

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2011

 FORTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 3, 2011

The House of Representatives convened at 4:30 p.m. and was called to order by Kurt Zellers, Speaker of the House.

Prayer was offered by the Reverend Bill Davnie, Minneapolis, Minnesota.

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

The roll was called and the following members were present:

| | | | | | |
|--------------|------------|-----------|-------------|--------------|--------------|
| Abeler | Davnie | Hansen | Laine | Morrow | Scalze |
| Anderson, B. | Dean | Hausman | Lanning | Mullery | Schomacker |
| Anderson, D. | Dettmer | Hayden | Leidiger | Murdock | Scott |
| Anderson, P. | Dill | Hilstrom | LeMieur | Murphy, E. | Shimanski |
| Anderson, S. | Dittrich | Hilty | Lenczewski | Murphy, M. | Simon |
| Anzelc | Doepke | Holberg | Lesch | Murray | Slawik |
| Atkins | Downey | Hoppe | Liebling | Myhra | Slocum |
| Banaian | Drazkowski | Hornstein | Lillie | Nelson | Stensrud |
| Barrett | Eken | Hortman | Loeffler | Nornes | Swedzinski |
| Beard | Erickson | Hosch | Lohmer | Norton | Thissen |
| Benson, J. | Fabian | Howes | Loon | O'Driscoll | Torkelson |
| Benson, M. | Falk | Huntley | Mack | Paymar | Urdahl |
| Bills | Franson | Johnson | Mahoney | Pelowski | Vogel |
| Brynaert | Fritz | Kahn | Mariani | Peppin | Wagenius |
| Buesgens | Garofalo | Kath | Marquart | Persell | Ward |
| Carlson | Gauthier | Kelly | Mazorol | Petersen, B. | Wardlow |
| Champion | Gottwalt | Kieffer | McDonald | Peterson, S. | Westrom |
| Clark | Greene | Kiel | McElfatrick | Poppe | Winkler |
| Cornish | Greiling | Kiffmeyer | McFarlane | Quam | Woodard |
| Crawford | Gruenhagen | Knuth | McNamara | Rukavina | Spk. Zellers |
| Daudt | Hackbarth | Koenen | Melin | Runbeck | |
| Davids | Hancock | Kriesel | Moran | Sanders | |

A quorum was present.

Gunther, Hamilton, Smith and Tillberry were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 29, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Zellers:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State H. F. No. 978.

Sincerely,

MARK DAYTON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2011 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| <i>S. F. No.</i> | <i>H. F. No.</i> | <i>Session Laws Chapter No.</i> | <i>Time and Date Approved 2011</i> | <i>Date Filed 2011</i> |
|----------------------|----------------------|-------------------------------------|--|----------------------------|
| | 978 | 18 | 3:10 p.m. April 29 | April 29 |

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 4, A bill for an act relating to state government; requiring a reduction in the state workforce; creating an early retirement program; proposing coding for new law in Minnesota Statutes, chapter 43A.

Reported the same back with the following amendments:

Page 1, line 10, after "least" insert "12 percent by June 30, 2013, and"

Page 1, line 12, delete "July" and insert "January"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 66, A bill for an act relating to the state budget; budget priorities; repealing the political contribution refund; amending Minnesota Statutes 2010, sections 270A.03, subdivision 7; 289A.50, subdivision 1; 290.01, subdivision 6; repealing Minnesota Statutes 2010, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 290.06, subdivision 23.

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

The report was adopted.

Lanning from the Committee on State Government Finance to which was referred:

H. F. No. 174, A bill for an act relating to state government; requiring the Department of Revenue to issue a request for proposals for a tax analytics and business intelligence contract.

Reported the same back with the following amendments:

Page 2, delete lines 5 and 6 and insert:

"(c) Incorporating the system of tax analytics and business intelligence tools under the contract in this section, the commissioner of revenue shall identify and collect tax liabilities from individuals and businesses that currently do not pay all taxes owed. The commissioner may enter into additional contracts and retain up to five percent administrative costs as necessary to implement this section. A contract may incorporate a vendor financing option. This financing option may not make the vendor's compensation contingent on the amount collected as a result of an audit or an assessment determined by the vendor.

(d) \$11,504,000 for the fiscal year ending June 30, 2012, and \$23,269,000 for the fiscal year ending June 30, 2013, are appropriated from the general fund to the commissioner of revenue for purposes of this section. This initiative is expected to result in new general fund revenues of \$133,000,000 for the biennium ending June 30, 2013.

(e) The commissioner of revenue must report to the chairs of the house of representatives Ways and Means and senate Finance Committees by March 1, 2012, and January 15, 2013, on collection of additional revenue under this section.

(f)(1) If the commissioner of revenue determines that the initiative under this section will result in new general fund revenues of less than \$133,000,000 for the biennium ending June 30, 2013, the commissioner must notify the commissioner of management and budget of the amount of new general fund revenues anticipated under this section.

(2) Upon receiving a notice from the commissioner of revenue under clause (1), the commissioner of management and budget must reduce general fund appropriations to executive agencies for agency operations for the biennium ending June 30, 2013, by an amount equal to the difference between \$133,000,000 and the amount of new general fund revenues anticipated by the commissioner of revenue under the notice in clause (1)."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

H. F. No. 232, A bill for an act relating to motor vehicles; expanding eligibility for gold star license plates to surviving legal guardians and siblings; amending Minnesota Statutes 2010, section 168.1253, subdivision 1.

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

The report was adopted.

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

H. F. No. 632, A bill for an act relating to labor and industry; licensing maintenance plumbers in certain cases; modifying fees; amending Minnesota Statutes 2010, sections 326B.42, subdivision 2, by adding a subdivision; 326B.435, subdivision 2; 326B.46, subdivisions 1, 1a; 326B.47, subdivision 1, by adding a subdivision; 326B.49, subdivision 1.

Reported the same back with the following amendments:

Page 1, delete section 1

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Shimanski from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 718, A bill for an act relating to civil rights; requiring notices of restoration of civil rights and of possible loss of civil rights; proposing coding for new law in Minnesota Statutes, chapters 201; 243; 630.

Reported the same back with the following amendments:

Page 1, after line 13, insert:

"Sec. 2. Minnesota Statutes 2010, section 203B.06, subdivision 3, is amended to read:

Subd. 3. **Delivery of ballots.** (a) An application for an absentee ballot that lists the residential or mailing address of a correctional facility in which only persons convicted of felony-level sentences reside must not be accepted and an absentee ballot must not be provided to the applicant. The county auditor or municipal clerk must promptly transmit a copy of the application to the county attorney. The Department of Corrections shall implement procedures to ensure that absentee ballots are not received or mailed by incarcerated offenders.

(b) If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor, or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

(1) mail the ballots to the voter whose signature appears on the application if the application is submitted by mail and does not request commercial shipping under clause (2);

(2) ship the ballots to the voter using a commercial shipper requested by the voter at the voter's expense;

(3) deliver the absentee ballots directly to the voter if the application is submitted in person; or

(4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has been designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a voter who would have difficulty getting to the polls because of incapacitating health reasons, or who is disabled, or who is a patient in a health care facility, a resident of a facility providing assisted living services governed by chapter 144G, a participant in a residential program for adults licensed under section 245A.02, subdivision 14, or a resident of a shelter for battered women as defined in section 611A.37, subdivision 4.

~~(b)~~ (c) If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed, shipped, or delivered to an applicant for any election, except as provided in section 203B.13, subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "excluding incarcerated offenders from receiving absentee ballots;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance.

The report was adopted.

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

H. F. No. 873, A bill for an act relating to education finance; removing obsolete language; amending Minnesota Statutes 2010, section 126C.10, subdivision 13a.

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

The report was adopted.

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

H. F. No. 874, A bill for an act relating to education finance; removing obsolete language; amending Minnesota Statutes 2010, section 126C.10, subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

H. F. No. 1036, A bill for an act relating to state government; providing for management and consolidation of the state passenger vehicle fleet; amending Minnesota Statutes 2010, section 16B.54, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 17, delete "by 15 percent" and insert "over fiscal years 2012 through 2015. The commissioner shall determine the optimal reduction, following a state goal of 15 percent"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Higher Education Policy and Finance.

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

H. F. No. 1068, A bill for an act relating to transportation; requiring report on trunk highway fund expenditures; amending Minnesota Statutes 2010, section 174.56; repealing Minnesota Statutes 2010, section 161.08, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 13.72, subdivision 1, is amended to read:

Subdivision 1. **Estimates for construction projects.** An estimate of the cost of a construction project of the Minnesota Department of Transportation prepared by department employees is nonpublic data and is not available to the public from the time of final design until the project is awarded, except that the department may share a cost estimate with a construction manager/general contractor with whom the department is negotiating a contract under sections 161.3207 to 161.3209.

Sec. 2. Minnesota Statutes 2010, section 13.72, subdivision 11, is amended to read:

Subd. 11. **Design-build transportation project.** When the Department of Transportation undertakes a design-build transportation project as defined in section 161.3410, subdivision 6, ~~the statement of qualification evaluation criteria and scoring methodology, statement of qualification evaluations, technical proposal evaluation criteria and scoring methodology, and technical proposal evaluations are classified as protected nonpublic data with regard to data not on individuals and as confidential data on individuals. The statement of qualification evaluation criteria and scoring methodology and statement of qualification evaluations are public when the Department of Transportation announces the short list of qualified contractors. The technical proposal evaluation criteria, scoring methodology, and technical proposal evaluations are public when the project is awarded.~~ the provisions of this subdivision apply.

(a) When the commissioner solicits a request for qualifications, as defined in section 161.3410, subdivision 9:

(1) the following data are classified as protected nonpublic:

(i) the statement of qualifications evaluation criteria and scoring methodology; and

(ii) the statement of qualifications evaluations;

(2) the following data are classified as nonpublic data: the statement of qualifications; and

(3) the following data are classified as private: identifying information concerning the members of the technical review committee.

(b) When the commissioner announces the short list of qualified design-build firms, as required by section 161.3420, subdivision 4, the following data become public:

(1) the statement of qualifications evaluation criteria and scoring methodology; and

(2) the statement of qualifications evaluations.

(c) When the commissioner solicits a request for proposals, as defined in section 161.3410, subdivision 8:

(1) the following data are classified as nonpublic:

(i) alternative technical concepts;

(ii) preapproved elements;

(iii) the technical proposal;

(iv) the price proposal;

(v) the disadvantaged business enterprise and equal employment opportunity submittal; and

(vi) government data maintained to evaluate the disadvantaged business enterprise and equal employment opportunity submittal;

(2) the following data are classified as protected nonpublic:

(i) the technical proposal evaluation criteria and scoring methodology; and

(ii) the technical proposal evaluations.

(d) When the commissioner opens the price proposals, as required by section 161.3426, subdivision 1, paragraph (b), the following data become public:

(1) the technical proposal evaluation scores; and

(2) the dollar amount in the price proposals.

(e) When the commissioner awards the project, as required by section 161.3426, all remaining data not already made public under this subdivision become public, with the exception of trade secret data as defined and classified in section 13.37.

(f) If the commissioner rejects all responses to a request for proposals, as permitted by section 161.3426, subdivision 5, before awarding the project:

(1) all data, other than data made public according to this subdivision, retain their classification until a resolicitation of the request for proposals results in award of the project or a determination is made to abandon the project; and

(2) if a resolicitation of proposals does not occur within one year of the announcement of the short list of qualified design-build firms, the remaining data become public, with the exception of trade secret data as defined and classified in section 13.37.

Sec. 3. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision to read:

Subd. 17. **Adopt-a-highway data.** The following data on participants collected by the Department of Transportation to administer the adopt-a-highway program are classified as private data under section 13.02, subdivision 12: home addresses, except for zip codes; home e-mail addresses; and home telephone numbers.

Sec. 4. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision to read:

Subd. 18. **Mileage-based user fee data.** (a) The following data pertaining to participation in the Minnesota road fee test, as authorized by Laws 2007, chapter 143, article 1, section 3, subdivision 3, paragraph (a), clause (1), are classified as private data on individuals or nonpublic data:

(1) names of participants; participants' contact information; and data contained in applications for participation in the Minnesota road fee test;

(2) applications for the purchase, lease, or rental of the GPS navigation device;

(3) participants' vehicle identification data;

(4) financial and credit data; and

(5) participants' road usage data.

(b) Nothing in this section prohibits the production of summary data as it pertains to types of vehicles used and road usage data, as long as the participants' identities or any other characteristics that could uniquely identify participants are not ascertainable.

(c) The Department of Transportation shall only produce the data made not public under this subdivision to federal, state, and local law enforcement authorities acting pursuant to a valid search warrant.

Sec. 5. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision to read:

Subd. 19. **Construction manager/general contractor data.** (a) When the commissioner of transportation undertakes a transportation project pursuant to a construction manager/general contractor contract, as defined in section 161.3207, subdivision 5, and:

(1) solicits a request for qualifications (RFQ), as defined in section 161.3207, subdivision 11, then:

(i) the statement of qualifications scoring methodology, identifying information concerning members of the technical review committee, and statement of qualifications evaluations are classified as protected nonpublic data; and

(ii) the statement of qualifications submitted by a potential construction manager/general contractor, as defined by section 161.3207, subdivision 4, are nonpublic data;

(2) announces the short list of qualified construction managers/general contractors, then the statement of qualifications scoring methodology and the statement of qualifications evaluations become public;

(3) solicits a request for proposals (RFP), as defined in section 161.3207, subdivision 10, then:

(i) the proposals submitted by a potential construction manager/general contractor are nonpublic data; and

(ii) the proposal scoring methodology, identifying information concerning members of the technical review committee, and proposal evaluations are protected nonpublic data; and

(4) ranks the proposals, as required by section 161.3209, subdivision 2, paragraph (c), then:

(i) the proposal evaluation score, or rank, becomes public;

(ii) the proposal evaluations, other than the score, or rank, that is made public in item (i); the proposal scoring methodology; and identifying information concerning members of the technical review committee remain protected nonpublic data until completion of the evaluation process; and

(iii) the statement of qualifications and proposals submitted by a potential construction manager/general contractor remains nonpublic data until completion of the evaluation process.

(b) If all responses to a request for proposals are rejected before completing the evaluation process, all data, other than that data made public under this subdivision, retains its classification until a resolicitation of the request for proposals results in completion of the evaluation process or a determination is made to abandon the project. If a resolicitation of proposals does not occur within one year of the announcement of the request for proposals, the remaining data become public.

(c) For purposes of this subdivision, "completion of the evaluation process" means that the commissioner of transportation has completed negotiating the preconstruction services contract with the selected construction manager/general contractor.

Sec. 6. Minnesota Statutes 2010, section 85.015, is amended by adding a subdivision to read:

Subd. 1d. **Bicycle use of trails.** The commissioner may not prohibit operation of an electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any trail under this section for which bicycle use is permitted, unless the commissioner determines that operation of the electric-assisted bicycle is not consistent with safe use and enjoyment of the trail.

Sec. 7. Minnesota Statutes 2010, section 85.018, subdivision 2, is amended to read:

Subd. 2. **Authority of local government.** (a) A local government unit that receives state grants-in-aid for any trail, with the concurrence of the commissioner, and the landowner or land lessee, may:

- (1) designate the trail for use by snowmobiles or for nonmotorized use from December 1 to April 1 of any year; and
- (2) issue any permit required under subdivisions 3 to 5.

(b) A local government unit that receives state grants-in-aid under section 84.794, subdivision 2, 84.803, subdivision 2, or 84.927, subdivision 2, for any trail, with the concurrence of the commissioner, and landowner or land lessee, may:

(1) designate the trail specifically for use at various times of the year by all-terrain or off-road vehicles or off-highway motorcycles, for nonmotorized use such as ski touring, snowshoeing, and hiking, and for multiple use, but not for motorized and nonmotorized use at the same time; and

- (2) issue any permit required under subdivisions 3 to 5.

(c) A local unit of government that receives state grants-in-aid for any trail, with the concurrence of the commissioner and landowner or land lessee, may designate certain trails for joint use by snowmobiles, off-highway motorcycles, all-terrain vehicles, and off-road vehicles.

(d) A local unit of government may not prohibit operation of an electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any trail under this section designated for bicycle use or nonmotorized use that includes bicycles, unless the local unit of government determines that operation of the electric-assisted bicycle is not consistent with safe use and enjoyment of the trail.

Sec. 8. Minnesota Statutes 2010, section 85.018, subdivision 4, is amended to read:

Subd. 4. **Nonmotorized use trails.** (a) No motorized vehicle shall be operated on a trail designated for nonmotorized use. This subdivision does not apply to (1) motorized wheelchairs or other motorized devices operated by an individual who is physically disabled and (2) electric-assisted bicycles, as defined in section 169.011, subdivision 27.

Sec. 9. Minnesota Statutes 2010, section 160.263, subdivision 2, is amended to read:

Subd. 2. **Powers of political subdivisions.** (a) The governing body of any political subdivision may by ordinance or resolution:

- (1) designate any roadway or shoulder or portion thereof under its jurisdiction as a bicycle lane or bicycle route;
- (2) designate any sidewalk or portion thereof under its jurisdiction as a bicycle path provided that the designation does not destroy a pedestrian way or pedestrian access;
- (3) develop and designate bicycle paths;
- (4) designate as bikeways all bicycle lanes, bicycle routes, and bicycle paths.

(b) A governing body may not prohibit operation of an electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any bikeway, roadway, or shoulder, unless the governing body determines that operation of the electric-assisted bicycle is not consistent with safe use and enjoyment of the bikeway, roadway, or shoulder.

Sec. 10. **[160.266] MISSISSIPPI RIVER TRAIL.**

Subdivision 1. Definitions. For the purposes of this section:

(1) "bicycle path" has the meaning given in section 169.011, subdivision 6; and

(2) "bikeway" has the meaning given in section 169.011, subdivision 9.

Subd. 2. Creation. The commissioner, in cooperation with road and trail authorities including the commissioner of natural resources, shall identify a bikeway that originates at Itasca State Park in Clearwater, Beltrami, and Hubbard Counties, then generally parallels the Mississippi River through the cities of Bemidji in Beltrami County, Grand Rapids in Itasca County, Brainerd in Crow Wing County, Little Falls in Morrison County, Sauk Rapids in Benton County, St. Cloud in Stearns County, Minneapolis in Hennepin County, St. Paul in Ramsey County, Hastings in Dakota County, Red Wing in Goodhue County, Wabasha in Wabasha County, Winona in Winona County, and La Crescent in Houston County to Minnesota's boundary with Iowa and there terminates. Where opportunities exist, the bikeway may be designated on both sides of the Mississippi River.

Subd. 3. Connections with other bikeways. (a) The commissioner, in cooperation with road and trail authorities including the commissioner of natural resources, shall:

(1) identify existing bikeways of regional significance that are in reasonable proximity but not connected to the bikeway established in this section, including but not limited to the Lake Wobegon Trail in the counties of Stearns and Todd; and

(2) support development of linkages between bikeways identified under clause (1) and the bikeway established in this section.

(b) The requirements of this subdivision are a secondary priority for use of funds available under this section following establishment and enhancement of the bikeway under subdivision 1.

Subd. 4. Cooperation with other entities. The commissioner may contract and enter into agreements with federal agencies, other state agencies, and local governments to establish, develop, maintain, and operate the bikeway and to interpret associated natural and cultural resources.

Subd. 5. Funding. Bicycle paths included within the bikeway and not administered by the commissioner of natural resources are eligible for funding from the environment and natural resources trust fund under chapter 116P, from the parks and trails grant program under section 85.535, from the local recreation grants program under section 85.019, subdivision 4b, and from other sources.

Sec. 11. Minnesota Statutes 2010, section 161.14, subdivision 66, is amended to read:

Subd. 66. **Veterans Memorial Highway.** ~~Legislative Route No. 31, signed as~~ Trunk Highway marked 200 as of July 1, 2010, from the border with North Dakota to the city of Mahanomen, is designated as the "Veterans Memorial Highway." The commissioner shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 12. Minnesota Statutes 2010, section 161.14, is amended by adding a subdivision to read:

Subd. 70. **Arianna Celeste Macnamara Memorial Bridge.** The pedestrian bridge over Route No. 7, signed as Trunk Highway 14 on the effective date of this section, located in the city of Rochester west of Route No. 20, signed as U.S. Highway 52 on the effective date of this section, is designated as "Arianna Celeste Macnamara Memorial Bridge." Subject to section 161.139, the commissioner shall adopt a suitable marking design to memorialize the bridge and shall erect the appropriate signs as close as practicable to the bridge.

Sec. 13. **[161.3207] CONSTRUCTION MANAGER/GENERAL CONTRACTOR CONTRACTS; DEFINITIONS.**

Subdivision 1. **Scope.** The terms used in sections 161.3207 to 161.3209 have the meanings given them in this section.

Subd. 2. **Acceptance.** "Acceptance" means an action of the commissioner authorizing the execution of a construction manager/general contractor contract.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of transportation.

Subd. 4. **Construction manager/general contractor.** "Construction manager/general contractor" means a proprietorship, partnership, limited liability partnership, joint venture, corporation, any type of limited liability company, professional corporation, or any legal entity selected by the commissioner to act as a construction manager to manage the construction process, which includes, but is not limited to, responsibility for the price, schedule, and workmanship of preconstruction services or the construction performed according to section 161.3209, or both.

Subd. 5. **Construction manager/general contractor contract.** "Construction manager/general contractor contract" means a contract for construction of a project between a construction manager/general contractor and the commissioner, which must include terms providing for a price, construction schedule, and workmanship of the construction performed. The construction manager/general contractor contract may include provisions for incremental price contracts for specific work packages, additional work performed, contingencies, or other contract provisions that will allow the commissioner to negotiate time and cost changes to the contract.

Subd. 6. **Past performance; experience.** "Past performance" or "experience" does not include the exercise or assertion of a person's legal rights.

Subd. 7. **Preconstruction services.** "Preconstruction services" means all non-construction-related services that a construction manager/general contractor is allowed to perform before execution of a construction manager/general contractor contract or work package.

Subd. 8. **Preconstruction services contract.** "Preconstruction services contract" means a contract under which a construction manager/general contractor is paid on the basis of the actual cost to perform the work specified in the contract plus an amount for overhead and profit for all preconstruction services.

Subd. 9. **Project.** "Project" means any project selected by the commissioner as a construction manager/general contractor project under section 161.3208.

Subd. 10. **Request for proposals; RFP.** "Request for proposals" or "RFP" means the document or publication soliciting proposals for a construction manager/general contractor contract.

Subd. 11. **Request for qualifications; RFQ.** "Request for qualifications" or "RFQ" means a document or publication used to prequalify and short-list potential construction managers/general contractors.

Subd. 12. **Work package.** "Work package" means the scope of work for a defined portion of a project. A defined portion includes construction services on any project aspect, including procuring materials or services.

Sec. 14. **[161.3208] CONSTRUCTION MANAGER/GENERAL CONTRACTOR AUTHORITY.**

Subdivision 1. **Selection authority; limitation.** Notwithstanding sections 16C.25, 161.32, and 161.321, or any other law to the contrary, the commissioner may select a construction manager/general contractor as provided in section 161.3209, and award a construction manager/general contractor contract. The commissioner may not award more than two construction manager/general contractor projects during any fiscal year.

Subd. 2. **Determination.** Final determination to use a construction manager/general contractor contracting procedure may be made only by the commissioner.

Subd. 3. **Cancellation.** The solicitation of construction manager/general contractor requests for qualifications or proposals does not obligate the commissioner to enter into a construction manager/general contractor contract. In accordance with the stated criteria and subcriteria for evaluating qualifications or proposals, the commissioner may accept or reject any or all responses received as a result of the request. The solicitation of proposals may be canceled at any time at the commissioner's sole discretion if cancellation is considered to be in the public's best interest. If the commissioner rejects all responses or cancels the solicitation for proposals, the commissioner may resolicit a request for proposals using the same or different requirements.

Subd. 4. **Reporting.** The commissioner shall notify the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation policy and transportation finance each time the commissioner decides to use the construction manager/general contractor method of procurement and explain why that method was chosen.

Sec. 15. **[161.3209] CONSTRUCTION MANAGER/GENERAL CONTRACTOR; PROCEDURES.**

Subdivision 1. **Solicitation of proposals.** If the commissioner determines that a construction manager/general contractor method of procurement is appropriate for a project, the commissioner shall establish a two-phase procedure for awarding the construction manager/general contractor contract, as described in subdivisions 2 and 3.

Subd. 2. **Phase 1 - request for proposals.** (a) The commissioner shall prepare or have prepared an RFP for each construction manager/general contractor contract as provided in this section. The RFP must contain, at a minimum, the following elements:

- (1) the minimum qualifications of the construction manager/general contractor;
- (2) the procedures for submitting proposals and the criteria for evaluation of qualifications and the relative weight for each criteria;
- (3) the form of the contract to be awarded;
- (4) the scope of intended construction work;
- (5) a listing of the types of preconstruction services that will be required;
- (6) an anticipated schedule for commencing and completing the project;
- (7) any applicable budget limits for the project;
- (8) the requirements for insurance, statutorily required performance, and payment bonds;
- (9) the requirements that the construction manager/general contractor provide a letter from a surety or insurance company stating that the construction manager/general contractor is capable of obtaining a performance bond and payment bond covering the estimated contract cost;
- (10) the method for how construction manager/general contractor fees for the preconstruction services contract will be negotiated;
- (11) a statement that past performance or experience does not include the exercise or assertion of a person's legal rights; and

(12) any other information desired by the commissioner.

(b) Before receiving any responses to the RFP, the commissioner shall appoint a technical review committee of at least five individuals, of which one is a Department of Transportation manager who is also a licensed professional engineer in Minnesota.

(c) The technical review committee shall evaluate the construction manager/general contractor proposals according to criteria and subcriteria published in the RFP and procedures established by the commissioner, and rank each construction manager/general contractor using the elements described in paragraph (a). If the commissioner does not receive at least two proposals from construction managers/general contractors, the commissioner may:

(1) solicit new proposals;

(2) revise the RFP and thereafter solicit new proposals using the revised RFP;

(3) select another allowed procurement method; or

(4) reject all proposals.

(d) Unless all proposals are rejected, the commissioner shall conduct contract negotiations for a preconstruction services contract with the construction manager/general contractor with the highest ranking. If the construction manager/general contractor with the highest ranking declines or is unable to reach an agreement, the commissioner may begin contract negotiations with the next highest ranked construction manager/general contractor.

(e) Before issuing the RFP, the commissioner may elect to issue a request for qualifications (RFQ) and short-list the most highly qualified construction managers/general contractors. The RFQ must include the procedures for submitting statements of qualification, the criteria for evaluation of qualifications, and the relative weight for each criterion. The statements of qualifications must be evaluated by the technical review committee.

Subd. 3. **Phase 2 - construction manager/general contractor contract.** (a) Before conducting any construction-related services, the commissioner shall:

(1) conduct an independent cost estimate for the project or each work package; and

(2) conduct contract negotiations with the construction manager/general contractor to develop a construction manager/general contractor contract.

(b) If the construction manager/general contractor and the commissioner are unable to negotiate a contract, the commissioner may use other contract procurement processes or may readvertise the construction manager/general contractor contract. The construction manager/general contractor may not (1) bid on the project if advertised under section 161.32 or (2) join a design-build team if advertised under sections 161.3410 to 161.3428.

Sec. 16. Minnesota Statutes 2010, section 161.321, is amended to read:

161.321 SMALL BUSINESS CONTRACTS.

Subdivision 1. **Definitions.** For purposes of this section the following terms have the meanings given them, except where the context clearly indicates a different meaning is intended.

(a) "Award" means the granting of a contract in accordance with all applicable laws and rules governing competitive bidding except as otherwise provided in this section.

(b) "Contract" means an agreement entered into between a business entity and the state of Minnesota for the construction of transportation improvements.

(c) "Subcontractor" means a business entity which enters into a legally binding agreement with another business entity which is a party to a contract as defined in paragraph (b).

(d) "Targeted group business" means a business designated under section 16C.16, subdivision 5.

(e) "Veteran-owned small business" means a business designated under section 16C.16, subdivision 6a.

Subd. 1a. Legislative findings. The legislature finds as follows:

(1) at the time of these findings, businesses that are operated and majority-owned by nonminority women, by persons with any substantial physical disability, or by members of a specific minority group are underutilized in Minnesota highway construction contracts;

(2) at the time of these findings, evidence demonstrates that race-neutral measures are ineffective to correct the impact of past discrimination that exists in highway construction and must be supplemented with race- and gender-conscious measures; and

(3) the state has a compelling interest to remedy the effects of past or present discrimination in the Minnesota highway construction industry through the implementation of a targeted group business program that meets state and federal constitutional guidelines.

Subd. 2. Small business set-asides; procurement and construction contract preferences. (a) The commissioner may award up to a six percent preference in the amount bid for specified construction work to small targeted group businesses and veteran-owned small businesses.

(b) The commissioner may designate a contract for construction work for award only to small targeted group businesses if the commissioner determines that at least three small targeted group businesses are likely to bid. The commissioner may designate a contract for construction work for award only to veteran-owned small businesses if the commissioner determines that at least three veteran-owned small businesses are likely to bid.

~~(c) The commissioner, as a condition of awarding a construction contract, may set goals that require the prime contractor to subcontract a portion of the contract to small targeted group businesses and veteran-owned small businesses. The commissioner must establish a procedure for granting waivers from the subcontracting requirement when qualified small targeted group businesses and veteran-owned small businesses are not reasonably available. The commissioner may establish financial incentives for prime contractors who exceed the goals for use of subcontractors and financial penalties for prime contractors who fail to meet goals under this paragraph. The subcontracting requirements of this paragraph do not apply to prime contractors who are small targeted group businesses or veteran-owned small businesses.~~

~~(d) The commissioner may award up to a four percent preference in the amount bid on procurement for specified construction work to small businesses located in an economically disadvantaged area as defined in section 16C.16, subdivision 7.~~

Subd. 2a. Subcontracting goals. (a) The commissioner, as a condition of awarding a construction contract, may set goals that require the prime contractor to subcontract portions of the contract to small targeted group businesses and veteran-owned small businesses. Prime contractors must demonstrate good faith efforts to meet the project goals. The commissioner shall establish a procedure for granting waivers from the subcontracting requirement when either qualified small targeted group businesses or veteran-owned small businesses, or both, are not reasonably available. The commissioner may establish (1) financial incentives for prime contractors who exceed the goals set for the use of subcontractors under this subdivision and (2) sanctions for prime contractors who fail to make good faith efforts to meet the goals set under this subdivision.

(b) The small targeted group business subcontracting requirements of this subdivision do not apply to prime contractors who are small targeted group businesses. The veteran-owned small business subcontracting requirements of this subdivision do not apply to prime contractors who are veteran-owned small businesses.

Subd. 3. **Subcontract awards to small businesses.** At least 75 percent of subcontracts awarded to small targeted group businesses must be performed by the business to which the subcontract is awarded or another small targeted group business. At least 75 percent of subcontracts awarded to veteran-owned small businesses must be performed by the business to which the subcontract is awarded or another veteran-owned small business.

Subd. 4. **Contract awards, limitations.** Contracts awarded pursuant to this section are subject to all limitations contained in rules adopted by the commissioner of administration.

Subd. 4a. **Limited duration and reevaluation.** The commissioner shall cooperate with the commissioner of administration to periodically reevaluate the targeted group businesses to determine that there is a statistical disparity between the percentage of construction contracts awarded to businesses owned by targeted group members and the representation of businesses owned by targeted group members among all businesses in the state in the construction category. The commissioner of administration shall designate targeted groups pursuant to section 16C.16, subdivision 5.

Subd. 5. **Recourse to other businesses.** If the commissioner is unable to award a contract pursuant to the provisions of subdivisions ~~2 and 3~~ to 4a, the award may be placed pursuant to the normal solicitation and award provisions set forth in this chapter and chapter 16C.

Subd. 6. **Rules.** The rules adopted by the commissioner of administration to define small businesses and to set time and other eligibility requirements for participation in programs under sections 16C.16 to 16C.19 apply to this section. The commissioner may promulgate other rules necessary to carry out this section.

Subd. 7. **Noncompetitive bids.** The commissioner is encouraged to purchase from small targeted group businesses and veteran-owned small businesses designated under section 16C.16 when making purchases that are not subject to competitive bidding procedures.

Subd. 8. **Report by commissioner.** The commissioner ~~of transportation~~ shall report to the commissioner of administration on compliance with this section. The information must be reported at the time and in the manner requested by the commissioner of administration.

Sec. 17. Minnesota Statutes 2010, section 161.3212, is amended to read:

161.3212 WORKING CAPITAL FUND.

The commissioner, to the extent allowed by other law or contract, may grant available money that has been appropriated for socially or economically disadvantaged business programs to a guaranty fund administered by a nonprofit organization that makes or guarantees working capital loans to ~~businesses~~ small business concerns owned and operated by socially ~~or~~ and economically disadvantaged ~~persons as defined~~ individuals. "Small business concern" and "socially and economically disadvantaged individual" have the meanings given them in Code of Federal Regulations, title 49, section ~~23.5~~ 26.5. The purpose of loans made or guaranteed by the organization must be to provide short-term working capital to enable eligible businesses to be awarded contracts for goods and services or for construction-related services from government agencies.

Money contributed from a constitutionally or statutorily dedicated fund must be used only for purposes consistent with the purposes of the dedicated fund.

Sec. 18. Minnesota Statutes 2010, section 162.081, subdivision 4, is amended to read:

Subd. 4. **Formula for distribution to towns; purposes.** (a) Money apportioned to a county from the town road account must be distributed to the treasurer of each town within the county, according to a distribution formula adopted by the county board. The formula must take into account each town's levy for road and bridge purposes, its population and town road mileage, and other factors the county board deems advisable in the interests of achieving equity among the towns. Distribution of town road funds to each town treasurer must be made by March 1, annually, or within 30 days after receipt of payment from the commissioner. Distribution of funds to town treasurers in a county which has not adopted a distribution formula under this subdivision must be made according to a formula prescribed by the commissioner by rule. ~~A formula adopted by a county board or by the commissioner must provide that a town, in order to be eligible for distribution of funds from the town road account in a calendar year, must have levied for taxes payable in the previous year for road and bridge purposes at least 0.04835 percent of taxable market value. For purposes of this eligibility requirement, taxable market value means taxable market value for taxes payable two years prior to the aid distribution year.~~

(b) Money distributed to a town under this subdivision may be expended by the town only for the construction, reconstruction, and gravel maintenance of town roads within the town.

Sec. 19. Minnesota Statutes 2010, section 162.09, is amended by adding a subdivision to read:

Subd. 4a. **Municipal state-aid transition.** (a) Notwithstanding subdivision 4, a city that has a population of less than 5,000 according to a federal decennial census, and that has a population of 5,000 or more as determined by the most recent population estimate of the Metropolitan Council or state demographer made prior to the census, is deemed for purposes of this chapter to have a population that is the greater of (1) 5,000, or (2) as otherwise determined under subdivision 4, paragraph (b), (c), or (d).

(b) This subdivision applies only to the first two calendar years for which population is determined for purposes of this chapter on the basis of a federal decennial census.

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

Sec. 20. Minnesota Statutes 2010, section 168.002, is amended by adding a subdivision to read:

Subd. 21a. **Noncommercial vehicle.** "Noncommercial vehicle" means a one-ton pickup truck registered under section 168.013, subdivision 1e, with a 15,000 pounds or less gross vehicle weight rating and for which the owner has made a declaration that the vehicle will be operated exclusively for personal use. The declaration must be based on one or more of the following:

- (1) a change of vehicle use;
- (2) registration of a new vehicle;
- (3) transfer of vehicle ownership; or
- (4) registration renewal.

Sec. 21. Minnesota Statutes 2010, section 168.002, is amended by adding a subdivision to read:

Subd. 21b. **One-ton pickup truck.** "One-ton pickup truck" means any truck resembling a pickup truck with a manufacturer's nominal rated carrying capacity of one ton. If the manufacturer's nominal rated carrying capacity is not provided or is not known, then the value specified by the manufacturer as the gross vehicle weight rating as indicated on the manufacturer's certification label must be 10,001 pounds or more, not to exceed 15,000 pounds.

Sec. 22. Minnesota Statutes 2010, section 168.002, subdivision 24, is amended to read:

Subd. 24. **Passenger automobile.** (a) "Passenger automobile" means any motor vehicle designed and used for carrying not more than 15 individuals, including the driver.

(b) "Passenger automobile" does not include motorcycles, motor scooters, buses, school buses, or commuter vans as defined in section 168.126. ~~Except as provided in paragraph (c), clause (1), a vehicle with a gross vehicle weight rating of 9,000 to 13,000 pounds that is a pickup truck or a van is not a passenger automobile.~~

(c) "Passenger automobile" includes, but is not limited to:

(1) ~~a vehicle that is (i) a pickup truck or a van, (ii) not used in furtherance of a commercial enterprise, and (iii) not subject to state or federal regulation as a commercial motor vehicle as defined in subdivisions 26 and 40;~~

(2) neighborhood electric vehicles, as defined in section 169.011, subdivision 47; and

(3) medium-speed electric vehicles, as defined in section 169.011, subdivision 39.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 23. Minnesota Statutes 2010, section 168.002, subdivision 26, is amended to read:

Subd. 26. **Pickup truck.** "Pickup truck" means any truck with a manufacturer's nominal rated carrying capacity of three-fourths ton or less and commonly known as a pickup truck. If the manufacturer's nominal rated carrying capacity is not provided or cannot be determined, then the value specified by the manufacturer as the gross vehicle weight rating as indicated on the manufacturer's certification label must be less than 10,000 pounds.

Sec. 24. Minnesota Statutes 2010, section 168.002, subdivision 40, is amended to read:

Subd. 40. **Van.** "Van" means any vehicle of box-like design with no barrier or separation between the operator's area and the remainder of the cargo-carrying area, and with a manufacturer's nominal rated carrying capacity of three-fourths ton or less. If the manufacturer's nominal rated carrying capacity is not provided or not known, then the value specified by the manufacturer as the maximum gross weight or gross vehicle weight rating as indicated on the manufacturer's certification label must be less than 10,000 pounds.

Sec. 25. Minnesota Statutes 2010, 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 charitable, religious, or educational purposes;

(5) vehicles owned by nonprofit charities and used exclusively for disaster response and related activities;

(6) vehicles owned by ambulance services licensed under section 144E.10 that are equipped and specifically intended for emergency response or providing ambulance services; 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) Provided the general appearance of the vehicle is unmistakable, the following vehicles are not required to register or display number plates:

(1) vehicles owned by the federal government;

(2) fire apparatuses, including fire-suppression support vehicles, owned or leased by the state or a political subdivision;

(3) police patrols owned or leased by the state or a political subdivision; and

(4) ambulances owned or leased by the state or a political subdivision.

(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 or by conservation officers of the Division of Enforcement and Field Service of the Department of Natural Resources, 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 or by conservation officers 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) Unmarked vehicles used in general investigation, surveillance, supervision, and monitoring by the staff of the Department of Human Services Office of Special Investigations and the executive director of the Minnesota sex offender program must be registered and must display passenger vehicle classification license number plates, furnished by the registrar at cost. Original and renewal applications for passenger vehicle license plates must be accompanied by a certification signed by the commissioner of human services. The certification must be on a form prescribed by the commissioner and state that the vehicles must be used exclusively for the official duties of the Office of Special Investigations and the executive director of the Minnesota sex offender program.

(h) Each state hospital and institution for persons who are mentally ill and developmentally disabled may have one vehicle without the required identification on the sides of the vehicle. The vehicle 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 hospital administrator. 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 state hospital or institution.

(i) Each county social service agency may have vehicles used for child and vulnerable adult protective services without the required identification on the sides of the vehicle. The vehicles 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 agency administrator. 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 social service agency.

(j) 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, licensed commercial driving school, or other qualifying organization or entity, plainly displayed on both 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. 26. Minnesota Statutes 2010, section 168.017, subdivision 3, is amended to read:

Subd. 3. **Exceptions.** (a) The registrar shall register all vehicles subject to registration under the monthly series system for a period of 12 consecutive calendar months, unless:

(1) the application is an original rather than renewal application; or

(2) the applicant is a licensed motor vehicle lessor under section 168.27 and the vehicle is leased or rented for periods of time of not more than 28 days, in which case the applicant may apply for initial or renewed registration of a vehicle for a period of four or more months, the month of expiration to be designated by the applicant at the time of registration. ~~However,~~ To qualify for this exemption, the applicant must ~~(1) present the application to the registrar at St. Paul, or a designated deputy registrar office, and (2) stamp in red, on the certificate of title, the phrase "The expiration month of this vehicle is" with the blank filled in with the month of expiration as if the vehicle is being registered for a period of 12 calendar months.~~ Subsequent registration periods when the applicant is not a qualified motor vehicle lessor under this subdivision must be for a period of 12 months commencing from the last month for which registration was issued.

(b) In any instance except that of a licensed motor vehicle lessor, the registrar shall not approve registering the vehicle subject to the application for a period of less than three months, except when the registrar determines that to do otherwise will help to equalize the registration and renewal work load of the department.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to all applications for registration filed on or after that date.

Sec. 27. Minnesota Statutes 2010, section 168.021, is amended to read:

168.021 PLATES FOR PHYSICALLY DISABLED PERSONS.

Subdivision 1. **Disability plates; application.** (a) When a motor vehicle registered under section 168.017, a motorcycle, ~~a truck having a manufacturer's nominal rated capacity of one ton and resembling a one-ton pickup truck, or a self-propelled recreational vehicle~~ is owned or primarily operated by a permanently physically disabled person or a custodial parent or guardian of a permanently physically disabled minor, the owner may apply for and secure from the commissioner (1) immediately, a temporary permit valid for 30 days if the applicant is eligible for the disability plates issued under this section and (2) two disability plates with attached emblems, one plate to be attached to the front, and one to the rear of the motor vehicle, truck, or recreational vehicle, or, in the case of a motorcycle, one disability plate the same size as a regular motorcycle plate.

(b) The commissioner shall not issue more than one plate to the owner of a motorcycle and not more than one set of plates to any owner of ~~a motor~~ another vehicle described in paragraph (a) at the same time unless the state Council on Disability approves the issuance of a second plate or set of plates to ~~a motor vehicle~~ an owner.

(c) When the owner first applies for the disability plate or plates, the owner must submit a medical statement in a format approved by the commissioner under section 169.345, or proof of physical disability provided for in that section.

(d) No medical statement or proof of disability is required when an owner of ~~a motor vehicle~~ applies for a plate or plates for one or more ~~motor~~ vehicles listed in paragraph (a) that are specially modified for and used exclusively by permanently physically disabled persons.

(e) The owner of a ~~motor~~ vehicle listed in paragraph (a) may apply for and secure (i) immediately, a permit valid for 30 days, if the applicant is eligible to receive the disability plate or plates issued under this section, and (ii) a ~~set of~~ disability plate or plates for ~~a motor~~ the vehicle if:

(1) the owner employs a permanently physically disabled person who would qualify for the disability plate or plates under this section; and

(2) the owner furnishes the motor vehicle to the physically disabled person for the exclusive use of that person in the course of employment.

Subd. 1a. **Scope of privilege.** If a physically disabled person parks a ~~motor~~ vehicle described in subdivision 1, displaying the disability plate or plates described in this section, or a permit valid for 30 days and issued to an eligible person awaiting receipt of the disability plate or plates described in this section, or any person parks the motor vehicle for a physically disabled person, that person is entitled to park the motor vehicle as provided in section 169.345.

Subd. 2. **Plate design; furnished by commissioner.** The commissioner shall design and furnish two disability plates, or one disability plate for a motorcycle that is the same size as a regular motorcycle plate, with attached emblem or emblems to an eligible owner. The emblem must bear the internationally accepted wheelchair symbol, as designated in section 326B.106, subdivision 9, approximately three inches square. The emblem must be large enough to be visible plainly from a distance of 50 feet. An applicant eligible for a disability plate or plates shall pay the motor vehicle registration fee authorized by sections 168.013 and 168.09.

Subd. 2a. **Plate transfer.** (a) When ~~motor vehicle~~ ownership of a vehicle described in subdivision 1, is transferred, the owner of the ~~motor~~ vehicle shall remove the disability plate or plates. The buyer of the motor vehicle is entitled to receive a regular plate or plates for the ~~motor~~ vehicle without further cost for the remainder of the registration period.

(b) Notwithstanding section 168.12, subdivision 1, the disability plate or plates may be transferred to a replacement ~~motor~~ vehicle on notification to the commissioner. However, the disability plate or plates may not be transferred unless the replacement ~~motor~~ vehicle (1) is listed under section 168.012, subdivision 1, and, in case of a single plate for a motorcycle, the replacement vehicle is a motorcycle, and (2) is owned or primarily operated by the permanently physically disabled person.

Subd. 2b. **When not eligible.** On becoming ineligible for the disability plate or plates, the owner of the motor vehicle shall remove the disability plate or plates. The owner may receive regular plates for the ~~motor~~ vehicle without further cost for the remainder of the registration period.

Subd. 3. **Penalties for unauthorized use of plates.** (a) A person who uses the disability plate or plates or permit provided under this section on a motor vehicle in violation of this section is guilty of a misdemeanor, and is subject to a fine of \$500. This subdivision does not preclude a person who is not physically disabled from operating a ~~motor~~ vehicle bearing the disability plates or permit if:

(1) the person is the owner of the ~~motor~~ vehicle described in subdivision 1 and permits its operation by a physically disabled person;

(2) the person operates the ~~motor~~ vehicle with the consent of the owner who is physically disabled; or

(3) the person is the owner of the ~~motor~~ vehicle, is the custodial parent or guardian of a permanently physically disabled minor, and operates the ~~motor~~ vehicle to transport the minor.

(b) A driver who is not disabled is not entitled to the parking privileges provided in this section and in section 169.346 unless parking the ~~motor~~ vehicle for a physically disabled person.

Subd. 4. **Fees; disposition.** All fees collected from the sale of a disability plate or plates under this section must be deposited in the state treasury to the credit of the vehicle services operating account under section 299A.705, subdivision 1.

Subd. 5. **Definitions.** For the purposes of this section, the term "physically disabled person" has the meaning given it in section 169.345, subdivision 2.

Subd. 6. **Driver's license law not affected.** This section must not be construed to revoke, limit, or amend chapter 171.

Sec. 28. Minnesota Statutes 2010, section 168.12, subdivision 1, is amended to read:

Subdivision 1. **Plates; design, visibility, periods of issuance.** (a) The commissioner, upon approval and payment, shall issue to the applicant the plates required by this chapter, bearing the state name and an assigned vehicle registration number. The number assigned by the commissioner may be a combination of a letter or sign with figures. The color of the plates and the color of the abbreviation of the state name and the number assigned must be in marked contrast. The plates must be lettered, spaced, or distinguished to suitably indicate the registration of the vehicle according to the rules of the commissioner.

(b) When a vehicle is registered on the basis of total gross weight, the plates issued must clearly indicate by letters or other suitable insignia the maximum gross weight for which the tax has been paid.

(c) Plates issued to a noncommercial vehicle must bear the inscription "noncommercial" unless the vehicle is displaying a special plate authorized and issued under this chapter.

(d) A one-ton pickup truck that is used for commercial purposes and is subject to section 168.185, is eligible to display special plates as authorized and issued under this chapter.

(e) The plates must be so treated as to be at least 100 times brighter than the conventional painted number plates. When properly mounted on an unlighted vehicle, the plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

(f) The commissioner shall issue plates for the following periods:

(1) New plates issued pursuant to section 168.012, subdivision 1, must be issued to a vehicle for as long as the vehicle is owned by the exempt agency and the plate shall not be transferable from one vehicle to another but the plate may be transferred with the vehicle from one tax-exempt agency to another.

(2) Plates issued for passenger automobiles must be issued for a seven-year period. All plates issued under this paragraph must be replaced if they are seven years old or older at the time of registration renewal or will become so during the registration period.

(3) Plates issued under sections 168.053 and 168.27, subdivisions 16 and 17, must be for a seven-year period.

(4) Plates issued under subdivisions 2c and 2d and section 168.123 must be issued for the life of the veteran under section 169.79.

(5) Plates for any vehicle not specified in clauses (1) to (3) must be issued for the life of the vehicle.

(g) In a year in which plates are not issued, the commissioner shall issue for each registration a sticker to designate the year of registration. This sticker must show the year or years for which the sticker is issued, and is valid only for that period. The plates and stickers issued for a vehicle may not be transferred to another vehicle during the period for which the sticker is issued, except when issued for a vehicle registered under section 168.187.

(h) Despite any other provision of this subdivision, plates issued to a vehicle used for behind-the-wheel instruction in a driver education course in a public school may be transferred to another vehicle used for the same purpose without payment of any additional fee. The public school shall notify the commissioner of each transfer of plates under this paragraph. The commissioner may prescribe a format for notification.

Sec. 29. Minnesota Statutes 2010, section 168.12, subdivision 2b, is amended to read:

Subd. 2b. **Firefighters; special plates, rules.** (a) The commissioner shall issue special plates, or a single license plate in the case of a motorcycle plate, to any applicant who:

(1) is a member of a fire department receiving state aid under chapter 69, has a letter from the fire chief, and is an owner of a passenger automobile, ~~a truck with a manufacturer's nominal rated capacity of one ton and resembling a pickup truck, a one-ton pickup truck,~~ or a motorcycle;

(2) pays a fee of \$10 and any other fees required by this chapter;

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

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

(b) In lieu of the identification required under subdivision 1, the special plates must bear an emblem of a Maltese Cross together with any numbers or characters prescribed by the commissioner.

(c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of a fire department as specified in this subdivision. When the individual to whom the special plates were issued is no longer a member of a fire department or when the motor vehicle ownership is transferred, the owner shall remove the special plates from the motor vehicle. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. Upon removal or invalidation of the special plates, or special motorcycle plate, either the owner or purchaser of the motor vehicle shall obtain regular plates or a regular motorcycle plate for the proper registration classification for the motor vehicle.

(d) A special motorcycle license plate issued under this subdivision must be the same size as a standard motorcycle license plate.

(e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger automobile or truck may be transferred to another passenger automobile or truck owned or jointly owned by the person to whom the plates were issued. On payment of a fee of \$5, a plate issued under this subdivision for a motorcycle may be transferred to another motorcycle owned or jointly owned by the person to whom the plate was issued.

(f) The commissioner may adopt rules under the Administrative Procedure Act, sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized in this subdivision.

Sec. 30. Minnesota Statutes 2010, section 168.12, subdivision 5, is amended to read:

Subd. 5. **Additional fee.** (a) In addition to any fee otherwise authorized or any tax otherwise imposed upon any vehicle, the payment of which is required as a condition to the issuance of any plate or plates, the commissioner shall impose the fee specified in paragraph (b) that is calculated to cover the cost of manufacturing and issuing the plate or plates, except for plates issued to disabled veterans as defined in section 168.031 and plates issued pursuant to section 168.124, 168.125, or 168.27, subdivisions 16 and 17, for passenger automobiles. The commissioner shall issue graphic design plates only for vehicles registered pursuant to section 168.017 and recreational vehicles registered pursuant to section 168.013, subdivision 1g.

(b) Unless otherwise specified or exempted by statute, the following plate and validation sticker fees apply for the original, duplicate, or replacement issuance of a plate in a plate year:

| License Plate | Single | Double |
|----------------------------------|----------|---------|
| Regular and Disability | \$4.50 | \$6.00 |
| Special | \$8.50 | \$10.00 |
| Personalized (Replacement) | \$10.00 | \$14.00 |
| Collector Category | \$13.50 | \$15.00 |
| Emergency Vehicle Display | \$3.00 | \$6.00 |
| Utility Trailer Self-Adhesive | \$2.50 | |
| Vertical Motorcycle Plate | \$100.00 | NA |
| Stickers | | |
| Duplicate year | \$1.00 | \$1.00 |
| International Fuel Tax Agreement | \$2.50 | |

(c) For vehicles that require two of the categories above, the registrar shall only charge the higher of the two fees and not a combined total.

(d) As part of procedures for payment of the fee under paragraph (b), the commissioner shall allow a vehicle owner to add to the fee a \$2 donation for the purposes of public information and education on anatomical gifts under section 171.075.

Sec. 31. Minnesota Statutes 2010, section 168.123, subdivision 1, is amended to read:

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

(1) special veteran's plates to an applicant who served in the active military service in a branch of the armed forces of the United States or of a nation or society allied with the United States in conducting a foreign war, was discharged under honorable conditions, and is a registered owner of a passenger automobile, recreational motor vehicle, or ~~truck resembling a pickup truck and having a manufacturer's nominal rated capacity of one ton~~ one-ton pickup truck, but which is not a commercial motor vehicle as defined in section 169.011, subdivision 16; or

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

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

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

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

Sec. 32. Minnesota Statutes 2010, section 168A.11, subdivision 4, is amended to read:

Subd. 4. **Centralized record keeping.** ~~Three~~ Two or more new motor vehicle dealers under common management or control may ~~designate~~ apply to the department in writing ~~a single location for maintaining for permission to maintain~~ the records required by this section ~~that are more than 12 months old and~~ section 168.27, subdivision 10, paragraph (a), clause (1), item (i), at a single location. The department shall not unreasonably withhold its consent to the application. The records must be open to inspection by a representative of the department or a peace officer during reasonable business hours. The location must be at the established place of business of one of the affiliated dealers or at a location within Minnesota not further than 25 miles from the established place of business of one of the affiliated dealers.

Sec. 33. Minnesota Statutes 2010, section 168B.011, subdivision 12, is amended to read:

Subd. 12. **Public impound lot.** "Public impound lot" means an impound lot owned by or ~~contracting with~~ exclusively contracted solely for public use by a unit of government under section 168B.09.

Sec. 34. Minnesota Statutes 2010, section 169.011, subdivision 27, is amended to read:

Subd. 27. **Electric-assisted bicycle.** "Electric-assisted bicycle" means a ~~motor vehicle~~ bicycle with two or three wheels that:

(1) has a saddle and fully operable pedals for human propulsion;

(2) meets the requirements:

(i) of federal motor vehicle safety standards in Code of Federal Regulations, title 49, sections 571.1 et seq.; or

(ii) for bicycles under Code of Federal Regulations, title 15, part 1512, and successor requirements; and

(3) has an electric motor that (i) has a power output of not more than 1,000 watts, (ii) is incapable of propelling the vehicle at a speed of more than 20 miles per hour, (iii) is incapable of further increasing the speed of the device when human power alone is used to propel the vehicle at a speed of more than 20 miles per hour, and (iv) disengages or ceases to function when the vehicle's brakes are applied.

Sec. 35. Minnesota Statutes 2010, section 169.035, subdivision 1, is amended to read:

Subdivision 1. **Working on highway.** (a) The provisions of this chapter shall not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the highway, except as provided in paragraphs (b) and (c).

(b) This chapter shall apply to those persons and vehicles when traveling to or from such work, except that persons operating equipment owned, rented or hired by road authorities shall be exempt from the width, height and length provisions of sections 169.80 and 169.81 and shall be exempt from the weight limitations of this chapter while performing the following actions on behalf of the state or a local governmental unit:

(1) while loading, readying, or moving the vehicles or equipment in preparation for combating anticipated slippery road conditions or removing snow or ice;

(2) while actually engaged in snow or ice removal and or combating slippery road conditions, including but not limited to pretreatment and anti-icing activities; or

(3) while engaged in flood control operations on behalf of the state or a local governmental unit.

(c) Chapter 169A and section 169.444 apply to persons while actually engaged in work upon the highway.

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

Sec. 36. Minnesota Statutes 2010, section 169.035, is amended by adding a subdivision to read:

Subd. 4. **Trains.** (a) For purposes of this subdivision, "railroad operator" means a person who is a locomotive engineer, conductor, member of the crew of a railroad locomotive or train, or an operator of on-track equipment.

(b) A peace officer may not issue a citation for violation of this chapter or chapter 171 to a railroad operator involving the operation of a railroad locomotive or train, or on-track equipment while being operated upon rails.

(c) Notwithstanding section 171.08, a railroad operator is not required to display or furnish a driver's license to a peace officer in connection with the operation of a railroad locomotive or train, or on-track equipment while being operated upon rails.

Sec. 37. Minnesota Statutes 2010, 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. The traffic-control signal lights 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 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 this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard.

(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 the arrow, or other movement as 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 steady circular yellow or yellow arrow 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 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.

(3) Steady red indication:

(i) Vehicular traffic facing a circular red signal alone 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 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 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 that intersection; or (B) the driver of a vehicle on a one-way street 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 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 that intersection.

(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, 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 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 must be made at a sign or marking on the pavement indicating where the stop must be made, but in the absence of any such sign or marking the stop 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 controls vehicular traffic for that movement or lane.

Sec. 38. Minnesota Statutes 2010, section 169.06, subdivision 7, is amended to read:

Subd. 7. **Flashing signal.** When flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(a) When a circular red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall 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 at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) When a red arrow lens is illuminated with rapid intermittent flashes drivers of vehicles with the intention of making a movement indicated by the arrow shall 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 at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(c) When a circular yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signals only with caution. 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 this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard.

(d) When a yellow arrow indication is illuminated with rapid intermittent flashes, drivers of vehicles with the intention of making a movement indicated by the arrow may proceed through the intersection or past the signals only with caution, but shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard.

Sec. 39. Minnesota Statutes 2010, section 169.09, subdivision 13, is amended to read:

Subd. 13. **Reports confidential; evidence, fee, penalty, appropriation.** (a) All reports and supplemental information required under this section must be for the use of the commissioner of public safety and other appropriate state, federal, county, and municipal governmental agencies for accident analysis purposes and for the use of the commissioner of transportation for the purpose of seeking restitution for damages to state-owned infrastructure, except:

(1) the commissioner of public safety or any law enforcement agency shall, upon written request of any individual involved in an accident or upon written request of the representative of the individual's estate, surviving spouse, or one or more surviving next of kin, or a trustee appointed under section 573.02, or other person injured in person, property, or means of support, or who incurs other pecuniary loss by virtue of the accident, disclose to the requester, the requester's legal counsel, or a representative of the requester's insurer the report required under subdivision 8;

(2) the commissioner of public safety shall, upon written request, provide the driver filing a report under subdivision 7 with a copy of the report filed by the driver;

(3) the commissioner of public safety may verify with insurance companies vehicle insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and 169.797;

(4) the commissioner of public safety shall provide the commissioner of transportation the information obtained for each traffic accident involving a commercial motor vehicle, for purposes of administering commercial vehicle safety regulations; and

(5) the commissioner of public safety may give to the United States Department of Transportation commercial vehicle accident information in connection with federal grant programs relating to safety.

(b) Accident reports and data contained in the reports are not discoverable under any provision of law or rule of court. No report shall be used as evidence in any trial, civil or criminal, or any action for damages or criminal proceedings arising out of an accident. However, the commissioner of public safety shall furnish, upon the demand of any person who has or claims to have made a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the commissioner solely to prove compliance or failure to comply with the requirements that the report be made to the commissioner.

(c) Nothing in this subdivision prevents any individual who has made a report under this section from providing information to any individuals involved in an accident or their representatives or from testifying in any trial, civil or criminal, arising out of an accident, as to facts within the individual's knowledge. It is intended by this subdivision to render privileged the reports required, but it is not intended to prohibit proof of the facts to which the reports relate.

(d) Disclosing any information contained in any accident report, except as provided in this subdivision, section 13.82, subdivision 3 or 6, or other statutes, is a misdemeanor.

(e) The commissioner of public safety shall charge authorized persons as described in paragraph (a) a \$5 fee for a copy of an accident report. Ninety percent of the \$5 fee collected under this paragraph must be deposited in the special revenue fund and credited to the driver services operating account established in section 299A.705 and ten percent must be deposited in the general fund. The commissioner may also furnish an electronic copy of the database of accident records, which must not contain personal or private data on an individual, to private agencies as provided in paragraph (g), for not less than the cost of preparing the copies on a bulk basis as provided in section 13.03, subdivision 3.

(f) The fees specified in paragraph (e) notwithstanding, the commissioner and law enforcement agencies shall charge commercial users who request access to response or incident data relating to accidents a fee not to exceed 50 cents per record. "Commercial user" is a user who in one location requests access to data in more than five accident reports per month, unless the user establishes that access is not for a commercial purpose. Of the money collected by the commissioner under this paragraph, 90 percent must be deposited in the special revenue fund and credited to the driver services operating account established in section 299A.705 and ten percent must be deposited in the general fund.

(g) The fees in paragraphs (e) and (f) notwithstanding, the commissioner shall provide an electronic copy of the accident records database to the public on a case-by-case basis using the cost-recovery charges provided for under section 13.03, subdivision 3. The database provided must not contain personal or private data on an individual. However, unless the accident records database includes the vehicle identification number, the commissioner shall include the vehicle registration plate number if a private agency certifies and agrees that the agency:

(1) is in the business of collecting accident and damage information on vehicles;

(2) will use the vehicle registration plate number only for identifying vehicles that have been involved in accidents or damaged, to provide this information to persons seeking access to a vehicle's history and not for identifying individuals or for any other purpose; and

(3) will be subject to the penalties and remedies under sections 13.08 and 13.09.

Sec. 40. Minnesota Statutes 2010, section 169.19, subdivision 5, is amended to read:

Subd. 5. **Signal to turn.** A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. A person whose vehicle is exiting a roundabout is exempt from the requirement in this subdivision.

Sec. 41. Minnesota Statutes 2010, section 169.223, subdivision 5, is amended to read:

Subd. 5. **Other operation requirements and prohibitions.** (a) A person operating a motorized bicycle on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway except in one of the following situations:

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

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

(3) when reasonably necessary to avoid conditions, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make it unsafe to continue along the right-hand curb or edge.

(b) Persons operating motorized bicycles on a roadway may not ride more than two abreast and may not impede the normal and reasonable movement of traffic. On a laned roadway, a person operating a motorized bicycle shall ride within a single lane.

(c) This section does not permit the operation of a motorized bicycle on a bicycle path or bicycle lane that is reserved for the exclusive use of nonmotorized traffic, except that an electric-assisted bicycle may be operated on the path or lane if not otherwise prohibited under section 85.015, subdivision 1d; 85.018, subdivision 2, paragraph (d); or 160.263, subdivision 2, paragraph (b), as applicable.

~~(d) Subject to the provisions of section 160.263, subdivision 3,~~ A person may operate an electric-assisted bicycle on a bikeway or bicycle lane trail. A person may operate an electric-assisted bicycle on the shoulder of a roadway if the electric-assisted bicycle is traveling in the same direction as the adjacent vehicular traffic.

Sec. 42. Minnesota Statutes 2010, section 169.306, is amended to read:

169.306 USE OF SHOULDERS BY BUSES.

(a) ~~The commissioner of transportation~~ A road authority, as defined in section 160.02, subdivision 25, is authorized to permit ~~the use by~~ transit buses and Metro Mobility buses the use of a shoulder, as designated by the ~~commissioner~~ road authority, of a freeway or expressway, as defined in section 160.02, in Minnesota.

(b) If ~~the commissioner~~ a road authority permits the use of a freeway or expressway shoulder by transit buses, the ~~commissioner~~ road authority shall permit the use on that shoulder of a bus (1) with a seating capacity of 40 passengers or more operated by a motor carrier of passengers, as defined in section 221.012, subdivision 26, while operating in intrastate commerce or (2) providing regular route transit service, as defined in section 174.22, subdivision 8, or Metro Mobility services, and operated by or under contract with the Metropolitan Council, a local transit authority, or a transit authority created by the legislature. Drivers of these buses must have adequate training in the requirements of paragraph (c), as determined by the commissioner.

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

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

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

(2) authorized by ~~the commissioner~~ a road authority to use freeway or expressway shoulders.

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

(f) The commissioner may authorize different operating conditions and maximum speeds, not to exceed the posted speed limit, based upon an engineering study and recommendation by the road authority. The engineering study must be conducted by the road authority and must conform with the manual and specifications adopted under section 169.06, subdivision 1, and applicable state and federal standards. The road authority shall consult the public transit operator before recommending operating conditions different from those authorized by law.

Sec. 43. Minnesota Statutes 2010, section 169.345, subdivision 1, is amended to read:

Subdivision 1. **Scope of privilege.** (a) A ~~motor~~ vehicle described in section 168.021, subdivision 1, paragraph (a), that prominently displays the certificate authorized by this section or that bears the disability plate or 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 that does not specifically prohibit the exercise of disabled parking privileges in that space.

A person may park ~~a motor~~ the 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 motor vehicle by hanging it from the rearview mirror attached to the front windshield of the motor vehicle or, in the case of a motorcycle, is secured to the vehicle. If there is no rearview mirror or if the certificate holder's disability precludes placing the certificate on the mirror, the certificate 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 169.32 and 169.34, in designated no parking spaces, or in parking spaces reserved for 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.

Sec. 44. Minnesota Statutes 2010, section 169.345, subdivision 3, is amended to read:

Subd. 3. **Identifying certificate.** (a) The commissioner shall issue (1) immediately, a permit valid for 30 days if the person is eligible for the certificate issued under this section and (2) an identifying certificate for a ~~motor~~ vehicle described in section 168.021, subdivision 1, paragraph (a), when a physically disabled applicant submits proof of physical disability under subdivision 2a. The commissioner shall design separate certificates for persons with permanent and temporary disabilities that can be readily distinguished from each other from outside a ~~motor~~ vehicle at a distance of 25 feet or, in the case of a motorcycle, can be readily secured to the motorcycle. An applicant may be issued up to two certificates if the applicant has not been issued disability plates under section 168.021.

(b) The operator of a ~~motor~~ vehicle displaying a certificate has the parking privileges provided in subdivision 1 only while the ~~motor~~ vehicle is actually parked while transporting a physically disabled person.

(c) The commissioner shall cancel all certificates issued to an applicant who fails to comply with the requirements of this subdivision.

Sec. 45. Minnesota Statutes 2010, section 169.346, subdivision 3, is amended to read:

Subd. 3. **Misdemeanor; enforcement.** A person who violates subdivision 1 is guilty of a misdemeanor and must be fined not less than \$100 and not more than \$200. This subdivision must be enforced in the same manner as parking ordinances or regulations in the governmental subdivision in which the violation occurs. Law enforcement officers may tag motor vehicles parked on either private or public property in violation of subdivision 1. Parking enforcement employees or agents of statutory or home rule charter cities or towns may tag or otherwise issue citations for motor vehicles parked on public property in violation of subdivision 1. If a holder of a disability certificate or disability plates allows a person who is not otherwise eligible to use the certificate or plates, then the holder is not eligible to be issued or to use a disability certificate or plates for 12 months after the date of violation. Except when the permit or certificate is expired by, or is otherwise invalid for, more than 90 days, a physically disabled person, or a person parking a motor vehicle for a disabled person, who is charged with violating subdivision 1 because the person parked in a parking space for physically disabled persons without the required certificate, license plates, or permit must not be convicted if the person (1) produces in court or before the court appearance the required certificate, permit, or evidence that the person has been issued plates under section 168.021, (2) surrenders the expired permit or certificate, and (3) demonstrates entitlement to the certificate, plates, or permit at the time of arrest or tagging. To be valid, the certificate or permit must show that it is owned by the same person that owned the expired certificate or permit displayed at the time the tag was issued. The registered vehicle owner is subject to the provisions of this subdivision.

Sec. 46. Minnesota Statutes 2010, section 169.4503, is amended by adding a subdivision to read:

Subd. 28. **Crossing control arm.** All buses manufactured for use in Minnesota after January 1, 2012, must be equipped with a crossing control arm mounted at the right front corner of the front bumper. The crossing control arm must be automatically activated whenever the bus is stopped with the flashing red signals in use.

Sec. 47. Minnesota Statutes 2010, section 169.64, subdivision 2, is amended to read:

Subd. 2. **Colored light.** (a) Unless otherwise authorized by the commissioner of public safety, no vehicle shall be equipped, nor shall any person drive or move any vehicle or equipment upon any highway with any lamp or device displaying a red light or any colored light other than those required or permitted in this chapter.

(b) A vehicle manufactured for use as an emergency vehicle may display and use colored lights that are not otherwise required or permitted in this chapter, provided that the vehicle is owned and operated according to section 168.10, is owned and operated solely as a collector's item and not for general transportation purposes, and is registered under section 168.10, subdivision 1a, 1b, 1c, 1d, 1g, or 1h. A person may not activate the colored lights authorized under this paragraph on streets or highways except as part of a parade or other special event.

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

Sec. 48. Minnesota Statutes 2010, section 169.685, subdivision 6, is amended to read:

Subd. 6. **Exceptions.** (a) This section does not apply to:

(1) a person transporting a child in an emergency medical vehicle while in the performance of official duties and when the physical or medical needs of the child make the use of a child passenger restraint system unreasonable or when a child passenger restraint system is not available;

(2) a peace officer transporting a child while in the performance of official duties and when a child passenger restraint system is not available, provided that a seat belt must be substituted;

(3) a person while operating a motor vehicle for hire, including a taxi, airport limousine, and bus, but excluding a rented, leased, or borrowed motor vehicle; and

(4) a person while operating a school bus; ~~and~~ that has a gross vehicle weight rating of greater than 10,000 pounds.

~~(5) a person while operating a type III vehicle described in section 169.011, subdivision 71, paragraph (h), if the vehicle meets the seating and crash protection requirements of Federal Motor Vehicle Safety Standard 222, Code of Federal Regulations, title 49, part 571.~~

(b) A child passenger restraint system is not required for a child who cannot, in the judgment of a licensed physician, be safely transported in a child passenger restraint system because of a medical condition, body size, or physical disability. A motor vehicle operator claiming exemption for a child under this paragraph must possess a typewritten statement from the physician stating that the child cannot be safely transported in a child passenger restraint system. The statement must give the name and birth date of the child, be dated within the previous six months, and be made on the physician's letterhead or contain the physician's name, address, and telephone number. A person charged with violating subdivision 5 may not be convicted if the person produces the physician's statement in court or in the office of the arresting officer.

(c) A person offering a motor vehicle for rent or lease shall provide a child passenger restraint device to a customer renting or leasing the motor vehicle who requests the device. A reasonable rent or fee may be charged for use of the child passenger restraint device.

Sec. 49. Minnesota Statutes 2010, section 169.86, subdivision 4, is amended to read:

Subd. 4. **Display and inspection of permit.** ~~Every such~~ A permit shall ~~shall~~ ~~must~~ be carried in the vehicle or combination of vehicles to which it refers and shall ~~must~~ be open to inspection by any ~~police~~ ~~peace~~ officer or authorized agent of any authority granting ~~such~~ ~~the~~ ~~permit,~~ ~~and~~. A permit may be carried in electronic format if it is easily read. No person shall violate any of the terms or conditions of ~~such~~ a special permit.

Sec. 50. Minnesota Statutes 2010, section 169.86, subdivision 5, is amended to read:

Subd. 5. **Fees; 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~~ ~~must~~ 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~~ are:

(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~~ that 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;
- (6) noncommercial transportation of a boat by the owner or user of the boat;
- (7) motor vehicles carrying bales of agricultural products authorized under section 169.862; and
- (8) special milk-hauling vehicles authorized under section 169.867.

(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 and manufactured storage buildings;
- (4) implements of husbandry;

(5) double-deck buses;

(6) commercial boat hauling and transporting waterfront structures, including but not limited to portable boat docks and boat lifts;

(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); and

(8) vehicles operating on that portion of marked Trunk Highway 36 described in section 169.81, subdivision 3, paragraph (e).

(e) For vehicles ~~which~~ that have axle weights exceeding the weight limitations of sections 169.823 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Cost Per Mile For Each Group Of:

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

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

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

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, mobile cranes; construction equipment, machinery, and supplies; implements of husbandry; and commercial boat hauling. 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 |
| <u>145,001 - 155,000</u> | <u>\$900</u> |

If the gross weight of the vehicle is more than ~~145,000~~ 155,000 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) \$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.~~

(j) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

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

Sec. 51. Minnesota Statutes 2010, section 169.99, subdivision 1b, is amended to read:

Subd. 1b. **Speed.** The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of a speed limit of 55 or 60 miles per hour must specify whether the speed was greater than ten miles per hour in excess of ~~a 55 miles per hour speed limit, or more than five miles per hour in excess of a 60 miles per hour~~ the speed limit.

Sec. 52. Minnesota Statutes 2010, section 169A.54, subdivision 1, is amended to read:

Subdivision 1. **Revocation periods for DWI convictions.** Except as provided in subdivision 7, the commissioner shall revoke the driver's license of a person convicted of violating section 169A.20 (driving while impaired) or an ordinance in conformity with it, as follows:

(1) not less than 30 days for an offense under section 169A.20, subdivision 1 (driving while impaired crime), ~~not less than 30 days;~~

(2) not less than 90 days for an offense under section 169A.20, subdivision 2 (refusal to submit to chemical test crime), ~~not less than 90 days;~~

(3) not less than one year for:

(i) an offense occurring within ten years of a qualified prior impaired driving incident, ~~or;~~

(ii) an offense occurring after two qualified prior impaired driving incidents, ~~not less than one year;~~ or if

(iii) an offense occurring when a person has an alcohol concentration of twice the legal limit or more as measured at the time, or within two hours of the time, of the offense and the person has no qualified prior impaired driving incident within ten years;

(4) not less than two years for an offense occurring under clause (3), item (i) or (ii), and the test results indicate an alcohol concentration of twice the legal limit or more, not less than two years and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169A.70 (chemical use assessments);

~~(4) (5) not less than three years for an offense occurring within ten years of the first of two qualified prior impaired driving incidents or occurring after three qualified prior impaired driving incidents, not less than three years, together and with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established according to standards established by the commissioner; and~~

~~(5) (6) not less than four years for an offense occurring within ten years of the first of three qualified prior impaired driving incidents, not less than four years, together and with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established according to standards established by the commissioner; or~~

~~(6) (7) not less than six years for an offense occurring after four or more qualified prior impaired driving incidents, not less than six years, together and with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established according to standards established by the commissioner.~~

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

Sec. 53. Minnesota Statutes 2010, section 169A.54, subdivision 6, is amended to read:

Subd. 6. **Applicability of implied consent revocation.** (a) Any person whose license has been revoked pursuant to section 169A.52 (license revocation for test failure or refusal) as the result of the same incident, and who does not have a qualified prior impaired driving incident, is subject to the mandatory revocation provisions of subdivision 1, clause (1) or (2), in lieu of the mandatory revocation provisions of section 169A.52.

(b) Paragraph (a) does not apply to:

(1) a person whose license has been revoked under subdivision 2 (driving while impaired by person under age 21); or

(2) a person whose driver's license has been revoked for, or who is charged with, (i) an alcohol concentration of twice the legal limit or more as measured at the time, or within two hours, of the time of the offense; or (ii) a violation of section 169A.20 (driving while impaired) with an aggravating factor described in section 169A.03, subdivision 3, clause (2) or (3).

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

Sec. 54. Minnesota Statutes 2010, section 171.03, is amended to read:

171.03 PERSONS EXEMPT.

The following persons are exempt from license hereunder:

(a) A person in the employ or service of the United States federal government is exempt while driving or operating a motor vehicle owned by or leased to the United States federal government.

(b) A person in the employ or service of the United States federal government is exempt from the requirement to possess a valid class A, class B, or class C commercial driver's license while driving or operating for military purposes a commercial motor vehicle for the United States federal government if the person is:

(1) on active duty in the U.S. Coast Guard;

(2) on active duty in a branch of the U.S. armed forces, which includes the Army, Air Force, Navy, and Marine Corps;

(3) a member of a reserve component of the U.S. armed forces; or

(4) on active duty in the Army National Guard or Air National Guard, which includes (i) a member on full-time National Guard duty, (ii) a member undergoing part-time National Guard training, and (iii) a National Guard military technician, who is a civilian required to wear a military uniform.

The exemption provided under this paragraph does not apply to a U.S. armed forces reserve technician.

(c) Any person while driving or operating any farm tractor or implement of husbandry temporarily on a highway is exempt. For purposes of this section, an all-terrain vehicle, as defined in section 84.92, subdivision 8, an off-highway motorcycle, as defined in section 84.787, subdivision 7, and an off-road vehicle, as defined in section 84.797, subdivision 7, are not implements of husbandry.

(d) A nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver.

(e) A nonresident who has in immediate possession a valid commercial driver's license issued by a state or jurisdiction in accordance with the standards of Code of Federal Regulations, title 49, part 383, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state or jurisdiction is exempt.

(f) Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, but only for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of the nonresident.

(g) Any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or jurisdiction or by military authorities of the United States may operate a motor vehicle as a driver, but only for a period of not more than 60 days after becoming a resident of this state, without being required to have a Minnesota driver's license as provided in this chapter.

(h) Any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state or jurisdiction in accordance with the standards of Code of Federal Regulations, title 49, part 383, is exempt for not more than 30 days after becoming a resident of this state.

(i) Any person operating a snowmobile, as defined in section 84.81, is exempt.

(j) A railroad operator, as defined in section 169.035, subdivision 4, paragraph (a), is exempt while operating a railroad locomotive or train, or on-track equipment while being operated upon rails. This exemption includes operation while crossing a street or highway, whether public or private.

Sec. 55. Minnesota Statutes 2010, section 171.05, subdivision 2, is amended to read:

Subd. 2. **Person less than 18 years of age.** (a) Notwithstanding any provision in subdivision 1 to the contrary, the department may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and who:

(1) has completed a course of driver education in another state, has a previously issued valid license from another state, or ~~is enrolled in either:~~

(i) the applicant is enrolled in behind-the-wheel training in a public, private, or commercial driver education program that utilizes simulation or behind-the-wheel instruction and that is approved by the commissioner of public safety; and

(ii) the applicant:

(A) has successfully completed the classroom phase of instruction in a public, private, or commercial driver education program that is approved by the commissioner of public safety and that includes classroom and behind-the-wheel training; or

(ii) an approved behind-the-wheel driver education program;

(B) has successfully completed home-school driver training, when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a ~~homeschool~~ home-school diploma, the student's status as a ~~homeschool~~ home-school student has been certified by the superintendent of the school district in which the student resides, and the ~~student is taking home-classroom driver training with~~ classroom materials are approved by the commissioner of public safety;

(C) has completed an Internet-based theory driver education program that is approved by the commissioner of public safety; or

(D) concurrent to the instruction under item (i), is enrolled in the classroom phase of instruction in a public, private, or commercial driver education program that is approved by the commissioner of public safety, and completes 15 hours of classroom instruction and one behind-the-wheel lesson with an instructor;

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

~~(3) (2) has passed a test of the applicant's eyesight;~~

~~(4) (3) has passed a department-administered test of the applicant's knowledge of traffic laws;~~

~~(5)~~ (4) has completed the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) ~~to through~~ (iii) do not apply, then (iv) the guardian having custody of the minor; ~~(v) the foster parent or the director of the transitional living program in which the child resides~~ or, in the event a person under the age of 18 has no living father, mother, or guardian, then (v) the foster parent or the director of the transitional living program in which the child resides or, if items (i) through (v) do not apply or the minor applicant is married or otherwise legally emancipated, then (vi) the applicant's adult spouse, adult close family member, or adult employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, foster parent, program director, adult spouse, adult close family member, or adult employer; and

~~(6)~~ (5) has paid ~~the fee~~ all fees required in section 171.06, subdivision 2.

(b) The instruction permit is valid for two years from the date of application and may be renewed upon payment of a fee equal to the fee for issuance of an instruction permit under section 171.06, subdivision 2.

(c) A provider of an Internet-based theory driver education program approved by the commissioner shall issue a certificate of completion to each person who successfully completes the program. The commissioner shall furnish numbered certificate forms to approved providers who shall pay the commissioner a fee of \$2 for each certificate. The commissioner shall deposit proceeds of the fee in the driver services operating account in the special revenue fund. The commissioner shall terminate the fee when the department has fully recovered its costs to implement Internet driver education under this section. Proceeds from the fee under this paragraph are annually appropriated to the commissioner from the driver services operating account for administrative costs to implement Internet driver education.

Sec. 56. Minnesota Statutes 2010, section 171.06, subdivision 2, is amended to read:

Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are as follows:

| | | | | |
|---|-----------|-----------|-----------|-----------|
| Classified Driver's License | D-\$22.25 | C-\$26.25 | B-\$33.25 | A-\$41.25 |
| Classified Under-21 D.L. | D-\$22.25 | C-\$26.25 | B-\$33.25 | A-\$21.25 |
| Enhanced Driver's License | D-\$37.25 | C-\$41.25 | B-\$48.25 | A-\$56.25 |
| Instruction Permit | | | | \$10.25 |
| Enhanced Instruction Permit | | | | \$25.25 |
| Provisional License | | | | \$13.25 |
| Enhanced Provisional License | | | | \$28.25 |
| Duplicate License or duplicate identification card | | | | \$11.75 |
| Enhanced Duplicate License or enhanced duplicate identification card | | | | \$26.75 |
| Minnesota identification card or Under-21 Minnesota identification card, other than duplicate, except as otherwise provided in section 171.07, subdivisions 3 and 3a | | | | \$16.25 |
| Enhanced Minnesota identification card | | | | \$31.25 |

In addition to each fee required in this paragraph, the commissioner shall collect a surcharge of \$1.75 until June 30, 2012. Surcharges collected under this paragraph must be credited to the driver and vehicle services technology account in the special revenue fund under section 299A.705.

(b) Notwithstanding paragraph (a), an individual who holds a provisional license and has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving violations, and (3) convictions for moving violations that are not crash related, shall have a \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation" has the meaning given it in section 171.04, subdivision 1.

(c) In addition to the driver's license fee required under paragraph (a), the commissioner shall collect an additional \$4 processing fee from each new applicant or individual renewing a license with a school bus endorsement to cover the costs for processing an applicant's initial and biennial physical examination certificate. The department shall not charge these applicants any other fee to receive or renew the endorsement.

(d) In addition to the instruction permit fee required under paragraph (a), the commissioner shall collect an additional \$5 program implementation fee from an applicant who is enrolled in concurrent driver education instruction as provided in section 171.05, subdivision 2, paragraph (a), clause (1)(ii)(D). The commissioner shall terminate the fee under this paragraph when the department has fully recovered its costs to implement concurrent classroom phase and behind-the-wheel instruction under section 171.05. The commissioner shall deposit proceeds of the fee in the driver services operating account in the special revenue fund. Proceeds from the fee under this paragraph are annually appropriated to the commissioner from the driver services operating account for administrative costs to implement concurrent driver education.

(e) An application for a Minnesota identification card, instruction permit, provisional license, or driver's license, including an application for renewal, must contain a provision that allows the applicant to add to the fee under paragraph (a), a \$2 donation for the purposes of public information and education on anatomical gifts under section 171.075.

Sec. 57. Minnesota Statutes 2010, section 171.061, subdivision 4, is amended to read:

Subd. 4. **Fee; equipment.** (a) The agent may charge and retain a filing fee of \$5 for each application. Except as provided in paragraph ~~(b)~~ (c), the fee shall cover all expenses involved in receiving, accepting, or forwarding to the department the applications and fees required under sections 171.02, subdivision 3; 171.06, subdivisions 2 and 2a; and 171.07, subdivisions 3 and 3a.

