

## STATE OF MINNESOTA

## EIGHTY-EIGHTH SESSION — 2013

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 FORTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 2, 2013

The House of Representatives convened at 10:00 a.m. and was called to order by Paul Thissen, Speaker of the House.

Prayer was offered by the Reverend John Bauer, the Basilica of Saint Mary, 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	Dorholt	Hilstrom	Lillie	Norton	Simonson
Albright	Drazkowski	Holberg	Loeffler	O'Driscoll	Slocum
Anderson, P.	Erickson, R.	Hoppe	Lohmer	O'Neill	Sundin
Anderson, S.	Erickson, S.	Hornstein	Mack	Paymar	Swedzinski
Anzelc	Fabian	Hortman	Mahoney	Pelowski	Theis
Atkins	Falk	Howe	Mariani	Peppin	Torkelson
Barrett	Faust	Huntley	Marquart	Persell	Uglen
Beard	Fischer	Isaacson	Masin	Poppe	Urdahl
Benson, J.	FitzSimmons	Johnson, B.	McNamar	Pugh	Wagenius
Benson, M.	Freiberg	Johnson, C.	McNamara	Quam	Ward, J.A.
Bernardy	Fritz	Johnson, S.	Melin	Radinovich	Ward, J.E.
Bly	Garofalo	Kahn	Metsa	Rosenthal	Wills
Brynaert	Green	Kieffer	Moran	Runbeck	Winkler
Carlson	Gruenhagen	Kiel	Morgan	Sanders	Woodard
Cornish	Gunther	Kresha	Murphy, E.	Savick	Yarusso
Daudt	Hackbarth	Laine	Murphy, M.	Sawatzky	Zellers
Davids	Halverson	Leidiger	Myhra	Schoen	Zerwas
Davnie	Hamilton	Lenczewski	Nelson	Schomacker	Spk. Thissen
Dean, M.	Hansen	Lesch	Newberger	Scott	
Dehn, R.	Hausman	Liebling	Newton	Selcer	
Dettmer	Hertaus	Lien	Nornes	Simon	

A quorum was present.

Anderson, M.; Clark; Dill; Kelly; Loon; Mullery and Petersburg were excused.

Allen and Erhardt were excused until 10:40 a.m. Franson was excused until 10:50 a.m. McDonald was excused until 1:20 p.m.

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.

**REPORTS OF STANDING COMMITTEES AND DIVISIONS**

Murphy, M., from the Committee on State Government Finance and Veterans Affairs to which was referred:

H. F. No. 863, A bill for an act relating to campaign finance; providing for additional disclosure; making various changes to campaign finance and public disclosure law; providing penalties; amending Minnesota Statutes 2012, sections 10A.01, subdivisions 10, 11, 27, 28, by adding subdivisions; 10A.02, subdivisions 9, 10, 11, 12; 10A.025, subdivisions 2, 3; 10A.105, subdivision 1; 10A.12, subdivisions 1, 1a, 2; 10A.121; 10A.14, subdivision 1, by adding a subdivision; 10A.15, subdivisions 1, 2, 3; 10A.20, subdivisions 1, 2, 3, 5, 6, 7, by adding a subdivision; 10A.25, subdivisions 2, 2a, 3, 3a; 10A.257, subdivision 1; 10A.27, subdivisions 1, 10, 11, 13, 14, 15; 10A.323; 211B.32, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 2012, sections 10A.24; 10A.242; 10A.25, subdivision 6.

Reported the same back with the following amendments:

Page 2, line 31, delete the colon

Page 2, line 32, delete "1"

Page 2, line 33, delete "; or" and insert a period

Page 3, delete lines 1 to 4

Page 3, line 15, after the first "Person" insert a period

Page 5, line 1, after "actions" insert "or negotiate settlements"

Page 5, line 7, after "association" insert "whose money was misused"

Page 5, line 14, delete "distributed" and insert "deposited in a campaign finance recovery account in the special revenue fund and are appropriated"

Page 5, line 16, delete "must" and insert "is appropriated to the board for its operations;"

Page 5, delete line 17

Page 5, line 19, delete everything after "General" and insert "in the recovery matter, calculated on the same basis as is used for charging legal fees to state agencies, is appropriated to the attorney general for the attorney general's operations; and"

Page 5, delete line 20

Page 5, line 21, delete "must be returned" and insert "is appropriated to the board for distribution"

Page 5, line 27, delete "deposited into" and insert "transferred to"

Page 6, line 16, after "a" insert "city or"

Page 7, after line 7, insert:

"Sec. 14. Minnesota Statutes 2012, section 10A.02, subdivision 15, is amended to read:

Subd. 15. **Disposition of fees.** The board must deposit all fees and civil penalties collected under this chapter into the general fund in the state treasury."

Page 8, line 6, delete "gross"

Page 9, delete line 22

Page 9, line 23, delete "(6)" and insert "(5)"

Page 9, line 24, delete "(7)" and insert "(6)"

Page 9, line 25, delete "(8)" and insert "(7)"

Page 9, line 28, delete "(9)" and insert "(8)"

Page 13, line 34, delete the first comma and insert "and" and delete ", and disbursements for"

Page 13, line 35, delete the new language

Page 14, lines 2, 3, 6, and 7 delete the new language

Page 16, delete section 33

Page 22, before line 3, insert:

"Sec. 34. Minnesota Statutes 2012, section 10A.241, is amended to read:

**10A.241 TRANSFER OF DEBTS.**

~~Notwithstanding section 10A.24,~~ A candidate may terminate the candidate's principal campaign committee for one state office by transferring any debts of that committee to the candidate's principal campaign committee for another state office if all outstanding unpaid bills or loans from the committee being terminated are assumed and continuously reported by the committee to which the transfer is being made until paid or forgiven. A loan that is forgiven is covered by section 10A.20 and, ~~for purposes of section 10A.324,~~ is a contribution to the principal campaign committee from which the debt was transferred under this section."

Page 22, line 24, delete "for electioneering communications"

Page 23, lines 4 and 14, delete "for electioneering communications"

Page 23, line 13, delete "is" and insert "it"

Page 25, delete section 41

Page 29, line 5, reinstate the stricken language and delete the new language

Page 29, delete lines 6 and 7

Page 29, lines 8 to 20, reinstate the stricken language

Page 29, delete lines 21 to 30

Reletter the paragraphs in sequence and correct the internal references

Page 30, line 1, delete "or as the source"

Page 30, line 2, delete the new language

Page 31, delete lines 3 to 6

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 Rules and Legislative Administration.

The report was adopted.

Mahoney from the Committee on Jobs and Economic Development Finance and Policy to which was referred:

H. F. No. 1359, A bill for an act relating to workers' compensation; making various policy and housekeeping changes; amending Minnesota Statutes 2012, sections 176.102, subdivision 3a; 176.106, subdivision 1; 176.129, subdivision 13; 176.138; 176.183, subdivision 4; 176.245; 176.521.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"ARTICLE 1  
POLICY AND HOUSEKEEPING"

Page 7, after line 10, insert:

"ARTICLE 2  
ADVISORY COUNCIL RECOMMENDATIONS"

Section 1. Minnesota Statutes 2012, section 176.011, subdivision 15, is amended to read:

Subd. 15. **Occupational disease.** (a) "Occupational disease" means a mental impairment as defined in paragraph (d) or physical disease arising out of and in the course of employment peculiar to the occupation in which the employee is engaged and due to causes in excess of the hazards ordinary of employment and shall include undulant fever. Physical stimulus resulting in mental injury and mental stimulus resulting in physical injury shall remain compensable. Mental impairment is not considered a disease if it results from a disciplinary action work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action taken in good faith by the employer. Ordinary diseases of life to which the general public is equally exposed outside of employment are not compensable, except where the diseases follow as an incident of an occupational disease, or where the exposure

peculiar to the occupation makes the disease an occupational disease hazard. A disease arises out of the employment only if there be a direct causal connection between the conditions under which the work is performed and if the occupational disease follows as a natural incident of the work as a result of the exposure occasioned by the nature of the employment. An employer is not liable for compensation for any occupational disease which cannot be traced to the employment as a direct and proximate cause and is not recognized as a hazard characteristic of and peculiar to the trade, occupation, process, or employment or which results from a hazard to which the worker would have been equally exposed outside of the employment.

(b) If immediately preceding the date of disablement or death, an employee was employed on active duty with an organized fire or police department of any municipality, as a member of the Minnesota State Patrol, conservation officer service, state crime bureau, as a forest officer by the Department of Natural Resources, state correctional officer, or sheriff or full-time deputy sheriff of any county, and the disease is that of myocarditis, coronary sclerosis, pneumonia or its sequel, and at the time of employment such employee was given a thorough physical examination by a licensed doctor of medicine, and a written report thereof has been made and filed with such organized fire or police department, with the Minnesota State Patrol, conservation officer service, state crime bureau, Department of Natural Resources, Department of Corrections, or sheriff's department of any county, which examination and report negated any evidence of myocarditis, coronary sclerosis, pneumonia or its sequel, the disease is presumptively an occupational disease and shall be presumed to have been due to the nature of employment. If immediately preceding the date of disablement or death, any individual who by nature of their position provides emergency medical care, or an employee who was employed as a licensed police officer under section 626.84, subdivision 1; firefighter; paramedic; state correctional officer; emergency medical technician; or licensed nurse providing emergency medical care; and who contracts an infectious or communicable disease to which the employee was exposed in the course of employment outside of a hospital, then the disease is presumptively an occupational disease and shall be presumed to have been due to the nature of employment and the presumption may be rebutted by substantial factors brought by the employer or insurer. Any substantial factors which shall be used to rebut this presumption and which are known to the employer or insurer at the time of the denial of liability shall be communicated to the employee on the denial of liability.

(c) A firefighter on active duty with an organized fire department who is unable to perform duties in the department by reason of a disabling cancer of a type caused by exposure to heat, radiation, or a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and the carcinogen is reasonably linked to the disabling cancer, is presumed to have an occupational disease under paragraph (a). If a firefighter who enters the service after August 1, 1988, is examined by a physician prior to being hired and the examination discloses the existence of a cancer of a type described in this paragraph, the firefighter is not entitled to the presumption unless a subsequent medical determination is made that the firefighter no longer has the cancer.

(d) For the purposes of this chapter, "mental impairment" means a diagnosis of post-traumatic stress disorder by a licensed psychiatrist or psychologist. For the purpose of this chapter, "post-traumatic stress disorder" means the condition as described in the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association.

Sec. 2. Minnesota Statutes 2012, section 176.011, subdivision 16, is amended to read:

Subd. 16. **Personal injury.** "Personal injury" means any mental impairment as defined in subdivision 15, paragraph (d), or physical injury arising out of and in the course of employment and includes personal injury caused by occupational disease; but does not cover an employee except while engaged in, on, or about the premises where the employee's services require the employee's presence as a part of that service at the time of the injury and during the hours of that service. Where the employer regularly furnished transportation to employees to and from the place of employment, those employees are subject to this chapter while being so transported. Physical stimulus resulting in mental injury and mental stimulus resulting in physical injury shall remain compensable. Mental impairment is not considered a personal injury if it results from a disciplinary action work evaluation, job transfer, layoff, demotion,

promotion, termination, retirement, or similar action taken in good faith by the employer. Personal injury does not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of personal reasons, and not directed against the employee as an employee, or because of the employment. An injury or disease resulting from a vaccine in response to a declaration by the Secretary of the United States Department of Health and Human Services under the Public Health Service Act to address an actual or potential health risk related to the employee's employment is an injury or disease arising out of and in the course of employment.

Sec. 3. Minnesota Statutes 2012, section 176.081, subdivision 1, is amended to read:

Subdivision 1. **Limitation of fees.** (a) A fee for legal services of ~~25~~ 20 percent of the first ~~\$4,000~~ \$130,000 of compensation awarded to the employee and ~~20 percent of the next \$60,000~~ 20 percent of the next \$130,000 of compensation awarded to the employee is the maximum permissible fee and does not require approval by the commissioner, compensation judge, or any other party. All fees, including fees for obtaining medical or rehabilitation benefits, must be calculated according to the formula under this subdivision, except as otherwise provided in clause (1) or (2).

(1) The contingent attorney fee for recovery of monetary benefits according to the formula in this section is presumed to be adequate to cover recovery of medical and rehabilitation benefit or services concurrently in dispute. Attorney fees for recovery of medical or rehabilitation benefits or services shall be assessed against the employer or insurer only if the attorney establishes that the contingent fee is inadequate to reasonably compensate the attorney for representing the employee in the medical or rehabilitation dispute. In cases where the contingent fee is inadequate the employer or insurer is liable for attorney fees based on the formula in this subdivision or in clause (2).

For the purposes of applying the formula where the employer or insurer is liable for attorney fees, the amount of compensation awarded for obtaining disputed medical and rehabilitation benefits under sections 176.102, 176.135, and 176.136 shall be the dollar value of the medical or rehabilitation benefit awarded, where ascertainable.

(2) The maximum attorney fee for obtaining a change of doctor or qualified rehabilitation consultant, or any other disputed medical or rehabilitation benefit for which a dollar value is not reasonably ascertainable, is the amount charged in hourly fees for the representation or \$500, whichever is less, to be paid by the employer or insurer.

(3) The fees for obtaining disputed medical or rehabilitation benefits are included in the ~~\$13,000~~ \$26,000 limit in paragraph (b). An attorney must concurrently file all outstanding disputed issues. An attorney is not entitled to attorney fees for representation in any issue which could reasonably have been addressed during the pendency of other issues for the same injury.

(b) All fees for legal services related to the same injury are cumulative and may not exceed ~~\$13,000~~ \$26,000. If multiple injuries are the subject of a dispute, the commissioner, compensation judge, or court of appeals shall specify the attorney fee attributable to each injury.

(c) If the employer or the insurer or the defendant is given written notice of claims for legal services or disbursements, the claim shall be a lien against the amount paid or payable as compensation. Subject to the foregoing maximum amount for attorney fees, up to ~~25~~ 20 percent of the first ~~\$4,000~~ \$130,000 of periodic compensation awarded to the employee and ~~20 percent of the next \$60,000~~ 20 percent of the next \$130,000 of periodic compensation awarded to the employee may be withheld from the periodic payments for attorney fees or disbursements if the payor of the funds clearly indicates on the check or draft issued to the employee for payment the purpose of the withholding, the name of the attorney, the amount withheld, and the gross amount of the compensation payment before withholding. In no case shall fees be calculated on the basis of any undisputed portion of compensation awards. Allowable fees under this chapter shall be based solely upon genuinely disputed claims or portions of claims, including disputes related to the payment of rehabilitation benefits or to other aspects of a rehabilitation plan. The existence of a dispute is dependent upon a disagreement after the employer or insurer has had adequate time and information to take a position on liability. Neither the holding of a hearing nor the filing of an application for a hearing alone may

determine the existence of a dispute. Except where the employee is represented by an attorney in other litigation pending at the department or at the Office of Administrative Hearings, a fee may not be charged after June 1, 1996, for services with respect to a medical or rehabilitation issue arising under section 176.102, 176.135, or 176.136 performed before the employee has consulted with the department and the department certifies that there is a dispute and that it has tried to resolve the dispute.

(d) An attorney who is claiming legal fees for representing an employee in a workers' compensation matter shall file a statement of attorney fees with the commissioner, compensation judge before whom the matter was heard, or Workers' Compensation Court of Appeals on cases before the court. A copy of the signed retainer agreement shall also be filed. The employee and insurer shall receive a copy of the statement. The statement shall be on a form prescribed by the commissioner and shall report the number of hours spent on the case.

(e) Employers and insurers may not pay attorney fees or wages for legal services of more than ~~\$13,000~~ \$26,000 per case.

(f) An attorney must file a statement of attorney fees within 12 months of the date the attorney has submitted the written notice specified in paragraph (c). If the attorney has not filed a statement of attorney fees within the 12 months, the attorney must send a renewed notice of lien to the insurer. If 12 months have elapsed since the last notice of lien has been received by the insurer and no statement of attorney fees has been filed, the insurer must release the withheld money to the employee, except that before releasing the money to the employee, the insurer must give the attorney 30 days' written notice of the pending release. The insurer must not release the money if the attorney files a statement of attorney fees within the 30 days.

Sec. 4. Minnesota Statutes 2012, section 176.081, subdivision 7, is amended to read:

Subd. 7. **Award; additional amount.** If the employer or insurer files a denial of liability, notice of discontinuance, or fails to make payment of compensation or medical expenses within the statutory period after notice of injury or occupational disease, or otherwise unsuccessfully resists the payment of compensation or medical expenses, or unsuccessfully disputes the payment of rehabilitation benefits or other aspects of a rehabilitation plan, and the injured person has employed an attorney at law, who successfully procures payment on behalf of the employee or who enables the resolution of a dispute with respect to a rehabilitation plan, the compensation judge, commissioner, or the Workers' Compensation Court of Appeals upon appeal, upon application, shall award to the employee against the insurer or self-insured employer or uninsured employer, in addition to the compensation benefits paid or awarded to the employee, an amount equal to 30 percent of that portion of the attorney's fee which has been awarded pursuant to this section that is in excess of \$250. This subdivision shall apply only to contingent fees payable from the employee's compensation benefits, and not to other fees paid by the employer and insurer, including but not limited to those fees payable for resolution of a medical dispute or rehabilitation dispute, or pursuant to section 176.191.

Sec. 5. Minnesota Statutes 2012, section 176.101, subdivision 1, is amended to read:

Subdivision 1. **Temporary total disability.** (a) For injury producing temporary total disability, the compensation is 66-2/3 percent of the weekly wage at the time of injury.

(b)(1) Commencing on October 1, ~~2008~~ 2013, and each October 1 thereafter, the maximum weekly compensation payable is ~~\$850 per week~~ 102 percent of the statewide average weekly wage for the period ending December 31 of the preceding year.

(2) The Workers' Compensation Advisory Council may consider adjustment increases and make recommendations to the legislature.

(c) The minimum weekly compensation payable is \$130 per week or the injured employee's actual weekly wage, whichever is less.

(d) Temporary total compensation shall be paid during the period of disability subject to the cessation and recommencement conditions in paragraphs (e) to (l).

(e) Temporary total disability compensation shall cease when the employee returns to work. Except as otherwise provided in section 176.102, subdivision 11, temporary total disability compensation may only be recommenced following cessation under this paragraph, paragraph (h), or paragraph (j) prior to payment of 130 weeks of temporary total disability compensation and only as follows:

(1) if temporary total disability compensation ceased because the employee returned to work, it may be recommenced if the employee is laid off or terminated for reasons other than misconduct if the layoff or termination occurs prior to 90 days after the employee has reached maximum medical improvement. Recommenced temporary total disability compensation under this clause ceases when any of the cessation events in paragraphs (e) to (l) occurs; or

(2) if temporary total disability compensation ceased because the employee returned to work or ceased under paragraph (h) or (j), it may be recommenced if the employee is medically unable to continue at a job due to the injury. Where the employee is medically unable to continue working due to the injury, temporary total disability compensation may continue until any of the cessation events in paragraphs (e) to (l) occurs following recommencement. If an employee who has not yet received temporary total disability compensation becomes medically unable to continue working due to the injury after reaching maximum medical improvement, temporary total disability compensation shall commence and shall continue until any of the events in paragraphs (e) to (l) occurs following commencement. For purposes of commencement or recommencement under this clause only, a new period of maximum medical improvement under paragraph (j) begins when the employee becomes medically unable to continue working due to the injury. Temporary total disability compensation may not be recommenced under this clause and a new period of maximum medical improvement does not begin if the employee is not actively employed when the employee becomes medically unable to work. All periods of initial and recommenced temporary total disability compensation are included in the 130-week limitation specified in paragraph (k).

(f) Temporary total disability compensation shall cease if the employee withdraws from the labor market. Temporary total disability compensation may be recommenced following cessation under this paragraph only if the employee reenters the labor market prior to 90 days after the employee reached maximum medical improvement and prior to payment of 130 weeks of temporary total disability compensation. Once recommenced, temporary total disability ceases when any of the cessation events in paragraphs (e) to (l) occurs.

