

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2008

 ONE HUNDRED THIRTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 8, 2008

The House of Representatives convened at 9:00 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Richard D. Buller, House Chaplain.

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	Dill	Heidgerken	Liebling	Otremba	Smith
Anderson, B.	Dittrich	Hilstrom	Lieder	Ozment	Solberg
Anderson, S.	Dominguez	Hilty	Lillie	Paulsen	Swails
Anzelc	Doty	Holberg	Loeffler	Paymar	Thao
Atkins	Drazkowski	Hoppe	Madore	Pelowski	Thissen
Beard	Eastlund	Hornstein	Magnus	Peppin	Tillberry
Benson	Eken	Hortman	Mahoney	Peterson, A.	Tingelstad
Berns	Emmer	Hosch	Mariani	Peterson, N.	Tschumper
Bigham	Erhardt	Howes	Marquart	Peterson, S.	Urdahl
Bly	Erickson	Huntley	Masin	Poppe	Wagenius
Brod	Faust	Jaros	McFarlane	Rukavina	Walker
Brown	Finstad	Johnson	McNamara	Ruth	Ward
Brynaert	Fritz	Juhnke	Moe	Ruud	Wardlow
Buesgens	Gardner	Kahn	Morgan	Sailer	Walti
Bunn	Garofalo	Kalin	Morrow	Scalze	Westrom
Carlson	Gottwalt	Knuth	Mullery	Seifert	Winkler
Clark	Greiling	Koenen	Murphy, E.	Sertich	Wollschlager
Cornish	Gunther	Kohls	Murphy, M.	Severson	Zellers
Davnie	Hackbarth	Kranz	Nelson	Shimanski	Spk. Kelliher
Dean	Hamilton	Laine	Nornes	Simon	
DeLaForest	Hansen	Lanning	Norton	Simpson	
Demmer	Hausman	Lenczewski	Olin	Slawik	
Dettmer	Haws	Lesch	Olson	Slocum	

A quorum was present.

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

There being no objection, the order of business advanced to Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Kelliher, Koenen, Sertich, Wardlow and Tingelstad introduced:

House Resolution No. 12, A House resolution commending Minnesotans for their contributions in World War II.

SUSPENSION OF RULES

Tingelstad moved that the rules be so far suspended that House Resolution No. 12 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 12

A House resolution commending Minnesotans for their contributions in World War II.

Whereas, Minnesota servicemen and service women played a significant role in the critical early stages of World War II. Minnesota Naval Reservists from St. Paul, manning guns on the USS Ward, sank a Japanese submarine outside Pearl Harbor before the main Japanese attack on December 7, 1941. Brainerd's Company A of the 194th Tank Battalion fired the first American tank shots of the war opposing the Japanese invasion of Luzon in December of 1941. The National Guard 34th "Red Bull" Infantry Division, comprised mostly of men from Minnesota, Iowa, and the Dakotas, was the first American division to embark for Europe in January 1942. The 34th Division's 175th Field Artillery Battalion fired the first American ground force shots at the German Army near Mdjez el Bab in Tunisia in November 1942; and

Whereas, more than 326,000 Minnesota men and women served in the armed forces of the United States during World War II, and over 6,000 died while in service; and

Whereas, ten Minnesotans were awarded the Congressional Medal of Honor; and

Whereas, Minnesota workers and corporations supported the war effort on the homefront. The Iron Range supplied the raw material to build much of the equipment necessary to fight the war. In the Twin Cities, B-24 bombers were modified and troop transport gliders were built. The United States Navy contracted with Cargill to build 18 refueling ships and four towboats in four years. Munsingwear made military garments, Crown Iron Works made portable bridges and pontoons, Andersen Corporation made prefab huts, Honeywell made precision instruments like gunsights, Northern Pump Company built a new plant in three months and with 7,000 employees became the largest supplier of munitions for the Navy, and Spam canned meat served as a staple for both soldiers and war refugees worldwide. The war provided increased opportunities for African-American and Native American Minnesotans to more fully participate in the workforce and contribute to the effort; and

Whereas, women entered the workforce in unprecedented numbers, assuming responsibilities not widely available to them before - notably in defense manufacturing, shipbuilding, mining, and public works. In addition to the one-third of the state's adult female population who were employed during the war, women also found other important ways to assist the war effort. Among many volunteer activities, women offered their services to the Red Cross and the Office of Civilian Defense, selling war bonds and working on farms to replace their husbands and the hired workers who had gone to fight; and

Whereas, veterans returned from war to join forces with those working on the homefront to rebuild our own civil society and help the rest of the world recover after the war. Agriculture evolved from an individual occupation into a major industry after World War II with important technological advancements to increase productivity. As veterans took advantage of the GI bill, suburban development intensified due to new demand for housing. Minnesota provided strong leadership in the advancement of equal human and civil rights, as well as becoming a center of technology and innovation with the creation of such companies as United Research Associates (Sperry Rand), Control Data, Cray Research, Medtronic, and 3M; and

Whereas, Minnesotans continue to honor the contributions of servicemen and service women. Through over 20 years of monthly public programs and outreach efforts by the Dr. Harold C. Deutsch World War II History Round Table; the Memorial Rifle Squad, which has provided ceremonial honors at 51,000 burials over 29 years, and members of all five squads travel a total of 3,300 miles every week to get to the Fort Snelling National Cemetery; the Minnesota Historical Society's tribute to the Greatest Generation; the Veterans of Foreign Wars and Women Veterans of Minnesota organizations; and many other service and volunteer organizations; and

Whereas, four World War II veterans, Harold Stassen, Orville Freeman, Karl Rolvaag, and Albert Quie, served as Minnesota Governors, and over 130 World War II veterans went on to serve in the Minnesota Legislature, including currently-serving Rep. Bernard "Bernie" Lieder; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that it recognizes the many contributions of veterans of World War II and extends its gratitude for their sacrifices.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and transmit it to the Dr. Harold C. Deutsch World War II History Round Table and the Minnesota Historical Society.

Tingelstad moved that House Resolution No. 12 be now adopted. The motion prevailed and House Resolution No. 12 was adopted.

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

The House recessed to honor and pay tribute to Minnesota veterans of World War II.

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Thissen.

There being no objection, the order of business reverted to Reports of Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 3396 and H. F. No. 3612, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Davnie moved that the rules be so far suspended that S. F. No. 3396 be substituted for H. F. No. 3612 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Carlson from the Committee on Finance to which was referred:

H. F. No. 1875, A bill for an act relating to health; changing the public program volume factor for MERC from revenue to charges; amending Minnesota Statutes 2006, section 62J.692, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 62E.10, subdivision 2, is amended to read:

Subd. 2. **Board of directors; organization.** The board of directors of the association shall be made up of eleven members as follows: six directors selected by contributing members, subject to approval by the commissioner, one of which must be a health actuary; five public directors selected by the commissioner, at least two of whom must be plan enrollees, two of whom ~~must be representatives of employers whose accident and health insurance premiums are part of the association's assessment base, are covered under an individual plan subject to assessment under section 62E.11 or group plan offered by an employer subject to assessment under section 62E.11,~~ and one of whom must be a licensed insurance agent. At least two of the public directors must reside outside of the seven county metropolitan area. In determining voting rights at members' meetings, each member shall be entitled to vote in person or proxy. The vote shall be a weighted vote based upon the member's cost of self-insurance, accident and health insurance premium, subscriber contract charges, health maintenance contract payment, or community integrated service network payment derived from or on behalf of Minnesota residents in the previous calendar year, as determined by the commissioner. In approving directors of the board, the commissioner shall consider, among other things, whether all types of members are fairly represented. Directors selected by contributing members may be reimbursed from the money of the association for expenses incurred by them as directors, but shall not otherwise be compensated by the association for their services. The costs of conducting meetings of the association and its board of directors shall be borne by members of the association."

Delete the title and insert:

"A bill for an act relating to health; modifying board of directors for comprehensive health association; amending Minnesota Statutes 2006, section 62E.10, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2748, A bill for an act relating to health; establishing oversight for rural health cooperative; requiring the administrative services unit to apportion the amount necessary to purchase medical professional liability insurance coverage and authorizing fees to be adjusted to compensate for the apportioned amount; appropriating money; amending Minnesota Statutes 2006, section 214.40, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62R.

Reported the same back with the following amendments:

Page 3, line 3, after "unit" insert "of the Board of Nursing Home Administrators"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3082, A bill for an act relating to retirement; various retirement plans; adding two employment positions to the correctional state employees retirement plan; including certain departments of the Rice Memorial Hospital in Willmar and the Worthington Regional Hospital in privatized public employee retirement coverage; providing for the potential dissolution of the Minnesota Post Retirement Investment Fund; increasing teacher retirement plan reemployed annuitant earnings limitations; temporarily exempting Metropolitan Airports Commission police officers from reemployed annuitant earnings limits; mandating joint and survivor optional annuities rather than single life annuities as basic annuity form; making various changes in retirement plan administrative provisions; clarifying general state employee retirement plan alternative coverage elections by certain unclassified state employees retirement program participants; clarifying direct state aid for the teacher retirement associations; clarifying the handling of unclaimed retirement accounts in the individual retirement account plan; providing for a study of certain Minnesota State Colleges and Universities System tenure track faculty members; modifying the manner in which official actuarial work for public pension plans is performed; allowing pension plans greater latitude in setting salary and payroll assumptions; extending amortization target dates for various retirement plans; making the number and identity of tax-sheltered annuity vendors a mandatory bargaining item for school districts and their employees; allowing a certain firefighter relief association certain benefit increases; allowing security broker-dealers to directly hold local pension plan assets; increasing upmost flexible service pension maximum amounts for volunteer firefighters; creating a voluntary statewide volunteer firefighter retirement plan advisory board within the Public Employees Retirement Association; allowing various retirement plans to accept labor union retired member dues deduction authorizations; authorizing various prior service credit purchases; authorizing certain service credit and coverage transfers; authorizing a disability benefit application to be rescinded; authorizing a retirement coverage termination; providing an additional benefit to certain injured Minneapolis bomb squad officers; allowing certain Independent School District No. 625 school board members to make back defined contribution retirement plan contributions; revising post-2009 additional amortization state aid allocations; modifying PERA-P&F duty disability benefit amounts; authorizing a PERA prior military service credit purchase; revising the administrative duties of the board and the executive director of the Minnesota State Retirement System; increasing pension commission membership; appropriating money; amending Minnesota Statutes 2006, sections 3.85, subdivision 3; 6.67; 11A.18, subdivision 9, by adding subdivisions; 16A.055, subdivision 5; 43A.346, subdivisions 4, 5, 6, 7; 69.011, subdivision 1; 123B.02, subdivision 15; 352.03, subdivisions 4, 5; 352.12, subdivision 2; 352.22, subdivision 10; 352.931, subdivision 1; 352.97; 352.98, subdivisions 1, 2, 3, 4, 5; 352D.075, subdivision 2a; 353.01, subdivisions 10, 11a, by adding a subdivision; 353.27, by adding a subdivision; 353.30, subdivision 3; 353.33, subdivision 5; 353.64, subdivision 11; 353.656, subdivision 2; 353D.05, subdivision 2; 353D.12, subdivision 4; 353E.07, subdivision 7; 354.05, subdivision 37; 354.33, subdivision 5; 354.44, subdivision 5; 354A.12, subdivision 3a; 354A.31, subdivision 3; 354B.20, by adding a subdivision; 354B.25, subdivision 5, by adding a subdivision; 354C.165; 356.20, subdivisions 1, 2, 3, 4, 4a; 356.214, subdivisions 1, 3, by adding a subdivision; 356.215, subdivisions 1, 2, 3, 8, 11, 18; 356.24, subdivision 1; 356.41; 356.46, as amended; 356.47, subdivision 3; 356.551, subdivision 2; 356.611, subdivision 2, by adding a subdivision; 356A.06, subdivisions 1, 7, 8b; 356B.10, subdivision 3; 363A.36, subdivision 1; 383B.914, subdivision 7; 423A.02, subdivision 1b; 424A.001, subdivision 6, by adding a subdivision; 424A.02, subdivisions 3, 7, 9; 424A.05, subdivision 3; 518.003, subdivision 8; Minnesota Statutes 2007 Supplement, sections 43A.346, subdivisions 1, 2; 352.01, subdivision 2a; 352.017, subdivision 2; 352.91, subdivision 3d; 352.955, subdivisions 3, 5; 352D.02, subdivisions 1, 3; 353.01, subdivision 2b; 353.0161, subdivision 2; 353.27, subdivision 14; 353.32, subdivision 1a; 353.656, subdivision 1; 353.657,

subdivision 2a; 353F.02, subdivision 4; 354.096, subdivision 2; 354.72, subdivision 2; 354A.12, subdivision 3c; 354C.12, subdivision 4; 356.96, subdivision 1; 422A.06, subdivision 8; Laws 2002, chapter 392, article 2, section 4; Laws 2006, chapter 271, article 5, section 5; proposing coding for new law in Minnesota Statutes, chapters 11A; 352; 353D; 353F; 354; 354C; 356; 423A; repealing Minnesota Statutes 2006, sections 352.96; 354.44, subdivision 6a; 354.465; 354.51, subdivision 4; 354.55, subdivisions 2, 3, 6, 12, 15; 354A.091, subdivisions 1a, 1b; 354A.12, subdivision 3a; 355.629; 356.214, subdivision 2; 356.215, subdivision 2a; Minnesota Statutes 2007 Supplement, section 354A.12, subdivisions 3b, 3c; Laws 1965, chapter 592, sections 3, as amended; 4, as amended; Laws 1967, chapter 575, sections 2, as amended; 3; 4; Laws 1969, chapter 352, section 1, subdivisions 3, 4, 5, 6; Laws 1969, chapter 526, sections 3; 4; 5, as amended; 7, as amended; Laws 1971, chapter 140, sections 2, as amended; 3, as amended; 4, as amended; 5, as amended; Laws 1971, chapter 214, section 1, subdivisions 1, 2, 3, 4, 5; Laws 1973, chapter 304, section 1, subdivisions 3, 4, 5, 6, 7, 8, 9; Laws 1973, chapter 472, section 1, as amended; Laws 1975, chapter 185, section 1; Laws 1985, chapter 261, section 37, as amended; Laws 1991, chapter 125, section 1; Laws 1993, chapter 244, article 4, section 1; Laws 2005, First Special Session chapter 8, article 1, section 23; Minnesota Rules, parts 7905.0100; 7905.0200; 7905.0300; 7905.0400; 7905.0500; 7905.0600; 7905.0700; 7905.0800; 7905.0900; 7905.1000; 7905.1100; 7905.1200; 7905.1300; 7905.1400; 7905.1500; 7905.1600; 7905.1700; 7905.1800; 7905.1900; 7905.2000; 7905.2100; 7905.2200; 7905.2300; 7905.2400; 7905.2450; 7905.2500; 7905.2560; 7905.2600; 7905.2700; 7905.2800; 7905.2900.

Reported the same back with the following amendments:

Page 63, line 18, after "Association" insert "and to the St. Paul Teachers Retirement Fund Association"

Page 63, line 22, after "Association" insert "and \$140,000 that was payable under Minnesota Statutes 2006, section 354A.12, subdivision 3a, in fiscal year 2008, but remains unpaid as of the date of enactment, is payable to the St. Paul Teachers Retirement Fund Association"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3293, A bill for an act relating to environment; requiring the Pollution Control Agency to analyze cumulative pollution effects in an area prior to issuing a permit; amending Minnesota Statutes 2006, section 116.07, subdivision 4a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 116.07, subdivision 4a, is amended to read:

Subd. 4a. **Permits.** (a) The Pollution Control Agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions of noise pollution.

The Pollution Control Agency may also issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the storage, collection, transportation, processing, or disposal of waste, or for the installation or operation of any system or facility, or any part thereof, related to the storage, collection, transportation, processing, or disposal of waste.

The agency may not issue a permit to a facility without analyzing and considering the cumulative levels and effects of past and current environmental pollution from all sources on the environment and residents of the geographic area within which the facility's emissions are likely to be deposited, provided that the facility is located in a community in a city of the first class in Hennepin County that meets all of the following conditions:

(1) is within a half mile of a site designated by the federal government as an EPA superfund site due to residential arsenic contamination;

(2) a majority of the population are low-income persons of color and American Indians;

(3) a disproportionate percent of the children have childhood lead poisoning, asthma, or other environmentally related health problems;

(4) is located in a city that has experienced numerous air quality alert days of dangerous air quality for sensitive populations between February 2007 and February 2008; and

(5) is located near the junctions of several heavily trafficked state and county highways and two one-way streets which carry both truck and auto traffic.

The Pollution Control Agency may revoke or modify any permit issued under this subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution.

(b) The Pollution Control Agency has the authority for approval over the siting, expansion, or operation of a solid waste facility with regard to environmental issues. However, the agency's issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by any applicable county ordinances. Nothing in this chapter precludes, or shall be construed to preclude, a county from enforcing land use controls, regulations, and ordinances existing at the time of the permit application and adopted pursuant to sections 366.10 to 366.181, 394.21 to 394.37, or 462.351 to 462.365, with regard to the siting, expansion, or operation of a solid waste facility.

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

Delete the title and insert:

"A bill for an act relating to environment; requiring the Pollution Control Agency to analyze cumulative pollution effects in an area prior to issuing a permit; amending Minnesota Statutes 2006, section 116.07, subdivision 4a."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3796, A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 9; authorizing a council to establish salaries for legislators; changing the composition of the Citizen Compensation Council; amending Minnesota Statutes 2006, section 15A.082, subdivisions 1, 2, 3.

Reported the same back with the following amendments:

Page 3, after line 19, insert:

"Sec. 6. Minnesota Statutes 2006, section 15A.082, subdivision 4, is amended to read:

Subd. 4. **Criteria.** In making compensation recommendations, the Executive and Judicial compensation council shall consider the amount of compensation paid in government service and the private sector to persons with similar qualifications, the amount of compensation needed to attract and retain experienced and competent persons, and the ability of the state to pay the recommended compensation. ~~In making recommendations for legislative compensation, the council shall also consider the average length of a legislative session, the amount of work required of legislators during interim periods, and opportunities to earn income from other sources without neglecting legislative duties."~~

Page 3, line 21, delete "5" and insert "6"

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 2833, A bill for an act relating to health; requiring public pools and spas to be equipped with anti-entrapment devices or systems; appropriating money; amending Minnesota Statutes 2006, sections 144.1222, subdivision 1a, by adding subdivisions; 157.16, as amended; 157.20, subdivisions 1, 2a.

Reported the same back with the recommendation that the first unofficial engrossment pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1875, 2748, 3082, 3293 and 3796 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 3396 and 2833 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Murphy, E.; Norton; Loeffler; Paymar and Ruud introduced:

H. F. No. 4235, A bill for an act relating to public health; creating a public health improvement account; proposing coding for new law in Minnesota Statutes, chapters 16A; 145.

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

Atkins, Moe, Hosch and Peterson, S., introduced:

H. F. No. 4236, A bill for an act relating to natural resources; establishing the Lessard-Heritage Enhancement Council; providing appointments; proposing coding for new law in Minnesota Statutes, chapter 97A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Thissen introduced:

H. F. No. 4237, A bill for an act relating to the environment; creating an advisory council on development and regulation of consumer products; establishing a comprehensive framework for consumer products that protect, support, and enhance human health, the environment, and economic development; providing appointments; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dean introduced:

H. F. No. 4238, A bill for an act relating to natural resources; eliminating horse trail pass; amending Minnesota Statutes 2006, section 84.0835, subdivision 3; repealing Minnesota Statutes 2006, section 85.46.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

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

H. F. No. 3585, A bill for an act relating to energy; authorizing certain governments to engage in energy-related activities, including ownership of renewable energy projects; amending Minnesota Statutes 2006, section 216B.1612, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 373.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Madam 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. 2877, A bill for an act relating to public safety; establishing crime of disarming a peace officer; providing criminal penalties; amending Minnesota Statutes 2006, section 609.50, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Paymar moved that the House concur in the Senate amendments to H. F. No. 2877 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2877, A bill for an act relating to public safety; establishing crime of disarming a peace officer; providing criminal penalties; amending Minnesota Statutes 2006, section 609.50, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

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

The question was taken on the repassage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Brynaert	Dittrich	Gardner	Hilty	Kalin
Anderson, B.	Buesgens	Dominguez	Garofalo	Holberg	Knuth
Anderson, S.	Bunn	Doty	Gottwalt	Hoppe	Koenen
Anzelc	Carlson	Drazkowski	Greiling	Hornstein	Kohls
Atkins	Clark	Eastlund	Gunther	Hortman	Kranz
Beard	Cornish	Eken	Hackbarth	Hosch	Laine
Benson	Davnie	Emmer	Hamilton	Howes	Lanning
Berns	Dean	Erhardt	Hansen	Huntley	Lenczewski
Bigham	DeLaForest	Erickson	Hausman	Jaros	Lesch
Bly	Demmer	Faust	Haws	Johnson	Liebling
Brod	Dettmer	Finstad	Heidgerken	Juhnke	Lieder
Brown	Dill	Fritz	Hilstrom	Kahn	Lillie

Loeffler	Morrow	Paulsen	Sailer	Solberg	Wardlow
Madore	Mullery	Paymar	Scalze	Swails	Welti
Magnus	Murphy, E.	Pelowski	Seifert	Thao	Westrom
Mahoney	Murphy, M.	Peppin	Sertich	Thissen	Winkler
Mariani	Nelson	Peterson, A.	Severson	Tillberry	Wollschlager
Marquart	Nornes	Peterson, N.	Shimanski	Tingelstad	Zellers
Masin	Norton	Peterson, S.	Simon	Tschumper	Spk. Kelliher
McFarlane	Olin	Poppe	Simpson	Urdahl	
McNamara	Olson	Rukavina	Slawik	Wagenius	
Moe	Otremba	Ruth	Slocum	Walker	
Morgan	Ozment	Ruud	Smith	Ward	

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

Madam 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. 3372, A bill for an act relating to health; changing provisions for uniform billing forms and electronic claim filing; establishing compliance procedures for electronic transactions; amending Minnesota Statutes 2006, sections 62J.51, subdivisions 17, 18; 62J.52, subdivision 4; 62J.59; 72A.201, subdivision 4; Minnesota Statutes 2007 Supplement, sections 62J.52, subdivisions 1, 2; 62J.536, subdivision 1, by adding subdivisions; repealing Minnesota Statutes 2006, sections 62J.52, subdivision 5; 62J.58.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Murphy, E., moved that the House concur in the Senate amendments to H. F. No. 3372 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3372, A bill for an act relating to health; changing provisions for uniform billing forms and electronic claim filing; establishing compliance procedures for electronic transactions; amending Minnesota Statutes 2006, sections 62J.51, subdivisions 17, 18; 62J.52, subdivision 4; 62J.59; 72A.201, subdivision 4; Minnesota Statutes 2007 Supplement, sections 62J.52, subdivisions 1, 2; 62J.536, subdivision 1, by adding subdivisions; repealing Minnesota Statutes 2006, sections 62J.52, subdivision 5; 62J.58.

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

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeler	Atkins	Berns	Brod	Bunn	Cornish
Anderson, S.	Beard	Bigham	Brown	Carlson	Davnie
Anzelc	Benson	Bly	Brynaert	Clark	DeLaForest

Demmer	Hackbarth	Kalin	Masin	Peterson, A.	Solberg
Dettmer	Hamilton	Knuth	McFarlane	Peterson, N.	Swails
Dill	Hansen	Koenen	McNamara	Peterson, S.	Thao
Dittrich	Hausman	Kohls	Moe	Poppe	Thissen
Dominguez	Haws	Kranz	Morgan	Rukavina	Tillberry
Doty	Heidgerken	Laine	Morrow	Ruth	Tingelstad
Eastlund	Hilstrom	Lanning	Mullery	Ruud	Tschumper
Eken	Hilty	Lenczewski	Murphy, E.	Sailer	Urdahl
Erhardt	Hoppe	Lesch	Murphy, M.	Scalze	Wagenius
Erickson	Hornstein	Liebling	Nelson	Seifert	Walker
Faust	Hortman	Lieder	Nornes	Sertich	Ward
Finstad	Hosch	Lillie	Norton	Severson	Wardlow
Fritz	Howes	Loeffler	Olin	Shimanski	Welti
Gardner	Huntley	Madore	Otremba	Simon	Westrom
Garofalo	Jaros	Magnus	Ozment	Simpson	Winkler
Gottwalt	Johnson	Mahoney	Paulsen	Slawik	Wollschlager
Greiling	Juhnke	Mariani	Paymar	Slocum	Zellers
Gunther	Kahn	Marquart	Pelowski	Smith	Spk. Kelliher

Those who voted in the negative were:

Anderson, B.	Dean	Emmer	Olson
Buesgens	Drazkowski	Holberg	Peppin

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Thursday, May 8, 2008:

S. F. Nos. 3056, 2651 and 3576; H. F. Nos. 4223, 3380 and 863; S. F. No. 3058; H. F. No. 3643; and S. F. Nos. 3486 and 1128.

CALENDAR FOR THE DAY

S. F. No. 3576, A bill for an act relating to natural resources; providing for viral hemorrhagic septicemia control; authorizing rulemaking; amending Minnesota Statutes 2006, sections 17.4985, subdivisions 2, 3, 5; 17.4986, subdivisions 1, 2, 4; 17.4987; 17.4992, subdivision 2; 17.4993; 84D.03, subdivision 4; 97A.015, by adding a subdivision; 97C.203; 97C.205; 97C.341; 97C.391, by adding a subdivision; 97C.505, subdivision 1; 97C.515, subdivisions 2, 4, 5; 97C.821; repealing Minnesota Statutes 2006, section 97C.515, subdivision 3.

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 130 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hilstrom	Liebling	Otremba	Slocum
Anderson, S.	Dominguez	Hilty	Lieder	Ozment	Smith
Anzelc	Doty	Holberg	Lillie	Paulsen	Solberg
Atkins	Drazkowski	Hoppe	Loeffler	Paymar	Swails
Beard	Eastlund	Hornstein	Madore	Pelowski	Thao
Benson	Eken	Hortman	Magnus	Peppin	Thissen
Berns	Erhardt	Hosch	Mahoney	Peterson, A.	Tillberry
Bigham	Erickson	Howes	Mariani	Peterson, N.	Tingelstad
Bly	Faust	Huntley	Marquart	Peterson, S.	Tschumper
Brod	Finstad	Jaros	Masin	Poppe	Urdahl
Brown	Fritz	Johnson	McFarlane	Rukavina	Wagenius
Brynaert	Gardner	Juhnke	McNamara	Ruth	Walker
Bunn	Garofalo	Kahn	Moe	Ruud	Ward
Carlson	Gottwalt	Kalin	Morgan	Sailer	Wardlow
Clark	Greiling	Knuth	Morrow	Scalze	Welti
Cornish	Gunther	Koenen	Mullery	Seifert	Westrom
Davnie	Hackbarth	Kohls	Murphy, E.	Sertich	Winkler
Dean	Hamilton	Kranz	Murphy, M.	Severson	Wollschlager
DeLaForest	Hansen	Laine	Nelson	Shimanski	Zellers
Demmer	Hausman	Lanning	Nornes	Simon	Spk. Kelliher
Dettmer	Haws	Lenczewski	Norton	Simpson	
Dill	Heidgerken	Lesch	Olin	Slawik	

Those who voted in the negative were:

Anderson, B.	Buesgens	Emmer	Olson
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The bill was passed and its title agreed to.

Slawik was excused between the hours of 12:55 p.m. and 1:50 p.m.

S. F. No. 3056 was reported to the House.

Hansen moved that S. F. No. 3056 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2651 was reported to the House.

Dill, Eken, Moe and Wagenius moved to amend S. F. No. 2651, the fourth engrossment, as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

STATE LANDS

Section 1. Minnesota Statutes 2006, section 84.943, subdivision 5, is amended to read:

Subd. 5. **Pledges and contributions.** The commissioner of natural resources may accept contributions and pledges to the critical habitat private sector matching account. A pledge that is made contingent on an appropriation is acceptable and shall be reported with other pledges as required in this section. The commissioner may agree to match a contribution contingent on a future appropriation. In the budget request for each biennium, the commissioner shall report the balance of contributions in the account and the amount that has been pledged for payment in the succeeding two calendar years.

Money in the account is appropriated to the commissioner of natural resources only for the direct acquisition or improvement of land or interests in land as provided in section 84.944. To the extent of available appropriations other than bond proceeds, the money matched to the nongame wildlife management account may be used for the management of nongame wildlife projects as specified in section 290.431. Acquisition includes: (1) purchase of land or an interest in land by the commissioner; or (2) acceptance by the commissioner of gifts of land or interests in land as program projects.

Sec. 2. **[84B.062] ENFORCEMENT OF FEDERAL LAWS.**

A state employee shall not enforce federal laws or regulations pertaining to speed limits on snowmobiles or all-terrain vehicles, to the prohibition of all-terrain vehicles, or to the prohibition of commercial float planes or ski planes on the navigable waters within Voyageurs National Park under the state's jurisdiction as described in section 84B.061.

Sec. 3. Minnesota Statutes 2006, section 86A.04, is amended to read:

86A.04 COMPOSITION OF SYSTEM.

The outdoor recreation system shall consist of all state parks; state recreation areas; state trails established pursuant to sections 84.029, subdivision 2, 85.015, 85.0155, and 85.0156; state scientific and natural areas; state wilderness areas; state forests; state wildlife management areas; state aquatic management areas; state water access sites, which include all lands and facilities established by the commissioner of natural resources or the commissioner of transportation to provide public access to water; state wild, scenic, and recreational rivers; state historic sites; state rest areas, which include all facilities established by the commissioner of transportation for the safety, rest, comfort and use of the highway traveler, and shall include all existing facilities designated as rest areas and waysides by the commissioner of transportation; and any other units not listed in this section that are classified under section 86A.05. Each individual state park, state recreation area, and so forth is called a "unit."

Sec. 4. Minnesota Statutes 2006, section 86A.08, subdivision 1, is amended to read:

Subdivision 1. **Secondary authorization; when permitted.** A unit of the outdoor recreation system may be authorized wholly or partially within the boundaries of another unit only when the authorization is consistent with the purposes and objectives of the respective units and only in the instances permitted below:

(a) The following units may be authorized wholly or partially within a state park: historic site, scientific and natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.

(b) The following units may be authorized wholly or partially within a state recreation area: historic site, scientific and natural area, wild, scenic, and recreational river, trail, rest area, aquatic management area, wildlife management area, and water access site.

(c) The following units may be authorized wholly or partially within a state forest: state park, state recreation area, historic site, wildlife management area, scientific and natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.

(d) The following units may be authorized wholly or partially within a state historic site: wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.

(e) The following units may be authorized wholly or partially within a state wildlife management area: state water access site and aquatic management area.

(f) The following units may be authorized wholly or partially within a state wild, scenic, or recreational river: state park, historic site, scientific and natural area, wilderness area, trail, rest area, aquatic management area, and water access site.

(g) The following units may be authorized wholly or partially within a state rest area: historic site, trail, wild, scenic, and recreational river, aquatic management area, and water access site.

(h) The following units may be authorized wholly or partially within an aquatic management area: historic site, scientific and natural area, wild, scenic, and recreational river, and water access site.

Sec. 5. Minnesota Statutes 2006, section 90.151, subdivision 1, is amended to read:

Subdivision 1. **Issuance; expiration.** (a) Following receipt of the down payment for state timber required under section 90.14 or 90.191, the commissioner shall issue a numbered permit to the purchaser, in a form approved by the attorney general, by the terms of which the purchaser shall be authorized to enter upon the land, and to cut and remove the timber therein described as designated for cutting in the report of the state appraiser, according to the provisions of this chapter. The permit shall be correctly dated and executed by the commissioner and signed by the purchaser. If a permit is not signed by the purchaser within 60 days from the date of purchase, the permit cancels and the down payment for timber required under section 90.14 forfeits to the state. The commissioner may grant an additional period for the purchaser to sign the permit, not to exceed five business days, provided the purchaser pays a \$125 penalty fee.

(b) The permit shall expire no later than five years after the date of sale as the commissioner shall specify or as specified under section 90.191, and the timber shall be cut within the time specified therein. All cut timber, equipment, and buildings not removed from the land within 90 days after expiration of the permit shall become the property of the state.

(c) The commissioner may grant an additional period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of such request by the permit holder for good and sufficient reasons. The commissioner may grant a second period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of a request by the permit holder for hardship reasons only.

EFFECTIVE DATE. This section is effective the day following final enactment and applies retroactively to permits dated January 1, 2008, and thereafter.

Sec. 6. [94.3495] EXPEDITED EXCHANGES OF LAND INVOLVING THE STATE AND GOVERNMENTAL SUBDIVISIONS OF THE STATE.

Subdivision 1. Purpose and scope. (a) The purpose of this section is to expedite the exchange of public land ownership. Consolidation of public land reduces management costs and aids in the reduction of forest fragmentation.

(b) This section applies to exchanges of land between the state and a governmental subdivision of the state. For land exchanges under this section, sections 94.342 to 94.347 apply only to the extent specified in this section.

Subd. 2. Classes of land; definitions. The classes of public land that may be involved in an expedited exchange under this section are:

(1) Class 1 land, which for the purpose of this section is Class A land as defined in section 94.342, subdivision 1, except for:

(i) school trust land as defined in section 92.025; and

(ii) university land granted to the state by acts of Congress;

(2) Class 2 land, which for the purpose of this section is Class B land as defined in section 94.342, subdivision 2; and

(3) Class 3 land, which for the purpose of this section is all land owned in fee by a governmental subdivision of the state.

Subd. 3. Valuation of land. (a) In an exchange of Class 1 land for Class 2 or 3 land, the value of all the land shall be determined by the commissioner of natural resources. In an exchange of Class 2 land for Class 3 land, the value of all the land shall be determined by the county board of the county in which the land lies. To determine the value of the land, the parties to the exchange may cause the land to be appraised, utilize the valuation process provided under section 84.0272, subdivision 3, or obtain a market analysis from a qualified real estate broker. Merchantable timber value must be determined and considered in finalizing valuation of the lands.

(b) All lands exchanged under this section shall be exchanged only for lands of at least substantially equal value. For the purposes of this subdivision, "substantially equal value" has the meaning given under section 94.343, subdivision 3, paragraph (b). No payment is due either party if the lands are of substantially equal value but are not of the same value.

Subd. 4. Title. Title to the land must be examined to the extent necessary for the parties to determine that the title is good, with any encumbrances identified. The parties to the exchange may utilize title insurance to aid in the determination.

Subd. 5. Approval by Land Exchange Board. All expedited land exchanges under this section, and the terms and conditions of the exchanges, require the unanimous approval of the Land Exchange Board.

Subd. 6. Conveyance. (a) Conveyance of Class 1 land given in exchange shall be made by deed executed by the commissioner of natural resources in the name of the state. Conveyance of Class 2 land given in exchange shall be by a deed executed by the commissioner of revenue in the name of the state. Conveyance of Class 3 land shall be by a deed executed by the governing body in the name of the governing authority.

(b) If Class 1 land is given in exchange for Class 2 or 3 land, the deed to the Class 2 or 3 land shall first be delivered to the commissioner of natural resources. Following the recording of the deed, the commissioner of natural resources shall deliver the deed conveying the Class 1 land.

(c) If Class 2 land is given in exchange for Class 3 land, the deed to the Class 3 land shall first be delivered to the county auditor. Following the recording of the deed, the commissioner of revenue shall deliver the deed conveying the Class 2 land.

(d) All deeds shall be recorded or registered in the county in which the lands lie.

Subd. 7. **Reversionary interest; mineral and water power rights and other reservations.** (a) All deeds conveying land given in an expedited land exchange under this section shall include a reverter that provides that title to the land automatically reverts to the conveying governmental unit if:

(1) the receiving governmental unit sells, exchanges, or otherwise transfers title of the land within 40 years of the date of the deed conveying ownership; and

(2) there is no prior written approval for such transfer from the conveying governmental unit. The authority for granting approval is the commissioner of natural resources for former Class 1 land, the county board for former Class 2 land, and the governing body for former Class 3 land.

(b) Class 1 land given in exchange is subject to the reservation provisions of section 94.343, subdivision 4. Class 2 land given in exchange is subject to the reservation provisions of section 94.344, subdivision 4. County fee land given in exchange is subject to the reservation provisions of section 373.01, subdivision 1, paragraph (g).

Subd. 8. **Land status.** Land received in exchange for Class 1 land is subject to the same trust, if any, and otherwise has the same status as the land given in exchange. Land received in exchange for Class 2 land is subject to a trust in favor of the governmental subdivision wherein it lies and all laws relating to tax-forfeited land. Land received in exchange for Class 3 land has the same status as the land given in exchange.

Sec. 7. Minnesota Statutes 2006, section 282.04, subdivision 4a, is amended to read:

Subd. 4a. **Private easements.** (a) A county board may convey a road easement across unsold tax-forfeited land to ~~an individual~~ a person, as defined under section 645.44, subdivision 7, requesting an easement for access to private property owned by the ~~individual~~ person if:

(1) there are no reasonable alternatives to obtain access to the ~~individual's~~ person's property; and

(2) exercising the easement will not cause significant adverse environmental or natural resource management impacts.

(b) The county auditor shall require ~~an individual~~ a person applying for an easement under paragraph (a) to pay the appraised value of the easement. The conveyance must provide that the easement reverts to the state in trust for the taxing district in the event of nonuse.

Sec. 8. Laws 2006, chapter 236, article 1, section 43, is amended to read:

Sec. 43. **LAND REPLACEMENT TRUST FUND; ITASCA COUNTY.**

Notwithstanding the provisions of Minnesota Statutes, chapter 282, and any other law relating to the apportionment of proceeds from the sale or lease of tax-forfeited land, Itasca County must apportion the first \$1,000,000 received from the sale or lease of tax-forfeited lands within Minnesota Steel Industries permit to mine area near Nashwauk, Minnesota, as provided in Laws 1965, chapter 326, section 1, as amended. Any remaining

proceeds received from the sale or lease must be deposited into a tax-forfeited land replacement trust fund established by Itasca County under this section. The principal and interest from this fund may be spent only on the purchase of lands to replace the tax-forfeited lands sold to Minnesota Steel Industries. Lands purchased with the land replacement fund must:

(1) become subject to trust in favor of the governmental subdivision wherein they lie and all laws related to tax-forfeited lands; and

(2) be for forest management purposes and dedicated as memorial forest under Minnesota Statutes, section 459.06, subdivision 2.

EFFECTIVE DATE. This section is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Itasca County.

Sec. 9. **ADDITIONS TO STATE PARKS.**

Subdivision 1. [85.012] [Subd. 9.] Buffalo River State Park, Clay County. The following area is added to Buffalo River State Park, all in Section 11, Township 139 North, Range 46, Clay County: That part of the Southeast Quarter of Section 11, described as follows: Beginning at the southwest corner of the Southeast Quarter of said Section 11; thence North 00 degrees 13 minutes 06 seconds East (assumed bearing), along the westerly line of the Southeast Quarter of said Section 11, for a distance of 503.33 feet; thence South 89 degrees 25 minutes 32 seconds East for a distance of 200.00 feet; thence North 00 degrees 13 minutes 06 seconds East, parallel to the westerly line of the Southeast Quarter of said Section 11, for a distance of 457.87 feet; thence South 89 degrees 44 minutes 18 seconds East for a distance of 323.00 feet; thence South 48 degrees 16 minutes 47 seconds East for a distance of 89.46 feet; thence South 29 degrees 17 minutes 10 seconds East for a distance of 1,035.56 feet to a point of intersection with the southerly line of the Southeast Quarter of said Section 11; thence North 89 degrees 44 minutes 18 seconds West, along the southerly line of the Southeast Quarter of said Section 11, for a distance of 1,100.00 feet to the point of beginning. Said tract of land contains 16.133 acres, more or less, and is subject to the following described ingress-egress easement: A 30.00-foot strip of land for purposes of ingress and egress centered along the following described line: Commencing at the southwest corner of the Southeast Quarter of Section 11, Township 139 North, Range 46 West, Fifth Principal Meridian, Clay County, Minnesota; thence North 00 degrees 13 minutes 06 seconds East (assumed bearing), along the westerly line of the Southeast Quarter of said Section 11, for a distance of 15.00 feet to the true point of beginning; thence South 89 degrees 44 minutes 18 seconds East, parallel to and 15.00 feet northerly of the southerly line of the Southeast Quarter of said Section 11, for a distance of 797.03 feet; thence North 22 degrees 07 minutes 20 seconds East for a distance of 327.76 feet and there terminating.

Subd. 2. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County. The following areas are added to Frontenac State Park, Goodhue County:

(1) all that part of Government Lot 4, and all that part of the Southwest Quarter of the Southeast Quarter and of the Southeast Quarter of the Southwest Quarter, all in Section 2, Township 112 North, Range 13 West, described as follows, to-wit: Beginning at the point of intersection of the east and west center line of said Section 2 with the line of the west shore of Lake Pepin, running thence West 6 chains; thence South 33 degrees 15 minutes West 9.60 chains; thence South 41 degrees West 5.54 chains; thence South 51 degrees 15 minutes West 4.32 chains; thence South 65 degrees 15 minutes West 4 chains; thence South 70 degrees 45 minutes West 11.27 chains to a rock in Glenway Street in the village of Frontenac; thence South 48 degrees 30 minutes East 4.72 chains to the north and south center line of said section; thence South 39 degrees 10 minutes East 11.14 chains; thence South 32 degrees 30 minutes East 8.15 chains to the north line of Waconia Avenue in said Frontenac; thence North 42 degrees 50 minutes East 5.15 chains; thence North 23 degrees 50 minutes East 2.75 chains; thence North 9 degrees 20 minutes East 7.90 chains; thence North 20 degrees 20 minutes East 4.64 chains; thence North 52 degrees West 3.80 chains; thence North 20 degrees 20 minutes East 18.40 chains to the east line of said Mill Street in said Frontenac; thence

South along the east line of said Mill Street 3.76 chains to the north line of Lot 8 in Block 13 in said Frontenac; thence along said north line to the shore of Lake Pepin; thence along the shore of said lake 1.50 chains to the point of beginning, containing in all 35.67 acres of land, more or less. Excepting therefrom all that part of Government Lot 4, Section 2, Township 112 North, Range 13 West, described, as follows: Beginning on the shore of Lake Pepin at the northeast corner of Lot 8 in Block 13 of the town of Frontenac, running thence westerly along the north line of said lot to the northwest corner thereof; thence northerly along the easterly line of Mill Street in said town of Frontenac 215 feet, more or less, to its intersection with the north line of said Government Lot 4; thence East along the north line of said Government Lot 4 to low water mark on shore of Lake Pepin; thence southerly along the low water mark of Lake Pepin to the place of beginning. Also excepting that part of Government Lot 4, Section 2, Township 112 North, Range 12 West, which lies West of Undercliff Street in said village, North of the southerly line of said Lot 1, Block 14, prolonged westerly, and East of a line beginning 6 chains West of the intersection of the east and west center line of said Section 2 with the west shore of Lake Pepin, being the point of intersection of the west line of said Undercliff Street and said east and west center line; thence South 33 degrees 15 minutes West 9.60 chains, being a triangular piece of land; all of Block 14, except Lot 1 of said Block 14; Lots 11, 12, 13, 14, 15, 16, 17, 18, and 19 of Block 15, except so much of Lot 11 in said Block 15 (in a triangular form) as lies between the west end of Lots 2 and 3 of said Block 15 and the east line of Bluff Street, all in the town of Frontenac according to the accepted and recorded map of said town of Frontenac now on file and of record in the Office of the Register of Deeds in and for said County of Goodhue;

(2) that part of the West Half of the Northeast Quarter of Section 6, Township 112 North, Range 13 West, Goodhue County, Minnesota, described as follows: Commencing at the northeast corner of the West Half of the Northeast Quarter of said Section 6; thence South 01 degree 11 minutes 39 seconds East, assumed bearing, along the east line of said West Half of the Northeast Quarter of Section 6, a distance of 1,100.00 feet to the point of beginning of the land to be described; thence North 01 degree 11 minutes 39 seconds West, along said east line, a distance of 400.00 feet; thence South 89 degrees 01 minute 10 seconds West, a distance of 442.03 feet; thence southwesterly, a distance of 534.99 feet along a nontangential curve concave to the northwest having a radius of 954.93 feet, a central angle of 33 degrees 53 minutes 57 seconds, and a chord that bears South 42 degrees 45 minutes 42 seconds West; thence South 59 degrees 42 minutes 41 seconds West, tangent to said curve, a distance of 380.00 feet to the centerline of State Highway 61, as now located and established; thence southeasterly, along said centerline of State Highway 61, a distance of 160 feet, more or less, to the intersection with a line bearing South 73 degrees 00 minutes 00 seconds West from the point of beginning; thence North 73 degrees 00 minutes 00 seconds East, to the point of beginning. Together with a 50.00-foot wide driveway and utility easement, which lies northwesterly and adjoins the northwesterly line of the above described property; and

(3) that part of the West Half of the Northeast Quarter of Section 6, Township 112 North, Range 13 West, Goodhue County, described as follows: Commencing at the northeast corner of the West Half of the Northeast Quarter of said Section 6; thence South 01 degree 11 minutes 39 seconds East, assumed bearing, along the east line of said West Half of the Northeast Quarter of Section 6, a distance of 1,100.00 feet to the point of beginning of the land to be described; thence South 73 degrees 00 minutes 00 seconds West, to the centerline of State Highway 61, as now located and established; thence southeasterly, along said centerline of State Highway 61, to the south line of said West Half of the Northeast Quarter of Section 6; thence North 88 degrees 34 minutes 56 seconds East, along said south line, to the southeast corner of said West Half of the Northeast Quarter of Section 6; thence North 01 degree 11 minutes 39 seconds West, a distance of 1,902.46 feet to the point of beginning.

Subd. 3. [85.012] [Subd. 44.] Monson Lake State Park, Swift County. The following area is added to Monson Lake State Park, Swift County: the Northeast Quarter of Section 1, Township 121 North, Range 37 West.

Subd. 4. [85.012] [Subd. 51.] Savanna Portage State Park, Aitkin and St. Louis Counties. The following areas are added to Savanna Portage State Park: the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northwest Quarter, Government Lot 2, and Government Lot 3, all in Section 13, Township 50 North, Range 23 West, Aitkin County.

Subd. 5. [85.012] [Subd. 52.] Scenic State Park, Itasca County. The following areas are added to Scenic State Park: Government Lot 3, Government Lot 4, the Northeast Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter, all in Section 7, Township 60 North, Range 25 West, Itasca County.

Subd. 6. [85.012] [Subd. 53a.] Soudan Underground Mine State Park, St. Louis County. The following area is added to Soudan Underground Mine State Park: the Northeast Quarter of the Northeast Quarter, Section 29, Township 62 North, Range 15 West, St. Louis County.

Subd. 7. [85.012] [Subd. 60.] William O'Brien State Park, Washington County. The following areas are added to William O'Brien State Park, Washington County:

(1) Lot 1, Block 1, and Outlots A and B, Spring View Acres according to the plat on file and of record in the Office of the Recorder for Washington County;

(2) the South 200.00 feet of the North 1,326.20 feet of the West One-Half of the Southeast Quarter, Section 36, Township 32 North, Range 20 West; and

(3) that part of the Northeast Quarter of the Southwest Quarter lying west of Highway 95 (St. Croix Trail North) in Section 31, Township 32 North, Range 19 West.

Sec. 10. **DELETIONS FROM STATE PARKS.**

Subdivision 1. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County. The following areas are deleted from Frontenac State Park, all in Township 112 North, Range 13 West, Goodhue County:

(1) that part of the East Half, Section 11, and that part of the Southwest Quarter, Section 12, being described as BLOCK's O, F, H, G, and L, GARRARD'S SOUTH EXTENSION TO FRONTENAC according to the plat on file and of record in the Office of the Recorder for Goodhue County, Minnesota. Including all of those parts of vacated Birch Way and Birch Way South situated in GARRARD'S SOUTH EXTENSION TO FRONTENAC lying southerly of vacated Ludlow Avenue and northerly of Winona Avenue;

(2) that part of the Northeast Quarter, Section 11, being described as BLOCK 70, WESTERVELT (also known as the town of Frontenac) according to the plat on file and of record in the Office of the Recorder for Goodhue County, Minnesota;

(3) that part of the Northeast Quarter, Section 11, being described as Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, and 16, BLOCK 69, WESTERVELT (aka town of Frontenac) according to the plat on file and of record in the Office of the Recorder for Goodhue County, Minnesota;

(4) that part of the Northeast Quarter, Section 11, being described as BLOCK 67, WESTERVELT (aka town of Frontenac) according to the plat on file and of record in the Office of the Recorder for Goodhue County, Minnesota. Including the South 30 feet of Graham Street lying adjacent to and northerly of Lots 1 and 16, BLOCK 67 of said plat of WESTERVELT;

(5) that part of the Northeast Quarter, Section 11, being described as BLOCK 66, WESTERVELT (aka town of Frontenac) according to the plat on file and of record in the Office of the Recorder for Goodhue County, Minnesota; and

(6) that part of the Northeast Quarter, Section 11, being described as those parts of Lots 1 and 9 in BLOCK 65 of the town of Frontenac lying adjacent to and northerly of the southerly 50 feet of said Lots 1 and 9 according to the plat on file and of record in the Office of the Recorder for Goodhue County, Minnesota.

Subd. 2. **[85.012][Subd. 30.] Jay Cooke State Park, Carlton County.** Effective upon the commissioner of natural resources entering into an agreement with the commissioner of military affairs to transfer the property for use as a veterans cemetery, the following areas are deleted from Jay Cooke State Park:

(a) the Northeast Quarter of the Southeast Quarter lying southerly of the railroad right-of-way, Section 21, Township 48 North, Range 16 West;

(b) the Northwest Quarter of the Southwest Quarter lying southerly of the railroad right-of-way, Section 22, Township 48 North, Range 16 West; and

(c) the East 2 rods of the Southwest Quarter of the Southwest Quarter, Section 22, Township 48 North, Range 16 West.

Subd. 3. **[85.012] [Subd. 35.] Lake Carlos State Park, Douglas County.** The following area is deleted from Lake Carlos State Park: that part of Government Lot 2, being described as EHLERT'S ADDITION according to the plat on file and of record in the Office of the Recorder for Douglas County, Minnesota, Section 10, Township 129 North, Range 37 West, Douglas County.

Subd. 4. **[85.012] [Subd. 38.] Lake Shetek State Park, Murray County.** The following areas are deleted from Lake Shetek State Park:

(1) Blocks 3 and 4 of Forman Acres according to the plat on file and of record in the Office of the Recorder for Murray County;

(2) the Hudson Acres subdivision according to the plat on file and of record in the Office of the Recorder for Murray County; and

(3) that part of Government Lot 6 and that part of Government Lot 7 of Section 6, Township 107 North, Range 40 West, and that part of Government Lot 1 and that part of Government Lot 2 of Section 7, Township 107 North, Range 40 West, Murray County, Minnesota, described as follows: Commencing at the East Quarter Corner of said Section 6; thence on a bearing based on the 1983 Murray County Coordinate System (1996 Adjustment), of South 00 degrees 22 minutes 05 seconds East 1405.16 feet along the east line of said Section 6; thence North 89 degrees 07 minutes 01 second West 1942.39 feet; thence South 03 degrees 33 minutes 00 seconds West 94.92 feet to the northeast corner of Block 5 of FORMAN ACRES, according to the recorded plat thereof on file and of record in the Murray County Recorder's Office; thence South 14 degrees 34 minutes 00 seconds West 525.30 feet along the easterly line of said Block 5 and along the easterly line of the Private Roadway of FORMAN ACRES to the southeasterly corner of said Private Roadway and the POINT OF BEGINNING; thence North 82 degrees 15 minutes 00 seconds West 796.30 feet along the southerly line of said Private Roadway to an angle point on said line and an existing ½ inch diameter rebar; thence South 64 degrees 28 minutes 26 seconds West 100.06 feet along the southerly line of said Private Roadway to an angle point on said line and an existing ½ inch diameter rebar; thence South 33 degrees 01 minute 32 seconds West 279.60 feet along the southerly line of said Private Roadway to an angle point on said line; thence South 76 degrees 04 minutes 52 seconds West 766.53 feet along the southerly line of said Private Roadway to a ¾ inch diameter rebar with a plastic cap stamped "MN DNR LS 17003" (DNR MON); thence South 16 degrees 24 minutes 50 seconds West 470.40 feet to a DNR MON; thence South 24 degrees 09 minutes 57 seconds West 262.69 feet to a DNR MON; thence South 08 degrees 07 minutes 09 seconds West 332.26 feet to a DNR MON; thence North 51 degrees 40 minutes 02 seconds West 341.79 feet to the east line of Lot A of Lot 1 of LOT A OF GOV. LOT 8, OF SEC. 6 AND LOT A OF GOV. LOT 1, OF SEC 7 TP. 107 RANGE 40, according to the recorded plat thereof on file and of record in the Murray County Recorder's Office and a DNR MON; thence South 14 degrees 28 minutes 55 seconds West 71.98 feet along the east line of said Lot A to the northerly most corner of Lot 36 of HUDSON ACRES, according to the recorded plat thereof on file and of record in the Murray County Recorder's Office and an existing steel fence post; thence South 51 degrees 37 minutes 05 seconds East 418.97 feet along the northeasterly line of said Lot 36 and along the northeasterly line of Lots 35,34,33,32 of HUDSON ACRES to an existing 1 inch inside diameter iron pipe marking the easterly most corner of Lot 32 and the most northerly corner of Lot 31A of HUDSONS ACRES; thence South 48 degrees 33 minutes 10 seconds East 298.26 feet along the northeasterly line of said Lot 31A to an existing 1½ inch inside diameter iron pipe marking the easterly most corner thereof and the most northerly corner of Lot 31 of HUDSONS ACRES;

thence South 33 degrees 53 minutes 30 seconds East 224.96 feet along the northeasterly line of said Lot 31 and along the northeasterly line of Lots 30 and 29 of HUDSON ACRES to an existing 1½ inch inside diameter iron pipe marking the easterly most corner of said Lot 29 and the most northerly corner of Lot 28 of HUDSONS ACRES; thence South 45 degrees 23 minutes 54 seconds East 375.07 feet along the northeasterly line of said Lot 28 and along the northeasterly line of Lots 27,26,25,24 of HUDSON ACRES to an existing 1½ inch inside diameter iron pipe marking the easterly most corner of said Lot 24 and the most northerly corner of Lot 23 of HUDSON ACRES; thence South 64 degrees 39 minutes 53 seconds East 226.80 feet along the northeasterly line of said Lot 23 and along the northeasterly line of Lots 22 and 21 of HUDSON ACRES to an existing 1½ inch inside diameter iron pipe marking the easterly most corner of said Lot 21 and the most northerly corner of Lot 20 of HUDSON ACRES; thence South 39 degrees 49 minutes 49 seconds East 524.75 feet along the northeasterly line of said Lot 20 and along the northeasterly line of Lots 19,18,17,16,15,14 of HUDSON ACRES to an existing 1½ inch inside diameter iron pipe marking the easterly most corner of said Lot 14 and the most northerly corner of Lot 13 of HUDSON ACRES; thence South 55 degrees 31 minutes 43 seconds East 225.11 feet along the northeasterly line of said Lot 13 and along the northeasterly line of Lots 12 and 11 of HUDSON ACRES to an existing 1½ inch inside diameter iron pipe marking the easterly most corner of said Lot 11 and the northwest corner of Lot 10 of HUDSON ACRES; thence South 88 degrees 03 minutes 49 seconds East 224.90 feet along the north line of said Lot 10 and along the north line of Lots 9 and 8 of HUDSON ACRES to an existing 1½ inch inside diameter iron pipe marking the northeast corner of said Lot 8 and the northwest corner of Lot 7 of HUDSON ACRES; thence North 84 degree 07 minutes 37 seconds East 525.01 feet along the north line of said Lot 7 and along the north line of Lots 6,5,4,3,2,1 of HUDSON ACRES to an existing 1½ inch inside diameter iron pipe marking the northeast corner of said Lot 1 of HUDSON ACRES; thence southeasterly, easterly and northerly along a non-tangential curve concave to the north having a radius of 50.00 feet, central angle 138 degrees 41 minutes 58 seconds, a distance of 121.04 feet, chord bears North 63 degrees 30 minutes 12 seconds East; thence continuing northwesterly and westerly along the previously described curve concave to the south having a radius of 50.00 feet, central angle 138 degrees 42 minutes 00 seconds, a distance of 121.04 feet, chord bears North 75 degrees 11 minutes 47 seconds West and a DNR MON; thence South 84 degrees 09 minutes 13 seconds West not tangent to said curve 520.52 feet to a DNR MON; thence North 88 degrees 07 minutes 40 seconds West 201.13 feet to a DNR MON; thence North 55 degrees 32 minutes 12 seconds West 196.66 feet to a DNR MON; thence North 39 degrees 49 minutes 59 seconds West 530.34 feet to a DNR MON; thence North 64 degrees 41 minutes 41 seconds West 230.01 feet to a DNR MON; thence North 45 degrees 23 minutes 00 seconds West 357.33 feet to a DNR MON; thence North 33 degrees 53 minutes 32 seconds West 226.66 feet to a DNR MON; thence North 48 degrees 30 minutes 31 seconds West 341.45 feet to a DNR MON; thence North 08 degrees 07 minutes 09 seconds East 359.28 feet to a DNR MON; thence North 24 degrees 09 minutes 58 seconds East 257.86 feet to a DNR MON; thence North 16 degrees 24 minutes 50 seconds East 483.36 feet to a DNR MON; thence North 76 degrees 04 minutes 53 seconds East 715.53 feet to a DNR MON; thence North 33 degrees 01 minute 32 seconds East 282.54 feet to a DNR MON; thence North 64 degrees 28 minutes 25 seconds East 84.97 feet to a DNR MON; thence South 82 degrees 15 minutes 00 seconds East 788.53 feet to a DNR MON; thence North 07 degrees 45 minutes 07 seconds East 26.00 feet to the point of beginning; containing 7.55 acres.

Subd. 5. [85.012] [Subd. 44a.] Moose Lake State Park, Carlton County. The following areas are deleted from Moose Lake State Park, all in Township 46 North, Range 19 West, Carlton County:

(1) Parcel A: the West 660.00 feet of the Southwest Quarter of the Northeast Quarter of Section 28;

(2) Parcel B: the West 660.00 feet of the Northwest Quarter of the Southeast Quarter of Section 28 lying northerly of a line 75.00 feet northerly of and parallel with the centerline of State Trunk Highway 73, and subject to a taking for highway purposes of a 100.00-foot wide strip for access and also subject to highway and road easements;

(3) Parcel C: the West 660.00 feet of the Southwest Quarter of the Southeast Quarter of Section 28 lying northerly of a line 75.00 feet northerly of and parallel with the centerline of State Trunk Highway 73, and subject to taking for highway purposes of a road access under S.P. 0919 (311-311) 901 from State Trunk Highway 73 to old County Road 21, said access being 100.00 feet in width with triangular strips of land adjoining it at the northerly line of State Trunk Highway 73, and subject to highway and road easements;

(4) Parcel G: that part of Government Lot 1 of Section 28, which lies northerly of the westerly extension of the northerly line of the Southwest Quarter of the Northeast Quarter of said Section 28, and southerly of the westerly extension of the northerly line of the South 660.00 feet of the Northwest Quarter of the Northeast Quarter of said Section 28;

(5) Parcel H: the South 660.00 feet of the Northwest Quarter of the Northeast Quarter of Section 28;

(6) Parcel I: the Southwest Quarter of the Northeast Quarter of Section 28, except the West 660.00 feet of said Southwest Quarter; and

(7) Parcel J: that part of the North One-Half of the Southeast Quarter of Section 28, described as follows: Commencing at the northwest corner of said North One-Half of the Southeast Quarter; thence South 89 degrees 57 minutes 36 seconds East along the north line of said North One-Half of the Southeast Quarter a distance of 660.01 feet to the east line of the West 660.00 feet of said North One-Half of the Southeast Quarter and the actual point of beginning; thence continue South 89 degrees 57 minutes 36 seconds East along the north line of said North One-Half of the Southeast Quarter a distance of 657.40 feet to the southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 28; thence South 00 degrees 19 minutes 17 seconds West, parallel to the west line of said North One-Half of the Southeast Quarter a distance of 715.12 feet to the westerly right-of-way of US Interstate Highway 35; thence along said westerly right-of-way of US Interstate Highway 35 a distance of 457.86 feet on a nontangential curve, concave to the southeast, having a radius of 1,054.93 feet, a central angle of 24 degrees 52 minutes 03 seconds, and a chord bearing of South 39 degrees 00 minutes 37 seconds West; thence South 46 degrees 44 minutes 11 seconds West along said westerly right-of-way of US Interstate Highway 35 a distance of 295.30 feet to the northerly right-of-way of Minnesota Trunk Highway 73; thence 163.55 feet along said northerly right-of-way of Minnesota Trunk Highway 73 on a nontangential curve, concave to the south, having a radius of 1,984.88 feet, a central angle of 4 degrees 43 minutes 16 seconds, and a chord bearing of South 77 degrees 39 minutes 40 seconds West to the east line of the West 660.00 feet of said North One-Half of the Southeast Quarter; thence North 00 degrees 19 minutes 17 seconds East a distance of 1,305.90 feet, more or less, to the point of beginning and there terminating.

Sec. 11. **ADDITIONS TO STATE RECREATION AREAS.**

[85.013] [Subd. 11a.] Garden Island State Recreation Area, Lake of the Woods County. The following areas are added to Garden Island State Recreation Area, Lake of the Woods County:

(1) Bureau of Land Management Island County Control Number 013 (aka Bridges Island) within Lake of the Woods and located in Section 9, Township 165 North, Range 32 West;

(2) Bureau of Land Management Island County Control Number 014 (aka Knight Island) within Lake of the Woods and located in Section 22, Township 165 North, Range 32 West; and

(3) Bureau of Land Management Island County Control Number 015 (aka Babe Island) within Lake of the Woods and located in Section 17, Township 166 North, Range 32 West.

Sec. 12. **ADDITIONS TO BIRCH LAKES STATE FOREST.**

[89.021] [Subd. 7.] Birch Lakes State Forest. The following area is added to Birch Lakes State Forest: the East Half of the Northeast Quarter, Section 35, Township 127 North, Range 33 West, Stearns County.

Sec. 13. PUBLIC OR PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND BORDERING PUBLIC WATER; AITKIN COUNTY.

(a) Notwithstanding Minnesota Statutes, section 92.45, and the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, the commissioner of natural resources may sell by public or private sale the consolidated conservation land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The consideration for the conveyance must be for no less than the survey costs and appraised value of the land and timber. Proceeds shall be disposed of according to Minnesota Statutes, chapter 84A.

(c) The land that may be sold is located in Aitkin County and is described as: the East 132 feet of the West 396 feet, less the North 40 feet of Government Lot 8, Section 19, Township 50 North, Range 23 West, containing 3.74 acres, more or less.

(d) The land borders Aitkin Lake with privately owned land to the east and west. The land has been subject to continued trespasses by adjacent landowners. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 14. PUBLIC OR PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND; AITKIN COUNTY.

(a) Notwithstanding the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, Aitkin County may sell by public or private sale the consolidated conservation lands that are described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The consideration for the conveyance must be for no less than the survey costs and appraised value of the land and timber. Proceeds shall be disposed of according to Minnesota Statutes, chapter 84A.

(c) The lands that may be sold are located in Aitkin County and are described as:

(1) that part of the Northwest Quarter of the Southeast Quarter, Section 31, Township 49 North, Range 22 West, lying east of County State-Aid Highway 6, containing 3 acres, more or less;

(2) that part of Government Lot 11, Section 3, Township 47 North, Range 26 West, lying north of County Road 54, containing 2 acres, more or less;

(3) that part of Government Lot 1, Section 19, Township 51 North, Range 25 West, lying southwest of the ditch, containing 20 acres, more or less;

(4) that part of the Southwest Quarter of the Southwest Quarter, Section 13, Township 51 North, Range 26 West, lying south of the ditch, containing 12 acres, more or less; and

(5) that part of the South Half of the Southeast Quarter, Section 13, Township 51 North, Range 26 West, lying south of the ditch, containing 40 acres, more or less.

(d) The lands are separated from management units by roads or ditches. The Department of Natural Resources has determined that the lands are not needed for natural resource purposes.

Sec. 15. **PRIVATE SALE OF SURPLUS STATE LAND; BELTRAMI COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, and upon completion of condemnation of the school trust land interest, the commissioner of natural resources may sell by private sale to Cormant Township 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 make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell to Cormant Township for less than the value of the land as determined by the commissioner, but the conveyance must provide that the land described in paragraph (c) be used for the public and reverts to the state if Cormant Township fails to provide for public use or abandons the public use of the land.

(c) The land that may be sold is located in Beltrami County and is described as: that part of the Northeast Quarter of the Southeast Quarter, Section 15, Township 151 North, Range 31 West, Beltrami County, Minnesota, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter; thence West along the north line of said Northeast Quarter of the Southeast Quarter to the northwest corner of said Northeast Quarter of the Southeast Quarter and the POINT OF BEGINNING of the property to be described; thence East a distance of 76 feet, along said north line; thence South a distance of 235 feet; thence West a distance of 76 feet to the west line of said Northeast Quarter of the Southeast Quarter; thence North a distance of 235 feet along said west line to the point of beginning. Containing 0.41 acre, more or less.

(d) Cormant Cemetery has inadvertently trespassed upon the land. The Department of Natural Resources has determined that the state's land management interests would best be served if the land was conveyed to Cormant Township and managed as part of the cemetery. Since the land is currently school trust land, the Department of Natural Resources shall first condemn the school trust interest prior to conveyance to Cormant Township.

Sec. 16. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; BELTRAMI COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Beltrami County may sell by private sale 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Beltrami County and is described as: the easterly 350 feet of the following described parcel: Northland Addition to Bemidji Lots E, G, H, I, J, Section 8, Township 146 North, Range 33 West, and all that part of Unplatted Lot 1, Section 17, Township 146 North, Range 33 West and the Minneapolis, Red Lake, and Manitoba Railway right-of-way lying West of Park Avenue and within Lot 1 except that part of the MRL&M RY R/W lying north of the north boundary line of Lot E, Northland Addition to Bemidji.

(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. **PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; CARLTON COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Carlton 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Carlton County and is described as: the SE¼ of the SE¼ of Section 31, Township 47 North, Range 17 West, Blackhoof Township.

(d) The Carlton County Board of Commissioners has classified the parcel as nonconservation and has determined that the county's land management interests would best be served if the parcel was returned to private ownership.

Sec. 18. **EXCHANGE OF STATE LAND WITHIN CARVER HIGHLANDS WILDLIFE MANAGEMENT AREA; CARVER COUNTY.**

(a) The commissioner of natural resources may, with the approval of the Land Exchange Board as required under the Minnesota Constitution, article XI, section 10, and according to the provisions of Minnesota Statutes, sections 94.343 to 94.347, exchange the lands described in paragraph (b).

(b) The lands to be exchanged are located in Carver County and are described as:

(1) that part of the South Half of the Northwest Quarter and that part of the Northwest Quarter of the Southwest Quarter lying northwesterly of the following described line: Beginning on the north line of the South Half of the Northwest Quarter, 1,815 feet East of the northwest corner thereof; thence southwesterly 3,200 feet, more or less, to the southwest corner of the Northwest Quarter of the Southwest Quarter and there terminating, all in Section 30, Township 115 North, Range 23 West;

(2) the Southeast Quarter of the Northeast Quarter, the West Half of the Southeast Quarter of the Southeast Quarter, and that part of the North Half of the Southeast Quarter lying easterly of County State-Aid Highway 45, all in Section 25, Township 115 North, Range 24 West;

(3) the Northwest Quarter of the Northeast Quarter of the Northeast Quarter and the North Half of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter, all in Section 36, Township 115 North, Range 24 West; and

(4) the Northwest Quarter of the Northwest Quarter, Section 6, Township 114 North, Range 23 West.

(c) The lands were acquired in part with bonding appropriations. The exchange with the United States Fish and Wildlife Service will consolidate land holdings, facilitate management of the lands, and provide additional wildlife habitat acres to the state.

Sec. 19. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CHIPPEWA COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Chippewa County may convey to Chippewa County for no consideration the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the county fails to provide for the public use described in paragraph (d) or abandons the public use 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 conveyed is located in Chippewa County and is described as follows:

(1) Tract 1: a tract in Government Lot 2 described as: beginning at the southeast corner of Lot 6, Block 1, Original Plat Wegdahl; thence West 50 feet South, 50 Feet West on a line 50 feet South of the south line of Block 1 to the river; thence southeasterly along the river to a point 165 feet South of the south line of Block 1; thence East on a line parallel with the south line of Block 1, to the intersection with the continuation of the east line of Lot 6, Block 1; thence North 165 feet to the point of beginning, Section 3, Township 116, Range 40;

(2) Tract 2: a 50 foot strip adjacent to Block 1, Original Plat Wegdahl on South from Lot 3 to river, in Section 3, Township 116, Range 40; and

(3) Tract 3: Lot 1, Block 2, Aadlands Subdivision.

(d) The county will use the land to establish a public park.

Sec. 20. PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CLEARWATER COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Clearwater 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Clearwater County and is described as: Parcel 11.300.0020.

(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. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER OR WETLANDS; DAKOTA COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Dakota County may convey to Dakota County for no consideration the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if Dakota County stops using the land for the public purpose described in paragraph (d). The conveyance is subject to restrictions imposed by the commissioner of natural resources. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be conveyed is located in Dakota County and is described as:

That part of Government Lots 7 and 8, Section 26, Township 28, Range 22, lying southeasterly of Lot 2, AUDITORS SUBDIVISION NO. 23, according to the recorded plat thereof, and lying easterly of the railroad right-of-way and lying northwesterly of the following described line:

Commencing at the southwest corner of said Government Lot 7; thence North, assumed bearing, along the west line of said Government Lot 7, a distance of 178.00 feet; thence northeasterly along a nontangential curve concave to the southeast a distance of 290.00 feet, said curve having a radius of 764.50 feet, a central angle of 21 degrees 43 minutes 57 seconds, a chord of 288.24 feet and a chord bearing of North 24 degrees 29 minutes 20 seconds East; thence continuing northeasterly along a tangent curve concave to the southeast a distance of 350.00 feet, said curve having a radius of 708.80 feet, a central angle of 28 degrees 17 minutes 32 seconds, a chord of 346.46 feet and a chord bearing of North 49 degrees 30 minutes 04 seconds East; thence North 63 degrees 38 minutes 50 seconds East tangent to the last described curve a distance of 578.10 feet, to a point hereinafter referred to as Point B; thence continuing North 63 degrees 38 minutes 50 seconds East a distance of 278.68 feet, more or less, to the westerly right-of-way line of the Chicago, Rock Island and Pacific Railroad, said point being the point of beginning of the line to be described; thence North 63 degrees 38 minutes 50 seconds East a distance of 225.00 feet, more or less, to the shoreline of the Mississippi River and there terminating. (Dakota County tax identification number 36-02600-016-32).

(d) The county has determined that the land is needed as a trail corridor for the Mississippi River Regional Trail.

Sec. 22. **PRIVATE SALE OF SURPLUS STATE LAND; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale to the city of Wayzata 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 make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell to the city of Wayzata, for less than the value of the land as determined by the commissioner, but the conveyance must provide that the land described in paragraph (c) be used for the public and reverts to the state if the city of Wayzata fails to provide for public use or abandons the public use of the land.

(c) The land that may be sold is located in Hennepin County and is described as: Tract F, Registered Land Survey No. 1168.

(d) The Department of Natural Resources has determined that the state's land management interests would best be served if the land was conveyed to the city of Wayzata.

Sec. 23. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ITASCA COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Itasca County may sell to Itasca County the tax-forfeited land bordering public water that is described in paragraph (c), for the appraised value of the land.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is in Itasca County and is described as: the North 1,100 feet of Government Lot 1, Section 26, Township 56 North, Range 26 West.

(d) The county has determined that the county's land management interests would be best served if the land was under the direct ownership of Itasca County.

Sec. 24. PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; MARSHALL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Marshall 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Marshall County and is described as: that part of the westerly ten acres of the North Half of the Northeast Quarter lying southerly of the following described line: Commencing at the quarter section corner between Sections 2 and 11; thence South along the quarter section line a distance of 1,080 feet to the northern edge of County Ditch #25, the point of beginning; thence upstream along said ditch North 40 degrees East 95 feet; thence South 41 degrees East 500 feet to the intersection with State Ditch #83; thence along said state ditch North 52 degrees 50 minutes East 196 feet; thence East 2,092 feet to the section line between Sections 11 and 12.

(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. 25. EXCHANGE OF STATE LAND WITHIN LAKE LOUISE STATE PARK; MOWER COUNTY.

(a) Notwithstanding Minnesota Statutes, section 94.342, subdivision 4, the commissioner of natural resources may, with the approval of the Land Exchange Board as required under the Minnesota Constitution, article XI, section 10, and according to the remaining provisions of Minnesota Statutes, sections 94.342 to 94.347, exchange the land located within state park boundaries that is described in paragraph (c).

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

(c) The state land that may be exchanged is located in Mower County and is described as: that part of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 20, Township 101 North, Range 14 West, Mower County, Minnesota, described as follows: Beginning at a point on the south line of said Section 20 a distance of 1,039.50 feet (63 rods) East of the south quarter corner of said Section 20; thence North at right angles to said south line 462.00 feet (28 rods); thence West parallel to said south line 380.6 feet, more or less, to the west line of said Southeast Quarter of the Southwest Quarter of the Southeast Quarter; thence South along said west line 462 feet, more or less, to the south line of said Section 20; thence East along said south line 380.6 feet, more or less, to the point of beginning, containing 4.03 acres.

(d) The exchange would resolve an unintentional trespass by the Department of Natural Resources of a horse trail that is primarily located within Lake Louise State Park and provide for increased access to the state park.

Sec. 26. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail County may sell by private sale 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 19, Township 133, Range 42, River's Bend Reserve, Lot B.

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 27. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail County may sell by private sale 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 24, Township 136, Range 41, Crystal Beach, Lot 56, Block 1.

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 28. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail County may sell by private sale 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 9, Township 133, Range 43, South 212 feet of Sub Lot 6 and South 212 feet of Sub Lot 7, except tract and except platted (1.19) acres.

(d) The Department of Natural Resources has no objection to the sale of this land.

Sec. 29. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail County may sell by private sale 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 10, Township 134, Range 42, Heilberger Lake Estates, Reserve Lot A.

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 30. PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Otter Tail 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 31, Township 137, Range 39, Government Lot 5 (37.20 acres).

(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. 31. PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Otter Tail 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 29, Township 137, Range 40, Freedom Flyer Estates, Lot 26, Block 1.

(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. 32. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail County may sell by private sale 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Quiet Waters Development Outlot A.

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 33. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail County may sell by private sale 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 9, Township 136, Range 38, part of Government Lot 4 North and East of highway (Book 307, Page 31).

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 34. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail County may sell by private sale 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 9, Township 136, Range 38, Elm Rest, part of Lots 3, 4, 5, and 6 and of Reserve A lying North of road (Book 307, Page 31).

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 35. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail County may sell by private sale 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 27, Township 135, Range 39, Government Lot 7 (9.50 acres).

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 36. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail County may sell by private sale 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 9, Township 135, Range 41, Government Lot 2, except tracts (7.77 acres).

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 37. PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Otter Tail 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

38609 County Highway 41, Section 9, Township 135, Range 41, part of Government Lot 2 beginning 275 feet West, 1,021.36 feet southwesterly, 1,179 feet southeasterly, 132 feet South from northeast corner Section 9; East 33 feet, southerly 314 feet, West 33 feet, northerly on lake East 110 feet to beginning.

Sec. 38. PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Otter Tail 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 27, Township 132, Range 41, Stalker View Acres, Lot 6, Block 1.

Sec. 39. PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Otter Tail 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 33, Township 135, Range 36, North Half of Sub Lot 5 of the Southwest Quarter (7.07 acres).

(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. 40. PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Otter Tail 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Otter Tail County and is described as:

Section 33, Township 135, Range 36, South Half of Sub Lot 5 of the Southwest Quarter (7.06 acres).

(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. 41. **CONVEYANCE OF SURPLUS STATE LAND; RICE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 16B.281 to 16B.287, the commissioner of administration may convey to Rice County 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 and provide that the land revert to the state if Rice County stops using the land for the public purpose described in paragraph (d). The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Rice County and is described as:

(1) that part of Section 5, Township 109 North, Range 20 West, Rice County, Minnesota, described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 5; thence southerly on a Minnesota State Plane Grid Azimuth from North of 180 degrees 23 minutes 50 seconds along the west line of said Northwest Quarter 348.30 feet to the point of beginning of the parcel to be described; thence easterly on an azimuth of 93 degrees 18 minutes 54 seconds 279.20 feet; thence southerly on an azimuth of 183 degrees 10 minutes 40 seconds 144.38 feet; thence southeasterly on an azimuth of 148 degrees 00 minutes 00 seconds 110.00 feet; thence northeasterly on an azimuth of 58 degrees 00 minutes 00 seconds 119.90 feet; thence southeasterly on an azimuth of 148 degrees 00 minutes 00 seconds 133.00 feet; thence southwesterly on an azimuth of 238 degrees 00 minutes 00 seconds 199.38 feet; thence westerly on an azimuth of 268 degrees 00 minutes 00 seconds 180.72 feet; thence northerly on an azimuth of 358 degrees 00 minutes 00 seconds 55.36 feet; thence westerly on an azimuth of 268 degrees 00 minutes 00 seconds 152.18 feet; thence northerly on an azimuth of 00 degrees 23 minutes 50 seconds 364.80 feet to the point of beginning; and

(2) that part of Section 5, Township 109 North, Range 20 West, Rice County, Minnesota, described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 5; thence southerly on a Minnesota State Plane Grid Azimuth from North of 180 degrees 23 minutes 50 seconds along the west line of said Northwest Quarter 348.30 feet; thence easterly on an azimuth of 93 degrees 18 minutes 54 seconds 279.20 feet to the point of beginning of the parcel to be described; thence continuing easterly on an azimuth of 93 degrees 18 minutes 54 seconds 45.00 feet; thence southeasterly on an azimuth of 148 degrees 00 minutes 00 seconds 202.00 feet; thence southwesterly on an azimuth of 238 degrees 00 minutes 00 seconds 119.90 feet; thence northwesterly on an azimuth of 328 degrees 00 minutes 00 seconds 110.00 feet; thence northerly on an azimuth of 3 degrees 10 minutes 40 seconds 144.38 feet to the point of beginning.

(d) The commissioner has determined that the land is no longer needed for any state purpose and that the state's land management interests would best be served if the land was conveyed to and used by Rice County for a jail.

Sec. 42. **PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND; ROSEAU COUNTY.**

(a) Notwithstanding the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, the commissioner of natural resources may sell by private sale the consolidated conservation land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The consideration for the conveyance must be for no less than the survey costs and the appraised value of the land and timber. Proceeds shall be disposed of according to Minnesota Statutes, chapter 84A.

(c) The land that may be sold is located in Roseau County and is described as: the North 75 feet of the East 290.4 feet of the West 489.85 feet of the East 1,321.15 feet of the Northeast Quarter, Section 35, Township 160 North, Range 38 West, containing 0.5 acres, more or less.

(d) The land would be sold to the current leaseholder who through an inadvertent trespass located a cabin, septic system, and personal property on the state land. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 43. **PRIVATE SALE OF SURPLUS STATE LAND; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale to St. Louis County 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 make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell to St. Louis County for less than the value of the land as determined by the commissioner, but the conveyance must provide that the land described in paragraph (c) be used for the public and reverts to the state if St. Louis County fails to provide for public use or abandons the public use of the land.

(c) The land that may be sold is located in St. Louis County and is described as: an undivided 1/12 interest in Government Lot 6, Section 6, Township 62 North, Range 13 West, containing 35.75 acres, more or less.

(d) The land was gifted to the state. The remaining 11/12 undivided interest in the land is owned by the state in trust for the taxing districts and administered by St. Louis County. The Department of Natural Resources has determined that the state's land management interests would best be served if the land was conveyed to St. Louis County.

Sec. 44. **CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; 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 or convey to the state acting by and through its commissioner of natural resources, the tax-forfeited land bordering public water that is described in paragraph (c), under the provisions of Minnesota Statutes, section 282.01, subdivision 1a.

(b) The conveyance must be in a form approved by the attorney general. 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 St. Louis County and is described as: Lot 7, Klimek's Addition to Grand Lake, according to the plat thereof on file and of record in the Office of the County Recorder, St. Louis County.

(d) The county has determined that the land is not needed for county management purposes and the Department of Natural Resources would like to acquire the land for use as a public water access site to Little Grand Lake.

Sec. 45. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; 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 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. The attorney general may make changes to the land description to correct errors and ensure accuracy. Prior to the sales, the commissioner of revenue shall grant permanent conservation easements according to Minnesota Statutes, section 282.37, to provide riparian protection and public access to shore fishing. The easements for land described in paragraph (c), clauses (1) to (3), shall be 450 feet in width from the centerline of the river. The easements for land described in paragraph (c), clauses (4) and (5), shall be 300 feet in width from the centerline of the river. The easements must be approved by the St. Louis County Board and the commissioner of natural resources.

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

(1) Lot 5 except railroad right-of-way 3.15 acres, Section 2, T50N, R18W (23.35 acres) (535-0010-00210);

(2) Lot 7 except railroad right-of-way 3.9 acres, Section 2, T50N, R18W (30.1 acres) (535-0010-00300);

(3) Lot 5 except railroad right-of-way 3 acres, Section 12, T50N, R18W (36 acres) (535-0010-01910);

(4) Lot 2 except railroad right-of-way, Section 35, T51N, R18W (22.5 acres) (310-0010-05650); and

(5) Lot 1 except GN railroad right-of-way, Section 35, T51N, R18W (34 acres) (110-0040-00160).

(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. 46. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) Prior to the sales of the land described in paragraph (d), clauses (1), (2), and (10) to (12), the commissioner of revenue shall grant permanent conservation easements according to Minnesota Statutes, section 282.37, to provide riparian protection and public access for angling. The easements must be approved by the St. Louis County Board and the commissioner of natural resources. The easements shall be for lands described in paragraph (d):

(1) clause (1), 75 feet in width on each side of the centerline of the creek;

(2) clause (2), 200 feet in width on each side of the centerline of the river;

(3) clause (10), 100 feet in width on each side of the centerline of the river; and

(4) clauses (11) and (12), 50 feet in width on each side of the centerline of the stream.

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

(1) N 1/2 of NW 1/4 of NE 1/4 of SE 1/4, Section 22, T51N, R14W (5 acres) (520-0016-00590);

(2) SW 1/4 of SW 1/4, Section 8, T50N, R16W (40 acres) (530-0010-01510);

(3) undivided 1/6 and undivided 1/2 of Lot 9, Thompson Lake Addition, Section 12, T53N, R14W (375-0120-00091, 375-0120-00094);

(4) SLY 200 FT OF NLY 1,220 FT OF LOT 4, Section 20, T54N, R18W (9.5 acres) (405-0010-03394);

(5) PART OF SW 1/4 OF SE 1/4 LYING N OF SLY 433 FT, Section 36, T57N, R21W (25 acres) (141-0050-07345);

(6) PART OF SE 1/4 OF SW 1/4 LYING W OF DW & P RY AND N OF PLAT OF HALEY, Section 23, T63N, R19W (11 acres) (350-0020-03730);

(7) SE 1/4 of NW 1/4, Section 26, T58N, R19W (40 acres) (385-0010-02610);

(8) NE 1/4 of SW 1/4, Section 20, T59N, R20W (40 acres) (235-0030-03110);

(9) LOT 4, Section 2, T61N, R19W (40 acres) (200-0010-00230);

(10) SW 1/4 of SE 1/4, Section 19, T50N, R16W (40 acres) (530-0010-03570);

(11) LOTS 15, 16, 17, 18, 19, BLOCK 1, COLMANS 4th ACRE TRACT ADDITION TO DULUTH, Section 33, T51N, R14W (520-0090-00150, -00160, -00180); and

(12) BLOCKS 17, 18, and 20, PLAT OF VERMILION TRAIL LODGE, Section 13, T62N, R14W.

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

Sec. 47. **PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

(a) Notwithstanding 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

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

Lots 20 and 21, Plat of Twin Lakes, Government Lot 3, Section 32, T60N, R19W (1.1 acres) (385-0070-00200).

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

Sec. 48. **CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; 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 convey to the state for no consideration the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be according to Minnesota Statutes, section 282.01, subdivision 2, and in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

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

(1) lands in the city of Duluth, Section 23, Township 49 North, Range 15 West, that part of Government Lot 2 lying southeasterly of the southeasterly right-of-way of the St. Paul and Duluth and Northern Pacific Railway including riparian rights.

EXCEPT: that part of Government Lot 2 beginning at the intersection of the south line of Lot 2 and the southeasterly right-of-way of the St. Paul and Duluth and Northern Pacific Railway; thence easterly along the south line of said Lot 2 a distance of 150 feet to a point; thence deflect to the left and continue in a straight line to a point on the southeasterly line of said railway right-of-way said point distant 150 feet northeast of the point of beginning; thence deflect to the left and continue southwesterly along the southeasterly line of said railway right-of-way a distance of 150 feet to point of beginning and there terminating.

EXCEPT FURTHER: that part of Government Lot 2 commencing at the point of intersection of the south line of Lot 2 and the southeasterly right-of-way of the St. Paul and Duluth and Northern Pacific Railway; thence northeasterly along the southeasterly line of said railway right-of-way a distance of 1,064 feet to point of beginning; thence deflect 44 degrees, 12 minutes, 27 seconds to the right a distance of 105.44 feet to a point; thence deflect 85 degrees, 16 minutes, 07 seconds to the left a distance of 111.92 feet more or less to a point on the southeasterly line of said railway right-of-way; thence deflect to the left and continue northwesterly along the southeasterly line of said railway right-of-way a distance of 160 feet more or less to point of beginning and there terminating (010-2746-00290); and

(2) lands in the city of Duluth, Section 23, Township 49 North, Range 15 West, that part of Government Lot 1, including riparian rights, lying southerly of the Northern Pacific Short Line right-of-way except 5 18/100 acres for Northern Pacific Main Line and except a strip of land 75 feet wide and adjoining the Northern Pacific Main Line right-of-way and formerly used as right-of-way by Duluth Transfer Railway 2 67/100 acres, also except that part lying North of Grand Avenue 72/100 acres and except a strip of land adjacent to the Old Transfer Railway right-of-way containing 2 13/100 acres. Revised Description #40, Recorder of Deeds, Book 686, Page 440.

EXCEPT: that part of Government Lot 1 lying southerly of the Northern Pacific Short Line right-of-way and northerly of the Old Transfer Railway right-of-way.

EXCEPT FURTHER: that part of Government Lot 1 lying southerly of the Northern Pacific Main Line right-of-way and lying northerly of a line parallel to and lying 305 feet southerly of the north line of said Government Lot 1 (010-2746-00245).

Sec. 49. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, St. Louis 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. The attorney general may make changes to the land description to correct errors and ensure accuracy. The conveyance must include a deed restriction that prohibits excavating, filling, dumping, tree cutting, burning, structures, and buildings within an area that is 75 feet in width along the shoreline. A 15-foot strip for landowner lake access is allowed.

(c) The land to be sold is located in St. Louis County and is described as: E 1/2 of W 1/2 of E 1/2 of SW 1/4 of NW 1/4, Section 27, T57N, R17W (5 acres).

(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. 50. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, St. Louis 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. The attorney general may make changes to the land description to correct errors and ensure accuracy. The conveyance must include a deed restriction on buildings, structures, tree cutting, removal of vegetation, and shoreland alterations within an area that is 75 feet in width along the river. A 15-foot strip for landowner river access is allowed.

(c) The land to be sold is located in St. Louis County and is described as: that part of Lot 8 beginning at a point 200 feet East of the center of Section 5; thence South 300 feet; thence East 300 feet; thence North 263 feet to shoreline of Ash River; thence northwesterly along the river 325 feet; thence southerly to point of beginning, Section 5, T68N, R19W (2 acres) (731-0010-00845).

(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. 51. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) Prior to the sales of the land described in paragraph (d), clauses (1) to (4), the commissioner of revenue shall grant permanent conservation easements according to Minnesota Statutes, section 282.37. The easements must be approved by the St. Louis County Board and the commissioner of natural resources. The easements shall be for lands described in paragraph (d):

(1) clause (1), 100 feet in width on each side of the centerline of the river. A 15-foot strip for landowner river access is allowed;

(2) clause (2), 125 feet in width on each side of the centerline of the river. A 15-foot strip for landowner river access is allowed;

(3) clause (3), 100 feet in width on each side of the centerline of the tributary; and

(4) clause (4), for access purposes.

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

(1) SW 1/4 of SW 1/4 except W 1/2, Section 14, T62N, R18W (20 acres);

(2) S 1/2 of SW 1/4 of SW 1/4, Section 16, T62N, R18W (20 acres);

(3) SW 1/4 of SE 1/4 except 5 acres at NW corner and except S 1/2 and except E 1/2 of NE 1/4, Section 10, T52N, R12W (10 acres);

(4) NW 1/4 of SE 1/4 except that part of the NE 1/4 lying N of the East Van Road and except S 1/2 of N 1/2 of S 1/2 and except S 1/2 of S 1/2, Section 5, T52N, R14W (18.3 acres);

(5) westerly 416 feet of SW 1/4 of SW 1/4 except westerly 208 feet of southerly 624 feet, Section 21, T56N, R18W (9.63 acres);

(6) Lot 3, Section 1, T55N, R21W (46.18 acres);

(7) SW 1/4 of NE 1/4, Section 18, T52N, R15W (40 acres); and

(8) Lots 23, 73, 95, 118, 119 of NE-NA MIK-KA-TA plat, town of Breitung, located in Government Lots 1 and 12 of Section 6, T62N, R15W.

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

Sec. 52. **PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, St. Louis 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 conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

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

(1) that part of the South 200 feet of the West 900 feet of Government Lot 4 lying east of State Highway 73, and that part of the North 300 feet of the West 900 feet of Government Lot 5 lying east of State Highway 73, all in Section 6, Township 52 North, Range 20 West;

(2) that part of the Southeast Quarter of the Northeast Quarter lying north of County Road 115 in Section 15, Township 62 North, Range 17 West; and

(3) that part of the Southwest Quarter of the Northeast Quarter of Section 26, Township 63 North, Range 12 West, lying west of the west right-of-way boundary of County Highway 88; EXCEPTING therefrom the following described tract of land: That part of the Southwest Quarter of the Northeast Quarter of Section 26, Township 63 North, Range 12 West, described as follows: Begin at a point located at the intersection of the north and south quarter line of said section and the north boundary line of the right-of-way of County Highway 88, said point being 494.44 feet North of the center of said section; thence North on said north and south quarter line a distance of 216.23 feet; thence at an angle of 90 degrees 0 minutes to the right a distance of 253.073 feet; thence at an angle of 90 degrees 0 minutes to the right a distance of 472.266 feet to a point on the north boundary line of the right-of-way of said County Highway 88; thence in a northwesterly direction along the north boundary line of the right-of-way of said County Highway 88, a distance of 360 feet to the point of beginning.

(d) The sales authorized under this section are needed for public utility substations.

Sec. 53. **PRIVATE SALE OF WILDLIFE MANAGEMENT AREA LAND; WABASHA COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09, 94.10, and 97A.135, subdivision 2a, the commissioner of natural resources shall sell by private sale the wildlife management area land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell the land to Mazeppa Township for less than the value of the land as determined by the commissioner.

(c) The land that may be sold is located in Wabasha County and is described as follows: all of the following described tract: the southerly 300 feet of the westerly 350 feet of the Northwest Quarter of the Northwest Quarter of Section 10, Township 109 North, Range 14 West; together with the southerly 300 feet of the easterly 150 feet of the Northeast Quarter of the Northeast Quarter of Section 9, Township 109 North, Range 14 West; excepting therefrom the right-of-way of existing highway; containing 3.23 acres more or less.

(d) The land is located in Mazeppa Township and is not contiguous to other state lands. The Department of Natural Resources has determined that the state's land management interests would best be served if the lands were conveyed to a local unit of government.

Sec. 54. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; WADENA COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus lands bordering public water that are described in paragraph (c).

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

(c) The lands that may be sold are located in Wadena County and are described as:

(1) Government Lot 3, Section 28, Township 135 North, Range 33 West, containing 0.01 acres, more or less;

(2) Government Lot 2, Section 34, Township 135 North, Range 33 West, containing 1.5 acres, more or less; and

(3) Government Lot 7, Section 30, Township 135 North, Range 35 West, containing 0.01 acres, more or less.

(d) The lands border the Leaf River and are not contiguous to other state lands. The Department of Natural Resources has determined that the lands are not needed for natural resource purposes.

Sec. 55. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Washington County may convey to the Comfort Lake-Forest Lake Watershed District for no consideration the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the Comfort Lake-Forest Lake Watershed District stops using the land for the public purpose described in paragraph (d). The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be conveyed is located in Washington County and is described as:

(1) Parcel A (PIN 05.032.21.12.0001): all that part of the Northwest Quarter of the Northeast Quarter, Section 5, Township 32, Range 21, Washington County, Minnesota, that lies East of Minnesota Highway 61 as relocated and South of Judicial Ditch No. 1, except the following described tracts:

Beginning at a point where the easterly right-of-way of Minnesota Highway 61 intersects the south line of the Northwest Quarter of the Northeast Quarter, Section 5, Township 32, Range 21, Washington County, Minnesota; thence East along said south line of the Northwest Quarter of the Northeast Quarter of Section 5 for 194.1 feet; thence North at right angles 435.3 feet; thence South 75 degrees 56 minutes West for 294.4 feet to said easterly right-of-way of Minnesota Highway 61; thence South 14 degrees 04 minutes East along said easterly right-of-way of Minnesota Highway 61 for 375.0 feet to the point of the beginning; and

That part of the Northwest Quarter of the Northeast Quarter, Section 5, Township 32 North, Range 21 West, Washington County, Minnesota, described as follows: commencing at the north quarter corner of Section 5; thence East along the north line of Section 5, a distance of 538.8 feet to the easterly right-of-way line of Trunk Highway 61; thence southeasterly deflection to the right 76 degrees 00 minutes 20 seconds, along said highway right-of-way line, 500.4 feet to the point of beginning; thence continuing southeasterly along said highway right-of-way line 293.7 feet to the northwest corner of the Philip F. and Maree la J. Turcott property, as described in Book 261 of Deeds on Page 69; thence northeasterly at right angles along the northerly line of said Turcott property in its northeasterly projection thereof, 318.4 feet, more or less, to the centerline of Sunrise River; thence northwesterly along said Sunrise River centerline, 358 feet, more or less, to the point of intersection with a line drawn northeasterly from the point of beginning and perpendicular to the easterly right-of-way line of Trunk Highway 61; thence southwesterly along said line, 154.3 feet, more or less, to the point of beginning; and

(2) Parcel B (PIN 05.032.21.12.0004): that part of the Northwest Quarter of the Northeast Quarter, Section 5, Township 32, Range 21, lying easterly of Highway 61 and North of Judicial Ditch No. 1.

(d) The county has determined that the land is needed by the watershed district for purposes of Minnesota Statutes, chapter 103D.

Sec. 56. **LEASE OF TAX-FORFEITED AND STATE LANDS.**

(a) Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary, St. Louis County may enter a 30-year lease of tax-forfeited land for a wind energy project.

(b) The commissioner of natural resources may enter a 30-year lease of land administered by the commissioner for a wind energy project.

Sec. 57. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

ARTICLE 2

GAME AND FISH

Section 1. Minnesota Statutes 2006, section 17.4981, is amended to read:

17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC FARMS.

(a) Aquatic farms are licensed to culture private aquatic life. Cultured aquatic life is not wildlife. Aquatic farms must be licensed and given classifications to prevent or minimize impacts on natural resources. The purpose of sections 17.4981 to 17.4997 is to:

- (1) prevent public aquatic life from entering an aquatic farm;
- (2) prevent release of nonindigenous or exotic species into public waters without approval of the commissioner;
- (3) protect against release of disease pathogens to public waters;
- (4) protect existing natural aquatic habitats and the wildlife dependent on them; and
- (5) protect private aquatic life from unauthorized taking or harvest.

(b) Private aquatic life that is legally acquired and possessed is an article of interstate commerce and may be restricted only as necessary to protect state fish and water resources.

(c) The commissioner of natural resources shall report to the legislature, in odd-numbered years, the proposed license and other fees that would make aquaculture self-sustaining. The fees shall not cover the costs of other programs. The commissioner shall encourage fish farming in man-made ponds and develop best management practices for aquaculture to ensure the long-term sustainability of the program.

Sec. 2. Minnesota Statutes 2007 Supplement, section 17.4984, subdivision 1, is amended to read:

Subdivision 1. **License required.** (a) A person or entity may not operate an aquatic farm without first obtaining an aquatic farm license from the commissioner.

(b) Applications for an aquatic farm license must be made on forms provided by the commissioner.

(c) Licenses are valid for five years and are transferable upon notification to the commissioner.

(d) The commissioner shall issue an aquatic farm license on payment of the required license fee under section 17.4988.

(e) A license issued by the commissioner is not a determination of private property rights, but is only based on a determination that the licensee does not have a significant detrimental impact on the public resource.

~~(f) By January 15, 2008, the commissioner shall report to the senate and house of representatives committees on natural resource policy and finance on policy recommendations regarding aquaculture.~~

(f) The commissioner shall not issue or renew a license to raise minnows in a natural water body if the natural water body is the subject of a protective easement or other interest in land that was acquired with funding from federal waterfowl stamp proceeds or migratory waterfowl stamp proceeds under section 97A.075, subdivision 2, or if the natural water body was the subject of any other development, restoration, maintenance, or preservation project funded under section 97A.075, subdivision 2.

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

Sec. 3. Minnesota Statutes 2006, section 84.027, subdivision 15, is amended to read:

Subd. 15. **Electronic transactions.** (a) The commissioner may receive an application for, sell, and issue any license, stamp, permit, pass, sticker, duplicate safety training certification, registration, or transfer under the jurisdiction of the commissioner by electronic means, including by telephone. Notwithstanding section 97A.472, electronic and telephone transactions may be made outside of the state. The commissioner may:

(1) provide for the electronic transfer of funds generated by electronic transactions, including by telephone;

(2) assign an identification number to an applicant who purchases a hunting or fishing license or recreational vehicle registration by electronic means, to serve as temporary authorization to engage in the activity requiring a license or registration until the license or registration is received or expires;

(3) charge and permit agents to charge a fee of individuals who make electronic transactions and transactions by telephone or Internet, including issuing fees and an additional transaction fee not to exceed \$3.50;

(4) charge and permit agents to charge a convenience fee not to exceed three percent of the cost of the license to individuals who use electronic bank cards for payment. An electronic licensing system agent charging a fee of individuals making an electronic bank card transaction in person must post a sign informing individuals of the fee. The sign must be near the point of payment, clearly visible, include the amount of the fee, and state that charging the fee is not required by state law and that it is the agent's choice to charge the fee;

(5) establish, by written order, an electronic licensing system commission to be paid by revenues generated from all sales made through the electronic licensing system. The commissioner shall establish the commission in a manner that neither significantly overrecovers nor underrecovers costs involved in providing the electronic licensing system; and

~~(5)~~ (6) adopt rules to administer the provisions of this subdivision.

(b) The fees established under paragraph (a), ~~clause clauses~~ (3) and (4), and the commission established under paragraph (a), clause ~~(4)~~ (5), are not subject to the rulemaking procedures of chapter 14 and section 14.386 does not apply.

(c) Money received from fees and commissions collected under this subdivision, including interest earned, is annually appropriated from the game and fish fund and the natural resources fund to the commissioner for the cost of electronic licensing.

Sec. 4. Minnesota Statutes 2006, section 84D.10, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may place into the waters of the state a watercraft or trailer with aquatic macrophytes:

- (1) that are duckweeds in the family Lemnaceae;
- (2) for purposes of shooting or observation blinds attached in or on watercraft in amounts sufficient for that purpose, if the aquatic macrophytes are emergent and cut above the waterline;
- (3) that are wild rice harvested under section 84.091; or
- (4) in the form of fragments of emergent aquatic macrophytes incidentally transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl season.

Sec. 5. Minnesota Statutes 2006, section 84D.13, subdivision 4, is amended to read:

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

- (1) unlawfully transports prohibited invasive species or aquatic macrophytes;
- (2) unlawfully places or attempts to place into waters of the state a trailer, a watercraft, or plant harvesting equipment that has aquatic macrophytes or prohibited invasive species attached;
- (3) intentionally damages, moves, removes, or sinks a buoy marking, as prescribed by rule, Eurasian water milfoil;
- (4) fails to drain water, as required by rule, from watercraft and equipment before leaving designated zebra mussel, spiny water flea, or other invasive plankton infested waters; or
- (5) transports infested water, in violation of rule, off riparian property.

Sec. 6. Minnesota Statutes 2006, section 85.46, subdivision 1, is amended to read:

Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while riding, leading, or driving a horse on horse trails and associated day use areas on state trails, in state parks, in state recreation areas, and in state forests, a person 16 years of age or over shall carry in immediate possession and visibly display on person or horse tack, a valid horse trail pass. The pass must be available for inspection by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) A valid horse trail pass is not required under this section for a person riding, leading, or driving a horse only on the portion of a horse trail that is owned by the person or the person's spouse, child, or parent.

Sec. 7. Minnesota Statutes 2006, section 97A.015, is amended by adding a subdivision to read:

Subd. 44a. **Shelter.** "Shelter" means any structure, other than a self-propelled motor vehicle, set on the ice of state waters to provide shelter.

Sec. 8. Minnesota Statutes 2007 Supplement, section 97A.055, subdivision 4, is amended to read:

Subd. 4. **Game and fish annual reports.** (a) By December 15 each year, the commissioner shall submit to the legislative committees having jurisdiction over appropriations and the environment and natural resources reports on each of the following:

(1) the amount of revenue from the following and purposes for which expenditures were made:

(i) the small game license surcharge under section 97A.475, subdivision 4;

(ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision 5, clause (1);

(iii) the trout and salmon stamp under section 97A.475, subdivision 10;

(iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2);

(v) the ~~turkey stamp~~ wild turkey management account under section 97A.475, subdivision 5, clause (3) 97A.075, subdivision 5; and

(vi) the deer license donations and surcharges under section 97A.475, subdivisions 3, paragraph (b), and 3a;

(2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c), and the purposes for which these amounts were spent;

(3) money credited to the game and fish fund under this section and purposes for which expenditures were made from the fund;

(4) outcome goals for the expenditures from the game and fish fund; and

(5) summary and comments of citizen oversight committee reviews under subdivision 4b.

(b) The report must include the commissioner's recommendations, if any, for changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 9. Minnesota Statutes 2006, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint subcommittees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following subcommittees, each comprised of at least three affected persons:

(1) a Fisheries Operations Subcommittee to review fisheries funding, excluding activities related to trout and salmon stamp funding;

(2) a Wildlife Operations Subcommittee to review wildlife funding, excluding activities related to migratory waterfowl, pheasant, and ~~turkey stamp~~ wild turkey management funding and excluding review of the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c);

(3) a Big Game Subcommittee to review the report required in subdivision 4, paragraph (a), clause (2);

(4) an Ecological Services Operations Subcommittee to review ecological services funding;

(5) a subcommittee to review game and fish fund funding of enforcement, support services, and Department of Natural Resources administration;

(6) a subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

(7) a subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;

(8) a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants; and

(9) a subcommittee to review the report on the ~~turkey stamp~~ wild turkey management account and address funding issues related to wild turkeys.

(c) The chairs of each of the subcommittees shall form a Budgetary Oversight Committee to coordinate the integration of the subcommittee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; provide a forum to address issues that transcend the subcommittees; and submit a report for any subcommittee that fails to submit its report in a timely manner.

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance.

(e) Each subcommittee shall choose its own chair, except that the chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of any of the subcommittees.

(f) The Budgetary Oversight Committee must make recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the Budgetary Oversight Committee and subcommittees do not expire until June 30, 2010.

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 10. Minnesota Statutes 2006, section 97A.075, subdivision 4, is amended to read:

Subd. 4. **Pheasant stamp.** (a) Ninety percent of the revenue from pheasant stamps must be credited to the pheasant habitat improvement account. Money in the account may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for ringnecked pheasants on public and private land including the establishment of nesting cover, winter cover, and reliable food sources;

(2) reimbursement of landowners for setting aside lands for pheasant habitat;

(3) reimbursement of expenditures to provide pheasant habitat on public and private land;

(4) the promotion of pheasant habitat development and maintenance, including promotion and evaluation of government farm program benefits for pheasant habitat; and

(5) the acquisition of lands suitable for pheasant habitat management and public hunting.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clause (1), (3), or (5), or to specific promotional or evaluative activities under paragraph (a), clause (4); or

(2) any personnel costs, except that prior to July 1, ~~2009~~ 2019, personnel may be hired to provide technical and promotional assistance for private landowners to implement conservation provisions of state and federal programs.

Sec. 11. Minnesota Statutes 2006, section 97A.075, subdivision 5, is amended to read:

Subd. 5. **Turkey stamps account.** (a) ~~Ninety percent of the revenue from turkey stamps~~ \$4.50 from each turkey license sold must be credited to the wild turkey management account. Money in the account may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for wild turkeys on public and private land including forest stand improvement and establishment of nesting cover, winter roost area, and reliable food sources;

(2) acquisitions of, or easements on, critical wild turkey habitat;

(3) reimbursement of expenditures to provide wild turkey habitat on public and private land;

(4) trapping and transplantation of wild turkeys; and

(5) the promotion of turkey habitat development and maintenance, population surveys and monitoring, and research.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clauses (1) to (3), a specific trap and transplant project under paragraph (a), clause (4), or to specific promotional or evaluative activities under paragraph (a), clause (5); or

- (2) any permanent personnel costs.

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 12. Minnesota Statutes 2006, section 97A.311, subdivision 5, is amended to read:

Subd. 5. **Refunds.** (a) The commissioner may issue a refund on a license, not including any issuing fees paid under section 97A.485, subdivision 6, if:

(1) the licensee dies before the opening of the licensed season. The original license and a copy of the death certificate must be provided to the commissioner; ~~or~~

(2) the licensee is unable to participate in the licensed activity because the licensee is called to active military duty or military leave is canceled during the entire open season of the licensed activity. The original license and a copy of the military orders or notice of cancellation of leave must be provided to the commissioner; or

(3) the licensee purchased two licenses for the same license season in error.

(b) This subdivision does not apply to lifetime licenses.

Sec. 13. Minnesota Statutes 2007 Supplement, section 97A.405, subdivision 2, is amended to read:

Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from an area where a licensed activity was performed must have in personal possession either: (1) the proper license, if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(b) If possession of a license or a license identification number is required, a person must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper license if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received. A person charged with violating the license possession requirement shall not be convicted if the person produces in court or the office of the arresting officer, the actual license previously issued to that person, which was valid at the time of arrest, or satisfactory proof that at the time of the arrest the person was validly licensed. Upon request of a conservation officer or peace officer, a licensee shall write the licensee's name in the presence of the officer to determine the identity of the licensee.

(c) If the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license. A pictorial ~~turkey~~, migratory waterfowl, pheasant, or trout and salmon stamp shall be provided to the licensee after purchase of a stamp validation only if the licensee pays an additional \$2 fee. A pictorial turkey stamp may be purchased for a \$2 fee.

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 14. Minnesota Statutes 2006, section 97A.431, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** Persons eligible for a moose license shall be determined under this section and commissioner's rule. A person is eligible for a moose license only if the person:

(1) is a resident; and

~~(2) is at least age 16 before the season opens; and~~

~~(3)~~ (2) has not been issued a moose license ~~for any of the last five seasons or~~ after January 1, 1991.

Sec. 15. Minnesota Statutes 2006, section 97A.433, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** Persons eligible for an elk license shall be determined under this section and commissioner's rule. A person is eligible for an elk license only if the person:

(1) is a resident; and

~~(2) is at least age 16 before the season opens; and~~

~~(3)~~ (2) has never been issued an elk license.

Sec. 16. Minnesota Statutes 2006, section 97A.434, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** Eligibility for a prairie chicken license shall be determined by this section and by rule adopted by the commissioner. A person is eligible for a prairie chicken license only if the person:

~~(1)~~ is a resident; ~~and~~

~~(2) was born before January 1, 1980, or possesses a firearms safety certificate.~~

Sec. 17. Minnesota Statutes 2007 Supplement, section 97A.441, subdivision 7, is amended to read:

Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may issue, without a fee, a license to take an antlerless deer to a ~~person resident~~ who is an owner or tenant, ~~or a nonresident who is an owner,~~ of at least 80 acres of agricultural land, as defined in section 97B.001, in deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per year under this subdivision. For properties with co-owners or cotenants, only one co-owner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to land leased for agricultural purposes or owned by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clauses (4) and (13).

Sec. 18. Minnesota Statutes 2007 Supplement, section 97A.451, subdivision 3, is amended to read:

Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 ~~may not~~ must obtain a small game license ~~but may in order to~~ take small game by firearms or bow and arrow without ~~a license~~ paying the applicable fees under section 97A.475, subdivisions 2, 4, and 5, if the resident is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
- (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;
- (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a small game license that was not obtained using an apprentice hunter validation; or
- (4) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license, but may not register fisher, otter, bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat, or pine marten taken by a resident under age five must be included in the limit of the accompanying parent or guardian.

(c) A resident under age 12 may apply for a turkey license and may take a turkey without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

(d) A resident under age 12 may apply for a prairie chicken license and may take a prairie chicken without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

Sec. 19. Minnesota Statutes 2006, section 97A.451, subdivision 4, is amended to read:

Subd. 4. **Persons Residents under age 16; big game.** A ~~person~~ resident under the age of 16 may ~~not obtain a license to take big game unless the person possesses a firearms safety certificate. A person under the age of 14 must be accompanied by a parent or guardian to hunt big game.~~ by firearms or bow and arrow if the resident obtains a license to take big game and is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
- (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;
- (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a big game license that was not obtained using an apprentice hunter validation;
- (4) age 12 and is accompanied by a parent or guardian. A resident age 12 or under is not required to possess a firearms safety certificate under section 97B.020 to take big game; or
- (5) age 10 or 11 and is under the direct supervision of a parent or guardian where the parent is within immediate reach and the youth obtains a license without paying the fee.

Sec. 20. Minnesota Statutes 2006, section 97A.451, is amended by adding a subdivision to read:

Subd. 4a. **Nonresidents under age 16; big game.** (a) A nonresident under age 16 may obtain a big game license at the applicable resident fee under section 97A.475, subdivision 2, if the nonresident is:

(1) age 14 or 15 and possesses a firearms safety certificate;

(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;

(3) age 12 and is accompanied by a parent or guardian. A nonresident age 12 or under is not required to possess a firearms safety certificate under section 97B.020 to take big game; or

(4) age 10 or 11 and is under the direct supervision of a parent or guardian where the parent is within immediate reach.

Sec. 21. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 2, is amended to read:

Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents only, are:

(1) for persons age 18 or over and under age 65 to take small game, \$12.50;

(2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

(3) for persons age 18 or over to take turkey, \$18 \$23;

(4) for persons under age 18 to take turkey, \$12;

~~(4)~~ (5) for persons age 18 or over to take deer with firearms, \$26;

~~(5)~~ (6) for persons age 18 or over to take deer by archery, \$26;

~~(6)~~ (7) to take moose, for a party of not more than six persons, \$310;

~~(7)~~ (8) to take bear, \$38;

~~(8)~~ (9) to take elk, for a party of not more than two persons, \$250;

~~(9)~~ (10) multizone license to take antlered deer in more than one zone, \$52;

~~(10)~~ (11) to take Canada geese during a special season, \$4;

~~(11)~~ (12) all season license to take three deer throughout the state in any open deer season, except as restricted under section 97B.305, \$78;

~~(12)~~ (13) all-firearm season license to take two deer throughout the state in any open firearms deer season, except as restricted under section 97B.305, \$52;

(14) to take prairie chickens, \$20;

~~(13)~~ (15) for persons at least age 12 and under age 18 to take deer with firearms during the muzzle-loader season or during the regular firearms season in any open zone or time period, \$13; and

~~(14)~~ (16) for persons at least age 12 and under age 18 to take deer by archery, \$13.

EFFECTIVE DATE. The amendments to clauses (3) and (4) are effective March 1, 2009.

Sec. 22. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 3, is amended to read:

Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued to nonresidents, are:

(1) for persons age 18 and older to take small game, \$73;

(2) for persons age 18 and older to take deer with firearms, \$135;

(3) for persons age 18 and older to take deer by archery, \$135;

(4) to take bear, \$195;

(5) for persons age 18 and older to take turkey, \$73 \$78;

(6) for persons under age 18 to take turkey, \$12;

~~(6)~~ (7) to take raccoon or bobcat, \$155;

~~(7)~~ (8) multizone license to take antlered deer in more than one zone, \$270;

~~(8)~~ (9) to take Canada geese during a special season, \$4;

~~(9)~~ (10) for persons at least age 12 and under age 18 to take deer with firearms during the muzzle-loader season or during the regular firearms season in any open zone or time period, \$13; and

~~(10)~~ (11) for persons at least age 12 and under age 18 to take deer by archery, \$13.

(b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph (a), clauses (1) to ~~(7)~~ (5), (7), and (8). An additional commission may not be assessed on this surcharge.

EFFECTIVE DATE. The amendments to paragraph (a), clauses (5) and (6), are effective March 1, 2009.

Sec. 23. Minnesota Statutes 2006, section 97A.475, subdivision 5, is amended to read:

Subd. 5. **Hunting stamps.** Fees for the following stamps and stamp validations are:

(1) migratory waterfowl stamp, \$7.50; and

(2) pheasant stamp, \$7.50; ~~and~~

~~(3) turkey stamp validation, \$5.~~

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 24. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 7, is amended to read:

Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to nonresidents, are:

(1) to take fish by angling, \$37.50;

(2) to take fish by angling limited to seven consecutive days selected by the licensee, \$26.50;

(3) to take fish by angling for a 72-hour period selected by the licensee, \$22;

(4) to take fish by angling for a combined license for a family for one or both parents and dependent children under the age of 16, \$50.50;

(5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; ~~and~~

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$38.50; and

(7) to take fish by spearing from a dark house, \$37.50.

(b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses issued under paragraph (a), clause (5). An additional commission may not be assessed on this surcharge.

Sec. 25. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 12, is amended to read:

Subd. 12. **Fish houses or dark houses; nonresident.** Fees for fish house or dark house licenses for a nonresident are:

(1) annual, \$33;

(2) seven consecutive days, \$19; and

(3) three-year, \$99.

Sec. 26. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 16, is amended to read:

Subd. 16. **Resident bear hunting guides outfitters.** (a) The fee for a resident bear hunting outfitter license ~~to guide bear hunters~~ is \$82.50 and is available only to a Minnesota resident individual.

(b) The fee for a resident master bear hunting outfitter license is \$165. The fee to add an additional person under the license is \$82.50 per person.

Sec. 27. Minnesota Statutes 2006, section 97A.485, subdivision 6, is amended to read:

Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell licenses under this section must issue the following licenses for the license fee and the following issuing fees:

(1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

(2) Minnesota sporting, the issuing fee is \$1; ~~and~~

- (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing animals, the issuing fee is \$1;
 - (4) for a stamp validation that is not issued simultaneously with a license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller;
 - (5) for ~~stamps~~ stamp validations issued simultaneously with a license, there is no fee;
 - (6) for licenses, seals, tags, or coupons issued without a fee under section 97A.441 or 97A.465, an issuing fee of 50 cents may be charged at the discretion of the authorized seller;
 - (7) for lifetime licenses, there is no fee; and
 - (8) for all other licenses, permits, renewals, or applications or any other transaction through the electronic licensing system under this chapter or any other chapter when an issuing fee is not specified, an issuing fee of 50 cents may be charged at the discretion of the authorized seller.
- (b) ~~An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp validation is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.~~
- (c) The agent shall keep the issuing fee as a commission for selling the licenses.
 - (d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.
 - (e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.
 - (f) For duplicate licenses, including licenses issued without a fee, the issuing fees are:
 - (1) for licenses to take big game, 75 cents; and
 - (2) for other licenses, 50 cents.
 - (g) The commissioner may issue one-day angling licenses in books of ten licenses each to fishing guides operating charter boats upon receipt of payment of all license fees, excluding the issuing fee required under this section. Copies of sold and unsold licenses shall be returned to the commissioner. The commissioner shall refund the charter boat captain for the license fees of all unsold licenses. Copies of sold licenses shall be maintained by the commissioner for one year.

Sec. 28. Minnesota Statutes 2006, section 97A.535, subdivision 1, is amended to read:

Subdivision 1. **Tags required.** (a) A person may not possess or transport deer, bear, elk, or moose taken in the state unless a tag is attached to the carcass in a manner prescribed by the commissioner. The commissioner must prescribe the type of tag that has the license number of the owner, the year of its issue, and other information prescribed by the commissioner.

- (b) The tag ~~and the license~~ must be validated at the site of the kill as prescribed by the commissioner.

(c) Except as otherwise provided in this section, the tag must be attached to the deer, bear, elk, or moose at the site of the kill before the animal is removed from the site of the kill.

(d) The tag must remain attached to the animal until the animal is processed for storage.

(e) A person may move a lawfully taken deer, bear, elk, or moose from the site of the kill without attaching the validated tag to the animal only while in the act of manually or mechanically dragging, carrying, or carting the animal across the ground and while possessing the validated tag on their person. A motor vehicle may be used to drag the animal across the ground. At all other times, the validated tag must be attached to the deer, bear, elk, or moose:

(1) as otherwise provided in this section; and

(2) prior to the animal being placed onto and transported on a motor vehicle, being hung from a tree or other structure or device, or being brought into a camp or yard or other place of habitation.

Sec. 29. Minnesota Statutes 2006, section 97B.015, subdivision 5, is amended to read:

Subd. 5. **Firearms safety certificate.** The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. A person must be at least age 11 to take the firearms safety course and may receive a firearms safety certificate, but the certificate is not valid for hunting until the year the person reaches age 12. A person who is age 11 and has a firearms safety certificate may purchase a ~~deer, bear, turkey, or prairie chicken~~ license to take big game that will become be valid when for hunting during the entire regular season for which the license is valid if the person reaches will reach age 12 during that calendar year. A firearms safety certificate issued to a person under age 12 by another state as provided in section 97B.020 is not valid for hunting in Minnesota until the person reaches age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner.

Sec. 30. Minnesota Statutes 2007 Supplement, section 97B.031, subdivision 1, is amended to read:

Subdivision 1. **Firearms and ammunition that may be used to take big game.** ~~(a)~~ A person may take big game with a firearm only if:

(1) the rifle, shotgun, and handgun used is a caliber of at least ~~.23~~ .22 inches and with centerfire ignition;

(2) the firearm is loaded only with single projectile ammunition;

(3) a projectile used is a caliber of at least ~~.23~~ .22 inches and has a soft point or is an expanding bullet type;

~~(4) the ammunition has a case length of at least 1.285 inches;~~

~~(5)~~ (4) the ~~muzzle loader~~ muzzleloader used is incapable of being loaded at the breech;

~~(6)~~ (5) the smooth-bore ~~muzzle loader~~ muzzleloader used is a caliber of at least .45 inches; and

~~(7)~~ (6) the rifled ~~muzzle loader~~ muzzleloader used is a caliber of at least .40 inches.

~~(b) Notwithstanding paragraph (a), clause (4), a person may take big game with a ten millimeter cartridge that is at least 0.95 inches in length, a .45 Winchester Magnum cartridge, a .50 A. E. (Action Express) handgun cartridge, or a 56-46 Spencer, 56-50 Spencer, or 56-56 Spencer cartridge.~~

Sec. 31. Minnesota Statutes 2007 Supplement, section 97B.035, subdivision 1a, is amended to read:

Subd. 1a. **Minimum draw weight.** A bow used to take big game or turkey must have a pull that meets or exceeds 30 pounds at or before full draw.

Sec. 32. Minnesota Statutes 2007 Supplement, section 97B.036, is amended to read:

97B.036 CROSSBOW HUNTING DURING FIREARMS ~~DEER~~ SEASON.

Notwithstanding section 97B.035, subdivisions 1 and 2, a person may take deer, bear, or turkey by crossbow during the respective regular firearms ~~deer season~~ seasons. The transportation requirements of section 97B.051 apply to crossbows during the regular firearms deer, bear, or turkey season. Crossbows must meet the requirements of section 97B.106, subdivision 2. A person taking deer, bear, or turkey by crossbow under this section must have a valid firearms ~~deer~~ license to take the respective game.

Sec. 33. Minnesota Statutes 2006, section 97B.041, is amended to read:

97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.

A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle ~~and only short, long, and long rifle cartridges that are caliber of .22 inches~~ capable of firing only rimfire cartridges of .17 and .22 caliber, including .22 magnum caliber cartridges;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during that season.

EFFECTIVE DATE. This section is effective August 1, 2008.

Sec. 34. Minnesota Statutes 2006, section 97B.106, subdivision 1, is amended to read:

Subdivision 1. **Qualifications for crossbow permits.** (a) The commissioner may issue a special permit, without a fee, to take big game, small game, or rough fish with a crossbow to a person that is unable to hunt or take rough fish by archery because of a permanent or temporary physical disability. A crossbow permit issued under this section also allows the permittee to use a bow with a mechanical device that draws, releases, or holds the bow at full draw as provided in section 97B.035, subdivision 1, paragraph (a).

(b) To qualify for a crossbow permit under this section, a temporary disability must render the person unable to hunt or fish by archery for a minimum of two years after application for the permit is made. The permanent or temporary disability must be established by medical evidence, and the inability to hunt or fish by archery for the required period of time must be verified in writing by a licensed physician or chiropractor. A person who has received a special permit under this section because of a permanent disability is eligible for subsequent special permits without providing medical evidence and verification of the disability.

(c) The person must obtain the appropriate license.

Sec. 35. Minnesota Statutes 2006, section 97B.211, subdivision 1, is amended to read:

Subdivision 1. **Possession of firearms prohibited.** ~~Except when hunting bear,~~ A person may not take ~~big game~~ deer by archery while in possession of a firearm.

Sec. 36. Minnesota Statutes 2006, section 97B.301, subdivision 6, is amended to read:

Subd. 6. **Residents or nonresidents under age 18 may take deer of either sex.** A resident ~~or nonresident~~ under the age of 18 may take a deer of either sex except in those antlerless permit areas and seasons where no antlerless permits are offered. In antlerless permit areas where no antlerless permits are offered, the commissioner may provide a limited number of youth either sex permits to residents ~~or nonresidents~~ under age 18, under the procedures provided in section 97B.305, and may give preference to residents ~~or nonresidents~~ under the age of 18 that have not previously been selected. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

Sec. 37. Minnesota Statutes 2006, section 97B.301, is amended by adding a subdivision to read:

Subd. 8. **All-firearm season deer license.** (a) A resident may obtain an all-firearm season deer license that authorizes the resident to hunt during the regular firearms and muzzle-loader seasons. The all-firearm season license is valid for taking two deer, no more than one of which may be a legal buck.

(b) The all-firearm season deer license is valid for taking antlerless deer as prescribed by the commissioner.

(c) The commissioner shall issue two tags when issuing a license under this subdivision.

Sec. 38. Minnesota Statutes 2007 Supplement, section 97B.328, is amended to read:

97B.328 BAITING PROHIBITED.

Subdivision 1. **Hunting with aid of bait or feed prohibited.** ~~(a)~~ A person may not hunt deer:

(1) with the aid or use of bait ~~or feed~~; ~~or~~

(2) in the vicinity of bait ~~or feed~~ if the person knows or has reason to know that bait ~~or feed~~ is present; ~~or~~

~~(3) in the vicinity of where the person has placed bait or caused bait to be placed within the previous ten days.~~

~~(b) This restriction does not apply to:~~

Subd. 2. **Removal of bait.** An area is considered baited for ten days after the complete removal of all bait or feed.

Subd. 3. **Definition.** For purposes of this section, "bait or feed" includes grains, fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer and that has been placed by a person. Liquid scents, salt, minerals, and bird feeders containing grains or nuts that are at least six feet above the ground are not bait or feed.

(4) Food resulting from normal or accepted farming, forest management, wildlife food plantings, orchard management, or other similar land management activities; ~~or is not bait or feed unless it has been placed by a person.~~

Subd. 4. **Exception for bait or feed on adjacent land.** (2) A person otherwise in compliance with this section who is hunting on ~~the person's own private or public property, when that is adjacent to property where bait or feed is present is not in violation of this section if the person has not participated in, been involved with, or agreed to baiting or feeding wildlife on the adjacent land owned by another person property.~~

Sec. 39. Minnesota Statutes 2006, section 97B.405, is amended to read:

97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.

(a) The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by rule, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.

(b) In the case of a drawing, the commissioner shall allow a person to apply for a permit in more than one area at the same time and rank the person's choice of area. A person applying for a permit shall submit the applicable license fee under section 97A.475 with the application. If a person is not selected for a bear hunting permit, the person may elect to have the license fee refunded or held and applied to a future license or permit.

Sec. 40. Minnesota Statutes 2006, section 97B.431, is amended to read:

97B.431 BEAR HUNTING GUIDES OUTFITTERS.

(a) A person may not place bait for bear, or guide hunters to take bear, for compensation without a bear hunting ~~guide outfitter~~ license. A bear hunting ~~guide~~ outfitter is not required to have a license to take bear unless the ~~guide~~ outfitter is attempting to shoot a bear. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses.

(b) The commissioner shall establish a resident master bear hunting outfitter license under which one person serves as the bear hunting outfitter and one other person is eligible to guide and bait bear. Additional persons may be added to the license and are eligible to guide and bait bear under the license, provided the additional fee under section 97A.475, subdivision 16, is paid for each person added. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses.

Sec. 41. Minnesota Statutes 2006, section 97B.621, subdivision 3, is amended to read:

Subd. 3. **Nighttime hunting restrictions.** To take raccoons between one-half hour after sunset and one-half hour before sunrise, a person:

- (1) must be on foot;
- (2) may use an artificial light only if hunting with dogs;

(3) ~~may not use a rifle other than one of a .22 inch caliber with .22 short, long, or long rifle, rimfire ammunition~~ may use a handgun or rifle capable of firing only rimfire cartridges of .17 or .22 caliber, including .22 magnum; and

(4) may not use shotgun shells with larger than No. 4 shot.

Sec. 42. Minnesota Statutes 2006, section 97B.711, subdivision 1, is amended to read:

Subdivision 1. **Seasons for certain upland game birds.** (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and January 3 for:

(1) pheasant;

(2) ruffed grouse;

(3) sharp tailed grouse;

(4) Canada spruce grouse;

(5) prairie chicken;

(6) gray partridge;

(7) bob-white quail; and

(8) turkey.

(b) The commissioner may by rule prescribe an open season for turkey in the spring.

(c) The commissioner shall allow a four-week season for turkey in the fall for the area designated as turkey permit area 601 as of the 2008 season. All applicable local and state regulations apply.

Sec. 43. Minnesota Statutes 2006, section 97B.721, is amended to read:

~~97B.721 LICENSE AND STAMP VALIDATION REQUIRED TO TAKE TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.~~

(a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may not take a turkey without possessing a turkey license ~~and a turkey stamp validation.~~

~~(b) The requirement in paragraph (a) to have a turkey stamp validation does not apply to persons under age 18.~~ An unlicensed adult age 18 or older may assist a licensed wild turkey hunter. The unlicensed adult may not shoot or possess a firearm or bow while assisting a hunter under this paragraph and may not charge a fee for the assistance.

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 44. Minnesota Statutes 2006, section 97C.001, subdivision 3, is amended to read:

Subd. 3. **Seasons, limits, and other requirements.** The commissioner may, in accordance with the procedures in subdivision 2 or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on experimental waters. Notwithstanding the limits on seasons in section 97C.395, subdivision 1, the commissioner may extend the end of a season for up to two weeks to take a fish species in an experimental water when the harvest level for the species in that season is less than the harvest goal of the experimental regulations.

Sec. 45. Minnesota Statutes 2006, section 97C.005, subdivision 3, is amended to read:

Subd. 3. **Seasons, limits, and other rules.** The commissioner may, in accordance with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on special management waters. Notwithstanding the limits on seasons in section 97C.395, subdivision 1, the commissioner may extend the end of a season for up to two weeks to take a fish species in a special management water when the harvest level for the species in that season is less than the harvest goal of the special management regulations.

Sec. 46. Minnesota Statutes 2006, section 97C.205, is amended to read:

97C.205 TRANSPORTING AND STOCKING FISH.

(a) Except on the water body where taken, a person may not transport a live fish in a quantity of water sufficient to keep the fish alive, unless the fish:

- (1) is being transported under an aquaculture license as authorized under sections 17.4985 and 17.4986;
- (2) is being transported for a fishing contest weigh-in under section 97C.081;
- (3) is a minnow being transported under section 97C.505 or 97C.515;
- (4) is being transported by a commercial fishing license holder under section 97C.821; or
- (5) is being transported as otherwise authorized in this section.

(b) The commissioner may adopt rules to allow and regulate:

- (1) the transportation of fish and fish eggs; and
- (2) the stocking of waters with fish or fish eggs.

(c) The commissioner must allow the possession of fish on special management or experimental waters to be prepared as a meal on the ice or on the shore of that water body if the fish:

- (1) were lawfully taken;
- (2) have been packaged by a licensed fish packer; and
- (3) do not otherwise exceed the daily possession limits.

~~(c)~~ (d) The commissioner shall prescribe rules designed to encourage local sporting organizations to propagate game fish by using rearing ponds. The rules must:

- (1) prescribe methods to acquire brood stock for the ponds by seining public waters;
- (2) allow the sporting organizations to own and use seines and other necessary equipment; and
- (3) prescribe methods for stocking the fish in public waters that give priority to the needs of the community where the fish are reared and the desires of the organization operating the rearing pond.

~~(d)~~ (e) A person age 16 or under may, for purposes of display in a home aquarium, transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie, white crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black, yellow, and brown bullheads taken by angling. No more than four of each species may be transported at any one time, and any individual fish can be no longer than ten inches in total length.

Sec. 47. **[97C.303] CONSERVATION ANGLING LICENSE.**

Subdivision 1. **Availability.** The commissioner shall make available a conservation angling license according to this section. Conservation angling licenses shall be offered for resident individuals and resident married couples.

Subd. 2. **Daily and possession limits.** Daily and possession limits for fish taken under a conservation angling license are one-half the daily and possession limits for the corresponding fish taken under a standard angling license, rounded down to the next whole number if necessary.

Subd. 3. **License fee.** The fee for a conservation angling license issued under this section is two-thirds of the corresponding standard angling license fee under section 97A.475, subdivision 6, rounded to the nearest whole dollar.

Sec. 48. Minnesota Statutes 2006, section 97C.315, subdivision 1, is amended to read:

Subdivision 1. **Lines.** An angler may not use more than one line except two lines may be used to take fish:

- ~~(1) two lines may be used to take fish through the ice; and~~ (1) through the ice; or
- ~~(2) the commissioner may, by rule, authorize the use of two lines in areas designated by the commissioner in Lake Superior~~ (2) if the angler purchases a second line endorsement for \$5.

Sec. 49. Minnesota Statutes 2007 Supplement, section 97C.355, subdivision 2, is amended to read:

Subd. 2. **License required.** A person may not ~~take fish from~~ leave a dark house or fish house ~~that is left~~ unattended on the ice overnight at any time between midnight and one hour before sunrise unless the house is licensed and has a license tag attached to the exterior in a readily visible location, except as provided in this subdivision. The commissioner must issue a tag with a dark house or fish house license, marked with a number to correspond with the license and the year of issue. A dark house or fish house license is not required of a resident on boundary waters where the adjacent state does not charge a fee for the same activity.

Sec. 50. Minnesota Statutes 2006, section 97C.355, subdivision 4, is amended to read:

Subd. 4. **Distance between houses.** A person may not erect a dark house ~~or~~ fish house, or shelter within ten feet of an existing dark house ~~or~~ fish house, or shelter.

Sec. 51. Minnesota Statutes 2006, section 97C.355, subdivision 7, is amended to read:

Subd. 7. **Dates and times houses may remain on ice.** (a) ~~Except as provided in paragraph (d),~~ A shelter, including a fish house or dark house, may not be on the ice unattended between ~~12:00 a.m. midnight~~ and one hour before sunrise after ~~the following dates:~~

(1) ~~the last day of February~~ first Monday in March, for state waters south of a line starting at the Minnesota-North Dakota border and formed by rights-of-way of U.S. Route No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and

(2) the third Monday in March 15, for other state waters.

A shelter, including a fish house or dark house, on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by rule, change the dates in this paragraph for any part of state waters. Copies of the rule must be conspicuously posted on the shores of the waters as prescribed by the commissioner.

(b) A conservation officer must confiscate a fish house, dark house, or shelter in violation of paragraph (a). The officer may remove, burn, or destroy the house or shelter. The officer shall seize the contents of the house or shelter and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner.

~~(c) When the last day of February, under paragraph (a), clause (1), or March 15, under paragraph (a), clause (2), falls on a Saturday, a shelter, including a fish house or dark house, may be on the ice between 12:00 a.m. and one hour before sunrise until 12:00 a.m. the following Monday.~~

~~(d) A person may have a shelter, including a fish house or dark house, on the ice between 12:00 a.m. and one hour before sunrise on waters within the area prescribed in paragraph (a), clause (2), but the house or shelter may not be unattended during those hours.~~

Sec. 52. Minnesota Statutes 2006, section 97C.355, subdivision 7a, is amended to read:

Subd. 7a. **Houses left overnight.** A fish house ~~or~~ dark house, or shelter left on the ice overnight must be marked with reflective material on each side of the house structure. The reflective material must measure a total area of no less than two square inches on each side of the house structure. ~~Violation of this subdivision is not subject to subdivision 8 or section 97A.301.~~

Sec. 53. Minnesota Statutes 2007 Supplement, section 97C.355, subdivision 8, is amended to read:

Subd. 8. **Confiscation of unlawful structures; civil penalty.** (a) Structures on the ice in violation of this section may be confiscated and disposed of, retained by the division, or sold at the highest price obtainable, in a manner prescribed by the commissioner.

(b) In addition to other penalties provided by law, the owner of a structure left on the ice in violation of this section is subject to a civil penalty under section 115A.99.

(c) This subdivision also applies to structures left on state public access sites for more than 48 hours past the deadlines specified in subdivision 7.

Sec. 54. Minnesota Statutes 2006, section 97C.371, subdivision 4, is amended to read:

Subd. 4. **Open season.** The open season for spearing through the ice is ~~December 1~~ November 15 to the ~~last~~ second Sunday in ~~February~~ March.

Sec. 55. Minnesota Statutes 2006, section 97C.371, is amended by adding a subdivision to read:

Subd. 5. **Nonresidents.** Nonresidents may spear from a fish house or dark house.

Sec. 56. Minnesota Statutes 2006, section 97C.395, subdivision 1, is amended to read:

Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling are as follows:

(1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend to the last Sunday in February;

(2) for lake trout, from January 1 to October 31;

(3) for the winter season for lake trout on all lakes and streams, from January 15 to March 31;

(4) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2; and

~~(4)~~ (5) for salmon, as prescribed by the commissioner by rule.

(b) The commissioner shall close the season in areas of the state where fish are spawning and closing the season will protect the resource.

Sec. 57. Minnesota Statutes 2006, section 97C.401, subdivision 2, is amended to read:

Subd. 2. **Walleye; northern pike.** (a) Except as provided in paragraph (b), a person may ~~take~~ have no more than one walleye larger than 20 inches and one northern pike larger than 30 inches ~~daily~~ in possession.

(b) The restrictions in paragraph (a) do not apply to boundary waters.

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 58. Minnesota Statutes 2006, section 97C.865, subdivision 2, is amended to read:

Subd. 2. **Rules.** The commissioner may adopt rules establishing requirements for labeling and packing fish under a fish packer's license. The commissioner shall require only the license number of the fish packer, the name and license number of the angler or person who lawfully possesses the fish, the name of the lake on which the fish were caught, the species of fish, and the number of fish to appear on a label. The commissioner must not allow sauger to be labeled as walleye.

Sec. 59. **UNCASED FIREARMS REPORT.**

(a) The commissioner of natural resources shall submit a report to the legislature by January 1, 2009, on uncased firearms that answers the questions listed below.

(1) How many other states have laws like Minnesota's governing uncased firearms?

(2) Are there any studies that prove that uncased firearms laws like Minnesota's reduce firearm-related accidents?

(3) Is there evidence that more accidents occur loading and unloading firearms and putting firearms in and out of cases than would occur if the firearms were not required to be cased?

(4) Are there any studies to prove that having a cased gun law reduces other criminal violations? For example, there are thousands of tickets written for uncased guns every year; is this the activity the state is trying to stop or is the state trying to reduce other crimes? Is there any proof that by issuing tickets Minnesota is stopping other crimes?

(5) If the state cannot verify that it is reducing accidents or reducing other criminal violations by writing uncased gun tickets, why is the state writing them?

(6) If the state is reducing other wildlife crimes such as shooting from the roadway, how is it doing this?

(b) The report must comply with Minnesota Statutes, sections 3.195 and 3.197, and be submitted to the chairs of the house and senate committees with jurisdiction over the environment and natural resources. The commissioner may include additional information that the commissioner feels is important to this issue.

Sec. 60. COCK PHEASANT BAG LIMIT; RULEMAKING.

The commissioner of natural resources shall amend Minnesota Rules, part 6234.0400, subpart 2, to allow a person to take up to three cock pheasants per day after the 16th day of the pheasant season. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rule and Minnesota Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

Sec. 61. BEAR HUNTING PERMIT DRAWING; RULEMAKING.

The commissioner of natural resources shall adopt rules to comply with the changes made to Minnesota Statutes, section 97B.405. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

Sec. 62. NONRESIDENT SPEAR FISHING; RULEMAKING.

The commissioner of natural resources shall adopt rules, including amending Minnesota Rules, part 6262.0600, to allow taking fish by spear by nonresidents. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Sec. 63. WILD TURKEY HUNTING MANAGEMENT RECOMMENDATIONS.

The commissioner of natural resources, in consultation with the National Wild Turkey Federation, shall, by January 15, 2009, provide the legislature with recommendations for future management of hunting wild turkeys in Minnesota.

Sec. 64. WALLEYE STOCKING ON LEECH LAKE.

While continuing to study the effects of cormorant control on Leech Lake and the lack of natural reproduction of the walleye, the commissioner of natural resources shall stock Leech Lake with 25,000,000 walleye fry in calendar year 2009 and with 25,000,000 walleye fry in calendar year 2010 unless the commissioner can show evidence that the stocking is harmful to the lake's natural walleye population or that the fishery has fully recovered.

Sec. 65. **RULES.**

The commissioner of natural resources shall adopt rules in compliance with the changes to Minnesota Statutes, sections 97C.205 and 97C.865, subdivision 2. The rules required by this section are exempt from the rulemaking provisions of Minnesota Statutes, chapter 14. The rules are subject to Minnesota Statutes, section 14.386, except that notwithstanding Minnesota Statutes, section 14.386, paragraph (b), the rules continue in effect until repealed or superseded by other law or rule. As part of this rulemaking, the commissioner shall:

(1) amend Minnesota Rules, part 6262.3250, by deleting item A and amending the part so that labels required under item D are consistent with the new requirements in Minnesota Statutes, section 97C.865, subdivision 2; and

(2) amend Minnesota Rules, part 6262.0100, to allow the possession of fish on special management or experimental waters for a meal, as provided in Minnesota Statutes, section 97C.205.

Sec. 66. **APPROPRIATION.**

\$102,000 in fiscal year 2009 is appropriated from the game and fish fund to the commissioner of natural resources for the development of aquaculture best management practices. The base in fiscal year 2010 is \$150,000. The base for fiscal year 2011 is \$0.

Sec. 67. **REPEALER.**

Minnesota Statutes 2006, section 97A.411, subdivision 2, and Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4; and 6234.0100, subpart 4, are repealed.

ARTICLE 3

OUTDOOR HERITAGE

Section 1. Minnesota Statutes 2007 Supplement, section 10A.01, subdivision 35, is amended to read:

Subd. 35. **Public official.** "Public official" means any:

- (1) member of the legislature;
- (2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of Senate Counsel and Research or House Research;
- (3) constitutional officer in the executive branch and the officer's chief administrative deputy;
- (4) solicitor general or deputy, assistant, or special assistant attorney general;
- (5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, or the state chief information officer;
- (6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;

(7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

(8) executive director of the State Board of Investment;

(9) deputy of any official listed in clauses (7) and (8);

(10) judge of the Workers' Compensation Court of Appeals;

(11) administrative law judge or compensation judge in the State Office of Administrative Hearings or referee in the Department of Employment and Economic Development;

(12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;

(13) member or chief administrator of a metropolitan agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

(15) member or executive director of the Higher Education Facilities Authority;

(16) member of the board of directors or president of Minnesota Technology, Inc.;

(17) member of the board of directors or executive director of the Minnesota State High School League;

(18) member of the Minnesota Ballpark Authority established in section 473.755;

(19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;

(20) manager of a watershed district, or member of a watershed management organization as defined under section 103B.205, subdivision 13; ~~or~~

(21) supervisor of a soil and water conservation district; or

(22) citizen member of the Outdoor Heritage Council established in section 97A.056.

Sec. 2. **[97A.056] OUTDOOR HERITAGE FUND; OUTDOOR HERITAGE COUNCIL.**

Subdivision 1. **Outdoor heritage fund.** An outdoor heritage fund, under article XI, section 15, of the Minnesota Constitution, is established as an account in the state treasury. All money earned by the outdoor heritage fund must be credited to the fund. At least 99 and one-half percent of the money appropriated from the fund must be expended to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

Subd. 2. **Outdoor Heritage Council.** (a) The Outdoor Heritage Council of 12 members is created in the legislative branch, consisting of:

(1) four public members appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(2) four public members appointed by the speaker of the house; and

(3) four public members appointed by the governor.

(b) Members appointed under paragraph (a) must not be registered lobbyists and must not have a personal or organizational conflict of interest, as provided in subdivision 4. In making appointments, the governor, senate Subcommittee on Committees of the Committee on Rules and Administration, and the speaker of the house shall attempt to provide for geographic balance. The governor's appointments to the council are subject to the advice and consent of the senate.

(c) Members appointed under paragraph (a) shall have experience or expertise in the science, policy, or practice of restoring, protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife.

(d) Public members serve four-year terms and shall be initially appointed according to the following schedule of terms:

(1) two members appointed by the governor for a term ending the first Monday in January 2011;

(2) two members appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2011;

(3) two members appointed by the speaker of the house for a term ending the first Monday in January 2011;

(4) two members appointed by the governor for a term ending the first Monday in January 2013;

(5) two members appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2013; and

(6) two members appointed by the speaker of the house for a term ending the first Monday in January 2013.

(e) Compensation and removal of council members are as provided in section 15.059, subdivisions 3 and 4. A vacancy on the council may be filled by the appointing authority for the remainder of the unexpired term.

(f) The first meeting of the council shall be convened by the chair of the Legislative Coordinating Commission. Members shall elect a chair, vice chair, secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

(g) The Department of Natural Resources shall provide administrative support for the council. Up to one-half of one percent of the money appropriated from the fund may be used to cover the staffing and related administrative expenses of the department, and to cover the compensation and travel expenses of council members.

Subd. 3. **Council recommendations.** (a) The council shall make recommendations to the legislature on appropriations of money from the outdoor heritage fund that are consistent with the Constitution and state law, and that best achieve the land and aquatic habitat outcomes of the Minnesota Conservation and Preservation Plan. The council shall submit its initial recommendations to the legislature no later than April 1, 2009. Subsequent recommendations shall be submitted no later than January 15 each year.

(b) The council shall work with the Clean Water Council to identify projects that are consistent with both the purpose of the outdoor heritage fund and the purpose of the clean water fund.

(c) The council may make recommendations to the Legislative-Citizen Commission of Minnesota Resources on scientific research that will assist in restoring, protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife.

(d) Recommendations of the council, including approval of recommendations for the outdoor heritage fund, require an affirmative vote of at least seven members of the council.

Subd. 4. **Conflict of interest.** (a) A council member may not advocate for or against a council action or vote on any action that may be a conflict of interest. A conflict of interest must be disclosed as soon as it is discovered. The council shall follow the policies and requirements related to conflicts of interest developed by the Office of Grants Management under section 16B.98.

(b) For the purposes of this section, a "conflict of interest" exists when a person has an organizational conflict of interest or direct financial interests and those interests present the appearance that it will be difficult for the person to impartially fulfill the person's duty. An "organizational conflict of interest" exists when a person has had an affiliation within the past three years, which presents the appearance of a conflict between organizational interests and council member duties, with an organization within the previous three years of council activity that involves the organization.

Subd. 5. **Open meetings.** Meetings of the council and other groups the council may establish are subject to chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations, including recording meetings, video conferencing, and publishing minutes. For the purposes of this subdivision, a meeting occurs when a quorum is present and the members receive information on, discuss, or take action on any matter relating to the duties of the council. Enforcement of this subdivision shall be governed by section 13D.06, subdivisions 1 and 2. The quorum requirement for the council shall be seven members.

Subd. 6. **Audit.** The legislative auditor shall audit outdoor heritage fund expenditures every two years to ensure that the money is spent for the purposes for which the money was appropriated.

Subd. 7. **Sunset.** This section expires January 15, 2015.

Sec. 3. **EFFECTIVE DATE.**

This article is effective January 15, 2009, if the constitutional amendment proposed in Laws 2008, chapter 151, is adopted by the voters."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying Minnesota critical habitat private sector matching account; modifying certain enforcement authority; modifying timber permit provisions; providing for expedited exchanges of public land; modifying outdoor recreation system; adding to and deleting from state parks, recreation areas, and forests; modifying authority to convey private easements on tax-forfeited land; providing for public and private sales, conveyances, and exchanges of certain state land; authorizing 30-year leases of tax-forfeited and other state lands for wind energy projects; modifying aquatic farm and invasive species provisions; authorizing certain fees; modifying horse pass requirements; modifying report requirements for game and fish fund; modifying disposition of pheasant habitat improvement account; modifying wild turkey management account; modifying hunting and fishing licensing and taking provisions; requiring reports; providing for rulemaking; establishing an Outdoor Heritage Council; appropriating money; amending Minnesota Statutes 2006, sections 17.4981; 84.027, subdivision 15; 84.943, subdivision 5; 84D.10, subdivision 2; 84D.13, subdivision 4; 85.46, subdivision 1; 86A.04; 86A.08, subdivision 1; 90.151, subdivision 1; 97A.015, by adding a subdivision; 97A.055, subdivision 4b; 97A.075, subdivisions 4, 5; 97A.311, subdivision 5; 97A.431, subdivision 2; 97A.433, subdivision 2; 97A.434, subdivision 2; 97A.451, subdivision 4, by adding a subdivision; 97A.475, subdivision 5; 97A.485, subdivision 6; 97A.535, subdivision 1; 97B.015, subdivision 5; 97B.041; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.301, subdivision 6, by adding a subdivision; 97B.405; 97B.431; 97B.621, subdivision 3; 97B.711, subdivision 1;

97B.721; 97C.001, subdivision 3; 97C.005, subdivision 3; 97C.205; 97C.315, subdivision 1; 97C.355, subdivisions 4, 7, 7a; 97C.371, subdivision 4, by adding a subdivision; 97C.395, subdivision 1; 97C.401, subdivision 2; 97C.865, subdivision 2; 282.04, subdivision 4a; Minnesota Statutes 2007 Supplement, sections 10A.01, subdivision 35; 17.4984, subdivision 1; 97A.055, subdivision 4; 97A.405, subdivision 2; 97A.441, subdivision 7; 97A.451, subdivision 3; 97A.475, subdivisions 2, 3, 7, 12, 16; 97B.031, subdivision 1; 97B.035, subdivision 1a; 97B.036; 97B.328; 97C.355, subdivisions 2, 8; Laws 2006, chapter 236, article 1, section 43; proposing coding for new law in Minnesota Statutes, chapters 84B; 94; 97A; 97C; repealing Minnesota Statutes 2006, section 97A.411, subdivision 2; Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4; 6234.0100, subpart 4."

The motion prevailed and the amendment was adopted.

Slawik was excused between the hours of 12:55 p.m. and 1:50 p.m.

Anzelc and Solberg moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 39, after line 27, insert:

"Sec. 57. **EASEMENT ON TAX-FORFEITED LAND; ITASCA COUNTY.**

Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary, Itasca County may grant a 40-year easement of tax-forfeited land to the Itasca County Regional Rail Authority for a rail line right-of-way. The easement may be canceled only by resolution of the county board after reasonable notice for any substantial breach of the terms of the easement. The land subject to the easement may not be sold or otherwise conveyed by the county board during the period of the easement."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hackbarth moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 52, delete sections 24 and 25

Page 64, delete section 55

Page 66, delete section 62

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hackbarth amendment and the roll was called. There were 47 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Erhardt	Holberg	Nornes	Shimanski
Anderson, B.	Dean	Erickson	Hoppe	Olson	Simpson
Anderson, S.	DeLaForest	Finstad	Kohls	Paulsen	Smith
Anzelc	Demmer	Garofalo	Kranz	Peppin	Tingelstad
Beard	Dettmer	Gottwalt	Lanning	Peterson, N.	Wardlow
Berns	Drazkowski	Gunther	Magnus	Ruth	Westrom
Brod	Eastlund	Hackbarth	McFarlane	Seifert	Zellers
Buesgens	Emmer	Hamilton	McNamara	Severson	

Those who voted in the negative were:

Atkins	Faust	Jaros	Mahoney	Paymar	Thissen
Benson	Fritz	Johnson	Mariani	Pelowski	Tillberry
Bigham	Gardner	Juhnke	Marquart	Peterson, A.	Tschumper
Bly	Greiling	Kahn	Masin	Peterson, S.	Urdahl
Brown	Hansen	Kalin	Moe	Poppe	Wagenius
Brynaert	Hausman	Knuth	Morgan	Rukavina	Walker
Bunn	Haws	Koenen	Morrow	Ruud	Ward
Carlson	Heidgerken	Laine	Mullery	Sailer	Welti
Clark	Hilstrom	Lenczewski	Murphy, E.	Scalze	Winkler
Davnie	Hilty	Lesch	Murphy, M.	Sertich	Wollschlager
Dill	Hornstein	Liebling	Nelson	Simon	Spk. Kelliher
Dittrich	Hortman	Lieder	Norton	Slocum	
Dominguez	Hosch	Lillie	Olin	Solberg	
Doty	Howes	Loeffler	Otremba	Swails	
Eken	Huntley	Madore	Ozment	Thao	

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

Hackbarth moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 40, after line 16, insert:

"Sec. 2. Minnesota Statutes 2006, section 17.4982, is amended by adding a subdivision to read:

Subd. 14a. **Import.** "Import" or "importation" means bringing aquatic life or causing aquatic life to be brought into the state from an original source outside of this state or from a body of water contained wholly or partially within Grand Portage or Red Lake Reservation."

Page 62, after line 17, insert:

"Sec. 49. Minnesota Statutes 2006, section 97C.341, is amended to read:

97C.341 CERTAIN ~~FISH~~ AQUATIC LIFE PROHIBITED FOR BAIT.

(a) A person may not use live minnows imported from outside of the state, game fish, goldfish, or carp for bait.

(b) A person may not import or possess live, frozen, or processed bait from known waters where viral hemorrhagic septicemia has been identified as being present. For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians, invertebrates, and insects used for angling. For the purposes of this paragraph, "import" has the meaning given in section 17.4982, subdivision 14a."

Page 65, after line 1, insert:

"Sec. 58. Minnesota Statutes 2006, section 97C.515, subdivision 4, is amended to read:

Subd. 4. **Private fish hatchery or aquatic farm.** (a) A person with a private fish hatchery or aquatic farm license may transport minnows with a transportation permit from contiguous states to the private fish hatchery or aquatic farm, provided the minnows are used for processing or feeding hatchery fish.

(b) The commissioner may require inspection of minnows and disease certification for species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, that are being transported from outside the state or from waters partially or wholly contained within the boundary of Grand Portage or Red Lake Reservation.

(c) The commissioner may approve the import of minnows into areas or waters where certifiable diseases have been identified as being present.

Sec. 59. Minnesota Statutes 2006, section 97C.821, is amended to read:

97C.821 POSSESSION, SALE, AND TRANSPORTATION OF COMMERCIAL FISH.

Subject to the applicable provisions of the game and fish laws, fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold, and transported at any time. Commercial fishing licensees may transport their catch live to holding facilities, if the licensee has exclusive control of the facilities. Commercial fishing licensees may harvest fish from their holding facilities at any time with their licensed gear. The commissioner may prohibit the transport of live fish taken under a commercial fishing license from waters that contain nonnative species, are designated as infested waters, are infected with any certifiable disease, or are from waters partially or wholly contained within the boundary of Grand Portage or Red Lake Reservation."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Hackbarth moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 65, after line 8, insert:

"Sec. 59. Minnesota Statutes 2006, section 624.20, subdivision 1, is amended to read:

Subdivision 1. **Regulation.** (a) As used in sections 624.20 to 624.25, the term "fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers,

torpedoes, skyrocketes, Roman candles, daygo bombs, sparklers other than those specified in paragraph (c), or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks.

(b) The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.

(c) The term also does not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of ~~200~~ 500 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture. The use of items listed in this paragraph is not permitted on public property. This paragraph does not authorize the purchase of items listed in it by persons younger than 18 years of age. The age of a purchaser of items listed in this paragraph must be verified by photographic identification.

(d) A local unit of government may impose an annual license fee for the retail sale of items authorized under paragraph (c). The annual license fee of each retail seller that is in the business of selling only the items authorized under paragraph (c) may not exceed \$350, and the annual license of each other retail seller may not exceed \$100. A local unit of government may not:

(1) impose any fee or charge, other than the fee authorized by this paragraph, on the retail sale of items authorized under paragraph (c);

(2) prohibit or restrict the display of items for permanent or temporary retail sale authorized under paragraph (c) that comply with National Fire Protection Association Standard 1124 (2003 edition); or

(3) impose on a retail seller any financial guarantee requirements, including bonding or insurance provisions, containing restrictions or conditions not imposed on the same basis on all other business licensees.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Abeler moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 67, after line 6, insert:

"Sec. 66. **MISSISSIPPI RIVER SLOT LIMITS.**

The Department of Natural Resources must not adopt rules regarding slot limits on the Mississippi River between the Crow River and Coon Rapids Dam without legislative authorization."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Erickson moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 46, after line 22, insert:

"Sec. 12. **[97A.162] MEETINGS SUBJECT TO OPEN MEETING LAW.**

Meetings between the Department of Natural Resources, the eight Ojibwe tribes, and the Great Lakes Indian Fish and Wildlife Commission regarding 1837 treaty rights shall be open to the public and subject to the open meeting provisions under chapter 13D."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 50 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Finstad	Kohls	Peterson, N.	Tingelstad
Anderson, B.	Demmer	Garofalo	Kranz	Rukavina	Urdahl
Anderson, S.	Dettmer	Gottwalt	Lanning	Ruth	Wardlow
Anzels	Doty	Gunther	Magnus	Seifert	Westrom
Beard	Drazkowski	Hackbarth	McFarlane	Severson	Zellers
Brod	Eastlund	Hamilton	Nornes	Shimanski	
Buesgens	Emmer	Heidgerken	Olson	Simpson	
Cornish	Erickson	Holberg	Ozment	Smith	
Dean	Faust	Hoppe	Peppin	Solberg	

Those who voted in the negative were:

Atkins	Eken	Huntley	Loeffler	Norton	Slocum
Benson	Erhardt	Jaros	Madore	Olin	Swails
Berns	Fritz	Johnson	Mahoney	Otremba	Thao
Bigham	Gardner	Juhnke	Mariani	Paulsen	Thissen
Bly	Greiling	Kahn	Marquart	Paymar	Tillberry
Brown	Hansen	Kalin	Masin	Pelowski	Tschumper
Brynaert	Hausman	Knuth	McNamara	Peterson, A.	Wagenius
Bunn	Haws	Koenen	Moe	Peterson, S.	Walker
Carlson	Hilstrom	Laine	Morgan	Poppe	Ward
Clark	Hilty	Lenczewski	Morrow	Ruud	Welti
Davnie	Hornstein	Lesch	Mullery	Sailer	Winkler
Dill	Hortman	Liebling	Murphy, E.	Scalze	Wollschlager
Dittrich	Hosch	Lieder	Murphy, M.	Sertich	Spk. Kelliher
Dominguez	Howes	Lillie	Nelson	Simon	

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

Heidgerken moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 67, after line 6, insert:

"Sec. 66. **DISABLED HUNTING; RULES.**

By January 1, 2010, the commissioner of natural resources shall consider amending Minnesota Rules in order to simplify the process for obtaining disabled hunting permits and for landowners to allow hunts on their land for the disabled. By January 1, 2009, the commissioner shall report to the chairs of the senate and house committees with jurisdiction over natural resources on any statutory changes needed in order to achieve the simplification. The commissioner shall work with nonprofit groups and other interested parties in simplifying the process."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hoppe moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 62, delete section 48 and insert:

"Sec. 48. Minnesota Statutes 2006, section 97C.315, subdivision 1, is amended to read:

Subdivision 1. **Lines.** An angler may ~~not use more than one line except:~~

~~(1) two lines may be used to take fish through the ice; and~~

~~(2) the commissioner may, by rule, authorize the use of two lines in areas designated by the commissioner in Lake Superior."~~

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

Brod moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 68, delete section 2 and insert:

"Sec. 2. **[97A.056] OUTDOOR HERITAGE FUND AND OFFICE; LESSARD-HERITAGE ENHANCEMENT COUNCIL.**

Subdivision 1. **Outdoor heritage fund.** (a) The outdoor heritage fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the outdoor heritage fund must be credited to the fund. At least 97 percent of the money appropriated from the fund must be spent on specific fish, wildlife, habitat, and land conservation projects.

(b) A conservation partners account is created within the outdoor heritage fund. From the receipts deposited in the fund under the Minnesota Constitution, article XI, section 15, 20 percent each year must be credited to the conservation partners account and is appropriated to the commissioner of outdoor heritage to be spent only for matching grants of up to \$250,000 to local sporting and wildlife conservation clubs for the improvement of fish, game, and wildlife habitat conservation.

(c) A forest fragmentation and consolidation account is created within the outdoor heritage fund. From the receipts deposited in the fund under the Minnesota Constitution, article XI, section 15, 20 percent each fiscal year must be credited to the forest fragmentation and consolidation account and is appropriated to the commissioner of outdoor heritage to be spent only for the acquisition of permanent easements on private forest land or for the acquisition of land for forest consolidation. The conservation easements must guarantee public access, including, but not limited to, hunting and fishing access.

(d) From the receipts deposited in the fund under the Minnesota Constitution, article XI, section 15, 60 percent each fiscal year is appropriated to the commissioner of outdoor heritage to be spent on specific fish, wildlife, habitat, and land conservation projects.

Subd. 2. **The office of the commissioner of outdoor heritage.** The office of the commissioner of outdoor heritage is created as an agency in the executive branch of state government. The governor shall appoint the commissioner of outdoor heritage under section 15.06. The commissioner may appoint a deputy commissioner. All expenses of the commissioner, including the payment of staff and other assistance as may be necessary, must be paid out of the outdoor heritage fund.

Subd. 3. **Lessard-Heritage Enhancement Council.** There is hereby created the Lessard-Heritage Enhancement Council, consisting of 13 members, five of whom are state senators appointed by the Subcommittee on Committees of the Rules Committee of the senate, and five of whom are representatives, appointed by the speaker of the house of representatives. The remaining members shall be appointed one each by the senate majority leader, the speaker of the house of representatives, and the governor and must be nonlegislators. The members shall be appointed in January of every odd-numbered year and shall serve until January of the next odd-numbered year. Vacancies on the council shall be filled in the same manner as the original members were chosen.

Subd. 4. **Expenditures.** All expenditures made by the commissioner of outdoor heritage shall be consistent with the purposes of the outdoor heritage fund as identified in subdivision 1, and shall first be submitted to the Lessard-Heritage Enhancement Council for approval by a majority of the board, and the method, manner, and time of payment of all funds proposed to be disbursed shall be first approved or disapproved by the council. The expenses of the council shall be paid out of the outdoor heritage fund.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in Laws 2008, chapter 151, is adopted by the voters."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Brod amendment and the roll was called. There were 38 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Emmer	Hamilton	Paulsen	Smith
Anderson, S.	DeLaForest	Erhardt	Holberg	Peppin	Westrom
Beard	Demmer	Finstad	Hoppe	Ruth	Zellers
Berns	Dettmer	Garofalo	Kohls	Seifert	
Brod	Dittrich	Gottwalt	Lanning	Severson	
Buesgens	Drazkowski	Gunther	Magnus	Shimanski	
Cornish	Eastlund	Hackbarth	Nornes	Simpson	

Those who voted in the negative were:

Abeler	Erickson	Jaros	Mahoney	Otremba	Swails
Anzelc	Faust	Johnson	Mariani	Ozment	Thao
Atkins	Fritz	Juhnke	Marquart	Paymar	Thissen
Benson	Gardner	Kahn	Masin	Pelowski	Tillberry
Bigham	Greiling	Kalin	McFarlane	Peterson, A.	Tingelstad
Bly	Hansen	Knuth	McNamara	Peterson, N.	Tschumper
Brown	Hausman	Koenen	Moe	Peterson, S.	Urdahl
Brynaert	Haws	Kranz	Morgan	Poppe	Wagenius
Bunn	Heidgerken	Laine	Morrow	Rukavina	Walker
Carlson	Hilstrom	Lenczewski	Mullery	Ruud	Ward
Clark	Hilty	Lesch	Murphy, E.	Sailer	Wardlow
Davnie	Hornstein	Liebling	Murphy, M.	Scalze	Welti
Dill	Hortman	Lieder	Nelson	Sertich	Winkler
Dominguez	Hosch	Lillie	Norton	Simon	Wollschlager
Doty	Howes	Loeffler	Olin	Slocum	Spk. Kelliher
Eken	Huntley	Madore	Olson	Solberg	

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

The Speaker resumed the Chair.

Brod moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 68, delete section 2 and insert:

"Sec. 2. **[97A.056] OUTDOOR HERITAGE FUND AND OFFICE; LESSARD-HERITAGE ENHANCEMENT COUNCIL.**

Subdivision 1. Outdoor heritage fund. (a) A conservation partners account is created within the outdoor heritage fund. From the receipts deposited in the fund under the Minnesota Constitution, article XI, section 15, 20 percent each year must be credited to the conservation partners account and is appropriated to the commissioner of outdoor heritage to be spent only for matching grants of up to \$250,000 to local sporting and wildlife conservation clubs for the improvement of fish, game, and wildlife habitat conservation.

(b) A forest fragmentation and consolidation account is created within the outdoor heritage fund. From the receipts deposited in the fund under the Minnesota Constitution, article XI, section 15, 20 percent each fiscal year must be credited to the forest fragmentation and consolidation account and is appropriated to the commissioner of outdoor heritage to be spent only for the acquisition of permanent easements on private forest land or for the acquisition of land for forest consolidation. The conservation easements must guarantee public access, including, but not limited to, hunting and fishing access.

Subd. 2. **The office of the commissioner of outdoor heritage.** The office of the commissioner of outdoor heritage is created as an agency in the executive branch of state government. The governor shall appoint the commissioner of outdoor heritage under section 15.06. The commissioner may appoint a deputy commissioner. All expenses of the commissioner, including the payment of staff and other assistance as may be necessary, must be paid out of the outdoor heritage fund.

Subd. 3. **Lessard-Heritage Enhancement Council.** There is hereby created the Lessard-Heritage Enhancement Council, consisting of 13 members, five of whom are state senators appointed by the Subcommittee on Committees of the Rules Committee of the senate, and five of whom are representatives, appointed by the speaker of the house of representatives. The remaining members shall be appointed one each by the senate majority leader, the speaker of the house of representatives, and the governor and must be nonlegislators. The members shall be appointed in January of every odd-numbered year and shall serve until January of the next odd-numbered year. Vacancies on the council shall be filled in the same manner as the original members were chosen.

Subd. 4. **Expenditures.** All expenditures made by the commissioner of outdoor heritage shall be consistent with the purposes of the outdoor heritage fund as identified in subdivision 1, and shall first be submitted to the Lessard-Heritage Enhancement Council for approval by a majority of the board, and the method, manner, and time of payment of all funds proposed to be disbursed shall be first approved or disapproved by the council. The expenses of the council shall be paid out of the outdoor heritage fund.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in Laws 2008, chapter 151, is adopted by the voters."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Brod amendment and the roll was called. There were 29 yeas and 105 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Cornish	Finstad	Hoppe	Nornes	Simpson
Anderson, S.	Dean	Gunther	Kohls	Paulsen	Smith
Beard	DeLaForest	Hackbarth	Lanning	Ruth	Westrom
Berns	Demmer	Hamilton	Magnus	Seifert	Zellers
Brod	Dettmer	Holberg	McFarlane	Shimanski	

Those who voted in the negative were:

Abeler	Davnie	Fritz	Hortman	Laine	McNamara
Anzelc	Dill	Gardner	Hosch	Lenczewski	Moe
Atkins	Dittrich	Garofalo	Howes	Lesch	Morgan
Benson	Dominguez	Gottwalt	Huntley	Liebling	Morrow
Bigham	Doty	Greiling	Jaros	Lieder	Mullery
Bly	Drazkowski	Hansen	Johnson	Lillie	Murphy, E.
Brown	Eastlund	Hausman	Juhnke	Loeffler	Murphy, M.
Brynaert	Eken	Haws	Kahn	Madore	Nelson
Buesgens	Emmer	Heidgerken	Kalin	Mahoney	Norton
Bunn	Erhardt	Hilstrom	Knuth	Mariani	Olin
Carlson	Erickson	Hilty	Koenen	Marquart	Olson
Clark	Faust	Hornstein	Kranz	Masin	Otremba

Ozment	Peterson, S.	Sertich	Swails	Urdahl	Winkler
Paymar	Poppe	Severson	Thao	Wagenius	Wollschlager
Pelowski	Rukavina	Simon	Thissen	Walker	Spk. Kelliher
Peppin	Ruud	Slawik	Tillberry	Ward	
Peterson, A.	Sailer	Slocum	Tingelstad	Wardlow	
Peterson, N.	Scalze	Solberg	Tschumper	Welti	

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

The Speaker called Thissen to the Chair.

Hackbarth moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 59, line 16, delete "after" and insert "before" and delete "before" and insert "after"

The motion prevailed and the amendment was adopted.

Hackbarth moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 64, line 10, reinstate the stricken "last" and delete "second" and reinstate the stricken "February" and delete "March"

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

Buesgens moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 5, delete section 7

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 32 yeas and 102 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Finstad	Holberg	Peppin	Westrom
Anderson, S.	Dettmer	Garofalo	Kohls	Seifert	Zellers
Beard	Drazkowski	Gottwalt	Lanning	Severson	
Brod	Eastlund	Gunther	Magnus	Shimanski	
Buesgens	Emmer	Hackbarth	Nornes	Smith	
Dean	Erickson	Hamilton	Olson	Wardlow	

Those who voted in the negative were:

Abeler	Benson	Bly	Bunn	Cornish	Dill
Anzelc	Berns	Brown	Carlson	Davnie	Dittrich
Atkins	Bigham	Brynaert	Clark	DeLaForest	Dominguez

Doty	Hornstein	Lenczewski	Morgan	Peterson, N.	Swails
Eken	Hortman	Lesch	Morrow	Peterson, S.	Thao
Erhardt	Hosch	Liebling	Mullery	Poppe	Thissen
Faust	Howes	Lieder	Murphy, E.	Rukavina	Tillberry
Fritz	Huntley	Lillie	Murphy, M.	Ruth	Tingelstad
Gardner	Jaros	Loeffler	Nelson	Ruud	Tschumper
Greiling	Johnson	Madore	Norton	Sailer	Urdahl
Hansen	Juhnke	Mahoney	Olin	Scalze	Wagenius
Hausman	Kahn	Mariani	Otremba	Sertich	Walker
Haws	Kalin	Marquart	Ozment	Simon	Ward
Heidgerken	Knuth	Masin	Paulsen	Simpson	Welti
Hilstrom	Koenen	McFarlane	Paymar	Slawik	Winkler
Hilty	Kranz	McNamara	Pelowski	Slocum	Wollschlager
Hoppe	Laine	Moe	Peterson, A.	Solberg	Spk. Kelliher

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

Zellers moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 68, delete section 2 and insert:

"Sec. 2. **[97A.056] OUTDOOR HERITAGE FUND; LESSARD-HERITAGE ENHANCEMENT COUNCIL.**

Subdivision 1. Outdoor heritage fund. (a) The outdoor heritage fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the outdoor heritage fund must be credited to the fund. At least 99½ percent of the money appropriated from the fund must be spent on specific fish, wildlife, habitat, and land conservation projects.

(b) A forest fragmentation and consolidation account is created within the outdoor heritage fund. From the receipts deposited in the fund under the Minnesota Constitution, article XI, section 15, 20 percent each fiscal year must be credited to the forest fragmentation and consolidation account. Money in the account may be spent only for the acquisition of permanent easements on private forest land or for the acquisition of land for forest consolidation. The conservation easements must guarantee public access, including, but not limited to, hunting and fishing access.

(c) A conservation partners account is created within the outdoor heritage fund. From the receipts deposited in the fund under the Minnesota Constitution, article XI, section 15, 20 percent each year must be credited to the conservation partners account. Money in the account may be spent only for matching grants of up to \$250,000 to local sporting and wildlife conservation clubs for the improvement of fish, game, and wildlife habitat conservation.

Subd. 2. Lessard-Heritage Enhancement Council. (a) The Lessard-Heritage Enhancement Council of 16 members is created in the legislative branch, consisting of:

(1) three members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(2) three members of the house of representatives appointed by the speaker of the house;

(3) three public members representing hunting, fishing, and wildlife habitat conservation stakeholders appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(4) three public members representing hunting, fishing, and wildlife habitat conservation stakeholders appointed by the speaker of the house; and

(5) four public members representing hunting, fishing, and wildlife habitat conservation stakeholders appointed by the governor.

(b) One member from the senate and one member from the house of representatives must be from the minority caucus.

(c) At least one public member appointed by the speaker of the house and one public member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration must be a woman. At least two of the public members appointed by the governor must be women. At least one of the public members appointed by the governor must be an ethnic minority.

(d) The public members appointed and recommended to the appointing authorities according to subdivision 3 must:

(1) have experience or expertise in the science, policy, or practice of preservation, enhancement, and protection of the state's fish, game, and wildlife habitat;

(2) have strong knowledge in the state's fish, game, and wildlife habitat conservation issues around the state; and

(3) have demonstrated the ability to work in a collaborative environment.

(e) A public member may be removed by an appointing authority for cause.

(f) Citizen members serve four-year terms and shall be initially appointed according to the following schedule of terms:

(1) two members appointed by the governor for a term ending the first Monday in January 2013;

(2) two members appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2013, and two members appointed by the speaker of the house for a term ending the first Monday in January 2013;

(3) one member appointed by the governor for a term ending the first Monday in January 2012;

(4) one member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2012, and one member appointed by the speaker of the house for a term ending the first Monday in January 2012; and

(5) one member appointed by the governor for a term ending the first Monday in January 2011.

(g) Legislative members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the council. The removal and, beginning July 1, 2009, the compensation of public members is as provided in section 15.0575.

(h) The first meeting of the council shall be convened by the chair of the Legislative Coordinating Commission. Members shall elect a chair, vice chair, secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

(i) Legislative membership terms are at the pleasure of the appointing authority, except that members shall serve on the council until their successors are appointed.

(j) The governor's appointments to the council are subject to the advice and consent of the senate.

(k) Vacancies occurring on the council do not affect the authority of the remaining members of the council to carry out their duties.

(l) In addition to the appointments in paragraph (a), each appointing authority shall appoint one nonvoting member under the age of 18.

Subd. 3. **Citizen selection committee.** (a) The governor shall appoint an Outdoor Heritage Fund Citizen Selection Committee of five members who come from different regions of the state and represent hunting and fishing stakeholders. The duties of the Outdoor Heritage Enhancement Fund Citizen Selection Committee shall be to:

(1) identify citizen candidates to be public members of the council, as part of the open appointments process under section 15.0597;

(2) request and review citizen candidate applications to be members of the council; and

(3) interview the citizen candidates and recommend an adequate pool of candidates to be selected for council membership by the governor, the senate, and the house of representatives. Members are entitled to travel expenses incurred to fulfill their duties under this subdivision as provided in section 15.059, subdivision 6.

(b) The Outdoor Heritage Enhancement Fund Citizen Selection Committee shall give strong consideration to recommending candidates under the age of 30.

Subd. 4. **Strategic plan required.** (a) The council shall adopt a strategic plan for making expenditures from the outdoor heritage fund, including identifying the priority areas for funding for the next six years. The strategic plan must be reviewed every two years. The strategic plan must have clearly stated short-term and long-term goals and strategies for outdoor heritage fund expenditures, must provide measurable outcomes for expenditures, and must determine areas of emphasis for funding.

(b) The council shall consider the long-term strategic plans of agencies with environment and natural resource programs and responsibilities and plans of fish, game, and wildlife conservation organizations during the development and review of the strategic plan.

Subd. 5. **Duties of council.** (a) The council, in consultation with statewide and local fishing, hunting, wildlife, forestry, agriculture, and land conservation groups, shall develop a biennial budget plan to recommend expenditures from the outdoor heritage fund to the legislature and the governor. Approval of the biennial budget plan for the outdoor heritage fund requires an affirmative vote of at least 11 members of the council.

(b) In the biennial budget submitted to the legislature, the governor shall submit separate budget detail for planned expenditures from the outdoor heritage fund as recommended by the council.

(c) As a condition of acceptance of an appropriation from the outdoor heritage fund, an agency or entity receiving an appropriation shall submit a work program and quarterly progress reports for appropriations from the outdoor heritage fund to the members of the Lessard-Heritage Enhancement Council in the form determined by the council.

Subd. 6. Council administration. (a) The council may employ personnel and contract with consultants as necessary to carry out the functions and duties of the council. Permanent employees shall be in the unclassified service. The council may request staff assistance, legal opinion, and data from agencies of state government as needed for the execution of the responsibilities of the council.

(b) Beginning July 1, 2009, the administrative expenses of the council shall be paid from the outdoor heritage fund, as appropriated by law.

(c) A council member or an employee of the council may not participate in or vote on a decision of the council relating to an organization in which the member or employee has either a direct or indirect personal financial interest. While serving on or employed by the council, a person shall avoid any potential conflict of interest.

Subd. 7. Open meetings. (a) Meetings of the council and other groups the council may establish must be open to the public. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations. For the purposes of this subdivision, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the council.

(b) For legislative members of the council, enforcement of this subdivision shall be governed by section 3.055, subdivision 2. For nonlegislative members of the council, enforcement of this subdivision shall be governed by section 13D.06, subdivisions 1 and 2.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in Laws 2008, chapter 151, is adopted by the voters."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Zellers amendment and the roll was called. There were 49 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Gottwalt	Lanning	Peterson, N.	Wardlow
Anderson, S.	Dittrich	Gunther	Magnus	Ruth	Westrom
Beard	Drazkowski	Hackbarth	McFarlane	Seifert	Wollschlager
Berns	Eastlund	Hamilton	Morgan	Severson	Zellers
Brod	Emmer	Holberg	Morrow	Shimanski	
Buesgens	Erhardt	Hoppe	Nornes	Simpson	
Dean	Erickson	Hosch	Olin	Smith	
DeLaForest	Finstad	Kohls	Paulsen	Swails	
Demmer	Garofalo	Kranz	Peppin	Urdahl	

Those who voted in the negative were:

Abeler	Benson	Brown	Carlson	Davnie	Doty
Anzelc	Bigham	Brynaert	Clark	Dill	Eken
Atkins	Bly	Bunn	Cornish	Dominguez	Faust

Fritz	Huntley	Lieder	Murphy, M.	Ruud	Tschumper
Gardner	Jaros	Lillie	Nelson	Sailer	Wagenius
Greiling	Johnson	Loeffler	Norton	Scalze	Walker
Hansen	Juhnke	Madore	Olson	Sertich	Ward
Hausman	Kahn	Mahoney	Otremba	Simon	Welti
Haws	Kalin	Mariani	Ozment	Slawik	Winkler
Heidgerken	Knuth	Marquart	Paymar	Slocum	Spk. Kelliher
Hilstrom	Koenen	Masin	Pelowski	Solberg	
Hilty	Laine	McNamara	Peterson, A.	Thao	
Hornstein	Lenczewski	Moe	Peterson, S.	Thissen	
Hortman	Lesch	Mullery	Poppe	Tillberry	
Hoves	Liebling	Murphy, E.	Rukavina	Tingelstad	

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

Anderson, S., moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 46, after line 22, insert:

"Sec. 12. **[97A.112] DISABLED HUNTERS.**

All hunting seasons in chapters 97A and 97B shall be extended for one week for individuals with disabilities."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Brod moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 68, delete section 2 and insert:

"Sec. 2. **[97A.056] OUTDOOR HERITAGE FUND AND OFFICE; LESSARD-HERITAGE ENHANCEMENT COUNCIL.**

(a) A conservation partners account is created within the outdoor heritage fund. From the receipts deposited in the fund under the Minnesota Constitution, article XI, section 15, 20 percent each year must be credited to the conservation partners account to be spent only for matching grants of up to \$250,000 to local sporting and wildlife conservation clubs for the improvement of fish, game, and wildlife habitat conservation.

(b) A forest fragmentation and consolidation account is created within the outdoor heritage fund. From the receipts deposited in the fund under the Minnesota Constitution, article XI, section 15, 20 percent each fiscal year must be credited to the forest fragmentation and consolidation account and is appropriated to the commissioner of outdoor heritage to be spent only for the acquisition of permanent easements on private forest land or for the acquisition of land for forest consolidation. The conservation easements must guarantee public access, including, but not limited to, hunting and fishing access.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in Laws 2008, chapter 151, is adopted by the voters."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Brod amendment and the roll was called. There were 45 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Garofalo	Kohls	Nornes	Simpson
Anderson, S.	Demmer	Gottwalt	Kranz	Paulsen	Smith
Beard	Dettmer	Gunther	Lanning	Peppin	Wardlow
Berns	Drazkowski	Hackbarth	Magnus	Peterson, N.	Westrom
Brod	Eastlund	Hamilton	McFarlane	Ruth	Zellers
Buesgens	Emmer	Holberg	McNamara	Seifert	
Cornish	Erhardt	Hoppe	Morgan	Severson	
Dean	Finstad	Howes	Morrow	Shimanski	

Those who voted in the negative were:

Abeler	Doty	Hosch	Loeffler	Ozment	Swails
Anzelc	Eken	Huntley	Madore	Paymar	Thao
Atkins	Erickson	Jaros	Mahoney	Pelowski	Thissen
Benson	Faust	Johnson	Mariani	Peterson, A.	Tillberry
Bigham	Fritz	Juhnke	Marquart	Peterson, S.	Tingelstad
Bly	Gardner	Kahn	Masin	Poppe	Tschumper
Brown	Greiling	Kalin	Moe	Rukavina	Urdahl
Brynaert	Hansen	Knuth	Mullery	Ruud	Wagenius
Bunn	Hausman	Koenen	Murphy, E.	Sailer	Walker
Carlson	Haws	Laine	Murphy, M.	Scalze	Ward
Clark	Heidgerken	Lenczewski	Nelson	Sertich	Welti
Davnie	Hilstrom	Lesch	Norton	Simon	Winkler
Dill	Hilty	Liebling	Olin	Slawik	Wollschlager
Dittrich	Hornstein	Lieder	Olson	Slocum	Spk. Kelliher
Dominguez	Hortman	Lillie	Otremba	Solberg	

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

Paulsen moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 68, delete section 2 and insert:

"Sec. 2. [97A.056] OUTDOOR HERITAGE FUND AND OFFICE; LESSARD-HERITAGE ENHANCEMENT COUNCIL.

A conservation partners account is created within the outdoor heritage fund. From the receipts deposited in the fund under the Minnesota Constitution, article XI, section 15, 20 percent each year must be credited to the conservation partners account to be spent only for matching grants of up to \$250,000 to local sporting and wildlife conservation clubs for the improvement of fish, game, and wildlife habitat conservation.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in Laws 2008, chapter 151, is adopted by the voters."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Paulsen amendment and the roll was called. There were 50 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Garofalo	Lanning	Paulsen	Tingelstad
Anderson, B.	Demmer	Gottwalt	Magnus	Peppin	Urdahl
Anderson, S.	Dettmer	Gunther	McFarlane	Peterson, N.	Wardlow
Beard	Drazkowski	Hackbarth	McNamara	Ruth	Westrom
Berns	Eastlund	Hamilton	Morgan	Seifert	Zellers
Brod	Emmer	Heidgerken	Morrow	Severson	
Buesgens	Erhardt	Holberg	Nornes	Shimanski	
Cornish	Erickson	Hoppe	Olson	Simpson	
Dean	Finstad	Kohls	Ozment	Smith	

Those who voted in the negative were:

Anzelc	Doty	Howes	Lieder	Olin	Slocum
Atkins	Eken	Huntley	Lillie	Otremba	Solberg
Benson	Faust	Jaros	Loeffler	Paymar	Swails
Bigham	Fritz	Johnson	Madore	Pelowski	Thao
Bly	Gardner	Juhnke	Mahoney	Peterson, A.	Thissen
Brown	Greiling	Kahn	Mariani	Peterson, S.	Tillberry
Brynaert	Hansen	Kalin	Marquart	Poppe	Tschumper
Bunn	Hausman	Knuth	Masin	Rukavina	Wagenius
Carlson	Haws	Koenen	Moe	Ruud	Walker
Clark	Hilstrom	Kranz	Mullery	Sailer	Ward
Davnie	Hilty	Laine	Murphy, E.	Scalze	Welti
Dill	Hornstein	Lenczewski	Murphy, M.	Sertich	Winkler
Dittrich	Hortman	Lesch	Nelson	Simon	Wollschlager
Dominguez	Hosch	Liebling	Norton	Slawik	Spk. Kelliher

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

Westrom offered an amendment to S. F. No. 2651, the fourth engrossment, as amended.

POINT OF ORDER

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

Westrom appealed the decision of Speaker pro tempore Thissen.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Thissen stand as the judgment of the House?" and the roll was called. There were 92 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Jaros	Mahoney	Paymar	Thissen
Anzelc	Eken	Johnson	Mariani	Pelowski	Tillberry
Atkins	Erhardt	Juhnke	Marquart	Peterson, A.	Tingelstad
Benson	Fritz	Kahn	Masin	Peterson, N.	Tschumper
Bigham	Gardner	Kalin	Moe	Peterson, S.	Urdahl
Bly	Greiling	Knuth	Morgan	Poppe	Wagenius
Brod	Hansen	Koenen	Morrow	Rukavina	Walker
Brown	Hausman	Kranz	Mullery	Ruud	Ward
Brynaert	Haws	Laine	Murphy, E.	Sailer	Welti
Bunn	Heidgerken	Lenczewski	Murphy, M.	Scalze	Winkler
Carlson	Hilstrom	Lesch	Nelson	Sertich	Wollschlager
Clark	Hilty	Liebling	Norton	Simon	Spk. Kelliher
Davnie	Hornstein	Lieder	Olin	Slawik	
Dill	Hortman	Lillie	Otremba	Slocum	
Dittrich	Hosch	Loeffler	Ozment	Swails	
Dominguez	Huntley	Madore	Paulsen	Thao	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Faust	Holberg	McNamara	Shimanski
Anderson, S.	Demmer	Finstad	Hoppe	Nornes	Simpson
Beard	Dettmer	Garofalo	Howes	Olson	Smith
Berns	Drazkowski	Gottwalt	Kohls	Peppin	Wardlow
Buesgens	Eastlund	Gunther	Lanning	Ruth	Westrom
Cornish	Emmer	Hackbarth	Magnus	Seifert	Zellers
Dean	Erickson	Hamilton	McFarlane	Severson	

So it was the judgment of the House that the decision of Speaker pro tempore Thissen should stand.

Hackbarth moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 1, after line 24, insert:

"Sec. 3. Minnesota Statutes 2006, section 85.012, is amended by adding a subdivision to read:

Subd. 38a. Lake Vermilion State Park, St. Louis County.

EFFECTIVE DATE. This section is effective upon acquisition by the state of all lands described in section 10, subdivision 3."

Page 5, after line 32, insert:

"Sec. 7. Minnesota Statutes 2006, section 116P.04, is amended by adding a subdivision to read:

Subd. 1a. **Bond proceeds account.** Money received from the revenue bonds sold under section 116P.085 shall be placed in a special bond proceeds account in the trust fund.

Sec. 8. Minnesota Statutes 2006, section 116P.08, subdivision 1, is amended to read:

Subdivision 1. **Expenditures.** All money in the trust fund necessary to make debt service payments on revenue bonds issued under section 116P.085, is appropriated annually to the commissioner of finance. Any remaining money in the trust fund may be spent only for:

- (1) the reinvest in Minnesota program as provided in section 84.95, subdivision 2;
- (2) research that contributes to increasing the effectiveness of protecting or managing the state's environment or natural resources;
- (3) collection and analysis of information that assists in developing the state's environmental and natural resources policies;
- (4) enhancement of public education, awareness, and understanding necessary for the protection, conservation, restoration, and enhancement of air, land, water, forests, fish, wildlife, and other natural resources;
- (5) capital projects for the preservation and protection of unique natural resources;
- (6) activities that preserve or enhance fish, wildlife, land, air, water, and other natural resources that otherwise may be substantially impaired or destroyed in any area of the state;
- (7) administrative and investment expenses incurred by the State Board of Investment in investing deposits to the trust fund; and
- (8) administrative expenses subject to the limits in section 116P.09.

Sec. 9. **[116P.085] LAKE VERMILION STATE PARK ACQUISITION REVENUE BONDS.**

Subdivision 1. **Bonding authority.** (a) The commissioner of finance, if requested by the commissioner of the natural resources, shall sell and issue state revenue bonds for the following purposes:

- (1) to acquire real property for Lake Vermilion State Park and develop the park;
- (2) to pay the costs of issuance, debt service, and bond insurance or other credit enhancements and to fund reserves; and

(3) to refund bonds issued under this section.

(b) The amount of bonds that may be issued for the purposes of paragraph (a), clause (1), may not exceed \$20,000,000. The amount of bonds that may be issued for the purposes of paragraph (a), clauses (2) and (3), is not limited.

Subd. 2. **Procedure.** The commissioner of finance may sell and issue the bonds on the terms and conditions the commissioner of finance determines to be in the best interests of the state. The bonds may be sold at public or private sale. The commissioner of finance may enter any agreements or pledges the commissioner of finance determines necessary or useful to sell the bonds that are not inconsistent with this section. Sections 16A.672 to 16A.675 apply to the bonds. The proceeds of the bonds issued under this section must be credited to a special bond proceeds account in the environment and natural resources trust fund and are appropriated to the commissioner of the natural resources for the purposes specified in subdivision 1.

Subd. 3. **Revenue sources.** The debt service on the bonds is payable only from the following sources:

(1) the environment and natural resources trust fund; and

(2) other revenues pledged to the payment of the bonds.

Subd. 4. **Refunding bonds.** The commissioner of finance may issue bonds to refund outstanding bonds issued under subdivision 1, including the payment of any redemption premiums on the bonds and any interest accrued or to accrue to the first redemption date after delivery of the refunding bonds. The proceeds of the refunding bonds may, in the discretion of the commissioner of finance, be applied to the purchases or payment at maturity of the bonds to be refunded, or the redemption of the outstanding bonds on the first redemption date after delivery of the refunding bonds and may, until so used, be placed in escrow to be applied to the purchase, retirement, or redemption. Refunding bonds issued under this subdivision must be issued and secured in the manner provided by the commissioner of finance.

Subd. 5. **Not a general or moral obligation.** Bonds issued under this section are not public debt, and the full faith, credit, and taxing powers of the state are not pledged for their payment. The bonds may not be paid, directly in whole or in part from a tax of statewide application on any class of property, income, transaction, or privilege. Payment of the bonds is limited to the revenues explicitly authorized to be pledged under this section. The state neither makes nor has a moral obligation to pay the bonds if the pledged revenues and other legal security for them is insufficient.

Subd. 6. **Trustee.** The commissioner of finance may contract with and appoint a trustee for bondholders. The trustee has the powers and authority vested in it by the commissioner of finance under the bond and trust indentures.

Subd. 7. **Pledges.** Any pledge made by the commissioner of finance is valid and binding from the time the pledge is made. The money or property pledged and later received by the commissioner of finance is immediately subject to the lien of the pledge without any physical delivery of the property or money or further act, and the lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the commissioner of finance, whether or not those parties have notice of the lien or pledge. Neither the order nor any other instrument by which a pledge is created need be recorded.

Subd. 8. **Bonds; purchase and cancellation.** The commissioner of finance, subject to agreements with bondholders that may then exist, may, out of any money available for the purpose, purchase bonds of the commissioner of finance at a price not exceeding (1) if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date thereon, or (2) if the bonds are not redeemable, the redemption price applicable on the first date after the purchase upon which the bonds become subject to redemption plus accrued interest to that date.

Subd. 9. **State pledge against impairment of contracts.** The state pledges and agrees with the holders of any bonds that the state will not limit or alter the rights vested in the commissioner of finance to fulfill the terms of any agreements made with the bondholders, or in any way impair the rights and remedies of the holders until the bonds, together with interest on them, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders, are fully met and discharged. The commissioner of finance may include this pledge and agreement of the state in any agreement with the holders of bonds issued under this section."

Page 6, after line 29, insert:

"Sec. 16. **LAKE VERMILION STATE PARK.**

Subdivision 1. **Lake Vermilion State Park.** Lake Vermilion State Park is established in St. Louis County.

Subd. 2. **Management.** All lands acquired for Lake Vermilion State Park must be administered in the same manner as provided for other state parks and must be perpetually dedicated for that use.

Subd. 3. **Boundaries.** The following described lands are located within the boundaries of Lake Vermilion State Park:

(1) Government Lots 4, 5, 6, 7, 8, 9, and the South Half of the Southeast Quarter, all in Section 13, Township 62 North, Range 15 West;

(2) Government Lots 6 and 8, Section 14, Township 62 North, Range 15 West;

(3) Government Lots 1 and 7 and the Northeast Quarter of the Southeast Quarter, all in Section 22, Township 62 North, Range 15 West;

(4) Government Lots 1, 2, 3, 4, the Southeast Quarter of the Northeast Quarter, and the South Half, all in Section 23, Township 62 North, Range 15 West;

(5) all of Section 24, Township 62 North, Range 15 West;

(6) all of Section 25, Township 62 North, Range 15 West;

(7) all of Section 26, Township 62 North, Range 15 West, excepting therefrom all that part of the Southeast Quarter of the Southwest Quarter lying South of the south right-of-way line of State Highway 169 and also excepting therefrom the East 845 feet of the Southwest Quarter of the Southwest Quarter lying South of the south right-of-way line of State Highway 169;

(8) the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 27, Township 62 North, Range 15 West;

(9) the Southeast Quarter of the Northeast Quarter of Section 29, Township 62 North, Range 15 West, except that part lying South of the centerline of the McKinley Park Road; and

(10) Government Lots 1 and 2 and the East Half of the Northwest Quarter, Section 19, Township 62 North, Range 14 West.

Sec. 17. **ACQUISITION; LAKE VERMILION STATE PARK.**

The commissioner of natural resources may acquire by gift or purchase the lands for Lake Vermilion State Park. Minnesota Statutes, section 84.0272, subdivision 1, does not apply to a purchase, except for the requirement that the lands be appraised. Prior to the purchase of any land within the boundaries described, the state must receive from St. Louis County a resolution supporting the purchase. Notwithstanding Minnesota Statutes, section 92.45, or any other law to the contrary, within 24 months of the acquisition of the state park established in section 2, the state shall transfer to St. Louis County or sell at public auction state lands within St. Louis County of equal ad valorem value to the lands described to be purchased in section 2. The state lands transferred or sold at auction must not be located in the Boundary Waters Canoe Area and may include school trust fund lands as defined in Minnesota Statutes, section 92.025. The state lands transferred or sold at auction must include shoreland footage equaling the shoreland footage described in section 2, including any island shorelands.

Page 39, after line 27, insert:

"Sec. 57. **VERMILION STATE PARK; APPROPRIATION.**

\$22,866,000 is appropriated from the environment and natural resources trust fund to the commissioner of natural resources in fiscal year 2009 for the acquisition of the land for Vermilion State Park described in section 16, subdivision 3. This appropriation is available until all the lands described in section 16, subdivision 3, are acquired. Any unexpended funds remaining after the purchase of all the land described in section 16, subdivision 3 shall be returned to the environment and natural resources trust fund.

Sec. 58. **VERMILION STATE PARK; BOND APPROPRIATION.**

\$20,000,000 is appropriated from the bond proceeds account in new Minnesota Statutes, section 116P.085 to the commissioner of natural resources for the development of the land for Vermilion State Park described in section 16, subdivision 3."

Page 39, delete section 57 and insert:

"Sec. 59. **EFFECTIVE DATE.**

The sections in this article are effective the day following final enactment unless otherwise specified."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the Hackbarth amendment and the roll was called. There were 35 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Finstad	Hoppe	Nornes	Simpson
Anderson, S.	DeLaForest	Garofalo	Kohls	Ozment	Smith
Berns	Demmer	Gunther	Lanning	Paulsen	Urdahl
Brod	Dettmer	Hackbarth	Magnus	Peppin	Westrom
Buesgens	Emmer	Hamilton	McFarlane	Ruth	Zellers
Cornish	Erickson	Holberg	McNamara	Seifert	

Those who voted in the negative were:

Anzelc	Eastlund	Howes	Madore	Pelowski	Thao
Atkins	Eken	Huntley	Mahoney	Peterson, A.	Thissen
Beard	Erhardt	Jaros	Mariani	Peterson, N.	Tillberry
Benson	Faust	Johnson	Marquart	Peterson, S.	Tingelstad
Bigham	Fritz	Juhnke	Masin	Poppe	Tschumper
Bly	Gardner	Kahn	Moe	Rukavina	Wagenius
Brown	Gottwalt	Kalin	Morgan	Ruud	Walker
Brynaert	Greiling	Knuth	Morrow	Sailer	Ward
Bunn	Hansen	Koenen	Mullery	Scalze	Wardlow
Carlson	Hausman	Kranz	Murphy, E.	Sertich	Welti
Clark	Haws	Laine	Murphy, M.	Severson	Winkler
Davnie	Heidgerken	Lenczewski	Nelson	Shimanski	Wollschlager
Dill	Hilstrom	Lesch	Norton	Simon	Spk. Kelliher
Dittrich	Hilty	Liebling	Olin	Slawik	
Dominguez	Hornstein	Lieder	Olson	Slocum	
Doty	Hortman	Lillie	Otremba	Solberg	
Drazkowski	Hosch	Loeffler	Paymar	Swails	

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

Dill moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 37, after line 31, insert:

"Sec. 54. **PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, St. Louis 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 conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in St. Louis County and is described as: Southeast Quarter of Southwest Quarter, Section 24, Township 65 North, Range 20 West."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Ozment moved to amend S. F. No. 2651, the fourth engrossment, as amended, as follows:

Page 39, after line 27, insert:

"Sec. 57. **LAKE VERMILION STATE PARK ACQUISITION AND DEVELOPMENT.**

Up to \$3,000,000 each year in fiscal years 2010, 2011, 2012, 2013 and 2014 is appropriated from the environment and natural resources trust fund to acquire land for Lake Vermilion State Park, and to predesign, design, construct, furnish, and equip park facilities for the development of the park. The commissioner may negotiate a final price to purchase the land for Lake Vermilion State Park."

Correct the totals accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

S. F. No. 2651, A bill for an act relating to natural resources; modifying provisions for sale of surplus state land; creating a Minnesota forests for the future program; establishing a revolving account; providing for alternative recording of state forest roads; providing for certain wetland banking credits; modifying provisions related to aquatic farms; providing for expedited exchanges of public land; providing for consultation on certain unallotments; providing for viral hemorrhagic septicemia and wildlife disease control; providing for a voluntary walleye stamp; creating the Lessard-Heritage Enhancement Council; modifying hunting and fishing licensing and taking provisions; modifying certain fund and account provisions; modifying outdoor recreation system provisions; adding to and deleting from state parks, recreation areas, and forests; providing for public and private sales, conveyances, leases, and exchanges of certain state land; requiring reports and studies; appropriating money; amending Minnesota Statutes 2006, sections 16B.281, subdivision 3; 16B.282; 16B.283; 16B.284; 16B.287, subdivision 2; 17.4985, subdivisions 2, 3, 5; 17.4986, subdivisions 1, 2, 4; 17.4987; 17.4988, subdivision 3; 17.4992, subdivision 2; 17.4993; 84.943, subdivision 5; 84D.03, subdivision 4; 86A.04; 86A.08, subdivision 1; 89.715; 97A.015, subdivisions 32a, 41a, by adding subdivisions; 97A.045, subdivisions 7, 11; 97A.055, subdivision 4b; 97A.075, subdivisions 4, 5, by adding a subdivision; 97A.311, subdivision 5; 97A.431, subdivision 2; 97A.433, subdivision 2; 97A.434, subdivision 2; 97A.473, subdivision 2; 97A.474, subdivision 2; 97A.475, subdivision 5, by adding a subdivision; 97A.485, subdivision 6; 97A.535, subdivision 1; 97B.015, subdivision 5; 97B.041; 97B.071; 97B.081; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.301, subdivisions 1, 2, 4, 6; 97B.621, subdivision 3; 97B.721; 97C.203; 97C.205; 97C.341; 97C.355, subdivisions 4, 7a; 97C.401, subdivision 2; 97C.505, subdivision 1; 97C.515, subdivisions 2, 4, 5; 97C.821; 325D.55, subdivision 1; Minnesota Statutes 2007 Supplement, sections 17.4984, subdivision 1; 97A.055, subdivision 4; 97A.405, subdivisions 2, 4; 97A.441, subdivision 7; 97A.451, subdivision 3; 97A.473, subdivision 5; 97A.475, subdivisions 2, 3; 97B.031, subdivision 1; 97B.036; 97B.328; 97C.355, subdivision 8; Laws 2005, chapter 161, section 25; Laws 2006, chapter 236, article 1, section 43; proposing coding for new law in Minnesota Statutes, chapters 84; 94; 97A; 97B; 97C; 103G; repealing Minnesota Statutes 2006, sections 16B.281, subdivisions 2, 4, 5; 16B.285; 97A.411, subdivision 2; 97C.515, subdivision 3; Minnesota Statutes 2007 Supplement, section 97B.301, subdivision 7; Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4.

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 130 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Heidgerken	Lesch	Olin	Slocum
Anderson, B.	Dittrich	Hilstrom	Liebling	Otremba	Smith
Anderson, S.	Dominguez	Hilty	Lieder	Ozment	Solberg
Anzelc	Doty	Holberg	Lillie	Paulsen	Swails
Atkins	Drazkowski	Hoppe	Loeffler	Paymar	Thao
Beard	Eastlund	Hornstein	Madore	Pelowski	Thissen
Benson	Eken	Hortman	Magnus	Peppin	Tillberry
Berns	Erhardt	Hosch	Mahoney	Peterson, A.	Tingelstad
Bigham	Erickson	Howes	Mariani	Peterson, N.	Tschumper
Bly	Faust	Huntley	Marquart	Peterson, S.	Urdahl
Brod	Finstad	Jaros	Masin	Poppe	Wagenius
Brown	Fritz	Johnson	McFarlane	Ruth	Walker
Brynaert	Gardner	Juhnke	McNamara	Ruud	Ward
Bunn	Garofalo	Kahn	Moe	Sailer	Wardlow
Carlson	Gottwalt	Kalin	Morgan	Scalze	Welti
Clark	Greiling	Knuth	Morrow	Seifert	Westrom
Cornish	Gunther	Koenen	Mullery	Sertich	Winkler
Davnie	Hackbarth	Kohls	Murphy, E.	Severson	Wollschlager
Dean	Hamilton	Kranz	Murphy, M.	Shimanski	Zellers
DeLaForest	Hansen	Laine	Nelson	Simon	Spk. Kelliher
Demmer	Hausman	Lanning	Nornes	Simpson	
Dettmer	Haws	Lenczewski	Norton	Slawik	

Those who voted in the negative were:

Buesgens	Emmer	Olson	Rukavina
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The bill was passed, as amended, and its title agreed to.

S. F. No. 3056 was reported to the House.

Hansen and Dittrich moved to amend S. F. No. 3056, the second engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 16A.06, is amended by adding a subdivision to read:

Subd. 10. **Permanent school fund reporting.** The commissioner shall biannually report to the Permanent School Fund Advisory Committee and the legislature on the management of the permanent school trust fund that shows how the commissioner maximized the long-term economic return of the permanent school trust fund.

Sec. 2. Minnesota Statutes 2006, section 84.027, is amended by adding a subdivision to read:

Subd. 18. **Permanent school fund authority; reporting.** The commissioner of natural resources has the authority and responsibility for the administration of school trust lands under sections 92.121 and 127A.31. The commissioner shall biannually report to the Permanent School Fund Advisory Committee and the legislature on the management of the school trust lands that shows how the commissioner has and will continue to achieve the following goals:

(1) manage the school trust lands efficiently;

(2) reduce the management expenditures of school trust lands and maximize the revenues deposited in the permanent school trust fund;

(3) manage the sale, exchange, and commercial leasing of school trust lands to maximize the revenues deposited in the permanent school trust fund and retain the value from the long-term appreciation of the school trust lands; and

(4) manage the school trust lands to maximize the long-term economic return for the permanent school trust fund while maintaining sound natural resource conservation and management principles.

Sec. 3. Minnesota Statutes 2006, section 84.0857, is amended to read:

84.0857 FACILITIES MANAGEMENT ACCOUNT.

(a) The commissioner of natural resources may bill organizational units within the Department of Natural Resources for the costs of providing them with building and infrastructure facilities. Costs billed may include modifications and adaptations to allow for appropriate building occupancy, building code compliance, insurance, utility services, maintenance, repair, and other direct costs as determined by the commissioner. Receipts shall be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made.

(b) Money deposited in the special account from the proceeds of a sale under section 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire facilities or renovate existing buildings for administrative use or to acquire land for, design, and construct administrative buildings for the Department of Natural Resources.

Sec. 4. Minnesota Statutes 2006, section 84.0875, is amended to read:

84.0875 ENVIRONMENTAL LEARNING CENTERS.

(a) The commissioner may acquire and better, or make grants to counties, home rule charter or statutory cities, or school districts to acquire and better, residential environmental learning centers where students may learn how to use, preserve, and renew the natural resources of this state. A facility and reasonable access to it must be owned by the state or a political subdivision but may be leased to or managed by a nonprofit organization to carry out an environmental learning program established by the commissioner. The lease or management agreement must comply with the requirements of section 16A.695 and must provide for the procurement of liability insurance by the nonprofit organization. A nonprofit organization that is operating an environmental learning center under this section is a municipality for purposes of the liability limitations of section 466.04 while acting within the scope of these activities.

(b) During the time the center is used for educational programs offered in conjunction with a college or university, the rules and standards related to space requirements are governed by section 144.74.

Sec. 5. Minnesota Statutes 2006, section 84.788, subdivision 3, is amended to read:

Subd. 3. **Application; issuance; reports.** (a) Application for registration or continued registration must be made to the commissioner or an authorized deputy registrar of motor vehicles in a form prescribed by the commissioner. The form must state the name and address of every owner of the off-highway motorcycle.

(b) A person who purchases from a retail dealer an off-highway motorcycle shall make application for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary ~~ten-day~~ 21-day registration permit to each purchaser who applies to the dealer for registration. The dealer shall submit the completed registration applications and fees to the deputy registrar at least once each week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned registration number or a commissioner or deputy registrar temporary ~~ten-day~~ 21-day permit. Once issued, the registration number must be affixed to the motorcycle according to paragraph (f). A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the ~~ten-day~~ 21-day temporary permit period.

(d) The commissioner shall develop a registration system to register vehicles under this section. A deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of off-highway motorcycles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements.

(e) In addition to other fees prescribed by law, a filing fee of \$4.50 is charged for each off-highway motorcycle registration renewal, duplicate or replacement registration card, and replacement decal and a filing fee of \$7 is charged for each off-highway motorcycle registration and registration transfer issued by:

(1) a deputy registrar and must be deposited in the treasury of the jurisdiction where the deputy is appointed, or kept if the deputy is not a public official; or

(2) the commissioner and must be deposited in the state treasury and credited to the off-highway motorcycle account.

(f) Unless exempted in paragraph (g), the owner of an off-highway motorcycle must display a registration decal issued by the commissioner. If the motorcycle is licensed as a motor vehicle, a registration decal must be affixed on the upper left corner of the rear license plate. If the motorcycle is not licensed as a motor vehicle, the decal must be attached on the side of the motorcycle and may be attached to the fork tube. The decal must be attached in a manner so that it is visible while a rider is on the motorcycle. The issued decals must be of a size to work within the constraints of the electronic licensing system, not to exceed three inches high and three inches wide.

(g) Display of a registration decal is not required for an off-highway motorcycle:

(1) while being operated on private property; or

(2) while competing in a closed-course competition event.

Sec. 6. Minnesota Statutes 2006, section 84.82, subdivision 2, is amended to read:

Subd. 2. **Application, issuance, reports, additional fee.** (a) Application for registration or reregistration shall be made to the commissioner or an authorized deputy registrar of motor vehicles in a format prescribed by the commissioner and shall state the legal name and address of every owner of the snowmobile.

(b) A person who purchases a snowmobile from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary ~~ten-day~~ 21-day registration permit to each purchaser who applies to the dealer for registration. The temporary permit must contain the dealer's identification number and phone number. Each retail dealer shall submit completed registration and fees to the deputy registrar at least once a week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee as hereinafter provided, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned registration number or a commissioner or deputy registrar temporary ~~ten-day~~ 21-day permit. Once issued, the registration number must be affixed to the snowmobile in a clearly visible and permanent manner for enforcement purposes as the commissioner of natural resources shall prescribe. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the temporary ~~ten-day~~ 21-day permit period. The registration is not valid unless signed by at least one owner. The temporary permit must indicate whether a snowmobile state trail sticker under section 84.8205 was purchased.

(d) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements.

(e) A fee of \$2 in addition to that otherwise prescribed by law shall be charged for:

(1) each snowmobile registered by the registrar or a deputy registrar and the additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2; or

(2) each snowmobile registered by the commissioner and the additional fee shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Sec. 7. Minnesota Statutes 2006, section 84.82, is amended by adding a subdivision to read:

Subd. 3a. **Expiration.** All snowmobile registrations, excluding temporary registration permits, required under this section expire June 30 of the year of expiration.

Sec. 8. Minnesota Statutes 2007 Supplement, section 84.8205, subdivision 1, is amended to read:

Subdivision 1. **Sticker required; fee.** (a) Except as provided in paragraph (b), a person may not operate a snowmobile on a state or grant-in-aid snowmobile trail unless a snowmobile state trail sticker is affixed to the snowmobile. The commissioner of natural resources shall issue a sticker upon application and payment of a \$15 fee. The fee for a three-year snowmobile state trail sticker that is purchased at the time of snowmobile registration is \$30. In addition to other penalties prescribed by law, a person in violation of this subdivision must purchase an annual state trail sticker for a fee of \$30. The sticker is valid from November 1 through ~~April~~ June 30. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid, trail maintenance, grooming, and easement acquisition.

(b) A state trail sticker is not required under this section for:

(1) a snowmobile owned by the state or a political subdivision of the state that is registered under section 84.82, subdivision 5;

(2) a snowmobile that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.82, subdivision 6;

(3) a collector snowmobile that is operated as provided in a special permit issued for the collector snowmobile under section 84.82, subdivision 7a;

(4) a person operating a snowmobile only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or

(5) a snowmobile while being used to groom a state or grant-in-aid trail.

(c) A temporary registration permit issued by a dealer under section 84.82, subdivision 2, may include a snowmobile state trail sticker if the trail sticker fee is included with the registration application fee.

Sec. 9. Minnesota Statutes 2006, section 84.922, subdivision 2, is amended to read:

Subd. 2. **Application, issuance, reports.** (a) Application for registration or continued registration shall be made to the commissioner or an authorized deputy registrar of motor vehicles in a form prescribed by the commissioner. The form must state the name and address of every owner of the vehicle.

(b) A person who purchases an all-terrain vehicle from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary ~~ten-day~~ 21-day registration permit to each purchaser who applies to the dealer for registration. The dealer shall submit the completed registration application and fees to the deputy registrar at least once each week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned registration number or a commissioner or deputy registrar temporary ~~ten-day~~ 21-day permit. Once issued, the registration number must be affixed to the vehicle in a manner prescribed by the commissioner. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the ~~ten-day~~ 21-day temporary permit period. The commissioner shall use the snowmobile registration system to register vehicles under this section.

(d) Each deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of all-terrain vehicles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements.

(e) In addition to other fees prescribed by law, a filing fee of \$4.50 is charged for each all-terrain vehicle registration renewal, duplicate or replacement registration card, and replacement decal and a filing fee of \$7 is charged for each all-terrain vehicle registration and registration transfer issued by:

(1) a deputy registrar and shall be deposited in the treasury of the jurisdiction where the deputy is appointed, or retained if the deputy is not a public official; or

(2) the commissioner and shall be deposited to the state treasury and credited to the all-terrain vehicle account in the natural resources fund.

Sec. 10. Minnesota Statutes 2006, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public road rights-of-way that is permitted under section 84.928, a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.

(b) A person under 12 years of age shall not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an all-terrain vehicle on a public road right-of-way in the state; or

(3) operate an all-terrain vehicle on public lands or waters, except as provided in paragraph (f).

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters or state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied on another all-terrain vehicle by a person 18 years of age or older who holds a valid driver's license.

(d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old, but less than 16 years old, must:

(1) successfully complete the safety education and training program under section 84.925, subdivision 1, including a riding component; and

(2) be able to properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

(e) A person at least 11 years of age may take the safety education and training program and may receive an all-terrain vehicle safety certificate under paragraph (d), but the certificate is not valid until the person reaches age 12.

(f) A person at least ten years of age but under 12 years of age may operate an all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if accompanied by a parent or legal guardian.

(g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

(h) A person under the age of 16 may not operate an all-terrain vehicle on public lands or waters or on state or grant-in-aid trails if the person cannot properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

Sec. 11. Minnesota Statutes 2006, section 85.011, is amended to read:

85.011 CONFIRMATION OF CREATION AND ESTABLISHMENT OF STATE PARKS, MONUMENTS, STATE RECREATION RESERVES AREAS, AND WAYSIDES.

The legislature of this state has provided for the creation and establishment of state parks, designated ~~monuments, state recreation reserves areas~~, and waysides for the purpose of conserving the scenery, natural and historic objects and wildlife and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

The establishment of such state parks, designated ~~monuments, state recreation reserves areas~~, and waysides is hereby confirmed as provided in this section and sections 85.012 and 85.013 and they shall remain perpetually dedicated for the use of the people of the state for park purposes.

The enumerated state parks, ~~state monuments~~, state recreation areas, and state waysides shall consist of the lands and other property authorized therefor before January 1, 1969, together with such other lands and properties as may be authorized therefor on or after January 1, 1969.

Sec. 12. Minnesota Statutes 2006, section 85.012, subdivision 28, is amended to read:

Subd. 28. Interstate State Park, Chisago County, which is hereby renamed from Dalles of Saint Croix State Park.

Sec. 13. Minnesota Statutes 2006, section 85.012, subdivision 49a, is amended to read:

Subd. 49a. ~~St. Croix~~ Wild River State Park, Chisago County.

Sec. 14. Minnesota Statutes 2006, section 85.013, subdivision 1, is amended to read:

Subdivision 1. **Names, acquisition; administration.** (a) Designated ~~monuments~~, recreation reserves, and waysides heretofore established and hereby confirmed as ~~state monuments~~, state recreation areas and state waysides together with the counties in which they are situated are listed in this section and shall hereafter be named as indicated in this section.

(b) Any land that now is or hereafter becomes tax-forfeited land and is located within the described boundaries of a state recreation area as defined by session laws is hereby withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of natural resources, free from any trust in favor of the interested taxing districts. The commissioner shall execute a certificate of acceptance of the lands on behalf of the state for such purposes and transmit the same to the county auditor of the county for record as provided by law in the case of tax-forfeited land transferred to the commissioner by resolution of the county board for conservation purposes.

Sec. 15. Minnesota Statutes 2006, section 85.054, subdivision 3, is amended to read:

Subd. 3. **Interstate State Park.** A Minnesota state park permit is not required at Interstate State Park if a valid, current, Wisconsin state park permit or sticker authorizing entry of a motor vehicle into Wisconsin state parks is appropriately displayed on the vehicle and the commissioner has entered into an agreement with appropriate officials of the state of Wisconsin that authorizes motor vehicles displaying Minnesota state park permits free entry into Interstate State Park of Wisconsin on a reciprocal basis.

Sec. 16. Minnesota Statutes 2006, section 85.054, is amended by adding a subdivision to read:

Subd. 14. **Grand Portage State Park.** A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the Class 1 highway rest area parking lot located adjacent to marked Trunk Highway 61 and Pigeon River at Grand Portage State Park.

Sec. 17. Minnesota Statutes 2006, section 86B.401, subdivision 2, is amended to read:

Subd. 2. **Temporary certificate.** A person who applies for a watercraft license may be issued a temporary license certificate to operate the watercraft. The temporary license certificate is valid for ~~the period of time specified by the commissioner~~ 21 days.

Sec. 18. Minnesota Statutes 2006, section 88.15, subdivision 2, is amended to read:

Subd. 2. **Not to be left burning.** Every person who starts or maintains a campfire shall:

(1) exercise every reasonable precaution to prevent the campfire from spreading and shall;

(2) before lighting the campfire, clear the ground of all combustible material ~~within a radius of five feet from the base of the campfire. The person lighting the campfire shall;~~

(3) remain with the campfire at all times; and ~~shall~~

(4) before leaving the site, completely extinguish the campfire.

For the purposes of this section, "maintains" means tending or adding substantial fuel to a campfire with the intention of extending the life of the campfire.

Sec. 19. Minnesota Statutes 2006, section 89.715, is amended to read:

89.715 ALTERNATIVE RECORDING FOR STATE FOREST ROAD.

Subdivision 1. **Authorization.** The commissioner may adopt a ~~recorded~~ state forest road map under this section to record the department's state forest road prescriptive easements. For purposes of this section, "~~recorded~~ state forest road map" means the official map of state forest roads adopted by the commissioner.

Subd. 2. **Map requirements.** The ~~recorded~~ state forest road map must:

- (1) show state forest roads at the time the map is adopted;
- (2) be prepared at a scale ~~of at least four inches equals one mile~~ compliant with county recorder standards;
- (3) include section numbers;
- (4) include a north point arrow;
- (5) include the name of the county and state;
- (6) include a blank and a description under the blank for the date of public hearing and date of adoption;
- (7) include blanks for signatures and dates of signatures for the commissioner; and
- (8) include a list of legal descriptions of all parcels crossed by state forest road prescriptive easements.

Subd. 3. **Procedure to adopt map.** (a) The commissioner must prepare an official map for each county or smaller geographic area as determined by the commissioner as provided in subdivision 2, and set a time, place, and date for a public hearing on adopting a ~~recorded~~ state forest road map to record roads.

(b) The hearing notice must state that the roads to be recorded will be to the width of the actual use including ditches, backslopes, fills, and maintained rights-of-way, unless otherwise specified in a prior easement of record. The hearing notice must be published once a week for two successive weeks in a qualified newspaper of general circulation that serves the county or smaller geographic areas as determined by the commissioner, the last publication to be made at least ten days before the date of the public hearing. At least 30 days before the hearing, the hearing notice must be sent by certified mail to the property owners directly affected in the county or smaller geographic areas as determined by the commissioner at the addresses listed on the tax assessment notices at least seven days before appearing in the qualified newspaper. The hearing notice may be sent with the tax assessment, but all additional costs incurred shall be billed to the department.

(c) After the public hearing is held, the commissioner may amend and adopt the ~~recorded~~ state forest road map. The ~~recorded~~ adopted state forest road map must be dated and signed by the commissioner and must be ~~recorded~~ filed for recording with the county recorder within 90 days after the map is adopted. The map is effective when filed with the county recorder.

(d) The ~~recorded~~ state forest road map that is recorded with the county recorder must comply with the standards of the county recorder where the state forest roads are located.

(e) A ~~recorded~~ state forest road map that was prepared by using aerial photographs to establish road centerlines and that has been duly recorded with the county recorder is an adequate description for purposes of recording road easements and the map is the legally constituted description and prevails when a deed for a parcel abutting a road contains no reference to a road easement. Nothing prevents the commissioner from accepting a more definitive metes and bounds or survey description of a road easement for a road of record if the description of the easement is referenced to equal distance on both sides of the existing road centerline.

(f) The commissioner shall consult with representatives of county land commissioners, county auditors, county recorders, and Torrens examiners in implementing this subdivision.

Subd. 4. **Appeal.** (a) ~~Before filing an appeal under paragraph (b), a person may seek resolution of concerns regarding a decision to record a road under this section by contacting the commissioner in writing.~~

~~(b) A person may appeal a decision to record or exclude recording a road under this section to the district court within 120 days after the date the commissioner adopts the state forest road map. Appeals may be filed only by property owners who are directly affected by a proposed map designation and only for those portions of the map designation that directly affect them.~~

(b) A property owner may appeal the map designation to the commissioner within 60 days of the map being recorded by filing a written request for review. The commissioner shall review the request and any supporting evidence and render a decision within 45 days of receipt of the request for review.

(c) If a property owner wishes to appeal a decision of the commissioner after review under paragraph (b), the property owner must file an appeal with the district court within 60 days of the commissioner's decision.

(d) If any portion of a map appealed under paragraph (b) is modified or found to be invalid by a court of competent jurisdiction under paragraph (c), the remainder of the map shall not be affected and its recording with the county recorder shall stand.

Subd. 5. **Unrecorded road or trail not affected.** This section does not affect or diminish the legal status or state obligations of roads and trails not shown on the ~~recorded~~ state forest road map.

Subd. 6. **Exemption.** Adoption of a ~~recorded~~ state forest road map under this section is exempt from the rulemaking requirements of chapter 14 and section 14.386 does not apply.

Sec. 20. Minnesota Statutes 2006, section 94.16, subdivision 3, is amended to read:

Subd. 3. **Proceeds from natural resources land.** (a) Except as provided in paragraph (b), the remainder of the proceeds from the sale of lands that were under the control and supervision of the commissioner of natural resources shall be credited to the land acquisition account in the natural resources fund.

(b) The remainder of the proceeds from the sale of administrative sites under the control and supervision of the commissioner of natural resources shall be credited to the facilities management account established under section 84.0857 and used to acquire facilities or renovate existing buildings for administrative use or to acquire land for, design, and construct administrative buildings for the Department of Natural Resources.

Sec. 21. Minnesota Statutes 2006, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint subcommittees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following subcommittees, each comprised of at least three affected persons:

(1) a Fisheries Operations Subcommittee to review fisheries funding, excluding activities related to trout and salmon stamp funding;

(2) a Wildlife Operations Subcommittee to review wildlife funding, excluding activities related to migratory waterfowl, pheasant, and turkey stamp funding and excluding review of the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c);

(3) a Big Game Subcommittee to review the report required in subdivision 4, paragraph (a), clause (2);

(4) an Ecological ~~Services Operations~~ Resources Subcommittee to review ecological services funding;

(5) a subcommittee to review game and fish fund funding of enforcement, ~~support services, and Department of Natural Resources administration and operations support~~;

(6) a subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

(7) a subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;

(8) a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants; and

(9) a subcommittee to review the report on the turkey stamp and address funding issues related to wild turkeys.

(c) The chairs of each of the subcommittees shall form a Budgetary Oversight Committee to coordinate the integration of the subcommittee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; provide a forum to address issues that transcend the subcommittees; and submit a report for any subcommittee that fails to submit its report in a timely manner.

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance.

(e) Each subcommittee shall choose its own chair, except that the chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of any of the subcommittees.

(f) The Budgetary Oversight Committee must make recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the Budgetary Oversight Committee and subcommittees do not expire until June 30, 2010.

Sec. 22. Minnesota Statutes 2006, section 97A.141, subdivision 1, is amended to read:

Subdivision 1. **Acquisition; generally.** The commissioner shall acquire access sites adjacent to public waters and easements and rights-of-way necessary to connect the access sites with public highways. The land may be acquired by gift, lease, or purchase, or by condemnation with approval of the Executive Council. ~~An access site may not exceed seven acres and may only be acquired where access is inadequate.~~

Sec. 23. **[103G.252] ADMINISTRATIVE PENALTY ORDERS.**

The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations of chapters 84, 103F, and 103G, rules, orders, agreements, settlements, licenses, registrations, or permits for activities affecting the course, current, or cross-section of public waters, appropriation or diversion of waters of the state, or harvest, control, or destruction of aquatic plants. The commissioner must follow the procedures in section 103G.253 when issuing an administrative penalty order. The maximum monetary amount of an administrative penalty order is \$10,000 for each violator for all violations by that violator identified in an inspection or review of compliance.

Sec. 24. **[103G.253] ADMINISTRATIVE PENALTY ORDER PROCEDURE.**

Subdivision 1. **Contents of order.** An order assessing an administrative penalty under section 103G.252 must include:

(1) a concise statement of the facts alleged to constitute a violation;

(2) a reference to the law, rule, order, agreement, settlement, license, registration, or permit that has been violated;

(3) a statement of the corrective order and the amount of the administrative penalty to be imposed and the factors upon which it is based; and

(4) a statement of the person's right to review the order.

Subd. 2. **Amount of penalty; considerations.** (a) In determining the amount or requirements of a penalty under section 103G.252, the commissioner may consider:

(1) the willfulness of the violation;

(2) the gravity of the violation, including damage to humans, animals, air, water, land, forests, or other natural resources of the state;

(3) the history of past violations;

(4) the number of violations;

(5) the economic benefit gained by the person by allowing or committing the violation; and

(6) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(b) For a second or subsequent violation, the commissioner shall, in determining the amount or requirements of a penalty, consider:

(1) the factors in paragraph (a);

(2) the similarity of the most recent previous violation and the violation to be penalized;

(3) the time elapsed since the last violation;

(4) the number of previous violations; and

(5) the response of the person to the most recent previous violation identified.

Subd. 3. **Corrective order.** (a) The commissioner may issue an order requiring the violations cited in the order to be corrected within the time period specified in the order. Corrective orders may require repair, restoration, replacement, and monetary restitution as determined by the commissioner.

(b) The person to whom the order was issued shall provide information to the commissioner before the 31st day after the order was received demonstrating that the violation has been corrected or that the person has developed a corrective plan. The commissioner shall determine whether the violation has been corrected or whether the corrective plan is acceptable and notify the person to whom the order was issued of the commissioner's determination.

Subd. 4. **Penalty.** (a) Except as provided in paragraph (c), if the commissioner determines that the violation has been corrected or the person to whom the order was issued has developed a corrective plan acceptable to the commissioner, the monetary penalty may be forgiven in whole or in part.

(b) Unless the person requests review of the order under subdivision 5 or 6 before the monetary penalty is due, the penalty in the order is due and payable on the 31st day after the order was received.

(c) For repeated or serious violations, the commissioner may issue an order with a monetary penalty that shall not be forgiven after the corrective action is taken.

(d) Interest at the rate established in section 549.09 begins to accrue on penalties under this subdivision on the 31st day after the order with the penalty was received.

Subd. 5. **Expedited administrative hearing.** (a) Within 30 days after receiving an order, the person to whom the order was issued may request an expedited hearing, using the procedures adopted under section 14.51, to review the commissioner's action. The hearing request must specifically state the reasons for seeking review of the order. The person to whom the order was issued and the commissioner are the parties to the expedited hearing. The commissioner must notify the person to whom the order was issued of the time and place of the hearing at least 15 days before the hearing. The expedited hearing must be held within 30 days after a request for hearing has been filed with the commissioner unless the parties agree to a later date.

(b) All written arguments must be submitted within ten days following the close of the hearing. The hearing shall be conducted according to rules adopted under section 14.51, as modified by this subdivision. The Office of Administrative Hearings may, in consultation with the commissioner of natural resources, adopt rules specifically applicable to cases under this section.

(c) The administrative law judge shall issue a report making recommendations about the commissioner's action to the commissioner within 30 days following the close of the record. The administrative law judge may not recommend a change in the amount of the proposed penalty or corrective order unless the administrative law judge determines that, based on the factors in subdivision 2, the monetary penalty or corrective order is unreasonable.

(d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner may add to the amount of the penalty the costs charged to the Department of Natural Resources by the Office of Administrative Hearings for the hearing.

(e) If the administrative law judge issues a report that recommends dismissal of the order assessing the administrative penalty, the commissioner must refund the costs charged to the person receiving the order by the Office of Administrative Hearings for the hearing and reasonable and necessary attorney fees incurred for the hearing.

(f) If a hearing has been held, the commissioner may not issue a final order until at least five days after receipt of the report of the administrative law judge. The person to whom the order was issued may, within those five days, comment to the commissioner on the recommendations and the commissioner must consider the comments. The final order may be appealed according to sections 14.63 to 14.69

(g) If a hearing has been held and a final order issued by the commissioner, the penalty must be paid within 30 days after the date the final order is received and the corrective action must be completed within the time period specified by the final order, unless review of the final order is requested under sections 14.63 to 14.69. If review is not requested or the order is reviewed and upheld, the amount due is the penalty, together with interest accruing from 31 days after the original order was received at the rate established in section 549.09.

Subd. 6. District court hearing. (a) Within 30 days after receiving an order from the commissioner, the person subject to an order under this section may file a petition in district court for review of the order in lieu of requesting an administrative hearing under subdivision 5. The petition shall be filed with the court administrator with proof of service on the commissioner. The petition shall be captioned in the name of the person making the petition as petitioner and the commissioner as the respondent. The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the order, including the facts upon which each claim is based.

(b) At trial, the commissioner must establish by a preponderance of the evidence that a violation subject to this section occurred, the petitioner is responsible for the violation, a penalty assessed as provided for under subdivision 4, paragraph (b) or (c), is justified by the violation, and the factors listed in subdivision 2 were considered when the penalty amount was determined and the penalty amount is justified by those factors.

Subd. 7. Alternative dispute resolution. In addition to review under subdivision 5, the commissioner may enter into mediation or other alternative dispute resolution concerning an order issued under this section if the commissioner and the person to whom the order was issued both agree to mediation or other alternative dispute resolution.

Subd. 8. Enforcement. (a) The attorney general may proceed on behalf of the state to enforce penalties that are due and payable under this section in any manner provided by law for the collection of debts.

(b) The attorney general may petition the district court to file the administrative order as an order of the court. At any court hearing, the only issues parties may contest are procedural and notice issues. Once entered, the administrative order may be enforced in the same manner as a final judgment of the district court.

(c) If a person fails to pay the penalty or comply with a corrective order, the attorney general may bring a civil action in district court seeking payment of the penalties, injunctive relief, or other appropriate relief including monetary damages, attorney fees, costs, and interest.

Subd. 9. **Revocation and suspension of permit, license, or registration.** If a person fails to pay a penalty owed under this section, the commissioner may revoke or refuse to reissue or renew the related permit, license, or registration issued by the commissioner.

Subd. 10. **Cumulative remedy.** The authority of the commissioner to issue a corrective order assessing penalties is in addition to other remedies available under statutory or common law, except that the state may not seek civil penalties under any other provision of law for the violations covered by the administrative penalty order. The payment of a penalty does not preclude the use of other enforcement provisions, under which penalties are not assessed, in connection with the violation for which the penalty was assessed.

Sec. 25. Minnesota Statutes 2006, section 127A.30, is amended to read:

127A.30 PERMANENT SCHOOL FUND ADVISORY COMMITTEE.

Subdivision 1. **Membership.** A state Permanent School Fund Advisory Committee is established to advise the Department of Natural Resources on the management of permanent school fund land, which is held in trust for the school districts of the state. The advisory committee must consist of the following persons or their designees: the chairs of the education committees of the legislature, the chairs of the legislative committees with jurisdiction over the K-12 education budget, the chairs of the legislative committees with jurisdiction over the environment and natural resources, the chairs chair of the senate Committee on Finance and the chair of the house Committee on Ways and Means, the commissioner of education, one superintendent from a nonmetropolitan district, ~~and~~ one superintendent from a metropolitan area district, one person with an expertise in forestry, one person with an expertise in minerals and mining, one person with an expertise in real estate development, one person with an expertise in renewable energy, one person with an expertise in finance and land management, and one person with an expertise in natural resource conservation. The school district superintendents shall be appointed by the commissioner of education. The committee members with areas of expertise in forestry, minerals and mining, real estate development, renewable energy, finance and land management, and natural resource conservation shall be appointed by the commissioner of natural resources. Members of the legislature shall be given the opportunity to recommend candidates for vacancies on the committee to the commissioners of education and natural resources. The advisory committee must also include a nonvoting member appointed by the commissioner of natural resources. The commissioner of natural resources shall provide administrative support to the committee. The members of the committee shall serve without compensation. The members of the Permanent School Fund Advisory Committee shall elect their chairperson and are bound by the provisions of sections 43A.38 and 116P.09, subdivision 6.

Subd. 2. **Duties.** The advisory committee shall review the policies of the Department of Natural Resources and current statutes on management of school trust fund lands at least ~~semiannually~~ annually and shall recommend necessary changes in statutes, policy, and implementation in order to ensure provident utilization of the permanent school fund lands. By January 15 of each year, the advisory committee shall submit a report to the legislature with recommendations for the management of school trust lands to secure long-term economic return for the permanent school fund, consistent with sections 92.121 and 127A.31. The committee's annual report may include recommendations to:

(1) manage the school trust lands efficiently;

(2) reduce the management expenditures of school trust lands and maximize the revenues deposited in the permanent school trust fund;

(3) manage the sale, exchange, and commercial leasing of school trust lands to maximize the revenues deposited in the permanent school trust fund and retain the value from the long-term appreciation of the school trust lands; and

(4) manage the school trust lands to maximize the long-term economic return for the permanent school trust fund while maintaining sound natural resource conservation and management principles.

Subd. 3. **Duration.** Notwithstanding section 15.059, subdivision 5, the advisory committee is permanent and does not expire.

Sec. 26. Minnesota Statutes 2006, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, the Pine Grove Zoo in Little Falls, and the Duluth Zoo. Zoos not currently accredited by the American Association of Zoos and Aquariums may expend funds under this paragraph only for purposes that will assist the zoo to obtain accreditation.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

Sec. 27. **IMPLEMENTATION PLAN; RULEMAKING EXEMPTION.**

The commissioner of natural resources shall prepare a plan to implement the administrative penalty order according to Minnesota Statutes, sections 103G.252 to 103G.254. The commissioner shall provide a 30-day period for public comment on the plan. The plan must be finalized by December 31, 2008.

Sec. 28. **RULES.**

The commissioner of natural resources shall adopt rules to implement the changes in law made in sections 5 to 9 and 17. The initial rules required by this section are exempt from the rulemaking provisions of Minnesota Statutes, chapter 14. The rules are subject to Minnesota Statutes, section 14.386, except that notwithstanding Minnesota Statutes, section 14.386, paragraph (b), the rules continue in effect until repealed or superseded by other law or rule.

Sec. 29. **REPEALER.**

Minnesota Statutes 2006, sections 84.961, subdivision 4; 85.013, subdivision 21b; and 97A.141, subdivision 2, and Laws 1989, chapter 335, article 1, section 21, subdivision 8, as amended by Laws 2002, chapter 323, section 19, are repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; providing for disposition of proceeds from sale of administrative sites; providing for administrative penalty orders; modifying environmental learning center provisions; modifying recreational vehicle and watercraft provisions; modifying state park provisions; modifying campfire provisions; providing for alternative recording for state forest roads; modifying citizen oversight subcommittees; modifying

acquisition authority; eliminating certain positions and reports; managing school trust fund lands; improving the returns for school trust fund lands; redefining the mission of the Permanent School Fund Advisory Committee; providing funding for the Pine Grove Zoo; requiring rulemaking; requiring a report; appropriating money; amending Minnesota Statutes 2006, sections 16A.06, by adding a subdivision; 84.027, by adding a subdivision; 84.0857; 84.0875; 84.788, subdivision 3; 84.82, subdivision 2, by adding a subdivision; 84.922, subdivision 2; 84.9256, subdivision 1; 85.011; 85.012, subdivisions 28, 49a; 85.013, subdivision 1; 85.054, subdivision 3, by adding a subdivision; 86B.401, subdivision 2; 88.15, subdivision 2; 89.715; 94.16, subdivision 3; 97A.055, subdivision 4b; 97A.141, subdivision 1; 127A.30; 297A.94; Minnesota Statutes 2007 Supplement, section 84.8205, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103G; repealing Minnesota Statutes 2006, sections 84.961, subdivision 4; 85.013, subdivision 21b; 97A.141, subdivision 2; Laws 1989, chapter 335, article 1, section 21, subdivision 8, as amended."

The motion prevailed and the amendment was adopted.

Solberg, Hansen and Anzelc moved to amend S. F. No. 3056, the second engrossment, as amended, as follows:

Page 20, after line 30, insert:

"Sec. 27. **EASEMENT ON TAX-FORFEITED LAND; ITASCA COUNTY.**

Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary, Itasca County may grant a 40-year easement of tax-forfeited land to the Itasca County Regional Rail Authority for a rail line right-of-way. The easement may be canceled only by resolution of the county board after reasonable notice for any substantial breach of the terms of the easement. The land subject to the easement may not be sold or otherwise conveyed by the county board during the period of the easement."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Atkins, Hansen, Ozment and McNamara moved to amend S. F. No. 3056, the second engrossment, as amended, as follows:

Page 17, after line 31, insert:

"Sec. 25. **[115A.936] CONSTRUCTION DEBRIS AS COVER MATERIAL PROHIBITED.**

(a) Construction debris or residuals from processed construction debris containing any amount of gypsum shall not be managed as cover material at disposal facilities unless:

(1) residual material is managed in an industrial or construction and demolition disposal facility equipped with a liner and leachate collection system;

(2) residual material is not mechanically pulverized or size-reduced prior to processing, screening, or application;

- (3) a maximum effort is made to remove gypsum from the waste prior to processing, screening, or application;
- (4) residual material is mixed at a ratio of one part soil to one part residual material prior to application; and
- (5) the disposal facility does not accept any amount of cover material greater than what is operationally necessary.

(b) For the purposes of this section, "residual material" means construction debris or residuals from processed construction debris containing any amount of gypsum."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Gardner, Sailer, Berns and Ozment moved to amend S. F. No. 3056, the second engrossment, as amended, as follows:

Page 17, after line 31, insert:

"Section 25. Minnesota Statutes 2006, section 115A.03, subdivision 21, is amended to read:

Subd. 21. **Mixed municipal solid waste.** (a) "Mixed municipal solid waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, except as provided in paragraph (b).

(b) Mixed municipal solid waste does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams, ~~but does include source-separated compostable materials.~~

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

Sec. 26. Minnesota Statutes 2006, section 115A.03, subdivision 32a, is amended to read:

Subd. 32a. **Source-separated compostable materials.** "Source-separated compostable materials" means ~~mixed municipal solid waste materials~~ that:

- (1) ~~is~~ are separated at the source by waste generators for the purpose of preparing ~~it~~ them for use as compost;
- (2) ~~is~~ are collected separately from ~~other~~ mixed municipal solid ~~wastes~~ waste, and are governed by the licensing provisions of section 115A.93;
- (3) ~~is~~ are comprised of food wastes, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable because the commissioner has determined that no other person is willing to accept the paper for recycling; ~~and~~

(4) ~~is~~ are delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the agency's class I or class II, or equivalent, compost standards and where process residues do not exceed 15 percent by weight of the total material delivered to the facility; and

(5) may be delivered to a transfer station, mixed municipal solid waste processing facility, or recycling facility only for the purposes of composting or transfer to a composting facility, unless the commissioner determines that no other person is willing to accept the materials.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Ozment moved to amend S. F. No. 3056, the second engrossment, as amended, as follows:

Page 9, delete section 15

Page 21, line 9, after "21b;" insert "85.054, subdivision 3;"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina, Howes, Solberg and Hoppe moved to amend S. F. No. 3056, the second engrossment, as amended, as follows:

Page 13, delete section 23

Page 14, delete section 24

Page 20, delete section 27

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Clark moved to amend S. F. No. 3056, the second engrossment, as amended, as follows:

Page 17, after line 31, insert:

"Sec. 25. Minnesota Statutes 2006, section 116.07, subdivision 4a, is amended to read:

Subd. 4a. **Permits.** (a) The Pollution Control Agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions of noise pollution.

The Pollution Control Agency may also issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the storage, collection, transportation, processing, or disposal of waste, or for the installation or operation of any system or facility, or any part thereof, related to the storage, collection, transportation, processing, or disposal of waste.

The agency may not issue a permit to a facility without analyzing and considering the cumulative levels and effects of past and current environmental pollution from all sources on the environment and residents of the geographic area within which the facility's emissions are likely to be deposited, provided that the facility is located in a community in a city of the first class in Hennepin County that meets all of the following conditions:

(1) is within a half mile of a site designated by the federal government as an EPA superfund site due to residential arsenic contamination;

(2) a majority of the population are low-income persons of color and American Indians;

(3) a disproportionate percent of the children have childhood lead poisoning, asthma, or other environmentally related health problems;

(4) is located in a city that has experienced numerous air quality alert days of dangerous air quality for sensitive populations between February 2007 and February 2008; and

(5) is located near the junctions of several heavily trafficked state and county highways and two one-way streets which carry both truck and auto traffic.

The Pollution Control Agency may revoke or modify any permit issued under this subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution.

(b) The Pollution Control Agency has the authority for approval over the siting, expansion, or operation of a solid waste facility with regard to environmental issues. However, the agency's issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by any applicable county ordinances. Nothing in this chapter precludes, or shall be construed to preclude, a county from enforcing land use controls, regulations, and ordinances existing at the time of the permit application and adopted pursuant to sections 366.10 to 366.181, 394.21 to 394.37, or 462.351 to 462.365, with regard to the siting, expansion, or operation of a solid waste facility.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 3056, A bill for an act relating to natural resources; modifying permanent school fund provisions; providing for disposition of proceeds from sale of administrative sites; modifying certain requirements for environmental learning centers; appropriating money; amending Minnesota Statutes 2006, sections 16A.06, by adding a subdivision; 84.027, by adding a subdivision; 84.0857; 84.0875; 94.16, subdivision 3; 127A.30.

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 124 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hoppe	Lillie	Ozment	Smith
Anderson, S.	Dominguez	Hornstein	Loeffler	Paulsen	Solberg
Anzelc	Doty	Hortman	Madore	Paymar	Swails
Atkins	Eastlund	Hosch	Magnus	Pelowski	Thao
Beard	Eken	Howes	Mahoney	Peterson, A.	Thissen
Benson	Erhardt	Huntley	Mariani	Peterson, N.	Tillberry
Berns	Faust	Jaros	Marquart	Peterson, S.	Tingelstad
Bigham	Fritz	Johnson	Masin	Poppe	Tschumper
Bly	Gardner	Juhnke	McFarlane	Rukavina	Urdahl
Brod	Garofalo	Kahn	McNamara	Ruth	Wagenius
Brown	Gottwalt	Kalin	Moe	Ruud	Walker
Brynaert	Greiling	Knuth	Morgan	Sailer	Ward
Bunn	Gunther	Koenen	Morrow	Scalze	Wardlow
Carlson	Hackbarth	Kohls	Mullery	Seifert	Welti
Clark	Hamilton	Kranz	Murphy, E.	Sertich	Westrom
Davnie	Hansen	Laine	Murphy, M.	Severson	Winkler
Dean	Hausman	Lanning	Nelson	Shimanski	Wollschlager
DeLaForest	Haws	Lenczewski	Nornes	Simon	Zellers
Demmer	Heidgerken	Lesch	Norton	Simpson	Spk. Kelliher
Dettmer	Hilstrom	Liebling	Olin	Slawik	
Dill	Hilty	Lieder	Otremba	Slocum	

Those who voted in the negative were:

Anderson, B.	Cornish	Emmer	Finstad	Olson
Buesgens	Drazkowski	Erickson	Holberg	Peppin

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

Lesch was excused between the hours of 4:15 p.m. to 4:40 p.m.

CALL OF THE HOUSE

On the motion of Peppin and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Anzelc	Benson	Bly	Brynaert	Carlson
Anderson, B.	Atkins	Berns	Brod	Buesgens	Clark
Anderson, S.	Beard	Bigham	Brown	Bunn	Cornish

Dean	Gardner	Johnson	Moe	Peterson, N.	Thissen
DeLaForest	Gottwalt	Juhnke	Morrow	Peterson, S.	Tillberry
Demmer	Greiling	Kahn	Mullery	Poppe	Tingelstad
Dettmer	Gunther	Knuth	Murphy, E.	Ruth	Tschumper
Dill	Hamilton	Kranz	Murphy, M.	Ruud	Urdahl
Dittrich	Hansen	Laine	Nelson	Sailer	Wagenius
Dominguez	Hausman	Lanning	Nornes	Scalze	Ward
Doty	Haws	Liebling	Norton	Seifert	Wardlow
Drazkowski	Heidgerken	Lieder	Olin	Sertich	Westrom
Eastlund	Hilty	Lillie	Olson	Severson	Winkler
Eken	Holberg	Madore	Otremba	Shimanski	Wollschlager
Emmer	Hoppe	Magnus	Ozment	Simon	Zellers
Erhardt	Hornstein	Mahoney	Paulsen	Slawik	Spk. Kelliher
Erickson	Hortman	Mariani	Paymar	Slocum	
Faust	Hosch	Masin	Pelowski	Smith	
Finstad	Howes	McFarlane	Peppin	Solberg	
Fritz	Huntley	McNamara	Peterson, A.	Swails	

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

S. F. No. 3058, A bill for an act relating to transportation; authorizing urban partnership agreements to provide for user fees for use of high-occupancy vehicle lanes and dynamic shoulder lanes; exempting commissioner of transportation from rulemaking regarding urban partnership agreements, toll facilities, and final layouts for highways; imposing penalties; appropriating money; amending Minnesota Statutes 2006, sections 160.02, by adding a subdivision; 160.93; 169.01, subdivision 31, by adding a subdivision; 169.306.

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.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Faust	Hilty	Kranz	McNamara
Anderson, S.	Davnie	Finstad	Holberg	Laine	Moe
Anzelc	Dean	Fritz	Hoppe	Lanning	Morgan
Atkins	DeLaForest	Gardner	Hornstein	Lenczewski	Morrow
Beard	Demmer	Garofalo	Hortman	Liebling	Mullery
Benson	Dettmer	Gottwalt	Hosch	Lieder	Murphy, E.
Berns	Dill	Greiling	Howes	Lillie	Murphy, M.
Bigham	Dittrich	Gunther	Huntley	Loeffler	Nelson
Bly	Dominguez	Hackbarth	Johnson	Madore	Nornes
Brod	Doty	Hamilton	Juhnke	Magnus	Norton
Brown	Drazkowski	Hansen	Kahn	Mahoney	Olin
Brynaert	Eastlund	Hausman	Kalin	Mariani	Olson
Bunn	Eken	Haws	Knuth	Marquart	Otremba
Carlson	Erhardt	Heidgerken	Koenen	Masin	Ozment
Clark	Erickson	Hilstrom	Kohls	McFarlane	Paulsen

Paymar	Rukavina	Severson	Solberg	Urdahl	Winkler
Pelowski	Ruth	Shimanski	Swails	Wagenius	Wollschlager
Peppin	Ruud	Simon	Thao	Walker	Zellers
Peterson, A.	Sailer	Simpson	Thissen	Ward	Spk. Kelliher
Peterson, N.	Scalze	Slawik	Tillberry	Wardlow	
Peterson, S.	Seifert	Slocum	Tingelstad	Welti	
Poppe	Sertich	Smith	Tschumper	Westrom	

Those who voted in the negative were:

Anderson, B. Buesgens Emmer

The bill was passed and its title agreed to.

CALL OF THE HOUSE LIFTED

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

H. F. No. 3643 was reported to the House.

Poppe moved to amend H. F. No. 3643, the first engrossment, as follows:

Page 1, line 12, after "less" insert "using prescriptive designs and design guidances provided by the agency"

Page 2, line 27, after "less" insert "using prescriptive designs and design guidances provided by the agency"

The motion prevailed and the amendment was adopted.

H. F. No. 3643, A bill for an act relating to environment; modifying licensing requirements for individual sewage treatment system professionals; amending Minnesota Statutes 2007 Supplement, section 115.56, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Benson	Buesgens	Dean	Dominguez	Erhardt
Anderson, B.	Berns	Bunn	DeLaForest	Doty	Erickson
Anderson, S.	Bigham	Carlson	Demmer	Drazkowski	Faust
Anzelc	Bly	Clark	Dettmer	Eastlund	Finstad
Atkins	Brod	Cornish	Dill	Eken	Fritz
Beard	Brown	Davnie	Dittrich	Emmer	Gardner

Garofalo	Hosch	Lieder	Nelson	Ruth	Thissen
Gottwalt	Howes	Lillie	Nornes	Ruud	Tillberry
Greiling	Huntley	Loeffler	Norton	Sailer	Tingelstad
Gunther	Jaros	Madore	Olin	Scalze	Tschumper
Hackbarth	Johnson	Magnus	Olson	Seifert	Urdahl
Hamilton	Juhnke	Mahoney	Otremba	Sertich	Walker
Hansen	Kahn	Mariani	Ozment	Severson	Ward
Hausman	Kalin	Marquart	Paulsen	Shimanski	Wardlow
Haws	Knuth	Masin	Paymar	Simon	Welti
Heidgerken	Koenen	McFarlane	Pelowski	Simpson	Westrom
Hilstrom	Kohls	McNamara	Peppin	Slawik	Winkler
Hilty	Kranz	Moe	Peterson, A.	Slocum	Wollschlager
Holberg	Laine	Morgan	Peterson, N.	Smith	Zellers
Hoppe	Lanning	Mullery	Peterson, S.	Solberg	Spk. Kelliher
Hornstein	Lenczewski	Murphy, E.	Poppe	Swails	
Hortman	Liebling	Murphy, M.	Rukavina	Thao	

Those who voted in the negative were:

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

S. F. No. 3486 was reported to the House.

Madore moved to amend S. F. No. 3486 as follows:

Page 2, after line 34, insert:

"(g) Each plan under contract to provide medical assistance basic health care services shall provide to the legislature a complete list of marketing activities and costs, including nonmedical staff salaries and benefits, related to the marketing of special needs basic care."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Madore amendment and the roll was called. There were 88 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Abeler	Bly	Davnie	Erickson	Gunther	Hilty
Anzelc	Brynaert	Dittrich	Faust	Hansen	Hornstein
Atkins	Carlson	Dominguez	Fritz	Hausman	Hortman
Benson	Clark	Doty	Gardner	Haws	Hosch
Bigham	Cornish	Erhardt	Greiling	Hilstrom	Howes

Huntley	Lenczewski	Masin	Paulsen	Slawik	Wagenius
Jaros	Lesch	Moe	Paymar	Slocum	Walker
Johnson	Liebling	Morgan	Peterson, A.	Solberg	Ward
Juhnke	Lieder	Morrow	Peterson, S.	Swails	Wardlow
Kahn	Lillie	Mullery	Rukavina	Thao	Welti
Kalin	Loeffler	Murphy, E.	Ruud	Thissen	Winkler
Knuth	Madore	Murphy, M.	Sailer	Tillberry	Wollschlager
Koenen	Mahoney	Nelson	Scalze	Tingelstad	Spk. Kelliher
Kranz	Mariani	Olin	Sertich	Tschumper	
Laine	Marquart	Otremba	Simon	Urdahl	

Those who voted in the negative were:

Anderson, B.	Dean	Finstad	Kohls	Ozment	Shimanski
Anderson, S.	DeLaForest	Garofalo	Lanning	Pelowski	Simpson
Beard	Demmer	Gottwalt	Magnus	Peppin	Smith
Berns	Dettmer	Hackbarth	McFarlane	Peterson, N.	Westrom
Brod	Dill	Hamilton	McNamara	Poppe	Zellers
Brown	Drazkowski	Heidgerken	Nornes	Ruth	
Buesgens	Eastlund	Holberg	Norton	Seifert	
Bunn	Emmer	Hoppe	Olson	Severson	

The motion prevailed and the amendment was adopted.

Abeler; Walker; Lesch; Hosch; Swails; Dittrich; Murphy, E.; Smith; Paymar; Peterson, N.; Benson; Fritz; Nelson; Dean; Ruud; Tschumper and Tingelstad moved to amend S. F. No. 3486, as amended, as follows:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2006, section 245.462, subdivision 18, is amended to read:

Subd. 18. **Mental health professional.** "Mental health professional" means a person providing clinical services in the treatment of mental illness who is qualified in at least one of the following ways:

(1) in psychiatric nursing: a registered nurse who is licensed under sections 148.171 to 148.285; and:

(i) who is certified as a clinical specialist or as a nurse practitioner in adult or family psychiatric and mental health nursing by a national nurse certification organization; or

(ii) who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work: a person licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(3) in psychology: an individual licensed by the Board of Psychology under sections 148.88 to 148.98 who has stated to the Board of Psychology competencies in the diagnosis and treatment of mental illness;

(4) in psychiatry: a physician licensed under chapter 147 and certified by the American Board of Psychiatry and Neurology or eligible for board certification in psychiatry;

(5) in marriage and family therapy: the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness; ~~or~~

(6) in licensed professional clinical counseling, the mental health professional shall, subject to approval of the commissioner and following the department's internal fiscal review process, be a licensed professional clinical counselor under section 148B.5301; or

~~(6)~~ (7) in allied fields: a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.

Sec. 2. Minnesota Statutes 2006, section 245.470, subdivision 1, is amended to read:

Subdivision 1. **Availability of outpatient services.** (a) County boards must provide or contract for enough outpatient services within the county to meet the needs of adults with mental illness residing in the county. Services may be provided directly by the county through county-operated mental health centers or mental health clinics approved by the commissioner under section 245.69, subdivision 2; by contract with privately operated mental health centers or mental health clinics approved by the commissioner under section 245.69, subdivision 2; by contract with hospital mental health outpatient programs certified by the Joint Commission on Accreditation of Hospital Organizations; or by contract with a licensed mental health professional as defined in section 245.462, subdivision 18, clauses (1) to ~~(4)~~ (6). Clients may be required to pay a fee according to section 245.481. Outpatient services include:

- (1) conducting diagnostic assessments;
- (2) conducting psychological testing;
- (3) developing or modifying individual treatment plans;
- (4) making referrals and recommending placements as appropriate;
- (5) treating an adult's mental health needs through therapy;
- (6) prescribing and managing medication and evaluating the effectiveness of prescribed medication; and
- (7) preventing placement in settings that are more intensive, costly, or restrictive than necessary and appropriate to meet client needs.

(b) County boards may request a waiver allowing outpatient services to be provided in a nearby trade area if it is determined that the client can best be served outside the county.

Sec. 3. Minnesota Statutes 2006, section 245.4871, subdivision 27, is amended to read:

Subd. 27. **Mental health professional.** "Mental health professional" means a person providing clinical services in the diagnosis and treatment of children's emotional disorders. A mental health professional must have training and experience in working with children consistent with the age group to which the mental health professional is assigned. A mental health professional must be qualified in at least one of the following ways:

(1) in psychiatric nursing, the mental health professional must be a registered nurse who is licensed under sections 148.171 to 148.285 and who is certified as a clinical specialist in child and adolescent psychiatric or mental health nursing by a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work, the mental health professional must be a person licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders;

(3) in psychology, the mental health professional must be an individual licensed by the board of psychology under sections 148.88 to 148.98 who has stated to the board of psychology competencies in the diagnosis and treatment of mental disorders;

(4) in psychiatry, the mental health professional must be a physician licensed under chapter 147 and certified by the American board of psychiatry and neurology or eligible for board certification in psychiatry;

(5) in marriage and family therapy, the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders or emotional disturbances; ~~or~~

(6) in licensed professional clinical counseling, the mental health professional shall, subject to approval of the commissioner and following the department's internal fiscal review process, be a licensed professional clinical counselor under section 148B.5301; or

~~(6)~~ (7) in allied fields, the mental health professional must be a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of emotional disturbances.

Sec. 4. Minnesota Statutes 2006, section 245.488, subdivision 1, is amended to read:

Subdivision 1. **Availability of outpatient services.** (a) County boards must provide or contract for enough outpatient services within the county to meet the needs of each child with emotional disturbance residing in the county and the child's family. Services may be provided directly by the county through county-operated mental health centers or mental health clinics approved by the commissioner under section 245.69, subdivision 2; by contract with privately operated mental health centers or mental health clinics approved by the commissioner under section 245.69, subdivision 2; by contract with hospital mental health outpatient programs certified by the Joint Commission on Accreditation of Hospital Organizations; or by contract with a licensed mental health professional as defined in section 245.4871, subdivision 27, clauses (1) to ~~(4)~~ (6). A child or a child's parent may be required to pay a fee based in accordance with section 245.481. Outpatient services include:

- (1) conducting diagnostic assessments;
- (2) conducting psychological testing;
- (3) developing or modifying individual treatment plans;
- (4) making referrals and recommending placements as appropriate;
- (5) treating the child's mental health needs through therapy; and

(6) prescribing and managing medication and evaluating the effectiveness of prescribed medication.

(b) County boards may request a waiver allowing outpatient services to be provided in a nearby trade area if it is determined that the child requires necessary and appropriate services that are only available outside the county.

(c) Outpatient services offered by the county board to prevent placement must be at the level of treatment appropriate to the child's diagnostic assessment.

Sec. 5. Minnesota Statutes 2007 Supplement, section 256B.0623, subdivision 5, is amended to read:

Subd. 5. **Qualifications of provider staff.** Adult rehabilitative mental health services must be provided by qualified individual provider staff of a certified provider entity. Individual provider staff must be qualified under one of the following criteria:

(1) a mental health professional as defined in section 245.462, subdivision 18, clauses (1) to (5). If the recipient has a current diagnostic assessment by a licensed mental health professional as defined in section 245.462, subdivision 18, clauses (1) to ~~(5)~~ (6), recommending receipt of adult mental health rehabilitative services, the definition of mental health professional for purposes of this section includes a person who is qualified under section 245.462, subdivision 18, clause ~~(6)~~ (7), and who holds a current and valid national certification as a certified rehabilitation counselor or certified psychosocial rehabilitation practitioner;

(2) a mental health practitioner as defined in section 245.462, subdivision 17. The mental health practitioner must work under the clinical supervision of a mental health professional;

(3) a certified peer specialist under section 256B.0615. The certified peer specialist must work under the clinical supervision of a mental health professional; or

(4) a mental health rehabilitation worker. A mental health rehabilitation worker means a staff person working under the direction of a mental health practitioner or mental health professional and under the clinical supervision of a mental health professional in the implementation of rehabilitative mental health services as identified in the recipient's individual treatment plan who:

(i) is at least 21 years of age;

(ii) has a high school diploma or equivalent;

(iii) has successfully completed 30 hours of training during the past two years in all of the following areas: recipient rights, recipient-centered individual treatment planning, behavioral terminology, mental illness, co-occurring mental illness and substance abuse, psychotropic medications and side effects, functional assessment, local community resources, adult vulnerability, recipient confidentiality; and

(iv) meets the qualifications in subitem (A) or (B):

(A) has an associate of arts degree in one of the behavioral sciences or human services, or is a registered nurse without a bachelor's degree, or who within the previous ten years has:

(1) three years of personal life experience with serious and persistent mental illness;

(2) three years of life experience as a primary caregiver to an adult with a serious mental illness or traumatic brain injury; or

(3) 4,000 hours of supervised paid work experience in the delivery of mental health services to adults with a serious mental illness or traumatic brain injury; or

(B)(1) is fluent in the non-English language or competent in the culture of the ethnic group to which at least 20 percent of the mental health rehabilitation worker's clients belong;

(2) receives during the first 2,000 hours of work, monthly documented individual clinical supervision by a mental health professional;

(3) has 18 hours of documented field supervision by a mental health professional or practitioner during the first 160 hours of contact work with recipients, and at least six hours of field supervision quarterly during the following year;

(4) has review and cosignature of charting of recipient contacts during field supervision by a mental health professional or practitioner; and

(5) has 40 hours of additional continuing education on mental health topics during the first year of employment.

Sec. 6. Minnesota Statutes 2006, section 256B.0624, subdivision 5, is amended to read:

Subd. 5. **Mobile crisis intervention staff qualifications.** For provision of adult mental health mobile crisis intervention services, a mobile crisis intervention team is comprised of at least two mental health professionals as defined in section 245.462, subdivision 18, clauses (1) to ~~(5)~~ (6), or a combination of at least one mental health professional and one mental health practitioner as defined in section 245.462, subdivision 17, with the required mental health crisis training and under the clinical supervision of a mental health professional on the team. The team must have at least two people with at least one member providing on-site crisis intervention services when needed. Team members must be experienced in mental health assessment, crisis intervention techniques, and clinical decision-making under emergency conditions and have knowledge of local services and resources. The team must recommend and coordinate the team's services with appropriate local resources such as the county social services agency, mental health services, and local law enforcement when necessary.

Sec. 7. Minnesota Statutes 2006, section 256B.0624, subdivision 8, is amended to read:

Subd. 8. **Adult crisis stabilization staff qualifications.** (a) Adult mental health crisis stabilization services must be provided by qualified individual staff of a qualified provider entity. Individual provider staff must have the following qualifications:

(1) be a mental health professional as defined in section 245.462, subdivision 18, clauses (1) to ~~(5)~~ (6);

(2) be a mental health practitioner as defined in section 245.462, subdivision 17. The mental health practitioner must work under the clinical supervision of a mental health professional; or

(3) be a mental health rehabilitation worker who meets the criteria in section 256B.0623, subdivision 5, clause (3); works under the direction of a mental health practitioner as defined in section 245.462, subdivision 17, or under direction of a mental health professional; and works under the clinical supervision of a mental health professional.

(b) Mental health practitioners and mental health rehabilitation workers must have completed at least 30 hours of training in crisis intervention and stabilization during the past two years.

Sec. 8. Minnesota Statutes 2006, section 256B.0943, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them.

(a) "Children's therapeutic services and supports" means the flexible package of mental health services for children who require varying therapeutic and rehabilitative levels of intervention. The services are time-limited interventions that are delivered using various treatment modalities and combinations of services designed to reach treatment outcomes identified in the individual treatment plan.

(b) "Clinical supervision" means the overall responsibility of the mental health professional for the control and direction of individualized treatment planning, service delivery, and treatment review for each client. A mental health professional who is an enrolled Minnesota health care program provider accepts full professional responsibility for a supervisee's actions and decisions, instructs the supervisee in the supervisee's work, and oversees or directs the supervisee's work.

(c) "County board" means the county board of commissioners or board established under sections 402.01 to 402.10 or 471.59.

(d) "Crisis assistance" has the meaning given in section 245.4871, subdivision 9a.

(e) "Culturally competent provider" means a provider who understands and can utilize to a client's benefit the client's culture when providing services to the client. A provider may be culturally competent because the provider is of the same cultural or ethnic group as the client or the provider has developed the knowledge and skills through training and experience to provide services to culturally diverse clients.

(f) "Day treatment program" for children means a site-based structured program consisting of group psychotherapy for more than three individuals and other intensive therapeutic services provided by a multidisciplinary team, under the clinical supervision of a mental health professional.

(g) "Diagnostic assessment" has the meaning given in section 245.4871, subdivision 11.

(h) "Direct service time" means the time that a mental health professional, mental health practitioner, or mental health behavioral aide spends face-to-face with a client and the client's family. Direct service time includes time in which the provider obtains a client's history or provides service components of children's therapeutic services and supports. Direct service time does not include time doing work before and after providing direct services, including scheduling, maintaining clinical records, consulting with others about the client's mental health status, preparing reports, receiving clinical supervision directly related to the client's psychotherapy session, and revising the client's individual treatment plan.

(i) "Direction of mental health behavioral aide" means the activities of a mental health professional or mental health practitioner in guiding the mental health behavioral aide in providing services to a client. The direction of a mental health behavioral aide must be based on the client's individualized treatment plan and meet the requirements in subdivision 6, paragraph (b), clause (5).

(j) "Emotional disturbance" has the meaning given in section 245.4871, subdivision 15. For persons at least age 18 but under age 21, mental illness has the meaning given in section 245.462, subdivision 20, paragraph (a).

(k) "Individual behavioral plan" means a plan of intervention, treatment, and services for a child written by a mental health professional or mental health practitioner, under the clinical supervision of a mental health professional, to guide the work of the mental health behavioral aide.

(l) "Individual treatment plan" has the meaning given in section 245.4871, subdivision 21.

(m) "Mental health professional" means an individual as defined in section 245.4871, subdivision 27, clauses (1) to ~~(5)~~ (6), or tribal vendor as defined in section 256B.02, subdivision 7, paragraph (b).

(n) "Preschool program" means a day program licensed under Minnesota Rules, parts 9503.0005 to 9503.0175, and enrolled as a children's therapeutic services and supports provider to provide a structured treatment program to a child who is at least 33 months old but who has not yet attended the first day of kindergarten.

(o) "Skills training" means individual, family, or group training designed to improve the basic functioning of the child with emotional disturbance and the child's family in the activities of daily living and community living, and to improve the social functioning of the child and the child's family in areas important to the child's maintaining or reestablishing residency in the community. Individual, family, and group skills training must:

(1) consist of activities designed to promote skill development of the child and the child's family in the use of age-appropriate daily living skills, interpersonal and family relationships, and leisure and recreational services;

(2) consist of activities that will assist the family's understanding of normal child development and to use parenting skills that will help the child with emotional disturbance achieve the goals outlined in the child's individual treatment plan; and

(3) promote family preservation and unification, promote the family's integration with the community, and reduce the use of unnecessary out-of-home placement or institutionalization of children with emotional disturbance."

Page 2, after line 34, insert:

"Sec. 10. Minnesota Statutes 2006, section 256J.08, subdivision 73a, is amended to read:

Subd. 73a. **Qualified professional.** (a) For physical illness, injury, or incapacity, a "qualified professional" means a licensed physician, a physician's assistant, a nurse practitioner, or a licensed chiropractor.

(b) For developmental disability and intelligence testing, a "qualified professional" means an individual qualified by training and experience to administer the tests necessary to make determinations, such as tests of intellectual functioning, assessments of adaptive behavior, adaptive skills, and developmental functioning. These professionals include licensed psychologists, certified school psychologists, or certified psychometrists working under the supervision of a licensed psychologist.

(c) For learning disabilities, a "qualified professional" means a licensed psychologist or school psychologist with experience determining learning disabilities.

(d) For mental health, a "qualified professional" means a licensed physician or a qualified mental health professional. A "qualified mental health professional" means:

(1) for children, in psychiatric nursing, a registered nurse who is licensed under sections 148.171 to 148.285, and who is certified as a clinical specialist in child and adolescent psychiatric or mental health nursing by a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) for adults, in psychiatric nursing, a registered nurse who is licensed under sections 148.171 to 148.285, and who is certified as a clinical specialist in adult psychiatric and mental health nursing by a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(3) in clinical social work, a person licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(4) in psychology, an individual licensed by the Board of Psychology under sections 148.88 to 148.98, who has stated to the Board of Psychology competencies in the diagnosis and treatment of mental illness;

(5) in psychiatry, a physician licensed under chapter 147 and certified by the American Board of Psychiatry and Neurology or eligible for board certification in psychiatry; ~~and~~

(6) in marriage and family therapy, the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39, with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness; and

(7) in licensed professional clinical counseling, the mental health professional shall, subject to approval of the commissioner and following the department's internal fiscal review process, be a licensed professional clinical counselor under section 148B.5301."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 3486, A bill for an act relating to human services; modifying Medicare special needs plans; amending Minnesota Statutes 2006, section 256B.69, subdivision 28.

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 128 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Brown	Dettmer	Finstad	Hausman	Howes
Anderson, S.	Brynaert	Dill	Fritz	Haws	Huntley
Anzelc	Bunn	Dittrich	Gardner	Heidgerken	Jaros
Atkins	Carlson	Dominguez	Garofalo	Hilstrom	Johnson
Beard	Clark	Doty	Gottwalt	Hilty	Juhnke
Benson	Cornish	Eastlund	Greiling	Holberg	Kahn
Berns	Davnie	Eken	Gunther	Hoppe	Kalin
Bigham	Dean	Erhardt	Hackbarth	Hornstein	Knuth
Bly	DeLaForest	Erickson	Hamilton	Hortman	Koenen
Brod	Demmer	Faust	Hansen	Hosch	Kohls

Kranz	Mariani	Nornes	Poppe	Slawik	Ward
Laine	Marquart	Norton	Rukavina	Slocum	Wardlow
Lanning	Masin	Olin	Ruth	Smith	Welti
Lenczewski	McFarlane	Otremba	Ruud	Solberg	Westrom
Lesch	McNamara	Ozment	Sailer	Swails	Winkler
Liebling	Moe	Paulsen	Scalze	Thao	Wollschlager
Lieder	Morgan	Paymar	Seifert	Thissen	Zellers
Lillie	Morrow	Pelowski	Sertich	Tillberry	Spk. Kelliher
Loeffler	Mullery	Peppin	Severson	Tschumper	
Madore	Murphy, E.	Peterson, A.	Shimanski	Urdahl	
Magnus	Murphy, M.	Peterson, N.	Simon	Wagenius	
Mahoney	Nelson	Peterson, S.	Simpson	Walker	

Those who voted in the negative were:

Anderson, B.	Buesgens	Drazkowski	Emmer	Olson
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The bill was passed, as amended, and its title agreed to.

H. F. No. 4223 was reported to the House.

Hilstrom and Holberg moved to amend H. F. No. 4223, the first engrossment, as follows:

Page 2, line 17, delete "federal" and delete everything after "grants" and insert a period

Page 2, delete line 18

Page 2, line 19, after "municipality" insert "applying for grants or doing inventories covered under subdivision 3" and after "make" insert "the state form"

Page 2, line 22, delete everything after the period

Page 2, delete lines 23 to 25

Page 2, after line 25, insert:

"Subd. 5. **Data practices.** Data provided by a business on the completed inventory for business energy use accountability is nonpublic as defined in section 13.02."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dean moved to amend H. F. No. 4223, the first engrossment, as amended, as follows:

Page 12, line 4, after the period, insert "Any dedication of land or dedication fee imposed with respect to commercial and industrial development may only be used for amenities that directly relate to and serve the new commercial and industrial development."

A roll call was requested and properly seconded.

The question was taken on the Dean amendment and the roll was called. There were 35 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Emmer	Heidgerken	Olson	Shimanski
Anderson, S.	DeLaForest	Finstad	Hoppe	Paulsen	Simpson
Beard	Demmer	Garofalo	Kohls	Peppin	Wardlow
Berns	Dettmer	Gottwalt	Magnus	Ruth	Westrom
Buesgens	Drazkowski	Gunther	McNamara	Seifert	Zellers
Cornish	Eastlund	Hackbarth	Nornes	Severson	

Those who voted in the negative were:

Abeler	Eken	Howes	Loeffler	Ozment	Swails
Anzelc	Erhardt	Huntley	Madore	Paymar	Thao
Atkins	Erickson	Jaros	Mahoney	Pelowski	Thissen
Benson	Faust	Johnson	Mariani	Peterson, A.	Tillberry
Bigham	Fritz	Juhnke	Marquart	Peterson, N.	Tingelstad
Bly	Gardner	Kahn	Masin	Peterson, S.	Tschumper
Brod	Greiling	Kalin	McFarlane	Poppe	Urdahl
Brown	Hamilton	Knuth	Moe	Rukavina	Wagenius
Brynaert	Hansen	Koenen	Morgan	Ruud	Walker
Bunn	Hausman	Kranz	Morrow	Sailer	Ward
Carlson	Haws	Laine	Mullery	Scalze	Welti
Clark	Hilstrom	Lanning	Murphy, E.	Sertich	Winkler
Davnie	Hilty	Lenczewski	Murphy, M.	Simon	Wollschlager
Dill	Holberg	Lesch	Nelson	Slawik	Spk. Kelliher
Dittrich	Hornstein	Liebling	Norton	Slocum	
Dominguez	Hortman	Lieder	Olin	Smith	
Doty	Hosch	Lillie	Otremba	Solberg	

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

Emmer moved to amend H. F. No. 4223, the first engrossment, as amended, as follows:

Page 12, line 6, strike "or the"

Page 12, line 17, strike "dedication of land"

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 40 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Finstad	Hoppe	Olson	Simpson
Anderson, S.	Demmer	Garofalo	Howes	Paulsen	Smith
Beard	Dettmer	Gottwalt	Kohls	Peppin	Wardlow
Berns	Drazkowski	Gunther	Magnus	Ruth	Westrom
Buesgens	Eastlund	Hackbarth	McFarlane	Seifert	Zellers
Cornish	Emmer	Heidgerken	McNamara	Severson	
Dean	Erickson	Holberg	Nornes	Shimanski	

Those who voted in the negative were:

Abeler	Doty	Huntley	Loeffler	Ozment	Swails
Anzelc	Eken	Jaros	Madore	Paymar	Thao
Atkins	Erhardt	Johnson	Mahoney	Pelowski	Thissen
Benson	Faust	Juhnke	Mariani	Peterson, A.	Tillberry
Bigham	Fritz	Kahn	Marquart	Peterson, N.	Tingelstad
Bly	Gardner	Kalin	Masin	Peterson, S.	Tschumper
Brod	Greiling	Knuth	Moe	Poppe	Urdahl
Brown	Hamilton	Koenen	Morgan	Rukavina	Wagenius
Brynaert	Hansen	Kranz	Morrow	Ruud	Walker
Bunn	Hausman	Laine	Mullery	Sailer	Ward
Carlson	Haws	Lanning	Murphy, E.	Scalze	Walti
Clark	Hilstrom	Lenczewski	Murphy, M.	Sertich	Winkler
Davnie	Hilty	Lesch	Nelson	Simon	Wollschlager
Dill	Hornstein	Liebling	Norton	Slawik	Spk. Kelliher
Dittrich	Hortman	Lieder	Olin	Slocum	
Dominguez	Hosch	Lillie	Otremba	Solberg	

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

Severson moved to amend H. F. No. 4223, the first engrossment, as amended, as follows:

Page 12, line 4, after "trails," insert "environmental cleanup."

A roll call was requested and properly seconded.

The question was taken on the Severson amendment and the roll was called. There were 47 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Dettmer	Erickson	Hackbarth	Kohls
Anderson, B.	Cornish	Drazkowski	Finstad	Heidgerken	Magnus
Anderson, S.	Dean	Eastlund	Garofalo	Holberg	McFarlane
Beard	DeLaForest	Emmer	Gottwalt	Hoppe	McNamara
Berns	Demmer	Erhardt	Gunther	Howes	Nornes

Olson	Peppin	Seifert	Simpson	Tschumper	Westrom
Ozment	Peterson, N.	Severson	Smith	Urdahl	Zellers
Paulsen	Ruth	Shimanski	Tingelstad	Wardlow	

Those who voted in the negative were:

Anzelc	Doty	Huntley	Lillie	Olin	Solberg
Atkins	Eken	Jaros	Loeffler	Otremba	Swails
Benson	Faust	Johnson	Madore	Paymar	Thao
Bigham	Fritz	Juhnke	Mahoney	Pelowski	Thissen
Bly	Gardner	Kahn	Mariani	Peterson, A.	Tillberry
Brod	Greiling	Kalin	Marquart	Peterson, S.	Wagenius
Brown	Hamilton	Knuth	Masin	Poppe	Walker
Brynaert	Hansen	Koenen	Moe	Rukavina	Ward
Bunn	Hausman	Kranz	Morgan	Ruud	Welti
Carlson	Haws	Laine	Morrow	Sailer	Winkler
Clark	Hilstrom	Lanning	Mullery	Scalze	Wollschlager
Davnie	Hilty	Lenczewski	Murphy, E.	Sertich	Spk. Kelliher
Dill	Hornstein	Lesch	Murphy, M.	Simon	
Dittrich	Hortman	Liebling	Nelson	Slawik	
Dominguez	Hosch	Lieder	Norton	Slocum	

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

Buesgens moved to amend H. F. No. 4223, the first engrossment, as amended, as follows:

Page 12, line 9, after the period, insert "The city share of property taxes paid on the development shall be reduced by an amount equal to the amount of any fee paid or the value of any land dedicated under this provision. The deduction shall begin with taxes payable in the year following the payment or dedication, and continue until the total deduction is equal to the amount of the fee or the value of the dedicated land."

A roll call was requested and properly seconded.

Hilstrom moved that H. F. No. 4223, as amended, be continued on the Calendar for the Day. The motion prevailed.

Lesch was excused between the hours of 5:40 p.m. and 8:20 p.m.

H. F. No. 3380 was reported to the House.

Brod moved to amend H. F. No. 3380, the third engrossment, as follows:

Page 3, after line 12, insert:

"Sec. 2. Minnesota Statutes 2006, section 365A.095, is amended to read:

365A.095 PETITION FOR REMOVAL OF DISTRICT; PROCEDURE; REFUND OF SURPLUS.

Subdivision 1. Petition; procedure. A petition signed by at least 75 percent of the property owners in the territory of the subordinate service district requesting the removal of the district may be presented to the town board. Within 30 days after the town board receives the petition, the town clerk shall determine the validity of the signatures on the petition. If the requisite number of signatures are certified as valid, the town board must hold a public hearing on the petitioned matter. Within 30 days after the end of the hearing, the town board must decide whether to discontinue the subordinate service district, continue as it is, or take some other action with respect to it.

Subd. 2. Option to refund surplus. If the district is removed under subdivision 1, after all outstanding obligations of the district have been paid in full, the town board may vote to refund any surplus tax revenue or service charge, or any part of it, collected from the district under section 365A.08. The refund must be distributed equally to the owners of any property within the discontinued district that were charged the extra tax or service fee during the most recent tax year for which the tax or service fee was imposed. Any surplus not refunded under this section must be transferred to the town's general fund.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

H. F. No. 3380, A bill for an act relating to human services; revising requirements for county-based purchasing for state health care programs; appropriating money; amending Minnesota Statutes 2007 Supplement, section 256B.69, subdivision 4.

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

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hansen	Koenen	McNamara	Peterson, N.
Anzelc	Dill	Hausman	Kranz	Moe	Peterson, S.
Atkins	Dittrich	Haws	Laine	Morgan	Poppe
Beard	Dominguez	Heidgerken	Lanning	Morrow	Rukavina
Benson	Doty	Hilstrom	Lenczewski	Mullery	Ruth
Bigham	Drazkowski	Hilty	Liebling	Murphy, E.	Ruud
Bly	Eken	Holberg	Lieder	Nelson	Sailer
Brod	Erhardt	Hornstein	Lillie	Nornes	Scalze
Brown	Faust	Hortman	Loeffler	Norton	Seifert
Brynaert	Finstad	Howes	Madore	Olin	Sertich
Bunn	Fritz	Johnson	Magnus	Otremba	Shimanski
Carlson	Gardner	Juhnke	Mariani	Ozment	Simon
Clark	Greiling	Kahn	Marquart	Paymar	Simpson
Cornish	Gunther	Kalin	Masin	Pelowski	Slawik
Davnie	Hamilton	Knuth	McFarlane	Peterson, A.	Slocum

Solberg	Tillberry	Urdahl	Ward	Westrom	Zellers
Swails	Tingelstad	Wagenius	Wardlow	Winkler	Spk. Kelliher
Thissen	Tschumper	Walker	Wolti	Wollschlager	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Garofalo	Huntley	Paulsen
Anderson, S.	Dettmer	Gottwalt	Jaros	Peppin
Berns	Eastlund	Hackbarth	Kohls	Severson
Buesgens	Emmer	Hoppe	Mahoney	Smith
Dean	Erickson	Hosch	Olson	Thao

The bill was passed and its title agreed to.

Sertich 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.

Peterson, N., was excused between the hours of 7:20 p.m. to 8:20 p.m.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3494

A bill for an act relating to employment; providing up to three hours of paid leave in any 12-month period for state employees to donate blood; authorizing employers to provide leave to employees to donate blood; proposing coding for new law in Minnesota Statutes, chapters 43A; 181.

May 7, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3494 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 3494 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

STATE GOVERNMENT

Section 1. Minnesota Statutes 2006, section 3.885, is amended by adding a subdivision to read:

Subd. 11. **Subcommittee on Government Accountability.** The commission must form a Subcommittee on Government Accountability under section 3.3056 to review recommendations from the commissioner of finance under section 16A.10, subdivision 1c, and to review recommendations from the commissioners of finance and administration on how to improve the use of Minnesota Milestones and other statewide goals and indicators in state planning and budget documents. The subcommittee shall consider testimony from representatives from the following organizations and agencies: (1) nonprofit organizations involved in the preparation of Minnesota Milestones; (2) the University of Minnesota and other higher education institutions; (3) the Department of Finance and other state agencies; and (4) other legislators. The subcommittee shall report to the commission by February 1 of each odd-numbered year with long-range recommendations for the further implementation and uses of Minnesota Milestones and other government accountability improvements.

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

Sec. 2. Minnesota Statutes 2006, section 16A.10, subdivision 1c, is amended to read:

Subd. 1c. **Performance measures for change items.** For each change item in the budget proposal requesting new or increased funding, the budget document must present proposed performance measures that can be used to determine if the new or increased funding is accomplishing its goals. To the extent possible, each budget change item must identify relevant Minnesota Milestones and other statewide goals and indicators related to the proposed initiative. The commissioner must report to the Subcommittee on Government Accountability established under section 3.885, subdivision 11, regarding the format to be used for the presentation and selection of Minnesota Milestones and other statewide goals and indicators.

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

Sec. 3. Minnesota Statutes 2006, section 16B.281, subdivision 3, is amended to read:

Subd. 3. **Notice to agencies; determination of surplus.** ~~On or before October 1 of each year, the commissioner shall review the certifications of heads of each department or agency provided for in this section.~~ The commissioner of administration shall send written notice to all state departments, agencies, and the University of Minnesota describing any lands or tracts that may be declared surplus. If a department or agency or the University of Minnesota desires custody of the lands or tracts, it shall submit a written request to the commissioner, no later than four calendar weeks after mailing of the notice, setting forth in detail its reasons for desiring to acquire and its intended use of the land or tract. The commissioner shall then determine whether any of the lands described ~~in the certifications of the heads of the departments or agencies~~ should be declared surplus and offered for sale or otherwise disposed of by transferring custodial control to other requesting state departments or agencies or to the Board of Regents of the University of Minnesota for educational purposes, provided however that transfer to the Board of Regents shall not be determinative of tax exemption or immunity. If the commissioner determines that any of the lands are no longer needed for state purposes, the commissioner shall make findings of fact, describe the lands, declare the lands to be surplus state land, and state the reasons for the sale or disposition of the lands, ~~and notify the Executive Council of the determination.~~

Sec. 4. Minnesota Statutes 2006, section 16B.282, is amended to read:

16B.282 SURVEYS, APPRAISALS, AND SALE.

Subdivision 1. **Appraisal; notice and offer to public bodies.** (a) Before offering any surplus state-owned lands for sale, the commissioner of administration may survey the lands and, if the value of the lands is estimated to be ~~\$40,000~~ \$50,000 or less, may have the lands appraised. The commissioner shall have the lands appraised if the estimated value is in excess of ~~\$40,000~~ \$50,000.

(b) ~~The appraiser shall, before entering upon the duties of the office, take and subscribe an oath that the appraiser will faithfully and impartially discharge the duties of 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 on the lands or in the purchase of the lands, timber, or improvements and has entered into no agreement or combination to purchase any of the lands, timber, or improvements. The oath shall be attached to the appraisal report. Appraisals must be made by an appraiser that holds a state appraiser license issued by the Department of Commerce. The appraisal must be in conformity with the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.~~

(c) Before offering surplus state-owned lands for public sale, the lands shall first be offered to the city, county, town, school district, or other public body corporate or politic in which the lands are situated for public purposes and the lands may be sold for public purposes for not less than the appraised value of the lands. To determine whether a public body desires to purchase the surplus land, the commissioner shall give a written notice to the governing body of each political subdivision whose jurisdictional boundaries include or are adjacent to the surplus land. If a public body desires to purchase the surplus land, it shall submit a written offer to the commissioner no later than two weeks after receipt of notice setting forth in detail its reasons for desiring to acquire and its intended use of the land. In the event that more than one public body tenders an offer, the commissioner shall determine which party shall receive the property and shall submit written findings regarding the decision. If lands are offered for sale for public purposes and if a public body notifies the commissioner of its desire to acquire the lands, the public body may have up to two years from the date of the accepted offer to commence payment for the lands in the manner provided by law.

Subd. 2. **Public sale requirements.** (a) ~~Lands certified as surplus by the head of a department or agency under section 16B.281 shall be offered for public sale by the commissioner as provided in this subdivision. After complying with subdivision 1 and before any public sale of surplus state-owned land is made and at least 30 days before the sale, the commissioner of administration shall publish a notice of the sale at least once each week for four successive weeks in a legal newspaper and also in a newspaper of general distribution in the city or county in which the real property to be sold is situated. The notice shall specify the time and place at which the sale will commence, a general description of the lots or tracts to be offered, and a general statement of the terms of sale. Each tract or lot shall be sold separately and shall be sold for no less than its appraised value.~~

(b) Surplus state-owned land shall be sold for no less than the estimated or appraised value. The minimum bid may include expenses incurred by the commissioner in rendering the property saleable, including survey, appraisal, legal, advertising, and other expenses.

(c) Parcels remaining unsold after the offering may be sold to anyone agreeing to pay the appraised value. The sale shall continue until all parcels are sold or until the commissioner orders a reappraisal or withdraws the remaining parcels from sale.

(e) ~~Except as provided in section 16B.283, the cost of any survey or appraisal as provided in subdivision 1 shall be added to and made a part of the appraised value of the lands to be sold, whether to any political subdivision of the state or to a private purchaser as provided in this subdivision.~~

Sec. 5. Minnesota Statutes 2006, section 16B.283, is amended to read:

16B.283 TERMS OF PAYMENT.

~~No less than ten percent of the purchase price shall be paid at the time of sale with the balance payable according to this section. If the purchase price of any lot or parcel is \$5,000 or less, the balance shall be paid within 90 days of the date of sale. If the purchase price of any lot or parcel is in excess of \$5,000, the balance shall be paid in equal annual installments for no more than five years, at the option of the purchaser, with principal and interest payable annually in advance at a rate equal to the rate in effect at the time under section 549.09 on the unpaid balance, payable to the state treasury on or before June 1 each year. Any installment of principal or interest may be prepaid. The purchaser must pay at the time of sale ten percent of the total amount bid and the remainder of the payment is due within 90 days of the sale date. A person who fails to make final payment within 90 days of the sale date is in default. On default, all right, title, and interest of the purchaser or heirs, representatives, or assigns of the purchaser in the premises shall terminate without the state doing any act or thing. A record of the default must be made in the state land records of the commissioner.~~

Sec. 6. Minnesota Statutes 2006, section 16B.284, is amended to read:

16B.284 CONTRACT FOR DEED AND QUITCLAIM DEED.

~~In the event a purchaser elects to purchase surplus real property on an installment basis, the commissioner shall enter into a contract for deed with the purchaser, in which shall be set forth the description of the real property sold and the price of the property, the consideration paid and to be paid for the property, the rate of interest, and time and terms of payment. The contract for deed shall be made assignable and shall further set forth that in case of the nonpayment of the annual principal or interest payment due by the purchaser, or any person claiming under the purchaser, then the contract for deed, from the time of the failure, is entirely void and of no effect and the state may be repossessed of the lot or tract and may resell the lot or tract as provided in sections 16B.281 to 16B.287. In the event the terms and conditions of a contract for deed are completely fulfilled or if a purchaser makes a lump sum payment for the subject property in lieu of entering into a contract for deed, The commissioner of administration shall sign and cause to be issued a quitclaim deed on behalf of the state. The quitclaim deed shall be in a form prescribed by the attorney general and shall vest in the purchaser all of the state's interest in the subject property except as provided in section 16B.286.~~

Sec. 7. Minnesota Statutes 2006, section 16B.287, subdivision 2, is amended to read:

Subd. 2. **Payment of expenses.** A portion of the proceeds from the sale equal in amount to the survey, appraisal, legal, advertising, and other expenses incurred by the commissioner of administration or other state official in rendering the property salable shall be remitted to the account from which the expenses were paid and are appropriated and immediately available for expenditure in the same manner as other money in the account.

Sec. 8. Minnesota Statutes 2006, section 16E.01, subdivision 3, is amended to read:

Subd. 3. **Duties.** (a) The office shall:

(1) manage the efficient and effective use of available federal, state, local, and public-private resources to develop statewide information and telecommunications technology systems and services and its infrastructure;

(2) approve state agency and intergovernmental information and telecommunications technology systems and services development efforts involving state or intergovernmental funding, including federal funding, provide information to the legislature regarding projects reviewed, and recommend projects for inclusion in the governor's budget under section 16A.11;

(3) ensure cooperation and collaboration among state and local governments in developing intergovernmental information and telecommunications technology systems and services, and define the structure and responsibilities of a representative governance structure;

(4) cooperate and collaborate with the legislative and judicial branches in the development of information and communications systems in those branches;

(5) continue the development of North Star, the state's official comprehensive online service and information initiative;

(6) promote and collaborate with the state's agencies in the state's transition to an effectively competitive telecommunications market;

(7) collaborate with entities carrying out education and lifelong learning initiatives to assist Minnesotans in developing technical literacy and obtaining access to ongoing learning resources;

(8) promote and coordinate public information access and network initiatives, consistent with chapter 13, to connect Minnesota's citizens and communities to each other, to their governments, and to the world;

(9) promote and coordinate electronic commerce initiatives to ensure that Minnesota businesses and citizens can successfully compete in the global economy;

(10) manage and promote the regular and periodic reinvestment in the information and telecommunications technology systems and services infrastructure so that state and local government agencies can effectively and efficiently serve their customers;

(11) facilitate the cooperative development of and ensure compliance with standards and policies for information and telecommunications technology systems and services, electronic data practices and privacy, and electronic commerce among international, national, state, and local public and private organizations;

(12) eliminate unnecessary duplication of existing information and telecommunications technology systems and services provided by other public and private organizations while building on the existing governmental, educational, business, health care, and economic development infrastructures;

(13) identify, sponsor, develop, and execute shared information and telecommunications technology projects and ongoing operations; and

(14) ensure overall security of the state's information and technology systems and services.

(b) The chief information officer, in consultation with the commissioner of finance, must determine when it is cost-effective for agencies to develop and use shared information and telecommunications technology systems and services for the delivery of electronic government services. The chief information officer may require agencies to use shared information and telecommunications technology systems and services. The chief information officer shall establish reimbursement rates in cooperation with the commissioner of finance to be billed to agencies and other governmental entities sufficient to cover the actual development, operating, maintenance, and administrative costs of the shared systems. The methodology for billing may include the use of interagency agreements, or other means as allowed by law.

(c) A state agency that has an information and telecommunications technology project with a total expected project cost of more than \$1,000,000, whether funded as part of the biennial budget or by any other means, shall register with the office by submitting basic project startup documentation, as specified by the chief information

officer in both format and content, before any project funding is requested or committed and before the project commences. State agency project leaders must demonstrate that the project will be properly managed, provide updates to the project documentation as changes are proposed, and regularly report on the current status of the project on a schedule agreed to with the chief information officer.

(d) The chief information officer shall monitor progress on any active information and telecommunications technology project with a total expected project cost of more than \$5,000,000 and report on the performance of the project in comparison with the plans for the project in terms of time, scope, and budget. The chief information officer may conduct an independent project audit of the project. The audit analysis and evaluation of the projects subject to paragraph (c) must be presented to agency executive sponsors, the project governance bodies, and the chief information officer. All reports and responses must become part of the project record.

(e) For any active information and telecommunications technology project with a total expected project cost of more than \$10,000,000, the state agency must perform an annual independent audit that conforms to published project audit principles promulgated by the office.

(f) The chief information officer shall report by January 15 of each year to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the office regarding projects the office has reviewed under paragraph (a), clause (2). The report must include the reasons for the determinations made in the review of each project and a description of its current status.

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

Sec. 9. Minnesota Statutes 2006, section 16E.03, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of chapter 16E, the following terms have the meanings given them.

(a) "Information and telecommunications technology systems and services" means all computing and telecommunications hardware and software, the activities undertaken to secure that hardware and software, and the activities undertaken to acquire, transport, process, analyze, store, and disseminate information electronically. "Information and telecommunications technology systems and services" includes all proposed expenditures for computing and telecommunications hardware and software, security for that hardware and software, and related consulting or other professional services.

(b) "Information and telecommunications technology project" means an effort to acquire or produce information and telecommunications technology systems and services.

(c) "Telecommunications" means voice, video, and data electronic transmissions transported by wire, wireless, fiber-optic, radio, or other available transport technology.

(d) "Cyber security" means the protection of data and systems in networks connected to the Internet.

(e) "State agency" means an agency in the executive branch of state government and includes the Minnesota Office of Higher Education, but does not include the Minnesota State Colleges and Universities unless specifically provided elsewhere in this chapter.

(f) "Total expected project cost" includes direct staff costs, all supplemental contract staff and vendor costs, and costs of hardware and software development or purchase. Breaking a project into several phases does not affect the cost threshold, which must be computed based on the full cost of all phases.

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

Sec. 10. Minnesota Statutes 2006, section 16E.04, subdivision 2, is amended to read:

Subd. 2. **Responsibilities.** (a) In addition to other activities prescribed by law, the office shall carry out the duties set out in this subdivision.

(b) The office shall develop and establish a state information architecture to ensure that state agency development and purchase of information and communications systems, equipment, and services is designed to ensure that individual agency information systems complement and do not needlessly duplicate or conflict with the systems of other agencies. When state agencies have need for the same or similar public data, the chief information officer, in coordination with the affected agencies, shall manage the most efficient and cost-effective method of producing and storing data for or sharing data between those agencies. The development of this information architecture must include the establishment of standards and guidelines to be followed by state agencies. The office shall ensure compliance with the architecture.

(c) The office shall assist state agencies in the planning and management of information systems so that an individual information system reflects and supports the state agency's mission and the state's requirements and functions. The office shall review and approve agency technology plans to ensure consistency with enterprise information and telecommunications technology strategy. By January 15 of each year, the chief information officer must report to the chairs and the ranking minority members of the legislative committees and divisions with jurisdiction over the office regarding the assistance provided under this paragraph. The report must include a listing of agencies that have developed or are developing plans under this paragraph.

(d) The office shall review and approve agency requests for funding for the development or purchase of information systems equipment or software before the requests may be included in the governor's budget.

(e) The office shall review major purchases of information systems equipment to:

(1) ensure that the equipment follows the standards and guidelines of the state information architecture;

(2) ensure the agency's proposed purchase reflects a cost-effective policy regarding volume purchasing; and

(3) ensure that the equipment is consistent with other systems in other state agencies so that data can be shared among agencies, unless the office determines that the agency purchasing the equipment has special needs justifying the inconsistency.

(f) The office shall review the operation of information systems by state agencies and ensure that these systems are operated efficiently and securely and continually meet the standards and guidelines established by the office. The standards and guidelines must emphasize uniformity that is cost-effective for the enterprise, that encourages information interchange, open systems environments, and portability of information whenever practicable and consistent with an agency's authority and chapter 13.

(g) The office shall conduct a comprehensive review at least every three years of the information systems investments that have been made by state agencies and higher education institutions. The review must include recommendations on any information systems applications that could be provided in a more cost-beneficial manner by an outside source. The office must report the results of its review to the legislature and the governor.

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

Sec. 11. **[43A.187] BLOOD DONATION LEAVE.**

A state employee must be granted leave from work with 100 percent of pay to donate blood at a location away from the place of work. The total amount of leave used under this paragraph may not exceed three hours in a 12-month period, and must be determined by the employee. A state employee seeking leave from work under this section must provide 14 days' notice to the appointing authority. This leave must not affect the employee's vacation leave, pension, compensatory time, personal vacation days, sick leave, earned overtime accumulation, or cause a loss of seniority. For the purposes of this section, "state employee" does not include an employee of the Minnesota State Colleges and Universities.

Sec. 12. **[181.9458] AUTHORIZATION FOR BLOOD DONATION LEAVE.**

An employer may grant paid leave from work to an employee to allow the employee to donate blood.

Sec. 13. Minnesota Statutes 2006, section 309.53, subdivision 3, is amended to read:

Subd. 3. **Financial statement requirements.** The financial statement shall include a balance sheet, statement of income and expense, and statement of functional expenses, shall be consistent with forms furnished by the attorney general, and shall be prepared in accordance with generally accepted accounting principles so as to make a full disclosure of the following, including necessary allocations between each item and the basis of such allocations:

- (a) total receipts and total income from all sources;
- (b) cost of management and general;
- (c) program services;
- (d) cost of fund-raising;
- (e) cost of public education;
- (f) funds or properties transferred out of state, with explanation as to recipient and purpose;
- (g) total net amount disbursed or dedicated within this state, broken down into total amounts disbursed or dedicated for each major purpose, charitable or otherwise;
- (h) names of professional fund-raisers used during the accounting year and the financial compensation and profit resulting to each professional fund-raiser; and
- (i) a list of the five highest paid directors, officers, and employees of the organization and its related organizations, as that term is defined by section 317A.011, subdivision 18, that receive total compensation of more than \$50,000, together with the total compensation paid to each. Total compensation shall include salaries, fees, bonuses, fringe benefits, severance payments, and deferred compensation paid by the charitable organization and all related organizations as that term is defined by section 317A.011, subdivision 18.

Unless otherwise required by this subdivision, the financial statement need not be certified.

A financial statement of a charitable organization which has received total revenue in excess of \$350,000 for the 12 months of operation covered by the statement shall be accompanied by an audited financial statement prepared in accordance with generally accepted accounting principles that has been examined by an independent certified public accountant for the purpose of expressing an opinion. In preparing the audit the certified public accountant shall take

into consideration capital, endowment or other reserve funds, if any, controlled by the charitable organization. For purposes of calculating the \$350,000 total revenue threshold provided by this subdivision, the value of donated food to a nonprofit food shelf may not be included if the food is donated for subsequent distribution at no charge, and not for resale.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to any financial statement that is required to be filed under this section after May 14, 2008.

Sec. 14. Laws 2005, First Special Session chapter 1, article 4, section 121, subdivision 4, as amended by Laws 2007, chapter 29, section 1, subdivision 4, is amended to read:

Subd. 4. **Duties.** The commission shall have the following duties:

(1) to present to the governor and legislature a plan for grants to pay for capital improvements on Minnesota's historic public and private buildings, to be known as sesquicentennial grants;

(2) to seek funding for activities to celebrate the 150th anniversary of statehood, and to form partnerships with private parties to further this mission;

(3) to present an annual report to the governor and legislature outlining progress made towards the celebration of the sesquicentennial; ~~and~~

(4) to encourage all activities celebrating the sesquicentennial to be as energy efficient as practicable; and

(5) to use the results of the Sesquicentennial Plan for Our Future project to help provide feedback on the selection and use of Minnesota Milestones goals and indicators.

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

Sec. 15. **WORKING GROUP FOR MINNESOTA MILESTONES PROCESS AND INDICATORS.**

By September 1, 2008, the commissioner of administration shall convene a working group of state agency staff, legislative staff, and other interested parties to assist in the use of Minnesota Milestones as required under Minnesota Statutes, section 16A.10, subdivision 1c. The working group shall consider collaborative opportunities with community organizations and higher education institutions. The working group expires on February 27, 2009.

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

Sec. 16. **REPEALER.**

Minnesota Statutes 2006, sections 16B.281, subdivisions 2, 4, and 5; and 16B.285, are repealed.

ARTICLE 2

LAWFUL GAMBLING

Section 1. Minnesota Statutes 2006, section 240.24, subdivision 2, is amended to read:

Subd. 2. **Exception.** Notwithstanding subdivision 1, the commission by rule shall allow the use of: (1) topical external applications that do not contain anesthetics or steroids; (2) food additives; (3) Furosemide or other pulmonary hemostatic agents if the agents are administered under the visual supervision of the veterinarian or a

designee of the veterinarian employed by the commission; ~~and~~ (4) nonsteroidal anti-inflammatory drugs, provided that the test sample does not contain more than five micrograms of the substance or metabolites thereof per milliliter of blood plasma; and (5) medications and their metabolites, provided their use thereof does not exceed regulatory threshold concentrations set by rule by the commission. For purposes of this clause, "test sample" means any bodily substance including blood, urine, saliva, or other substance as directed by the commission, taken from a horse under the supervision of the commission veterinarian and in such manner as prescribed by the commission for the purpose of analysis.

Sec. 2. Minnesota Statutes 2006, section 609.75, subdivision 4, is amended to read:

Subd. 4. **Gambling device.** A gambling device is a contrivance the purpose of which is that for a consideration ~~affords the~~ a player is afforded an opportunity to obtain something of value, other than free plays, automatically from the machine or otherwise, the award of which is determined principally by chance, whether or not the contrivance is actually played. "Gambling device" also includes a video game of chance, as defined in subdivision 8.

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

Sec. 3. **REPEALER.**

Minnesota Statutes 2006, section 349.40, is repealed.

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

Delete the title and insert:

"A bill for an act relating to state government; incorporating Minnesota Milestones goals and indicators in budget preparation; requiring state agencies with certain information and telecommunications technology projects to register with the Office of Enterprise Technology and requiring the office to monitor progress on the projects; requiring the Office of Enterprise Technology to report to the legislature regarding its approval process for state agency technology requests and assistance provided to state agencies in developing agency information systems plans; providing additional duties for the Sesquicentennial Commission; establishing a working group; modifying state surplus land procedures; providing up to three hours of paid leave in any 12-month period for state employees to donate blood; authorizing employers to provide leave to employees to donate blood; modifying financial statement requirements for certain charitable organizations; modifying certain horse racing medication regulations; clarifying definition of gambling device; repealing a provision relating to manufacture of gambling devices or components for shipment to other jurisdictions; amending Minnesota Statutes 2006, sections 3.885, by adding a subdivision; 16A.10, subdivision 1c; 16B.281, subdivision 3; 16B.282; 16B.283; 16B.284; 16B.287, subdivision 2; 16E.01, subdivision 3; 16E.03, subdivision 1; 16E.04, subdivision 2; 240.24, subdivision 2; 309.53, subdivision 3; 609.75, subdivision 4; Laws 2005, First Special Session chapter 1, article 4, section 121, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 43A; 181; repealing Minnesota Statutes 2006, sections 16B.281, subdivisions 2, 4, 5; 16B.285; 349.40."

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

House Conferees: GENE PELOWSKI JR., JEANNE POPPE, WILL MORGAN AND NEIL W. PETERSON.

Senate Conferees: ANN H. REST, DAN LARSON, DICK DAY, SHARON L. ERICKSON ROPES AND SANDRA L. PAPPAS.

Pelowski moved that the report of the Conference Committee on H. F. No. 3494 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 3494, A bill for an act relating to employment; providing up to three hours of paid leave in any 12-month period for state employees to donate blood; authorizing employers to provide leave to employees to donate blood; proposing coding for new law in Minnesota Statutes, chapters 43A; 181.

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 107 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hortman	Madore	Ozment	Smith
Anderson, S.	Dominguez	Hosch	Mahoney	Paulsen	Solberg
Anzelc	Doty	Howes	Mariani	Paymar	Swails
Atkins	Eken	Huntley	Marquart	Pelowski	Thao
Beard	Erhardt	Jaros	Masin	Peterson, A.	Thissen
Benson	Faust	Johnson	McFarlane	Peterson, S.	Tillberry
Berns	Fritz	Juhnke	McNamara	Poppe	Tingelstad
Bigham	Gardner	Kalin	Moe	Rukavina	Tschumper
Bly	Greiling	Knuth	Morgan	Ruth	Urdahl
Brown	Gunther	Koenen	Morrow	Ruud	Wagenius
Brynaert	Hansen	Kranz	Mullery	Sailer	Walker
Bunn	Hausman	Laine	Murphy, E.	Scalze	Ward
Carlson	Haws	Lanning	Murphy, M.	Seifert	Wardlow
Clark	Heidgerken	Lenczewski	Nelson	Sertich	Welti
Cornish	Hilstrom	Liebling	Nornes	Severson	Winkler
Davnie	Hilty	Lieder	Norton	Simon	Wollschlager
Demmer	Hoppe	Lillie	Olin	Slawik	Spk. Kelliher
Dill	Hornstein	Loeffler	Otremba	Slocum	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Emmer	Gottwalt	Kohls	Shimanski
Brod	Dettmer	Erickson	Hackbarth	Magnus	Simpson
Buesgens	Drazkowski	Finstad	Hamilton	Olson	Westrom
Dean	Eastlund	Garofalo	Holberg	Peppin	Zellers

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Thursday, May 8, 2008:

S. F. No. 3396; H. F. No. 3090; and S. F. Nos. 3140, 3193, 2965 and 2941.

CALENDAR FOR THE DAY, Continued

S. F. No. 1128 was reported to the House.

Walker moved to amend S. F. No. 1128, the second engrossment, as follows:

Page 1, line 9, after the first comma, insert "adult son or daughter."

Page 1, line 21, after the first comma, insert "adult son or daughter."

A roll call was requested and properly seconded.

The question was taken on the Walker amendment and the roll was called. There were 93 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Hortman	Loeffler	Ozment	Solberg
Anzelc	Eken	Hosch	Madore	Paulsen	Swails
Atkins	Emmer	Huntley	Mahoney	Paymar	Thao
Benson	Erhardt	Jaros	Mariani	Pelowski	Thissen
Bigham	Faust	Johnson	Marquart	Peterson, A.	Tillberry
Bly	Fritz	Juhnke	Masin	Peterson, S.	Tingelstad
Brod	Gardner	Kahn	Moe	Poppe	Tschumper
Brown	Greiling	Kalin	Morgan	Rukavina	Wagenius
Brynaert	Hamilton	Knuth	Morrow	Ruth	Walker
Bunn	Hansen	Koenen	Mullery	Ruud	Ward
Carlson	Hausman	Kranz	Murphy, E.	Sailer	Welti
Clark	Haws	Laine	Murphy, M.	Scalze	Winkler
Davnie	Hilstrom	Lenczewski	Nelson	Sertich	Spk. Kelliher
Dill	Hilty	Liebling	Norton	Simon	
Dittrich	Holberg	Lieder	Olin	Slawik	
Dominguez	Hornstein	Lillie	Otremba	Slocum	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Garofalo	Kohls	Peppin	Wardlow
Anderson, S.	Demmer	Gottwalt	Lanning	Seifert	Westrom
Beard	Dettmer	Gunther	Magnus	Severson	Wollschlager
Berns	Drazkowski	Hackbarth	McFarlane	Shimanski	Zellers
Buesgens	Eastlund	Heidgerken	McNamara	Simpson	
Cornish	Erickson	Hoppe	Nornes	Smith	
Dean	Finstad	Howes	Olson	Urdahl	

The motion prevailed and the amendment was adopted.

S. F. No. 1128, A bill for an act relating to employment; modifying use of personal sick leave benefits; amending Minnesota Statutes 2006, section 181.9413.

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 88 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Huntley	Madore	Paulsen	Swails
Anzelc	Eken	Jaros	Mahoney	Paymar	Thao
Atkins	Erhardt	Johnson	Mariani	Pelowski	Thissen
Benson	Fritz	Juhnke	Marquart	Peterson, A.	Tillberry
Bigham	Gardner	Kahn	Masin	Peterson, S.	Tingelstad
Bly	Greiling	Kalin	Moe	Poppe	Tschumper
Brown	Hamilton	Knuth	Morgan	Rukavina	Wagenius
Brynaert	Hansen	Koenen	Morrow	Ruud	Walker
Bunn	Hausman	Kranz	Mullery	Sailer	Ward
Carlson	Haws	Laine	Murphy, E.	Scalze	Welti
Clark	Hilstrom	Lenczewski	Murphy, M.	Sertich	Westrom
Davnie	Hilty	Liebling	Nelson	Simon	Winkler
Dill	Hornstein	Lieder	Olin	Slawik	Spk. Kelliher
Dittrich	Hortman	Lillie	Otremba	Slocum	
Dominguez	Hosch	Loeffler	Ozment	Solberg	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Finstad	Howes	Olson	Smith
Anderson, S.	Demmer	Garofalo	Kohls	Peppin	Urdahl
Beard	Dettmer	Gottwalt	Lanning	Peterson, N.	Wardlow
Berns	Drazkowski	Gunther	Magnus	Ruth	Wollschlager
Brod	Eastlund	Hackbarth	McFarlane	Seifert	Zellers
Buesgens	Emmer	Heidgerken	McNamara	Severson	
Cornish	Erickson	Holberg	Nornes	Shimanski	
Dean	Faust	Hoppe	Norton	Simpson	

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

S. F. No. 3140, A bill for an act relating to boiler operations; making changes to licensing procedures; authorizing rulemaking; amending Minnesota Statutes 2006, sections 183.411, subdivision 3; 183.545, subdivision 4; Minnesota Statutes 2007 Supplement, sections 183.501; 183.51.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Berns	Bunn	Demmer	Eastlund	Fritz
Anderson, B.	Bigham	Carlson	Dettmer	Eken	Gardner
Anderson, S.	Bly	Clark	Dill	Emmer	Garofalo
Anzelc	Brod	Cornish	Dittrich	Erhardt	Gottwalt
Atkins	Brown	Davnie	Dominguez	Erickson	Greiling
Beard	Brynaert	Dean	Doty	Faust	Gunther
Benson	Buesgens	DeLaForest	Drazkowski	Finstad	Hackbarth

Hamilton	Juhnke	Magnus	Olin	Scalze	Tschumper
Hansen	Kahn	Mahoney	Olson	Seifert	Urdahl
Hausman	Kalin	Mariani	Otremba	Sertich	Wagenius
Haws	Knuth	Marquart	Ozment	Severson	Walker
Heidgerken	Koenen	Masin	Paulsen	Shimanski	Ward
Hilstrom	Kohls	McFarlane	Paymar	Simon	Wardlow
Hilty	Kranz	McNamara	Pelowski	Simpson	Walti
Holberg	Laine	Moe	Peppin	Slawik	Westrom
Hoppe	Lanning	Morgan	Peterson, A.	Slocum	Winkler
Hornstein	Lenczewski	Morrow	Peterson, N.	Smith	Wollschlager
Hortman	Lesch	Mullery	Peterson, S.	Solberg	Zellers
Hosch	Liebling	Murphy, E.	Poppe	Swails	Spk. Kelliher
Howes	Lieder	Murphy, M.	Rukavina	Thao	
Huntley	Lillie	Nelson	Ruth	Thissen	
Jaros	Loeffler	Nornes	Ruud	Tillberry	
Johnson	Madore	Norton	Sailer	Tingelstad	

The bill was passed and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

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

S. F. No. 3001.

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.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3001

A bill for an act relating to education; providing for prekindergarten through grade 12 education; including general education, education excellence, special programs, libraries, state agencies, and self-sufficiency and lifelong learning; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 120A.05, subdivision 10a; 120A.22, subdivision 5; 120A.24, subdivisions 1, 2; 120B.02; 120B.021, subdivision 1a; 120B.023, subdivision 2; 121A.035, subdivision 2; 121A.037; 122A.06, subdivision 4; 122A.07, subdivisions 2, 3; 122A.09, subdivision 4; 122A.18, subdivisions 2, 2a, by adding a subdivision; 123B.14, subdivision 7; 123B.36, subdivision 1; 123B.37, subdivision 1; 123B.77, subdivision 3; 123B.81, subdivisions 3, 5; 123B.83, subdivision 3; 123B.88, subdivision 3; 124D.10, subdivisions 2a, 4a, 6, 6a, 7, 8, 20, 23; 124D.19, subdivision 14; 124D.522; 124D.55; 124D.60, subdivision 1; 124D.68, subdivision 2; 124D.86, by adding a subdivision; 125A.02, subdivision 1; 125A.15; 125A.51; 125A.65, subdivision 4, by adding a subdivision; 125A.744, subdivision 3; 125B.07, by adding a

subdivision; 126C.40, subdivision 6; 134.31, subdivision 6, by adding a subdivision; 260C.007, subdivision 19; 299F.30, subdivision 1; Minnesota Statutes 2007 Supplement, sections 120B.021, subdivision 1; 120B.024; 120B.30; 123B.81, subdivision 4; 124D.10, subdivisions 4, 23a; 134.31, subdivision 4a; proposing coding for new law in Minnesota Statutes, chapters 1; 121A; 125B; 127A; 134; repealing Minnesota Statutes 2006, sections 120A.22, subdivision 8; 121A.23; 121A.67; Laws 2006, chapter 263, article 3, section 16.

May 6, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3001 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. 3001 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

GENERAL EDUCATION

Section 1. Minnesota Statutes 2006, section 123B.02, subdivision 21, is amended to read:

Subd. 21. **Wind energy conversion system.** The board, or more than one board acting jointly under the authority granted by section 471.59, may construct, acquire, own in whole or in part, operate, and sell and retain and spend the payment received from selling energy from a wind energy conversion system, as defined in section 216C.06, subdivision 19. The board's share of the installed capacity of the wind energy conversion systems authorized by this subdivision must not exceed 3.3 megawatts of nameplate capacity. A board owning, operating, or selling energy from a wind energy conversion system must integrate information about wind energy conversion systems in its educational programming. The board, or more than one board acting jointly under the authority granted by section 471.59, may be a limited partner in a partnership, a member of a limited liability company, or a shareholder in a corporation, established for the sole purpose of constructing, acquiring, owning in whole or in part, financing, or operating a wind energy conversion system for the benefit of the district or districts in accordance with this section.

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

Sec. 2. Minnesota Statutes 2006, section 123B.14, subdivision 7, is amended to read:

Subd. 7. **Clerk records.** The clerk shall keep a record of all meetings of the district and the board in books provided by the district for that purpose. The clerk shall, within three days after an election, notify all persons elected of their election. By ~~August~~ September 15 of each year the clerk shall file with the board a report of the revenues, expenditures and balances in each fund for the preceding fiscal year. The report together with vouchers and supporting documents shall subsequently be examined by a public accountant or the state auditor, either of whom shall be paid by the district, as provided in section 123B.77, subdivision 3. The board shall by resolution approve the report or require a further or amended report. By ~~August~~ September 15 of each year, the clerk shall make and transmit to the commissioner certified reports, showing:

- ~~(1) The condition and value of school property;~~
- ~~(2) (1) The revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner;~~
- ~~(3) (2) The length of school term and the enrollment and attendance by grades; and~~
- ~~(4) (3) Such other items of information as may be called for by the commissioner.~~

The clerk shall enter in the clerk's record book copies of all reports and of the teachers' term reports, as they appear in the registers, and of the proceedings of any meeting as furnished by the clerk pro tem, and keep an itemized account of all the expenses of the district. The clerk shall furnish to the auditor of the proper county, by ~~October 10~~ September 30 of each year, an attested copy of the clerk's record, showing the amount of ~~money~~ proposed property taxes voted by the district or the board for school purposes; draw and sign all orders upon the treasurer for the payment of money for bills allowed by the board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair. Such orders must state the consideration, payee, and the fund and the clerk shall take a receipt therefor. Teachers' wages shall have preference in the order in which they become due, and no money applicable for teachers' wages shall be used for any other purpose, nor shall teachers' wages be paid from any fund except that raised or apportioned for that purpose.

Sec. 3. Minnesota Statutes 2007 Supplement, section 123B.143, subdivision 1, is amended to read:

Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary school must employ a superintendent who shall be an ex officio nonvoting member of the school board. The authority for selection and employment of a superintendent must be vested in the board in all cases. An individual employed by a board as a superintendent shall have an initial employment contract for a period of time no longer than three years from the date of employment. Any subsequent employment contract must not exceed a period of three years. A board, at its discretion, may or may not renew an employment contract. A board must not, by action or inaction, extend the duration of an existing employment contract. Beginning 365 days prior to the expiration date of an existing employment contract, a board may negotiate and enter into a subsequent employment contract to take effect upon the expiration of the existing contract. A subsequent contract must be contingent upon the employee completing the terms of an existing contract. If a contract between a board and a superintendent is terminated prior to the date specified in the contract, the board may not enter into another superintendent contract with that same individual that has a term that extends beyond the date specified in the terminated contract. A board may terminate a superintendent during the term of an employment contract for any of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall not rely upon an employment contract with a board to assert any other continuing contract rights in the position of superintendent under section 122A.40. Notwithstanding the provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law to the contrary, no individual shall have a right to employment as a superintendent based on order of employment in any district. If two or more districts enter into an agreement for the purchase or sharing of the services of a superintendent, the contracting districts have the absolute right to select one of the individuals employed to serve as superintendent in one of the contracting districts and no individual has a right to employment as the superintendent to provide all or part of the services based on order of employment in a contracting district. The superintendent of a district shall perform the following:

- (1) visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;
- (2) recommend to the board employment and dismissal of teachers;
- (3) superintend school grading practices and examinations for promotions;

(4) make reports required by the commissioner;

(5) by ~~January~~ August 10, 2009, and each year thereafter, submit an annual report to the commissioner in a manner prescribed by the commissioner, in consultation with school districts, ~~identifying the expenditures that the district requires to ensure an 80 percent student passage rate on the MCA-II's taken in the eighth grade; identifying the highest student passage rate the district expects it will be able to attain on the MCA-II's~~ GRAD by grade 12, and the amount of expenditures that the district requires to attain the targeted student passage rate; and

(6) perform other duties prescribed by the board.

Sec. 4. Minnesota Statutes 2006, section 123B.77, subdivision 3, is amended to read:

Subd. 3. **Statement for comparison and correction.** (a) By November 30 of the calendar year of the submission of the unaudited financial data, the district must provide to the commissioner audited financial data for the preceding fiscal year. The audit must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, and the Minnesota legal compliance guide issued by the Office of the State Auditor. An audited financial statement prepared in a form which will allow comparison with and correction of material differences in the unaudited financial data shall be submitted to the commissioner and the state auditor by December 31. The audited financial statement must also provide a statement of assurance pertaining to uniform financial accounting and reporting standards compliance and a copy of the management letter submitted to the district by the school district's auditor.

(b) By ~~January~~ February 15 of the calendar year following the submission of the unaudited financial data, the commissioner shall convert the audited financial data required by this subdivision into the consolidated financial statement format required under subdivision 1a and publish the information on the department's Web site.

Sec. 5. Minnesota Statutes 2006, section 123B.81, subdivision 3, is amended to read:

Subd. 3. **Debt verification.** The commissioner shall establish a uniform auditing or other verification procedure for districts to determine whether a statutory operating debt exists in any Minnesota school district ~~as of June 30, 1977. This procedure must identify all interfund transfers made during fiscal year 1977 from a fund included in computing statutory operating debt to a fund not included in computing statutory operating debt.~~ The standards for this uniform auditing or verification procedure must be promulgated by the state board pursuant to chapter 14. If a district applies to the commissioner for a statutory operating debt verification ~~or if the unaudited financial statement for the school year ending June 30, 1977 reveals that a statutory operating debt might exist,~~ the commissioner shall require a verification of the amount of the statutory operating debt which actually does exist.

Sec. 6. Minnesota Statutes 2007 Supplement, section 123B.81, subdivision 4, is amended to read:

Subd. 4. **Debt elimination.** If an audit or other verification procedure conducted pursuant to subdivision 3 determines that a statutory operating debt exists, a district must follow the procedures set forth in ~~this~~ section 123B.83 to eliminate this statutory operating debt.

Sec. 7. Minnesota Statutes 2006, section 123B.81, subdivision 5, is amended to read:

Subd. 5. **Certification of debt.** The commissioner shall certify the amount of statutory operating debt for each district. ~~Prior to June 30, 1979, the commissioner may, on the basis of corrected figures, adjust the total amount of statutory operating debt certified for any district.~~

Sec. 8. Minnesota Statutes 2006, section 123B.83, subdivision 3, is amended to read:

Subd. 3. **Failure to limit expenditures.** If a district does not limit its expenditures in accordance with this section, the commissioner may so notify the appropriate committees of the legislature by no later than ~~January 1~~ February 15 of the year following the end of that fiscal year.

ARTICLE 2

EDUCATION EXCELLENCE

Section 1. [1.1499] STATE SPORT.

Ice hockey is adopted as the official sport of the state of Minnesota.

Sec. 2. Minnesota Statutes 2006, section 13.32, is amended by adding a subdivision to read:

Subd. 8a. **Access to student records; school conferences.** (a) A parent or guardian of a student may designate an individual, defined under paragraph (c), to participate in a school conference involving the child of the parent or guardian. The parent or guardian must provide the school with prior written consent allowing the significant individual to participate in the conference and to receive any data on the child of the consenting parent or guardian that is necessary and relevant to the conference discussions. The consenting parent or guardian may withdraw consent, in writing, at any time.

(b) A school may accept the following form, or another consent to release student data form, as sufficient to meet the requirements of this subdivision:

"CONSENT TO PARTICIPATE IN CONFERENCES AND RECEIVE STUDENT DATA

I, (Name of parent or guardian), as parent or guardian of
(Name of child), consent to allow (Name of an individual) to participate in school
conferences and receive student data relating to the above-named child, consistent with Minnesota Statutes, section
13.32, subdivision 8a. I understand that I may withdraw my consent, upon written request, at any time.

(Signature of parent or guardian)

(Date)"

(c) For purposes of this section, "an individual" means one additional adult designated by a child's parent or guardian to attend school-related activities and conferences.

EFFECTIVE DATE. This section is effective for the 2008-2009 school year and later.

Sec. 3. Minnesota Statutes 2006, section 13.32, is amended by adding a subdivision to read:

Subd. 11. **Data to improve instruction.** The Minnesota Department of Education and the Minnesota Office of Higher Education may each share educational data with the other agency for the purpose of analyzing and improving school district instruction, consistent with Code of Federal Regulations, title 34, section 99.31(a)(6). The educational data that may be shared between the two agencies under this subdivision must be limited to:

(1) student attendance data that include the name of the school or institution, school district, the year or term of attendance, and term type;

(2) student demographic and enrollment data;

(3) student academic performance and testing data; and

(4) any special academic services provided to a student.

Any analysis of or report on these data must contain only summary data.

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

Sec. 4. Minnesota Statutes 2006, section 120A.22, subdivision 5, is amended to read:

Subd. 5. **Ages and terms.** (a) For the 2008-2009, 2009-2010, and 2010-2011 school years, every child between age seven and 16 years of age must receive instruction. For the 2011-2012 and later school years, every child between age seven or enrollment in first grade and 18 years of age must receive instruction unless the child has completed the requirements for graduation. Every child under the age of seven who is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten programs shall receive instruction. Except as provided in subdivision 6, a parent may withdraw a child under the age of seven from enrollment at any time.

(b) A school district by annual board action may require children subject to this subdivision to receive instruction in summer school. A district that acts to require children to receive instruction in summer school shall establish at the time of its action the criteria for determining which children must receive instruction.

EFFECTIVE DATE. This section is effective for the 2008-2009 school year and later.

Sec. 5. Minnesota Statutes 2006, section 120A.22, subdivision 6, is amended to read:

Subd. 6. **Children under seven.** (a) Once a pupil under the age of seven is enrolled in ~~kindergarten~~ first grade or a higher grade in a public school, the pupil is subject to the compulsory attendance provisions of this chapter and section 120A.34, unless the board of the district in which the pupil is enrolled has a policy that exempts children under seven from this subdivision or paragraph (b) applies.

~~(b) In a district in which children under seven are subject to compulsory attendance under this subdivision, paragraphs (c) to (e) apply.~~

~~(c) A parent or guardian may withdraw the pupil from enrollment in the school for good cause by notifying the district. Good cause includes, but is not limited to, enrollment of the pupil in another school, as defined in subdivision 4, or the immaturity of the child.~~

~~(d) When the pupil enrolls, the enrolling official must provide the parent or guardian who enrolls the pupil with a written explanation of the provisions of this subdivision.~~

~~(e) A pupil under the age of seven who is withdrawn from enrollment in the public school under paragraph (c) is no longer subject to the compulsory attendance provisions of this chapter.~~

~~(f)~~ (b) This subdivision does not apply to:

(1) a kindergartner under age seven whose parent withdraws the child after notifying the district; and

(2) a child under age seven enrolled in first grade whose parent withdraws the child after notifying the district and enrolls the child in another school under subdivision 4.

(c) In a district that had adopted a policy to exempt children under seven from this subdivision, the district's chief attendance officer must keep the truancy enforcement authorities supplied with a copy of the board's current policy certified by the clerk of the board.

EFFECTIVE DATE. This section is effective for the 2008-2009 school year and later.

Sec. 6. Minnesota Statutes 2006, section 120A.24, subdivision 1, is amended to read:

Subdivision 1. **Reports to superintendent.** The person in charge of providing instruction to a child between the ages of seven and 16 must submit the following information to the superintendent of the district in which the child resides:

- (1) by October 1 of each school year, the name, birth date, and address of each child receiving instruction;
- (2) the name of each instructor and evidence of compliance with one of the requirements specified in section 120A.22, subdivision 10;
- (3) an annual instructional calendar; and
- (4) for each child instructed by a parent who meets only the requirement of section 120A.22, subdivision 10, clause (6), a quarterly report card on the achievement of the child in each subject area required in section 120A.22, subdivision 9.

Sec. 7. Minnesota Statutes 2006, section 120B.02, is amended to read:

120B.02 EDUCATIONAL EXPECTATIONS FOR MINNESOTA'S STUDENTS.

(a) The legislature is committed to establishing rigorous academic standards for Minnesota's public school students. To that end, the commissioner shall adopt in rule statewide academic standards. The commissioner shall not prescribe in rule or otherwise the delivery system, classroom assessments, or form of instruction that school sites must use. For purposes of this chapter, a school site is a separate facility, or a separate program within a facility that a local school board recognizes as a school site for funding purposes.

(b) All commissioner actions regarding the rule must be premised on the following:

- (1) the rule is intended to raise academic expectations for students, teachers, and schools;
- (2) any state action regarding the rule must evidence consideration of school district autonomy; and
- (3) the Department of Education, with the assistance of school districts, must make available information about all state initiatives related to the rule to students and parents, teachers, and the general public in a timely format that is appropriate, comprehensive, and readily understandable.

(c) When fully implemented, the requirements for high school graduation in Minnesota must require students to satisfactorily complete, as determined by the school district, the course credit requirements under section 120B.024 and: successfully pass graduation examinations as required under section 120B.30.

~~(1) for students enrolled in grade 8 before the 2005-2006 school year, to pass the basic skills test requirements; and~~

~~(2) for students enrolled in grade 8 in the 2005-2006 school year and later, to pass the Minnesota Comprehensive Assessments Second Edition (MCA II's).~~

(d) The commissioner shall periodically review and report on the state's assessment process.

(e) School districts are not required to adopt specific provisions of the federal School-to-Work programs.

Sec. 8. Minnesota Statutes 2007 Supplement, section 120B.021, subdivision 1, is amended to read:

Subdivision 1. **Required academic standards.** (a) The following subject areas are required for statewide accountability:

(1) language arts;

(2) mathematics;

(3) science;

(4) social studies, including history, geography, economics, and government and citizenship;

(5) physical education;

~~(6) health and physical education,~~ for which locally developed academic standards apply; and

~~(7) the arts, for which statewide or locally developed academic standards apply, as determined by the school district. Public elementary and middle schools must offer at least three and require at least two of the following four arts areas: dance; music; theater; and visual arts. Public high schools must offer at least three and require at least one of the following five arts areas: media arts; dance; music; theater; and visual arts.~~

(b) To satisfy this subdivision and the one-half credit physical education requirement under section 120B.024, paragraph (a), clause (6), the state physical education standard under paragraph (a) of this subdivision selected by a school district must be consistent with either the six physical education standards developed by the department's quality teaching network or the six National Physical Education Standards developed by the National Association for Sport and Physical Education. To satisfy federal reporting requirements for continued funding under Title VII of the Physical Education for Progress Act, a school district must notify the department, if applicable, of its intent to comply with this subdivision. School districts and charter schools also must use either the department's physical education standards or the national physical education standards under this paragraph to comply with paragraph (a), clause (5), in providing physical education instruction and programs to students in kindergarten through grade 8.

(c) The commissioner must submit proposed standards in science and social studies to the legislature by February 1, 2004.

(d) For purposes of applicable federal law, the academic standards for language arts, mathematics, and science apply to all public school students, except the very few students with extreme cognitive or physical impairments for whom an individualized education plan team has determined that the required academic standards are inappropriate. An individualized education plan team that makes this determination must establish alternative standards with appropriate alternate achievement standards based on these academic standards for students with individualized education plans as described under federal law.

(e) A school district, no later than the 2007-2008 school year, must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule. A school district that incorporates these state graduation requirements before the 2007-2008 school year must provide students who enter the 9th grade in or before the 2003-2004 school year the opportunity to earn a diploma based on existing locally established graduation requirements in effect when the students entered the 9th grade. District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

(f) The commissioner must include the contributions of Minnesota American Indian tribes and communities as they relate to the academic standards during the review and revision of the required academic standards.

EFFECTIVE DATE. This section is effective the day following final enactment except that paragraph (a), clause (5), applies to students entering the ninth grade in the 2009-2010 school year and later.

Sec. 9. Minnesota Statutes 2006, section 120B.021, subdivision 1a, is amended to read:

Subd. 1a. **Rigorous course of study; waiver.** (a) Upon receiving a student's application signed by the student's parent or guardian, a school district, area learning center, or charter school must declare that a student meets or exceeds a specific academic standard required for graduation under this section if the local school board, the school board of the school district in which the area learning center is located, or the charter school board of directors determines that the student:

(1) is participating in a course of study, including an advanced placement or international baccalaureate course or program; a learning opportunity outside the curriculum of the district, area learning center, or charter school; or an approved preparatory program for employment or postsecondary education that is equally or more rigorous than the corresponding state or local academic standard required by the district, area learning center, or charter school;

(2) would be precluded from participating in the rigorous course of study, learning opportunity, or preparatory employment or postsecondary education program if the student were required to achieve the academic standard to be waived; and

(3) satisfactorily completes the requirements for the rigorous course of study, learning opportunity, or preparatory employment or postsecondary education program.

Consistent with the requirements of this section, the local school board, the school board of the school district in which the area learning center is located, or the charter school board of directors also may formally determine other circumstances in which to declare that a student meets or exceeds a specific academic standard that the site requires for graduation under this section.

(b) A student who satisfactorily completes a postsecondary enrollment options course or program under section 124D.09, or an advanced placement or international baccalaureate course or program under section 120B.13, is not required to complete other requirements of the academic standards corresponding to that specific rigorous course of study.

(c) A school board may exempt a student from the physical education graduation requirement under section 120B.024, if the board declares that the student demonstrated mastery of the subject matter or participation in another learning opportunity, including a Minnesota High School League athletic activity, that meets or exceeds the physical education standards required for graduation. This waiver does not reduce the total credits required for graduation.

Sec. 10. Minnesota Statutes 2006, section 120B.023, subdivision 2, is amended to read:

Subd. 2. **Revisions and reviews required.** (a) The commissioner of education must revise and appropriately embed technology and information literacy standards consistent with recommendations from school media specialists into the state's academic standards and graduation requirements and implement a review cycle for state academic standards and related benchmarks, consistent with this subdivision. During each review cycle, the commissioner also must examine the alignment of each required academic standard and related benchmark with the knowledge and skills students need for college readiness and advanced work in the particular subject area.

(b) The commissioner in the 2006-2007 school year must revise and align the state's academic standards and high school graduation requirements in mathematics to require that students satisfactorily complete the revised mathematics standards, beginning in the 2010-2011 school year. Under the revised standards:

(1) students must satisfactorily complete an algebra I credit by the end of eighth grade; and

(2) students scheduled to graduate in the 2014-2015 school year or later must satisfactorily complete an algebra II credit or its equivalent.

The commissioner also must ensure that the statewide mathematics assessments administered to students in grades 3 through 8 ~~and 11~~ beginning in the 2010-2011 school year are aligned with the state academic standards in mathematics. The commissioner must ensure that the statewide 11th-grade mathematics test assessment administered to students under clause (2) in grade 11 beginning in the 2013-2014 school year must include is aligned with state academic standards in mathematics, including algebra II test items that are aligned with corresponding state academic standards in mathematics. The commissioner must implement a review of the academic standards and related benchmarks in mathematics beginning in the 2015-2016 school year.

(c) The commissioner in the 2007-2008 school year must revise and align the state's academic standards and high school graduation requirements in the arts to require that students satisfactorily complete the revised arts standards beginning in the 2010-2011 school year. The commissioner must implement a review of the academic standards and related benchmarks in arts beginning in the 2016-2017 school year.

(d) The commissioner in the 2008-2009 school year must revise and align the state's academic standards and high school graduation requirements in science to require that students satisfactorily complete the revised science standards, beginning in the 2011-2012 school year. The commissioner also must ensure that the statewide science assessments administered to students under section 120B.30, subdivision 1a, beginning in the 2011-2012 school year, are aligned with the state academic standards in science. Under the revised standards, students scheduled to graduate in the 2014-2015 school year or later must satisfactorily complete a chemistry or physics credit. The commissioner must implement a review of the academic standards and related benchmarks in science beginning in the 2017-2018 school year.

(e) The commissioner in the 2009-2010 school year must revise and align the state's academic standards and high school graduation requirements in language arts to require that students satisfactorily complete the revised language arts standards beginning in the 2012-2013 school year. The commissioner also must ensure that the statewide language arts assessments administered to students in grades 3 through 8 and grade 10 beginning in the 2012-2013 school year are aligned with the state academic standards in language arts. The commissioner must implement a review of the academic standards and related benchmarks in language arts beginning in the 2018-2019 school year.

(f) The commissioner in the 2010-2011 school year must revise and align the state's academic standards and high school graduation requirements in social studies to require that students satisfactorily complete the revised social studies standards beginning in the 2013-2014 school year. The commissioner must implement a review of the academic standards and related benchmarks in social studies beginning in the 2019-2020 school year.

(g) School districts and charter schools must revise and align local academic standards and high school graduation requirements in health, physical education, world languages, and career and technical education to require students to complete the revised standards beginning in a school year determined by the school district or charter school. School districts and charter schools must formally establish a periodic review cycle for the academic standards and related benchmarks in health, physical education, world languages, and career and technical education.

Sec. 11. Minnesota Statutes 2007 Supplement, section 120B.024, is amended to read:

120B.024 GRADUATION REQUIREMENTS; COURSE CREDITS.

(a) Students beginning 9th grade in the 2004-2005 school year and later must successfully complete the following high school level course credits for graduation:

(1) four credits of language arts;

(2) three credits of mathematics, encompassing at least algebra, geometry, statistics, and probability sufficient to satisfy the academic standard;

(3) three credits of science, including at least one credit in biology;

(4) three and one-half credits of social studies, encompassing at least United States history, geography, government and citizenship, world history, and economics or three credits of social studies encompassing at least United States history, geography, government and citizenship, and world history, and one-half credit of economics taught in a school's social studies, agriculture education, or business department;

(5) one credit in the arts; ~~and~~

(6) one-half credit of physical education; and

(7) a minimum of ~~seven~~ six and one-half elective course credits.

A course credit is equivalent to a student successfully completing an academic year of study or a student mastering the applicable subject matter, as determined by the local school district.

(b) An agriculture science course may fulfill a science credit requirement in addition to the specified science credits in biology and chemistry or physics under paragraph (a), clause (3).