(b) The statutory fees and the filing fees imposed under paragraph (a) may be paid by credit card or debit card. The driver's license agent may collect a convenience fee on the statutory fees and filing fees not greater than the cost of processing a credit card or debit card transaction. The convenience fee must be used to pay the cost of processing credit card and debit card transactions. The commissioner shall adopt rules to administer this paragraph, using the exempt procedures of section 14.386, except that section 14.386, paragraph (b), does not apply.

~~(c)~~ (c) The department shall maintain the photo identification equipment for all agents appointed as of January 1, 2000. Upon the retirement, resignation, death, or discontinuance of an existing agent, and if a new agent is appointed in an existing office pursuant to Minnesota Rules, chapter 7404, and notwithstanding the above or Minnesota Rules, part 7404.0400, the department shall provide and maintain photo identification equipment without additional cost to a newly appointed agent in that office if the office was provided the equipment by the department before January 1, 2000. All photo identification equipment must be compatible with standards established by the department.

~~(d)~~ (d) A filing fee retained by the agent employed by a county board must be paid into the county treasury and credited to the general revenue fund of the county. An agent who is not an employee of the county shall retain the filing fee in lieu of county employment or salary and is considered an independent contractor for pension purposes, coverage under the Minnesota State Retirement System, or membership in the Public Employees Retirement Association.

~~(d)~~ (e) Before the end of the first working day following the final day of the reporting period established by the department, the agent must forward to the department all applications and fees collected during the reporting period except as provided in paragraph ~~(e)~~ (d).

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

Sec. 58. Minnesota Statutes 2010, section 171.0701, is amended to read:

171.0701 DRIVER EDUCATION CONTENT.

Subdivision 1. **Driver education requirements.** (a) The commissioner shall adopt rules requiring a minimum of 30 minutes of instruction, beginning January 1, 2007, relating to organ and tissue donations and the provisions of section 171.07, subdivision 5, for persons enrolled in driver education programs offered at public schools, private schools, and commercial driver training schools.

(b) The commissioner shall adopt rules for persons enrolled in driver education programs offered at public schools, private schools, and commercial driver training schools, requiring inclusion in the course of instruction, by January 1, 2009, a section on awareness and safe interaction with commercial motor vehicle traffic. The rules must require classroom instruction and behind-the-wheel training that includes, but is not limited to, truck stopping distances, proper distances for following trucks, identification of truck blind spots, and avoidance of driving in truck blind spots.

(c) By January 1, 2012, the commissioner shall adopt rules for persons enrolled in driver education programs offered at public schools, private schools, and commercial driver training schools, requiring inclusion in the course of instruction of a section on carbon monoxide poisoning. The instruction must include but is not limited to (1) a description of the characteristics of carbon monoxide, (2) a review of the risks and potential speed of death from carbon monoxide poisoning, and (3) specific suggestions regarding vehicle idling practices.

Subd. 2. **Rulemaking.** The rules adopted by the commissioner under ~~paragraph (b)~~ this section are exempt from the rulemaking provisions of chapter 14. The rules are subject to section 14.386, except that notwithstanding paragraph (b) of section 14.386, the rules continue in effect until repealed or superseded by other law or rule.

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

Sec. 59. **[171.0703] INTERNET-BASED DRIVER EDUCATION.**

The commissioner shall include in administrative rules on Internet-based theory driver education programs, a requirement that a program may offer no more than three hours of instruction per day to a student.

Sec. 60. **[171.075] ANATOMICAL GIFTS.**

Subdivision 1. **Anatomical gift account.** An anatomical gift account is established in the special revenue fund. The account consist of funds donated under sections 168.12, subdivision 5, and 171.06, subdivision 2, and any other money donated, allotted, transferred, or otherwise provided to the account. Money in the account is annually appropriated to the commissioner for (1) grants under subdivision 2, and (2) administrative expenses in implementing the donation and grant program.

Subd. 2. **Anatomical gift education grants.** (a) The commissioner shall make grants to (1) a Minnesota organ procurement organization that is certified by the federal Centers for Medicare and Medicaid Services; or (2) an entity that is a charitable entity under section 501(c)(3) of the Internal Revenue Code, as defined in section 289A.02, subdivision 7, and is dedicated to advocacy for organ, tissue, and eye donation.

(b) From a grant under this section, the recipient shall provide resources and implement programs designed to increase the number of Minnesotans who register to be organ, tissue, and eye donors.

Sec. 61. Minnesota Statutes 2010, section 171.12, subdivision 6, is amended to read:

Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph (b), the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 55 or 60 miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of ~~a 55 miles per hour~~ the speed limit; ~~or more than five miles per hour in excess of a 60 miles per hour speed limit.~~

(b) This subdivision does not apply to (1) a violation that occurs in a commercial motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial driver's license, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle.

Sec. 62. Minnesota Statutes 2010, section 171.13, subdivision 1, is amended to read:

Subdivision 1. **Examination subjects and locations; provisions for color blindness, disabled veterans.** (a) Except as otherwise provided in this section, the commissioner shall examine each applicant for a driver's license by such agency as the commissioner directs. This examination must include:

(1) a test of the applicant's eyesight;

(2) a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic;

(3) a test of the applicant's knowledge of (i) traffic laws; ~~knowledge of (ii) the effects of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally, and of the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs; knowledge of (iii) railroad grade crossing safety; knowledge of (iv) slow-moving vehicle safety; knowledge of (v) laws relating to pupil transportation safety, including the significance of school bus lights, signals, stop arm, and passing a school bus; knowledge of (vi) traffic laws related to bicycles; and (vii) the circumstances and dangers of carbon monoxide poisoning~~;

(4) an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; and

(5) other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways; ~~provided, further however,~~

(b) Notwithstanding paragraph (a), no driver's license ~~shall~~ may be denied an applicant on the exclusive grounds that the applicant's eyesight is deficient in color perception. ~~Provided, however, that~~ War veterans operating motor vehicles especially equipped for disabled persons, ~~shall~~ if otherwise entitled to a license, must be granted such license.

(c) The commissioner shall make provision for giving ~~these~~ the examinations under this subdivision either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 63. Minnesota Statutes 2010, section 171.13, is amended by adding a subdivision to read:

Subd. 11. **Driver's manual; carbon monoxide.** The commissioner shall include in each edition of the driver's manual published by the department after August 1, 2011, a section that includes up-to-date lifesaving information on carbon monoxide poisoning.

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

Sec. 64. Minnesota Statutes 2010, section 171.27, is amended to read:

171.27 EXPIRATION OF LICENSE; MILITARY EXCEPTION.

(a) The expiration date for each driver's license, other than under-21 licenses, is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver shall be as indicated on the application for a driver's license. A license may be renewed on or before expiration or within one year after expiration upon application, payment of the required fee, and passing the examination required of all drivers for renewal. Driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license unless the commissioner believes that the licensee is no longer qualified as a driver.

(b) The expiration date for each under-21 license shall be the 21st birthday of the licensee. Upon the licensee attaining the age of 21 and upon the application, payment of the required fee, and passing the examination required of all drivers for renewal, a driver's license shall be issued unless the commissioner determines that the licensee is no longer qualified as a driver.

(c) The expiration date for each provisional license is two years after the date of application for the provisional license.

(d) Any valid Minnesota driver's license issued to a person then or subsequently ~~on active duty with~~ servicing outside Minnesota in active military service, as defined in section 190.05, subdivision 5, in any branch or unit of the armed forces of the United States, or the person's spouse, shall continue in full force and effect without requirement for renewal until 90 days after the date of the person's discharge from such service, provided that a spouse's license must be renewed if the spouse is residing within the state at the time the license expires or within 90 days after the spouse returns to Minnesota and resides within the state. the date one year following the service member's separation or discharge from active military service, and until the license holder's birthday in the fourth full year following the person's most recent license renewal or, in the case of a provisional license, until the person's birthday in the third full year following the renewal.

EFFECTIVE DATE. This section is effective July 1, 2011, and applies to Minnesota drivers' licenses that are valid on or after that date.

Sec. 65. Minnesota Statutes 2010, section 171.30, subdivision 1, is amended to read:

Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited license to the driver under the conditions in paragraph (b) in any case where a person's license has been:

(1) suspended under section 171.18, 171.173, or 171.186;

(2) revoked, canceled, or denied under section:

(i) 169.792;

(ii) 169.797;

(iii) 169A.52:

(A) subdivision 3, paragraph (a), clause (1) or (2);

(B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306;

(C) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an alcohol concentration of less than twice the legal limit;

(D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306;

(iv) 171.17; or

(v) 171.172; or

(3) revoked, canceled, or denied under section 169A.54:

(i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less than twice the legal limit;

(ii) subdivision 1, clause (2);

(iii) subdivision 1, clause ~~(4)~~, (5), ~~or (6)~~, or (7), if in compliance with section 171.306; or

(iv) subdivision 2, if the person does not have a qualified prior impaired driving incident as defined in section 169A.03, subdivision 22, on the person's record, and the test results indicate an alcohol concentration of less than twice the legal limit.

(b) The following conditions for a limited license under paragraph (a) include:

(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.

(c) 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.

(d) For purposes of this subdivision:

(1) "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; and

(2) "twice the legal limit" means an alcohol concentration of two times the limit specified in section 169A.20, subdivision 1, clause (5).

(e) 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.

(f) 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.

(g) 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.

(h) 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.

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

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

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

Sec. 66. Minnesota Statutes 2010, section 171.306, subdivision 4, is amended to read:

Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class D driver's license, subject to the applicable limitations and restrictions of this section, to a program participant who meets the requirements of this section and the program guidelines. The commissioner shall not issue a license unless the program participant has provided satisfactory proof that:

(1) a certified ignition interlock device has been installed on the participant's motor vehicle at an installation service center designated by the device's manufacturer; and

(2) the participant has insurance coverage on the vehicle equipped with the ignition interlock device. The commissioner shall require the participant to present an insurance identification card, policy, or written statement as proof of insurance coverage, and may require the insurance identification card provided be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(b) A license issued under authority of this section must contain a restriction prohibiting the program participant from driving, operating, or being in physical control of any motor vehicle not equipped with a functioning ignition interlock device certified by the commissioner. A participant may drive an employer-owned vehicle not equipped with an interlock device while in the normal course and scope of employment duties pursuant to the program guidelines established by the commissioner and with the employer's written consent.

(c) A program participant whose driver's license has been revoked under section 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), ~~or (3),~~ or (4), may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction.

(d) A program participant whose driver's license has been revoked, canceled, or denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1, clause ~~(4),~~ (5), ~~or (6),~~ or (7), may apply for a limited license, subject to the ignition interlock restriction, if the program participant is enrolled in a licensed chemical dependency treatment or rehabilitation program as recommended in a chemical use assessment, and if the participant meets the other applicable requirements of section 171.30. After completing a licensed chemical dependency treatment or

rehabilitation program and one year of limited license use without violating the ignition interlock restriction, the conditions of limited license use, or program guidelines, the participant may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction. If the program participant's ignition interlock device subsequently registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall cancel the driver's license, and the program participant may apply for another limited license according to this paragraph.

(e) Notwithstanding any statute or rule to the contrary, the commissioner has authority to determine when a program participant is eligible for restoration of full driving privileges, except that the commissioner shall not reinstate full driving privileges until the program participant has met all applicable prerequisites for reinstatement under section 169A.55 and until the program participant's device has registered no positive breath alcohol concentrations of 0.02 or higher during the preceding 90 days.

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

Sec. 67. Minnesota Statutes 2010, section 174.02, is amended by adding a subdivision to read:

Subd. 9. Alternative financing and investment in transportation projects. (a) The commissioner may enter into agreements with governmental or nongovernmental entities, including private and nonprofit entities, to finance or invest in transportation projects, including repayment agreements, subject to (1) the availability of state money or other dedicated revenue or resources and (2) the approval of the commissioner of management and budget.

(b) The commissioner shall submit to the chairs and ranking minority members of the legislative committees having jurisdiction over transportation policy and finance, a listing of all agreements executed under this subdivision. The listing must identify each agreement, the contracting entities, contract amount, duration, and any repayment requirements. The listing may be submitted electronically, and is subject to section 3.195, subdivision 1.

(c) The commissioner may only use the authority granted under this subdivision for one pilot project.

Sec. 68. Minnesota Statutes 2010, section 174.56, is amended to read:

174.56 REPORT ON MAJOR HIGHWAY PROJECTS AND TRUNK HIGHWAY FUND EXPENDITURES.

Subdivision 1. **Report required.** (a) ~~The commissioner of transportation shall submit a report on January 15, 2009, and on January by December 15 of each year thereafter, on (1) the status of major highway projects completed during the previous two years or under construction or planned during the year of the report and for the ensuing 15 years; and (2) trunk highway fund expenditures.~~

(b) For purposes of this section, a "major highway project" is a highway project that has a total cost for all segments that the commissioner estimates at the time of the report to be at least (1) ~~\$25,000,000~~ \$15,000,000 in the metropolitan highway construction district, or (2) ~~\$10,000,000~~ \$5,000,000 in any nonmetropolitan highway construction district.

Subd. 2. **Report contents; major highway projects.** For each major highway project the report must include:

(1) a description of the project sufficient to specify its scope and location;

(2) a history of the project, including, but not limited to, previous official actions by the department or the appropriate area transportation partnership, or both, the date on which the project was first included in the state transportation improvement plan, the cost of the project at that time, the planning estimate for the project, the engineer's estimate, the award price and the final cost as of six months after substantial completion, including any supplemental agreements and cost overruns or cost savings, the dates of environmental approval, the dates of municipal approval, the date of final geometric layout, and the date of establishment of any construction limits;

(3) the project's priority listing or rank within its construction district, if any, as well as the reasons for that listing or rank, the criteria used in prioritization or rank, any changes in that prioritization or rank since the project was first included in a department work plan, and the reasons for those changes; ~~and~~

(4) past and potential future reasons for delay in letting or completing the project, details of all project cost changes that exceed \$500,000, and specific modifications to the overall program that are made as a result of delays and project cost changes;

(5) two representative trunk highway construction projects, one each from the department's metropolitan district and from greater Minnesota, and for each project report the cost of environmental mitigation and compliance; and

(6) the annual budget for products and services for each Department of Transportation district and office with comparison to actual spending and including measures of productivity for the previous fiscal year.

Subd. 2a. Report contents; trunk highway fund expenditures. The commissioner shall include in the report information on the total expenditures from the trunk highway fund during the previous fiscal year, for each Department of Transportation district, in the following categories: road construction; planning; design and engineering; labor; compliance with environmental regulations; administration; acquisition of right-of-way, including costs for attorney fees and other compensation for property owners; litigation costs, including payment of claims, settlements, and judgments; maintenance; and road operations.

Subd. 3. Department resources. The commissioner shall prepare and submit the report with existing department staff and resources.

Sec. 69. Minnesota Statutes 2010, section 174.632, is amended to read:

174.632 PASSENGER RAIL; COMMISSIONER'S DUTIES.

(a) The planning, design, development, construction, operation, and maintenance of passenger rail track, facilities, and services are governmental functions, serve a public purpose, and are a matter of public necessity.

(b) The commissioner is responsible for all aspects of planning, designing, developing, constructing, equipping, operating, and maintaining passenger rail, including system planning, alternatives analysis, environmental studies, preliminary engineering, final design, construction, negotiating with railroads, and developing financial and operating plans.

(c) The commissioner may enter into a memorandum of understanding or agreement with a public or private entity, including a regional railroad authority, a joint powers board, and a railroad, to carry out these activities.

(d) A contract entered into under this section does not affect rights of employees under the Federal Employers' Liability Act (Railroads), United States Code, title 45, chapter 2, or the federal Railway Labor Act, United States Code, title 45, chapter 8.

Sec. 70. Minnesota Statutes 2010, section 174.80, is amended by adding a subdivision to read:

Subd. 5. Dan Patch line. "Dan Patch line" means the commuter rail line between Northfield and Minneapolis identified in the Metropolitan Council's transit 2020 master plan as the Dan Patch line.

Sec. 71. Minnesota Statutes 2010, section 174.88, is amended by adding a subdivision to read:

Subd. 3. Dan Patch line. The commissioner and a political subdivision, including but not limited to the Metropolitan Council and regional rail authorities, may not expend funds for specific study, planning, preliminary engineering, final design, or construction of the Dan Patch line. Nothing in this subdivision prevents inclusion of the Dan Patch line in analysis, planning, or study of commuter and passenger rail that is general or statewide in nature.

Sec. 72. Minnesota Statutes 2010, section 221.0314, subdivision 3a, is amended to read:

Subd. 3a. **Waiver for other medical condition.** (a) The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(3) to (b)(13). A waiver granted under this subdivision applies to intrastate transportation only.

(b) A person who wishes to obtain a waiver under this subdivision must give the commissioner the following information:

- (1) the applicant's name, address, and telephone number;
- (2) the name, address, and telephone number of an employer coapplicant, if any;
- (3) a description of the applicant's experience in driving the type of vehicle to be operated under the waiver;
- (4) a description of the type of driving to be done under the waiver;
- (5) a description of any modifications to the vehicle the applicant intends to drive under the waiver that are designed to accommodate the applicant's medical condition or disability;
- (6) whether the applicant has been granted another waiver under this subdivision;
- (7) a copy of the applicant's current driver's license;
- (8) a copy of a medical examiner's certificate showing that the applicant is medically unqualified to drive unless a waiver is granted;
- (9) a statement from the applicant's treating physician that includes:
 - (i) the extent to which the physician is familiar with the applicant's medical history;
 - (ii) a description of the applicant's medical condition for which a waiver is necessary;
 - (iii) assurance that the applicant has the ability and willingness to follow any course of treatment prescribed by the physician, including the ability to self-monitor or manage the medical condition; and
 - (iv) the physician's professional opinion that the applicant's condition will not adversely affect the applicant's ability to operate a motor vehicle safely; and
- (10) any other information considered necessary by the commissioner including requiring a physical examination or medical report from a physician who specializes in a particular field of medical practice.

(c) In granting a waiver under this subdivision, the commissioner may impose conditions the commissioner considers necessary to ensure that an applicant is able to operate a motor vehicle safely and that the safety of the general public is protected.

(d) A person who is granted a waiver under this subdivision must:

- (1) at intervals specified in the waiver, give the commissioner periodic reports from the person's treating physician, or a medical specialist if the commissioner so requires in the waiver, that contain the information described in paragraph (b), clause (9), together with a description of any episode that involved the person's loss of consciousness or loss of ability to operate a motor vehicle safely; and

(2) immediately report the person's involvement in an accident for which a report is required under section 169.09, subdivision 7.

(e) The commissioner shall deny an application if, during the three years preceding the application:

(1) the applicant's driver's license has been suspended under section 171.18, paragraph (a), clauses (1) to (9), (11), and (12), canceled under section 171.14, or revoked under section 171.17, 171.172, or 171.174; ~~or~~

(2) the applicant has been convicted of a violation under section 171.24; or

~~(2)~~ (3) the applicant has been convicted of a disqualifying offense, as defined in Code of Federal Regulations, title 49, section 383.51, paragraph (b) , which is incorporated by reference.

(f) The commissioner may deny an application or may immediately revoke a waiver granted under this subdivision. Notice of the commissioner's reasons for denying an application or for revoking a waiver must be in writing and must be mailed to the applicant's or waiver holder's last known address by certified mail, return receipt requested. A person whose application is denied or whose waiver is revoked is entitled to a hearing under chapter 14.

(g) A waiver granted under this subdivision expires on the date of expiration shown on the medical examiner's certificate described in paragraph (b), clause (8).

Sec. 73. Minnesota Statutes 2010, section 222.50, subdivision 4, is amended to read:

Subd. 4. **Contract.** The commissioner may negotiate and enter into contracts for the purpose of rail service improvement and may incorporate funds available from the federal ~~rail service continuation program~~ government. The participants in these contracts shall be railroads, rail users, and the department, and may be political subdivisions of the state and the federal government. In such contracts, participation by all parties shall be voluntary. The commissioner may provide a portion of the money required to carry out the terms of any such contract by expenditure from the rail service improvement account.

Sec. 74. Minnesota Statutes 2010, section 222.51, is amended to read:

222.51 PARTICIPATION BY POLITICAL SUBDIVISION.

The governing body of any political subdivision of the state may with the approval of the commissioner appropriate money for rail service improvement and may participate in the state rail service improvement program and ~~the federal rail service continuation program~~ programs.

Sec. 75. Minnesota Statutes 2010, section 222.53, is amended to read:

222.53 ACCEPTANCE OF FEDERAL MONEY.

The commissioner may exercise those powers necessary for the state to qualify for, accept, and disburse any federal money ~~that may be made available pursuant to the provisions of the federal rail service continuation program~~, including the power to:

(1) establish an adequate plan for rail service in the state as part of an overall planning process for all transportation services in the state, including a suitable process for updating, revising, and amending the plan;

(2) administer and coordinate the plan with other state agencies, and provide for the equitable distribution of resources;

(3) develop, promote, and support safe, adequate, and efficient rail transportation services; employ qualified personnel; maintain adequate programs of investigation, research, promotion, and development, with provisions for public participation; and take all practical steps to improve transportation safety and reduce transportation-related energy utilization and pollution;

(4) adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of state and federal money;

(5) do all things otherwise necessary to maximize federal assistance to the state ~~under the federal rail service continuation program.~~

Sec. 76. Minnesota Statutes 2010, section 222.63, subdivision 9, is amended to read:

Subd. 9. **Rail bank property use; petty misdemeanors.** (a) Except for the actions of road authorities and their agents, employees, and contractors, and of utilities, in carrying out their duties imposed by permit, law, or contract, and except as otherwise provided in this section, it is unlawful to perform any of the following activities on rail bank property:

(1) obstruct any trail;

(2) deposit snow or ice;

(3) remove or place any earth, vegetation, gravel, or rock without authorization;

(4) obstruct or remove any ditch-draining device, or drain any harmful or dangerous materials;

(5) erect a fence, or place or maintain any advertising, sign, or memorial, except upon authorization by the commissioner of transportation;

(6) remove, injure, displace, or destroy right-of-way markers or reference or witness monuments or markers placed to preserve section or quarter-section corners defining rail bank property limits;

(7) drive upon any portion of rail bank property, except at approved crossings, and except where authorized for snowmobiles, emergency vehicles, maintenance vehicles, or other vehicles authorized to use rail bank property;

(8) deface, mar, damage, or tamper with any structure, work, material, sign, marker, paving, guardrail, drain, or any other rail bank appurtenance; ~~or~~

(9) park, overhang, or abandon any unauthorized vehicle or implement of husbandry on, across, or over the limits of rail bank property;

(10) plow, disc, or perform any other detrimental operation; or

(11) place or maintain any building or structure.

(b) Unless a greater penalty is provided elsewhere in statute, any violation of this subdivision is a ~~petty~~ misdemeanor.

(c) The cost to remove, repair, or perform any other corrective action necessitated by a violation of this subdivision may be charged to the violator.

Sec. 77. Laws 2009, chapter 59, article 3, section 4, as amended by Laws 2010, chapter 197, section 1, is amended to read:

Sec. 4. LICENSE REINSTATEMENT DIVERSION PILOT PROGRAM.

Subdivision 1. **Establishment.** An eligible city or county may establish a license reinstatement diversion pilot program for holders of class D drivers' licenses who have been charged with violating Minnesota Statutes, section 171.24, subdivision 1 or 2, but have not yet entered a plea in the proceedings. An individual charged with driving after revocation under Minnesota Statutes, section 171.24, subdivision 2, is eligible for diversion only if the revocation was due to a violation of Minnesota Statutes, section 169.791; 169.797; 169A.52; 169A.54; or 171.17, subdivision 1, paragraph (a), clause (6). An individual who is a holder of a commercial driver's license or who has committed an offense in a commercial motor vehicle is ineligible for participation in the diversion pilot program.

Subd. 2. **Eligible cities.** Each of the cities of Duluth, St. Paul, South St. Paul, West St. Paul, and Inver Grove Heights is eligible to establish the license reinstatement diversion pilot program within its city. The commissioner of public safety may permit other cities or counties to establish license reinstatement diversion pilot programs within their ~~cities~~ jurisdiction.

Subd. 3. **Contract.** Notwithstanding any law or ordinance to the contrary, an eligible city or county may contract with a third party to create and administer the diversion program.

Subd. 4. **Diversion of individual.** A prosecutor for a participating city or county may determine whether to accept an individual for diversion, and in doing so shall consider:

(1) whether the individual has a record of driving without a valid license or other criminal record, or has previously participated in a diversion program;

(2) the strength of the evidence against the individual, along with any mitigating factors; and

(3) the apparent ability and willingness of the individual to participate in the diversion program and comply with its requirements.

Subd. 5. **Diversion driver's license.** (a) Notwithstanding any law to the contrary, the commissioner of public safety may issue a diversion driver's license to a person who is a participant in a pilot program for diversion, following receipt of an application and payment of:

(1) the reinstatement fee under Minnesota Statutes, section 171.20, subdivision 4, by a participant whose driver's license has been suspended;

(2) the reinstatement fee under Minnesota Statutes, section 171.29, subdivision 2, paragraph (a), by a participant whose driver's license has been revoked under Minnesota Statutes, section 169.791; 169.797; or 171.17, subdivision 1, paragraph (a), clause (6); or

(3) the reinstatement fee under Minnesota Statutes, section 171.29, subdivision 2, paragraph (a), by a participant whose driver's license has been revoked under Minnesota Statutes, section 169A.52 or 169A.54. The reinstatement fee and surcharge, both of which are provided under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), also must be paid during the course of, and as a condition of, the diversion program.

The diversion driver's license may bear restrictions imposed by the commissioner suitable to the licensee's driving ability or other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) Payments by participants in the diversion program of the reinstatement fee and surcharge under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), must be applied first toward payment of the reinstatement fee, and after the reinstatement fee has been fully paid, toward payment of the surcharge. Each payment that is applied toward the reinstatement fee must be credited as provided in Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), and each payment that is applied toward the surcharge must be credited as provided in Minnesota Statutes, section 171.29, subdivision 2, paragraphs (c) and (d). After the reinstatement fee and surcharge are satisfied, the participant must pay the program participation fee.

Subd. 6. **Components of program.** (a) At a minimum, the diversion program must require individuals to:

(1) successfully attend and complete, at the individual's expense, educational classes that provide, among other things, information on drivers' licensure;

(2) pay, according to a schedule approved by the prosecutor, all required fees, fines, and charges affecting the individual's driver's license status, including applicable statutory license reinstatement fees and costs of participation in the program;

(3) comply with all traffic laws; and

(4) demonstrate compliance with vehicle insurance requirements.

(b) An individual who is accepted into the pilot program is eligible to apply for a diversion driver's license.

Subd. 7. **Termination of participation in diversion program.** (a) An individual's participation in the diversion program may terminate when:

(1) during participation in the program, the individual is guilty of a moving traffic violation or failure to provide vehicle insurance;

(2) the third-party administrator of the diversion program informs the court and the commissioner of public safety that the individual is no longer satisfying the conditions of the diversion; or

(3) the third-party administrator informs the court, the prosecutor, and the commissioner of public safety that the individual has met all conditions of the diversion program, including, at a minimum, satisfactory fulfillment of the components in subdivision 6, whereupon the court shall dismiss the charge or the prosecutor shall decline to prosecute.

(b) Upon termination of an individual's participation in the diversion program, the commissioner shall cancel the individual's diversion driver's license.

(c) The original charge against the individual of violation of Minnesota Statutes, section 171.24, may be reinstated against an individual whose participation in the diversion program terminates under paragraph (a), clause (1) or (2).

(d) The commissioner shall reinstate the driver's license of an individual whose participation in the diversion program terminates under paragraph (a), clause (3).

Subd. 8. **Report.** (a) By February 1, ~~2011~~ 2013, the commissioner of public safety and each eligible city and county that participates in the diversion program shall report to the legislative committees with jurisdiction over transportation and the judiciary concerning the results of the program. The report must be made electronically and available in print only upon request. The report must include, without limitation, the effect of the program on:

- (1) recidivism rates for participants in the diversion pilot program;
- ~~(2) the number of unlicensed drivers who continue to drive in violation of Minnesota Statutes, section 171.24;~~
- ~~(3)~~ (2) payment of the fees and fines collected in the diversion pilot program to cities, counties, and the state;
- ~~(4)~~ (3) educational support provided to participants in the diversion pilot program; and
- ~~(5)~~ (4) the total number of participants in the diversion pilot program and the number of participants who have terminated from the pilot program under subdivision 7, paragraph (a), clauses (1) to (3).

(b) The report must include recommendations regarding the future of the program and any necessary legislative changes.

Subd. 9. **Sunset.** A city or county participating in this pilot program may accept an individual for diversion into the pilot program until June 30, ~~2014~~ 2013. The third party administering the diversion program may collect and disburse fees collected pursuant to subdivision 6, paragraph (a), clause (2), through December 31, ~~2012~~ 2014, at which time the pilot program under this section expires.

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

Sec. 78. **ALTERNATIVE ROUTE ELECTION FOR HIGHWAY 53.**

By March 15, 2015, the commissioner of transportation, in consultation with the commissioner of natural resources and Cleveland Cliffs Mining Company or its successor, shall designate a route for that portion of marked Trunk Highway 53 in St. Louis County near the city of Virginia by electing either the route designated as "Alt. M-1" or the route designated as "Alt. M-2." Construction must begin no later than June 1, 2015.

Sec. 79. **VARIANCE; SEAPLANE BASE.**

The commissioner of transportation may grant a variance for Elbow Lake Municipal-Pride of the Prairie Airport, airport code Y63, to be licensed as a public seaplane base on Flekkefjord Lake. The commissioner may establish conditions or limitations as may be necessary.

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

Sec. 80. **REPORT ON ANATOMICAL GIFT ACCOUNT.**

The commissioner of public safety shall report to the chairs of the legislative committees having jurisdiction over transportation policy and finance on the receipts and expenditures under Minnesota Statutes, section 171.075. The commissioner shall submit the report by February 1, 2013.

Sec. 81. **2012 AND 2013 REPORTS ON MAJOR HIGHWAY PROJECTS AND TRUNK HIGHWAY FUND EXPENDITURES.**

For 2012 and 2013 reports required under Minnesota Statutes, section 174.56, the commissioner shall include the results of evaluations of management systems currently used by the Department of Transportation. The evaluations must specify the extent to which the management of data in these systems is consistent with existing policies and the need for statewide, reliable, and verifiable information. The evaluations must be performed either by the department's office of internal audit or by an independent external auditor. The 2012 report must include the evaluation of construction management systems and the program and project management system. The 2013 report must include the evaluation of pavement management systems and bridge management systems.

Sec. 82. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall recodify Minnesota Statutes, section 171.13, subdivisions 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 1k, and 1l, as Minnesota Statutes, section 171.0705. The revisor shall correct any cross-references made necessary by this recodification.

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

Sec. 83. **REPEALER.**

(a) Minnesota Statutes 2010, section 161.115, subdivision 263, is repealed.

(b) Minnesota Statutes 2010, section 222.48, subdivision 3a, is repealed.

(c) Minnesota Statutes 2010, section 161.08, subdivision 2, is repealed.

(d) Minnesota Statutes 2010, section 168.012, subdivision 1b, is repealed.

(e) Laws 2009, chapter 393, section 85, is repealed.

(f) Minnesota Statutes 2010, section 169A.54, subdivision 5, is repealed.

(g) Laws 2008, chapter 350, article 1, section 5, the effective date, as amended by Laws 2010, chapter 351, section 65, is repealed.

EFFECTIVE DATE. Paragraph (a) is effective the day after the commissioner of transportation sends notice to the revisor of statutes electronically or in writing that the conditions required to transfer the route have been satisfied. Paragraph (g) is effective August 1, 2011."

Delete the title and insert:

"A bill for an act relating to transportation; providing for various provisions governing transportation and public safety policies, including data practices, bicycles and bikeways, highways and bridges, transportation construction contracts, motor vehicles, traffic regulations, driver licensing and training, alternative financing for transportation projects, railroads, motor carriers and commercial drivers, and agency reporting; establishing certain fees and an account; expanding a pilot program; providing variance for seaplane base; repealing certain provisions; making technical changes; appropriating money; amending Minnesota Statutes 2010, sections 13.72, subdivisions 1, 11, by adding subdivisions; 85.015, by adding a subdivision; 85.018, subdivisions 2, 4; 160.263, subdivision 2; 161.14, subdivision 66, by adding a subdivision; 161.321; 161.3212; 162.081, subdivision 4; 162.09, by adding a subdivision; 168.002, subdivisions 24, 26, 40, by adding subdivisions; 168.012, subdivision 1; 168.017, subdivision 3; 168.021; 168.12, subdivisions 1, 2b, 5; 168.123, subdivision 1; 168A.11, subdivision 4; 168B.011, subdivision 12; 169.011, subdivision 27; 169.035, subdivision 1, by adding a subdivision; 169.06, subdivisions 5, 7; 169.09, subdivision 13; 169.19, subdivision 5; 169.223, subdivision 5; 169.306; 169.345, subdivisions 1, 3; 169.346, subdivision 3; 169.4503, by adding a subdivision; 169.64, subdivision 2; 169.685, subdivision 6; 169.86, subdivisions 4, 5; 169.99, subdivision 1b; 169A.54, subdivisions 1, 6; 171.03; 171.05, subdivision 2; 171.06, subdivision 2; 171.061, subdivision 4; 171.0701; 171.12, subdivision 6; 171.13, subdivision 1, by adding a subdivision; 171.27; 171.30, subdivision 1; 171.306, subdivision 4; 174.02, by adding a subdivision; 174.56;

174.632; 174.80, by adding a subdivision; 174.88, by adding a subdivision; 221.0314, subdivision 3a; 222.50, subdivision 4; 222.51; 222.53; 222.63, subdivision 9; Laws 2009, chapter 59, article 3, section 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 171; repealing Minnesota Statutes 2010, sections 161.08, subdivision 2; 161.115, subdivision 263; 168.012, subdivision 1b; 169A.54, subdivision 5; 222.48, subdivision 3a; Laws 2008, chapter 350, article 1, section 5, as amended; Laws 2009, chapter 393, section 85."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

McNamara from the Committee on Environment, Energy and Natural Resources Policy and Finance to which was referred:

H. F. No. 1097, A bill for an act relating to natural resources; providing for certain acquisition by exchange; modifying peatland protection; modifying provisions for recreational vehicles; modifying cash match requirement for local recreation grants; modifying Mineral Coordinating Committee; providing for citizen oversight committees; repealing Blakeley State Wayside; appropriating money; amending Minnesota Statutes 2010, sections 84.033, subdivision 1; 84.035, subdivision 6; 84.925, subdivision 1; 85.018, subdivision 5; 85.019, subdivisions 4b, 4c; 93.0015, subdivisions 1, 3; 97A.055, subdivision 4b; repealing Minnesota Statutes 2010, section 85.013, subdivision 2b.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 17.117, subdivision 6a, is amended to read:

Subd. 6a. **Review and ranking of applications.** (a) The commissioner shall chair ~~the~~ a subcommittee ~~established in section 103F.761, subdivision 2, paragraph (b),~~ for purposes of reviewing and ranking applications and recommending to the commissioner allocation amounts. The subcommittee consists of representatives of the Departments of Agriculture, Natural Resources, and Health; the Pollution Control Agency; the Board of Water and Soil Resources; the Farm Service Agency and the Natural Resource Conservation Service of the United States Department of Agriculture; the Association of Minnesota Counties; the Minnesota Association of Soil and Water Conservation Districts; and other agencies or associations the commissioner determines are appropriate.

(b) The subcommittee must use the criteria in clauses (1) to (9) as well as other criteria it determines appropriate in carrying out the review and ranking:

(1) whether the proposed activities are identified in a comprehensive water management plan or other appropriate local planning documents as priorities;

(2) the potential that the proposed activities have for improving or protecting environmental quality;

(3) the extent that the proposed activities support areawide or multijurisdictional approaches to protecting environmental quality based on defined watershed or similar geographic areas;

(4) whether the activities are needed for compliance with existing environmental laws or rules;

(5) whether the proposed activities demonstrate participation, coordination, and cooperation between local units of government and other public agencies;

(6) whether there is coordination with other public and private funding sources and programs;

(7) whether the applicant has targeted specific best management practices to resolve specific environmental problems;

(8) past performance of the applicant in completing projects identified in prior applications and allocation agreements; and

(9) whether there are off-site public benefits.

Sec. 2. Minnesota Statutes 2010, section 18B.03, subdivision 1, as amended by Laws 2011, chapter 14, section 7, is amended to read:

Subdivision 1. **Administration by commissioner.** The commissioner shall administer, implement, and enforce this chapter and the Department of Agriculture is the lead state agency for the regulation of pesticides. The commissioner has the sole regulatory authority over the terrestrial application of pesticides, including, but not limited to, the application of pesticides to agricultural crops, structures, and other nonaquatic environments. Except as provided in subdivision 3, a state agency other than the Department of Agriculture shall not regulate or require permits for the terrestrial or nonaquatic application of pesticides.

Sec. 3. Minnesota Statutes 2010, section 41A.105, is amended by adding a subdivision to read:

Subd. 1a. **Definitions.** For the purpose of this section:

(1) "biobutanol facility" means a facility at which biobutanol is produced; and

(2) "biobutanol" means fermentation isobutyl alcohol that is derived from agricultural products, including potatoes, cereal grains, cheese whey, and sugar beets; forest products; or other renewable resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources.

Sec. 4. Minnesota Statutes 2010, section 84.033, subdivision 1, is amended to read:

Subdivision 1. **Acquisition; designation.** The commissioner of natural resources may acquire by gift, lease, easement, exchange, or purchase, in the manner prescribed under chapter 117, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining scientific and natural areas. The commissioner shall designate any land so acquired as a scientific and natural area by written order published in the State Register and shall administer any land so acquired and designated as provided by section 86A.05. Designations of scientific and natural areas are exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 5. Minnesota Statutes 2010, section 84.035, subdivision 6, is amended to read:

Subd. 6. **Management plans.** The commissioner shall develop in consultation with the affected local government unit a management plan for each peatland scientific and natural area designated under section 84.036 ~~in a manner prescribed by section 86A.09.~~

The management plan shall address recreational trails. In those peatland scientific and natural areas where no corridor of disturbance was used as a recreational trail on or before January 1, 1992, the plan may permit only one corridor of disturbance, in each peatland scientific and natural area, to be used as a recreational motorized trail.

Sec. 6. Minnesota Statutes 2010, section 84.777, subdivision 2, is amended to read:

Subd. 2. **Off-highway vehicle seasonal restrictions.** ~~(a) The commissioner shall prescribe seasons for off-highway vehicle use on state forest lands.~~ Except for designated forest roads, a person must not operate an off-highway vehicle on state forest lands: ~~(1) outside of the seasons prescribed under this paragraph; or (2) during the firearms deer hunting season in areas of the state where deer may be taken by rifle.~~ This paragraph does not apply to a person in possession of a valid deer hunting license operating an off-highway vehicle before or after legal shooting hours or from 11:00 a.m. to 2:00 p.m.

(b) The commissioner may designate and post winter trails on state forest lands for use by off-highway vehicles.

(c) For the purposes of this subdivision, "state forest lands" means forest lands under the authority of the commissioner as defined in section 89.001, subdivision 13, and lands managed by the commissioner under section 282.011.

Sec. 7. Minnesota Statutes 2010, section 84.788, is amended by adding a subdivision to read:

Subd. 12. **Dual registration.** (a) An off-highway motorcycle registered under this section may also be registered as a motorcycle under chapter 168 for use on public roads and highways.

(b) If the off-highway motorcycle was not originally constructed primarily for use on public roads and highways, the off-highway motorcycle must be equipped with mirrors and a headlight, taillight, and horn and be otherwise modified as necessary to meet the requirements of chapter 169, the safety standards of the National Traffic and Motor Safety Act, United States Code, title 15, sections 1381 through 1431, and the regulations adopted under that federal act, for motorcycles regarding safety and acceptability to operate on public roads and highways.

(c) An applicant for registration under chapter 168 must submit a form, prescribed by the commissioner of public safety.

(d) Chapter 168A does not apply to an off-highway motorcycle modified to meet the requirements of chapter 169 according to this subdivision.

Sec. 8. **[84.8035] NONRESIDENT OFF-ROAD VEHICLE STATE TRAIL PASS.**

Subdivision 1. **Pass required; fee.** (a) A nonresident may not operate an off-road vehicle on a state or grant-in-aid off-road vehicle trail unless the vehicle displays a nonresident off-road vehicle state trail pass sticker issued according to this section. The pass must be viewable by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) The fee for an annual pass is \$20. The pass is valid from January 1 through December 31. The fee for a three-year pass is \$30. The commissioner of natural resources shall issue a pass upon application and payment of the fee. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the off-road vehicle account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to counties and municipalities for off-road vehicle organizations to construct and maintain off-road vehicle trails and use areas.

(c) A nonresident off-road vehicle state trail pass is not required for:

(1) an off-road vehicle that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.798, subdivision 2;

(2) a person operating an off-road vehicle only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or

(3) a nonresident operating an off-road vehicle that is registered according to section 84.798.

Subd. 2. **License agents.** The commissioner may appoint agents to issue and sell nonresident off-road vehicle state trail passes. The commissioner may revoke the appointment of an agent at any time. The commissioner may adopt additional rules as provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted by the commissioner for accounting and handling of passes pursuant to section 97A.485, subdivision 11. An agent shall promptly deposit and remit all money received from the sale of the passes, exclusive of the issuing fee, to the commissioner.

Subd. 3. **Issuance of passes.** The commissioner and agents shall issue and sell nonresident off-road vehicle state trail passes. The commissioner shall also make the passes available through the electronic licensing system established under section 84.027, subdivision 15.