(g) Temporary total disability compensation shall cease if the total disability ends and the employee fails to diligently search for appropriate work within the employee's physical restrictions. Temporary total disability compensation may be recommenced following cessation under this paragraph only if the employee begins diligently searching for appropriate work within the employee's physical restrictions prior to 90 days after maximum medical improvement and prior to payment of 130 weeks of temporary total disability compensation. Once recommenced, temporary total disability compensation ceases when any of the cessation events in paragraphs (e) to (l) occurs.

(h) Temporary total disability compensation shall cease if the employee has been released to work without any physical restrictions caused by the work injury.

(i) Temporary total disability compensation shall cease if the employee refuses an offer of work that is consistent with a plan of rehabilitation filed with the commissioner which meets the requirements of section 176.102, subdivision 4, or, if no plan has been filed, the employee refuses an offer of gainful employment that the employee can do in the employee's physical condition. Once temporary total disability compensation has ceased under this paragraph, it may not be recommenced.

(j) Temporary total disability compensation shall cease 90 days after the employee has reached maximum medical improvement, except as provided in section 176.102, subdivision 11, paragraph (b). For purposes of this subdivision, the 90-day period after maximum medical improvement commences on the earlier of: (1) the date that the employee receives a written medical report indicating that the employee has reached maximum medical improvement; or (2) the date that the employer or insurer serves the report on the employee and the employee's attorney, if any. Once temporary total disability compensation has ceased under this paragraph, it may not be recommenced except if the employee returns to work and is subsequently medically unable to continue working as provided in paragraph (e), clause (2).

(k) Temporary total disability compensation shall cease entirely when 130 weeks of temporary total disability compensation have been paid, except as provided in section 176.102, subdivision 11, paragraph (b). Notwithstanding anything in this section to the contrary, initial and recommenced temporary total disability compensation combined shall not be paid for more than 130 weeks, regardless of the number of weeks that have elapsed since the injury, except that if the employee is in a retraining plan approved under section 176.102, subdivision 11, the 130-week limitation shall not apply during the retraining, but is subject to the limitation before the plan begins and after the plan ends.

(l) Paragraphs (e) to (k) do not limit other grounds under law to suspend or discontinue temporary total disability compensation provided under this chapter.

(m) Once an employee has been paid 52 weeks of temporary total compensation, the employer or insurer must notify the employee in writing of the 130-week limitation on payment of temporary total compensation. A copy of this notice must also be filed with the department.

Sec. 6. Minnesota Statutes 2012, section 176.102, subdivision 5, is amended to read:

Subd. 5. **On-the-job training; job development limitation.** (a) On-the-job training is to be given consideration in developing a rehabilitation plan especially where it would produce an economic status similar to that enjoyed prior to disability.

(b) For purposes of this subdivision, job development means systematic contact with prospective employers resulting in opportunities for interviews and employment that might not otherwise have existed, and includes identification of job leads and arranging for job interviews. Job development facilitates a prospective employer's consideration of a qualified employee for employment. Job development services provided by a qualified rehabilitation consultant firm or a registered rehabilitation vendor must not exceed 20 hours per month or 26 consecutive or intermittent weeks. When 13 consecutive or intermittent weeks of job development services have been provided, the qualified rehabilitation consultant must consult with the parties and either file a plan amendment reflecting an agreement by the parties to extend job development services for up to an additional 13 consecutive or intermittent weeks, or file a request for a rehabilitation conference under section 176.106. The commissioner or compensation judge may issue an order modifying the rehabilitation plan or make other determinations about the employee's rehabilitation, but must not order more than 26 total consecutive or intermittent weeks of job development services.

Sec. 7. Minnesota Statutes 2012, section 176.102, subdivision 10, is amended to read:

Subd. 10. **Rehabilitation; consultants and vendors.** (a) The commissioner shall approve rehabilitation consultants who may propose and implement plans if they satisfy rules adopted by the commissioner for rehabilitation consultants. A consultant may be an individual or public or private entity, and except for rehabilitation services, Department of Employment and Economic Development, a consultant may not be a vendor or the agent of a vendor of rehabilitation services. The commissioner shall also approve rehabilitation vendors if they satisfy rules adopted by the commissioner.

(b) An individual qualified rehabilitation consultant registered by the commissioner must not provide any medical, rehabilitation, or disability case management services related to an injury that is compensable under this chapter when these services are part of the same claim, unless the case management services are part of an approved rehabilitation plan.

Sec. 8. Minnesota Statutes 2012, section 176.106, subdivision 3, is amended to read:

Subd. 3. **Conference.** The matter shall be scheduled for an administrative conference within 60 days after receipt of the request for a conference, except that an administrative conference on a rehabilitation issue under section 176.102 must be held within 21 days, unless the issue involves only fees for rehabilitation services that have already been provided or there is good cause for holding the conference later than 21 days. If there is a rehabilitation plan in effect, the qualified rehabilitation consultant must continue to provide reasonable services under the plan until the date the conference was initially scheduled to be held. Notice of the conference shall be served on all parties no later than 14 days prior to the conference, unless the commissioner or compensation judge determines that a conference shall not be held. The commissioner or compensation judge may order an administrative conference before the commissioner's designee whether or not a request for conference is filed.

The commissioner or compensation judge may refuse to hold an administrative conference and refer the matter for a settlement or pretrial conference or may certify the matter to the Office of Administrative Hearings for a full hearing before a compensation judge.

Sec. 9. Minnesota Statutes 2012, section 176.136, subdivision 1b, is amended to read:

Subd. 1b. **Limitation of liability.** (a) The liability of the employer for treatment, articles, and supplies provided to an employee while an inpatient or outpatient at a small hospital shall be the hospital's usual and customary charge, unless the charge is determined by the commissioner or a compensation judge to be unreasonably excessive. A "small hospital," for purposes of this paragraph, is a hospital which has 100 or fewer licensed beds.

(b) The liability of the employer for the treatment, articles, and supplies that are not limited by subdivision 1a or 1c or paragraph (a) shall be limited to 85 percent of the provider's usual and customary charge, or 85 percent of the prevailing charges for similar treatment, articles, and supplies furnished to an injured person when paid for by the injured person, whichever is lower. On this basis, the commissioner or compensation judge may determine the reasonable value of all treatment, services, and supplies, and the liability of the employer is limited to that amount. The commissioner may by rule establish the reasonable value of a service, article, or supply in lieu of the 85 percent limitation in this paragraph. A prevailing charge established under Minnesota Rules, part 5221.0500, subpart 2, must be based on no more than two years of billing data immediately preceding the date of the service.

(c) The limitation of liability for charges provided by paragraph (b) does not apply to a nursing home that participates in the medical assistance program and whose rates are established by the commissioner of human services.

(d) An employer's liability for treatment, articles, and supplies provided under this chapter by a health care provider located outside of Minnesota is limited to the payment that the health care provider would receive if the treatment, article, or supply were paid under the workers' compensation law of the jurisdiction in which the treatment was provided.

Sec. 10. Minnesota Statutes 2012, section 176.645, is amended to read:

#### **176.645 ADJUSTMENT OF BENEFITS.**

Subdivision 1. **Amount.** For injuries occurring after October 1, 1975, for which benefits are payable under section 176.101, subdivisions 1, 2 and 4, and section 176.111, subdivision 5, the total benefits due the employee or any dependents shall be adjusted in accordance with this section. On October 1, 1981, and thereafter on the anniversary of the date of the employee's injury the total benefits due shall be adjusted by multiplying the total benefits due prior to each adjustment by a fraction, the denominator of which is the statewide average weekly wage for December 31, of the year two years previous to the adjustment and the numerator of which is the statewide average weekly wage for December 31, of the year previous to the adjustment. For injuries occurring after October 1, 1975,

all adjustments provided for in this section shall be included in computing any benefit due under this section. Any limitations of amounts due for daily or weekly compensation under this chapter shall not apply to adjustments made under this section. No adjustment increase made on or after October 1, 1977, but prior to October 1, 1992, under this section shall exceed six percent a year; in those instances where the adjustment under the formula of this section would exceed this maximum, the increase shall be deemed to be six percent. No adjustment increase made on or after October 1, 1992, under this section shall exceed four percent a year; in those instances where the adjustment under the formula of this section would exceed this maximum, the increase shall be deemed to be four percent. For injuries occurring on and after October 1, 1995, no adjustment increase made on or after October 1, 1995, shall exceed two percent a year; in those instances where the adjustment under the formula of this section would exceed this maximum, the increase shall be deemed to be two percent. For injuries occurring on and after October 1, 2013, no adjustment increase shall exceed three percent a year. If the adjustment under the formula of this section would exceed three percent, the increase shall be three percent. No adjustment under this section shall be less than zero percent. The Workers' Compensation Advisory Council may consider adjustment or other further increases and make recommendations to the legislature.

Subd. 2. **Time of first adjustment.** For injuries occurring on or after October 1, 1981, the initial adjustment made pursuant to subdivision 1 is deferred until the first anniversary of the date of the injury. For injuries occurring on or after October 1, 1992, the initial adjustment under subdivision 1 is deferred until the second anniversary of the date of the injury. The adjustment made at that time shall be that of the last year only. For injuries occurring on or after October 1, 1995, the initial adjustment under subdivision 1 is deferred until the fourth anniversary of the date of injury. The adjustment at that time shall be that of the last year only. For injuries occurring on or after October 1, 2013, the initial adjustment under subdivision 1 is deferred until the third anniversary of the date of injury. The adjustment made at that time shall be that of the last year only.

Sec. 11. Minnesota Statutes 2012, section 176.83, subdivision 5, is amended to read:

Subd. 5. **Treatment standards for medical services.** (a) In consultation with the Medical Services Review Board or the rehabilitation review panel, the commissioner shall adopt rules establishing standards and procedures for health care provider treatment. The rules shall apply uniformly to all providers including those providing managed care under section 176.1351. The rules shall be used to determine whether a provider of health care services and rehabilitation services, including a provider of medical, chiropractic, podiatric, surgical, hospital, or other services, is performing procedures or providing services at a level or with a frequency that is excessive, unnecessary, or inappropriate under section 176.135, subdivision 1, based upon accepted medical standards for quality health care and accepted rehabilitation standards.

(b) The rules shall include, but are not limited to, the following:

(1) criteria for diagnosis and treatment of the most common work-related injuries including, but not limited to, low back injuries and upper extremity repetitive trauma injuries;

(2) criteria for surgical procedures including, but not limited to, diagnosis, prior conservative treatment, supporting diagnostic imaging and testing, and anticipated outcome criteria;

(3) criteria for use of appliances, adaptive equipment, and use of health clubs or other exercise facilities;

(4) criteria for diagnostic imaging procedures;

(5) criteria for inpatient hospitalization; ~~and~~

(6) criteria for treatment of chronic pain; and

(7) criteria for the long-term use of opioids or other scheduled medications to alleviate intractable pain and improve function, including the use of written contracts between the injured worker and the health care provider who prescribes the medication.

(c) If it is determined by the payer that the level, frequency, or cost of a procedure or service of a provider is excessive, unnecessary, or inappropriate according to the standards established by the rules, the provider shall not be paid for the procedure, service, or cost by an insurer, self-insurer, or group self-insurer, and the provider shall not be reimbursed or attempt to collect reimbursement for the procedure, service, or cost from any other source, including the employee, another insurer, the special compensation fund, or any government program unless the commissioner or compensation judge determines at a hearing or administrative conference that the level, frequency, or cost was not excessive under the rules in which case the insurer, self-insurer, or group self-insurer shall make the payment deemed reasonable.

(d) A rehabilitation provider who is determined by the rehabilitation review panel board, after hearing, to be consistently performing procedures or providing services at an excessive level or cost may be prohibited from receiving any further reimbursement for procedures or services provided under this chapter. A prohibition imposed on a provider under this subdivision may be grounds for revocation or suspension of the provider's license or certificate of registration to provide health care or rehabilitation service in Minnesota by the appropriate licensing or certifying body. The commissioner and Medical Services Review Board shall review excessive, inappropriate, or unnecessary health care provider treatment under section 176.103.

Sec. 12. **PATIENT ADVOCATE PILOT PROGRAM.**

The commissioner of labor and industry shall implement a two-year patient advocate program for employees with back injuries who are considering back fusion surgery. The purpose of the program is to ensure that injured workers understand their treatment options and receive treatment for their work injuries according to accepted medical standards. The services provided by the patient advocate shall be paid for from the special compensation fund.

Sec. 13. **REIMBURSEMENT COST STUDY.**

The commissioner of labor and industry shall study the effectiveness and costs of potential reforms and barriers within the workers' compensation carrier and health care provider reimbursement system including, but not limited to, carrier administrative costs, prompt payment, uniform claim components, and the effect on provider reimbursements and injured worker co-payments of implementing the items studied. The commissioner shall consult with interested stakeholders including health care providers, workers' compensation insurance carriers, and representatives of business and labor to provide relevant data promptly to the department to complete the study. The commissioner shall report findings and recommendations to the Workers' Compensation Advisory Council by December 31, 2013.

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

Sec. 14. **EFFECTIVE DATE.**

(a) Sections 1 to 6 and 10 are effective for employees with dates of injury occurring on or after October 1, 2013.

(b) Sections 7, 8, and 12 are effective on October 1, 2013.

(c) Section 9 is effective on October 1, 2013, and shall be used to establish prevailing charges on or after that date.

(d) Section 11 is effective October 1, 2013, and applies to employees with all dates of injury who receive treatment after the rules are adopted."

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "adopting advisory council recommendations; requiring a report;"

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.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 4, H. F. No. 1359 was re-referred to the Committee on Rules and Legislative Administration.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Clark; Hornstein; Erhardt; Sawatzky; Norton; Faust; Benson, J.; Masin; Kahn; Wagenius; Johnson, S.; Savick; Yarusso; Ward, J.A.; Laine; Selcer; Loeffler; Allen; Fischer; Metsa; Moran and Davnie introduced:

H. F. No. 1815, A bill for an act relating to transportation; mass transit; regulating design, accessibility, and maintenance of transit shelters and stops; requiring access in special transportation service buses; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Kahn and Hornstein introduced:

H. F. No. 1816, A bill for an act relating to taxation; income and franchise; establishing a live theater production partnership credit; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance and Policy.

Allen; Bly; Rosenthal; Abeler; Laine; Clark; Zerwas; McDonald; Moran; Ward, J.A.; Mack; Metsa; Lohmer; Morgan; Freiberg; Persell; Daudt and Hoppe introduced:

H. F. No. 1817, A bill for an act relating to health; authorizing use of complementary and alternative health care practices by health care practitioners; proposing coding for new law in Minnesota Statutes, chapter 214.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Melin; Hackbarth; Lillie; Paymar; Kieffer; Huntley; Schoen; Allen; Johnson, S.; Simon; Hausman; Carlson; Sundin; Freiberg; Bly; Rosenthal; Anzelc; Newton; Faust; Metsa; Mahoney; Masin; Clark; Hornstein; Mariani; Dehn, R.; Laine; Moran; Morgan; Ward, J.A.; Slocum; Hansen; Hilstrom; Liebling and Benson, J., introduced:

H. F. No. 1818, A bill for an act relating to health; permitting the medical use of marijuana; setting fees; authorizing rulemaking; providing criminal and civil penalties; appropriating money; amending Minnesota Statutes 2012, section 13.3806, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 152.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Bernardy introduced:

H. F. No. 1819, A bill for an act relating to veterans homes; clarifying calculation of maintenance charge; amending Minnesota Statutes 2012, section 198.03, subdivision 2.

The bill was read for the first time and referred to the Committee on State Government Finance and Veterans Affairs.

Kahn; Mariani; Dehn, R.; Davnie and Clark introduced:

H. F. No. 1820, A bill for an act relating to energy; nuclear energy; specifying recoverable costs; requiring installation of equipment; prohibiting issuance of a certificate of need for waste storage for facilities operating for more than 60 years; requiring a report; amending Minnesota Statutes 2012, section 216B.243, subdivision 3b; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Kahn, Mariani, Davnie, Hornstein and Clark introduced:

H. F. No. 1821, A bill for an act relating to education; making proficiency in a second world language a requirement for high school graduation; requiring rulemaking; amending Minnesota Statutes 2012, sections 120B.021; 120B.022, subdivision 1; 120B.023, subdivision 2; 120B.024.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 648, A bill for an act relating to commerce; regulating certain lenders that use motor vehicle titles of the borrower as collateral; proposing coding for new law in Minnesota Statutes, chapter 47.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1195, A bill for an act relating to local government; giving Hennepin County the same authority as Minneapolis to negotiate agreements relating to skilled trade and craft workers and apprentices; amending Laws 1988, chapter 471, sections 1, subdivisions 1, as amended, 4, as amended; 2, as amended.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 250, 346, 723 and 748.

JOANNE M. ZOFF, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 250, A bill for an act relating to family law; adoption; modifying certain child placement proceedings; amending Minnesota Statutes 2012, section 260.771, subdivision 3.

The bill was read for the first time.

Allen moved that S. F. No. 250 and H. F. No. 252, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 346, A bill for an act relating to crime; providing for forfeiture of money used or intended for use to facilitate a prostitution or sex trafficking offense; appropriating money; amending Minnesota Statutes 2012, sections 609.5312, subdivision 1; 609.5315, subdivisions 1, 5b, by adding a subdivision.

The bill was read for the first time.

Hilstrom moved that S. F. No. 346 and H. F. No. 411, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 723, A bill for an act relating to higher education; providing for the treatment of undocumented immigrants with respect to financial aid and tuition at public postsecondary institutions; appropriating money; amending Minnesota Statutes 2012, section 136A.101, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 135A; repealing Minnesota Rules, part 4830.0100, subpart 5, item F.

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

S. F. No. 748, A bill for an act relating to commerce; regulating preneed funeral insurance; amending Minnesota Statutes 2012, sections 61A.258, by adding a subdivision; 72A.207.

The bill was read for the first time.

Laine moved that S. F. No. 748 and H. F. No. 654, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

### CALENDAR FOR THE DAY

S. F. No. 843 was reported to the House.

Nelson moved to amend S. F. No. 843, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1196, the first engrossment:

"Section 1. Minnesota Statutes 2012, section 331A.01, is amended by adding a subdivision to read:

Subd. 11. **Recognized industry trade journal.** "Recognized industry trade journal" means a printed or digital publication or Web site that contains building and construction news of interest to contractors in this state, or that publishes project advertisements and bids for review by contractors or other interested bidders in its regular course of business.

Sec. 2. Minnesota Statutes 2012, section 429.041, subdivision 1, is amended to read:

Subdivision 1. **Plans and specifications, advertisement for bids.** When the council determines to make any improvement, it shall let the contract for all or part of the work, or order all or part of the work done by day labor or otherwise as authorized by subdivision 2, no later than one year after the adoption of the resolution ordering such improvement, unless a different time limit is specifically stated in the resolution ordering the improvement. The council shall cause plans and specifications of the improvement to be made, or if previously made, to be modified, if necessary, and to be approved and filed with the clerk, and if the estimated cost exceeds the amount in section 471.345, subdivision 3, shall advertise for bids for the improvement in the newspaper ~~and such other papers or recognized industry trade journal as defined in section 331A.01, subdivision 11,~~ and for such length of time as it may deem advisable. If the estimated cost exceeds twice the amount in section 471.345, subdivision 3, publication shall be made no less than three weeks before the last day for submission of bids once in the newspaper and at least once in either a newspaper published in a city of the first class or a ~~trade paper recognized industry trade journal. To be eligible as such a trade paper, a publication shall have all the qualifications of a legal newspaper except that instead of the requirement that it shall contain general and local news, such trade paper shall contain building and construction news of interest to contractors in this state, among whom it shall have a general circulation.~~ The advertisement shall specify the work to be done, shall state the time when the bids will be publicly opened for consideration by the council, which shall be not less than ten days after the first publication of the advertisement when the estimated cost is less than twice the amount in section 471.345, subdivision 3, and not less than three weeks after such publication in other cases, and shall state that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk, for such percentage of the amount of the bid as the council may specify. In providing for the advertisement for bids the council may direct that the bids shall be opened publicly by two or more designated officers or agents of the municipality and tabulated in advance of the meeting at which they are to be considered by the council. Nothing

herein shall prevent the council from advertising separately for various portions of the work involved in an improvement, or from itself, supplying by such means as may be otherwise authorized by law, all or any part of the materials, supplies, or equipment to be used in the improvement or from combining two or more improvements in a single set of plans and specifications or a single contract.

Sec. 3. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall identify in Minnesota Statutes the sections that contain language requiring or authorizing a political subdivision to publish advertisements for bids in the official newspaper that are inconsistent with Minnesota Statutes, section 331A.03. The revisor shall provide a report to the chairs and ranking minority members of the senate and house of representatives legislative committees with primary jurisdiction over local governments listing the sections identified. The report shall be submitted by January 15, 2014."

Delete the title and insert:

"A bill for an act relating to local government; authorizing publication of advertisements for competitive bids in a recognized industry trade journal; requiring a report; amending Minnesota Statutes 2012, sections 331A.01, by adding a subdivision; 429.041, subdivision 1."

The motion prevailed and the amendment was adopted.

S. F. No. 843, A bill for an act relating to local government; authorizing publication of advertisements for competitive bids in a recognized industry trade journal; amending Minnesota Statutes 2012, sections 331A.01, by adding a subdivision; 429.041, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 100 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hilstrom	Lien	Newton	Simonson
Anderson, P.	Dorholt	Hornstein	Lillie	Nornes	Slocum
Anderson, S.	Drazkowski	Hortman	Loeffler	Norton	Sundin
Anzelc	Erickson, R.	Howe	Mack	O'Driscoll	Theis
Atkins	Falk	Huntley	Mahoney	O'Neill	Torkelson
Barrett	Faust	Isaacson	Mariani	Paymar	Urdahl
Beard	Fischer	Johnson, B.	Marquart	Pelowski	Wagenius
Benson, J.	FitzSimmons	Johnson, C.	Masin	Persell	Ward, J.A.
Benson, M.	Freiberg	Johnson, S.	McNamar	Poppe	Ward, J.E.
Bernardy	Fritz	Kahn	McNamara	Radinovich	Wills
Bly	Garofalo	Kieffer	Melin	Rosenthal	Winkler
Brynaert	Gruenhagen	Kresha	Metsa	Runbeck	Yarusso
Carlson	Hackbarth	Laine	Moran	Savick	Zellers
Cornish	Halverson	Leidiger	Morgan	Sawatzky	Zerwas
Daudt	Hamilton	Lenczewski	Murphy, E.	Schoen	Spk. Thissen
Davnie	Hansen	Lesch	Murphy, M.	Selcer	
Dehn, R.	Hausman	Liebling	Nelson	Simon	

Those who voted in the negative were:

Albright	Green	Hoppe	Newberger	Sanders	Uglem
Davids	Gunther	Kiel	Peppin	Schomacker	Woodard
Erickson, S.	Hertaus	Lohmer	Pugh	Scott	
Fabian	Holberg	Myhra	Quam	Swedzinski	

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

H. F. No. 195, A bill for an act relating to health; allowing a licensed dietitian or licensed nutritionist to adhere to a practice guideline or protocol for a legend drug prescribed by a physician; amending Minnesota Statutes 2012, section 151.37, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 148.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dorholt	Hilstrom	Lillie	O'Driscoll	Sundin
Albright	Drazkowski	Holberg	Loeffler	O'Neill	Swedzinski
Anderson, P.	Erickson, R.	Hoppe	Lohmer	Paymar	Theis
Anderson, S.	Erickson, S.	Hornstein	Mack	Pelowski	Torkelson
Anzelc	Fabian	Hortman	Mahoney	Peppin	Uglem
Atkins	Falk	Howe	Mariani	Persell	Urdahl
Barrett	Faust	Huntley	Marquart	Poppe	Wagenius
Beard	Fischer	Isaacson	Masin	Pugh	Ward, J.A.
Benson, J.	FitzSimmons	Johnson, B.	McNamar	Quam	Ward, J.E.
Benson, M.	Freiberg	Johnson, C.	McNamara	Radinovich	Wills
Bernardy	Fritz	Johnson, S.	Melin	Rosenthal	Winkler
Bly	Garofalo	Kahn	Metsa	Runbeck	Woodard
Brynaert	Green	Kieffer	Moran	Sanders	Yarusso
Carlson	Gruenhagen	Kiel	Morgan	Savick	Zellers
Cornish	Gunther	Kresha	Murphy, E.	Sawatzky	Zerwas
Daudt	Hackbarth	Laine	Murphy, M.	Schoen	Spk. Thissen
Davids	Halverson	Leidiger	Myhra	Schomacker	
Davnie	Hamilton	Lenczewski	Nelson	Selcer	
Dean, M.	Hansen	Lesch	Newton	Simon	
Dehn, R.	Hausman	Liebling	Nornes	Simonson	
Dettmer	Hertaus	Lien	Norton	Slocum	

Those who voted in the negative were:

Newberger

The bill was passed and its title agreed to.

H. F. No. 1390 was reported to the House.

Peppin moved to amend H. F. No. 1390, the first engrossment, as follows:

Page 3, reinstate line 5

A roll call was requested and properly seconded.

The question was taken on the Peppin amendment and the roll was called. There were 60 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeler	Dauids	Gruenhagen	Kieffer	Newberger	Scott
Albright	Dean, M.	Gunther	Kiel	Nornes	Swedzinski
Anderson, P.	Dettmer	Hackbarth	Kresha	O'Driscoll	Theis
Anderson, S.	Drazkowski	Hamilton	Laine	O'Neill	Torkelson
Barrett	Erickson, S.	Hertaus	Leidiger	Peppin	Uglem
Beard	Fabian	Holberg	Lohmer	Pugh	Urdahl
Benson, M.	FitzSimmons	Hoppe	Mack	Quam	Wills
Brynaert	Franson	Howe	Mahoney	Runbeck	Woodard
Cornish	Garofalo	Huntley	McNamara	Sanders	Zellers
Daudt	Green	Johnson, B.	Myhra	Schomacker	Zerwas

Those who voted in the negative were:

Allen	Erickson, R.	Hortman	Mariani	Newton	Selcer
Anzelc	Falk	Isaacson	Marquart	Norton	Simon
Atkins	Faust	Johnson, C.	Masin	Paymar	Simonson
Benson, J.	Fischer	Johnson, S.	McNamar	Pelowski	Slocum
Bernardy	Freiberg	Kahn	Melin	Persell	Sundin
Bly	Fritz	Lenczewski	Metsa	Poppe	Wagenius
Carlson	Halverson	Lesch	Moran	Radinovich	Ward, J.A.
Davnie	Hansen	Liebling	Morgan	Rosenthal	Ward, J.E.
Dehn, R.	Hausman	Lien	Murphy, E.	Savick	Winkler
Dorholt	Hilstrom	Lillie	Murphy, M.	Sawatzky	Yarusso
Erhardt	Hornstein	Loeffler	Nelson	Schoen	Spk. Thissen

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

H. F. No. 1390, A bill for an act relating to state government; updating provisions in the Geospatial Information Office; amending Minnesota Statutes 2012, section 16E.30, subdivisions 7, 8, by adding subdivisions; repealing Minnesota Statutes 2012, section 16E.30, subdivisions 4, 5.

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

The question was taken on the passage of the bill and the roll was called. There were 70 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Allen	Benson, J.	Brynaert	Dehn, R.	Erickson, R.	Fischer
Anzelc	Bernardy	Carlson	Dorholt	Falk	Freiberg
Atkins	Bly	Davnie	Erhardt	Faust	Fritz

Halverson	Johnson, S.	Mahoney	Murphy, E.	Radinovich	Sundin
Hansen	Kahn	Mariani	Murphy, M.	Rosenthal	Wagenius
Hausman	Laine	Marquart	Nelson	Savick	Ward, J.A.
Hilstrom	Lenczewski	Masin	Newton	Sawatzky	Ward, J.E.
Hornstein	Lesch	McNamar	Norton	Schoen	Winkler
Hortman	Liebling	Melin	Paymar	Selcer	Yarusso
Huntley	Lien	Metsa	Pelowski	Simon	Spk. Thissen
Isaacson	Lillie	Moran	Persell	Simonson	
Johnson, C.	Loeffler	Morgan	Poppe	Slocum	

Those who voted in the negative were:

Abeler	Dean, M.	Gunther	Kresha	Peppin	Uglen
Albright	Dettmer	Hackbarth	Leidiger	Pugh	Urdahl
Anderson, P.	Drazkowski	Hamilton	Lohmer	Quam	Wills
Anderson, S.	Erickson, S.	Hertaus	Mack	Runbeck	Woodard
Barrett	Fabian	Holberg	McNamara	Sanders	Zellers
Beard	FitzSimmons	Hoppe	Myhra	Schomacker	Zerwas
Benson, M.	Franson	Howe	Newberger	Scott	
Cornish	Garofalo	Johnson, B.	Nornes	Swedzinski	
Daudt	Green	Kieffer	O'Driscoll	Theis	
Davids	Gruenhagen	Kiel	O'Neill	Torkelson	

The bill was passed and its title agreed to.

Murphy, E., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

### CALENDAR FOR THE DAY, Continued

S. F. No. 1270 was reported to the House.

Erhardt moved to amend S. F. No. 1270, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1416, the third engrossment:

"Section 1. Minnesota Statutes 2012, section 160.21, subdivision 6, is amended to read:

Subd. 6. **Uncompleted subdivisions.** (a) A road authority, including a statutory or home rule charter city, may remove snow from unopened or private roads in uncompleted subdivisions containing five or more lots, upon adoption of an annual resolution finding that the subdivision developer, due to general insolvency or pending foreclosure, is unable to maintain the roads and that public safety may be jeopardized if the access of school buses, public works vehicles, or authorized emergency vehicles, as defined in section 169.011, subdivision 3, is obstructed. Snow removal activities are limited to streets reasonably necessary for access by these buses or vehicles.

(b) Snow removal under this subdivision does not constitute:

(1) acceptance of the road from the developer by the road authority for public use;

(2) the opening of the road to public use; nor

(3) a use, repair, or maintenance of the road sufficient for the purposes of dedication of roads under section 160.05.

(c) The road authority may impose a reasonable and proportionate charge on all properties within the subdivision for services provided under this subdivision. These charges, if unpaid, may constitute a lien upon the properties within the subdivision and may be collected as a special assessment as provided by section 429.101 or by charter.

(d) Where a road has been maintained pursuant to this subdivision, the road authority with jurisdiction over the road, and its officers and employees, are exempt from liability for any tort claim for injury to person or property arising from plowing, maintaining, or otherwise working on the road and from traveling on the road and related to its maintenance or condition. This paragraph does not apply to a claim for injury that is affirmatively caused by a negligent act of the road authority or its officers and employees.

(e) This subdivision expires May 2, ~~2013~~ 2014.

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

Sec. 2. Minnesota Statutes 2012, section 160.80, subdivision 1, is amended to read:

Subdivision 1. **Commissioner may establish program.** (a) The commissioner of transportation may establish a sign franchise program for the purpose of providing on the right-of-way of interstate and controlled-access trunk highways specific information on gas, food, camping, lodging, attractions, and 24-hour pharmacies for the benefit of the motoring public.

(b) The sign franchise program must include urban interstate highways.

Sec. 3. Minnesota Statutes 2012, section 160.80, subdivision 1a, is amended to read:

Subd. 1a. **Eligibility criteria for business panels.** (a) To be eligible for a business panel on a logo sign panel, a business establishment must:

(1) be open for business;

(2) have a sign on site that both identifies the business and is visible to motorists;

(3) be open to everyone, regardless of race, religion, color, age, sex, national origin, creed, marital status, sexual orientation, or disability; and

(4) ~~not impose a cover charge or otherwise require customers to purchase additional products or services; and~~

(~~5~~) meet the appropriate criteria in paragraphs (b) to (~~4~~) (k).

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

(c) Food businesses must serve at least two meals a day during normal mealtimes of breakfast, lunch, and dinner; provide a continuous, staffed food service operation at least ~~ten hours a day, seven days a~~ six days per week except holidays as defined in section 645.44, subdivision 5, and except as provided for seasonal food service businesses; provide seating capacity for at least 20 people; provide restroom facilities; provide public access to a telephone; and possess any required state or local licensing or approval. Seasonal food service businesses must provide a continuous, staffed food service operation at least ten hours a day serving at least two meals per day six days per week, seven days a week, during their months of operation.

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

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

(f) 24-hour pharmacy businesses must be continuously operated 24 hours per day, seven days per week, and must have a state-licensed pharmacist present and on duty at all times.

(g) Attractions businesses must have regional significance with the primary purpose of providing amusement, historical, cultural, or leisure activities to the public; provide restroom facilities and drinking water; possess any required state or local licensing approval; and provide adequate bus and vehicle parking accommodations for normal attendance.

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

~~(h) (i)~~ The maximum distance that an eligible business in ~~Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County~~ an urban area can be located from the interchange is: for gas, food, lodging, attraction, and 24-hour pharmacy businesses, one mile three miles; for food businesses, two miles; for lodging businesses and 24-hour pharmacies, three miles; and for camping businesses, ten miles.

~~(i) (j)~~ The maximum distance that an eligible business in ~~any other county~~ a rural area can be located from the interchange shall not exceed 15 miles in either direction, except the maximum distance that an eligible 24-hour pharmacy business can be located from the interchange shall not exceed three miles in either direction.

~~(j) Logo sign panels must be erected so that motorists approaching an interchange view the panels in the following order: 24-hour pharmacy, camping, lodging, food, gas.~~

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

(k) If there is available space on a logo sign panel and no application has been received by the franchise from a fully eligible business, a substantially eligible business may be allowed the space.

Sec. 4. Minnesota Statutes 2012, section 160.80, subdivision 2, is amended to read:

Subd. 2. **Franchises.** The commissioner may, by public negotiation or bid, grant one or more franchises to qualified persons to erect and maintain, on the right-of-way of interstate and controlled-access trunk highways, signs informing the motoring public of gas, food, lodging, camping facilities, attractions, and 24-hour pharmacies. A franchisee shall furnish, install, maintain, and replace signs for the benefit of advertisers who provide gas, food, lodging, camping facilities, attractions, and 24-hour pharmacies for the general public, and lease advertising space on the signs to operators of these facilities.

Sec. 5. Minnesota Statutes 2012, section 161.04, subdivision 5, is amended to read:

Subd. 5. **Trunk highway emergency relief account.** (a) The trunk highway emergency relief account is created in the trunk highway fund. Money in the account is appropriated to the commissioner to be used to fund relief activities related to an emergency, as defined in section 161.32, subdivision 3, or under section 12A.16, subdivision 1.

(b) Reimbursements by the Federal Highway Administration for emergency relief payments made from the trunk highway emergency relief account must be credited to the account. ~~Interest accrued on the account must be credited to the account.~~ Notwithstanding section 16A.28, money in the account is available until spent. If the balance of the account at the end of a fiscal year is greater than \$10,000,000, the amount above \$10,000,000 must be canceled to the trunk highway fund.

(c) By September 1, 2012, and in every subsequent even-numbered year by September 1, the commissioner shall submit a report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over transportation policy and finance. The report must include the balance, as well as details of payments made from and deposits made to the trunk highway emergency relief account since the last report.

Sec. 6. Minnesota Statutes 2012, section 161.115, subdivision 229, is amended to read:

Subd. 229. **Route No. 298.** Beginning at a point on Route No. 21 in the city of Faribault; thence extending in a southerly ~~and easterly~~ direction ~~through the grounds of the Minnesota State Academy for the Blind, the Faribault Regional Treatment Center, and the Minnesota Correctional Facility—Faribault~~ to a point on Route No. 323.

Sec. 7. Minnesota Statutes 2012, section 161.115, is amended by adding a subdivision to read:

Subd. 270. **Route No. 339.** Beginning at a point on Route No. 45, thence extending easterly to a point on the boundary line between the states of Minnesota and Wisconsin.

Sec. 8. Minnesota Statutes 2012, section 161.1231, subdivision 8, is amended to read:

Subd. 8. **Special account.** Fees collected by the commissioner under this section must be deposited in the state treasury and credited to a special account. Money in the account is appropriated to the commissioner to construct, operate, repair, and maintain: (1) the parking facilities and the high occupancy vehicle, (2) managed lanes on I-394, and (3) related multimodal and technology improvements that serve users of the parking facilities.

Sec. 9. Minnesota Statutes 2012, section 161.14, is amended by adding a subdivision to read:

Subd. 73. **Officer Tom Decker Memorial Highway.** That segment of marked Trunk Highway 23 from the east border of the township of Wakefield to the west border of the city of Richmond is designated as "Officer Tom Decker Memorial Highway." Subject to section 161.139, the commissioner shall adopt a suitable design to mark this highway and erect appropriate signs.

Sec. 10. Minnesota Statutes 2012, section 162.02, subdivision 3a, is amended to read:

Subd. 3a. **Variations from rules and engineering standards.** (a) The commissioner may grant variations from the rules and from the engineering standards developed pursuant to section 162.021 or 162.07, subdivision 2. A political subdivision in which a county state-aid highway is located or is proposed to be located may submit a written request to the commissioner for a variance for that highway. The commissioner shall comply with section 174.75, subdivision 5, in evaluating a variance request related to a complete streets project.

(b) ~~The commissioner shall publish notice of the request in the State Register and give notice to all persons known to the commissioner to have an interest in the matter.~~ The commissioner may grant or deny the variance within 30 days of providing notice of receiving the variance request. ~~If a written objection to the request is received within seven days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request.~~ If no timely objection is received and the variance is denied ~~without hearing~~, the political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing.

(c) For purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

Sec. 11. Minnesota Statutes 2012, section 162.09, subdivision 3a, is amended to read:

Subd. 3a. **Variations from rules and engineering standards.** (a) The commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.13, subdivision 2. A political subdivision in which a municipal state-aid street is located or is proposed to be located may submit a written request to the commissioner for a variance for that street. The commissioner shall comply with section 174.75, subdivision 5, in evaluating a variance request related to a complete streets project.

(b) ~~The commissioner shall publish notice of the request in the State Register and give notice to all persons known to the commissioner to have an interest in the matter.~~ The commissioner may grant or deny the variance within 30 days of providing notice of receiving the variance request. ~~If a written objection to the request is received within seven days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request.~~ If no timely objection is received and the variance is denied ~~without hearing~~, the political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing.

(c) For purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

Sec. 12. Minnesota Statutes 2012, section 162.13, subdivision 2, is amended to read:

Subd. 2. **Money needs defined.** For the purpose of this section money needs of each city having a population of 5,000 or more are defined as the estimated cost of constructing and maintaining over a period of 25 years the municipal state-aid street system in such city. Right-of-way costs and drainage shall be included in money needs. Lighting costs and other costs incidental to construction and maintenance, or a specified portion of such costs, as set forth in the commissioner's rules, may be included in determining money needs. ~~When a county locates a county state aid highway over a portion of a street in any such city and the remaining portion is designated as a municipal state aid street only the construction and maintenance costs of the portion of the street other than the portions taken over by the county shall be included in the money needs of the city.~~ To avoid variances in costs due to differences in construction and maintenance policy, construction and maintenance costs shall be estimated on the basis of the engineering standards developed cooperatively by the commissioner and the engineers, or a committee thereof, of the cities.

Sec. 13. Minnesota Statutes 2012, section 168.017, subdivision 2, is amended to read:

Subd. 2. **12 uniform registration periods.** There are established 12 registration periods, each to be designated by a calendar month and to start on the first day of such month and end on the last day of the 12th month from the date of commencing. ~~The registrar shall administer the monthly series system of registration to distribute the work of registering vehicles described in subdivision 1 as uniformly as practicable through the calendar year.~~ The registrar shall register all vehicles subject to registration under the monthly series system for a minimum period of 12 consecutive calendar months.

Sec. 14. Minnesota Statutes 2012, 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 under section 168.127;~~ 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. To qualify for this exemption, the applicant must present the application to ~~the registrar at St. Paul,~~ ~~or~~ a designated deputy registrar office. 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.~~

Sec. 15. Minnesota Statutes 2012, section 168.053, subdivision 1, is amended to read:

Subdivision 1. **Application; fee; penalty.** Any person, firm, or corporation engaged in the business of transporting motor vehicles owned by another, by delivering, by drive-away or towing methods, either singly or by means of the full mount method, the saddle mount method, the tow bar method, or any other combination thereof, and under their own power, vehicles over the highways of the state from the manufacturer or any other point of origin, to any point of destination, within or without the state, shall make application to the registrar for a drive-away in-transit license. This application for annual license shall be accompanied by a registration fee of \$250 and contain ~~such~~ information as the registrar may require. Upon the filing of the application and the payment of the fee, the registrar shall issue to each drive-away operator a drive-away in-transit license plate, which must be carried and displayed on the power unit consistent with section 169.79 and the plate shall remain on the vehicle while being operated within ~~the state~~ Minnesota. The license plate issued under this subdivision is not valid for the purpose of permanent vehicle registration and is not valid outside Minnesota. Additional drive-away in-transit license plates desired by any drive-away operator may be secured from the registrar of motor vehicles upon the payment of a fee of \$5 for each set of additional license plates. Any person, firm, or corporation engaging in the business as a drive-away operator, of transporting and delivering by means of full mount method, the saddle mount method, the tow bar method, or any combination thereof, and under their own power, motor vehicles, who fails or refuses to file or cause to be filed an application, as is required by law, and to pay the fees therefor as the law requires, shall be found guilty of violating the provisions of sections 168.053 to 168.057; and, upon conviction, fined not less than \$50, and not more than \$100, and all costs of court. Each day so operating without securing the license and plates as required ~~therein~~ shall constitute a separate offense ~~within the meaning thereof.~~

Sec. 16. Minnesota Statutes 2012, section 168.123, subdivision 2, is amended to read:

Subd. 2. **Design.** The commissioner of veterans affairs shall design the emblem for the veterans' special plates, subject to the approval of the commissioner, that satisfy the following requirements:

(a) For a Vietnam veteran who served after July 1, 1961, and before July 1, 1978, in the active military service in a branch of the armed forces of the United States or a nation or society allied with the United States the special plates must bear the inscription "VIETNAM VET," ~~and the letters "V" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special plate number.~~

(b) For a veteran stationed on the island of Oahu, Hawaii, or offshore, during the attack on Pearl Harbor on December 7, 1941, the special plates must bear the inscription "PEARL HARBOR SURVIVOR<sub>2</sub>" ~~and the letters "P" and "H" with the first letter directly above the second letter and both letters just preceding the first numeral of the special plate number.~~

(c) For a veteran who served during ~~World War I or~~ World War II, the plates must bear the inscription "WORLD WAR VET<sub>2</sub>" ~~and:~~

~~(1) for a World War I veteran, the characters "W" and "I" with the first character directly above the second character and both characters just preceding the first numeral of the special plate number; or~~

~~(2) for a World War II veteran, the characters "W" and "II" with the first character directly above the second character and both characters just preceding the first numeral of the special plate number.~~

(d) For a veteran who served during the Korean Conflict, the special plates must bear the inscription "KOREAN VET<sub>2</sub>" ~~and the letters "K" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special plate number.~~

(e) For a combat wounded veteran who is a recipient of the Purple Heart medal, the plates must bear the inscription "COMBAT WOUNDED VET" and have a facsimile or an emblem of the official Purple Heart medal ~~and the letters "C" over "W" with the first letter directly over the second letter just preceding the first numeral of the special plate number.~~

A member of the United States armed forces who is serving actively in the military and who is a recipient of the Purple Heart medal is also eligible for this license plate. The commissioner of public safety shall ensure that information regarding the required proof of eligibility for any applicant under this paragraph who has not yet been issued military discharge papers is distributed to the public officials responsible for administering this section.

(f) For a Persian Gulf War veteran, the plates must bear the inscription "GULF WAR VET<sub>2</sub>" ~~and the letters "G" and "W" with the first letter directly above the second letter and both letters just preceding the first numeral of the special plate number.~~ For the purposes of this section, "Persian Gulf War veteran" means a person who served on active duty after August 1, 1990, in a branch of the armed forces of the United States or a nation or society allied with the United States or the United Nations during Operation Desert Shield, Operation Desert Storm, or other military operation in the Persian Gulf area combat zone as designated in United States Presidential Executive Order No. 12744, dated January 21, 1991.

(g) For a veteran who served in the Laos War after July 1, 1961, and before July 1, 1978, the special plates must bear the inscription "LAOS WAR VET<sub>2</sub>" ~~and the letters "L" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special plate number.~~

(h) For a veteran who is the recipient of:

(1) the Iraq Campaign Medal, the special plates must be inscribed with a facsimile of that medal and must bear the inscription "IRAQ WAR VET" directly below the special plate number;

(2) the Afghanistan Campaign Medal, the special plates must be inscribed with a facsimile of that medal and must bear the inscription "AFGHAN WAR VET" directly below the special plate number;

(3) the Global War on Terrorism Expeditionary Medal, the special plates must be inscribed with a facsimile of that medal and must bear the inscription "GWOT VETERAN" directly below the special plate number; or

(4) the Armed Forces Expeditionary Medal, the special plates must bear an appropriate inscription that includes a facsimile of that medal.

(i) For a veteran who is the recipient of the Global War on Terrorism Service Medal, the special plates must be inscribed with a facsimile of that medal and must bear the inscription "GWOT VETERAN" directly below the special plate number. In addition, any member of the National Guard or other military reserves who has been ordered to federally funded state active service under United States Code, title 32, as defined in section 190.05, subdivision 5b, and who is the recipient of the Global War on Terrorism Service Medal, is eligible for the license plate described in this paragraph, irrespective of whether that person qualifies as a veteran under section 197.447.

(j) For a veteran who is the recipient of the Korean Defense Service Medal, the special plates must be inscribed with a facsimile of that medal and must bear the inscription "KOREAN DEFENSE SERVICE" directly below the special plate number.

(k) For a veteran who is a recipient of the Bronze Star medal, the plates must bear the inscription "BRONZE STAR VET" and have a facsimile or an emblem of the official Bronze Star medal.

(l) For a veteran who is a recipient of the Silver Star medal, the plates must bear the inscription "SILVER STAR VET" and have a facsimile or an emblem of the official Silver Star medal.

Sec. 17. Minnesota Statutes 2012, section 168.183, subdivision 1, is amended to read:

Subdivision 1. **Payment of taxes.** All trucks, truck-tractors, ~~trailers and semitrailers,~~ trucks using combination, and buses which comply with all of the provisions of section 168.181, subdivision 1, clause (6), but are excluded from the exemptions ~~provided therein~~ solely because of the intrastate temporary nature of their movement in this state, ~~owned by nonresidents owning or operating circuses, carnivals or similar amusement attractions or concessions~~ shall be required to comply with all laws and rules as to the payment of taxes applicable to like vehicles owned by Minnesota residents ~~but such, except that~~ nonresidents may make application to pay such the tax for each vehicle proportionate to the number of months or fraction thereof ~~such the~~ vehicles are in this state. For the purposes of this subdivision, buses do not include charter buses that are considered proratable vehicles under section 168.187, subdivision 4.

Sec. 18. Minnesota Statutes 2012, section 168.187, subdivision 17, is amended to read:

Subd. 17. **Trip permit.** Subject to agreements or arrangements made or entered into pursuant to subdivision 7, the commissioner may issue trip permits for use of Minnesota highways by individual vehicles, on an occasional basis, for periods not to exceed 120 hours in compliance with rules promulgated pursuant to subdivision 23 and upon payment of a fee of \$15. For the purposes of this subdivision, "on an occasional basis" means no more than one permit per vehicle within a 30-day period, which begins the day a permit is effective.

Sec. 19. Minnesota Statutes 2012, section 168.27, is amended by adding a subdivision to read:

Subd. 3d. **Used vehicle parts dealer.** A used vehicle parts dealer licensee may sell, solicit, or advertise the sale of used parts and the remaining scrap metals, but is prohibited from selling any new or used motor vehicles for use at retail or for resale to a dealer.

Sec. 20. Minnesota Statutes 2012, section 168.27, subdivision 10, is amended to read:

Subd. 10. **Place of business.** (a) All licensees under this section shall have an established place of business which shall include as a minimum:

(1) For a new motor vehicle dealer, the following:

(i) a commercial building owned or under lease by the licensee. The lease must be for a minimum term of one year. The building must contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours. Dealership business hours must be conspicuously posted on the place of doing business and readily viewable by the public;

(ii) a bona fide contract or franchise (A) in effect with a manufacturer or distributor of the new motor vehicles the dealer proposes to sell, broker, wholesale, or auction, or (B) in effect with the first-stage manufacturer or distributor of new motor vehicles purchased from a van converter or modifier which the dealer proposes to sell, broker, wholesale, or auction, or (C) in effect with the final-stage manufacturer of the new type A, B, or C motor homes which the dealer proposes to sell, broker, wholesale, or auction;

(iii) a facility for the repair and servicing of motor vehicles and the storage of parts and accessories, not to exceed ten miles distance from the principal place of business. The service may be provided through contract with bona fide operators actually engaged in the services;

(iv) an area either indoors or outdoors to display motor vehicles that is owned or under lease by the licensee; and

(v) a sign readily viewable by the public that clearly identifies the dealership by name.

(2) For a used motor vehicle dealer, the following:

(i) a commercial building owned or under lease by the licensee. The lease must be for a minimum term of one year. The building must contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or automatic telephone answering service during normal business hours. Dealership business hours must be conspicuously posted on the place of doing business and readily viewable by the public;

(ii) an area either indoors or outdoors to display motor vehicles which is owned or under lease by the licensee; and

(iii) a sign readily viewable by the public that clearly identifies the dealership by name.

(3) For a motor vehicle lessor, the following: a commercial office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours. Business hours must be conspicuously posted on the place of doing business and readily viewable by the public. The office space must be owned or under lease for a minimum term of one year by the licensee.

(4) For a motor vehicle wholesaler, the following: a commercial office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours. The office space must be owned or under lease for a minimum term of one year by the licensee.

(5) For a motor vehicle auctioneer, the following: a permanent enclosed commercial building, within or without the state, on a permanent foundation, owned or under lease by the licensee. The lease must be for a minimum term of one year. The building must contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(6) For a motor vehicle broker, the following: a commercial office space where books, records, and files necessary to conduct business are kept and maintained with personnel available during normal business hours, or an automatic telephone answering service available during normal business hours. A sign, clearly identifying the motor

vehicle broker by name and listing the broker's business hours, must be posted in a location and manner readily viewable by a member of the public visiting the office space. The office space must be owned or under lease for a minimum term of one year by the licensee.

(7) For a limited used vehicle license holder, the following: a commercial office space where books, records, and files necessary to conduct nonprofit charitable activities are kept and maintained with personnel available during normal business hours, or an automatic telephonic answering service available during normal business hours. The office space must be owned or under lease for a minimum term of one year by the licensee.

(b) If a new or used motor vehicle dealer maintains more than one place of doing business in a county, the separate places must be listed on the application. If additional places of business are maintained outside of one county, separate licenses must be obtained for each county.

(c) If a motor vehicle lessor, wholesaler, auctioneer, or motor vehicle broker maintains more than one permanent place of doing business, either in one or more counties, the separate places must be listed in the application, but only one license is required. If a lessor proposes to sell previously leased or rented vehicles or if a broker proposes to establish an office at a location outside the seven-county metropolitan area, as defined in section 473.121, subdivision 2, other than cities of the first class, the lessor or broker must obtain a license for each nonmetropolitan area county in which the lessor's sales are to take place or where the broker proposes to locate an office.

(d) If a motor vehicle dealer, lessor, wholesaler, or motor vehicle broker does not have direct access to a public road or street, any privately owned roadway providing access to a public road or street must be clearly identified and adequately maintained.

(e) A new or used motor vehicle dealer may establish a temporary place of business outside the county where it maintains its licensed location to sell horse trailers exclusively without obtaining an additional license.

(f) A new or used motor vehicle dealer may establish a temporary place of business outside the county where it maintains its licensed location to sell recreational vehicles exclusively without obtaining an additional license if:

(1) the dealer establishes a temporary place of business for the sale of recreational vehicles not more than four times during any calendar year;

(2) each temporary place of business other than an official county fair or the Minnesota State Fair within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, is established jointly with at least four other recreational vehicle dealers;

(3) each temporary place of business other than an official county fair outside the seven-county metropolitan area, as defined in section 473.121, subdivision 2, is established jointly with at least one other recreational vehicle dealer;

(4) each establishment of a temporary place of business for the sale of recreational vehicles is for no more than 12 consecutive days; and

(5) the dealer notifies the registrar of motor vehicles of each temporary place of business for the sale of recreational vehicles.

Sec. 21. Minnesota Statutes 2012, section 168.27, subdivision 11, is amended to read:

Subd. 11. **Dealers' licenses; location change notice; fee.** (a) Application for a dealer's license or notification of a change of location of the place of business on a dealer's license must include a street address, not a post office box, and is subject to the commissioner's approval.

(b) Upon the filing of an application for a dealer's license and the proper fee, unless the application on its face appears to be invalid, the commissioner shall grant a 90-day temporary license. During the 90-day period following issuance of the temporary license, the commissioner shall inspect the place of business site and insure compliance with this section and rules adopted under this section.

(c) The commissioner may extend the temporary license 30 days to allow the temporarily licensed dealer to come into full compliance with this section and rules adopted under this section.

(d) In no more than 120 days following issuance of the temporary license, the dealer license must either be granted or denied.

(e) A license must be denied under the following conditions:

(1) The license must be denied if within the previous ten years the applicant was enjoined due to a violation of section 325F.69 or convicted of violating section 325E.14, 325E.15, 325E.16, or 325F.69, or convicted under section 609.53 of receiving or selling stolen vehicles, or convicted of violating United States Code, title 15, sections 1981 to 1991 or pleaded guilty, entered a plea of nolo contendere or no contest, or has been found guilty in a court of competent jurisdiction of any charge of failure to pay state or federal income or sales taxes or felony charge of forgery, embezzlement, obtaining money under false pretenses, theft by swindle, extortion, conspiracy to defraud, or bribery.

~~(2) The license must also be denied if within the previous year the applicant has been denied a dealer license.~~

~~(3)~~ (2) A license must also be denied if the applicant has had a dealer license revoked within the previous ten years.

(f) If the application is approved, the commissioner shall license the applicant as a dealer for one year from the date the temporary license is granted and issue a certificate of license that must include a distinguishing number of identification of the dealer. The license must be displayed in a prominent place in the dealer's licensed place of business.

(g) Each initial application for a license must be accompanied by a fee of \$100 in addition to the annual fee. The annual fee is \$150. The initial fees and annual fees must be paid into the state treasury and credited to the general fund except that \$50 of each initial and annual fee must be paid into the vehicle services operating account in the special revenue fund under section 299A.705.

Sec. 22. Minnesota Statutes 2012, section 169.011, subdivision 71, is amended to read:

Subd. 71. **School bus.** (a) "School bus" means a motor vehicle used to transport pupils to or from a school defined in section 120A.22, or to or from school-related activities, by the school or a school district, or by someone under an agreement with the school or a school district. A school bus does not include a motor vehicle transporting children to or from school for which parents or guardians receive direct compensation from a school district, a motor coach operating under charter carrier authority, a transit bus providing services as defined in section 174.22, subdivision 7, or a vehicle otherwise qualifying as a type III vehicle under paragraph (h), when the vehicle is properly registered and insured and being driven by an employee or agent of a school district for nonscheduled or nonregular transportation.

(b) A school bus may be type A, type B, type C, or type D, multifunction school activity bus, or type III as provided in paragraphs (c) to (h).

(c) A "type A school bus" is a van conversion or bus constructed utilizing a cutaway front section vehicle with a left-side driver's door. This definition includes two classifications: type A-I, with a gross vehicle weight rating (GVWR) less than or equal to 14,500 pounds; and type A-II, with a GVWR greater than 14,500 pounds and less than or equal to 21,500 pounds.

(d) A "type B school bus" is constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications: type B-I, with a GVWR less than or equal to 10,000 pounds; and type B-II, with a GVWR greater than 10,000 pounds.

(e) A "type C school bus" is constructed utilizing a chassis with a hood and front fender assembly. The entrance door is behind the front wheels. A "type C school bus" also includes a cutaway truck chassis or truck chassis with cab, with or without a left side door, and with a GVWR greater than 21,500 pounds.

(f) A "type D school bus" is constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels.

(g) A "multifunction school activity bus" is a school bus that meets the definition of a multifunction school activity bus in Code of Federal Regulations, title 49, section 571.3. A vehicle that meets the definition of a type III vehicle is not a multifunction school activity bus.

(h) A "type III vehicle" is restricted to passenger ~~cars, station wagons, vans,~~ vehicles and buses having a maximum manufacturer's rated seating capacity of ten or fewer people, including the driver, and a gross vehicle weight rating of 10,000 pounds or less. A "type III vehicle" must not be outwardly equipped and identified as a type A, B, C, or D school bus or type A, B, C, or D Head Start bus. A van or bus converted to a seating capacity of ten or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.

(i) In this subdivision, "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle.

Sec. 23. Minnesota Statutes 2012, section 169.04, is amended to read:

**169.04 LOCAL AUTHORITY.**

(a) The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction, and with the consent of the commissioner, with respect to state trunk highways, within the corporate limits of a municipality, or within the limits of a town in a county in this state now having or which may hereafter have, a population of 500,000 or more, and a land area of not more than 600 square miles, and within the reasonable exercise of the police power from:

(1) regulating the standing or parking of vehicles;

(2) regulating traffic by means of police officers or traffic-control signals;

(3) regulating or prohibiting processions or assemblages on the highways;

(4) designating particular highways as one-way roadways and requiring that all vehicles, except emergency vehicles, when on an emergency run, thereon be moved in one specific direction;

(5) designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same, or designating any intersection as a stop intersection, and requiring all vehicles to stop at one or more entrances to such intersections;

(6) restricting the use of highways as authorized in sections 169.80 to 169.88.

(b) No ordinance or regulation enacted under paragraph (a), clause (4), (5), or (6), shall be effective until signs giving notice of such local traffic regulations are posted upon and kept posted upon or at the entrance to the highway or part thereof affected as may be most appropriate.

~~(c) No ordinance or regulation enacted under paragraph (a), clause (3), or any other provision of law shall prohibit:~~

~~(1) the use of motorcycles or vehicles utilizing flashing red lights for the purpose of escorting funeral processions, oversize buildings, heavy equipment, parades or similar processions or assemblages on the highways; or~~

~~(2) the use of motorcycles or vehicles that are owned by the funeral home and that utilize flashing red lights for the purpose of escorting funeral processions.~~

Sec. 24. Minnesota Statutes 2012, section 169.18, subdivision 4, is amended to read:

Subd. 4. **Passing on the right.** The driver of a vehicle may overtake and pass upon the right of another vehicle only upon the following conditions:

(1) when the vehicle overtaken is making or about to make a left turn;

(2) upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

(3) upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles;

(4) when the driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving in a bicycle lane or onto the shoulder, whether paved or unpaved, or off the pavement or main-traveled portion of the roadway.

Sec. 25. Minnesota Statutes 2012, section 169.18, subdivision 7, is amended to read:

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

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

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

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

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

Sec. 26. Minnesota Statutes 2012, section 169.19, subdivision 1, is amended to read:

Subdivision 1. **Turning at intersection.** The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Approach for a left turn on other than one-way roadways shall be made in that portion of the right half of the roadway nearest the centerline thereof, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) Approach for a left turn from a two-way roadway into a one-way roadway shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection.

(d) A left turn from a one-way roadway into a two-way roadway shall be made from the left-hand lane and by passing to the right of the centerline of the roadway being entered upon leaving the intersection.

(e) Where both streets or roadways are one way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

(f) Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

(g) Whenever it is necessary for the driver of a motor vehicle to cross a bicycle lane adjacent to the driver's lane of travel to make a turn, the driver shall ~~drive the motor vehicle into the bicycle lane prior to making the turn, and shall make the turn, yielding the right of way to any vehicles approaching so close thereto as to constitute an immediate hazard.~~ first signal the movement and then yield the right-of-way to any approaching bicycles before crossing the bicycle lane. The driver shall cross the bicycle lane in the manner indicated by any associated pavement markings and signs.

Sec. 27. Minnesota Statutes 2012, section 169.222, subdivision 2, is amended to read:

Subd. 2. **Manner and number riding.** No bicycle, including a tandem bicycle, cargo or utility bicycle, or trailer, shall be used to carry more persons at one time than the number for which it is designed and equipped, except ~~(1) on a baby seat attached to the bicycle, provided that the baby seat is equipped with a harness to hold the child securely in the seat and that protection is provided against the child's feet hitting the spokes of the wheel or (2) in a seat attached to the bicycle operator~~ an adult rider may carry a child in a seat designed for carrying children that is securely attached to the bicycle.

Sec. 28. Minnesota Statutes 2012, section 169.222, subdivision 4, is amended to read:

Subd. 4. **Riding rules.** (a) Every person operating a bicycle upon a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway except under any 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;

(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; or

(4) when operating on the shoulder of a roadway or in a bicycle lane.

(b) If a bicycle is traveling on a shoulder of a roadway, the bicycle shall travel in the same direction as adjacent vehicular traffic.

(c) Persons riding bicycles upon a roadway or shoulder shall not ride more than two abreast and shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(d) A person operating a bicycle upon a sidewalk, or across a roadway or shoulder on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal when necessary before overtaking and passing any pedestrian. No person shall ride a bicycle upon a sidewalk within a business district unless permitted by local authorities. Local authorities may prohibit the operation of bicycles on any sidewalk or crosswalk under their jurisdiction.

(e) An individual operating a bicycle or other vehicle on a bikeway shall leave a safe distance when overtaking a bicycle or individual proceeding in the same direction on the bikeway, and shall maintain clearance until safely past the overtaken bicycle or individual.

(f) A person lawfully operating a bicycle on a sidewalk, or across a roadway or shoulder on a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

(g) A person may operate an electric-assisted bicycle on the shoulder of a roadway, on a bikeway, or on a bicycle trail 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.

Sec. 29. Minnesota Statutes 2012, section 169.222, subdivision 6, is amended to read:

Subd. 6. **Bicycle equipment.** (a) No person shall operate a bicycle at nighttime unless the bicycle or its operator is equipped with (1) a lamp which emits a white light visible from a distance of at least 500 feet to the front; and (2) a red reflector of a type approved by the Department of Public Safety which is visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. A bicycle equipped with lamps that are visible from a distance of at least 500 feet from both the front and the rear is deemed to fully comply with this paragraph.

(b) No person may operate a bicycle at any time when there is not sufficient light to render persons and vehicles on the highway clearly discernible at a distance of 500 feet ahead unless the bicycle or its operator is equipped with reflective surfaces that shall be visible during the hours of darkness from 600 feet when viewed in front of lawful lower beams of headlamps on a motor vehicle. The reflective surfaces shall include reflective materials on each side of each pedal to indicate their presence from the front or the rear and with a minimum of 20 square inches of reflective material on each side of the bicycle or its operator. Any bicycle equipped with side reflectors as required by regulations for new bicycles prescribed by the United States Consumer Product Safety Commission shall be considered to meet the requirements for side reflectorization contained in this subdivision.

(c) A bicycle may be equipped with a front lamp that emits a white flashing signal, or a rear lamp that emits a red flashing signal, or both.

(d) A bicycle may be equipped with tires having studs, spikes, or other protuberances designed to increase traction.

(e) No person shall operate a bicycle unless it is equipped with a rear brake or front and rear brakes which will enable the operator to make ~~the a braked wheels~~ wheel skid on dry, level, clean pavement. A bicycle equipped with a direct or fixed gear that can make the rear wheel skid on dry, level, clean pavement shall be deemed to fully comply with this paragraph.

(f) A bicycle may be equipped with a horn or bell designed to alert motor vehicles, other bicycles, and pedestrians of the bicycle's presence.

~~(g)~~ (g) No person shall operate upon a highway any two-wheeled bicycle equipped with handlebars so raised that the operator must elevate the hands above the level of the shoulders in order to grasp the normal steering grip area.

~~(g)~~ (h) No person shall operate upon a highway any bicycle which is of such a size as to prevent the operator from stopping the bicycle, supporting it with at least one foot on the highway surface and restarting in a safe manner.

Sec. 30. Minnesota Statutes 2012, section 169.34, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions.** (a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (1) on a sidewalk;
- (2) in front of a public or private driveway;
- (3) within an intersection;
- (4) within ten feet of a fire hydrant;
- (5) on a crosswalk;
- (6) within 20 feet of a crosswalk at an intersection;
- (7) within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
- (8) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (9) within 50 feet of the nearest rail of a railroad crossing;
- (10) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;
- (11) alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
- (12) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(13) upon any bridge or other elevated structure upon a highway or within a highway tunnel, except as otherwise provided by ordinance;

(14) within a bicycle lane, except when posted signs permit parking; or

~~(14)~~ (15) at any place where official signs prohibit stopping.

(b) No person shall move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.

(c) No person shall, for camping purposes, leave or park a travel trailer on or within the limits of any highway or on any highway right-of-way, except where signs are erected designating the place as a campsite.

(d) No person shall stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer invested by law with authority to direct, control, or regulate traffic.

Sec. 31. Minnesota Statutes 2012, section 169.346, is amended by adding a subdivision to read:

Subd. 1a. **Disability parking when designated spaces occupied or unavailable.** In the event the designated disability parking spaces are either occupied or unavailable, a vehicle bearing a valid disability parking certificate issued under section 169.345 or license plates for physically disabled persons under section 168.021 may park at an angle and occupy two standard parking spaces.

Sec. 32. Minnesota Statutes 2012, section 169.346, subdivision 2, is amended to read:

Subd. 2. **Disability parking space signs.** (a) Parking spaces reserved for physically disabled persons must be designated and identified by the posting of signs incorporating the international symbol of access in white on blue and indicating that violators are subject to a fine of up to \$200. These parking spaces are reserved for disabled persons with motor vehicles displaying the required certificate, plates, permit valid for 30 days, or insignia.

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

Sec. 33. Minnesota Statutes 2012, section 169.443, subdivision 9, is amended to read:

Subd. 9. **Personal cellular phone call prohibition.** (a) As used in this subdivision, "school bus" has the meaning given in section 169.011, subdivision 71. In addition, the term includes type III vehicles as defined in section 169.011, subdivision 71, when driven by employees or agents of school districts.

(b) A school bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether handheld or hands free, when the vehicle is in motion or a part of traffic.

Sec. 34. Minnesota Statutes 2012, section 169.447, subdivision 2, is amended to read:

Subd. 2. **Driver seat belt.** School buses and Head Start buses must be equipped with driver seat belts and seat belt assemblies of the type described in section 169.685, subdivision 3. ~~School bus drivers and Head Start bus drivers must use these seat belts.~~ A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by the driver.

Sec. 35. Minnesota Statutes 2012, section 169.454, subdivision 12, is amended to read:

Subd. 12. **Option.** ~~Passenger cars and station wagons~~ Type III vehicles may carry fire extinguisher, first aid kit, and warning triangles in the trunk or trunk area of the vehicle, if a label in the driver and front passenger area clearly indicates the location of these items.

Sec. 36. Minnesota Statutes 2012, section 169.68, is amended to read:

**169.68 HORN, SIREN.**

(a) Every motor vehicle when operated upon a highway must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet. However, the horn or other warning device must not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with the horn, but shall not otherwise use the horn when upon a highway.

(b) A vehicle must not be equipped with, and a person shall not use upon a vehicle, any siren, whistle, or bell, except as otherwise permitted in this section.

(c) It is permissible, but not required, for any commercial vehicle to be equipped with a theft alarm signal device, so arranged that it cannot be used by the driver as an ordinary warning signal.

(d) All authorized emergency vehicles must be equipped with a siren capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type conforming to the federal certification standards for sirens, as determined by the General Services Administration. However, the siren must not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the vehicle's approach.

(e) It is permissible, but not required, for a bicycle to be equipped with a horn or bell designed to alert motor vehicles, other bicycles, and pedestrians of the bicycle's presence.

Sec. 37. Minnesota Statutes 2012, section 169.824, subdivision 2, is amended to read:

Subd. 2. **Gross vehicle weight of all axles; credit for idle reduction technology.** (a) The gross vehicle weight of all axles of a vehicle or combination of vehicles must not exceed:

(1) 80,000 pounds for any vehicle or combination of vehicles on all streets and highways, unless posted at a lower axle weight under section 169.87, subdivision 1; and

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

(b) Notwithstanding the maximum weight provisions of this section, and in order to promote the reduction of fuel use and emissions, the maximum gross vehicle weight limits and the axle weight limits for any motor vehicle subject to sections 169.80 to 169.88 and equipped with idle reduction technology or emissions-reduction technology must be increased by the amount of weight necessary to compensate for the weight of the idle reduction technology or emissions-reduction technology, not to exceed ~~400~~ 550 pounds. At the request of an authorized representative of the Department of Transportation or the Department of Public Safety, the vehicle operator shall provide proof that the vehicle is equipped with this technology through documentation or demonstration.

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

Sec. 38. Minnesota Statutes 2012, section 171.01, subdivision 49b, is amended to read:

Subd. 49b. **Valid medical examiner's certificate.** (a) "Valid medical examiner's certificate" means a record, on a form prescribed by the department:

(1) of a medical examiner's examination of a person who holds or is applying for a class A, class B, or class C commercial driver's license;

(2) upon which the medical examiner attests that the applicant or license holder is physically qualified to drive a commercial motor vehicle; and

(3) that is not expired.

(b) A valid medical examiner's certificate must be issued by a medical examiner who is certified by the Federal Motor Carrier Administration and listed on the National Registry of Certified Medical Examiners.

**EFFECTIVE DATE.** The section is effective May 1, 2014.

Sec. 39. Minnesota Statutes 2012, section 171.07, subdivision 3a, is amended to read:

Subd. 3a. **Identification cards for seniors.** A Minnesota identification card issued to an applicant 65 years of age or over shall be of a distinguishing color and plainly marked "senior." The fee for the card issued to an applicant 65 years of age or over shall be one-half the required fee for a class D driver's license rounded down to the nearest quarter dollar. A Minnesota identification card or a Minnesota driver's license issued to a person 65 years of age or over shall be valid identification for the purpose of qualifying for reduced rates, free licenses or services provided by any board, commission, agency or institution that is wholly or partially funded by state appropriations. This subdivision does not apply to an enhanced identification card issued to an applicant age 65 or older.

Sec. 40. Minnesota Statutes 2012, 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 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) A Minnesota identification card issued to applicants an applicant age 65 or over older shall be valid for the lifetime of the applicant, except that for the purposes of this paragraph, "Minnesota identification card" does not include an enhanced identification card issued to an applicant age 65 or older.

(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. 41. Minnesota Statutes 2012, section 174.02, is amended by adding a subdivision to read:

Subd. 2a. **Transportation ombudsperson.** (a) The commissioner shall appoint a person to the position of transportation ombudsperson. The transportation ombudsperson reports directly to the commissioner. The ombudsperson must be selected without regard to political affiliation and must be qualified to perform the duties specified in this subdivision.

(b) Powers and duties of the transportation ombudsperson include, but are not limited to:

(1) providing a neutral, independent resource for dispute and issue resolution between the department and the general public where another mechanism or forum is not available;

(2) gathering information about decisions, acts, and other matters of the department;

(3) providing information to the general public;

(4) facilitating discussions or arranging mediation when appropriate; and

(5) maintaining and monitoring performance measures for the ombudsperson program.

(c) The transportation ombudsperson may not hold another formal position within the department. The transportation ombudsperson may not impose a complaint fee.

Sec. 42. Minnesota Statutes 2012, section 174.03, subdivision 1d, is amended to read:

Subd. 1d. **Freight rail economic development study.** (a) The commissioner of transportation, in cooperation with the commissioner of the Department of Employment and Economic Development, shall conduct a freight rail economic development study. The study will assess the economic impact of freight railroads in the state and identify opportunities to expand business development and enhance economic competitiveness through improved utilization of freight rail options. Findings from the study shall be incorporated as an amendment to the statewide freight and passenger rail plan.

(b) The commissioner of transportation shall provide an interim progress report on the study by January 15, 2013, and a final report on ~~September 1~~ November 15, 2013, to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance and over employment and economic development. The reports shall include any recommended legislative initiatives.

(c) The commissioner of transportation may expend up to \$216,000 in fiscal year 2013 under section 222.50, subdivision 7, to pay the costs of this study and report.

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

Sec. 43. **[174.187] MADE IN MINNESOTA SOLAR INSTALLATIONS.**

Subdivision 1. **Definition.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Made in Minnesota" means the manufacture in this state of solar photovoltaic modules:

(1) at a manufacturing facility located in Minnesota that is registered and authorized to manufacture and apply the UL 1703 certification mark to solar photovoltaic modules by Underwriters Laboratory (UL), CSA International, Intertek, or an equivalent UL-approved independent certification agency;

(2) that bear UL 1703 certification marks from UL, CSA International, Intertek, or an equivalent UL-approved independent certification agency, which must be physically applied to the modules at a manufacturing facility described in clause (1); and

(3) that are manufactured in Minnesota;

(i) via manufacturing processes that must include tabbing, stringing, and lamination; or

(ii) by interconnecting low-voltage direct current photovoltaic elements that produce the final useful photovoltaic output of the modules.

(c) "Solar photovoltaic module" has the meaning given in section 116C.7791, subdivision 1, paragraph (e).

Subd. 2. **Made in Minnesota solar energy system requirement.** Notwithstanding any other law to the contrary, if the commissioner engages in any project for the construction, improvement, maintenance, or repair of any building, highway, road, bridge, or land owned or controlled by the department and the construction, improvement, maintenance, or repair involves installation of one or more solar photovoltaic modules, the commissioner must ensure that the solar photovoltaic modules purchased and installed are made in Minnesota as defined in subdivision 1, paragraph (b).

Subd. 3. **Application.** Subdivision 2 does not apply if, as a condition of the receipt of federal financial assistance for a specific project, the commissioner is required to use a procurement method that might result in the award of a contract to a manufacturer that does not meet the "Made in Minnesota" criteria established in subdivision 1, paragraph (b).

Sec. 44. Minnesota Statutes 2012, section 174.24, subdivision 5a, is amended to read:

Subd. 5a. **Method of payment, nonoperating assistance.** (a) Payments for planning and engineering design, eligible capital assistance, ~~operating assistance,~~ and other eligible assistance for public transit services furthering the purposes of section 174.21, ~~excluding operating assistance,~~ shall be made as provided in paragraph (b) and in an appropriate manner as determined by the commissioner.

(b) The commissioner shall make payments for operating assistance quarterly. The first quarterly payment for operating assistance must be made no later than the last business day of the first month of the contract.

Sec. 45. **[174.45] PUBLIC-PRIVATE PARTNERSHIPS; JOINT PROGRAM OFFICE.**

The commissioner may establish a joint program office to oversee and coordinate activities to develop, evaluate, and implement public-private partnerships involving public infrastructure investments. At the request of the commissioner of transportation, the commissioner of Minnesota Management and Budget, the commissioner of employment and economic development, the executive director of the Public Facilities Authority, and other state agencies shall cooperate with and provide assistance to the commissioner of transportation for activities related to public-private partnerships involving public infrastructure investments.

Sec. 46. Minnesota Statutes 2012, section 174.632, is amended to read:

**174.632 PASSENGER RAIL; COMMISSIONER'S DUTIES.**

Subdivision 1. **Definition.** "Passenger rail" means intercity rail passenger transportation as defined in United States Code, title 49, section 24102 (4).

Subd. 2. **Responsibilities.** (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 Amtrak, a regional railroad authority, a joint powers board, and a railroad, to carry out these activities.

Sec. 47. Minnesota Statutes 2012, section 174.636, is amended to read:

**174.636 PASSENGER RAIL; EXERCISE OF POWER.**

Subdivision 1. Powers. ~~(a)~~ The commissioner has all powers necessary to carry out the duties specified in section 174.632. In the exercise of those powers, the commissioner may:

(1) acquire by purchase, gift, or by eminent domain proceedings as provided by law, all land and property necessary to preserve future passenger rail corridors or to construct, maintain, and improve passenger rail corridors;

(2) let all necessary contracts as provided by law; and

(3) make agreements with and cooperate with any ~~governmental authority~~ public or private entity, including Amtrak, to carry out statutory duties related to passenger rail.

Subd. 2. Consultation. ~~(b)~~ The commissioner shall consult with metropolitan planning organizations and regional rail authorities in areas where passenger rail corridors are under consideration to ensure that passenger rail services are integrated with existing rail and transit services and other transportation facilities to provide as nearly as possible connected, efficient, and integrated services.

Subd. 3. Authority to contract; liability. ~~(a)~~ The commissioner, or a public entity contracting with the commissioner, may contract with a railroad as defined in Code of Federal Regulations, title 49, section 200.3(i), for the joint or shared use of the railroad's right-of-way or the construction, operation, or maintenance of rail track, facilities, or services for passenger rail purposes. Notwithstanding section 3.732, subdivision 1, clause (2), or 466.01, subdivision 6, sections 466.04 and 466.06 govern the liability of a Class I railroad and its employees arising from the joint or shared use of the railroad right-of-way or the provision of passenger rail construction, operation, or maintenance services pursuant to the contract. Notwithstanding any law to the contrary, a contract with a Class I railroad for any passenger rail service, or joint or shared use of the railroad's right-of-way, may also provide for the allocation of financial responsibility, indemnification, and the procurement of insurance for the parties for all types of claims or damages.

(b) State passenger rail operations or a contract entered into under this section shall be subject to the Federal Employers Liability Act, United States Code, title 45, section 51 et seq.; federal railroad safety laws under United States Code, title 49, section 20101 et seq.; the Railway Labor Act, United States Code, title 45, section 151 et seq.; and the Railroad Retirement Act, United States Code, title 45, section 231 et seq.

Subd. 4. Public hearings. The commissioner shall hold public hearings as required by federal requirements.

Sec. 48. Minnesota Statutes 2012, section 219.17, is amended to read:

**219.17 UNIFORM WARNING SIGNS.**

The commissioner by rule shall require that uniform warning signs be placed at grade crossings. ~~There must be at least three~~ are four distinct types of uniform warning signs: a ~~home crossing~~ crossbuck sign, for use in the immediate vicinity of the crossing; an ~~approach crossing~~ advance warning sign, to indicate the approach to a grade crossing; a yield sign with the word "yield" plainly appearing on it; and, when deemed necessary and instead of a yield sign, a stop sign with the word "stop" plainly appearing on it, to indicate that persons on the highway approaching the crossing, whether in vehicles or otherwise, must come to a stop before proceeding over the grade crossing.

Sec. 49. Minnesota Statutes 2012, section 219.18, is amended to read:

**219.18 RAILROAD TO ERECT SIGN.**

At each grade crossing established after April 23, 1925 and where and when crossing signs existing as of April 24, 1925 are replaced, the railway company operating the railroad at that crossing shall erect and maintain one or more uniform ~~home crossing crossbuck~~ signs. The signs must be on each side of the railroad tracks and within ~~75~~ 50 feet from the nearest rail, or at a distance greater than 50 feet as determined by the commissioner.

Sec. 50. Minnesota Statutes 2012, section 219.20, is amended to read:

**219.20 STOP SIGN; YIELD SIGN.**

Subdivision 1. **When installation required; procedure.** At each grade crossing not equipped with flashing lights or flashing lights and gates where, because of the dangers attendant upon its use, the reasonable protection of life and property makes it necessary for persons approaching the crossing to stop or yield before crossing the railroad tracks, stop signs or yield signs must be installed. When the government entity responsible for a road that crosses a railroad track deems it necessary to install stop signs or yield signs at that crossing, it shall petition the commissioner to order the installation of the stop signs or yield signs. The commissioner shall respond to the petition by investigating the conditions at the crossing to determine whether stop signs or yield signs should be installed at the crossing. On determining, after an investigation following a petition from a governmental agency or subdivision or on the commissioner's own motion, that stop signs or yield signs should be installed at a crossing, the commissioner shall designate the crossing as a stop crossing or yield crossing and shall notify the railway company operating the railroad at the crossing of this designation. Within 30 days after notification, the railway company shall erect the uniform stop crossing signs or yield crossing signs in accordance with the commissioner's order.

Subd. 2. **Stopping distances.** When a stop sign or a yield sign has been erected at a railroad crossing, the driver of a vehicle approaching a railroad crossing shall stop or yield within 50 feet, but not less than ten feet, from the nearest track of the crossing and shall proceed only upon exercising due care.

Sec. 51. Minnesota Statutes 2012, section 221.0314, subdivision 2, is amended to read:

Subd. 2. **Qualification of driver.** Code of Federal Regulations, title 49, part 391 and appendixes D and E, are incorporated by reference except for sections 391.2; 391.11, paragraph (b)(1); 391.47; 391.49; 391.62; 391.64; 391.67; 391.68; and 391.69. In addition, cross-references to sections or paragraphs not incorporated in this subdivision are not incorporated by reference. For medical examinations conducted on and after May 21, 2014, the term "medical examiner" as used in this section and in the rules adopted under this section means an individual certified by the Federal Motor Carrier Safety Administration and listed on the National Registry of Certified Medical Examiners.

Sec. 52. Minnesota Statutes 2012, 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)~~ paragraph (b)(3), (b)(10), or (b)(11). 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 report and 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 commercial 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;~~
  - ~~(2) the applicant has been convicted of a violation under section 171.24; or~~

~~(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)~~ (e) 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)~~ (f) 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. 53. **CONVEYANCE OF STATE LAND; KOOCHICHING COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 16B.281 to 16B.287, 92.45, 161.43, 161.44 and 222.63, or any other law to the contrary, the commissioner of transportation may convey and quitclaim to a private party all right, title, and interest of the state of Minnesota, in the land described in paragraph (d).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy. The conveyance may take place only upon conditions as determined by the commissioner of transportation.

(c) No direct access shall be permitted between marked Trunk Highway 71 and the lands to be conveyed.

(d) The land to be conveyed is located in Koochiching County and is described as follows:

That part of Tract A described below:

Tract A. All that portion of the Burlington Northern Railroad Company's (formerly Northern Pacific Railway Company) former 400.0 foot wide Station Ground Property at Grand Falls, Minnesota, lying within a distance of 300.0 feet northwesterly of said Railroad Company's former main track centerline upon, over, and across the Northwest Quarter of the Southwest Quarter, the Northwest Quarter of the Northeast Quarter of the Southwest Quarter, the Southeast Quarter of the Southwest Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 36, Township 155 North, Range 25 West, Koochiching County, Minnesota;

which lies southerly of Line 1 described below:

Line 1. Commencing at a point on the north line of the Northeast Quarter of said Section 36, distant 466.0 feet easterly of the northwest corner thereof; thence southwesterly at an angle of 56 degrees 41 minutes from said north line (measured from west to south) for 458.6 feet; thence deflect to the right on a 01 degree 00 minute curve, delta angle 13 degrees 08 minutes, for 1313.3 feet; thence on tangent to said curve for 1500.0 feet; thence deflect to the left at an angle of 90 degrees 00 minutes for 200 feet to the point of beginning of Line 1 to be described; thence deflect to the left at an angle of 90 degrees 00 minutes for 1500.0 feet; thence deflect to the right at an angle of 90 degrees 00 minutes for 200 feet and there terminating;

containing 16.45 acres, more or less, of which 0.55 acres is contained within a public road (Koochiching County State-Aid Highway 31).

(e) The conveyance in this section is subject to the following restrictions:

(1) the right of way of the public road (Koochiching County State-Aid Highway 31 as now located and established) running along the east and west quarter line of said Section 36; and

(2) no access shall be permitted to marked Trunk Highway 71 or to remaining rail bank lands in said Section 36 from the lands conveyed in this section; except that access shall be permitted by way of said Koochiching County State-Aid Highway 31.

Sec. 54. **CONVEYANCE OF STATE LAND; LE SUEUR COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 16B.281 to 16B.287, 92.45, 161.43, and 161.44, or any other law to the contrary, the commissioner of transportation may convey and quitclaim to a private party all right, title, and interest of the state of Minnesota, in the land described in paragraph (e). The consideration for a conveyance shall be the cost of planning, designing, acquiring, constructing, and equipping a comparable rest area facility.

(b) Proceeds from the sale of real estate or buildings under this section shall be deposited in the safety rest area account established in Minnesota Statutes, section 160.2745.

(c) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy. The conveyance may take place only upon conditions determined by the commissioner of transportation.

(d) No direct access shall be permitted between marked Trunk Highway 169 and the land conveyed under this section.

(e) The land to be conveyed is located in Le Sueur County and is described as tracts A, B, and C:

Tract A consists of that part of the West Half of the Southeast Quarter of Section 19, Township 112 North, Range 25 West, Le Sueur County, Minnesota, lying southeasterly of the southeasterly right-of-way line of marked Trunk Highway 169 as the same was located prior to January 1, 1990, and northerly of the northerly right-of-way line of old marked Trunk Highway 169 (now known as County State-Aid Highway 28); excepting therefrom that part thereof lying southwesterly of the following described line: From a point on the east line of said Section 19, distant 1273 feet north of the east quarter corner thereof, run southwesterly at an angle of 37 degrees 47 minutes 00 seconds from said east section line (measured from south to west) for 3332.5 feet; thence deflect to the right on a 01 degree 00 minute 00 second curve (delta angle 40 degrees 11 minutes 00 seconds) having a length of 4018.3 feet for 133.6 feet to the point of beginning of the line to be described; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds to the tangent of said curve at said point for 1000 feet and there terminating.

Tract B consists of that part of the East Half of the Southeast Quarter of Section 19, Township 112 North, Range 25 West, Le Sueur County, Minnesota, lying southerly of the southeasterly right-of-way line of marked Trunk Highway 169 as located prior to January 1, 1990, northerly of the northerly right-of-way line of old marked Trunk Highway 169 (now known as County State-Aid Highway 28) and westerly of the following described line: From a point on the east line of said Section 19, distant 1273 feet north of the East Quarter corner thereof, run southwesterly at an angle of 37 degrees 47 minutes 00 seconds from said east section line (measured from south to west) for 2318 feet to the point of beginning of the line to be described; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds for 400 feet; thence deflect to the right at an angle of 43 degrees 00 minutes 00 seconds for 1100 feet and there terminating.

Tract C consists of that part of the Southwest Quarter of the Southeast Quarter of Section 19, Township 112 North, Range 25 West, Le Sueur County, Minnesota, lying southeasterly of marked Trunk Highway 169 as located prior to January 1, 1971, and northwesterly of old marked Trunk Highway 169 (now known as County State-Aid Highway 28) and southwesterly of the following described line: From a point on the east line of said Section 19, distant 1273 feet north of the East Quarter corner thereof, run southwesterly at an angle of 37 degrees 47 minutes 00 seconds with said east section line for 3332.5 feet; thence deflect to the right on a 01 degree 00 minute 00 second

curve (delta angle 40 degrees 11 minutes 00 seconds) having a length of 4018.3 feet for 133.6 feet to the point of beginning of the line to be described; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds with the tangent of said curve at said point for 1000 feet and there terminating.

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

Sec. 55. **LEGISLATIVE ROUTE NO. 235 REMOVED.**

(a) Minnesota Statutes, section 161.115, subdivision 166, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the governing body of Otter Tail County to transfer jurisdiction of Legislative Route No. 235 and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor electronically or in writing that the conditions required to transfer the route have been satisfied.

Sec. 56. **LEGISLATIVE ROUTE NO. 256 REMOVED.**

(a) Minnesota Statutes, section 161.115, subdivision 187, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the governing body of Blue Earth County to transfer jurisdiction of Legislative Route No. 256 and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor electronically or in writing that the conditions required to transfer the route have been satisfied.

Sec. 57. **REPEALER.**

(a) Minnesota Statutes 2012, section 168.094, is repealed.

(b) Minnesota Statutes 2012, section 174.24, subdivision 5, is repealed.

(c) Minnesota Rules, part 8820.3300, subpart 2, is repealed.

(d) Minnesota Rules, part 8835.0330, subpart 2, is repealed.

Sec. 58. **EFFECTIVE DATE.**

Except as provided otherwise, this act is effective August 1, 2013."

Delete the title and insert:

"A bill for an act relating to transportation; amending various provisions related to transportation policy, including logo sign program, trunk highway routes, state-aid systems, motor vehicle registration, license plates, vehicle dealers, pupil transportation, traffic regulations, bicycles, parking, motor vehicle equipment, driver licensing, agency organization, commercial vehicle regulations, railroads, land conveyance, and snow removal; repealing laws; amending Minnesota Statutes 2012, sections 160.21, subdivision 6; 160.80, subdivisions 1, 1a, 2; 161.04, subdivision 5; 161.115, subdivision 229, by adding a subdivision; 161.1231, subdivision 8; 161.14, by adding a subdivision; 162.02, subdivision 3a; 162.09, subdivision 3a; 162.13, subdivision 2; 168.017, subdivisions 2, 3; 168.053, subdivision 1; 168.123, subdivision 2; 168.183, subdivision 1; 168.187, subdivision 17; 168.27, subdivisions 10, 11, by adding a subdivision; 169.011, subdivision 71; 169.04; 169.18, subdivisions 4, 7; 169.19,

subdivision 1; 169.222, subdivisions 2, 4, 6; 169.34, subdivision 1; 169.346, subdivision 2, by adding a subdivision; 169.443, subdivision 9; 169.447, subdivision 2; 169.454, subdivision 12; 169.68; 169.824, subdivision 2; 171.01, subdivision 49b; 171.07, subdivisions 3a, 4; 174.02, by adding a subdivision; 174.03, subdivision 1d; 174.24, subdivision 5a; 174.632; 174.636; 219.17; 219.18; 219.20; 221.0314, subdivisions 2, 3a; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 2012, sections 168.094; 174.24, subdivision 5; Minnesota Rules, parts 8820.3300, subpart 2; 8835.0330, subpart 2."

The motion prevailed and the amendment was adopted.

Runbeck moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 5, line 17, before "Fees" insert "(a)"

Page 5, line 19, strike "appropriated to" and insert "for" and delete ": (1)"

Page 5, lines 20 to 21, delete the new language and reinstate the stricken language

Page 5, after line 21, insert:

"(b) An amount equal to the total costs identified for the purposes specified in paragraph (a) in a fiscal year is annually appropriated from the account to the commissioner for those purposes.

(c) Annually on or after July 1, the commissioner shall identify a surplus amount that equals the balance remaining in the account, if any, at the close of the previous fiscal year. Annually, if a surplus amount is identified, the commissioner shall, on or before August 1, reduce the fees imposed for parking in the parking facilities in a manner such that the resulting reduction in revenues to the account for that fiscal year is estimated to equal the surplus amount identified. Nothing in this paragraph prevents an increase in fees in order to match total costs for the purposes specified in paragraph (a).

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

A roll call was requested and properly seconded.

The question was taken on the Runbeck amendment and the roll was called. There were 52 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Gunther	Kiel	O'Driscoll	Swedzinski
Anderson, P.	Dettmer	Hackbarth	Kresha	O'Neill	Theis
Anderson, S.	Drazkowski	Hamilton	Leidiger	Peppin	Torkelson
Barrett	Erickson, S.	Hertaus	Lohmer	Pugh	Urdahl
Beard	Fabian	Holberg	Mack	Quam	Wills
Benson, M.	Franson	Hoppe	McDonald	Runbeck	Woodard
Cornish	Garofalo	Howe	Myhra	Sanders	Zerwas
Daudt	Green	Johnson, B.	Newberger	Schomacker	
Dauids	Gruenhagen	Kieffer	Nornes	Scott	

Those who voted in the negative were:

Abeler	Erickson, R.	Huntley	Mariani	Norton	Sundin
Allen	Falk	Isaacson	Marquart	Pelowski	Uglen
Anzelc	Faust	Johnson, C.	Masin	Persell	Wagenius
Atkins	Fischer	Johnson, S.	McNamar	Poppe	Ward, J.A.
Benson, J.	FitzSimmons	Kahn	McNamara	Radinovich	Ward, J.E.
Bernardy	Freiberg	Laine	Melin	Rosenthal	Winkler
Bly	Fritz	Lenczewski	Metsa	Savick	Yarusso
Brynaert	Halverson	Lesch	Moran	Sawatzky	Spk. Thissen
Carlson	Hansen	Liebling	Morgan	Schoen	
Davnie	Hausman	Lien	Murphy, E.	Selcer	
Dehn, R.	Hilstrom	Lillie	Murphy, M.	Simon	
Dorholt	Hornstein	Loeffler	Nelson	Simonson	
Erhardt	Hortman	Mahoney	Newton	Slocum	

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

Cornish moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 5, after line 28, insert:

"Sec. 10. Minnesota Statutes 2012, section 161.32, is amended by adding a subdivision to read:

Subd. 8. **Addenda.** For a bid advertised under subdivisions 1, 3, or 4, the commissioner may establish one or more addenda to the bid, but may not add an addendum less than 24 hours prior to the deadline for submission of a bid. The commissioner shall identify addenda on the department's Web site and as part of the bidding process."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

McDonald moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 8, after line 27, insert:

"Sec. 16. Minnesota Statutes 2012, 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 a 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 single 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.

**EFFECTIVE DATE.** This section is effective the day following final enactment, and applies to registration periods starting on or after January 1, 2014."

Page 24, after line 20, insert:

"Sec. 38. Minnesota Statutes 2012, section 169.79, is amended to read:

**169.79 VEHICLE REGISTRATION; DISPLAYING LICENSE PLATES PLATE.**

Subdivision 1. **Registration required.** No person shall operate, drive, or park a motor vehicle on any highway unless the vehicle is registered in accordance with the laws of this state and has the number ~~plates~~ plate or permit confirming that valid registration or operating authority has been obtained, except as provided in sections 168.10 and 168.12, subdivision 2f, as assigned to it by the commissioner of public safety, conspicuously displayed ~~thereon~~ in a manner that the view of ~~any~~ the plate or permit is not obstructed. A plate issued under section 168.27 or a permit issued under chapter 168 may be displayed on a vehicle in conjunction with expired registration whether or not it displays the license plate to which the last registration was issued.

Subd. 2. **Semitrailer.** If the vehicle is a semitrailer, the number plate displayed must be assigned to the registered owner and correlate to the documentation on file with the department.

Subd. 3. **Rear display of single plate.** If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer registered at greater than 3,000 pounds gross vehicle weight (GVW), semitrailer, or vehicle displaying a dealer plate, then one license plate must be displayed horizontally or vertically, for a motorcycle issued vertical license plates under section 168.12, subdivision 2a, with the identifying numbers and letters facing outward from the vehicle and must be mounted on the rear of the vehicle.

Subd. 3a. **Small trailer.** If the vehicle is a trailer with 3,000 pounds or less GVW with lifetime registration, the numbered plate or sticker must be adhered to the side of the trailer frame tongue near the hitch.

Subd. 4. **Collector's vehicle.** If the vehicle is (1) a collector's vehicle with a pioneer, classic car, collector, or street rod license; (2) a vehicle that meets the requirements of a pioneer, classic, or street rod vehicle except that the vehicle is used for general transportation purposes; or (3) a vehicle that is of model year 1972 or earlier, not registered under section 168.10, subdivision 1c, and is used for general transportation purposes, then one plate must be displayed on the rear of the vehicle, ~~or one plate on the front and one on the rear, at the discretion of the owner.~~

Subd. 5. **Truck-tractor, road-tractor, or farm truck.** If the vehicle is a truck-tractor, road-tractor, or farm truck, as defined in section 168.002, subdivision 8, but excluding from that definition semitrailers and trailers, then one plate must be displayed on the front of the vehicle.

Subd. 6. ~~Other Motor vehicles generally.~~ **Other Motor vehicles generally.** If the motor vehicle is any kind of motor vehicle other than those provided for in ~~subdivisions 2 to 4~~ subdivision 5, one plate must be displayed on the ~~front and one on the~~ rear of the vehicle.

Subd. 7. **Plate fastened and visible.** All plates must be (1) securely fastened so as to prevent them from swinging, (2) displayed horizontally with the identifying numbers and letters facing outward from the vehicle, and (3) mounted in the upright position. The person driving the motor vehicle shall keep the plate legible and unobstructed and free from grease, dust, or other blurring material so that the lettering is plainly visible at all times. It is unlawful to cover any assigned letters and numbers or the name of the state of origin of a license plate with any material whatever, including any clear or colorless material that affects the plate's visibility or reflectivity.

Subd. 8. **Plate registration stickers.** As viewed facing the ~~plates~~ plate:

~~(a) License plates~~ (1) a license plate issued to vehicles registered under section 168.017 must display the month of expiration in the lower left corner ~~of each plate~~ and the year of expiration in the lower right corner of ~~each~~ the plate;

~~(b) License plates~~ (2) a license plate issued to vehicles registered under section 168.127 must display either fleet registration validation stickers in the lower right corner of ~~each~~ the plate or a distinctive license plates plate, issued by the registrar, with "FLEET REG" displayed on the bottom center portion of ~~each~~ the plate; ~~and~~

~~(c) License plates issued after July 1, 2008,~~ (3) a license plate requiring validation must display the month of expiration in the lower left corner ~~of each plate~~ and the year of expiration in the lower right corner of the plate.

Subd. 9. **Tax-exempt vehicle marking.** Vehicles displaying a tax-exempt ~~plates~~ plate issued under section 16B.581 or 168.012 must have vehicle markings that comply with section 168.012, subdivision 1.

Subd. 10. **Single plate transition.** A person may display a plate on the front of a vehicle if the plate bears valid registration stickers, as provided under subdivision 8 or as provided under subdivision 5."

Page 36, after line 21, insert:

"Sec. 59. **REVISOR'S INSTRUCTION.**

(a) For Minnesota Statutes 2012, the revisor of statutes shall change terms where it appears in Minnesota Statutes, chapters 97B, 168, 168A, 168D, 169, 169A, 297B, and 325E, as follows:

(1) "plates" must be changed to "plate," "a plate," or "the plate," as appropriate;

(2) "set of plates" must be changed to "plate," "a plate," or "the plate," as appropriate; and

(3) "disability plates" must be changed to "disability plate," "a disability plate," or "the disability plate," as appropriate.

(b) The revisor of statutes shall make conforming changes as necessary to implement the change in terms under paragraph (a), including but not limited to use of a singular instead of plural article or demonstrative pronoun.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

The Speaker called Simon to the Chair.

Garofalo moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 26, after line 9, insert:

"Sec. 41. Minnesota Statutes 2012, section 171.12, subdivision 6, is amended to read:

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

(b) Except as provided in paragraph (c), the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 60 miles per hour unless the violation consisted of a speed greater than:

(1) ten miles per hour in excess of the speed limit, for any violation occurring on or after August 1, 2012, and before August 1, 2014; or

(2) five miles per hour in excess of the speed limit, for any violation occurring on or after August 1, 2014.

(c) 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.

(d) Except as provided in paragraph (c), the department shall not keep on the record of a driver any conviction for a violation of a speed limit on marked Interstate 35E in the city of St. Paul, from its intersection with West Seventh Street to its intersection with marked Interstate Highway 94, unless the violation consists of a speed greater than ten miles per hour in excess of the speed limit.

**EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to violations committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Nornes moved to amend S. F. No. 1270, the second engrossment, as amended.

Nornes requested a division of his amendment to S. F. No. 1270, the second engrossment, as amended.

The first portion of the Nornes amendment to S. F. No. 1270, the second engrossment, as amended, reads as follows:

Page 17, after line 23, insert:

"Sec. 24. Minnesota Statutes 2012, section 169.14, subdivision 2, is amended to read:

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

- (1) 30 miles per hour in an urban district;
  - (2) 65 miles per hour on noninterstate expressways, as defined in section 160.02, subdivision 18b, and noninterstate freeways, as defined in section 160.02, subdivision 19;
  - (3) ~~55~~ 60 miles per hour in locations other than those specified in this section;
  - (4) 70 miles per hour on interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
  - (5) 65 miles per hour on interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
  - (6) ten miles per hour in alleys;
  - (7) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway; and
  - (8) 35 miles per hour in a rural residential district if adopted by the road authority having jurisdiction over the rural residential district.
- (b) A speed limit adopted under paragraph (a), clause (7), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.
- (c) A speed limit adopted under paragraph (a), clause (8), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the rural residential district for the roadway on which the speed limit applies.
- (d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established in this subdivision, or a speed limit designated on an appropriate sign under subdivision 4, 5, 5b, 5c, or 5e, by driving 20 miles per hour or more in excess of the applicable speed limit, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

**EFFECTIVE DATE.** This section is effective upon the placement of conforming signs designating the speed specified in this section by the commissioner of transportation on affected trunk highways and by local authorities on affected streets and highways under their jurisdictions. The placement of conforming signs must occur during the ordinary course of placement and replacement of signs, but must be completed before January 1, 2025."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the first portion of the Nornes amendment to S. F. No. 1270, the second engrossment, as amended, was adopted.

Nornes withdrew the second portion of his amendment to S. F. No. 1270, the second engrossment, as amended.

Freiberg moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 18, line 1, delete the new text and insert ":(i)"

Page 18, line 2, before the period, insert ":(ii) in a bicycle lane, unless there is only one traffic lane in the direction of the passing vehicle, the vehicle to be overtaken is making or about to make a left turn, and it is safe to do so"

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

Abeler was excused for the remainder of today's session.

Benson, M., moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 19, line 15, after "(g)" insert "Except as provided in paragraph (h)."

Page 19, lines 16 to 18, reinstate the stricken language

Page 19, line 19, reinstate the stricken language, and after the period, insert:

"(h) In a city of the first class located in a metropolitan county, as defined in section 473.121, subdivision 4, whenever it is necessary for the driver of a motor vehicle to cross a bicycle lane adjacent to the driver's lane of travel to make a turn, the driver shall"

A roll call was requested and properly seconded.

The question was taken on the Benson, M., amendment and the roll was called. There were 57 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Albright	Barrett	Cornish	Dean, M.	Erickson, S.	Franson
Anderson, P.	Beard	Daudt	Dettmer	Fabian	Garofalo
Anderson, S.	Benson, M.	Davids	Drazkowski	FitzSimmons	Green

Gruenhagen	Howe	Mack	O'Driscoll	Schomacker	Wills
Gunther	Johnson, B.	McDonald	O'Neill	Scott	Woodard
Hackbarth	Kieffer	McNamara	Peppin	Swedzinski	Zellers
Hamilton	Kiel	Metsa	Pugh	Theis	Zerwas
Hertaus	Kresha	Myhra	Quam	Torkelson	
Holberg	Leidiger	Newberger	Runbeck	Uglem	
Hoppe	Lohmer	Nornes	Sanders	Urdahl	

Those who voted in the negative were:

Allen	Erickson, R.	Huntley	Mahoney	Norton	Simonson
Anzelc	Falk	Isaacson	Mariani	Paymar	Slocum
Atkins	Faust	Johnson, C.	Marquart	Pelowski	Sundin
Benson, J.	Fischer	Johnson, S.	Masin	Persell	Wagenius
Bernardy	Freiberg	Kahn	McNamar	Poppe	Ward, J.A.
Bly	Fritz	Laine	Melin	Radinovich	Ward, J.E.
Brynaert	Halverson	Lenczewski	Moran	Rosenthal	Winkler
Carlson	Hansen	Lesch	Morgan	Savick	Yarusso
Davnie	Hausman	Liebling	Murphy, E.	Sawatzky	
Dehn, R.	Hilstrom	Lien	Murphy, M.	Schoen	
Dorholt	Hornstein	Lillie	Nelson	Selcer	
Erhardt	Hortman	Loeffler	Newton	Simon	

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

Urdahl moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 26, after line 9, insert:

"Sec. 41. Minnesota Statutes 2012, section 171.12, subdivision 6, is amended to read:

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

(b) Except as provided in paragraph (c), the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 60 miles per hour unless the violation consisted of a speed greater than:

(1) ten miles per hour in excess of the speed limit, for any violation occurring on or after August 1, 2012, and before August 1, ~~2014~~ 2015; or

(2) five miles per hour in excess of the speed limit, for any violation occurring on or after August 1, ~~2014~~ 2015.

(c) 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."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Urdahl amendment and the roll was called. There were 79 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Albright	Erickson, S.	Hertaus	Marquart	Persell	Torkelson
Anderson, P.	Fabian	Holberg	Masin	Poppe	Uglem
Anderson, S.	Falk	Hoppe	McDonald	Pugh	Urdahl
Anzelc	Faust	Howe	McNamara	Quam	Ward, J.A.
Barrett	FitzSimmons	Isaacson	Melin	Radinovich	Ward, J.E.
Beard	Franson	Johnson, B.	Metsa	Rosenthal	Wills
Benson, M.	Fritz	Kieffer	Murphy, M.	Runbeck	Woodard
Cornish	Garofalo	Kiel	Myhra	Sanders	Zellers
Daudt	Green	Kresha	Newberger	Savick	Zerwas
Davids	Gruenhagen	Laine	Nornes	Sawatzky	
Dean, M.	Gunther	Leidiger	O'Driscoll	Schomacker	
Dettmer	Hackbarth	Lien	O'Neill	Scott	
Drazkowski	Halverson	Lohmer	Pelowski	Swedzinski	
Erickson, R.	Hamilton	Mack	Peppin	Theis	

Those who voted in the negative were:

Allen	Dehn, R.	Hortman	Lillie	Nelson	Slocum
Atkins	Dorholt	Huntley	Loeffler	Newton	Sundin
Benson, J.	Erhardt	Johnson, C.	Mahoney	Norton	Winkler
Bernardy	Fischer	Johnson, S.	Mariani	Paymar	Yarusso
Bly	Freiberg	Kahn	McNamar	Schoen	Spk. Thissen
Brynaert	Hansen	Lenczewski	Moran	Selcer	
Carlson	Hausman	Lesch	Morgan	Simon	
Davnie	Hornstein	Liebling	Murphy, E.	Simonson	

The motion prevailed and the amendment was adopted.

Drazkowski moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 26, delete section 41

Page 28, delete section 45

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Drazkowski amendment and the roll was called. There were 56 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Albright	Barrett	Cornish	Dean, M.	Erickson, S.	Franson
Anderson, P.	Beard	Daudt	Dettmer	Fabian	Garofalo
Anderson, S.	Benson, M.	Davids	Drazkowski	FitzSimmons	Green

Gruenhagen	Howe	Mack	O'Neill	Scott	Woodard
Gunther	Johnson, B.	McDonald	Peppin	Swedzinski	Zellers
Hackbarth	Kieffer	McNamara	Pugh	Theis	Zerwas
Hamilton	Kiel	Myhra	Quam	Torkelson	
Hertaus	Kresha	Newberger	Runbeck	Uglem	
Holberg	Leidiger	Nornes	Sanders	Urdahl	
Hoppe	Lohmer	O'Driscoll	Schomacker	Wills	

Those who voted in the negative were:

Allen	Erickson, R.	Huntley	Mahoney	Newton	Simon
Anzelc	Falk	Isaacson	Mariani	Norton	Simonson
Atkins	Faust	Johnson, C.	Marquart	Paymar	Slocum
Benson, J.	Fischer	Johnson, S.	Masin	Pelowski	Sundin
Bernardy	Freiberg	Kahn	McNamar	Persell	Wagenius
Bly	Fritz	Laine	Melin	Poppe	Ward, J.A.
Brynaert	Halverson	Lenczewski	Metsa	Radinovich	Ward, J.E.
Carlson	Hansen	Lesch	Moran	Rosenthal	Winkler
Davnie	Hausman	Liebling	Morgan	Savick	Yarusso
Dehn, R.	Hilstrom	Lien	Murphy, E.	Sawatzky	Spk. Thissen
Dorholt	Hornstein	Lillie	Murphy, M.	Schoen	
Erhardt	Hortman	Loeffler	Nelson	Selcer	

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

Holberg moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 26, line 19, after "public" insert ", and between contractors and subcontractors for trunk highway work,"

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Holberg amendment and the roll was called. There were 51 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Hackbarth	Kresha	O'Neill	Uglem
Anderson, P.	Erickson, S.	Hamilton	Lohmer	Quam	Urdahl
Anderson, S.	Fabian	Holberg	McDonald	Runbeck	Wills
Barrett	FitzSimmons	Hoppe	McNamara	Sanders	Woodard
Beard	Franson	Hortman	Morgan	Schomacker	Zellers
Cornish	Garofalo	Howe	Myhra	Scott	Zerwas
Daudt	Green	Johnson, B.	Newberger	Swedzinski	
Davids	Gruenhagen	Kieffer	Nornes	Theis	
Dean, M.	Gunther	Kiel	O'Driscoll	Torkelson	

Those who voted in the negative were:

Allen	Benson, J.	Bly	Davnie	Drazkowski	Falk
Anzelc	Benson, M.	Brynaert	Dehn, R.	Erhardt	Faust
Atkins	Bernardy	Carlson	Dorholt	Erickson, R.	Fischer

Freiberg	Johnson, C.	Loeffler	Murphy, E.	Pugh	Sundin
Fritz	Johnson, S.	Mack	Murphy, M.	Radinovich	Wagenius
Halverson	Kahn	Mahoney	Nelson	Rosenthal	Ward, J.A.
Hansen	Laine	Mariani	Newton	Savick	Ward, J.E.
Hausman	Leidiger	Marquart	Norton	Sawatzky	Winkler
Hertaus	Lenczewski	Masin	Paymar	Schoen	Yarusso
Hilstrom	Lesch	McNamar	Pelowski	Selcer	Spk. Thissen
Hornstein	Liebling	Melin	Peppin	Simon	
Huntley	Lien	Metsa	Persell	Simonson	
Isaacson	Lillie	Moran	Poppe	Slocum	

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

Garofalo and Benson, M., moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 27, delete section 43

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Garofalo and Benson, M., amendment and the roll was called. There were 56 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Hackbarth	Kresha	O'Neill	Torkelson
Anderson, P.	Drazkowski	Halverson	Leidiger	Peppin	Urdahl
Anderson, S.	Erickson, S.	Hamilton	Lohmer	Pugh	Wills
Barrett	Fabian	Hertaus	Mack	Quam	Woodard
Beard	FitzSimmons	Holberg	McDonald	Runbeck	Zellers
Benson, M.	Franson	Hoppe	McNamara	Sanders	Zerwas
Cornish	Garofalo	Howe	Myhra	Schomacker	
Daudt	Green	Johnson, B.	Newberger	Scott	
Dauids	Gruenhagen	Kieffer	Nornes	Swedzinski	
Dean, M.	Gunther	Kiel	O'Driscoll	Theis	

Those who voted in the negative were:

Allen	Erickson, R.	Isaacson	Mariani	Norton	Simonson
Anzelc	Falk	Johnson, C.	Marquart	Paymar	Slocum
Atkins	Faust	Johnson, S.	Masin	Pelowski	Sundin
Benson, J.	Fischer	Kahn	McNamar	Persell	Uglen
Bernardy	Freiberg	Laine	Melin	Poppe	Wagenius
Bly	Fritz	Lenczewski	Metsa	Radinovich	Ward, J.A.
Brynaert	Hansen	Lesch	Moran	Rosenthal	Ward, J.E.
Carlson	Hausman	Liebling	Morgan	Savick	Winkler
Davnie	Hilstrom	Lien	Murphy, E.	Sawatzky	Yarusso
Dehn, R.	Hornstein	Lillie	Murphy, M.	Schoen	Spk. Thissen
Dorholt	Hortman	Loeffler	Nelson	Selcer	
Erhardt	Huntley	Mahoney	Newton	Simon	

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

Gruenhagen was excused for the remainder of today's session.

Runbeck moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 29, line 22, delete "(a)"

Page 29, line 26, delete everything after the period

Page 29, delete lines 27 to 35

Page 30, delete lines 1 to 3

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Runbeck amendment and the roll was called. There were 53 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Hackbarth	Kresha	O'Neill	Theis
Anderson, P.	Drazkowski	Hamilton	Leidiger	Peppin	Torkelson
Anderson, S.	Erickson, S.	Hertaus	Lohmer	Pugh	Uglen
Barrett	Fabian	Holberg	Mack	Quam	Urdahl
Beard	FitzSimmons	Hoppe	McDonald	Runbeck	Wills
Benson, M.	Franson	Howe	Myhra	Sanders	Woodard
Daudt	Garofalo	Johnson, B.	Newberger	Schomacker	Zellers
Davids	Green	Kieffer	Nornes	Scott	Zerwas
Dean, M.	Gunther	Kiel	O'Driscoll	Swedzinski	

Those who voted in the negative were:

Allen	Erhardt	Hortman	Loeffler	Murphy, M.	Schoen
Anzelc	Erickson, R.	Huntley	Mahoney	Nelson	Selcer
Atkins	Falk	Isaacson	Mariani	Newton	Simon
Benson, J.	Faust	Johnson, C.	Marquart	Norton	Simonson
Bernardy	Fischer	Johnson, S.	Masin	Paymar	Slocum
Bly	Freiberg	Kahn	McNamar	Pelowski	Sundin
Brynaert	Fritz	Laine	McNamara	Persell	Wagenius
Carlson	Halverson	Lenczewski	Melin	Poppe	Ward, J.A.
Cornish	Hansen	Lesch	Metsa	Radinovich	Ward, J.E.
Davnie	Hausman	Liebling	Moran	Rosenthal	Winkler
Dehn, R.	Hilstrom	Lien	Morgan	Savick	Yarusso
Dorholt	Hornstein	Lillie	Murphy, E.	Sawatzky	Spk. Thissen

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

Runbeck moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 30, after line 3, insert:

"(c) This subdivision is effective the next August 1 following submission of the report under subdivision 5."

Page 30, line 5, after the period, insert "The commissioner shall include in the public hearings summary information on the results of the analysis under subdivision 5."

Page 30, after line 5, insert:

"Subd. 5. **Analysis of liability impacts.** The commissioner shall analyze the civil liability and indemnification impacts of the contracting authority established under subdivision 3, which must include a review of expected impacts to local units of government and to the general public in an award of damages in a civil action arising out of passenger rail service under sections 174.60 to 174.636. The commissioner shall submit an electronic copy of the results of the analysis to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance, and to the Revisor of Statutes."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Runbeck amendment and the roll was called. There were 53 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Hackbarth	Kresha	O'Neill	Theis
Anderson, P.	Drazkowski	Hamilton	Leidiger	Peppin	Torkelson
Anderson, S.	Erickson, S.	Hertaus	Lohmer	Pugh	Uglem
Barrett	Fabian	Holberg	Mack	Quam	Urdahl
Beard	FitzSimmons	Hoppe	McDonald	Runbeck	Wills
Benson, M.	Franson	Howe	Myhra	Sanders	Woodard
Daudt	Garfalo	Johnson, B.	Newberger	Schomacker	Zellers
Davids	Green	Kieffer	Nornes	Scott	Zerwas
Dean, M.	Gunther	Kiel	O'Driscoll	Swedzinski	

Those who voted in the negative were:

Allen	Erhardt	Hortman	Loeffler	Murphy, M.	Schoen
Anzelc	Erickson, R.	Huntley	Mahoney	Nelson	Selcer
Atkins	Falk	Isaacson	Mariani	Newton	Simon
Benson, J.	Faust	Johnson, C.	Marquart	Norton	Simonson
Bernardy	Fischer	Johnson, S.	Masin	Paymar	Slocum
Bly	Freiberg	Kahn	McNamara	Pelowski	Sundin
Brynaert	Fritz	Laine	McNamara	Persell	Wagenius
Carlson	Halverson	Lenczewski	Melin	Poppe	Ward, J.A.
Cornish	Hansen	Lesch	Metsa	Radinovich	Ward, J.E.
Davnie	Hausman	Liebling	Moran	Rosenthal	Winkler
Dehn, R.	Hilstrom	Lien	Morgan	Savick	Yarusso
Dorholt	Hornstein	Lillie	Murphy, E.	Sawatzky	Spk. Thissen

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

Faust moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 33, after line 11, insert:

"Sec. 53. Minnesota Statutes 2012, section 221.0314, subdivision 9a, is amended to read:

Subd. 9a. **Hours of service exemptions.** The federal regulations incorporated in subdivision 9 for maximum driving and on-duty time do not apply to drivers engaged in the interstate or intrastate transportation of:

(1) agricultural commodities or farm supplies for agricultural purposes in Minnesota during the planting and harvesting seasons from March 15 to December 15 of each year; or

(2) sugar beets during the harvesting season for sugar beets from September 1 to May 15 of each year;

if the transportation is limited to an area within a ~~100-air-mile~~ 150-air-mile radius from the source of the commodities or from the retail or wholesale distribution point for of the farm supplies.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Nornes moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 33, after line 11, insert:

"Sec. 53. Laws 2009, chapter 158, section 10, as amended by Laws 2012, chapter 287, article 3, section 56, is amended to read:

Sec. 10. **EFFECTIVE DATE.**

Sections 2 and 3 are effective August 1, 2009, ~~and the amendments made in sections 2 and 3 to Minnesota Statutes, sections 169.011 and 169.045, expire July 31, 2014.~~"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Nornes amendment and the roll was called. There were 58 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Albright	Barrett	Cornish	Dean, M.	Erickson, R.	FitzSimmons
Anderson, P.	Beard	Daudt	Dettmer	Erickson, S.	Franson
Anderson, S.	Benson, M.	Davids	Drazkowski	Fabian	Garofalo

Green	Howe	Mack	Nornes	Sanders	Urdahl
Gunther	Johnson, B.	McDonald	O'Driscoll	Schomacker	Wills
Hackbarth	Kieffer	McNamar	O'Neill	Scott	Woodard
Hamilton	Kiel	McNamara	Peppin	Swedzinski	Zellers
Hertaus	Kresha	Metsa	Pugh	Theis	Zerwas
Holberg	Leidiger	Myhra	Quam	Torkelson	
Hoppe	Lohmer	Newberger	Runbeck	Uglen	

Those who voted in the negative were:

Allen	Erhardt	Hortman	Loeffler	Newton	Selcer
Anzelc	Falk	Huntley	Mahoney	Norton	Simon
Atkins	Faust	Isaacson	Mariani	Paymar	Simonson
Benson, J.	Fischer	Johnson, C.	Marquart	Pelowski	Slocum
Bernardy	Freiberg	Johnson, S.	Masin	Persell	Sundin
Bly	Fritz	Kahn	Melin	Poppe	Wagenius
Brynaert	Halverson	Lenczewski	Moran	Radinovich	Ward, J.A.
Carlson	Hansen	Lesch	Morgan	Rosenthal	Ward, J.E.
Davnie	Hausman	Liebling	Murphy, E.	Savick	Winkler
Dehn, R.	Hilstrom	Lien	Murphy, M.	Sawatzky	Yarusso
Dorholt	Hornstein	Lillie	Nelson	Schoen	Spk. Thissen

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

Holberg moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 33, after line 11, insert:

"Sec. 53. Minnesota Statutes 2012, section 473.386, is amended by adding a subdivision to read:

Subd. 9. **Metro Mobility ombudsperson.** (a) The council shall establish, as part of the duties of existing personnel, a Metro Mobility ombudsperson. The ombudsperson reports directly to the council. The ombudsperson must be selected without regard to political affiliation and must be qualified to perform the duties specified in this subdivision.

(b) Powers and duties of the ombudsperson include, but are not limited to:

(1) providing a neutral, independent resource for dispute and issue resolution between the council and the general public concerning the Metro Mobility program where another mechanism or forum is not available;

(2) gathering information about decisions, acts, and other matters of the council;

(3) providing information to the general public;

(4) facilitating discussions or arranging mediation when appropriate; and

(5) maintaining and monitoring performance measures for the ombudsperson program.

(c) The ombudsperson may not impose a complaint fee."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Melin moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 36, after line 21, insert:

"Sec. 57. **ORIGINAL IGNITION INTERLOCK DEVICE PROGRAM; USE OF EMPLOYER-OWNED VEHICLES.**

A person participating in the ignition interlock device program under Minnesota Statutes 2009, section 171.305, 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 referenced in Minnesota Statutes, section 171.306, subdivision 4, paragraph (b), and with the employer's written consent.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1270, as amended, was read for the third time.

#### MOTION FOR RECONSIDERATION

Garofalo moved that the action whereby S. F. No. 1270, as amended, was given its third reading be now reconsidered. The motion prevailed.

S. F. No. 1270, the second engrossment, as amended, was again reported to the House.

Hackbarth moved to amend S. F. No. 1270, the second engrossment, as amended, as follows:

Page 36, after line 21, insert:

"Sec. 57. **INTERSECTION SIGNAGE; MARKED TRUNK HIGHWAY 47.**

By August 1, 2013, the commissioner of transportation shall erect additional signage on marked Trunk Highway 47 at the intersection with McKinley Street in Anoka indicating the turning and through lane requirements for the intersection.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Hackbarth moved to amend his amendment to S. F. No. 1270, the second engrossment, as amended, as follows:

Page 1, line 7, after the period, insert:

"The city of Anoka shall reimburse the commissioner for the signage."

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

The question recurred on the Hackbarth amendment, as amended, to S. F. No. 1270, the second engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 1270, A bill for an act relating to transportation; modifying provisions governing transportation and public safety policies, including highway signs, highway jurisdictions, accounts, state-aid definitions and variances, vehicle registration and license plates, record retention, conformance with federal law, motor vehicle dealers, type III vehicles, bicycle lanes, speed limit, disability parking, school bus safety, vehicle weights, background checks, senior identification cards, Department of Transportation offices and ombudsperson and surplus land, railroad crossing signs, bus rapid transit, transit planning, operations, and accessibility, and land conveyance; amending Minnesota Statutes 2012, sections 160.80, subdivisions 1, 1a, 2; 161.04, subdivision 5; 161.115, subdivision 229, by adding a subdivision; 161.1231, subdivision 8; 161.44, by adding a subdivision; 162.02, subdivision 3a; 162.09, subdivision 3a; 162.13, subdivision 2; 168.017, subdivisions 2, 3; 168.053, subdivision 1; 168.123, subdivision 2; 168.183, subdivision 1; 168.187, subdivision 17; 168.27, subdivisions 10, 11, by adding a subdivision; 168A.153, subdivisions 1, 2, 3, by adding a subdivision; 168B.15; 169.011, subdivision 71; 169.14, subdivision 2; 169.18, subdivisions 4, 7; 169.19, subdivision 1; 169.34, subdivision 1; 169.346, subdivision 2, by adding a subdivision; 169.443, subdivision 9; 169.447, subdivision 2; 169.454, subdivision 12; 169.824, subdivision 2; 171.01, subdivision 49b; 171.07, subdivisions 3a, 4; 171.12, subdivision 6; 174.02, by adding a subdivision; 174.24, subdivision 5a; 219.17; 219.18; 219.20; 221.0314, subdivisions 2, 3a, 9a; 398A.04, by adding a subdivision; Laws 2002, chapter 393, section 85; Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended; proposing coding for new law in Minnesota Statutes, chapters 171; 174; repealing Minnesota Statutes 2012, sections 168.094; 174.24, subdivision 5; Minnesota Rules, parts 8820.3300, subpart 2; 8835.0330, subpart 2.

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

The question was taken on the passage of the bill and the roll was called. There were 77 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Allen	Davnie	Halverson	Johnson, S.	Mariani	Murphy, M.
Anzelc	Dehn, R.	Hamilton	Kahn	Marquart	Nelson
Atkins	Dorholt	Hansen	Laine	Masin	Newton
Beard	Erhardt	Hausman	Lenczewski	McNamar	Nornes
Benson, J.	Erickson, R.	Hilstrom	Lesch	McNamara	Norton
Bernardy	Falk	Hornstein	Liebling	Melin	Paymar
Bly	Faust	Hortman	Lien	Metsa	Pelowski
Brynaert	Fischer	Huntley	Lillie	Moran	Persell
Carlson	Freiberg	Isaacson	Loeffler	Morgan	Poppe
Cornish	Fritz	Johnson, C.	Mahoney	Murphy, E.	Radinovich

Rosenthal	Schoen	Simonson	Urdahl	Ward, J.E.	Yarusso
Savick	Selcer	Slocum	Wagenius	Winkler	Spk. Thissen
Sawatzky	Simon	Sundin	Ward, J.A.	Woodard	

Those who voted in the negative were:

Albright	Drazkowski	Hackbarth	Kresha	O'Neill	Swedzinski
Anderson, P.	Erickson, S.	Hertaus	Leidiger	Peppin	Theis
Anderson, S.	Fabian	Holberg	Lohmer	Pugh	Torkelson
Barrett	FitzSimmons	Hoppe	Mack	Quam	Uglem
Benson, M.	Franson	Howe	McDonald	Runbeck	Wills
Daudt	Garfalo	Johnson, B.	Myhra	Sanders	Zellers
Davids	Green	Kieffer	Newberger	Schomacker	Zerwas
Dettmer	Gunther	Kiel	O'Driscoll	Scott	

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

S. F. No. 825, A bill for an act relating to health; making changes to the Medical Practice Act; amending Minnesota Statutes 2012, sections 147.001; 147.01, subdivision 1; 147.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 147.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dorholt	Hertaus	Lien	Newton	Selcer
Allen	Drazkowski	Hilstrom	Lillie	Nornes	Simon
Anderson, P.	Erhardt	Holberg	Loeffler	Norton	Simonson
Anderson, S.	Erickson, R.	Hoppe	Lohmer	O'Driscoll	Slocum
Anzelc	Erickson, S.	Hornstein	Mack	O'Neill	Sundin
Atkins	Fabian	Hortman	Mahoney	Paymar	Swedzinski
Barrett	Falk	Howe	Mariani	Pelowski	Theis
Beard	Faust	Huntley	Marquart	Peppin	Torkelson
Benson, J.	Fischer	Isaacson	Masin	Persell	Uglem
Benson, M.	FitzSimmons	Johnson, B.	McDonald	Poppe	Urdahl
Bernardy	Franson	Johnson, C.	McNamar	Pugh	Wagenius
Bly	Freiberg	Johnson, S.	McNamara	Quam	Ward, J.A.
Brynaert	Fritz	Kahn	Melin	Radinovich	Ward, J.E.
Carlson	Garfalo	Kieffer	Metsa	Rosenthal	Wills
Cornish	Green	Kiel	Moran	Runbeck	Winkler
Daudt	Gunther	Kresha	Morgan	Sanders	Woodard
Davids	Hackbarth	Laine	Murphy, E.	Savick	Yarusso
Davnie	Halverson	Leidiger	Murphy, M.	Sawatzky	Zellers
Dean, M.	Hamilton	Lenczewski	Myhra	Schoen	Zerwas
Dehn, R.	Hansen	Lesch	Nelson	Schomacker	Spk. Thissen
Dettmer	Hausman	Liebling	Newberger	Scott	

The bill was passed and its title agreed to.

Lohmer was excused for the remainder of today's session.

H. F. No. 590 was reported to the House.

Hilstrom moved to amend H. F. No. 590, the first engrossment, as follows:

Page 1, line 8, after "(1)" insert "(i)" and after the first "or" insert "(ii)"

The motion prevailed and the amendment was adopted.

Johnson, B., moved to amend H. F. No. 590, the first engrossment, as amended, as follows:

Page 1, after line 4, insert:

"Section 1. **[174.235] TRANSIT OPERATORS; ELECTRONIC INCAPACITATION DEVICES.**

Subdivision 1. **Prohibition.** Notwithstanding section 624.731, subdivision 10, a public transit provider may require a transit operator to provide proof of training in the proper use of an electronic incapacitation device prior to the transit operator carrying an electronic incapacitation device while on duty as permitted under section 624.731. This provision does not apply to transit operators who are prohibited from possessing an electronic incapacitation device under section 624.731.

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

(1) "transit operator" has the meaning provided in section 609.2231, subdivision 11, paragraph (b); and

(2) "electronic incapacitation device" has the meaning provided in section 624.731, subdivision 1, clause (2)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Johnson, B., amendment and the roll was called. There were 49 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Hamilton	McDonald	Quam	Urdahl
Anderson, P.	Dettmer	Hertaus	McNamara	Runbeck	Wills
Anderson, S.	Drazkowski	Hoppe	Myhra	Sanders	Woodard
Barrett	Erickson, S.	Howe	Newberger	Schomacker	Zerwas
Beard	FitzSimmons	Johnson, B.	Nornes	Scott	
Benson, M.	Franson	Kiel	O'Driscoll	Swedzinski	
Cornish	Green	Kresha	O'Neill	Theis	
Daudt	Gunther	Leidiger	Peppin	Torkelson	
Dauids	Hackbarth	Mack	Pugh	Uglem	

Those who voted in the negative were:

Allen	Fabian	Huntley	Mahoney	Norton	Slocum
Anzelc	Falk	Isaacson	Mariani	Paymar	Sundin
Atkins	Faust	Johnson, C.	Marquart	Pelowski	Wagenius
Benson, J.	Fischer	Johnson, S.	Masin	Persell	Ward, J.A.
Bernardy	Freiberg	Kahn	McNamar	Poppe	Ward, J.E.
Bly	Fritz	Kieffer	Melin	Radinovich	Winkler
Brynaert	Halverson	Laine	Metsa	Rosenthal	Yarusso
Carlson	Hansen	Lenczewski	Moran	Savick	Spk. Thissen
Davnie	Hausman	Lesch	Morgan	Sawatzky	
Dehn, R.	Hilstrom	Liebling	Murphy, E.	Schoen	
Dorholt	Holberg	Lien	Murphy, M.	Selcer	
Erhardt	Hornstein	Lillie	Nelson	Simon	
Erickson, R.	Hortman	Loeffler	Newton	Simonson	

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

H. F. No. 590, A bill for an act relating to crime; prescribing criminal penalties for assaulting a transit operator; amending Minnesota Statutes 2012, section 609.2231, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Albright	Dorholt	Hilstrom	Lien	Nornes	Simon
Anderson, P.	Drazkowski	Holberg	Lillie	Norton	Simonson
Anderson, S.	Erhardt	Hoppe	Loeffler	O'Driscoll	Slocum
Anzelc	Erickson, R.	Hornstein	Mack	O'Neill	Sundin
Atkins	Erickson, S.	Hortman	Mahoney	Paymar	Swedzinski
Barrett	Fabian	Howe	Mariani	Pelowski	Theis
Beard	Falk	Huntley	Marquart	Peppin	Torkelson
Benson, J.	Faust	Isaacson	Masin	Persell	Uglen
Benson, M.	Fischer	Johnson, B.	McNamar	Poppe	Urdahl
Bernardy	Franson	Johnson, C.	McNamara	Pugh	Wagenius
Bly	Freiberg	Johnson, S.	Melin	Radinovich	Ward, J.A.
Brynaert	Fritz	Kahn	Metsa	Rosenthal	Ward, J.E.
Carlson	Garofalo	Kieffer	Moran	Runbeck	Wills
Cornish	Gunther	Kiel	Morgan	Sanders	Winkler
Daudt	Hackbarth	Kresha	Murphy, E.	Savick	Woodard
Davids	Halverson	Laine	Murphy, M.	Sawatzky	Yarusso
Davnie	Hamilton	Leidiger	Myhra	Schoen	Zellers
Dean, M.	Hansen	Lenczewski	Nelson	Schomacker	Zerwas
Dehn, R.	Hausman	Lesch	Newberger	Scott	Spk. Thissen
Dettmer	Hertaus	Liebling	Newton	Selcer	

Those who voted in the negative were:

Allen	FitzSimmons	Green	McDonald	Quam
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The bill was passed, as amended, and its title agreed to.

Johnson, B., and Zellers were excused for the remainder of today's session.

H. F. No. 1284 was reported to the House.

Peppin moved to amend H. F. No. 1284, the first engrossment, as follows:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2012, section 325D.01, subdivision 5, is amended to read:

Subd. 5. **Cost.** The term "cost", as applied to the wholesale or retail vendor, means:

(1) the actual current delivered invoice or replacement cost, whichever is lower, without deducting customary cash discounts, plus any excise or sales taxes imposed on such commodity, goods, wares or merchandise subsequent to the purchase thereof and prior to the resale thereof, plus the cost of doing business at that location by the vendor; and

(2) where a manufacturer publishes a list price and discounts, in determining such "cost" the manufacturer's published list price then currently in effect, less the published trade discount but without deducting the customary cash discount, plus any excise or sales taxes imposed on such commodity, goods, wares or merchandise subsequent to the purchase thereof and prior to the resale thereof, plus the cost of doing business by the vendor shall be prima facie evidence of "cost";

~~(3) for purposes of gasoline offered for sale by way of posted price or indicating meter by a retailer, at a retail location where gasoline is dispensed into passenger automobiles and trucks by the consumer, "cost" means the average terminal price on the day, at the terminal from which the most recent supply of gasoline delivered to the retail location was acquired, plus all applicable state and federal excise taxes and fees, plus the lesser of six percent or eight cents.~~

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

Page 1, after line 8, insert:

"Sec. 3. **REPEALER.**

Minnesota Statutes 2012, sections 325D.01, subdivisions 11 and 12; and 325D.71, are repealed.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Peppin amendment and the roll was called. There were 27 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Allen	FitzSimmons	Leidiger	Newberger	Runbeck	Woodard
Anderson, S.	Franson	Lenczewski	Peppin	Scott	Spk. Thissen
Beard	Hertaus	Liebling	Pugh	Selcer	
Drazkowski	Kieffer	McDonald	Quam	Uglem	
Erickson, S.	Kresha	Myhra	Rosenthal	Winkler	

Those who voted in the negative were:

Albright	Dettmer	Hansen	Lillie	Newton	Simonson
Anderson, P.	Dorholt	Hausman	Loeffler	Nornes	Slocum
Anzelc	Erhardt	Hilstrom	Mack	Norton	Sundin
Atkins	Erickson, R.	Hoppe	Mahoney	O'Driscoll	Swedzinski
Barrett	Fabian	Hornstein	Mariani	O'Neill	Theis
Benson, J.	Falk	Hortman	Marquart	Paymar	Torkelson
Benson, M.	Faust	Howe	Masin	Pelowski	Urdahl
Bernardy	Fischer	Huntley	McNamar	Persell	Wagenius
Bly	Freiberg	Isaacson	McNamara	Poppe	Ward, J.A.
Brynaert	Fritz	Johnson, C.	Melin	Radinovich	Ward, J.E.
Carlson	Garofalo	Johnson, S.	Metsa	Sanders	Wills
Daudt	Green	Kahn	Moran	Savick	Yarusso
Davids	Gunther	Kiel	Morgan	Sawatzky	Zerwas
Davnie	Hackbarth	Laine	Murphy, E.	Schoen	
Dean, M.	Halverson	Lesch	Murphy, M.	Schomacker	
Dehn, R.	Hamilton	Lien	Nelson	Simon	

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

H. F. No. 1284, A bill for an act relating to commerce; prohibiting restriction on sale of motor fuel; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

The question was taken on the passage of the bill and the roll was called. There were 109 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Albright	Bly	Drazkowski	Gunther	Howe	Lesch
Allen	Brynaert	Erhardt	Hackbarth	Huntley	Lien
Anderson, P.	Carlson	Erickson, R.	Halverson	Isaacson	Lillie
Anderson, S.	Cornish	Erickson, S.	Hamilton	Johnson, C.	Loeffler
Anzelc	Daudt	Fabian	Hausman	Johnson, S.	Mack
Atkins	Davids	Falk	Hertaus	Kahn	Mahoney
Barrett	Davnie	Faust	Hilstrom	Kieffer	Mariani
Beard	Dean, M.	Fischer	Holberg	Kiel	Marquart
Benson, J.	Dehn, R.	FitzSimmons	Hoppe	Kresha	Masin
Benson, M.	Dettmer	Franson	Hornstein	Laine	McNamar
Bernardy	Dorholt	Fritz	Hortman	Lenczewski	McNamara

Melin	Newberger	Pugh	Schoen	Swedzinski	Winkler
Metsa	Nornes	Quam	Schomacker	Theis	Woodard
Moran	O'Driscoll	Radinovich	Scott	Torkelson	Yarusso
Morgan	Paymar	Rosenthal	Selcer	Urdahl	
Murphy, E.	Pelowski	Runbeck	Simon	Wagenius	
Murphy, M.	Peppin	Sanders	Simonson	Ward, J.A.	
Myhra	Persell	Savick	Slocum	Ward, J.E.	
Nelson	Poppe	Sawatzky	Sundin	Wills	

Those who voted in the negative were:

Freiberg	Hansen	McDonald	O'Neill	Spk. Thissen
Garofalo	Leidiger	Newton	Uglem	
Green	Liebling	Norton	Zerwas	

The bill was passed and its title agreed to.

S. F. No. 510, A bill for an act relating to solid waste; amending process for cities to implement organized collection of solid waste; amending Minnesota Statutes 2012, section 115A.94, subdivisions 2, 5, by adding subdivisions; repealing Minnesota Statutes 2012, section 115A.94, subdivision 4.

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

The question was taken on the passage of the bill and the roll was called. There were 104 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Albright	Dehn, R.	Hilstrom	Loeffler	Nornes	Slocum
Allen	Dettmer	Hoppe	Mack	Norton	Sundin
Anderson, S.	Dorholt	Hornstein	Mahoney	Paymar	Torkelson
Anzelc	Erhardt	Hortman	Mariani	Pelowski	Uglem
Atkins	Erickson, R.	Howe	Marquart	Persell	Urdahl
Barrett	Fabian	Huntley	Masin	Poppe	Wagenius
Beard	Falk	Isaacson	McDonald	Pugh	Ward, J.A.
Benson, J.	Faust	Johnson, C.	McNamar	Radinovich	Ward, J.E.
Benson, M.	Fischer	Johnson, S.	McNamara	Rosenthal	Wills
Bernardy	Franson	Kahn	Melin	Runbeck	Winkler
Bly	Freiberg	Kiel	Metsa	Sanders	Woodard
Brynaert	Fritz	Kresha	Moran	Savick	Yarusso
Carlson	Green	Laine	Morgan	Sawatzky	Zerwas
Cornish	Gunther	Lenczewski	Murphy, E.	Schoen	Spk. Thissen
Daudt	Halverson	Lesch	Murphy, M.	Scott	
Davids	Hamilton	Liebling	Myhra	Selcer	
Davnie	Hansen	Lien	Nelson	Simon	
Dean, M.	Hausman	Lillie	Newton	Simonson	

Those who voted in the negative were:

Anderson, P.	FitzSimmons	Hertaus	Leidiger	O'Neill	Schomacker
Drazkowski	Garofalo	Holberg	Newberger	Peppin	Swedzinski
Erickson, S.	Hackbarth	Kieffer	O'Driscoll	Quam	Theis

The bill was passed and its title agreed to.

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

Murphy, E., from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Monday, May 6, 2013 and established a prefiling requirement for amendments offered to the following bills:

H. F. Nos. 826, 739, 854, 215, 1451, 461 and 161.

**MOTIONS AND RESOLUTIONS**

Slocum moved that the name of Fischer be added as an author on H. F. No. 128. The motion prevailed.

Dehn, R., moved that the name of Winkler be added as an author on H. F. No. 276. The motion prevailed.

Wagenius moved that the name of McNamara be added as an author on H. F. No. 1113. The motion prevailed.

Huntley moved that the name of Loeffler be added as an author on H. F. No. 1233. The motion prevailed.

Winkler moved that the name of Loeffler be added as an author on H. F. No. 1451. The motion prevailed.

**ADJOURNMENT**

Murphy, E., moved that when the House adjourns today it adjourn until 10:00 a.m., Friday, May 3, 2013. The motion prevailed.

Murphy, E., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Friday, May 3, 2013.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives