

## STATE OF MINNESOTA

## EIGHTY-SECOND SESSION — 2002

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 NINETY-NINTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 15, 2002

The House of Representatives convened at 1:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Steve Kirch, Attending Member of First Baptist Church, Rochester, 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	Dorman	Hilty	Lenczewski	Osthoff	Solberg
Abrams	Dorn	Holberg	Leppik	Otremba	Stang
Anderson, I.	Eastlund	Holsten	Lieder	Ozment	Swapinski
Bakk	Entenza	Howes	Lindner	Paulsen	Swenson
Bernardy	Erhardt	Huntley	Lipman	Pawlenty	Sykora
Biernat	Erickson	Jacobson	Mahoney	Paymar	Thompson
Bishop	Evans	Jaros	Mares	Pelowski	Tingelstad
Blaine	Finseth	Johnson, J.	Mariani	Penas	Tuma
Boudreau	Folliard	Johnson, R.	Marko	Peterson	Vandever
Bradley	Fuller	Jordan	Marquart	Pugh	Wagenius
Buesgens	Gerlach	Juhnke	McElroy	Rhodes	Walker
Carlson	Gleason	Kahn	McGuire	Rifenberg	Walz
Cassell	Goodno	Kalis	Milbert	Rukavina	Wasiluk
Clark, J.	Goodwin	Kelliher	Molnau	Ruth	Westerberg
Clark, K.	Gray	Kielkucki	Mulder	Schumacher	Westrom
Daggett	Greiling	Knoblach	Mullery	Seagren	Wilkin
Davids	Gunther	Koskinen	Murphy	Seifert	Winter
Davnie	Haas	Krinkie	Ness	Sertich	Wolf
Dawkins	Hackbarth	Kubly	Nornes	Skoe	Workman
Dehler	Harder	Kuisle	Olson	Skoglund	Spk. Sviggum
Dempsey	Hausman	Larson	Opatz	Slawik	
Dibble	Hilstrom	Leighton	Osskopp	Smith	

A quorum was present.

Anderson, B.; Jennings and Johnson, S., were excused.

Stanek was excused until 2:25 p.m.

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

**REPORTS OF CHIEF CLERK**

S. F. No. 2937 and H. F. No. 3117, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Ozment moved that the rules be so far suspended that S. F. No. 2937 be substituted for H. F. No. 3117 and that the House File be indefinitely postponed. The motion prevailed.

**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 10, 2002

The Honorable Steve Sviggum  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 2719, relating to higher education; providing for registration of agents of student athletes; defining terms; providing penalties and remedies; appropriating money.

Sincerely,

JESSE VENTURA  
Governor

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

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Don Samuelson  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
3015		331	3:05 p.m. April 10	April 10
	2719	332	3:10 p.m. April 10	April 10

Sincerely,

MARY KIFFMEYER  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 12, 2002

The Honorable Steve Sviggum  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 1517, relating to human services; establishing requirements for swimming pools at family day care or group family day care homes; making municipalities immune from liability for claims based upon a provider's failure to comply with requirements for swimming pools at family day care or group family day care homes.

Sincerely,

JESSE VENTURA  
Governor

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

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Don Samuelson  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
	1517	333	1:36 p.m. April 12	April 12
3028		334	1:35 p.m. April 12	April 12

Sincerely,

MARY KIFFMEYER  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1868, A bill for an act relating to school employees; providing for a study of the feasibility of a school employee health insurance plan; appropriating money.

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy reported on the following appointment which had been referred to the committee by the Speaker:

### CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

CLYDE MILLER

Reported the same back with the recommendation that the appointment be confirmed.

Rhodes moved that the report of the Committee on Governmental Operations and Veterans Affairs Policy relating to the appointment of Clyde Miller to the Campaign Finance and Public Disclosure Board be adopted. The motion prevailed and the report was adopted.

#### CONFIRMATION

Rhodes moved that the House, having advised, do now consent to and confirm the appointment of Clyde Miller, 33376 Lakeshore Drive Northeast, Cambridge, Minnesota 55008, in the county of Isanti, Congressional District Eight, effective February 6, 2002, for a term expiring January 2, 2006. The motion prevailed and the appointment of Clyde Miller was confirmed by the House.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy reported on the following appointment which had been referred to the committee by the Speaker:

#### CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

#### SUSAN STEVENS CHAMBERS

Reported the same back with the recommendation that the appointment be confirmed.

Rhodes moved that the report of the Committee on Governmental Operations and Veterans Affairs Policy relating to the appointment of Susan Stevens Chambers to the Campaign Finance and Public Disclosure Board be adopted. The motion prevailed and the report was adopted.

#### CONFIRMATION

Rhodes moved that the House, having advised, do now consent to and confirm the appointment of Susan Stevens Chambers, 75 Teton Lane, Mankato, Minnesota 56002, in the county of Blue Earth, Congressional District One, effective February 6, 2002, for a term expiring January 6, 2003. The motion prevailed and the appointment of Susan Stevens Chambers was confirmed by the House.

#### **SECOND READING OF HOUSE BILLS**

H. F. No. 1868 was read for the second time.

#### **SECOND READING OF SENATE BILLS**

S. F. No. 2937 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Dehler introduced:

H. F. No. 3715, A bill for an act relating to airports; requiring items confiscated at airports to be mailed on behalf of the owner; proposing coding for new law in Minnesota Statutes, chapter 360.

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

Thompson introduced:

H. F. No. 3716, A bill for an act relating to local government; prohibiting longevity pay for local elected officials; proposing coding for new law in Minnesota Statutes, chapter 465.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3200, A bill for an act relating to health occupations; establishing guest licenses for dentists and dental hygienists; establishing guest registration for dental assistants; appropriating money; amending Minnesota Statutes 2000, section 150A.06, by adding a subdivision.

The Senate has appointed as such committee:

Senators Kiscaden, Sams and Vickerman.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3203, A bill for an act relating to public safety; modifying vehicle registration provisions; regulating certain motor vehicle dealer transactions; modifying provisions governing road inspections, first hauls, and weight allowances for commercial motor vehicles and requiring a study; allowing certain transactions with department of

public safety to be conducted electronically; setting vehicle title fees; modifying bicycle registration provisions; modifying certain traffic regulations; requiring proof of legal presence in this country to obtain driver's license, permit, or identification card; modifying certain license plate display requirements; authorizing special veteran and patriot license plates; modifying commercial driver's license exemption for snowplow drivers; providing for driver's license to be issued to legally emancipated minor; modifying commercial driver's license provisions to conform to federal law; exempting certain funds from matching requirements; authorizing rules; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 168.011, subdivisions 4, 17, 34; 168.013, subdivision 3; 168.09, subdivisions 1, 3; 168.10, subdivision 1c; 168.123, subdivision 2; 168.27, as amended; 168.31, subdivision 4; 168.33, subdivision 6, by adding a subdivision; 168A.01, subdivisions 2, 24, by adding a subdivision; 168A.04, subdivision 5; 168A.05, subdivision 5a; 168A.09, subdivision 1; 168A.11, subdivision 2; 168A.12, subdivisions 1, 2; 168A.154; 168A.18; 168A.19, subdivision 2; 168A.20, subdivisions 2, 3, 4; 168A.24, subdivision 1; 168A.29, subdivision 1; 168C.02, subdivisions 1, 5; 168C.03; 168C.04, subdivision 1; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.11; 168C.12; 168C.13, subdivision 1; 169.06, by adding a subdivision; 169.26, subdivision 1; 169.28, subdivision 1; 169.771, subdivisions 2, 3; 169.85, subdivisions 1, 2; 169.851, subdivision 3; 169.86, subdivision 5; 169.974, subdivision 5; 171.02, subdivisions 1, 5; 171.04, subdivision 1; 171.05, subdivision 2; 171.055, subdivision 1; 171.06, subdivisions 1, 3; 171.07, subdivision 3; 171.13, subdivision 2; 171.165; Minnesota Statutes 2001 Supplement, sections 168.012, subdivision 1; 169.781, subdivision 2; 169.79, subdivisions 3, 8, by adding a subdivision; 171.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 168; repealing Minnesota Statutes 2000, sections 115A.908, subdivision 2; 171.30, subdivision 3; Minnesota Statutes 2001 Supplement, section 115A.908, subdivision 1.

The Senate has appointed as such committee:

Senators Murphy, Johnson, Dave, and Ourada.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2970, A bill for an act relating to natural resources; imposing requirements on certain purchases of the commissioner of natural resources; requiring certain rule amendments; authorizing hiring of employees for operations and maintenance of a certain off-highway vehicle recreation area; providing that a certain speed limit set by rule for waters of the state does not apply in certain circumstances to snowmobiles; exempting all-terrain vehicles used exclusively on owners' or drivers' property from registration; authorizing the commissioner of natural resources to use grant money for snowmobile trail grooming equipment reimbursement; appropriating money for maintenance, monitoring, environmental review, and enforcement related to recreational motor vehicle use; amending Minnesota Statutes 2000, sections 84.025, by adding a subdivision; 84.87, by adding a subdivision; 84.922, subdivision 1a.

PATRICK E. FLAHAVEN, Secretary of the Senate

Hackbarth moved that the House refuse to concur in the Senate amendments to H. F. No. 2970, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3431, A bill for an act relating to employment; regulating eligibility for unemployment compensation benefits; providing for a special assessment for interest on federal loans; providing for extended unemployment compensation benefits; providing for unemployment insurance and workforce development fund taxes; providing extended benefits for airline industry, Fingerhut Companies, Inc., Farmland Foods Company, Potlatch Corporation, Harsco, Incorporated, and SPX-DeZurik employees; making housekeeping changes related to the department of trade and economic development; repealing certain authority given to city of Chisago relating to annexation arguments; requiring an OSHA ergonomics standard; prohibiting employers from charging certain expenses to employees; regulating redevelopment grants; allowing foster parents to take certain leaves; providing certain youth employment to construct early childhood program facilities; reinstating a repealed law; providing unemployment benefits to certain employees doing food service contract work for school districts; requiring the public utilities commission to study criteria for certain energy source acquisitions; requiring a study on unemployment trust fund solvency by the unemployment insurance advisory council; regulating use of state dislocated worker program grants; amending Minnesota Statutes 2000, sections 48.24, subdivision 5; 116J.565, subdivision 1; 116J.58, subdivision 1; 116J.9665, subdivisions 1, 4, 6; 116M.14, subdivision 4; 116M.18, subdivisions 2, 3, 4, 4a, 5, 8, by adding a subdivision; 119A.45; 181.9412, by adding a subdivision; 268.035, subdivision 24; 268.051, subdivision 8; 268.085, subdivision 8; 298.22, subdivision 7, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 116L.17, subdivision 5; 268.022, subdivision 1; 268.035, subdivision 4; 268.07, subdivisions 1, 2; Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5; Laws 2001, First Special Session chapter 4, article 2, section 31; proposing coding for new law in Minnesota Statutes, chapter 181; repealing Minnesota Statutes 2000, sections 116J.9672; 116J.9673; Laws 2001, First Special Session chapter 5, article 3, section 88.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Anderson; Johnson, Dave; Higgins; Metzen and Frederickson.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

McElroy moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3431. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3172, A bill for an act relating to crimes; requiring a ten-year conditional release period when a person has a previous sex offense conviction regardless of the state in which it occurred; making it a ten-year felony when a person commits certain prohibited acts when the act is committed with sexual or aggressive intent; defining aggravated harassing conduct to include acts of criminal sexual conduct as predicate offenses for a pattern of harassing conduct; prescribing penalties; amending Minnesota Statutes 2000, sections 609.109, subdivision 7; 609.749, subdivisions 1a, 3; Minnesota Statutes 2001 Supplement, section 609.749, subdivisions 4, 5.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Knutson, Neuville and Ranum.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Tuma moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3172. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1555.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 1555

A bill for an act relating to agriculture; providing a preemption of local regulation of fertilizers and plant foods used in agricultural production; regulating the use on turf of certain fertilizers containing phosphorus; providing for enforcement; prohibiting fertilizer applications to an impervious surface; amending Minnesota Statutes 2000, sections 18C.005, by adding a subdivision; 18C.211, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18C.

April 4, 2002

The Honorable Don Samuelson  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1555, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1555 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 18C.005, is amended by adding a subdivision to read:

Subd. 18a. [LOCAL UNIT OF GOVERNMENT.] "Local unit of government" has the meaning given in section 18B.01, subdivision 14a.

Sec. 2. [18C.110] [PREEMPTION OF LOCAL LAW.]