Subd. 4. **Agent's fee.** In addition to the fee for a pass, an issuing fee of \$1 per pass shall be charged. The issuing fee may be retained by the seller of the pass. Issuing fees for passes issued by the commissioner shall be deposited in the off-road vehicle account in the natural resources fund and retained for the operation of the electronic licensing system.

Subd. 5. **Duplicate passes.** The commissioner and agents shall issue a duplicate pass to persons whose pass is lost or destroyed using the process established under section 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate nonresident off-road vehicle state trail pass is \$4, with an issuing fee of 50 cents.

Sec. 9. Minnesota Statutes 2010, section 84.92, subdivision 8, is amended to read:

Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a motorized ~~flotation-tired~~ vehicle of not less than three low pressure tires, but not more than equipped with three to six nonhighway tires, that is limited in engine displacement of less than 960 cubic centimeters and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart; a mini-truck; a dune buggy; a go cart; or vehicles designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

Sec. 10. Minnesota Statutes 2010, section 84.92, subdivision 9, is amended to read:

Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than 1,000 pounds and has a straddled seat.

Sec. 11. Minnesota Statutes 2010, section 84.92, subdivision 10, is amended to read:

Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an all-terrain vehicle that is not a class 1 all-terrain vehicle, has a total dry weight of 1,000 to 1,800 pounds or less, and has a manufacturer's published width of 68 inches or less.

Sec. 12. Minnesota Statutes 2010, section 84.925, subdivision 1, is amended to read:

Subdivision 1. **Program established.** (a) The commissioner shall establish a comprehensive all-terrain vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course.

(b) For the purpose of administering the program and to defray ~~a portion of~~ the expenses of training and certifying vehicle operators, the commissioner shall collect a fee ~~of \$15~~ from each person who receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The commissioner shall establish ~~the fee for a duplicate all-terrain vehicle safety certificate~~ both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the ~~service services~~. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of such programs. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses.

(c) The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators. ~~By June 30, 2003,~~ The commissioner shall incorporate a riding component in the safety education and training program.

Sec. 13. Minnesota Statutes 2010, section 84.9257, is amended to read:

84.9257 PASSENGERS.

(a) A person 18 years of age or older may operate a class 1 all-terrain vehicle carrying only one passenger.

(b) A person 18 years of age or older may operate a class 2 all-terrain vehicle while carrying a only one passenger, or up to the number of passengers for which the vehicle was designed, whichever is greater.

(c) A person 12 to 17 years of age may operate a class 1 all-terrain vehicle carrying only one passenger and the passenger must be the person's parent or legal guardian.

Sec. 14. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision to read:

Subd. 3a. **Decontaminate.** "Decontaminate" means to wash, drain, dry, or thermally or otherwise treat water-related equipment in order to remove or destroy aquatic invasive species using the "Recommended Uniform Minimum Protocol Standards" developed by the United States Fish and Wildlife Service, or other protocols, as prescribed by the commissioner. The commissioner may prescribe protocols in the same manner provided under section 84D.03, subdivision 1, paragraph (d), for designating infested waters.

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

Sec. 15. Minnesota Statutes 2010, section 84D.01, subdivision 8a, is amended to read:

Subd. 8a. **Introduce.** "Introduce" means to place, release, or allow the escape of a nonnative species into a free-living state. Introduce does not include:

(1) the immediate return of a nonnative species to waters of the state from which the nonnative species was removed; or

(2) the seasonal return of nonnative species attached to water-related equipment, such as a dock or boat lift, that has been stored on riparian property and directly returned to the same waters of the state from which the water-related equipment was removed.

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

Sec. 16. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision to read:

Subd. 8b. **Inspect.** "Inspect" means to examine water-related equipment to determine whether aquatic invasive species, aquatic macrophytes, or water is present and includes removal, drainage, decontamination, or treatment to prevent the transportation and spread of aquatic invasive species, aquatic macrophytes, and water.

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

Sec. 17. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision to read:

Subd. 8c. **Inspector.** "Inspector" means an individual trained and authorized by the commissioner to inspect water-related equipment, a conservation officer, or a licensed peace officer.

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

Sec. 18. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision to read:

Subd. 15a. **Service provider.** "Service provider" means an individual who installs or removes watercraft, equipment, motor vehicles, docks, boat lifts, rafts, vessels, trailers, or other water-related equipment or structures from waters of the state for compensation.

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

Sec. 19. Minnesota Statutes 2010, section 84D.01, subdivision 16, is amended to read:

Subd. 16. **Transport.** "Transport" means to cause or attempt to cause a species to be carried or moved into or within the state, and includes accepting or receiving the species for transportation or shipment. Transport does not include:

(1) the ~~transport~~ movement of infested water or a nonnative species within a water of the state or to a connected water of the state where the species being transported is already present; or

(2) the movement of a nonnative species attached to water-related equipment or other water-related structures from a water of the state to the shore of riparian property on that water or the return of water-related equipment or structures from the shore into the same water of the state.

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

Sec. 20. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision to read:

Subd. 18a. **Water-related equipment.** "Water-related equipment" means a motor vehicle, boat, watercraft, dock, boat lift, raft, vessel, trailer, tool, implement, device, or any other associated equipment or container, including but not limited to portable bait containers, live wells, ballast tanks except for those vessels permitted under the Pollution Control Agency vessel discharge program, bilge areas, and water-hauling equipment that is capable of containing or transporting aquatic invasive species, aquatic macrophytes, or water.

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

Sec. 21. Minnesota Statutes 2010, section 84D.01, subdivision 21, is amended to read:

Subd. 21. **Wild animal.** "Wild animal" ~~means a living creature, not human, wild by nature, endowed with sensation and power of voluntary motion~~ has the meaning given under section 97A.015, subdivision 55.

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

Sec. 22. Minnesota Statutes 2010, section 84D.02, subdivision 6, is amended to read:

Subd. 6. **Annual report.** By January 15 each year, the commissioner shall submit a report on invasive species of aquatic plants and wild animals to the legislative committees having jurisdiction over environmental and natural resource issues. The report must include:

- (1) detailed information on expenditures for administration, education, management, inspections, and research;
- (2) an analysis of the effectiveness of management activities conducted in the state, including chemical control, harvesting, educational efforts, and inspections;
- (3) information on the participation of other state agencies, local government units, and interest groups in control efforts;
- (4) information on the progress made in the management of each species; and
- (5) an assessment of future management needs and additional measures to protect the state's water resources from human transport and introduction of invasive species.

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

Sec. 23. Minnesota Statutes 2010, section 84D.03, subdivision 3, is amended to read:

Subd. 3. **Bait harvest from infested waters.** (a) ~~The~~ Taking of wild animals from infested waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b) and section 97C.341.

(b) In waters that are designated as infested waters, except those designated because they contain prohibited invasive species of fish or certifiable diseases of fish, as defined under section 17.4982, subdivision 6, ~~the~~ taking of wild animals may be permitted for:

- (1) commercial taking of wild animals for bait and aquatic farm purposes according to a permit issued under section 84D.11, subject to rules adopted by the commissioner; and
- (2) bait purposes for noncommercial personal use in waters that contain Eurasian water milfoil, when the infested waters are designated solely because they contain Eurasian water milfoil and if the equipment for taking is limited to cylindrical minnow traps not exceeding 16 inches in diameter and 32 inches in length.

(c) Equipment authorized for minnow harvest in a designated infested water by permit issued under paragraph (b) may not be transported to, or used in, any waters other than waters specified in the permit.

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

Sec. 24. Minnesota Statutes 2010, section 84D.03, subdivision 4, is amended to read:

Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is designated because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, may not be used in any other waters. If a commercial licensee operates in ~~both~~ an infested water designated because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, ~~and other waters~~, all nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in waters ~~not~~ designated as infested with invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be tagged with tags provided by the commissioner, as specified in the commercial licensee's license or permit, ~~and may not be used in infested waters designated because the waters contain invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982.~~ This tagging requirement does not apply to commercial fishing equipment used in Lake Superior.

(b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is designated solely because it contains Eurasian water milfoil must be dried for a minimum of ten days or frozen for a minimum of two days before they are used in any other waters, except as provided in this paragraph. Commercial licensees must notify the department's regional or area fisheries office or a conservation officer before removing nets or equipment from an infested water designated solely because it contains Eurasian water milfoil and before resetting those nets or equipment in any other waters. Upon notification, the commissioner may authorize a commercial licensee to move nets or equipment to another water without freezing or drying, if that water is designated as infested solely because it contains Eurasian water milfoil.

(c) A commercial licensee must remove all aquatic macrophytes from nets and other equipment when the nets and equipment are removed from waters of the state.

(d) The commissioner shall provide a commercial licensee with a current listing of designated infested waters at the time that a license or permit is issued.

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

Sec. 25. Minnesota Statutes 2010, section 84D.09, is amended to read:

84D.09 AQUATIC MACROPHYTES.

Subdivision 1. **Transportation prohibited.** A person may not transport aquatic macrophytes ~~on any state forest road as defined by section 89.001, subdivision 14, any road or highway as defined in section 160.02, subdivision 26, or any other public road~~, except as provided in this section.

Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may transport aquatic macrophytes:

- (1) that are duckweeds in the family Lemnaceae;
- (2) for disposal as part of a harvest or control activity conducted under an aquatic plant management permit pursuant to section 103G.615, under permit pursuant to section 84D.11, or as specified by the commissioner;
- (3) for purposes of constructing shooting or observation blinds in amounts sufficient for that purpose, provided that the aquatic macrophytes are emergent and cut above the waterline;
- (4) when legally purchased or traded by or from commercial or hobbyist sources for aquarium, wetland or lakeshore restoration, or ornamental purposes;

(5) when harvested for personal or commercial use if in a motor vehicle;

(6) to the department, or another destination as the commissioner may direct, in a sealed container for purposes of identifying a species or reporting the presence of a species;

(7) when transporting commercial aquatic plant harvesting or control equipment to a suitable location for purposes of cleaning any remaining aquatic macrophytes;

(8) that are wild rice harvested under section 84.091; ~~or~~

(9) in the form of fragments of emergent aquatic macrophytes incidentally transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl season; or

(10) when removing water-related equipment from waters of the state for purposes of cleaning off aquatic macrophytes before leaving a water access site.

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

Sec. 26. Minnesota Statutes 2010, section 84D.10, subdivision 1, is amended to read:

Subdivision 1. **Launching prohibited.** A person may not place or attempt to place into waters of the state a watercraft, a trailer, or aquatic plant harvesting or control equipment that has aquatic macrophytes, zebra mussels, or prohibited invasive species attached except as provided in this section.

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

Sec. 27. Minnesota Statutes 2010, section 84D.10, subdivision 3, is amended to read:

Subd. 3. **Removal and confinement.** (a) A conservation officer or other licensed peace officer may order:

(1) the removal of aquatic macrophytes or prohibited invasive species from ~~a trailer or watercraft~~ water-related equipment before it is placed into waters of the state;

(2) confinement of the ~~watercraft~~ water-related equipment at a mooring, dock, or other location until the ~~watercraft~~ water-related equipment is removed from the water; ~~and~~

(3) removal of ~~a watercraft~~ water-related equipment from waters of the state to remove prohibited invasive species if the water has not been designated by the commissioner as being infested with that species; and

(4) a prohibition on placing water-related equipment into waters of the state when the water-related equipment has aquatic macrophytes or prohibited invasive species attached in violation of subdivision 1 or when water has not been drained or the drain plug has not been removed in violation of subdivision 4.

(b) An inspector who is not a licensed peace officer may issue orders under paragraph (a), clauses (1), (3), and (4).

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

Sec. 28. Minnesota Statutes 2010, section 84D.10, subdivision 4, is amended to read:

Subd. 4. **Persons leaving public waters; report transporting water-related equipment.** (a) ~~A person~~ When leaving waters of the state ~~a person~~ must drain boating-related water-related equipment holding water and live wells and bilges by removing the drain plug before transporting the ~~watercraft and associated~~ water-related equipment on ~~public roads~~ off the water access site or riparian property.

(b) Drain plugs, bailers, valves, or other devices used to control the draining of water from ballast tanks, bilges, and live wells must be removed or opened while transporting watercraft on a public road water-related equipment.

(c) Emergency response vehicles and equipment may be transported on a public road with the drain plug or other similar device replaced only after all water has been drained from the equipment upon leaving the water body.

(d) Marine sanitary systems and portable bait containers are excluded exempt from this requirement subdivision.

(e) A person must not dispose of bait in waters of the state.

~~(b) The commissioner shall report, by January 15 of each odd numbered year, to the chairs and ranking minority members of the house of representatives and senate committees and divisions having jurisdiction over water resources policy and finance. The report shall advise the legislature on additional measures to protect state water resources from human transport of invasive species.~~

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

Sec. 29. **[84D.105] INSPECTION OF WATERCRAFT AND WATER-RELATED EQUIPMENT.**

Subdivision 1. **Compliance inspections.** Compliance with aquatic invasive species inspection requirements is an express condition of operating or transporting water-related equipment. An inspector may prohibit an individual who refuses to allow an inspection of the individual's water-related equipment or who refuses to remove and dispose of aquatic invasive species, aquatic macrophytes, and water from placing or operating water-related equipment in waters of the state.

Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive species, and water. Inspectors may visually and tactilely inspect watercraft and water-related equipment to determine whether aquatic invasive species, aquatic macrophytes, or water is present. If a person transporting watercraft or water-related equipment refuses to take required corrective actions or fails to comply with an order under section 84D.10, subdivision 3, an inspector who is not a licensed peace officer shall refer the violation to a conservation officer or other licensed peace officer.

(b) In addition to paragraph (a), a conservation officer or other licensed peace officer may inspect any watercraft or water-related equipment that is stopped at a water access site or stopped at any other location in the state if the officer determines there is reason to believe that aquatic invasive species, aquatic macrophytes, or water is present on the watercraft or water-related equipment.

(c) Conservation officers or other licensed peace officers may utilize check stations in locations, or in proximity to locations, where watercraft or other water-related equipment is placed into or removed from waters of the state. Any check stations shall be operated in a manner that minimizes delays to vehicles, equipment, and their occupants.

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

Sec. 30. **[84D.108] SERVICE PROVIDER PERMIT.**

Subdivision 1. **Service provider permit required.** (a) Service providers must apply for and obtain a permit from the commissioner before providing any services described in section 84D.01, subdivision 15a.

(b) Service providers must have a valid permit in possession while providing services described in section 84D.01, subdivision 15a.

Subd. 2. **Permit requirements.** (a) Service providers must complete invasive species training provided by the commissioner and pass an examination to qualify for a permit. Service provider permits are valid for three calendar years.

(b) A \$50 application and testing fee is required for service provider permit applications.

Subd. 3. **Standard for issuing.** The commissioner may issue, deny, modify, or revoke a permit as provided in section 84D.11, subdivision 3.

Subd. 4. **Appeal of permit decision.** Permit decisions may be appealed as provided in section 84D.11, subdivision 4.

Sec. 31. Minnesota Statutes 2010, section 84D.11, subdivision 2a, is amended to read:

Subd. 2a. **Harvest of bait from infested waters.** (a) The commissioner may issue a permit to allow the harvest of bait from waters that are designated as infested waters, except those designated because they contain prohibited invasive species of fish. The permit shall include conditions necessary to avoid spreading aquatic invasive species.

(b) Before receiving a permit, or working for a permittee, a person annually must satisfactorily complete aquatic invasive species-related training provided by the commissioner.

Sec. 32. Minnesota Statutes 2010, section 84D.13, subdivision 3, is amended to read:

Subd. 3. **Criminal penalties.** (a) A person who violates a provision of ~~section~~ sections 84D.03 or 84D.06, 84D.07, 84D.08, or 84D.10 to 84D.11, or a rule adopted under section 84D.12, is guilty of a misdemeanor.

(b) A person who possesses, transports, or introduces a prohibited invasive species in violation of section 84D.05 is guilty of a misdemeanor. A person who imports, purchases, sells, or propagates a prohibited invasive species in violation of section 84D.05 is guilty of a gross misdemeanor.

(c) A person who refuses to obey an order of a peace officer or conservation officer to remove prohibited invasive species or aquatic macrophytes from any ~~watercraft, trailer, or plant harvesting~~ water-related equipment is guilty of a gross misdemeanor.

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

Sec. 33. Minnesota Statutes 2010, section 84D.13, subdivision 4, is amended to read:

Subd. 4. **Warnings; civil citations.** After appropriate training, conservation officers, other licensed peace officers, and other department personnel designated by the commissioner may issue warnings or citations to a person who:

(1) unlawfully transports prohibited invasive species or aquatic macrophytes;

(2) unlawfully places or attempts to place into waters of the state ~~a trailer, a watercraft, or plant harvesting~~ water-related equipment that has aquatic macrophytes or prohibited invasive species attached;

(3) intentionally damages, moves, removes, or sinks a buoy marking, as prescribed by rule, Eurasian water milfoil;

(4) fails to remove plugs, open valves, and drain water, as required by rule, from watercraft and water-related equipment before leaving ~~designated zebra mussel, spiny water flea, or other invasive plankton infested waters of the state or when transporting water-related equipment as provided in section 84D.10, subdivision 4;~~ or

(5) transports infested water, in violation of rule, off riparian property.

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

Sec. 34. Minnesota Statutes 2010, section 84D.13, subdivision 5, is amended to read:

Subd. 5. **Civil penalties.** A civil citation issued under this section must impose the following penalty amounts:

(1) for transporting aquatic macrophytes ~~on a forest road as defined by section 89.001, subdivision 14, road or highway as defined by section 160.02, subdivision 26, or any other public road,~~ \$50 in violation of section 84D.09, \$50;

(2) for placing or attempting to place into waters of the state ~~a watercraft, a trailer, or aquatic plant harvesting water-related~~ equipment that has aquatic macrophytes attached, \$100;

(3) for unlawfully possessing or transporting a prohibited invasive species other than an aquatic macrophyte, \$250;

(4) for placing or attempting to place into waters of the state ~~a watercraft, a trailer, or aquatic plant harvesting water-related~~ equipment that has prohibited invasive species attached when the waters are not designated by the commissioner as being infested with that invasive species, \$500 for the first offense and \$1,000 for each subsequent offense;

(5) for intentionally damaging, moving, removing, or sinking a buoy marking, as prescribed by rule, Eurasian water milfoil, \$100;

(6) for failing to ~~remove plugs, open valves, and~~ drain water, ~~as required by rule, for infested waters and from watercraft and water-related~~ equipment, other than marine sanitary systems ~~and portable bait containers~~, before leaving waters of the state, \$50; and

(7) for transporting infested water off riparian property without a permit as required by rule, \$200.

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

Sec. 35. Minnesota Statutes 2010, section 84D.13, subdivision 6, is amended to read:

Subd. 6. **Watercraft license suspension.** A civil citation may be issued to suspend, for up to a year, the watercraft license of an owner or person in control of a watercraft or trailer who refuses to submit to an inspection under section ~~84D.02, subdivision 4,~~ 84D.105 or who refuses to comply with a removal order given under this section 84D.13.

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

Sec. 36. Minnesota Statutes 2010, section 84D.13, subdivision 7, is amended to read:

Subd. 7. **Satisfaction of civil penalties.** A civil penalty is due and a watercraft license suspension is effective 30 days after issuance of the civil citation. A civil penalty collected under this section ~~is payable to~~ must be paid to either: (1) the commissioner if the citation was issued by a conservation officer and must be credited to the invasive species account; or (2) the treasury of the unit of government employing the officer who issued the civil citation.

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

Sec. 37. Minnesota Statutes 2010, section 84D.15, subdivision 2, is amended to read:

Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under section 86B.415, subdivision 7, ~~and civil penalties under section 84D.13, and service provider permits under section 84D.108,~~ shall be deposited in the invasive species account. Each year, the commissioner of management and budget shall transfer from the game and fish fund to the invasive species account, the annual surcharge collected on nonresident fishing licenses under section 97A.475, subdivision 7, paragraph (b). ~~In fiscal years 2010 and 2011, the commissioner of management and budget shall transfer \$725,000 from the water recreation account under section 86B.706 to the invasive species account.~~

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

Sec. 38. Minnesota Statutes 2010, section 85.018, subdivision 5, is amended to read:

Subd. 5. **Motorized vehicle trails restricted.** (a) From December 1 to April 1 in any year no use of a motorized vehicle other than a snowmobile, unless authorized by permit, lease, or easement, shall be permitted on a trail designated for use by snowmobiles.

(b) ~~From December 1 to April 1 in any year~~ No use of a motorized vehicle other than an all-terrain or off-road vehicle and an off-highway motorcycle, unless authorized by permit, lease, or easement, shall be permitted on a trail designated for use by all-terrain vehicles, off-road vehicles, or both, and off-highway motorcycles.

Sec. 39. Minnesota Statutes 2010, section 85.019, subdivision 4b, is amended to read:

Subd. 4b. **Regional trails.** The commissioner shall administer a program to provide grants to units of government for acquisition and betterment of public land and improvements needed for trails outside the metropolitan area deemed to be of regional significance according to criteria published by the commissioner. Recipients must provide a nonstate cash match of at least ~~one-half~~ 25 percent of total eligible project costs. If land used for the trails is not in full public ownership, then the recipients must prove it is dedicated to the purposes of the grants for at least 20 years. The commissioner shall make payment to a unit of government upon receiving documentation of reimbursable expenditures. A unit of government may enter into a lease or management agreement for the trail, subject to section 16A.695.

Sec. 40. Minnesota Statutes 2010, section 85.019, subdivision 4c, is amended to read:

Subd. 4c. **Trail connections.** The commissioner shall administer a program to provide grants to units of government for acquisition and betterment of public land and improvements needed for trails that connect communities, trails, and parks and thereby increase the effective length of trail experiences. Recipients must provide a nonstate cash match of at least ~~one-half~~ 25 percent of total eligible project costs. If land used for the trails is not in full public ownership, then the recipients must prove it is dedicated to the purposes of the grants for at least 20 years. The commissioner shall make payment to a unit of government upon receiving documentation of reimbursable expenditures. A unit of government may enter into a lease or management agreement for the trail, subject to section 16A.695.

Sec. 41. Minnesota Statutes 2010, section 85.32, subdivision 1, is amended to read:

Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized in cooperation with local units of government and private individuals and groups when feasible to mark state water trails on the Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, Redwood, Blue Earth, Cedar, and Crow Rivers which have historic and scenic values and to mark appropriately points of interest, portages, camp sites, and all dams, rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe, kayak, and watercraft travelers.

Sec. 42. Minnesota Statutes 2010, section 86B.825, subdivision 3, is amended to read:

Subd. 3. **Voluntary titling.** The owner of a device used or designed for navigation on water and used on the waters of this state may obtain a certificate of title for the device, even though it is not a watercraft as defined in section 86B.820, subdivision 14, in the same manner and with the same effect as the owner of a watercraft required to be titled under ~~Laws 1989, chapter 335 sections 86B.820 to 86B.920~~. Once titled, the device is a titled watercraft as defined in section 86B.820, subdivision 13, and is and remains subject to ~~Laws 1989, chapter 335 sections 86B.820 to 86B.920~~, to the same extent as a watercraft required to be titled.

Sec. 43. Minnesota Statutes 2010, section 86B.830, subdivision 2, is amended to read:

Subd. 2. **Issuance.** (a) The commissioner shall issue a certificate of title for a watercraft upon verification that:

- (1) the application is genuine;
- (2) the applicant is the owner of the watercraft; and
- (3) payment of the required fee.

(b) The original certificate of title must be mailed to the ~~first secured party disclosed in the application or, if none, to the~~ owner named in the application. Secured parties, if any, must be mailed notification of their security interest filed.

Sec. 44. Minnesota Statutes 2010, section 86B.850, subdivision 1, is amended to read:

Subdivision 1. **Form and issuance.** (a) The commissioner may issue a duplicate certificate of title under this section. The duplicate certificate of title must be a certified copy plainly marked "duplicate" across its face and must contain the legend: "This duplicate certificate of title may be subject to the rights of a person under the original certificate." It must be mailed ~~to the first secured party named in it or, if none, to the~~ owner. The commissioner shall indicate in the department records that a duplicate has been issued.

(b) As a condition to issuing a duplicate certificate of title, the commissioner may require a bond from the applicant in the manner and form prescribed in section 86B.830, subdivision 4, paragraph (b).

Sec. 45. Minnesota Statutes 2010, section 86B.885, is amended to read:

86B.885 OWNER-CREATED SECURITY INTEREST.

Paragraphs (a) to (d) apply if an owner creates a security interest in a titled watercraft.

(a) The owner shall immediately execute the application in the space provided on the certificate of title or on a separate form prescribed by the commissioner, show the name and address of the secured party on the certificate, and have the certificate, application, and required fee delivered to the secured party.

(b) The secured party shall immediately have the certificate, application, and required fee mailed or delivered to the commissioner.

(c) ~~Upon request of the owner or~~ A second or subordinate secured party, a secured party in possession of the certificate of title shall either (1) mail or deliver the certificate to the subordinate secured party for delivery to the commissioner, or (2) upon receiving from the subordinate secured party the owner's application and the required fee, mail or deliver them to the commissioner with the certificate. ~~The delivery of the certificate~~ does not affect the rights of the first secured party under the security agreement.

(d) Upon receiving the certificate of title, application, and required fee, the commissioner shall either endorse on the certificate or issue a new certificate containing the name and address of the new secured party, and mail or deliver the certificate to the ~~first secured party named on it~~ owner. The secured party or parties shall be issued a notification that the security interest has been recorded.

Sec. 46. Minnesota Statutes 2010, section 93.0015, subdivision 1, is amended to read:

Subdivision 1. **Establishment; membership.** The Mineral Coordinating Committee is established to plan for diversified mineral development. The Mineral Coordinating Committee consists of:

- (1) the commissioner of natural resources;
- (2) the ~~deputy~~ commissioner of the Minnesota Pollution Control Agency;
- ~~(3) the director of United Steelworkers of America, District 11, or the director's designee;~~
- ~~(4)~~ (3) the commissioner of Iron Range resources and rehabilitation;
- ~~(5)~~ (4) the director of the Minnesota Geological Survey;
- ~~(6)~~ (5) the dean of the University of Minnesota Institute of Technology;
- ~~(7)~~ (6) the director of the Natural Resources Research Institute; and
- ~~(8) three~~ (7) four individuals appointed by the governor for a four-year term, one each representing the iron ore and taconite, nonferrous metallic minerals, and industrial minerals industries within the state and one representing labor.

Sec. 47. Minnesota Statutes 2010, section 93.0015, subdivision 3, is amended to read:

Subd. 3. **Expiration.** Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the committee expires June 30, ~~2014~~ 2016.

Sec. 48. Minnesota Statutes 2010, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. **Citizen oversight ~~subcommittees~~ committees.** (a) The commissioner shall appoint ~~subcommittees~~ committees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following ~~subcommittees~~ committees, each comprised of at least ~~three~~ ten affected persons:

(1) a Fisheries ~~Operations Subcommittee~~ Oversight Committee to review fisheries funding and expenditures, excluding including activities related to trout and salmon ~~stamp stamps~~ and walleye ~~stamp funding stamps; and~~

(2) a Wildlife ~~Operations Subcommittee~~ Oversight Committee to review wildlife funding and expenditures, excluding including activities related to migratory waterfowl, pheasant, and wild turkey management ~~funding and excluding review of the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (e); deer and big game management.~~

(3) a ~~Big Game Subcommittee~~ to review the report required in subdivision 4, paragraph (a), clause (2);

- (4) ~~an Ecological Resources Subcommittee to review ecological services funding;~~
- (5) ~~a subcommittee to review game and fish fund funding of enforcement and operations support;~~
- (6) ~~a subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;~~
- (7) ~~a subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;~~
- (8) ~~a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants;~~
- (9) ~~a subcommittee to review the report on the wild turkey management account and address funding issues related to wild turkeys; and~~
- (10) ~~a subcommittee to review the walleye stamp and address funding issues related to walleye stocking.~~

(c) ~~The chairs of each of the subcommittees~~ Fisheries Oversight Committee and the Wildlife Oversight Committee, and four additional members from each committee, shall form a Budgetary Oversight Committee to coordinate the integration of the ~~subcommittee~~ fisheries and wildlife oversight committee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; and provide a forum to address issues that transcend the subcommittees; and submit a report for any subcommittee that fails to submit its report in a timely manner fisheries and wildlife oversight committees.

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house of representatives committees with jurisdiction over natural resources finance.

(e) ~~Each subcommittee shall choose its own chair, except that~~ The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee shall be chosen by their respective committees. The chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of ~~any of the subcommittees~~ either of the other oversight committees.

(f) The Budgetary Oversight Committee ~~must~~ may make recommendations to the commissioner and to the senate and house of representatives committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the Fisheries Oversight Committee, the Wildlife Oversight Committee, and the Budgetary Oversight Committee ~~and subcommittees~~ do not expire until June 30, 2010 2015.

Sec. 49. **[97A.134] ADOPT-A-WMA PROGRAM.**

Subdivision 1. **Creation.** The Minnesota adopt-a-WMA (wildlife management area) program is established. The commissioner shall coordinate the program through the regional offices of the Department of Natural Resources.

Subd. 2. **Agreements.** (a) The commissioner shall enter into informal agreements with sporting, outdoor, business, and civic groups or individuals for volunteer services to maintain and make improvements to real property on state wildlife management areas in accordance with plans devised by the commissioner after consultation with the groups or individuals.

(b) The commissioner may erect appropriate signs to recognize and express appreciation to groups and individuals providing volunteer services under the adopt-a-WMA program.

(c) The commissioner may provide assistance to enhance the comfort and safety of volunteers and to facilitate the implementation and administration of the adopt-a-WMA program.

Sec. 50. Minnesota Statutes 2010, section 103B.661, subdivision 2, is amended to read:

Subd. 2. **Powers.** Subject to the provisions of chapters 97A, 103D, 103E, 103G, and 115, and the rules and regulations of the respective agencies and governing bodies vested with jurisdiction and authority under those chapters, the district has the following powers to:

- (1) regulate the types of boats permitted to use the lake and set service fees;
- (2) limit the use of motors, including their types and horsepower, on the lake;
- (3) regulate, maintain, and police public beaches, public docks, and other public facilities for access to the lake within the territory of the municipalities;
- (4) limit by rule the use of the lake at various times and the use of various parts of the lake;
- (5) regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety of the public and the most general public use;
- (6) contract with other law enforcement agencies to police the lake and its shores;
- (7) regulate the construction, installation, and maintenance of permanent and temporary docks and moorings consistent with federal and state law;
- (8) regulate the construction and use of mechanical and chemical means of deicing the lake and to regulate the mechanical and chemical means of removal of weeds and algae from the lake;
- (9) regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities. The regulation shall be consistent with the applicable municipal building codes and zoning ordinances where said marinas are situated;
- (10) contract with other governmental bodies to perform any of the functions of the district;
- (11) undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the Pollution Control Agency and other interested authorities; and to develop a comprehensive program to eliminate pollution;
- (12) receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them;
- (13) petition the board of managers of a watershed district where the White Bear Lake Conservation District is located for improvements under section 103D.705, for which a bond may not be required of the district; and
- (14) to require the submission of all plans pertaining to or affecting construction or other lakeshore use on any lot or parcel of land abutting the shoreline including: length of setback from the shoreline, adjoining property, or any street or highway; problems of population density; possible water, air or visual pollution; or height of construction. The board shall have 60 days after submission of plans or any part thereof for review. If, within 60 days of submission the board finds the plan or any part is inconsistent with its plans or ordinances, it may recommend that the plan or any part be revised and resubmitted.

Sec. 51. Minnesota Statutes 2010, section 103F.705, is amended to read:

103F.705 PURPOSE.

(a) It is the purpose of the legislature in enacting sections 103F.701 to ~~403F.761~~ 103F.755 to protect ~~and improve, enhance, and restore~~ surface and ground water in the state, through financial and technical assistance to local units of government to ~~control~~ prevent water pollution, including that associated with land use and land management activities, ~~and~~

(b) ~~It is also the purpose of the legislature to:~~

~~(1) identify water quality problems and their causes;~~

~~(2) direct technical and financial resources to resolve water quality problems and to abate their causes;~~

~~(3) provide technical and financial resources to local units of government for implementation of water quality protection and improvement projects;~~

~~(4) coordinate a nonpoint source pollution control program with elements of the existing state water quality program and other existing resource management programs; and~~

~~(5) to provide a legal basis for state implementation of federal laws controlling nonpoint source water pollution.~~

Sec. 52. Minnesota Statutes 2010, section 103F.711, subdivision 8, is amended to read:

Subd. 8. **Project.** "Project" means the ~~diagnostic study~~ identification of water pollution ~~caused by nonpoint sources of water pollution and its causes~~, a plan to ~~implement best management practices~~ prevent water pollution or protect and improve water quality, and the ~~physical features constructed or actions taken by a local unit of government to implement best management practices~~ measures taken to prevent water pollution or protect and improve water quality.

Sec. 53. Minnesota Statutes 2010, section 103F.715, is amended to read:

103F.715 CLEAN WATER PARTNERSHIP PROGRAM ESTABLISHED.

A clean water partnership program is established as provided in sections 103F.701 to ~~403F.761~~ 103F.755. The agency shall administer the program in accordance with these sections. ~~As a basis for the program, the agency and the Metropolitan Council shall conduct an assessment of waters in accordance with section 103F.721.~~ The agency shall ~~then~~ provide financial and technical assistance in accordance with section 103F.725 to local units of government for projects in geographical areas that contribute to surface or ground water flows. The projects shall provide for protection and improvement, enhancement, or restoration of surface and ground water ~~from nonpoint sources of water pollution~~.

Sec. 54. Minnesota Statutes 2010, section 103F.725, subdivision 1, is amended to read:

Subdivision 1. **Grants.** (a) The agency may award grants for up to 50 percent of the eligible cost for: ~~projects.~~

~~(1) the development of a diagnostic study and implementation plan; and~~

~~(2) the implementation of that plan.~~

(b) The agency shall determine which costs are eligible costs and grants shall be made and used only for eligible costs.

Sec. 55. Minnesota Statutes 2010, section 103F.725, subdivision 1a, is amended to read:

Subd. 1a. **Loans.** (a) Up to ~~\$36,000,000~~ \$50,000,000 of the balance in the clean water revolving fund in section 446A.07, as determined by the Public Facilities Authority, may be provided to the commissioner for ~~the establishment of~~ a clean water partnership loan program.

(b) The agency may award loans for up to 100 percent of the costs associated with activities identified by the agency as best management practices pursuant to section 319 and section 320 of the federal Water Quality Act of 1987, as amended, including associated administrative costs.

(c) Loans may be used to finance clean water partnership grant project eligible costs not funded by grant assistance.

(d) The interest rate, at or below market rate, and the term, not to exceed 20 years, shall be determined by the agency in consultation with the Public Facilities Authority.

(e) The repayment must be deposited in the clean water revolving fund under section 446A.07.

(f) The local unit of government receiving the loan is responsible for repayment of the loan.

(g) For the purpose of obtaining a loan from the agency, a local government unit may provide to the agency its general obligation note. All obligations incurred by a local government unit in obtaining a loan from the agency must be in accordance with chapter 475, except that so long as the obligations are issued to evidence a loan from the agency to the local government unit, an election is not required to authorize the obligations issued, and the amount of the obligations shall not be included in determining the net indebtedness of the local government unit under the provisions of any law or chapter limiting the indebtedness.

Sec. 56. Minnesota Statutes 2010, section 103F.731, subdivision 2, is amended to read:

Subd. 2. **Eligibility; documents required.** (a) Local units of government are eligible to apply for assistance. An applicant for assistance shall submit ~~the following to the agency:~~

(1) ~~an application~~ a project proposal form as prescribed by the agency; and

(2) evidence that the applicant has consulted with the involved local soil and water conservation districts and watershed districts, where they exist, in preparing the application; ~~and.~~

~~(3)~~ (b) The proposed project must be identified in at least one of the following documents:

~~(i)~~ (1) the comprehensive water plan authorized under sections 103B.301 to 103B.355;

~~(ii)~~ (2) a surface water management plan required under section 103B.231;

~~(iii)~~ (3) an overall plan required under chapter 103D; or

~~(iv)~~ (4) any other local plan that provides an inventory of existing physical and hydrologic information on the area, a general identification of water quality problems and goals, and that demonstrates a local commitment to water quality protection or improvement, enhancement, or restoration;

(5) an approved total maximum daily load (TMDL) or a TMDL implementation plan; or

(6) a watershed protection and restoration strategy implementation plan.

~~(b) After July 1, 1991, only projects that are a part of, or are responsive to, a local water plan under the Comprehensive Local Water Management Act, chapter 103D, or sections 103B.211 to 103B.255, will be eligible under paragraph (a), clause (3).~~

~~(c) The document submitted in compliance with paragraph (a), clause (2), must identify existing and potential nonpoint source water pollution problems and must recognize the need and demonstrate the applicant's commitment to abate or prevent water pollution from nonpoint sources in the geographic areas for which the application is submitted.~~

Sec. 57. Minnesota Statutes 2010, section 103F.735, is amended to read:

103F.735 AGENCY REVIEW OF APPLICATIONS PROPOSALS.

Subdivision 1. **Ranking of applications proposals.** The agency shall rank applications proposals for technical and financial assistance in order of priority and shall, within the limits of available appropriations, grant those applications proposals having the highest priority. The agency shall by rule adopt appropriate criteria to determine the priority of projects.

Subd. 2. **Criteria.** (a) The criteria shall give the highest priority to projects that best demonstrate compliance with the objectives in paragraphs (b) to ~~(e)~~ (d).

(b) The project demonstrates participation, coordination, and cooperation between local units of government ~~and~~, other public agencies, ~~including soil and water conservation districts or watershed districts, or both those districts and local stakeholders.~~

(c) The degree of water quality ~~improvement or protection,~~ enhancement, or restoration is maximized relative to the cost of implementing the best management practices.

(d) Best management practices provide a feasible means to abate or prevent nonpoint source water pollution.

~~(e) The project goals and objectives are consistent with the state water quality management plans, the statewide resource assessment conducted under section 103F.721, and other applicable state and local resource management programs.~~

Sec. 58. Minnesota Statutes 2010, section 103F.741, subdivision 1, is amended to read:

Subdivision 1. **Implementation according to law and contract.** A local unit of government receiving technical or financial assistance, or both, from the agency shall carry out the implementation plan project approved by the agency according to the terms of the plan, the provisions of a contract or grant agreement made with the agency and according to sections 103F.701 to ~~103F.761~~ 103F.755, the rules of the agency, and applicable federal requirements.

Sec. 59. Minnesota Statutes 2010, section 103F.745, is amended to read:

103F.745 RULES.

(a) The agency shall adopt rules necessary to implement sections 103F.701 to ~~103F.761~~ 103F.755. The rules shall contain at a minimum:

(1) procedures to be followed by local units of government in applying for technical or financial assistance or both;

(2) conditions for the administration of assistance;

(3) ~~procedures for the development, evaluation, and implementation of best management practices~~ requirements for a project;

(4) ~~requirements for a diagnostic study and implementation plan~~ criteria for the evaluation and approval of a project;

(5) ~~criteria for the evaluation and approval of a diagnostic study and implementation plan;~~

(6) ~~criteria for the evaluation of best management practices;~~

(7) ~~criteria for the ranking of projects in order of priority for assistance;~~

(8) ~~(6)~~ criteria for defining and evaluating eligible costs and cost-sharing by local units of government applying for assistance;

(7) requirements for providing measurable outcomes; and

~~(9)~~ (8) other matters as the agency and the commissioner find necessary for the proper administration of sections 103F.701 to ~~103F.761~~ 103F.755, including any rules determined by the commissioner to be necessary for the implementation of federal programs to ~~control nonpoint source water pollution~~ protect, enhance, or restore water quality.

(b) For financial assistance by loan under section 103F.725, subdivision 1a, criteria established by rule ~~for the clean water partnership grants program~~ shall guide requirements and administrative procedures ~~for the loan program until January 1, 1996, or the effective date of the administrative rules for the clean water partnership loan program, whichever occurs first.~~

Sec. 60. Minnesota Statutes 2010, section 103F.751, is amended to read:

103F.751 NONPOINT SOURCE POLLUTION ~~CONTROL~~ MANAGEMENT PLAN AND PROGRAM EVALUATION.

To coordinate the programs and activities used to control nonpoint sources of pollution to achieve the state's water quality goals, the agency shall:

~~(1)~~ develop a state plan for the control of nonpoint source water pollution to meet the requirements of the federal Clean Water Act; and,

~~(2)~~ work through the Environmental Quality Board to coordinate the activities and programs of federal, state, and local agencies involved in nonpoint source pollution control and, as appropriate, develop agreements with federal and state agencies to accomplish the purposes and objectives of the state nonpoint source pollution ~~control~~ management plan; and,

~~(3)~~ evaluate the effectiveness of programs in achieving water quality goals and recommend to the legislature, under section 3.195, subdivision 1, any necessary amendments to sections 103F.701 to 103F.761.

Sec. 61. Minnesota Statutes 2010, section 103G.005, subdivision 10e, is amended to read:

Subd. 10e. **Local government unit.** "Local government unit" means:

(1) outside of the seven-county metropolitan area, a city council, county board of commissioners, or a soil and water conservation district or their delegate;

(2) in the seven-county metropolitan area, a city council, a town board under section 368.01, a watershed management organization under section 103B.211, or a soil and water conservation district or their delegate; ~~and~~

(3) on state land, the agency with administrative responsibility for the land; and

(4) for wetland banking projects established solely for replacing wetland impacts under a permit to mine under section 93.481, the commissioner of natural resources.

Sec. 62. Minnesota Statutes 2010, section 103G.005, is amended by adding a subdivision to read:

Subd. 10f. **Electronic transmission.** "Electronic transmission" means the transfer of data or information through an electronic data interchange system consisting of, but not limited to, computer modems and computer networks. Electronic transmission specifically means electronic mail, unless other means of electronic transmission are mutually agreed to by the sender and recipient.

Sec. 63. Minnesota Statutes 2010, section 103G.2212, is amended to read:

103G.2212 CONTRACTOR'S RESPONSIBILITY WHEN WORK DRAINS OR FILLS WETLANDS.

Subdivision 1. **Conditions for employees and agents to drain or fill wetlands.** An agent or employee of another may not drain or fill a wetland, wholly or partially, unless the agent or employee has:

(1) obtained a signed statement from the property owner stating that the wetland replacement plan required for the work has been obtained or that a replacement plan is not required; and

(2) mailed or sent by electronic transmission a copy of the statement to the local government unit with jurisdiction over the wetland.

Subd. 2. **Violation is separate offense.** Violation of this section is a separate and independent offense from other violations of sections 103G.2212 to 103G.237.

Subd. 3. **Form for compliance with this section.** The board shall develop a form to be distributed to contractors' associations, local government units, and soil and water conservation districts to comply with this section. The form must include:

(1) a listing of the activities for which a replacement plan is required;

(2) a description of the penalties for violating sections 103G.2212 to 103G.237;

(3) the telephone number to call for information on the responsible local government unit;

(4) a statement that national wetland inventory maps are on file with the soil and water conservation district office; and

(5) spaces for a description of the work and the names, mailing addresses or other contact information, and telephone numbers of the person authorizing the work and the agent or employee proposing to undertake it.

Sec. 64. Minnesota Statutes 2010, section 103G.222, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and management plan approved by the board under section 103G.2243, or, if a permit to mine is required under section

93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. For project-specific wetland replacement completed prior to wetland impacts authorized or conducted under a permit to mine within the Great Lakes and Rainy River watershed basins, those basins shall be considered a single watershed for purposes of determining wetland replacement ratios. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242. Public value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

(b) Replacement must be guided by the following principles in descending order of priority:

- (1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
- (2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity;
- (5) compensating for the impact by restoring a wetland; and
- (6) compensating for the impact by replacing or providing substitute wetland resources or environments.

For a project involving the draining or filling of wetlands in an amount not exceeding 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9, paragraph (a), the local government unit may make an on-site sequencing determination without a written alternatives analysis from the applicant.

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years.

(d) If a wetland is drained under section 103G.2241, subdivision 2, paragraphs (b) and (e), the local government unit may require a deed restriction that prohibits nonagricultural use for at least ten years unless the drained wetland is replaced as provided under this section. The local government unit may require the deed restriction if it determines the wetland area drained is at risk of conversion to a nonagricultural use within ten years based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit.

(e) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected and ponds that are created primarily to fulfill storm water management, and water quality treatment requirements may not be used to satisfy replacement requirements under this chapter unless the design includes pretreatment of runoff and the pond is functioning as a wetland.

(f) Except as provided in paragraph (g), for a wetland or public waters wetland located on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

(g) For a wetland or public waters wetland located on agricultural land or in a greater than 80 percent area, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.

(h) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.

(i) Except in a greater than 80 percent area, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used in a statewide banking program established in rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

(j) The Technical Evaluation Panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

(k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply to the state and its departments and agencies.

(l) For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph. For the purposes of this paragraph, "transportation project" does not include an airport project.

(m) A replacement plan for wetlands is not required for individual projects that result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public transportation authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This paragraph only applies to authorities for public transportation projects that:

(1) minimize the amount of wetland filling or draining associated with the project and consider mitigating important site-specific wetland functions on site;

(2) except as provided in clause (3), submit project-specific reports to the board, the Technical Evaluation Panel, the commissioner of natural resources, and members of the public requesting a copy at least 30 days prior to construction that indicate the location, amount, and type of wetlands to be filled or drained by the project or, alternatively, convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; and

(3) for minor and emergency maintenance work impacting less than 10,000 square feet, submit project-specific reports, within 30 days of commencing the activity, to the board that indicate the location, amount, and type of wetlands that have been filled or drained.

Those required to receive notice of public transportation projects may appeal minimization, delineation, and on-site mitigation decisions made by the public transportation authority to the board according to the provisions of section 103G.2242, subdivision 9. The Technical Evaluation Panel shall review minimization and delineation decisions made by the public transportation authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the Technical Evaluation Panel.

Except for state public transportation projects, for which the state Department of Transportation is responsible, the board must replace the wetlands, and wetland areas of public waters if authorized by the commissioner or a delegated authority, drained or filled by public transportation projects on existing roads.

Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this paragraph. This paragraph does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

(n) If a landowner seeks approval of a replacement plan after the proposed project has already affected the wetland, the local government unit may require the landowner to replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

(o) A local government unit may request the board to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board shall change the classification of a county or watershed. If requested by the local government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board shall publish a notice of the change in the Environmental Quality Board Monitor.

(p) One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens shall provide satisfactory documentation to the local government unit. The local government unit shall consider the petition and forward the request to the board under paragraph (o) or provide a reason why the petition is denied.

Sec. 65. Minnesota Statutes 2010, section 103G.222, subdivision 3, is amended to read:

Subd. 3. **Wetland replacement siting.** (a) ~~Siting wetland replacement~~ Impacted wetlands in a 50 to 80 percent area must be replaced in a 50 to 80 percent area or in a less than 50 percent area. Impacted wetlands in a less than 50 percent area must be replaced in a less than 50 percent area. All wetland replacement must follow this priority order:

- (1) on site or in the same minor watershed as the ~~affected~~ impacted wetland;
- (2) in the same watershed as the ~~affected~~ impacted wetland;
- (3) in the same county or wetland bank service area as the ~~affected~~ impacted wetland;
- (4) ~~for replacement by wetland banking, in the same wetland bank service area as the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area;~~
- (5) ~~for project specific replacement, in an adjacent watershed to the affected wetland, or for replacement by wetland banking, in an adjacent~~ another wetland bank service area, ~~except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area;~~ and
- (6) (5) statewide for public transportation projects, except that wetlands ~~affected~~ impacted in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands ~~affected~~ impacted in the seven-county metropolitan area must be replaced at a ratio of two to one in: (i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.

~~(b) Notwithstanding paragraph (a), siting wetland replacement in greater than 80 percent areas may follow the priority order under this paragraph: (1) by wetland banking after evaluating on site replacement and replacement within the watershed; (2) replaced in an adjacent wetland bank service area if wetland bank credits are not reasonably available in the same wetland bank service area as the affected wetland, as determined by a comprehensive inventory approved by the board; and (3) statewide.~~

~~(c) Notwithstanding paragraph (a), siting wetland replacement in the seven county metropolitan area must follow the priority order under this paragraph: (1) in the affected county; (2) in another of the seven metropolitan counties; or (3) in one of the major watersheds that are wholly or partially within the seven county metropolitan area, but at least one to one must be replaced within the seven county metropolitan area.~~

~~(d) The exception in paragraph (a), clause (6) (5), does not apply to replacement completed using wetland banking credits established by a person who submitted a complete wetland banking application to a local government unit by April 1, 1996.~~

~~(e) (c) When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in paragraph (a), the applicant may seek opportunities at the next level.~~

~~(f) (d) For the purposes of this section, "reasonable, practicable, and environmentally beneficial replacement opportunities" are defined as opportunities that:~~

~~(1) take advantage of naturally occurring hydrogeomorphological conditions and require minimal landscape alteration;~~

~~(2) have a high likelihood of becoming a functional wetland that will continue in perpetuity;~~

~~(3) do not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area; and~~

~~(4) are available and capable of being done after taking into consideration cost, existing technology, and logistics consistent with overall project purposes.~~

~~(e) Applicants and local government units shall rely on board-approved comprehensive inventories of replacement opportunities and watershed conditions, including the Northeast Minnesota Wetland Mitigation Inventory and Assessment (January 2010), in determining whether reasonable, practicable, and environmentally beneficial replacement opportunities are available.~~

~~(g) (f) Regulatory agencies, local government units, and other entities involved in wetland restoration shall collaborate to identify potential replacement opportunities within their jurisdictional areas.~~

Sec. 66. Minnesota Statutes 2010, section 103G.2242, subdivision 2a, is amended to read:

Subd. 2a. **Wetland boundary or type determination.** (a) A landowner may apply for a wetland boundary or type determination from the local government unit. The landowner applying for the determination is responsible for submitting proof necessary to make the determination, including, but not limited to, wetland delineation field data, observation well data, topographic mapping, survey mapping, and information regarding soils, vegetation, hydrology, and groundwater both within and outside of the proposed wetland boundary.

(b) A local government unit that receives an application under paragraph (a) may seek the advice of the Technical Evaluation Panel as described in subdivision 2, and, if necessary, expand the Technical Evaluation Panel. The local government unit may delegate the decision authority for wetland boundary or type determinations to designated staff, or establish other procedures it considers appropriate.

(c) The local government unit decision must be made in compliance with section 15.99. Within ten calendar days of the decision, the local government unit decision must be mailed or sent by electronic transmission to the landowner, members of the Technical Evaluation Panel, the watershed district or watershed management organization, if one exists, and individual members of the public who request a copy.

~~(d) Appeals of decisions made by designated local government staff must be made to the local government unit. Notwithstanding any law to the contrary, a ruling on an appeal must be made by the local government unit within 30 days from the date of the filing of the appeal.~~

(e) The local government unit decision is valid for ~~three~~ five years unless the Technical Evaluation Panel determines that natural or artificial changes to the hydrology, vegetation, or soils of the area have been sufficient to alter the wetland boundary or type.

Sec. 67. Minnesota Statutes 2010, section 103G.2242, subdivision 6, is amended to read:

Subd. 6. **Notice of application.** (a) ~~Except as provided in paragraph (b), within ten days of receiving an~~ Application for approval of a replacement plan under this section; must be reviewed by the local government according to section 15.99, subdivision 3, paragraph (a). Copies of the complete application must be mailed or sent by electronic transmission to the members of the Technical Evaluation Panel, the managers of the watershed district if one exists, and the commissioner of natural resources. Individual members of the public who request a copy shall be provided information to identify the applicant and the location and scope of the project.

~~(b) Within ten days of receiving an application for approval of a replacement plan under this section for an activity affecting less than 10,000 square feet of wetland, a summary of the application must be mailed to the members of the Technical Evaluation Panel, individual members of the public who request a copy, and the commissioner of natural resources.~~

(e) For the purpose of this subdivision, "application" includes a revised application for replacement plan approval and an application for a revision to an approved replacement plan if:

(1) the wetland area to be drained or filled under the revised replacement plan is at least ten percent larger than the area to be drained or filled under the original replacement plan; or

(2) the wetland area to be drained or filled under the revised replacement is located more than 500 feet from the area to be drained or filled under the original replacement plan.

Sec. 68. Minnesota Statutes 2010, section 103G.2242, subdivision 7, is amended to read:

Subd. 7. **Notice of decision.** Within ten days of the approval or denial of a replacement plan under this section, ~~a summary of the approval or denial~~ notice of the decision must be mailed or sent by electronic transmission to members of the Technical Evaluation Panel, the applicant, individual members of the public who request a copy, the managers of the watershed district, if one exists, and the commissioner of natural resources.

Sec. 69. Minnesota Statutes 2010, section 103G.2242, subdivision 9, is amended to read:

Subd. 9. **Appeal Appeals to the board.** (a) Appeal of a replacement plan, sequencing, exemption, wetland banking, wetland boundary or type determination, or no-loss decision, ~~or restoration order~~ may be obtained by mailing a petition and payment of a filing fee, which shall be retained by the board to defray administrative costs, to the board within 30 days after the postmarked date of the mailing or date of sending by electronic transmission specified in subdivision 7. If appeal is not sought within 30 days, the decision becomes final. If the petition for hearing is accepted, the amount posted must be returned to the petitioner. Appeal may be made by:

- (1) the wetland owner;
- (2) any of those to whom notice is required to be mailed or sent by electronic transmission under subdivision 7; or
- (3) 100 residents of the county in which a majority of the wetland is located.

(b) Within 30 days after receiving a petition, the board shall decide whether to grant the petition and hear the appeal. The board shall grant the petition unless the board finds that:

- (1) the appeal is ~~meritless~~ without significant merit, trivial, or brought solely for the purposes of delay;
- (2) the petitioner has not exhausted all local administrative remedies;
- (3) expanded technical review is needed;
- (4) the local government unit's record is not adequate; or
- (5) the petitioner has not posted a letter of credit, cashier's check, or cash if required by the local government unit.

(c) In determining whether to grant the appeal, the board, executive director, or dispute resolution committee shall also consider the size of the wetland, other factors in controversy, any patterns of similar acts by the local government unit or petitioner, and the consequences of the delay resulting from the appeal.

(d) ~~All appeals~~ If an appeal is granted, the appeal must be heard by the committee for dispute resolution of the board, and a decision must be made by the board within 60 days of filing the local government unit's record and the written briefs submitted for the appeal and the hearing. The decision must be served by mail ~~or~~ or by electronic transmission to the parties to the appeal, and is not subject to the provisions of chapter 14. A decision whether to grant a petition for appeal and a decision on the merits of an appeal must be considered the decision of an agency in a contested case for purposes of judicial review under sections 14.63 to 14.69.

(e) Notwithstanding section 16A.1283, the board shall establish a fee schedule to defray the administrative costs of appeals made to the board under this subdivision. Fees established under this authority shall not exceed \$1,000. Establishment of the fee is not subject to the rulemaking process of chapter 14 and section 14.386 does not apply.

Sec. 70. Minnesota Statutes 2010, section 103G.2242, is amended by adding a subdivision to read:

Subd. 9a. Appeals of restoration or replacement orders. A landowner or other responsible party may appeal the terms and conditions of a restoration or replacement order within 30 days of receipt of written notice of the order. The time frame for the appeal may be extended beyond 30 days by mutual agreement, in writing, between the landowner or responsible party, the local government unit, and the enforcement authority. If the written request is not submitted within 30 days, the order is final. The board's executive director must review the request and supporting evidence and render a decision within 60 days of receipt of a petition. A decision on an appeal must be considered the decision of an agency in a contested case for purposes of judicial review under sections 14.63 to 14.69.

Sec. 71. Minnesota Statutes 2010, section 103G.2242, subdivision 14, is amended to read:

Subd. 14. **Fees established.** (a) Fees must be assessed for managing wetland bank accounts and transactions as follows:

- (1) account maintenance annual fee: one percent of the value of credits not to exceed \$500;
- (2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to exceed \$1,000 per establishment, deposit, or transfer; and

(3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

(b) The board may establish fees at or below the amounts in paragraph (a) for single-user or other dedicated wetland banking accounts.

(c) Fees for single-user or other dedicated wetland banking accounts established pursuant to section 103G.005, subdivision 10e, clause (4), are limited to establishment of a wetland banking account and are assessed at the rate of 6.5 percent of the value of the credits not to exceed \$1,000.

Sec. 72. Minnesota Statutes 2010, section 103G.2251, is amended to read:

103G.2251 STATE CONSERVATION EASEMENTS; WETLAND BANK CREDIT.

In greater than 80 percent areas, preservation of wetlands ~~owned by the state or a local unit of government,~~ protected by a permanent conservation easement as defined under section 84C.01 and held by the board, may be eligible for wetland replacement or mitigation credits, according to rules adopted by the board. To be eligible for credit under this section, a conservation easement must be established after May 24, 2008, and approved by the board. Wetland areas on private lands preserved under this section are not eligible for replacement or mitigation credit if the area has been protected using public conservation funds.

Sec. 73. **103G.2373] ELECTRONIC TRANSMISSION.**

For purposes of sections 103G.2112 to 103G.2372, notices and other documents may be sent by electronic transmission unless the recipient has provided a mailing address and specified that mailing is preferred.

Sec. 74. Minnesota Statutes 2010, section 103G.311, subdivision 5, is amended to read:

Subd. 5. **Demand for hearing.** (a) If a hearing is waived and an order is made issuing or denying the permit, the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the ~~mayor~~ council or board of the municipality may file a demand for hearing on the application. The demand for a hearing must be filed within 30 days after mailed notice of the order with the bond required by subdivision 6.

(b) The commissioner must give notice as provided in subdivision 2, hold a hearing on the application, and make a determination on issuing or denying the permit as though the previous order had not been made.

(c) The order issuing or denying the permit becomes final at the end of 30 days after mailed notice of the order to the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the ~~mayor~~ council or board of the municipality, and an appeal of the order may not be taken if:

(1) the commissioner waives a hearing and a demand for a hearing is not made; or

(2) a hearing is demanded but a bond is not filed as required by subdivision 6.

Sec. 75. Minnesota Statutes 2010, section 103G.615, subdivision 1, is amended to read:

Subdivision 1. ~~Authorization~~ **Issuance; validity.** (a) The commissioner may issue permits, with or without a fee, to:

(1) gather or harvest aquatic plants, or plant parts, other than wild rice from public waters;

(2) transplant aquatic plants into public waters;

(3) destroy harmful or undesirable aquatic vegetation or organisms in public waters under prescribed conditions to protect the waters, desirable species of fish, vegetation, other forms of aquatic life, and the public.

(b) Application for a permit must be accompanied by a permit fee, if required.

(c) An aquatic plant management permit is valid for one growing season and expires on December 31 of the year it is issued unless the commissioner stipulates a different expiration date in rule or in the permit.

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

Sec. 76. Minnesota Statutes 2010, section 103G.615, is amended by adding a subdivision to read:

Subd. 3a. **Invasive aquatic plant management permit.** (a) "Invasive aquatic plant management permit" means an aquatic plant management permit as defined in Minnesota Rules, part 6280.0100, subpart 2b, that authorizes the selective control of invasive aquatic plants at a scale to cause a significant lakewide or baywide reduction in the abundance of the invasive aquatic plant.

(b) The commissioner may waive the dated signature of approval requirement in Minnesota Rules, part 6280.0450, subpart 1a, for invasive aquatic plant management permits if obtaining signatures would create an undue burden on the permittee or if the commissioner determines that aquatic plant control is necessary to protect natural resources.

(c) If the signature requirement is waived under paragraph (b) because obtaining signatures would create an undue burden on the permittee, the commissioner shall require an alternate form of landowner notification, including news releases or public notices in a local newspaper, a public meeting, or a mailing to the most recent permanent address of affected landowners. The notification must be given annually and must include: the proposed date of treatment, the target species, the method of control or product being used, and instructions on how the landowner may request that control not occur adjacent to the landowner's property.

(d) For an invasive aquatic plant management permit, the commissioner may allow dated signatures of approval obtained to satisfy Minnesota Rules, part 6280.0450, subpart 1a, to remain valid for three years if property ownership remains unchanged.

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

Sec. 77. Minnesota Statutes 2010, section 115.03, is amended by adding a subdivision to read:

Subd. 11. **Aquatic application of pesticides.** (a) The agency may issue national pollutant discharge elimination system permits for pesticide applications to waters of the United States that are required by federal law or rule. The agency shall not require permits for aquatic pesticide applications beyond what is required by federal law or rule.

(b) The agency shall not regulate or require permits for the terrestrial application of pesticides.

Sec. 78. Minnesota Statutes 2010, section 115.55, subdivision 2, is amended to read:

Subd. 2. Local ordinances. (a) All counties must adopt ordinances that comply with revisions to the subsurface sewage treatment system rules within two years of the final adoption by the agency unless all towns and cities in the county have adopted such ordinances. County ordinances must apply to all areas of the county other than cities or towns that have adopted ordinances that comply with this section and are as strict as the applicable county ordinances.

(b) A copy of each ordinance adopted under this subdivision must be submitted to the commissioner upon adoption.

(c) A local unit of government must make available to the public upon request a written list of any differences between its ordinances and rules adopted under this section.

Sec. 79. Minnesota Statutes 2010, section 115A.03, subdivision 25a, is amended to read:

Subd. 25a. **Recyclable materials.** "Recyclable materials" means materials that are separated from mixed municipal solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, ~~and~~ batteries, and source-separated compostable materials. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Sec. 80. Minnesota Statutes 2010, section 115A.95, is amended to read:

115A.95 RECYCLABLE MATERIALS.

(a) Recyclable materials must be delivered to the appropriate materials processing facility as outlined in Minnesota Rules, parts 7035.2836 and 7035.2845, or any other facility permitted to recycle or compost the materials.

(b) A disposal facility or a resource recovery facility that is composting mixed municipal solid waste, burning waste, or converting waste to energy or to materials for combustion may not accept source-separated recyclable materials, and a solid waste collector or transporter may not deliver source-separated recyclable materials to such a facility, except for recycling or transfer to a recycler, unless the commissioner determines that no other person is willing to accept the recyclable materials.

Sec. 81. Minnesota Statutes 2010, section 115B.412, subdivision 8, is amended to read:

Subd. 8. **Transfer of title; disposal of property.** The owner of a qualified facility may, as part of the owner's activities under section 115B.40, subdivision 4 or 5, offer to transfer title to all or any portion of the property described in the facility's most recent permit, including any property adjacent to that property the owner wishes to transfer, to the commissioner. The commissioner may accept the transfer of title if the commissioner determines that to do so is in the best interest of the state. If, after transfer of title to the property, the commissioner determines that no further response actions are required on the portion of the property being disposed of under sections 115B.39 to 115B.445 and it is in the best interest of the state to dispose of property acquired under this subdivision, the commissioner may do so under section 115B.17, subdivision 16. The property disposed of under this subdivision is no longer part of the qualified facility.

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

Sec. 82. Minnesota Statutes 2010, section 115B.412, is amended by adding a subdivision to read:

Subd. 8a. **Boundary modification.** The commissioner may modify the boundaries of a qualified facility to exclude certain property if the commissioner determines that no further response actions are required to be conducted under sections 115B.39 to 115B.445 on the excluded property and the excluded property is not affected by disposal activities on the remaining portions of the qualified facility. Any property excluded under this subdivision is no longer part of the qualified facility.

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

Sec. 83. Minnesota Statutes 2010, section 115B.412, is amended by adding a subdivision to read:

Subd. 8b. Delisting. If all solid waste from a qualified facility has been relocated outside the qualified facility's boundaries and the commissioner has determined that no further response actions are required on the property under sections 115B.39 to 115B.445, the commissioner may delist the facility by removing it from the priority list established under section 115B.40, subdivision 2, after which the property shall no longer be a qualified facility. The commissioner has no further responsibilities under sections 115B.39 to 115B.445 for a facility delisted under this subdivision.

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

Sec. 84. **[116C.10] ENVIRONMENTAL PERMIT TIMELINE REQUIREMENT.**

If environmental review under chapter 116D is or will be conducted for a project and a state agency is the responsible government unit, the state agency named as the responsible government unit shall develop a timeline for all state agency environmental permits required for the project and make that timeline available to the project proposer, within 30 days after complete applications have been submitted for all permits, or by the time of environmental assessment worksheet or draft environmental impact statement publication. If joint state-federal environmental review is being conducted, the timeline shall also include required federal agency environmental permits.

Sec. 85. Minnesota Statutes 2010, section 116D.04, subdivision 2a, as amended by Laws 2011, chapter 4, section 6, is amended to read:

Subd. 2a. When prepared. Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible governmental unit. The environmental impact statement shall be an analytical rather than an encyclopedic document which describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision-making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action. No mandatory environmental impact statement may be required for an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than 125,000,000 gallons of ethanol annually and is located outside of the seven-county metropolitan area.

(a) The board shall by rule establish categories of actions for which environmental impact statements and for which environmental assessment worksheets shall be prepared as well as categories of actions for which no environmental review is required under this section. A mandatory environmental assessment worksheet shall not be required for the expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), or the conversion of an ethanol plant to a biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity of the expanded or converted facility to produce alcohol fuel, but must be required if the ethanol plant meets or exceeds thresholds of other categories of actions for which environmental assessment worksheets must be prepared. The responsible governmental unit for an ethanol plant project for which an environmental assessment worksheet is prepared shall be the state agency with the greatest responsibility for supervising or approving the project as a whole.

(b) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet in a manner to be determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30-day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit's

decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chair may extend the 15-day period by not more than 15 additional days upon the request of the responsible governmental unit.

(c) An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than ~~25~~ 100 individuals who reside or own property in the county or an adjoining county where the proposed action will be located, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental assessment worksheet shall be submitted to the board. The chair of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chair may extend the 15-day period by not more than 15 additional days upon request of the responsible governmental unit.

(d) Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental review under this chapter and rules of the board, if:

(1) the proposed action is:

(i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

(ii) an expansion of an existing animal feedlot facility with a total cumulative capacity of less than 1,000 animal units;

(2) the application for the animal feedlot facility includes a written commitment by the proposer to design, construct, and operate the facility in full compliance with Pollution Control Agency feedlot rules; and

(3) the county board holds a public meeting for citizen input at least ten business days prior to the Pollution Control Agency or county issuing a feedlot permit for the animal feedlot facility unless another public meeting for citizen input has been held with regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition to other exemptions provided under other law and rules of the board.

(e) The board may, prior to final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.

(f) An early and open process shall be utilized to limit the scope of the environmental impact statement to a discussion of those impacts, which, because of the nature or location of the project, have the potential for significant environmental effects. The same process shall be utilized to determine the form, content and level of detail of the statement as well as the alternatives which are appropriate for consideration in the statement. In addition, the permits which will be required for the proposed action shall be identified during the scoping process. Further, the process shall identify those permits for which information will be developed concurrently with the environmental impact statement. The board shall provide in its rules for the expeditious completion of the scoping process. The determinations reached in the process shall be incorporated into the order requiring the preparation of an environmental impact statement.

(g) The responsible governmental unit shall, to the extent practicable, avoid duplication and ensure coordination between state and federal environmental review and between environmental review and environmental permitting. Whenever practical, information needed by a governmental unit for making final decisions on permits or other actions required for a proposed project shall be developed in conjunction with the preparation of an environmental impact statement.

(h) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement.

(i) The proposer of a specific action may include in the information submitted to the responsible governmental unit a preliminary draft environmental impact statement under this section on that action for review, modification, and determination of completeness and adequacy by the responsible governmental unit. A preliminary draft environmental impact statement prepared by the project proposer and submitted to the responsible governmental unit shall identify or include as an appendix all studies and other sources of information used to substantiate the analysis contained in the preliminary draft environmental impact statement. The responsible governmental unit shall require additional studies, if needed, and obtain from the project proposer all additional studies and information necessary for the responsible governmental unit to perform its responsibility to review, modify, and determine the completeness and adequacy of the environmental impact statement.

Sec. 86. Minnesota Statutes 2010, section 168.002, subdivision 18, is amended to read:

Subd. 18. **Motor vehicle.** (a) "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily 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" includes an all-terrain vehicle 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 disability plates and a physically disabled certificate issued under section 169.345.

(c) "Motor vehicle" does not include an all-terrain vehicle 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 169.011, subdivision 26.

(e) "Motor vehicle" does not include a motorized foot scooter as defined in section 169.011, subdivision 46.

(f) "Motor vehicle" includes an off-highway motorcycle modified to meet the requirements of chapter 169 according to section 84.788, subdivision 12.

Sec. 87. Minnesota Statutes 2010, section 168A.085, is amended to read:

168A.085 APPLICATION FOR TITLE ~~OR REGISTRATION~~, CERTAIN CASES.

Subdivision 1. **Limitations.** No application for certificate of title ~~or registration~~ may be issued for a vehicle that was not manufactured in compliance with applicable federal emission standards in force at the time of manufacture as provided by the Clean Air Act, United States Code, title 42, sections 7401 through 7642, and regulations adopted pursuant thereto, and safety standards as provided by the National Traffic and Motor Safety Act, United States Code, title 15, sections 1381 through 1431, and regulations adopted pursuant thereto, unless the applicant furnishes either proof satisfactory to the agent that the vehicle was not brought into the United States from outside the country or all of the following:

(1) a bond release letter, with all attachments, issued by the United States Department of Transportation acknowledging receipt of a statement of compliance submitted by the importer of the vehicle and that the statement meets the safety requirements as provided by Code of Federal Regulations, title 19, section 12.80(e);

(2) a bond release letter, with all attachments, issued by the United States Environmental Protection Agency stating that the vehicle has been tested and known to be in conformity with federal emission requirements; and

(3) a receipt or certificate issued by the United States Department of the Treasury showing that any gas-guzzler taxes due on the vehicle as provided by Public Law 95-618, title 2, section 201(a), have been fully paid.

Subd. 2. **Accompanying documents.** The application for certificate of title ~~and the application for registration~~ must be accompanied by a manufacturer's certificate of origin in the English language which was issued by the actual vehicle manufacturer and either:

(1) the original documents constituting valid proof of ownership in the country in which the vehicle was originally purchased, together with a translation of the documents into the English language verified as to accuracy of the translation by affidavit of the translator; or

(2) with regard to a vehicle imported from a country that cancels the vehicle registration and title for export, a bond as required by section 168A.07, subdivision 1, clause (2).

Sec. 88. Minnesota Statutes 2010, section 169.045, subdivision 1, is amended to read:

Subdivision 1. **Designation of roadway, permit.** The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, ~~four-wheel~~ all-terrain vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart, ~~four-wheel~~ all-terrain vehicle, or mini truck is by permit only. For purposes of this section, ~~a four-wheel an all-terrain vehicle is a motorized flotation tired vehicle with four low pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds~~ has the meaning given in section 84.92, and a mini truck has the meaning given in section 169.011, subdivision 40a.

Sec. 89. Minnesota Statutes 2010, section 169.045, subdivision 2, is amended to read:

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

Sec. 90. Minnesota Statutes 2010, section 169.045, subdivision 3, is amended to read:

Subd. 3. **Times of operation.** Motorized golf carts and ~~four-wheel~~ all-terrain vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They shall not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient ~~light~~ visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Sec. 91. Minnesota Statutes 2010, section 169.045, subdivision 5, is amended to read:

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

Sec. 92. Minnesota Statutes 2010, section 169.045, subdivision 6, is amended to read:

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

Sec. 93. Minnesota Statutes 2010, section 169.045, subdivision 7, is amended to read:

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

Sec. 94. Minnesota Statutes 2010, section 169.045, subdivision 8, is amended to read:

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

Sec. 95. Minnesota Statutes 2010, section 239.791, is amended by adding a subdivision to read:

Subd. 16. Exemption for recreational vehicle manufacturer. A person responsible for the product may offer for sale, sell, or dispense gasoline that is not oxygenated according to subdivision 1 if the gasoline is intended to be used exclusively for research and development by a manufacturer of snowmobiles, all-terrain vehicles, motorcycles, or recreational vehicles.

Sec. 96. Minnesota Statutes 2010, section 398.33, subdivision 2, is amended to read:

Subd. 2. **Fees.** For the purposes of sections 398.31 to 398.36, the county board of any county may prescribe and provide for the collection of fees for the use of any county park or other unit of the county park system or any facilities, accommodations, or services provided for public use therein, ~~such fees not to exceed that prescribed in state parks.~~

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

Sec. 97. Laws 2010, chapter 361, article 4, section 73, is amended to read:

Sec. 73. **SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE ADOPTION DELAY.**

(a) Notwithstanding Minnesota Statutes, section 115.55, subdivision 2, a county may adopt an ordinance by February 4, ~~2012~~ 2016, to comply with the February 4, 2008, revisions to subsurface sewage treatment system rules. By April 4, 2011, the Pollution Control Agency shall adopt the final rule amendments to the February 4, 2008, subsurface sewage treatment system rules. A county must continue to enforce its current ordinance until a new one has been adopted.

(b) By January 15, 2011, the agency, after consultation with the Board of Water and Soil Resources and the Association of Minnesota Counties, shall report to the chairs and ranking minority members of the senate and house of representatives environment and natural resources policy and finance committees and divisions on:

- (1) the technical changes in the rules for subsurface sewage treatment systems that were adopted on February 4, 2008;
- (2) the progress in local adoption of ordinances to comply with the rules; and
- (3) the progress in protecting the state's water resources from pollution due to subsurface sewage treatment systems.

Sec. 98. **WATER RULEMAKING MORATORIUM.**

(a) For purposes of this section, "agency" means the Pollution Control Agency, Department of Natural Resources, Board of Water and Soil Resources, Environmental Quality Board, Department of Agriculture, and Department of Health.

(b) Unless required by federal law or rule, no agency shall adopt rules related to water quality or water resource protection during the period beginning July 1, 2011, and ending June 30, 2012.

(c) Unless the rule is under judicial challenge, this section does not apply to:

- (1) proposed rules listed in a notice of intent to adopt rules published under Minnesota Statutes, chapter 14, before July 1, 2011;
- (2) rules required by law for which rulemaking was to begin by January 15, 2010;
- (3) emergency rules authorized by statute;
- (4) rules adopted or amended under Minnesota Statutes, section 14.386; and
- (5) rules proposed under Minnesota Statutes, section 14.388, subject to approval of the Office of Administrative Hearings.

Sec. 99. **EVALUATION REQUIRED.**

(a) The commissioner of administration shall evaluate state and local water-related programs, policies, and permits to make recommendations for cost savings, increased productivity, and the elimination of duplication among public agencies.

(b) The evaluation must:

(1) identify current rules relating to surface and groundwater, including those related to storm water, residential, industrial, and agricultural use, shorelands, floodplains, wild and scenic rivers, wetlands, feedlots, and subsurface sewage treatment systems, and for each rule specify:

- (i) the statutory authority;
- (ii) intended outcomes;
- (iii) the cost to state and local government and the private sector; and

(iv) the relationship of the rule to other local, state, and federal rules;

(2) assess the pros and cons of alternative approaches to implementing water-related programs, policies, and permits, including local, state, and regional-based approaches;

(3) identify inconsistencies and redundancy between local, state, and federal rules;

(4) identify means to coordinate rulemaking and implementation so as to achieve intended outcomes more effectively and efficiently;

(5) identify a rule assessment and evaluation process for determining whether each identified rule should be continued or repealed;

(6) rely on scientific, peer-reviewed data, including the studies of the National Academy of Sciences;

(7) evaluate current responsibilities of the Pollution Control Agency, Department of Natural Resources, Board of Water and Soil Resources, Environmental Quality Board, Department of Agriculture, and Department of Health for developing and implementing water-related programs, policies, and permits and make recommendations for reallocating responsibilities among the agencies; and

(8) assess the current role of the clean water fund in supporting water-related programs and policies and make recommendations for allocating resources among the agencies that collaborate and partner in spending the clean water fund consistent with the other recommendations of the study.

(c) The commissioner of administration must submit the study results and make recommendations to agencies listed under paragraph (a) and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2012.

Sec. 100. **SHALLOW LAKES MANAGEMENT REPORT.**

By January 1, 2012, the commissioner of natural resources shall submit a report to the senate and house of representatives committees and divisions with jurisdiction over natural resources policy that includes:

(1) a summary of the science and ecology of shallow lakes;

(2) a summary of the significance of shallow lakes to continental and state waterfowl populations and Minnesota's waterfowl heritage;

(3) examples and documented results of previous temporary water-level management activities;

(4) a list of current statutes and rules applicable to shallow lakes including, but not limited to, water-level management of shallow lakes and drainage law under chapter 103E; and

(5) a list of any changes to statute necessary that would allow the commissioner of natural resources, through shallow lake management, to better achieve the state's wildlife habitat and clean water goals and address the threats of invasive species, including carp and the use of fish barriers.

Sec. 101. **CONSUMPTIVE USE OF WATER.**

Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature approves of the consumptive use of water under a permit of more than 2,000,000 gallons per day average in a 30-day period in Cook County, in connection with snowmaking and potable water. Notwithstanding any other law to the contrary, the permit for the consumptive use of water approved under this section shall be issued, subject to the fees specified under Minnesota Statutes, section 103G.271, without any additional administrative process to withdraw up to 150,000,000 gallons of water annually for snowmaking and potable water purposes. If the flow value of the river is less than the Q90 for five consecutive days, the appropriation must cease until flow levels exceed the Q90 value. The permit shall be evaluated at the end of five years for impacts to the river and possible alternative water sources.

Sec. 102. **RULEMAKING; ENVIRONMENTAL REVIEW AND SOLID WASTE LAND DISPOSAL FACILITY PERMITS.**

Subdivision 1. Environmental Quality Board. The Environmental Quality Board shall amend Minnesota Rules, part 4410.0200, subpart 65, to state that if the proposed action concerns a solid waste land disposal facility:

(1) the project review shall be for the ultimate design capacity of the site based on the requirements of the category; and

(2) the responsible governmental unit shall review the project proposed, in conjunction with any existing facility impacts, and shall not modify or change the project without approval of the proposer.

Subd. 2. Pollution Control Agency. The Pollution Control Agency shall amend Minnesota Rules, part 7001.3500, subpart 1, to extend permit terms to ten years and take into account site capacity for a solid waste land disposal facility.

Sec. 103. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall change the range reference "sections 103F.701 to 103F.761" wherever it appears in Minnesota Statutes and Minnesota Rules to "sections 103F.701 to 103F.755."

Sec. 104. **REPEALER.**

(a) Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, and 8; 85.013, subdivision 2b; 103F.711, subdivision 7; 103F.721; 103F.731, subdivision 1; and 103F.761, are repealed.

(b) Minnesota Statutes 2010, section 84D.02, subdivision 4, is repealed.

EFFECTIVE DATE. Paragraph (b) is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying pesticide control; providing for certain acquisition by exchange; modifying peatland protection; modifying fees and fee disposition; modifying invasive species provisions; modifying cash match requirement for local recreation grants; modifying state water trails and waysides; modifying Mineral Coordinating Committee; providing for citizen oversight committees; creating adopt-a-WMA program; modifying definitions; modifying operating provisions for certain recreational vehicles; providing for dual registration of certain motorcycles; requiring nonresident off-road vehicle state trail pass; modifying watercraft titling; modifying special vehicle use on roadways; modifying oxygenated gasoline requirements; modifying Water Law; modifying certain local ordinance requirements; modifying waste management provisions; modifying landfill

cleanup program; modifying environmental review requirements; establishing certain rulemaking moratorium; requiring reports; appropriating money; amending Minnesota Statutes 2010, sections 17.117, subdivision 6a; 18B.03, subdivision 1, as amended; 41A.105, by adding a subdivision; 84.033, subdivision 1; 84.035, subdivision 6; 84.777, subdivision 2; 84.788, by adding a subdivision; 84.92, subdivisions 8, 9, 10; 84.925, subdivision 1; 84.9257; 84D.01, subdivisions 8a, 16, 21, by adding subdivisions; 84D.02, subdivision 6; 84D.03, subdivisions 3, 4; 84D.09; 84D.10, subdivisions 1, 3, 4; 84D.11, subdivision 2a; 84D.13, subdivisions 3, 4, 5, 6, 7; 84D.15, subdivision 2; 85.018, subdivision 5; 85.019, subdivisions 4b, 4c; 85.32, subdivision 1; 86B.825, subdivision 3; 86B.830, subdivision 2; 86B.850, subdivision 1; 86B.885; 93.0015, subdivisions 1, 3; 97A.055, subdivision 4b; 103B.661, subdivision 2; 103F.705; 103F.711, subdivision 8; 103F.715; 103F.725, subdivisions 1, 1a; 103F.731, subdivision 2; 103F.735; 103F.741, subdivision 1; 103F.745; 103F.751; 103G.005, subdivision 10e, by adding a subdivision; 103G.2212; 103G.222, subdivisions 1, 3; 103G.2242, subdivisions 2a, 6, 7, 9, 14, by adding a subdivision; 103G.2251; 103G.311, subdivision 5; 103G.615, subdivision 1, by adding a subdivision; 115.03, by adding a subdivision; 115.55, subdivision 2; 115A.03, subdivision 25a; 115A.95; 115B.412, subdivision 8, by adding subdivisions; 116D.04, subdivision 2a, as amended; 168.002, subdivision 18; 168A.085; 169.045, subdivisions 1, 2, 3, 5, 6, 7, 8; 239.791, by adding a subdivision; 398.33, subdivision 2; Laws 2010, chapter 361, article 4, section 73; proposing coding for new law in Minnesota Statutes, chapters 84; 84D; 97A; 103G; 116C; repealing Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 84D.02, subdivision 4; 85.013, subdivision 2b; 103F.711, subdivision 7; 103F.721; 103F.731, subdivision 1; 103F.761."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

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

H. F. No. 1234, A bill for an act relating to state government; requiring the commissioner of administration to issue a request for proposals and enter into a contract for strategic sourcing consulting services.

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

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

H. F. No. 1283, A bill for an act relating to natural resources; modifying operating provisions and definitions for certain recreational vehicles; providing for dual registration of certain motorcycles; requiring a nonresident off-road vehicle state trail pass; modifying requirements for titling watercraft; modifying special vehicle use on roadways; amending Minnesota Statutes 2010, sections 84.777, subdivision 2; 84.788, by adding a subdivision; 84.92, subdivisions 8, 9, 10; 84.9257; 86B.313, subdivision 1; 86B.825, subdivision 3; 86B.830, subdivision 2; 86B.850, subdivision 1; 86B.885; 168.002, subdivision 18; 168A.085; 169.045, subdivisions 1, 2, 3, 5, 6, 7, 8; 239.791, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Page 2, line 9, after "169" insert ", the safety standards of the National Traffic and Motor Safety Act, United States Code, title 15, sections 1381 through 1431, and the regulations adopted under that federal act."

Page 2, line 11, delete "an inspection" and insert "a"

Page 2, line 12, delete everything after the period

Page 2, delete lines 13 to 15

Page 4, delete section 8

Page 10, line 6, strike "four-wheel"

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Davids from the Committee on Taxes to which was referred:

H. F. No. 1303, A bill for an act relating to investment securities; gradually adjusting certain revenue-based filing fees beginning in fiscal year 2014; amending Minnesota Statutes 2010, section 80A.65, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

H. F. No. 1310, A bill for an act relating to transportation; modifying provisions relating to overweight vehicle permits; modifying provision governing medical waiver to operate commercial vehicle in intrastate commerce; removing obsolete language and making clarifying changes; amending Minnesota Statutes 2010, sections 169.86, subdivisions 4, 5; 221.0314, subdivision 3a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **160.266** **MISSISSIPPI RIVER TRAIL.**

Subdivision 1. Definitions. **For the purposes of this section:**

(1) "bicycle path" has the meaning given in section 169.011, subdivision 6; and

(2) "bikeway" has the meaning given in section 169.011, subdivision 9.

Subd. 2. **Creation.** The commissioner, in cooperation with road and trail authorities including the commissioner of natural resources, shall identify a bikeway that originates at Itasca State Park in Clearwater, Beltrami, and Hubbard Counties, then generally parallels the Mississippi River through the cities of Bemidji in Beltrami County, Grand Rapids in Itasca County, Brainerd in Crow Wing County, Little Falls in Morrison County, Sauk Rapids in Benton County, St. Cloud in Stearns County, Minneapolis in Hennepin County, St. Paul in Ramsey County, Hastings in Dakota County, Red Wing in Goodhue County, Wabasha in Wabasha County, Winona in Winona County, and La Crescent in Houston County to Minnesota's boundary with Iowa and there terminates. Where opportunities exist, the bikeway may be designated on both sides of the Mississippi River.

Subd. 3. **Connections with other bikeways.** (a) The commissioner, in cooperation with road and trail authorities including the commissioner of natural resources, shall:

(1) identify existing bikeways of regional significance that are in reasonable proximity but not connected to the bikeway established in this section, including but not limited to the Lake Wobegon Trail in the counties of Stearns and Todd; and

(2) support development of linkages between bikeways identified under clause (1) and the bikeway established in this section.

(b) The requirements of this subdivision are a secondary priority for use of funds available under this section following establishment and enhancement of the bikeway under subdivision 1.

Subd. 4. **Cooperation with other entities.** The commissioner may contract and enter into agreements with federal agencies, other state agencies, and local governments to establish, develop, maintain, and operate the bikeway and to interpret associated natural and cultural resources.

Subd. 5. **Funding.** Bicycle paths included within the bikeway and not administered by the commissioner of natural resources are eligible for funding from the environment and natural resources trust fund under chapter 116P, from the parks and trails grant program under section 85.535, from the local recreation grants program under section 85.019, subdivision 4b, and from other sources.

Sec. 2. Minnesota Statutes 2010, section 161.14, subdivision 66, is amended to read:

Subd. 66. **Veterans Memorial Highway.** ~~Legislative Route No. 31, signed as~~ Trunk Highway marked 200 as of July 1, 2010, from the border with North Dakota to the city of Mahanomen, is designated as the "Veterans Memorial Highway." The commissioner shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 3. Minnesota Statutes 2010, section 161.3212, is amended to read:

161.3212 WORKING CAPITAL FUND.

The commissioner, to the extent allowed by other law or contract, may grant available money that has been appropriated for socially or economically disadvantaged business programs to a guaranty fund administered by a nonprofit organization that makes or guarantees working capital loans to ~~businesses~~ small business concerns owned and operated by socially ~~or~~ and economically disadvantaged ~~persons as defined~~ individuals. "Small business concern" and "socially and economically disadvantaged individual" have the meanings given them in Code of Federal Regulations, title 49, section ~~23.5~~ 26.5. The purpose of loans made or guaranteed by the organization must be to provide short-term working capital to enable eligible businesses to be awarded contracts for goods and services or for construction-related services from government agencies.

Money contributed from a constitutionally or statutorily dedicated fund must be used only for purposes consistent with the purposes of the dedicated fund.

Sec. 4. Minnesota Statutes 2010, section 168.002, is amended by adding a subdivision to read:

Subd. 21a. **Noncommercial vehicle.** "Noncommercial vehicle" means a one-ton pickup truck registered under section 168.013, subdivision 1e, with a 15,000 pounds or less gross vehicle weight rating and for which the owner has made a declaration that the vehicle will be operated exclusively for personal use. The declaration must be based on one or more of the following:

- (1) a change of vehicle use;
- (2) registration of a new vehicle;
- (3) transfer of vehicle ownership; or
- (4) registration renewal.

Sec. 5. Minnesota Statutes 2010, section 168.002, is amended by adding a subdivision to read:

Subd. 21b. **One-ton pickup truck.** "One-ton pickup truck" means any truck resembling a pickup truck with a manufacturer's nominal rated carrying capacity of one ton. If the manufacturer's nominal rated carrying capacity is not provided or is not known, then the value specified by the manufacturer as the gross vehicle weight rating as indicated on the manufacturer's certification label must be 10,001 pounds or more, not to exceed 15,000 pounds.

Sec. 6. Minnesota Statutes 2010, section 168.002, subdivision 24, is amended to read:

Subd. 24. **Passenger automobile.** (a) "Passenger automobile" means any motor vehicle designed and used for carrying not more than 15 individuals, including the driver.

(b) "Passenger automobile" does not include motorcycles, motor scooters, buses, school buses, or commuter vans as defined in section 168.126. ~~Except as provided in paragraph (c), clause (1), a vehicle with a gross vehicle weight rating of 9,000 to 13,000 pounds that is a pickup truck or a van is not a passenger automobile.~~

(c) "Passenger automobile" includes, but is not limited to:

~~(1) a vehicle that is (i) a pickup truck or a van, (ii) not used in furtherance of a commercial enterprise, and (iii) not subject to state or federal regulation as a commercial motor vehicle as defined in subdivisions 26 and 40;~~

(2) neighborhood electric vehicles, as defined in section 169.011, subdivision 47; and

(3) medium-speed electric vehicles, as defined in section 169.011, subdivision 39.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 7. Minnesota Statutes 2010, section 168.002, subdivision 26, is amended to read:

Subd. 26. **Pickup truck.** "Pickup truck" means any truck with a manufacturer's nominal rated carrying capacity of three-fourths ton or less and commonly known as a pickup truck. If the manufacturer's nominal rated carrying capacity is not provided or cannot be determined, then the value specified by the manufacturer as the gross vehicle weight rating as indicated on the manufacturer's certification label must be less than 10,000 pounds.

Sec. 8. Minnesota Statutes 2010, section 168.002, subdivision 40, is amended to read:

Subd. 40. **Van.** "Van" means any vehicle of box-like design with no barrier or separation between the operator's area and the remainder of the cargo-carrying area, and with a manufacturer's nominal rated carrying capacity of three-fourths ton or less. If the manufacturer's nominal rated carrying capacity is not provided or not known, then the value specified by the manufacturer as the maximum gross weight or gross vehicle weight rating as indicated on the manufacturer's certification label must be less than 10,000 pounds.

Sec. 9. Minnesota Statutes 2010, section 168.12, subdivision 1, is amended to read:

Subdivision 1. **Plates; design, visibility, periods of issuance.** (a) The commissioner, upon approval and payment, shall issue to the applicant the plates required by this chapter, bearing the state name and an assigned vehicle registration number. The number assigned by the commissioner may be a combination of a letter or sign with figures. The color of the plates and the color of the abbreviation of the state name and the number assigned must be in marked contrast. The plates must be lettered, spaced, or distinguished to suitably indicate the registration of the vehicle according to the rules of the commissioner.

(b) When a vehicle is registered on the basis of total gross weight, the plates issued must clearly indicate by letters or other suitable insignia the maximum gross weight for which the tax has been paid.

(c) Plates issued to a noncommercial vehicle must bear the inscription "noncommercial" unless the vehicle is displaying a special plate authorized and issued under this chapter.

(d) A one-ton pickup truck that is used for commercial purposes and is subject to section 168.185, is eligible to display special plates as authorized and issued under this chapter.

~~(e)~~ (e) The plates must be so treated as to be at least 100 times brighter than the conventional painted number plates. When properly mounted on an unlighted vehicle, the plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

~~(d)~~ (f) The commissioner shall issue plates for the following periods:

(1) New plates issued pursuant to section 168.012, subdivision 1, must be issued to a vehicle for as long as the vehicle is owned by the exempt agency and the plate shall not be transferable from one vehicle to another but the plate may be transferred with the vehicle from one tax-exempt agency to another.

(2) Plates issued for passenger automobiles must be issued for a seven-year period. All plates issued under this paragraph must be replaced if they are seven years old or older at the time of registration renewal or will become so during the registration period.

(3) Plates issued under sections 168.053 and 168.27, subdivisions 16 and 17, must be for a seven-year period.

(4) Plates issued under subdivisions 2c and 2d and section 168.123 must be issued for the life of the veteran under section 169.79.

(5) Plates for any vehicle not specified in clauses (1) to (3) must be issued for the life of the vehicle.

~~(e)~~ (g) In a year in which plates are not issued, the commissioner shall issue for each registration a sticker to designate the year of registration. This sticker must show the year or years for which the sticker is issued, and is valid only for that period. The plates and stickers issued for a vehicle may not be transferred to another vehicle during the period for which the sticker is issued, except when issued for a vehicle registered under section 168.187.

(~~h~~) (h) Despite any other provision of this subdivision, plates issued to a vehicle used for behind-the-wheel instruction in a driver education course in a public school may be transferred to another vehicle used for the same purpose without payment of any additional fee. The public school shall notify the commissioner of each transfer of plates under this paragraph. The commissioner may prescribe a format for notification.

Sec. 10. Minnesota Statutes 2010, section 168.12, subdivision 2b, is amended to read:

Subd. 2b. **Firefighters; special plates, rules.** (a) The commissioner shall issue special plates, or a single license plate in the case of a motorcycle plate, to any applicant who:

(1) is a member of a fire department receiving state aid under chapter 69, has a letter from the fire chief, and is an owner of a passenger automobile, ~~a truck with a manufacturer's nominal rated capacity of one ton and resembling a pickup truck, a one-ton pickup truck,~~ or a motorcycle;

(2) pays a fee of \$10 and any other fees required by this chapter;

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

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

(b) In lieu of the identification required under subdivision 1, the special plates must bear an emblem of a Maltese Cross together with any numbers or characters prescribed by the commissioner.

(c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of a fire department as specified in this subdivision. When the individual to whom the special plates were issued is no longer a member of a fire department or when the motor vehicle ownership is transferred, the owner shall remove the special plates from the motor vehicle. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. Upon removal or invalidation of the special plates, or special motorcycle plate, either the owner or purchaser of the motor vehicle shall obtain regular plates or a regular motorcycle plate for the proper registration classification for the motor vehicle.

(d) A special motorcycle license plate issued under this subdivision must be the same size as a standard motorcycle license plate.

(e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger automobile or truck may be transferred to another passenger automobile or truck owned or jointly owned by the person to whom the plates were issued. On payment of a fee of \$5, a plate issued under this subdivision for a motorcycle may be transferred to another motorcycle owned or jointly owned by the person to whom the plate was issued.

(f) The commissioner may adopt rules under the Administrative Procedure Act, sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized in this subdivision.

Sec. 11. Minnesota Statutes 2010, section 168.123, subdivision 1, is amended to read:

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

(1) special veteran's plates to an applicant who served in the active military service in a branch of the armed forces of the United States or of a nation or society allied with the United States in conducting a foreign war, was discharged under honorable conditions, and is a registered owner of a passenger automobile, recreational motor vehicle, or ~~truck resembling a pickup truck and having a manufacturer's nominal rated capacity of one ton~~ one-ton pickup truck, but which is not a commercial motor vehicle as defined in section 169.011, subdivision 16; or

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

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

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

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

Sec. 12. Minnesota Statutes 2010, 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. The traffic-control signal lights 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 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 this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard.

(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 the arrow, or other movement as 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 steady circular yellow or yellow arrow 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 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.

(3) Steady red indication:

(i) Vehicular traffic facing a circular red signal alone 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 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 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 that intersection; or (B) the driver of a vehicle on a one-way street 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 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 that intersection.

(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, 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 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 must be made at a sign or marking on the pavement indicating where the stop must be made, but in the absence of any such sign or marking the stop 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 controls vehicular traffic for that movement or lane.

Sec. 13. Minnesota Statutes 2010, section 169.06, subdivision 7, is amended to read:

Subd. 7. **Flashing signal.** When flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(a) When a circular red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall 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 at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) When a red arrow lens is illuminated with rapid intermittent flashes drivers of vehicles with the intention of making a movement indicated by the arrow shall 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 at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(c) When a circular yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signals only with caution. 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 this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard.

(d) When a yellow arrow indication is illuminated with rapid intermittent flashes, drivers of vehicles with the intention of making a movement indicated by the arrow may proceed through the intersection or past the signals only with caution, but shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard.

Sec. 14. Minnesota Statutes 2010, section 169.306, is amended to read:

169.306 USE OF SHOULDERS BY BUSES.

(a) ~~The commissioner of transportation~~ A road authority, as defined in section 160.02, subdivision 25, is authorized to permit the use by transit buses and Metro Mobility buses the use of a shoulder, as designated by the commissioner road authority, of a freeway or expressway, as defined in section 160.02, in Minnesota.

(b) If ~~the commissioner~~ a road authority permits the use of a freeway or expressway shoulder by transit buses, ~~the commissioner road authority~~ shall permit the use on that shoulder of a bus (1) with a seating capacity of 40 passengers or more operated by a motor carrier of passengers, as defined in section 221.012, subdivision 26, while operating in intrastate commerce or (2) providing regular route transit service, as defined in section 174.22, subdivision 8, or Metro Mobility services, and operated by or under contract with the Metropolitan Council, a local transit authority, or a transit authority created by the legislature. Drivers of these buses must have adequate training in the requirements of paragraph (c), as determined by the commissioner.

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

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

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

(2) authorized by ~~the commissioner~~ a road authority to use freeway or expressway shoulders.

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

(f) The commissioner may authorize different operating conditions and maximum speeds, not to exceed the posted speed limit, based upon an engineering study and recommendation by the road authority. The engineering study must be conducted by the road authority and must conform with the manual and specifications adopted under section 169.06, subdivision 1, and applicable state and federal standards. The road authority shall consult the public transit operator before recommending operating conditions different from those authorized by law.

Sec. 15. Minnesota Statutes 2010, section 169.86, subdivision 4, is amended to read:

Subd. 4. **Display and inspection of permit.** ~~Every such~~ A permit shall ~~must~~ must be carried in the vehicle or combination of vehicles to which it refers and ~~shall~~ must be open to inspection by any ~~police~~ peace officer or authorized agent of any authority granting ~~such~~ the permit, ~~and~~. A permit may be carried in electronic format if it is easily read. No person shall violate any of the terms or conditions of ~~such~~ a special permit.

Sec. 16. Minnesota Statutes 2010, section 169.86, subdivision 5, is amended to read:

Subd. 5. **Fees; 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~~ must 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~~ are:

(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~~ that 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;

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

(7) motor vehicles carrying bales of agricultural products authorized under section 169.862; and

(8) special milk-hauling vehicles authorized under section 169.867.

(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 and manufactured storage buildings;
- (4) implements of husbandry;
- (5) double-deck buses;
- (6) commercial boat hauling;

(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); and

(8) vehicles operating on that portion of marked Trunk Highway 36 described in section 169.81, subdivision 3, paragraph (e).

(e) For vehicles ~~which~~ that have axle weights exceeding the weight limitations of sections 169.823 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Cost Per Mile For Each Group Of:

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

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

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

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, mobile cranes; construction equipment, machinery, and supplies; implements of husbandry; and commercial boat hauling. 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 |
| <u>145,001 - 155,000</u> | <u>\$900</u> |

If the gross weight of the vehicle is more than ~~145,000~~ 155,000 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) \$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.~~

(j) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

Sec. 17. Minnesota Statutes 2010, section 171.061, subdivision 4, is amended to read:

Subd. 4. **Fee; equipment.** (a) The agent may charge and retain a filing fee of \$5 for each application. Except as provided in paragraph ~~(b)~~ (c), the fee shall cover all expenses involved in receiving, accepting, or forwarding to the department the applications and fees required under sections 171.02, subdivision 3; 171.06, subdivisions 2 and 2a; and 171.07, subdivisions 3 and 3a.

(b) The statutory fees and the filing fees imposed under paragraph (a) may be paid by credit card or debit card. The driver's license agent may collect a convenience fee on the statutory fees and filing fees not greater than the cost of processing a credit card or debit card transaction. The convenience fee must be used to pay the cost of processing credit and debit card transactions. The commissioner shall adopt rules to administer this paragraph, using the exempt procedures of section 14.386, except that section 14.386, paragraph (b), does not apply.

~~(b)~~ (c) The department shall maintain the photo identification equipment for all agents appointed as of January 1, 2000. Upon the retirement, resignation, death, or discontinuance of an existing agent, and if a new agent is appointed in an existing office pursuant to Minnesota Rules, chapter 7404, and notwithstanding the above or Minnesota Rules, part 7404.0400, the department shall provide and maintain photo identification equipment without additional cost to a newly appointed agent in that office if the office was provided the equipment by the department before January 1, 2000. All photo identification equipment must be compatible with standards established by the department.

~~(c)~~ (d) A filing fee retained by the agent employed by a county board must be paid into the county treasury and credited to the general revenue fund of the county. An agent who is not an employee of the county shall retain the filing fee in lieu of county employment or salary and is considered an independent contractor for pension purposes, coverage under the Minnesota State Retirement System, or membership in the Public Employees Retirement Association.

~~(d)~~ (e) Before the end of the first working day following the final day of the reporting period established by the department, the agent must forward to the department all applications and fees collected during the reporting period except as provided in paragraph ~~(e)~~ (d).

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

Sec. 18. Minnesota Statutes 2010, section 174.02, is amended by adding a subdivision to read:

Subd. 9. **Alternative financing and investment in transportation projects.** (a) The commissioner may enter into agreements with governmental or nongovernmental entities, including private and nonprofit entities, to finance or invest in transportation projects, including repayment agreements, subject to (1) the availability of state money or other dedicated revenue or resources and (2) the approval of the commissioner of management and budget.

(b) The commissioner shall submit to the chairs and ranking minority members of the legislative committees having jurisdiction over transportation policy and finance, a listing of all agreements executed under this subdivision. The listing must identify each agreement, the contracting entities, contract amount, duration, and any repayment requirements. The listing may be submitted electronically, and is subject to section 3.195, subdivision 1.

(c) The commissioner may only use the authority granted under this subdivision for one pilot project.

Sec. 19. Minnesota Statutes 2010, section 221.0314, subdivision 3a, is amended to read:

Subd. 3a. **Waiver for other medical condition.** (a) The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(3) to (b)(13). A waiver granted under this subdivision applies to intrastate transportation only.

(b) A person who wishes to obtain a waiver under this subdivision must give the commissioner the following information:

- (1) the applicant's name, address, and telephone number;
- (2) the name, address, and telephone number of an employer coapplicant, if any;
- (3) a description of the applicant's experience in driving the type of vehicle to be operated under the waiver;
- (4) a description of the type of driving to be done under the waiver;
- (5) a description of any modifications to the vehicle the applicant intends to drive under the waiver that are designed to accommodate the applicant's medical condition or disability;
- (6) whether the applicant has been granted another waiver under this subdivision;
- (7) a copy of the applicant's current driver's license;
- (8) a copy of a medical examiner's certificate showing that the applicant is medically unqualified to drive unless a waiver is granted;
- (9) a statement from the applicant's treating physician that includes:
 - (i) the extent to which the physician is familiar with the applicant's medical history;
 - (ii) a description of the applicant's medical condition for which a waiver is necessary;
 - (iii) assurance that the applicant has the ability and willingness to follow any course of treatment prescribed by the physician, including the ability to self-monitor or manage the medical condition; and
 - (iv) the physician's professional opinion that the applicant's condition will not adversely affect the applicant's ability to operate a motor vehicle safely; and
- (10) any other information considered necessary by the commissioner including requiring a physical examination or medical report from a physician who specializes in a particular field of medical practice.

(c) In granting a waiver under this subdivision, the commissioner may impose conditions the commissioner considers necessary to ensure that an applicant is able to operate a motor vehicle safely and that the safety of the general public is protected.

(d) A person who is granted a waiver under this subdivision must:

- (1) at intervals specified in the waiver, give the commissioner periodic reports from the person's treating physician, or a medical specialist if the commissioner so requires in the waiver, that contain the information described in paragraph (b), clause (9), together with a description of any episode that involved the person's loss of consciousness or loss of ability to operate a motor vehicle safely; and

(2) immediately report the person's involvement in an accident for which a report is required under section 169.09, subdivision 7.

(e) The commissioner shall deny an application if, during the three years preceding the application:

(1) the applicant's driver's license has been suspended under section 171.18, paragraph (a), clauses (1) to (9), (11), and (12), canceled under section 171.14, or revoked under section 171.17, 171.172, or 171.174; ~~or~~

(2) the applicant has been convicted of a violation under section 171.24; or

~~(2)~~ (3) the applicant has been convicted of a disqualifying offense, as defined in Code of Federal Regulations, title 49, section 383.51, paragraph (b), which is incorporated by reference.

(f) The commissioner may deny an application or may immediately revoke a waiver granted under this subdivision. Notice of the commissioner's reasons for denying an application or for revoking a waiver must be in writing and must be mailed to the applicant's or waiver holder's last known address by certified mail, return receipt requested. A person whose application is denied or whose waiver is revoked is entitled to a hearing under chapter 14.

(g) A waiver granted under this subdivision expires on the date of expiration shown on the medical examiner's certificate described in paragraph (b), clause (8).

Sec. 20. Minnesota Statutes 2010, section 222.50, subdivision 4, is amended to read:

Subd. 4. **Contract.** The commissioner may negotiate and enter into contracts for the purpose of rail service improvement and may incorporate funds available from the federal ~~rail service continuation program~~ government. The participants in these contracts shall be railroads, rail users, and the department, and may be political subdivisions of the state and the federal government. In such contracts, participation by all parties shall be voluntary. The commissioner may provide a portion of the money required to carry out the terms of any such contract by expenditure from the rail service improvement account.

Sec. 21. Minnesota Statutes 2010, section 222.51, is amended to read:

222.51 PARTICIPATION BY POLITICAL SUBDIVISION.

The governing body of any political subdivision of the state may with the approval of the commissioner appropriate money for rail service improvement and may participate in the state rail service improvement program and ~~the federal rail service continuation program~~ programs.

Sec. 22. Minnesota Statutes 2010, section 222.53, is amended to read:

222.53 ACCEPTANCE OF FEDERAL MONEY.

The commissioner may exercise those powers necessary for the state to qualify for, accept, and disburse any federal money ~~that may be made available pursuant to the provisions of the federal rail service continuation program~~, including the power to:

(1) establish an adequate plan for rail service in the state as part of an overall planning process for all transportation services in the state, including a suitable process for updating, revising, and amending the plan;

(2) administer and coordinate the plan with other state agencies, and provide for the equitable distribution of resources;

(3) develop, promote, and support safe, adequate, and efficient rail transportation services; employ qualified personnel; maintain adequate programs of investigation, research, promotion, and development, with provisions for public participation; and take all practical steps to improve transportation safety and reduce transportation-related energy utilization and pollution;

(4) adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of state and federal money;

(5) do all things otherwise necessary to maximize federal assistance to the state ~~under the federal rail service continuation program.~~

Sec. 23. Minnesota Statutes 2010, section 222.63, subdivision 9, is amended to read:

Subd. 9. **Rail bank property use; petty misdemeanors.** (a) Except for the actions of road authorities and their agents, employees, and contractors, and of utilities, in carrying out their duties imposed by permit, law, or contract, and except as otherwise provided in this section, it is unlawful to perform any of the following activities on rail bank property:

(1) obstruct any trail;

(2) deposit snow or ice;

(3) remove or place any earth, vegetation, gravel, or rock without authorization;

(4) obstruct or remove any ditch-draining device, or drain any harmful or dangerous materials;

(5) erect a fence, or place or maintain any advertising, sign, or memorial, except upon authorization by the commissioner of transportation;

(6) remove, injure, displace, or destroy right-of-way markers or reference or witness monuments or markers placed to preserve section or quarter-section corners defining rail bank property limits;

(7) drive upon any portion of rail bank property, except at approved crossings, and except where authorized for snowmobiles, emergency vehicles, maintenance vehicles, or other vehicles authorized to use rail bank property;

(8) deface, mar, damage, or tamper with any structure, work, material, sign, marker, paving, guardrail, drain, or any other rail bank appurtenance; ~~or~~

(9) park, overhang, or abandon any unauthorized vehicle or implement of husbandry on, across, or over the limits of rail bank property;

(10) plow, disc, or perform any other detrimental operation; or

(11) place or maintain any building or structure.

(b) Unless a greater penalty is provided elsewhere in statute, any violation of this subdivision is a ~~petty~~ misdemeanor.

(c) The cost to remove, repair, or perform any other corrective action necessitated by a violation of this subdivision may be charged to the violator.

Sec. 24. **REPEALER.**

(a) Minnesota Statutes 2010, section 222.48, subdivision 3a, is repealed.

(b) Laws 2008, chapter 350, article 1, section 5, the effective date, as amended by Laws 2010, chapter 351, section 65, is repealed, effective August 1, 2011."

Delete the title and insert:

"A bill for an act relating to transportation; providing for various provisions governing transportation policy, including traffic regulations, bikeways, motor vehicle requirements, vehicle registration and license plates; driver's license fee payments, alternative financing for transportation projects, motor carriers and commercial drivers, and rail programs; imposing misdemeanor penalty; establishing certain fees; repealing certain provisions; making technical changes; amending Minnesota Statutes 2010, sections 161.14, subdivision 66; 161.3212; 168.002, subdivisions 24, 26, 40, by adding subdivisions; 168.12, subdivisions 1, 2b; 168.123, subdivision 1; 169.06, subdivisions 5, 7; 169.306; 169.86, subdivisions 4, 5; 171.061, subdivision 4; 174.02, by adding a subdivision; 221.0314, subdivision 3a; 222.50, subdivision 4; 222.51; 222.53; 222.63, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 160; repealing Minnesota Statutes 2010, section 222.48, subdivision 3a; Laws 2008, chapter 350, article 1, section 5, as amended."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Lanning from the Committee on State Government Finance to which was referred:

H. F. No. 1332, A bill for an act relating to state government; modifying provisions governing the legislative auditor; amending Minnesota Statutes 2010, section 37.06; Laws 2010, chapter 361, article 3, section 8.

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

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 1397, A bill for an act relating to insurance; enacting the Group Insurance Portability Act (GIPA); conforming state law on continuation employer group health coverage to the federal COBRA law; providing access to a GAP policy as an alternative; amending Minnesota Statutes 2010, sections 62A.146; 62A.148; 62A.17; 62A.20, subdivision 2; 62A.21, subdivision 2a.

Reported the same back with the following amendments:

Pages 1 to 3, delete sections 1 and 2

Page 4, lines 6 to 9, reinstate the stricken language and delete the new language

Page 6, line 14, reinstate the stricken "30" and delete "60"

Page 8, delete sections 4 and 5

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Dauids from the Committee on Taxes to which was referred:

H. F. No. 1584, A bill for an act relating to taxation; providing for a contingent reduction in the MinnesotaCare provider tax; amending Minnesota Statutes 2010, sections 295.52, by adding a subdivision; 297I.05, subdivision 5.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Dauids from the Committee on Taxes to which was referred:

H. F. No. 1598, A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article IV; requiring a three-fifths vote to enact a law imposing or increasing certain taxes.

Reported the same back with the following amendments:

Page 1, line 11, delete "If, however, a single law not"

Page 1, delete lines 12 to 14

Page 1, line 15, delete "members in each house."

Page 1, line 16, delete "permitted" and insert "mandated"

Page 1, after line 20, insert:

"This section does not apply to a single law that increases income, sales, or property taxes or imposes a new tax, if the law also decreases taxes and does not, on a permanent basis, increase the total amount of revenues estimated to be raised from state taxes and property taxes."

Page 2, delete lines 1 to 3 and insert:

"Shall the Minnesota Constitution be amended to prevent the legislature from increasing state income, state sales, or property taxes unless approved by a three-fifths (60%) vote in each House?"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Westrom from the Committee on Civil Law to which was referred:

H. F. No. 1613, A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article XIII; recognizing marriage as only a union between one man and one woman.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

S. F. No. 67, A bill for an act relating to transportation; authorizing annual special permits for transporting waterfront structures on trunk highways; amending Minnesota Statutes 2010, section 169.86, subdivision 5.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

S. F. No. 478, A bill for an act relating to motor vehicles; providing for disability motorcycle plate; amending Minnesota Statutes 2010, sections 168.021; 169.345, subdivisions 1, 3.

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

The report was adopted.

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

S. F. No. 509, A bill for an act relating to elections; requiring voters to provide picture identification before receiving a ballot in most situations; providing for the issuance of voter identification cards at no charge; establishing a procedure for provisional balloting; creating challenged voter eligibility list; specifying other election administration procedures; allowing use of electronic polling place rosters; setting standards for use of electronic polling place rosters; creating legislative task force on electronic roster implementation; enacting procedures related to recounts; appropriating money; amending Minnesota Statutes 2010, sections 13.69, subdivision 1; 135A.17, subdivision 2; 171.01, by adding a subdivision; 171.06, subdivisions 1, 2, 3, by adding a subdivision; 171.061, subdivisions 1, 3, 4; 171.07, subdivisions 1a, 4, 9, 14, by adding a subdivision; 171.071; 171.11; 171.14; 200.02, by adding a subdivision; 201.021; 201.022, subdivision 1; 201.061, subdivisions 3, 4, 7; 201.071, subdivision 3; 201.081; 201.121, subdivisions 1, 3; 201.171; 201.221, subdivision 3; 203B.04, subdivisions 1, 2; 203B.06, subdivision 5; 203B.121, subdivision 1; 204B.14, subdivision 2; 204B.40; 204C.10; 204C.12, subdivisions 3, 4; 204C.14; 204C.20, subdivisions 1, 2, 4, by adding a subdivision; 204C.23; 204C.24, subdivision 1; 204C.32; 204C.33, subdivision 1; 204C.37; 204C.38; 204D.24, subdivision 2; 205.065, subdivision 5; 205.185, subdivision 3; 205A.03, subdivision 4; 205A.10, subdivision 3; 206.86, subdivisions 1, 2; 209.021, subdivision 1; 209.06, subdivision 1; 211B.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 200; 201; 204C; 299A; proposing coding for new law as Minnesota Statutes, chapters 204E; 206A; repealing Minnesota Statutes 2010, sections 203B.04, subdivision 3; 204C.34; 204C.35; 204C.36; 204C.361.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1
VOTER REGISTRATION, PHOTO IDENTIFICATION, AND PROVISIONAL BALLOTING

Section 1. Minnesota Statutes 2010, section 13.69, subdivision 1, is amended to read:

Subdivision 1. **Classifications.** (a) The following government data of the Department of Public Safety are private data:

(1) medical data on driving instructors, licensed drivers, and applicants for parking certificates and special license plates issued to physically disabled persons;

(2) other data on holders of a disability certificate under section 169.345, except that data that are not medical data may be released to law enforcement agencies;

(3) Social Security numbers in driver's license and motor vehicle registration records, except that Social Security numbers must be provided to the Department of Revenue for purposes of tax administration, the Department of Labor and Industry for purposes of workers' compensation administration and enforcement, and the Department of Natural Resources for purposes of license application administration; ~~and~~

(4) data on persons listed as standby or temporary custodians under section 171.07, subdivision 11, except that the data must be released to:

(i) law enforcement agencies for the purpose of verifying that an individual is a designated caregiver; or

(ii) law enforcement agencies who state that the license holder is unable to communicate at that time and that the information is necessary for notifying the designated caregiver of the need to care for a child of the license holder; and

(5) data on applicants for a Minnesota voter identification card under section 171.07, subdivision 3b.

The department may release the Social Security number only as provided in clause (3) and must not sell or otherwise provide individual Social Security numbers or lists of Social Security numbers for any other purpose.

(b) The following government data of the Department of Public Safety are confidential data: data concerning an individual's driving ability when that data is received from a member of the individual's family.

Sec. 2. Minnesota Statutes 2010, section 171.01, is amended by adding a subdivision to read:

Subd. 51. **Voter identification card.** "Voter identification card" means a card issued or issuable under the laws of this state by the commissioner of public safety that denotes citizenship, identity, and residence address and may be used as identification and proof of residence for election day voter registration and for voting on election day, but for no other purpose.

Sec. 3. Minnesota Statutes 2010, section 171.06, subdivision 1, is amended to read:

Subdivision 1. **Forms of application.** Every application for a Minnesota identification card, for an enhanced identification card, for an instruction permit, for a provisional license, for a driver's license, ~~or~~ for an enhanced driver's license, or for a voter identification card must be made in a format approved by the department, and every

application, except for an application for a voter identification card, must be accompanied by the proper fee. All first-time applications and change-of-status applications must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public. All applications requiring evidence of legal presence in the United States or United States citizenship must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public.

Sec. 4. Minnesota Statutes 2010, section 171.06, subdivision 2, is amended to read:

Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are as follows:

| | | | | |
|--|-----------|-----------|-----------|-----------|
| Classified Driver's License | D-\$22.25 | C-\$26.25 | B-\$33.25 | A-\$41.25 |
| Classified Under-21 D.L. | D-\$22.25 | C-\$26.25 | B-\$33.25 | A-\$21.25 |
| Enhanced Driver's License | D-\$37.25 | C-\$41.25 | B-\$48.25 | A-\$56.25 |
| Instruction Permit | | | | \$10.25 |
| Enhanced Instruction Permit | | | | \$25.25 |
| Provisional License | | | | \$13.25 |
| Enhanced Provisional License | | | | \$28.25 |
| Duplicate License or duplicate identification card | | | | \$11.75 |
| Enhanced Duplicate License or enhanced duplicate identification card | | | | \$26.75 |
| Minnesota identification card or Under-21 Minnesota identification card, other than duplicate, except as otherwise provided in section 171.07, subdivisions 3 and 3a | | | | \$16.25 |
| Enhanced Minnesota identification card | | | | \$31.25 |

In addition to each fee required in this paragraph, the commissioner shall collect a surcharge of \$1.75 until June 30, 2012. Surcharges collected under this paragraph must be credited to the driver and vehicle services technology account in the special revenue fund under section 299A.705.

(b) Notwithstanding paragraph (a), an individual who holds a provisional license and has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving violations, and (3) convictions for moving violations that are not crash related, shall have a \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation" has the meaning given it in section 171.04, subdivision 1.

(c) In addition to the driver's license fee required under paragraph (a), the commissioner shall collect an additional \$4 processing fee from each new applicant or individual renewing a license with a school bus endorsement to cover the costs for processing an applicant's initial and biennial physical examination certificate. The department shall not charge these applicants any other fee to receive or renew the endorsement.

(d) The commissioner shall not collect any fee or surcharge for a voter identification card.

Sec. 5. Minnesota Statutes 2010, section 171.06, subdivision 3, is amended to read:

Subd. 3. **Contents of license application; other information.** (a) An application for a Minnesota identification card, enhanced identification card, instruction permit, provisional license, driver's license, or enhanced driver's license must:

(1) state the full name, date of birth, sex, and either (i) the residence address of the applicant, or (ii) designated address under section 5B.05;

(2) as may be required by the commissioner, contain a description of the applicant and any other facts pertaining to the applicant, the applicant's driving privileges, and the applicant's ability to operate a motor vehicle with safety;

(3) state:

(i) the applicant's Social Security number; or

(ii) if the applicant does not have a Social Security number and is applying for a Minnesota identification card, instruction permit, or class D provisional or driver's license, that the applicant certifies that the applicant does not have a Social Security number;

(4) in the case of an application for an enhanced driver's license or enhanced identification card, present:

(i) proof satisfactory to the commissioner of the applicant's full legal name, United States citizenship, identity, date of birth, Social Security number, and residence address; and

(ii) a photographic identity document;

(5) contain a space where the applicant may indicate a desire to make an anatomical gift according to paragraph (b);

(6) contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7; and

(7) contain a space where the applicant may request a veteran designation on the license under section 171.07, subdivision 15, and the driving record under section 171.12, subdivision 5a.

(b) If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application must contain statements sufficient to comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift Act, chapter 525A, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application must be accompanied by information describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

(1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and

(2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

(c) The application must be accompanied also by information containing relevant facts relating to:

(1) the effect of alcohol on driving ability;

(2) the effect of mixing alcohol with drugs;

(3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and

(4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 6. Minnesota Statutes 2010, section 171.06, is amended by adding a subdivision to read:

Subd. 3b. Application for voter identification card. An application for a voter identification card, including a renewal or duplicate card, or a new card required as a result of change of address, must:

(1) state the applicant's full legal name, date of birth, sex, residence address, and (i) last four digits of the applicant's Social Security number, or (ii) certification that the applicant has not been assigned a Social Security number;

(2) describe the applicant in the manner the commissioner deems necessary;

(3) be accompanied by proof satisfactory to the commissioner of the applicant's United States citizenship;

(4) state the length of residence at the applicant's current address; and

(5) present a photographic identity document or affirm under penalty of perjury that the applicant has a religious objection to the use of a photographic image.

Sec. 7. Minnesota Statutes 2010, section 171.061, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section:

(1) "applicant" means an individual applying for a driver's license, provisional license, restricted license, duplicate license, instruction permit, Minnesota identification card, voter identification card, or motorized bicycle operator's permit; and

(2) "application" refers to an application for a driver's license, provisional license, restricted license, duplicate license, instruction permit, Minnesota identification card, voter identification card, or motorized bicycle operator's permit.

Sec. 8. Minnesota Statutes 2010, section 171.061, subdivision 3, is amended to read:

Subd. 3. **Application.** An applicant may file an application with an agent. The agent shall receive and accept applications in accordance with the laws and rules of the Department of Public Safety for a driver's license, restricted license, duplicate license, instruction permit, Minnesota identification card, voter identification card, or motorized bicycle operator's permit.

Sec. 9. Minnesota Statutes 2010, section 171.061, subdivision 4, is amended to read:

Subd. 4. **Fee; equipment.** (a) The agent may charge and retain a filing fee of \$5 for each application, except for an application for a voter identification card, for which no filing fee may be charged. Except as provided in paragraph (b), the fee shall cover all expenses involved in receiving, accepting, or forwarding to the department the applications and fees required under sections 171.02, subdivision 3; 171.06, subdivisions 2 and 2a; and 171.07, subdivisions 3 and 3a.

(b) The department shall maintain the photo identification equipment for all agents appointed as of January 1, 2000. Upon the retirement, resignation, death, or discontinuance of an existing agent, and if a new agent is appointed in an existing office pursuant to Minnesota Rules, chapter 7404, and notwithstanding the above or Minnesota Rules, part 7404.0400, the department shall provide and maintain photo identification equipment without additional cost to a newly appointed agent in that office if the office was provided the equipment by the department before January 1, 2000. All photo identification equipment must be compatible with standards established by the department.

(c) A filing fee retained by the agent employed by a county board must be paid into the county treasury and credited to the general revenue fund of the county. An agent who is not an employee of the county shall retain the filing fee in lieu of county employment or salary and is considered an independent contractor for pension purposes, coverage under the Minnesota State Retirement System, or membership in the Public Employees Retirement Association.

(d) Before the end of the first working day following the final day of the reporting period established by the department, the agent must forward to the department all applications and fees collected during the reporting period except as provided in paragraph (c). The department shall transmit payment to the agent of \$5 for each application for a voter identification card. An agent employed by a county board shall remit the payments to the county under paragraph (c) and all other agents may retain the payments.

Sec. 10. Minnesota Statutes 2010, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. **Filing photograph or image; data classification.** The department shall file, or contract to file, all photographs or electronically produced images obtained in the process of issuing drivers' licenses ~~or~~ Minnesota identification cards, or voter identification cards. The photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographs or electronically produced images to data subjects. The use of the files is restricted:

(1) to the issuance and control of drivers' licenses and voter identification cards;

(2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the investigation and prosecution of crimes, service of process, enforcement of no contact orders, location of missing persons, investigation and preparation of cases for criminal, juvenile, and traffic court, and supervision of offenders;

(3) to public defenders, as defined in section 611.272, for the investigation and preparation of cases for criminal, juvenile, and traffic courts; and

(4) to child support enforcement purposes under section 256.978.

Sec. 11. Minnesota Statutes 2010, section 171.07, is amended by adding a subdivision to read:

Subd. 3b. **Voter identification cards.** (a) A voter identification card must be issued to a qualifying applicant who, on the election day next occurring after the date of issuance, will meet the voter eligibility requirements of the Minnesota State Constitution and statutes, and who does not possess a current Minnesota driver's license or Minnesota identification card.

(b) A voter identification card must bear a distinguishing number assigned to the applicant; the applicant's full name and date of birth; the applicant's address of residence; a description of the applicant in the manner as the commissioner deems necessary; the date of the card's expiration; and the usual signature of the applicant. The card must bear a colored photograph or an electronically produced image of the applicant, or, for an applicant who has affirmed a religious objection under section 171.06, subdivision 3b, clause (5), the card must bear the words "Valid without photograph."

(c) A voter identification card shall not be valid identification for purposes unrelated to voting in Minnesota.

(d) A voter identification card must be of a different color scheme than a Minnesota driver's license or state identification card, but must incorporate the same information and security features as provided in subdivision 9.

(e) Each voter identification card must be plainly marked: "Voter Identification – Not a driver's license. Valid Identification Only for Voting."

Sec. 12. Minnesota Statutes 2010, section 171.07, subdivision 4, is amended to read:

Subd. 4. **Expiration.** (a) Except as otherwise provided in this subdivision, the expiration date of Minnesota identification cards and voter identification cards of applicants under the age of 65 shall be the birthday of the applicant in the fourth year following the date of issuance of the card.

(b) Minnesota identification cards and voter identification cards issued to applicants age 65 or over shall be valid for the lifetime of the applicant.

(c) The expiration date for an Under-21 identification card is the cardholder's 21st birthday. The commissioner shall issue an identification card to a holder of an Under-21 identification card who applies for the card, pays the required fee, and presents proof of identity and age, unless the commissioner determines that the applicant is not qualified for the identification card.

Sec. 13. Minnesota Statutes 2010, section 171.07, subdivision 9, is amended to read:

Subd. 9. **Improved security.** ~~The commissioner shall develop new Drivers' licenses and~~ identification cards, ~~to be issued beginning January 1, 1994, that~~ and voter identification cards must be as impervious to alteration as is reasonably practicable in their design and quality of material and technology. The driver's license security laminate shall be made from materials not readily available to the general public. The design and technology employed must enable the driver's license and identification card to be subject to two or more methods of visual verification capable of clearly indicating the presence of tampering or counterfeiting. The driver's license and identification card must not be susceptible to reproduction by photocopying or simulation and must be highly resistant to data or photograph substitution and other tampering.

Sec. 14. Minnesota Statutes 2010, section 171.07, subdivision 14, is amended to read:

Subd. 14. **Use of Social Security number.** An applicant's Social Security number must not be displayed, encrypted, or encoded on the driver's license ~~or~~ Minnesota identification card, voter identification card, or included in a magnetic strip or bar code used to store data on the license ~~or~~ Minnesota identification card, or voter identification card. The Social Security number must not be used as a Minnesota driver's license ~~or~~ identification, or voter identification number.

Sec. 15. Minnesota Statutes 2010, section 171.071, is amended to read:

171.071 PHOTOGRAPH ON LICENSE OR IDENTIFICATION CARD, OR VOTER IDENTIFICATION CARD.

Subdivision 1. **Religious objection.** Notwithstanding the provisions of section 171.07, the commissioner of public safety may adopt rules to permit identification on a driver's license ~~or~~ Minnesota identification card, or voter identification card in lieu of a photograph or electronically produced image where the commissioner finds that the licensee has religious objections to the use of a photograph or electronically produced image.

Subd. 2. **Certain head wear permitted.** If an accident involving a head injury, serious illness, or treatment of the illness has resulted in hair loss by an applicant for a driver's license ~~or~~ identification card, or voter identification card, the commissioner shall permit the applicant to wear a hat or similar head wear in the photograph or electronically produced image. The hat or head wear must be of an appropriate size and type to allow identification of the holder of the license or card and must not obscure the holder's face.

Subd. 3. **Exception.** Subdivisions 1 and 2 do not apply to the commissioner's requirements pertaining to a photograph or electronically produced image on an enhanced driver's license or an enhanced identification card.

Sec. 16. Minnesota Statutes 2010, section 171.11, is amended to read:

171.11 DUPLICATE LICENSE OR VOTER IDENTIFICATION CARD; CHANGE OF DOMICILE OR NAME.

Subdivision 1. **Duplicate driver's license.** When any person, after applying for or receiving a driver's license, shall change permanent domicile from the address named in such application or in the license issued to the person, or shall change a name by marriage or otherwise, such person shall, within 30 days thereafter, apply for a duplicate driver's license upon a form furnished by the department and pay the required fee. The application or duplicate license shall show both the licensee's old address and new address or the former name and new name as the case may be.

Subd. 2. **Duplicate voter identification card.** A voter identification cardholder who changes residence address or name from the address or name stated on the card shall not present the card for voting purposes, but must apply for a duplicate voter identification card upon a form furnished by the department. The application for duplicate voter identification card must show the cardholder's former address and current address, along with length of residence at the current address, and the former name and current name, as applicable.

Sec. 17. Minnesota Statutes 2010, section 171.14, is amended to read:

171.14 CANCELLATION.

(a) The commissioner may cancel any driver's license or voter identification card upon determination that (1) the licensee or cardholder was not entitled to the issuance of the license or card, (2) the licensee or cardholder failed to give the required or correct information in the application, (3) the licensee or cardholder committed any fraud or deceit in making the application, or (4) the person, at the time of the cancellation, would not have been entitled to receive a license under section 171.04, or a cardholder under section 171.07.

(b) The commissioner shall cancel the driver's license of a person described in paragraph (a), clause (3), for 60 days or until the required or correct information has been provided, whichever is longer.

(c) The commissioner shall cancel the voter identification card of a person described in paragraph (a) until the person completes the application process under section 171.06, and complies in all respects with the requirements of the commissioner.

(d) The commissioner shall immediately notify the holder of a voter identification card of a cancellation of the card. Notification must be by mail, addressed to the cardholder's last known address, with postage prepaid.

Sec. 18. **[200.035] DOCUMENTATION OF IDENTITY AND RESIDENCE.**

The following are sufficient proof of identity and residence for purposes of election day voter registration under section 201.061, subdivision 3, and for determining whether to count a provisional ballot under section 204C.135, subdivision 2:

(1) a current driver's license, state identification card, or voter identification card issued to the voter by the Department of Public Safety that contains the voter's current address of residence in the precinct;

(2) an identification card issued to the voter by the tribal government of a tribe recognized by the Bureau of Indian Affairs that contains a photograph of the voter, the voter's current address of residence in the precinct, and any other items of data required to be contained on a Minnesota identification card, as provided in section 171.07, subdivision 3, paragraphs (a) and (b);

(3) an original receipt for a new, renewed, or updated driver's license, state identification card, or voter identification card issued to the voter under section 171.07 that contains the voter's current address of residence in the precinct along with one of the following documents, provided that it contains a photograph of the voter:

(i) a driver's license, identification card, or voter identification card that is expired or does not contain the voter's current address of residence, issued to the voter by the state of Minnesota or any other state or territory of the United States;

(ii) a United States passport, issued to the voter;

(iii) an identification card issued by a branch, department, agency, entity, or subdivision of Minnesota or the federal government;

(iv) an identification card issued by an accredited postsecondary institution with a campus located within Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(v) an identification card issued to the voter by the tribal government of a tribe recognized by the Bureau of Indian Affairs;

(4) if the voter is a student, a driver's license or identification card issued by Minnesota or any other state or territory of the United States that does not contain the voter's current address of residence, along with a current student fee statement that contains the student's valid address of residence in the precinct; or

(5) if the voter resides in a shelter facility designated for battered women, as defined in section 611A.37, subdivision 4, a driver's license or identification card issued to the voter by the Department of Public Safety that contains the voter's photograph and address of residence prior to seeking the services of the shelter facility, along with a certification of residence in the facility, signed by the facility's administrator on a form prescribed by the secretary of state.

Sec. 19. **[201.017] STATE-SUBSIDIZED VOTER IDENTIFICATION CARD ACCOUNT.**

A state-subsidized voter identification card account is established in the special revenue fund. Money in the account is appropriated to the Department of Public Safety for purposes of providing state-subsidized voter identification cards to individuals qualifying under section 171.07, subdivision 3b, provided that the department may not be reimbursed more than the actual cost of providing voter identification cards, not to exceed \$9.85 for each card issued. A report of the total expenditures by county must be submitted to the members of the house and senate committees with oversight of elections by January 31 of each year. On June 30 of each odd-numbered year, any balance in the account is transferred to the general fund.

Sec. 20. Minnesota Statutes 2010, section 201.061, subdivision 3, is amended to read:

Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of identity and residence. An individual may prove identity and residence for purposes of registering by: presenting documentation as permitted by section 200.035.

~~(1) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;~~

~~(2) presenting any document approved by the secretary of state as proper identification;~~

~~(3) presenting one of the following:~~

~~(i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or~~

~~(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or~~

~~(4) having a voter who is registered to vote in the precinct, or who is an employee employed by and working in a residential facility in the precinct and vouching for a resident in the facility, sign an oath in the presence of the election judge vouching that the voter or employee personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day. A voter who is registered to vote in the precinct may sign up to 15 proof of residence oaths on any election day. This limitation does not apply to an employee of a residential facility described in this clause. The secretary of state shall provide a form for election judges to use in recording the number of individuals for whom a voter signs proof of residence oaths on election day. The form must include space for the maximum number of individuals for whom a voter may sign proof of residence oaths. For each proof of residence oath, the form must include a statement that the voter is registered to vote in the precinct, personally knows that the individual is a resident of the precinct, and is making the statement on oath. The form must include a space for the voter's printed name, signature, telephone number, and address.~~

~~The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be attached to the voter registration application.~~

~~(b) The operator of a residential facility shall prepare a list of the names of its employees currently working in the residential facility and the address of the residential facility. The operator shall certify the list and provide it to the appropriate county auditor no less than 20 days before each election for use in election day registration.~~

~~(c) "Residential facility" means transitional housing as defined in section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.~~

~~(d) For tribal band members, an individual may prove residence for purposes of registering by:~~

~~(1) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, address, signature, and picture of the individual; or~~

~~(2) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, signature, and picture of the individual and also presenting one of the documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.~~

~~(e) (b) A county, school district, or municipality may must require that an election judge responsible for election day registration initial sign each completed registration application.~~

Sec. 21. Minnesota Statutes 2010, section 201.221, subdivision 3, is amended to read:

Subd. 3. **Procedures for polling place rosters.** The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. The address listed on the polling place roster must be the voter's address of residence, unless the voter has requested that the address printed on the roster be the voter's mailing address because the voter is a judge, or a law enforcement or corrections officer. The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle; the same information may not be placed on the polling place roster for a second state primary and general election cycle unless specified in this subdivision. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for 22 months following the election.

Sec. 22. Minnesota Statutes 2010, section 204C.10, is amended to read:

204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

Subdivision 1. Polling place roster. (a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) ~~A judge may, Before the applicant signs the roster, a judge must:~~ (1) require the voter to present a photo identification document, as described in subdivision 2; and (2) confirm the applicant's name, address, and date of birth. A voter who cannot produce sufficient identification as required by subdivision 2 may not sign the polling place roster, but may cast a provisional ballot, as provided in section 204C.135.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained ~~during the time for notice of filing an election contest~~ for 36 months following the date of the election.

Subd. 2. Photo identification. (a) To satisfy the photo identification requirement in subdivision 1, a voter must present a valid form of one of the following documents or sets of documents, issued to the voter:

(1) a Minnesota driver's license state identification card, or voter identification card issued under section 171.07 that contains the voter's current address of residence in the precinct;

(2)(i) an original receipt for a new, renewed, or updated driver's license, state identification card, or voter identification card issued to the voter under section 171.07 that contains the voter's current address of residence in the precinct; and

(ii) a driver's license, identification card, or a voter identification card that is expired, invalidated, or does not contain the voter's current address of residence in the precinct, issued to the voter by the state of Minnesota or any other state or territory of the United States;

(3) an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs that contains a photograph of the voter, the voter's current address of residence in the precinct, and any other items of data required to be contained on a Minnesota identification card, as provided in section 171.07, subdivision 3, paragraphs (a) and (b); or

(4) if the voter resides in a shelter facility designated for battered women, as defined in section 611A.37, subdivision 4, a driver's license or identification card issued to the voter by the Department of Public Safety that contains the voter's photograph and address of residence prior to seeking the services of the shelter facility, along with a certification of residence in the facility, signed by the facility's administrator on a form prescribed by the secretary of state.

(b) An identification card presented under this section is not deficient for a lack of the voter's current address of residence in the precinct if the identification card contains the mailing address of the voter and that matches the address listed on the polling place roster.

Sec. 23. Minnesota Statutes 2010, section 204C.12, subdivision 3, is amended to read:

Subd. 3. Determination of residence. In determining the legal residence of a challenged individual, the election judges shall be governed by the principles contained in section 200.031. If the challenged individual's answers to the questions show ineligibility to vote in that precinct, the individual shall not be allowed to vote. If the individual has marked ballots but not yet deposited them in the ballot boxes before the election judges determine ineligibility to vote in that precinct, the marked ballots shall be placed ~~unopened~~ with the spoiled ballots. If the answers to the questions fail to show that the individual is not eligible to vote in that precinct and the challenge is not withdrawn, the election judges shall ~~verbally administer the oath on the voter certificate to the individual. After taking the oath and completing and signing the voter certificate, the challenged individual shall be allowed to vote permit the voter to cast a provisional ballot, in the manner provided in section 204C.135.~~

Sec. 24. **[204C.135] PROVISIONAL BALLOTS.**

Subdivision 1. Casting of provisional ballots. (a) The following voters seeking to vote are entitled to cast a provisional ballot in the manner provided by this section:

(1) a voter who is unable to provide proper photo identification as required by section 204C.10;

(2) a voter whose registration status is listed as "challenged" on the polling place roster; and

(3) a voter whose eligibility to vote is challenged as permitted by section 204C.12.

(b) A voter seeking to vote a provisional ballot must sign a provisional ballot roster and complete a provisional ballot envelope. The envelope must contain a space for the voter to list the voter's name, address of residence, date of birth, voter identification number, and any other information prescribed by the secretary of state. The voter must also swear or affirm, in writing, that the voter is eligible to vote, has not voted previously in the same election, and meets the criteria for registering to vote in the precinct in which the voter appears.

Once the voter has completed the provisional ballot envelope, the voter must be allowed to cast a provisional ballot. The provisional ballot must be in the same form as the official ballot available in the precinct on election day. A completed provisional ballot shall be sealed in a secrecy envelope. The secrecy envelope shall be sealed inside the voter's provisional ballot envelope and deposited by the voter in a secure, sealed provisional ballot box. Completed provisional ballots may not be combined with other voted ballots in the polling place.

(c) The form of the secrecy and provisional ballot envelopes shall be prescribed by the secretary of state. The provisional ballot envelope must be a color other than that provided for absentee ballot envelopes and must be prominently labeled "Provisional Ballot Envelope."

(d) Provisional ballots and related documentation shall be delivered to and securely maintained by the county auditor or municipal clerk in the same manner as required for other election materials under sections 204C.27 to 204C.28.

Subd. 2. Counting provisional ballots. (a) A voter who casts a provisional ballot in the polling place may personally appear before the county auditor or municipal clerk no later than seven calendar days following the election to prove that the voter's provisional ballot should be counted. The county auditor or municipal clerk must count a provisional ballot in the final certified results from the precinct if:

(1) the statewide voter registration system indicates that the voter is eligible to vote or, if challenged, the voter presents evidence of the voter's eligibility to vote; and

(2) the voter presents proof of identity and residence in the precinct in the manner permitted by section 200.035.

(b) If a voter does not appear before the county auditor or municipal clerk within seven calendar days following the election or otherwise does not satisfy the requirements of paragraph (a), or if the data listed on the items of identification presented by the voter does not match the data submitted by the voter on the provisional ballot envelope, the voter's provisional ballot must not be counted.

(c) The county auditor or municipal clerk must notify, in writing, any provisional voter who does not appear within seven calendar days of the election that the voter's provisional ballot was not counted because of the voter's failure to appear before the county auditor or municipal clerk within the time permitted by law to determine whether the provisional ballot should be counted.

Subd. 3. **Provisional ballots; reconciliation.** Prior to counting any provisional ballots in the final vote totals from a precinct, the county auditor must verify that the number of signatures appearing on the provisional ballot roster from that precinct is equal to or greater than the number of accepted provisional ballots submitted by voters in the precinct on election day. Any discrepancy must be resolved before the provisional ballots from the precinct may be counted. Excess provisional ballots must be randomly withdrawn in the manner required by section 204C.20, subdivision 2, after the period for a voter to appear to prove residence and identity has expired and the ballots to be counted have been separated from the provisional ballot envelopes.

Sec. 25. Minnesota Statutes 2010, section 204C.32, is amended to read:

204C.32 CANVASS OF STATE PRIMARIES.

Subdivision 1. **County canvass.** The county canvassing board shall meet at the county auditor's office on the ~~third~~ eighth day following the state primary. After taking the oath of office, the canvassing board shall publicly canvass the election returns delivered to the county auditor. The board shall complete the canvass on the ~~third~~ eighth day following the state primary and shall promptly prepare and file with the county auditor a report that states:

- (a) the number of individuals voting at the election in the county, and in each precinct;
- (b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;
- (c) for each major political party, the names of the candidates running for each partisan office and the number of votes received by each candidate in the county and in each precinct;
- (d) the names of the candidates of each major political party who are nominated; and
- (e) the number of votes received by each of the candidates for nonpartisan office in each precinct in the county and the names of the candidates nominated for nonpartisan office.

Upon completion of the canvass, the county auditor shall mail or deliver a notice of nomination to each nominee for county office voted for only in that county. The county auditor shall transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass. The secretary of state shall mail a notice of nomination to each nominee for state or federal office.

Subd. 2. **State canvass.** The State Canvassing Board shall meet at the Secretary of State's Office ~~seven~~ 14 days after the state primary to canvass the certified copies of the county canvassing board reports received from the county auditors. Immediately after the canvassing board declares the results, the secretary of state shall certify the names of the nominees to the county auditors. The secretary of state shall mail to each nominee a notice of nomination.

Sec. 26. Minnesota Statutes 2010, section 204C.33, subdivision 1, is amended to read:

Subdivision 1. **County canvass.** The county canvassing board shall meet at the county auditor's office between the ~~third~~ third ~~eighth~~ and ~~tenth~~ 14th days following the state general election. After taking the oath of office, the board shall promptly and publicly canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:

- (a) the number of individuals voting at the election in the county and in each precinct;

(b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) the names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct;

(d) the number of votes counted for and against a proposed change of county lines or county seat; and

(e) the number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

The result of write-in votes cast on the general election ballots must be compiled by the county auditor before the county canvass, except that write-in votes for a candidate for federal, state, or county office must not be counted unless the candidate has timely filed a request under section 204B.09, subdivision 3. The county auditor shall arrange for each municipality to provide an adequate number of election judges to perform this duty or the county auditor may appoint additional election judges for this purpose. The county auditor may open the envelopes or containers in which the voted ballots have been sealed in order to count and record the write-in votes and must reseal the voted ballots at the conclusion of this process. The county auditor must prepare a separate report of votes received by precinct for write-in candidates for federal, state, and county offices who have requested under section 204B.09 that votes for those candidates be tallied.

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor shall transmit a certified copy of the county canvassing board report for state and federal offices to the secretary of state by messenger, express mail, or similar service immediately upon conclusion of the county canvass.

Sec. 27. Minnesota Statutes 2010, section 204C.37, is amended to read:

204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF STATE.

A copy of the report required by sections 204C.32, subdivision 1, and 204C.33, subdivision 1, shall be certified under the official seal of the county auditor. The copy shall be enclosed in an envelope addressed to the secretary of state, with the county auditor's name and official address and the words "Election Returns" endorsed on the envelope. The copy of the canvassing board report and the precinct summary statements must be sent by express mail or delivered to the secretary of state. If the copy is not received by the secretary of state within ten days following ~~the applicable election~~ a primary election, or within 16 days following a general election, the secretary of state shall immediately notify the county auditor, who shall deliver another copy to the secretary of state by special messenger.

Sec. 28. Minnesota Statutes 2010, section 205.065, subdivision 5, is amended to read:

Subd. 5. **Results.** The municipal primary shall be conducted and the returns made in the manner provided for the state primary so far as practicable. On the ~~third~~ eighth day after the primary, the governing body of the municipality shall canvass the returns, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to the office, who receive the highest number of votes, shall be the nominees for the office named. Their names shall be certified to the municipal clerk who shall place them on the municipal general election ballot without partisan designation and without payment of an additional fee.

Sec. 29. Minnesota Statutes 2010, section 205.185, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** (a) Between the ~~third eighth~~ and ~~tenth~~ 14th days after an election, the governing body of a city conducting any election including a special municipal election, or the governing body of a town conducting the general election in November shall act as the canvassing board, canvass the returns, and declare the results of the election. The governing body of a town conducting the general election in March shall act as the canvassing board, canvass the returns, and declare the results of the election within ~~two~~ ten days after an election.

(b) After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate. In case of a contest, the certificate shall not be issued until the outcome of the contest has been determined by the proper court.

(c) In case of a tie vote, the canvassing board having jurisdiction over the municipality shall determine the result by lot. The clerk of the canvassing board shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 30. Minnesota Statutes 2010, section 205A.03, subdivision 4, is amended to read:

Subd. 4. **Results.** The school district primary must be conducted and the returns made in the manner provided for the state primary as far as practicable. On the ~~third eighth~~ day after the primary, the school board of the school district shall canvass the returns, and the two candidates for each specified school board position who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to at-large school board positions who receive the highest number of votes, are the nominees for the office named. Their names must be certified to the school district clerk who shall place them on the school district general election ballot without partisan designation and without payment of an additional fee.

Sec. 31. Minnesota Statutes 2010, section 205A.10, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** Between the ~~third eighth~~ and ~~tenth~~ 14th days after a school district election other than a recount of a special election conducted under section 126C.17, subdivision 9, or 475.59, the school board shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the school district clerk shall issue a certificate of election to each successful candidate. If there is a contest, the certificate of election to that office must not be issued until the outcome of the contest has been determined by the proper court. If there is a tie vote, the school board shall determine the result by lot. The clerk shall deliver the certificate of election to the successful candidate by personal service or certified mail. The successful candidate shall file an acceptance and oath of office in writing with the clerk within 30 days of the date of mailing or personal service. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but that filing may be made at any time before action to fill the vacancy has been taken. The school district clerk shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

A school district canvassing board shall perform the duties of the school board according to the requirements of this subdivision for a recount of a special election conducted under section 126C.17, subdivision 9, or 475.59.

Sec. 32. **PUBLIC EDUCATION CAMPAIGN.**

The commissioner of administration shall contract for the production and implementation of a statewide public educational campaign related to the voter identification requirements of this article. The campaign must inform voters of the requirements for identification when voting, methods of securing sufficient identification, including securing a free voter identification card if necessary, and the process for provisional balloting for voters unable to

meet the identification requirements on election day. The secretary of state may consult with the vendor in coordinating material related to the campaign, but the secretary, the secretary's staff, and any other documents or materials promoting the office of the secretary of state may not appear visually or audibly in any advertising or promotional items disseminated by the vendor as part of the public education campaign.

\$100,000 is appropriated in fiscal year 2012 and \$2,200,000 is appropriated in fiscal year 2013 from the general fund to the commissioner of administration for purposes of implementing this section. These are onetime appropriations.

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

Sec. 33. **APPROPRIATION.**

(a) \$709,000 is appropriated in fiscal year 2013 from the general fund to the commissioner of management and budget for transfer to the state-subsidized identification card account for purposes of providing state-subsidized identification cards to individuals qualifying under Minnesota Statutes, section 171.07, subdivision 3b. The base for this appropriation is \$215,000 in fiscal year 2014 and each year after.

(b) \$880,000 is appropriated in fiscal year 2012 to the secretary of state from the Help America Vote Act account and \$110,000 is appropriated in fiscal year 2012 to the secretary of state from the general fund for purposes of implementing the requirements of this act. This appropriation is available until June 30, 2013.

Sec. 34. **EFFECTIVE DATE.**

Except where otherwise provided, this article is effective June 1, 2012, and applies to elections held on or after that date.

ARTICLE 2
ELECTION ADMINISTRATION AND INTEGRITY

Section 1. Minnesota Statutes 2010, section 135A.17, subdivision 2, is amended to read:

Subd. 2. **Residential housing list.** All postsecondary institutions that enroll students accepting state or federal financial aid may prepare a current list of students enrolled in the institution and residing in the institution's housing or within ten miles of the institution's campus. The list shall include each student's current address. The list shall be certified and sent to the appropriate county auditor or auditors, in an electronic format approved by the secretary of state, for use in election day registration as provided under section 201.061, subdivision 3. A residential housing list provided under this subdivision may not be used or disseminated by a county auditor or the secretary of state for any other purpose.

Sec. 2. Minnesota Statutes 2010, section 201.021, is amended to read:

201.021 PERMANENT REGISTRATION SYSTEM.

A permanent system of voter registration by county is established, with a single, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state, and assigns a unique identifier to each legally registered voter in the state. The unique identifier shall be permanently assigned to the voter and may not be changed or reassigned to another voter. The interactive computerized statewide voter registration list constitutes the official list of every legally registered voter in the state. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county. The secretary of state is responsible for defining, maintaining, and administering the centralized system.

Sec. 3. Minnesota Statutes 2010, section 201.022, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The secretary of state shall maintain a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state. The system must also:

(1) provide for voters to submit their voter registration applications to any county auditor, the secretary of state, or the Department of Public Safety;

(2) provide for the definition, establishment, and maintenance of a central database for all voter registration information;

(3) provide for entering data into the statewide registration system;

(4) provide for electronic transfer of completed voter registration applications from the Department of Public Safety to the secretary of state or the county auditor;

(5) assign a unique, permanent identifier to each legally registered voter in the state;

(6) provide for the acceptance of the Minnesota driver's license number, Minnesota state identification number, and last four digits of the Social Security number for each voter record;

(7) coordinate with other agency databases within the state;

(8) allow county auditors and the secretary of state to add or modify information in the system to provide for accurate and up-to-date records;

(9) allow county auditors, municipal and school district clerks, and the secretary of state to have electronic access to the statewide registration system for review and search capabilities;

(10) provide security and protection of all information in the statewide registration system and ensure that unauthorized access is not allowed;

(11) provide access to municipal clerks to use the system;

(12) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes;

(13) provide daily reports accessible by county auditors on the driver's license numbers, state identification numbers, or last four digits of the Social Security numbers submitted on voter registration applications that have been verified as accurate by the secretary of state; ~~and~~

(14) provide reports on the number of absentee ballots transmitted to and returned and cast by voters under section 203B.16; and

(15) provide reports on individuals who are not registered and believed to be ineligible to vote, to the extent permitted by federal law.

The appropriate state or local official shall provide security measures to prevent unauthorized access to the computerized list established under section 201.021.

Sec. 4. Minnesota Statutes 2010, section 201.061, subdivision 4, is amended to read:

Subd. 4. **Registration by election judges; procedures.** Registration at the polling place on election day shall be conducted by the election judges. Before registering an individual to vote at the polling place, the election judge must review any list of absentee election day registrants provided by the county auditor or municipal clerk to see if the person has already voted by absentee ballot. If the person's name appears on the list, the election judge must not allow the individual to register or to vote in the polling place. The election judges shall also review the list of individuals believed to be ineligible to vote using the electronic roster, or a paper list provided by the county auditor or municipal clerk. The election judge who registers an individual at the polling place on election day shall not handle that voter's ballots at any time prior to the opening of the ballot box after the voting ends. Registration applications and forms for oaths shall be available at each polling place. If an individual who registers on election day proves residence by oath of a registered voter, the form containing the oath shall be attached to the individual's registration application. Registration applications completed on election day shall be forwarded to the county auditor who shall add the name of each voter to the registration system unless the information forwarded is substantially deficient. A county auditor who finds an election day registration substantially deficient shall give written notice to the individual whose registration is found deficient. An election day registration shall not be found deficient solely because the individual who provided proof of residence was ineligible to do so.

Sec. 5. Minnesota Statutes 2010, section 201.061, subdivision 7, is amended to read:

Subd. 7. **Record of attempted registrations.** The election judge responsible for election day registration shall ~~attempt to~~ keep a record of the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section. The record shall be forwarded to the county auditor with the election returns for that precinct.

Sec. 6. Minnesota Statutes 2010, section 201.071, subdivision 3, is amended to read:

Subd. 3. **Deficient registration.** No voter registration application is deficient if it contains the voter's name, address, date of birth, current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification number, the last four digits of the voter's Social Security number, if the voter has been issued a Social Security number, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. ~~Failure to check a box on an application form that a voter has certified to be true does not cause the registration to be deficient.~~ The election judges shall request an individual to correct a voter registration application if it is deficient or illegible. No eligible voter may be prevented from voting unless the voter's registration application is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A voter registration application accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality ~~may shall~~ attempt to obtain the date of birth for a voter registration application accepted prior to August 1, 1983, by a request to the voter ~~at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.~~

A voter registration application accepted before January 1, 2004, is not deficient for lack of a valid Minnesota driver's license or state identification number, voter identification card number, or the last four digits of a Social Security number. A voter registration application submitted by a voter who does not have a Minnesota driver's license or state identification number, voter identification card number, or a Social Security number, is not deficient for lack of any of these numbers.

Sec. 7. Minnesota Statutes 2010, section 201.081, is amended to read:

201.081 REGISTRATION FILES.

The statewide registration system is the official record of registered voters. The voter registration applications and the terminal providing access to the statewide registration system must be under the control of the county auditor or the public official to whom the county auditor has delegated the responsibility for maintaining voter

registration records. The voter registration applications and terminals providing access to the statewide registration system must not be removed from the control of the county auditor except as provided in this section. The county auditor may make photographic copies of voter registration applications in the manner provided by section 138.17.

A properly completed voter registration application that has been submitted to the secretary of state or a county auditor must be maintained by the secretary of state or the county auditor for at least ~~22~~ 36 months after the date that the information on the application is entered into the database of the statewide registration system. The secretary of state or the county auditor may dispose of the applications after retention for ~~22~~ 36 months in the manner provided by section 138.17.

Sec. 8. Minnesota Statutes 2010, section 201.121, subdivision 1, is amended to read:

Subdivision 1. **Entry of registration information.** (a) At the time a voter registration application is properly completed, submitted, and received in accordance with sections 201.061 and 201.071, the county auditor shall enter the information contained on it into the statewide registration system. Voter registration applications completed before election day must be entered into the statewide registration system within ten days after they have been submitted to the county auditor. Voter registration applications completed on election day must be entered into the statewide registration system within 42 days after the election, ~~unless the county auditor notifies the secretary of state before the 42-day deadline has expired that the deadline will not be met.~~

(b) Upon receiving a completed voter registration application, the secretary of state may electronically transmit the information on the application to the appropriate county auditor as soon as possible for review by the county auditor before final entry into the statewide registration system. The secretary of state may mail the voter registration application to the county auditor.

(c) Within ten days after the county auditor has entered information from a voter registration application into the statewide registration system, the secretary of state shall compare the voter's name, date of birth, and driver's license number, state identification number, voter identification card number, or the last four digits of the Social Security number with the same information contained in the Department of Public Safety database.

(d) The secretary of state shall provide a report to the county auditor on a weekly basis that includes a list of voters whose name, date of birth, or identification number have been compared with the same information in the Department of Public Safety database and cannot be verified as provided in this subdivision. The report must list separately those voters who have submitted a voter registration application by mail and have not voted in a federal election in this state.

(e) The county auditor shall compile a list of voters for whom the county auditor and the secretary of state are unable to conclude that information on the voter registration application and the corresponding information in the Department of Public Safety database relate to the same person.

(f) The county auditor shall send a notice of incomplete registration to any voter whose name appears on the list and change the voter's status to "incomplete." A voter who receives a notice of incomplete registration from the county auditor may either provide the information required to complete the registration at least 21 days before the next election or at the polling place on election day.

Sec. 9. Minnesota Statutes 2010, section 201.121, subdivision 3, is amended to read:

Subd. 3. **Postelection sampling.** Within ten days after an election, the county auditor shall send the notice required by subdivision 2 to a random sampling of the individuals registered on election day. The random sampling shall be determined in accordance with the rules of the secretary of state. As soon as practicable after the election, but no later than January 1 of the following year, the county auditor shall mail the notice required by subdivision 2 to all other individuals registered on election day. If a notice is returned as not deliverable, the county auditor shall

attempt to determine the reason for the return. A county auditor who does not receive or obtain satisfactory proof of an individual's eligibility to vote shall immediately notify the county attorney of all of the relevant information and the secretary of state of the numbers by precinct. By March 1 of every odd-numbered year, the secretary of state shall report to the chair and ranking minority members of the legislative committees with jurisdiction over elections the number of notices reported under this subdivision to the secretary of state for the previous state general election by county and precinct.

Sec. 10. Minnesota Statutes 2010, section 201.171, is amended to read:

201.171 POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION REMOVED.

Within six weeks after every election, the county auditor shall post the voting history for every person who voted in the election. After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years. The secretary of state shall perform list maintenance by changing the status of those registrants to "inactive" in the statewide registration system. The list maintenance performed must be conducted in a manner that ensures that the name of each registered voter appears in the official list of eligible voters in the statewide registration system. A voter must not be removed from the official list of eligible voters unless the voter is not eligible or is not registered to vote. List maintenance must include procedures for eliminating duplicate names from the official list of eligible voters.

The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive."

Registrants whose status was changed to "inactive" must register in the manner specified in section 201.054 before voting in any primary, special primary, general, school district, or special election, as required by section 201.018.

Although not counted in an election, a late or rejected absentee or mail ballot must be considered a vote for the purpose of continuing registration under this section, but is not considered voting history ~~for the purpose of public information lists available under section 201.091, subdivision 4.~~

Sec. 11. **201.197 CHALLENGED ELIGIBILITY LIST.**

(a) The secretary of state shall maintain an electronic database of individuals not registered and who are believed to be ineligible to vote under section 201.014, subdivision 2. The database may be maintained as a module of the statewide voter registration system, if permitted by federal law, or maintained as a separate database, and at a minimum must include an individual's name, address of residence, date of birth, the reason the individual is believed to be ineligible to vote and, if available, the individual's driver's license or state identification card number, or the last four digits of the individual's Social Security number. Entries in the database shall be compiled using data submitted to the secretary of state under this chapter.

(b) An elections official processing a voter registration application must verify whether the individual listed on the application is included in the database of individuals known to be ineligible to vote. If the individual is listed in the database, the voter registration application may be accepted, but the voter's status must be listed as "challenged." An election judge processing a voter registration application submitted by a voter in a polling place on election day must verify the application using the electronic roster, or if the polling place does not have an electronic roster, using a paper list provided by the county auditor. A paper list used for verification in a polling place may be limited to only those individuals known to be residents of the county in which the precinct is located.

Sec. 12. Minnesota Statutes 2010, section 201.221, subdivision 3, is amended to read:

Subd. 3. **Procedures for polling place rosters.** The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle; the same information may not be placed on the polling place roster for a second state primary and general election cycle unless specified in this subdivision. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for ~~22~~ 36 months following the election.

Sec. 13. Minnesota Statutes 2010, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **Application procedures.** (a) Except as otherwise allowed by subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided by the secretary of state and shall furnish them to any person on request. By January 1 of each even-numbered year, the secretary of state shall make the forms to be used available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

(1) the county auditor of the county where the applicant maintains residence; or

(2) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

(b) An application shall be approved if it is timely received, signed and dated by the applicant, and contains:

(1) the applicant's name and residence and mailing addresses;

(2) the applicant's date of birth, ~~and at least one of the following:~~

(3) the applicant's Minnesota driver's license number, Minnesota state identification card number, or Minnesota voter identification card number; and

(4) the last four digits of the applicant's Social Security number or a statement that the applicant does not have a Social Security number.

~~(1) the applicant's Minnesota driver's license number;~~

~~(2) Minnesota state identification card number;~~

~~(3) the last four digits of the applicant's Social Security number; or~~

~~(4) a statement that the applicant does not have any of these numbers.~~

To be approved, the application must state that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02, and must contain an oath that the information contained on the form is accurate, that the applicant is applying on the applicant's own behalf, and that the applicant is signing the form under penalty of perjury.

Prior to approval, the county auditor or municipal clerk must verify that the Minnesota driver's license, state identification card number, or voter identification card number submitted by an applicant is valid and assigned to that applicant. An application that contains a driver's license or identification card number that is invalid or not assigned to the applicant must be rejected. The county auditor or municipal clerk must also verify that the applicant does not appear on any lists of known ineligible voters maintained by the county auditor or municipal clerk, or provided to the county auditor or municipal clerk by the secretary of state. When verifying eligibility, the county auditor or municipal clerk must use the same standards and process as used for individuals appearing in the polling place on election day, except that an applicant is not required to appear in person or present photo identification meeting the standards of section 204C.10, subdivision 2.

(c) An applicant's full date of birth, Minnesota driver's license ~~or~~, state identification, or voter identification card number, and the last four digits of the applicant's Social Security number must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 14. Minnesota Statutes 2010, section 203B.04, subdivision 2, is amended to read:

Subd. 2. **Health care patient.** An eligible voter who on the day before an election becomes a resident or patient in a health care facility or hospital located in the municipality in which the eligible voter maintains residence may apply for absentee ballots on election day if the voter:

~~(a) requests an application form by telephone from the municipal clerk not later than 5:00 p.m. on the day before election day; or~~

~~(b) submits an absentee ballot application to the election judges engaged in delivering absentee ballots pursuant to section 203B.11.~~

Sec. 15. Minnesota Statutes 2010, section 203B.06, subdivision 5, is amended to read:

Subd. 5. **Preservation of records.** An application for absentee ballots shall be dated by the county auditor or municipal clerk when it is received and shall be initialed when absentee ballots are mailed or delivered to the applicant. All applications shall be preserved by the county auditor or municipal clerk for ~~22~~ 36 months.

Sec. 16. Minnesota Statutes 2010, section 203B.121, subdivision 1, is amended to read:

Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include staff trained as election judges.

(b) Each jurisdiction must pay a reasonable compensation to each member of that jurisdiction's ballot board for services rendered during an election.

(c) A ballot board may only meet to perform its duties under this chapter during the period in which completed absentee ballots are accepted for an election. The time and place of each meeting must be scheduled, announced, and posted on the Web site of the governing body of the county, municipality, or school district at least 14 days prior to convening the first meeting of the ballot board for an election. If the governing body of the county, municipality, or school district does not have a Web site, the time and place of each meeting must be posted, in writing, on the principle bulletin board of the body. Meetings of the ballot board must be convened at the same time and in the same location. The ballot board must also meet on any day during which the county or municipal offices are open for the purposes of conducting election business prior to an election. A ballot board may not meet except during regularly scheduled meetings announced and posted as required by this paragraph.

(d) Except as otherwise provided by this section, all provisions of the Minnesota Election Law apply to a ballot board.

Sec. 17. Minnesota Statutes 2010, section 204B.40, is amended to read:

204B.40 BALLOTS; ELECTION RECORDS AND OTHER MATERIALS; DISPOSITION; INSPECTION OF BALLOTS.

The county auditors, municipal clerks, and school district clerks shall retain all election materials returned to them after any election for at least ~~22~~ 36 months from the date of that election. All election materials involved in a contested election must be retained for ~~22~~ 36 months or until the contest has been finally determined, whichever is later. Abstracts filed by canvassing boards shall be retained permanently by any officer with whom those abstracts are filed. Election materials no longer required to be retained pursuant to this section shall be disposed of in accordance with sections 138.163 to 138.21. Sealed envelopes containing voted ballots must be retained unopened, except as provided in this section, in a secure location. The county auditor, municipal clerk, or school district clerk shall not permit any voted ballots to be tampered with or defaced.

After the time for filing a notice of contest for an election has passed, the secretary of state may, for the purpose of monitoring and evaluating election procedures: (1) open the sealed ballot envelopes and inspect the ballots for that election maintained by the county auditors, municipal clerks, or school district clerks; (2) inspect the polling place rosters and completed voter registration applications; or (3) examine other forms required in the Minnesota election laws for use in the polling place. No inspected ballot or document may be marked or identified in any manner. After inspection, all ballots must be returned to the ballot envelope and the ballot envelope must be securely resealed. Any other election materials inspected or examined must be secured or resealed. ~~No polling place roster may be inspected until the voting history for that precinct has been posted. No voter registration application may be inspected until the information on it has been entered into the statewide registration system.~~

Sec. 18. Minnesota Statutes 2010, section 204C.20, subdivision 1, is amended to read:

Subdivision 1. **Determination of proper number.** The election judges shall determine the number of ballots to be counted by ~~adding the number of return envelopes from accepted absentee ballots to the number of signed voter's certificates, or to the number of names entered in the election register~~ counting the number of original voter signatures contained in the polling place roster, or on voter's receipts generated from an electronic roster. The election judges may not count the number of voter receipts collected in the precinct as a substitute for counting original voter signatures unless the voter receipts contain the name, voter identification number, and signature of the voter to whom the receipt was issued. The election judges shall then remove all the ballots from the box. Without considering how the ballots are marked, the election judges shall ascertain that each ballot is separate and shall count them to determine whether the number of ballots in the box corresponds with the number of ballots to be counted.

Sec. 19. Minnesota Statutes 2010, section 204C.20, subdivision 2, is amended to read:

Subd. 2. **Excess ballots.** If two or more ballots are found folded together like a single ballot, the election judges shall lay them aside until all the ballots in the box have been counted. If it is evident from the number of ballots to be counted that the ballots folded together were cast by one voter, the election judges shall preserve but not count them. If the number of ballots in one box exceeds the number to be counted, the election judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the election judges. If any ballots are not properly marked with the initials of the election judges, the election judges shall preserve but not count them; however, if the number of ballots does not exceed the number to be counted, the absence of either or both sets of initials of the election judges does not, by itself, disqualify the vote from being counted ~~and must not~~ but may be the basis of a challenge in a recount. If there is still an excess of properly marked ballots, the election judges shall replace them in the box, and one election judge, without looking, shall withdraw from the box a number of ballots equal to the excess. The withdrawn ballots shall not be counted but shall be preserved as provided in subdivision 4.

Sec. 20. Minnesota Statutes 2010, section 204C.20, subdivision 4, is amended to read:

Subd. 4. **Ballots not counted; disposition.** When the final count of ballots agrees with the number of ballots to be counted, those ballots not counted shall be clearly marked "excess" on the front of the ballot and attached to a certificate made by the election judges which states the number of ballots not counted and why the ballots they were not counted. The certificate and uncounted ballots shall be sealed in a separate envelope and returned to clearly marked "excess ballots." The election judges shall sign their names over the envelope seal and return the ballots to the county auditor or municipal or school district clerk from whom they were received. Tabulation of vote totals from a precinct where excess ballots were removed from the ballot box shall be completed by the canvassing board responsible for certifying the election results from that precinct.

Sec. 21. Minnesota Statutes 2010, section 204C.20, is amended by adding a subdivision to read:

Subd. 5. **Applicability.** The requirements of this section apply regardless of the voting system or method of tabulation used in a precinct.

Sec. 22. Minnesota Statutes 2010, section 204C.23, is amended to read:

204C.23 SPOILED, DEFECTIVE, AND DUPLICATE BALLOTS.

(a) A ballot that is spoiled by a voter must be clearly marked "spoiled" by an election judge, placed in an envelope designated for spoiled ballots from the precinct, sealed, and returned as required by section 204C.25.

(b) A ballot that is defective to the extent that the election judges are unable to determine the voter's intent shall be marked on the back "Defective" if it is totally defective or "Defective as to,," naming the office or question if it is defective only in part. Defective ballots must be placed in an envelope designated for defective ballots from the precinct, sealed, and returned as required by section 204C.25.

(c) A damaged or defective ballot that requires duplication must be handled as required by section 206.86, subdivision 5.

Sec. 23. Minnesota Statutes 2010, section 204C.24, subdivision 1, is amended to read:

Subdivision 1. **Information requirements.** Precinct summary statements shall be submitted by the election judges in every precinct. For all elections, the election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

(a) (1) the number of ballots delivered to the precinct as adjusted by the actual count made by the election judges, the number of unofficial ballots made, and the number of absentee ballots delivered to the precinct;

(b) (2) the number of votes each candidate received or the number of yes and no votes on each question, the number of undervotes, the number of overvotes, and the number of defective ballots with respect to each office or question;

(c) (3) the number of spoiled ballots, the number of duplicate ballots made, the number of absentee ballots rejected, and the number of unused ballots, presuming that the total count provided on each package of unopened prepackaged ballots is correct;

(4) the number of ballots cast;

(d) (5) ~~the number of individuals who voted at the election in the precinct~~ voter signatures contained on the polling place roster or on voter receipts generated by an electronic roster, which must equal the total number of ballots cast in the precinct, as required by sections 204C.20 and 206.86, subdivision 1;

(6) the number of excess ballots removed by the election judges, as required by section 204C.20;

(e) (7) the number of voters registering on election day in that precinct; and

(f) (8) the signatures of the election judges who counted the ballots certifying that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections.

Sec. 24. Minnesota Statutes 2010, section 206.86, subdivision 1, is amended to read:

Subdivision 1. ~~At the voting location~~ **Precinct polling locations; duties; reconciliation.** In precincts where an electronic voting system is used, as soon as the polls are closed the election judges shall secure the voting systems against further voting. They shall then open the ballot box and count the number of ~~ballot cards~~ ballots or envelopes containing ~~ballot cards~~ ballots that have been cast to determine that the number of ~~ballot cards~~ ballots does not exceed the number of ~~voters shown on original voter signatures contained in the election register or registration file~~ polling place roster or on voter receipts generated from an electronic roster. The election judges may not count the number of voter receipts collected in the precinct as a substitute for counting original voter signatures unless the voter receipts contain the name, voter identification number, and signature of the voter to whom the receipt was issued. If there is an excess, the judges shall ~~seal the ballots in a ballot container and transport the container to the county auditor or municipal clerk who shall process the ballots in the same manner as paper ballots are processed in section 204C.20, subdivision 2, then enter the ballots into the ballot counter~~ proceed in the manner required for excess ballots under section 204C.20, subdivisions 2 to 4. The total number of voters must be entered on the forms provided. The judges shall next count the write-in votes and enter the number of those votes on forms provided for the purpose.

Sec. 25. Minnesota Statutes 2010, section 206.86, subdivision 2, is amended to read:

Subd. 2. **Transportation of ~~ballot cards~~ ballots.** The judges shall place all voted ~~ballot cards~~ ballots, excess ballots, defective ballots, and damaged ballots in the container provided for transporting them to the counting center. The container must be sealed and delivered immediately to the counting center by two judges who are not of the same major political party. The judges shall also deliver to the counting center in a suitable container the unused ~~ballot cards~~ ballots, the spoiled ballot envelope, and the ballot envelopes issued to the voters and deposited during the day in the ballot box.

Sec. 26. Minnesota Statutes 2010, section 209.021, subdivision 1, is amended to read:

Subdivision 1. **Manner; time; contents.** Service of a notice of contest must be made in the same manner as the service of summons in civil actions. The notice of contest must specify the grounds on which the contest will be made. The contestant shall serve notice of the contest on the parties enumerated in this section. Notice must be served and filed within five days after the canvass is completed in the case of a primary or special primary or within seven days after the canvass is completed in the case of a special or general election; except that:

(1) if a contest is based on a deliberate, serious, and material violation of the election laws which was discovered from the statements of receipts and disbursements required to be filed by candidates and committees, the action may be commenced and the notice served and filed within ten days after the filing of the statements in the case of a general or special election or within five days after the filing of the statements in the case of a primary or special primary;

(2) if a notice of contest questions only which party received the highest number of votes legally cast at the election, a contestee who loses may serve and file a notice of contest on any other ground during the three days following expiration of the time for appealing the decision on the vote count; and

(3) if data or documents necessary to determine grounds for a contest, including but not limited to lists of the names of every voter who participated in an election, are not available to a candidate or the general public prior to the close of the period for filing a notice of contest under this section due to nonfeasance, malfeasance, or failure to perform duties within the time required by statute on the part of the secretary of state, a county auditor, or other state, county, or municipal election official, a notice of contest may be served and filed within seven days after the data or documents become available for inspection by the candidates and the general public.

Sec. 27. Minnesota Statutes 2010, section 209.06, subdivision 1, is amended to read:

Subdivision 1. **Appointment of inspectors.** After a contest has been instituted, either party may have ~~the ballots~~ all materials relating to the election, including, but not limited to, polling place rosters, voter registration applications, accepted absentee ballot envelopes, rejected absentee ballot envelopes, applications for absentee ballots, precinct summary statements, printouts from voting machines, and precinct incident logs, inspected before preparing for trial. The party requesting an inspection shall file with the district court where the contest is brought a verified petition, stating that the case cannot properly be prepared for trial without an inspection of the ballots and other election materials and designating the precincts in which an inspection is desired. A judge of the court in which the contest is pending shall then appoint as many sets of three inspectors for a contest of any office or question as are needed to count and inspect the ballots expeditiously. One inspector must be selected by each of the parties to the contest and a third must be chosen by those two inspectors. If either party neglects or refuses to name an inspector, the judge shall appoint the inspector. The compensation of inspectors is the same as for referees, unless otherwise stipulated.

Sec. 28. Minnesota Statutes 2010, section 211B.11, subdivision 1, is amended to read:

Subdivision 1. **Soliciting near polling places.** A person may not display campaign material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within a polling place or within 100 feet of the building in which a polling place is situated, or anywhere on the public property on which a polling place is situated, on primary or election day to vote for or refrain from voting for a candidate or ballot question. A person may not provide political badges, political buttons, or other political insignia to be worn at or about the polling place on the day of a primary or election. A political badge, political button, or other political insignia may not be worn at or about the polling place on primary or election day if it is designed to influence voting for or against a particular candidate, political party, or question on the ballot at the election. This section applies to areas established by the county auditor or municipal clerk for absentee voting as provided in chapter 203B.

The secretary of state, county auditor, municipal clerk, or school district clerk may provide stickers which contain the words "I VOTED" and nothing more. Election judges may offer a sticker of this type to each voter who has signed the polling place roster or a voter's receipt.

Sec. 29. **PROPOSED LEGISLATION.**

By January 15, 2012, the secretary of state must report to the legislature proposed legislation to amend matters currently contained in administrative rules as necessary to implement or make specific this act. To the greatest extent practical, this proposed legislation must propose codifying into law matters that otherwise would be enacted through the administrative rulemaking process.

To the extent that codifying matters into law is not practical, the proposed legislation must direct, by law, specific changes to be made in administrative rules so that no interpretation of the law by the secretary of state would be necessary, and use of the good cause rulemaking exemption in Minnesota Statutes, section 14.388 would be appropriate if the legislature authorizes use of this process.

Sec. 30. **REPEALER.**

Minnesota Statutes 2010, sections 203B.04, subdivision 3, is repealed.

ARTICLE 3
ELECTRONIC ROSTERS

Section 1. Minnesota Statutes 2010, section 200.02, is amended by adding a subdivision to read:

Subd. 12a. **Polling place roster.** "Polling place roster" means the official lists used to record a voter's appearance in a polling place on election day, including the list of registered voters in the precinct, and the list of voters registering on election day. A polling place roster may be in a printed or electronic format, as permitted by section 201.225.

Sec. 2. Minnesota Statutes 2010, section 201.221, subdivision 3, is amended to read:

Subd. 3. **Procedures for polling place rosters.** The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. A polling place roster provided in an electronic form must allow for a printed voter's receipt that meets the standards provided in section 201.225, subdivision 2. The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle; the same information may not be placed on the polling place roster for a second state primary and general election cycle unless specified in this subdivision. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for 22 months following the election.

Sec. 3. **[201.225] ELECTRONIC ROSTER; STANDARDS.**

Subdivision 1. **Certification of system.** (a) A precinct may have a secure network of two or more computer systems to serve as the precinct's electronic polling place roster.

(b) Precincts may not use an electronic roster until the secretary of state has certified that the system design and operational procedures are sufficient to prevent any voter from voting more than once at an election, and to prevent access to the system by unauthorized individuals.

Subd. 2. Minimum standards for electronic rosters. At a minimum, an electronic roster must:

(1) be preloaded with data from the statewide voter registration system, including data on individuals known to be ineligible to vote;

(2) permit all voting information processed by any computer in a precinct to be immediately accessible to all other computers in the precinct and to be transferred to the statewide voter registration system on election night or no later than one week after the election;

(3) provide for a printed voter's receipt, containing the voter's name, address of residence, date of birth, voter identification number, the oath required by section 204C.10, and a space for the voter's original signature;

(4) immediately alert the election judge if the electronic roster indicates that a voter has already voted at the election, is ineligible to vote, does not reside in the precinct, or the voter's registration status is challenged;

(5) automatically accept and input data from a scanned Minnesota driver's license or identification card and match the data to an existing voter registration record, and permit manual input of voter data, if necessary; and

(6) perform any other functions required for the efficient and secure administration of an election, as required by law.

Sec. 4. Minnesota Statutes 2010, section 204B.14, subdivision 2, is amended to read:

Subd. 2. Separate precincts; combined polling place. (a) The following shall constitute at least one election precinct:

(1) each city ward; and

(2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than May 1 of any year:

(1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;

(2) for two contiguous precincts in the same municipality that have a combined total of fewer than 500 registered voters;

(3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 200.02, subdivision 24, that are contained in the same county; or

(4) for noncontiguous precincts located in one or more counties.

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A polling place combined under clause (4) must be approved by the governing body of each participating municipality and the secretary of state and may be located outside any of the noncontiguous precincts. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than April 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place unless that precinct uses an electronic roster. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

Sec. 5. Minnesota Statutes 2010, section 204C.10, is amended to read:

204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

(a) An individual seeking to vote shall sign a polling place roster or printed voter's receipt, generated from an electronic roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) A judge may, before the applicant signs the roster or receipt, confirm the applicant's name, address, and date of birth.

(c) In precincts where a paper roster is used, after the applicant signs the roster, the judge shall give the applicant a voter's receipt. Regardless of the form of roster used, a voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest for 36 months following the date of the election.

Sec. 6. Minnesota Statutes 2010, section 204C.12, subdivision 4, is amended to read:

Subd. 4. **Refusal to answer questions or sign a polling place roster.** A challenged individual who refuses to answer questions or sign a polling place roster or voter's receipt as required by this section must not be allowed to vote. A challenged individual who leaves the polling place and returns later willing to answer questions or sign a polling place roster must not be allowed to vote.

Sec. 7. Minnesota Statutes 2010, section 204D.24, subdivision 2, is amended to read:

Subd. 2. **Voter registration.** An individual may register to vote at a special primary or special election at any time before the day that the polling place rosters for the special primary or special election are ~~prepared~~ finally secured by the secretary of state for the election. The secretary of state shall provide the county auditors with notice of this date at least seven days before ~~the printing of the~~ rosters are secured. This subdivision does not apply to a special election held on the same day as the state primary, state general election, or the regularly scheduled primary or general election of a municipality, school district, or special district.

Sec. 8. **[206A.01] APPLICABILITY.**

This chapter applies to each designated election official who administers electronic roster systems for the purpose of conducting an election and compiling complete returns.

Sec. 9. **[206A.02] DEFINITIONS.**

Subdivision 1. **Definitions.** The definitions in this section apply to this chapter.

Subd. 2. **Designated election official.** "Designated election official" means the county auditor or municipal clerk.

Subd. 3. **Elector data.** "Elector data" means voting information, including, but not limited to, voter registration, voting history, and voting tabulations.

Subd. 4. **Electronic roster.** "Electronic roster" is a list of eligible electors in electronic format who are permitted to vote at a polling place in an election conducted under the Minnesota Election Law, which shall be processed by a computer at a precinct such that the resulting elector data is immediately accessible to all other computers in the precinct and is transferred to the county for inclusion in the statewide voter registration system no later than one week after the election.

Sec. 10. **[206A.03] MINIMUM CONTINGENCY AND SECURITY PROCEDURES.**

(a) The designated election official shall establish written security procedures covering the processing and transference of elector data. The procedures must include:

(1) security covering the transmission of elector data processed through the electronic roster and reconciliation of the registration and history of voters casting ballots in a precinct; and

(2) contingency procedures for network and power failure. The procedures must, at a minimum, include procedures to address all single point failures including:

(i) network failure;

(ii) power failure that lasts less than one hour; and

(iii) power failure that lasts more than one hour.

(b) Acceptable alternatives for addressing power or system failures include either:

(1) a paper backup of the roster with the minimum information required to verify a voter's eligibility; or

(2) a sufficient number of computers per precinct to ensure that the voter check-in continues in an efficient manner. The computers and all essential peripheral devices must have the ability to function on batteries or an external power source for up to two hours.

(c) Each computer must have an electronic backup of the current roster in one of the following formats:

(1) a portable document file (PDF);

(2) a spreadsheet; or

(3) a database with a basic look-up interface. In addition to acceptable backup roster procedures, the security procedures must address contingency procedures to protect against activities such as voting twice.

Sec. 11. **[206A.04] MINIMUM STANDARDS FOR DATA ENCRYPTION.**

(a) The secretary of state shall ensure that the county connection to the statewide voter registration system is secure including details concerning encryption methodology. In addition, the connection must meet or exceed the standards provided for in this section.

(b) Proven, standard algorithms must be used as the basis for encryption technologies.

(c) If a connection utilizes a Virtual Private Network (VPN), the following apply:

(1) it is the responsibility of the county to ensure that unauthorized users are not allowed access to internal networks;

(2) VPN use is to be controlled using either a onetime password authentication such as a token device or a public/private key system with a strong passphrase;

(3) when actively connected to the network, VPNs must force all traffic to and from the computer over the VPN tunnel and all other traffic must be dropped;

(4) dual (split) tunneling is not permitted; only one network connection is allowed;

(5) VPN gateways must be set up and managed by the county or its designee;

(6) all computers connected to internal networks via VPN or any other technology must use up-to-date antivirus software; and

(7) the VPN concentrator is limited to an absolute connection time of 24 hours.

Sec. 12. **[206A.05] MINIMUM ELECTRONIC ROSTER TRANSACTION REQUIREMENTS.**

The designated election official shall ensure the electronic roster system complies with the following response-time standards for any computer on the system:

(1) a maximum of five seconds to update voter activity;

(2) a maximum of 1.5 seconds to process a voter inquiry by identification number; and

(3) a maximum of 45 seconds for session startup and password verification.

Sec. 13. **[206A.06] ELECTRONIC ROSTER PREELECTION TESTING PROCEDURES.**

(a) The designated election official shall test the electronic roster application to ensure that it meets the minimum system requirements prior to the first election in which it is used. The application must also be tested after the implementation of any system modifications, including any change in the number of connected computers. The county shall indicate in the subsequent security plan whether such retesting has occurred.

(b) The test must, at a minimum, include the following:

(1) a load test must be demonstrated through either actual computers running at proposed bandwidth and security settings, or by simulating a load test;

(2) a contingency/failure test must be demonstrated and documented illustrating the effects of failures identified in section 206A.03; and

(3) all tests must be conducted with clients and servers in normal, typical, deployed operating mode.

(c) All records and documentation of the testing must be retained by the designated election official for a period of 36 months as part of the election record. The testing record and documentation must include, but is not limited to, the following:

(1) a formal test plan containing all test scripts used:

(i) the test plan must include test environment containing make, model, type of hardware, and software versions used in testing; and

(ii) the test plan must also include the number of client computers, servers, and physical locations involved in testing;

(2) test logs of all events that were observed during testing, including:

(i) the sequence of actions necessary to set up the tests;

(ii) the actions necessary to start the tests;

(iii) the actions taken during the execution of the tests;

(iv) any measurements taken or observed during the tests;

(v) any actions necessary to stop or shut down the tests;

(vi) any actions necessary to bring the tests to a halt; and

(vii) any actions necessary or taken to deal with anomalies experienced during testing;

(3) performance logs and reports taken from both servers and workstations during the testing which contain performance information of:

(i) network usage (bandwidth);

(ii) processor utilization;

(iii) Random Access Memory (RAM) utilization; and

(iv) any additional performance monitoring reports necessary to explain the process taken and to support the findings of the tests; and

(4) all test logs must contain the date, time, operator, test status or outcome, and any additional information to assist the secretary of state in making a determination.

Sec. 14. [206A.07] MINIMUM NUMBER OF COMPUTERS REQUIRED FOR PRECINCTS EMPLOYING ELECTRONIC ROSTERS.

Counties employing electronic rosters in whole or in part shall allocate computers to affected precincts based upon the total number of registered voters in each precinct 90 days preceding the primary election and historical statistics regarding election day registrants. The minimum computers required shall be on site at each precinct. Precincts employing electronic rosters shall be allocated a minimum of two computers.

Sec. 15. **[206A.08] WRITTEN PROCEDURES AND REPORTS.**

(a) Written procedures and reports required by this chapter must be submitted by a county to the secretary of state for approval no later than 60 days before the election. The secretary of state shall either approve the procedures as submitted or notify the designated election official of recommended changes.

(b) If the secretary of state rejects or approves the written procedures, the secretary of state shall provide written notice of the rejection or approval, including specifics of noncompliance with this chapter within 15 days of receiving the written procedures.

(c) If the secretary of state rejects the written procedures, the designated election official shall submit a revised procedure within 15 days.

(d) The secretary of state shall permit the filing of the revised procedures at a later date if it is determined that compliance with the 15-day requirement is impossible.

Sec. 16. **LEGISLATIVE TASK FORCE ON ELECTRONIC ROSTER IMPLEMENTATION.**

Subdivision 1. **Creation.** The Legislative Task Force on Electronic Roster Implementation is established to facilitate development and implementation of electronic rosters for use in elections, as required by this article.

Subd. 2. **Duties; considerations.** (a) The task force shall:

(1) study and recommend options for systems that meet the standards for use in a precinct as provided in Minnesota Statutes, chapter 206A;

(2) study and facilitate implementation of software updates, add-ons, or other changes to the statewide voter registration system that may be necessary to allow the system to support electronic rosters as required by Minnesota Statutes, chapter 206A; and

(3) recommend to the legislature any additional changes to law that may be necessary to implement the requirements of this article.

(b) Factors that must be considered by the task force in carrying out its duties include, but are not limited to:

(1) ease of equipment use by election administrators, election judges, and voters;

(2) cost-effectiveness;

(3) feasibility of available technologies within precincts;

(4) the security, integrity, and reliability of the electronic roster system and its impact on the security, integrity, and reliability of the election; and

(5) minimum standards for equipment and software functionality as provided by law.

Subd. 3. **Membership.** The task force consists of 16 members, as follows:

(1) the speaker of the house shall appoint one member of the house of representatives, and one individual who served as a head election judge affiliated with the speaker's political party at the 2010 state general election;

(2) the minority leader of the house of representatives shall appoint one member of the house, and one individual who served as a head election judge affiliated with the minority leader's political party at the 2010 state general election;

(3) the majority leader of the senate shall appoint one member of the senate, and one individual who served as a head election judge affiliated with the majority leader's political party at the 2010 state general election;

(4) the minority leader of the senate shall appoint one member of the senate, and one individual who served as a head election judge affiliated with the minority leader's political party at the 2010 state general election;

(5) the Minnesota Association of County Auditors shall appoint one head elections administrator from a representative county with a large population, one head elections administrator from a representative county with an average-sized population, and one head elections administrator from a representative county with a small population, as defined by the association;

(6) the Minnesota Association of Townships shall appoint one head elections administrator;

(7) the League of Minnesota Cities shall appoint one head elections administrator;

(8) the secretary of state, or the secretary's designee;

(9) the director of information technology in the Office of the Secretary of State; and

(10) the Chief Information Officer of the state of Minnesota, or a designee.

Appointments required by this subdivision shall be made within 21 days of enactment of this article. The legislator appointed by the speaker of the house shall serve as chair of the task force.

Subd. 4. **Report to legislature.** The task force shall submit a report to the legislature on its activities and recommendations no later than December 1, 2011.

Subd. 5. **Meetings; staff.** (a) Meetings of the task force are subject to Minnesota Statutes, chapter 13D, except that a meeting may be closed to discuss proprietary data or other data that is protected by law.

(b) The director of the Legislative Coordinating Commission shall convene the first meeting of the task force no later than July 1, 2011, or within 30 days of enactment of this section, whichever is later, and shall provide staff as necessary to support the work of the task force.

Sec. 17. **EFFECTIVE DATE.**

Except where otherwise provided, this article is effective August 14, 2012, and applies to elections held on or after that date.

ARTICLE 4
RECOUNTS

Section 1. Minnesota Statutes 2010, section 204C.38, is amended to read:

204C.38 CORRECTION OF OBVIOUS ERRORS; WHEN CANDIDATES AGREE.

Subdivision 1. **Errors of election judges.** If the candidates for an office unanimously agree in writing that the election judges in any precinct have made an obvious error in the counting or recording of the votes for that office, they shall deliver the agreement to the county auditor of that county who shall reconvene the county canvassing board, if necessary, and present the agreement to it. The county canvassing board shall correct the error as specified in the agreement.

Subd. 2. **Errors of county canvassing board.** If the candidates for an office unanimously agree in writing that the county canvassing board has made an obvious error in the counting and recording of the vote for that office they shall notify the county auditor who shall reconvene the canvassing board. The county canvassing board shall promptly correct the error as specified in the agreement and file an amended report. When an error is corrected pursuant to this subdivision, the county canvassing board and the county auditor shall proceed in accordance with sections 204C.32 to ~~204C.36~~ 204C.33 and chapter 204E.

Subd. 3. **Errors of State Canvassing Board.** If the candidates for an office unanimously agree in writing that the State Canvassing Board has made an obvious error in the counting and recording of the vote for that office they shall deliver the agreement to the secretary of state. If a certificate of election has not been issued, the secretary of state shall reconvene the State Canvassing Board and present the agreement to it. The board shall promptly correct the error as specified in the agreement and file an amended statement. When an error is corrected pursuant to this subdivision by the State Canvassing Board, the State Canvassing Board and the secretary of state shall proceed in accordance with sections 204C.32 to ~~204C.36~~ 204C.33 and chapter 204E.

Sec. 2. **[204E.01] APPLICABILITY.**

This chapter establishes procedures for the conduct of all automatic and discretionary recounts provided for in law.

Sec. 3. **[204E.02] RECOUNT OFFICIALS.**

(a) The secretary of state or the secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or the county auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or the county auditor's designee shall conduct recounts for county offices. The municipal clerk or the municipal clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or the school district clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in section 205A.10, subdivision 5.

(b) A recount official may delegate the duty to conduct a recount to a county auditor or municipal clerk by mutual consent. When the person who would otherwise serve as recount official is a candidate or is the employee or other subordinate, spouse, child, parent, grandparent, grandchild, stepparent, stepchild, sibling, half-sibling, or stepsibling of a candidate for the office to be recounted, the appropriate canvassing board shall select a county auditor or municipal clerk from another jurisdiction to conduct the recount.

(c) As used in this chapter, "legal adviser" means counsel to the recount official and the canvassing board for the office being recounted.

Sec. 4. **[204E.03] SCOPE OF RECOUNTS.**

A recount conducted as provided in this chapter is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process. Original ballots that have been duplicated under section 206.86, subdivision 5, are not within the scope of a recount and must not be examined except as provided by a court in an election contest under chapter 209.

Sec. 5. **[204E.04] FEDERAL, STATE, AND JUDICIAL RACES.**

Subdivision 1. **Automatic recounts.** (a) In a state primary when the difference between the votes cast for the candidates for nomination to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office is:

(1) less than one-half of one percent of the total number of votes counted for that nomination; or

(2) ten votes or less and the total number of votes cast for the nomination is 400 votes or less,

and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall manually recount the vote.

(b) In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office and the votes of any other candidate for that office is:

(1) less than one-half of one percent of the total number of votes counted for that office; or

(2) ten votes or less if the total number of votes cast for the office is 400 votes or less,

the canvassing board shall manually recount the votes.

(c) Time for notice of a contest for an office recounted under this section begins to run upon certification of the results of the recount by the canvassing board, or as otherwise provided in section 209.021.

(d) A losing candidate may waive a recount required by this section by filing a written notice of waiver with the canvassing board.

Subd. 2. **Discretionary candidate recount.** (a) A losing candidate whose name was on the ballot for nomination or election to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes must be manually recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought.

(b) The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state or designees and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

(c) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by paragraph (b).

(d) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(e) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on election day by a margin greater than the standard for acceptable performance of voting systems provided in section 206.89, subdivision 4, the cost of the recount must be paid by the jurisdiction conducting the recount.

Sec. 6. **[204E.05] RECOUNTS IN COUNTY, SCHOOL DISTRICT, AND MUNICIPAL ELECTIONS.**

Subdivision 1. **Required recounts.** (a) Except as provided in paragraph (b), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the votes cast for that candidate and for a winning candidate for nomination or election is less than one-half of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(b) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the votes cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten-vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(c) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests must be filed during the time for notice of contest of the primary or election for which a recount is sought.

(d) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district.

Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by subdivision 1. The votes must be manually recounted as provided in this section if the requesting candidate files with the county auditor, municipal clerk, or school district clerk a bond, cash, or surety in an amount set by the governing body of the jurisdiction or the school board of the school district for the payment of the recount expenses.

(b) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by this paragraph.

(c) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(d) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on election day by a margin greater than the standard for acceptable performance of voting systems provided in section 206.89, subdivision 4, the cost of the recount must be paid by the jurisdiction conducting the recount.

Subd. 3. **Discretionary ballot question recounts.** A recount may be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1. A recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. Upon receipt of a written request when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1, the county auditor shall recount the votes for a county question at the expense of the county, the governing body of the municipality shall recount the votes for a municipal question at the expense of the municipality, and the school board of the school district shall recount the votes for a school district question at the expense of the school district. If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1, the person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.

Subd. 4. **Expenses.** In the case of a question, a person, or a candidate requesting a discretionary recount, is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

Subd. 5. **Notice of contest.** Except as otherwise provided in section 209.021, the time for notice of contest of a nomination or election to an office which is recounted pursuant to this section begins to run upon certification of the results of the recount by the appropriate canvassing board or governing body.

Sec. 7. **[204E.06] NOTICE.**

Within 24 hours after determining that an automatic recount is required or within 48 hours of receipt of a written request for a recount and filing of a security deposit if one is required, the official in charge of the recount shall send notice to the candidates for the office to be recounted and the county auditor of each county wholly or partially within the election district. The notice must include the date, starting time, and location of the recount, the office to be recounted, and the name of the official performing the recount. The notice must state that the recount is open to the public and, in case of an automatic recount, that the losing candidate may waive the recount.

Sec. 8. **[204E.07] SECURING BALLOTS AND MATERIALS.**

(a) The official who has custody of the voted ballots is responsible for keeping secure all election materials. Registration cards of voters who registered on election day may be processed as required by rule. All other election materials must be kept secure by precinct as returned by the election judges until all recounts have been completed and until the time for contest of election has expired.

(b) Any candidate for an office to be recounted may have all materials relating to the election, including, but not limited to, polling place rosters, voter registration applications, accepted absentee ballot envelopes, rejected absentee ballot envelopes, applications for absentee ballots, precinct summary statements, printouts from voting machines, and precinct incident logs inspected before the canvassing board may certify the results of the recount.

Sec. 9. **[204E.08] FACILITIES AND EQUIPMENT.**

All recounts must be accessible to the public. In a multicounty recount the secretary of state may locate the recount in one or more of the election jurisdictions or at the site of the canvassing board. Each election jurisdiction where a recount is conducted shall make available, without charge to the recount official or body conducting the recount, adequate accessible space and all necessary equipment and facilities.

Sec. 10. **[204E.09] GENERAL PROCEDURES.**

At the opening of a recount, the recount official or legal adviser shall present the procedures contained in this section for the recount. The custodian of the ballots shall make available to the recount official the precinct summary statements, the precinct boxes or the sealed containers of voted ballots, and any other election materials requested by the recount official. If the recount official needs to leave the room for any reason, the recount official must designate a deputy recount official to preside during the recount official's absence. A recount official must be in the room at all times. The containers of voted ballots must be unsealed and resealed within public view. No ballots or election materials may be handled by candidates, their representatives, or members of the public. There must be an area of the room from which the public may observe the recount. Cell phones and video cameras may be used in this public viewing area, as long as their use is not disruptive. The recount official shall arrange the counting of the ballots so that the candidates and their representatives may observe the ballots as they are recounted. Candidates may each have one representative observe the sorting of each precinct. One additional representative per candidate may observe the ballots when they have been sorted and are being counted pursuant to section 204E.10. Candidates may have additional representatives in the public viewing area of the room. If other election materials are handled or examined by the recount officials, the candidates and their representatives may observe them. The recount official shall ensure that public observation does not interfere with the counting of the ballots. The recount official shall prepare a summary of the recount vote by precinct.

Sec. 11. **[204E.10] COUNTING AND CHALLENGING BALLOTS.**

Subdivision 1. **Breaks in counting process.** Recount officials may not take a break for a meal or for the day prior to the completion of the sorting, counting, review, and labeling of challenges, and secure storage of the ballots for any precinct. All challenged ballots must be stored securely during breaks in the counting process.

Subd. 2. **Sorting ballots.** Ballots must be recounted by precinct. The recount official shall open the sealed container of ballots and recount them in accordance with section 204C.22. The recount official must review each ballot and sort the ballots into piles based upon the recount official's determination as to which candidate, if any, the voter intended to vote for: one pile for each candidate that is the subject of the recount and one pile for all other ballots.

Subd. 3. **Challenge.** During the sorting, a candidate or candidate's representative may challenge the ballot if he or she disagrees with the recount official's determination of for whom the ballot should be counted and whether there are identifying marks on the ballot. At a recount of a ballot question, the manner in which a ballot is counted may be challenged by the person who requested the recount or that person's representative. Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge pursuant to section 204C.22. Challenged ballots must be placed into separate piles, one for ballots challenged by each candidate. Only the canvassing board with responsibility to certify the results of the recount has the authority to declare a challenge to be "frivolous."

Subd. 4. **Counting ballots.** Once ballots have been sorted, the recount officials must count the piles using the stacking method described in section 204C.21. A candidate or candidate's representative may immediately request to have a pile of 25 counted a second time if there is not agreement as to the number of votes in the pile.

Subd. 5. **Reviewing and labeling challenged ballots.** After the ballots from a precinct have been counted, the recount official may review the challenged ballots with the candidate or the candidate's representative. The candidate's representative may choose to withdraw any challenges previously made. The precinct name, the reason for the challenge, and the name of the person challenging the ballot or the candidate that person represents, and a sequential number must be marked on the back of each remaining challenged ballot before it is placed in an

envelope marked "Challenged Ballots." After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the custodian of the ballots. The recount official may make copies of the challenged ballots. After the count of votes for all precincts has been determined during that day of counting, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board.

Sec. 12. **[204E.11] RESULTS OF RECOUNT; TIE VOTES.**

Subdivision 1. **Certification of results.** The recount official shall present the summary statement of the recount and any challenged ballots to the canvassing board. The candidate or candidate's representative who made the challenge may present the basis for the challenge to the canvassing board. The canvassing board shall rule on the challenged ballots and incorporate the results into the summary statement. The canvassing board shall certify the results of the recount. Challenged ballots must be returned to the election official who has custody of the ballots.

Subd. 2. **Tie votes.** In case of a tie vote for nomination or election to an office, the canvassing board with the responsibility for declaring the results for that office shall determine the tie by lot.

Sec. 13. **[204E.12] SECURITY DEPOSIT.**

When a bond, cash, or surety for recount expenses is required by section 204E.04 or 204E.05, the governing body or recount official shall set the amount of the security deposit at an amount which will cover expected recount expenses. In multicounty districts, the secretary of state shall set the amount taking into consideration the expenses of the election jurisdictions in the district and the expenses of the secretary of state. The security deposit must be filed during the period for requesting an administrative recount. In determining the expenses of the recount, only the actual recount expenditures incurred by the recount official and the election jurisdiction in conducting the recount may be included. General office and operating costs may not be taken into account.

Sec. 14. **REVISOR'S INSTRUCTION.**

Except where otherwise amended by this article, the revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall make necessary cross-reference changes consistent with the renumbering.

Column A

204C.34

204C.35

204C.36

Column B

204E.11, subdivision 2

204E.04

204E.05

Sec. 15. **REPEALER.**

Minnesota Statutes 2010, sections 204C.34; 204C.35; 204C.36; and 204C.361, are repealed.

Sec. 16. **EFFECTIVE DATE.**

This article is effective June 1, 2011, and applies to recounts conducted on or after that date."

Delete the title and insert:

"A bill for an act relating to elections; requiring voters to provide picture identification before receiving a ballot in most situations; providing for the issuance of voter identification cards at no charge; establishing a procedure for provisional balloting; creating challenged voter eligibility list; specifying other election administration procedures; allowing use of electronic polling place rosters; setting standards for use of electronic polling place rosters; creating legislative task force on electronic roster implementation; enacting procedures related to recounts; appropriating

money; amending Minnesota Statutes 2010, sections 13.69, subdivision 1; 135A.17, subdivision 2; 171.01, by adding a subdivision; 171.06, subdivisions 1, 2, 3, by adding a subdivision; 171.061, subdivisions 1, 3, 4; 171.07, subdivisions 1a, 4, 9, 14, by adding a subdivision; 171.071; 171.11; 171.14; 200.02, by adding a subdivision; 201.021; 201.022, subdivision 1; 201.061, subdivisions 3, 4, 7; 201.071, subdivision 3; 201.081; 201.121, subdivisions 1, 3; 201.171; 201.221, subdivision 3; 203B.04, subdivisions 1, 2; 203B.06, subdivision 5; 203B.121, subdivision 1; 204B.14, subdivision 2; 204B.40; 204C.10; 204C.12, subdivisions 3, 4; 204C.20, subdivisions 1, 2, 4, by adding a subdivision; 204C.23; 204C.24, subdivision 1; 204C.32; 204C.33, subdivision 1; 204C.37; 204C.38; 204D.24, subdivision 2; 205.065, subdivision 5; 205.185, subdivision 3; 205A.03, subdivision 4; 205A.10, subdivision 3; 206.86, subdivisions 1, 2; 209.021, subdivision 1; 209.06, subdivision 1; 211B.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 200; 201; 204C; proposing coding for new law as Minnesota Statutes, chapters 204E; 206A; repealing Minnesota Statutes 2010, sections 203B.04, subdivision 3; 204C.34; 204C.35; 204C.36; 204C.361."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 4, 66, 232, 632, 873, 874, 1234, 1332 and 1397 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 478 and 509 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wagenius introduced:

H. F. No. 1644, A bill for an act relating to natural resources; modifying watercraft surcharge; modifying aquatic plant management fees; amending Minnesota Statutes 2010, sections 86B.415, subdivision 7; 103G.615, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Loeffler, Hilstrom and Zellers introduced:

H. F. No. 1645, A bill for an act relating to local government; terminating Hennepin County Soil And Water Conservation District and transferring certain duties; proposing coding for new law in Minnesota Statutes, chapter 383B.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Norton introduced:

H. F. No. 1646, A bill for an act relating to human services; repealing the child and adult foster care licensing moratorium; repealing Minnesota Statutes 2010, section 245A.03, subdivision 7.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Lanning introduced:

H. F. No. 1647, A bill for an act relating to retirement; major general employee statewide retirement plans; revising statutory salary scale actuarial assumptions; revising payroll growth actuarial assumptions; amending Minnesota Statutes 2010, section 356.215, subdivision 8.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Mahoney introduced:

H. F. No. 1648, A bill for an act relating to economic development; providing funding for the Minnesota Science and Technology Authority; proposing coding for new law in Minnesota Statutes, chapter 116L.

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

Hansen introduced:

H. F. No. 1649, A bill for an act relating to capital investment; appropriating money for a grade separated crossing for the North Urban Regional Trail in West Saint Paul; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Beard introduced:

H. F. No. 1650, A bill for an act relating to data practices; authorizing access to Department of Natural Resources electronic licensing data for certain purposes; amending Minnesota Statutes 2010, section 84.0874.

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

Gunther, O'Driscoll, Urdahl, Leidiger, Torkelson, Murdock, McFarlane, Murray, Vogel, Stensrud and Lillie introduced:

H. F. No. 1651, A bill for an act relating to economic development; creating performance rewards on fast investment today program; providing tax benefits; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Urdahl; Torkelson; Kiel; Murphy, M., and Dill introduced:

H. F. No. 1652, A bill for an act relating to arts, history, and cultural heritage; appropriating money from the arts and cultural heritage fund; amending Minnesota Statutes 2010, sections 3.303, subdivision 10; 85.53, subdivision 2; 97A.056, by adding a subdivision; 114D.50, subdivision 4; 129D.17, subdivision 2; 129D.18, subdivisions 3, 4; 129D.19, subdivision 5; Laws 2009, chapter 172, article 4, section 9, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 15B; 16B; 138.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

McDonald introduced:

H. F. No. 1653, A bill for an act relating to capital investment; appropriating money for flood hazard mitigation in Delano; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

CALENDAR FOR THE DAY

Dean moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Kelly moved that the name of Hansen be added as an author on H. F. No. 387. The motion prevailed.

Gruenhagen moved that the name of Kiffmeyer be added as an author on H. F. No. 469. The motion prevailed.

Kieffer moved that the names of Lohmer, Gauthier and Slawik be added as authors on H. F. No. 650. The motion prevailed.

Lesch moved that the name of Gauthier be added as an author on H. F. No. 702. The motion prevailed.

Loon moved that the name of Dettmer be added as an author on H. F. No. 1395. The motion prevailed.

Hortman moved that the name of Champion be added as an author on H. F. No. 1429. The motion prevailed.

Lohmer moved that the name of Champion be added as an author on H. F. No. 1492. The motion prevailed.

Liebling moved that the name of Champion be added as an author on H. F. No. 1498. The motion prevailed.

Mariani moved that the name of Peterson, S., be added as an author on H. F. No. 1580. The motion prevailed.

Mullery moved that the name of Champion be added as an author on H. F. No. 1620. The motion prevailed.

Liebling moved that H. F. No. 1397, now on the General Register, be re-referred to the Committee on Health and Human Services Reform.

A roll call was requested and properly seconded.

The question was taken on the Liebling motion and the roll was called. There were 60 yeas and 69 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|----------|-----------|------------|--------------|----------|
| Anzelc | Eken | Hilty | Laine | Morrow | Poppe |
| Atkins | Falk | Hornstein | Lenczewski | Mullery | Rukavina |
| Benson, J. | Fritz | Hortman | Lesch | Murphy, E. | Scalze |
| Brynaert | Gauthier | Hosch | Liebling | Murphy, M. | Simon |
| Carlson | Greene | Huntley | Lillie | Nelson | Slawik |
| Champion | Greiling | Johnson | Loeffler | Norton | Slocum |
| Clark | Hansen | Kahn | Mahoney | Paymar | Thissen |
| Davnie | Hausman | Kath | Marquart | Pelowski | Wagenius |
| Dill | Hayden | Knuth | Melin | Persell | Ward |
| Dittrich | Hilstrom | Koenen | Moran | Peterson, S. | Winkler |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|-----------|--------------|--------------|
| Abeler | Crawford | Gottwalt | Lanning | Murray | Stensrud |
| Anderson, B. | Daudt | Gruenhagen | Leidiger | Myhra | Swedzinski |
| Anderson, D. | Davids | Hackbarth | LeMieur | Nornes | Torkelson |
| Anderson, P. | Dean | Hancock | Lohmer | O'Driscoll | Urdahl |
| Anderson, S. | Dettmer | Holberg | Loon | Peppin | Vogel |
| Banaian | Doepke | Hoppe | Mack | Petersen, B. | Wardlow |
| Barrett | Downey | Howes | Mazorol | Quam | Westrom |
| Beard | Drazkowski | Kelly | McDonald | Runbeck | Woodard |
| Benson, M. | Erickson | Kieffer | McElfrick | Sanders | Spk. Zellers |
| Bills | Fabian | Kiel | McFarlane | Schomacker | |
| Buesgens | Franson | Kiffmeyer | McNamara | Scott | |
| Cornish | Garofalo | Kriesel | Murdock | Shimanski | |

The motion did not prevail.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 4:30 p.m., Wednesday, May 4, 2011. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 4:30 p.m., Wednesday, May 4, 2011.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

