

**FORTY-SIXTH DAY**

St. Paul, Minnesota, Tuesday, April 26, 2005

The Senate met at 1:00 p.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, Monsignor James D. Habiger.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

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

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 communications were received and referred to the committee indicated.

March 21, 2005

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

## EMERGENCY MEDICAL SERVICES REGULATORY BOARD

Shanna Hanson, 95 Sixth Ave. N.E., Minneapolis, in the county of Hennepin, effective March 28, 2005, for a term that expires on January 7, 2008.

(Referred to the Committee on Health and Family Security.)

Sincerely,  
Tim Pawlenty, Governor

April 22, 2005

The Honorable James P. Metzen  
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 271, 1535, 171 and 392.

Sincerely,  
Tim Pawlenty, Governor

April 22, 2005

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2005 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2005	Date Filed 2005
271		23	5:55 a.m. April 22	April 22
1535		24	5:40 a.m. April 22	April 22
171		25	6:05 a.m. April 22	April 22
392		26	5:45 a.m. April 22	April 22
	1650	27	5:50 a.m. April 22	April 22

Sincerely,  
Mary Kiffmeyer  
Secretary of State

## 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. 51:** A bill for an act relating to public safety; scheduling ephedrine and pseudoephedrine products as Schedule V controlled substances; regulating the sale of

methamphetamine precursor drugs; requiring prescriptions from veterinarians for products for animals containing ephedrine or pseudoephedrine; requiring the commissioner of public safety to develop a plan for implementation of a centralized computer to enable pharmacies to carry out imposed duties; providing criminal penalties; amending Minnesota Statutes 2004, sections 152.02, subdivision 6; 152.027, subdivisions 1, 2; 152.135, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 35.

Senate File No. 51 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives  
Returned April 21, 2005

Senator Berglin moved that S.F. No. 51 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1385 and 1481.

Albin A. Mathiowetz, Chief Clerk, House of Representatives  
Transmitted April 22, 2005

### FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred as indicated.

**H.F. No. 1385:** A bill for an act relating to higher education; allocating money for educational and related purposes with certain conditions; modifying various loan, grant, and financial aid provisions; requiring institutions to provide certain data; permitting disclosure of certain data to determine eligibility; amending various reciprocity provisions; providing definitions; directing the Board of Trustees to designate centers of excellence; amending the Minnesota college savings plan; authorizing transfer of certain bonding authority; amending provisions related to private career schools; establishing fees; providing for merger with the Higher Education Facilities Authority; establishing the Rochester University Development Committee; appropriating money; amending Minnesota Statutes 2004, sections 13.46, subdivision 2; 135A.031, subdivisions 3, 4; 135A.052, subdivision 1; 135A.30, subdivisions 3, 4, 5; 135A.52, subdivisions 1, 2; 136A.01, subdivision 2; 136A.031, subdivisions 2, 3, 4; 136A.08, by adding subdivisions; 136A.121, subdivisions 2, 5, 6, 9, by adding a subdivision; 136A.125, subdivision 2; 136A.1701, by adding subdivisions; 136F.04, subdivision 4; 136F.32, subdivision 2; 136G.03, subdivisions 3, 21a, 22, 32; 136G.05, subdivision 8; 136G.09, subdivisions 11, 12; 136G.11, subdivisions 1, 2, 3, 13; 136G.13, subdivisions 1, 5; 136G.14; 137.0245, subdivisions 1, 2, 4; 141.21, by adding a subdivision; 141.25, subdivisions 3, 5, 8, 9, 12; 141.251; 141.26, subdivision 5; 141.271, subdivisions 4, 7, 10, by adding subdivisions; 141.28, subdivision 1, by adding a subdivision; 141.29, subdivision 3; 141.30; 141.35; 192.502, subdivision 1; 299A.45, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapters 136A; 137; 141; repealing Minnesota Statutes 2004, sections 136A.011; 136A.031, subdivision 1; Minnesota Rules, parts 4815.0100; 4815.0110; 4815.0120; 4815.0130; 4815.0140; 4815.0150; 4815.0160; 4830.8100; 4830.8110; 4830.8120; 4830.8130; 4830.8140; 4830.8150.

Referred to the Committee on Finance.

**H.F. No. 1481:** A bill for an act relating to government operations; appropriating money for the general legislative and administrative expenses of state government; regulating state and local government operations; modifying provisions related to public employment; ratifying certain labor agreements and compensation plans; regulating elections and campaign finance; regulating Minneapolis teacher pensions; modifying provisions related to the military and veterans; providing conforming amendments; amending Minnesota Statutes 2004, sections 3.011; 3.012; 3.02; 10A.01, subdivisions 5, 21, 23, 26; 10A.025, by adding a subdivision; 10A.071, subdivision 3; 10A.08;

10A.20, subdivisions 2, 5, by adding a subdivision; 10A.27, subdivision 1; 10A.28, subdivision 2; 10A.31, subdivisions 1, 3, 4, 5, 6a; 11A.04; 11A.07, subdivisions 4, 5; 11A.24, subdivision 6; 13.635, by adding a subdivision; 14.19; 15.054; 15B.17, subdivision 1; 16A.103, by adding a subdivision; 16A.1286, subdivisions 2, 3; 16A.152, subdivision 2; 16A.1522, subdivision 1; 16A.281; 16B.52, subdivision 1; 16C.10, subdivision 7; 16C.144; 16C.16, subdivision 1, by adding a subdivision; 16C.23, by adding a subdivision; 43A.183; 43A.23, subdivision 1; 123B.63, subdivision 3; 126C.17, subdivision 11; 190.16, by adding a subdivision; 192.19; 192.261, subdivisions 1, 2; 192.501, subdivision 2; 193.29, subdivision 3; 193.30; 193.31; 197.608, subdivision 5; 200.02, subdivisions 7, 23, by adding a subdivision; 201.022, by adding a subdivision; 201.061, subdivision 3; 201.071, subdivision 1; 201.091, subdivision 5; 203B.01, subdivision 3; 203B.02, subdivision 1; 203B.04, subdivisions 1, 4, by adding a subdivision; 203B.07, subdivision 2; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.20; 203B.21, subdivisions 1, 3; 203B.24, subdivision 1; 204B.10, subdivision 6; 204B.14, subdivision 2; 204B.16, subdivisions 1, 5; 204B.18, subdivision 1; 204B.22, subdivision 3; 204B.27, subdivisions 1, 3; 204B.33; 204C.05, subdivision 1a, by adding a subdivision; 204C.08, subdivision 1; 204C.24, subdivision 1; 204C.28, subdivision 1; 204C.50, subdivisions 1, 2; 204D.03, subdivision 1; 204D.14, subdivision 3; 204D.27, subdivision 5; 205.10, subdivision 3; 205.175, subdivision 2; 205A.05, subdivision 1; 205A.09, subdivision 1; 206.56, subdivisions 2, 3, 7, 8, 9, by adding subdivisions; 206.57, subdivisions 1, 5, by adding a subdivision; 206.58, subdivision 1; 206.61, subdivisions 4, 5; 206.64, subdivision 1; 206.80; 206.81; 206.82, subdivisions 1, 2; 206.83; 206.84, subdivisions 1, 3, 6; 206.85, subdivision 1; 206.90, subdivisions 1, 4, 5, 6, 8, 9; 208.03; 208.04, subdivision 1; 208.05; 208.06; 208.07; 208.08; 211B.01, subdivision 3; 240A.02, subdivision 3; 354A.08; 354A.12, subdivisions 3a, 3b; 358.11; 373.40, subdivision 2; 375.20; 394.25, by adding a subdivision; 447.32, subdivision 4; 458.40; 462.357, by adding a subdivision; 465.82, subdivision 2; 465.84; 469.053, subdivision 5; 469.0724; 469.190, subdivision 5; 471.345, by adding a subdivision; 471.975; 473.147, by adding a subdivision; 475.521, subdivision 2; 475.58, subdivisions 1, 1a; 475.59; 507.093; 507.24, subdivision 2; Laws 2000, chapter 461, article 4, section 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 3; 4; 5; 6; 8; 10A; 14; 15; 15B; 16A; 16B; 16C; 43A; 196; 197; 204D; 205; 205A; 206; 298; 354A; 471; 507; proposing coding for new law as Minnesota Statutes, chapter 471B; repealing Minnesota Statutes 2004, sections 16A.151, subdivision 5; 16A.30; 16B.33; 43A.11, subdivision 2; 197.455, subdivision 3; 204B.22, subdivision 2; 204C.05, subdivisions 1a, 1b; 204C.50, subdivision 7; 205.175; 205A.09; 240A.08; 354A.28; Minnesota Rules, parts 4501.0300, subparts 1, 4; 4501.0500, subpart 4; 4501.0600; 4503.0200, subpart 4; 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500, subpart 9; 4503.0800, subpart 1.

Referred to the Committee on Finance.

## REPORTS OF COMMITTEES

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

### Senator Murphy from the Committee on Transportation, to which was referred

**S.F. No. 2121:** A bill for an act relating to public safety; modifying motor vehicle, traffic regulation, and driver's license provisions relating to commercial motor vehicles; making technical and clarifying changes; modifying definitions of recreational vehicle, motor home, state, and tank vehicle; prohibiting issuance of identification card to holder of driving instruction permit; modifying driver's license classifications, restrictions, exceptions, and exemptions; modifying driver records provisions; incorporating federal regulations; amending Minnesota Statutes 2004, sections 168.011, subdivision 25; 169.01, subdivision 75; 169A.52, subdivision 3; 171.01, subdivisions 22, 47, by adding a subdivision; 171.02; 171.03; 171.04, subdivision 2; 171.09; 171.12, subdivision 3; 171.165, subdivisions 1, 2, 6; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Minnesota Statutes 2004, sections 169.99, subdivision 1b; 171.12, subdivision 6; 171.165, subdivisions 3, 4, 4a, 4b; Minnesota Rules, part 7503.2400.

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

Page 4, after line 11, insert:

"Sec. 3. Minnesota Statutes 2004, section 169.01, subdivision 76, is amended to read:

Subd. 76. [HAZARDOUS MATERIALS.] "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, ~~part 172, subpart F~~ parts 100-185."

Page 5, after line 16, insert:

"Sec. 6. Minnesota Statutes 2004, section 171.01, subdivision 35, is amended to read:

Subd. 35. [HAZARDOUS MATERIALS.] "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, ~~part 172, subpart F~~ parts 100-185."

Page 5, line 29, after "tank" insert ", as defined in Code of Federal Regulations, title 49, section 178.320, including a cargo tank or a portable tank as defined in Code of Federal Regulations, title 49, section 171.8,"

Page 7, delete lines 29 and 30 and insert:

"(6) towing vehicles if:

(i) the towed vehicles have a gross vehicle weight of 10,000 pounds or less; or

(ii) the towed vehicles have a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a gross vehicle weight of 26,000 pounds or less."

Page 16, delete lines 11 to 15 and insert:

"(2) the driver's record pertaining to violations of a driver or vehicle out-of-service order must be kept for a period of at least ten years; and

(3) the driver's record pertaining to felony convictions in the commission of which a motor vehicle was used, to the alcohol-related offenses and licensing actions listed in section 169A.03, subdivisions 20 and 21, and to violations of sections section 169.09, to violations of section 169A.31, and to violations of section 171.24, subdivision 5, shall ~~must~~"

Page 18, delete lines 4 to 8 and insert:

"Subd. 6. [EXEMPTIONS.] (a) A disqualification shall not be imposed under this section on a recreational ~~equipment~~ vehicle operator, farmer, or firefighter authorized emergency vehicle operator operating a commercial motor vehicle within the scope of section 171.02, subdivision 2, paragraph (b).

(b) A conviction for a violation that occurred before August 1, 2005, while operating a vehicle that is not a commercial motor vehicle shall not be counted as a first or subsequent violation for purposes of determining the period for which a driver must be disqualified under this section."

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 13, delete the second "subdivision" and insert "subdivisions"

Page 1, line 14, after "75" insert ", 76" and after "22," insert "35,"

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

**Senator Murphy from the Committee on Transportation, to which was re-referred**

**S.F. No. 1089:** A bill for an act relating to transportation; authorizing billing for highway sign program and establishing special account; modifying eligibility criteria for certain business signs; modifying provisions relating to state-aid highways and streets, traffic signals, and railroads in quiet zones; removing expiration for commuter rail corridor coordinating committee; appropriating money; amending Minnesota Statutes 2004, sections 160.80, subdivision 1a; 162.02, subdivisions 2, 3a; 162.06, subdivision 2; 162.09, subdivisions 2, 3a; 162.14, subdivision 6; 169.06, subdivisions 5, 6; 169.28, subdivision 2; 174.86, subdivision 5; 219.166; 219.567; proposing coding for new law in Minnesota Statutes, chapters 160; 162.

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 160.80, subdivision 1a, is amended to read:

Subd. 1a. [ELIGIBILITY CRITERIA FOR BUSINESS PANELS.] (a) To be eligible for a business panel on a logo sign panel, a business establishment must:

- (1) be open for business;
- (2) have a sign on site that both identifies the business and is visible to motorists;
- (3) be open to everyone, regardless of race, religion, color, age, sex, national origin, creed, marital status, sexual orientation, or disability;
- (4) not impose a cover charge or otherwise require customers to purchase additional products or services; and

(5) meet the appropriate criteria in paragraphs (b) to (e).

(b) Gas businesses must provide vehicle services including fuel and oil; restroom facilities and drinking water; continuous, staffed operation at least 12 hours a day, seven days a week; and public access to a telephone.

(c) Food businesses must serve at least two meals a day during normal mealtimes of breakfast, lunch, and dinner; provide a continuous, staffed food service operation at least ten hours a day, seven days a week except holidays as defined in section 645.44, subdivision 5, and except as provided for seasonal food service businesses; provide seating capacity for at least 20 people; ~~serve meals prepared on the premises;~~ and possess any required state or local licensing or approval. ~~Reheated, prepackaged, ready-to-eat food is not "food prepared on the premises."~~ Seasonal food service businesses must provide a continuous, staffed food service operation at least ten hours a day, seven days a week, during their months of operation.

(d) Lodging businesses must include sleeping accommodations, provide public access to a telephone, and possess any required state or local licensing or approval.

(e) Camping businesses must include sites for camping, include parking accommodations for each campsite, provide sanitary facilities and drinking water, and possess any required state or local licensing or approval.

(f) Businesses that do not meet the appropriate criteria in paragraphs (b) to (e) but that have a signed lease as of January 1, 1998, may retain the business panel until December 31, 2005, or until they withdraw from the program, whichever occurs first, provided they continue to meet the criteria in effect in the department's contract with the logo sign vendor on August 1, 1995. After December 31, 2005, or after withdrawing from the program, a business must meet the appropriate criteria in paragraphs (a) to (e) to qualify for a business panel.

(g) Seasonal businesses must indicate to motorists when they are open for business by either putting the full months of operation directly on the business panel or by having a "closed" plaque applied to the business panel when the business is closed for the season.

(h) The maximum distance that an eligible business in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county can be located from the interchange is: for gas businesses, one mile; for food businesses, two miles; for lodging businesses, three miles; and for camping businesses, ten miles.

(i) The maximum distance that an eligible business in any other county can be located from the interchange shall not exceed 15 miles in either direction.

(j) Logo sign panels must be erected so that motorists approaching an interchange view the panels in the following order: camping, lodging, food, gas.

(k) If there is insufficient space on a logo sign panel to display all eligible businesses for a specific type of service, the businesses closest to the interchange have priority over businesses farther away from the interchange.

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

Sec. 2. [160.94] [USE OF HIGHWAY LANES BY HYBRID VEHICLES.]

Subdivision 1. [HYBRID VEHICLE.] For the purposes of this section, "hybrid vehicle" means a motor vehicle that:

(1) has a hybrid propulsion system that operates both with an internal combustion engine and on electric propulsion;

(2) has a fuel efficiency of greater than 28 miles per gallon in highway use and 33 miles per gallon in city use, as certified by the United States Environmental Protection Agency; and

(3) conforms to any requirements for such a vehicle in federal law or regulation.

Subd. 2. [USE OF HOV LANES BY HYBRID VEHICLES.] Unless otherwise prohibited by federal law or regulation, and with the approval of the Federal Highway Administration, the commissioner shall:

(1) allow an operator of a single-occupant, hybrid vehicle to use any high-occupancy vehicle lane on the trunk highway system, regardless of occupancy requirements established for other types of vehicles; and

(2) allow the operator of a hybrid vehicle to use a lane of a trunk highway, other than a toll bridge, on which a toll is imposed for certain vehicles, without payment of such a toll.

Subd. 3. [DECALS.] The commissioner shall issue to the owner of a hybrid vehicle upon request of the owner and upon payment of a fee of \$15, a distinctive decal or other identifier to be affixed to the vehicle, clearly identifying the vehicle as a hybrid vehicle. A person operating a vehicle lawfully displaying such a decal has the privileges granted by the commissioner under subdivision 2.

Subd. 4. [VIOLATION.] A person may not operate a vehicle that displays a decal or other identifier issued under this section in a high-occupancy vehicle lane or toll lane if that decal or identifier was not issued for that vehicle. A violation of this subdivision is a misdemeanor.

Subd. 5. [EXPIRATION.] This section expires July 31, 2007.

Sec. 3. Minnesota Statutes 2004, section 162.02, subdivision 2, is amended to read:

Subd. 2. [RULES; ADVISORY COMMITTEE.] (a) The rules shall be made and promulgated by the commissioner acting with the advice of a committee ~~which shall be~~ selected by the several county boards acting through the officers of the statewide association of county commissioners. The committee shall be composed of nine members so selected that each member shall be from a different state highway construction district. Not more than five of the nine members of the committee shall be county commissioners. The remaining members shall be county highway engineers. In the event that agreement cannot be reached on any rule, the commissioner's

determination shall be final. The rules shall be printed and copies thereof shall be forwarded to the county engineers of the several counties. For the purposes of this section, the expedited process for adopting rules established in section 14.389 may be used.

(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

Sec. 4. Minnesota Statutes 2004, section 162.02, subdivision 3a, is amended to read:

Subd. 3a. [VARIANCES FROM RULES AND ENGINEERING STANDARDS.] The commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.021 or 162.07, subdivision 2. A political subdivision in which a county state-aid highway is located or is proposed to be located may submit a written request to the commissioner for a variance for that highway. The commissioner shall publish notice of the request in the State Register and give notice to all persons known to the commissioner to have an interest in the matter. The commissioner may grant or deny the variance within 30 days of providing notice of the request. If a written objection to the request is received within ~~20~~ seven days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request. If no timely objection is received and the variance is denied without hearing, the political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing. For purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

Sec. 5. [162.031] [CONSTRUCTION ACROSS ANOTHER COUNTY OR STATE.]

When a county state-aid highway route is so located that in order to achieve the designated objectives the commissioner determines that it is necessary to construct the highway across a portion of another county or state, the county initiating the construction is authorized to spend county state-aid highway funds for that purpose in the same manner as other expenditures for county state-aid highway purposes are made. No part of that highway may be constructed in another county until both counties approve the construction.

Sec. 6. Minnesota Statutes 2004, section 162.09, subdivision 2, is amended to read:

Subd. 2. [RULES; ADVISORY COMMITTEE.] (a) The rules shall be made and promulgated by the commissioner acting with the advice of a committee ~~which shall be~~ selected by the governing bodies of such cities, acting through the officers of the statewide association of municipal officials. The committee shall be composed of 12 members, so selected that there shall be one member from each state highway construction district and in addition one member from each city of the first class. Not more than six members of the committee shall be elected officials of the cities. The remaining members of the committee shall be city engineers. In the event that agreement cannot be reached on any rule the commissioner's determination shall be final. The rules shall be printed and copies thereof shall be forwarded to the clerks and engineers of the cities. For the purposes of this section, the expedited process for adopting rules established in section 14.389 may be used.

(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

Sec. 7. Minnesota Statutes 2004, section 162.09, subdivision 3a, is amended to read:

Subd. 3a. [VARIANCES FROM RULES AND ENGINEERING STANDARDS.] The commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.13, subdivision 2. A political subdivision in which a municipal state-aid street is located or is proposed to be located may submit a written request to the commissioner for a variance for that street. The commissioner shall publish notice of the request in the State Register and give notice to all persons known to the commissioner to have an interest in the matter. The commissioner may grant or deny the variance within 30 days of providing notice of the request. If a written objection to the request is received within ~~20~~ seven days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request. If no timely objection is received and the variance is denied without hearing, the



political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing. For purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

Sec. 8. [162.091] [CONSTRUCTION ACROSS ANOTHER MUNICIPALITY OR STATE.]

When a municipal state-aid street route is so located that in order to achieve the designated objectives the commissioner determines that it is necessary to construct the street across a portion of another municipality or state, the municipality initiating the construction is authorized to spend municipal state-aid street funds for that purpose in the same manner as other expenditures for municipal state-aid street purposes are made. No part of that street may be constructed in another municipality until both municipalities approve the construction.

Sec. 9. Minnesota Statutes 2004, section 162.14, subdivision 6, is amended to read:

Subd. 6. [ADVANCES.] Any such city may make advances from any funds available to it for the purpose of expediting the construction, reconstruction, improvement, or maintenance of its municipal state-aid street system; ~~provided that such advances shall not exceed the city's total estimated apportionment for the three years following the year the advance is made.~~ Advances made by any such city shall be repaid out of subsequent apportionments made to such city in accordance with the commissioner's rules.

Sec. 10. Minnesota Statutes 2004, section 168.011, is amended by adding a subdivision to read:

Subd. 2a. [COMMISSIONER.] "Commissioner" means the commissioner of the Minnesota Department of Public Safety.

Sec. 11. Minnesota Statutes 2004, section 168.011, subdivision 3, is amended to read:

Subd. 3. [HIGHWAY.] A "Highway" ~~is any public thoroughfare for vehicles, including streets in cities~~ has the meaning given in section 169.01, subdivision 29.

Sec. 12. Minnesota Statutes 2004, section 168.011, subdivision 4, is amended to read:

Subd. 4. [MOTOR VEHICLE.] (a) "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily ~~upon public roads and~~ on highways, and not operated exclusively upon railroad tracks. It includes any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys that are propelled by electric power obtained from overhead trolley wires but not operated upon rails. It does not include snowmobiles, manufactured homes, or park trailers.

(b) "Motor vehicle" also includes an all-terrain vehicle, ~~as defined in section 84.92, subdivision 8, that only if~~ the all-terrain vehicle (1) has at least four wheels, (2) is owned and operated by a physically disabled person, and (3) displays both physically disabled license plates and a physically disabled certificate issued under section 169.345, subdivision 3.

(c) "Motor vehicle" does not include an all-terrain vehicle ~~as defined in section 84.92, subdivision 8;~~ except (1) an all-terrain vehicle described in paragraph (b), or (2) an all-terrain vehicle licensed as a motor vehicle before August 1, 1985. The owner may continue to license an all-terrain vehicle described in clause (2) as a motor vehicle until it is conveyed or otherwise transferred to another owner, is destroyed, or fails to comply with the registration and licensing requirements of this chapter.

(d) "Motor vehicle" does not include an electric personal assistive mobility device as defined in section 169.01, subdivision 90.

Sec. 13. Minnesota Statutes 2004, section 168.011, subdivision 5, is amended to read:

Subd. 5. [OWNER.] "Owner" means any person, ~~firm, association, or corporation~~ owning or ~~renting~~ leasing a motor vehicle, or having the exclusive use ~~thereof~~ of the vehicle, under a lease or otherwise, for a period of greater than 30 days.

Sec. 14. Minnesota Statutes 2004, section 168.011, subdivision 5a, is amended to read:

Subd. 5a. [REGISTERED OWNER.] "Registered owner" means any person, ~~firm, association, or corporation,~~ other than a secured party, having title to a motor vehicle. If a passenger automobile, ~~as defined in subdivision 7,~~ is under lease for a term of 180 days or more, the lessee is deemed to be the registered owner, for purposes of registration only; ~~provided that the application for renewal of the registration of a passenger automobile described in this subdivision shall be~~ is sent to the lessor.

Sec. 15. Minnesota Statutes 2004, section 168.011, subdivision 6, is amended to read:

Subd. 6. [TAX, FEE.] "Tax" or "fee" means the annual registration tax imposed on motor vehicles in lieu of all other taxes ~~thereon,~~ except wheelage taxes, ~~so-called,~~ which may be imposed by any city, and ~~except gross earnings taxes paid by companies subject or made subject thereto.~~ ~~Such~~ The annual tax shall be deemed is both a property tax and a highway use tax and shall be on the basis of the calendar year.

Sec. 16. Minnesota Statutes 2004, section 168.011, subdivision 7, is amended to read:

Subd. 7. [PASSENGER AUTOMOBILE.] (a) "Passenger automobile" means any motor vehicle designed and used for carrying not more than 15 ~~persons~~ individuals including the driver.

(b) "Passenger automobile" does not include motorcycles, motor scooters, ~~and buses described in subdivision 9, paragraph (a), clause (2)~~ buses, or school buses.

(c) ~~For purposes of taxation only,~~ "Passenger automobile" includes pickup trucks and vans, including those vans designed to carry passengers, with a manufacturer's nominal rated carrying capacity of one ton, but does not include commuter vans as defined in section 168.126.

Sec. 17. Minnesota Statutes 2004, section 168.011, is amended by adding a subdivision to read:

Subd. 37. [ALL-TERRAIN VEHICLE.] "All-terrain vehicle" has the meaning given in section ~~84.92,~~ subdivision 8.

Sec. 18. Minnesota Statutes 2004, section 168.011, is amended by adding a subdivision to read:

Subd. 38. [PERSON.] "Person" has the meaning given in section 168A.01, subdivision 14.

Sec. 19. Minnesota Statutes 2004, section 168.011, is amended by adding a subdivision to read:

Subd. 39. [VEHICLE.] "Vehicle" has the meaning given in section 168A.01, subdivision 24.

Sec. 20. Minnesota Statutes 2004, section 168.012, subdivision 1, is amended to read:

Subdivision 1. [VEHICLES EXEMPT FROM TAX, FEES, OR PLATE DISPLAY.] (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from those institutions;

(3) vehicles used solely in driver education programs at nonpublic high schools;

(4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for educational purposes;

(5) ambulances owned by ambulance services licensed under section 144E.10, the general appearance of which is unmistakable; ~~and~~

(6) motorized foot scooters as defined in section 169.01, subdivision 4c; and

(7) vehicles owned by a commercial driving school licensed under section 171.34, or an employee of a commercial driving school licensed under section 171.34, and the vehicle is used exclusively for driver education and training.

(b) Vehicles owned by the federal government, municipal fire apparatuses including fire-suppression support vehicles, police patrols, and ambulances, the general appearance of which is unmistakable, are not required to register or display number plates.

(c) Unmarked vehicles used in general police work, liquor investigations, or arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the Department of Corrections, must be registered and must display appropriate license number plates, furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the Department of Corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a Department of Corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry, fraud unit, in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates, furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue or the commissioner of labor and industry. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) Unmarked vehicles used by the Division of Disease Prevention and Control of the Department of Health must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of health. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the Division of Disease Prevention and Control.

(f) Unmarked vehicles used by staff of the Gambling Control Board in gambling investigations and reviews must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the board chair. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the Gambling Control Board.

(g) All other motor vehicles must be registered and display tax-exempt number plates, furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax-exempt number plates must have the name of the state department or political subdivision, nonpublic high school operating a driver education program, or licensed commercial driving school, plainly displayed on both sides of the vehicle; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required identification on the sides of the vehicle, and county social service agencies may have vehicles used for child and vulnerable adult protective services without the required identification on the sides of the vehicle. This identification must be in a color giving contrast with that of the part of the vehicle on which it is placed and must endure throughout the term of the registration. The identification must not be on a removable plate or placard and must be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high school driver education program.

Sec. 21. Minnesota Statutes 2004, section 168.16, is amended to read:

168.16 REGISTRATION TAX REFUND; APPROPRIATION.

(a) After the registration tax upon any ~~motor~~ vehicle has been paid for any year registration period, refund must be made for errors made in computing the registration tax or fees and for the error on the part of an owner who may in error have registered a ~~motor~~ vehicle that was not before, nor at the time of registration, nor at any time thereafter during the current past year preceding registration period, subject to registration tax in this state as provided by section 168.012.

(b) Unless otherwise provided in this chapter, a claim for a refund of an overpayment of registration tax must be filed within 3-1/2 years from the date of payment.

~~The refund must be made from any fund in possession of the registrar and deducted from the registrar's monthly report to the commissioner of finance. A detailed report of the refund must accompany the report.~~

(c) The former registered owner of a transferred vehicle, by an assignment in writing endorsed upon the registration certificate and delivered to the ~~registrar~~ commissioner within the time provided in this subdivision, shall assign, except for vehicles registered under section 168.187, to the new owner the right to have the tax paid by the former registered owner accredited to the new owner who duly registers the vehicle unless the registration stickers are surrendered to the commissioner before the first day of the new registration period.

(d) Any owner at is entitled to a refund of the unused portion of the registration tax paid on the owner's vehicle upon filing a claim, verified by the commissioner, if the time of such occurrence, whose vehicle is:

(1) ~~declared by an insurance company to be a total loss due to flood or tornado damage, permanently destroyed, due to accident, fire, or an act of God as defined in section 115B.02; or~~

(2) ~~sold to the federal government, the state, or a political subdivision of the state, shall upon filing a verified claim be entitled to a refund of the unused portion of the tax paid upon the vehicle, computed as follows:~~

(1) ~~if the vehicle is registered under the calendar year system of registration, the refund is computed pro rata by the month, 1/12 of the annual tax paid for each month of the year remaining after the month in which the plates and certificate were returned to the registrar;~~

(2) ~~if the vehicle is registered under the monthly series system of registration, the amount of~~

(e) ~~The refund is must be equal to the sum of the amounts of the license fee remaining registration tax attributable to those months remaining in for the licensing registration period after the month in which the plates and certificate of registration or title were returned to the registrar commissioner.~~

(b) (f) There is hereby appropriated to the persons entitled to a refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.

Sec. 22. Minnesota Statutes 2004, section 168.185, is amended to read:

168.185 [USDOT NUMBERS.]

(a) An owner of a truck or truck-tractor having a gross vehicle weight of more than 10,000 pounds, as defined in section 169.01, subdivision 46, other than a farm truck, shall report to the registrar at the time of registration its USDOT carrier number. A person subject to this paragraph who does not have a USDOT number shall apply for the number at the time of registration by completing a form MCS-150 Motor Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration, or comparable document as determined by the registrar. The registrar shall not assign a USDOT carrier number to a vehicle owner who is not subject to this paragraph.

(b) Assigned USDOT numbers need not be displayed on the outside of the vehicle, but must be

made available upon request of an authorized agent of the registrar, peace officer, other employees of the State Patrol authorized in chapter 299D, or employees of the Minnesota Department of Transportation. The vehicle owner shall notify the registrar if there is a change to the owner's USDOT number.

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

(d) Until October 1, 2003, paragraphs (a) to (c) do not apply to an agricultural fertilizer or agricultural chemical retailer while exclusively engaged in delivering fertilizer or agricultural chemicals to a farmer for on-farm use.

Sec. 23. Minnesota Statutes 2004, section 168.31, subdivision 5, is amended to read:

Subd. 5. [REFUND.] For the ~~annual registration tax~~ paid on any vehicle before the calendar year registration period for which that tax was assessed, the owner of the vehicle who paid the tax shall be ~~is~~ entitled to full refund if ~~such vehicle is permanently destroyed or removed from the state before the calendar year for which the tax was paid or if it is not used at all during the calendar year for which the tax was paid, and the owner makes affidavit concerning the nonuse as provided by section 168.012~~ the registration stickers are surrendered before the first day of the new registration period.

Sec. 24. Minnesota Statutes 2004, section 169.01, is amended by adding a subdivision to read:

Subd. 4c. [MOTORIZED FOOT SCOOTER.] "Motorized foot scooter" means a device with no more than two ten-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. An electric personal assistive mobility device, a motorized bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

Sec. 25. Minnesota Statutes 2004, section 169.01, subdivision 75, is amended to read:

Subd. 75. [COMMERCIAL MOTOR VEHICLE.] (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

- (1) has a gross vehicle weight of more than 26,000 pounds;
- (2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;
- (3) is a bus;
- (4) is of any size and is used in the transportation of hazardous materials, ~~except for those vehicles having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and liquid fertilizer that are required to be placarded under Code of Federal Regulations, title 49, parts 100-185;~~ or
- (5) is outwardly equipped and identified as a school bus, except for type A-I and type III school buses as defined in subdivision 6.

(b) For purposes of chapter 169A:

(1) a commercial motor vehicle does not include a farm truck, fire-fighting equipment, or recreational equipment being operated by a person within the scope of section 171.02, subdivision 2, paragraph (b); and

(2) a commercial motor vehicle includes a vehicle capable of or designed to meet the standards described in paragraph (a), clause (2), whether or not the towed unit is attached to the truck-tractor at the time of the violation or stop.

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

Sec. 26. Minnesota Statutes 2004, section 169.01, subdivision 81, is amended to read:

Subd. 81. [RESIDENTIAL ROADWAY.] "Residential roadway" means a street or portion of a street that is ~~less than one-half mile in length and is~~ functionally classified as a local street by the road authority having jurisdiction.

Sec. 27. Minnesota Statutes 2004, section 169.01, is amended by adding a subdivision to read:

Subd. 91. [SCHOOL ZONE.] "School zone" means that section of a street or highway that abuts the grounds of a school where children have access to the street or highway from the school property or where an established school crossing is located; provided, the school advance sign prescribed by the Manual on Uniform Traffic Control Devices adopted by the commissioner of transportation pursuant to section 169.06 is in place. All signs erected by local authorities to designate speed limits in school zones must conform to the Manual on Uniform Traffic Control Devices.

Sec. 28. Minnesota Statutes 2004, section 169.06, subdivision 5, is amended to read:

Subd. 5. [TRAFFIC-CONTROL SIGNAL.] (a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red, and Yellow shall be used, except for special pedestrian signals carrying a word or legend, ~~and said.~~ The traffic-control signal lights shall or colored lighted arrows indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

(i) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time ~~such~~ this signal is exhibited.

(ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by ~~such~~ the arrow, or ~~such~~ other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk. Every driver of a vehicle shall yield the right-of-way to such pedestrian, except that the pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the green signal indication is first shown.

(2) Steady yellow indication:

(i) Vehicular traffic facing a circular yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic ~~shall~~ must not enter the intersection, except for the continued movement allowed by any green arrow indication simultaneously exhibited.

(ii) Pedestrians facing a circular yellow signal, unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(iii) Vehicular traffic facing a steady yellow arrow signal is thereby warned that the protected vehicular movement permitted by the corresponding prior green arrow indication is being terminated.

## (3) Steady red indication:

(i) Vehicular traffic facing a circular red signal alone ~~shall~~ must stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection; or, if none, then before entering the intersection and shall remain standing until a green indication is shown, except as follows: (A) the driver of a vehicle ~~which is~~ stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or stop signal, and with the intention of making a right turn may make ~~such~~ the right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at ~~said~~ that intersection; ~~or~~ (B) the driver of a vehicle on a one-way street ~~which intersects~~ intersecting another one-way street on which traffic moves to the left shall stop in obedience to a red or stop signal and may then make a left turn into ~~said~~ the one-way street, unless an official sign has been erected prohibiting the movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at ~~said~~ that intersection; or (C) the driver of a vehicle on a metered ramp may proceed without stopping despite a red signal when there are no other vehicles on the ramp or on any intersecting ramp, and no vehicle passed the meter during the previous green signal.

(ii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing a steady red signal alone shall not enter the roadway.

(iii) Vehicular traffic facing a steady red arrow signal, with the intention of making a movement indicated by the arrow, ~~shall~~ must stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection; or, if none, then before entering the intersection and ~~shall~~ must remain standing until a permissive signal indication permitting the movement indicated by the red arrow is displayed, except as follows: when an official sign has been erected permitting a turn on a red arrow signal, the vehicular traffic facing a red arrow signal indication is permitted to enter the intersection to turn right, or to turn left from a one-way street into a one-way street on which traffic moves to the left, after stopping, but must yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection.

(b) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except those which can have no application. Any stop ~~required shall~~ must be made at a sign or marking on the pavement indicating where the stop ~~shall~~ must be made, but in the absence of any such sign or marking the stop ~~shall~~ must be made at the signal.

(c) When a traffic-control signal indication or indications placed to control a certain movement or lane are so identified by placing a sign near the indication or indications, no other traffic-control signal indication or indications within the intersection ~~shall control~~ controls vehicular traffic for ~~such~~ that movement or lane.

Sec. 29. Minnesota Statutes 2004, section 169.06, is amended by adding a subdivision to read:

Subd. 5b. [POSSESSION OF OVERRIDE DEVICE.] (a) For purposes of this subdivision, "traffic signal-override device" means a device mounted in a motor vehicle that permits activation of a traffic signal-override system described in subdivision 5a.

(b) No person may operate a motor vehicle that contains a traffic signal-override device, other than:

(1) an authorized emergency vehicle described in section 169.01, subdivision 5, clause (1), (2), or (3);

(2) a signal maintenance vehicle of a road authority; or

(3) a vehicle authorized to contain such a device by order of the commissioner of public safety, including, but not limited to, a vehicle engaged in providing regular-route public transit.

(c) No person may possess a traffic signal-override device, other than:

(1) a person authorized to operate a vehicle described in paragraph (b), but only for use in such a vehicle;

(2) a person authorized by a road authority to perform signal maintenance, while engaged in such maintenance; or

(3) a person authorized by order of the commissioner of public safety to possess such a device, but only to the extent authorized in the order.

(d) A violation of this subdivision is a misdemeanor.

Sec. 30. Minnesota Statutes 2004, section 169.06, subdivision 6, is amended to read:

Subd. 6. [PEDESTRIAN CONTROL SIGNAL.] (a) Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" or symbols of a "walking person" or "upraised hand" are in place such, the signals shall or symbols indicate as follows:

(1) A steady "Walk," flashing or steady. Pedestrians signal or the symbol of a "walking person" indicates that a pedestrian facing such either of these signals may proceed across the roadway in the direction of the signal, possibly in conflict with turning vehicles. Every driver of a vehicle shall yield the right-of-way to such pedestrian except that the pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that either signal indication is first shown.

(2) A "Don't Walk," signal or the symbol of an "upraised hand," flashing or steady. No, indicates that a pedestrian shall not start to cross the roadway in the direction of such signals either signal, but any pedestrian who has partially crossed on the "Walk" or "walking person" signal indication shall proceed to a sidewalk or safety island while the "Don't Walk" signal is showing.

(b) A pedestrian crossing a roadway in conformity with this section is lawfully within the intersection and, when in a crosswalk, is lawfully within the crosswalk.

Sec. 31. Minnesota Statutes 2004, section 169.09, is amended by adding a subdivision to read:

Subd. 14a. [VIOLATION; PENALTY FOR OWNER OR LESSEE.] (a) If a motor vehicle is operated in violation of subdivision 1, 2, 3, 4, 5, 6, 7, or 10, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor.

(b) The owner or lessee may not be fined under paragraph (a) if (1) another person is convicted for that violation or (2) the motor vehicle was stolen at the time of the violation.

(c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator for violating subdivision 1, 2, 3, 4, 5, 6, 7, or 10.

(e) A violation under paragraph (a) does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to offenses committed on or after that date.

Sec. 32. Minnesota Statutes 2004, section 169.14, is amended by adding a subdivision to read:

Subd. 1a. [LICENSE REVOCATION.] The driver's license of a person who violates any speed limit established in this section, by driving in excess of 100 miles per hour, is revoked for six months under section 171.17, or for a longer minimum period of time applicable under section 169A.53, 169A.54, or 171.174.



Sec. 33. Minnesota Statutes 2004, section 169.14, subdivision 2, is amended to read:

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

- (1) 30 miles per hour in an urban district or on a town road in a rural residential district;
- (2) 65 miles per hour on noninterstate freeways and expressways, as defined in section 160.02, subdivision 19;
- (3) 55 miles per hour in locations other than those specified in this section;
- (4) 70 miles per hour on interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
- (5) 65 miles per hour on interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
- (6) ten miles per hour in alleys; and
- (7) ~~25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway~~ 25 miles per hour in school zones.

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

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

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

Sec. 34. Minnesota Statutes 2004, section 169.14, subdivision 4, is amended to read:

Subd. 4. [ESTABLISHMENT OF ZONES BY COMMISSIONER.] Except as provided in subdivision 5a, on determining upon the basis of an engineering and traffic investigation that any speed set forth in this section is greater or less than is reasonable or safe under the conditions found to exist on any trunk highway or upon any part thereof, the commissioner may erect appropriate signs designating a reasonable and safe speed limit thereat, which speed limit shall be becomes effective when such the signs are erected there. Any speeds speed in excess of such these limits shall be is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that any speed limit within any municipality shall be or within any school zone is a maximum limit and any speed in excess thereof shall be of that limit is unlawful. On determining upon that basis that a part of the trunk highway system outside a municipality should be a zone of maximum speed limit, the commissioner may establish that part as such a zone by erecting appropriate signs showing the beginning and end of the zone, designating a reasonable and safe speed therefor, which may be different than the speed set forth in this section, and that it is a zone of maximum speed limit. The speed so designated by the commissioner within any such zone shall be is a maximum speed limit, and speed in excess of such that limit shall be is unlawful. The commissioner may in the same manner from time to time alter the boundary of such a zone and the speed limit therein or eliminate such the zone.

Sec. 35. Minnesota Statutes 2004, section 169.14, subdivision 5, is amended to read:

Subd. 5. [ZONING WITHIN LOCAL AREA.] Except as otherwise provided in subdivision 5f for residential roadways, when local authorities believe that the existing speed limit upon any street or highway, or part thereof, within their respective jurisdictions and not a part of the trunk highway system is greater or less than is reasonable or safe under existing conditions, they may request the commissioner to authorize, upon the basis of an engineering and traffic investigation, the erection of appropriate signs designating what speed is reasonable and safe, and the commissioner may authorize the erection of appropriate signs designating a reasonable and safe speed limit thereat, which speed limit shall be effective when such signs are erected. Any speeds in excess of these speed limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that any speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful. Alteration of speed limits on streets and highways shall be made only upon authority of the commissioner except as provided in subdivision 5a.

Sec. 36. Minnesota Statutes 2004, section 169.14, subdivision 5a, is amended to read:

Subd. 5a. [SPEED ZONING IN SCHOOL ZONE; SURCHARGE.] (a) A local authorities authority, with the agreement of a school board or nonpublic school administration, may establish a school speed limit that is less than 25 miles per hour within a school zone of a public or nonpublic school upon the basis of an engineering and traffic investigation as prescribed by the commissioner of transportation located on a street or highway within the jurisdiction of the local authority. The establishment of a school speed limit that is more than or less than 25 miles per hour on any trunk highway shall must be with the consent by agreement of the commissioner of transportation with the school board or, in the case of a nonpublic school, with the school's administrator. Such School speed limits shall be are in effect when children are present, going to or leaving school during opening or closing hours or during school recess periods. The school speed limit shall not be lower than 15 miles per hour and shall not be more than 30 miles per hour below the established speed limit on an affected street or highway.

(b) ~~The school speed limit shall be~~ becomes effective upon the erection of appropriate signs designating the speed and indicating the beginning and end of the reduced speed zone. Any speed in excess of ~~such the~~ posted school speed limit is unlawful. ~~All such~~ These signs shall must be erected by the local authorities on those streets and highways under their respective jurisdictions and by the commissioner of transportation on trunk highways.

(c) ~~For the purpose of this subdivision, "school zone" means that section of a street or highway which abuts the grounds of a school where children have access to the street or highway from the school property or where an established school crossing is located provided the school advance sign prescribed by the manual on uniform traffic control devices adopted by the commissioner of transportation pursuant to section 169.06 is in place. All signs erected by local authorities to designate speed limits in school zones shall conform to the Manual on Uniform Control Devices.~~

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under this subdivision is assessed an additional surcharge equal to the amount of the fine imposed for the violation, but not less than \$25.

Sec. 37. Minnesota Statutes 2004, section 169.14, is amended by adding a subdivision to read:

Subd. 5f. [RESIDENTIAL ROADWAY ZONING.] When a road authority believes that the existing speed limit upon any residential roadway, or part thereof, within its jurisdiction, is greater than is reasonable or safe under existing conditions, it may:

- (1) adopt a speed limit of 25 miles per hour; or
- (2) establish and adopt a speed limit that is reasonable and safe, taking into account the results of an engineering and traffic investigation conducted by the road authority.

The speed limit on the residential roadway is effective when the road authority erects appropriate signs designating the speed limit and indicating the beginning and end of the portion of the residential roadway to which the speed limit applies. Any speed in excess of this speed limit

is prima facie evidence that the speed is not reasonable and prudent and that it is unlawful; except that any speed limit within any municipality shall be a maximum limit and any speed in excess of the speed limit is unlawful.

Sec. 38. [169.225] [MOTORIZED FOOT SCOOTER.]

Subdivision 1. [APPLICATION OF TRAFFIC LAWS.] Every person operating a motorized foot scooter shall have all rights and duties applicable to the operator of a bicycle, except in respect to those provisions relating expressly to motorized foot scooters and in respect to those provisions of law that by their nature cannot reasonably be applied to motorized foot scooters.

Subd. 2. [SIDEWALK AND PASSENGER PROHIBITION.] No person may operate a motorized foot scooter upon a sidewalk, except when necessary to enter or leave adjacent property. No person may operate a motorized foot scooter that is carrying any person other than the operator.

Subd. 3. [MINIMUM AGE FOR OPERATOR.] No person under the age of 12 years may operate a motorized foot scooter.

Subd. 4. [PROTECTIVE HEADGEAR.] No person under the age of 18 years may operate a motorized foot scooter without wearing properly fitted and fastened protective headgear that complies with standards established by the commissioner of public safety.

Subd. 5. [REQUIRED LIGHTING EQUIPMENT.] A motorized foot scooter must be equipped with a headlight and a taillight that comply with standards established by the commissioner of public safety if the vehicle is operated under conditions when vehicle lights are required by law.

Subd. 6. [OPERATION REQUIREMENTS AND PROHIBITIONS.] (a) A person operating a motorized foot scooter on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway, except in the following situations:

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

(2) when preparing for a left turn, in which case the operator shall stop and dismount at the right-hand curb or right edge of the roadway, and shall complete the turn by crossing the roadway on foot, subject to restrictions placed by law on pedestrians; or

(3) when reasonably necessary to avoid impediments or conditions that make it unsafe to continue along the right-hand curb or edge, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes.

(b) A person may operate a motorized foot scooter on a bicycle path, bicycle lane, bicycle trail, or bikeway that is not reserved for the exclusive use of nonmotorized traffic, unless the local authority or governing body having jurisdiction over that path, lane, trail, or bikeway prohibits operation by law.

Sec. 39. Minnesota Statutes 2004, section 169.28, subdivision 2, is amended to read:

Subd. 2. [EXEMPT CROSSING.] (a) The commissioner may designate a crossing as an exempt crossing if the crossing is:

(1) if the crossing is on a rail line on which service has been abandoned; or

(2) if the crossing is on a rail line that carries fewer than five trains each year, traveling at speeds of ten miles per hour or less; or

(3) as agreed to by the operating railroad and the Department of Transportation, following a diagnostic review of the crossing.

(b) The commissioner shall direct the railroad to erect at the crossing signs bearing the word "Exempt" that conform to section 169.06. The installation or presence of an exempt sign does not relieve a driver of the duty to use due care. A train must not proceed across an exempt crossing

unless a police officer is present to direct traffic or a railroad employee is on the ground to warn traffic until the train enters the crossing.

(c) A vehicle that must stop at grade crossings under subdivision 1 is not required to stop at a marked exempt crossing unless directed otherwise by a police officer or a railroad employee.

Sec. 40. Minnesota Statutes 2004, section 169.345, subdivision 1, is amended to read:

Subdivision 1. [SCOPE OF PRIVILEGE.] (a) Except as provided to the contrary in paragraph (c) or (d), a vehicle that prominently displays the certificate authorized by this section or that bears license plates issued under section 168.021, may be parked by or solely for the benefit of a physically disabled person:

(1) in a designated parking space for disabled persons, as provided in section 169.346;

(2) in a metered parking space without obligation to pay the meter fee and without time restrictions unless time restrictions are separately posted on official signs; and

(3) without time restrictions in a nonmetered space where parking is otherwise allowed for passenger vehicles but restricted to a maximum period of time and which does not specifically prohibit the exercise of disabled parking privileges in that space.

A person may park a vehicle for a physically disabled person in a parking space described in clause (1) or (2) only when actually transporting the physically disabled person for the sole benefit of that person and when the parking space is within a reasonable distance from the drop-off point.

(b) For purposes of this subdivision, a certificate is prominently displayed if it is displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the rearview mirror attached to the front windshield of the vehicle, section 169.71, subdivision 1, to the contrary notwithstanding. If there is no rearview mirror or if the certificate holder's disability precludes placing the certificate on the mirror, the placard must be displayed on the dashboard on the driver's side of the vehicle. No part of the certificate may be obscured.

(c) Notwithstanding paragraph (a), clauses (1), (2), and (3), this section does not permit parking in areas prohibited by sections section 169.32 and or 169.34, in designated no parking spaces, in designated "van permit only" disability parking spaces without the sticker issued under paragraph (d), or in parking spaces reserved for other specified purposes or vehicles. A local governmental unit may, by ordinance, prohibit parking on any street or highway to create a fire lane, or to accommodate heavy traffic during morning and afternoon rush hours and these ordinances also apply to physically disabled persons.

(d) In addition to the parking authority granted under paragraph (a), a motor vehicle displaying a special purple-on-white label or sticker in the top corner of the windshield on the driver's side, which is used exclusively by a physically disabled person requiring extra space alongside the vehicle for a wheelchair or similar conveyance when accessing or leaving the vehicle, and only that motor vehicle, may be parked by or solely for the benefit of that person in a parking space for disabled persons designated as "van permit only." The commissioner of public safety, after consultation with the state Council on Disability, shall design this special purple-on-white label or sticker for issuance to disabled persons whom the commissioner considers eligible to use "van permit only" parking spaces.

**[EFFECTIVE DATE AND GRACE PERIOD FOR PHYSICALLY DISABLED VIOLATOR.]** This section is effective August 1, 2005, for handicapped parking offenses committed on or after that date; except that, from August 1, 2005, through July 31, 2006, a physically disabled person who parks a vehicle and does not violate Minnesota Statutes, section 169.346, subdivision 1, paragraph (a), clause (3), but does violate Minnesota Statutes, section 169.346, subdivision 1, paragraph (b), as amended by this act, must be issued only a warning citation accompanied by an information brochure about the offense.

Sec. 41. Minnesota Statutes 2004, section 169.346, subdivision 1, is amended to read:

Subdivision 1. [DISABILITY PARKING SPACE PROHIBITIONS.] (a) A person shall not:

(1) park a motor vehicle in or obstruct access to a parking space designated and reserved for the physically disabled, on either private or public property;

(2) park a motor vehicle in or obstruct access to an area designated by a local governmental unit as a transfer zone for disabled persons;

(3) exercise the parking privilege provided in section 169.345, unless:

(i) that person is a physically disabled person as defined in section 169.345, subdivision 2, or the person is transporting or parking a vehicle for a physically disabled person; and

(ii) the vehicle visibly displays one of the following: a license plate issued under section 168.021, a certificate issued under section 169.345, a temporary permit valid for 30 days issued under section 168.021 or 169.345, or an equivalent certificate, insignia, or license plate issued by another state, a foreign country, or one of its political subdivisions; or

(4) park a motor vehicle in an area used as a regular route transit stopping point where a transit vehicle that is accessible to the physically disabled regularly stops and a sign that bears the international symbol of access in white on blue is posted. A sign posted under this clause may display other information relating to the regular route transit service. For purposes of this clause, an area used as a regular route transit stopping point consists of the 80 feet immediately preceding the sign described in this clause.

(b) A person, whether disabled or not, shall not park a motor vehicle that is not displaying the special purple-on-white label or sticker issued under section 169.345, subdivision 1, paragraph (d), in a parking space designated as "van permit only." A person who violates this paragraph is guilty of a misdemeanor and subject to a penalty under subdivision 3.

**[EFFECTIVE DATE AND GRACE PERIOD FOR PHYSICALLY DISABLED VIOLATOR.]** This section is effective August 1, 2005, for handicapped parking offenses committed on or after that date; except that, from August 1, 2005, through July 31, 2006, a physically disabled person who parks a vehicle and does not violate Minnesota Statutes, section 169.346, subdivision 1, paragraph (a), clause (3), but does violate Minnesota Statutes, section 169.346, subdivision 1, paragraph (b), as amended by this act, must be issued only a warning citation accompanied by an information brochure about the offense.

Sec. 42. Minnesota Statutes 2004, section 169.346, subdivision 2, is amended to read:

Subd. 2. [DISABILITY PARKING SPACE SIGNS.] (a) Parking spaces reserved for physically disabled persons must be designated and identified by the posting of signs incorporating the international symbol of access in white on blue and indicating that violators are subject to a fine of up to \$200.

(b) Parking spaces reserved only for physically disabled persons operating or being transported in motor vehicles that display the special purple-on-white label or sticker affixed to the van's windshield in the top corner on the driver's side, must be designated and identified with an additional purple-on-white "van permit only" sign attached to the signs described in paragraph (a).

(c) These parking spaces are reserved for disabled persons with vehicles displaying the required certificate, license plates, temporary permit valid for 30 days, or insignia and, for motor vehicles parking in "van permit only" spaces, displaying the special purple-on-white label or sticker. Signs sold

(d) After August 1, 1991 2005, signs posted for parking spaces reserved for physically disabled persons in parking areas or lots providing more than 100 total parking spaces must conform to the design requirements in this paragraph paragraphs (a) and (b); except that a "van accessible" sign sold before August 2, 2005, conforms to this subdivision if the owner attaches a purple-on-white label or sticker that reads "van permit only" and that completely covers the words "van accessible." The owner of a parking lot or area consisting of 100 or fewer total parking spaces is

not required to provide a parking space designated as "van permit only" but shall continue to provide any "van accessible" spaces provided before August 2, 2005.

(b) (e) For purposes of this subdivision, a parking space that is clearly identified as reserved for physically disabled persons by a permanently posted sign that does not meet all design standards, is considered designated and reserved for physically disabled persons. A sign posted for the purpose of this section must be visible from inside a vehicle parked in the space, be kept clear of snow or other obstructions which block its visibility, and be nonmovable or only movable by authorized persons.

**[EFFECTIVE DATE AND GRACE PERIOD FOR PHYSICALLY DISABLED VIOLATOR.]** This section is effective August 1, 2005, for handicapped parking offenses committed on or after that date; except that, from August 1, 2005, through July 31, 2006, a physically disabled person who parks a vehicle and does not violate Minnesota Statutes, section 169.346, subdivision 1, paragraph (a), clause (3), but does violate Minnesota Statutes, section 169.346, subdivision 1, paragraph (b), as amended by this act, must be issued only a warning citation accompanied by an information brochure about the offense.

Sec. 43. Minnesota Statutes 2004, section 169.448, is amended by adding a subdivision to read:

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

- (1) the operator possesses a commercial driver's license with a school bus endorsement;
- (2) the vehicle is engaged in picking up or dropping off adults at locations predesignated by the day activity center that owns or leases the bus;
- (3) the vehicle is identified as a "day activity center bus" in letters at least eight inches high on the front and rear top of the bus; and
- (4) the name, address, and telephone number of the owner and operator of the bus is identified on each front door of the bus in letters not less than three inches high.

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

Sec. 44. [169.472] [USE OF MOBILE TELEPHONES.]

Subdivision 1. [PROHIBITION.] No person may operate a cellular or wireless telephone, whether handheld or hands free, while operating a bus, while the bus is in motion.

Subd. 2. [DEFENSE.] It is an affirmative defense against a charge of violating subdivision 1 for a person to produce evidence that the mobile telephone was used for the purpose of contacting the following in response to an emergency:

- (1) 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. 45. Minnesota Statutes 2004, section 169.522, is amended to read:

## 169.522 [SLOW-MOVING VEHICLE, SIGN REQUIRED.]

Subdivision 1. [DISPLAYING EMBLEM; RULES.] (a) All animal-drawn vehicles, motorized golf carts when operated on designated roadways pursuant to section 169.045, implements of husbandry, and other machinery, including all road construction machinery, which are designed for operation at a speed of 30 miles per hour or less shall, must display a triangular slow-moving vehicle emblem, except (1) when being used in actual construction and maintenance work and traveling within the limits of a construction area which is marked in accordance with requirements of the Manual on Uniform Traffic Control Devices, as set forth in section 169.06, or (2) for a towed implement of husbandry that is empty and that is not self-propelled, in which case it may be towed at lawful speeds greater than 30 miles per hour without removing the slow-moving vehicle emblem. The emblem shall must consist of a fluorescent yellow-orange or illuminated red-orange triangle with a dark red reflective border and be mounted so as to be visible from a distance of not less than 600 feet to the rear. When a primary power unit towing an implement of husbandry or other machinery displays a slow-moving vehicle emblem visible from a distance of 600 feet to the rear, it shall is not be necessary to display a similar emblem on the secondary unit. After January 1, 1975, All slow-moving vehicle emblems sold in this state shall must be so designed that when properly mounted they are visible from a distance of not less than 600 feet to the rear when directly in front of lawful lower beam of headlamps on a motor vehicle. The commissioner of public safety shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem. Such standards and specifications shall must be adopted by rule in accordance with the Administrative Procedure Act. A violation of this section shall not be admissible evidence in any civil cause of action arising prior to January 1, 1970.

(b) An alternate slow-moving vehicle emblem consisting of a dull black triangle with a white reflective border may be used after obtaining a permit from the commissioner under rules of the commissioner. A person with a permit to use an alternate slow-moving vehicle emblem must:

(1) carry in the vehicle a regular slow-moving vehicle emblem and display the emblem when operating a vehicle between sunset and sunrise, and at any other time when visibility is impaired by weather, smoke, fog, or other conditions; and

(2) permanently affix to the rear of the slow-moving vehicle at least 72 square inches of reflective tape that reflects the color red.

Subd. 2. [PROHIBITION ON USE.] The use of this emblem shall be is restricted to the slow-moving vehicles specified in subdivision 1 and its use on any other type of vehicle or stationary object on the highway is prohibited.

Subd. 3. [DISPLAY REQUIRED.] No person shall sell, lease, rent, or operate any slow-moving vehicle, as defined in subdivision 1, except motorized golf carts and except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after July 1, 1967, unless such the vehicle is equipped with a slow-moving vehicle emblem-mounting device as specified in subdivision 1. Provided however, no a slow-moving vehicle shall must not be operated without such slow-moving vehicle emblem after January 1, 1968.

Sec. 46. 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. 47. Minnesota Statutes 2004, section 169.686, subdivision 1, is amended to read:

Subdivision 1. [SEAT BELT REQUIREMENT.] (a) Except as provided in section 169.685, subdivision 5, 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 \$50. The driver of the passenger vehicle or commercial motor vehicle in which the violation occurred is subject to a \$25 \$50 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. 48. Minnesota Statutes 2004, section 169.71, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITIONS GENERALLY; EXCEPTIONS.] ~~No~~ (a) A person shall not drive or operate any motor vehicle with:

(1) a windshield cracked or discolored to an extent to limit or obstruct proper vision, or, except for law enforcement vehicles, with;

(2) any objects suspended between the driver and the windshield, other than sun visors and rear vision rearview mirrors; or with



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

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

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

Sec. 49. Minnesota Statutes 2004, section 169.733, is amended to read:

169.733 [WHEEL FLAPS ON TRUCK AND TRAILER.]

Subdivision 1. [VEHICLES GENERALLY.] Every truck, truck-tractor, trailer, semitrailer, pole trailer, and rear-end dump truck, ~~excepting rear-end dump farm trucks and military vehicles of the United States, shall~~ must be provided with wheel flaps or other suitable protection above and behind the rearmost wheels of the vehicle or combination of vehicles to prevent, as far as practicable, such wheels from throwing dirt, water, or other materials on the windshields of following vehicles which follow. ~~Such~~ The flaps or protectors ~~shall~~ must be at least as wide as the tires they are protecting and shall have a ground clearance of not more than ~~one-fifth of the horizontal distance from the center of the rearmost axle to the flap under any conditions of loading or operation of the motor~~ nine inches from the ground when the vehicle is empty.

Subd. 2. [VEHICLE WITH CONVEYOR BELT.] For a dump truck or truck with a rigid box fastened to its frame and having a conveyor belt or chain in the bottom of the vehicle ~~which~~ that moves the cargo to the rear end of the vehicle, the flaps ~~shall~~ must be mounted as far to the rear of the vehicle as practicable and shall have a ground clearance of not more than 18 inches when the vehicle is loaded.

Subd. 3. [BOTTOM-DUMP VEHICLE.] In addition to meeting the requirements of subdivision 1, a bottom-dump cargo vehicle transporting sand, gravel, aggregate, dirt, lime rock, silica, or similar material must be equipped with flaps that are mounted to the rear of the axles, cover the entire width of the vehicle, and a center flap between the wheel flaps, which must have a ground clearance of six inches or less when the vehicle is fully loaded.

Subd. 4. [ALTERNATIVE REQUIREMENTS.] If the motor vehicle is so designed and constructed that the above requirements are accomplished by means of body construction or other means of enclosure, then no such protectors or flaps ~~shall be~~ are required.

Subd. 5. [EXTENDED FLAPS.] If the rear wheels are not covered at the top by fenders, body or other parts of the vehicle, the flap or other protective means shall must be extended at least to a point directly above the center of the rearmost axle.

~~Subd. 6. [LAMPS OR WIRING.] Lamps or wiring shall not be attached to fender flaps.~~

Sec. 50. Minnesota Statutes 2004, section 169.81, subdivision 3c, is amended to read:

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

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

(2) the combination does not exceed ~~60~~ 70 feet in length;

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

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

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

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

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

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

Sec. 51. Minnesota Statutes 2004, section 169.824, subdivision 2, is amended to read:

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

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

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

(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

~~(4)~~ (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. 52. Minnesota Statutes 2004, section 169.85, subdivision 1, is amended to read:

Subdivision 1. **[DRIVER TO STOP FOR WEIGHING.]** (a) The driver of a vehicle that has been lawfully stopped may be required by an officer to submit the vehicle and load to a weighing by means of portable or stationary scales.

(b) In addition, the officer may require that the vehicle be driven to the nearest available scales, but only if:

(1) the distance to the scales is no further than five miles, or if the distance from the point where the vehicle is stopped to the vehicle's destination is not increased by more than ten miles as a result of proceeding to the nearest available scales; and

(2) if the vehicle is a commercial motor vehicle, no more than two other commercial motor vehicles are waiting to be inspected at the scale.

(c) Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale.

(d) When a truck weight enforcement operation is conducted by means of portable or stationary scales ~~and~~, signs giving notice of the operation are must be posted within the highway right-of-way and adjacent to the roadway within two miles of the operation. The driver of a truck or combination of vehicles registered for or weighing in excess of 12,000 pounds shall proceed to the scale site and submit the vehicle to weighing and inspection.

Sec. 53. Minnesota Statutes 2004, section 169.85, subdivision 6, is amended to read:

Subd. 6. [OFFICER DEFINED.] When used in this section, the word "officer" means a ~~peace officer or~~ member of the State Patrol, an employee of the Department of Public Safety described in section 299D.06, or a peace officer or person under the officer's direction and control employed by a local unit of government who is trained in weight enforcement by the Department of Public Safety.

Sec. 54. Minnesota Statutes 2004, section 169.86, subdivision 5, is amended to read:

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

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

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

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

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;

(4) special pulpwood vehicles described in section 169.863;

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width; and

(6) noncommercial transportation of a boat by the owner or user of the boat.

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

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling; and

(7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c).

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to

any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

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

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

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

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

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

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

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

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

- (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;
- (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;
- (3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;
- (4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and
- (5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

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

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

- (1) in fiscal years 2005 through 2010:
    - (i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges;
    - (ii) all remaining money in each fiscal year must be deposited in a bridge inspection and signing account in the special revenue fund. Money in the account is appropriated to the commissioner for:
      - (A) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and
      - (B) erection of weight-posting signs on local bridges; and
  - (2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway fund.
- (k) \$200 for an annual permit for a vehicle operating under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

Sec. 55. Minnesota Statutes 2004, section 169.87, subdivision 5, is amended to read:

Subd. 5. [UTILITY VEHICLES.] (a) ~~Weight restrictions imposed by the commissioner under subdivision 1 and 2 do not apply to a two-axle or three-axle utility vehicle that does not exceed a weight of 20,000 pounds per single axle and 36,000 pounds gross vehicle weight for a two-axle vehicle or 48,000 pounds gross vehicle weight for a three-axle vehicle, if the vehicle is owned by:~~

- (1) a public utility as defined in section 216B.02;
  - (2) a municipality or municipal utility that operates the vehicle for its municipal electric, gas, or water system; or
  - (3) a cooperative electric association organized under chapter 308A.
- (b) The exemption in this subdivision applies only when the vehicle is performing service restoration or other work necessary to prevent an imminent loss of service.

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

Sec. 56. Minnesota Statutes 2004, section 171.01, subdivision 22, is amended to read:

Subd. 22. [COMMERCIAL MOTOR VEHICLE.] "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

- (1) has a gross vehicle weight of more than 26,000 pounds;
- (2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;
- (3) is a bus;
- (4) is of any size and is used in the transportation of hazardous materials, ~~except for those vehicles having a gross vehicle weight of 26,000 pounds or less and carrying in bulk tanks a total of not more than 200 gallons of liquid fertilizer and petroleum products that are required to be placarded under Code of Federal Regulations, title 49, parts 100-185; or~~
- (5) is outwardly equipped and identified as a school bus, except for school buses defined in section 169.01, subdivision 6, clause (5).

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

Sec. 57. Minnesota Statutes 2004, section 171.02, subdivision 2, is amended to read:

Subd. 2. [DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS, EXEMPTIONS.]  
(a) Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. Except as provided in subdivision 2a, no class of license shall be valid to operate a motorcycle, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed.

There shall be four general classes of licenses as follows:

- (b) Class D; valid for:
  - (1) operating all farm trucks when operated by (i) the owner, (ii) an immediate family member of the owner, (iii) an employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm, or (iv) an employee of the owner employed during harvest to operate the farm truck for the first, continuous transportation of agricultural products from the production site or on-farm storage site to any other location within 50 miles of that site;
  - (2) operating fire trucks and emergency fire equipment, whether or not in excess of 26,000 pounds gross vehicle weight, when operated by a firefighter while on duty, or by a tiller operator employed by a fire department who drives the rear portion of a midmount aerial ladder truck;
  - (3) operating recreational equipment as defined in section 168.011, subdivision 25, that is operated for personal use;
  - (4) operating all single-unit vehicles except vehicles with a gross vehicle weight of more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials; ~~and~~
  - (5) notwithstanding paragraph (c), operating a type A school bus without a school bus endorsement if:
    - (i) the bus has a gross vehicle weight of 10,000 pounds or less;
    - (ii) the bus is designed to transport 15 or fewer passengers, including the driver; and
    - (iii) the requirements of subdivision 2a, paragraph (b), are satisfied, as determined by the commissioner;

The holder of a class D license may also tow;

(6) operating any vehicle or combination of vehicles when operated by a licensed peace officer while on duty; and

(7) towing vehicles if the combination of vehicles has a gross vehicle weight of 26,000 pounds or less.

(c) Class C; valid for:

(1) operating class D vehicles;

(2) with a hazardous materials endorsement, transporting hazardous materials in class D vehicles; and

(3) with a school bus endorsement, operating school buses designed to transport 15 or fewer passengers, including the driver.

(d) Class B; valid for:

(1) operating all vehicles in class C; and class D vehicles, and all other single-unit vehicles including, with a passenger endorsement, buses. The holder of a class B license may tow; and

(2) towing only vehicles with a gross vehicle weight of 10,000 pounds or less.

(e) Class A; valid for operating any vehicle or combination of vehicles.

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

Sec. 58. Minnesota Statutes 2004, 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 \$50. ~~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. ~~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. 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. 59. Minnesota Statutes 2004, 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 \$50. ~~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. 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 motor vehicle:

(1) during the first six months of provisional licensure, with more than one passenger, except family members; or

(2) between the hours of midnight and 5:00 a.m.

(c) 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. 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.

(d) 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. 60. Minnesota Statutes 2004, section 171.12, subdivision 7, is amended to read:

Subd. 7. [PRIVACY OF RESIDENCE ADDRESS.] (a) An applicant for a driver's license or a Minnesota identification card may request that the applicant's residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the driver's license or identification card. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

(b) An applicant for a driver's license or a Minnesota identification card must be informed in a clear and conspicuous manner on the forms for the issuance or renewal that the applicant's personal information may be disclosed to any person who makes a request for the personal information, and that except for uses permitted by United States Code, title 18, section 2721, subsection (b), the applicant may prohibit disclosure of the personal information by so indicating on the form.

(c) An applicant for a driver's license or a Minnesota identification card must be also informed in a clear and conspicuous manner on forms that the applicant's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes, including surveys, marketing, or solicitation. The commissioner shall implement methods and procedures that enable the applicant to request that bulk surveys, marketing, or solicitation not be directed to the applicant. If the applicant so requests, the commissioner shall implement the request in a timely manner and the personal information may not be so used.

(d) To the extent permitted by United States Code, title 18, section 2721, data on individuals provided to obtain a Minnesota identification card or a driver's license is public data on



individuals and shall must be disclosed as permitted by United States Code, title 18, section 2721, subsection (b).

(e) A person shall not retain any information from magnetically, electronically, or otherwise scanning a driver's license, permit, or state identification card, except the document holder's name; date of birth; driver's license, permit, or state identification card number; and document expiration date. A person shall not use any of this retained information for advertising or marketing purposes. A person shall not sell and shall not otherwise disseminate the retained information to any third party for any purpose, including any marketing, advertising, or promotional activities, except that retained information may be provided under a court order or as authorized elsewhere in law.

Sec. 61. Minnesota Statutes 2004, section 171.17, subdivision 1, is amended to read:

Subdivision 1. [OFFENSES.] (a) The department shall immediately revoke the license of a driver upon receiving a record of the driver's conviction of:

(1) manslaughter resulting from the operation of a motor vehicle or criminal vehicular homicide or injury under section 609.21;

(2) a violation of section 169A.20 or 609.487;

(3) a felony in the commission of which a motor vehicle was used;

(4) failure to stop and disclose identity and render aid, as required under section 169.09, in the event of a motor vehicle accident, resulting in the death or personal injury of another;

(5) perjury or the making of a false affidavit or statement to the department under any law relating to the ownership or operation of a motor vehicle;

(6) except as this section otherwise provides, three charges of violating within a period of 12 months any of the provisions of chapter 169 or of the rules or municipal ordinances enacted in conformance with chapter 169, for which the accused may be punished upon conviction by imprisonment;

(7) two or more violations, within five years, of the misdemeanor offense described in section 169.444, subdivision 2, paragraph (a);

(8) the gross misdemeanor offense described in section 169.444, subdivision 2, paragraph (b);  
or

(9) an offense in another state that, if committed in this state, would be grounds for revoking the driver's license; or

(10) a violation of an applicable speed limit by a person driving in excess of 100 miles per hour. The person's license must be revoked for six months for a violation of this clause, or for a longer minimum period of time applicable under section 169A.53, 169A.54, or 171.174.

(b) The department shall immediately revoke the school bus endorsement of a driver upon receiving a record of the driver's conviction of the misdemeanor offense described in section 169.443, subdivision 7.

Sec. 62. Minnesota Statutes 2004, section 171.30, subdivision 1, is amended to read:

Subdivision 1. [CONDITIONS OF ISSUANCE.] (a) In any case where a person's license has been suspended under section 171.18, 171.173, or 171.186, or revoked under section 169.792, 169.797, 169A.52, 169A.54, 171.17, or 171.172, the commissioner may issue a limited license to the driver including under the following conditions:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a postsecondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

(b) The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation, and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

(c) For purposes of this subdivision, "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents.

(d) The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

(e) In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

(f) If the person's driver's license or permit to drive has been revoked under section 169.792 or 169.797, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(g) The limited license issued by the commissioner to a person under section 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner must not issue a limited license to a person who previously has been issued a limited license under section 171.186, subdivision 4.

(h) The commissioner shall not issue a limited driver's license to any person described in section 171.04, subdivision 1, clause (6), (7), (8), (10), (11), or (14).

(i) The commissioner shall not issue a class A, class B, or class C limited license.

Sec. 63. Minnesota Statutes 2004, section 174.03, is amended by adding a subdivision to read:

Subd. 2a. [STATE AVIATION PLAN.] (a) Each revision of the state aviation system plan must comply with the Federal Aviation Administration requirements and include a supplemental chapter. The supplemental chapter must include the following:

(1) an analysis of the projected commercial aviation needs of the state over the next 20 years;

(2) a description of the present capacity, function, and levels of activity at each commercial service airport as designated by the Federal Aviation Administration, each airport that the commissioner determines is likely to become a commercial service airport in the next 20 years, and any other airport that the commissioner determines should be included by reason of commercial passenger or cargo service levels; and

(3) a description of the capacity, function, and levels of activity that each airport identified in clause (2) must have in order to carry out the plan's goal and objectives and meet the needs described under clause (1).

(b) In assessing aviation needs and the capacity, function, and level of activity at any airport, the plan must consider both commercial passenger service and cargo service.

Sec. 64. [174.032] [ADVISORY COUNCIL ON AVIATION PLANNING.]

Subdivision 1. [ADVISORY COUNCIL CREATED.] (a) The commissioner shall create an advisory council on aviation planning to advise the commissioner on the supplemental chapter of the state aviation system plan. The council consists of the following members appointed by the commissioner except where otherwise provided:

- (1) one member of the Metropolitan Airports Commission;
- (2) one representative of major commercial airlines;
- (3) one representative of independent pilots who fly for small business;
- (4) one representative of the air cargo industry;
- (5) two representatives of the business community unrelated to aviation, one of whom must reside within the seven-county metropolitan area and one of whom must reside outside that area;
- (6) one representative of environmental interests;
- (7) one employee of the Department of Transportation's Office of Aeronautics;
- (8) two representatives of neighborhoods that are significantly affected by airplane noise appointed by community representatives on the Noise Oversight Committee;
- (9) one representative of tier-two airports (St. Cloud, Duluth, Willmar, and Rochester);
- (10) one member of the senate committee having jurisdiction over transportation policy, appointed by the chair of that committee;
- (11) one member of the house of representatives committee having jurisdiction over transportation policy, appointed by the chair of that committee;
- (12) one representative of the local Airline Service Action Committee;
- (13) one representative of the Citizens League of the Twin Cities;
- (14) one representative of the Association of Minnesota Counties;
- (15) one representative of the League of Minnesota Cities;
- (16) one representative of the Minnesota Department of Employment and Economic Development; and
- (17) one representative of the Metropolitan Council.

(b) Members of the advisory council serve at the pleasure of the appointing authority. Members shall serve without compensation.

Subd. 2. [ADVISORY COUNCIL DUTIES.] (a) The advisory council on aviation planning shall advise the commissioner on the aviation planning chapter of the state aviation system plan. The advisory council shall assist in the development of the state aviation system plan by reviewing the work and making recommendations. The state aviation system plan must consist of:

- (1) an inventory of airport facilities, based aircraft and operations;
- (2) a forecast of aviation activities;
- (3) a needs assessment to determine improvements needed and recommendations for each airport by five-year, ten-year, and 20-year forecast periods;

(4) present and anticipated capacity needs of commercial service airports, including limitations on expanding the capacity of individual commercial service airports imposed by state or local regulations, safety or environmental concerns, and land uses near the airport that are incompatible with airport operations;

(5) the needs of Minnesota residents and businesses for passenger and cargo service, from both a statewide and regional perspective;

(6) anticipated changes in commercial aircraft types and characteristics;

(7) noise and other environmental impacts of aviation at commercial service airports;

(8) trends in the aviation and airline industries; and

(9) relationship between aviation and other forms of transportation covered by the state transportation plan.

(b) The advisory council may also make recommendations to the commissioner, the Metropolitan Airports Commission, and the legislature concerning the policy steps needed to implement the chapter.

Subd. 3. [TERM OF COUNCIL; EXPIRATION; RECONVENING.] (a) The commissioner shall appoint the first advisory council by July 1, 2005. The council shall submit any recommendations it makes to the legislature by January 15, 2006. The terms of all members of the advisory council serving on July 1, 2005, expire on January 1, 2007.

(b) The commissioner shall appoint and convene a new advisory council not less than two years before the date on which each revision of the state aviation system plan is required under section 174.03, subdivision 1a. Each such advisory council must consist of members as prescribed in subdivision 1, who shall serve on the same terms as set forth under subdivision 1. Each such advisory council expires on the date on which the revision of the state aviation system plan becomes final.

Sec. 65. Minnesota Statutes 2004, section 174.86, subdivision 5, is amended to read:

Subd. 5. [COMMUTER RAIL CORRIDOR COORDINATING COMMITTEE.] (a) A Commuter Rail Corridor Coordinating Committee shall be established to advise the commissioner on issues relating to the alternatives analysis, environmental review, advanced corridor planning, preliminary engineering, final design, implementation method, construction of commuter rail, public involvement, land use, service, and safety. The Commuter Rail Corridor Coordinating Committee shall consist of:

(1) one member representing each significant funding partner in whose jurisdiction the line or lines are located;

(2) one member appointed by each county in which the corridors are located;

(3) one member appointed by each city in which advanced corridor plans indicate that a station may be located;

(4) two members appointed by the commissioner, one of whom shall be designated by the commissioner as the chair of the committee;

(5) one member appointed by each metropolitan planning organization through which the commuter rail line may pass; and

(6) one member appointed by the president of the University of Minnesota, if a designated corridor provides direct service to the university; and

(7) one member appointed by the commissioner who represents railroad union labor.

(b) A joint powers board existing on April 1, 1999, consisting of local governments along a

commuter rail corridor, shall perform the functions set forth in paragraph (a) in place of the committee.

(c) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

**[EFFECTIVE DATE.]** This section is effective retroactively from June 30, 2003. All actions taken in reliance on Minnesota Statutes, section 15.059 or 174.86, are ratified by the enactment of this section.

Sec. 66. Minnesota Statutes 2004, section 219.166, is amended to read:

219.166 [ESTABLISHMENT OF QUIET ZONES.]

~~A county, statutory or home rule charter city, or town may by ordinance establish a defined apply to the Federal Railroad Administration for the establishment of a "quiet zone" in which the sounding of horns, whistles, or other audible warnings by locomotives is regulated or prohibited. A quiet zone established under this section must consist of at least one-half mile of railroad right-of-way. All quiet zones, regulations, and ordinances adopted under this section must conform to federal law and the regulations of the Federal Railroad Administration under United States Code, title 49, section 20153.~~

Sec. 67. Minnesota Statutes 2004, section 219.567, is amended to read:

219.567 [FAILURE TO RING BELL.]

~~An engineer driving a locomotive on a railway who fails (1) to ring the bell or sound the whistle on the locomotive, or have it rung or sounded, at least 80 rods from a place where the railway crosses a traveled road or street on the same level, except in cities, or (2) to continue ringing the bell or sounding the whistle at intervals until the locomotive and attached train have completely crossed the road or street, in accordance with Federal Railroad Administration regulations under United States Code, title 49, section 20153, is guilty of a misdemeanor.~~

Sec. 68. Minnesota Statutes 2004, section 299D.08, is amended to read:

299D.08 [TRAFFIC CITATION QUOTA PROHIBITED.]

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

Sec. 69. Minnesota Statutes 2004, section 360.305, subdivision 4, is amended to read:

Subd. 4. [COSTS ALLOCATED; LOCAL CONTRIBUTION; HANGAR CONSTRUCTION ACCOUNT.] (a) Except as otherwise provided in this subdivision, the commissioner of transportation shall require as a condition of assistance by the state that the political subdivision, municipality, or public corporation make a substantial contribution to the cost of the construction, improvement, maintenance, or operation of the airport, in connection with which the assistance of the state is sought. These costs are referred to as project costs.

(b) For any airport, whether key, intermediate, or landing strip, where only state and local funds are to be used, the contribution shall be not less than one-fifth of the sum of:

- (1) the project costs;
- (2) acquisition costs of the land and clear zones, which are referred to as acquisition costs.

(c) For any airport where federal, state, and local funds are to be used, the contribution shall not be less than five percent of the sum of the project costs and acquisition costs.

(d) The commissioner may pay the total cost of radio and navigational aids.

(e) Notwithstanding paragraph (b) or (c), the commissioner may pay all of the project costs of a new landing strip, but not an intermediate airport or key airport, or may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining project costs; but the total amount paid by the commissioner for the project costs of a new landing strip, unless specifically authorized by an act appropriating funds for the new landing strip, shall not exceed \$200,000.

(f) Notwithstanding paragraph (b) or (c), the commissioner may pay all the project costs for research and development projects, including, but not limited to noise abatement; provided that in no event shall the sums expended under this paragraph exceed five percent of the amount appropriated for construction grants.

(g) To receive aid under this section for project costs or for acquisition costs, the municipality must enter into an agreement with the commissioner giving assurance that the airport will be operated and maintained in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public:

(1) for 20 years after the date that any state funds for project costs are received by the municipality; and

(2) for 99 years after the date that any state funds for acquisition costs are received by the municipality. If any land acquired with state funds ceases to be used for aviation purposes, the municipality shall repay the state airports fund the same percentage of the appraised value of the property as that percentage of the costs of acquisition and participation provided by the state to acquire the land.

The agreement may contain other conditions as the commissioner deems reasonable.

(h) The commissioner shall establish a hangar construction revolving account, which shall be used for the purpose of financing the construction of hangar buildings to be constructed by municipalities owning airports. All municipalities owning airports are authorized to enter into contracts for the construction of hangars, and contracts with the commissioner for the financing of hangar construction for an amount and period of time as may be determined by the commissioner and municipality. All receipts from the financing contracts shall be deposited in the hangar construction revolving account and are reappropriated for the purpose of financing construction of hangar buildings. The commissioner may pay from the hangar construction revolving account 80 percent of the cost of financing construction of hangar buildings. For purposes of this ~~clause paragraph~~, the construction of hangars shall include their design. The commissioner shall transfer up to \$4,400,000 from the state airports fund to the hangar construction revolving account.

(i) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed two-thirds of the cost of the purchase price or snow removal. To receive aid a municipality must enter into an agreement of the type referred to in paragraph (g).

(j) This subdivision ~~shall apply~~ applies only to project costs or acquisition costs of municipally owned airports ~~which are~~ incurred after June 1, 1971.

Sec. 70. Minnesota Statutes 2004, section 360.55, subdivision 2, is amended to read:

Subd. 2. [TRANSACTIONING OFFICIAL BUSINESS.] Aircraft owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, or by the state or any municipality thereof ~~shall be~~ are exempt from the provisions of sections 360.54 to 360.67 requiring the payment of a tax, ~~but all such aircraft, except those owned by representatives of foreign powers or by the federal government, shall~~ must be registered as required by sections 360.54 to 360.67 ~~and shall display tax-exempt number plates, labels, or stamps furnished by the commissioner at cost.~~ The exemption herein provided ~~shall does~~ not apply to any aircraft except those owned by representatives of foreign powers or ~~by the federal government and except such those aircraft as may be used in general police work, unless the name of the state department or the municipality owning such the aircraft shall be~~ is plainly printed on both sides thereof in letters of a size and character to be prescribed by the commissioner.

Sec. 71. Minnesota Statutes 2004, section 360.55, subdivision 3, is amended to read:

Subd. 3. [CIVIL AIR PATROL.] Any aircraft owned and used solely in the transaction of official business by any unit of the civil air patrol created by Public Law 476, 79th Congress, Public Law 557, 80th Congress, or acts amendatory thereto, whether or not the title to such the aircraft is retained by the federal government or vested in such unit unconditionally, ~~shall be is~~ exempt from the provisions of sections 360.54 to 360.57 requiring the payment of tax, but all such aircraft shall must be registered as required by sections 360.54 to 360.57 ~~and shall display tax-exempt number plates, labels or stamps furnished by the commissioner at cost.~~

Sec. 72. Minnesota Statutes 2004, section 360.55, subdivision 4, is amended to read:

Subd. 4. [COLLECTOR'S AIRCRAFT; ~~SPECIAL PLATES.~~] (a) For purposes of this subdivision:

(1) "antique aircraft" means an aircraft constructed by the original manufacturer, or its licensee, on or before December 31, 1945, with the exception of certain pre-World War II aircraft models that had only a small post-war production, such as Beechcraft Staggerwing, Fairchild 24, and Monocoupe; and

(2) "classic aircraft" means an aircraft constructed by the original manufacturer, or its licensee, on or after January 1, 1946, and has a first year of life that precedes the date of registration by at least 50 years.

(b) If an antique or classic aircraft is owned and operated solely as a collector's item, its owner may list it for taxation and registration as follows: A sworn affidavit ~~shall must~~ be executed stating (1) the name and address of the owner, (2) the name and address of the person from whom purchased, (3) the aircraft's make of the aircraft, year and, model number of the aircraft, the federal aircraft registration number, the and manufacturer's identification number, and (4) that the aircraft is owned and operated solely as a collector's item and not for general transportation or commercial operations purposes. The affidavit shall must be filed with the commissioner along with a fee of \$25.

(c) Upon satisfaction that the affidavit is true and correct, the commissioner shall issue to the applicant ~~special number plates, decalcomania labels, or stamps bearing the inscription "Classic" or "Antique," "Minnesota" and the registration number but no date a registration certificate. The special number plates, decalcomania labels, or stamps are registration certificate is valid without renewal as long as the owner operates the aircraft solely as a collector's item.~~

(d) Should an antique or classic aircraft be operated other than as a collector's item, the ~~special number plates, decalcomania labels, or stamps shall be registration certificate becomes void and removed, and the owner shall list the aircraft for taxation and registration in accordance with the other provisions of sections 360.511 to 360.67.~~

(e) Upon the sale of an antique or classic aircraft, the new owner must list the aircraft for taxation and registration in accordance with ~~the provisions of this subdivision, including the payment of a \$25 fee to obtain new special plates or payment of a \$5 fee to retain and transfer the existing special plates registration to the name of the new owner, or the other provisions of sections 360.511 to 360.67, whichever is applicable.~~

(f) In the event of ~~defacement, loss, or destruction of the special number plates, decalcomania labels, or stamps registration certificate, and upon receiving and filing a sworn affidavit of the aircraft owner setting forth the circumstances, together with any defaced plates, labels, or stamps and a fee of \$5, the commissioner shall issue a replacement plates, labels, or stamps certificate. The commissioner shall note on the records the issue of replacement number and shall proceed to cancel the original plates, labels, or stamps.~~

Sec. 73. Minnesota Statutes 2004, section 360.55, subdivision 4a, is amended to read:

Subd. 4a. [RECREATIONAL AIRCRAFT; CLASSIC LICENSE.] (a) An aircraft that has a base price for tax purposes under section 360.531 of \$10,000 or less, and that is owned and

operated solely for recreational purposes, may be listed for taxation and registration by executing a sworn affidavit stating (1) the name and address of the owner, (2) the name and address of the person from whom purchased, (3) the aircraft's make, year, model number, federal aircraft registration number, and manufacturer's identification number, and (4) that the aircraft is owned and operated solely as a recreational aircraft and not for commercial operational purposes. The affidavit must be filed with the commissioner along with an annual \$25 fee.

(b) On being satisfied that the affidavit is true and correct, the commissioner shall issue to the applicant a ~~decal~~ registration certificate.

(c) Should the aircraft be operated other than as a recreational aircraft, the owner shall list the aircraft for taxation and registration and pay the appropriate registration fee under sections 360.511 to 360.67.

(d) If the aircraft is sold, the new owner shall list the aircraft for taxation and registration under this subdivision, including the payment of the annual \$25 fee, or under sections 360.511 to 360.67, whichever is applicable.

Sec. 74. Minnesota Statutes 2004, section 360.58, is amended to read:

360.58 [OPERATION WITHOUT REGISTRATION OR PAYMENT.]

~~No aircraft~~ Except as exempted by sections 360.54 and 360.55, a person shall not use or be operated operate an aircraft in the air space over this state or upon any of the airports thereof ~~in the tax period of January 1, 1966, to and including June 30, 1967, or in any fiscal year thereafter of this state until it shall have~~ the aircraft has been registered as required in sections 360.54 to 360.67 and the aircraft tax and fees herein provided shall have been paid and the number plates, labels, or stamps issued therefor shall be duly displayed on such aircraft. A purchaser of a new aircraft may operate the aircraft without such plates, labels, or stamps upon securing from the commissioner, or any person designated by the commissioner for that purpose, a permit to operate such aircraft pending the issuance of plates, such permit shall be valid for not more than 15 days.

Sec. 75. Minnesota Statutes 2004, section 360.59, subdivision 2, is amended to read:

Subd. 2. [AGENT OR LIENOR MAY LIST.] Any act required herein of an owner may be performed in the owner's behalf by a duly authorized agent. Any person having a lien upon, or claim to, any aircraft may pay any tax due thereon to prevent the penalty for delayed registration from accruing, but the registration certificate ~~and number plates~~ shall not be issued until legal ownership is definitely determined.

Sec. 76. Minnesota Statutes 2004, section 360.59, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER TO APPROVE.] The commissioner shall approve applications ~~and issue number plates~~ for any aircraft. When an applicant is listing the same aircraft for taxation and registration for the second and succeeding time the registration certificate issued for the prior year need not be delivered to the commissioner; but in case of a transfer or sale the registration certificate therefor issued or proof of loss thereof by sworn statement shall be delivered to the commissioner. The commissioner shall be satisfied from the records that all taxes and fees due hereunder shall have been paid, and endorsements upon said certificate or sworn proof of loss in writing signed by the seller and purchaser, shall furnish proof that the applicant for registration is paying or receiving credit for the tax upon the aircraft of which the applicant is the rightful possessor.

Sec. 77. Minnesota Statutes 2004, section 360.59, subdivision 7, is amended to read:

Subd. 7. [TRANSFER OF OWNERSHIP.] Upon the transfer of ownership; the destruction, theft, or dismantling as such; or the permanent removal by the owner thereof from this state, of any aircraft registered in accordance with the provisions of sections 360.511 to 360.67, the right of the owner of such the aircraft to use the registration certificate ~~and number plates~~ assigned such the aircraft shall ~~expire, and such certificate and any existing plates shall be, by such expires.~~ expire, and such certificate and any existing plates shall be, by such expires. The owner, shall forthwith returned return the certificate with transportation prepaid to the



commissioner with a signed notice of the date and manner of termination of ownership, giving the name and post office address, with street and number, if in a city, of the person to whom transferred; ~~provided, however, that whenever the ownership of an aircraft shall be transferred to another who shall forthwith register the same in that person's name, the commissioner may permit the manual delivery of such plates to the new owner of such aircraft.~~ On becoming the owner by gift, trade, or purchase of any aircraft for which a registration certificate has been theretofore issued under the provisions of sections 360.511 to 360.67, a person, including a dealer or manufacturer, shall, within seven days after acquiring ownership, join with the registered owner in transmitting with an application the said registration certificate with the assignment and notice of sale duly executed upon the reverse side thereof, or in case of loss of such the certificate, with such proof of loss by sworn statements in writing as shall be satisfactory to the commissioner. Upon the transfer of any aircraft by a manufacturer or dealer, for use within the state, whether by sale, lease, or otherwise, ~~such the manufacturer or dealer shall, within seven days after such the transfer, transmit the transferee's application for registration thereof and such.~~ The manufacturer or dealer shall each month file with the commissioner a notice or report containing the date of ~~such the~~ transfer, a description of ~~such the~~ aircraft, and the name, street and number of residence, if in a city, and post office address of ~~the~~ transferee.

Sec. 78. Minnesota Statutes 2004, section 360.59, subdivision 8, is amended to read:

Subd. 8. [AMENDMENT, SUSPENSION, MODIFICATION, REVOCATION.] All registrations ~~and issue of number plates shall be~~ are subject to amendment, suspension, modification, or revocation by the commissioner summarily for any violation of or neglect to comply with the provisions of sections 360.511 to 360.67. In any case where the proper registration of an aircraft is dependent upon procuring information entailing such delay as to unreasonably deprive the owner of the use of the aircraft, the commissioner may issue a tax receipt ~~and plates conditionally.~~ In any case when revoking a registration for cause, the commissioner ~~shall have~~ has the authority to demand the return of the number plates and registration certificate and, if necessary, to seize the number plates issued for such registration.

Sec. 79. Minnesota Statutes 2004, section 360.63, subdivision 2, is amended to read:

Subd. 2. [DEALERS' PLATES AIRCRAFT DEMONSTRATION.] ~~Any licensed aircraft dealer may apply to the commissioner for one or more aircraft dealers' plates. A charge of \$15 shall be made for each such plate. Any aircraft owned by said an aircraft dealer, licensed under this section, may be used for the purpose of demonstration or for any purpose incident to the usual conduct and operation of business as an aircraft dealer; provided aircraft dealers' plates are conspicuously attached to the aircraft when so used, and provided said the aircraft has been first listed with the commissioner on an aircraft withholding form provided by the commissioner.~~

Sec. 80. Minnesota Statutes 2004, section 360.66, is amended by adding a subdivision to read:

Subd. 3. [SAFETY ZONES AND LAND USE.] Notwithstanding any contrary law in this chapter, Minnesota Rules, part 8800.2400, or any administrative order, state safety zone A for the south end of runway 17-35 at the Minneapolis-St. Paul International Airport extends from the end of the primary surface a distance of 500 feet on each side of the extended runway centerline extending outward 4,667 feet. Zone A must not contain buildings, temporary structures, exposed transmission lines, or other similar land use structural hazards, and is restricted to those uses that will not create, attract, or bring together an assembly of persons in zone A. Permitted uses include, but are not limited to, seasonal crops, horticulture, raising of livestock, animal husbandry, wildlife habitat, light outdoor nonspectator recreation, cemeteries, and automobile parking. Existing structures found within safety zone A are deemed to be safety hazards so severe that they must be prohibited and removed. Any parcel of land that is partially in safety zone A and is more than 50 percent outside safety zone A is exempt from these requirements. State safety zone B for the south end of runway 17-35 at the Minneapolis-St. Paul International Airport is consistent with the requirements of Minnesota Rules, part 8800.2400, and includes any land that otherwise would have been in safety zone A under a strict application of the rule and must, at a minimum, meet the density requirements and prohibited uses in those rules.

Sec. 81. Minnesota Statutes 2004, section 360.67, subdivision 4, is amended to read:

Subd. 4. [FRAUD.] Any person who:

(1) ~~uses any number plates, label, or stamp or registration certificate upon or in connection with any aircraft except the one for which the same were duly issued, or upon any such aircraft after the certificate, plates, label, or stamp or the right to use the same have expired, or retains in possession or fails to surrender as provided in sections 360.511 to 360.67 any such number plates, label, stamp, or registration certificate;~~

(2) ~~displays, or causes to be displayed, or has in possession any canceled, revoked, suspended, or fraudulently obtained or stolen registration plates, label, or stamp;~~

(3) ~~lends the person's registration plates, label, or stamp to any person or knowingly permits the use thereof by another;~~

(4) ~~displays or represents as the person's own any registration plates, label, or stamp not issued to the person; provided, this shall not apply to any legal change of ownership of the aircraft to which the plates, label, or stamp are attached;~~

(5) uses a false or fictitious name or address or description of the aircraft, engine number, or frame number in any application for registration of an aircraft or knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application; ~~or~~

(6) ~~defaces or alters any registration certificate or number plates or retains the same in possession after the same have been defaced or altered,~~

~~shall be~~ is guilty of a misdemeanor.

Sec. 82. Minnesota Statutes 2004, section 394.22, subdivision 12, is amended to read:

Subd. 12. [OFFICIAL MAP.] "Official map" means a map adopted in accordance with section 394.361, which may show existing county roads and county state-aid highways, proposed future county roads and highways, the area needed for widening existing county roads and highways, and existing and future state trunk highway rights-of-way. An official map may also show the location of existing public land and facilities and other land needed for future public purposes, including public facilities such as parks, playgrounds, schools, and other public buildings, civic centers, airports, and travel service facilities. When requested in accordance with section 394.32, subdivision 3, an official map may include existing and planned public land uses within incorporated areas.

Sec. 83. Minnesota Statutes 2004, section 394.361, subdivision 1, is amended to read:

Subdivision 1. [FUTURE PUBLIC USES.] Land that is needed for future street and highway purposes, or for aviation purposes, and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses ~~which~~ that could have been located on other lands without hardship or inconvenience to the owners. When ~~this happens~~, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on official maps of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made ~~which~~ that will make ~~such~~ adjustments difficult to accomplish.

Sec. 84. Minnesota Statutes 2004, section 394.361, subdivision 3, is amended to read:

Subd. 3. [EFFECT.] After an official map has been adopted and filed, the issuance of land use or zoning permits or approvals by the county ~~shall be~~ is subject to the provisions of this section. Whenever any street or highway is widened or improved or any new street is opened, or interests in lands for other public purposes, including aviation purposes, are acquired by the county, it is not required in such proceedings to pay for any building or structure placed without a permit or approval or in violation of conditions of a permit or approval within the limits of the mapped street or highway or outside of any building line that may have been established upon the existing street

or within any area thus identified for public purposes, including aviation purposes. The adoption of official maps does not give the county any right, title, or interest in areas identified for public purposes thereon, but the adoption of a map does authorize the county to acquire ~~such~~ these interests without paying compensation for buildings or structures erected in ~~such~~ those areas without a permit or approval or in violation of the conditions of a permit or approval. ~~The provisions of This subdivision shall~~ does not apply to buildings or structures in existence prior to the filing of the official map.

Sec. 85. Minnesota Statutes 2004, section 462.352, subdivision 10, is amended to read:

Subd. 10. [OFFICIAL MAP.] "Official map" means a map adopted in accordance with section 462.359, which may show existing and proposed future streets, roads, ~~and highways, and airports~~ of the municipality and county, the area needed for widening of existing streets, roads, ~~and highways~~ of the municipality and county, and existing and future county state aid highways and state trunk highway rights-of-way. An official map may also show the location of existing and future public land and facilities within the municipality. In counties in the metropolitan area as defined in section 473.121, official maps may for a period of up to five years designate the boundaries of areas reserved for purposes of soil conservation, water supply conservation, flood control, and surface water drainage and removal, including appropriate regulations protecting ~~such~~ those areas against encroachment by buildings, or other physical structures or facilities.

Sec. 86. Minnesota Statutes 2004, section 462.355, subdivision 4, is amended to read:

Subd. 4. [INTERIM ORDINANCE.] If a municipality is conducting studies or has authorized a study to be conducted or has held or has scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or official controls as defined in section 462.352, subdivision 15, or if new territory for which plans or controls have not been adopted is annexed to a municipality, the governing body of the municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit any use, development, or subdivision within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective. The period of an interim ordinance applicable to an area that is affected by a city's master plan for a municipal airport may be extended for such additional periods as the municipality may deem appropriate, not exceeding a total additional period of 18 months ~~in the case where the Minnesota Department of Transportation has requested a city to review its master plan for a municipal airport prior to August 1, 2004~~. In all other cases, no interim ordinance may halt, delay, or impede a subdivision ~~which that~~ has been given preliminary approval, nor may any interim ordinance extend the time deadline for agency action set forth in section 15.99 with respect to any application filed prior to the effective date of the interim ordinance. The governing body of the municipality may extend the interim ordinance after a public hearing and written findings have been adopted based upon one or more of the conditions in clause (1), (2), or (3). The public hearing must be held at least 15 days but not more than 30 days before the expiration of the interim ordinance, and notice of the hearing must be published at least ten days before the hearing. The interim ordinance may be extended for the following conditions and durations, but, except as provided in clause (3), an interim ordinance may not be extended more than an additional 18 months:

(1) up to an additional 120 days following the receipt of the final approval or review by a federal, state, or metropolitan agency when the approval is required by law and the review or approval has not been completed and received by the municipality at least 30 days before the expiration of the interim ordinance;

(2) up to an additional 120 days following the completion of any other process required by a state statute, federal law, or court order, when the process is not completed at least 30 days before the expiration of the interim ordinance; or

(3) up to an additional one year if the municipality has not adopted a comprehensive plan under this section at the time the interim ordinance is enacted.

Sec. 87. Minnesota Statutes 2004, section 462.359, subdivision 1, is amended to read:

Subdivision 1. [STATEMENT OF PURPOSE.] Land that is needed for future street purposes or for aviation purposes and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses which that could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which that will make such adjustments difficult to accomplish.

Sec. 88. Minnesota Statutes 2004, section 462.359, subdivision 3, is amended to read:

Subd. 3. [EFFECT.] After an official map has been adopted and filed, the issuance of building permits by the municipality shall be is subject to the provisions of this section. Whenever any street or highway is widened or improved or any new street is opened, or interests in lands for other public purposes, including aviation purposes, are acquired by the municipality, it is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of an official map does not give the municipality any right, title, or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the municipality to acquire such interests without paying compensation for buildings or structures erected in such those areas without a permit or in violation of the conditions of a permit.

Sec. 89. Minnesota Statutes 2004, section 473.123, subdivision 2a, is amended to read:

Subd. 2a. [TERMS.] Following each apportionment of council districts, as provided under subdivision 3a, council members must be appointed from newly drawn districts as provided in subdivision 3a. At the time of appointment, each council member, other than the chair, must reside in the council district represented and must have resided in the council district for at least six months and in the state for at least one year immediately preceding the appointment. Each council district must be represented by one member of the council. The terms of members end with the term of the governor, except that all terms expire on the effective date of the next apportionment. A member serves at the pleasure of the governor. A member shall continue to serve the member's district until a successor is appointed and qualified; except that, following each apportionment, the member shall continue to serve at large until the governor appoints 16 council members, one from each of the newly drawn council districts as provided under subdivision 3a, to serve terms as provided under this section. The appointment to the council must be made by the first Monday in March of the year in which the term ends.

**[EFFECTIVE DATE; APPLICATION.]** This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington and is effective for appointments made on or after January 1, 2007.

Sec. 90. Minnesota Statutes 2004, section 473.123, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.] (a) Sixteen members must be appointed by the governor from districts defined by this section. At the time of appointment, each council member must reside in the council district represented and must have resided in the council district for at least six months and in the state for at least one year immediately preceding the appointment. Each council district must be represented by one member of the council.

(b) In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms must be published in newspapers of general circulation in the metropolitan area and the appropriate districts. The governing bodies of the statutory and home rule charter cities, counties, and towns having territory in the district for which a member is to be appointed must be notified in writing. The notices must describe the appointments process and invite participation and recommendations on the appointment.

(c) The governor shall create a nominating committee, composed of seven metropolitan citizens appointed by the governor, to nominate persons for appointment to the council from districts.

Three of the committee members must be local elected officials. Following the submission of applications as provided under section 15.0597, subdivision 5, the nominating committee shall conduct public meetings, after appropriate notice, to accept statements from or on behalf of persons who have applied or been nominated for appointment and to allow consultation with and secure the advice of the public and local elected officials. The committee shall hold the meeting on each appointment in the district or in a reasonably convenient and accessible location in the part of the metropolitan area in which the district is located. The committee may consolidate meetings. Following the meetings, the committee shall submit to the governor a list of nominees for each appointment. The governor is not required to appoint from the list.

(d) Before making an appointment, the governor shall consult with all members of the legislature from the council district for which the member is to be appointed.

(e) Appointments to the council are subject to the advice and consent of the senate as provided in section 15.066.

(f) Members of the council must be appointed to reflect fairly the various demographic, political, and other interests in the metropolitan area and the districts.

(g) Members of the council must be persons knowledgeable about urban and metropolitan affairs.

(h) Any vacancy in the office of a council member shall immediately be filled for the unexpired term. In filling a vacancy, the governor may forgo the requirements of paragraph (c) if the governor has made appointments in full compliance with the requirements of this subdivision within the preceding 12 months.

**[EFFECTIVE DATE; APPLICATION.]** This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington and is effective for appointments made on or after January 1, 2007.

Sec. 91. Minnesota Statutes 2004, section 473.604, subdivision 1, is amended to read:

Subdivision 1. [COMPOSITION.] The commission consists of:

(1) the mayor of each of the cities, or a qualified voter appointed by the mayor, for the term of office as mayor;

(2) eight members, appointed by the governor from each of the following agency districts:

(i) district A, consisting of council districts 1 and 2;

(ii) district B, consisting of council districts 3 and 4;

(iii) district C, consisting of council districts 5 and 6;

(iv) district D, consisting of council districts 7 and 8;

(v) district E, consisting of council districts 9 and 10;

(vi) district F, consisting of council districts 11 and 12;

(vii) district G, consisting of council districts 13 and 14; and

(viii) district H, consisting of council districts 15 and 16.

At the time of appointment, each member shall be a resident of the district represented and must have been a resident of the council district for at least six months and of the state for at least one year immediately preceding the appointment. Before making an appointment, the governor shall consult with each member of the legislature from the district for which the member is to be appointed, to solicit the legislator's recommendation on the appointment;

(3) four members appointed by the governor from outside of the metropolitan area to reflect fairly the various regions and interests throughout the state that are affected by the operation of the commission's major airport and airport system. Two of these members must be residents of statutory or home rule charter cities, towns, or counties containing an airport designated by the commissioner of transportation as a key airport. The other two must be residents of statutory or home rule charter cities, towns, or counties containing an airport designated by the commissioner of transportation as an intermediate airport. The members must be appointed by the governor as follows: one for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. All of the terms start on July 1, 1989. The successors of each member must be appointed to four-year terms commencing on the first Monday in January of each fourth year after the expiration of the original term. Before making an appointment, the governor shall consult each member of the legislature representing the municipality or county from which the member is to be appointed, to solicit the legislator's recommendation on the appointment; and

(4) a chair appointed by the governor for a term of four years. The chair may be removed at the pleasure of the governor.

**[EFFECTIVE DATE; APPLICATION.]** This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington and is effective for appointments made on or after January 1, 2007.

Sec. 92. [ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES FOR HENNEPIN COUNTY.]

Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the commissioner of public safety, limiting sites for the office of deputy registrar based on either the distance to an existing deputy registrar office or the annual volume of transactions processed by any deputy registrar within Hennepin County before or after the proposed appointment, the commissioner of public safety shall appoint a new deputy registrar of motor vehicles for Hennepin County to operate a new full-service Office of Deputy Registrar, with full authority to function as a registration and motor vehicle tax collection bureau, at the Midtown Exchange Building in the city of Minneapolis. All other provisions regarding the appointment and operation of a deputy registrar of motor vehicles under Minnesota Statutes, section 168.33, and Minnesota Rules, chapter 7406, apply to the office.

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

Sec. 93. [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. 94. [MAXIMUM SPEED IN CITY OF ORR.]

In order to eliminate or reduce local safety hazards, a railway corporation may not permit a train to be operated at a speed in excess of 30 miles per hour while any portion of the engine or train is within the limits of the city of Orr in St. Louis County.

**[EFFECTIVE DATE; LOCAL APPROVAL.]** This section is effective the day after the governing body of the city of Orr and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 95. [RAMP METERS DEACTIVATED.]

(a) Based on the "Twin Cities Ramp Meter Evaluation," published pursuant to Laws 2000, chapter 479, article 1, section 8, on pertinent camera-surveillance observations of the Traffic Management Center, and on other traffic management evaluations and findings of the Department of Transportation, the commissioner of transportation shall deactivate, by August 1, 2005, the 100

access ramp meters in the seven-county metropolitan area found by the commissioner to be the least effective or beneficial in cost and time for controlling traffic congestion.

(b) On August 1, 2005, any money appropriated for the operation and support of those 100 meters cancels to the fund from which appropriated.

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

Sec. 96. [RULE CHANGE; INSTRUCTION TO REVISOR.]

The revisor of statutes shall change Minnesota Rules, part 8820.3300, subpart 2, to require that comments be directed to the commissioner of transportation in conformity with the same period allowed for written objections to be received by the commissioner under this act's amendments to Minnesota Statutes 2004, sections 162.02, subdivision 3a, and 162.09, subdivision 3a. The rule change is effective the same day as the effective date of this act's amendments to Minnesota Statutes 2004, sections 162.02, subdivision 3a, and 162.09, subdivision 3a.

Sec. 97. [REPEALER.]

Minnesota Statutes 2004, sections 168.011, subdivision 19; 168.15, subdivision 2; and 360.59, subdivisions 4 and 9, are repealed."

Delete the title and insert:

"A bill for an act relating to transportation; changing criteria for logo signs; allowing hybrid vehicles in high-occupancy vehicle lanes; changing administrative highway and vehicle provisions; revising definitions; regulating motorized foot scooters; conforming statute to federal law; modifying traffic regulations and vehicle equipment requirements; regulating disability van parking; prohibiting certain drivers from using cellular phones while driving; changing child safety restraint and seat belt requirements; making seat belt violation a primary offense; imposing driving restrictions on provisional license holders; modifying vehicle weight provisions; amending definition of class D driver's license; restricting use of driver's license personal information; requiring chapter on future needs in state aviation system plan; establishing advisory council on aviation planning; extending commuter rail corridor coordinating committee and adding member; prohibiting certain quotas; modifying aeronautics provisions; establishing safety zones at international airport; changing train speed in city of Orr; deactivating certain ramp meters; amending Minnesota Statutes 2004, sections 160.80, subdivision 1a; 162.02, subdivisions 2, 3a; 162.09, subdivisions 2, 3a; 162.14, subdivision 6; 168.011, subdivisions 3, 4, 5, 5a, 6, 7, by adding subdivisions; 168.012, subdivision 1; 168.16; 168.185; 168.31, subdivision 5; 169.01, subdivisions 75, 81, by adding subdivisions; 169.06, subdivisions 5, 6, by adding a subdivision; 169.09, by adding a subdivision; 169.14, subdivisions 2, 4, 5, 5a, by adding subdivisions; 169.28, subdivision 2; 169.345, subdivision 1; 169.346, subdivisions 1, 2; 169.448, by adding a subdivision; 169.522; 169.685, subdivision 5; 169.686, subdivision 1; 169.71, subdivision 1; 169.733; 169.81, subdivision 3c; 169.824, subdivision 2; 169.85, subdivisions 1, 6; 169.86, subdivision 5; 169.87, subdivision 5; 171.01, subdivision 22; 171.02, subdivision 2; 171.05, subdivision 2b; 171.055, subdivision 2; 171.12, subdivision 7; 171.17, subdivision 1; 171.30, subdivision 1; 174.03, by adding a subdivision; 174.86, subdivision 5; 219.166; 219.567; 299D.08; 360.305, subdivision 4; 360.55, subdivisions 2, 3, 4, 4a; 360.58; 360.59, subdivisions 2, 5, 7, 8; 360.63, subdivision 2; 360.66, by adding a subdivision; 360.67, subdivision 4; 394.22, subdivision 12; 394.361, subdivisions 1, 3; 462.352, subdivision 10; 462.355, subdivision 4; 462.359, subdivisions 1, 3; 473.123, subdivisions 2a, 3; 473.604, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 160; 162; 169; 174; repealing Minnesota Statutes 2004, sections 168.011, subdivision 19; 168.15, subdivision 2; 360.59, subdivisions 4, 9."

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

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

**H.F. No. 947** for comparison with companion Senate File, reports the following House File

was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
947			1029		

and that the above 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. Report adopted.

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

**H.F. No. 1320** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1320			1267		

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1320 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1320 and insert the language after the enacting clause of S.F. No. 1267, the first engrossment; further, delete the title of H.F. No. 1320 and insert the title of S.F. No. 1267, the first engrossment.

And when so amended H.F. No. 1320 will be identical to S.F. No. 1267, and further recommends that H.F. No. 1320 be given its second reading and substituted for S.F. No. 1267, 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.

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

**H.F. No. 1334** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1334			1342		

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1334 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1334 and insert the language after the enacting clause of S.F. No. 1342, the first engrossment; further, delete the title of H.F. No. 1334 and insert the title of S.F. No. 1342, the first engrossment.

And when so amended H.F. No. 1334 will be identical to S.F. No. 1342, and further recommends that H.F. No. 1334 be given its second reading and substituted for S.F. No. 1342, 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.



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

**H.F. No. 1761** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1761	1726				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1761 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1761 and insert the language after the enacting clause of S.F. No. 1726, the first engrossment; further, delete the title of H.F. No. 1761 and insert the title of S.F. No. 1726, the first engrossment.

And when so amended H.F. No. 1761 will be identical to S.F. No. 1726, and further recommends that H.F. No. 1761 be given its second reading and substituted for S.F. No. 1726, 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.

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

**H.F. No. 2110** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2110	1920				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2110 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2110 and insert the language after the enacting clause of S.F. No. 1920, the first engrossment; further, delete the title of H.F. No. 2110 and insert the title of S.F. No. 1920, the first engrossment.

And when so amended H.F. No. 2110 will be identical to S.F. No. 1920, and further recommends that H.F. No. 2110 be given its second reading and substituted for S.F. No. 1920, 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 SENATE BILLS**

S.F. Nos. 2121 and 1089 were read the second time.

## **SECOND READING OF HOUSE BILLS**

H.F. Nos. 947, 1320, 1334, 1761 and 2110 were read the second time.

## MOTIONS AND RESOLUTIONS

Senator Hann moved that the name of Senator Nienow be added as a co-author to S.F. No. 631. The motion prevailed.

Senator Limmer moved that the name of Senator Gerlach be added as a co-author to S.F. No. 910. The motion prevailed.

Senator Kiscaden moved that the names of Senators Lourey, Nienow, Higgins and Rosen be added as co-authors to S.F. No. 2241. The motion prevailed.

Senator Johnson, D.E., for Senator Hottinger, moved that S.F. No. 2256 be withdrawn from the Committee on Finance and re-referred to the Committee on Taxes. The motion prevailed.

### **Senators Bachmann, Wergin, Hann, Nienow and Robling introduced--**

**Senate Resolution No. 92:** A Senate resolution recognizing May 5, 2005, as a Day of Prayer in Minnesota.

Referred to the Committee on Rules and Administration.

### **Senators Cohen; Robling; Johnson, D.E.; Day and Metzen introduced--**

**Senate Resolution No. 93:** A Senate resolution recognizing the centennial anniversary of the College of St. Catherine.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Senator Johnson, D.E. moved that the Senate take up the Consent Calendar. The motion prevailed.

## CONSENT CALENDAR

**H.F. No. 1189:** A bill for an act relating to traffic regulations; removing an expiration date on an exception to seasonal weight limits for certain recycling and garbage trucks; amending Minnesota Statutes 2004, section 169.87, subdivision 6.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kubly	Ortman	Senjem
Bachmann	Gaither	Langseth	Pariseau	Skoe
Bakk	Gerlach	LeClair	Pogemiller	Skoglund
Belanger	Hann	Limmer	Ranum	Solon
Berglin	Higgins	Lourey	Reiter	Stumpf
Betzold	Johnson, D.E.	Marko	Rest	Tomassoni
Chaudhary	Johnson, D.J.	Marty	Robling	Vickerman
Cohen	Jungbauer	McGinn	Rosen	Wergin
Day	Kelley	Metzen	Ruud	Wiger
Dibble	Kierlin	Moua	Sams	
Dille	Kiscaden	Nienow	Saxhaug	
Foley	Koering	Olson	Scheid	

So the bill passed and its title was agreed to.

**S.F. No. 467:** A bill for an act relating to Washington County; providing conditions for the

Disabled Veterans Rest Camp on Big Marine Lake; providing a property tax exemption for certain recreational property; amending Minnesota Statutes 2004, section 272.02, by adding a subdivision.

Senator Bachmann moved to amend S.F. No. 467 as follows:

Page 1, line 13, after "500,000" insert "according to the 2000 federal census"

The motion prevailed. So the amendment was adopted.

S.F. No. 467 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

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

Those who voted in the affirmative were:

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

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

**H.F. No. 2126:** A bill for an act relating to the military; clarifying the pay differential law for state employees who are ordered to active military service; amending Minnesota Statutes 2004, sections 43A.183; 192.261, 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	Gaither	Langseth	Nienow	Sams
Bachmann	Gerlach	Larson	Olson	Saxhaug
Bakk	Hann	LeClair	Ortman	Scheid
Belanger	Higgins	Limmer	Pappas	Senjem
Berglin	Johnson, D.E.	Lourey	Pariseau	Skoe
Betzold	Johnson, D.J.	Marko	Pogemiller	Skoglund
Chaudhary	Jungbauer	Marty	Ranum	Solon
Day	Kelley	McGinn	Reiter	Stumpf
Dibble	Kierlin	Metzen	Rest	Tomassoni
Dille	Kiscaden	Moua	Robling	Vickerman
Foley	Koering	Murphy	Rosen	Wergin
Frederickson	Kubly	Neuville	Ruud	Wiger

So the bill passed and its title was agreed to.

**S.F. No. 2112:** A bill for an act relating to local government; providing for meetings of county boards at locations other than the county seat; amending Minnesota Statutes 2004, section 375.07.

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

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. No. 1368, H.F. No. 218 and S.F. No. 284.

### SPECIAL ORDER

**S.F. No. 1368:** A bill for an act relating to energy; providing for expedited cost recovery for certain transmission investments; authorizing and regulating transmission companies; permitting the transfer of transmission assets and operation to transmission companies; providing for expedited regulatory approval of transmission projects related to renewable generation; providing new criteria to analyze the need for transmission projects; establishing the framework for a wind energy tariff related to community development; requiring a wind integration study; transferring generation plant siting and transmission line routing authority from the Minnesota Environmental Quality Board to the Public Utilities Commission; providing for technical corrections to the energy assistance program; providing for a sustainably managed woody biomass generation project to satisfy the biomass mandate; providing for an electronic mail filing system at the Public Utilities Commission and Department of Commerce; making changes to the conservation investment program recommended by the legislative auditor; authorizing the creation of energy quality zones; regulating eligibility of biogas projects for the renewable energy production incentive; providing for the recovery of certain infrastructure investments by gas utilities; requiring a study of compensation of landowners for transmission easements; providing for a geothermal rebate program under the conservation investment program; promoting the use of soy-diesel; providing for the adjustment of power purchase agreements to account for production tax payments; promoting the use of hydrogen as an energy source; appropriating money; amending Minnesota Statutes 2004, sections 13.681, by adding a subdivision; 116C.52, subdivisions 2, 4; 116C.53, subdivision 2; 116C.57, subdivisions 1, 2c, by adding a subdivision; 116C.575, subdivision 5; 116C.577; 116C.58; 116C.61, subdivision 3; 116C.69, subdivisions 2, 2a; 119A.15, subdivision 5a; 216B.02, by adding a subdivision; 216B.16, subdivision 6d, by adding subdivisions; 216B.1645, subdivision 1; 216B.241, subdivisions 1b, 2; 216B.2421, subdivision 2; 216B.2424, subdivisions 1, 2, 5a, 6, 8, by adding a subdivision; 216B.2425, subdivisions 2, 7; 216B.243, subdivisions 3, 4, 5, 6, 7, 8; 216B.50, subdivision 1; 216B.62, subdivision 5, by adding a subdivision; 216B.79; 216C.052; 216C.09; 216C.41, subdivision 1; 462A.05, subdivisions 21, 23; proposing coding for new law in Minnesota Statutes, chapters 216B; 216C.

Senator Anderson moved to amend S.F. No. 1368 as follows:

Page 4, delete lines 2 to 36 and insert:

"Subd. 7c. [TRANSMISSION ASSETS TRANSFER.] (a) Public utility owners of transmission facilities may, subject to Public Utilities Commission approval, transfer operational control or ownership of those transmission assets to a transmission company subject to Federal Energy Regulatory Commission jurisdiction. For transmission asset transfers by a public utility, the Public Utilities Commission must review the request to transfer either in the context of a general rate case under this section or by initiating other proceedings it determines provide adequate review of the transmission asset transfer. The Public Utilities Commission may limit, in whole or in part, the transfer of transmission assets or the timing of those transfers by a public utility if it finds the limitation in the public interest. The commission may only approve a transfer if it finds that the transfer is consistent with the public interest.

In assessing the public interest, the commission shall evaluate, among other things, whether the transfer:

(1) facilitates the development of transmission infrastructure necessary to ensure reliability, encourages the development of renewable resources, and accommodates energy transfers within and between states;

(2) protects Minnesota ratepayers against the subsidization of wholesale transactions through retail rates;

(3) ensures, in the case of operational control of transmission assets, that the state retains jurisdiction over the transferring utility for all aspects of service under chapter 216B;

(4) impacts Minnesota retail rates; and

(5) protects Minnesota ratepayers from paying capital costs for transmission assets that have already been recovered.

(b) A transfer of operational control or ownership of transmission assets by a public utility under this subdivision is subject to section 216B.50. The relationship between a public utility transferring operational control of transmission assets to another entity under this subdivision is subject to the provisions of section 216B.48. If a public utility transfers ownership of its transmission assets to a transmission provider subject to the jurisdiction of the Federal Energy Regulatory Commission, the Public Utilities Commission may permit the utility to file a rate schedule providing for the automatic adjustment of charges to recover the cost of transmission services purchased under tariff rates approved by the Federal Energy Regulatory Commission.

(c) A municipal utility, a municipal power agency, or a joint venture pursuant to section 452.25 may transfer operational control or ownership of transmission assets to a transmission company, or make investments in a transmission company, if the governing body of the municipal utility, municipal power agency, or joint venture finds that the transfer or investment is consistent with the public interest and will facilitate the development of infrastructure necessary to ensure reliability.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to petitions for approval of transfer of transmission assets filed on or after that date and does not apply to proceedings pending before the Public Utilities Commission before that date."

Page 5, delete line 1

The motion prevailed. So the amendment was adopted.

Senator Anderson moved to amend S.F. No. 1368 as follows:

Page 6, line 36, after "to" insert "the extent these factors"

Page 7, delete line 1 and insert "system or lower costs for electric consumers in Minnesota;"

Page 11, lines 13 and 14, delete "the Minnesota Environmental Quality Board,"

Page 11, line 15, after the period, insert "The task force, in its sole discretion, may add other representatives to the stakeholder group."

Page 11, delete lines 32 to 36

Page 15, delete lines 1 to 5 and insert "property owner on whose property a high voltage transmission line is constructed that will transmit the energy generated by the C-BED project to market. This subdivision applies if the property is located and the owner resides in the county where the C-BED project is located."

**[EFFECTIVE DATE.]** This subdivision is effective July 1, 2005, and applies to transmission line construction beginning on or after that date."

Page 16, line 22, before "Each" insert "(a)"

Page 16, line 26, after the period, insert:

"(b)"

Page 18, delete lines 19 to 23 and insert:

"The commissioner of commerce must engage in activities to encourage deployment of cost effective renewable energy developments within the state. The commissioner shall compile and maintain information concerning existing and potential renewable energy developments and resources in the state. The commissioner shall provide, as appropriate, this information in proceedings for the determination of need for large energy facilities and for the review of a utility's integrated resource plan. To the extent practicable, and in addition to any other obligation of an electric utility to furnish information, an electric utility seeking to add generation to its supply portfolio to serve Minnesota consumers shall provide the commissioner with notice of its intention."

Page 19, line 16, after "3" insert ", paragraph (b),"

Page 21, line 7, after "commission" insert "or to individual members of the commission"

Page 21, line 8, after the period, insert "This assistance shall include the sharing of power plant siting and routing staff and other resources as necessary."

Page 21, line 15, after the period, insert "If either the commissioner or the commission deems it necessary, the department and the commission shall enter into an interagency agreement establishing terms and conditions for the provision of assistance and sharing of resources under this subdivision."

Page 23, line 19, delete "commission" and insert "commissioner of commerce"

Page 24, lines 3, 10, and 28, delete "commission" and insert "commissioner of commerce"

Page 29, line 35, delete "plan" and insert "plant"

Page 49, lines 10 to 17, reinstate the stricken language and delete the new language

Page 50, line 32, after the period, insert "Prior to commission approval, the utility must notify each customer within the proposed zone of the total costs of the installation, an estimate of the customer's share of those costs, and the potential benefits of the local power quality zone to the customer."

Page 51, after line 8, insert:

"Nothing in this section shall be construed to permit the quality of service outside a designated zone to decline."

Page 61, lines 15 and 16, delete "such as" and insert "and in"

Pages 61 to 67, delete article 14

Page 68, after line 1, insert:

"ARTICLE 15

BIODIESEL FUEL FOR HOME HEATING

Section 1. [STUDY; BIODIESEL FUEL FOR HOME HEATING.]

(a) From the money available to the commissioner of commerce for purposes of studies and technical assistance by the reliability administrator under Minnesota Statutes, section 216C.052, and in conformity with the goals and directives of Minnesota Statutes, section 16B.325, the reliability administrator shall perform a comprehensive technical and economic analysis of the benefits to be derived from using biodiesel fuel as defined in Minnesota Statutes, section 239.77, subdivision 1, or biodiesel fuel blends, as a home heating fuel. The analysis must consider blends ranging from B2 to B100. No more than \$25,000 may be expended for the analysis.

(b) Not later than March 15, 2007, the reliability administrator shall report the results of the study and analysis to the appropriate standing committees of the Minnesota senate and house of representatives."

Renumber the articles in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Sams moved to amend S.F. No. 1368 as follows:

Page 68, after line 1, insert:

"ARTICLE 16

CITY OF ALEXANDRIA JOINT VENTURE AUTHORITY

Section 1. Laws 2002, chapter 329, section 5, is amended to read:

Sec. 5. [JOINT VENTURE AUTHORITY.]

(a) The city of Alexandria may enter into a joint venture or joint ventures with one, two, or three of the entities known as Runestone Telephone Association and, Runestone Electric Association, and Gardonville Telephone Cooperative for the purpose of providing local niche service, including internet services, and point to point transmission of digital information.

(b) For purposes of this section, with respect to the services described in paragraph (a), the city of Alexandria and a joint venture to which it is a party shall have the rights and authority granted by, and be subject to, Minnesota Statutes 2001 Supplement, section 452.25, except for the provisions of that section which relate specifically and only to electric utilities.

(c) For the purposes of this section, "local niche service" refers to point-to-point connections between end-user locations within a service area and any telecommunications services under the public utilities commission's jurisdiction under Minnesota Statutes, chapter 237 that do not fall within the definition of local service or the definition of interexchange service.

(d) If the city of Alexandria obtains authority to provide local service or interexchange service under chapter 237, it may enter into a joint venture with the entities identified in paragraph (a) for those purposes.

[EFFECTIVE DATE; LOCAL APPROVAL.] This section is effective as to the city of Alexandria the day after the city of Alexandria's governing body and its chief clerical officer timely complete compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1368 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

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

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**H.F. No. 218:** A bill for an act relating to energy; extending eligibility to receive the renewable energy production incentive under certain circumstances; amending Minnesota Statutes 2004, section 216C.41, subdivisions 1, 5, 7.

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 284:** A bill for an act relating to health; authorizing the limited use of zero-depth public swimming pools without a lifeguard; amending Minnesota Statutes 2004, section 144.1222, 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 57 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Hann	LeClair	Olson	Scheid
Bachmann	Higgins	Limmer	Ortman	Senjem
Bakk	Johnson, D.E.	Lourey	Pariseau	Skoe
Belanger	Johnson, D.J.	Marko	Pogemiller	Solon
Chaudhary	Jungbauer	Marty	Ranum	Stumpf
Cohen	Kelley	McGinn	Reiter	Tomassoni
Day	Kierlin	Metzen	Rest	Vickerman
Dille	Kiscaden	Michel	Robling	Wergin
Foley	Koering	Moua	Rosen	Wiger
Frederickson	Kubly	Murphy	Ruud	
Gaither	Langseth	Neuville	Sams	
Gerlach	Larson	Nienow	Saxhaug	

Those who voted in the negative were:

Berglin	Betzold	Dibble	Skoglund
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So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Johnson, D.E. moved that H.F. No. 1481 be withdrawn from the Committee on Finance and laid on the table. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

#### Senator Larson, by request, introduced--

**S.F. No. 2258:** A bill for an act relating to taxation; property; increasing the market value of class 1b homesteads subject to a reduced class rate; amending Minnesota Statutes 2004, section 273.13, subdivision 22.

Referred to the Committee on Taxes.

#### Senators Pariseau, Ruud, Sams, Wergin and Bakk introduced--

**S.F. No. 2259:** A bill for an act relating to public safety; reenacting the Minnesota Citizens' Personal Protection Act of 2003; recognizing the inherent right of law-abiding citizens to self-protection through the lawful use of self-defense; providing a system under which responsible, competent adults can exercise their right to self-protection by authorizing them to obtain a permit to carry a pistol; providing criminal penalties; amending Minnesota Statutes 2004, section 624.714, subdivision 17, as reenacted.

Referred to the Committee on Crime Prevention and Public Safety.

#### Senators Rest and Kiscaden introduced--

**S.F. No. 2260:** A bill for an act relating to taxation; exempting over-the-counter drugs and certain medical equipment and mobility enhancing equipment from the sales tax; amending Minnesota Statutes 2004, section 297A.67, subdivision 7.

Referred to the Committee on Taxes.

**Senator Sparks introduced--**

**S.F. No. 2261:** A bill for an act relating to flood control; creating a demonstration project; appropriating money.

Referred to the Committee on Finance.

**Senator Cohen introduced--**

**S.F. No. 2262:** A bill for an act relating to state officials; eliminating state-paid insurance and benefits coverage for certain elected and appointed officials; amending Minnesota Statutes 2004, sections 43A.18, subdivision 6; 43A.24, subdivision 2, by adding subdivisions; 43A.27, subdivision 4.

Referred to the Committee on State and Local Government Operations.

**Senators LeClair, Jungbauer and McGinn introduced--**

**S.F. No. 2263:** A bill for an act relating to education finance; requiring school districts to spend at least 65 percent of their total operating expenditures on direct classroom expenditures; proposing coding for new law in Minnesota Statutes, chapter 123B.

Referred to the Committee on Finance.

**Senators Hann, Wergin, Reiter, Larson and Gerlach introduced--**

**S.F. No. 2264:** A bill for an act relating to education finance; requiring school districts to spend at least 65 percent of their total operating expenditures on direct classroom expenditures; proposing coding for new law in Minnesota Statutes, chapter 123B.

Referred to the Committee on Finance.

**Senator Cohen, for the Committee on Finance, introduced--**

**S.F. No. 2265:** A bill for an act relating to higher education; providing funding for the University of Minnesota, the Minnesota State Colleges and Universities, the Higher Education Services Office, and the Mayo Medical Foundation; providing for the mission of state universities; regulating the marketing of credit cards to students; regulating the responsibilities of and changing the name of the Higher Education Services Office; regulating the state grant program and other financial aid programs; providing benefits for students entering active military service; providing assistance for low-income students to increase college awareness; regulating the selection of regents of the University of Minnesota; regulating the Minnesota college savings program; providing assistance to nursing students; creating a task force on postsecondary funding; creating a Rochester higher education development committee; regulating private career schools; appropriating money; amending Minnesota Statutes 2004, sections 135A.052, subdivision 1; 136A.01, subdivision 2; 136A.031, subdivisions 2, 3, 5; 136A.121, subdivisions 2, 6, 9, 13, by adding subdivisions; 136A.125, subdivision 2; 136A.1701, by adding subdivisions; 136F.02, subdivision 1; 136F.04, subdivision 4; 136G.03, subdivisions 3, 21a, 22, 32; 136G.05, subdivision 8; 136G.09, subdivisions 11, 12; 136G.11, subdivisions 1, 3, 13, by adding a subdivision; 136G.13, subdivisions 1, 5; 136G.14; 137.0245, subdivision 3; 141.21, by adding a subdivision; 141.25, subdivisions 3, 5, 8, 9, 12; 141.251; 141.26, subdivision 5; 141.271, subdivisions 4, 7, 10, by adding subdivisions; 141.28, subdivision 1, by adding a subdivision; 141.29, subdivision 3; 141.30; 141.35; 299A.45, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; 137; 141; 144; 583; repealing Minnesota Statutes 2004, sections 136A.011; 136A.031, subdivision 1; Laws 1986, chapter 398, article 1, section 18, as amended; Minnesota Rules, parts 4815.0100; 4815.0110; 4815.0120; 4815.0130; 4815.0140; 4815.0150; 4815.0160; 4830.8100; 4830.8110; 4830.8120; 4830.8130; 4830.8140; 4830.8150.

Under the Rules of the Senate, laid over one day.

**Senator Cohen, for the Committee on Finance, introduced--**

**S.F. No. 2266:** A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government; modifying provisions related to state government operations; modifying certain fee and revenue provisions; modifying provisions of various state boards and commissions; requiring studies and reports; facilitating registering to vote and voting; clarifying the definition of campaign expenditure; making certain exceptions to the ban on gifts to public officials; amending Minnesota Statutes 2004, sections 3.9741, subdivision 1; 10A.01, subdivisions 9, 35; 10A.071, subdivision 3; 15.06, subdivision 1; 16A.055, subdivision 1; 16A.103, subdivisions 1a, 1b; 16A.11, subdivision 2; 16B.04, subdivision 2; 16B.48, subdivisions 4, 5; 16C.26, subdivisions 3, 4; 16C.28, subdivision 2; 16E.01, subdivisions 1, 3; 16E.02; 16E.03, subdivisions 1, 2, 3, 7; 16E.04; 16E.0465, subdivisions 1, 2; 16E.055; 16E.07, subdivision 8; 37.06; 43A.33, subdivision 1; 135A.17, subdivision 2; 181.932, by adding a subdivision; 197.608, subdivision 5; 201.014, subdivision 2; 201.061, subdivisions 1, 3, by adding a subdivision; 201.071, subdivision 1; 201.091, subdivision 4; 201.15; 203B.16, by adding a subdivision; 204B.10, subdivision 6; 204B.24; 204B.27, subdivision 11; 204C.06, subdivision 2; 204C.07, subdivision 4, by adding a subdivision; 204C.08, subdivision 1a; 204C.10; 204C.12, subdivisions 2, 4; 299C.65, subdivisions 1, 2; 349A.10, subdivision 3; 363A.28, subdivision 6; 363A.35, subdivision 3; 403.36, subdivision 1; 471.895, subdivision 3; 507.093; 507.24, subdivision 2; 524.5-310; S.F. No. 1879, article 10, section 33, if enacted; Laws 1998, chapter 404, section 15, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapters 6; 10; 15; 16E; 190; 641; repealing Minnesota Statutes 2004, sections 16B.48, subdivision 3; 16B.52; 16E.0465, subdivision 3; 363A.29, subdivision 2.

Under the Rules of the Senate, laid over one day.

**Senators Stumpf, Olson, Kelley and Marko introduced--**

**S.F. No. 2267:** A bill for an act relating to education; providing for prekindergarten through grade 12 education including general education; education excellence; special programs; technology, facilities, and accounting; nutrition; state agencies; technical and conforming amendments; authorizing rulemaking; providing for reports; appropriating money; amending Minnesota Statutes 2004, sections 13.321, by adding a subdivision; 120A.05, by adding a subdivision; 120B.02; 120B.021, subdivision 1, by adding a subdivision; 120B.024; 120B.11, subdivisions 1, 2, 3, 4, 5, 8; 120B.22, subdivision 1; 120B.30, subdivisions 1, 1a, by adding a subdivision; 120B.31, subdivision 4; 121A.06, subdivisions 2, 3; 121A.41, subdivision 10; 121A.53; 121A.66, subdivision 5, by adding subdivisions; 121A.67; 122A.06, subdivision 4; 122A.12, subdivision 2; 122A.15, by adding a subdivision; 122A.18, subdivision 2a; 122A.40, subdivision 5; 122A.41, subdivisions 2, 5a, 14; 122A.413; 122A.60, subdivision 1, by adding subdivisions; 122A.61, subdivision 1; 123A.05, subdivision 2; 123B.02, by adding subdivisions; 123B.04, subdivisions 1, 2; 123B.42, by adding a subdivision; 123B.49, subdivision 4; 123B.492; 123B.53, subdivisions 1, 4, by adding a subdivision; 123B.54, as amended; 123B.55; 123B.75, by adding a subdivision; 123B.76, subdivision 3; 123B.79, subdivision 6; 123B.81, subdivision 1; 123B.82; 123B.83, subdivision 2; 123B.88, by adding a subdivision; 123B.92, subdivisions 1, 5; 124D.081; 124D.09, subdivision 12; 124D.095, subdivisions 2, 4, 8, by adding a subdivision; 124D.10, subdivision 8; 124D.11, subdivisions 1, 2, 5, 6; 124D.111, subdivision 1; 124D.118, subdivision 4; 124D.40; 124D.59, subdivision 2; 124D.66, subdivision 3; 124D.68, subdivision 9; 124D.69, subdivision 1; 124D.74, subdivision 1; 124D.81, subdivision 1; 124D.84, subdivision 1; 125A.11, subdivision 1; 125A.24; 125A.28; 125A.51; 125A.76, subdivisions 1, 3, 4; 125A.79, subdivisions 1, 6; 126C.01, subdivision 11; 126C.05, by adding subdivisions; 126C.10, subdivisions 1, 2, 13, 13a, 13b, 18, 24, 29, 30, 31, 32, 33; 126C.13, subdivision 4, by adding subdivisions; 126C.17, subdivisions 1, 2, 5, 9, 11, 13; 126C.21, subdivision 4; 126C.40, subdivision 1; 126C.457; 126C.48, subdivisions 2, 8; 126C.63, subdivisions 5, 8; 127A.41, subdivision 8; 127A.45, subdivisions 11, 12; 127A.47, subdivisions 7, 8; 127A.49, subdivisions 2, 3; 128C.12, subdivisions 1, 3; 128D.11, subdivision 9; 134.31, by adding a subdivision; 179A.03, subdivision 14; 260C.201, subdivision 1; 275.14; 275.16; 469.177, subdivision 9; 475.61,

subdivision 4; 2005 S.F. No. 1879, article 3, section 3, subdivisions 2, 3, 7, 8, 24, 25, 26, 29, 31, 32, 35, 36, 41, 43, 44, 50, if enacted; 2005 S.F. No. 1879, article 3, section 4, if enacted; 2005 S.F. No. 1879, article 3, section 5, if enacted; Laws 1996, chapter 412, article 5, section 24; Laws 2003, First Special Session chapter 9, article 4, section 29, as amended; proposing coding for new law in Minnesota Statutes, chapters 120A; 120B; 121A; 122A; 123B; 124D; 125A; 125B; 127A; 129C; repealing Minnesota Statutes 2004, sections 121A.23; 122A.414; 122A.415; 123B.83, subdivision 1; 125A.75, subdivision 8; 126C.10, subdivisions 13a, 13b, 29, 30, 31, 32, 33; 126C.42, subdivisions 1, 4; 126C.44; 128C.12, subdivision 4.

Referred to the Committee on Taxes.

### **MEMBERS EXCUSED**

Senators Fischbach, Hottinger, Kleis, Ourada and Sparks were excused from the Session of today. Senator Murphy was excused from the Session of today from 1:00 to 1:20 p.m. Senator Michel was excused from the Session of today from 1:10 to 1:25 p.m.

### **ADJOURNMENT**

Senator Johnson, D.E. moved that the Senate do now adjourn until 1:00 p.m., Wednesday, April 27, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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