(a) Except as specifically provided in this chapter, a local unit of government may not adopt any ordinance, regulate, or in any way restrict the distribution, sale, handling, use, or application of phosphorous fertilizers and phosphorous fertilizer products that are applied or will be applied to land used for growing crops or any other agricultural use.

(b) Except as specifically provided in this chapter, a local unit of government may not adopt any ordinance that prohibits or regulates the registration, labeling, distribution, sale, handling, use, application, or disposal of turf fertilizer containing phosphorus.

(c) This section does not prohibit a local ordinance that restricts the sale of turf phosphorous fertilizer that was in effect on August 1, 2002.

(d) This section does not preempt local authority or responsibility for zoning, fire codes, or hazardous waste disposal.

(e) Paragraphs (a) and (d) are effective the day following final enactment. Paragraphs (b) and (c) are effective January 1, 2004.

Sec. 3. Minnesota Statutes 2000, section 18C.211, subdivision 2, is amended to read:

Subd. 2. [GUARANTEES OF THE NUTRIENTS.] (a) A person may guarantee plant nutrients other than nitrogen, phosphorus, and potassium only if allowed or required by commissioner's rule.

(b) The guarantees for the plant nutrients must be expressed in the elemental form.

(c) The sources of other elements, oxides, salt, and chelates, may be required to be stated on the application for registration and may be included as a parenthetical statement on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the commissioner and with the advice of the director of the agricultural experiment station.

(d) If plant nutrients or other substances or compounds are guaranteed, the plant nutrients are subject to inspection and analyses in accord with the methods and rules prescribed by the commissioner.

(e) The commissioner may, by rule, require the potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of 100 pounds per ton.

(f) The plant nutrients in a specialty fertilizer must not be below or exceed the guaranteed analysis by more than the investigational allowances established by rule.

Sec. 4. [18C.60] [PHOSPHOROUS TURF FERTILIZER USE RESTRICTIONS.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Metropolitan county" means any one of the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

(c) "Turf" means noncrop land planted in closely mowed, managed grasses including, but not limited to, residential and commercial residential property, private golf courses, and property owned by federal, state, or local units of government, including parks, recreation areas, and public golf courses. Turf does not mean pasture, hayland, hay, turf grown on turf farms, or any other form of agricultural production.

Subd. 2. [PHOSPHORUS USE RESTRICTIONS.] (a) A person may not apply a fertilizer containing the plant nutrient phosphorus to turf in a metropolitan county, except under conditions listed in paragraph (d).

(b) A person may not apply granular fertilizer containing greater than three percent phosphate (P205) by weight, or liquid fertilizer at a rate greater than 0.3 pound phosphate (P205) per 1,000 square feet, to turf in a county other than a metropolitan county, except under conditions listed in paragraph (d).

(c) A local unit of government in a county other than a metropolitan county may adopt paragraph (a) in place of paragraph (b). The local unit of government must notify the commissioner of the adoption of paragraph (a) within 30 days of its adoption. The commissioner shall maintain a list of local units of government in counties other than a metropolitan county that have adopted paragraph (a).

(d) Paragraphs (a) and (b) do not apply when:

(1) a tissue, soil, or other test by a laboratory or method approved by the commissioner and performed within the last three years indicates that the levels of available phosphorus in the soil is insufficient to support healthy turf growth;

(2) the property owner or an agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season; or

(3) the fertilizer containing the plant food phosphorus is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the commissioner.

(e) Applications of phosphorous fertilizer authorized under paragraph (d), clause (1) or (2), must not exceed rates recommended by the University of Minnesota and approved by the commissioner.

Subd. 3. [CONSUMER INFORMATION.] The commissioner, in consultation with the University of Minnesota extension service, fertilizer industry representatives, lakes groups, and other interested or affected parties, must produce consumer information on use restrictions and recommended best practices for lawn fertilizer containing phosphorus, and on best management practices for other residential sources of phosphorus in the urban landscape. The information must be in a format and of a content suitable for posting and distribution at retail points of sale of fertilizer that contains phosphorus and is for use on turf.

Subd. 4. [RESEARCH EVALUATION; REPORT.] The commissioner, in cooperation with the University of Minnesota and the University of Minnesota extension service, and, after consultation with representatives of the fertilizer industry, lakes groups, and other interested or affected parties, shall evaluate research needs and encourage targeted research opportunities to investigate the effects of phosphorous fertilization of turf on urban stormwater quality. The commissioner must evaluate the effectiveness of the restrictions on phosphorous fertilizers under this section and report to the legislature by January 15, 2007.

Sec. 5. [18C.61] [FERTILIZER APPLICATION TO AN IMPERVIOUS SURFACE; PROHIBITION.]

(a) A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

(b) For the purposes of this section, "impervious surface" means a highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

Sec. 6. [18C.62] [ENFORCEMENT.]

Sections 18C.60 and 18C.61 are enforced by local units of government under their existing authority. Violation of a provision in either of these sections is a petty misdemeanor.

Sec. 7. [EFFECTIVE DATE.]

Section 4 is effective January 1, 2004."

Delete the title and insert:

"A bill for an act relating to agriculture; providing a preemption of local regulation of phosphorous fertilizers; regulating the use on turf of certain fertilizers containing phosphorus; providing for enforcement; prohibiting fertilizer applications to an impervious surface; requiring a report; amending Minnesota Statutes 2000, sections 18C.005, by adding a subdivision; 18C.211, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18C."

We request adoption of this report and repassage of the bill.

Senate Conferees: LINDA I. HIGGINS, JANE KRENTZ AND STEVE DILLE.

House Conferees: PEGGY LEPPIK, MARK WILLIAM HOLSTEN AND AL JUHNKE.

Leppik moved that the report of the Conference Committee on S. F. No. 1555 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1555, A bill for an act relating to agriculture; providing a preemption of local regulation of fertilizers and plant foods used in agricultural production; regulating the use on turf of certain fertilizers containing phosphorus; providing for enforcement; prohibiting fertilizer applications to an impervious surface; amending Minnesota Statutes 2000, sections 18C.005, by adding a subdivision; 18C.211, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18C.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 115 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Haas	Kalis	McGuire	Rhodes
Abrams	Dempsey	Hackbarth	Kelliher	Milbert	Rukavina
Anderson, I.	Dibble	Harder	Knobloch	Molnau	Ruth
Bakk	Dorn	Hausman	Koskinen	Mullery	Schumacher
Bernardy	Eastlund	Hilstrom	Kubly	Murphy	Seagren
Biernat	Entenza	Hilty	Larson	Nornes	Sertich
Bishop	Erhardt	Holberg	Leighton	Opatz	Skoe
Blaine	Evans	Holsten	Lenczewski	Osthoff	Skoglund
Boudreau	Folliard	Howes	Leppik	Otremba	Slawik
Bradley	Fuller	Huntley	Lieder	Ozment	Smith
Carlson	Gerlach	Jacobson	Lipman	Paulsen	Solberg
Cassell	Gleason	Jaros	Mahoney	Pawlenty	Stang
Clark, J.	Goodno	Johnson, J.	Mares	Paymar	Swapinski
Clark, K.	Goodwin	Johnson, R.	Mariani	Pelowski	Swenson
Daggett	Gray	Jordan	Marko	Penas	Sykora
Davnie	Greiling	Juhnke	Marquart	Peterson	Thompson
Dawkins	Gunther	Kahn	McElroy	Pugh	Tingelstad

Tuma	Walker	Westerberg	Winter	Spk. Sviggum
Vanderveer	Walz	Westrom	Wolf	
Wagenius	Wasiluk	Wilkin	Workman	

Those who voted in the negative were:

Buesgens	Erickson	Krinkie	Mulder	Rifenberg
Davids	Finseth	Kuisle	Olson	Seifert
Dorman	Kielkucki	Lindner	Osskopp	

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2909.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 2909

A bill for an act relating to health; permitting a health maintenance organization rural demonstration project; modifying enrollee cost-sharing provisions for health maintenance organizations; amending Minnesota Statutes 2000, sections 62D.02, subdivision 8; 62D.30, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

April 11, 2002

The Honorable Don Samuelson  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2909, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 2909 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 62D.30, is amended by adding a subdivision to read:

Subd. 8. [RURAL DEMONSTRATION PROJECT.] (a) The commissioner may permit demonstration projects to allow health maintenance organizations to extend coverage to a health improvement and purchasing coalition located in rural Minnesota, comprised of the health maintenance organization and members from a geographic area.

For purposes of this subdivision, rural is defined as greater Minnesota excluding the seven-county metropolitan area of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. The coalition must be designed in such a way that members will:

- (1) become better informed about health care trends and cost increases;
- (2) be actively engaged in the design of health benefit options that will meet the needs of their community;
- (3) pool their insurance risk;
- (4) purchase these products from the health maintenance organization involved in the demonstration project; and
- (5) actively participate in health improvement decisions for their community.

(b) The commissioner must consider the following when approving applications for rural demonstration projects:

- (1) the extent of consumer involvement in development of the project;
- (2) the degree to which the project is likely to reduce the number of uninsured or to maintain existing coverage; and
- (3) a plan to evaluate and report to the commissioner and legislature as prescribed by paragraph (e).

(c) For purposes of this subdivision, the commissioner must waive compliance with the following statutes and rules: the cost-sharing restrictions under section 62D.02, subdivision 8, which for purposes of this subdivision is the sum of the annual copayments and deductible which is prohibited from exceeding the maximum out-of-pocket expenses allowable for a number three qualified plan under section 62E.06 or \$5,000 per family and an annual deductible of \$1,000 per person and Minnesota Rules, part 4685.0801, subparts 1 to 7; for a period of at least two years, participation in government programs under section 62D.04, subdivision 5, in the counties of the demonstration project if that compliance would have been required solely due to participation in the demonstration project and shall continue to waive this requirement beyond two years if the enrollment in the demonstration project is less than 10,000 enrollees; small employer marketing under section 62L.05, subdivisions 1 to 3; and small employer geographic premium variations under section 62L.08, subdivision 4. The commissioner shall approve enrollee cost-sharing features desired by the coalition that appropriately share costs between employers, individuals, and the health maintenance organization.

(d) The health maintenance organization may make the starting date of the project contingent upon a minimum number of enrollees as cited in the application, provide for an initial term of contract with the purchasers of a minimum of three years, and impose a reasonable penalty for employers who withdraw early from the project. For purposes of this subdivision, loss ratios are to be determined as if the policies issued under this section are considered individual or small employer policies pursuant to section 62A.021, subdivision 1, paragraph (f). The health maintenance organization may consider businesses of one to be a small employer under section 62L.02, subdivision 26. The health maintenance organization may limit enrollment and establish enrollment criteria for businesses of one. Health improvement and purchasing coalitions under this subdivision are not associations under section 62L.045, subdivision 1, paragraph (a).

(e) The health improvement and purchasing coalition must report to the commissioner and legislature annually on the progress of the demonstration project and, to the extent possible, any significant findings in the criteria listed in clauses (1), (2), and (3) for the final report. The coalition must submit a final report five years from the starting date of the project. The final report must detail significant findings from the project and must include, to the extent available, but should not be limited to, information on the following:

- (1) the extent to which the project had an impact on the number of uninsured in the project area;

(2) the effect on health coverage premiums for groups in the project's geographic area, including those purchasing health coverage outside the health improvement and purchasing coalition; and

(3) the degree to which health care consumers were involved in the development and implementation of the demonstration project.

(f) The commissioner must limit the number of demonstration projects under this subdivision to five projects.

(g) Approval of the application for the demonstration project is deemed to be in compliance with sections 62E.03 and 62E.06, subdivisions 1, paragraph (a), 2, and 3.

(h) Subdivisions 2 to 7 apply to demonstration projects under this subdivision. Waivers permitted under subdivision 1 do not apply to demonstration projects under this subdivision.

(i) If a demonstration project under this subdivision works in conjunction with a purchasing alliance formed under chapter 62T, that chapter will apply to the purchasing alliance except to the extent that chapter 62T is inconsistent with this subdivision.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; permitting a health maintenance organization rural demonstration project; amending Minnesota Statutes 2000, section 62D.30, by adding a subdivision."

We request adoption of this report and repassage of the bill.

Senate Conferees: DALLAS C. SAMS, LINDA BERGLIN AND SHEILA M. KISCADEN.

House Conferees: MAXINE PENAS, FRAN BRADLEY AND ROD SKOE.

Penas moved that the report of the Conference Committee on S. F. No. 2909 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2909, A bill for an act relating to health; permitting a health maintenance organization rural demonstration project; modifying enrollee cost-sharing provisions for health maintenance organizations; amending Minnesota Statutes 2000, sections 62D.02, subdivision 8; 62D.30, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bishop	Bradley	Cassell	Daggett
Abrams	Bernardy	Blaine	Buesgens	Clark, J.	Davids
Anderson, I.	Biernat	Boudreau	Carlson	Clark, K.	Davnie

Dawkins	Greiling	Kalis	Marquart	Pelowski	Swenson
Dehler	Gunther	Kelliher	McElroy	Penas	Sykora
Dempsey	Haas	Kielkucki	McGuire	Peterson	Thompson
Dibble	Hackbarth	Knoblach	Milbert	Pugh	Tingelstad
Dorman	Harder	Koskinen	Molnau	Rhodes	Tuma
Dorn	Hausman	Krinkie	Mulder	Rifenberg	Vandever
Eastlund	Hilstrom	Kubly	Mullery	Rukavina	Wagenius
Entenza	Hilty	Kuisle	Murphy	Ruth	Walker
Erhardt	Holberg	Larson	Ness	Schumacher	Walz
Erickson	Holsten	Leighton	Nornes	Seagren	Wasiluk
Evans	Howes	Lenczewski	Olson	Seifert	Westerberg
Finseth	Huntley	Leppik	Opatz	Sertich	Westrom
Folliard	Jacobson	Lieder	Osskopp	Skoe	Wilkin
Fuller	Jaros	Lindner	Osthoff	Skoglund	Winter
Gerlach	Johnson, J.	Lipman	Otremba	Slawik	Wolf
Gleason	Johnson, R.	Mahoney	Ozment	Smith	Workman
Goodno	Jordan	Mares	Paulsen	Solberg	Spk. Sviggum
Goodwin	Juhnke	Mariani	Pawlenty	Stang	
Gray	Kahn	Marko	Paymar	Swapinski	

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

### CALENDAR FOR THE DAY

S. F. No. 2540 was reported to the House.

Lipman offered an amendment to S. F. No. 2540.

### POINT OF ORDER

Smith raised a point of order pursuant to rule 3.21 that the Lipman amendment was not in order. The Speaker ruled the point of order well taken and the Lipman amendment out of order.

S. F. No. 2540, A bill for an act relating to property; changing certain probate and power of appointment provisions; amending Minnesota Statutes 2000, sections 501A.01; 524.2-804; 525.313; Minnesota Statutes 2001 Supplement, section 524.3-1201.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Biernat	Buesgens	Daggett	Dempsey	Entenza
Abrams	Bishop	Carlson	Davids	Dibble	Erhardt
Anderson, I.	Blaine	Cassell	Davnie	Dorman	Erickson
Bakk	Boudreau	Clark, J.	Dawkins	Dorn	Evans
Bernardy	Bradley	Clark, K.	Dehler	Eastlund	Finseth

Folliard	Howes	Larson	Mullery	Rhodes	Tingelstad
Fuller	Huntley	Leighton	Murphy	Rifenberg	Tuma
Gerlach	Jacobson	Lenczewski	Ness	Rukavina	Vandever
Gleason	Jaros	Leppik	Nornes	Ruth	Wagenius
Goodno	Johnson, J.	Lieder	Olson	Schumacher	Walker
Goodwin	Johnson, R.	Lindner	Opatz	Seagren	Walz
Gray	Jordan	Lipman	Osskopp	Seifert	Wasiluk
Greiling	Juhnke	Mahoney	Osthoff	Sertich	Westerberg
Gunther	Kahn	Mares	Otremba	Skoe	Westrom
Haas	Kalis	Mariani	Ozment	Skoglund	Wilkin
Hackbarth	Kelliher	Marko	Paulsen	Slawik	Winter
Harder	Kielkucki	Marquart	Pawlenty	Smith	Wolf
Hausman	Knoblach	McElroy	Paymar	Solberg	Workman
Hilstrom	Koskinen	McGuire	Pelowski	Stang	Spk. Sviggum
Hilty	Krinkie	Milbert	Penas	Swapinski	
Holberg	Kubly	Molnau	Peterson	Swenson	
Holsten	Kuisle	Mulder	Pugh	Thompson	

The bill was passed and its title agreed to.

S. F. No. 3133 was reported to the House.

Seifert moved that S. F. No. 3133 be continued on the Calendar for the Day. The motion prevailed.

Walker was excused between the hours of 2:40 p.m. and 5:05 p.m.

S. F. No. 2460 was reported to the House.

#### MOTION FOR RECONSIDERATION

Workman moved that the action whereby S. F. No. 2460, as amended, was given its third reading on Thursday, April 11, 2002, be now reconsidered. The motion prevailed.

Workman, Bishop, Daggett and Smith moved to amend S. F. No. 2460, the unofficial engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [604.13] [DESTRUCTION OF FIELD CROP PRODUCTS, ANIMALS, ORGANISMS, OR CELLS; CIVIL LIABILITY.]

Subdivision 1. [LIABILITY.] No person, other than the owner, designee, or agent may willfully and knowingly damage or destroy any field crop, animal, organism, or cell that is grown for testing or research purposes, in conjunction or coordination with a private research facility or a university or a federal, state, or local government agency. A person who violates this subdivision is liable for three times the value of the crop, animal, organism, or cell damaged or destroyed, as provided in subdivisions 2 and 3. This section does not apply to crops, animals, organisms, or cells damaged or destroyed by emergency vehicles and personnel acting in a reasonable and prudent manner.

Subd. 2. [DAMAGES; FACTORS TO CONSIDER.] In awarding damages under this section, the court shall consider the market and research value of the crop, animal, organism, or cell prior to damage or destruction, and production, research, testing, replacement, and development costs directly related to the crop, animal, organism, or cell that has been damaged or destroyed as part of the value.

Subd. 3. [DAMAGES; LIMIT.] Damages available under this section are limited to:

(1) three times the market and research value of the crop, animal, organism, or cell prior to damage or destruction plus three times the actual damages involving production, research, testing, replacement, and development costs directly related to the crop, animal, organism, or cell that has been damaged or destroyed; and

(2) an amount up to \$100,000 to compensate for delays in completing testing or research resulting from a violation of subdivision 1.

Sec. 2. Minnesota Statutes 2001 Supplement, section 609.495, is amended by adding a subdivision to read:

Subd. 4. [TAKING RESPONSIBILITY FOR CRIMINAL ACTS.] (a) Unless the person is convicted of the underlying crime, a person who assumes responsibility for a criminal act with the intent to obstruct, impede, or prevent a criminal investigation may be sentenced to not more than one-half of the statutory maximum sentence of imprisonment or to payment of a fine of not more than one-half of the maximum fine that could be imposed on the principal offender for the criminal act.

(b) Nothing in this subdivision shall be construed to impair the right of any individual or group to engage in speech protected by the United States Constitution or the Minnesota Constitution.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2002, and applies to causes of action arising on or after that date. Section 2 is effective August 1, 2002, and applies to crimes committed on or after that date."

A roll call was requested and properly seconded.

The question was taken on the Workman et al amendment and the roll was called. There were 113 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Hackbarth	Kielkucki	Marquart	Pawlenty
Abrams	Dempsey	Harder	Knoblach	McElroy	Pelowski
Anderson, I.	Dorman	Hilstrom	Koskinen	Milbert	Penas
Bakk	Dorn	Hilty	Krinkie	Molnau	Peterson
Bernardy	Eastlund	Holberg	Kubly	Mulder	Pugh
Biernat	Entenza	Holsten	Kuisle	Mullery	Rhodes
Bishop	Erhardt	Howes	Larson	Murphy	Rifenberg
Blaine	Erickson	Huntley	Leighton	Ness	Ruth
Boudreau	Evans	Jacobson	Lenczewski	Nornes	Schumacher
Bradley	Finseth	Johnson, J.	Leppik	Olson	Seagren
Buesgens	Folliard	Johnson, R.	Lieder	Opatz	Seifert
Carlson	Fuller	Jordan	Lindner	Osskopp	Sertich
Cassell	Gerlach	Juhnke	Lipman	Osthoff	Skoe
Clark, J.	Goodno	Kahn	Mahoney	Otremba	Slawik
Daggett	Gunther	Kalis	Mares	Ozment	Smith
Davids	Haas	Kelliher	Marko	Paulsen	Solberg

Stanek	Sykora	Tuma	Wasiluk	Wilkin	Workman
Stang	Thompson	Vanderveer	Westerberg	Winter	Spk. Sviggum
Swenson	Tingelstad	Walz	Westrom	Wolf	

Those who voted in the negative were:

Clark, K.	Dibble	Gray	Jaros	Paymar	Swapinski
Davnie	Gleason	Greiling	Mariani	Rukavina	Wagenius
Dawkins	Goodwin	Hausman	McGuire	Skoglund	

The motion prevailed and the amendment was adopted.

S. F. No. 2460, A bill for an act relating to crimes; imposing special civil liability for destruction of field crop products, animals, and organisms; providing criminal penalties for persons who promote, advocate, and take responsibility for criminal acts under certain circumstances; amending Minnesota Statutes 2001 Supplement, section 609.495, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 604.

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 8 nays as follows:

Those who voted in the affirmative were:

Abeler	Eastlund	Holberg	Lenczewski	Osthoff	Smith
Abrams	Entenza	Holsten	Leppik	Otremba	Solberg
Anderson, I.	Erhardt	Howes	Lieder	Ozment	Stanek
Bakk	Erickson	Huntley	Lindner	Paulsen	Stang
Bernardy	Evans	Jacobson	Lipman	Pawlenty	Swenson
Biernat	Finseth	Johnson, J.	Mahoney	Pelowski	Sykora
Bishop	Folliard	Johnson, R.	Mares	Penas	Thompson
Blaine	Fuller	Jordan	Marko	Peterson	Tingelstad
Boudreau	Gerlach	Juhnke	Marquart	Pugh	Tuma
Bradley	Gleason	Kahn	McElroy	Rhodes	Vanderveer
Buesgens	Goodno	Kalis	McGuire	Rifenberg	Walz
Carlson	Gray	Kelliher	Milbert	Rukavina	Wasiluk
Cassell	Greiling	Kielkucki	Molnau	Ruth	Westerberg
Clark, J.	Gunther	Knoblach	Mulder	Schumacher	Westrom
Daggett	Haas	Koskinen	Mullery	Seagren	Wilkin
Davids	Hackbarth	Krinkie	Murphy	Seifert	Winter
Dehler	Harder	Kubly	Ness	Sertich	Wolf
Dempsey	Hausman	Kuisle	Nornes	Skoe	Workman
Dorman	Hilstrom	Larson	Olson	Skoglund	Spk. Sviggum
Dorn	Hilty	Leighton	Osskopp	Slawik	

Those who voted in the negative were:

Clark, K.	Dawkins	Jaros	Swapinski
Davnie	Dibble	Mariani	Wagenius

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

S. F. No. 2727 was reported to the House.

Peterson moved to amend S. F. No. 2727 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3025, the first engrossment:

"Section 1. Minnesota Statutes 2000, section 84.0272, is amended to read:

84.0272 [PROCEDURE IN ACQUIRING LANDS.]

Subdivision 1. [ACQUISITION PROCEDURE.] When the commissioner of natural resources is authorized to acquire lands or interests in lands the procedure set forth in this section shall apply. The commissioner of natural resources shall first prepare a fact sheet showing the lands to be acquired, the legal authority for their acquisition, and the qualities of the land that make it a desirable acquisition. The commissioner of natural resources shall cause the lands to be appraised. An appraiser shall before entering upon the duties of office take and subscribe an oath to faithfully and impartially discharge the duties as appraiser according to the best of the appraiser's ability and that the appraiser is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the sale thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of the appraisal. The commissioner of natural resources may pay less than the appraised value, but shall not agree to pay more than ten percent above the appraised value, except that if the commissioner pays less than the appraised value for a parcel of land, the difference between the purchase price and the appraised value may be used to apply to purchases at more than the appraised value. The sum of accumulated differences between appraised amounts and purchases for more than the appraised amount may not exceed the sum of accumulated differences between appraised amounts and purchases for less than the appraised amount. New appraisals may be made at the discretion of the commissioner of natural resources.

Subd. 2. [STREAMEASEMENTS.] (a) Notwithstanding subdivision 1, the commissioner may acquire permanent stream easements for angler access, fish management, and habitat work for a onetime payment based on a value attributed to both the stream and the easement corridor. The payment shall equal:

(1) the per linear foot of stream within the easement corridor times \$5; plus

(2) the easement corridor acres times the estimated market value.

(b) The estimated market value is equal to:

(1) the total farm market value plus the timberlands value; divided by

(2) the acres of deeded farmland plus the acres of timber.

(c) The total farm market value, timberlands value, acres of deeded farmland, and acres of timber are determined from data collected by the department of revenue during its annual spring mini abstract survey. The commissioner must use the most recent available data for the city or township within which the easement corridor is located.

Sec. 2. Minnesota Statutes 2000, section 85.015, subdivision 2, is amended to read:

Subd. 2. [CASEY JONES TRAIL, MURRAY, REDWOOD, AND PIPESTONE COUNTIES.] (a) The trail shall originate in Lake Shetek state park; in Murray county; and include the six-mile loop between Currie in Murray county and Lake Shetek state park. From there, the first half of the trail shall trail southwesterly to Slayton; Minnesota in Murray county; thence westerly to the point of intersection with the most easterly terminus of the state-owned abandoned railroad right-of-way, commonly known as the Casey Jones unit; thence westerly along said

Casey Jones unit to Pipestone, ~~Minnesota~~, in Pipestone county; thence southwesterly to Split Rock Creek state park in Pipestone county, and there terminate. The second half of the trail shall commence in Lake Shetek state park in Murray county and trail northeasterly to Walnut Grove in Redwood county and there terminate.

(b) The trail shall be developed ~~primarily for riding and hiking~~ as a multiuse, multiseasonal, dual treadway trail. Nothing herein shall abrogate the purpose for which the Casey Jones unit was originally established, and the use thereof shall be concurrent.

Sec. 3. Minnesota Statutes 2000, section 85.015, is amended by adding a subdivision to read:

Subd. 24. [CUYUNA LAKES TRAIL, CROW WING AND AITKIN COUNTIES.] The trail shall provide for separate alignments insofar as practical, one paved and one unpaved, to maximize use and to minimize user conflicts and maintenance costs. The trail alignments shall originate in Crow Wing county at the Paul Bunyan trail in the city of Baxter and shall extend in an east-northeasterly direction to the city of Riverton, Crow Wing county, where they shall connect to the Sagamore Mine segment of the Cuyuna Country state recreation area. The trail alignments shall then continue in a northeasterly direction, generally along and using former railroad rights-of-way insofar as practical, to connect with the main body of the Cuyuna Country state recreation area, the communities of Ironton and Crosby in Crow Wing county, and the Croft Mine historical park. The trail alignments shall then continue in an east-northeasterly direction, generally along and using former railroad rights-of-way insofar as practical, to the city of Cuyuna in Crow Wing county, and then continue east to the city of Aitkin, Aitkin county, and there terminate.

Sec. 4. Minnesota Statutes 2000, section 282.018, subdivision 1, is amended to read:

Subdivision 1. [LAND ON OR ADJACENT TO PUBLIC WATERS.] (a) All land which is the property of the state as a result of forfeiture to the state for nonpayment of taxes, regardless of whether the land is held in trust for taxing districts, and which borders on or is adjacent to meandered lakes and other public waters and watercourses, and the live timber growing or being thereon, is hereby withdrawn from sale except as hereinafter provided. The authority having jurisdiction over the timber on any such lands may sell the timber as otherwise provided by law for cutting and removal under such conditions as the authority may prescribe in accordance with approved, sustained yield forestry practices. The authority having jurisdiction over the timber shall reserve such timber and impose such conditions as the authority deems necessary for the protection of watersheds, wildlife habitat, shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties described in the Act of Congress approved July 10, 1930 (46 Stat. 1020), the timber on tax-forfeited lands shall be subject to like restrictions as are now imposed by that act on federal lands.

(b) Of all tax-forfeited land bordering on or adjacent to meandered lakes and other public waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary high-water mark being the waterside boundary thereof, and the land side boundary thereof being a line drawn parallel to the ordinary high-water mark and two rods distant landward therefrom, hereby is reserved for public travel thereon, and whatever the conformation of the shore line or conditions require, the authority having jurisdiction over such lands shall reserve a wider strip for such purposes.

(c) Any tract or parcel of land which has ~~50~~ 150 feet or less of waterfront may be sold by the authority having jurisdiction over the land, in the manner otherwise provided by law for the sale of such lands, if the authority determines that it is in the public interest to do so. If the authority having jurisdiction over the land is not the commissioner of natural resources, the land may not be offered for sale without the prior approval of the commissioner of natural resources.

(d) Where the authority having jurisdiction over lands withdrawn from sale under this section is not the commissioner of natural resources, the authority may submit proposals for disposition of the lands to the commissioner. The commissioner of natural resources shall evaluate the lands and their public benefits and make recommendations on the proposed dispositions to the committees of the legislature with jurisdiction over natural resources. The commissioner shall include any recommendations of the commissioner for disposition of lands

withdrawn from sale under this section over which the commissioner has jurisdiction. The commissioner's recommendations may include a public sale, sale to a private party, acquisition by the department of natural resources for public purposes, or a cooperative management agreement with, or transfer to, another unit of government.

Sec. 5. Minnesota Statutes 2000, section 394.36, is amended by adding a subdivision to read:

Subd. 1a. [SUBSTANDARD STRUCTURES.] Notwithstanding subdivision 1, Minnesota Rules, parts 6105.0351 to 6105.0550, may allow for the continuation and improvement of substandard structures, as defined in Minnesota Rules, part 6105.0354, subpart 30, in the Lower Saint Croix National Scenic Riverway.

Sec. 6. Minnesota Statutes 2000, section 462.357, is amended by adding a subdivision to read:

Subd. 1f. [SUBSTANDARD STRUCTURES.] Notwithstanding subdivision 1e, Minnesota Rules, parts 6105.0351 to 6105.0550, may allow for the continuation and improvement of substandard structures, as defined in Minnesota Rules, part 6105.0354, subpart 30, in the Lower Saint Croix National Scenic Riverway.

Sec. 7. [ADDITIONS TO CROW WING STATE PARK.]

[85.012] [Subd. 14.] [CROW WING STATE PARK, CROW WING, CASS, AND MORRISON COUNTIES.] The following areas are added to Crow Wing state park, Crow Wing county:

(1) all of Government Lots 1 and 2 of Section 7; all of Government Lots 1, 2, and 4, the Southwest Quarter of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section 8; that part of Government Lot 4 lying west of Highway 371 and that part of the West Half of the Southwest Quarter lying west of Highway 371 of Section 9; and all of Government Lots 2 and 3 of Section 18; all in Township 44 North, Range 31 West;

(2) that part of the Southeast Quarter of the Southeast Quarter, the Northeast Quarter of the Southeast Quarter, and Government Lot 1, lying south, west, and north of the following described line: Beginning at the southeast corner of said Section 13; thence North, assumed bearing, 66.00 feet along the east line of said Section 13 to Point "A"; thence North 89 degrees 01 minutes 00 seconds West 367.23 feet; thence northwesterly 1335.72 feet along a non-tangential curve concave to the northeast, radius 4837.27 feet, central angle 15 degrees 49 minutes 16 seconds, the chord of which bears North 41 degrees 45 minutes 20 seconds West; thence North, not tangent to the last described curve, 817.82 feet; thence northeasterly 650.80 feet along a non-tangential curve concave to the southeast, radius 1230.00 feet, central angle 30 degrees 18 minutes 56 seconds the chord of which bears North 36 degrees 50 minutes 32 seconds East to Point "B"; thence East 868.26 feet, more or less, to the east line of said Northeast Quarter of the Southeast Quarter and there terminating of Section 13; and the East Half of the Northeast Quarter and the East Half of the Southeast Quarter of Section 24; all in Township 44 North, Range 32 West; and

(3) Government Lot 3 of Section 27, Township 133 North, Range 29 West.

Sec. 8. [DELETIONS FROM BIG STONE LAKE STATE PARK.]

[85.012] [Subd. 6.] [BIG STONE LAKE STATE PARK, BIG STONE COUNTY.] The following areas are deleted from Big Stone Lake state park, Big Stone county:

All those parts of Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 of the plat SECOND ADDITION TO SUNSET VIEW, according to the plat on file and of record in the office of the recorder of Big Stone county, Minnesota, being in Government Lot 1, Section 13, Township 122 North, Range 47 West; and that part of Government Lot 1, Section 13, Township 122 North, Range 47 West, Big Stone county, Minnesota, being a strip of land 80 feet in width lying northerly of the plat SECOND ADDITION TO SUNSET VIEW, according to the plat on file and of record in the office of the recorder for Big Stone county, Minnesota, the southerly line of said strip is coincident with the northerly lines of Lots 3 through 19, inclusive, of said plat, the westerly boundary of said strip being the northerly extension of the west line of Lot 19 of said plat.

## Sec. 9. [DELETIONS FROM CUYUNA COUNTRY STATE RECREATION AREA.]

[85.013] [Subd. 5c.] [CUYUNA COUNTRY STATE RECREATION AREA, CROW WING COUNTY.] The following area is deleted from Cuyuna Country state recreation area, Crow Wing county: Government Lots 1 and 5 of Section 4, Township 46 North, Range 29 West.

## Sec. 10. [ADDITIONS TO STATE RECREATION AREAS.]

Subdivision 1. [85.013] [Subd. 2c.] [BIG BOG STATE RECREATION AREA, BELTRAMI COUNTY.] The following areas are added to Big Bog state recreation area, all in Township 156 North, Range 31 West, Beltrami county:

(1) the Southeast Quarter of Section 35; and

(2) the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southeast Quarter of Section 36.

Subd. 2. [85.013] [Subd. 5c.] [CUYUNA COUNTRY STATE RECREATION AREA, CROW WING COUNTY.] The following areas are added to Cuyuna Country state recreation area, Crow Wing county, all in Township 46 North, Range 29 West:

That part of the Northwest Quarter lying East of the westerly right-of-way line of the Soo Line Railroad of Section 1; the North Half of the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 2; and the North Half of the Northeast Quarter of the Northwest Quarter of Section 11.

## Sec. 11. [ADDITIONS TO STATE FORESTS.]

Subdivision 1. [89.021] [Subd. 33.] [RICHARD J. DORER MEMORIAL HARDWOOD STATE FOREST.] The following areas are added to Richard J. Dorer Memorial Hardwood state forest: Sections 28, 29, 32, and 33, Township 103 North, Range 10 West.

Subd. 2. [89.021] [Subd. 39.] [PILLSBURY STATE FOREST.] The following areas are added to Pillsbury state forest:

(1) Sections 1 to 36, inclusive, of Township 134 North, Range 30 West;

(2) Section 36, Township 135 North, Range 30 West; and

(3) the East half, the North Half of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 3 and the North Half of the Northeast Quarter of Section 10, all in Township 133 North, Range 30 West.

## Sec. 12. [PRIVATE SALE OF SURPLUS STATE LAND; BIG STONE COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale to the township of Prior the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and may be for consideration less than the appraised value of the land. The conveyance shall include a restriction on the use of the land to allow only utility use and prohibit all other permanent structures.

(c) The land to be sold is located in Big Stone county and is described as: That part of Government Lot 1, Section 13, Township 122 North, Range 47 West, Big Stone county, Minnesota, being a strip of land 80 feet in width lying northerly of the plat SECOND ADDITION TO SUNSET VIEW, according to the plat on file and of record in the

office of the recorder for Big Stone county, Minnesota, the southerly line of said strip is coincident with the northerly lines of Lots 3 through 19, inclusive, of said plat, the westerly boundary of said strip being the northerly extension of the west line of Lot 19 of said plat. EXCEPTING therefrom the south 30 feet thereof.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was sold to the township of Prior to allow for upgrading the septic systems and other utilities in the area.

Sec. 13. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; DOUGLAS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Douglas county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be sold is located in Douglas county and is described as:

Lot 4, Block 1, Cedar Hills 1st Addition, Section 8, Township 130, Range 37.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 14. [PUBLIC SALE OF TRUST FUND LAND BORDERING PUBLIC WATER; ITASCA COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the school trust fund land bordering public water that is described in paragraph (c), under the remaining provisions in Minnesota Statutes, chapter 92.

(b) The conveyance shall be in a form approved by the attorney general for consideration no less than the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Itasca county and is described as follows: Lot 6, Block 1 of Little Island Lake Leased homesites, located in Government Lot 9, Section 16, Township 58 North, Range 25 West.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was sold.

Sec. 15. [PRIVATE OR PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; KANDIYOHI COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell the surplus land and buildings bordering on public waters that are described in paragraph (c) to the city of New London; or notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by public sale the surplus land and buildings bordering on public waters that are described in paragraph (c).

(b) The sale must be in a form approved by the attorney general for consideration no less than the appraised value of the land and buildings. The sale shall reserve to the state an easement along the Crow river to ensure public access and access for dam management and maintenance at the outlet of the mill pond known as Mud lake.

(c) The land to be sold is located in Kandiyohi county and is described as:

All of Lots 9, 10, 11, 12, and 13 and that part of Lot 14 otherwise described as the Mill Lot lying north and east of the Crow river, all being in Block 8 within the city of New London, Minnesota, excepting therefrom the following three parcels:

(1) commencing at a point on the west line of Lot 8, Block 8 in the village of New London, 16-2/3 feet North of the southwest corner of said Lot 8; running thence easterly on a line parallel to the south line of said Lot 8, 100 feet to the west line of Main Street; thence southerly on west line of Main Street to a point, 50 feet; thence westerly on a line parallel to the south line of said Lot 8 to a point, 70 feet; thence northwesterly to the PLACE OF BEGINNING;

(2) commencing at a point 16 feet West from the northwest corner of Lot 1, Block 8 of the village of New London; thence 120 feet South parallel with the west line of Lots 1, 2, 3, 4, 5, and 6; thence West to the bank of the Crow river; thence along said bank of the Crow river to a point intersecting with a line drawn North and South from a point, 100 feet West of the PLACE OF BEGINNING; thence North to the north line of Block 8; thence East to the PLACE OF BEGINNING; and

(3) commencing at a point on the north line of Block 8, 220 feet West of the northeast corner of said Block 8; thence West 50 feet; thence South 30 feet; thence southeasterly to a point which is 50 feet South of the PLACE OF BEGINNING; thence due North 50 feet to the PLACE OF BEGINNING.

The above described tract contains 0.46 acres to be sold.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose other than easement access for dam maintenance and that the state's land management interests would best be served if the land was sold by public sale or sold to the city of New London.

Sec. 16. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; MEEKER COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Meeker county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be sold is located in Meeker county and is described as:

Pt Southeast Quarter of Southeast Quarter (SE1/4 SE1/4) beginning southeast corner Section 23, thence West 683.17 feet to point of beginning, northwest 252.31 feet northwest 122 feet, northeast 91 feet, southerly to south line Southeast Quarter of Southeast Quarter (SE1/4 SE1/4), thence West 44 feet to point of beginning. Section 23, Township 120, Range 31 (PID 12-0213001).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 17. [PRIVATE SALE OF SURPLUS STATE LAND; MORRISON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general for consideration no less than the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Morrison county and is described as: the South 33 feet of the Northwest Quarter of the Southeast Quarter, the West 33 feet of Government Lot 2, and the South 33 feet of the West 33 feet of the Northeast Quarter of the Southeast Quarter, all in Section 11, Township 132 North, Range 31 West.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was returned to private ownership.

Sec. 18. [PUBLIC SALE OF SCHOOL TRUST LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the school trust land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general for consideration no less than the appraised value of the land. The conveyance must include an easement to ensure public access and state management access to the state-owned land on the north side of Blueberry lake. The attorney general may make necessary changes in the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in St. Louis county and is approximately three acres adjacent to Blueberry lake in the northeast corner of the Southwest Quarter of the Northeast Quarter, Section 4, Township 61 North, Range 12 West.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was returned to private ownership. The adjoining private owner has inadvertently built part of a home, a septic system, and yard improvements on the land.

Sec. 19. [PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATERS; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis county may sell by private sale the tax-forfeited lands bordering public waters that are described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyances must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal descriptions to correct errors and ensure accuracy.

(c) The lands to be sold are located in St. Louis county and are described as:

(1) Government Lot 2, Section 26, Township 50 North, Range 17 West;

(2) Government Lot 2, Section 34, Township 50 North, Range 17 West;

(3) the West 60 feet of the East 360 feet of the North 800 feet of Government Lot 6, Section 32, Township 55 North, Range 12 West; and

(4) Plat of Long Lake Estates, 1st Addition, Lots 22 and 37, Section 26, Township 56 North, Range 16 West.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 20. [PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATERS; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, St. Louis county may sell the tax-forfeited lands bordering public waters that are described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyances must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal descriptions to correct errors and ensure accuracy.

(c) The lands to be sold are located in St. Louis county and are described as:

(1) Blocks 4, 5, and 6, Plat of McComber, town of Eagles Nest, Section 13, Township 62 North, Range 14 West, subject to the following restrictions:

(i) if any culverts are installed at the stream, they must be sized and installed to allow for fish migration;

(ii) an adequate buffer of vegetation must be preserved along the stream to maintain in-channel habitat, control erosion, and reduce transport of sediment at the stream channel, reduce nutrient transport to the channel, and provide a corridor for wildlife; and

(iii) any development on the parcels must be done to avoid any concentration of store water runoff from flowing toward the stream or lake;

(2) Government Lots 1 and 2, Section 6, Township 56 North, Range 14 West;

(3) the Northeast Quarter of the Southeast Quarter and the North Half of the Southeast Quarter of the Southeast Quarter, Section 10, Township 57 North, Range 18 West;

(4) Lots 20, 21, 22, and 23, Plat of Twin Lakes, Section 32, Township 60 North, Range 19 West;

(5) the East Half of the Northeast Quarter and the East Half of the Southeast Quarter, Section 12, Township 51 North, Range 17 West;

(6) the East Half of the Northeast Quarter, Section 13, Township 51 North, Range 17 West;

(7) Lot 9, Block 3, Kings Court Subdivision, Section 31, Township 52 North, Range 13 West, except that part beginning at the northwest corner; thence South 13 degrees 7 minutes 17 seconds East along the line common to Lots 8 and 9 200 feet; thence North 7 degrees 52 minutes 43 seconds East 200 feet; thence North 13 degrees 7 minutes 17 seconds West 205.58 feet to the southerly line of Lady Nicole Lane and the northerly line of Lot 9; thence South 63 degrees 3 minutes 24 seconds West along said southerly line 31.16 feet to the point of curvature of a tangential curve concave to the North with a radius of 340 feet and a central angle of 28 degrees 54 minutes 39 seconds; thence westerly along said curve and coinciding with said southerly line 171.56 feet to the point of beginning; and

(8) that part of Lot 7, Johnson McKinnon Addition, town of Canosia, lying East of a line beginning 40 feet West of the northeast corner; thence South 164 11/100 feet; thence South 24 degrees 24 minutes East 277 feet, more or less, to the lakeshore.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 21. [PUBLIC SALE OF STATE WILDLIFE MANAGEMENT AREA LAND BORDERING PUBLIC WATERS; SCOTT COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell the wildlife management area land bordering public waters described in paragraph (e) by public sale according to Minnesota Statutes, section 97A.135, subdivision 2a.

(b) The conveyance shall be in a form approved by the attorney general for consideration of no less than the appraised value of the land.

(c) The deed must contain a restrictive covenant that prohibits altering, disturbing vegetation in, draining, filling, or placing any material or structure of any kind on or in the existing wetland area located on the land; prohibits any run-off from other lands or buildings into said wetland; and prohibits diverting or appropriating water from said wetland.

(d) The consideration received for the conveyance shall be deposited in the state treasury and credited to the wildlife acquisition account in the game and fish fund. The money is appropriated to the commissioner of natural resources for wildlife land acquisition purposes.

(e) The land that may be sold is in the Prior Lake wildlife management area in Scott county and is described as:

The East 1200 feet of the South 800 feet of the Southwest Quarter of the Southeast Quarter of Section 22, Township 115 North, Range 22 West. Including the abandoned right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (formerly the Hastings and Dakota Railway Company). Containing 22 acres, more or less.

(f) This land no longer fits into the state wildlife management area system because of hunting limitations, its small size, and future development planned for the area. Proceeds from the sale will be used to purchase lands more suitable for wildlife management and public use.

Sec. 22. [PRIVATE SALE OF SURPLUS STATE LAND; SHERBURNE COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the lands that are described in paragraph (c) to the adjacent landowners upon completion of an internal land exchange whereby the status of the lands described in paragraph (c) will become acquired state forest status.

(b) The conveyances must be in a form approved by the attorney general for consideration not less than the appraised value of the lands.

(c) The lands to be conveyed are located in Sherburne county and are described as:

(1) that part of the Southeast Quarter of the Southwest Quarter of Section 36, Township 34 North, Range 27 West, Sherburne county, Minnesota, described as follows: Beginning at the northeast corner of said Southeast Quarter of the Southwest Quarter; thence on a bearing, based on the 1983 Sherburne County Coordinate System (1986 Adjustment), of South 02 degrees 42 minutes 52 seconds West 746.69 feet along the east line of said Southeast Quarter of the Southwest Quarter to the center line of a township road; thence North 71 degrees 56 minutes 43 seconds West 61.36 feet along said center line; thence North 00 degrees 35 minutes 14 seconds West 727.25 feet to the north line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 47 minutes 12 seconds East 101.15 feet along said north line to the point of beginning; containing 1.35 acres;

(2) that part of the Northeast Quarter of the Southwest Quarter of Section 36, Township 34 North, Range 27 West, Sherburne county, Minnesota, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southwest Quarter; thence on a bearing, based on the 1983 Sherburne County Coordinate System (1986 Adjustment), of South 02 degrees 42 minutes 52 seconds West 905.10 feet along the east line of said Northeast Quarter of the Southwest Quarter to a point on the south line of the North 904.20 feet of the Northwest Quarter of the Southeast Quarter of said Section 36 and the point of beginning; thence North 89 degrees 50 minutes 32 seconds West 123.41 feet on the westerly extension of the North 904.20 feet of said Northwest Quarter of the Southeast Quarter; thence South 00 degrees 20 minutes 40 seconds East 416.58 feet to the south line of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 47 minutes 12 seconds East 101.15 feet along said south line to the southeast corner of said Northeast Quarter of the Southwest Quarter; thence North 02 degrees 42 minutes 52 seconds East 417.08 feet along the east line of said Northeast Quarter of the Southwest Quarter to the point of beginning; containing 1.06 acres;

(3) that part of the Southeast Quarter of the Southwest Quarter of Section 36, Township 34 North, Range 27 West, Sherburne county, Minnesota, described as follows: Commencing at the northeast corner of said Southeast Quarter of the Southwest Quarter; thence on a bearing, based on the 1983 Sherburne County Coordinate System (1986 Adjustment), of South 02 degrees 42 minutes 52 seconds West 746.69 feet along the east line of said Southeast Quarter of the Southwest Quarter to the center line of a township road and the point of beginning; thence North 71 degrees 56 minutes 43 seconds West 61.36 feet along said center line; thence South 00 degrees 35 minutes 14 seconds East 593.77 feet to the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 43 minutes 53 seconds East 25.00 feet along said south line to the southeast corner of said Southeast Quarter of the Southwest Quarter; thence North 02 degrees 42 minutes 52 seconds East 575.49 feet along the east line of said Southeast Quarter of the Southwest Quarter to the point of beginning; containing 0.59 acres; and

(4) that part of the Northeast Quarter of the Southwest Quarter of Section 36, Township 34 North, Range 27 West, Sherburne county, Minnesota, described as follows: Beginning at the northeast corner of said Northeast Quarter of the Southwest Quarter; thence on a bearing, based on the 1983 Sherburne County Coordinate System (1986 Adjustment), of South 02 degrees 42 minutes 52 seconds West 905.10 feet along the east line of said Northeast Quarter of the Southwest Quarter to a point on the south line of the North 904.20 feet of the Northwest Quarter of the Southeast Quarter of said Section 36; thence North 89 degrees 50 minutes 32 seconds West 123.41 feet on the westerly extension of the North 904.20 feet of said Northwest Quarter of the Southeast Quarter; thence North 00 degrees 20 minutes 40 seconds West 904.24 feet to the north line of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 50 minutes 32 seconds East 171.71 feet along said north line to the point of beginning; containing 3.06 acres.

