund association may be invested in the Minnesota supplemental investment fund under section 11A.17.

Sec. 2. Minnesota Statutes 2002, section 354A.12, is amended by adding a subdivision to read:

Subd. 2c. [REIMBURSEMENT OF CERTAIN INVESTMENT UNDERPERFORMANCE.] (a) If the report of the state auditor under section 356.219 indicates that the Minneapolis Teachers Retirement Fund Association has underperformed the State Board of Investment basic retirement plans in its investment of the Minneapolis teachers retirement fund assets, on the first of the month next following the release of that report, the board of trustees of the Minneapolis Teachers Retirement Fund Association shall redeem the amount of the underperformance by imposing a charge on active members, retired members, and other benefit recipients.

(b) The additional charge on active members must continue for one year and must be a percentage of covered pay. The charge must be set by the board to represent the active member asset portion of the underperformance as determined by the board.

(c) The additional charge on retired members must continue for one year and must be a deduction from the annuity or benefit. The charge must be set by the board to represent the retired member asset portion of the underperformance as determined by the board.

(d) The total additional charges under paragraphs (b) and (c) must equal the total amount of the investment underperformance. If an active member retires during the course of the year during which the additional charge is in force, the member shall pay or have deducted the appropriate charge for the appropriate portion of the year.

(e) If the total amount of the underperformance is not recovered under paragraph (d), the balance of the underperformance must be added to any underperformance amount in the next year of underperformance, plus annual compound interest at the rate of 8.5 percent from the date of the applicable report of the state auditor to July 1 of the year in which the balance is to be collected.

Sec. 3. Minnesota Statutes 2002, section 354A.12, subdivision 3a, is amended to read:

Subd. 3a. [SPECIAL DIRECT STATE AID TO FIRST CLASS CITY TEACHERS RETIREMENT FUND ASSOCIATIONS.] (a) ~~In fiscal year 1998, the state shall pay \$4,827,000 to the St. Paul Teachers Retirement Fund Association, \$17,954,000 to the Minneapolis Teachers Retirement Fund Association, and \$486,000 to the Duluth Teachers Retirement Fund Association.~~ In each subsequent fiscal year, ~~these payments~~ the state shall pay to the first class city teachers retirement fund associations ~~must be \$2,827,000 for the St. Paul, \$12,954,000 for the Minneapolis, and \$486,000 for the Duluth Teachers Retirement Fund Association.~~ \$2,967,000 for the St. Paul, \$13,300,000 for the Minneapolis, and \$486,000 for the Duluth Teachers Retirement Fund Association.

(b) The direct state aids under this subdivision are payable October 1 annually. The commissioner of finance shall pay the direct state aid. The amount required under this subdivision is appropriated annually from the general fund to the commissioner of finance.

(c) The direct state aid for the Minneapolis Teachers Retirement Fund Association is governed by section 354A.121.

Sec. 4. Minnesota Statutes 2003 Supplement, section 354A.12, subdivision 3b, is amended to read:

Subd. 3b. [SPECIAL DIRECT STATE MATCHING AID TO THE MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION.] (a) Special School District No. 1 may make an additional employer contribution to the Minneapolis Teachers Retirement Fund Association. The city of Minneapolis may make a contribution to the Minneapolis Teachers Retirement Fund Association. This contribution may be made by a levy of the board of estimate and taxation of the city of Minneapolis and the levy, if made, is classified as that of a special taxing district for purposes of sections 275.065 and 276.04, and for all other property tax purposes.

(b) For every \$1,000 contributed in equal proportion by Special School District No. 1 and by the city of Minneapolis to the Minneapolis teachers retirement fund association under paragraph (a), the state shall pay to the Minneapolis Teachers Retirement Fund Association \$1,000, but not to exceed \$2,500,000 in total in fiscal year 1994. The superintendent of Special School District No. 1, the mayor of the city of Minneapolis, and the executive director of the Minneapolis Teachers Retirement Fund Association shall jointly certify to the commissioner of finance the total amount that has been contributed by Special School District No. 1 and by the city of Minneapolis to the Minneapolis Teachers Retirement Fund Association. Any certification to the commissioner of education must be made quarterly. If the total certifications for a fiscal year exceed the maximum annual direct state matching aid amount in any quarter, the amount of direct state matching aid payable to the Minneapolis Teachers Retirement Fund Association must be limited to the balance of the maximum annual direct state matching aid amount available. The amount required under this paragraph, subject to the maximum direct state matching aid amount, is appropriated annually to the commissioner of finance. The state matching aid is governed by section 354A.121.

(c) The commissioner of finance may prescribe the form of the certifications required under paragraph (b).

Sec. 5. Minnesota Statutes 2002, section 354A.12, subdivision 3d, is amended to read:

Subd. 3d. [MTRFA AND SPTRFA SUPPLEMENTAL ADMINISTRATIVE EXPENSE ASSESSMENT.] (a) The active and retired membership of the Minneapolis Teachers Retirement Fund Association and of the St. Paul Teachers Retirement Fund Association is responsible for defraying supplemental administrative expenses other than investment expenses of the respective teacher retirement fund association.

(b) Investment expenses of the teachers retirement fund association are those expenses incurred by or on behalf of the retirement fund in connection with the investment of the assets of the retirement fund other than investment security transaction costs. Other administrative expenses are all expenses incurred by or on behalf of the retirement

fund for all other retirement fund functions other than the investment of retirement fund assets. Investment and other administrative expenses must be accounted for using generally accepted accounting principles and in a manner consistent with the comprehensive annual financial report of the teachers retirement fund association for the immediately previous fiscal year under section 356.20.

(c) Supplemental administrative expenses other than investment expenses of a first class city teacher retirement fund association are those expenses for the fiscal year that:

(1) exceed, for the St. Paul Teachers Retirement Fund Association \$443,745, or for the Minneapolis Teacher Retirement Fund Association ~~\$671,513~~ \$428,381, plus, in each case, an additional amount derived by applying the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers All Items Index published by the Bureau of Labor Statistics of the United States Department of Labor since July 1, ~~2001~~ 2004, to the applicable dollar amount; and

(2) for the St. Paul Teachers Retirement Fund Association only, exceed the amount computed by applying the most recent percentage of pay administrative expense amount, other than investment expenses, for the teachers retirement association governed by chapter 354 to the covered payroll of the respective teachers retirement fund association for the fiscal year.

(d) The board of trustees of each first class city teachers retirement fund association shall allocate the total dollar amount of supplemental administrative expenses other than investment expenses determined under paragraph (c); ~~clause (2)~~, among the various active and retired membership groups of the teachers retirement fund association and shall assess the various membership groups their respective share of the supplemental administrative expenses other than investment expenses, in amounts determined by the board of trustees. The supplemental administrative expense assessments must be paid by the membership group in a manner determined by the board of trustees of the respective teachers retirement association. Supplemental administrative expenses payable by the active members of the pension plan must be picked up by the employer in accordance with section 356.62.

(e) With respect to the St. Paul Teachers Retirement Fund Association, the supplemental administrative expense assessment must be fully disclosed to the various active and retired membership groups of the teachers retirement fund association. The chief administrative officer of the St. Paul Teachers Retirement Fund Association shall prepare a supplemental administrative expense assessment disclosure notice, which must include the following:

(1) the total amount of administrative expenses of the St. Paul Teachers Retirement Fund Association, the amount of the investment expenses of the St. Paul Teachers Retirement Fund Association, and the net remaining amount of administrative expenses of the St. Paul Teachers Retirement Fund Association;

(2) the amount of administrative expenses for the St. Paul Teachers Retirement Fund Association that would be equivalent to the teachers retirement association noninvestment administrative expense level described in paragraph (c);

(3) the total amount of supplemental administrative expenses required for assessment calculated under paragraph (c);

(4) the portion of the total amount of the supplemental administrative expense assessment allocated to each membership group and the rationale for that allocation;

(5) the manner of collecting the supplemental administrative expense assessment from each membership group, the number of assessment payments required during the year, and the amount of each payment or the procedure used to determine each payment; and

(6) any other information that the chief administrative officer determines is necessary to fairly portray the manner in which the supplemental administrative expense assessment was determined and allocated.

(f) The disclosure notice must be provided annually in the annual report of the association.

(g) The supplemental administrative expense assessments must be deposited in the applicable teachers retirement fund upon receipt.

(h) Any omitted active membership group assessments that remain undeducted and unpaid to the teachers retirement fund association for 90 days must be paid by the respective school district. The school district may recover any omitted active membership group assessment amounts that it has previously paid. The teachers retirement fund association shall deduct any omitted retired membership group assessment amounts from the benefits next payable after the discovery of the omitted amounts.

Sec. 6. [354A.121] [INVESTMENT PROCEDURES FOR STATE AID TO MINNEAPOLIS TEACHERS RETIREMENT PLAN.]

(a) Notwithstanding any provision of law to the contrary, special direct state aid to the Minneapolis Teachers Retirement Fund Association under section 354A.12, subdivision 3a or 3b, and amortization or supplementary amortization state aid reallocated to the Minneapolis Teachers Retirement Fund Association, must be transferred and invested as provided in this section.

(b) State aid for the Minneapolis Teachers Retirement Fund Association referenced in paragraph (a) must be transferred to the executive director of the State Board of Investment for investment in the Minnesota supplemental investment fund. The Minneapolis Teachers Retirement Fund Association state aid amounts and any investment return obtained on those amounts must be invested in the income share account unless the executive director of the State Board of Investment, after appropriate consultation with the board of trustees of the Minneapolis Teachers Retirement Fund Association, determines that the amount should be invested in a different account. The executive director of the State Board of Investment, after appropriate consultation with the board, may transfer amounts between accounts in the Minnesota supplemental investment fund.

(c) If the assets of the Minneapolis teachers retirement fund other than the assets to the credit of the Minneapolis teachers retirement fund in the Minnesota supplemental investment fund are insufficient to pay retirement annuities and benefits that are due and payable or the reasonable and necessary administrative expenses of the retirement plan that are due and payable, the executive director of the State Board of Investment shall transfer the required amount to meet that insufficiency to the chief administrative officer of the Minneapolis Teachers Retirement Fund Association.

(d) For purposes of annual actuarial valuations and annual financial reports, the shares in the Minnesota supplemental investment fund owned by the Minneapolis teachers retirement fund must be considered an asset of the Minneapolis teachers retirement fund.

Sec. 7. Minnesota Statutes 2002, section 354A.28, subdivision 9, is amended to read:

Subd. 9. [ADDITIONAL INCREASE.] (a) In addition to the postretirement increases granted under subdivision 8, an additional percentage increase ~~must be computed and paid~~ is payable under this subdivision.

(b) The board of trustees shall determine the number of ~~annuities annuitants~~ or benefit recipients who have been receiving an annuity or benefit for at least 12 months as of the current June 30 in total, for the coordinated program, and for the basic program. These recipients are entitled to receive the ~~surplus investment earnings~~ additional postretirement increase.

~~(c) Annually, on June 30, the board of trustees of the teachers retirement fund association shall determine the amount of reserves in the annuity reserve fund as specified in subdivision 6.~~

~~(d) Annually, on June 30, the board of trustees of the Minneapolis Teachers Retirement Fund Association shall determine the five year annualized rate of return attributable to the assets in the annuity reserve fund under the formula or formulas specified in section 11A.04, clause (11) percentage increase granted to eligible retirees of the Teachers Retirement Association on the prior January 1, under section 11A.18, subdivision 9, paragraph (c).~~

~~(e) The board of trustees shall determine the amount of excess five year annualized rate of return over the preretirement interest assumption as specified in section 356.215.~~

~~(f) (d) The additional increase must be determined by multiplying the quantity one minus the rate of contribution deficiency, as specified in the most recent actuarial report of the actuary retained by the legislative commission on pensions and retirement, times the rate of return excess as determined in paragraph (e) for annuitants or benefit recipients of the coordinated program is the percentage rate determined under paragraph (c) and, if the Minneapolis Teachers Retirement Fund Association has a funding ratio of at least 100 percent, the additional increase for annuitants or benefit recipients of the basic program is the percentage rate determined under paragraph (c).~~

~~(g) (e) The additional increase is payable to all eligible annuitants or benefit recipients on January 1 following the June 30 determination date under paragraphs paragraph (c) and (d).~~

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective July 1, 2004."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 17, delete everything after the semicolon

Page 1, delete line 18

Page 1, line 19, delete everything before "continuing"

Page 1, line 40, after the semicolon, insert "making changes to the Minneapolis Teachers Retirement Fund Association;"

Page 1, line 43, delete everything before "352.113"

Page 1, line 46, after the second semicolon, insert "352.91, subdivision 3g;"

Page 2, lines 2 and 3, delete "352B.02, subdivision 1e;"

Page 2, line 7, delete "353.03, subdivision 3a;"

Page 2, lines 11 and 12, delete "354.06, subdivision 2a;"

Page 2, line 14, after the first "5" insert ", 6"

Page 2, line 19, delete "354A.021, subdivision 7" and insert "354A.08"

Page 2, line 20, after the second semicolon, insert "354A.12, subdivisions 3a, 3d, by adding a subdivision; 354A.28, subdivision 9;"

Page 2, lines 22 and 23, delete "356.215, subdivisions 2, 18;"

Page 2, line 24, delete "subdivision" and insert "subdivisions 1,"

Page 2, line 25, delete everything before "422A.18"

Page 2, line 33, after the first semicolon, insert "354A.12, subdivision 3b;"

Page 2, line 35, before the semicolon, insert ", as amended"

Page 2, line 37, after the first semicolon, insert "353F; 354A;"

Page 2, line 38, delete "3.85, subdivisions 11, 12;"

Page 2, line 40, delete "356.217;"

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. 2247, A bill for an act relating to transportation; requiring the commissioner of transportation to evaluate principal arterial alignments surrounding the metropolitan area as part of evaluation of a second beltway; requiring future use of highway centerline rumble strips; providing for premium paratransit project; regulating toll facilities; modifying interstate vehicle registration provisions; modifying bond requirements for vehicle dealers; modifying vehicle certificate of title provisions pertaining to dealers and authorizing a fee for deputy registrars; regulating day activity center buses; modifying gross vehicle weight provisions; regulating use of traffic citations; 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; 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; amending Minnesota Statutes 2002, sections 160.85, subdivisions 1, 3a; 160.86; 160.87, by adding a subdivision; 168.187, by adding a subdivision; 168.27, subdivision 24; 168A.11, subdivisions 1, 2; 169.448, by adding a subdivision; 169.824, subdivision 2; 169.985; 171.05, subdivisions 1, 2; 171.165, subdivisions 1, 4, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 360.015, by adding a subdivision; 609.531, subdivision 1; Minnesota Statutes 2003 Supplement, section 169.86, subdivision 5; 171.20, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 160; 171; 174.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

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. [ST. CLOUD AREA TRANSPORTATION PLANNING DISTRICT PLAN.]

(a) The commissioner of transportation shall evaluate the further development of the transportation component of the St. Cloud area transportation planning district plan.

(b) The development of the transportation component shall include, among other things:

(1) a resolution of the conceptual design for the area's roadway and transit systems; and

(2) the feasibility and desirability of developing a beltway around the St. Cloud area.

Sec. 3. [STUDY; CENTERLINE RUMBLE STRIPS.]

The commissioner of transportation shall conduct a study of the feasibility and desirability of:

(1) including centerline rumble strips on projects for construction, reconstruction, or resurfacing of trunk highways outside urban districts that have a design speed of 55 miles per hour or more; and

(2) insuring that centerline rumble strips are included in projects for construction, reconstruction, or resurfacing of county state-aid highways outside urban districts that have a design speed of 55 miles per hour or more.

In conducting the study, the commissioner shall establish an advisory committee consisting of county engineers and representatives of the Department of Transportation. The commissioner shall report by January 5, 2005, to the legislative committees having jurisdiction over transportation finance and policy on the results of the study.

Sec. 4. [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. Under the pilot project the user

must pay a base fare of up to \$7 or the actual cost of the taxi trip, whichever is less. The taxi company will invoice Metro Mobility for any taxi fare amount over the base fare and up to \$20. For tax fares in excess of \$20 the user must pay the base fare plus any amount in excess of \$20. 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. 5. Minnesota Statutes 2002, section 16B.49, is amended to read:

16B.49 [CENTRAL MAILING SYSTEM.]

(a) The commissioner shall maintain and operate for state agencies, departments, institutions, and offices a central mail handling unit. Official, outgoing mail for units in St. Paul must be delivered unstamped to the unit. The unit shall also operate an interoffice mail distribution system. The department may add personnel and acquire equipment that may be necessary to operate the unit efficiently and cost-effectively. Account must be kept of the postage required on that mail, which is then a proper charge against the agency delivering the mail. To provide funds for the payment of postage, each agency shall make advance payments to the commissioner sufficient to cover its postage obligations for at least 60 days. For purposes of this section, the Minnesota State Colleges and Universities is a state agency.

(b) Notwithstanding paragraph (a) or section 16C.09, the commissioner may approve the performance of mail-related functions by an agency outside the state's central mail-handling unit if the agency demonstrates it furthers program effectiveness, better use of services, greater efficiency, or greater economy in state government.

Sec. 6. 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. If a road authority solicits toll facility proposals, it must publish a notice of solicitation in the State Register.

Sec. 7. 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. 8. 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. 9. [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. [REPORT TO LEGISLATURE.] By January 15 of each even-numbered year, the commissioner shall submit to the chairs of the legislative committees having jurisdiction over transportation policy and finance a status report on development activities relating to toll facilities during the previous two years, including:

(1) solicitations of interest;

(2) requests for letters of interest;

(3) calls for corridor concepts;

(4) selection of corridors; and

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

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. 10. 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.] 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.

Sec. 11. [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. 12. [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. 13. Minnesota Statutes 2002, section 161.125, subdivision 3, is amended to read:

Subd. 3. [SOUND ABATEMENT MEASURES.] (a) For the purpose of this section, sound abatement measures include but are not limited to the following:

(1) traffic management measures, including reduced speed limits or exclusion and rerouting of excessively noisy vehicles;

(2) design and construction measures, including use of sound absorbing road surface materials, landscaping and planning, acquisition of buffer zones or noise insulation of buildings on abutting property;

(3) enforcement of the motor vehicle source noise limits of the Pollution Control Agency and of the federal Bureau of Motor Carrier Safety; and

(4) other measures designed for the purpose of reducing motor vehicle source noise or reducing the effects of that noise.

(b) The commissioner of public safety shall cooperate with the commissioner of transportation in implementing any sound abatement measures that include law enforcement activities.

(c) In addition to all criteria for the installation or implementation of sound abatement measures under this section, the commissioner shall consider the presence of bus shoulder lanes in residential areas.

Sec. 14. 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. 15. 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. 16. Minnesota Statutes 2002, section 168.27, subdivision 24, is amended to read:

Subd. 24. [BONDS.] (a) Except as otherwise provided in this subdivision, all persons licensed according to this section shall keep in full force and effect a bond with a corporate surety to be approved by the registrar of motor vehicles in the following amounts; in the case of boat trailer, snowmobile trailer, horse trailer or motorized bicycle dealers, or dealers in trailers with a manufacturer's rated carrying capacity under 15,000 pounds designed to transport small construction or farm equipment, in the amount of \$5,000; and as to all other persons in the amount of \$50,000. The bond must be conditioned on the faithful performance by the licensee of the obligations imposed on persons engaged in motor vehicle transactions by the laws of this state, including the conduct required of a licensee by this section and other sections governing the sale or transfer of motor vehicles, and the payment of all taxes, license fees, and penalties. The bond must be for the benefit of the state of Minnesota and any transferor, seller, or purchaser of a motor vehicle for any monetary loss caused by failure of the licensee to meet the obligations enumerated above. Proceedings on the forfeiture of the bonds must be commenced in the district court of the county wherein the business of the licensed person was carried on, or if in more than one county, the county in which the offense occurred. This subdivision does not apply to a used vehicle parts dealer or a scrap metal processor.

(b) This subdivision does not apply to:

(1) a dealer in new trailers designed to transport small construction or farm equipment in any year following a year in which the dealer had less than \$500,000 in gross receipts from the sale of such trailers; or

(2) a dealer in new trailers designed to transport small construction or farm equipment who has been a dealer in such trailers for less than one year and who the department reasonably determines will have gross receipts of less than \$500,000 during the first year of business.

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

Sec. 17. 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. 18. 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. 19. Minnesota Statutes 2002, section 169.01, subdivision 78, is amended to read:

Subd. 78. ~~[RECREATIONAL VEHICLE COMBINATION.]~~ "Recreational vehicle combination" means a combination of vehicles consisting of a pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a ~~camper-semitrailer~~ recreational trailer which has hitched to it a trailer carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81, subdivision 3; ~~or~~ all-terrain vehicle as defined in section 84.92, subdivision 8; or equestrian equipment and supplies. For purposes of this subdivision:

(a) A "fifth-wheel coupling" is a coupling between a ~~camper-semitrailer~~ recreational trailer and a towing pickup truck in which a portion of the weight of the ~~camper-semitrailer~~ recreational trailer is carried over or forward of the rear axle of the towing pickup.

(b) A ~~"camper-semitrailer"~~ "recreational trailer" is a trailer, other than a manufactured home as defined in section 327B.01, subdivision 13, designed for human habitation and used for vacation or recreational purposes for limited periods.

Sec. 20. 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.

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

Sec. 21. [169.2212] [BUS DRIVER DUTY OF CARE.]

The duty of care owed by a driver of a regular route transit bus to a passenger on that bus, including a passenger who is an elementary or secondary pupil, applies only when the passenger is on the bus or boarding or disembarking. The duty of care owed by a driver of a paratransit vehicle to a passenger on that vehicle, including a passenger who is an elementary or secondary pupil, applies only when the passenger is on the vehicle or boarding or disembarking, and as provided in the local passenger assistance policy. At all other times the passenger is a pedestrian and a driver's duty is limited to the duty of care owed by an operator of a motor vehicle to a pedestrian. For purposes of this section, "regular route transit" has the meaning given it in section 174.22, subdivision 8, and "paratransit" has the meaning given it in section 174.22, subdivision 6.

Sec. 22. 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. 23. Minnesota Statutes 2002, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. [RECREATIONAL VEHICLE COMBINATION.] Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

(1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed;

(2) the combination does not exceed 60 feet in length;

(3) the ~~camper-semitrailer~~ recreational trailer in the combination does not exceed 28 feet in length;

(4) the operator of the combination is at least 18 years of age;

(5) the trailer carrying a watercraft, motorcycle, motorized bicycle, off-highway motorcycle, snowmobile, or all-terrain vehicle, or equestrian equipment and supplies meets all requirements of law;

(6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and

(7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays.

Sec. 24. Minnesota Statutes 2002, section 169.81, is amended by adding a subdivision to read:

Subd. 3e. [ARTICULATED BUSES.] Notwithstanding subdivision 2, a motor carrier of passengers registered under section 221.0252 may operate without a permit an articulated bus of up to 61 feet in length.

Sec. 25. 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. 26. [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. 27. 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. 28. Minnesota Statutes 2002, section 169.87, subdivision 4, is amended to read:

Subd. 4. [VEHICLE TRANSPORTING MILK.] Until June 1, ~~2003~~ 2005, a weight restriction imposed under subdivision 1 by the commissioner of transportation or a local road authority, or imposed by subdivision 2, does not apply to a vehicle transporting milk from the point of production to the point of first processing if, at the time the weight restriction is exceeded, the vehicle is carrying milk loaded at only one point of production. This subdivision does not authorize a vehicle described in this subdivision to exceed a weight restriction of five tons per axle by more than two tons per axle.

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

Sec. 29. Minnesota Statutes 2002, section 169.87, subdivision 6, is amended to read:

Subd. 6. [RECYCLING AND GARBAGE VEHICLES.] (a) Except as provided in paragraph (b), weight restrictions imposed under subdivisions 1 and 2 do not apply to a ~~two-axle~~ vehicle that does not exceed 20,000 pounds per single axle and is designed and used exclusively for recycling, while engaged in recycling in a political subdivision that mandates curbside recycling pickup.

(b) Until July 1, 2005, weight restrictions imposed under subdivisions 1 and 2 do not apply to (1) a vehicle that does not exceed 14,000 pounds per single axle and is used exclusively for recycling as described in paragraph (a), or (2) a vehicle that does not exceed 14,000 pounds per single axle and is designed and used exclusively for collecting mixed municipal solid waste, as defined in section 115A.03, subdivision 21, while engaged in such collection.

(c) Notwithstanding section 169.80, subdivision 1, a violation of weight restrictions imposed under subdivisions 1 and 2 by a vehicle designed and used exclusively for recycling while engaged in recycling in a political subdivision that mandates curbside recycling pickup while engaged in such collection, or by a vehicle that is designed and used exclusively for collecting mixed municipal solid waste as defined in section 115A.03, subdivision 21, while engaged in such collection, is not subject to criminal penalties but is subject to a civil penalty for excess weight under section 169.871.

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

Sec. 30. 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.

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

Sec. 31. 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. 32. 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. 33. 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.

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

Sec. 34. 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. 35. 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. 36. 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. 37. 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. 38. [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. 39. Minnesota Statutes 2002, section 174.03, is amended by adding a subdivision to read:

Subd. 10. [PROMOTION OF BICYCLE COMMUTING.] To conserve energy, alleviate traffic congestion, improve employee health through increased physical activity, decrease demand for motor vehicle parking, and minimize the environmental impact of commuting by singly occupied motor vehicles, the commissioner of transportation must promote bicycle commuting. As part of promoting bicycle commuting, the commissioner must:

(1) consider the effect on bicycle commuting in the design of transportation facilities throughout the state;

(2) encourage employers who are making capital improvements to their facilities to incorporate design elements that will facilitate bicycle commuting, such as bike racks, indoor or outdoor sheltered bicycle parking, high-security bicycle parking, showers, and dressing areas for bikers; and

(3) encourage employers that provide parking or other subsidies for drivers to provide subsidies for bicycle commuters.

Sec. 40. [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. 41. 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. 42. 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. 43. 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. 44. 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. 45. 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. 46. [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. 47. [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.

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

Sec. 48. [NOT TO AFFECT BRIDGE POSTINGS.]

Nothing in sections 16 and 17 authorizes operation of any vehicle on any bridge in violation of gross weight limitations lawfully posted for that bridge.

Sec. 49. [NORTHSTAR COMMUTER COACH.]

The commissioner of transportation shall attempt to do everything possible to extend the Northstar commuter coach service for another year, including but not limited to possible fare increases.

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

Sec. 50. [REPEALER.]

Minnesota Statutes 2002, section 169.685, subdivision 4, is repealed.

[EFFECTIVE DATE.] This section is effective July 1, 2005, and applies to actions commenced on or after that date.

ARTICLE 2

LAND MANAGEMENT

Section 1. Minnesota Statutes 2003 Supplement, section 13.44, subdivision 3, is amended to read:

Subd. 3. [REAL PROPERTY; APPRAISAL DATA.] (a) [CONFIDENTIAL OR PROTECTED NONPUBLIC DATA.] Estimated or appraised values of individual parcels of real property which are made by personnel of the state, its agencies and departments, or a political subdivision or by independent appraisers acting for the state, its agencies and departments, or a political subdivision for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.

(b) [PRIVATE OR NONPUBLIC DATA.] Appraised values of individual parcels of real property which are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from the state, its agencies and departments, or a political subdivision are classified as private data on individuals or nonpublic data.

(c) [PUBLIC DATA.] The data made confidential or protected nonpublic by the provisions of paragraph (a), or private or nonpublic by the provisions of paragraph (b), shall become public upon the occurrence of any of the following:

- (1) ~~the negotiating parties exchange appraisals;~~
- (2) the data are submitted to a court appointed condemnation commissioner;
- (3) (2) the data are presented in court in condemnation proceedings; or
- (4) (3) the negotiating parties enter into an agreement for the purchase and sale of the property; ~~or~~
- (5) ~~the data are submitted to the owner under section 117.036.~~

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

Sec. 2. Minnesota Statutes 2003 Supplement, section 117.036, is amended to read:

117.036 [APPRAISAL AND NEGOTIATION REQUIREMENTS APPLICABLE TO ACQUISITION OF PROPERTY FOR TRANSPORTATION PURPOSES.]

Subdivision 1. [APPLICATION.] This section applies to the acquisition of property for public highways, streets, roads, alleys, airports, mass transit facilities, or for other transportation facilities or purposes.

Subd. 2. [APPRAISAL.] (a) ~~Before commencing an eminent domain proceeding under this chapter~~ acquiring an interest in real property, the acquiring authority must obtain at least one appraisal for the property proposed to be acquired. In making the appraisal, the appraiser must confer with one or more of the fee owners or contract purchasers of the property, if reasonably possible. Notwithstanding section 13.44 or any other law to the contrary, the acquiring authority must provide the fee owner or contract purchaser with a copy of the appraisal at least 20 days before presenting a petition under section 117.055, ~~the acquiring authority must provide the owner with a copy of the appraisal~~ and inform the ~~owner of the owner's~~ fee owner or contract purchaser of the fee owner's or contract purchaser's right to obtain an appraisal under this section. Upon request, the acquiring authority must make available to the fee owner or contract purchaser all appraisals of the property.

(b) The fee owner or contract purchaser may obtain an appraisal by a qualified appraiser of the property proposed to be acquired. The fee owner or contract purchaser is entitled to reimbursement for the reasonable costs of the appraisal from the acquiring authority up to a maximum of \$1,500 ~~within 30 days after the owner if the fee owner or contract purchaser~~ submits to the acquiring authority the information necessary for reimbursement; provided that the owner does so within 60 days after the owner receives the appraisal from the authority under paragraph (a). The acquiring authority must pay the reimbursement to the fee owner or contract purchaser within 30 days after receiving a copy of the appraisal and the reimbursement information. Upon agreement between the fee owner or contract purchaser and the acquiring authority, the acquiring authority may pay the reimbursement up to \$1,500 directly to the appraiser.

Subd. 3. [NEGOTIATION.] In addition to the appraisal requirements under subdivision 2, before commencing an eminent domain proceeding, the acquiring authority must make a good faith attempt to negotiate personally with the fee owner or contract purchaser of the property in order to acquire the property by direct purchase instead of the use of eminent domain proceedings. In making this negotiation, the acquiring authority must consider the appraisals in its possession, including any appraisal obtained and furnished by the fee owner or contract purchaser if available, and other information that may be relevant to a determination of damages under this chapter.

Subd. 4. [CONDEMNATION COMMISSIONER'S HEARING.] (a) Notwithstanding section 13.44, an owner's appraisal may not be used or considered in a condemnation commissioner's hearing, nor may the owner's appraiser testify, unless a copy of the owner's appraiser's written report is provided to the acquiring authority at least five days before the hearing.

(b) Notwithstanding section 13.44, the acquiring authority's appraisal may not be used or considered in a condemnation commissioner's hearing, nor may the acquiring authority's appraiser testify, unless a copy of the acquiring authority's appraiser's written report is provided to the owner or contract purchaser at least five days before the hearing.

Subd. 5. [INFORMATION TO BE PREPARED.] The commissioner of transportation, in consultation with the attorney general and one or more professional associations of real estate appraisers, shall prepare a publication of not more than two pages that describes the eminent domain process for transportation projects, including the reasons for condemnation, the procedures followed by condemnors, how property owners may influence the condemnation

process, and the rights of property owners affected by condemnation. The commissioner shall make this publication available to all persons on whose property the commissioner has made an appraisal or to whom the commissioner has made an offer to purchase. The commissioner may make the publication available to other acquiring authorities and may charge a price to recover the commissioner's costs.

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

Sec. 3. Minnesota Statutes 2002, section 117.075, is amended to read:

117.075 [COURT TO APPOINT COMMISSIONERS.]

Subdivision 1. [HEARING ON NECESSITY, PURPOSE.] Upon proof being filed of the service of such notice, the court, at the time and place therein fixed or to which the hearing may be adjourned, shall hear all competent evidence offered for or against the granting of the petition, regulating the order of proof as it may deem best.

Subd. 2. [EVIDENCE.] Except as provided in subdivision 3, if the proposed taking shall appear to be necessary and such as is authorized by law, the court by an order shall appoint three disinterested commissioners, and at least two alternates, to ascertain and report the amount of damages that will be sustained by the several owners on account of such taking.

Subd. 3. [EVIDENCE; PROPERTY TAKEN FOR TRANSFER TO ENTITY WITHOUT TAKING AUTHORITY.] (a) If all or a portion of the property proposed to be taken may be sold, leased, licensed, transferred, or otherwise conveyed to a person or entity without the power of eminent domain, the court shall not authorize the taking unless the petitioner proves by a preponderance of the evidence that the taking is reasonably necessary, is authorized by law, and is for a public, not private, purpose. In the event that the court determines that a taking is not reasonably necessary, is not authorized by law, or is not for a public purpose, the owner may recover from the petitioner reasonable costs and expenses including attorney fees.

(b) This subdivision does not apply to the Metropolitan Council Environmental Services Division, public service corporations, public utilities, gas, electric, telephone or cable communication companies, cooperative associations, natural gas pipelines, and crude oil or petroleum products pipelines that have the right of eminent domain under federal or Minnesota law. This subdivision also does not apply to municipal utilities, municipalities operating municipally owned utilities, or municipal power agencies when the exercise of the powers of eminent domain are for the acquisition of property to be used exclusively for utility operations.

(c) This subdivision is effective August 1, 2004, and applies to takings for which the acquiring authority obtained its first appraisal on or after that date.

Subd. 4. [COMMISSIONER QUALIFICATIONS.] Before appointing a commissioner, the court shall inquire whether each prospective commissioner has any relationship, business or otherwise, to any of the parties in the proceeding, or any interest in the proceeding which may constitute a conflict of interest, or which may create the appearance of impropriety should that person be appointed. Responses to this inquiry must be either written or on the record and made available by the court to any party in the proceeding before and after appointment. No person who might have difficulty in rendering an unbiased decision may be appointed to serve. The court, in its discretion, may appoint one registered, practicing attorney to the commission who is knowledgeable in eminent domain matters. All other commissioners appointed must be persons actively engaged in the occupation of real estate sales or real estate appraising or persons knowledgeable in real estate values.

Subd. 5. [FIRST MEETING; OATH.] The order shall fix the time and place of the first meeting of the three commissioners and prescribe their compensation. At the first meeting at the office of the court administrator of district court the appointees must be sworn by the court administrator or an authorized deputy and shall take and sign the following oath before assuming their duties as commissioners:

(TITLE OF PROCEEDING)

..... does swear under penalty of perjury as follows:

I will faithfully and justly perform to the best of my ability, all the duties of the office and trust which I now assume as commissioner in the above entitled proceeding. I further swear that, except as disclosed in writing or on the record, I have no interest in any of the lands in the above proceeding or any present or past relationship, business or personal, with any of the parties to the above proceeding or any other actual or potential conflict of interest, and that I will render fair and impartial decisions, so help me God.

Subd. 6. [COURT ORDER MAY LIMIT ACQUISITION.] The order may, in the discretion of the court, limit the title or easement to be acquired by the petitioner by defining the rights and privileges which the owner of any of the lands may exercise therein in subordination to the public uses to which it is appropriated.

Subd. 7. [REPLACEMENT OF COMMISSIONER.] In case any commissioner fails to act or fails to meet the qualifications required by this section, the court without further notice may appoint another in that commissioner's place.

Subd. 8. [APPLICATION TO BE A COMMISSIONER.] The court administrator of court in each county shall post in the courthouse in a prominent place a notice that a qualified person may apply to have the person's name placed upon a list of potential commission appointees for eminent domain proceedings. The notice must contain the language of the oath which the commissioners are required to take upon appointment and shall list the other qualifications set forth in this section. The court shall give due consideration to the names appearing on the list, but is not bound to make appointments from the list.

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

Sec. 4. Minnesota Statutes 2002, section 160.15, is amended to read:

160.15 [PRESERVING SECTION OR QUARTER SECTION CORNERS.]

Subdivision 1. [PERMANENT MARKING OF CORNERS.] Whenever the construction, reconstruction, or maintenance of a public street or highway, including city streets, causes the destruction or obliteration of a known section or quarter-section corner marking marker or monument, ~~it shall be the duty of~~ the road authority having jurisdiction over the highway or street ~~to~~ shall provide for the permanent marking of ~~such~~ the corners and ~~to~~ place reference or witness monuments so that the corners can be readily located.

Subd. 2. [MANNER OF PLACEMENT.] The permanent marking of the corners and establishment of reference or witness monuments ~~shall~~ must be in the manner following: At the exact location of the corner there ~~shall~~ must be placed a durable stone, concrete, or metal marker ~~not less than four inches in diameter at the top and not less than 18 inches deep.~~ In the case of a paved highway there shall also be placed over the marker and in the surface of the pavement a metallic plug not less than one inch in diameter and two inches in depth, placed so as not to be disturbed by routine maintenance activities. For a paved highway, a supplemental marker must be placed over the durable monument. The supplemental marker must be visible at the road surface and set in a manner so as not to be disturbed by routine snow plowing. When not practical or safe to set a corner marker in a highway surface, a durable metal marker may be set as a permanent witness monument on the section line or quarter-section line.

Subd. 3. [TIME OF PLACEMENT; MONUMENT OF DURABLE MATERIAL.] Reference or witness monuments evidencing the location of the corner ~~shall~~ must be established before the obliteration of the corner in at least two places most practicable and shall consist of a durable stone, concrete, or ~~cast iron~~ metal marker.

Subd. 4. [FILING OF CERTIFICATE.] The ~~engineer or~~ land surveyor placing and establishing the markers or monuments shall file a certificate to that effect in the office of the county recorder, or in the office of the county surveyor where the county maintains a full-time office, in the county or counties wherein the markers or monuments were placed. Each certificate ~~shall~~ must contain only the record of markers and monuments at one corner. The county recorder may charge a fee of 50 cents for each certificate filed.

Subd. 5. [CONTENTS OF CERTIFICATE.] The certificates ~~shall~~ must be on sheets of durable material, which ~~sheets shall~~ must be ~~in size~~ 8-1/2 by 11 inches with a margin at the left for binding. The certificates ~~shall~~ must contain the following:

- (~~a~~) (1) identification of section; or quarter-section corner;
- (~~b~~) (2) description of monument removed;
- (~~c~~) (3) description of replacement monument;
- (~~d~~) (4) reference ties or witness monuments;
- (~~e~~) (5) statements relating to physical and parol evidence relating to history and authenticity of the corner monument;
- (~~f~~) (6) date of remonumentation; and
- (~~g~~) (7) certification by a registered land surveyor ~~or registered engineer~~.

Subd. 6. [COST OF PLACING MARKERS.] The cost of placing the markers and monuments, including filing fees, ~~shall~~ must be paid out of the respective funds provided by law, or set aside for highway or street purposes.

Sec. 5. Minnesota Statutes 2002, section 161.44, is amended by adding a subdivision to read:

Subd. 4a. [TEN-YEAR EXCEPTION.] Notwithstanding subdivisions 2, 3, and 4, the commissioner is not required to offer to reconvey land no longer needed for trunk highway purposes if the land was acquired by the commissioner at least ten years before the commissioner conveys the land.

Sec. 6. Minnesota Statutes 2002, section 161.44, is amended by adding a subdivision to read:

Subd. 9a. [APPROPRIATION.] Proceeds from the sale or lease of real estate and buildings under this section and sections 161.141 and 161.23 must be paid into the trunk highway fund and are appropriated to the commissioner for paying (1) for the actual cost of selling or leasing the real estate or buildings, (2) for the fees required to be paid under this section and section 161.23, and (3) for the actual cost of construction, reconstruction, or improvement of trunk highways, including (i) consultant usage to support these activities, (ii) payments to landowners for lands acquired for highway rights-of-way, (iii) payments to lessees, (iv) interest subsidies, and (v) relocation expenses. Proceeds are available until expended.

Sec. 7. Minnesota Statutes 2002, section 161.442, is amended to read:

161.442 [RECONVEYANCE TO FORMER OWNER.]

Notwithstanding sections 161.23, 161.41, 161.411, 161.43, 161.44, or any other statute, the commissioner of transportation, with the consent of the owner, or for good cause and with the consent of the court, may transfer, sell, or convey real property including fixtures, and interests in real property including easements, to the owner from whom the property was acquired by the state for trunk highway purposes through a pending eminent domain action. The transfer of title may be by stipulation, partial dismissal, bill of sale, or conveyance. Any resulting change in the state's acquisition must be explained in the final certificate for that action. This provision does not confer on a landowner the right to compel a reconveyance without the consent of the commissioner.

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

Sec. 8. Minnesota Statutes 2002, section 515B.1-107, is amended to read:

515B.1-107 [EMINENT DOMAIN.]

(a) If a unit is acquired by eminent domain, or if part of a unit is acquired by eminent domain leaving the unit owner with a remnant which may not practically or lawfully be used for any material purpose permitted by the declaration, the award shall compensate the unit owner and secured party in the unit as their interests may appear, whether or not any common element interest is acquired. Upon acquisition, unless the order or final certificate otherwise provides, that unit's allocated interests are automatically reallocated among the remaining units in proportion to their respective allocated interests prior to the taking, and the association shall promptly prepare, execute, and record an amendment to the declaration reflecting the allocations. Any remnant of a unit remaining after part of a unit is taken under this subsection is thereafter a common element.

(b) Except as provided in subsection (a), if part of a unit is acquired by eminent domain, the award shall compensate the unit owner and secured party for the reduction in value of the unit and its interest in the common elements, whether or not any common elements are acquired. Upon acquisition, unless the order or final certificate otherwise provides, (i) that unit's allocated interests are reduced in proportion to the reduction in the size of the unit, or on any other basis specified in the declaration and (ii) the portion of the allocated interests divested from the partially acquired unit are automatically reallocated to that unit and to the remaining units in proportion to the respective allocated interests of those units before the taking, with the partially acquired unit participating in the reallocation on the basis of its reduced allocated interests.

(c) If part of the common elements is acquired by eminent domain, the association shall accept service of process on behalf of all unit owners and the portion of the award attributable to the common elements taken shall be paid to the association. Unless the declaration provides otherwise, any portion of the award attributable to the acquisition of a limited common element shall be equally divided among the owners of the units to which that limited common element was allocated at the time of acquisition and their secured parties, as their interests may appear or as provided by the declaration.

(d) In any eminent domain proceeding the units shall be treated as separate parcels of real estate for valuation purposes, regardless of the number of units subject to the proceeding.

(e) Any distribution to a unit owner from the proceeds of an eminent domain award shall be subject to any limitations imposed by the declaration or bylaws.

(f) The court order or final certificate containing the final awards shall be recorded in every county in which any portion of the common interest community is located.

Sec. 9. Minnesota Statutes 2002, section 515B.3-102, is amended to read:

515B.3-102 [POWERS OF UNIT OWNERS' ASSOCIATION.]

(a) Except as provided in subsection (b), and subject to the provisions of the declaration or bylaws, the association shall have the power to:

(1) adopt, amend and revoke rules and regulations not inconsistent with the articles of incorporation, bylaws and declaration, as follows: (i) regulating the use of the common elements; (ii) regulating the use of the units, and conduct of unit occupants, which may jeopardize the health, safety or welfare of other occupants, which involves noise or other disturbing activity, or which may damage the common elements or other units; (iii) regulating or prohibiting animals; (iv) regulating changes in the appearance of the common elements and conduct which may damage the common interest community; (v) regulating the exterior appearance of the common interest community, including, for example, balconies and patios, window treatments, and signs and other displays, regardless of whether inside a unit; (vi) implementing the articles of incorporation, declaration and bylaws, and exercising the powers granted by this section; and (vii) otherwise facilitating the operation of the common interest community;

(2) adopt and amend budgets for revenues, expenditures and reserves, and levy and collect assessments for common expenses from unit owners;

(3) hire and discharge managing agents and other employees, agents, and independent contractors;

(4) institute, defend, or intervene in litigation or administrative proceedings (i) in its own name on behalf of itself or two or more unit owners on matters affecting the common elements or other matters affecting the common interest community or, (ii) with the consent of the owners of the affected units on matters affecting only those units;

(5) make contracts and incur liabilities;

(6) regulate the use, maintenance, repair, replacement and modification of the common elements and the units;

(7) cause improvements to be made as a part of the common elements, and, in the case of a cooperative, the units;

(8) acquire, hold, encumber, and convey in its own name any right, title, or interest to real estate or personal property, but (i) common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to section 515B.3-112, or (ii) part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to section 515B.3-112;

(9) grant public utility and transportation easements through, over or under the common elements, and, subject to approval by resolution of unit owners other than declarant or its affiliates at a meeting duly called, grant other public or private easements, leases and licenses through, over or under the common elements;

(10) impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements, other than limited common elements, and for services provided to unit owners;

(11) impose charges for late payment of assessments and, after notice and an opportunity to be heard, levy reasonable fines for violations of the declaration, bylaws, and rules and regulations of the association;

(12) impose reasonable charges for the review, preparation and recordation of amendments to the declaration, resale certificates required by section 515B.4-107, statements of unpaid assessments, or furnishing copies of association records;

(13) provide for the indemnification of its officers and directors, and maintain directors' and officers' liability insurance;

(14) provide for reasonable procedures governing the conduct of meetings and election of directors;

(15) exercise any other powers conferred by law, or by the declaration, articles of incorporation or bylaws; and

(16) exercise any other powers necessary and proper for the governance and operation of the association.

(b) Notwithstanding subsection (a) the declaration or bylaws may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

Sec. 10. Minnesota Statutes 2002, section 515B.3-112, is amended to read:

515B.3-112 [CONVEYANCE OR ENCUMBRANCE OF COMMON ELEMENTS.]

(a) In a condominium or planned community, unless the declaration provides otherwise, portions of the common elements may be conveyed or subjected to a security interest by the association if persons entitled to cast at least 67 percent of the votes in the association, including 67 percent of the votes allocated to units not owned by a declarant, or any larger percentage the declaration specifies, approve that action in writing or at a meeting; but all unit owners of units to which any limited common element is allocated must agree in order to convey that limited common element or subject it to a security interest. The declaration may specify a smaller percentage only if all of the units are restricted to nonresidential use.

(b) In a cooperative, unless the declaration provides otherwise, part of a cooperative may be conveyed, or all or a part subjected to a security interest, by the association if persons entitled to cast at least 67 percent of the votes in the association, including 67 percent of the votes allocated to units in which the declarant has no interest, or any larger percentage the declaration specifies, approves that action in writing or at a meeting. If fewer than all of the units or limited common elements are to be conveyed or subjected to a security interest, then all unit owners of those units, or the units to which those limited common elements are allocated, must agree in order to convey those units or limited common elements or subject them to a security interest. The declaration may specify a smaller percentage only if all of the units are restricted to nonresidential use. Any purported conveyance or other voluntary transfer of an entire cooperative is void, unless made pursuant to section 515B.2-119.

(c) The association, on behalf of the unit owners, may contract to convey or encumber an interest in the common elements of a common interest community pursuant to this subsection, subject to the required approval. After the approval has been obtained, the association shall have a power of attorney coupled with an interest to effect the conveyance or encumbrance on behalf of all unit owners in the common interest community, including the power to execute deeds, mortgages, or other instruments of conveyance or security. The instrument conveying or creating the interest in the common interest community shall be recorded and shall include as exhibits (i) an affidavit of the secretary of the association certifying that the approval required by this section has been obtained and (ii) a schedule of the names of all unit owners and units in the common interest community as of the date of the approval.

(d) Except as provided in section 515B.3-102(a)(9), unless made pursuant to this section, any purported conveyance, encumbrance, or other voluntary transfer of common elements, or of any part of a cooperative, is void.

(e) In the case of a conveyance involving a condominium, or a cooperative in which the unit owners' interests are characterized as real estate, the association shall record, simultaneously with the recording of the instrument of conveyance, an amended CIC plat showing the real estate constituting the common interest community exclusive of the real estate conveyed. In all common interest communities, upon recording of the instrument of conveyance, the

declaration, and all rights and obligations arising therefrom, shall be deemed released and terminated as to the real estate conveyed. Conveyances to the state or a political subdivision for transportation purposes are exempt from the requirements of this subsection.

(f) A conveyance or encumbrance of common elements, or of a cooperative, pursuant to this section shall not deprive any unit of its rights of support, reasonable access or utility services.

(g) Except as provided in subsection (a), or unless the declaration otherwise provides, a conveyance or encumbrance of common elements pursuant to this section does not affect the priority or validity of preexisting encumbrances.

(h) Any proceeds of the conveyance or creation of a security interest under this section are an asset of the association.

(i) This section shall not apply to any conveyance or encumbrance of any interest in a proprietary lease.

Sec. 11. [CONVEYANCE OF EXCESS AND SURPLUS PROPERTY; REPORT.]

On or before January 30, 2005, the commissioner of transportation shall report to the house of representatives and senate committees with jurisdiction over transportation policy and finance concerning conveyance of excess real estate and surplus property. The report must include:

(1) current timelines for conveyance and reconveyance of excess and surplus property;

(2) a description of the department's administration and performance of these activities, including level of staffing;

(3) recommendations for streamlining and expediting the sale or reconveyance of excess and surplus property; and

(4) identification of statutory changes necessary to implement a streamlined process.

Sec. 12. [REPEALER.]

Subdivision 1. [RECEIPTS PAID INTO TRUNK HIGHWAY FUND.] Minnesota Statutes 2002, section 161.44, subdivision 9, is repealed.

Subd. 2. [LEGISLATIVE ROUTE NO. 268 REMOVED.] (a) Minnesota Statutes 2002, section 161.115, subdivision 199, is repealed on the effective date in the notice of transfer issued by the commissioner of transportation transferring jurisdiction of Legislative Route No. 268 to Pipestone County.

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor in writing informing the revisor of the effective date and that the conditions required to transfer the route are satisfied.

ARTICLE 3

HIGHWAY SAFETY REST AREAS

Section 1. Minnesota Statutes 2002, section 160.08, subdivision 7, is amended to read:

Subd. 7. [NO COMMERCIAL ESTABLISHMENT WITHIN RIGHT-OF-WAY.] No commercial establishment, including but not limited to automotive service stations, for serving motor vehicle users shall be constructed or located within the right-of-way of, or on publicly owned or publicly leased land acquired or used for or in connection with, a controlled access highway; except that (1) structures may be built within safety rest and ~~tourist travel~~ information center areas; (2) space within state-owned buildings in those areas may be leased for the purpose of providing information to travelers through ~~commercial and public service advertising under franchise agreements~~ as provided in ~~sections~~ section 160.276 to 160.278; (3) advertising signs may be erected within the right-of-way of interstate or controlled-access trunk highways by franchise agreements under section 160.80; ~~and~~ (4) vending machines may be placed in rest areas, ~~tourist travel~~ information centers, or weigh stations constructed or located within trunk highway rights-of-way; and (5) acknowledgment signs may be erected under sections 160.272 and 160.2735.

Sec. 2. [160.272] [SAFETY REST AREA AND TRAVEL INFORMATION CENTER LEASES.]

Subdivision 1. [LEASE AGREEMENTS.] (a) Except as provided in subdivision 3, and notwithstanding any other law to the contrary, the commissioner may enter into lease agreements through negotiations with public or not-for-profit entities or through best value, as defined in section 16C.02, subdivision 4, with private entities relating to the use of safety rest areas and travel information centers.

For purposes of this section, "private entity" means a chamber of commerce, a tourist and visitors bureau, or other organization that exists to promote tourism and economic development.

(b) A lease under this subdivision may:

(1) with the approval of the commissioner of administration, prescribe a lease term length of up to 20 years, with options for renewal;

(2) allow the lessee to operate a safety rest area facility in whole or in part;

(3) allow the lessee to offer for sale products or services under section 160.2725; and

(4) allow the lessee to add leasehold improvements to the site after approval by the commissioner.

(c) A lease agreement for a safety rest area is subject to section 160.28, subdivision 2, regarding vending at safety rest areas.

(d) A lease agreement must include terms that promote and encourage the employment of needy elderly persons according to section 160.282.

(e) The commissioner may publicly acknowledge the lessee and may erect signs adjacent to the main travel lanes of a highway acknowledging the lessee. Acknowledgement on the mainline may consist of placement of up to one sign for each direction of traffic served. The placement of signs shall only be allowed (1) as approved through the Manual on Uniform Traffic Control Devices process for experimentation, (2) in accordance with federal standards and policies, and (3) so that no sign exceeds 100 square feet. No more than three acknowledgment signs or displays may be placed at any one rest area, in addition to the mainline signs.

Subd. 2. [REVENUES DEPOSITED.] The commissioner shall deposit revenues from leases authorized under this section into the safety rest area account established in section 160.2745.

Subd. 3. [APPLICATION TO OTHER LAW.] Nothing in this section affects existing contracts under section 248.07 or their renewal.

Sec. 3. [160.2725] [SALES AT SAFETY REST AREAS.]

Subdivision 1. [SALES AUTHORIZED.] Notwithstanding section 160.08, the commissioner may sell travel and tourism-related publications and maps and travel and tourism-related merchandise and services. The commissioner may rent or sell items for the convenience of persons using safety rest areas, including lottery tickets, local attraction tickets, and permits and licenses issued by units of government. Notwithstanding section 16A.1285, the commissioner of transportation may collect a service fee for the sale of lottery tickets, local attraction tickets, and permits and licenses.

Merchandise that competes with vending machine sales authorized under section 160.28, subdivision 2, is subject to the provisions of subdivision 5.

Subd. 2. [ADVERTISING.] The commissioner may advertise the availability of a program or item offered under this section.

Subd. 3. [SOFTWARE SALES.] Notwithstanding section 16B.405 or 160.08, the commissioner may sell or license intellectual property and software products or services developed by a government unit or custom-developed by a vendor for a government unit.

Subd. 4. [REVENUES DEPOSITED.] Money received by the commissioner under this section must be deposited in the safety rest area account established in section 160.2745.

Subd. 5. [COMPETING MERCHANDISE.] The commissioner and the designated state licensing agency authorized under United States Code, title 20, sections 107 to 107e, shall enter into an interagency agreement before rest areas are leased or before nonvending machine sales occur at rest areas. The interagency agreement must identify what constitutes competing merchandise and establish policies and procedures related to the sale of competing merchandise at rest areas.

Sec. 4. [160.2735] [SPONSORSHIP OF SAFETY REST AREAS.]

Subdivision 1. [SPONSORSHIP PROGRAM.] The commissioner may enter into agreements for public or private sponsorship of highway safety rest areas by transportation and tourism-related entities. The commissioner may publicly acknowledge sponsors and may erect signs adjacent to the main travel lanes of a highway acknowledging the sponsors. Acknowledgement on the mainline may consist of placement of up to one sign for each direction of traffic served. The placement of signs shall only be allowed (1) as approved through the Manual on Uniform Traffic Control Devices process for experimentation, (2) in accordance with federal standards and policies, and (3) so that no sign exceeds 100 square feet. No more than three acknowledgment signs or displays may be placed at any one rest area, in addition to the mainline signs.

Subd. 2. [REVENUE.] The commissioner shall deposit revenue from the sponsorship program to the safety rest area account established in section 160.2745.

Subd. 3. [PROHIBITION.] The commissioner shall take no action under this section that would result in the loss of federal highway funds or require the payment of highway funds to the federal government.

Sec. 5. [160.274] [SALE OF SURPLUS REST AREA PROPERTY.]

Subdivision 1. [EXCEPTION.] The commissioner may reconvey land no longer needed for safety rest area purposes, subject to section 161.44.

Subd. 2. [PROCEEDS DEPOSITED; APPROPRIATION.] Proceeds from the sale of real estate and buildings under this section must be paid into the safety rest area account established in section 160.2745 and are appropriated to the commissioner (1) for the actual cost of selling the real estate or buildings, (2) for the fees required to be paid under sections 161.23 and 161.44, and (3) as provided in section 160.2745.

Subd. 3. [PROHIBITION.] The commissioner shall take no action under this section that would result in the loss of federal highway funds or require the payment of highway funds to the federal government.

Sec. 6. [160.2745] [SAFETY REST AREA ACCOUNT.]

Subdivision 1. [ACCOUNT ESTABLISHED.] A safety rest area account is established in the trunk highway fund. Funds in the account are available until expended.

Subd. 2. [DEPOSITS.] The commissioner shall deposit in the safety rest area account revenue received from leasing or sponsoring safety rest areas, advertising at safety rest areas, selling safety rest area property and lands, and other revenue generated with respect to safety rest areas.

Subd. 3. [EXPENDITURES.] Money in the account is appropriated to the commissioner. The commissioner may spend proceeds of the account for safety rest areas, including program administration, maintenance and operations, development and improvements, and services to customers.

Sec. 7. Minnesota Statutes 2002, section 160.276, is amended to read:

160.276 [TRAVEL INFORMATION ~~FRANCHISE~~ ADVERTISING PROGRAM.]

Subdivision 1. [~~ESTABLISHED LEASING~~ ADVERTISING SPACE.] The commissioner of transportation shall ~~establish a franchise program to~~ may lease advertising space within ~~tourist~~ travel information centers and safety rest areas for the purpose of providing information to travelers through travel-related commercial and public service advertising.

Subd. 2. [~~INITIAL PHASE~~.] The program may, in its initial phase, utilize space within existing publicly owned buildings and shelters in safety rest areas and ~~tourist~~ travel information centers. This phase shall be operational by May 1, 1981. Franchises for this phase shall be ready to let by January 1, 1981.

Subd. 3. [INFORMATION FACILITIES.] The ~~program commissioner~~ may also include franchises for the construction, operation and maintenance of contract to permit a vendor to construct, operate, and maintain additional information structures by and at the expense of the ~~franchisee~~ vendor on state-owned lands within safety rest areas or ~~tourist~~ travel information center areas. All structures constructed by the ~~franchisee~~ shall vendor must meet or exceed specifications prescribed by the commissioner of transportation and ~~shall~~ must satisfy the requirements of the State Building Code for accessibility by the physically handicapped. The vendor shall design all structures ~~shall be designed~~ to enhance ~~their~~ the site and ~~shall be aesthetically compatible~~ surroundings in a manner harmonious with the natural environment as determined by the commissioner.

Subd. 4. [SITES; ADVERTISING.] The commissioner shall determine the sites to be included in this program and shall also determine if the advertising display at each site is to be inside or outside of any buildings or shelters the extent and location of space available for advertising in each facility.

Subd. 5. [OFFICE OF TOURISM.] The commissioner shall provide space free of charge to the Office of Tourism for travel information centers. The commissioner shall not charge the Office of Tourism for any regular expenses associated with the operation of the travel information centers. The commissioner shall provide highway maps free of charge for use and distribution through the travel information centers.

Sec. 8. Minnesota Statutes 2002, section 160.277, is amended to read:

160.277 [COMMISSIONER TO GRANT FRANCHISES MAKE AGREEMENTS.]

Subdivision 1. [PROCEDURE; AGREEMENT.] The commissioner of transportation, by public negotiation or bid, shall ~~grant franchises enter into agreements~~ for the purposes of section 160.276. ~~Each franchise agreement shall include the safety rest areas and tourist information centers in a geographical area comprising approximately one-quarter of the land area of the state. The franchise agreement shall insure that the franchisee provide services throughout the area in as many tourist information centers and safety rest areas as are reasonably necessary for the convenience of travelers.~~

Subd. 2. [INSURANCE.] The commissioner of ~~transportation~~ shall require the ~~franchisee~~ vendor to obtain liability insurance in an amount prescribed by the commissioner jointly insuring the state and the ~~franchisee~~ vendor against any and all liability for claims for damage occurring wholly or partly because of the existence of the ~~franchisee~~ vendor contract.

Subd. 3. [REVENUE.] The ~~franchise~~ agreement may provide that ~~the vendor pay a percentage portion~~ of the gross revenues derived from advertising ~~shall~~. ~~These revenues must be paid to the state for deposit in the trunk highway fund safety rest area account established in section 160.2745. The commissioner of transportation and director of the Office of Tourism may enter into an interagency agreement to define the distribution of the revenues generated in this section.~~

Sec. 9. Minnesota Statutes 2002, section 160.278, is amended to read:

160.278 [ADDITIONAL FRANCHISE VENDOR PROVISIONS.]

Subdivision 1. [AGREEMENT REQUIREMENTS.] Each ~~franchisee~~ vendor agreement ~~shall~~ must contain the following provisions:

(~~a~~) (1) ~~that~~ the ~~franchisee~~ vendor shall comply with Code of Federal Regulations, title 23, section ~~252~~ 752 and subsequent revisions pertaining to privately operated information systems;

(~~b~~) (2) ~~that~~ at least 40 percent of the commercial advertising space ~~shall~~ must be offered initially for a reasonable period of time to local advertisers who provide services for travelers within a 60-mile radius of the safety rest area or ~~tourist travel~~ information center;

(~~c~~) (3) ~~that~~ the ~~franchisees~~ vendor shall make appropriate marketing efforts in an attempt to lease at least 40 percent of the commercial advertising space to local advertisers; ~~and~~

(~~d~~) (4) reasonable performance standards, and maintenance standards for structures constructed by the ~~franchisee~~ vendor; ~~and~~

Subd. 2. [~~ADVERTISING SPACE LIMITATIONS.~~] ~~The franchise agreement shall impose~~ (5) limitations on advertising space within state-owned buildings or on state-owned property in safety rest areas and ~~tourist travel~~ information centers.

Subd. 3. 2. [REASONABLE TERMS AND CONDITIONS.] The commissioner of transportation may require additional reasonable terms and conditions to be included in the ~~franchisee~~ vendor agreement, including but not limited to, provisions governing the renewal and termination of the agreement, ~~and~~ in the event of termination, the rights of the state and the ~~franchisee~~ vendor in advertising contracts and in buildings constructed by the ~~franchisee~~ vendor.

Sec. 10. Minnesota Statutes 2002, section 160.28, is amended to read:

160.28 [PLANS FOR PUBLIC TRAVEL FACILITIES.]

Subdivision 1. [SAFETY REST AREAS; TOURIST TRAVEL INFORMATION CENTERS; WEIGH STATIONS.] Any other law to the contrary notwithstanding, the commissioner of transportation ~~is hereby authorized to cause to be prepared~~ may have plans and specifications, and detailed designs prepared for the construction of buildings and facilities for highway safety rest areas, tourist travel information centers in combination with rest areas, and weigh stations when the commissioner deems these buildings and facilities to be necessary in the interest of safety and convenient public travel on highways.

Subd. 2. [VENDING MACHINES.] Any other law to the contrary notwithstanding, the commissioner may contract for or authorize the placement of vending machines dispensing food, nonalcoholic beverages, ~~or milk, or other items~~ the commissioner deems appropriate and desirable in highway safety rest areas, tourist travel information centers, and weigh stations on marked interstate highways and primary trunk highways. The commissioner shall only place vending machines operated under United States Code, title 20, sections 107 to 107e and as provided in section 248.07.

Sec. 11. Minnesota Statutes 2002, section 161.23, subdivision 3, is amended to read:

Subd. 3. [LEASING.] The commissioner may lease for the term between the acquisition and sale thereof and for a fair rental rate and upon such terms and conditions as the commissioner deems proper, any excess real estate acquired under this section, and any real estate acquired in fee for trunk highway purposes and not presently needed for those purposes. All rents received from the leases must be paid into the state treasury. Seventy percent of the rents must be credited to the trunk highway fund. The remaining 30 percent must be paid to the county treasurer where the real estate is located, and distributed in the same manner as real estate taxes. This subdivision does not apply to real estate leased for the purpose of providing commercial and public service advertising pursuant to ~~franchise~~ agreements as provided in sections ~~160.276~~ 160.272 to 160.278 or to fees collected under section 174.70, subdivision 2.

Sec. 12. Minnesota Statutes 2002, section 161.433, subdivision 2, is amended to read:

Subd. 2. [CONSIDERATION FOR USE.] The consideration paid for the use of airspace or subsurface areas shall be determined by the commissioner, but in no event shall it be less than a fair rental rate, and shall include costs for the erection and maintenance of any facilities or other costs occasioned by that use. All moneys received shall be paid into the trunk highway fund. This subdivision does not apply to real estate leased for the purpose of providing commercial and public service advertising pursuant to ~~franchise~~ agreements as provided in sections ~~160.276~~ 160.272 to 160.278.

Sec. 13. Minnesota Statutes 2002, section 161.434, is amended to read:

161.434 [INTERSTATE AND TRUNK HIGHWAY RIGHTS-OF-WAY; LIMITED USE.]

The commissioner may also make such arrangements and agreements as the commissioner deems necessary in the public interest for the limited use of land owned as interstate or trunk highway right-of-way, which use shall be for highway purposes, including aesthetic purposes, but not including the erection of permanent buildings, except buildings or structures erected for the purpose of providing information to travelers through commercial and public service advertising pursuant to ~~franchise~~ agreements as provided in sections ~~160.276~~ 160.272 to 160.278. The commissioner shall secure the approval of the appropriate federal agency where such approval is required.

Sec. 14. [COMMISSIONER OF TRANSPORTATION; HIGHWAY REST AREAS.]

Until July 1, 2005, the commissioner of transportation may not close any trunk highway or interstate highway safety rest area that was open on January 1, 2004, or substantially reduce the hours of operation of such a rest area below the hours of operation in effect on January 1, 2004.

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

Sec. 15. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall renumber each section or subdivision of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Column A

160.27, subdivision 5
160.277, subdivision 1
160.277, subdivision 2
160.277, subdivision 3
160.278, subdivision 1
160.278, subdivision 3
160.28, subdivision 2

Column B

160.2715
160.276, subdivision 2a
160.276, subdivision 3a
160.276, subdivision 8
160.276, subdivision 6
160.276, subdivision 7
160.273"

Delete the title and insert:

"A bill for an act relating to transportation; requiring the commissioner of transportation to evaluate principal arterial alignments surrounding the metropolitan area as part of evaluation of a second beltway; requiring future use of highway centerline rumble strips; allowing state agency mail-related functions to be carried out by an outside agency; limiting weight restrictions for recycling and garbage vehicles under certain circumstances; requiring evaluation of the St. Cloud transportation plan; requiring a bus driver duty of care; making changes to transportation policy provisions; providing for premium paratransit project; regulating toll facilities; modifying interstate vehicle registration provisions; modifying bond requirements for vehicle dealers; modifying vehicle certificate of title provisions pertaining to dealers and authorizing a fee for deputy registrars; 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; 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; modifying highway rest area and land management provisions; amending Minnesota Statutes 2002, sections 16B.49; 117.075; 160.08, subdivision 7; 160.15; 160.276; 160.277; 160.278; 160.28; 160.85, subdivisions 1, 3a; 160.86; 160.87, by adding a subdivision; 161.125, subdivision 3; 161.23, subdivision 3; 161.433, subdivision 2; 161.434; 161.44, by adding subdivisions; 161.442; 168.187, by adding a subdivision; 168.27, subdivision 24; 168A.11, subdivisions 1, 2; 169.01, subdivision 78; 169.14, by adding a subdivision; 169.448, by adding a subdivision; 169.81, subdivision 3c, by adding a subdivision; 169.824, subdivision 2; 169.87, subdivisions 4, 6; 169.99, subdivision 1b; 171.05, subdivisions 1, 2; 171.12, subdivision 6; 171.165, subdivisions 1, 4, by adding a subdivision; 174.03, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 299D.08; 360.015, by adding a subdivision; 515B.1-107; 515B.3-102; 515B.3-112; 609.531, subdivision 1; Minnesota Statutes 2003 Supplement, sections 13.44, subdivision 3; 117.036; 168.013, subdivision 3; 169.86, subdivision 5; 171.20, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 160; 169; 171; 174; repealing Minnesota Statutes 2002, sections 161.115, subdivision 199; 161.44, subdivision 9; 169.685, subdivision 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1086 and 2247 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 2869 was read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 730, A bill for an act relating to real property; specifying certain additional warranties; specifying limitation of actions based on breach; amending Minnesota Statutes 2002, sections 327A.02, subdivision 1, by adding a subdivision; 327A.06; 541.051, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Howes moved that the House concur in the Senate amendments to H. F. No. 730 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 730, A bill for an act relating to real property; specifying the statute of limitations for certain actions based on breach of a home warranty; amending Minnesota Statutes 2002, section 541.051, subdivision 4.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, J.	Blaine	Buesgens	Davids	Dorman
Abrams	Atkins	Borrell	Carlson	DeLaForest	Dorn
Adolphson	Beard	Boudreau	Clark	Demmer	Eastlund
Anderson, B.	Bernardy	Bradley	Cornish	Dempsey	Eken
Anderson, I.	Biernat	Brod	Cox	Dill	Ellison

Entenza	Hornstein	Lanning	Murphy	Peterson	Stang
Erhardt	Howes	Larson	Nelson, C.	Powell	Strachan
Erickson	Huntley	Latz	Nelson, M.	Pugh	Sykora
Finstad	Jacobson	Lenczewski	Nelson, P.	Rhodes	Thissen
Fuller	Jaros	Lesch	Newman	Rukavina	Urdahl
Gerlach	Johnson, J.	Lieder	Nornes	Ruth	Vandev eer
Greiling	Johnson, S.	Lindgren	Olsen, S.	Samuelson	Walz
Gunther	Juhnke	Lindner	Olson, M.	Seagren	Wardlow
Haas	Kahn	Lipman	Opatz	Seifert	Wasiluk
Hackbarth	Kelliher	Magnus	Osterman	Sertich	Westerberg
Harder	Klinzing	Mahoney	Otremba	Severson	Westrom
Heidgerken	Knoblach	Mariani	Otto	Simpson	Wilkin
Hilstrom	Koenen	Marquart	Ozment	Slawik	Zellers
Hilty	Kohls	McNamara	Paulsen	Smith	Spk. Sviggum
Holberg	Krinkie	Meslow	Pelowski	Soderstrom	
Hoppe	Kuisle	Mullery	Penas	Solberg	

Those who voted in the negative were:

Davnie	Hausman	Sieben	Walker
Goodwin	Paymar	Wagenius	

The bill was repassed, as amended by the Senate, and its title agreed to.

MOTION TO TAKE FROM THE TABLE

Entenza moved that the Message from the Senate relating to H. F. No. 2028 be taken from the table.

A roll call was requested and properly seconded.

The question was taken on the Entenza motion and the roll was called. There were 55 yeas and 77 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Anderson, B.	Blaine	Bradley	Cornish	DeLaForest
Abrams	Anderson, J.	Borrell	Brod	Cox	Demmer
Adolphson	Beard	Boudreau	Buesgens	Davids	Dempsey

Dorman	Harder	Krinkie	Nelson, P.	Seagren	Urdahl
Eastlund	Heidgerken	Kuisle	Newman	Seifert	Vandever
Erhardt	Holberg	Lanning	Nornes	Severson	Walz
Erickson	Hoppe	Lindgren	Olsen, S.	Simpson	Wardlow
Finstad	Howes	Lindner	Ozment	Smith	Westerberg
Fuller	Jacobson	Lipman	Paulsen	Soderstrom	Westrom
Gerlach	Johnson, J.	Magnus	Penas	Stang	Wilkin
Gunther	Klinzing	McNamara	Powell	Strachan	Zellers
Haas	Knoblach	Meslow	Ruth	Swenson	Spk. Sviggum
Hackbarth	Kohls	Nelson, C.	Samuelson	Sykora	

The motion did not prevail.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1392, A bill for an act relating to cities; allowing the charter to prohibit members of the governing body of the city from serving on the charter commission; amending Minnesota Statutes 2002, section 410.05, subdivision 1.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Vandever moved that the House concur in the Senate amendments to H. F. No. 1392 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1392, A bill for an act relating to cities; allowing the charter to prohibit members of the governing body of the city from serving on the charter commission; removing the term limitation for commission members; amending Minnesota Statutes 2002, section 410.05, subdivisions 1, 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Biernat	Cornish	Dorn	Gerlach	Hilstrom
Abrams	Blaine	Cox	Eastlund	Goodwin	Hilty
Adolphson	Borrell	Davids	Eken	Greiling	Holberg
Anderson, B.	Boudreau	Davnie	Ellison	Gunther	Hoppe
Anderson, I.	Bradley	DeLaForest	Entenza	Haas	Hornstein
Anderson, J.	Brod	Demmer	Erhardt	Hackbarth	Howes
Atkins	Buesgens	Dempsey	Erickson	Harder	Huntley
Beard	Carlson	Dill	Finstad	Hausman	Jacobson
Bernardy	Clark	Dorman	Fuller	Heidgerken	Jaros

Johnson, J.	Latz	Murphy	Paulsen	Sertich	Urdahl
Johnson, S.	Lenczewski	Nelson, C.	Paymar	Severson	Vandever
Juhnke	Lesch	Nelson, M.	Pelowski	Sieben	Wagenius
Kahn	Lieder	Nelson, P.	Penas	Simpson	Walker
Kelliher	Lindgren	Newman	Peterson	Slawik	Walz
Klinzing	Lindner	Nornes	Powell	Smith	Wardlow
Knoblach	Lipman	Olsen, S.	Pugh	Soderstrom	Wasiluk
Koenen	Magnus	Olson, M.	Rhodes	Solberg	Westerberg
Kohls	Mahoney	Opatz	Rukavina	Stang	Westrom
Krinkie	Marquart	Osterman	Ruth	Strachan	Wilkin
Kuisle	McNamara	Otremba	Samuelson	Swenson	Zellers
Lanning	Meslow	Otto	Seagren	Sykora	Spk. Sviggum
Larson	Mullery	Ozment	Seifert	Thissen	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2691, A bill for an act relating to human services; council on disability; permitting the council to meet by telephone or electronic means if certain conditions are met; amending Minnesota Statutes 2002, section 256.482, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bradley moved that the House concur in the Senate amendments to H. F. No. 2691 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2691, A bill for an act relating to human services; council on disability; permitting the council to meet by telephone or electronic means if certain conditions are met; amending Minnesota Statutes 2002, section 256.482, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Atkins	Boudreau	Cox	Dill	Entenza
Abrams	Beard	Bradley	Davids	Dorman	Erhardt
Adolphson	Bernardy	Brod	Davnie	Dorn	Erickson
Anderson, B.	Biernat	Buesgens	DeLaForest	Eastlund	Finstad
Anderson, I.	Blaine	Carlson	Demmer	Eken	Fuller
Anderson, J.	Borrell	Clark	Dempsey	Ellison	Gerlach

Goodwin	Jaros	Lesch	Nornes	Rukavina	Sykora
Greiling	Johnson, J.	Lieder	Olsen, S.	Ruth	Thissen
Gunther	Johnson, S.	Lindgren	Olson, M.	Samuelson	Urdahl
Haas	Juhnke	Lindner	Opatz	Seagren	Vandever
Hackbarth	Kahn	Lipman	Osterman	Seifert	Wagenius
Harder	Kelliher	Magnus	Otremba	Sertich	Walker
Hausman	Klinzing	Mahoney	Otto	Severson	Walz
Heidgerken	Knoblach	Mariani	Ozment	Sieben	Wardlow
Hilstrom	Koenen	Marquart	Paulsen	Simpson	Wasiluk
Hilty	Kohls	McNamara	Paymar	Slawik	Westerberg
Holberg	Krinkie	Meslow	Pelowski	Smith	Westrom
Hoppe	Kuisle	Mullery	Penas	Soderstrom	Wilkin
Hornstein	Lanning	Murphy	Peterson	Solberg	Zellers
Howes	Larson	Nelson, M.	Powell	Stang	Spk. Sviggum
Huntley	Latz	Nelson, P.	Pugh	Strachan	
Jacobson	Lenczewski	Newman	Rhodes	Swenson	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 676.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 676, A bill for an act relating to retirement; statewide and major local public pension plans; making various changes of an administrative nature; setting various limitations and requirements for public employees police and fire retirement plan disability benefit applications; resolving one person and small group pension problems; reducing the early retirement age for the judges retirement plan; authorizing a shorter vesting schedule for the Marine on St. Croix Volunteer Firefighters Relief Association; revising the salary maximum for the executive secretary of the Minneapolis Firefighters Relief Association; permitting single Teachers Retirement Association members to make survivor benefit designations; authorizing retirement coverage discontinuation by an elected county official; revising the manner in which actuarial services to the Legislative Commission on Pensions and Retirement are provided; continuing retirement coverage by the general employees retirement plan of the Public Employees Retirement Association for Anoka County Achieve Program and the Government Training Services; including in privatized public employee retirement coverage employees of the Fair Oaks Lodge, Wadena, and RenVilla Nursing Home, and the St. Peter Community Healthcare Center; extending the expiration date on certain prior military service credit purchases; temporarily exempting Metropolitan Airports Commission police from reemployed annuitant earnings limitation; ratifying certain Bellingham volunteer firefighter relief association annuity purchases; including the Lake Johanna fire department employees in Public Employees Retirement Association coverage; limiting the covered salary of school district superintendents and administrators for pension purposes; excluding certain employees from limits on covered salary for pension purposes; requiring audits and reports on preretirement salaries of certain school district administrators; expanding the health care savings plan; modifying the department of transportation pilots retirement plan; creating a statewide volunteer firefighter retirement plan study task force; authorizing shorter vesting periods for defined contribution volunteer firefighter relief associations; modifying Minneapolis Police Relief Association provisions; providing additional benefits to

certain teachers employed during or before the 1968-1969 school year; providing an increase in and school district levy authority for the level benefit formula for the Teachers Retirement Association; consolidating the Minneapolis Teachers Retirement Fund into the Teachers Retirement Association; authorizing the sale of revenue bonds by Special School District No. 1, Minneapolis; appropriating money; amending Minnesota Statutes 2002, sections 3A.03, subdivision 2; 69.77, subdivision 4; 352.01, subdivision 13; 352.03, subdivision 6; 352.113, subdivisions 4, 6, 8, by adding a subdivision; 352.12, subdivisions 1, 6; 352.22, subdivisions 2, 3; 352.27; 352.275, subdivision 1; 352.86, subdivision 1; 352.91, subdivision 3g; 352.95, subdivisions 1, 2, 4; 352.98; 352B.01, subdivisions 3a, 11, by adding a subdivision; 352B.02, subdivision 1e; 352B.10, subdivisions 1, 2, 3, 4, 5; 352B.105; 352B.11, subdivisions 1, 2, by adding subdivisions; 352D.065, subdivision 2; 352D.075, subdivisions 2, 3, by adding a subdivision; 353.01, subdivisions 2b, 10, 12a, 12b, 16, 16a; 353.03, subdivision 3a; 353.33, subdivisions 4, 6, 6b, 7, by adding a subdivision; 353.37, subdivision 3, by adding a subdivision; 353.64, by adding a subdivision; 353.656, subdivision 5, by adding subdivisions; 354.05, subdivisions 2, 13, 22, 35; 354.06, subdivision 2a; 354.07, subdivision 9; 354.091; 354.096, subdivision 1; 354.42, subdivisions 2, 3, 7; 354.44, subdivisions 4, 5, 6; 354.46, subdivisions 2, 2b, 5, by adding a subdivision; 354.48, subdivisions 2, 4, 6, 6a, 10; 354.51, subdivision 5; 354.52, subdivisions 4a, 6, by adding a subdivision; 354.53; 354.533, subdivision 1; 354.66, subdivision 2; 354A.011, subdivision 24; 354A.021, subdivision 7; 354A.093; 354A.094, subdivision 3; 354A.097, subdivision 1; 354A.36, subdivisions 4, 6; 354B.20, subdivisions 4, 6; 354B.23, subdivision 1; 354B.32; 354C.11, subdivision 2; 356.215, subdivisions 2, 18; 356.216; 356.302, subdivision 3; 356.441; 356.611, subdivisions 1, 2, by adding subdivisions; 422A.06, subdivision 2; 422A.18, subdivisions 1, 4; 423B.01, subdivision 12; 423B.09, subdivisions 1, 4, by adding a subdivision; 423B.10, subdivision 1; 423B.15, subdivision 3; 423C.05, subdivisions 4, 5, 6, by adding a subdivision; 424A.02, subdivisions 2, 7; 490.121, subdivision 10, by adding a subdivision; 490.124, subdivision 12; Minnesota Statutes 2003 Supplement, sections 353.01, subdivision 6; 353F.02, subdivision 4; 354A.12, subdivision 3b; 423C.03, subdivision 3; Laws 1999, chapter 222, article 16, section 16, as amended; Laws 2000, chapter 461, article 4, section 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 126C; 128D; 352F; 353F; 354; 356; 423B; repealing Minnesota Statutes 2002, sections 3.85, subdivisions 11, 12; 352D.02, subdivision 5; 353.33, subdivision 5b; 354A.107; 354A.28; 356.217; 490.11.

The bill was read for the first time.

Smith moved that S. F. No. 676 and H. F. No. 1086, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

FISCAL CALENDAR

Pursuant to rule 1.22, Abrams requested immediate consideration of H. F. No. 3081.

H. F. No. 3081 was reported to the House.

Abrams moved to amend H. F. No. 3081, the first engrossment, as follows:

Page 25, line 4, after the period, insert "Notwithstanding Minnesota Statutes, section 471.87, or any other law governing conflicts of interest, a local elected official may have a financial interest in and benefit from the tax abatement authorized in this section if the official discloses the interest and potential benefit on the record, and abstains from voting on the matter."

The motion prevailed and the amendment was adopted.

Hilstrom was excused between the hours of 1:35 p.m. and 4:05 p.m.

The Speaker called Boudreau to the Chair.

Olson, M.; Anderson, B.; Wardlow; Eastlund; Huntley; Holberg; Borrell; Murphy; Johnson, J.; Lesch; Hackbarth; Kuisle; Ozment and Cox moved to amend H. F. No. 3081, the first engrossment, as amended, as follows:

Page 18, after line 6, insert:

"Sec. 21. Minnesota Statutes 2002, section 475.51, is amended by adding a subdivision to read:

Subd. 15. [PERSONAL RAPID TRANSIT; PRT.] "Personal rapid transit" or "PRT" is a transit system consisting of elevated guideways that allow automated electrically driven vehicles to carry individuals nonstop from any station on the system to any other station on the system."

Page 19, after line 13, insert:

"Sec. 24. Minnesota Statutes 2002, section 475.52, is amended by adding a subdivision to read:

Subd. 7. [LOANS FOR PRT.] A statutory or home rule charter city, county, or town may issue bonds or other obligations and loan the proceeds, with or without charging interest, to a public or private entity to design, construct, furnish, and equip:

(1) a personal rapid transit system, provided that the PRT system is operated independent of any governmental subsidies for operating costs; or

(2) a PRT public safety certification and training facility."

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 47 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eastlund	Jacobson	Mahoney	Olson, M.	Sykora
Beard	Erickson	Jaros	Mariani	Ozment	Urdahl
Borrell	Gerlach	Johnson, J.	McNamara	Paulsen	Vandevor
Bradley	Hackbarth	Knoblach	Murphy	Powell	Wardlow
Cox	Heidgerken	Kohls	Nelson, C.	Rhodes	Westerberg
DeLaForest	Holberg	Krinkie	Nelson, P.	Seagren	Westrom
Demmer	Hoppe	Kuisle	Newman	Severson	Wilkin
Dorman	Huntley	Lesch	Nornes	Soderstrom	

Those who voted in the negative were:

Abeler	Davnie	Harder	Lenczewski	Otto	Smith
Abrams	Dempsey	Hausman	Lieder	Paymar	Solberg
Anderson, I.	Dill	Hilty	Lindgren	Pelowski	Stang
Anderson, J.	Dorn	Hornstein	Lindner	Penas	Strachan
Atkins	Eken	Howes	Lipman	Peterson	Swenson
Bernardy	Ellison	Johnson, S.	Magnus	Pugh	Thao
Biernat	Entenza	Juhnke	Marquart	Rukavina	Thissen
Blaine	Erhardt	Kahn	Meslow	Ruth	Wagenius
Boudreau	Finstad	Kelliher	Mullery	Samuelson	Walz
Brod	Fuller	Klinzing	Nelson, M.	Seifert	Wasiluk
Buesgens	Goodwin	Koenen	Olsen, S.	Sertich	Zellers
Carlson	Greiling	Lanning	Opatz	Sieben	Spk. Sviggum
Cornish	Gunther	Larson	Ostremba	Simpson	
Davids	Haas	Latz	Otremba	Slawik	

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

Rukavina and Dill moved to amend H. F. No. 3081, the first engrossment, as amended, as follows:

Page 3, after line 5, insert:

"Sec. 3. [373.251] [LEVY FOR NON-COUNTY-OWNED PUBLIC NURSING HOMES.]

(a) If a county has a population of less than 210,000 people, contains a city of the first class, and owns a nursing home that is funded in whole or part with county revenue, the county must levy an equal amount annually to be distributed to all other nursing homes within the county that are owned by public bodies.

(b) The proceeds of the levy authorized by paragraph (a) must be prorated among the recipient nursing homes in the proportion that the number of beds in each recipient nursing home is to the number of beds in all the recipient nursing homes in the county.

(c) The levy authorized by paragraph (a) may be levied in addition to all other county levies authorized by law.

[EFFECTIVE DATE.] The levy added by this section must first be levied in 2004, payable in 2005."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 3081, A bill for an act relating to public finance; modifying the authority of cities and counties to finance purchases of computers and related items; clarifying the financing of conservation easements; extending sunsets on establishment of special service districts and housing improvement areas; extending the maximum maturity of bonds for qualified housing development projects; revising time for certain notices of issues; modifying the authority to finance street reconstruction; modifying limits on city capital improvement bonds; changing the limits on city or county support of prevention of cruelty to animal societies; changing the definition of subsystems

for purposes of the metropolitan area public safety radio system law and authorizing assistance to local government units for building subsystems in the State Patrol central district; authorizing certain nonprofit corporations for certain limited purposes; requiring housing improvement district ordinances to be filed with the state auditor; redefining housing development improvement project; authorizing property tax abatements to finance historic or heritage preservation; extending the authorized maximum length of some abatements; authorizing additional authority to issue obligations by the Metropolitan Council for bus transit and limiting some of its tax authority; changing punctuation; making technical corrections; making the Lakes Area Economic Development Authority a special taxing district; reestablishing the Aitkin Drainage and Conservancy District; permitting abatements in a tax increment financing district in the city of Fairmont; authorizing the transfer of certain bond allocation authority; amending Minnesota Statutes 2002, sections 343.11; 428A.02, subdivision 1; 428A.03, subdivision 1; 428A.101; 428A.21; 469.034, subdivision 2; 469.1813, subdivisions 1, 6; 473.39, by adding a subdivision; 473.446, subdivision 1; 474A.131, subdivision 1; 475.52, subdivisions 1, 3, 4; Minnesota Statutes 2003 Supplement, sections 373.01, subdivision 3; 373.40, subdivision 1; 403.21, subdivision 8; 403.27, subdivisions 1, 3; 410.32; 412.301; 475.521, subdivision 4; 475.58, subdivision 3b; Laws 2003, chapter 127, article 12, section 38; proposing coding for new law in Minnesota Statutes, chapters 373; 428A.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Buesgens	Huntley	Jacobson	Krinkie
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The bill was passed, as amended, and its title agreed to.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1645

A bill for an act relating to museums and archives repositories; regulating loans to and abandoned property of museums and archives repositories; providing a process for establishing ownership of property loaned to museums and archives repositories; proposing coding for new law in Minnesota Statutes, chapter 345.

May 6, 2004

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 1645, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1645 be further amended as follows:

Page 6, line 24, delete "After the"

Page 6, line 25, delete everything before the comma and insert "Effective August 1, 2004"

We request adoption of this report and repassage of the bill.

House Conferees: DEAN URDAHL, BOB GUNTHER AND DEBRA HILSTROM.

Senate Conferees: LINDA HIGGINS, MEE MOUA AND BETSY L. WERGIN.

Urdahl moved that the report of the Conference Committee on H. F. No. 1645 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1645, A bill for an act relating to museums and archives repositories; regulating loans to and abandoned property of museums and archives repositories; providing a process for establishing ownership of property loaned to museums and archives repositories; proposing coding for new law in Minnesota Statutes, chapter 345.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, J.	Biernat	Bradley	Cornish	DeLaForest
Abrams	Atkins	Blaine	Brod	Cox	Demmer
Adolphson	Beard	Borrell	Carlson	Davids	Dempsey
Anderson, B.	Bernardy	Boudreau	Clark	Davnie	Dill

Dorman	Heidgerken	Kohls	Mullery	Peterson	Stang
Dorn	Hilty	Kuisle	Murphy	Powell	Strachan
Eastlund	Holberg	Lanning	Nelson, C.	Pugh	Swenson
Eken	Hoppe	Larson	Nelson, M.	Rhodes	Sykora
Ellison	Hornstein	Latz	Nelson, P.	Rukavina	Thao
Entenza	Howes	Lenczewski	Newman	Ruth	Thissen
Erhardt	Huntley	Lesch	Nornes	Samuelson	Urdahl
Finstad	Jacobson	Lieder	Olsen, S.	Seagren	Wagenius
Fuller	Jaros	Lindgren	Opatz	Seifert	Walker
Gerlach	Johnson, J.	Lindner	Osterman	Sertich	Walz
Goodwin	Johnson, S.	Lipman	Otremba	Severson	Wardlow
Greiling	Juhnke	Magnus	Otto	Sieben	Wasiluk
Gunther	Kahn	Mahoney	Ozment	Simpson	Westerberg
Haas	Kelliher	Mariani	Paulsen	Slawik	Westrom
Hackbarth	Klinzing	Marquart	Paymar	Smith	Wilkin
Harder	Knoblach	McNamara	Pelowski	Soderstrom	Zellers
Hausman	Koenen	Meslow	Penas	Solberg	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Buesgens	Erickson	Krinkie	Olson, M.	Vandevveer
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The bill was repassed, as amended by Conference, and its title agreed to.

Speaker pro tempore Boudreau called Abrams to the Chair.

CALENDAR FOR THE DAY

S. F. No. 2080, A bill for an act relating to health; modifying requirements for outpatient surgical centers; requiring reporting requirements of diagnostic imaging facilities; modifying procedures for the Board of Medical Practice; appropriating money; amending Minnesota Statutes 2002, sections 144.55, subdivisions 1, 2, 3, 5, 6, 7, by adding subdivisions; 144.651, subdivision 2; 144.653, subdivision 4; 144.698, subdivisions 1, 5; 147.091, subdivision 1; 256B.02, subdivision 7; Minnesota Statutes 2003 Supplement, sections 144.7063, subdivision 3; 256L.035; proposing coding for new law in Minnesota Statutes, chapter 144.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Beard	Brod	Davnie	Eastlund	Fuller
Abrams	Bernardy	Buesgens	DeLaForest	Eken	Gerlach
Adolphson	Biernat	Carlson	Demmer	Ellison	Goodwin
Anderson, B.	Blaine	Clark	Dempsey	Entenza	Greiling
Anderson, I.	Borrell	Cornish	Dill	Erhardt	Gunther
Anderson, J.	Boudreau	Cox	Dorman	Erickson	Haas
Atkins	Bradley	Davids	Dorn	Finstad	Hackbarth

Harder	Kelliher	Magnus	Opatz	Samuelson	Thissen
Hausman	Klinzing	Mahoney	Osterman	Seifert	Urdahl
Heidgerken	Koenen	Mariani	Otremba	Sertich	Vanderveer
Hilty	Kohls	Marquart	Otto	Severson	Wagenius
Holberg	Krinkie	McNamara	Ozment	Sieben	Walker
Hoppe	Kuisle	Meslow	Paulsen	Simpson	Walz
Hornstein	Lanning	Mullery	Paymar	Slawik	Wardlow
Hoves	Larson	Murphy	Pelowski	Smith	Wasiluk
Huntley	Latz	Nelson, C.	Penas	Soderstrom	Westerberg
Jacobson	Lenczewski	Nelson, M.	Peterson	Solberg	Westrom
Jaros	Lesch	Nelson, P.	Powell	Stang	Wilkin
Johnson, J.	Lieder	Newman	Pugh	Strachan	Zellers
Johnson, S.	Lindgren	Nornes	Rhodes	Swenson	Spk. Sviggum
Juhnke	Lindner	Olsen, S.	Rukavina	Sykora	
Kahn	Lipman	Olson, M.	Ruth	Thao	

The bill was passed and its title agreed to.

S. F. No. 1803, A bill for an act relating to business organizations; enacting and modifying the Uniform Limited Partnership Act of 2001; providing transitional provisions; making conforming changes; regulating the organization, structure, and governance of business corporations, nonprofit corporations, and limited liability companies; appropriating money; amending Minnesota Statutes 2002, sections 5.25, subdivision 1; 302A.011, subdivisions 21, 31, 49, 51, by adding subdivisions; 302A.111, subdivision 2; 302A.115, subdivision 1; 302A.137; 302A.215; 302A.231, subdivisions 4, 6; 302A.401, subdivision 3; 302A.402, subdivision 2; 302A.437, subdivision 1; 302A.441; 302A.471, subdivisions 1, 3; 302A.473, subdivisions 3, 4; 302A.521, subdivision 1; 302A.651, subdivision 1; 302A.661, subdivision 2; 302A.723, subdivision 1; 308A.121, subdivision 1; 317A.011, subdivision 14, by adding a subdivision; 317A.115, subdivision 2; 317A.231, subdivisions 4, 5; 317A.447; 322B.03, subdivisions 36a, 45a; 322B.115, subdivision 2; 322B.12, subdivision 1; 322B.155; 322B.346, subdivision 1; 322B.35, subdivision 1; 322B.383, subdivision 1; 322B.386, subdivisions 3, 4; 322B.40, subdivision 6; 322B.63; 322B.643, subdivisions 4, 6; 322B.77, subdivision 2; 323A.1-01; Minnesota Statutes 2003 Supplement, section 317A.443, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 302A; 322B; proposing coding for new law as Minnesota Statutes, chapter 321; repealing Minnesota Statutes 2002, sections 322A.01; 322A.02; 322A.03; 322A.04; 322A.05; 322A.06; 322A.07; 322A.11; 322A.12; 322A.13; 322A.14; 322A.15; 322A.16; 322A.17; 322A.18; 322A.19; 322A.24; 322A.25; 322A.26; 322A.27; 322A.28; 322A.31; 322A.32; 322A.33; 322A.34; 322A.35; 322A.38; 322A.39; 322A.40; 322A.41; 322A.45; 322A.46; 322A.47; 322A.48; 322A.49; 322A.50; 322A.51; 322A.52; 322A.55; 322A.56; 322A.57; 322A.58; 322A.59; 322A.63; 322A.64; 322A.65; 322A.66; 322A.69; 322A.70; 322A.71; 322A.72; 322A.73; 322A.74; 322A.75; 322A.76; 322A.761; 322A.79; 322A.80; 322A.81; 322A.82; 322A.85; 322A.86; 322A.87; 322A.88.

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

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

Those who voted in the affirmative were:

Abeler	Anderson, J.	Blaine	Buesgens	Davids	Dill
Abrams	Atkins	Borrell	Carlson	Davnie	Dorman
Adolphson	Beard	Boudreau	Clark	DeLaForest	Dorn
Anderson, B.	Bernardy	Bradley	Cornish	Demmer	Eastlund
Anderson, I.	Biernat	Brod	Cox	Dempsey	Eken

Ellison	Hoppe	Lanning	Nelson, C.	Powell	Strachan
Entenza	Hornstein	Larson	Nelson, M.	Pugh	Swenson
Erhardt	Howes	Latz	Nelson, P.	Rhodes	Sykora
Erickson	Huntley	Lenczewski	Newman	Rukavina	Thao
Finstad	Jacobson	Lesch	Nornes	Ruth	Thissen
Fuller	Jaros	Lieder	Olsen, S.	Samuelson	Urdahl
Gerlach	Johnson, J.	Lindgren	Olson, M.	Seagren	Vandever
Goodwin	Johnson, S.	Lindner	Opatz	Seifert	Wagenius
Greiling	Juhnke	Lipman	Osterman	Sertich	Walker
Gunther	Kahn	Magnus	Otremba	Severson	Walz
Haas	Kelliher	Mahoney	Otto	Sieben	Wardlow
Hackbarth	Klinzing	Mariani	Ozment	Simpson	Wasiluk
Harder	Knoblach	Marquart	Paulsen	Slawik	Westerberg
Hausman	Koenen	McNamara	Paymar	Smith	Westrom
Heidgerken	Kohls	Meslow	Pelowski	Soderstrom	Wilkin
Hilty	Krinkie	Mullery	Penas	Solberg	Zellers
Holberg	Kuisle	Murphy	Peterson	Stang	Spk. Sviggum

The bill was passed and its title agreed to.

S. F. No. 2231, A bill for an act relating to peace officers; clarifying when a peace officer may recoup attorney fees and costs in a civilian complaint proceeding; amending Minnesota Statutes 2002, section 471.44, subdivision 2.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1973, A bill for an act relating to the public safety radio and communication system; transforming the Public Safety Radio System Planning Committee into the Statewide Radio Board; changing the composition of the Metropolitan Radio Board and providing for the transfer of its responsibilities to a regional radio board and the Statewide Radio Board; providing for the composition and responsibilities of the Statewide Radio Board; providing for establishment of regional radio boards and various advisory committees; allocating responsibility for requesting that the Metropolitan Council sell bonds for construction of the public safety radio and communication system; amending Minnesota Statutes 2003 Supplement, sections 403.21, subdivisions 1, 2, 3, 5, 8, 9, 10, by adding subdivisions; 403.22, subdivisions 1, 2; 403.23, subdivision 3; 403.27, subdivision 1; 403.35; 403.36; proposing coding for new law in Minnesota Statutes, chapter 403; repealing Laws 1995, chapter 195, article 1, section 18, as amended.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 15 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Heidgerken	Krinkie	Otremba	Vandev eer
Buesgens	Holberg	Lindner	Seifert	Westrom
Davnie	Jacobson	Olson, M.	Solberg	Wilkin

The bill was passed and its title agreed to.

H. F. No. 2577, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2002, sections 3.971, subdivision 8;

13.07; 13.461, by adding a subdivision; 13.465, subdivision 1, by adding a subdivision; 13.475, subdivision 4; 13.4965, by adding a subdivision; 13.4967, by adding a subdivision; 13.7411, subdivision 5; 15.0591, subdivision 2; 18F.02, subdivision 2a; 60A.23, subdivision 5; 82.34, subdivision 15; 85.053, subdivision 2; 89.391; 97A.055, subdivision 4; 103B.101, subdivision 10; 115B.16, subdivision 4; 115B.18, subdivision 1; 116A.11, subdivision 1; 119A.05, subdivision 1; 126C.48, subdivision 8; 162.081, subdivision 4; 163.16, subdivision 1; 163.161; 164.05, subdivision 3; 164.08, subdivision 1; 168.12, subdivision 2d; 181.953, subdivision 1; 214.03, subdivision 1; 237.39; 256D.03, subdivision 8; 260B.175, subdivision 1; 270B.01, subdivision 8; 272.0212, subdivision 2; 273.1398, subdivisions 1, 2d, 3; 275.07, subdivision 1; 276.04, subdivision 2; 290.191, subdivision 5; 290C.04; 306.32; 325F.19, subdivision 3; 325F.69, subdivisions 1, 4; 326.10, subdivisions 1, 7; 326.12, subdivision 2; 326.13; 326.15; 336.9-531; 344.20; 348.02; 357.021, subdivision 5; 365.59; 366.17; 368.85, subdivision 9; 385.09; 395.14; 477A.011, subdivisions 21, 27, 35; 477A.015; 609.3452, subdivision 2; Minnesota Statutes 2003 Supplement, sections 13.4963, subdivision 2; 18G.14, subdivisions 1, 8; 37.31, subdivision 4; 62J.692, subdivision 10; 62J.694, subdivision 1; 97A.482; 115B.31, subdivision 1; 116J.966, subdivision 1; 119B.125, subdivision 2; 127A.45, subdivision 10; 144.395, subdivision 1; 192.501, subdivision 2; 216C.41, subdivision 1; 246.014; 256.954, subdivision 3; 256B.0943, subdivisions 5, 7, 9, 12, by adding a subdivision; 270B.03, subdivision 6; 273.1392; 273.1398, subdivision 4c; 297A.668, subdivision 3; 297A.669, subdivision 16; 308B.201; 308B.311, subdivision 6; 308B.471, subdivision 2; 308B.735, subdivision 1; 365.52, subdivision 1; 469.177, subdivision 9; 469.339, subdivision 2; 473.253, subdivision 1; Laws 2003, First Special Session chapter 11, article 2, section 21; Laws 2003, First Special Session chapter 21, article 8, section 10; repealing Minnesota Statutes 2002, sections 18.79, subdivision 11; 115B.241; 273.1398, subdivisions 1a, 2e; 275.07, subdivisions 1a, 5; Laws 2001, chapter 161, section 29; Laws 2001, First Special Session chapter 5, article 3, section 9; Laws 2002, chapter 364, section 15; Laws 2002, chapter 380, article 4, section 1; Laws 2003, chapter 112, article 2, section 35; Laws 2003, chapter 127, article 5, section 19; Laws 2003, chapter 127, article 7, section 1; Laws 2003, chapter 128, article 2, section 13; Laws 2003, chapter 128, article 3, section 44; Laws 2003, First Special Session chapter 9, article 5, section 29; Minnesota Rules, parts 1220.0200; 1220.0300; 1220.0400; 1220.0500; 1220.0600; 1220.0700; 1220.0800; 1220.0900; 7380.0200; 7380.0210; 7380.0220; 7380.0230; 7380.0240.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Swenson	Thissen	Wagenius	Wardlow	Westrom	Spk. Sviggum
Sykora	Urdahl	Walker	Wasiluk	Wilkin	
Thao	Vandev eer	Walz	Westerberg	Zellers	

Those who voted in the negative were:

Buesgens Krinkie

The bill was passed and its title agreed to.

H. F. No. 2561, A bill for an act relating to education; modifying certain training and transportation requirements; amending Minnesota Statutes 2002, sections 168.012, subdivision 10; 169.01, subdivisions 6, 75; 169.442, subdivisions 1, 5; 169.443, subdivisions 1, 2; 169.4501, subdivisions 1, 2; 169.4502, subdivision 11; 169.4503, subdivisions 5, 14, 16, 20, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 123B.90, subdivision 2; 171.321, subdivision 5; repealing Minnesota Statutes 2002, sections 169.447, subdivision 6; 169.4502, subdivisions 7, 9, 13, 14; 169.4503, subdivisions 10, 10a, 21, 25.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2737, A bill for an act relating to municipal airports; requiring notice to commissioner of transportation and public notice and hearing before final closure of municipal airport; proposing coding for new law in Minnesota Statutes, chapter 360.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DeLaForest	Krinkie	Opatz	Rukavina
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The bill was passed and its title agreed to.

S. F. No. 2620, A bill for an act relating to fire insurance; prescribing certain notice requirements; amending provisions regulating township mutual combination policies; amending Minnesota Statutes 2002, sections 65A.01, subdivision 3c; 67A.191.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Atkins	Mullery	Sertich	Thao	Wagenius
Hausman	Nelson, M.	Solberg	Thissen	

The bill was passed and its title agreed to.

H. F. No. 2334 was reported to the House.

Howes, Walz and Blaine moved to amend H. F. No. 2334, the third engrossment, as follows:

Page 32, after line 25, insert:

"Sec. 9. [ADDITIONS TO STATE PARKS.]

Subdivision 1. [85.012] [Subd. 14.] [CROW WING STATE PARK, CROW WING, CASS, AND MORRISON COUNTIES.] The following area is added to Crow Wing State Park, all in Section 18, Township 44, Range 31, Crow Wing County: the Northwest Quarter of the Northeast Quarter except the South 330 feet thereof, and the Northeast Quarter of the Northeast Quarter except the South 330 feet thereof; except that part of the Northeast Quarter of the Northeast Quarter described as follows: Commencing at the northeast corner of the said Northeast Quarter of the Northeast Quarter; thence West 660 feet on the north line of said Northeast Quarter of the Northeast Quarter; thence South 330 feet parallel to the east line of said Northeast Quarter of the Northeast Quarter; thence East 660 feet to the east line of said Northeast Quarter of the Northeast Quarter (said line being parallel to the north line to said Northeast Quarter of the Northeast Quarter); thence North on the east line of said Northeast Quarter of the Northeast Quarter 330 feet to the point of beginning.

Subd. 2. [85.012] [Subd. 22.] [GEORGE H. CROSBY MANITOU STATE PARK, LAKE COUNTY.] The following area is added to George H. Crosby Manitou State Park, Lake County, all in Township 58 North, Range 6 West: the Southeast Quarter of the Northwest Quarter of Section 14; the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 15; the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 23; and the Southwest Quarter of the Northwest Quarter of Section 26.

Subd. 3. [85.012] [Subd. 29.] [ITASCA STATE PARK, HUBBARD, CLEARWATER, AND BECKER COUNTIES.] The following areas are added to Itasca State Park, all in Township 142, Range 36, Becker County:

(1) Bureau of Land Management Island County Control Number 7 within Twin Island Lake and located in that part of the Southwest Quarter of the Southwest Quarter of Section 5; that part of the Southeast Quarter of the Southeast Quarter of Section 6; that part of the Northeast Quarter of the Northeast Quarter of Section 7; and that part of the Northwest Quarter of the Northwest Quarter of Section 8; and

(2) Bureau of Land Management Island County Control Number 8 within Twin Island Lake and located in that part of the Northeast Quarter of the Northeast Quarter of Section 7.

Subd. 4. [85.012] [Subd. 41.] [MAPLEWOOD STATE PARK, OTTER TAIL COUNTY.] The following area is added to Maplewood State Park, Otter Tail County: Bureau of Land Management Island County Control Number 86 within South Arm Lida Lake and located in that part of the Northwest Quarter of the Southeast Quarter of Section 32, Township 136, Range 42.

Subd. 5. [85.012] [Subd. 44.] [MONSON LAKE STATE PARK, SWIFT COUNTY.] The following areas are added to Monson Lake State Park, Swift County:

(1) Bureau of Land Management Island County Control Number 001 within Monson Lake and located in that part of Government Lot 1, Section 2, Township 121, Range 37; and

(2) that part of Government Lot 1, Section 35, Township 122 North, Range 37 West, Swift County, Minnesota, described as follows: Commencing at Government Meander Corner No. 2 (being the meander corner common to Section 35 and Section 36, Township 122 North, Range 37 West); thence southwesterly a distance of 170 feet along the government meander line in said Section 35 to the POINT OF BEGINNING; thence continuing southwesterly, a distance of 445 feet along said meander line to the meander corner; thence West, a distance of 328 feet along the south line of said Government Lot 1 to the meander corner; thence northwesterly, a distance of 214 feet along the meander line in said Section 35; thence northeasterly, a distance of 620 feet to the point of beginning."

Page 32, line 26, delete "9" and insert "10"

Page 32, line 27, delete "8" and insert "9"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Wagenius moved to amend H. F. No. 2334, the third engrossment, as amended, as follows:

Page 28, after line 18, insert:

"Subd. 3. [DESIGNATION PERMANENT.] Upon approval in subdivision 2, the designation of a scientific and natural area is permanent."

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

Dill, Ozment and Howes moved to amend H. F. No. 2334, the third engrossment, as amended, as follows:

Page 44, after line 21, insert:

"Sec. 30. [CONVEYANCE OF TAX-FORFEITED LAND; LAKE COUNTY.]

(a) Notwithstanding any law to the contrary, after approval by the Lake County Board, the commissioner of revenue shall convey for no consideration to the city of Beaver Bay the state's interest in the tax-forfeited land described in paragraph (c), free and clear of any encumbrances or restrictions.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be conveyed is located in Lake County and is described as: The Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter, Section 22, Township 55 North, Range 8 West.

(d) The conveyance will provide clear title to the city of Beaver Bay by removing a reversionary interest held by the state and allow the city to use the land for low-income housing."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2334, A bill for an act relating to natural resources; modifying provisions for the sale and disposition of surplus state lands; modifying certain state land management provisions; adding to and removing from certain state forests, state parks, state wildlife management areas, and land use districts; authorizing public and private sales and exchanges of certain state lands; modifying prior sale authorization; appropriating money; amending Minnesota Statutes 2002, sections 15.054; 84.0272, by adding subdivisions; 84.033; 85.015, subdivision 1; 86A.05, subdivision 14; 89.01, by adding a subdivision; 92.02; 92.03; 92.04; 92.06, subdivisions 1, 2, 4, 5, by adding a subdivision; 92.08; 92.10, subdivision 2; 92.12, subdivisions 1, 2, 4, 5; 92.121; 92.14, subdivision 1; 92.16, by adding a subdivision; 92.28; 92.29; 92.321, subdivision 1; 94.09, subdivisions 1, 3; 94.10; 94.11; 94.12; 94.13; 94.16, subdivision 2; 164.08, subdivision 2; 282.01, subdivision 3; Minnesota Statutes 2003 Supplement, sections 525.161; 525.841; Laws 1999, chapter 161, section 31, subdivisions 3, 5, 8; Laws 2003, First Special Session chapter 13, section 16; proposing coding for new law in Minnesota Statutes, chapters 16B; 92; repealing Minnesota Statutes 2002, sections 92.09; 92.11; 94.09, subdivisions 2, 4, 5, 6.

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

The question was taken on the passage of the bill and the roll was called. There were 95 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Holberg	Magnus	Ozment	Smith
Adolphson	Demmer	Hoppe	Mahoney	Paulsen	Soderstrom
Anderson, I.	Dempsey	Howes	Marquart	Pelowski	Solberg
Anderson, J.	Dill	Johnson, J.	McNamara	Penas	Stang
Atkins	Dorman	Juhnke	Meslow	Peterson	Strachan
Beard	Dorn	Klinzing	Mullery	Powell	Swenson
Biernat	Eastlund	Knoblach	Murphy	Pugh	Urdahl
Blaine	Eken	Koenen	Nelson, C.	Rhodes	Walz
Borrell	Erhardt	Kohls	Nelson, M.	Rukavina	Wardlow
Boudreau	Finstad	Kuisle	Nelson, P.	Ruth	Wasiluk
Bradley	Fuller	Lanning	Newman	Samuelson	Westerberg
Brod	Gunther	Larson	Nornes	Seifert	Westrom
Carlson	Haas	Lieder	Olsen, S.	Sertich	Wilkin
Cornish	Hackbarth	Lindgren	Opatz	Severson	Zellers
Cox	Harder	Lindner	Osterman	Simpson	Spk. Sviggum
Davids	Heidgerken	Lipman	Otremba	Slawik	

Those who voted in the negative were:

Abrams	Entenza	Hornstein	Krinkie	Paymar	Wagenius
Anderson, B.	Erickson	Huntley	Latz	Seagren	Walker
Bernardy	Gerlach	Jacobson	Lenczewski	Sieben	
Buesgens	Goodwin	Jaros	Lesch	Sykora	
Clark	Greiling	Johnson, S.	Mariani	Thao	
Davnie	Hausman	Kahn	Olson, M.	Thissen	
Ellison	Hilty	Kelliher	Otto	Vandevveer	

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

H. F. No. 2304 was reported to the House.

Seagren offered an amendment to H. F. No. 2304, the third engrossment.

POINT OF ORDER

Kuisle raised a point of order pursuant to rule 3.21 that the Seagren amendment was not in order. Speaker pro tempore Abrams ruled the point of order well taken and the Seagren amendment out of order.

The Speaker resumed the Chair.

Kahn moved to amend H. F. No. 2304, the third engrossment, as follows:

Page 2, after line 16, insert:

"Sec. 2. [171.57] [MOTORCYCLE OPERATORS AND PASSENGERS; ORGAN DONATION.]

A person who operates or rides a motorcycle on the streets and highways of this state without wearing protective headgear that complies with standards established by the commissioner of public safety is automatically presumed to have indicated a desire to make an anatomical gift according to section 171.06, subdivision 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 Kahn amendment and the roll was called. There were 2 yeas and 128 nays as follows:

Those who voted in the affirmative were:

Jaros Kahn

Those who voted in the negative were:

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

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

H. F. No. 2304, A bill for an act relating to drivers' licenses; modifying requirements for operating motor vehicle by holder of provisional license; amending Minnesota Statutes 2002, section 171.055, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 39 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Abeler	Ellison	Johnson, S.	Meslow	Powell	Sykora
Atkins	Entenza	Kahn	Nelson, C.	Rhodes	Thao
Beard	Erhardt	Knoblach	Nelson, P.	Ruth	Thissen
Bernardy	Hausman	Kohls	Olsen, S.	Seagren	Wagenius
Biernat	Holberg	Latz	Olson, M.	Sieben	
Brod	Hoppe	Lenczewski	Opatz	Slawik	
Cox	Hornstein	Lipman	Osterman	Strachan	

Those who voted in the negative were:

Abrams	Dempsey	Heidgerken	Lieder	Paulsen	Swenson
Adolphson	Dill	Hilty	Lindgren	Paymar	Urdahl
Anderson, B.	Dorman	Howes	Lindner	Pelowski	Vandever
Anderson, I.	Dorn	Huntley	Magnus	Penas	Walker
Anderson, J.	Eastlund	Jacobson	Mahoney	Peterson	Walz
Blaine	Eken	Jaros	Mariani	Pugh	Wardlow
Borrell	Erickson	Johnson, J.	Marquart	Rukavina	Wasiluk
Boudreau	Finstad	Juhnke	McNamara	Samuelson	Westerberg
Bradley	Fuller	Kelliher	Mullery	Seifert	Westrom
Buesgens	Gerlach	Klinzing	Murphy	Sertich	Wilkin
Carlson	Goodwin	Koenen	Nelson, M.	Severson	Zellers
Cornish	Greiling	Krinkie	Newman	Simpson	Spk. Sviggum
Davids	Gunther	Kuisle	Nornes	Smith	
Davnie	Haas	Lanning	Otremba	Soderstrom	
DeLaForest	Hackbarth	Larson	Otto	Solberg	
Demmer	Harder	Lesch	Ozment	Stang	

The bill was not passed.

H. F. No. 2078, A bill for an act relating to public transit; clarifying railroad grade crossing requirements; clarifying crimes involving public transit; providing penalties; amending Minnesota Statutes 2002, section 609.855, subdivision 1, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 169.28, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Beard	Brod	DeLaForest	Eken	Gerlach
Abrams	Bernardy	Carlson	Demmer	Ellison	Goodwin
Adolphson	Biernat	Clark	Dempsey	Entenza	Greiling
Anderson, B.	Blaine	Cornish	Dill	Erhardt	Gunther
Anderson, I.	Borrell	Cox	Dorman	Erickson	Haas
Anderson, J.	Boudreau	Davids	Dorn	Finstad	Hackbarth
Atkins	Bradley	Davnie	Eastlund	Fuller	Harder

Hausman	Knoblach	Mahoney	Osterman	Seagren	Thissen
Heidgerken	Koenen	Mariani	Otremba	Seifert	Urdahl
Hilty	Kohls	Marquart	Otto	Sertich	Wagenius
Holberg	Krinkie	McNamara	Ozment	Severson	Walker
Hoppe	Kuisle	Meslow	Paulsen	Sieben	Wardlow
Hornstein	Lanning	Mullery	Paymar	Simpson	Wasiluk
Huntley	Larson	Murphy	Pelowski	Slawik	Westerberg
Jacobson	Latz	Nelson, C.	Penas	Smith	Westrom
Jaros	Lenczewski	Nelson, M.	Peterson	Soderstrom	Wilkin
Johnson, J.	Lesch	Nelson, P.	Powell	Solberg	Zellers
Johnson, S.	Lieder	Newman	Pugh	Stang	Spk. Sviggum
Juhnke	Lindgren	Nornes	Rhodes	Strachan	
Kahn	Lindner	Olsen, S.	Rukavina	Swenson	
Kelliher	Lipman	Olson, M.	Ruth	Sykora	
Klinzing	Magnus	Opatz	Samuelson	Thao	

Those who voted in the negative were:

Buesgens	Vandev eer
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The bill was passed and its title agreed to.

H. F. No. 2642, A bill for an act relating to family law; requiring certain parent education programs; requiring a notice; amending Minnesota Statutes 2002, sections 518.091; 518.157, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 83 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Harder	Lindgren	Ozment	Smith
Adolphson	Davids	Heidgerken	Lindner	Paulsen	Soderstrom
Anderson, B.	Demmer	Hoppe	Lipman	Pelowski	Stang
Anderson, J.	Dempsey	Jaros	Magnus	Penas	Strachan
Atkins	Dorn	Johnson, J.	McNamara	Pugh	Swenson
Beard	Eastlund	Juhnke	Mullery	Rukavina	Sykora
Bernardy	Erickson	Klinzing	Nelson, C.	Ruth	Urdahl
Blaine	Finstad	Knoblach	Nelson, P.	Samuelson	Wardlow
Borrell	Fuller	Koenen	Newman	Seagren	Westerberg
Boudreau	Gerlach	Kohls	Nornes	Seifert	Westrom
Bradley	Greiling	Kuisle	Olsen, S.	Severson	Wilkin
Brod	Gunther	Lanning	Olson, M.	Sieben	Zellers
Buesgens	Haas	Lenczewski	Otremba	Simpson	Spk. Sviggum
Cornish	Hackbarth	Lesch	Otto	Slawik	

Those who voted in the negative were:

Abrams	Carlson	Dill	Ellison	Goodwin	Hornstein
Anderson, I.	Davnie	Dorman	Entenza	Hausman	Howes
Biernat	DeLaForest	Eken	Erhardt	Hilty	Huntley

Jacobson	Larson	Marquart	Osterman	Sertich	Wagenius
Johnson, S.	Latz	Meslow	Paymar	Solberg	Walker
Kahn	Lieder	Murphy	Peterson	Thao	Walz
Kelliher	Mahoney	Nelson, M.	Powell	Thissen	Wasiluk
Krinkie	Mariani	Opatz	Rhodes	Vandev eer	

The bill was passed and its title agreed to.

The Speaker called Boudreau to the Chair.

H. F. No. 3061 was reported to the House.

Osterman moved to amend H. F. No. 3061, the second engrossment, as follows:

Page 3, after line 12, insert:

"Sec. 2. Minnesota Statutes 2002, section 11A.24, is amended by adding a subdivision to read:

Subd. 8. [MINNESOTA EARLY STAGE VENTURE CAPITAL INVESTMENTS.] (a) For purposes of this subdivision, "Minnesota early stage company" means an early stage company with its headquarters and principal place of business located in this state.

(b) The State Board of Investment may invest in early stage venture capital investments, subject to the following conditions:

(1) each separate investment vehicle must commit a portion of its assets to investments in Minnesota early stage companies;

(2) the State Board of Investment may not exceed 20 percent of the total investment in an investment vehicle; and

(3) the State Board of Investment may reinvest returns from investments made under this subdivision.

The State Board of Investment may set different evaluation criteria for investment vehicles and fund managers of investments under this subdivision than it uses for other investments.

(c) This subdivision expires August 1, 2010."

Page 3, line 13, delete "2" and insert "3"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing the State Board of Investment to invest in early stage venture capital investments;"

Page 1, line 5, after "6" insert ", by adding a subdivision"

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

H. F. No. 3061, A bill for an act relating to the State Board of Investment; classifying data related to certain investments; amending Minnesota Statutes 2002, sections 11A.24, subdivision 6; 13.635, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 20 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Heidgerken	Klinzing	Murphy	Vandevveer
Buesgens	Hoppe	Krinkie	Olson, M.	Walz
Dempsey	Howes	Larson	Penas	Wardlow
Erickson	Jacobson	Lindner	Smith	Wilkin

The bill was passed and its title agreed to.

H. F. No. 2864 was reported to the House.

Hornstein, Abrams, Latz, Paymar, Kahn, Rhodes and Lipman moved to amend H. F. No. 2864 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 31.651, subdivision 1, is amended to read:

Subdivision 1. [KOSHER REQUIREMENTS.] No person shall sell or expose for sale any poultry, poultry products, meat, or meat preparations and falsely represent the same to be kosher, whether such poultry, poultry products, meat, or meat preparations be raw or prepared for human consumption; nor shall the person permit any

such products or the contents of any package or container to be labeled or to have inscribed thereon the word "kosher" in any language unless such products ~~shall have been~~ display a stamp, label, or other type of indicia from a rabbinic authority indicating that the products were prepared or processed in accordance with ~~orthodox Hebrew religious requirements sanctioned by a recognized rabbinical council~~ that rabbinic authority, with the name and institutional affiliation and denominational affiliation, if any, of the rabbinic authority identified.

Sec. 2. Minnesota Statutes 2002, section 31.661, is amended to read:

31.661 [MARKS, STAMPS, TAGS, BRANDS, OR LABELS.]

No person shall:

(1) willfully mark, stamp, tag, brand, label, or in any other way or by any other means of identification, represent or cause to be marked, stamped, tagged, branded, labeled, or represented as kosher or as having been prepared ~~in accordance with the orthodox Hebrew religious requirements~~ as prescribed by a rabbinic authority, with the name and institutional affiliation and denominational affiliation, if any, of the rabbinic authority identified, food or food products not kosher or not so prepared;

(2) willfully mark, stamp, tag, brand, label, or in any other way or by any other means of identification, represent or cause to be marked, stamped, tagged, branded, labeled, or represented as Halal or as having been prepared in accordance with the Islamic religious requirements, food or food products, meat or meat products, or poultry or poultry products not Halal or not so prepared;

(3) willfully remove, deface, obliterate, cover, alter, or destroy or cause to be removed, defaced, obliterated, covered, altered, or destroyed the original slaughterhouse plumba or any other mark, stamp, tag, brand, label, or any other means of identification affixed to foods or food products to indicate that such foods or food products are kosher or have been prepared ~~in accordance with the orthodox Hebrew religious requirements~~ as prescribed by a rabbinic authority, with the name and institutional affiliation and denominational affiliation, if any, of the rabbinic authority identified;

(4) willfully remove, deface, obliterate, cover, alter, or destroy or cause to be removed, defaced, obliterated, covered, altered, or destroyed the original Halal sign, mark, stamp, tag, brand, label, or any other means of identification affixed to foods or food products, meat or meat products, or poultry or poultry products to indicate that the foods or food products, meat or meat products, or poultry or poultry products are Halal or have been prepared in accordance with Islamic religious requirements;

(5) knowingly sell, dispose of, or possess for the purpose of resale to any person as kosher, any food or food products not having affixed thereto the original slaughterhouse plumba or any other mark, stamp, tag, brand, label, or other means of identification employed to indicate that such food or food products are kosher or have been prepared ~~in accordance with the orthodox Hebrew religious requirements~~ as prescribed by a rabbinic authority, with the name and institutional affiliation and denominational affiliation, if any, of the rabbinic authority identified, or any food or food products to which such plumba, mark, stamp, tag, brand, label, or other means of identification has or have been fraudulently affixed; or

(6) knowingly sell, dispose of, or possess for the purpose of resale to any person as Halal, any food or food products, meat or meat products, or poultry or poultry products not having affixed the original Halal sign, mark, stamp, tag, brand, label, or other means of identification employed to indicate that the food or food products, meat or

meat products, or poultry or poultry products are Halal or have been prepared in accordance with Islamic religious requirements or any food or food products, meat or meat products, or poultry or poultry products to which the original Halal mark, stamp, tag, brand, label, or other means of identification has been fraudulently affixed."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2864, A bill for an act relating to food law; clarifying the basis on which food can be labeled as kosher; amending Minnesota Statutes 2002, sections 31.651, subdivision 1; 31.661.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Lipman

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

S. F. No. 2379, A bill for an act relating to commerce; regulating real estate brokers and salespersons; making various changes in real property law; recodifying the laws and rules regulating these licensees; making technical and conforming changes; amending Minnesota Statutes 2002, sections 58.13, subdivision 1; 58.16, subdivisions 2, 4; 82.17, subdivision 4, by adding subdivisions; 82.19, subdivisions 3, 5, by adding subdivisions; 82.195; 82.196; 82.197; 82.20, subdivisions 3, 4, 8, by adding subdivisions; 82.21, by adding subdivisions; 82.22, subdivisions 6, 8, 12, 13, by adding subdivisions; 82.24, subdivisions 3, 5, by adding subdivisions; 82.27, by adding a subdivision; 513.55, subdivision 1; 513.56, by adding a subdivision; 515B.4-106; 515B.4-108; 559.21, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 82; 325F; 559; repealing Minnesota Statutes 2002, sections 58.02, subdivision 24; 82.22, subdivision 9; Minnesota Rules, parts 2800.0100; 2800.0200; 2800.0300; 2800.1100; 2800.1200; 2800.1300; 2800.1400; 2800.1500; 2800.1600; 2800.1700; 2800.1750; 2800.1751; 2800.1800; 2800.1900; 2800.2000; 2800.2100; 2800.2150; 2805.0100; 2805.0200; 2805.0300; 2805.0400; 2805.0500; 2805.0600; 2805.0700; 2805.0800; 2805.0900; 2805.1000; 2805.1100; 2805.1300; 2805.1400; 2805.1500; 2805.1600; 2805.1700; 2805.1800; 2805.1900; 2805.2000.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Newman

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

H. F. No. 2217, A bill for an act relating to traffic regulations; requiring vehicles to wait at railroad crossings until roadway is clear; amending Minnesota Statutes 2002, section 169.26, subdivision 1; Minnesota Statutes 2003 Supplement, section 169.28, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 90 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Haas	Latz	Otremba	Simpson
Abrams	Davids	Hackbarth	Lesch	Ozment	Soderstrom
Adolphson	Davnie	Harder	Lieder	Paulsen	Strachan
Anderson, I.	DeLaForest	Heidgerken	Lindgren	Pelowski	Swenson
Anderson, J.	Demmer	Hoppe	Lindner	Penas	Sykora
Atkins	Dempsey	Hornstein	Magnus	Peterson	Thissen
Beard	Dill	Johnson, J.	Mahoney	Powell	Urdahl
Biernat	Dorman	Johnson, S.	Marquart	Pugh	Wagenius
Blaine	Dorn	Juhnke	McNamara	Rhodes	Wardlow
Boudreau	Eken	Kahn	Meslow	Ruth	Wasiluk
Bradley	Entenza	Kelliher	Nelson, C.	Samuelson	Westerberg
Brod	Erhardt	Knoblach	Nornes	Seagren	Westrom
Carlson	Finstad	Koenen	Olsen, S.	Seifert	Wilkin
Clark	Fuller	Kohls	Olson, M.	Severson	Zellers
Cornish	Gunther	Lanning	Osterman	Sieben	Spk. Sviggum

Those who voted in the negative were:

Anderson, B.	Gerlach	Huntley	Mariani	Otto	Stang
Bernardy	Goodwin	Jacobson	Mullery	Paymar	Thao
Borrell	Greiling	Jaros	Murphy	Rukavina	Vandever
Buesgens	Hilstrom	Klinzing	Nelson, M.	Sertich	Walker
Eastlund	Hilty	Krinkie	Nelson, P.	Slawik	Walz
Ellison	Holberg	Larson	Newman	Smith	
Erickson	Howes	Lenczewski	Opatz	Solberg	

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Monday, May 10, 2004:

S. F. No. 1080; H. F. Nos. 1667, 1800 and 2069; S. F. Nos. 1115 and 2265; and H. F. Nos. 2000, 1798 and 2453.

Paulsen moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2986, A bill for an act relating to natural resources; granting certain temporary exemptions for an iron nugget production scale demonstration facility.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 2986 was read for the second time.

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 the Speaker.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2052, A bill for an act relating to human services; extending the sunset date for the supportive housing and managed care pilot project; amending Minnesota Statutes 2002, section 256K.25, subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2277, A bill for an act relating to human services; making changes to licensing provisions; regulating child protection dispositions; clarifying a mental health case management provision; changing a provision under child welfare targeted case management; regulating child care, long-term care, and health care; amending Minnesota Statutes 2002, sections 119B.011, by adding a subdivision; 119B.03, subdivisions 3, 6a, by adding a subdivision; 245.4881, subdivision 1; 245.814, subdivision 1; 245A.02, subdivisions 2a, 5a, 7, 10, 14, by adding a subdivision; 245A.03, subdivision 3; 245A.04, subdivisions 5, 6, 7, by adding a subdivision; 245A.05; 245A.06, subdivisions 2, 4; 245A.07, subdivisions 2, 2a, 3; 245A.08, subdivision 5; 245A.16, subdivision 4; 245A.22, subdivision 2; 245B.02, by adding a subdivision; 245B.05, subdivision 2; 245B.07, subdivisions 8, 12; 252.28, subdivision 1; 256.01, by adding a subdivision; 256.955, subdivisions 2, 2b; 256B.0625, by adding a subdivision; 256B.0911, subdivision 4a; 256F.10, subdivision 5; 256J.01, subdivision 1; 256J.08, subdivisions 73, 82a; 256J.21, subdivision 3; 256J.415; 256J.425, subdivision 5; 260C.212, subdivision 5; Minnesota Statutes 2003 Supplement, sections 119B.011, subdivisions 8, 10, 20; 119B.03, subdivision 4; 119B.05, subdivision 1; 119B.09, subdivision 7; 119B.12, subdivision 2; 119B.13, subdivisions 1, 1a; 119B.189, subdivisions 2, 4; 119B.19, subdivision 1; 119B.24; 119B.25, subdivision 2; 241.021, subdivision 6; 245.4874; 245A.03, subdivision 2; 245A.04, subdivision 1; 245A.08, subdivisions 1, 2a; 245A.085; 245A.11, subdivisions 2a, 2b; 245A.16, subdivision 1; 245A.22, subdivision 3; 245C.02, subdivision 18; 245C.03, subdivision 1, by adding a subdivision; 245C.05, subdivisions 1, 2, 5, 6; 245C.08, subdivisions 2, 3, 4; 245C.09, subdivision 1; 245C.13, subdivision 1; 245C.14, subdivision 1; 245C.15, subdivisions 2, 3, 4; 245C.16, subdivision 1; 245C.17, subdivisions 1, 3; 245C.18; 245C.20; 245C.21, subdivision 3, by adding a subdivision; 245C.22, subdivisions 3, 4, 5, 6; 245C.23, subdivisions 1, 2; 245C.25; 245C.26; 245C.27, subdivisions 1, 2; 245C.28, subdivisions 1, 2, 3; 245C.29, subdivision 2; 256.01, subdivision 2; 256.045, subdivisions 3, 3b; 256.046, subdivision 1; 256.955, subdivision 2a; 256.98, subdivision 8; 256B.0596; 256B.06, subdivision 4; 256B.0625, subdivision 9; 256B.0915, subdivisions 3a, 3b; 256B.431, subdivision 32; 256B.69, subdivision 6b; 256D.03, subdivisions 3, 4; 256J.09, subdivision 3b; 256J.24, subdivision 5; 256J.32, subdivisions 2, 8; 256J.37, subdivision 9; 256J.425, subdivisions 1, 4, 6; 256J.46, subdivision 1; 256J.49, subdivision 4; 256J.515; 256J.521, subdivisions 1, 2; 256J.53, subdivision 2; 256J.56; 256J.57, subdivision 1; 256J.626, subdivision 2; 256J.751, subdivision 2; 256J.95, subdivisions 1, 3, 11, 12, 19; 626.556, subdivision 10i; 626.557, subdivision 9d; proposing coding for new law in Minnesota Statutes, chapters 245A; 245B; repealing Minnesota Statutes 2002, sections 119B.211; 256D.051, subdivision 17; Minnesota Statutes 2003 Supplement, sections 245C.02, subdivision 17; Laws 2000, chapter 489, article 1, section 36; Laws 2003, First Special Session chapter 14, article 3, section 56; Minnesota Rules, parts 9525.1600; 9543.0040, subpart 3; 9543.1000; 9543.1010; 9543.1020; 9543.1030; 9543.1040; 9543.1050; 9543.1060.

The Senate has appointed as such committee:

Senators Kiscaden, Lourey and Solon.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2181, A bill for an act relating to the State Lottery; amending provisions relating to the director; creating a task force and requiring a report; amending Minnesota Statutes 2002, section 349A.02, subdivision 1; repealing Minnesota Statutes 2002, section 349A.02, subdivision 2.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Rest, Ranum and Neville.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Wilkin moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2181. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2368, A bill for an act relating to game and fish; modifying game and migratory waterfowl refuge provisions; providing for suspension of game and fish license and permit privileges under certain circumstances; modifying certain hearing provisions; modifying certain game license provisions; modifying shooting hours for migratory game birds; authorizing a hunting season for mourning doves; requiring reports; modifying deer hunting provisions and fees; modifying restriction on importation of cervidae carcasses; modifying restriction on the transport of game birds; providing for certain trapping by nonresidents; modifying dark house and fish house hours on ice; modifying turtle license requirements; eliminating prohibition on the use of vehicles for trapping beaver and otter; amending Minnesota Statutes 2002, sections 97A.015, subdivisions 24, 52; 97A.085, subdivisions 2, 3, 4; 97A.095, subdivisions 1, 2; 97A.420, subdivision 4; 97A.421, by adding a subdivision; 97A.435, subdivision 4; 97A.465, by adding a subdivision; 97A.475, subdivision 20; 97A.545, subdivision 5; 97B.075; 97B.301, subdivisions 6, 7; 97B.601, subdivision 3, by adding a subdivision; 97B.721; 97C.355, subdivision 7; 97C.605, subdivision 2; Minnesota Statutes 2003 Supplement, sections 97A.475, subdivision 2; 97A.505, subdivision 8; 97C.605, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2002, sections 97B.731, subdivision 2; 97B.935.

PATRICK E. FLAHAVEN, Secretary of the Senate

Hoppe moved that the House refuse to concur in the Senate amendments to H. F. No. 2368, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2368:

Hoppe, Hackbarth and Dill.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2181:

Wilkin, Haas and Carlson.

MOTIONS AND RESOLUTIONS

Dill moved that the names of Ozment and Hackbarth be added as authors on H. F. No. 2986. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, May 11, 2004. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Tuesday, May 11, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

