

NINETY-SEVENTH DAY

St. Paul, Minnesota, Thursday, April 27, 2006

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rabbi Menachem Mendel Feller.

The roll was called, and the following Senators answered to their names:

Anderson	Foley	Koering	Neuville	Saxhaug
Bachmann	Frederickson	Kubly	Nienow	Scheid
Bakk	Gerlach	Langseth	Ortman	Senjem
Belanger	Hann	Larson	Pappas	Skoe
Berglin	Higgins	LeClair	Pariseau	Skoglund
Betzold	Hottinger	Limmer	Pogemiller	Solon
Bonoff	Johnson, D.E.	Lourey	Ranum	Sparks
Chaudhary	Johnson, D.J.	Marko	Reiter	Stumpf
Clark	Jungbauer	Marty	Rest	Tomassoni
Cohen	Kelley	McGinn	Robling	Vickerman
Day	Kierlin	Metzen	Rosen	Wergin
Dibble	Kiscaden	Michel	Ruud	Wiger
Fischbach	Koch	Murphy	Sams	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 27, 2006

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Pursuant to Senate Rule 8.2, the following appointment has been withdrawn from the following committee and placed on the Confirmation Calendar:

From the Committee on Health and Family Security, to which was referred the following appointment as reported in the Journal for April 26, 2005:

EMERGENCY MEDICAL SERVICES REGULATORY BOARD
Shanna Hanson

Sincerely,
Patrick E. Flahaven
Secretary of the Senate

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2734: A bill for an act relating to natural and cultural resources; proposing an amendment to the Minnesota Constitution, article XI; increasing the sales tax rate by three-eighths of one percent and dedicating the receipts for natural and cultural resource purposes; creating an arts, humanities, museum, and public broadcasting fund; creating a heritage enhancement fund; creating a parks and trails fund; creating a clean water fund; establishing a Heritage Enhancement Council; establishing a Clean Water Council; amending Minnesota Statutes 2004, sections 297A.62, subdivision 1; 297A.94; 297B.02, subdivision 1; Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F; 129D.

Senate File No. 2734 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 25, 2006

Senator Sams moved that the Senate do not concur in the amendments by the House to S.F. No. 2734, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Report at the Desk be now adopted. The motion prevailed.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 3940 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3940	3081				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3940 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3940, the second engrossment; and insert the language after the enacting clause of S.F. No. 3081, the first engrossment; further, delete the title of H.F. No. 3940, the second engrossment; and insert the title of S.F. No. 3081, the first engrossment.

And when so amended H.F. No. 3940 will be identical to S.F. No. 3081, and further recommends that H.F. No. 3940 be given its second reading and substituted for S.F. No. 3081, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. No. 3940 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Scheid moved that the name of Senator Rest be added as a co-author to S.F. No. 3753. The motion prevailed.

Senator Betzold introduced –

Senate Resolution No. 198: A Senate resolution congratulating Stephen "Ryan" Fischer of Mounds View, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Lourey introduced –

Senate Resolution No. 199: A Senate resolution congratulating the Braham High School boys basketball team on winning the 2006 State High School Class AA boys basketball tournament.

Referred to the Committee on Rules and Administration.

Senator Clark introduced –

Senate Resolution No. 200: A Senate resolution honoring the city of St. Cloud on its 150th birthday.

Referred to the Committee on Rules and Administration.

RECONSIDERATION

Having voted on the prevailing side, Senator Koering moved that the vote whereby H.F. No. 1838 was passed by the Senate on April 24, 2006, be now reconsidered. The motion prevailed. So the vote was reconsidered.

H.F. No. 1838: A bill for an act relating to traffic regulations; authorizing operation of neighborhood electric vehicles on streets and highways; amending Minnesota Statutes 2004, sections 168.011, by adding a subdivision; 168A.05, by adding a subdivision; 169.01, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 168.011, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 169.

Senator Koering moved that the amendment made to H.F. No. 1838 by the Committee on Rules and Administration in the report adopted April 11, 2006, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1838 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Koering	Nienow	Senjem
Bachmann	Gerlach	Kubly	Pappas	Skoe
Bakk	Hann	Langseth	Pariseau	Skoglund
Belanger	Higgins	Larson	Ranum	Solon
Berglin	Hottinger	LeClair	Reiter	Sparks
Betzold	Johnson, D.E.	Limmer	Rest	Stumpf
Bonoff	Johnson, D.J.	Lourey	Robling	Tomassoni
Clark	Jungbauer	Marty	Rosen	Vickerman
Cohen	Kelley	McGinn	Ruud	Wergin
Day	Kierlin	Metzen	Sams	Wiger
Dibble	Kiscaden	Michel	Saxhaug	
Fischbach	Koch	Neuville	Scheid	

Those who voted in the negative were:

Foley

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 3526, 3260, 930, 2983, 2883, H.F. No. 3670 and S.F. No. 2437.

SPECIAL ORDER

S.F. No. 3526: A bill for an act relating to highways; designating the Shawn Silvera Memorial Highway; amending Minnesota Statutes 2004, section 161.14, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Clark	Hann	Koch	Marko
Bachmann	Cohen	Higgins	Koering	Marty
Bakk	Day	Hottinger	Kubly	McGinn
Belanger	Dibble	Johnson, D.E.	Langseth	Metzen
Berglin	Fischbach	Johnson, D.J.	Larson	Michel
Betzold	Foley	Jungbauer	LeClair	Murphy
Bonoff	Frederickson	Kelley	Limmer	Neuville
Chaudhary	Gerlach	Kierlin	Lourey	Nienow

Pappas	Robling	Scheid	Sparks	Wiger
Pariseau	Rosen	Senjem	Stumpf	
Ranum	Ruud	Skoe	Tomassoni	
Reiter	Sams	Skoglund	Vickerman	
Rest	Saxhaug	Solon	Wergin	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 3260: A bill for an act relating to biotechnology zones; authorizing the designation of additional biotechnology and health sciences industry zones; amending Minnesota Statutes 2004, section 469.334, subdivisions 1, 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kiscaden	Neuville	Scheid
Bakk	Foley	Koch	Ortman	Senjem
Belanger	Frederickson	Koering	Pappas	Skoe
Berglin	Gerlach	Kubly	Ranum	Skoglund
Betzold	Higgins	Langseth	Reiter	Solon
Bonoff	Hottinger	Lourey	Rest	Sparks
Chaudhary	Johnson, D.E.	Marko	Robling	Stumpf
Clark	Johnson, D.J.	McGinn	Rosen	Tomassoni
Cohen	Jungbauer	Metzen	Ruud	Vickerman
Day	Kelley	Michel	Sams	Wergin
Dibble	Kierlin	Murphy	Saxhaug	Wiger

Those who voted in the negative were:

Bachmann	Larson	Limmer	Pariseau
Hann	LeClair	Nienow	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 930: A bill for an act relating to gambling; appropriating money for compulsive gambling prevention and education.

Senator Kubly moved that S.F. No. 930 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 2983: A bill for an act relating to motor vehicles; requiring notice on vehicle to be dismantled or destroyed; modifying definition of "motorized foot scooter"; amending Minnesota Statutes 2004, section 168A.153; Minnesota Statutes 2005 Supplement, section 169.01, subdivision 4c.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Koering	Neuville	Scheid
Bachmann	Frederickson	Kubly	Nienow	Senjem
Bakk	Gerlach	Langseth	Ortman	Skoe
Belanger	Hann	Larson	Pappas	Skoglund
Berglin	Higgins	LeClair	Pariseau	Solon
Betzold	Hottinger	Limmer	Ranum	Sparks
Bonoff	Johnson, D.E.	Lourey	Reiter	Stumpf
Chaudhary	Johnson, D.J.	Marko	Rest	Tomassoni
Clark	Jungbauer	Marty	Robling	Vickerman
Cohen	Kelley	McGinn	Rosen	Wergin
Day	Kierlin	Metzen	Ruud	Wiger
Dibble	Kiscaden	Michel	Sams	
Fischbach	Koch	Murphy	Saxhaug	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2883: A bill for an act relating to human services; modifying child care licensing provisions; amending Minnesota Statutes 2005 Supplement, section 245A.14, subdivisions 4, 12, 13.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Koering	Neuville	Senjem
Bachmann	Frederickson	Kubly	Nienow	Skoe
Bakk	Gerlach	Langseth	Pappas	Skoglund
Belanger	Hann	Larson	Pariseau	Solon
Berglin	Higgins	LeClair	Ranum	Sparks
Betzold	Hottinger	Limmer	Reiter	Stumpf
Bonoff	Johnson, D.E.	Lourey	Rest	Tomassoni
Chaudhary	Johnson, D.J.	Marko	Robling	Vickerman
Clark	Jungbauer	Marty	Rosen	Wergin
Cohen	Kelley	McGinn	Ruud	Wiger
Day	Kierlin	Metzen	Sams	
Dibble	Kiscaden	Michel	Saxhaug	
Fischbach	Koch	Murphy	Scheid	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3670: A bill for an act relating to agriculture; changing certain food law provisions; amending Minnesota Statutes 2004, sections 25.33, subdivision 11; 25.39, subdivisions 2, 3; 25.40; 25.41, subdivisions 1, 2, 4, 7, by adding a subdivision; 25.42, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Bachmann	Bakk	Belanger	Berglin
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Betzold	Hottinger	LeClair	Ranum	Solon
Bonoff	Johnson, D.E.	Limmer	Reiter	Sparks
Clark	Johnson, D.J.	Lourey	Rest	Stumpf
Cohen	Jungbauer	Marko	Robling	Tomassoni
Day	Kelley	Marty	Rosen	Vickerman
Dibble	Kierlin	McGinn	Ruud	Wergin
Fischbach	Kiscaden	Metzen	Sams	Wiger
Foley	Koch	Michel	Saxhaug	
Frederickson	Koering	Neuville	Scheid	
Gerlach	Kubly	Nienow	Senjem	
Hann	Langseth	Pappas	Skoe	
Higgins	Larson	Pariseau	Skoglund	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2437: A bill for an act relating to the environment; requiring the replacement or discontinued operation of straight-pipe systems for sewage disposal within ten months of notice; amending Minnesota Statutes 2004, section 115.55, subdivision 1, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Koering	Neuville	Scheid
Bachmann	Frederickson	Kubly	Nienow	Senjem
Bakk	Gerlach	Langseth	Pappas	Skoe
Belanger	Hann	Larson	Pariseau	Skoglund
Berglin	Higgins	LeClair	Pogemiller	Solon
Betzold	Hottinger	Limmer	Ranum	Sparks
Bonoff	Johnson, D.E.	Lourey	Reiter	Stumpf
Chaudhary	Johnson, D.J.	Marko	Rest	Tomassoni
Clark	Jungbauer	Marty	Robling	Vickerman
Cohen	Kelley	McGinn	Rosen	Wergin
Day	Kierlin	Metzen	Ruud	Wiger
Dibble	Kiscaden	Michel	Sams	
Fischbach	Koch	Murphy	Saxhaug	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Kubly moved that S.F. No. 930 be taken from the table. The motion prevailed.

S.F. No. 930: A bill for an act relating to gambling; appropriating money for compulsive gambling prevention and education.

Senator Hann moved to amend S.F. No. 930 as follows:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2004, section 349A.09, subdivision 2, is amended to read:

Subd. 2. ~~Content of Advertising prohibition. (a) The director may not expend lottery revenues for advertising and promotional materials for the lottery adopted or published by the director must be consistent with the dignity of the state and may only:~~

~~(1) present information on how lottery games are played, prizes offered, where and how tickets may be purchased, when drawings are held, and odds on the games advertised;~~

~~(2) identify state programs supported by lottery net revenues;~~

~~(3) present the lottery as a form of entertainment; or~~

~~(4) state the winning numbers or identity of winners of lottery prizes.~~

~~(b) The director may not adopt or publish any advertising for the lottery which:~~

~~(1) presents directly or indirectly any lottery game as a potential means of relieving any person's financial difficulties;~~

~~(2) is specifically targeted with the intent to exploit a person, a specific group or economic class of people, or a religious holiday by use of a religious theme or symbol;~~

~~(3) presents the purchase of a lottery ticket as a financial investment or a way to achieve financial security;~~

~~(4) uses the name or picture of a current elected state official to promote a lottery game;~~

~~(5) exhorts the public to bet by directly or indirectly misrepresenting a person's chance of winning a prize; or~~

~~(6) denigrates a person who does not buy a lottery ticket or unduly praises a person who does buy a ticket.~~

Sec. 2. Minnesota Statutes 2004, section 349A.09, subdivision 3, is amended to read:

Subd. 3. **Prizes; required information.** The director must include, in any publication ~~or print advertising~~ which refers to a prize which is or may be paid in installments, a statement to the effect that the prize will be or may be paid in installments."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Betzold questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 930 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kubly	Nienow	Scheid
Bachmann	Frederickson	Langseth	Ortman	Senjem
Bakk	Hann	Larson	Pappas	Skoe
Belanger	Higgins	LeClair	Pariseau	Skoglund
Berglin	Hottinger	Limmer	Pogemiller	Sparks
Betzold	Johnson, D.E.	Lourey	Ranum	Stumpf
Bonoff	Johnson, D.J.	Marko	Reiter	Tomassoni
Chaudhary	Jungbauer	Marty	Rest	Vickerman
Clark	Kelley	McGinn	Robling	Wergin
Cohen	Kierlin	Metzen	Rosen	Wiger
Day	Kiscaden	Michel	Ruud	
Dibble	Koch	Murphy	Sams	
Fischbach	Koering	Neuville	Saxhaug	

Those who voted in the negative were:

Gerlach

Solon

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2480.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 26, 2006

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 2480: A bill for an act relating to a ballpark for major league baseball; providing for the financing, construction, operation, and maintenance of the ballpark and related facilities; establishing the Minnesota Ballpark Authority; providing powers and duties of the authority; providing a community ownership option; authorizing Hennepin County to issue bonds and to contribute to ballpark costs and to engage in ballpark and related activities; authorizing local sales and use taxes and revenues; exempting Minnesota State High School League events from sales taxes; requiring the Minnesota State High School League to transfer tax savings to a foundation to promote extracurricular activities; exempting building materials used for certain local government projects from certain taxes; amending Minnesota Statutes 2004, sections 297A.70, subdivision 11; 297A.71, by adding subdivisions; Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35; repealing Minnesota Statutes 2004, sections 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; 473I.13.

Referred to the Committee on Taxes.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 2489: A bill for an act relating to state government; requiring state agencies to include the number of full-time equivalent positions for each agency program for the detailed budget; amending Minnesota Statutes 2004, section 16A.11, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section. 1. Minnesota Statutes 2004, section 3.9225, subdivision 5, is amended to read:

Subd. 5. **Powers.** The council may contract in its own name, but no money shall be accepted or received as a loan nor indebtedness incurred except as otherwise provided by law. Contracts shall be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the power and duties specified in subdivisions 1 to 7.

The council shall appoint an executive director who is experienced in administrative activities and familiar with the problems and needs of Black people. The council may delegate to the executive director powers and duties under subdivisions 1 to 7 which do not require council approval. The executive director serves in the unclassified service and may be removed at any time by the council. The executive director shall recommend to the council, and the council may appoint the appropriate staff necessary to carry out its duties. Staff members serve in the unclassified service. The commissioner of administration shall ~~provide the council with~~ perform necessary administrative services for the council, including, but not limited to, payroll, purchasing, budgeting, and computer support functions.

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

Sec. 2. **[10.49] EMPLOYEE RECOGNITION; GIFT CERTIFICATES.**

A state employer that has an employee recognition program that awards gifts to its employees based on years of service must allow the employees the option of choosing a gift certificate of equivalent value from the Minnesota Historical Society for use in a historical society store or the online store. For the purposes of this section, "state employer" means any state department, office, board, commission, authority, legislative office, judicial office, and the Metropolitan Council.

Sec. 3. Minnesota Statutes 2005 Supplement, section 10.60, subdivision 3, is amended to read:

Subd. 3. **Prohibitions.** (a) A Web site or publication must not include pictures or other materials that tend to attribute the Web site or publication to an individual or group of individuals instead of to a public office, state agency, or political subdivision. A publication must not include the words "with the compliments of" or contain letters of personal greeting that promote an elected or appointed official of a state agency or political subdivision.

(b) A Web site may not contain a link to a Weblog or site maintained by a candidate, a political committee, a political party or party unit, a principal campaign committee, or a state committee. Terms used in this paragraph have the meanings given them in chapter 10A, except that "candidate" also includes a candidate for an elected office of a political subdivision. This paragraph does not apply to a Web site maintained by a public library or by a school district if the link is provided only for nonpartisan and educational purposes.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 4. Minnesota Statutes 2004, section 16A.11, subdivision 3, is amended to read:

Subd. 3. **Part two: detailed budget.** (a) Part two of the budget, the detailed budget estimates both of expenditures and revenues, must contain any statements on the financial plan which the governor believes desirable or which may be required by the legislature. The detailed estimates shall include the governor's budget arranged in tabular form.

(b) Tables listing expenditures for the next biennium must show the appropriation base for each year. The appropriation base is the amount appropriated for the second year of the current biennium. The tables must separately show any adjustments to the base required by current law or policies of the commissioner of finance. For forecasted programs, the tables must also show the amount of the forecast adjustments, based on the most recent forecast prepared by the commissioner of finance

under section 16A.103. For all programs, the tables must show the amount of appropriation changes recommended by the governor, after adjustments to the base and forecast adjustments, and the total recommendation of the governor for that year.

(c) The detailed estimates must include a separate line listing the total cost of professional and technical service contracts for the prior biennium and the projected costs of those contracts for the current and upcoming biennium. They must also include a summary of the personnel employed by the agency, reflected as the number of full-time equivalent positions in each agency program for the current biennium and the projected number of full-time equivalent positions in each agency program for the upcoming biennium.

(d) The detailed estimates for internal service funds must include the number of full-time equivalents by program; detail on any loans from the general fund, including dollar amounts by program; proposed investments in technology or equipment of \$100,000 or more; an explanation of any operating losses or increases in retained earnings; and a history of the rates that have been charged, with an explanation of any rate changes and the impact of the rate changes on affected agencies.

Sec. 5. Minnesota Statutes 2004, section 16A.86, is amended by adding a subdivision to read:

Subd. 5. Grant administration. The commissioner may administer capital grants if requested by another executive agency. The commissioner will work in collaboration with the agency that made the request to ensure that program needs of the grant are addressed.

Sec. 6. **[16A.89] GRANTS MANAGEMENT.**

Subdivision 1. Grant. (a) A grant is a written instrument or electronic document defining a legal relationship between a sponsor and a recipient when the principal purpose of the relationship is to transfer cash or a thing of value to the recipient to support a public purpose authorized by law instead of acquiring property or services, by professional or technical contract, purchase, lease, or barter, for the direct benefit or use of the sponsor.

(b) This section does not apply to capital project grants to political subdivisions, as defined by section 16A.86.

Subd. 2. Ethical practices and conflict of interest. An employee of the executive branch involved directly or indirectly in a grant process, at any level, is subject to the code of ethics in section 43A.38.

Subd. 3. Conflict of interest policy development. (a) The commissioner must develop a code of ethics and policies regarding conflicts of interest that are designed to prevent conflicts of interest for employees involved in the award and administration of grants. The policies must apply to employees who are directly or indirectly involved in developing requests for proposals, evaluating proposals, awarding grants, drafting and entering into grant agreements, amending or revising grants, evaluating performance under these grants, and authorizing payments under the grant.

(b) The policies must include:

(1) a process for making employees aware of policy and laws relating to conflict of interest, and training for employees on how to avoid and address potential conflicts;

(2) a process under which an employee who has a conflict of interest or a potential conflict of interest must disclose the matter; and

(3) a process under which work on the grant may be assigned to another employee if possible.

Subd. 4. Reporting of violations. A state employee who discovers evidence of a violation of laws or rules governing grants is encouraged to report the violation or suspected violation to the employee's supervisor, the commissioner, the director, or the legislative auditor. The legislative auditor shall report to the Legislative Audit Commission if there are multiple complaints about the

same agency. The auditor's report to the Legislative Audit Commission under this section must disclose only the number and type of violations alleged. An employee making a good-faith report under this section is covered by section 181.932.

Subd. 5. **Creation and validity of grant agreements.** (a) A grant agreement is not fully executed and the state is not bound by the grant unless:

(1) the grant has been executed by the head of the agency or a delegate who is a party to the grant; and

(2) the accounting system shows an encumbrance for the amount of the grant.

(b) The combined grant agreement and amendments must not exceed five years without specific, written approval by the commissioner according to established policy, procedures, and standards, or unless the commissioner determines that a longer duration is in the best interest of the state.

(c) A fully executed copy of every grant agreement, amendments to the grant, and other required records relating to the grant must be kept on file at the granting agency for a period of time equal to that required for grantees in subdivision 7, paragraph (a).

(d) The attorney general may periodically review and evaluate a sample of state agency grants to ensure compliance with applicable laws.

Subd. 6. **Grant administration.** A granting agency shall diligently administer and monitor any grant it has entered into.

Subd. 7. **Audit.** (a) A grant agreement made by an executive agency or any unit of local government must include, expressed or implied, an audit clause that provides that the books, records, documents, and accounting procedures and practices of the grantee or other party that are relevant to the grant or transaction are subject to examination by the granting agency and either the legislative auditor or the state auditor, as appropriate, for a minimum of four years from the grant agreement end date or receipt and approval of all final reports, whichever is later.

(b) If the granting agency is a local unit of government, and the governing body of the local unit of government requests that the state auditor examine the books, records, documents, and accounting procedures and practices of the grantee or other party according to this subdivision, the granting agency is liable for the cost of the examination. If the granting agency is a local unit of government, and the grantee or other party requests that the state auditor examine all books, records, documents, and accounting procedures and practices related to the grant, the grantee or other party that requested the examination is liable for the costs of the examination.

Subd. 8. **Authority of attorney general.** The attorney general may pursue remedies available by law to avoid the obligation of an agency to pay under a grant or to recover payments made if activities under the grant are so unsatisfactory, incomplete, or inconsistent that payment would involve unjust enrichment. The contrary opinion of the granting agency does not affect the power of the attorney general under this subdivision.

Subd. 9. **Grants with Indian tribes and bands.** Notwithstanding any other law, an agency may not require an Indian tribe or band to deny its sovereignty as a requirement or condition of a grant with an agency.

Sec. 7. [16B.277] FORD BUILDING.

The commissioner of administration must maintain and stabilize the Ford Building at 117 University Avenue in St. Paul.

Sec. 8. [16C.011] APPLICABILITY.

Nothing in this chapter applies to grants under section 16A.86.

Sec. 9. Minnesota Statutes 2004, section 16C.02, is amended by adding a subdivision to read:

Subd. 3a. Best and final offer. "Best and final offer" means an optional step in the solicitation process in which responders are requested to improve their response by methods including, but not limited to, the reduction of cost, clarification or modification of the response, or the provision of additional information.

Sec. 10. Minnesota Statutes 2004, section 16C.02, subdivision 4, is amended to read:

Subd. 4. Best value. "Best value" describes a result intended in the acquisition of all goods and services. Price must be one of the evaluation criteria when acquiring goods and services. Other evaluation criteria may include, but are not limited to, environmental considerations, quality, and vendor performance. In achieving "best value" strategic sourcing tools, including, but not limited to, best and final offers, negotiations, contract consolidation, product standardization, and mandatory-use enterprise contracts may be used at the commissioner's discretion.

Sec. 11. Minnesota Statutes 2004, section 16C.02, is amended by adding a subdivision to read:

Subd. 6a. Enterprise procurement. "Enterprise procurement" means the process undertaken by the commissioner to leverage economies of scale of multiple end users to achieve cost savings and other favorable terms in contracts for goods and services.

Sec. 12. Minnesota Statutes 2004, section 16C.02, subdivision 12, is amended to read:

Subd. 12. Request for proposal or RFP. "Request for proposal" or "RFP" means a solicitation in which it is not advantageous to set forth all the actual, detailed requirements at the time of solicitation and responses are ~~subject to negotiation~~ negotiated to achieve best value for the state.

Sec. 13. Minnesota Statutes 2004, section 16C.02, subdivision 14, is amended to read:

Subd. 14. Response. "Response" means the offer received from a vendor in response to a solicitation. A response includes submissions commonly referred to as "offers," "best and final offers," "bids," "quotes," or "proposals."

Sec. 14. Minnesota Statutes 2004, section 16C.02, is amended by adding a subdivision to read:

Subd. 20. Strategic sourcing. "Strategic sourcing" means methods used to analyze and reduce spending on goods and services including, but not limited to, spending analysis, product standardization, contract consolidation, multiple jurisdiction purchasing alliances, reverse auctions, lifecycle costing, and other techniques.

Sec. 15. Minnesota Statutes 2004, section 16C.03, subdivision 3, is amended to read:

Subd. 3. Acquisition authority. The commissioner shall acquire all goods, services, and utilities needed by agencies. The commissioner shall acquire goods, services, and utilities by requests for bids, requests for proposals, reverse auctions as provided in section 16C.10, subdivision 7, or other methods provided by law, unless a section of law requires a particular method of acquisition to be used. The commissioner shall make all decisions regarding acquisition activities. The determination of the acquisition method and all decisions involved in the acquisition process, unless otherwise provided for by law, shall be based on best value which includes an evaluation of price and may include other considerations including, but not limited to, environmental considerations, quality, and vendor performance. In achieving best value, the commissioner may employ methods including best and final offers, negotiations, contract consolidation, product standardization, mandatory-use contracts, total cost of ownership assessments, and other strategic sourcing techniques. The commissioner shall engage in enterprise procurements to the extent practicable. A best value determination must be based on the evaluation criteria detailed in the solicitation document. If criteria other than price are used, the solicitation document must state the relative importance of price and other factors. For all systems integration projects that exceed \$500,000 in cost:

(1) contract awards must be based on the proposal that provides best value to the state's requirements, as determined by the evaluation criteria contained in the solicitation document; and

(2) the evaluation criteria for the selection of a contractor must be objective and not limited to cost alone.

Unless it is determined by the commissioner that an alternative solicitation method provided by law should be used to determine best value, a request for bid must be used to solicit formal responses for all building and construction contracts. Any or all responses may be rejected. When using the request for bid process, the bid must be awarded to the lowest responsive and responsible bidder, taking into consideration conformity with the specifications, terms of delivery, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the request for bids. The commissioner may decide which is the lowest responsible bidder for all purchases and may use the principles of life-cycle costing, where appropriate, in determining the lowest overall bid. The duties set forth in this subdivision are subject to delegation pursuant to this section.

Sec. 16. Minnesota Statutes 2004, section 16C.03, subdivision 4, is amended to read:

Subd. 4. **Contracting authority.** The commissioner shall conduct all contracting by, for, and between agencies and perform all contract management and review functions for contracts, except those functions specifically delegated to be performed by the contracting agency, the attorney general, or otherwise provided for by law. The commissioner must involve agency staff and agency staff must participate in the development of enterprise procurements including the development of product standards, specifications, and other requirements.

Sec. 17. Minnesota Statutes 2004, section 16C.03, subdivision 8, is amended to read:

Subd. 8. **Policy and procedures.** The commissioner is authorized to issue policies, procedures, and standards applicable to all acquisition activities by and for agencies. Consistent with the authority specified in this chapter, the commissioner shall develop and implement policies, procedures, and standards ensuring the optimal use of strategic sourcing techniques.

Sec. 18. Minnesota Statutes 2004, section 16C.03, subdivision 13, is amended to read:

Subd. 13. **Central stores.** The commissioner is authorized to provide agencies with supplies and equipment and operate all central stores and supply rooms serving more than one agency. The commissioner may require agency use of this service if consistent with "best value."

Sec. 19. Minnesota Statutes 2004, section 16C.03, subdivision 16, is amended to read:

Subd. 16. **Delegation of duties.** The commissioner may delegate duties imposed by this chapter to the head of an agency and to any subordinate of the agency head. Delegated duties shall be exercised in the name of the commissioner and under the commissioner's direct supervision and control. A delegation of duties may include, but is not limited to, allowing individuals within agencies to acquire goods, services, and utilities within dollar limitations and for designated types of acquisitions. Delegation of contract management and review functions must be filed with the secretary of state and may not, except with respect to delegations within the Department of Administration, exceed two years in duration. The commissioner may withdraw any delegation at the commissioner's sole discretion. The commissioner may require an agency head or subordinate to accept delegated responsibility to procure goods or services intended for the exclusive use of the agency receiving the delegation.

Sec. 20. Minnesota Statutes 2004, section 16C.04, subdivision 1, is amended to read:

Subdivision 1. **Duty.** An employee of the executive branch involved directly or indirectly in the acquisition ~~or grants~~ process, at any level, is subject to the code of ethics in section 43A.38.

Sec. 21. Minnesota Statutes 2004, section 16C.04, subdivision 2, is amended to read:

Subd. 2. **Conflict of interest policy development.** (a) The commissioner must develop policies regarding code of ethics and conflict of interest designed to prevent conflicts of interest for employees involved in the acquisition of goods, services, and utilities ~~or the award and administration of grant contracts~~. The policies must apply to employees who are directly or indirectly involved in the acquisition of goods, services, and utilities, developing requests for proposals, evaluating bids or proposals, awarding the contract, selecting the final vendor, drafting and entering into contracts, evaluating performance under these contracts, and authorizing payments under the contract.

(b) The policies must contain a process for making employees aware of policy and laws relating to conflict of interest, and for training employees on how to avoid and deal with potential conflicts.

(c) The policies must contain a process under which an employee who has a conflict of interest or a potential conflict of interest must disclose the matter, and a process under which work on the contract may be assigned to another employee if possible.

Sec. 22. Minnesota Statutes 2004, section 16C.05, subdivision 1, is amended to read:

Subdivision 1. **Agency cooperation.** Agencies shall fully cooperate with the commissioner in the management and review of state contracts and in the development and implementation of strategic sourcing techniques.

Sec. 23. Minnesota Statutes 2004, section 16C.05, subdivision 2, is amended to read:

Subd. 2. **Creation and validity of contracts.** (a) A contract is not valid and the state is not bound by it and no agency, without the prior written approval of the commissioner granted pursuant to subdivision 2a, may authorize work to begin on it unless:

(1) it has first been executed by the head of the agency or a delegate who is a party to the contract;

(2) it has been approved by the commissioner; and

(3) the accounting system shows an encumbrance for the amount of the contract liability, except as allowed by policy approved by the commissioner and the commissioner of finance for routine, low-dollar procurements.

(b) The combined contract and amendments must not exceed five years without specific, written approval by the commissioner according to established policy, procedures, and standards, or unless otherwise provided for by law. The term of the original contract must not exceed two years unless the commissioner determines that a longer duration is in the best interest of the state.

(c) ~~Grants,~~ Interagency agreements, purchase orders, work orders, and annual plans need not, in the discretion of the commissioner and attorney general, require the signature of the commissioner and/or the attorney general. A signature is not required for work orders and amendments to work orders related to Department of Transportation contracts. Bond purchase agreements by the Minnesota Public Facilities Authority do not require the approval of the commissioner.

(d) Amendments to contracts must entail tasks that are substantially similar to those in the original contract or involve tasks that are so closely related to the original contract that it would be impracticable for a different contractor to perform the work. The commissioner or an agency official to whom the commissioner has delegated contracting authority under section 16C.03, subdivision 16, must determine that an amendment would serve the interest of the state better than a new contract and would cost no more.

(e) A fully executed copy of every contract, amendments to the contract, and performance evaluations relating to the contract must be kept on file at the contracting agency for a time equal to that specified for contract vendors and other parties in subdivision 5.

(f) The attorney general must periodically review and evaluate a sample of state agency contracts

to ensure compliance with laws.

Sec. 24. Minnesota Statutes 2004, section 16C.05, subdivision 5, is amended to read:

Subd. 5. **Subject to audit.** A contract or any pass-through disbursement of public funds to a vendor of goods or services ~~or a grantee~~ made by or under the supervision of the commissioner or any county or unit of local government must include, expressed or implied, an audit clause that provides that the books, records, documents, and accounting procedures and practices of the vendor or other party, that are relevant to the contract or transaction, are subject to examination by the contracting agency and either the legislative auditor or the state auditor, as appropriate, for a minimum of six years. If the contracting agency is a local unit of government, and the governing body of the local unit of government requests that the state auditor examine the books, records, documents, and accounting procedures and practices of the vendor or other party pursuant to this subdivision, the contracting agency shall be liable for the cost of the examination. If the contracting agency is a local unit of government, and the ~~grantee, vendor, or other party~~ requests that the state auditor examine all books, records, documents, and accounting procedures and practices related to the contract, the grantee, vendor, or other party that requested the examination shall be liable for the cost of the examination. An agency contract made for purchase, lease, or license of software and data from the state is not required to contain this audit clause.

Sec. 25. Minnesota Statutes 2004, section 16C.08, is amended by adding a subdivision to read:

Subd. 1a. **Enterprise procurement process.** Notwithstanding section 15.061 or any other law, the commissioner shall, to the fullest extent practicable, conduct enterprise procurements that result in the establishment of professional or technical contracts for use by multiple state agencies. The commissioner may mandate use of any contract entered into as a result of an enterprise procurement process. Agencies shall fully cooperate in the development and use of contracts entered into under this section.

Sec. 26. Minnesota Statutes 2004, section 16C.08, subdivision 2, is amended to read:

Subd. 2. **Duties of contracting agency.** (a) Before an agency may seek approval of a professional or technical services contract valued in excess of \$5,000, it must provide the following:

(1) a description of how the proposed contract or amendment is necessary and reasonable to advance the statutory mission of the agency;

(2) a description of the agency's plan to notify firms or individuals who may be available to perform the services called for in the solicitation; ~~and~~

(3) a description of the performance measures or other tools that will be used to monitor and evaluate contract performance; ~~and~~

(4) an explanation detailing, if applicable, why this procurement is being pursued unilaterally by the agency and not as an enterprise procurement.

(b) In addition to paragraph (a), the agency must certify that:

(1) no current state employee is able and available to perform the services called for by the contract;

(2) the normal competitive bidding mechanisms will not provide for adequate performance of the services;

(3) reasonable efforts will be made to publicize the availability of the contract to the public;

(4) the agency will develop and implement a written plan providing for the assignment of specific agency personnel to manage the contract, including a monitoring and liaison function, the periodic review of interim reports or other indications of past performance, and the ultimate utilization of the final product of the services;

(5) the agency will not allow the contractor to begin work before the contract is fully executed unless an exception under section 16C.05, subdivision 2a, has been granted by the commissioner and funds are fully encumbered;

(6) the contract will not establish an employment relationship between the state or the agency and any persons performing under the contract; and

(7) in the event the results of the contract work will be carried out or continued by state employees upon completion of the contract, the contractor is required to include state employees in development and training, to the extent necessary to ensure that after completion of the contract, state employees can perform any ongoing work related to the same function.

(c) A contract establishes an employment relationship for purposes of paragraph (b), clause (6), if, under federal laws governing the distinction between an employee and an independent contractor, a person would be considered an employee.

Sec. 27. Minnesota Statutes 2005 Supplement, section 16C.09, is amended to read:

16C.09 PROCEDURE FOR SERVICE CONTRACTS.

(a) Before entering into or approving a service contract valued in excess of \$5,000, the commissioner must determine, at least, that:

(1) no current state employee is able and available to perform the services called for by the contract;

(2) the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities and there is statutory authority to enter into the contract;

(3) the contract will not establish an employment relationship between the state or the agency and any persons performing under the contract;

(4) the contractor and agents are not employees of the state;

(5) the contracting agency has specified a satisfactory method of evaluating and using the results of the work to be performed; and

(6) the combined contract and amendments will not exceed five years without specific, written approval by the commissioner according to established policy, procedures, and standards, or unless otherwise provided for by law. The term of the original contract must not exceed two years, unless the commissioner determines that a longer duration is in the best interest of the state.

(b) For purposes of paragraph (a), clause (1), employees are available if qualified and:

(1) are already doing the work in question; or

(2) are on layoff status in classes that can do the work in question.

An employee is not available if the employee is doing other work, is retired, or has decided not to do the work in question.

(c) This section does not apply to an agency's use of inmates pursuant to sections 241.20 to 241.23 or to an agency's use of persons required by a court to provide:

(1) community service; or

(2) conservation or maintenance services on lands under the jurisdiction and control of the state.

Sec. 28. Minnesota Statutes 2005 Supplement, section 16C.10, subdivision 7, is amended to read:

Subd. 7. **Reverse auction.** (a) For the purpose of this subdivision, "reverse auction" means a purchasing process in which vendors compete to provide goods or ~~computer~~ services at the lowest selling price in an open and interactive environment. Reverse auctions may not be utilized to procure architectural or engineering design services or to establish building and construction contracts under sections 16C.26 to 16C.29.

(b) The provisions of sections 13.591, subdivision 3, and 16C.06, subdivision 2, do not apply when the commissioner determines that a reverse auction is the appropriate purchasing process.

Sec. 29. **[16E.21] INFORMATION AND TELECOMMUNICATIONS ACCOUNT.**

Subdivision 1. **Account established; appropriation.** The information and telecommunications technology systems and services account is created in the special revenue fund. Funds deposited in the account are appropriated to the Office of Enterprise Technology to defray the costs of personnel and technology for activities that create government efficiencies in accordance with this chapter.

Subd. 2. **Charges.** Upon agreement of the participating agency, a charge may be collected by the Office of Enterprise Technology for purchases of information and telecommunications technology systems and services by state agencies and other governmental entities through state contracts for purposes described in subdivision 1. Charges collected under this section must be credited to the information and telecommunications technology systems and services account.

Sec. 30. Minnesota Statutes 2004, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. **Additional unclassified positions.** Appointing authorities for the following agencies may designate additional unclassified positions according to this subdivision: the Departments of Administration; Agriculture; Commerce; Corrections; Education; Employee Relations; Employment and Economic Development; Finance; Health; Human Rights; Labor and Industry; Natural Resources; Public Safety; Human Services; Revenue; Transportation; and Veterans Affairs; the Housing Finance and Pollution Control Agencies; the State Lottery; the state Board of Investment; the Office of Enterprise Technology; the Office of Administrative Hearings; the Office of Environmental Assistance; the Offices of the Attorney General, Secretary of State, and State Auditor; the Minnesota State Colleges and Universities; the Higher Education Services Office; the Perpich Center for Arts Education; and the Minnesota Zoological Board.

A position designated by an appointing authority according to this subdivision must meet the following standards and criteria:

(1) the designation of the position would not be contrary to other law relating specifically to that agency;

(2) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(3) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(4) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(5) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with, the governor and the agency head, the employing statutory board or commission, or the employing constitutional officer;

(6) the position would be at the level of division or bureau director or assistant to the agency head; and

(7) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

Sec. 31. Minnesota Statutes 2004, section 43A.17, subdivision 4, is amended to read:

Subd. 4. **Exceptions.** (a) The commissioner may without regard to subdivision 1 establish special salary rates and plans of compensation designed to attract and retain exceptionally qualified doctors of medicine and doctors of dental surgery. These rates and plans shall be included in the commissioner's plan. In establishing salary rates and eligibility for nomination for payment at special rates, the commissioner shall consider the standards of eligibility established by national medical specialty boards where appropriate. The incumbents assigned to these special ranges shall be excluded from the collective bargaining process.

(b) The commissioner may without regard to subdivision 1, but subject to collective bargaining agreements or compensation plans, establish special salary rates designed to attract and retain exceptionally qualified employees in the following positions:

- (1) information systems staff;
- (2) actuaries in the Departments of Health, Human Services, and Commerce; and
- (3) epidemiologists in the Department of Health.

Sec. 32. **[43A.312] CENTER FOR HEALTH CARE PURCHASING IMPROVEMENT.**

Subdivision 1. **Establishment; administration.** The commissioner shall establish and administer the Center for Health Care Purchasing Improvement as an administrative unit within the Department of Employee Relations. The Center for Health Care Purchasing Improvement shall support the state in its efforts to be a more prudent and efficient purchaser of quality health care services. The center shall aid the state in developing and using more common strategies and approaches for health care performance measurement and health care purchasing. The common strategies and approaches must promote greater transparency of health care costs and quality, and greater accountability for health care results and improvement. The center shall also identify barriers to more efficient, effective, quality health care and options for overcoming the barriers.

Subd. 2. **Staffing; duties; scope.** (a) The commissioner may appoint a director, and up to three additional senior-level staff or codirectors, and other staff as needed who are under the direction of the commissioner. The staff of the center are in the unclassified service.

(b) With the authorization of the commissioner of employee relations, and in consultation or interagency agreement with the appropriate commissioners of state agencies, the director, or codirectors, may:

- (1) initiate projects to develop plan designs for state health care purchasing;
- (2) require reports or surveys to evaluate the performance of current health care purchasing strategies;
- (3) calculate fiscal impacts, including net savings and return on investment, of health care purchasing strategies and initiatives;
- (4) conduct policy audits of state programs to measure conformity to state statute or other purchasing initiatives or objectives;
- (5) support the Administrative Uniformity Committee under section 62J.50 and other relevant groups or activities to advance agreement on health care administrative process streamlining;
- (6) consult with the Health Economics Unit of the Department of Health regarding reports and assessments of the health care marketplace;
- (7) consult with the Departments of Health and Commerce regarding health care regulatory issues and legislative initiatives;

(8) work with appropriate Department of Human Services staff and the Centers for Medicare and Medicaid Services to address federal requirements and conformity issues for health care purchasing;

(9) assist the Minnesota Comprehensive Health Association in health care purchasing strategies;

(10) convene medical directors of agencies engaged in health care purchasing for advice, collaboration, and exploring possible synergies;

(11) contact and participate with other relevant health care task forces, study activities, and similar efforts with regard to health care performance measurement and performance-based purchasing; and

(12) assist in seeking external funding through appropriate grants or other funding opportunities and may administer grants and externally funded projects.

Subd. 3. **Report.** The commissioner must report annually to the legislature and the governor on the operations, activities, and impacts of the center. The report must be posted on the Department of Employee Relations Web site and must be available to the public. The report must include a description of the state's efforts to develop and use more common strategies for health care performance measurement and health care purchasing. The report must also include an assessment of the impacts of these efforts, especially in promoting greater transparency of health care costs and quality, and greater accountability for health care results and improvement.

Sec. 33. Minnesota Statutes 2004, section 43A.316, subdivision 3, is amended to read:

Subd. 3. **Public employee insurance buyers group program.** The commissioner shall be the administrator of the public employee insurance buyers group program and may determine its funding arrangements. The commissioner shall model the program after the plan established in section 43A.18, subdivision 2, but may modify that plan, in consultation with the Labor-Management Committee. The commissioner, or the commissioner's designated representatives, shall be consulted in discussions or studies by state agencies related to improving statewide health care quality, outcomes, and costs. The commissioner may develop and administer separately rated programs within the public buyers group program, including a separately rated and administered program for employees of public school districts. Separate programs within the public buyers group program may be pilot or demonstration programs, or permanent programs.

Sec. 34. Minnesota Statutes 2005 Supplement, section 43A.346, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For purposes of this section, "state employee" means a person currently occupying a civil service position in the executive or legislative branch of state government, the Minnesota State Retirement System, or the Office of the Legislative Auditor, or a person employed by the Metropolitan Council.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 35. Minnesota Statutes 2004, section 145.925, is amended by adding a subdivision to read:

Subd. 10. **Definition of governmental unit.** For purposes of section 471.59, subdivision 1, nonprofit community health clinics providing family planning services as defined in this section shall be included in the definition of "governmental unit."

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

Sec. 36. Minnesota Statutes 2004, section 181.9413, is amended to read:

181.9413 SICK OR INJURED CHILD CARE LEAVE BENEFITS; USE TO CARE FOR CERTAIN RELATIVES.

(a) An employee may use personal sick leave benefits provided by the employer for absences due

to an illness of or injury to the employee's child, spouse, sibling, parent, grandparent, or stepparent, and any dependents who receive regular care from the employee for such reasonable periods as the employee's attendance with the child may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. This section applies only to personal sick leave benefits payable to the employee from the employer's general assets.

(b) For purposes of this section, "personal sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness or injury, but does not include short-term or long-term disability or other salary continuation benefits.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to sick leave used on or after that date.

Sec. 37. [181.947] LEAVE FOR IMMEDIATE FAMILY MEMBERS OF MILITARY PERSONNEL INJURED OR KILLED IN ACTIVE SERVICE.

Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

(b) "Active service" has the meaning given in section 190.05, subdivisions 5b and 5c.

(c) "Employee" means a person who performs services for compensation, in whatever form, for an employer.

(d) "Employer" means a person or entity located or doing business in this state and having one or more employees, and includes the state and all political or other governmental subdivisions of the state.

(e) "Immediate family member" means a person's grandparent, parent, legal guardian, sibling, child, grandchild, spouse, fiancé, or fiancée.

Subd. 2. Unpaid leave required. An employer must grant a leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces, has been injured or killed while engaged in active service. The length of the leave must be determined by the employee, but may not exceed five working days, unless agreed to by the employer. The purpose of the leave is to attend to an injured immediate family member or to attend services for and attend to the affairs of an immediate family member who has been killed.

Subd. 3. Notice. An employee must give as much notice to the employee's employer as practicable of the employee's intent to exercise the leave guaranteed by this section.

Subd. 4. Relationship to other leave. The length of leave provided under this section may be reduced by any period of paid leave provided by the employer. Nothing in this section prevents an employer from providing leave benefits in addition to those provided in this section or otherwise affects an employee's rights with respect to other employment benefits.

Subd. 5. Posting of law. The Department of Labor and Industry shall develop, with the assistance of interested business and veterans' organizations, an educational poster stating employees' rights under this section. The department shall make the poster available, upon request, to employers for posting on the employer's premises.

Subd. 6. Individual remedies. In addition to any other remedies provided by law, a person injured by a violation of this section may bring a civil action to recover any and all damages recoverable at law, together with costs and disbursements, including reasonable attorney fees, and may receive injunctive and other equitable relief as determined by a court.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to the immediate family members of military personnel injured or killed on or after that date, as well as to the immediate family members of military personnel, who, on the effective date, are recovering from injuries that occurred before that date.

Sec. 38. **[181.948] LEAVE TO ATTEND MILITARY CEREMONIES.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meaning given to them in this subdivision.

(b) "Employee" means a person who performs services for compensation, in whatever form, for an employer.

(c) "Employer" means a person or entity located or doing business in this state and having one or more employees, and includes the state and all political or other governmental subdivisions of the state.

(d) "Immediate family member" means a person's grandparent, parent, legal guardian, sibling, child, grandchild, spouse, fiance, or fiancée.

Subd. 2. **Unpaid leave required.** An employer shall grant a leave of absence without pay to an employee for the actual time necessary for an employee to attend a send-off or homecoming ceremony for an immediate family member who, as a member of the United States armed forces, has been mobilized for active service in support of a war or other national emergency. The leave required by this subdivision must not exceed one day.

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

Sec. 39. Minnesota Statutes 2005 Supplement, section 192.502, is amended by adding a subdivision to read:

Subd. 3. **Unpaid leave to attend military ceremonies.** Employees are entitled to unpaid leave, as provided in section 181.948, to attend the send-off or homecoming ceremony of an immediate family member who, as a member of the United States armed forces, has been mobilized for active service in support of a war or other national emergency.

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

Sec. 40. Minnesota Statutes 2005 Supplement, section 192.502, is amended by adding a subdivision to read:

Subd. 4. **Unpaid leave for families of injured or deceased military members.** Employees are entitled to unpaid leave, as provided in section 181.947, when an immediate family member, as a member of the United States armed forces, has been injured or killed while engaged in active service.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to the immediate family members of military personnel injured or killed on or after that date, as well as to the immediate family members of military personnel, who, on the effective date, are recovering from injuries that occurred before that date.

Sec. 41. **[197.775] HIGHER EDUCATION FAIRNESS.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of veterans affairs.

(c) "State college or university" means a unit of the University of Minnesota or Minnesota State Colleges and Universities.

Subd. 2. **Recognition of courses.** (a) Minnesota State Colleges and Universities must recognize courses and award educational credits for courses that were part of a veteran's military training or service if the courses meet the standards of the American Council on Education or equivalent standards for awarding academic credits.

(b) The University of Minnesota and private colleges and universities in this state are encouraged

to recognize courses and award educational credits for courses that were part of a veteran's military training or service if the courses meet the standards of the American Council on Education or equivalent standards for awarding academic credits.

Subd. 3. **Tuition status.** A state college or university must treat a veteran as a resident of this state for purposes of determining the veteran's undergraduate tuition rate, and must treat a veteran as a resident of this state for purposes of determining the veteran's graduate school tuition rate if the veteran was a resident of this state on entering military service and starts attending the state college or university graduate program within two years of completing military service.

Subd. 4. **Delayed payment of tuition.** A state college or university may not assess late fees or other late charges for veterans who are eligible and have applied for federal educational assistance but have not yet received it, nor may it prevent these students from registering for a subsequent term because of outstanding tuition charges that arise from delayed federal payments. The state college or university may request without delay the amount of tuition above expected federal educational assistance and may require payment of the full amount of tuition owed by the veteran within 30 days of receipt of the expected federal educational assistance.

Sec. 42. Minnesota Statutes 2004, section 270B.14, is amended by adding a subdivision to read:

Subd. 19. **Disclosure to commissioner of finance.** The commissioner may disclose to the commissioner of finance returns or return information necessary in order to prepare a revenue forecast under section 16A.103.

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

Sec. 43. **[353.95] ACCOUNTS FOR POSTEMPLOYMENT BENEFITS DEMONSTRATION.**

Subdivision 1. **Establishment.** The Public Employees Retirement Association must establish a fund that the city of Duluth may use to hold money to pay for postemployment benefits owed to officers and employees after termination of service. The fund must provide that the account is irrevocable, and that money may be withdrawn only as permitted in this section. All money in the fund is appropriated to the Public Employees Retirement Association for purposes of this section.

Subd. 2. **Account maintenance and investment.** The city may establish an account in the fund created in this section. The Public Employees Retirement Association shall maintain a separate account for the city. The Public Employees Retirement Association may charge the city fees for reasonable administrative costs, and the amount of those fees is appropriated to the association from the account. The Public Employees Retirement Association may establish other terms and conditions for participation in the fund.

Subd. 3. **Status of irrevocable fund.** (a) All money in the irrevocable fund created in this section is held in trust for the exclusive benefit of former officers and employees of the city, and is not subject to claims by creditors of the state, the city, or the current and former officers and employees of the city.

(b) The irrevocable fund created in this section shall be deemed an arrangement equivalent to a trust for all legal purposes.

Sec. 44. **OFFICE OF ADMINISTRATIVE HEARINGS RELOCATION.**

If the commissioner of administration renovates the Stassen Building to accommodate the relocation of the Office of Administrative Hearings, the requirements of Minnesota Statutes, section 16B.33, subdivision 3, are waived.

Sec. 45. **PLAN FOR COLOCATION OF CERTAIN MINORITY AFFAIRS COUNCILS.**

The Division of Management Analysis in the Department of Administration must review the current organization and administrative functions of the Council on Black Minnesotans, the

Council on Affairs of Chicano/Latino People, and the Council on Asian-Pacific Minnesotans, and prepare a plan for colocating the councils. The plan must include a detailed proposal for combining administrative support functions for the councils, a proposed location and timetable, and a cost estimate, including a description of potential savings and benefits to the councils. The division must provide a copy of the plan to the commissioner of administration, the executive directors of the councils, and the chairs of the legislative committees with jurisdiction over the councils by November 15, 2006. Beginning 30 days after submission of the report, the commissioner may terminate current lease arrangements for the councils as necessary and relocate the councils to a location recommended in the report.

Sec. 46. **COUNCIL ON BLACK MINNESOTANS; APPOINTMENT OF CHAIR.**

Notwithstanding Minnesota Statutes, section 3.9225, subdivision 1, the term of the current chair of the Council on Black Minnesotans ends July 1, 2006. The governor must appoint an additional voting member who shall serve as a new chair for the council by that date for a one-year term and each January 1 thereafter. This section expires on July 1, 2009, or when the Office of the Legislative Auditor issues a financial audit of the council without any unresolved audit findings, if the audit is issued before July 1, 2009.

Sec. 47. **REPORT ON STATE PROCUREMENT CHANGES.**

By January 15, 2008, the commissioner of administration must report to the chairs of the legislative committees with jurisdiction over state procurement regarding the impact on Minnesota businesses of the changes made to Minnesota Statutes, chapter 16C, during the 2006 legislative session and the use of strategic sourcing techniques, including an analysis of the size of contracts and type of contract award recipients.

Sec. 48. **VICTORY MEMORIAL DRIVE TASK FORCE.**

Subdivision 1. **Task force established.** An implementation and steering task force is established to develop strategies around the master plan for restoration of Victory Memorial Drive Historic District, as designated in Minnesota Statutes, section 138.73, subdivision 26, including, but not limited to, efforts to secure National Register designation and other efforts to provide funding to preserve and restore the district's significant historical components and natural features.

Subd. 2. **Membership.** The implementation and steering task force shall consist of 13 members including:

- (1) the director of the Minnesota Historical Society or a designee;
- (2) the Minneapolis City Council member representing the area;
- (3) the Robbinsdale City Council member representing the area;
- (4) the chair of the Hennepin County Board of Commissioners or the chair's designee;
- (5) the president of the Minneapolis Park and Recreation Board or the president's designee;
- (6) two members from the house of representatives representing the area;
- (7) two members of the senate representing the area;
- (8) two citizen representatives appointed by the chair; and
- (9) two representatives from local veterans organizations appointed by the chair.

Subd. 3. **Report.** The implementation and steering task force shall report its actions to the appropriate policy committees of the legislature once each biennium.

Subd. 4. **Staff support.** The State Historic Preservation Office of the Minnesota Historical Society; the Minneapolis Heritage Preservation Commission; the Minneapolis Department

of Public Works; the Minneapolis Department of Grants and Planning; the Minneapolis Park Board; and the city of Robbinsdale shall provide staff support to the Victory Memorial Drive Implementation and Steering Task Force.

Subd. 5. **Compensation.** Task force members may be compensated for expenses according to Minnesota Statutes, section 15.0575, subdivision 3.

Subd. 6. **Sunset.** The implementation and steering task force expires on December 31, 2009.

Sec. 49. RULEMAKING REQUIRED.

(a) This section applies to a state agency, as defined in Minnesota Statutes, section 14.02:

(1) that was required to adopt rules by a law enacted during or since the 2003 legislative session; and

(2) that did not publish a notice of intent to adopt rules or a notice of hearing within the time limit prescribed by Minnesota Statutes, section 14.125.

(b) Notwithstanding the time limit in Minnesota Statutes, section 14.125, an agency subject to this section must adopt the rules it was mandated to adopt. The agency must publish a notice of intent to adopt rules or a notice of hearing for rules subject to this section before January 1, 2007.

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

Sec. 50. DESIGNER SELECTION BOARD REPORT.

By January 15, 2007, the commissioner of administration shall consult with organizations listed in Minnesota Statutes, section 16B.33, subdivision 2, and report to the legislature on the advantages and disadvantages of alternative procedures under which the state could select a designer for state building projects.

Sec. 51. REVISOR'S INSTRUCTION.

(a) The revisor of statutes shall insert a first grade headnote after Minnesota Statutes, section 181.946, that reads "LEAVE FOR FAMILIES OF MOBILIZED MILITARY MEMBERS."

(b) The Revisor of Statutes shall replace references in Minnesota Statutes to sections 116R.01 to 116R.16 with references to sections 116R.01 to 116R.15 and make similar changes to reflect the repeal of section 116R.16.

Sec. 52. REPEALER.

Minnesota Statutes 2004, sections 116R.02, subdivision 7; and 116R.16, are repealed."

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 2814: A bill for an act relating to natural resources; modifying and renaming the Legislative Commission on Minnesota Resources; adding citizens and making structural changes; appropriating money; amending Minnesota Statutes 2004, sections 116P.02, subdivision 4; 116P.03; 116P.04, subdivision 5; 116P.05, as amended; 116P.07; 116P.08, subdivisions 3, 4, 5, 6; 116P.09, subdivisions 1, 6, by adding a subdivision; 116P.11; Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35; repealing Minnesota Statutes 2004, sections 116P.02, subdivision 2; 116P.06; Laws 2005, First Special Session chapter 1, article 2, section 156, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, delete lines 29 and 30

Page 4, after line 36, insert:

"(g) The governor's appointees must be confirmed with the advice and consent of the senate."

Page 5, line 2, delete "to eight"

Page 7, line 24, delete "chapter 116P" and insert "this chapter"

Page 9, line 13, delete "\$450,000 in fiscal year 2007 is" and insert "\$100,000 in fiscal year 2006 and \$450,000 in fiscal year 2007 are"

Page 9, line 15, after the period, insert "The appropriation in fiscal year 2006 is available for the second year of the biennium."

Page 9, line 16, after "under" insert "this section and"

Page 9, after line 19, insert:

"(c) Administrative expenses saved through the elimination of the citizens advisory committee may be used for administration of the Legislative Commission on Minnesota Resources or its successor commission."

Page 9, before line 20, insert:

"Sec. 18. **APPROPRIATIONS; MINNESOTA RESOURCES.**

Subdivision 1. **General.** Unless otherwise specified, the amounts appropriated under this section are from the environment and natural resources trust fund and added to the appropriations in Laws 2005, First Special Session chapter 1, article 2, section 11. Unless otherwise provided, the amounts appropriated in this section are available until June 30, 2008, when projects must be completed and final products delivered.

Subd. 2. **Environmental problem-solving model for Twin Cities schools.** \$38,000 in fiscal year 2006 and \$37,000 in fiscal year 2007 are appropriated to the commissioner of natural resources for an agreement with Eco Education to train high school students and teachers on environmental problem solving.

Subd. 3. **Enhancing civic understanding of groundwater.** \$75,000 in fiscal year 2006 and \$75,000 in fiscal year 2007 are appropriated to the Science Museum of Minnesota to create groundwater exhibits and a statewide traveling groundwater classroom program. This appropriation is available until June 30, 2009, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 4. **Phillips biomass community energy system.** \$450,000 in fiscal year 2006 and \$450,000 in fiscal year 2007 are appropriated to the commissioner of commerce for an agreement with Phillips Community Energy Cooperative to assist in the distribution system equipment and construction costs for a biomass district energy system. This appropriation is contingent on all appropriate permits being obtained and a signed commitment of financing for the biomass electrical generating facility being in place.

Subd. 5. **Laurentian Energy Authority biomass project.** \$233,000 in fiscal year 2006 and \$233,000 in fiscal year 2007 are appropriated to the commissioner of commerce for an agreement with Virginia Public Utility to lease land and plant approximately 1,000 acres of trees to support a proposed conversion to a biomass power plant.

Subd. 6. **Planning for economic development via energy independence.** \$120,000 in fiscal year 2006 and \$120,000 in fiscal year 2007 are appropriated to the commissioner of commerce

for an agreement with the University of Minnesota-Duluth to evaluate the socioeconomic benefits of statewide and community renewable energy production and distribution by analyzing system installation, technical capabilities, cost-competitiveness, economic impacts, and policy incentives.

Subd. 7. **Land cover mapping for natural resource protection.** \$125,000 in fiscal year 2006 and \$125,000 in fiscal year 2007 are appropriated to the commissioner of natural resources for an agreement with Hennepin County to develop geographic information system tools for prioritizing natural areas for protection and restoration and to update and complete land cover classification mapping.

Subd. 8. **Upgrades to Blue Heron research vessel.** \$133,000 in fiscal year 2006 and \$134,000 in fiscal year 2007 are appropriated to the Board of Regents of the University of Minnesota for the Large Lakes Observatory to upgrade and overhaul the Blue Heron research vessel. \$28,000 in fiscal year 2007 from the Great Lake protection account under Minnesota Statutes, section 116Q.02, is appropriated to the Board of Regents for the same purpose.

Subd. 9. **Green roof cost share and monitoring.** \$175,000 in fiscal year 2006 and \$175,000 in fiscal year 2007 are appropriated to the Board of Water and Soil Resources for an agreement with Ramsey Conservation District to install green, vegetated roofs on four commercial or industrial buildings in Roseville and Falcon Heights and to monitor their effectiveness for storm water management, flood reduction, water quality, and energy efficiency. The cost of the installations must be matched by at least 50 percent nonstate money.

Subd. 10. **Climate change impacts on Minnesota's aquatic resources.** \$125,000 in fiscal year 2006 and \$125,000 in fiscal year 2007 are appropriated to the Board of Regents of the University of Minnesota for the Natural Resources Institute to quantify climate, hydrologic, and ecological variability and trends and identify indicators of future climate. This appropriation is available until June 30, 2009, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 11. **Land exchange revolving fund for Aitkin, Cass, and Crow Wing Counties.** \$250,000 in fiscal year 2006 and \$250,000 in fiscal year 2007 are appropriated to the commissioner of natural resources for an agreement with Aitkin County for a six-year revolving loan fund to improve public and private land ownership patterns, increase management efficiency, and protect critical habitat in Aitkin, Cass, and Crow Wing Counties. By June 30, 2011, Aitkin County shall repay the \$500,000 to the commissioner of finance for deposit in the environment and natural resources trust fund."

Page 9, line 28, delete "19" and insert "20"

Renumber the sections in sequence

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 2852: A bill for an act relating to natural resources; providing for land donor appraisal reimbursement; providing for acquisition of land for certain facilities; modifying certain definitions; modifying forest services provided to private owners; granting authority to establish state forest user fees; modifying the State Timber Act; eliminating the requirement for a comprehensive forest resource management plan; amending Minnesota Statutes 2004, sections 84.085, subdivision 1; 88.79, subdivision 1; 90.14; 90.151, subdivisions 1, 6, by adding a subdivision; 103I.005, subdivision 9; proposing coding for new law in Minnesota Statutes, chapters 85; 89; 90; repealing Minnesota Statutes 2004, section 89.011, subdivisions 1, 2, 3, 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 17, insert:

"Sec. 3. Minnesota Statutes 2004, section 85.052, subdivision 4, is amended to read:

Subd. 4. **Deposit of fees.** (a) Fees paid for providing contracted products and services within a state park, state recreation area, or wayside, and for special state park uses under this section shall be deposited in the natural resources fund and credited to a state parks account.

(b) Except as provided in paragraph (c), gross receipts derived from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, must be deposited in the state treasury and credited to the general fund.

(c) The gross receipts from the sale of stockpile materials, aggregate, or other earthen materials from the Iron Range Off-Highway Vehicle Recreation Area shall be deposited in the dedicated accounts in the natural resources fund from which the purchase of the materials was made."

Page 6, after line 10, insert:

"Sec. 12. **CONSUMPTIVE USE OF WATER.**

Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature approves the consumptive use of water under a permit of more than 2,000,000 gallons per day average in a 30-day period in Itasca County, in connection with an innovative energy project facility, subject to the commissioner of natural resources making a determination that the water remaining in the basin of origin will be adequate to meet the basin's need for water and approval by the commissioner of natural resources of all applicable permits."

ReNUMBER the sections in sequence

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 3631: A bill for an act relating to claims against the state; providing for settlement of various claims; appropriating money.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 3764: A bill for an act relating to transportation; amending the allocation of revenue from a tax on sale of motor vehicles; amending Minnesota Statutes 2004, section 297B.09, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRUNK HIGHWAY BONDING

Section 1. **TRUNK HIGHWAY APPROPRIATIONS**

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the bond proceeds fund in the trunk highway fund to the commissioner of transportation to be spent for trunk highway purposes.

SUMMARY BY FUND

	<u>2006</u>		<u>2007</u>		<u>TOTAL</u>
<u>Trunk Highway</u>	\$		\$ 35,189,000	\$	<u>35,189,000</u>

APPROPRIATIONS
Available for the Year
Ending June 30

<u>2006</u>	<u>2007</u>
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Sec. 2. TRUNK HIGHWAY PROJECTS
FINANCED BY STATE TRUNK HIGHWAYS
BONDS

<u>Subdivision 1. Mankato district headquarters building</u>	\$		\$		<u>18,228,000</u>
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To design, construct, furnish, and equip a new district headquarters facility in Mankato.

<u>Subd. 2. Transportation Building exterior</u>					<u>10,161,000</u>
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To replace the structural support system for the granite panels on the exterior of the Transportation Building.

<u>Subd. 3. Marked Trunk Highway 610 project</u>					<u>6,000,000</u>
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To match federal funds to assist in the completion of Marked Trunk Highway 610 as a four-lane freeway from its intersection with Marked Trunk Highway 169 to its intersection with Marked Interstate Highway 94.

<u>Subd. 4. Marked Trunk Highway 61 corridor predesign</u>					<u>300,000</u>
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For predesign of the corridor that extends along Marked Trunk Highway 61 from its intersection with Marked Trunk Highway 316 to its intersection with Marked Trunk Highway 50, then along Marked Trunk Highway 50 to its intersection with Marked Trunk Highway 52.

<u>Subd. 5. French Rapids Bridge predesign</u>					<u>150,000</u>
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To match federal funds for environmental study, corridor predesign and mapping.

and right-of-way acquisition for the French Rapids Bridge over the Mississippi River north of the city of Brainerd.

Subd. 6. **Bond sale expenses**

350,000

To the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8.

Sec. 3. BOND SALE AUTHORIZATION.

To provide the money appropriated in this article from the bond proceeds account in the trunk highway fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$35,189,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received from the sale of the bonds, must be deposited in the bond proceeds account in the trunk highway fund.

Sec. 4. EFFECTIVE DATE.

This article is effective the day following final enactment.

ARTICLE 2

DEPOSIT OF MOTOR VEHICLE SALES TAX REVENUES

Section 1. Minnesota Statutes 2004, section 16A.88, is amended to read:

16A.88 TRANSIT FUNDS FUND.

Subdivision 1. **Transit fund.** A transit fund is established within the state treasury. The fund receives money distributed under section 297B.09, and other money as specified by law. Money in the fund must be allocated to the greater Minnesota transit account under subdivision 2 and the metropolitan area transit account under subdivision 3, and must be used for transit purposes.

Subd. 2. **Greater Minnesota transit fund account.** The greater Minnesota transit fund account is established within the state treasury transit fund. Money in the fund account is annually appropriated to the commissioner of transportation for assistance to transit systems outside the metropolitan area under section 174.24. ~~Beginning in fiscal year 2003,~~ The commissioner may use up to \$400,000 each year for administration of the transit program. The commissioner shall use the fund account for transit operations as provided in section 174.24 and related program administration.

Subd. 3. **Metropolitan area transit fund account.** The metropolitan area transit fund account is established within the state treasury transit fund. All money in the fund account is annually appropriated to the Metropolitan Council for the funding of transit systems within the metropolitan area under sections 473.384, 473.387, 473.388, and 473.405 to 473.449.

~~Subd. 3. **Metropolitan area transit appropriation account.** The metropolitan area transit appropriation account is established within the general fund. Money in the account is to be used for the funding of transit systems in the metropolitan area, subject to legislative appropriation.~~

Sec. 2. Minnesota Statutes 2004, section 174.24, subdivision 1, is amended to read:

Subdivision 1. **Establishment; purpose.** A public transit participation program is established to carry out the objectives stated in section 174.21 by providing financial assistance from the state, including the greater Minnesota transit fund account established in section 16A.88, to eligible recipients outside of the metropolitan area.

Sec. 3. Minnesota Statutes 2004, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. **Deposit of revenues.** (a) Money collected and received under this chapter must be deposited as provided in this subdivision.

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

~~(c) From July 1, 2003, to June 30, 2007, 30 percent of the money collected and received must be deposited in the highway user tax distribution fund, 21.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, 1.43 percent must be deposited in the greater Minnesota transit fund under section 16A.88, 0.65 percent must be deposited in the county state-aid highway fund, and 0.17 percent must be deposited in the municipal state-aid street fund. The remaining money must be deposited in the general fund.~~

~~(d) On and after (c) From July 1, 2007, 32 to June 30, 2008, 38.25 percent of the money collected and received must be deposited in the highway user tax distribution fund, 20.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.25 25.5 percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.~~

(d) From July 1, 2008, to June 30, 2009, 44.25 percent must be deposited in the highway user tax distribution fund, and 29.5 percent must be deposited in the transit fund. The remaining money must be deposited in the general fund.

(e) From July 1, 2009, to June 30, 2010, 50.25 percent must be deposited in the highway user tax distribution fund, and 33.5 percent must be deposited in the transit fund. The remaining money must be deposited in the general fund.

(f) From July 1, 2010, to June 30, 2011, 56.25 percent must be deposited in the highway user tax distribution fund, and 37.5 percent must be deposited in the transit fund. The remaining money must be deposited in the general fund.

(g) On and after July 1, 2011, 60 percent must be deposited in the highway user tax distribution fund, and 40 percent must be deposited in the transit fund.

Sec. 4. Laws 2005, chapter 88, article 3, section 10, is amended to read:

Sec. 10. **SUBMISSION TO VOTERS.**

The constitutional amendment proposed in section ~~12~~ 9 must be presented to the people at the 2006 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to dedicate revenue from a tax on the sale of new and used motor vehicles over a five year period, so that after June 30, 2011, all of the revenue is dedicated at least 40 percent for public transit assistance and not more than 60 percent for highway purposes so that after June 30, 2011, all of the revenues from the existing tax on the sale of new and used motor vehicles are dedicated to highways and public transit?"

Yes

No"

Sec. 5. **BALLOT PLACEMENT.**

The secretary of state shall place as the first question on the ballot at the 2006 general election the constitutional amendment proposed in Laws 2005, chapter 88, article 3, section 10, as amended

by this act.

Sec. 6. **EFFECTIVE DATE.**

Sections 1 to 3 are effective on July 1, 2007, upon adoption at the 2006 general election of a constitutional amendment that requires dedication of all motor vehicle sales tax revenues to transportation purposes by July 1, 2011.

ARTICLE 3

TRANSPORTATION POLICY

Section 1. Minnesota Statutes 2004, section 117.036, is amended to read:

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

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

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

(b) The fee owner or contract purchaser may obtain an appraisal by a qualified appraiser of the property proposed to be acquired. The fee owner or contract purchaser is entitled to reimbursement for the reasonable costs of the appraisal from the acquiring authority up to a maximum of \$1,500 within 30 days after the for an appraisal of residential, agricultural, or open land and up to a maximum of \$5,000 for an appraisal of commercial or industrial land if the fee owner or contract purchaser:

(1) submits to the acquiring authority a copy of the appraisal and the information necessary for reimbursement, provided that the owner does so;

(2) requests reimbursement within 60 90 days after the owner receives receiving the appraisal from the authority under paragraph (a)- and at least five days before a condemnation commissioners' hearing; and

(3) ensures that the appraisal is conducted in accordance with the Uniform Standards of Professional Appraisal Practice. The acquiring authority must pay the reimbursement to the fee owner or contract purchaser within 30 days after receiving a copy of the appraisal and the reimbursement information. Upon agreement between the acquiring authority and either the fee owner or contract purchaser, the acquiring authority may pay the reimbursement directly to the appraiser.

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

information that may be relevant to a determination of damages under this chapter.

Subd. 4. **Condemnation commissioners' hearing.** (a) Notwithstanding section 13.44, an owner's appraisal may not be used or considered in a condemnation commissioners' hearing conducted under section 117.085, nor may the owner's appraiser testify, unless a copy of the owner's appraiser's written report is provided to the acquiring authority at least five days before the hearing.

(b) Notwithstanding section 13.44, the acquiring authority's appraisal may not be used or considered in a condemnation commissioners' hearing conducted under section 117.085, nor may the acquiring authority's appraiser testify, unless a copy of the acquiring authority's appraiser's written report is provided to the owner or contract purchaser at least five days before the hearing.

Sec. 2. Minnesota Statutes 2004, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. Town bridges and culverts; town road account. (a) Money in the town bridge account must be expended on town road bridge structures that are ten feet or more in length and on town road culverts that replace existing town road bridges. In addition, if the present bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds.

(b) In addition, if a culvert that replaces a deficient bridge is in a county comprehensive water plan approved by the Board of Water and Soil Resources and the Department of Natural Resources, the costs of the culvert and roadway grading other than surfacing are eligible for replacement funds up to the cost of constructing a replacement bridge.

(c) The expenditures on a bridge structure or culvert may be paid from the county turnback account and may be for 100 percent of the cost of the replacement structure or culvert or for 100 percent of the cost of rehabilitating the existing structure.

(d) The town bridge account may be used to pay the costs to abandon an existing bridge that is deficient and in need of replacement, but where no replacement will be made. It may also be used to pay the costs to construct a road or street to facilitate the abandonment of an existing bridge determined by the commissioner to be deficient, if the commissioner determines that construction of the road or street is more cost efficient than replacing the existing bridge.

(e) When bridge approach construction work exceeds \$10,000 in costs, or when the county engineer determines that the cost of the replacement culverts alone will not exceed \$20,000, or engineering costs exceed \$10,000, the town shall be eligible for financial assistance from the town bridge account. Financial assistance shall be requested by resolution of the county board and shall be limited to:

(1) 100 percent of the cost of the bridge approach work that is in excess of \$10,000;

(2) 100 percent of the cost of the replacement culverts when the cost does not exceed \$20,000 and the town board agrees to be responsible for all the other costs, which may include costs for structural removal, installation, and permitting. The replacement structure design and costs shall be approved and certified by the county engineer, but need not be subsequently approved by the Department of Transportation; or

(3) 100 percent of all related engineering costs that exceed \$10,000, or in the case of towns with a net tax capacity of less than ~~\$200,000~~ \$300,000, 100 percent of the engineering costs. Beginning in fiscal year 2007, and for each fiscal year thereafter, the net tax capacity limit must be annually adjusted for the increase in inflation, from the most recent previous year available, using the annual implicit price deflator for state and local expenditures as published by the United States Department of Commerce.

(f) Money in the town road account must be distributed as provided in section 162.081.

Sec. 3. Minnesota Statutes 2004, section 161.442, is amended to read:

161.442 RECONVEYANCE TO FORMER OWNER.

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

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

Sec. 4. Minnesota Statutes 2005 Supplement, section 168.12, subdivision 2a, is amended to read:

Subd. 2a. **Personalized plates; rules.** (a) The commissioner shall issue personalized plates or, if requested for special plates issued under section 168.123 for veterans, 168.124 for medal of honor recipients, or 168.125 for former prisoners of war, applicable personalized special veterans plates, to an applicant who:

(1) is an owner of a passenger automobile including a passenger automobile registered as a classic car, pioneer car, collector car, or street rod; any truck with a manufacturer's nominal rated capacity of one ton or less and resembling a pickup truck; a motorcycle, including a classic motorcycle; or a recreational ~~motor~~ vehicle;

(2) pays a onetime fee of \$100 and any other fees required by this chapter;

(3) pays a onetime surcharge of \$3, to be titled the "Gold Star Family Plate Surcharge," the proceeds of which must be deposited in the highway user tax distribution fund;

(4) pays the registration tax required by this chapter for the motor vehicle; and

~~(4)~~ (5) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

(b) The commissioner shall charge a replacement fee for personalized license plates and personalized special veterans plates issued under section 168.123 as specified in subdivision 5. This fee must be paid by the applicant whenever the personalized plates are required to be replaced by law, except that as provided in section 168.124, subdivision 3, and 168.125, subdivision 1b, no fee may be charged to replace plates issued under those sections.

(c) In lieu of the registration number assigned as provided in subdivision 1, personalized plates and personalized special veterans plates must have imprinted on them a series of not more than seven numbers and letters, or five numbers and letters for personalized special veterans plates, in any combination and, as applicable, satisfy the design requirements of section 168.123, 168.124, or 168.125. When an applicant has once obtained personalized plates or personalized special veterans plates, the applicant shall have a prior claim for similar personalized plates or personalized special veterans plates in the next succeeding year as long as current motor vehicle registration is maintained.

(d) The commissioner shall adopt rules in the manner provided by chapter 14, regulating the issuance and transfer of personalized plates and personalized special veterans plates. No words or combination of letters placed on these plates may be used for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a nature that would offend public morals or decency. The call signals or letters of a radio or television station are not commercial advertising for the purposes of this subdivision.

(e) Despite the provisions of subdivision 1, personalized plates and personalized special veterans plates issued under this subdivision may be transferred to another motor vehicle listed in paragraph (a) and owned by the applicant, upon the payment of a fee of \$5.

(f) The commissioner may by rule specify the format for notification.

(g) A personalized plate or personalized special veterans plate issued for a classic car, pioneer car, collector car, street rod, or classic motorcycle may not be transferred to a vehicle not eligible for such a plate.

(h) Despite any law to the contrary, if the personalized license plates are lost, stolen, or destroyed, the applicant may apply and must be issued duplicate license plates bearing the same combination of letters and numbers and the same design as (1) the former personalized plates or personalized special veterans plates under section 168.123 upon the payment of the fee required by section 168.29 or (2) the former personalized special veterans plates issued under section 168.124 or 168.125, without charge.

Sec. 5. Minnesota Statutes 2005 Supplement, section 168.123, subdivision 1, is amended to read:

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

(1) special veteran's plates to an applicant who served in the active military service in a branch of the armed forces of the United States or of a nation or society allied with the United States in conducting a foreign war, was discharged under honorable conditions, and is a registered owner of a passenger automobile, recreational motor vehicle, or truck resembling a pickup truck and having a manufacturer's nominal rated capacity of one ton, but which is not a commercial motor vehicle as defined in section 169.01, subdivision 75; or

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

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

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

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

Sec. 6. Minnesota Statutes 2005 Supplement, section 168.1251, subdivision 1, is amended to read:

Subdivision 1. **Issuance and design.** The commissioner shall issue special license plates bearing the inscription "DISABLED AMERICAN VETERAN" to an applicant who is certified in writing by the United States Department of Veterans Affairs or the state commissioner of veterans affairs as having ~~a permanent and total service-connected disability~~ been awarded a claim for a service-connected disability from the United States Department of Veterans Affairs, who complies with all laws relating to the registration and licensing of motor vehicles and drivers, and who pays

a fee of \$10 for each set of license plates applied for. ~~The commissioner of veterans affairs shall design the special license plates must be of a design and size determined by the commissioner, subject to the approval of the registrar.~~

Sec. 7. Minnesota Statutes 2005 Supplement, section 168.1251, subdivision 5, is amended to read:

Subd. 5. **Motor vehicle; special definition.** For purposes of this section, "motor vehicle" means a vehicle for personal use, not used for commercial purposes, and may include a passenger automobile, ~~van, pickup truck,~~ motorcycle, or recreational vehicle.

Sec. 8. **[168.1253] GOLD STAR FAMILY LICENSE PLATE.**

Subdivision 1. **Issuance; eligibility.** The commissioner shall issue special plates bearing the inscription "GOLD STAR FAMILY" to an applicant who is an owner or joint owner of a motor vehicle, who is certified in writing by the United States Department of Veterans Affairs or the state commissioner of veterans affairs as being an eligible person, and who complies with all laws relating to the registration and licensing of motor vehicles and drivers. The certification must indicate whether the person is an eligible person as defined in either clause (1) or clause (2) of subdivision 2, paragraph (b).

Subd. 2. **Definitions.** For purposes of this section:

(a) "Active military service" has the meaning given in section 190.05, subdivision 5.

(b) The term "eligible person" includes:

(1) the surviving spouse or surviving biological or adoptive parent of a person who has died while serving honorably in active military service in the United States armed forces; and

(2) the surviving biological or adoptive grandparent, sibling, or child of a person who has died while serving honorably in active military service in the United States armed forces.

(c) "Motor vehicle" means a vehicle for personal use, not used for commercial purposes, and may include a passenger automobile; a motorcycle; a recreational vehicle; or a truck resembling a pickup truck and having a manufacturer's nominal rated capacity of one ton.

Subd. 3. **Plate fee; exemption.** A plate fee may not be charged to an eligible person defined in subdivision 2, paragraph (b), clause (1). For all other eligible persons, the commissioner shall charge a fee of \$10 per set of plates issued under this section. No surcharge may be added to this fee.

Subd. 4. **Annual registration fee; exemption.** For each eligible person defined in subdivision 2, paragraph (b), clause (1), to whom the commissioner has issued special plates under this section, the commissioner may exempt one vehicle from the annual registration tax required under section 168.013.

Subd. 5. **Design.** The special license plates issued under this section must be of a design and size determined by the commissioner, in consultation with the commissioner of veterans affairs. The commissioner may design the plates in accordance with section 168.1291, subdivision 2.

Subd. 6. **Application.** Application for issuance of these plates may be made at any time.

Subd. 7. **Transfer.** On payment of a fee of \$5 and notification to the commissioner, special plates issued under this section may be transferred to another personal motor vehicle owned or jointly owned by the eligible person.

Sec. 9. Minnesota Statutes 2004, section 168A.153, is amended to read:

168A.153 REPORT OF VEHICLE RECEIPT; SURRENDER OF CERTIFICATE.

Subdivision 1. **Older model vehicle.** A dealer who buys an older model vehicle to be dismantled

or destroyed shall report to the department within 30 days including the vehicle's license plate number and identification number, and the seller's name and driver's license number.

Subd. 2. **Late-model or high-value vehicle.** A dealer who buys a late-model or high-value vehicle to be dismantled or destroyed shall notify the secured party, if any, and ~~then surrender the certificate of title and a properly completed application for a salvage certificate of title to the department within ten days~~ the commissioner within ten days in the manner prescribed in subdivision 3. The dealer shall then properly destroy the certificate of title.

Subd. 3. **Notification on vehicle to be dismantled or destroyed; service fee.** Within the time frames prescribed in subdivisions 1 and 2 of acquiring a vehicle titled and registered in Minnesota, a dealer shall notify the registrar that the dealership purchased the vehicle to be dismantled or destroyed. The notification must be made electronically as prescribed by the registrar. The dealer may contract this service to a deputy registrar and the registrar may charge a fee not to exceed \$7 per transaction to provide this service.

Sec. 10. Minnesota Statutes 2005 Supplement, section 168A.20, subdivision 5, is amended to read:

Subd. 5. **Satisfaction of automobile lien seven years old; release.** ~~(a)~~ A security interest perfected under this chapter ~~expires~~ may be cancelled seven years from the perfection date for a passenger automobile, as defined in section 168.011, subdivision 7, upon the request of the owner of the passenger automobile, if the owner has paid the lien in full and is unable to locate the lienholder to obtain a lien release. At a minimum, the owner must send a letter to the lienholder by certified mail, return receipt requested, requesting a lien release. If the owner is unable to obtain a lien release by sending a letter by certified mail, then the owner must present to the department or its agent the returned letter as evidence of the attempted contact. This subdivision applies only to vehicle owners who are individuals.

~~(b) A lien holder may notify the department in writing or in a format approved by the department during the sixth year of the lien, no later than 90 days in advance of the seven-year anniversary, if the lien will not be satisfied during this registration period and the lien must be extended up to seven additional years as requested by the lien holder.~~

Sec. 11. Minnesota Statutes 2004, section 168B.04, subdivision 2, is amended to read:

Subd. 2. **Unauthorized vehicles.** (a) Units of government and peace officers may take into custody and impound any unauthorized vehicle under section 169.041.

(b) A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

(1) in a public location not governed by section 169.041:

(i) on a highway and properly tagged by a peace officer, four hours;

(ii) located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately; ~~or~~

(iii) located so as to constitute an accident or traffic hazard to the traveling public within the Department of Transportation's eight-county metropolitan district, as determined by an authorized employee of the department's freeway service patrol, immediately; or

~~(iii)~~ (iv) that is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or

(2) on private property:

(i) that is single-family or duplex residential property, immediately;

(ii) that is private, nonresidential property, properly posted, immediately;

(iii) that is private, nonresidential property, not posted, 24 hours;

(iv) that is private, nonresidential property of an operator of an establishment for the servicing, repair, or maintenance of motor vehicles, five business days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property; or

(v) that is any residential property, properly posted, immediately.

(c) When a tow is requested under paragraph (b), clause (1) (iii), the department shall ensure that the tower initially requested to remove the vehicle is given the opportunity, to the greatest reasonable extent, to actually conduct and complete all towing operations requested; provided that, the owner of the vehicle to be towed has not already requested that another tower remove the vehicle, in which case the tower contacted by the owner must be given the first reasonable opportunity to conduct the towing operations required.

Sec. 12. Minnesota Statutes 2004, section 168B.06, subdivision 1, is amended to read:

Subdivision 1. **Contents; notice given within five days.** When an impounded vehicle is taken into custody, the unit of government or impound lot operator taking it into custody shall give notice to the registered vehicle owner and any lienholders of the taking within five days. The notice shall:

~~(a) (1)~~ set forth the date and place of the taking, the year, make, model and serial number of the impounded motor vehicle if such information can be reasonably obtained and the place where the vehicle is being held;

~~(b) (2)~~ inform the vehicle owner and any lienholders of their right to reclaim the vehicle under section 168B.07, ~~and;~~

~~(e) (3)~~ state that failure of the owner or lienholders to exercise their right to reclaim the vehicle ~~and contents~~ within the appropriate time allowed under section 168B.051, subdivision 1, 1a, or 2, shall be deemed a waiver by them of all right, title, and interest in the vehicle and remaining contents and a consent to the transfer of title to and disposal or sale of the vehicle and remaining contents pursuant to section 168B.08; ~~and~~

(4) state: "You have the right to pick up your contents from your vehicle, whether or not you give up the right to reclaim your vehicle."

Sec. 13. Minnesota Statutes 2004, section 168B.07, is amended by adding a subdivision to read:

Subd. 3. **Retrieval of contents.** A unit of government or impound lot operator may establish a reasonable procedure for retrieval of vehicle contents. At any time before the expiration of the waiting periods provided in section 168B.051, subdivision 1, 1a, or 2, the owner of an impounded vehicle has the right to retrieve, without charge, any and all contents. For the purposes of this subdivision, "contents" means all personal belongings and does not include any permanently affixed mechanical or nonmechanical: (i) automobile parts; (ii) automobile body parts; or (iii) automobile accessories, including audio or video players.

Sec. 14. Minnesota Statutes 2005 Supplement, section 169.01, subdivision 4c, is amended to read:

Subd. 4c. **Motorized foot scooter.** "Motorized foot scooter" means a device with handlebars designed to be stood or sat upon by the operator, and powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion, and that has ~~either (1)~~ no more than two ten-inch or smaller diameter wheels ~~or (2) and has~~ an engine or motor that is capable of a maximum speed of 15 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. An electric personal assistive

mobility device, a motorized bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

Sec. 15. Minnesota Statutes 2005 Supplement, section 169.01, subdivision 78, is amended to read:

Subd. 78. **Recreational vehicle combination.** (a) "Recreational vehicle combination" means a combination of vehicles consisting of a pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a camper-semitrailer which has hitched to it a trailer carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81, subdivision 3; all-terrain vehicle as defined in section 84.92, subdivision 8; motorized golf cart; or equestrian equipment or supplies.

(b) For purposes of this subdivision:

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

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

Sec. 16. Minnesota Statutes 2004, section 169.041, subdivision 1, is amended to read:

Subdivision 1. **Towing authority.** For purposes of this section, "towing authority" means:

(1) any local authority authorized by section 169.04 to enforce the traffic laws, and ~~also includes a private towing company authorized by a local authority to tow vehicles on behalf of that local authority; or~~

(2) an authorized employee of the Department of Transportation's freeway service patrol within the department's eight-county metropolitan district, and also includes a private towing company authorized by the department to tow vehicles on behalf of the department.

Sec. 17. Minnesota Statutes 2004, section 169.041, subdivision 2, is amended to read:

Subd. 2. **Towing order required.** A towing authority may not tow a motor vehicle from public property unless a peace officer or parking enforcement officer has prepared, in addition to the parking citation, a written towing report describing the motor vehicle and the reasons for towing. The report must be signed by the officer and the tow driver. Within the Department of Transportation's eight-county metropolitan district, an authorized employee of the department's freeway service patrol may order a tow from a trunk highway after preparing a written towing report provided by the Minnesota State Patrol but is not required to issue a citation. The department employee shall ensure that the tower initially requested to remove the vehicle is given the opportunity, to the greatest reasonable extent, to actually conduct and complete all towing operations requested; provided that, the owner of the vehicle to be towed has not already requested that another tower remove the vehicle, in which case the tower contacted by the owner must be given the first reasonable opportunity to conduct the towing operations required.

Sec. 18. Minnesota Statutes 2004, section 169.13, is amended to read:

169.13 RECKLESS OR, CARELESS, OR EXHIBITION DRIVING.

Subdivision 1. **Reckless driving.** (a) Any person who drives any vehicle in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving and such reckless driving is a misdemeanor.

(b) A person shall not race any vehicle upon any street or highway of this state. Any person who

willfully compares or contests relative speeds by operating one or more vehicles is guilty of racing, which constitutes reckless driving, whether or not the speed contested or compared is in excess of the maximum speed prescribed by law.

Subd. 2. **Careless driving.** Any person who operates or halts any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle, is guilty of a misdemeanor.

Subd. 2a. **Exhibition driving.** A person who operates any vehicle in a manner so as to start or accelerate with an unnecessary exhibition of speed is guilty of a petty misdemeanor. Prima facie evidence of an unnecessary exhibition of speed is the unreasonable squealing or screeching sounds emitted by the vehicle's tires or the throwing of sand or gravel by the vehicle's tires, or both.

Subd. 3. **Application.** (a) The provisions of this section apply, but are not limited in application, to any person who drives any vehicle in the manner prohibited by this section:

(1) upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water; or

(2) in a parking lot ordinarily used by or available to the public though not as a matter of right, and a driveway connecting such a the parking lot with a street or highway.

(b) This section does not apply to:

(1) an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator;

(2) the emergency operation of any vehicle when avoiding imminent danger; or

(3) any raceway, racing facility, or other public event sanctioned by the appropriate governmental authority.

EFFECTIVE DATE. This section is effective August 1, 2006, for violations committed on or after that date.

Sec. 19. Minnesota Statutes 2004, section 169.471, subdivision 2, is amended to read:

Subd. 2. **Use of headphones in vehicle.** (a) No person, while operating a motor vehicle, shall wear headphones or earphones which that are used in both ears simultaneously for purposes of receiving or listening to broadcasts or reproductions from radios, tape decks, or other sound-producing or transmitting devices. This section shall not prohibit the use, however, of

(b) Paragraph (a) does not prohibit:

(1) the use of a hearing aid devices device by persons in need thereof a person who needs the device; or

(2) the use of a communication headset by a firefighter while operating a fire department emergency vehicle in response to an emergency.

Sec. 20. Minnesota Statutes 2004, section 169.685, subdivision 5, is amended to read:

Subd. 5. **Violation; petty misdemeanor.** (a) Every motor vehicle operator, when transporting a child under the age of ~~four~~ nine and weighing less than 80 pounds on the streets and highways of this state in a motor vehicle equipped with factory-installed seat belts, shall equip and install for use in the motor vehicle, according to the manufacturer's instructions, a child passenger restraint system meeting federal motor vehicle safety standards.

(b) No motor vehicle operator who is operating a motor vehicle on the streets and highways of this state may transport a child under the age of ~~four~~ nine and weighing less than 80 pounds in a seat

of a motor vehicle equipped with a factory-installed seat belt, unless the child is properly fastened in the child passenger restraint system. The driver of a vehicle shall additionally restrain children under the age of nine as follows:

(1) a child less than one year of age weighing less than 20 pounds must be properly restrained in a rear-facing child restraint system;

(2) a child under the age of nine and weighing 80 pounds or more must be restrained in a properly adjusted seat belt system;

(3) a child under the age of nine must sit in the back seat unless the vehicle has no forward-facing back seat, all seating positions in the back are being used by children under the age of nine, or the child restraint cannot be installed properly in the back seat; and

(4) a child under the age of nine and weighing 40 pounds or more may wear a lap-only seat belt in the rear seat if there are no shoulder belts in the back seat or if all of the shoulder belts in the back seat are being used by children weighing 40 pounds or more and under the age of 16.

(c) An operator of a pickup truck or sports utility vehicle who transports a child under the age of nine shall transport the child within the vehicle's passenger compartment.

(d) Any motor vehicle operator who violates this subdivision is guilty of a petty misdemeanor and may be sentenced to pay a fine of not more than \$50. The fine for the first violation may be waived or the amount reduced if the motor vehicle operator produces evidence that within 14 days after the date of the violation a child passenger restraint system meeting federal motor vehicle safety standards was purchased or obtained for the exclusive use of the operator.

(e) (e) The fines collected for violations of this subdivision must be deposited in the state treasury and credited to a special account to be known as the Minnesota child passenger restraint and education account.

When issuing a citation for violation of this section, an officer shall provide to the vehicle operator written information identifying a source of no-cost child restraint equipment for individuals in financial need, if the vehicle does not contain child-restraint equipment.

Sec. 21. Minnesota Statutes 2004, section 169.686, subdivision 1, is amended to read:

Subdivision 1. **Seat belt requirement.** (a) A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

~~(1) the driver and passengers of a passenger vehicle or commercial motor vehicle;~~

~~(2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and~~

~~(3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.~~

(b) A person who is 15 years of age or older and who violates paragraph (a), ~~clause (1) or (2),~~ is subject to a fine of \$25. The driver of the ~~passenger vehicle or commercial motor vehicle~~ in which the violation occurred is subject to a \$25 fine for a violation of paragraph (a), ~~clause (2) or (3),~~ by a ~~child of the driver passenger~~ under the age of 15 ~~or any child under the age of 11.~~ A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record.

Sec. 22. Minnesota Statutes 2005 Supplement, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. **Recreational vehicle combination.** Notwithstanding subdivision 3, a recreational

vehicle combination may be operated without a permit if:

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

(2) the combination does not exceed 70 feet in length;

~~(3) the middle vehicle in the combination does not exceed 28 feet in length;~~

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

~~(5)~~ (4) the trailer carrying a watercraft, motorcycle, motorized bicycle, off-highway motorcycle, snowmobile, all-terrain vehicle, motorized golf cart, or equestrian equipment or supplies meets all requirements of law;

~~(6)~~ (5) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and

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

Sec. 23. Minnesota Statutes 2004, section 169.824, as amended by Laws 2005, First Special Session chapter 1, article 4, section 36, is amended to read:

169.824 GROSS WEIGHT SCHEDULE.

Subdivision 1. **Table of axle weight limits.** (a) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration; unless otherwise noted, the distance between axles being measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used:

Distances in feet between centers of foremost and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	2 consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles	3 consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles	4 consecutive axles of a 4-axle vehicle or any combination of vehicles having a total of 4 or more axles
4	34,000		
5	34,000		
6	34,000		
7	34,000	37,000	
8	34,000	38,500	
8 plus	34,000	42,000	
	(38,000)		

97TH DAY]

THURSDAY, APRIL 27, 2006

5031

9	35,000	43,000	
	(39,000)		
10	36,000	43,500	49,000
	(40,000)		
11	36,000	44,500	49,500
12		45,000	50,000
13		46,000	51,000
14		46,500	51,500
15		47,500	52,000
16		48,000	53,000
17		49,000	53,500
18		49,500	54,000
19		50,500	55,000
20		51,000	55,500
21		52,000	56,000
22		52,500	57,000
23		53,500	57,500
24		54,000	58,000
25		(55,000)	59,000
26		(55,500)	59,500
27		(56,500)	60,000
28		(57,000)	61,000
29		(58,000)	61,500
30		(58,500)	62,000
31		(59,500)	63,000
32		(60,000)	63,500
33			64,000
34			65,000
35			65,500
36			66,000
37			67,000
38			67,500
39			68,000
40			69,000

41	69,500
42	70,000
43	71,000
44	71,500
45	72,000
46	72,500
47	(73,500)
48	(74,000)
49	(74,500)
50	(75,500)
51	(76,000)

The maximum gross weight on a group of three consecutive axles where the distance between centers of foremost and rearmost axles is listed as seven feet or eight feet applies only to vehicles manufactured before August 1, 1991.

"8 plus" refers to any distance greater than eight feet but less than nine feet.

Distances in feet between centers of foremost and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	5	6	7
	consecutive axles of a 5-axle vehicle or any combination of vehicles having a total of 5 or more axles	consecutive axles of a combination of vehicles having a total of 6 or more axles	consecutive axles of a combination of vehicles having a total of 7 or more axles
14	57,000		
15	57,500		
16	58,000		
17	59,000		
18	59,500		
19	60,000		
20	60,500	66,000	72,000
21	61,500	67,000	72,500
22	62,000	67,500	73,000
23	62,500	68,000	73,500
24	63,000	68,500	74,000
25	64,000	69,000	75,000
26	64,500	70,000	75,500
27	65,000	70,500	76,000

28	65,500	71,000	76,500
29	66,500	71,500	77,000
30	67,000	72,000	77,500
31	67,500	73,000	78,500
32	68,000	73,500	79,000
33	69,000	74,000	79,500
34	69,500	74,500	80,000
35	70,000	75,000	
36	70,500	76,000	
37	71,500	76,500	
38	72,000	77,000	
39	72,500	77,500	
40	73,000	78,000	
41	(74,000)	79,000	
42	(74,500)	79,500	
43	(75,000)	80,000	
44	(75,500)		
45	(76,500)		
46	(77,000)		
47	(77,500)		
48	(78,000)		
49	(79,000)		
50	(79,500)		
51	(80,000)		

The gross weights shown in parentheses in this table are permitted only on state trunk highways and routes designated under section 169.832, subdivision 11, and on routes designated as having maximum weight limit of nine tons per axle.

(b) Notwithstanding any lesser weight in pounds shown in this table but subject to the restrictions on gross vehicle weights in subdivision 2, paragraph (a), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross load of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

Subd. 2. **Gross vehicle weight of all axles.** ~~(a)~~ Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles ~~shall~~ must not exceed:

(1) 80,000 pounds for any vehicle or combination of vehicles on all state trunk highways as defined in section 160.02, subdivision 29, and for all routes designated ~~under section 169.832, subdivision 11~~ as having a maximum weight limit of nine tons per axle;

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

(3) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes, other than state trunk highways and routes that are designated under section 169.832, subdivision 11, ~~except that a vehicle needing reasonable access to a terminal or facilities for food, fuel, repairs, and rest, located within three miles of a ten-ton route, may not exceed 80,000 pounds. "Terminal" means any location where freight either originates, terminates, or is handled in the transportation process, or where commercial motor carriers maintain operating facilities; and on routes designated as having a maximum weight limit of nine tons per axle.~~

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

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

Sec. 24. Minnesota Statutes 2004, section 169.829, subdivision 2, is amended to read:

Subd. 2. **Tow truck.** Sections 169.822 to 169.828 do not apply to a tow truck or towing vehicle when towing a disabled or damaged vehicle ~~damaged in such manner that the towed vehicle cannot be towed from the rear and~~, when the movement is temporary urgent, and when the movement is for the purpose of taking removing the disabled vehicle from the roadway to a place of safekeeping or to a place of repair.

Sec. 25. Minnesota Statutes 2004, section 169.86, is amended by adding a subdivision to read:

Subd. 8. **Tow truck.** A tow truck or towing vehicle, when towing a disabled or damaged vehicle to a place of repair or to a place of safekeeping, may exceed the length and weight limitations of this chapter, subject to a \$300 annual permit fee and such conditions as the commissioner may prescribe.

Sec. 26. Minnesota Statutes 2004, section 169.89, is amended by adding a subdivision to read:

Subd. 6. **Violation committed while operating mobile phone.** (a) A person convicted of a moving violation, which does not include a parking violation, a vehicle equipment violation, or a warning citation, who, during the commission of the violation, was communicating over a cellular or wireless telephone, is assessed an additional surcharge equal to the amount of the fine imposed for the moving violation, but not less than \$25.

(b) It is an affirmative defense against a charge of violating paragraph (a) that the mobile telephone was used for the purpose of contacting the following in response to an emergency:

- (1) a first responder by use of a 911 or other emergency telephone number;
- (2) a hospital, clinic, or doctor's office;
- (3) an ambulance service provider;
- (4) a fire department or law enforcement agency; or
- (5) a first aid squad.

Sec. 27. Minnesota Statutes 2004, section 171.01, subdivision 29, is amended to read:

Subd. 29. **Conviction.** The term "conviction" means a final conviction either after trial or upon a plea of guilty or nolo contendere accepted by the court. Also, a forfeiture of cash or collateral

deposited to guarantee a defendant's appearance in court, which forfeiture has not been vacated; the failure to comply with a written notice to appear in court; ~~or~~ a breach of a condition of release without bail; or the payment of a fine or court cost, is equivalent to a conviction.

Sec. 28. Minnesota Statutes 2005 Supplement, section 171.05, subdivision 2b, is amended to read:

Subd. 2b. **Instruction permit use by person under age 18.** (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

(b) The permit holder may, with the permit in possession, operate a motor vehicle, but must be accompanied by and be under the supervision of a certified driver education instructor, the permit holder's parent or guardian, or another licensed driver age 21 or older. The supervisor must occupy the seat beside the permit holder.

(c) The permit holder may operate a motor vehicle only when every occupant under the age of ~~18~~ 15 has a seat belt or child passenger restraint system properly fastened according to sections 169.685 and 169.686. A person who violates this paragraph is subject to a fine of \$25. ~~A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04, subdivision 1. A passenger who is at least 15 years of age is subject to the requirements and penalty of section 169.686.~~ A passenger who is at least 15 years of age is subject to the requirements and penalty of section 169.686. The commissioner shall not record a violation of this paragraph on a person's driving record.

(d) The permit holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The permit holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger.

(e) The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit holder drives a motor vehicle in violation of the law, the commissioner shall suspend, cancel, or revoke the permit in accordance with the statutory section violated.

Sec. 29. Minnesota Statutes 2005 Supplement, section 171.055, subdivision 2, is amended to read:

Subd. 2. **Use of provisional license.** (a) A provisional license holder may operate a motor vehicle only when every occupant under the age of ~~18~~ 15 has a seat belt or child passenger restraint system properly fastened according to sections 169.685 and 169.686. A person who violates this paragraph is subject to a fine of \$25. ~~A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04. A passenger who is at least 15 years of age is subject to the requirements and penalty of section 169.686.~~ A passenger who is at least 15 years of age is subject to the requirements and penalty of section 169.686. The commissioner shall not record a violation of this paragraph on a person's driving record.

(b) A provisional license holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The provisional license holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger.

(c) If the holder of a provisional license during the period of provisional licensing incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation as defined in section 171.04, or (3) more than one conviction for a moving violation that is not crash related, the person may not be issued a driver's

license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first.

Sec. 30. Minnesota Statutes 2005 Supplement, section 171.07, subdivision 1, is amended to read:

Subdivision 1. **License; contents.** (a) Upon the payment of the required fee, the department shall issue to every qualifying applicant a license designating the type or class of vehicles the applicant is authorized to drive as applied for. This license must bear a distinguishing number assigned to the licensee; the licensee's full name, date of birth, and residence address; the license class, endorsements, and restrictions imposed, if any; a description of the licensee in a manner as the commissioner deems necessary; and the usual signature of the licensee. No license is valid unless it bears the usual signature of the licensee. Every license must bear a colored photograph or an electronically produced image of the licensee.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the license, then the applicant shall provide verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

(c) Every license issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(d) The department shall use processes in issuing a license that prohibit, as nearly as possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a photograph or electronically produced image on a license, without ready detection.

(e) A license issued to an applicant age 65 or over must be plainly marked "senior" if requested by the applicant.

Sec. 31. Minnesota Statutes 2004, section 171.0701, is amended to read:

171.0701 DRIVER EDUCATION; ORGAN AND TISSUE DONATION.

The commissioner shall adopt rules requiring a minimum of 30 minutes of instruction relating to organ and tissue donations and the provisions of section 171.07, subdivision 5, for persons enrolled in driver education programs offered at public schools, private schools, and commercial driver training schools.

Sec. 32. Minnesota Statutes 2004, section 171.14, is amended to read:

171.14 CANCELLATION.

(a) The commissioner shall have authority to may cancel any driver's license upon determination that (1) the licensee was not entitled to the issuance thereof hereunder, or that of the license, (2) the licensee failed to give the required or correct information in the application, or and committed any fraud or deceit in making such the application. The commissioner may also cancel the driver's license of any, or (3) the person who, at the time of the cancellation, would not have been entitled to receive a license under the provisions of section 171.04.

(b) The commissioner shall cancel the driver's license of a person described in paragraph (a), clause (2), for 60 days or until the required or correct information has been provided, whichever is longer.

Sec. 33. Minnesota Statutes 2005 Supplement, section 171.18, subdivision 1, is amended to read:

Subdivision 1. **Offenses.** The commissioner may suspend the license of a driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) has committed an offense for which mandatory revocation of license is required upon conviction;

(2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;

(3) is an habitually reckless or negligent driver of a motor vehicle;

(4) is an habitual violator of the traffic laws;

(5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

(6) has permitted an unlawful or fraudulent use of the license;

(7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;

(8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within five years of a prior conviction under that section;

(9) has committed a violation of section 171.22, except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;

(10) has failed to appear in court as provided in section 169.92, subdivision 4;

(11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges;

(12) has been found to have committed an offense under section 169A.33; ~~or~~

(13) has paid or attempted to pay a fee required under this chapter for a license or permit by means of a dishonored check issued to the state or a driver's license agent, which must be continued until the registrar determines or is informed by the agent that the dishonored check has been paid in full; or

(14) as owner of a vehicle whose taxes or fees required under chapter 168, 168A, or 297B were due, paid or attempted to pay, or had another person pay or attempt to pay, the vehicle taxes or fees required under chapter 168, 168A, or 297B by means of a dishonored personal check issued to the state or a deputy registrar, which must be continued until the registrar determines or is informed by the deputy registrar that the dishonored check has been paid in full.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Sec. 34. Minnesota Statutes 2004, section 173.08, is amended by adding a subdivision to read:

Subd. 3. **Advertising devices adjacent to roadway.** (a) Except as otherwise provided in this chapter, no advertising device may be erected or maintained within any area adjacent to a road, as defined in section 160.02, except an advertising device that:

(1) does not exceed the size of 432 square inches, including border and trim, but excluding base and supports;

(2) displays the name and telephone number of its owner;

(3) is located at a minimum distance of 20 feet from the edge of the road; and

(4) is erected and maintained for a maximum duration of six weeks in a calendar year.

(b) The owner of the advertising device, before erecting the device, shall obtain the consent of the owner and lessee of the land on which the sign is erected and the owner and lessee of adjacent land.

Sec. 35. Minnesota Statutes 2004, section 360.013, subdivision 39, is amended to read:

Subd. 39. **Airport.** "Airport" means any area of land or water, except a restricted landing area, which is designed for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, surfacing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, including facilities described in section 116R.02, subdivision 6, and all appurtenant rights-of-way, whether heretofore or hereafter established. The operation and maintenance of airports is an essential public service.

Sec. 36. Minnesota Statutes 2004, section 360.017, subdivision 1, is amended to read:

Subdivision 1. **Creation; authorized disbursements.** (a) There is hereby created a fund to be known as the state airports fund. The fund shall consist of all money appropriated to it, or directed to be paid into it, by the legislature.

(b) The state airports fund shall be paid out on authorization of the commissioner and shall be used:

(1) to acquire, construct, improve, maintain, and operate airports and other air navigation facilities;

(2) to assist municipalities in the acquisition, construction, improvement, and maintenance of airports and other air navigation facilities;

(3) to assist municipalities to initiate, enhance, and market scheduled air service at their airports;

(4) to promote interest and safety in aeronautics through education and information; and

(5) to pay the salaries and expenses of the Department of Transportation related to aeronautic planning, administration, and operation. All allotments of money from the state airports fund for salaries and expenses shall be approved by the commissioner of finance.

A municipality that adopts a comprehensive plan that the commissioner finds is incompatible with the state aviation plan is not eligible for assistance from the state airports fund.

Sec. 37. Minnesota Statutes 2004, section 360.065, is amended by adding a subdivision to read:

Subd. 3. **Disclosure of airport zoning regulations.** Before accepting consideration or signing an agreement to sell or transfer real property that is located in safety zone A, B, or C under zoning regulations adopted by the governing body, the seller or transferor, whether executing the agreement in the seller or transferor's own right, or as executor, administrator, assignee, trustee, or otherwise by authority of law, must disclose in writing to the buyer or transferee the existence of airport zoning regulations that affect the real property.

Sec. 38. Minnesota Statutes 2004, section 473.386, subdivision 3, is amended to read:

Subd. 3. **Duties of council.** In implementing the special transportation service, the council shall:

(a) encourage participation in the service by public, private, and private nonprofit providers of special transportation currently receiving capital or operating assistance from a public agency;

(b) contract with public, private, and private nonprofit providers that have demonstrated their ability to effectively provide service at a reasonable cost;

(c) encourage individuals using special transportation to use the type of service most appropriate to their particular needs;

(d) ensure that all persons providing special transportation service receive equitable treatment in the allocation of the ridership;

(e) encourage shared rides to the greatest extent practicable;

(f) encourage public agencies that provide transportation to eligible individuals as a component of human services and educational programs to coordinate with this service and to allow reimbursement for transportation provided through the service at rates that reflect the public cost of providing that transportation;

(g) establish criteria to be used in determining individual eligibility for special transportation services;

(h) consult with the Transportation Accessibility Advisory Committee in a timely manner before changes are made in the provision of special transportation services, including, but not limited to, changes in policies affecting the matters subject to hearing under subdivision 2;

(i) provide for effective administration and enforcement of council policies and standards; and

(j) annually evaluate providers of special transportation service to ensure compliance with the standards established for the program; and

(k) ensure that, taken as a whole including contracts with public, private, and private nonprofit providers, the geographic coverage area of the special transportation service is continuous within the boundaries of the transit taxing district, as defined as of March 1, 2006, in section 473.446, subdivision 2.

Sec. 39. Laws 2005, First Special Session chapter 6, article 3, section 109, is amended to read:

Sec. 109. EFFECTIVE DATE; EXPIRATION.

Sections 91 to 98 are effective the day following final enactment and do not expire on June 10, 2006.

Sec. 40. CHILD PASSENGER RESTRAINT LAW AWARENESS CAMPAIGN.

The commissioner of public safety shall conduct a child passenger restraint law awareness campaign by developing and distributing education materials, making public service announcements through mass media throughout the state, and implementing other education and awareness activities to educate the public about state laws concerning child restraint in vehicles and to inform individuals in financial need how to obtain child restraint systems at no cost.

Sec. 41. SPECIFIC SERVICE SIGN.

Notwithstanding any other law or administrative rule or order, the commissioner of transportation, after being assured of adequate funding from nonstate sources, shall erect a specific service sign on the east side of Marked Trunk Highway 52, near its intersection with 37th Street NW in Olmsted County. The sign must display the name or business panel, or both, of a retail establishment on the east side of Marked Trunk Highway 52 that began operation before construction of the noise wall on the east side of Marked Trunk Highway 52, and the premises of which is blocked by the noise wall from view from Marked Trunk Highway 52.

Sec. 42. STUDY OF TRANSPORTATION LONG-RANGE SOLUTIONS.

(a) The commissioner of transportation shall conduct a study to evaluate the current and long-range needs of the state's transportation system, and investigate possible strategies to meet these needs.

(b) The study must include, but is not limited to:

- (1) evaluation of the current needs of the state's highway systems and bridges;
 - (2) analysis and quantification of the needs for the next 20 years of the state's highway systems and bridges;
 - (3) comparison of estimates of revenues raised by current transportation funding sources, with long-term needs of the state's transportation system;
 - (4) identification of options for maintenance and improvement of the state's transportation system with specific reference to factors such as changes in vehicle fuel economy, availability of alternative modes of transportation, and the nation's attempts to decrease dependence on foreign oil;
 - (5) analysis of alternative pricing options utilized in other states, and their potential for use, public acceptance, alleviation of congestion, and revenue generation in this state; and
 - (6) identification of options for road pricing or other alternative financing mechanisms, and estimates of implementation costs, user costs, and revenue.
- (c) The commissioner shall report the results of the study to the legislature no later than January 12, 2007.

Sec. 43. REPORT ON GREATER MINNESOTA TRANSPORTATION NEEDS.

The commissioner of transportation shall study public transportation needs in greater Minnesota, and shall, no later than February 15, 2007, provide a written report to the transportation committees of the senate and the house of representatives. The commissioner shall comply in all respects with Minnesota Statutes, sections 3.195 and 3.197. The report must include an update of the 2001 greater Minnesota public transportation plan, and a statement of the capital and operating costs needed to meet greater Minnesota public transportation needs.

Sec. 44. RULE CHANGE.

Pursuant to Minnesota Statutes, section 14.388, the commissioner shall amend Minnesota Rules, part 7411.0515, subpart 2, to provide that driver education programs offered at public schools, private schools, and commercial driver training schools must include a minimum of 30 minutes of instruction relating to organ and tissue donations and the provisions of Minnesota Statutes, section 171.07, subdivision 5."

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 2888: A bill for an act relating to health; establishing requirements for assisted living services; limiting use of the term assisted living; specifying procedures for terminating services for assisted living clients; modifying the home care bill of rights for purposes of assisted living; establishing the Class F home care provider category; eliminating the Class E assisted living programs license; requiring the provision of information on assisted living and the legal rights of assisted living clients; amending Minnesota Statutes 2004, sections 144A.4605; 144D.01, by adding a subdivision; 144D.015; 144D.02; 144D.03, subdivision 2; 144D.04; 144D.05; 144D.065; proposing coding for new law in Minnesota Statutes, chapters 144A; 144D; proposing coding for new law as Minnesota Statutes, chapter 144G; repealing Minnesota Rules, part 4668.0215.

Reports the same back with the recommendation that the bill be amended as follows:

Page 13, line 18, delete "to"

Page 13, line 19, delete "respond" and insert "who is responsible for responding"

Page 14, after line 12, insert:

"Subd. 3. **Exemption from awake-staff requirement.** A housing with services establishment that offers or provides assisted living is exempt from the requirement in subdivision 2, paragraph (b), clause (7), item (i), that the person or persons available and responsible for responding to requests for assistance must be awake, if the establishment meets the following requirements:

(1) the establishment has a maximum capacity to serve 12 or fewer assisted living clients;

(2) the person or persons available and responsible for responding to requests for assistance are physically present within the housing with services establishment in which the assisted living clients reside;

(3) the establishment has a system in place that is compatible with the health, safety, and welfare of the establishment's assisted living clients;

(4) the establishment's housing with services contract, as required by section 144D.04, includes a statement disclosing the establishment's qualification for, and intention to rely upon, this exemption;

(5) the establishment files with the commissioner, for purposes of public information but not review or approval by the commissioner, a statement describing how the establishment meets the conditions in clauses (1) to (4), and makes a copy of this statement available to actual and prospective assisted living clients; and

(6) the establishment indicates on its housing with services registration, under section 144D.02 or 144D.03, as applicable, that it qualifies for and intends to rely upon the exemption under this subdivision."

Page 14, line 13, delete "3" and insert "4"

Page 15, line 1, delete "4" and insert "5"

Page 15, line 9, delete "5" and insert "6"

Page 17, after line 14, insert:

"Sec. 18. **APPROPRIATION.**

\$140,000 is appropriated from the state government special revenue fund to the commissioner of health for the biennium ending June 30, 2007, to enforce the standards established in sections 1 to 17. This appropriation shall not become part of base level funding for the biennium beginning July 1, 2007."

Renumber the sections in sequence

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 2521: A bill for an act relating to health; providing an exception to hospital restricted construction or modification; amending Minnesota Statutes 2005 Supplement, section 144.551, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 2460: A bill for an act relating to higher education; providing a process for state support of a football stadium at the University of Minnesota; providing funding to the Board of Regents of the University of Minnesota for biotechnology and medical genomics research and academic programs at the University of Minnesota-Rochester; establishing a study abroad program; appropriating money; amending Minnesota Statutes 2004, sections 297A.71, by adding a subdivision; 340A.404, subdivision 4a; proposing coding for new law in Minnesota Statutes, chapters 136A; 473.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section apply to sections 2 to 7.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of finance.

Subd. 3. **Stadium.** "Stadium" means an athletic stadium suitable for intercollegiate National Collegiate Athletic Association (NCAA) Division I football games and related infrastructure improvements constructed on the University of Minnesota's east bank campus in the city of Minneapolis.

Subd. 4. **Board.** "Board" means the Board of Regents of the University of Minnesota.

Subd. 5. **Commission.** "Commission" means the Metropolitan Sports Facilities Commission.

Sec. 2. **ACTIVITIES; CONTRACTS.**

The legislature recognizes that the board has all powers necessary or convenient for designing, constructing, equipping, improving, controlling, operating, and maintaining the stadium and may enter into contracts that are, in its judgment, in the best interests of the public for those purposes. Notwithstanding contrary law, the board may adopt the fair and competitive design and construction procurement procedures in connection with the stadium that it considers to be in the public interest. The total cost of the stadium, including the costs of issuing bonds and purchasing bond insurance or other credit enhancements or funding reserves, plus the costs of mitigation required by section 6, must not exceed \$248,000,000. The board must ensure to the greatest extent practicable, that materials derived from American-made steel are used in the construction of the stadium. Minnesota Statutes, sections 16B.33 and 16B.335, do not apply to the stadium.

Sec. 3. **ENVIRONMENTAL REVIEW.**

The commissioner must not make an annual payment required by this act until the board has completed an environmental review of the stadium project and the commissioner determines that the board is performing the duties of the responsible governmental unit as prescribed in the Minnesota Environmental Policy Act, Minnesota Statutes, chapter 116D, and the rules adopted under that chapter. The legislature ratifies the Environmental Quality Board's designation of the board as a responsible governmental unit.

Sec. 4. **CONDITIONS FOR PAYMENT TO THE UNIVERSITY.**

Subdivision 1. **Nonstate revenues required.** Before the commissioner may make the first payment to the board authorized in this section, the commissioner must certify that the board has received at least \$75,300,000 in pledges, gifts, sponsorships, and other nonstate general fund revenue support for the construction of the stadium.

Subd. 2. **Prohibited funding sources.** No part of the money required to be obtained by the board under subdivision 1 may be derived from:

- (1) increased fees or charges imposed on students attending the University of Minnesota; or
- (2) money paid by any nonpublic entity as consideration for the right to determine the name of the stadium.

Subd. 3. **Annual state payments; appropriation.** On July 1 of each year after certification by the commissioner, but no earlier than July 1, 2007, and for so long thereafter as any bonds issued by the board for the construction of the stadium are outstanding, the state must transfer to the board up to \$12,900,000 to reimburse the board for its stadium costs, provided that bonds issued to pay the state's share of the costs shall not exceed \$172,700,000.

Up to \$12,900,000 is appropriated annually from the general fund for the purpose of this section. The board must certify to the commissioner the amount of the annual payments of principal and interest required to service bonds issued by the university for the construction of the stadium, and the actual amount of the state's annual payment to the university must equal the amount required to service the bonds representing the state's share of the costs. Except to the extent of the annual appropriation described in this section, the state is not required to pay any part of the cost of designing or constructing the stadium.

Subd. 4. **Affordable student access.** Before the first payment is made under subdivision 3, the board must certify to the commissioner that a provision for affordable access for university students to the university sporting events held at the football stadium has been made.

Sec. 5. NO FULL FAITH AND CREDIT.

Any bonds or other obligations issued by the board under this act are not public debt of the state, and the full faith and credit and the taxing powers of the state are not pledged for their payment, or of any payments that the state agrees to make under this act.

Sec. 6. MITIGATION FUND.

The board shall organize an advisory group made up of representatives of the surrounding residential and business areas to develop proposals to mitigate the impact of the construction and operation of the stadium. The commissioner must not make an annual payment required by this act until the board has created an endowment fund of at least \$1,000,000, the income from which is required to be used, upon advice of the advisory group, to mitigate the direct effects of construction of the stadium. For purposes of this section, "mitigation" includes, but is not limited to, protection of parking facilities and amenities, neighborhood landscaping and beautification projects and financial grants for neighborhood and business-developed programs intended to mitigate adverse impacts caused by the operation of the stadium.

Sec. 7. EMINENT DOMAIN.

The board may not acquire the fire station number 19 building for the construction of the stadium and related infrastructure, either directly or indirectly, through the exercise of the power of eminent domain.

Sec. 8. Minnesota Statutes 2004, section 297A.71, is amended by adding a subdivision to read:

Subd. 37. **Construction materials; University of Minnesota football stadium.** Materials, supplies, or equipment used or consumed in connection with the construction, equipping, or improvement of a football stadium constructed for use by the University of Minnesota are exempt. This subdivision expires one year after substantial completion of the football stadium.

Sec. 9. Minnesota Statutes 2004, section 340A.404, subdivision 4a, is amended to read:

Subd. 4a. **State-owned recreation; entertainment facilities.** Notwithstanding any other law, local ordinance, or charter provision, the commissioner may issue on-sale intoxicating liquor licenses:

(1) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Giants Ridge Recreation Area building or recreational improvement area owned by the state in the town of White, St. Louis County;

(2) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Ironworld Discovery Center building or facility owned by the state at Chisholm; and

(3) to the Board of Regents of the University of Minnesota for events at Northrop Auditorium and spectator suites and clubs in any intercollegiate football stadium constructed by the university on its Minneapolis campus.

The commissioner shall charge a fee for licenses issued under this subdivision in an amount comparable to the fee for comparable licenses issued in surrounding cities.

Sec. 10. [473.5955] TERMINATION OF LEASE.

The lease between the Board of Regents of the University of Minnesota and the commission dated May 19, 1982, that requires the University of Minnesota football team to play its home football games at the Hubert H. Humphrey Metrodome until July 1, 2012, may be terminated by the board and the commission effective on or after the date designated by the board as the date of completion of the stadium on the University of Minnesota's east bank campus in the city of Minneapolis.

Sec. 11. EFFECTIVE DATE.

Sections 1 to 10 are effective the day following final enactment."

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Taxes. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 2898: A bill for an act relating to insurance; conforming regulation of qualified long-term care insurance to requirements for state participation in the federal long-term care partnership program; amending state long-term care partnership program requirements; amending Minnesota Statutes 2004, sections 62S.05, by adding a subdivision; 62S.08, subdivision 3; 62S.081, subdivision 4; 62S.10, subdivision 2; 62S.13, by adding a subdivision; 62S.14, subdivision 2; 62S.15; 62S.20, subdivision 1; 62S.24, subdivisions 1, 3, 4, by adding subdivisions; 62S.25, subdivision 6, by adding a subdivision; 62S.26; 62S.266, subdivision 2; 62S.29, subdivision 1; 62S.30; Minnesota Statutes 2005 Supplement, section 256B.0571; proposing coding for new law in Minnesota Statutes, chapter 62S.

Reports the same back with the recommendation that the bill be amended as follows:

Page 17, line 34, delete "issued no earlier than"

Page 17, line 35, delete "July 1, 2006" and insert "that (i) is issued on or after the effective date of the state plan amendment implementing the partnership program in Minnesota, or (ii) qualifies as a partnership policy under the provisions of subdivision 8a"

Page 18, after line 5, insert:

"Subd. 8a. **Exchange for long-term care partnership policy; addition of policy rider. (a)** If federal law is amended or federal approval is granted with respect to the partnership program established in this section, a long-term care insurance policy that was issued before the effective date of the state plan amendment implementing the partnership program in Minnesota that was

exchanged after the effective date of the state plan amendment for a long-term care partnership policy that meets the requirements of Public Law 109-171, section 6021, qualifies as a long-term care partnership policy under this section.

(b) If federal law is amended or federal approval is granted with respect to the partnership program established in this section, a long-term care insurance policy that was issued before the effective date of the state plan amendment implementing the partnership program in Minnesota that has a rider added after the effective date of the state plan amendment that meets the requirements of Public Law 109-171, section 6021, qualifies as a long-term care partnership policy under this section."

Page 19, line 11, delete "1496p" and insert "1396p"

Page 22, line 21, delete the new language

Page 22, delete lines 22 to 23 and insert:

"(a) The commissioner, in cooperation with the commissioner of commerce, shall pursue any federal law changes or waiver necessary to implement the long-term care partnership program requirements of Public Law 109-171, section 6021.

(b) The commissioner shall submit a state plan amendment to the federal government to implement the long-term care partnership program in accordance with this section."

Page 22, delete subdivision 15 and insert:

"Subd. 15. **Limitation on liens.** (a) An individual's interest in real property shall not be subject to a medical assistance lien or a notice of potential claim while it is protected under subdivision 9 to the extent it is protected.

(b) Medical assistance liens or liens arising under notices of potential claims against an individual's interests in real property in the individual's estate that are designated as protected under subdivision 13, paragraph (b), shall be released to the extent of the dollar value of the protection applied to the interest.

(c) If an interest in real property is protected from a lien for recovery of medical assistance paid on behalf of the individual under paragraph (a) or (b), no lien for recovery of medical assistance paid on behalf of that individual shall be filed against the protected interest in real property after it is distributed to the individual's heirs or devisees."

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2489, 2814, 2852, 3631, 3764, 2888, 2521 and 2898 were read the second time.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Senator Johnson, D.E. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 2734: Senators Sams, Saxhaug, Frederickson, Dibble and Cohen.

Senator Johnson, D.E. moved that the foregoing appointments be approved. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Marty and Lourey introduced–

S.F. No. 3786: A bill for an act relating to corporations; providing for incorporation of socially responsible for-profit business corporations; proposing coding for new law as Minnesota Statutes, chapter 304A.

Referred to the Committee on Judiciary.

Senator Metzen introduced–

S.F. No. 3787: A bill for an act relating to taxes; modifying the treatment of certain income from foreign operations under the corporate franchise tax; increasing local government aid; providing a property tax rebate; appropriating money; amending Minnesota Statutes 2004, section 290.34, subdivision 1; Minnesota Statutes 2005 Supplement, sections 290.01, subdivisions 6b, 19c, 19d; 477A.03, subdivision 2a.

Referred to the Committee on Taxes.

Senator Rest introduced–

S.F. No. 3788: A bill for an act relating to transportation; creating a transit fund; amending the allocation of revenues from the tax on the sale of motor vehicles; amending the language of the proposed constitutional amendment dedicating all revenues from the tax on the sale of motor vehicles to transportation; amending Minnesota Statutes 2004, sections 16A.88; 297B.09, subdivision 1; Laws 2005, chapter 88, article 3, section 10.

Referred to the Committee on Transportation.

Senator Scheid introduced–

S.F. No. 3789: A bill for an act relating to environment; directing the governor to designate Minnesota Cleanup Day; providing a minimum fine for littering; amending Minnesota Statutes 2004, section 609.68; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources.

Senators Skoe and Dille introduced–

S.F. No. 3790: A bill for an act relating to education finance; reestablishing categorical funding for pupil transportation costs; amending Minnesota Statutes 2004, section 123B.92, by adding

subdivisions; Minnesota Statutes 2005 Supplement, section 123B.92, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 123B.

Referred to the Committee on Finance.

MEMBERS EXCUSED

Senators Dille, Moua and Olson were excused from the Session of today. Senator Chaudhary was excused from the Session of today from 9:00 to 9:25 a.m. Senator Ortman was excused from the Session of today from 9:00 to 9:30 a.m. and from 9:55 to 10:15 a.m. Senator Pogemiller was excused from the Session of today from 9:00 to 10:00 a.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 11:00 a.m., Monday, May 1, 2006. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