(d) The lands described in paragraph (c) are part of an internal pending land exchange. After approval of the exchange by the state land exchange board, the trust fund status of the lands described in paragraph (c) will become acquired state forest status. The lands described in paragraph (c) are then withdrawn from the Sand Dunes state forest and will be certified as surplus by the commissioner. The commissioner of natural resources has determined, due to recent survey information, that the lands described in paragraph (c) are not suitable for public land management; that the state's land management interests would best be served by conveyance of the land to the adjacent land owners; and that the conveyance will resolve a long-standing unintentional trespass.

Sec. 23. [PRIVATE SALE OF SURPLUS STATE LAND; WINONA COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general for consideration no less than the appraised value of the land.

(c) The land to be sold is located in Winona county and is described as:

That part of the Southeast Quarter of the Southwest Quarter of Section 26, Township 105 North, Range 9 West, Winona county, Minnesota, described as follows:

Beginning at the northwest corner of said Southeast Quarter of the Southwest Quarter; thence on a bearing, based on the Winona County Coordinate System of 1983 (1986 Adjustment), of South 00 degrees 17 minutes 40 seconds West along the west line of said Southeast Quarter of the Southwest Quarter 388.05 feet; thence North 85 degrees 20 minutes 05 seconds East 87.79 feet; thence North 02 degrees 44 minutes 27 seconds West 353.94 feet; thence North 86 degrees 36 minutes 30 seconds East 423.51 feet to the north line of said Southeast Quarter of the Southwest Quarter; thence North 89 degrees 43 minutes 52 seconds West along the north line of said Southeast Quarter of the Southwest Quarter 491.34 feet to the point of beginning; containing 0.82 acres.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was returned to private ownership.

## Sec. 24. [RULE AMENDMENT.]

(a) The commissioner of natural resources shall amend Minnesota Rules, part 6105.1680, subpart 7, item A, so that the land use district in Section 18, Township 112 North, Range 18 West, is described as the North Quarter of the Northeast Quarter, 40 acres; the West Half of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter, 5 acres; the Northeast Quarter of the Northwest Quarter, 40 acres; and the Northwest Quarter of the Northwest Quarter, 33.98 acres.

(b) The commissioner may use the good cause exemption procedure provided under Minnesota Statutes, section 14.388, clause (3), in adopting rules under this section."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying land acquisition procedures; modifying and creating certain state trails; modifying provisions for certain lands withdrawn from sale; modifying certain local planning regulations; adding to and deleting from certain state parks, state forests, and state recreation areas; authorizing public and private sales of certain state land in Big Stone, Douglas, Itasca, Kandiyohi, Meeker, Morrison, St. Louis, Scott, Sherburne, and Winona counties; requiring a rule amendment; appropriating money; amending Minnesota Statutes 2000, sections 84.0272; 85.015, subdivision 2, by adding a subdivision; 282.018, subdivision 1; 394.36, by adding a subdivision; 462.357, by adding a subdivision."

The motion prevailed and the amendment was adopted.

The Speaker called McElroy to the Chair.

Peterson moved to amend S. F. No. 2727, as amended, as follows:

Page 20, after line 11, insert:

"Sec. 24. [CONVEYANCE OF CERTAIN REAL PROPERTY ON LAC QUI PARLE LAKE AND HIGHWAY 40.]

(a) Notwithstanding other law, the commissioner of natural resources shall convey to Ms. Jane Randall of Milan, Minnesota, the state's interest, if any, in the following described parcels of real property:

(1) That part of Government Lot 3, Section 19, township 119 north, range 42 west, and Government Lot 3, section 24, township 119 north, range 43 west, all in Chippewa County, Minnesota, lying below the 945 foot contour as established from U.S.C.E. Bench mark No. 562, located near the west sixteenth line approximately 370 feet north of the east and west quarter line of section 34, township 120 north, range 43 west, Swift County, Minnesota; brass plug elevation - 949.83; cap elevation - 953.69; containing 5.68 acres, more or less.

(2) That part of Government Lot 3 of Section 19, Township 119 north, Range 42 west, lying Northwesterly of the center line of Trunk Highway No. 40 and which lies within a distance of 100 feet on each side of the following described line:

Beginning at a point on the northerly boundary of said Section 19, distant 1,380.9 feet easterly of the northwest corner thereof; thence run southwesterly at an angle of 88 degrees 58 minutes with said northerly boundary for a distance of 2,396 feet; thence deflect to the right on a 5 degrees 00 minutes curve, delta angle 48 degrees 51 minutes, for a distance of 977 feet; thence on tangent to said curve for a distance of 1,100 feet, and there terminating, except that portion which lies within 60 feet of said line; all in Chippewa County, Minnesota.

(b) The parcels described in paragraph (a) have been in the Randall family for 67 years and have been used as a part of a free public access boat launch site by the owners who have paid taxes on them through the family's entire period of ownership. The state has made some claim to ownership based on a condemnation award with a confusing reference to bench marks. The conveyances are necessary to clear title, to recognize the equities in favor of Ms. Randall's interest, to clarify that there is consistent width to the highway 40 right-of-way, and to keep the free public access boat launch without public expense for acquisition and upkeep."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Anderson, I., moved to amend S. F. No. 2727, as amended, as follows:

Page 8, after line 23, insert:

"Sec. 12. [CONVEYANCE TO CITY OF BIG FORK.]

(a) If the city of Big Fork conveys the land described in paragraph (c) to the state, the commissioner of natural resources shall reconvey the land described in paragraph (c) to the city of Big Fork for no consideration and free of any restriction that the land be used for a public purpose.

(b) The conveyance must be in a form approved by the attorney general and provide that the city of Big Fork may use the land for other than a public purpose, notwithstanding Laws 1988, chapter 472. Any conveyance by the city of Big Fork must provide that the conveyance is subject to the statewide shoreland development standards regarding grading, filling, structural setbacks, and vegetation clearing.

(c) The land to be conveyed is in Itasca county and is described as Outlot 1, Zaiser's Addition, village of Big Fork."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Leppik and Peterson moved to amend S. F. No. 2727, as amended, as follows:

Page 10, after line 14, insert:

"Sec. 15. [CONVEYANCE OF STATE LAND BORDERING PUBLIC WATER; RAMSEY, STEVENS, AND CARLTON COUNTIES.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, or any other law to the contrary, the commissioner of administration may convey to the university of Minnesota board of regents for no consideration the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may correct the legal descriptions under paragraph (c) as reasonably necessary after review of a survey and title report delivered to the board of regents.

(c) The land to be conveyed is located in Ramsey, Stevens, and Carlton counties and is described as:

(1) the North Half of the West Half of the West Half of the Southwest Quarter of Section 21, Township 29 North, Range 23 West, Ramsey county, Minnesota;

(2) the Northeast Quarter of the Southwest Quarter, the Southwest Quarter of the Northwest Quarter of the Southwest Quarter, the Northeast Quarter of the Northwest Quarter of the Southwest Quarter, the Northwest Quarter of the Southwest Quarter of the Southwest Quarter, and the Southeast Quarter of the Northwest Quarter of the Southwest Quarter, of Section 36, Township 125, Range 42, Stevens county, Minnesota;

(3) the South Half of the South Half of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 36, Township 125, Range 42, Stevens county, Minnesota;

(4) beginning at the northwest corner of the Southeast Quarter of Section 36, Township 125, Range 42, Stevens county, Minnesota, and running thence South on the quarter line 11.05 chains; thence East at right angles with said quarter line 3.16 chains; thence South parallel with said quarter line 2.57 chains to the Morris and Cyrus public road; thence easterly along the north line of said road to a point on the east line of the Northwest Quarter of Southeast Quarter of said Section 36 7.25 chains South of the northeast corner of the Northwest Quarter of said Southeast Quarter of said Section 36 aforesaid; thence North 7.25 chains to the northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 36 aforesaid; thence West on the north line of said Northwest Quarter of Southeast Quarter of said Section 36 to the northwest corner of said Southeast Quarter of said Section 36, or place of beginning, containing twenty one and one half acres, more or less according to the government survey thereof; the same being all that portion of the Northwest Quarter of the Southeast Quarter of Section 36, Township 125, Range 42, Stevens county, Minnesota, lying and being North of the public highway running from the city of Morris to Cyrus, except one acre thereof in the southwest corner thereof used by the city of Morris as a pumping station;

(5) all that part of the East one half of the Southwest Quarter of the Southwest Quarter of Section 36, Township 125 North, Range 42 West, lying South of the county road running from Morris, Minnesota to Cyrus, Minnesota, and contains 15 acres more or less according to government survey, and all lying in the county of Stevens;

(6) Lot 3 of county subdivision of unplatted part of East Half of Section 35, Township 125, Range 42, Stevens county, Minnesota containing according to said county subdivision 8 and 3/4 acres described as follows: Commencing at a point on the North side of the county road leading from Morris to Cyrus, Minnesota, 688 feet from the southeast corner of Section 35, Township 125, Range 42; thence North 887 feet; thence West 440 feet; thence South 646 feet; thence southeast 391 feet to said county road; thence northeast along said road 232 feet to the place of beginning, containing 8.75 acres;

(7) beginning at the Quarter Post; being the southwest corner of the Northwest Quarter of Section 31, Township 125 North, Range 41 West, Stevens county, Minnesota; running along the county road (Morris, Minnesota to Glenwood, Minnesota) or along the established line of the said county road running from said quarter post North sixty three degrees and thirty minutes East one and fifty six one hundredths chains; thence North sixty one degrees East eight and thirteen one hundredths chains; thence North eighty seven degrees and twenty five minutes East seven and seven one hundredths chains; thence North sixty nine degrees and thirty minutes East fourteen and eighty five one hundredths chains; thence North seventy seven degrees East twenty seven chains; thence leaving the said county road and running North twenty five chains to a point on the north boundary line of the said Section 31, Township 125, Range 41, fifteen chains East of the northeast corner of the Northwest Quarter of said Section 31, Township 125, Range 41; thence West along the said north boundary line of the said Section 31, Township 125, Range 41 to the northwest corner of the Northwest Quarter of said Section 31, Township 125, Range 41; thence South along the west boundary line of said Section 31, Township 125, Range 41 to the place of beginning, except twelve and nine tenths acres of land owned by the Northern Pacific Railway Company, being used for railroad right-of-way and special snow fence purposes. The above described part of said Section 31, Township 125, Range 41, contains however one hundred and sixty acres, exclusive of said twelve and nine tenths acres of railroad right-of-way;

(8) all that part of the SE 1/4 SW 1/4 and NE 1/4 SW 1/4 SW 1/4 Section 36, Township 125 North, Range 42 West, Stevens county, Minnesota, lying north of the main wagon road running from the village of Morris, Minnesota, to the village of Cyrus, Minnesota, and more particularly described as follows: Beginning at a point where said road intersects the north line of the SE 1/4 SW 1/4; thence in a westerly direction 16.06 chains to the NW corner of the NE 1/4 SW 1/4 SW 1/4 of said Section 36; thence in a southerly direction along the west line of said NE 1/4 SW 1/4 SW 1/4, 5.90 chains to the north line of said road right-of-way; thence in a northeasterly direction along the north line of said road right-of-way 17.05 chains to the point of beginning containing 4.80 acres, more or less, and being the same lands conveyed to the United States by Edwin J. Jones, et ux, by deed dated January 26, 1903, and Harold Thorson, et ux, by deed dated February 26, 1903;

(9) all of that part of the Northeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 36, Township 125 North, Range 42 West, Stevens county, Minnesota, lying North of the main wagon road running from the village of Morris, Minnesota, to the village of Cyrus, Minnesota and further described by metes and bounds as follows, to-wit: Beginning at a point on the east line of the NE 1/4 of the SW 1/4 of the SW 1/4, Section 36, Township 125, Range 42, two and thirty one hundredths chains South of the northeast corner of said NE 1/4 of the SW 1/4 of the SW 1/4, Section 36, Township 125, Range 42, running North on the east line of said NE 1/4 of SW 1/4 of SW 1/4, Section 36, Township 125, Range 42, two and thirty one hundredths chains to the said northeast corner of said NE 1/4 of SW 1/4 of SW 1/4, Section 36, Township 125, Range 42; thence West on the north line of said described land, ten chains, more or less to the northwest corner of said NE 1/4 of SW 1/4 of SW 1/4, Section 36, Township 125, Range 42; thence South on the west line of said described tract of land five and ninety one hundredths chains to the said wagon road; thence northeast along said wagon road, ten and sixty one hundredths chains to the place of beginning on the east line of said NE 1/4 of SW 1/4 of SW 1/4, Section 36, Township 125, Range 42, containing about four and ten one hundredths acres, more or less, according to the government survey thereof;

(10) beginning at the northwest corner of the Southeast Quarter of the Southwest Quarter of Section 36, Township 125, Range 42, Stevens county, Minnesota and running South two and thirty hundredths chains on the west line of said Southeast Quarter of the Southwest Quarter, of Section 36, Township 125, Range 42 to the road. Thence northeast along the north line of the road six and forty five hundredths chains to the north line of said Southeast Quarter of the Southwest Quarter of Section 36, Township 125, Range 42; thence West on the north line of said Southeast Quarter of the Southwest Quarter of Section 36, Township 125, Range 42, six and six hundredths chains, to place of beginning, containing seven tenths of an acre, more or less;

(11) all of Section 36, Township 49, Range 18, Carlton county, Minnesota, except the East Half of the Northeast Quarter; all of Section 31, Township 49, Range 17, except the Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Southeast Quarter; the South Half of the Southeast Quarter, the South Half of the Southwest Quarter, the Northeast Quarter of the Southeast Quarter, and the South Half of the Northeast Quarter, all in Section 30, Township 49, Range 17; the Northeast Quarter of the Northwest Quarter, the South Half of the Northwest Quarter, all of the Southwest Quarter, the South Half of the Southeast Quarter, and Northeast Quarter of the Southeast Quarter, Section 29, Township 49, Range 17; the North Half of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, and the Southeast Quarter, Section 32, Township 49, Range 17, containing two thousand and ninety-four and ninety-seven hundredths acres, according to government survey thereof;

(12) the Southeast Quarter of the Northwest Quarter of Section 30 in Township 49 North, Range 17 West, Carlton county, Minnesota, containing forty acres, according to the official plat of the survey of the said lands, returned to the general land office by the surveyor general; and

(13) the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 30, Township 49 North, Range 17 West, Carlton county, Minnesota. (d) Conveyance of land in Stevens county under this section is subject to Minnesota Statutes, section 137.16. Land conveyed under this section retains any bonding obligations on the buildings located thereon that exist at the time of conveyance."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Nornes and Peterson moved to amend S. F. No. 2727, as amended, as follows:

Page 12, after line 31, insert:

"Sec. 18. [PRIVATE SALE OF STATE WILDLIFE LAND; OTTER TAIL COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell the wildlife management area land described in paragraph (d) to the city of Fergus Falls according to Minnesota Statutes, section 97A.135, subdivision 2a.

(b) The sale must be in a form approved by the attorney general for consideration of no less than the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The consideration received for the conveyance shall be deposited in the state treasury and credited to the wildlife acquisition account in the game and fish fund. The money is appropriated to the commissioner of natural resources to purchase replacement wildlife management area lands in Otter Tail county.

(d) The land that may be sold is in the Fergus Falls wildlife management area in Otter Tail county and is described as:

TRACT A: The South Half of the Southeast Quarter of Section 28, and the Southwest Quarter of the Southwest Quarter of Section 27, Township 133 North, Range 43 West, lying southwesterly of the Burlington Northern Railroad right-of-way, excepting that part conveyed to Otter Tail Power Company pursuant to Minnesota Laws 1971, chapter 139, described as follows: the West 120 feet and the East 280 feet of the West 400 feet of the North 200 feet of the South Half of the Southeast Quarter of Section 28, Township 133 North, Range 43 West.

Also, the North 330.00 feet of the Northwest Quarter of the Northeast Quarter of Section 33, Township 133 North, Range 43 West, excepting therefrom the West 120 feet of the North 300 feet of said NW1/4 NE1/4.

Also, that part of Block 7, "Seminary Reserve," vacated Windsor Street, Fourth Avenue, and Fir Avenue in Wheeler and Rawson's Third Addition to the city of Fergus Falls, described as follows:

Beginning at the northwest corner of the Northeast Quarter of the Northeast Quarter of Section 33, Township 133 North, Range 43 West; thence southerly along the west line thereof to a point 330.00 feet South of, measured at right angles to the north line thereof; thence easterly 450.00 feet along a line parallel with and 330.00 feet South of, measured at right angles to said north line; thence southerly deflecting to the right 90 degrees a distance of 420.00 feet; thence easterly deflecting to the left 90 degrees a distance of 350 feet to the east line of vacated Fourth Avenue; thence northerly 760 feet along said east line to the north line of said NE1/4 NE1/4; thence westerly 817 feet along said north line to the point of beginning.

Also, blocks 3 and 3-1/2, the adjacent portions of vacated Hazel Court, vacated Fir Avenue between the east line of Fourth Avenue and the southwesterly right-of-way of the Burlington Northern Railroad, and vacated Second Avenue in Wheeler and Rawson's Third Addition to the city of Fergus Falls lying northerly and westerly of that part previously conveyed to the city of Fergus Falls pursuant to Minnesota Laws 1979, chapter 134, and described in that certain deed filed for record on January 13, 1981, in Book 518 of Deeds, page 555.

Subject to a conservation easement in a form prescribed by the commissioner of natural resources and the right of public access and use to be reserved by the state on that portion of the above described parcel of land lying northerly and easterly of the following described parcel:

TRACT B: Commencing at the north quarter corner of Section 33, Township 133 North, Range 43 West; thence on an assumed bearing, based on the survey done by the city engineer for the city of Fergus Falls, of South 00 degrees 44 minutes 36 seconds West 300.03 feet to the point of beginning of the land to be described; thence North 89

degrees 59 minutes 01 seconds East 120.01 feet; thence North 00 degrees 44 minutes 36 seconds East 300.03 feet to the north line of said Section 33; thence North 00 degrees 51 minutes 17 seconds East 455.04 feet; thence North 89 degrees 59 minutes 19 seconds East 779.99 feet; thence South 28 degrees 08 minutes 03 seconds East 515.79 feet to the north line of said Section 33; thence North 89 degrees 59 minutes 01 seconds East 205.14 feet; thence South 01 degrees 08 minutes 08 seconds West 330.19 feet to the north line of the "Tower Road Industrial Park Addition;" thence South 89 degrees 59 minutes 19 seconds West 1352.88 feet; thence North 00 degrees 44 minutes 36 seconds East 30.00 feet to the point of beginning.

(e) The deed shall also reserve an access easement to the state across TRACT B to ensure ingress and egress to the public to access lands encumbered by the said conservation easement. The exact location and legal description of said access easement shall be determined by the commissioner of natural resources.

(f) This land no longer fits into the state wildlife management area system because of hunting restrictions and future development planned for the surrounding area. Proceeds from the sale will be used to purchase lands more suitable for wildlife management and public use.

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

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Osskopp moved to amend S. F. No. 2727, as amended, as follows:

Page 20, after line 11, insert:

"Sec. 24. [EXCHANGE WITH WISCONSIN.]

Subdivision 1. [CONVEYANCE TO WISCONSIN.] (a) Notwithstanding Minnesota Statutes, sections 161.43, 161.44, or any other law to the contrary, the commissioner of transportation may convey the land described in paragraph (b) to the state of Wisconsin.

(b) The lands to be conveyed are all those parts or parcels of land situated in the county of Buffalo, state of Wisconsin, more particularly described as follows:

(1) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point on the south line of the Southeast Quarter of the Southeast Quarter of Section 1, Township 22 North, Range 14 West, 635 feet West of the southeast corner of said Section 1; thence North 27 degrees East a distance of 1,400 feet to a point in the east line of said Section 1, 85 feet South of the northeast corner of the Southeast Quarter of said Section 1, containing 6.3 acres more or less, according to the survey thereof and being a part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 21 North, Range 14 West;

(2) a tract of land for road purposes situated in the southeast corner of the Northeast Quarter of the Southeast Quarter of Section 1, Township 22 North, Range 14 West, described as follows: Beginning at the southeast corner of said Northeast Quarter of said Southeast Quarter of said Section 1, running thence North 125 feet; thence South 27 degrees West a distance of 140.3 feet; thence East 63.7 feet to the place of beginning, containing one-tenth of an acre;

(3) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point 72.6 feet North of the southwest corner of the Northeast Quarter of the Northwest

Quarter of Section 13, Township 22 North, Range 14 West; thence South 30 degrees West, 350 feet to the north bank of the Mississippi river, containing 1.6 acres and being a part of Government Lot 5 in said Section, Township, and Range; and

(4) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point in the west line of the Northeast Quarter of the Northwest Quarter of Section 13, Township 22 North, Range 14 West, 72.6 feet North of the southwest corner of said Northeast Quarter of said Northwest Quarter of said Section 13; thence North 27 degrees East a distance of 1,400 feet to a point in the north line of said Section 13, 684.4 feet West of the northeast corner of said Northeast Quarter of the Northwest Quarter of said Section 13; thence continuing said center line in a straight line North 27 degrees, East an additional distance of 2,963 feet to a point in the east and west quarter line of said Section 12, Township and Range aforesaid, 660 feet East of center of said Section 12, said strip containing 19.90 acres and being a part of the Northeast Quarter of the Northwest Quarter of said Section 13 and the East Half of the Southwest Quarter of said Section 12 and the Northwest Quarter of the Southeast Quarter of said Section 12, in the county of Buffalo and the state of Wisconsin.

(c) The deed authorized by this law is intended to convey to the state of Wisconsin all the interest of the state of Minnesota in lands situated in the state of Wisconsin that the state of Minnesota received by deed from the Wabasha-Nelson Bridge Company, dated March 24, 1947, and filed of record in Book 91 of Deeds, page 101, files of the register of deeds in and for Buffalo county, Wisconsin.

Subd. 2. [CONVEYANCE TO CITY OF WABASHA.] (a) After the state of Minnesota acquires title from the state of Wisconsin to the land that is described in paragraph (c), the state of Minnesota shall convey the land described in paragraph (c) to the city of Wabasha for no consideration, notwithstanding Minnesota Statutes, sections 92.45, 94.09 to 94.16, 161.43, 161.44, or any other law to the contrary.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be conveyed is located in Wabasha county and is described as:

All of Tracts A and B described below:

Tract A. Government Lot 4 of Section 29, Township 111 North, Range 10 West, in the city of Wabasha, according to the plat thereof now on file and of record in the office of the county recorder in and for Wabasha county, Minnesota;

which lies within a distance of 12 feet on each side of the following described line:

Beginning at a point on a line drawn parallel with and distant one foot southeasterly from the northeasterly extension of the dividing line between Lots 4 and 5 in Block 6, original town of the city of Wabasha, distant 59.1 feet northeasterly of its intersection with the northeasterly line of Lot 4 in said Block 6; thence run northwesterly at an angle of 90 degrees 19 minutes with said parallel line (when measured from southwest to northwest) for 309.2 feet; thence deflect to the right on a curve having a radius of 100 feet (delta angle 89 degrees 32 minutes) for 156.3 feet, and there terminating;

together with a strip 3 feet in width adjoining and westerly of the above described strip and a strip 6 feet in width adjoining and easterly of the first above described strip, both beginning opposite a point on the above described line, distant 309.2 feet northwesterly of its point of beginning (when measured along said line) and extending northerly to the northeasterly line of the above described tract; the title thereto being registered as evidenced by Certificate of Title No. 279; and

Tract B. Government Lot 4 of Section 29, Township 111 North, Range 10 West, in the city of Wabasha, according to the plat thereof now on file and of record in the office of the county recorder in and for Wabasha county, Minnesota;

which lies within a distance of 12 feet on each side of the following described line:

Beginning at a point on a line drawn parallel with and distant one foot southeasterly from the northeasterly extension of the dividing line between Lots 4 and 5 in Block 6, original town of the city of Wabasha, distant 59.1 feet northeasterly of its intersection with the northeasterly line of Lot 4 in said Block 6; thence run southeasterly at an angle 89 degrees 41 minutes with said parallel line (when measured from southwest to the southeast) for a distance of 171.9 feet; thence deflect to the right on a curve having a radius of 50 feet for a distance of 78.1 feet; thence on tangent to said curve for 8 feet, more or less, to the southeasterly extension of the northeasterly line of said Block 6, being the northeasterly end of Pembroke Street in said city of Wabasha;

together with a strip 4 feet in width on each side of the above described strip, beginning opposite a point on the above described line, distant 171.9 feet southeasterly of its point of beginning (when measured along said line) and extending to the termination of said line, (being that part of the land lying between the northeasterly boundary line of Lots 1, 2, 3, and 4 in the aforesaid Block 6 and the Mississippi River)."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Bakk and Rukavina moved to amend S. F. No. 2727, as amended, as follows:

Page 15, after line 30, insert:

"Sec. 21. [PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 459.06, subdivision 3, the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis county may sell by private sale the tax-forfeited land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. Notwithstanding Minnesota Statutes, section 459.06, subdivision 3, the land described in paragraph (c) is withdrawn from memorial forest status.

(c) The land to be sold is located in St. Louis county and is described as:

the westerly 100 feet of the northerly 300 feet of the NW1/4 of the NW1/4, Section 34, Township 61 North, Range 15 West of the Fourth Principal Meridian located in St. Louis county."

Page 20, after line 23, insert:

"Sec. 25. [EFFECTIVE DATE; LOCAL APPROVAL.]

Section 21 is effective the day after the governing body of St. Louis county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Sertich moved to amend S. F. No. 2727, as amended, as follows:

Page 4, after line 7, insert:

"Sec. 4. Minnesota Statutes 2000, section 103F.161, is amended by adding a subdivision to read:

Subd. 4. [COTTON TOWNSHIP.] Notwithstanding subdivision 2, a grant for implementation of a flood hazard mitigation project in Cotton Township may not exceed 95 percent of the total cost of the proposed mitigation measures."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina offered an amendment to S. F. No. 2727, as amended.

#### POINT OF ORDER

Finseth raised a point of order pursuant to rule 3.21 that the Rukavina amendment was not in order. Speaker pro tempore McElroy ruled the point of order well taken and the Rukavina amendment out of order.

Slawik moved to amend S. F. No. 2727, as amended, as follows:

Page 19, after line 17, insert:

"Sec. 23. [PRIVATE SALE OF TAX-FORFEITED LAND; WASHINGTON COUNTY.]

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, Washington county may sell by private sale the tax-forfeited land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general for a consideration of taxes due on the property and any penalties, interest, and costs.

(c) The land to be sold is located in Washington county and is described as:

Lot 7, Block 5, Sandlewood Addition, city of Woodbury, Washington county.

(d) The county has determined that this conveyance is necessary to correct an inadvertent forfeiture due to an error in transferring property by the previous owner."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina moved to amend S. F. No. 2727, as amended, as follows:

Page 5, after line 33, insert:

"Sec. 6. Minnesota Statutes 2001 Supplement, section 462.357, subdivision 1e, is amended to read:

Subd. 1e. [NONCONFORMITIES.] Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair or maintenance, but if the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value or replacement cost, whichever is greater, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may by ordinance impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

#### POINT OF ORDER

Ozment raised a point of order pursuant to rule 3.21 that the Rukavina amendment was not in order. Speaker pro tempore McElroy ruled the point of order not well taken and the Rukavina amendment in order.

The question recurred on the Rukavina amendment to S. F. No. 2727, as amended. The motion prevailed and the amendment was adopted.

Dorman moved to amend S. F. No. 2727, as amended, as follows:

Page 7, after line 3, insert:

"Sec. 8. [ADDITIONS TO MYRE-BIG ISLAND STATE PARK.]

[85.012] [Subd. 27.] [MYRE-BIG ISLAND STATE PARK, FREEBORN COUNTY.]

The following areas are added to Myre-Big Island state park, all in Township 102 North, Range 21 West, Freeborn county:

(1) the Southeast Quarter of the Southwest Quarter, Section 11, less therefrom land deeded to the State of Minnesota by deed dated December 19, 1968, and filed January 20, 1969, in the Office of the Recorder in and for Freeborn County, Minnesota, in Book 195 of Deeds, page 332; and

(2) the Northeast Quarter of the Northwest Quarter, Section 14, less therefrom land deeded to the State of Minnesota by deed dated December 19, 1968, and filed January 20, 1969, in the Office of the Recorder in and for Freeborn County, Minnesota, in Book 195 of Deeds, page 332."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

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

Pawlenty 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

The pending Dorman amendment to S. F. No. 2727, as amended, was again reported to the House.

The question recurred on the Dorman amendment to S. F. No. 2727, as amended. The motion prevailed and the amendment was adopted.

Evans moved to amend S. F. No. 2727, as amended, as follows:

Page 20, after line 11, insert:

"Sec. 24. [TAX-FORFEITED LAND IN RAMSEY COUNTY.]

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, Ramsey county may sell by private sale the tax-forfeited land that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The sale must be in a form approved by the attorney general.

(c) The land to be sold is located in Ramsey county and is described as:

The property defined as Laporte Meadows North of the state highway 10 right-of-way.

(d) Ramsey county has determined that the county's land management interests would be best served if the land was sold to the city of Mounds View for the use of a public purpose."

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, line 10, after "Morrison," insert "Ramsey,"

The motion prevailed and the amendment was adopted.

Paymar and Wagenius moved to amend S. F. No. 2727, as amended, as follows:

Page 6, after line 4, insert:

"Sec. 7. Minnesota Statutes 2000, section 462.357, is amended by adding a subdivision to read:

Subd. 1g. [CITIES OF THE FIRST CLASS; AMORTIZATION PERMITTED.] Notwithstanding subdivision 1c, a city of the first class may enact, amend, and enforce an ordinance providing for the elimination or termination of a nonconforming use by amortization."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Paymar and Wagenius amendment and the roll was called. There were 42 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dawkins	Greiling	Koskinen	Mariani	Rukavina
Bakk	Dibble	Hausman	Kubly	McGuire	Sertich
Bernardy	Entenza	Hilty	Larson	Mullery	Skoglund
Biernat	Evans	Jaros	Leighton	Paymar	Swapinski
Carlson	Folliard	Johnson, R.	Lenczewski	Peterson	Thompson
Clark, K.	Gleason	Kahn	Lieder	Pugh	Wagenius
Davnie	Gray	Kelliher	Mahoney	Rhodes	Wasiluk

Those who voted in the negative were:

Abeler	Eastlund	Howes	Marko	Penas	Tuma
Abrams	Erhardt	Huntley	Marquart	Rifenberg	Vandever
Bishop	Erickson	Jacobson	McElroy	Ruth	Walz
Blaine	Finseth	Johnson, J.	Milbert	Schumacher	Westerberg
Boudreau	Fuller	Jordan	Molnau	Seagren	Westrom
Bradley	Gerlach	Juhnke	Mulder	Seifert	Wilkin
Buesgens	Goodno	Kalis	Murphy	Skoe	Winter
Cassell	Goodwin	Kielkucki	Ness	Slawik	Wolf
Clark, J.	Gunther	Knoblach	Nornes	Smith	Workman
Daggett	Haas	Krinkie	Olson	Solberg	Spk. Sviggum
Davids	Hackbarth	Kuisle	Osskopp	Stanek	
Dehler	Harder	Leppik	Ozment	Stang	
Dempsey	Hilstrom	Lindner	Paulsen	Swenson	
Dorman	Holberg	Lipman	Pawlenty	Sykora	
Dorn	Holsten	Mares	Pelowski	Tingelstad	

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

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

#### MOTION FOR RECONSIDERATION

Bradley moved that the vote whereby the Rukavina amendment to S. F. No. 2727, as amended, which was adopted earlier today, be now reconsidered. The motion prevailed.

The Rukavina amendment to S. F. No. 2727, as amended, was again reported to the House as follows:

Page 5, after line 33, insert:

"Sec. 6. Minnesota Statutes 2001 Supplement, section 462.357, subdivision 1e, is amended to read:

Subd. 1e. [NONCONFORMITIES.] Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair or maintenance, but if the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value or replacement cost, whichever is greater, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may by ordinance impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker called Abrams to the Chair.

The question was taken on the Rukavina amendment and the roll was called. There were 63 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jaros	Lieder	Pelowski	Stang
Bakk	Finseth	Johnson, R.	Lipman	Penas	Swapinski
Bernardy	Fuller	Jordan	Mahoney	Peterson	Thompson
Biernat	Gleason	Juhnke	Mariani	Pugh	Vandever
Buesgens	Goodwin	Kahn	Marko	Rukavina	Walz
Carlson	Gray	Kalis	Marquart	Schumacher	Wasiluk
Cassell	Hackbarth	Kielkucki	Milbert	Sertich	Westrom
Dawkins	Hilty	Koskinen	Murphy	Skoe	Winter
Dehler	Howes	Kubly	Olson	Slawik	
Dorn	Huntley	Larson	Osskopp	Smith	
Entenza	Jacobson	Leighton	Otremba	Solberg	

Those who voted in the negative were:

Abrams	Davnie	Gerlach	Holberg	Leppik	Nornes
Bishop	Dempsey	Goodno	Holsten	Lindner	Osthoff
Blaine	Dibble	Greiling	Johnson, J.	Mares	Ozment
Boudreau	Dorman	Gunther	Kelliher	McElroy	Paulsen
Bradley	Eastlund	Haas	Knoblach	McGuire	Pawlenty
Clark, J.	Erhardt	Harder	Krinkie	Mulder	Paymar
Daggett	Erickson	Hausman	Kuisle	Mullery	Rhodes
Davids	Folliard	Hilstrom	Lenczewski	Ness	Rifenberg

Ruth	Skoglund	Sykora	Wagenius	Wolf
Seagren	Stanek	Tingelstad	Westerberg	Workman
Seifert	Swenson	Tuma	Wilkin	Spk. Sviggum

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

S. F. No. 2727, A bill for an act relating to natural resources; modifying land acquisition procedures; modifying certain local planning regulations; adding to and deleting from certain state parks and state recreation areas; establishing the Cuyuna Lakes state trail; restricting the taking of fish on certain waters; authorizing public and private sales, conveyances, and exchanges of certain state land; modifying provisions for sale of tax-forfeited land; appropriating money; amending Minnesota Statutes 2000, sections 84.0272; 85.015, by adding a subdivision; 97C.025; 282.018, subdivision 1; 394.36, by adding a subdivision; 462.357, 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 100 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Hilstrom	Lenczewski	Paulsen	Swapinski
Anderson, I.	Dibble	Hilty	Leppik	Pelowski	Swenson
Bakk	Dorman	Howes	Lieder	Peterson	Sykora
Bernardy	Dorn	Jacobson	Mahoney	Pugh	Thompson
Biernat	Entenza	Jaros	Mares	Rhodes	Tingelstad
Bishop	Erhardt	Johnson, R.	Mariani	Rifenberg	Tuma
Blaine	Evans	Jordan	Marko	Rukavina	Vandever
Boudreau	Folliard	Juhnke	Marquart	Ruth	Walker
Bradley	Fuller	Kahn	McElroy	Schumacher	Walz
Carlson	Gleason	Kalis	Milbert	Seagren	Wasiluk
Cassell	Goodno	Kelliher	Mullery	Sertich	Westerberg
Clark, J.	Goodwin	Knoblach	Murphy	Skoe	Westrom
Clark, K.	Gray	Koskinen	Ness	Skoglund	Winter
Daggett	Gunther	Kubly	Nornes	Slawik	Wolf
Davids	Haas	Kuisle	Osskopp	Solberg	Spk. Sviggum
Davnie	Hackbarth	Larson	Otreмба	Stanek	
Dehler	Harder	Leighton	Ozment	Stang	

Those who voted in the negative were:

Buesgens	Gerlach	Huntley	McGuire	Pawlenty	Wagenius
Dawkins	Greiling	Johnson, J.	Molnau	Paymar	Wilkin
Eastlund	Hausman	Kielkucki	Mulder	Penas	Workman
Erickson	Holberg	Krinkie	Olson	Seifert	
Finseth	Holsten	Lindner	Osthoff	Smith	

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

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

**ANNOUNCEMENTS BY THE SPEAKER**

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2970:

Hackbarth, Finseth and Bakk.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3172:

Tuma, Bishop and Clark, K.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3431:

McElroy, Gunther, Wolf, Davids and Sertich.

**MOTIONS AND RESOLUTIONS**

Kielkucki moved that the name of Tingelstad be added as an author on H. F. No. 2057. The motion prevailed.

Tuma moved that the name of Pugh be added as an author on H. F. No. 3613. The motion prevailed.

**MOTION TO FIX TIME TO CONVENE**

Pawlenty moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, April 18, 2002.

Biernat moved to amend the Pawlenty motion as follows:

Delete "10:00 a.m., Thursday, April 18, 2002" and insert "8:00 a.m., Tuesday, April 16, 2002"

The motion did not prevail and the Biernat amendment to the Pawlenty motion was not adopted.

The question recurred on the Pawlenty motion to fix the time to convene until 10:00 a.m., Thursday, April 18, 2002. The motion prevailed.

**ADJOURNMENT**

Pawlenty moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 10:00 a.m., Thursday, April 18, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives