

STATE OF MINNESOTA

# Journal of the House

EIGHTY-SIXTH SESSION — 2009

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FORTY-THIRD DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 28, 2009

The House of Representatives convened at 11:00 a.m. and was called to order by Gene Pelowski, Jr., Speaker pro tempore.

Prayer was offered by the Reverend Dennis J. Johnson, 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	Dettmer	Haws	Laine	Murphy, M.	Seifert
Anderson, B.	Dill	Hayden	Lanning	Nelson	Sertich
Anderson, P.	Dittrich	Hilstrom	Lenczewski	Newton	Severson
Anderson, S.	Doepke	Hilty	Lesch	Nornes	Shimanski
Anzelc	Doty	Holberg	Liebling	Norton	Simon
Atkins	Downey	Hoppe	Lieder	Obermueller	Slawik
Beard	Drazkowski	Hornstein	Lillie	Olin	Slocum
Benson	Eastlund	Hortman	Loeffler	Otremba	Smith
Bigham	Eken	Hosch	Loon	Paymar	Solberg
Bly	Emmer	Howes	Mack	Pelowski	Sterner
Brod	Falk	Huntley	Magnus	Peppin	Swails
Brown	Faust	Jackson	Mahoney	Persell	Thao
Brynaert	Fritz	Johnson	Mariani	Peterson	Thissen
Buesgens	Gardner	Juhnke	Marquart	Poppe	Tillberry
Bunn	Garofalo	Kahn	Masin	Reinert	Torkelson
Carlson	Gottwalt	Kalin	McFarlane	Rosenthal	Urdahl
Champion	Greiling	Kath	McNamara	Rukavina	Wagenius
Clark	Gunther	Kelly	Morgan	Ruud	Ward
Cornish	Hackbarth	Kiffmeyer	Morrow	Sailer	Welti
Davids	Hamilton	Knuth	Mullery	Sanders	Westrom
Davnie	Hansen	Koenen	Murdock	Scalze	Winkler
Dean	Hausman	Kohls	Murphy, E.	Scott	Zellers

A quorum was present.

Demmer and Kelliher were excused.

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

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**REPORTS OF CHIEF CLERK**

S. F. No. 657 and H. F. No. 680, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Kalin moved that the rules be so far suspended that S. F. No. 657 be substituted for H. F. No. 680 and that the House File be indefinitely postponed. The motion prevailed.

**SECOND READING OF SENATE BILLS**

S. F. No. 657 was read for the second time.

Speaker pro tempore Pelowski called Juhnke to the chair.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Madam 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. 2, A bill for an act relating to education; providing for policy and funding for family, adult, and prekindergarten through grade 12 education including general education, education excellence, special programs, facilities and technology, libraries, nutrition, accounting, self-sufficiency and lifelong learning, state agencies, pupil transportation, school finance system changes, forecast adjustments, and technical corrections; providing for advisory groups; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 6.74; 13.32, by adding a subdivision; 16A.06, subdivision 11; 120A.22, subdivision 7; 120A.40; 120B.02; 120B.021, subdivision 1; 120B.022, subdivision 1; 120B.023, subdivision 2; 120B.11, subdivision 5; 120B.13; 120B.132; 120B.30; 120B.31; 120B.35; 120B.36; 121A.15, subdivision 8; 121A.41, subdivisions 7, 10; 121A.43; 122A.07, subdivisions 2, 3; 122A.18, subdivision 4; 122A.31, subdivision 4; 122A.40, subdivisions 6, 8; 122A.41, subdivisions 3, 5; 122A.413, subdivision 2; 122A.414, subdivisions 2, 2b; 122A.60, subdivisions 1a, 2; 122A.61, subdivision 1; 123A.05; 123A.06; 123A.08; 123B.02, subdivision 21; 123B.03, subdivisions 1, 1a; 123B.10, subdivision 1; 123B.14, subdivision 7; 123B.143, subdivision 1; 123B.36, subdivision 1; 123B.49, subdivision 4; 123B.51, by adding a subdivision; 123B.53, subdivision 5; 123B.57, subdivision 1; 123B.59, subdivisions 2, 3, 3a; 123B.70, subdivision 1; 123B.71, subdivisions 8, 9, 12; 123B.75, subdivision 5; 123B.76, subdivision 3; 123B.77, subdivision 3; 123B.79, subdivision 7; 123B.81, subdivisions 3, 4, 5; 123B.83, subdivision 3; 123B.92, subdivisions 1, 5; 124D.095, subdivisions 2, 3, 4, 7, 10; 124D.10; 124D.11, subdivisions 4, 9; 124D.111, subdivision 3; 124D.128, subdivisions 2, 3; 124D.42, subdivision 6, by adding a subdivision; 124D.4531; 124D.59, subdivision 2; 124D.65, subdivision 5; 124D.68, subdivisions 2, 3, 4, 5; 124D.83, subdivision 4; 124D.86, subdivisions 1, 1a, 1b; 125A.02; 125A.07; 125A.08; 125A.091; 125A.11, subdivision 1; 125A.15; 125A.28; 125A.51; 125A.56; 125A.57, subdivision 2; 125A.62, subdivision 8; 125A.63, subdivisions 2, 4; 125A.76, subdivisions 1, 5; 125A.79,

subdivision 7; 125B.26; 126C.01, by adding subdivisions; 126C.05, subdivisions 1, 2, 3, 5, 6, 8, 15, 16, 17, 20; 126C.10, subdivisions 1, 2, 2a, 3, 4, 6, 13, 14, 18, 24, 34, by adding subdivisions; 126C.13, subdivisions 4, 5; 126C.15, subdivisions 2, 4; 126C.17, subdivisions 1, 5, 6, 9; 126C.20; 126C.40, subdivisions 1, 6; 126C.41, subdivision 2; 126C.44; 127A.08, by adding a subdivision; 127A.441; 127A.45, subdivisions 2, 3, 13, by adding a subdivision; 127A.47, subdivisions 5, 7; 127A.51; 134.31, subdivision 4a, by adding a subdivision; 169.011, subdivision 71; 169.443, subdivision 9; 169.4501, subdivision 1; 169.4503, subdivision 20, by adding a subdivision; 169.454, subdivision 13; 169A.03, subdivision 23; 171.01, subdivision 22; 171.02, subdivisions 2, 2a, 2b; 171.05, subdivision 2; 171.17, subdivision 1; 171.22, subdivision 1; 171.321, subdivisions 1, 4, 5; 181A.05, subdivision 1; 275.065, subdivisions 3, 6; 299A.297; 471.975; 475.58, subdivision 1; Laws 2007, chapter 146, article 1, section 24, subdivision 6, as amended; article 2, section 46, subdivision 6, as amended; article 3, section 24, subdivision 4, as amended; article 4, section 16, subdivisions 2, as amended, 6, as amended; article 5, section 13, subdivisions 2, as amended, 3, as amended; article 9, section 17, subdivisions 2, as amended, 13, as amended; Laws 2008, chapter 363, article 2, section 46, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120B; 123B; 125A; 126C; 127A; repealing Minnesota Statutes 2008, sections 120B.362; 120B.39; 121A.27; 121A.66; 121A.67, subdivision 1; 122A.628; 122A.75; 123B.54; 123B.57, subdivisions 3, 4, 5; 123B.591; 124D.091; 125A.03; 125A.05; 125A.18; 125A.76, subdivision 4; 125A.79, subdivision 6; 126C.10, subdivisions 2b, 13a, 13b, 24, 25, 26, 27, 28, 29, 30, 31, 31a, 31b, 32, 33, 34, 35, 36; 126C.12; 126C.126; 127A.50; 275.065, subdivisions 5a, 6b, 6c, 8, 9, 10; Minnesota Rules, parts 3525.0210, subparts 5, 6, 9, 13, 17, 29, 30, 34, 43, 46, 47; 3525.0400; 3525.1100, subpart 2, item F; 3525.2445; 3525.2900, subpart 5; 3525.4220.

The Senate has appointed as such committee:

Senators Stumpf; Olson, G.; Saltzman; Wiger and Dahle.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam 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. 936, A bill for an act relating to human services; specifying criteria for communities for a lifetime; requiring the Minnesota Board on Aging to study and report on communities for a lifetime; amending Minnesota Statutes 2008, section 256.975, by adding a subdivision.

The Senate has appointed as such committee:

Senators Sheran, Senjem and Erickson Ropes.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam 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. 1309, A bill for an act relating to transportation finance; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers and tort claims; authorizing an account and certain contingent appropriations; modifying previous appropriations provisions; modifying various provisions related to transportation finance and policy; modifying provisions related to speed limits, fracture-critical bridges, transit, passenger rail, motor vehicle lease sales tax revenue allocations, transit services, and the Buffalo Ridge Regional Rail Authority; requiring reports; amending Minnesota Statutes 2008, sections 16A.152, subdivision 2; 161.081, by adding a subdivision; 161.36, subdivision 7, as added; 162.12, subdivision 2; 169.14, by adding a subdivision; 174.24, subdivision 1a, by adding a subdivision; 174.50, by adding a subdivision; 297A.815, subdivision 3; 473.408, by adding a subdivision; Laws 2007, chapter 143, article 1, section 3, subdivision 2, as amended; Laws 2008, chapter 152, article 1, section 5; proposing coding for new law in Minnesota Statutes, chapters 161; 174.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Hornstein moved that the House refuse to concur in the Senate amendments to H. F. No. 1309, that the Speaker appoint a Conference Committee of 5 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.

Madam 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. 334, A bill for an act relating to creditor remedies; modifying garnishment instructions, forms, procedures, and exemptions; amending Minnesota Statutes 2008, sections 550.143; 550.37, subdivision 14; 551.05; 571.71; 571.72, by adding a subdivision; 571.913; 571.914; 571.925.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Hilstrom moved that the House concur in the Senate amendments to H. F. No. 334 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 334, A bill for an act relating to creditor remedies; modifying garnishment instructions, forms, procedures, and exemptions; amending Minnesota Statutes 2008, sections 550.143; 550.37, subdivision 14; 551.05; 571.71; 571.72, by adding subdivisions; 571.911; 571.912; 571.913; 571.914; 571.925.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Beard	Bly	Brynaert	Carlson
Anderson, B.	Anzelc	Benson	Brod	Buesgens	Champion
Anderson, P.	Atkins	Bigham	Brown	Bunn	Clark

Cornish	Gottwalt	Johnson	Mack	Olin	Shimanski
Davids	Greiling	Juhnke	Magnus	Otremba	Simon
Davnie	Gunther	Kahn	Mahoney	Paymar	Slawik
Dean	Hackbarth	Kalin	Mariani	Pelowski	Slocum
Dettmer	Hamilton	Kath	Marquart	Peppin	Smith
Dill	Hansen	Kelly	Masin	Persell	Solberg
Dittrich	Hausman	Kiffmeyer	McFarlane	Peterson	Sterner
Doepke	Haws	Knuth	McNamara	Poppe	Swails
Doty	Hayden	Koenen	Morgan	Reinert	Thao
Downey	Hilstrom	Kohls	Morrow	Rosenthal	Thissen
Drazkowski	Hilty	Laine	Mullery	Rukavina	Tillberry
Eastlund	Holberg	Lanning	Murdock	Ruud	Torkelson
Eken	Hoppe	Lenczewski	Murphy, E.	Sailer	Urdahl
Emmer	Hornstein	Lesch	Murphy, M.	Sanders	Wagenius
Falk	Hortman	Liebling	Nelson	Scalze	Ward
Faust	Hosch	Lieder	Newton	Scott	Welti
Fritz	Howes	Lillie	Nornes	Seifert	Westrom
Gardner	Huntley	Loeffler	Norton	Sertich	Winkler
Garofalo	Jackson	Loon	Obermueller	Severson	Zellers

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

Madam 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. 801, A bill for an act relating to state government; modifying laws regarding state reports and documents; amending Minnesota Statutes 2008, sections 3.195, subdivisions 1, 3; 3.302, subdivision 3; 6.72, subdivision 1; 11A.17, subdivision 11; 16A.27, subdivision 2; 214.07, subdivision 2.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Pelowski moved that the House concur in the Senate amendments to H. F. No. 801 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 801, A bill for an act relating to state government; modifying laws regarding state reports and documents; amending Minnesota Statutes 2008, sections 3.195, subdivisions 1, 3; 3.302, subdivision 3; 6.72, subdivision 1; 11A.17, subdivision 11; 16A.27, subdivision 2; 214.07, subdivision 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 121 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeler	Anzelc	Benson	Brod	Bunn	Clark
Anderson, P.	Atkins	Bigham	Brown	Carlson	Cornish
Anderson, S.	Beard	Bly	Brynaert	Champion	Davids

Davnie	Hansen	Kiffmeyer	McFarlane	Peterson	Solberg
Dill	Hausman	Knuth	McNamara	Poppe	Sterner
Dittrich	Haws	Koenen	Morgan	Reinert	Swails
Doepke	Hayden	Laine	Morrow	Rosenthal	Thao
Doty	Hilstrom	Lanning	Mullery	Rukavina	Thissen
Downey	Hilty	Lenczewski	Murdock	Ruud	Tillberry
Drazkowski	Hornstein	Lesch	Murphy, E.	Sailer	Torkelson
Eastlund	Hortman	Liebling	Murphy, M.	Sanders	Urdahl
Eken	Hosch	Lieder	Nelson	Scalze	Wagenius
Falk	Howes	Lillie	Newton	Scott	Ward
Faust	Huntley	Loeffler	Nornes	Seifert	Welti
Fritz	Jackson	Loon	Norton	Sertich	Westrom
Gardner	Johnson	Mack	Obermueller	Severson	Winkler
Garofalo	Juhnke	Magnus	Olin	Shimanski	
Gottwalt	Kahn	Mahoney	Otremba	Simon	
Greiling	Kalin	Mariani	Paymar	Slawik	
Gunther	Kath	Marquart	Pelowski	Slocum	
Hamilton	Kelly	Masin	Persell	Smith	

Those who voted in the negative were:

Anderson, B.	Dean	Emmer	Holberg	Kohls	Zellers
Buesgens	Dettmer	Hackbarth	Hoppe	Peppin	

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

Madam 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. 878, A bill for an act relating to transportation; adding provision governing relocation of highway centerline; modifying provisions relating to county state-aid highways and municipal state-aid streets; regulating placement of advertising devices; providing procedures for plats of lands abutting state rail bank property; amending Minnesota Statutes 2008, sections 161.16, by adding a subdivision; 162.06, subdivision 5; 162.07, subdivision 2; 162.09, subdivision 4; 162.13, subdivision 2; 173.02, by adding subdivisions; 173.16, subdivision 4; 505.03, subdivision 2.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Hortman moved that the House refuse to concur in the Senate amendments to H. F. No. 878, 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.

Madam Speaker:

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

S. F. Nos. 122, 474, 545, 707, 1408, 412, 532, 537, 1810, 1876, 484, 666, 713, 1117, 1431, 729, 1033, 1096, 1794 and 1910.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 122, A bill for an act relating to pet animals; requiring a notice for retail sales of unprocessed cocoa bean shell mulch; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the first time.

Hornstein moved that S. F. No. 122 and H. F. No. 1306, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 474, A bill for an act relating to consumer protection; prohibiting retail sales of toys that have been recalled for safety reasons; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time.

Sanders moved that S. F. No. 474 and H. F. No. 166, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 545, A bill for an act relating to health occupations; authorizing licensed doctoral-level psychologists to provide a final determination not to certify; adding a member appointed by the Minnesota Psychological Association to the Health Care Reform Review Council; amending Minnesota Statutes 2008, sections 62M.09, subdivision 3a; 62U.09, subdivision 2; 148.89, subdivision 5.

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

S. F. No. 707, A bill for an act relating to public safety; allowing emergency 911 systems to include referral to mental health crisis teams; amending Minnesota Statutes 2008, section 403.03.

The bill was read for the first time.

Mullery moved that S. F. No. 707 and H. F. No. 448, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1408, A bill for an act relating to public safety; securing aircraft cockpits against lasers; proposing coding for new law in Minnesota Statutes, chapter 609.

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

S. F. No. 412, A bill for an act relating to probate; enacting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; proposing coding for new law in Minnesota Statutes, chapter 524.

The bill was read for the first time.

Jackson moved that S. F. No. 412 and H. F. No. 632, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 532, A bill for an act relating to rulemaking; authorizing notice by electronic mail; amending Minnesota Statutes 2008, sections 14.07, subdivision 6; 14.14, subdivision 1a; 14.22, subdivision 1; 14.389, subdivision 2; 14.3895, subdivision 3.

The bill was read for the first time.

Pelowski moved that S. F. No. 532 and H. F. No. 1857, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 537, A bill for an act relating to higher education; requiring postsecondary institutions to notify prospective students of the potential effects of a criminal conviction on future employment; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Higher Education and Workforce Development Finance and Policy Division.

S. F. No. 1810, A bill for an act relating to property; enacting the Uniform Disclaimer of Property Interests Act; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 2008, sections 501B.86; 525.532.

The bill was read for the first time.

Hortman moved that S. F. No. 1810 and H. F. No. 2082, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1876, A bill for an act relating to transportation; modifying and updating provisions relating to motor carriers, highways, and the Department of Transportation; making clarifying and technical changes; amending Minnesota Statutes 2008, sections 168.013, subdivision 1e; 168.185; 169.025; 169.801, subdivision 10; 169.823, subdivision 1; 169.824; 169.8261; 169.827; 169.85, subdivision 2; 169.862, subdivision 2; 169.864, subdivisions 1, 2; 169.865, subdivisions 1, 2, 3, 4; 169.866, subdivision 1; 169.87, subdivision 2, by adding a subdivision; 174.64, subdivision 4; 174.66; 221.012, subdivisions 19, 29; 221.021, subdivision 1; 221.022; 221.025; 221.026, subdivisions 2, 5; 221.0269, subdivision 3; 221.031, subdivisions 1, 3, 3c, 6; 221.0314, subdivisions 2, 3a, 9; 221.033, subdivisions 1, 2; 221.121, subdivisions 1, 7; 221.122, subdivision 1; 221.123; 221.132; 221.151, subdivision 1; 221.161, subdivisions 1, 4; 221.171; 221.172, subdivision 3; 221.185, subdivisions 2, 4, 5a, 9; 221.605, subdivision 1; 221.68; 221.81, subdivision 3d; repealing Minnesota Statutes 2008, sections 169.67, subdivision 6; 169.826, subdivisions 1b, 5; 169.832, subdivisions 11, 11a; 221.012, subdivisions 2, 3, 6, 7, 11, 12, 21, 23, 24, 30, 32, 39, 40, 41; 221.031, subdivision 2b; 221.072; 221.101; 221.111; 221.121, subdivisions 2, 3, 5, 6, 6a, 6c, 6d, 6e, 6f; 221.131, subdivision 2a; 221.141, subdivision 6; 221.151, subdivisions 2, 3; 221.153; 221.172, subdivisions 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8.

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

S. F. No. 484, A bill for an act relating to agriculture; changing duties of the Food Safety and Defense Task Force; changing membership and procedures of the Minnesota Organic Advisory Task Force; eliminating language requiring two annual reports; amending Minnesota Statutes 2008, sections 28A.21, subdivision 5; 31.94.

The bill was read for the first time.

Faust moved that S. F. No. 484 and H. F. No. 710, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.



S. F. No. 666, A bill for an act relating to human services; modifying provisions related to children aging out of foster care; amending Minnesota Statutes 2008, section 260C.212, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 260C.

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

S. F. No. 713, A bill for an act relating to state government; establishing a state employee suggestion system for making state government less costly or more efficient; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

S. F. No. 1117, A bill for an act relating to the legislature; modifying the definition of a legislative day; amending Minnesota Statutes 2008, section 3.012.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 1431, A bill for an act relating to employment; regulating the deduction from wages of unreimbursed expenses; amending Minnesota Statutes 2008, section 177.24, subdivisions 4, 5.

The bill was read for the first time.

Davnie moved that S. F. No. 1431 and H. F. No. 1685, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 729, A bill for an act relating to Hennepin County; modifying personnel rules and procedures; amending Minnesota Statutes 2008, sections 383B.27, subdivision 16; 383B.29, subdivision 2; 383B.31.

The bill was read for the first time.

Zellers moved that S. F. No. 729 and H. F. No. 940, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1033, A bill for an act relating to housing; modifying municipality rent control provisions; amending Minnesota Statutes 2008, section 471.9996, subdivision 1.

The bill was read for the first time.

Mariani moved that S. F. No. 1033 and H. F. No. 1670, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1096, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to laws and statutes; amending Minnesota Statutes 2008, sections 2.031, subdivision 2; 3.7393, subdivision 10; 6.67; 13.202, subdivision 3; 13.4967, by adding subdivisions; 13.681, by adding a subdivision; 13.871, subdivision 6; 16A.152, subdivision 2; 16A.19, subdivision 1; 16B.284; 16B.85, subdivision 1; 17.4986,

subdivision 2; 58.05, subdivision 3; 62S.01, subdivision 24; 62S.292, subdivision 4; 66A.07, subdivision 4; 116V.01, subdivision 3; 122A.31, subdivision 1; 125A.63, subdivision 5; 128B.03, subdivision 7; 144.6501, subdivision 6; 144.966, subdivision 2; 148.01, subdivision 1a; 148.71, subdivision 2; 148.725, subdivision 5; 148C.11, subdivision 3; 160.80, subdivision 1a; 161.125, subdivision 1; 168.09, subdivision 3; 168.27, subdivision 1; 169.18, subdivision 5; 181.985, subdivision 1; 201.081; 206.82, subdivision 2; 216B.241, subdivision 9; 216C.19, subdivision 17; 216H.07, subdivision 1; 221.84, subdivision 4; 243.166, subdivisions 1b, 6, 9; 244.052, subdivision 3a; 244.18, subdivision 1; 245.8261, subdivisions 3, 6, 7; 253B.08, subdivision 1; 256B.0571, subdivision 8; 260.105; 260C.446; 270.45; 270.47; 270.80, subdivision 1; 273.05, subdivision 1; 273.061, subdivision 2; 275.065, subdivision 6c; 289A.08, subdivision 16; 289A.40, subdivision 6; 298.34, subdivision 2; 309.745; 325E.317, subdivision 5; 326B.082, subdivision 8; 326B.121, subdivision 3; 327B.041; 336.10-105; 347.542, subdivision 1; 349.31, subdivision 1; 352.017, subdivision 1; 357.18, subdivision 1; 360.0426, subdivision 5; 365A.08, subdivision 2; 401.025, subdivision 3; 414.02, subdivision 4; 423A.01, subdivision 2; 473.167, subdivision 2; 473.384, subdivision 6; 473.388, subdivision 2; 507.24, subdivision 2; 508.82, subdivision 1; 508A.82, subdivision 1; 524.3-303; 524.3-308; 524.8-103; 541.023, subdivision 6; 600.24; 609.75, subdivision 1; 609.76, subdivision 1; 609.762, subdivision 1; 624.731, subdivision 3; 626.556, subdivision 2; Laws 2001, First Special Session chapter 5, article 3, section 50; Laws 2008, chapter 344, section 56; repealing Laws 2003, chapter 26; Laws 2005, chapter 152, article 1, section 18; Laws 2005, chapter 163, section 2; Laws 2006, chapter 260, article 5, section 11; Laws 2008, chapter 204, section 41; Laws 2008, chapter 281, sections 6; 12; Laws 2008, chapter 287, article 1, section 21; Laws 2008, chapter 366, article 9, section 7; article 12, section 2.

The bill was read for the first time.

Jackson moved that S. F. No. 1096 and H. F. No. 1171, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1794, A bill for an act relating to veterans; clarifying the circumstances under which pay differential applies for deployed National Guard and reserve members who are teachers; amending Minnesota Statutes 2008, section 471.975.

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

S. F. No. 1910, A bill for an act relating to commerce; providing for the licensing and regulation of certain persons; establishing prelicense and continuing education requirements; amending Minnesota Statutes 2008, sections 45.22; 45.23; 60K.31, by adding a subdivision; 60K.36, subdivision 4, by adding a subdivision; 60K.37, by adding a subdivision; 60K.55, subdivision 2; 60K.56; 72B.02, subdivisions 2, 5, 6, 11, by adding subdivisions; 72B.03; 72B.05; 72B.06; 72B.08, subdivisions 1, 2, 4; 72B.135, subdivisions 1, 2, 3; 82.32; 82B.05, subdivision 1; 82B.08, by adding subdivisions; 82B.09, by adding a subdivision; 82B.10; 82B.13, subdivisions 4, 5, 6; 82B.19, subdivisions 1, 2; 82B.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 45; 60K; 72B; 82; 82B; repealing Minnesota Statutes 2008, sections 72B.02, subdivision 12; 72B.04; 82B.02; Minnesota Rules, parts 2808.0100; 2808.1000; 2808.1100; 2808.1200; 2808.1300; 2808.1400; 2808.1500; 2808.1600; 2808.1700; 2808.2000; 2808.2100; 2808.6000; 2808.7000; 2808.7100; 2809.0010; 2809.0020; 2809.0030; 2809.0040; 2809.0050; 2809.0060; 2809.0070; 2809.0080; 2809.0090; 2809.0100; 2809.0110; 2809.0120; 2809.0130; 2809.0140; 2809.0150; 2809.0160; 2809.0170; 2809.0180; 2809.0190; 2809.0200; 2809.0210; 2809.0220.

The bill was read for the first time.

Zellers moved that S. F. No. 1910 and H. F. No. 2099, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

## FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 2251.

H. F. No. 2251, A bill for an act relating to state government finance; providing federal stimulus oversight funding for certain state agencies; establishing a fiscal stabilization account; appropriating money.

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 119 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Holberg	Lesch	Nelson	Sertich
Anderson, P.	Doepke	Hoppe	Liebling	Newton	Severson
Anderson, S.	Doty	Hornstein	Lieder	Nornes	Simon
Anzelc	Downey	Hortman	Lillie	Norton	Slawik
Atkins	Eken	Hosch	Loeffler	Obermueller	Slocum
Beard	Falk	Howes	Loon	Olin	Smith
Benson	Faust	Huntley	Mack	Otremba	Solberg
Bigham	Fritz	Jackson	Magnus	Paymar	Sterner
Bly	Gardner	Johnson	Mahoney	Pelowski	Swails
Brown	Garofalo	Juhnke	Mariani	Persell	Thao
Brynaert	Gottwalt	Kahn	Marquart	Peterson	Thissen
Bunn	Greiling	Kalin	Masin	Poppe	Tillberry
Carlson	Gunther	Kath	McFarlane	Reinert	Torkelson
Champion	Hamilton	Kelly	McNamara	Rosenthal	Urdahl
Clark	Hansen	Kiffmeyer	Morgan	Rukavina	Wagenius
Cornish	Hausman	Knuth	Morrow	Ruud	Ward
Davids	Haws	Koenen	Mullery	Sailer	Welti
Davnie	Hayden	Laine	Murdock	Sanders	Winkler
Demmer	Hilstrom	Lanning	Murphy, E.	Scalze	Spk. Kelliher
Dill	Hilty	Lenczewski	Murphy, M.	Scott	

Those who voted in the negative were:

Anderson, B.	Dean	Eastlund	Kohls	Shimanski
Brod	Dettmer	Emmer	Peppin	Westrom
Buesgens	Drazkowski	Hackbarth	Seifert	Zellers

The bill was passed and its title agreed to.

### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich 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 Tuesday, April 28, 2009:

S. F. No. 1711; H. F. No. 1476; S. F. No. 684; H. F. Nos. 1056, 988, 265, 326, 535 and 1760; S. F. Nos. 245, 550, 1091 and 640; and H. F. No. 940.

**CALENDAR FOR THE DAY**

Juhnke called Thissen to the chair.

H. F. No. 928 was reported to the House.

Juhnke moved to amend H. F. No. 928, the third engrossment, as follows:

Page 2, after line 16, insert:

"Sec. 3. Minnesota Statutes 2008, section 169.71, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions generally; exceptions.** (a) A person shall not drive or operate any motor vehicle with:

(1) a windshield cracked or discolored to an extent to limit or obstruct proper vision;

(2) any objects suspended between the driver and the windshield, other than:

(i) sun visors and;

(ii) rearview mirrors;

(iii) global positioning systems or navigation systems when mounted or located near the bottommost portion of the windshield; and

(iv) electronic toll collection devices; or

(3) any sign, poster, or other nontransparent material upon the front windshield, sidewings, or side or rear windows of the vehicle, other than a certificate or other paper required to be so displayed by law or authorized by the state director of the Division of Emergency Management or the commissioner of public safety.

(b) Paragraph (a), clauses (2) and (3), do not apply to law enforcement vehicles.

(c) Paragraph (a), clause (2), does not apply to authorized emergency vehicles."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Sailer moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 2008, section 161.14, subdivision 62, as added by Laws 2009, chapter 18, section 1, is amended to read:

Subd. 62. **Clearwater County Veterans Memorial Highway.** (a) The following described route is designated the "Clearwater County Veterans Memorial Highway": that portion of Legislative Route No. 168, marked on the effective date of this section as Trunk Highway 200, from its intersection with Clearwater County State-Aid Highway ~~37~~ 39 to its intersection with Legislative Route No. 169, marked on the effective date of this section as Trunk Highway 92; and that portion of Route No. 169 to its intersection with Clearwater County State-Aid Highway 5.

(b) The commissioner shall adopt a suitable marking design to mark this highway and erect appropriate signs, subject to section 161.139."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Garofalo moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 4, after line 29, insert:

"Sec. 7. **SPEED LIMIT ON INTERSTATE HIGHWAY 35E.**

The commissioner of transportation shall raise the speed limit along marked Interstate Highway 35E to 55 miles per hour in the city of St. Paul, from the interchange with marked Trunk Highway 5 to the interchange with marked Interstate Highway 494."

A roll call was requested and properly seconded.

The question was taken on the Garofalo amendment and the roll was called. There were 62 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gunther	Lanning	Otremba	Solberg
Anderson, B.	Dettmer	Hackbarth	Lillie	Pelowski	Swails
Anderson, P.	Dill	Hamilton	Loon	Peppin	Torkelson
Anderson, S.	Doepke	Holberg	Mack	Poppe	Urdahl
Anzelc	Drazkowski	Howes	Magnus	Reinert	Westrom
Atkins	Eastlund	Kalin	McFarlane	Sanders	Winkler
Beard	Emmer	Kath	McNamara	Scott	Zellers
Brod	Falk	Kelly	Morgan	Seifert	
Buesgens	Fritz	Kiffmeyer	Murdock	Severson	
Davids	Garofalo	Koenen	Nornes	Shimanski	
Dean	Gottwalt	Kohls	Obermueller	Smith	

Those who voted in the negative were:

Benson	Brown	Carlson	Cornish	Doty	Faust
Bigham	Brynaert	Champion	Davnie	Downey	Gardner
Bly	Bunn	Clark	Dittrich	Eken	Greiling

Hansen	Hosch	Lesch	Mullery	Peterson	Slocum
Hausman	Huntley	Liebling	Murphy, E.	Rosenthal	Sterner
Haws	Jackson	Lieder	Murphy, M.	Rukavina	Thao
Hayden	Johnson	Loeffler	Nelson	Ruud	Thissen
Hilstrom	Juhnke	Mahoney	Newton	Sailer	Tillberry
Hilty	Kahn	Mariani	Norton	Scalze	Wagenius
Hoppe	Knuth	Marquart	Olin	Sertich	Ward
Hornstein	Laine	Masin	Paymar	Simon	Welti
Hortman	Lenczewski	Morrow	Persell	Slawik	Spk. Kelliher

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

Holberg moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 4, after line 29, insert:

"Sec. 7. Laws 2008, chapter 287, article 1, section 122, is amended to read:

**Sec. 122. NULLIFICATION OF EXPEDITED TOWN ROAD EXTINGUISHMENT.**

(a) Any extinguishment of town interest in a town road under Minnesota Statutes, section 164.06, subdivision 2, is hereby nullified if:

(1) the interest was not recorded or filed with the county recorder but was recorded or filed with the county auditor prior to 1972;

(2) the state or a political subdivision has constructed or funded a road or bridge improvement on a right-of-way affected by the interest;

(3) the affected road was the only means of access to a property;

(4) the extinguishment took place within the last ten years; and

(5) a person whose only access to property was lost because of the extinguishment files a petition of a nullification with the town board stating that the person's property became landlocked because of the extinguishment and that the road satisfies all of the requirements of paragraph (a), clauses (1) to (4). A copy of the road order found filed or recorded with the county auditor must be attached to the petition. The town shall file the petition with the county auditor and record it with the county recorder.

(b) Notwithstanding Minnesota Statutes, sections 164.08, subdivision 1, and 541.023, for any nullification under paragraph (a), the affected road is hereby deemed to be a cartway. No additional damages or other payments may be required other than those paid at the time the fee interest was originally acquired and the order filed with the county auditor. A cartway created by this paragraph may be converted to a private driveway under Minnesota Statutes, section 164.08, subdivision 2.

(c) For purposes of this section, "affected road" means the road in which the town board extinguished its interest.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Eken moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision to read:

Subd. 62. **Veterans Memorial Highway.** Legislative Route No. 31, signed as Trunk Highway 200 as of the effective date of this section, from the border with North Dakota to the city of Mahnomen, is designated as the "Veterans Memorial Highway." The commissioner shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 3. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision to read:

Subd. 63. **Becker County Veterans Memorial Highway.** Marked Trunk Highway 34, from its intersection with Washington Avenue in Detroit Lakes to its intersection with County State-Aid Highway 39; and marked Trunk Highway 87, from its intersection with County State-Aid Highway 33 to its intersection with County State-Aid Highway 39, is named and designated the "Becker County Veterans Memorial Highway." Subject to section 161.139, the commissioner shall adopt a suitable marking design to mark this highway and erect appropriate signs."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hornstein moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 2, after line 33, insert:

"Sec. 5. **[174.632] PASSENGER RAIL; COMMISSIONER'S DUTIES.**

If the commissioner undertakes planning, design, construction, operation, or maintenance of passenger rail the commissioner shall preserve all railroad employee rights under the Railway Labor Act, Federal Employers Liability Act, and Railroad Retirement and Unemployment Insurance Act, and federal railroad safety, occupational safety, and health laws.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

## POINT OF ORDER

Seifert raised a point of order pursuant to rule 3.21 that the Hornstein amendment was not in order. Speaker pro tempore Thissen ruled the point of order not well taken and the Hornstein amendment in order.

The question recurred on the Hornstein amendment and the roll was called. There were 89 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Hosch	Lillie	Olin	Slawik
Anzelc	Eken	Howes	Loeffler	Otremba	Slocum
Atkins	Falk	Huntley	Mahoney	Paymar	Smith
Benson	Faust	Jackson	Mariani	Pelowski	Solberg
Bigham	Fritz	Johnson	Marquart	Persell	Sterner
Bly	Gardner	Juhnke	Masin	Peterson	Swails
Brown	Greiling	Kahn	McNamara	Poppe	Thao
Brynaert	Hansen	Kalin	Morgan	Reinert	Thissen
Bunn	Hausman	Kath	Morrow	Rosenthal	Tillberry
Carlson	Haws	Knuth	Murphy, E.	Rukavina	Wagenius
Champion	Hayden	Koenen	Murphy, M.	Ruud	Ward
Clark	Hilstrom	Laine	Nelson	Sailer	Welti
Davnie	Hilty	Lenczewski	Newton	Scalze	Winkler
Dill	Hornstein	Lesch	Norton	Sertich	Spk. Kelliher
Dittrich	Hortman	Liebling	Obermueller	Simon	

Those who voted in the negative were:

Anderson, B.	Dean	Garofalo	Kiffmeyer	Murdock	Torkelson
Anderson, P.	Demmer	Gottwalt	Kohls	Nornes	Urdahl
Anderson, S.	Dettmer	Gunther	Lanning	Peppin	Westrom
Beard	Doepke	Hackbarth	Loon	Sanders	Zellers
Brod	Downey	Hamilton	Mack	Scott	
Buesgens	Drazkowski	Holberg	Magnus	Seifert	
Cornish	Eastlund	Hoppe	McFarlane	Severson	
Davids	Emmer	Kelly	Mullery	Shimanski	

The motion prevailed and the amendment was adopted.

Dettmer moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 2, after line 16, insert:

"Sec. 3. Minnesota Statutes 2008, section 169.306, is amended to read:

**169.306 USE OF SHOULDERS BY BUSES.**

(a) The commissioner of transportation ~~may~~ is authorized to permit the use by transit buses and Metro Mobility buses of a shoulder, as designated by the commissioner, of a freeway or expressway, as defined in section 160.02, ~~in the seven-county metropolitan area in Minnesota.~~

(b) If the commissioner permits the use of a freeway or expressway shoulder by transit buses, the commissioner shall ~~also~~ permit the use on that shoulder of a bus (1) with a seating capacity of 40 passengers or more operated by a motor carrier of passengers, as defined in section 221.012, subdivision 26, while operating in intrastate commerce or



(2) providing regular route transit service, as defined in section 174.22, subdivision 8, or Metro Mobility services, and operated by or under contract with the Metropolitan Council, a local transit authority, or a transit authority created by the legislature. Drivers of these buses must have adequate training in the requirements of paragraph (c), as determined by the commissioner.

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

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

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

(2) authorized by the ~~council~~ commissioner to use freeway or expressway shoulders.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Zellers moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 4, after line 29, insert:

"Sec. 7. **REPEALER.**

Minnesota Statutes 2008, section 169.20, subdivision 7, is repealed."

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 Zellers amendment and the roll was called. There were 46 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Beard	Cornish	Demmer	Downey	Garofalo
Anderson, P.	Brod	Davids	Dettmer	Drazkowski	Gottwalt
Anderson, S.	Buesgens	Dean	Doepke	Emmer	Gunther

Hackbarth	Kelly	Mack	Nornes	Seifert	Urdahl
Hamilton	Kiffmeyer	Magnus	Otremba	Severson	Westrom
Holberg	Kohls	McFarlane	Peppin	Shimanski	Zellers
Hoppe	Lanning	McNamara	Sanders	Smith	
Howes	Loon	Murdock	Scott	Torkelson	

Those who voted in the negative were:

Abeler	Doty	Hortman	Lieder	Obermueller	Slawik
Anzelc	Eastlund	Hosch	Lillie	Olin	Slocum
Atkins	Eken	Huntley	Loeffler	Paymar	Solberg
Benson	Falk	Jackson	Mahoney	Pelowski	Sterner
Bigham	Faust	Johnson	Mariani	Persell	Swails
Bly	Fritz	Juhnke	Marquart	Peterson	Thao
Brown	Gardner	Kahn	Masin	Poppe	Thissen
Brynaert	Greiling	Kalin	Morgan	Reinert	Tillberry
Bunn	Hansen	Kath	Morrow	Rosenthal	Wagenius
Carlson	Hausman	Knuth	Mullery	Rukavina	Ward
Champion	Haws	Koenen	Murphy, E.	Ruud	Welti
Clark	Hayden	Laine	Murphy, M.	Sailer	Winkler
Davnie	Hilstrom	Lenczewski	Nelson	Scalze	Spk. Kelliher
Dill	Hilty	Lesch	Newton	Sertich	
Dittrich	Hornstein	Liebling	Norton	Simon	

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

Hoppe moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 2, after line 16, insert:

"Sec. 3. **[161.369] CLOTHING PROCUREMENT.**

(a) For purposes of this section, "clothing" includes official garments, uniforms, protective clothing, and related equipment worn by an individual for safety reasons.

(b) The commissioner shall establish in the selection of clothing vendors a preference for companies that are headquartered in Minnesota. The commissioner shall ensure that all contracts for trunk highway construction, reconstruction, or maintenance made under this chapter contain the preference as provided in this section."

Page 4, after line 29, insert:

"Sec. 7. Minnesota Statutes 2008, section 473.375, is amended by adding a subdivision to read:

Subd. 19. **Clothing procurement.** (a) For purposes of this section, "clothing" has the meaning given in section 161.369.

(b) The council shall establish in the selection of clothing vendors a preference for companies that are headquartered in Minnesota. The council shall ensure that all contracts for transit related construction projects made under this chapter contain the preference as provided in this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Sailer, Cornish, Dill, Nornes, Olin, Juhnke, Koenen, Westrom, Hamilton, Welti, Kath, Otremba and Murdock moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 2008, section 169.011, is amended by adding a subdivision to read:

Subd. 40a. **Mini truck.** (a) "Mini truck" means a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements.

(b) A mini truck does not include:

(1) a neighborhood electric vehicle or a medium-speed electric vehicle; or

(2) a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

Sec. 3. Minnesota Statutes 2008, section 169.045, is amended to read:

#### **169.045 SPECIAL VEHICLE USE ON ROADWAY.**

Subdivision 1. **Designation of roadway, permit.** The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, ~~or~~ four-wheel all-terrain vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart ~~or~~ four-wheel all-terrain vehicle, or mini truck is by permit only. For purposes of this section, a four-wheel all-terrain vehicle is a motorized flotation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds, and a mini truck has the meaning given in section 169.011, subdivision 40a.

Subd. 2. **Ordinance.** The ordinance shall designate the roadways, prescribe the form of the application for the permit, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5 and may prescribe conditions, not inconsistent with the provisions of this section, under which a permit may be granted. Permits may be granted for a period of not to exceed one year, and may be annually renewed. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized golf cart ~~or~~ four-wheel all-terrain vehicle, or mini truck on the designated roadways. The ordinance may require, as a condition to obtaining a permit, that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart ~~or~~ four-wheel all-terrain vehicle, or mini truck on the roadways designated.

Subd. 3. **Times of operation.** Motorized golf carts and four-wheel all-terrain vehicles may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Subd. 4. **Slow-moving vehicle emblem.** Motorized golf carts shall display the slow-moving vehicle emblem provided for in section 169.522, when operated on designated roadways.

Subd. 5. **Crossing intersecting highways.** The operator, under permit, of a motorized golf cart ~~or~~ four-wheel all-terrain vehicle, or mini truck may cross any street or highway intersecting a designated roadway.

Subd. 6. **Application of traffic laws.** Every person operating a motorized golf cart ~~or~~ four-wheel all-terrain vehicle, or mini truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to motorized golf carts ~~or~~ four-wheel all-terrain vehicles, or mini trucks and except as otherwise specifically provided in subdivision 7.

Subd. 7. **Nonapplication of certain laws.** The provisions of chapter 171 are applicable to persons operating mini trucks, but are not applicable to persons operating motorized golf carts or four-wheel all-terrain vehicles under permit on designated roadways pursuant to this section. Except for the requirements of section 169.70, the provisions of this chapter relating to equipment on vehicles ~~is~~ are not applicable to motorized golf carts or four-wheel all-terrain vehicles operating, under permit, on designated roadways.

Subd. 8. **Insurance.** In the event persons operating a motorized golf cart ~~or~~ four-wheel, all-terrain vehicle, or mini truck under this section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage, from the Minnesota Automobile ~~Assigned Risk~~ Insurance Plan under sections 65B.01 to 65B.12 at a rate to be determined by the commissioner of commerce.

Sec. 4. Minnesota Statutes 2008, section 169.045, is amended by adding a subdivision to read:

Subd. 7a. **Required equipment on mini trucks.** Notwithstanding sections 169.48 to 169.68, or any other law, a mini truck may be operated under permit on designated roadways if it is equipped with:

(1) at least two headlamps;

(2) at least two taillamps;

(3) front and rear turn-signal lamps;

(4) an exterior mirror mounted on the driver's side of the vehicle and either (i) an exterior mirror mounted on the passenger's side of the vehicle or (ii) an interior mirror;

(5) a windshield;

(6) a seat belt for the driver and front passenger; and

(7) a parking brake."

Page 4, after line 29, insert:

"Sec. 7. **EFFECTIVE DATE.**

Sections 2 to 4 are effective August 1, 2009, and expire on July 31, 2012."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Welti, Demmer, Davids, Fritz, Knuth, Liebling and Kath moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 3, after line 26, insert:

"Sec. 6. **[299C.563] LIFESAVER PROGRAM.**

**Subdivision 1. Program assistance.** The commissioner of public safety shall assist local law enforcement agencies with the development and implementation of lifesaver rapid response programs designed to quickly find individuals with medical conditions that cause wandering and result in many of these individuals becoming lost and missing. The search and rescue program must electronically track a lost or missing vulnerable senior citizen or an individual who is mentally impaired due to autism, Down Syndrome, Alzheimer's disease, or other mental impairment that causes wandering. The lifesaver program participant wears a small transmitter on the wrist to allow the local law enforcement agency to electronically locate the participant, if necessary, using a radio receiver. The commissioner shall promote the lifesaver program throughout the state and serve as liaison to lifesaver programs developed and implemented by local law enforcement agencies.

**Subd. 2. Lifesaver advisory task force.** (a) The commissioner of public safety shall convene a voluntary lifesaver advisory task force to facilitate the development and implementation of lifesaver programs by local law enforcement agencies. The commissioner shall appoint at least five persons from various geographic areas of the state to the voluntary task force. The task force must be composed of at least one member experienced in an area of mental impairment, one member experienced in the area of law enforcement, and one member experienced in the development of a lifesaver or similar program. Members serve without compensation at the pleasure of the commissioner.

(b) The voluntary task force expires June 30, 2013.

**Subd. 3. Report to legislature.** The commissioner shall report to the house of representatives and senate committees having jurisdiction over public safety by January 15, 2012, on the effectiveness of lifesaver programs developed and implemented by local law enforcement agencies."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Brod moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 4, after line 29, insert:

"Sec. 7. **TRUNK HIGHWAY 19 CLOSURE IN NEW PRAGUE.**

The commissioner of transportation shall annually authorize the city of New Prague to close Route No. 100, signed as Trunk Highway 19 on the effective date of this section, from the intersection with Route No. 13, signed as Trunk Highways 13 and 21 on the effective date of this section, to 10th Avenue SE, located in the city of New Prague. The closure under this section is limited to one weekend in the month of September of each year, and is for

the city's annual Dozinky Festival. The commissioner shall (1) establish reasonable requirements for traffic flow, traffic control devices, and safety related to implementation of an appropriate detour route; and (2) allow the road closure from 5:30 p.m. on Friday until 6:00 a.m. on Sunday."

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 Brod amendment and the roll was called. There were 113 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Haws	Lanning	Nelson	Severson
Anderson, B.	Dettmer	Hilstrom	Lenczewski	Nornes	Shimanski
Anderson, P.	Dill	Hilty	Liebling	Norton	Simon
Anderson, S.	Dittrich	Holberg	Lillie	Obermueller	Slawik
Anzelc	Doepke	Hoppe	Loeffler	Olin	Slocum
Atkins	Doty	Hornstein	Loon	Pelowski	Smith
Beard	Downey	Hosch	Mack	Peppin	Solberg
Benson	Drazkowski	Howes	Magnus	Persell	Swails
Bigham	Eastlund	Huntley	Mahoney	Peterson	Thao
Bly	Eken	Jackson	Mariani	Poppe	Thissen
Brod	Emmer	Juhnke	Marquart	Reinert	Torkelson
Brown	Faust	Kahn	Masin	Rosenthal	Urdahl
Brynaert	Fritz	Kalin	McFarlane	Rukavina	Ward
Buesgens	Garofalo	Kath	McNamara	Ruud	Welti
Bunn	Gottwalt	Kelly	Morgan	Sailer	Westrom
Clark	Greiling	Kiffmeyer	Morrow	Sanders	Winkler
Cornish	Gunther	Knuth	Murdock	Scalze	Zellers
Davids	Hackbarth	Kohls	Murphy, E.	Scott	Spk. Kelliher
Dean	Hamilton	Laine	Murphy, M.	Seifert	

Those who voted in the negative were:

Carlson	Gardner	Johnson	Mullery	Sterner
Champion	Hansen	Koenen	Newton	Tillberry
Davnie	Hausman	Lesch	Otremba	Wagenius
Falk	Hayden	Lieder	Paymar	

The motion prevailed and the amendment was adopted.

Buesgens moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 2, after line 16, insert:

"Sec. 3. Minnesota Statutes 2008, section 169.71, subdivision 4, is amended to read:

Subd. 4. **Glazing material; prohibitions and exceptions.** (a) No person shall drive or operate any motor vehicle required to be registered in the state of Minnesota upon any street or highway under the following conditions:

(1) when the windshield is composed of, covered by, or treated with any material which has the effect of making the windshield more reflective or in any other way reducing light transmittance through the windshield;

(2) when any window on the vehicle is composed of, covered by, or treated with any material that has a highly reflective or mirrored appearance;

(3) when any side window or rear window is composed of or treated with any material so as to obstruct or substantially reduce the driver's clear view through the window or has a light transmittance of less than ~~50~~ 35 percent plus or minus three percent in the visible light range or a luminous reflectance of more than 20 percent plus or minus three percent; or

(4) when any material has been applied after August 1, 1985, to any motor vehicle window without an accompanying permanent marking which indicates the percent of transmittance and the percent of reflectance afforded by the material. The marking must be in a manner so as not to obscure vision and be readable when installed on the vehicle.

(b) This subdivision does not apply to glazing materials which:

(1) have not been modified since the original installation, nor to original replacement windows and windshields, that were originally installed or replaced in conformance with Federal Motor Vehicle Safety Standard 205;

(2) are required to satisfy prescription or medical needs of the driver of the vehicle or a passenger if:

(i) the driver or passenger is in possession of the prescription or a physician's statement of medical need;

(ii) the prescription or statement specifically states the minimum percentage that light transmittance may be reduced to satisfy the prescription or medical needs of the patient; and

(iii) the prescription or statement contains an expiration date, which must be no more than two years after the date the prescription or statement was issued; or

(3) are applied to:

(i) the rear windows of a pickup truck as defined in section 168.002, subdivision 26;

(ii) the rear windows or the side windows on either side behind the driver's seat of a van as defined in section 168.002, subdivision 40;

(iii) the side and rear windows of a vehicle used to transport human remains by a funeral establishment holding a license under section 149A.50;

(iv) the side and rear windows of a limousine as defined in section 168.002, subdivision 15; or

(v) the rear and side windows of a police vehicle."

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 Buesgens amendment and the roll was called. There were 11 yeas and 122 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Drazkowski	Hackbarth	Seifert	Westrom
Beard	Dettmer	Gunther	Holberg	Shimanski	

Those who voted in the negative were:

Anderson, B.	Doepke	Hornstein	Lieder	Norton	Slawik
Anderson, P.	Doty	Hortman	Lillie	Obermueller	Slocum
Anderson, S.	Downey	Hosch	Loeffler	Olin	Smith
Anzelc	Eastlund	Howes	Loon	Otremba	Solberg
Atkins	Eken	Huntley	Mack	Paymar	Sterner
Benson	Emmer	Jackson	Magnus	Pelowski	Swails
Bigham	Falk	Johnson	Mahoney	Peppin	Thao
Bly	Faust	Juhnke	Mariani	Persell	Thissen
Brod	Fritz	Kahn	Marquart	Peterson	Tillberry
Brown	Gardner	Kalin	Masin	Poppe	Torkelson
Brynaert	Garofalo	Kath	McFarlane	Reinert	Urdahl
Bunn	Gottwalt	Kelly	McNamara	Rosenthal	Wagenius
Carlson	Greiling	Kiffmeyer	Morgan	Rukavina	Ward
Champion	Hamilton	Knuth	Morrow	Ruud	Welti
Clark	Hansen	Koenen	Mullery	Sailer	Winkler
Cornish	Hausman	Kohls	Murdock	Sanders	Zellers
Davids	Haws	Laine	Murphy, E.	Scalze	Spk. Kelliher
Davnie	Hayden	Lanning	Murphy, M.	Scott	
Demmer	Hilstrom	Lenczewski	Nelson	Sertich	
Dill	Hilty	Lesch	Newton	Severson	
Dittrich	Hoppe	Liebling	Nornes	Simon	

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

Speaker pro tempore Thissen called Juhnke to the chair.

Holberg moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 3, line 19, after "two" insert "ex officio members, who are"

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

Severson moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 3, after line 25, insert:

"(c) The commissioner to the greatest extent possible shall ensure that at least one member of the committee is dependant on public transit for common mobility."

Page 3, line 26, strike "(c)" and insert "(d)"

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



Davnie moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 3, after line 26, insert:

"Sec. 6. Minnesota Statutes 2008, section 221.012, is amended by adding a subdivision to read:

Subd. 27a. **Motor carrier of railroad employees.** "Motor carrier of railroad employees" means a motor carrier engaged in the for-hire transportation of railroad employees of a class I or II common carrier, as defined in Code of Federal Regulations, title 49, part 1201, general instruction 1-1, under the terms of a contractual agreement with a common carrier, as defined in section 218.011, subdivision 10.

Sec. 7. Minnesota Statutes 2008, section 221.012, subdivision 38, is amended to read:

Subd. 38. **Small vehicle passenger service.** (a) "Small vehicle passenger service" means a service provided by a person engaged in the for-hire transportation of passengers in a vehicle designed to transport seven or fewer persons, including the driver.

(b) In the metropolitan area as defined in section 473.121, subdivision 2, "small vehicle passenger service" also includes for-hire transportation of persons who are certified by the Metropolitan Council to use special transportation service provided under section 473.386, in a vehicle designed to transport not more than 15 persons including the driver, that is equipped with a wheelchair lift and at least three wheelchair securement positions.

(c) "Small vehicle passenger service" does not include a motor carrier of railroad employees.

Sec. 8. Minnesota Statutes 2008, section 221.0252, is amended by adding a subdivision to read:

Subd. 8. **Motor carrier of railroad employees.** (a) A motor carrier of railroad employees must meet the requirements specified in this subdivision.

(b) A vehicle operator for a motor carrier of railroad employees who transports passengers must:

(1) have a valid driver's license under chapter 171; and

(2) submit to a physical examination.

(c) The carrier must implement a policy that provides for annual training and certification of the operator in:

(1) safe operation of the vehicle transporting railroad employees;

(2) knowing and understanding relevant laws, rules of the road, and safety policies;

(3) handling emergency situations;

(4) proper use of seat belts;

(5) performance of pretrip and post-trip vehicle inspections, and inspection record keeping; and

(6) proper maintenance of required records.

(d) The carrier must:

(1) perform a background check or background investigation of the operator;

(2) annually verify the operator's driver's license;

(3) document meeting the requirements in this subdivision, and maintain the file at the carrier's business location;

(4) maintain liability insurance in a minimum amount of \$5,000,000 regardless of the seating capacity of the vehicle; and

(5) maintain uninsured and underinsured coverage in a minimum amount of \$1,000,000.

If a party contracts with the motor carrier on behalf of the railroad to transport the railroad employees, then the insurance requirements may be satisfied by either that party or the motor carrier, so long as the motor carrier is a named insured or additional insured under any policy.

(e) A person who sustains a conviction of violating section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of or has their driver's license revoked under a similar statute or ordinance of another state, may not operate a vehicle under this subdivision for five years from the date of conviction. A person who sustains a conviction of a moving offense in violation of chapter 169 within three years of the first of three other moving offenses may not operate a vehicle under this subdivision for one year from the date of the last conviction. A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may not operate a vehicle under this subdivision.

(f) An operator who sustains a conviction as described in paragraph (e) while employed by the carrier shall report the conviction to the carrier within ten days of the date of the conviction.

(g) A carrier must implement a mandatory alcohol and controlled substance testing program as provided under sections 181.950 to 181.957 that consists of preemployment testing, post-accident testing, random testing, reasonable suspicion testing, return-to-duty testing, and follow-up testing.

(h) A motor carrier of railroad employees shall not allow or require a driver to drive or remain on duty for more than: ten hours after eight consecutive hours off duty; 15 hours of combined on-duty time and drive time since last obtaining eight consecutive hours of off-duty time; or 70 hours of on-duty and drive time in any period of eight consecutive days. After 24 hours off duty, a driver begins a new seven consecutive day period and on-duty time is reset to zero.

(i) An operator who encounters an emergency and cannot, because of that emergency, safely complete a transportation assignment within the ten-hour maximum driving time permitted under paragraph (h), may drive for not more than two additional hours in order to complete that transportation assignment or to reach a place offering safety for the occupants of the vehicle and security for the transport motor vehicle, if the transportation assignment reasonably could have been completed within the ten-hour period absent the emergency.

(j) A carrier shall maintain and retain for a period of six months accurate time records that show the time the driver reports for duty each day; the total number of hours of on-duty time for each driver for each day; the time the driver is released from duty each day; and the total number of hours driven each day.

(k) For purposes of this subdivision, the following terms have the meanings given:

(1) "conviction" has the meaning given in section 609.02; and

(2) "on-duty time" means all time at a terminal, facility, or other property of a contract carrier or on any public property waiting to be dispatched. "On-duty time" includes time spent inspecting, servicing, or conditioning the vehicle.

**EFFECTIVE DATE.** Paragraph (d), clause (5), is effective July 1, 2010."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

#### POINT OF ORDER

Severson raised a point of order pursuant to rule 3.21 that the Davnie amendment was not in order. Speaker pro tempore Juhnke ruled the point of order not well taken and the Davnie amendment in order.

The question recurred on the Davnie amendment to H. F. No. 928, the third engrossment, as amended. The motion prevailed and the amendment was adopted.

Emmer moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 1, after line 6, insert:

"Section 1. **[65B.584] INTENTIONAL TRAFFIC DISRUPTION.**

A person injured in a traffic disruption accident, as defined in section 169.15, subdivision 3, paragraph (a), while operating a pedal-powered vehicle is not eligible for any basic or optional economic loss benefits under a plan of reparation security under this chapter.

**EFFECTIVE DATE.** This section is effective January 1, 2010."

Page 2, line 2, before "TRAFFIC" insert "OR DISRUPTING"

Page 2, after line 14, insert:

"Subd. 3. **Bicycle; intentional traffic disruption.** (a) For purposes of this subdivision, "traffic disruption accident" means an accident involving a bicycle and a motor vehicle in which:

(1) the accident occurred while the operator of a bicycle was intentionally disrupting traffic on a public street or highway and the person was violating any traffic regulation under this chapter while doing so; and

(2) the behavior described in clause (1) caused or was a contributing factor in causing the accident.

(b) An operator of a bicycle who commits a traffic disruption accident is guilty of a misdemeanor."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

## POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.21 that the Emmer amendment was not in order. Speaker pro tempore Juhnke ruled the point of order not well taken and the Emmer amendment in order.

The question recurred on the Emmer amendment and the roll was called. There were 47 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Garofalo	Kelly	McFarlane	Severson
Anderson, P.	Demmer	Gottwalt	Kiffmeyer	McNamara	Shimanski
Anderson, S.	Dettmer	Gunther	Kohls	Murdock	Smith
Beard	Doepke	Hackbarth	Lanning	Nornes	Torkelson
Brod	Downey	Hamilton	Lieder	Peppin	Urdahl
Buesgens	Drazkowski	Holberg	Loon	Sanders	Westrom
Cornish	Eastlund	Hoppe	Mack	Scott	Zellers
Davids	Emmer	Howes	Magnus	Seifert	

Those who voted in the negative were:

Abeler	Doty	Hosch	Loeffler	Otremba	Slocum
Anzelc	Eken	Huntley	Mahoney	Paymar	Solberg
Atkins	Falk	Jackson	Mariani	Pelowski	Sterner
Benson	Faust	Johnson	Marquart	Persell	Swails
Bigham	Fritz	Juhnke	Masin	Peterson	Thao
Bly	Gardner	Kahn	Morgan	Poppe	Thissen
Brown	Greiling	Kalin	Morrow	Reinert	Tillberry
Brynaert	Hansen	Kath	Mullery	Rosenthal	Wagenius
Bunn	Hausman	Knuth	Murphy, E.	Rukavina	Ward
Carlson	Haws	Koenen	Murphy, M.	Ruud	Welti
Champion	Hayden	Laine	Nelson	Sailer	Winkler
Clark	Hilstrom	Lenczewski	Newton	Scalze	Spk. Kelliher
Davnie	Hilty	Lesch	Norton	Sertich	
Dill	Hornstein	Liebling	Obermueller	Simon	
Dittrich	Hortman	Lillie	Olin	Slawik	

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

Buesgens, Peppin, Demmer, Brod, Drazkowski, Emmer and Zellers moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 2008, section 168.33, subdivision 2, is amended to read:

Subd. 2. **Deputy registrars.** (a) ~~The commissioner may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau that issues motor vehicle licenses as provided in section 373.32.~~

~~(b) The commissioner may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau that issues motor vehicle licenses as provided in section 373.32. The individual appointed by the commissioner as a deputy registrar for any statutory or home rule charter city must be a resident of the county in which the city is situated.~~

~~(c) The commissioner may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar.~~

~~(d) Despite any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any statutory or home rule charter city, may continue to serve as deputy registrar and may be discontinued for cause only by the commissioner. The county auditor who appointed the deputy registrars is responsible for the acts of deputy registrars appointed by the auditor.~~

~~(e) Each deputy, before entering upon the discharge of duties, shall take and subscribe an oath to faithfully discharge the duties and to uphold the laws of the state.~~

~~(f) If (b) A deputy registrar appointed under this subdivision is not an officer or employee of a county or statutory or home rule charter city, the deputy shall in addition give bond to the state in the sum of \$10,000, or a larger sum as may be required by the commissioner, conditioned upon the faithful discharge of duties as deputy registrar.~~

~~(g) Until January 1, 2012, (c) A corporation governed by chapter 302A may be appointed a deputy registrar. Upon application by an individual serving as a deputy registrar and the giving of the requisite bond as provided in this subdivision, personally assured by the individual or another individual approved by the commissioner, a corporation named in an application then becomes the duly appointed and qualified successor to the deputy registrar. The appointment of any corporation as a deputy registrar expires January 1, 2012. The commissioner shall appoint an individual as successor to the corporation as a deputy registrar. The commissioner shall appoint as the successor agent to a corporation whose appointment expires under this paragraph an officer of the corporation if the officer applies for appointment before July 1, 2012.~~

~~(h) (d) Each deputy registrar appointed under this subdivision shall keep and maintain office locations approved by the commissioner for the registration of vehicles and the collection of taxes and fees on vehicles.~~

~~(i) (e) The deputy registrar shall keep records and make reports to the commissioner as the commissioner requires. The records must be maintained at the offices of the deputy registrar. The records and offices of the deputy registrar must at all times be open to the inspection of the commissioner or the commissioner's agents. The deputy registrar shall report to the commissioner by the next working day following receipt all registrations made and taxes and fees collected by the deputy registrar.~~

~~(j) (f) The deputy registrar shall retain the filing fee imposed under subdivision 7—must be deposited in the treasury of the place for which appointed or, if not a public official, a deputy shall retain the filing fee, but the deputy registrar shall deposit the registration tax and any additional fees for delayed registration that the deputy registrar has collected the deputy registrar shall deposit, by the next working day following receipt in an approved state depository to the credit of the state through the commissioner of finance. The place for which the deputy registrar is appointed through its governing body must provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if the deputy is a public official. In all other cases,~~

~~(g) The deputy shall maintain a suitable facility for serving the public.~~

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 3. Minnesota Statutes 2008, section 168.33, subdivision 2a, is amended to read:

Subd. 2a. **Deputy registrars, continuation in office.** (a) Except as provided in paragraph (b), persons serving as deputy registrars on July 1, 1970, shall ~~may~~ continue to hold office until a successor is duly appointed and qualifies.

(b) Starting July 1, 2010, no statutory or home rule charter city, county, or county auditor may serve as a deputy registrar.

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

Page 4, after line 29, insert:

"Sec. 9. **DEPUTY REGISTRARS; TRANSFER OF FUNCTIONS; RULEMAKING.**

(a) The commissioner of public safety shall implement procedures for orderly transfer of deputy registrar functions and services currently provided by statutory or home rule charter city, county, or county auditor, to be performed by a private individual, firm, or corporation, as required under Minnesota Statutes, section 168.33, subdivision 2a. As part of the transfer implementation, the commissioner shall ensure that regular and efficient driver licensing service is provided throughout the state.

(b) By July 1, 2010, the commissioner shall amend Minnesota Rules as necessary to implement the requirements in this section and changes in this act to Minnesota Statutes, section 168.33. The rules adopted by the commissioner under this paragraph are exempt from the rulemaking provisions of chapter 14. The rules are subject to section 14.386, except that notwithstanding paragraph (b) of section 14.386, the rules continue in effect until repealed or superseded by other law or rule.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens et al amendment and the roll was called. There were 35 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dauids	Eastlund	Holberg	Mack	Scott
Anderson, P.	Dean	Emmer	Hoppe	McNamara	Seifert
Anderson, S.	Demmer	Garofalo	Kelly	Murdock	Severson
Beard	Dettmer	Gottwalt	Kiffmeyer	Murphy, E.	Shimanski
Brod	Downey	Gunther	Kohls	Peppin	Zellers
Buesgens	Draskowski	Hackbarth	Loon	Sanders	

Those who voted in the negative were:

Abeler	Benson	Brown	Carlson	Davnie	Doepke
Anzelc	Bigham	Brynaert	Champion	Dill	Doty
Atkins	Bly	Bunn	Clark	Dittrich	Eken

Falk	Hosch	Lesch	Murphy, M.	Rosenthal	Thissen
Faust	Howes	Liebling	Nelson	Rukavina	Tillberry
Fritz	Huntley	Lieder	Newton	Ruud	Torkelson
Gardner	Jackson	Lillie	Nornes	Sailer	Urdahl
Greiling	Johnson	Loeffler	Norton	Scalze	Wagenius
Hamilton	Juhnke	Magnus	Obermueller	Sertich	Ward
Hansen	Kahn	Mahoney	Olin	Simon	Welti
Hausman	Kalin	Mariani	Otremba	Slawik	Westrom
Haws	Kath	Marquart	Paymar	Slocum	Winkler
Hayden	Knuth	Masin	Pelowski	Smith	Spk. Kelliher
Hilstrom	Koenen	McFarlane	Persell	Solberg	
Hilty	Laine	Morgan	Peterson	Sterner	
Hornstein	Lanning	Morrow	Poppe	Swails	
Hortman	Lenczewski	Mullery	Reinert	Thao	

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

Shimanski and Urdahl moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 2, after line 33, insert:

"Sec. 5. Minnesota Statutes 2008, section 174.30, is amended by adding a subdivision to read:

Subd. 10. Coordination of services; day training and habilitation centers. The commissioner shall coordinate with the commissioner of human services to ensure that adequate transportation funding and service is provided for access to day training and habilitation centers."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

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

Dettmer moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 4, after line 29, insert:

"Sec. 7. **SPECIFIC SERVICE SIGN.**

Notwithstanding Minnesota Statutes, section 160.296, or any other law, rule, or policy to the contrary, the commissioner of transportation shall install one specific service sign on each side of marked Trunk Highway 61 near its intersection with North Shore Drive or Sixth Avenue Northwest in the city of Forest Lake. The sign must display the distance from and direction to Faith Lutheran Church of Forest Lake. The wording on the sign may vary from the commissioner's standards, but the design, size, and color of the sign must conform to the commissioner's standards for specific service signs. The commissioner shall not take action under this section unless the commissioner is assured of the availability of funds from nonstate sources sufficient to pay all costs related to this section.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Hoppe, Holberg, Slawik and Juhnke moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 2, after line 16, insert:

"Sec. 3 Minnesota Statutes 2008, section 169.18, subdivision 7, is amended to read:

Subd. 7. **Laned highway.** When any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is not a one-way roadway and which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding, and is signposted to give notice of such allocation. The left lane of a three-lane roadway which is not a one-way roadway shall not be used for overtaking and passing another vehicle.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.

(d) Whenever a bicycle lane has been established on a roadway, any person operating a motor vehicle on such roadway shall not drive in the bicycle lane except to park where parking is permitted, to enter or leave the highway, or to prepare for a turn as provided in section 169.19, subdivision 1.

(e) A vehicle must be driven in the right-hand lane according to subdivision 10.

Sec. 4. Minnesota Statutes 2008, section 169.18, subdivision 10, is amended to read:

Subd. 10. ~~Slow-moving vehicle~~ **Vehicles driven in right-hand lane.** (a) Upon all roadways any, including freeways and expressways as defined in section 160.02, a vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall ~~must~~ be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, if safe and practicable to do so, except:

(1) when overtaking and passing another vehicle proceeding in the same direction, ~~or~~;

(2) when preparing for a left turn at an intersection or into a private road or driveway, ~~or~~;

(3) when a specific lane is designated and posted for a specific type of traffic;



(4) when necessary to enter or exit an expressway, freeway, interstate highway, or other controlled-access highway;

(5) when otherwise directed in a highway work zone, as defined in section 169.14, subdivision 5d;

(6) when otherwise directed by a law enforcement officer; or

(7) when expressly allowed or required by other law.

(b) The commissioner of transportation shall erect appropriate signs on interstate highways and freeways to instruct motorists concerning paragraph (a)."

Page 2, after line 26, insert:

"Sec. 6. Minnesota Statutes 2008, section 171.13, subdivision 1j, is amended to read:

Subd. 1j. **Driver's manual; ~~interaction with commercial motor vehicle~~ restricted driving in left lane.** The commissioner shall include in each edition of the driver's manual published by the department after August 1, 2008, ~~a section that includes information on awareness and safe interaction with commercial motor vehicle traffic instructions relating to the requirement to drive a motor vehicle in the right-hand lane and the circumstances when a driver is allowed to drive in the left-most lane of a multilane highway under section 169.18, subdivision 10.~~"

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

Emmer moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 3, delete lines 19 to 20 and insert:

"(7) two members who are associated with a disadvantaged business enterprise, as defined in Code of Federal Regulations, title 49, section 26.5, with"

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 54 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Eastlund	Kath	McNamara	Seifert
Anderson, B.	Davids	Emmer	Kelly	Morgan	Severson
Anderson, P.	Dean	Garofalo	Kiffmeyer	Murdock	Shimanski
Anderson, S.	Demmer	Gottwalt	Kohls	Nornes	Smith
Beard	Dettmer	Gunther	Lanning	Peppin	Swails
Brod	Dittrich	Hackbarth	Loon	Rosenthal	Torkelson
Buesgens	Doepke	Hamilton	Mack	Ruud	Urdahl
Bunn	Downey	Holberg	Magnus	Sanders	Westrom
Champion	Drazkowski	Hoppe	McFarlane	Scott	Zellers

Those who voted in the negative were:

Anzelc	Fritz	Huntley	Lillie	Obermueller	Simon
Atkins	Gardner	Jackson	Loeffler	Olin	Slawik
Benson	Greiling	Johnson	Mahoney	Otremba	Slocum
Bigham	Hansen	Juhnke	Mariani	Paymar	Solberg
Bly	Hausman	Kahn	Marquart	Pelowski	Sterner
Brown	Haws	Kalin	Masin	Persell	Thao
Brynaert	Hayden	Knuth	Morrow	Peterson	Thissen
Carlson	Hilstrom	Koenen	Mullery	Poppe	Tillberry
Dill	Hilty	Laine	Murphy, E.	Reinert	Wagenius
Doty	Hornstein	Lenczewski	Murphy, M.	Rukavina	Ward
Eken	Hortman	Lesch	Nelson	Sailer	Welti
Falk	Hosch	Liebling	Newton	Scalze	Winkler
Faust	Howes	Lieder	Norton	Sertich	Spk. Kelliher

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

Buesgens moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 1, delete lines 16 to 17

Page 1, line 18, delete "(5)" and insert "(4)"

Page 1, line 20, delete "(6)" and insert "(5)"

Page 1, line 21, delete "(7)" and insert "(6)"

Page 1, line 24, delete ", except that" and insert a period

Page 1, delete line 25

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 65 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Falk	Howes	Murdock	Seifert
Anderson, B.	Dauids	Faust	Juhnke	Nornes	Severson
Anderson, P.	Dean	Fritz	Kalin	Obermueller	Shimanski
Anderson, S.	Demmer	Garofalo	Kath	Otremba	Smith
Anzelc	Dettmer	Gottwalt	Kelly	Pelowski	Solberg
Beard	Dill	Gunther	Kiffmeyer	Peppin	Thao
Bly	Doty	Hackbarth	Koenen	Poppe	Torkelson
Brod	Drazkowski	Hamilton	Kohls	Reinert	Urdahl
Brown	Eastlund	Holberg	Magnus	Rukavina	Westrom
Buesgens	Eken	Hoppe	McFarlane	Sanders	Zellers
Bunn	Emmer	Hosch	McNamara	Scott	

Those who voted in the negative were:

Atkins	Greiling	Kahn	Mahoney	Olin	Sterner
Benson	Hansen	Knuth	Mariani	Paymar	Swails
Bigham	Hausman	Laine	Marquart	Persell	Thissen
Brynaert	Haws	Lanning	Masin	Peterson	Tillberry
Carlson	Hayden	Lenczewski	Morgan	Rosenthal	Wagenius
Champion	Hilstrom	Lesch	Morrow	Ruud	Ward
Clark	Hilty	Liebling	Mullery	Sailer	Welti
Davnie	Hornstein	Lieder	Murphy, E.	Scalze	Winkler
Dittrich	Hortman	Lillie	Murphy, M.	Sertich	Spk. Kelliher
Doepke	Huntley	Loeffler	Nelson	Simon	
Downey	Jackson	Loon	Newton	Slawik	
Gardner	Johnson	Mack	Norton	Slocum	

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

Buesgens, Kelly, Hamilton and Zellers moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 1, line 17, after "except" insert "(i) if a designated driver who does not consume alcoholic beverages is identified prior to any consumption or possession of an open container, or (ii) if"

A roll call was requested and properly seconded.

The question was taken on the Buesgens et al amendment and the roll was called. There were 66 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Faust	Juhnke	Murdock	Seifert
Anderson, B.	Demmer	Fritz	Kalin	Nornes	Severson
Anderson, P.	Dettmer	Garofalo	Kath	Obermueller	Shimanski
Anzelc	Dill	Gottwalt	Kelly	Otremba	Slocum
Beard	Doepke	Gunther	Kiffmeyer	Pelowski	Smith
Brod	Downey	Hackbarth	Koenen	Peppin	Solberg
Brown	Drazkowski	Hamilton	Kohls	Poppe	Torkelson
Buesgens	Eastlund	Holberg	Loon	Reinert	Urdahl
Bunn	Eken	Hoppe	Mack	Rukavina	Welti
Cornish	Emmer	Hosch	Magnus	Sanders	Westrom
Davids	Falk	Howes	McFarlane	Scott	Zellers

Those who voted in the negative were:

Anderson, S.	Clark	Haws	Johnson	Lieder	Morgan
Atkins	Davnie	Hayden	Kahn	Lillie	Morrow
Benson	Dittrich	Hilstrom	Knuth	Loeffler	Mullery
Bigham	Doty	Hilty	Laine	Mahoney	Murphy, E.
Bly	Gardner	Hornstein	Lanning	Mariani	Murphy, M.
Brynaert	Greiling	Hortman	Lenczewski	Marquart	Nelson
Carlson	Hansen	Huntley	Lesch	Masin	Newton
Champion	Hausman	Jackson	Liebling	McNamara	Norton

Olin	Rosenthal	Sertich	Swails	Wagenius
Paymar	Ruud	Simon	Thao	Ward
Persell	Sailer	Slawik	Thissen	Winkler
Peterson	Scalze	Sterner	Tillberry	Spk. Kelliher

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

Demmer moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 2008, section 168.33, subdivision 2, is amended to read:

Subd. 2. **Deputy registrars.** (a) The commissioner may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau that issues motor vehicle licenses as provided in section 373.32.

(b) The commissioner may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau that issues motor vehicle licenses as provided in section 373.32. The individual appointed by the commissioner as a deputy registrar for any statutory or home rule charter city must be a resident of the county in which the city is situated.

(c) The commissioner may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar.

(d) Despite any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any statutory or home rule charter city, may continue to serve as deputy registrar and may be discontinued for cause only by the commissioner. The county auditor who appointed the deputy registrars is responsible for the acts of deputy registrars appointed by the auditor.

(e) Each deputy, before entering upon the discharge of duties, shall take and subscribe an oath to faithfully discharge the duties and to uphold the laws of the state.

(f) If a deputy registrar appointed under this subdivision is not an officer or employee of a county or statutory or home rule charter city, the deputy shall in addition give bond to the state in the sum of \$10,000, or a larger sum as may be required by the commissioner, conditioned upon the faithful discharge of duties as deputy registrar.

(g) ~~Until January 1, 2012,~~ A corporation governed by chapter 302A may be appointed a deputy registrar. Upon application by an individual serving as a deputy registrar and the giving of the requisite bond as provided in this subdivision, personally assured by the individual or another individual approved by the commissioner, a corporation named in an application then becomes the duly appointed and qualified successor to the deputy registrar. ~~The appointment of any corporation as a deputy registrar expires January 1, 2012. The commissioner shall appoint an individual as successor to the corporation as a deputy registrar. The commissioner shall appoint as the successor agent to a corporation whose appointment expires under this paragraph an officer of the corporation if the officer applies for appointment before July 1, 2012.~~

(h) Each deputy registrar appointed under this subdivision shall keep and maintain office locations approved by the commissioner for the registration of vehicles and the collection of taxes and fees on vehicles.

(i) The deputy registrar shall keep records and make reports to the commissioner as the commissioner requires. The records must be maintained at the offices of the deputy registrar. The records and offices of the deputy registrar must at all times be open to the inspection of the commissioner or the commissioner's agents. The deputy registrar shall report to the commissioner by the next working day following receipt all registrations made and taxes and fees collected by the deputy registrar.

(j) The filing fee imposed under subdivision 7 must be deposited in the treasury of the place for which appointed or, if not a public official, a deputy shall retain the filing fee, but the registration tax and any additional fees for delayed registration the deputy registrar has collected the deputy registrar shall deposit by the next working day following receipt in an approved state depository to the credit of the state through the commissioner of finance. The place for which the deputy registrar is appointed through its governing body must provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if the deputy is a public official. In all other cases, the deputy shall maintain a suitable facility for serving the public."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the chair.

Sertich moved the previous question.

#### CALL OF THE HOUSE

On the motion of Seifert and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Those who voted in the affirmative were:

Abeler	Davids	Garofalo	Huntley	Lieder	Murphy, M.
Anderson, B.	Davnie	Gottwalt	Jackson	Lillie	Nelson
Anderson, S.	Dean	Greiling	Johnson	Loeffler	Newton
Anzelc	Demmer	Gunther	Juhnke	Loon	Norton
Atkins	Dettmer	Hackbarth	Kahn	Mack	Obermueller
Benson	Dill	Hansen	Kalin	Magnus	Olin
Bigham	Dittrich	Hausman	Kath	Mahoney	Otremba
Bly	Doepke	Haws	Kelly	Mariani	Paymar
Brod	Doty	Hayden	Kiffmeyer	Marquart	Pelowski
Brown	Downey	Hilstrom	Knuth	Masin	Persell
Brynaert	Eastlund	Hilty	Koenen	McFarlane	Poppe
Buesgens	Eken	Holberg	Kohls	McNamara	Reinert
Bunn	Emmer	Hoppe	Laine	Morgan	Rosenthal
Carlson	Falk	Hornstein	Lanning	Morrow	Rukavina
Champion	Faust	Hortman	Lenczewski	Mullery	Ruud
Clark	Fritz	Hosch	Lesch	Murdock	Sailer
Cornish	Gardner	Howes	Liebling	Murphy, E.	Sanders

Scalze	Shimanski	Solberg	Tillberry	Walti
Scott	Simon	Sternier	Torkelson	Westrom
Seifert	Slawik	Swails	Urdahl	Winkler
Sertich	Slocum	Thao	Wagenius	Zellers
Severson	Smith	Thissen	Ward	Spk. Kelliher

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The Sertich motion for the previous question was properly seconded.

The question was taken on the Sertich motion for the previous question.

A roll call was requested and properly seconded.

#### MOTION TO LIFT CALL OF HOUSE

Westrom moved that the call of the House be lifted. The motion did not prevail.

#### MOTION TO LAY ON THE TABLE

Seifert moved that H. F. No. 928, as amended, be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Seifert motion and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 45 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gottwalt	Kiffmeyer	Murdock	Smith
Anderson, B.	Dettmer	Gunther	Kohls	Nornes	Torkelson
Anderson, S.	Doepke	Hackbarth	Lanning	Peppin	Urdahl
Brod	Downey	Hamilton	Loon	Sanders	Westrom
Buesgens	Drazkowski	Holberg	Mack	Scott	Zellers
Cornish	Eastlund	Hoppe	Magnus	Seifert	
Davids	Emmer	Howes	McFarlane	Severson	
Dean	Garofalo	Kelly	McNamara	Shimanski	

Those who voted in the negative were:

Anzelc	Bly	Carlson	Dill	Falk	Greiling
Atkins	Brown	Champion	Dittrich	Faust	Hansen
Benson	Brynaert	Clark	Doty	Fritz	Hausman
Bigham	Bunn	Davnie	Eken	Gardner	Haws

Hayden	Kalin	Mahoney	Norton	Ruud	Thissen
Hilstrom	Kath	Mariani	Obermueller	Sailer	Tillberry
Hilty	Knuth	Marquart	Olin	Scalze	Wagenius
Hornstein	Koenen	Masin	Otremba	Sertich	Ward
Hortman	Laine	Morgan	Paymar	Simon	Welti
Hosch	Lenczewski	Morrow	Pelowski	Slawik	Winkler
Huntley	Lesch	Mullery	Persell	Slocum	Spk. Kelliher
Jackson	Liebling	Murphy, E.	Peterson	Solberg	
Johnson	Lieder	Murphy, M.	Poppe	Sterner	
Juhnke	Lillie	Nelson	Reinert	Swails	
Kahn	Loeffler	Newton	Rosenthal	Thao	

The motion did not prevail.

Kohls moved that the House do now adjourn.

A roll call was requested and properly seconded.

The question was taken on the Kohls motion and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 11 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, P.	Kelly	Mack	Sanders	Seifert
Anderson, B.	Beard	Lanning	McFarlane	Scott	

Those who voted in the negative were:

Anzelc	Falk	Hosch	Lillie	Olin	Slocum
Atkins	Faust	Howes	Loeffler	Otremba	Solberg
Benson	Fritz	Huntley	Magnus	Paymar	Sterner
Bigham	Gardner	Jackson	Mahoney	Pelowski	Swails
Bly	Garofalo	Johnson	Mariani	Persell	Thao
Brown	Greiling	Juhnke	Marquart	Peterson	Thissen
Brynaert	Gunther	Kahn	Masin	Poppe	Tillberry
Bunn	Hamilton	Kalin	Morgan	Reinert	Torkelson
Carlson	Hansen	Kath	Morrow	Rosenthal	Wagenius
Champion	Hausman	Knuth	Mullery	Rukavina	Ward
Clark	Haws	Koenen	Murphy, E.	Ruud	Welti
Davnie	Hayden	Laine	Murphy, M.	Sailer	Winkler
Dill	Hilstrom	Lenczewski	Nelson	Scalze	Spk. Kelliher
Dittrich	Hilty	Lesch	Newton	Sertich	
Doty	Hornstein	Liebling	Norton	Simon	
Eken	Hortman	Lieder	Obermueller	Slawik	

The motion did not prevail.

The question recurred on the Sertich motion for the previous question and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 82 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anzelc	Eken	Hosch	Loeffler	Otremba	Slocum
Atkins	Falk	Huntley	Mahoney	Paymar	Solberg
Benson	Faust	Jackson	Mariani	Pelowski	Sterner
Bigham	Fritz	Johnson	Marquart	Persell	Swails
Bly	Gardner	Juhnke	Masin	Peterson	Thao
Brown	Greiling	Kahn	Morgan	Poppe	Thissen
Brynaert	Hansen	Kalin	Morrow	Reinert	Tillberry
Bunn	Hausman	Knuth	Murphy, E.	Rosenthal	Wagenius
Carlson	Haws	Koenen	Murphy, M.	Ruud	Ward
Champion	Hayden	Laine	Nelson	Sailer	Welti
Clark	Hilstrom	Lenczewski	Newton	Scalze	Winkler
Davnie	Hilty	Lesch	Norton	Sertich	Spk. Kelliher
Dittrich	Hornstein	Lieder	Obermueller	Simon	
Doty	Hortman	Lillie	Olin	Slawik	

Those who voted in the negative were:

Abeler	Davids	Hamilton	Sanders	Torkelson
Anderson, B.	Dettmer	Howes	Seifert	Urdahl
Beard	Garofalo	Magnus	Shimanski	

The motion prevailed and the previous question was so ordered.

H. F. No. 928, A bill for an act relating to transportation; modifying various provisions related to transportation; prohibiting certain acts; amending Minnesota Statutes 2008, sections 169.15; 171.12, subdivision 6; 174.86, subdivision 5; 473.167, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapters 160; 171.

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.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 104 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Abeler	Brynaert	Dittrich	Gardner	Hayden	Johnson
Anzelc	Bunn	Doepke	Garofalo	Hilstrom	Juhnke
Atkins	Carlson	Doty	Gottwalt	Hilty	Kahn
Benson	Champion	Downey	Greiling	Hornstein	Kalin
Bigham	Clark	Eken	Gunther	Hortman	Kath
Bly	Davnie	Falk	Hansen	Hosch	Kelly
Brod	Dean	Faust	Hausman	Huntley	Knuth
Brown	Demmer	Fritz	Haws	Jackson	Koenen



Laine	Mahoney	Murphy, M.	Persell	Sertich	Urdahl
Lanning	Mariani	Nelson	Peterson	Simon	Wagenius
Lenczewski	Marquart	Newton	Poppe	Slawik	Ward
Lesch	Masin	Nornes	Reinert	Slocum	Welti
Liebling	McFarlane	Norton	Rosenthal	Smith	Winkler
Lieder	McNamara	Obermueller	Ruud	Solberg	Spk. Kelliher
Lillie	Morgan	Olin	Sailer	Swails	
Loeffler	Morrow	Otremba	Sanders	Thao	
Loon	Murdock	Paymar	Scalze	Thissen	
Mack	Murphy, E.	Pelowski	Scott	Tillberry	

Those who voted in the negative were:

Anderson, B.	Beard	Dettmer	Hamilton	Seifert	Sterner
Anderson, P.	Cornish	Drazkowski	Magnus	Severson	Torkelson
Anderson, S.	Dauids	Eastlund	Peppin	Shimanski	Westrom

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

#### MOTIONS FOR RECONSIDERATION

Hornstein moved that the vote whereby H. F. No. 928, as amended, was passed be now reconsidered. The motion prevailed.

Hornstein moved that the action whereby H. F. No. 928, as amended, was given its third reading be now reconsidered. The motion prevailed.

H. F. No. 928, as amended, was again reported to the House.

Westrom, Anzalc, Nornes, Dill, Rukavina, Drazkowski, Gunther and Seifert moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 2008, section 169.14, subdivision 2, is amended to read:

Subd. 2. **Speed limits.** (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

- (1) 30 miles per hour in an urban district or on a town road in a rural residential district;
- (2) 65 miles per hour on noninterstate expressways, as defined in section 160.02, subdivision 18b, and noninterstate freeways, as defined in section 160.02, subdivision 19;
- (3) 55 miles per hour in locations other than those specified in this section;

(4) 70 miles per hour on interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(5) 65 miles per hour on interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(6) 65 miles per hour on noninterstate highways that are outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner, and that are not specified in clause (2), except that the speed limit for such highways is 60 miles per hour during nighttime;

(7) ten miles per hour in alleys; and

(7) (8) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (7) (8), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

(c) For purposes of this subdivision, "rural residential district" means the territory contiguous to and including any town road within a subdivision or plat of land that is built up with dwelling houses at intervals of less than 300 feet for a distance of one-quarter mile or more.

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established in this subdivision, or a speed limit designated on an appropriate sign under subdivision 4, 5, 5b, 5c, or 5e, by driving 20 miles per hour or more in excess of the applicable speed limit, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

(e) The commissioner may reduce the speed limit under paragraph (a), clause (6), as provided under subdivisions 4 or 5, if the commissioner identifies specific traffic safety factors on that segment of road that have a substantive negative impact directly due to the speed limit.

**EFFECTIVE DATE.** This section is effective July 1, 2011."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Buesgens, Emmer and Zellers moved to amend H. F. No. 928, the third engrossment, as amended, as follows:

Page 1, line 19, after the semicolon, insert "or"

Page 1, delete line 20

Page 1, line 21, delete "(7)" and insert "(6)"

A roll call was requested and properly seconded.

Champion moved to amend the Buesgens et al amendment to H. F. No. 928, the third engrossment, as amended, as follows:

Page1, delete line 2

Page 1, delete line 3 and insert "Page 1, line 20, before the semi-colon insert "at the rest area"

Page 1, delete line 4

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Buesgens amendment, as amended, and the roll was called. There were 129 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hayden	Lenczewski	Nornes	Shimanski
Anderson, B.	Dettmer	Hilstrom	Lesch	Norton	Simon
Anderson, P.	Dill	Hilty	Liebling	Obermueller	Slawik
Anderson, S.	Dittrich	Holberg	Lieder	Olin	Slocum
Anzelc	Doepke	Hoppe	Lillie	Otremba	Smith
Atkins	Doty	Hornstein	Loeffler	Paymar	Solberg
Beard	Downey	Hortman	Loon	Pelowski	Sterner
Benson	Drazkowski	Hosch	Mack	Peppin	Swails
Bigham	Eastlund	Howes	Magnus	Persell	Thao
Bly	Eken	Jackson	Mahoney	Peterson	Thissen
Brod	Emmer	Johnson	Mariani	Poppe	Tillberry
Brown	Faust	Juhnke	Marquart	Reinert	Torkelson
Brynaert	Fritz	Kahn	Masin	Rosenthal	Urdahl
Buesgens	Gardner	Kalin	McFarlane	Rukavina	Wagenius
Bunn	Garofalo	Kath	McNamara	Ruud	Ward
Carlson	Gottwalt	Kelly	Morgan	Sailer	Welti
Champion	Greiling	Kiffmeyer	Morrow	Sanders	Westrom
Clark	Gunther	Knuth	Murdock	Scalze	Zellers
Cornish	Hackbarth	Koenen	Murphy, E.	Scott	Spk. Kelliher
Davids	Hamilton	Kohls	Murphy, M.	Seifert	
Davnie	Hansen	Laine	Nelson	Sertich	
Dean	Haws	Lanning	Newton	Severson	

Those who voted in the negative were:

Falk	Hausman	Huntley	Mullery	Winkler
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The motion prevailed and the amendment, as amended, was adopted.

H. F. No. 928, A bill for an act relating to transportation; modifying various provisions related to transportation; prohibiting certain acts; amending Minnesota Statutes 2008, sections 169.15; 171.12, subdivision 6; 174.86, subdivision 5; 473.167, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapters 160; 171.

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 115 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeler	Doepke	Hortman	Lieder	Obermueller	Smith
Anderson, S.	Doty	Hosch	Lillie	Olin	Solberg
Anzelc	Downey	Howes	Loeffler	Otremba	Sterner
Atkins	Eken	Huntley	Loon	Paymar	Swails
Benson	Falk	Jackson	Mack	Pelowski	Thao
Bigham	Faust	Johnson	Mahoney	Persell	Thissen
Bly	Fritz	Juhnke	Mariani	Peterson	Tillberry
Brod	Gardner	Kahn	Marquart	Poppe	Torkelson
Brown	Garofalo	Kalin	Masin	Reinert	Urdahl
Brynaert	Gottwalt	Kath	McFarlane	Rosenthal	Wagenius
Bunn	Greiling	Kelly	McNamara	Rukavina	Ward
Carlson	Gunther	Kiffmeyer	Morgan	Ruud	Welti
Champion	Hansen	Knuth	Morrow	Sailer	Winkler
Clark	Hausman	Koenen	Murdock	Sanders	Zellers
Davids	Haws	Kohls	Murphy, E.	Scalze	Spk. Kelliher
Davnie	Hayden	Laine	Murphy, M.	Scott	
Dean	Hilstrom	Lanning	Nelson	Sertich	
Dettmer	Hilty	Lenczewski	Newton	Simon	
Dill	Holberg	Lesch	Nornes	Slawik	
Dittrich	Hornstein	Liebling	Norton	Slocum	

Those who voted in the negative were:

Anderson, B.	Buesgens	Drazkowski	Hackbarth	Peppin	Shimanski
Anderson, P.	Cornish	Eastlund	Hamilton	Seifert	Westrom
Beard	Demmer	Emmer	Magnus	Severson	

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

#### CALL OF THE HOUSE LIFTED

Hortman moved that the call of the House be lifted. The motion prevailed and it was so ordered.

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

#### FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place S. F. No. 657 on the Fiscal Calendar for Wednesday, April 29, 2009.

#### MOTIONS AND RESOLUTIONS

Dettmer moved that the name of McFarlane be added as an author on H. F. No. 16. The motion prevailed.

Bigham moved that the name of McFarlane be added as an author on H. F. No. 45. The motion prevailed.

Brod moved that the name of McFarlane be added as an author on H. F. No. 405. The motion prevailed.

Brod moved that the name of McFarlane be added as an author on H. F. No. 970. The motion prevailed.

Downey moved that the name of McFarlane be added as an author on H. F. No. 1194. The motion prevailed.

Lanning moved that the name of McFarlane be added as an author on H. F. No. 1195. The motion prevailed.

Davnie moved that the name of Kahn be added as an author on H. F. No. 1198. The motion prevailed.

Seifert moved that the name of McFarlane be added as an author on H. F. No. 1437. The motion prevailed.

Newton moved that the name of Brynaert be added as an author on H. F. No. 1576. The motion prevailed.

Abeler moved that the name of McFarlane be added as an author on H. F. No. 1909. The motion prevailed.

Anderson, S., moved that the name of McFarlane be added as an author on H. F. No. 1927. The motion prevailed.

Gottwalt moved that the name of Kahn be added as an author on H. F. No. 2036. The motion prevailed.

Mariani moved that the name of Hausman be added as an author on H. F. No. 2352. The motion prevailed.

Morgan moved that the names of Gardner and Kalin be added as authors on H. F. No. 2353. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1309:

Lieder, Hornstein, Morrow, Hortman and Beard.

#### ADJOURNMENT

Hortman moved that when the House adjourns today it adjourn until 11:00 a.m., Wednesday, April 29, 2009. The motion prevailed.

Hortman moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m. Wednesday, April 29, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