(c) A career and technical education course may fulfill a science, mathematics, or arts credit requirement in addition to the specified science, mathematics, or arts credits under paragraph (a), clause (2), (3), or (5).

EFFECTIVE DATE. This section is effective the day following final enactment and applies to students entering ninth grade in the 2009-2010 school year and later.

Sec. 12. **[120B.299] DEFINITIONS.**

Subdivision 1. Definitions. The definitions in this section apply to this chapter.

Subd. 2. Growth. "Growth" compares the difference between a student's achievement score at two distinct points in time.

Subd. 3. Value-added. "Value-added" is the amount of achievement a student demonstrates above an established baseline. Value-added models are statistical models that require longitudinal student-level data and vertically scaled assessments that attempt to estimate what portion of a student's growth can be explained by various education program characteristics.

Subd. 4. Growth-based value-added. "Growth-based value-added" is a value-added system of assessments that measures the difference between an established baseline of growth and a student's growth over time.

Subd. 5. Adequate yearly progress. "Adequate yearly progress" compares the average achievement of two different groups of students at two different points in time.

Subd. 6. State growth norm. (a) "State growth norm" is an established statewide percentile or standard applicable to all students in a particular grade benchmarked to an established school year.

(b) Beginning in the 2008-2009 school year, the state growth norm is benchmarked to 2006-2007 school year data until the commissioner next changes the vertically linked scale score.

(c) Each time the commissioner changes the vertically linked scale score, a recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers, in collaboration with the Independent Office of Educational Accountability under section 120B.31, subdivision 3, must recommend a new state growth norm that the commissioner must consider when revising standards under section 120B.023, subdivision 2.

Subd. 7. Typical growth. "Typical growth" is the average statewide growth in the vertical scale from one school year to the next for students with similar prior academic achievement and is based on the most recent benchmarked year. Typical growth is calculated by grouping together all students with similar achievement scores in the most recent benchmarked year and then determining the students' average amount of achievement growth in the subsequent year.

Subd. 8. Accelerated growth. "Accelerated growth" is the statewide growth in the vertical scale from one school year to the next that is above average when compared to students' academic achievement and is based on the most recent benchmarked year.

Subd. 9. Growth-to-standard. "Growth-to-standard" is the statewide growth in the vertical scale for those students in the most recent benchmarked year who are projected to demonstrate proficiency by the end of eighth grade.

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

Sec. 13. Minnesota Statutes 2007 Supplement, section 120B.30, is amended to read:

120B.30 STATEWIDE TESTING AND REPORTING SYSTEM.

Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, consistent with subdivision 1a, shall include in the comprehensive assessment system, for each grade level to be tested, state-constructed tests developed from and aligned with the state's required academic standards under section 120B.021 and administered annually to all students in grades 3 through 8 and at the high school level. A state-developed test in a subject other than writing, ~~developed after the 2002-2003 school year,~~ must include both machine-scoreable and constructed response questions. The commissioner shall establish one or more months during which schools shall administer the tests to students each school year. Schools that the commissioner identifies for stand-alone field testing or other national sampling must participate as directed. Superintendents or charter school directors may appeal in writing to the commissioner for an exemption from a field test based on undue hardship. The commissioner's decision regarding the appeal is final. For students enrolled in grade 8 before the 2005-2006 school year, only Minnesota basic skills tests in reading, mathematics, and writing shall fulfill students' basic skills testing requirements for a passing state notation. The passing scores of basic skills tests in reading and mathematics are the equivalent of 75 percent correct for students entering grade 9 ~~in 1997 and thereafter, as based on the first uniform test administration of administered in~~ February 1998.

(b) For students enrolled in grade 8 in the 2005-2006 school year and later, only the following options shall fulfill students' state graduation test requirements:

(1) for reading and mathematics:

(i) obtaining an achievement level equivalent to or greater than proficient as determined through a standard setting process on the Minnesota comprehensive assessments in grade 10 for reading and grade 11 for mathematics or achieving a passing score as determined through a standard setting process on the graduation-required assessment for diploma in grade 10 for reading and grade 11 for mathematics or subsequent retests;

(ii) achieving a passing score as determined through a standard setting process on the state-identified language proficiency test in reading and the mathematics test for English language learners or the graduation-required assessment for diploma equivalent of those assessments for students designated as English language learners;

(iii) achieving an individual passing score on the graduation-required assessment for diploma as determined by appropriate state guidelines for students with an individual education plan or 504 plan;

(iv) obtaining achievement level equivalent to or greater than proficient as determined through a standard setting process on the state-identified alternate assessment or assessments in grade 10 for reading and grade 11 for mathematics for students with an individual education plan; or

(v) achieving an individual passing score on the state-identified alternate assessment or assessments as determined by appropriate state guidelines for students with an individual education plan; and

(2) for writing:

(i) achieving a passing score on the graduation-required assessment for diploma;

(ii) achieving a passing score as determined through a standard setting process on the state-identified language proficiency test in writing for students designated as English language learners;

(iii) achieving an individual passing score on the graduation-required assessment for diploma as determined by appropriate state guidelines for students with an individual education plan or 504 plan; or

(iv) achieving an individual passing score on the state-identified alternate assessment or assessments as determined by appropriate state guidelines for students with an individual education plan.

(c) The 3rd through 8th grade and high school level test results shall be available to districts for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. The commissioner must disseminate to the public the test results upon receiving those results.

(d) State tests must be constructed and aligned with state academic standards. The commissioner shall determine the testing process and the order of administration ~~shall be determined by the commissioner~~. The statewide results shall be aggregated at the site and district level, consistent with subdivision 1a.

(e) In addition to the testing and reporting requirements under this section, the commissioner shall include the following components in the statewide public reporting system:

(1) uniform statewide testing of all students in grades 3 through 8 and at the high school level that provides appropriate, technically sound accommodations, alternate assessments, or exemptions consistent with applicable federal law, only with parent or guardian approval, for those very few students for whom the student's individual education plan team under sections 125A.05 and 125A.06 determines that the general statewide test is inappropriate for a student, or for a limited English proficiency student under section 124D.59, subdivision 2;

(2) educational indicators that can be aggregated and compared across school districts and across time on a statewide basis, including average daily attendance, high school graduation rates, and high school drop-out rates by age and grade level;

(3) state results on the American College Test; and

(4) state results from participation in the National Assessment of Educational Progress so that the state can benchmark its performance against the nation and other states, and, where possible, against other countries, and contribute to the national effort to monitor achievement.

Subd. 1a. **Statewide and local assessments; results.** (a) The commissioner must develop reading, mathematics, and science assessments aligned with state academic standards that districts and sites must use to monitor student growth toward achieving those standards. The commissioner must not develop statewide assessments for academic standards in social studies, health and physical education, and the arts. The commissioner must require:

(1) annual reading and mathematics assessments in grades 3 through 8 and at the high school level for the 2005-2006 school year and later; and

(2) annual science assessments in one grade in the grades 3 through 5 span, the grades 6 through 9 8 span, and a life sciences assessment in the grades ~~40~~ 9 through 12 span for the 2007-2008 school year and later.

(b) The commissioner must ensure that all statewide tests administered to elementary and secondary students measure students' academic knowledge and skills and not students' values, attitudes, and beliefs.

(c) Reporting of assessment results must:

(1) provide timely, useful, and understandable information on the performance of individual students, schools, school districts, and the state;

(2) include, by no later than the 2008-2009 school year, a growth-based value-added component that is in addition to a measure for student achievement growth over time indicator of student achievement under section 120B.35, subdivision 3, paragraph (b); and

(3)(i) for students enrolled in grade 8 before the 2005-2006 school year, determine whether students have met the state's basic skills requirements; and

(ii) for students enrolled in grade 8 in the 2005-2006 school year and later, determine whether students have met the state's academic standards.

(d) Consistent with applicable federal law and subdivision 1, paragraph (d), clause (1), the commissioner must include appropriate, technically sound accommodations or alternative assessments for the very few students with disabilities for whom statewide assessments are inappropriate and for students with limited English proficiency.

(e) A school, school district, and charter school must administer statewide assessments under this section, as the assessments become available, to evaluate student ~~progress in achieving the proficiency in the context of the state's grade level~~ academic standards. If a state assessment is not available, a school, school district, and charter school must determine locally if a student has met the required academic standards. A school, school district, or charter school may use a student's performance on a statewide assessment as one of multiple criteria to determine grade promotion or retention. A school, school district, or charter school may use a high school student's performance on a statewide assessment as a percentage of the student's final grade in a course, or place a student's assessment score on the student's transcript.

Subd. 2. **Department of Education assistance.** The Department of Education shall contract for professional and technical services according to competitive bidding procedures under chapter 16C for purposes of this section.

Subd. 3. **Reporting.** The commissioner shall report test data publicly and to stakeholders, including the performance achievement levels developed from students' unweighted test scores in each tested subject and a listing of demographic factors that strongly correlate with student performance. The commissioner shall also report data that compares performance results among school sites, school districts, Minnesota and other states, and Minnesota and other nations. The commissioner shall disseminate to schools and school districts a more comprehensive report containing testing information that meets local needs for evaluating instruction and curriculum.

Subd. 4. **Access to tests.** The commissioner must adopt and publish a policy to provide public and parental access for review of basic skills tests, Minnesota Comprehensive Assessments, or any other such statewide test and assessment. Upon receiving a written request, the commissioner must make available to parents or guardians a copy of their student's actual responses to the test questions ~~to be reviewed by the parent~~ for their review.

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

Sec. 14. Minnesota Statutes 2006, section 120B.31, as amended by Laws 2007, chapter 146, article 2, section 10, is amended to read:

120B.31 SYSTEM ACCOUNTABILITY AND STATISTICAL ADJUSTMENTS.

Subdivision 1. **Educational accountability and public reporting.** Consistent with the ~~process direction~~ to adopt a ~~results-oriented graduation rule~~ statewide academic standards under section 120B.02, the department, in consultation with education and other system stakeholders, must establish a coordinated and comprehensive system

of educational accountability and public reporting that promotes ~~higher~~ greater academic achievement, preparation for higher academic education, preparation for the world of work, citizenship under sections 120B.021, subdivision 1, clause (4), and 120B.024, paragraph (a), clause (4), and the arts.

Subd. 2. **Statewide testing.** Each school year, all school districts shall give a uniform statewide test to students at specified grades to provide information on the status, needs and performance of Minnesota students.

Subd. 3. **Educational accountability.** (a) The Independent Office of Educational Accountability, as authorized by Laws 1997, First Special Session chapter 4, article 5, section 28, subdivision 2, is established, and shall be funded through the Board of Regents of the University of Minnesota. The office shall advise the education committees of the legislature and the commissioner of education, at least on a biennial basis, on the degree to which the statewide educational accountability and reporting system includes a comprehensive assessment framework that measures school accountability for students achieving the goals described in the state's ~~results-oriented high school~~ graduation rule. The office shall determine and annually report to the legislature whether and how effectively:

(1) the statewide system of educational accountability ~~utilizes~~ uses multiple indicators to provide valid and reliable comparative and contextual data on students, schools, districts, and the state, and if not, recommend ways to improve the accountability reporting system;

(2) ~~the commissioner makes statistical adjustments when reporting student data over time, consistent with clause (4);~~

~~(3) the commissioner uses indicators of student achievement growth~~ a growth-based value-added indicator of student achievement over time ~~and a value-added assessment model that estimates the effects of the school and school district on student achievement to measure school performance, consistent with section 120B.36, subdivision 1~~ 120B.35, subdivision 3, paragraph (b);

~~(4)~~ (3) the commissioner makes data available on students who do not pass one or more of the state's required GRAD tests and do not receive a diploma as a consequence, and categorizes these data according to gender, race, eligibility for free or reduced lunch, and English language proficiency; and

~~(5)~~ (4) the commissioner fulfills the requirements under section 127A.095, subdivision 2.

(b) When the office reviews the statewide educational accountability and reporting system, it shall also consider:

(1) the objectivity and neutrality of the state's educational accountability system; and

(2) the impact of a testing program on school curriculum and student learning.

Subd. 4. **Statistical adjustments; student performance data.** In developing policies and assessment processes to hold schools and districts accountable for high levels of academic standards under section 120B.021, the commissioner shall aggregate student data over time to report student performance and growth levels measured at the school, school district, regional, or ~~school, school district, regional, or~~ and statewide level. When collecting and reporting the performance data, the commissioner shall: (1) acknowledge the impact of significant demographic factors such as residential instability, the number of single parent families, parents' level of education, and parents' income level on school outcomes; and (2) organize and report the data so that state and local policy makers can understand the educational implications of changes in districts' demographic profiles over time. Any report the commissioner disseminates containing summary data on student performance must integrate student performance and the demographic factors that strongly correlate with that performance.

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

Sec. 15. Minnesota Statutes 2006, section 120B.35, as amended by Laws 2007, chapter 147, article 8, section 38, is amended to read:

120B.35 STUDENT ACADEMIC ACHIEVEMENT AND PROGRESS GROWTH.

Subdivision 1. ~~Adequate yearly progress of schools and students~~ **School and student indicators of growth and achievement.** The commissioner must develop and implement a system for measuring and reporting academic achievement and individual student progress growth, consistent with the statewide educational accountability and reporting system. The system components ~~of the system~~ must measure the adequate yearly progress of schools and the growth of individual students: students' current achievement in schools under subdivision 2; and individual students' educational progress growth over time under subdivision 3. The system also must include statewide measures of student academic achievement growth that identify schools with high levels of achievement growth, and also schools with low levels of achievement growth that need improvement. When determining a school's effect, the data must include both statewide measures of student achievement and, to the extent annual tests are administered, indicators of achievement growth that take into account a student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments. Indicators that take into account a student's prior achievement must not be used to disregard a school's low achievement or to exclude a school from a program to improve low achievement levels. ~~The commissioner by January 15, 2002, must submit a plan for integrating these components to the chairs of the legislative committees having policy and budgetary responsibilities for elementary and secondary education.~~

Subd. 2. **Federal expectations for student academic achievement.** (a) Each school year, a school district must determine if the student achievement levels at each school site meet ~~state and local~~ federal expectations. If student achievement levels at a school site do not meet ~~state and local~~ federal expectations and the site has not made adequate yearly progress for two consecutive school years, beginning with the 2001-2002 school year, the district must work with the school site to adopt a plan to raise student achievement levels to meet ~~state and local~~ federal expectations. The commissioner of education shall establish student academic achievement levels to comply with this paragraph.

(b) School sites identified as not meeting federal expectations must develop continuous improvement plans in order to meet ~~state and local~~ federal expectations for student academic achievement. The department, at a district's request, must assist the district and the school site in developing a plan to improve student achievement. The plan must include parental involvement components.

(c) The commissioner must:

(1) ~~provide assistance to assist~~ school sites and districts identified as not meeting federal expectations; and

(2) provide technical assistance to schools that integrate student progress achievement measures ~~under subdivision 3 in~~ into the school continuous improvement plan.

(d) The commissioner shall establish and maintain a continuous improvement Web site designed to make data on every school and district available to parents, teachers, administrators, community members, and the general public.

(e) The commissioner may report the percent of students demonstrating growth-to-standard under section 120B.299, subdivision 9, as part of this subdivision.

Subd. 3. ~~Student progress assessment~~ **State growth norm; other state measures.** (a) The state's educational assessment system ~~component~~ measuring individual students' educational ~~progress must be growth is~~ based, ~~to the extent annual tests are administered,~~ on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments.

(b) The commissioner, in consultation with a recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers and the Independent Office of Educational Accountability under section 120B.31, subdivision 3, must identify effective models for measuring individual student progress that enable a school district or school site to perform gains-based analysis, including evaluating the effects of the teacher, school, and school district on student achievement over time. At least one model must be a "value added" assessment model that reliably estimates those effects for classroom settings where a single teacher teaches multiple subjects to the same group of students, for team teaching arrangements, and for other teaching circumstances. identify a model that uses a growth-based value-added system and includes criteria for identifying schools and school districts that demonstrate accelerated growth under section 120B.299. Use of the system at least must advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs. The commissioner must apply the state growth norm to students in grades 4 through 8 beginning in the 2008-2009 school year, consistent with section 120B.299, subdivision 6, initially benchmarking the state growth norm to 2006-2007 school year data. The model must allow the user to:

(1) report student growth at and above the state norm;

(2) for all student categories with a cell size of at least 20, report and compare aggregated and disaggregated state growth data using the nine student categories identified under the federal 2001 No Child Left Behind Act and two student gender categories of male and female, respectively; and

(3) measure the effects that grade-level teacher teams, the school, and the school district have on student growth.

(c) If a district has an accountability plan that includes gains based analysis or "value added" assessment, the commissioner shall, to the extent practicable, incorporate those measures in determining whether the district or school site meets expectations. The department must coordinate with the district in evaluating school sites and continuous improvement plans, consistent with best practices. If a district has an accountability plan that includes other growth-based value-added analysis, the commissioner may, to the extent practicable and consistent with this section, incorporate those measures in determining whether the district or school site shows growth, including accelerated growth.

(d) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2011, must report two core measures indicating the extent to which current high school graduates are being prepared for postsecondary academic and career opportunities:

(1) a preparation measure indicating the number and percentage of high school graduates in the most recent school year who completed course work important to preparing them for postsecondary academic and career opportunities, consistent with the core academic subjects required for admission to Minnesota's public four-year colleges and universities as determined by the Office of Higher Education under chapter 136A; and

(2) a rigorous coursework measure indicating the number and percentage of high school graduates in the most recent school year who successfully completed one or more college-level advanced placement, international baccalaureate, postsecondary enrollment options including concurrent enrollment, other rigorous courses of study under section 120B.021, subdivision 1a, or industry certification courses or programs.

When reporting the core measures under clauses (1) and (2), the commissioner must also analyze and report separate categories of information using the nine student categories identified under the federal 2001 No Child Left Behind Act and two student gender categories of male and female, respectively.

(e) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2012, must report summary data on school safety and students' engagement and connection at school. The commissioner, in consultation with qualified experts on student engagement assessment and elementary

and secondary classroom teachers, must identify the measures that generate summary data under this paragraph. All data received, collected, or created that are used to generate the summary data under this paragraph are nonpublic data under section 13.02, subdivision 9.

Subd. 4. **Improving schools.** Consistent with the requirements of this section, the commissioner of education must ~~establish a second achievement benchmark to identify improving schools. The commissioner must recommend to annually report to the public and the legislature by February 15, 2002, indicators in addition to the achievement benchmark for identifying improving schools, including an indicator requiring a school to demonstrate ongoing successful use of best teaching practices best practices learned from those schools that demonstrate accelerated growth compared to the state growth norm.~~

Subd. 5. **Improving graduation rates for students with emotional or behavioral disorders.** (a) A district must develop strategies in conjunction with parents of students with emotional or behavioral disorders and the county board responsible for implementing sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in school, when the district has a drop-out rate for students with an emotional or behavioral disorder in grades 9 through 12 exceeding 25 percent.

(b) A district must develop a plan in conjunction with parents of students with emotional or behavioral disorders and the local mental health authority to increase the graduation rates of students with emotional or behavioral disorders. A district with a drop-out rate for children with an emotional or behavioral disturbance in grades 9 through 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight to the commissioner.

EFFECTIVE DATE. Subdivision 3, paragraph (b), applies to students in the 2008-2009 school year and later. Subdivision 3, paragraph (d), applies to students in the 2010-2011 school year and later. Subdivision 3, paragraph (e), applies to data that are collected in the 2009-2010 school year and later and reported annually beginning July 1, 2012, consistent with advice the commissioner receives from recognized and qualified experts on student engagement assessment and elementary and secondary classroom teachers. Subdivision 4 applies in the 2011-2012 school year and later.

Sec. 16. Minnesota Statutes 2006, section 120B.36, as amended by Laws 2007, chapter 146, article 2, section 11, is amended to read:

120B.36 SCHOOL ACCOUNTABILITY; APPEALS PROCESS.

Subdivision 1. **School performance report cards.** (a) The commissioner shall ~~use objective criteria based on levels of student performance to report at least student academic performance under section 120B.35, subdivision 2, the percentages of students at and above the state growth norm under section 120B.35, subdivision 3, paragraph (b), school safety and student engagement and connection under section 120B.35, subdivision 3, paragraph (e), rigorous coursework under section 120B.35, subdivision 3, paragraph (d), two separate student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios, and staff characteristics excluding salaries, with a value added component added no later than the 2008-2009 school year student enrollment demographics, district mobility, and extracurricular activities. The report must indicate a school's adequate yearly progress status, and must not set any designations applicable to high- and low-performing schools due solely to adequate yearly progress status.~~

(b) The commissioner shall develop, annually update, and post on the department Web site school performance report cards.

(c) The commissioner must make available ~~the first~~ performance report cards by ~~November 2003, and during the~~ beginning of each school year ~~thereafter~~.

(d) A school or district may appeal its adequate yearly progress status in writing to the commissioner within 30 days of receiving the notice of its status.

The commissioner's decision to uphold or deny an appeal is final.

(e) School performance report ~~cards~~ card data are nonpublic data under section 13.02, subdivision 9, until not later than ten days after the appeal procedure described in paragraph (d) concludes. The department shall annually post school performance report cards to its public Web site no later than September 1.

Subd. 2. **Adequate yearly progress data.** All data the department receives, collects, or creates ~~for purposes of determining to determine~~ adequate yearly progress ~~designations status~~ under Public Law 107-110, section 1116, ~~set state growth norms, and determine student growth~~ are nonpublic data under section 13.02, subdivision 9, until not later than ten days after the appeal procedure described in subdivision 1, paragraph (d), concludes. Districts must provide parents sufficiently detailed summary data to permit parents to appeal under Public Law 107-110, section 1116(b)(2). The department shall annually post federal adequate yearly progress data and state student growth data to its public Web site no later than September 1.

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

Sec. 17. Minnesota Statutes 2006, section 120B.362, is amended to read:

120B.362 VALUE-ADDED ASSESSMENT PROGRAM.

(a) The commissioner of education ~~must~~ may implement a value-added assessment program to assist school districts, public schools, and charter schools in assessing and reporting individual students' growth in academic achievement under section 120B.30, subdivision 1a. The program must use assessments of individual students' academic achievement to make longitudinal comparisons of each student's academic growth over time. ~~School districts, public schools, and charter schools may apply to the commissioner to participate in the initial trial program using a form and in the manner the commissioner prescribes. The commissioner must select program participants from urban, suburban, and rural areas throughout the state.~~

(b) The commissioner may issue a request for proposals to contract with an organization that provides a value-added assessment model that reliably estimates school and school district effects on students' academic achievement over time. The commissioner must consult with a recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers, and the Independent Office of Educational Accountability under section 120B.31, subdivision 3, when selecting the model under this paragraph. The model the commissioner selects must accommodate diverse data and must use each student's test data across grades. Data on individual teachers generated under the model are personnel data under section 13.43.

(c) The contract under paragraph (b) must be consistent with the definition of "best value" under section 16C.02, subdivision 4.

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

Sec. 18. Minnesota Statutes 2006, section 121A.035, subdivision 2, is amended to read:

Subd. 2. **School district and charter school policy.** A school board and a charter school must adopt a crisis management policy to address potential violent crisis situations in the district or charter school. The policy must be developed cooperatively with administrators, teachers, employees, students, parents, community members, law enforcement agencies, other emergency management officials, county attorney offices, social service agencies,

emergency medical responders, and any other appropriate individuals or organizations. The policy must include at least five school lock-down drills, five school fire drills consistent with section 299F.30, ~~and~~ one tornado drill, and an expectation that students be present and participate in these drills.

EFFECTIVE DATE. This section is effective for the 2008-2009 school year and later.

Sec. 19. Minnesota Statutes 2006, section 121A.037, is amended to read:

121A.037 SCHOOL SAFETY DRILLS.

Private schools and educational institutions not subject to section 121A.035 must have at least five school lock-down drills, five school fire drills consistent with section 299F.30, ~~and~~ one tornado drill, and an expectation that students be present and participate in these drills.

EFFECTIVE DATE. This section is effective for the 2008-2009 school year and later.

Sec. 20. **[121A.215] LOCAL SCHOOL DISTRICT WELLNESS POLICIES; WEB SITE.**

When available, a school district must post its current local school wellness policy on its Web site.

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

Sec. 21. Minnesota Statutes 2006, section 122A.06, subdivision 4, is amended to read:

Subd. 4. **Comprehensive, scientifically based reading instruction.** (a) "Comprehensive, scientifically based reading instruction" includes a program or collection of instructional practices that is based on ~~reliable~~, valid, replicated evidence showing that when these programs or practices are used, students can be expected to achieve, at a minimum, satisfactory reading progress. The program or collection of practices must include, at a minimum, instruction in five areas of reading: phonemic awareness, phonics, fluency, vocabulary development, and ~~text~~ reading comprehension.

Comprehensive, scientifically based reading instruction also includes and integrates instructional strategies for continuously assessing, evaluating, and communicating the student's reading progress and needs in order to design and implement ongoing interventions so that students of all ages and proficiency levels can read and comprehend text and apply higher level thinking skills.

(b) "Phonemic awareness" is the ability of students to notice, think about, and manipulate the individual sounds in spoken syllables and words.

(c) "Phonics" is the understanding that there are systematic and predictable relationships between written letters and spoken words. Phonics instruction is a way of teaching reading that stresses learning how letters correspond to sounds and how to apply this knowledge in reading and spelling.

(d) "Fluency" is the ability of students to be able to read orally with speed, accuracy, and proper expression.

(e) "Vocabulary development" is the process of teaching vocabulary both directly and indirectly, with repetition and multiple exposures to vocabulary items. Learning in rich contexts, incidental learning, and use of computer technology all enhance the acquisition of vocabulary.

(f) "Reading comprehension" is an active process that requires intentional thinking during which meaning is constructed through interactions between text and reader. Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and implementing specific cognitive strategies to help beginning readers derive meaning by intentional, problem-solving thinking processes.

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

Sec. 22. Minnesota Statutes 2006, section 122A.07, subdivision 2, is amended to read:

Subd. 2. **Eligibility; board composition.** Except for the representatives of higher education and the public, to be eligible for appointment to the Board of Teaching a person must be a teacher currently teaching in a Minnesota school and fully licensed for the position held and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. Each nominee, other than a public nominee, must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure. The board must be composed of:

(1) six teachers who are currently teaching in a Minnesota school or who were teaching at the time of the appointment, at least four of whom must be teaching in a public school;

(2) one higher education representative, who must be a faculty member preparing teachers;

(3) one school administrator; and

(4) three members of the public, two of whom must be present or former members of school boards.

Sec. 23. Minnesota Statutes 2006, section 122A.07, subdivision 3, is amended to read:

Subd. 3. **Vacant position.** With the exception of a teacher who retires from teaching during the course of completing a board term, the position of a member who leaves Minnesota or whose employment status changes to a category different from that from which appointed is deemed vacant.

Sec. 24. Minnesota Statutes 2006, section 122A.09, subdivision 4, is amended to read:

Subd. 4. **License and rules.** (a) The board must adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board must adopt rules requiring a person to successfully complete a skills examination in reading, writing, and mathematics as a requirement for initial teacher licensure. Such rules must require college and universities offering a board-approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language.

(c) The board must adopt rules to approve teacher preparation programs. The board, upon the request of a postsecondary student preparing for teacher licensure or a licensed graduate of a teacher preparation program, shall assist in resolving a dispute between the person and a postsecondary institution providing a teacher preparation program when the dispute involves an institution's recommendation for licensure affecting the person or the person's credentials. At the board's discretion, assistance may include the application of chapter 14.

(d) The board must provide the leadership and shall adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes. The board must

require that persons enrolled in a teacher preparation program receive instruction in historical and cultural competencies related to Minnesota American Indian tribes and communities and their contributions to Minnesota, consistent with sections 120B.021, subdivision 1, and 124D.71 to 124D.82. The competencies related to Minnesota American Indian tribes and communities must include, among other components, standards for instructional practices most effective for successfully teaching elementary and secondary American Indian students.

(e) The board must adopt rules requiring successful completion of an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective on the dates determined by the board but not later than September 1, 2001.

(f) The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.

(g) The board must grant licenses to interns and to candidates for initial licenses.

(h) The board must design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and 214.10. The board must not establish any expiration date for application for life licenses.

(k) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

(l) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar services outside of the school.

(m) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

(n) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in understanding the key warning signs of early-onset mental illness in children and adolescents.

EFFECTIVE DATE. This section is effective for the 2008-2009 school year and later.

Sec. 25. Minnesota Statutes 2006, section 122A.14, is amended by adding a subdivision to read:

Subd. 2a. **Gifted and talented preparation.** A university approved by the board to prepare candidates for administrative licensure must provide candidates, as part of the traditional and alternative preparation programs, the opportunity to acquire competency in administering gifted and talented services.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to candidates who enroll in either a traditional or an alternative preparation administrator licensure program after August 15, 2009.

Sec. 26. Minnesota Statutes 2006, section 122A.14, is amended by adding a subdivision to read:

Subd. 2c. **Gifted and talented preparation; board review.** (a) The board must periodically review and approve traditional and alternative preparation sequences for school administrators and the sequence of competencies in administering gifted and talented student programs and services.

(b) The board also may advise a university on developing and implementing continuing education programs focused on building competencies for administering gifted and talented programs and other gifted services.

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

Sec. 27. Minnesota Statutes 2006, section 122A.18, subdivision 2, is amended to read:

Subd. 2. Teacher and support personnel qualifications. (a) The Board of Teaching must issue licenses under its jurisdiction to persons the board finds to be qualified and competent for their respective positions.

(b) The board must require a person to successfully complete an examination of skills in reading, writing, and mathematics before being granted an initial teaching license to provide direct instruction to pupils in prekindergarten, elementary, secondary, or special education programs. In addition, the board must require a person to successfully complete an assessment of reading instruction consistent with subdivision 2c before being granted an initial teaching license to provide direct instruction to pupils in prekindergarten or elementary programs. The board must require colleges and universities offering a board approved teacher preparation program to provide remedial assistance that includes a formal diagnostic component to persons enrolled in their institution who did not achieve a qualifying score on the skills examination or an assessment of reading instruction, including those for whom English is a second language. The colleges and universities must provide assistance in the specific academic areas of deficiency in which the person did not achieve a qualifying score. School districts must provide similar, appropriate, and timely remedial assistance that includes a formal diagnostic component and mentoring to those persons employed by the district who completed their teacher education program outside the state of Minnesota, received a one-year license to teach in Minnesota and did not achieve a qualifying score on the skills examination, including those persons for whom English is a second language. The Board of Teaching shall report annually to the education committees of the legislature on the total number of teacher candidates during the most recent school year taking the skills examination, the number who achieve a qualifying score on the examination, the number who do not achieve a qualifying score on the examination, the distribution of all candidates' scores, the number of candidates who have taken the examination at least once before, and the number of candidates who have taken the examination at least once before and achieve a qualifying score.

(c) A person who has completed an approved teacher preparation program and obtained a one-year license to teach, but has not successfully completed the skills examination, may renew the one-year license for two additional one-year periods. Each renewal of the one-year license is contingent upon the licensee:

(1) providing evidence of participating in an approved remedial assistance program provided by a school district or postsecondary institution that includes a formal diagnostic component in the specific areas in which the licensee did not obtain qualifying scores; and

(2) attempting to successfully complete the skills examination during the period of each one-year license.

(d) The Board of Teaching must grant continuing licenses only to those persons who have met board criteria for granting a continuing license, which includes successfully completing the skills examination in reading, writing, and mathematics.

(e) All colleges and universities approved by the board of teaching to prepare persons for teacher licensure must include in their teacher preparation programs a common core of teaching knowledge and skills to be acquired by all persons recommended for teacher licensure. This common core shall meet the standards developed by the interstate new teacher assessment and support consortium in its 1992 "model standards for beginning teacher licensing and development." Amendments to standards adopted under this paragraph are covered by chapter 14. The board of teaching shall report annually to the education committees of the legislature on the performance of teacher candidates on common core assessments of knowledge and skills under this paragraph during the most recent school year.

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

Sec. 28. Minnesota Statutes 2006, section 122A.18, subdivision 2a, is amended to read:

Subd. 2a. **Reading strategies.** (a) All colleges and universities approved by the Board of Teaching to prepare persons for classroom teacher licensure must include in their teacher preparation programs research-based best practices in reading, consistent with section 122A.06, subdivision 4, that enable the licensure candidate to know how to teach reading in the candidate's content areas and prepare the licensure candidate, where applicable, for an assessment of reading instruction.

(b) Board-approved teacher preparation programs for teachers of elementary education must require instruction in the application of comprehensive, scientifically based, ~~and balanced~~ reading instruction programs that:

(1) teach students to read using foundational knowledge, practices, and strategies consistent with section 122A.06, subdivision 4, so that all students will achieve continuous progress in reading; and

(2) teach specialized instruction in reading strategies, interventions, and remediations that enable students of all ages and proficiency levels to become proficient readers.

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

Sec. 29. Minnesota Statutes 2006, section 122A.18, is amended by adding a subdivision to read:

Subd. 2c. **Assessment of reading instruction.** An assessment of reading instruction, selected by the Board of Teaching, in cooperation with the commissioner of education, must measure, at a minimum, the knowledge, skill, and ability of prekindergarten and elementary licensure candidates in comprehensive, scientifically based reading instruction as defined in section 122A.06. Test content areas must assess foundations of reading development, development of reading comprehension, reading assessment and instruction, and integration of knowledge and understanding. The Board of Teaching may incorporate the requirements of this subdivision into other teacher licensure examinations.

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

Sec. 30. Minnesota Statutes 2006, section 122A.18, is amended by adding a subdivision to read:

Subd. 10. Gifted and talented preparation; board review. (a) A college or university with a teacher preparation program approved by the board must provide teacher candidates with the opportunity to acquire competency in recognizing gifted students and in providing classroom instruction to gifted and talented students.

(b) The board must periodically review and approve traditional and alternative sequences for teacher candidates in recognizing gifted students and in providing classroom instruction to gifted and talented students.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to teacher candidates who enroll in either a traditional or an alternative preparation teacher licensure program after September 1, 2009.

Sec. 31. Minnesota Statutes 2006, section 122A.75, subdivision 1, is amended to read:

Subdivision 1. **Services.** An Administrators Academy is established. The academy shall provide at least the following services:

- (1) an administrator assessment that results in an individual professional development plan;
- (2) research and development assistance that provides current research and data of interest to administrators; ~~and~~
- (3) brokerage assistance to provide services and resources to help administrators with needs identified in their individual professional development plan; and
- (4) the opportunity for administrators to acquire competency in administering gifted and talented services, consistent with section 122A.14, subdivision 2c.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to administrators participating in an administrators academy program after August 1, 2009.

Sec. 32. Minnesota Statutes 2006, section 123B.51, is amended by adding a subdivision to read:

Subd. 5a. Temporary closing. A school district that proposes to temporarily close a schoolhouse or that intends to lease the facility to another entity for use as a schoolhouse for three or fewer years is not subject to subdivision 5 if the school board holds a public meeting and allows public comment on the schoolhouse's future.

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

Sec. 33. Minnesota Statutes 2006, section 124D.09, subdivision 5, is amended to read:

Subd. 5. Authorization; notification. Notwithstanding any other law to the contrary, an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled tribal contract or grant school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district under a cultural exchange program, may apply to an eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that postsecondary institution. If an institution accepts a secondary pupil for enrollment under this section, the institution shall send written notice to the pupil, the pupil's school or school district, and the commissioner within ten days of acceptance. The notice must indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for postsecondary credit only, the institution must notify the pupil about payment in the customary manner used by the institution.

Sec. 34. Minnesota Statutes 2007 Supplement, section 124D.095, subdivision 4, is amended to read:

Subd. 4. **Online learning parameters.** (a) An online learning student must receive academic credit for completing the requirements of an online learning course or program. Secondary credits granted to an online learning student must be counted toward the graduation and credit requirements of the enrolling district. An online learning provider must make available to the enrolling district the course syllabus, standard alignment, content outline, assessment requirements, and contact information for supplemental online courses taken by students in the enrolling district. The enrolling district must apply the same graduation requirements to all students, including online learning students, and must continue to provide nonacademic services to online learning students. If a student completes an online learning course or program that meets or exceeds a graduation standard or grade progression requirement at the enrolling district, that standard or requirement is met. The enrolling district must use the same criteria for accepting online learning credits or courses as it does for accepting credits or courses for transfer students under section 124D.03, subdivision 9. The enrolling district may reduce the course schedule of an online learning student in proportion to the number of online learning courses the student takes from an online learning provider that is not the enrolling district.

(b) An online learning student may:

(1) enroll in supplemental online learning courses during a single school year to a maximum of 50 percent of the student's full schedule of courses per term. A student may exceed the supplemental online learning registration limit if the enrolling district grants permission for supplemental online learning enrollment above the limit, or if an agreement is made between the enrolling district and the online learning provider for instructional services;

(2) complete course work at a grade level that is different from the student's current grade level; and

(3) enroll in additional courses with the online learning provider under a separate agreement that includes terms for payment of any tuition or course fees.

(c) An online learning student has the same access to the computer hardware and education software available in a school as all other students in the enrolling district. An online learning provider must assist an online learning student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software for online learning purposes.

(d) An enrolling district may offer online learning to its enrolled students. Such online learning does not generate online learning funds under this section. Notwithstanding paragraph (e), an enrolling district that offers online learning only to its enrolled students is not subject to the reporting requirements or review criteria under subdivision 7, unless the enrolling district is a full-time online provider. A teacher with a Minnesota license must assemble and deliver instruction to enrolled students receiving online learning from an enrolling district. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher with a Minnesota license.

(e) An online learning provider ~~that is not the enrolling district~~ is subject to the reporting requirements and review criteria under subdivision 7. A teacher with a Minnesota license must assemble and deliver instruction to online learning students. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher with a Minnesota license. Unless the commissioner grants a waiver, a teacher providing online learning instruction must not instruct more than 40 students in any one online learning course or program.

(f) To enroll in more than 50 percent of the student's full schedule of courses per term in online learning, the student must qualify to exceed the supplemental online learning registration limit under paragraph (b) or apply for enrollment to an approved full-time online learning program following appropriate procedures in subdivision 3, paragraph (a). Full-time online learning students may enroll in classes at a local school per contract for instructional services between the online learning provider and the school district.

Sec. 35. Minnesota Statutes 2007 Supplement, section 124D.095, subdivision 7, is amended to read:

Subd. 7. **Department of Education.** (a) The department must review and certify online learning providers. The online learning courses and programs must be rigorous, aligned with state academic standards, and contribute to grade progression in a single subject. ~~Online learning providers must demonstrate to the commissioner that online learning courses have equivalent standards or instruction, curriculum, and assessment requirements as other courses offered to enrolled students. The online learning provider must also demonstrate expectations for actual teacher contact time or other student-to-teacher communication.~~ The online provider must provide written assurance that all courses meet state academic standards, and that the online learning curriculum, instruction and assessment, expectations for actual teacher contact time or other student-to-teacher communication, and academic support meet nationally recognized professional standards and are demonstrated as such in a syllabus provided according to the commissioner's requirements. Once an online learning provider is approved under this paragraph, all of its online learning course offerings are eligible for payment under this section unless a course is successfully challenged by an enrolling district or the department under paragraph (b).

(b) An enrolling district may challenge the validity of a course offered by an online learning provider. The department must review such challenges based on the certification procedures under paragraph (a). The department may initiate its own review of the validity of an online learning course offered by an online learning provider.

(c) The department may collect a fee not to exceed \$250 for certifying online learning providers or \$50 per course for reviewing a challenge by an enrolling district.

(d) The department must develop, publish, and maintain a list of approved online learning providers and online learning courses and programs that it has reviewed and certified.

Sec. 36. Minnesota Statutes 2006, section 124D.095, subdivision 10, is amended to read:

Subd. 10. **Online Learning Advisory Council.** (a) An Online Learning Advisory Council is established under section 15.059, except that the term for each council member shall be three years. The advisory council is composed of 12 members from throughout the state who have demonstrated experience with or interest in online learning. The members of the council shall be appointed by the commissioner. The advisory council shall bring to the attention of the commissioner any matters related to online learning and provide input to the department in matters related, but not restricted, to:

- (1) quality assurance;
- (2) teacher qualifications;
- (3) program approval;
- (4) special education;
- (5) attendance;
- (6) program design and requirements; and

(7) fair and equal access to programs.

~~(b) The Online Learning Advisory Council under this subdivision expires June 30, 2008.~~

(b) Notwithstanding section 15.059, subdivision 5, the council expires June 30, 2009.

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

Sec. 37. Minnesota Statutes 2006, section 124D.10, subdivision 2a, is amended to read:

Subd. 2a. **Charter School Advisory Council.** (a) A Charter School Advisory Council is established under section 15.059 except that the term for each council member shall be three years. The advisory council is composed of seven members from throughout the state who have demonstrated experience with or interest in charter schools. The members of the council shall be appointed by the commissioner. The advisory council shall bring to the attention of the commissioner any matters related to charter schools that the council deems necessary and shall:

- (1) encourage school boards to make full use of charter school opportunities;
- (2) encourage the creation of innovative schools;
- (3) provide leadership and support for charter school sponsors to increase the innovation in and the effectiveness, accountability, and fiscal soundness of charter schools;
- (4) serve an ombudsman function in facilitating the operations of new and existing charter schools;
- (5) promote timely financial management training for newly elected members of a charter school board of directors and ongoing training for other members of a charter school board of directors; and
- (6) facilitate compliance with auditing and other reporting requirements. The advisory council shall refer all its proposals to the commissioner who shall provide time for reports from the council.

(b) The Charter School Advisory Council under this subdivision expires June 30, ~~2007~~ 2011.

EFFECTIVE DATE. This section is effective retroactively from June 30, 2007.

Sec. 38. Minnesota Statutes 2007 Supplement, section 124D.10, subdivision 4, is amended to read:

Subd. 4. **Formation of school.** (a) A sponsor may authorize one or more licensed teachers under section 122A.18, subdivision 1, to operate a charter school subject to approval by the commissioner. A board must vote on charter school application for sponsorship no later than 90 days after receiving the application. The school must be organized and operated as a cooperative under chapter 308A or nonprofit corporation under chapter 317A and the provisions under the applicable chapter shall apply to the school except as provided in this section. Notwithstanding sections 465.717 and 465.719, a school district may create a corporation for the purpose of creating a charter school.

(b) Before the operators may form and operate a school, the sponsor must file an affidavit with the commissioner stating its intent to authorize a charter school. The affidavit must demonstrate the sponsor's abilities, capacities, and expertise in fulfilling the responsibilities of a sponsor and state the terms and conditions under which the sponsor would authorize a charter school and how the sponsor intends to oversee the fiscal and student performance of the charter school and to comply with the terms of the written contract between the sponsor and the charter school board of directors under subdivision 6 in the form and manner prescribed by the commissioner. The sponsor must submit an affidavit to the commissioner for each charter school it proposes to authorize. The commissioner must approve or disapprove the sponsor's proposed authorization within 90 days of receipt of the affidavit. Failure to obtain commissioner approval precludes a sponsor from authorizing the charter school that was the subject of the affidavit.

(c) The operators authorized to organize and operate a school, before entering into a contract or other agreement for professional or other services, goods, or facilities, must incorporate as a cooperative under chapter 308A or as a nonprofit corporation under chapter 317A and must establish a board of directors composed of at least five nonrelated members until a timely election for members of the charter school board of directors is held according to the school's articles and bylaws. A charter school board of directors must be composed of at least five members. Any staff members who are employed at the school, including teachers providing instruction under a contract with a cooperative, and all parents of children enrolled in the school ~~may~~ are eligible to participate in the election for members of the school's board of directors. Licensed teachers employed at the school, including teachers providing instruction under a contract with a cooperative, must be a majority of the members of the board of directors before the school completes its third year of operation, unless the commissioner waives the requirement for a majority of licensed teachers on the board. Board of director meetings must comply with chapter 13D.

(d) The granting or renewal of a charter by a sponsoring entity must not be conditioned upon the bargaining unit status of the employees of the school.

(e) The granting or renewal of a charter school by a sponsor must not be contingent on the charter school being required to contract, lease, or purchase services from the sponsor.

(f) A sponsor may authorize the operators of a charter school to expand the operation of the charter school to additional sites or to add additional grades at the school beyond those described in the sponsor's application as approved by the commissioner only after submitting a supplemental application to the commissioner in a form and manner prescribed by the commissioner. The supplemental application must provide evidence that:

- (1) the expansion of the charter school is supported by need and projected enrollment;
- (2) the charter school is fiscally sound;
- (3) the sponsor supports the expansion; and
- (4) the building of the additional site meets all health and safety requirements to be eligible for lease aid.

(g) The commissioner annually must provide timely financial management training to newly elected members of a charter school board of directors and ongoing training to other members of a charter school board of directors. Training must address ways to:

- (1) proactively assess opportunities for a charter school to maximize all available revenue sources;
- (2) establish and maintain complete, auditable records for the charter school;
- (3) establish proper filing techniques;
- (4) document formal actions of the charter school, including meetings of the charter school board of directors;
- (5) properly manage and retain charter school and student records;
- (6) comply with state and federal payroll record-keeping requirements; and
- (7) address other similar factors that facilitate establishing and maintaining complete records on the charter school's operations.

Sec. 39. Minnesota Statutes 2006, section 124D.10, subdivision 4a, is amended to read:

Subd. 4a. **Conflict of interest.** (a) A member of a charter school board of directors is prohibited from serving as a member of the board of directors or as an employee or agent of or a contractor with a for-profit entity with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. A violation of this prohibition renders a contract voidable at the option of the commissioner. The commissioner may reduce a charter school's state aid under section 127A.42 if the charter school board fails to correct a violation under this subdivision in a timely manner. A member of a charter school board of directors who violates this prohibition shall be individually liable to the charter school for any damage caused by the violation.

(b) An individual may serve as a member of the board of directors if no conflict of interest under paragraph (a) exists.

(c) A member of a charter school board of directors that serves as a member of the board of directors or as an employee or agent of or a contractor with a nonprofit entity with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities, must disclose all potential conflicts to the commissioner. A violation of this requirement makes a contract voidable at the option of the commissioner. The commissioner may reduce a charter school's aid under section 127A.42 if the charter school fails to correct a violation under this subdivision in a timely manner.

(d) The conflict of interest provisions under this subdivision do not apply to compensation paid to a teacher employed by the charter school who also serves as a member of the board of directors.

(e) The conflict of interest provisions under this subdivision do not apply to a teacher who provides services to a charter school through a cooperative formed under chapter 308A when the teacher also serves on the charter school board of directors.

Sec. 40. Minnesota Statutes 2006, section 124D.10, subdivision 6, is amended to read:

Subd. 6. **Contract.** The sponsor's authorization for a charter school must be in the form of a written contract signed by the sponsor and the board of directors of the charter school. The contract must be completed within 90 days of the commissioner's approval of the sponsor's proposed authorization. The contract for a charter school must be in writing and contain at least the following:

- (1) a description of a program that carries out one or more of the purposes in subdivision 1;
- (2) specific outcomes pupils are to achieve under subdivision 10;
- (3) admission policies and procedures;
- (4) management and administration of the school;
- (5) requirements and procedures for program and financial audits;
- (6) how the school will comply with subdivisions 8, 13, 16, and 23;
- (7) assumption of liability by the charter school;
- (8) types and amounts of insurance coverage to be obtained by the charter school;

(9) the term of the contract, which may be up to three years for the initial contract, and up to five years for renewed contracts based on the academic, financial, and operational performance of the school;

(10) ~~if~~ how the board of directors or the operators of the charter school will provide special instruction and services for children with a disability under sections 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within which the charter school will operate to provide the special instruction and services to children with a disability; and

(11) the process and criteria the sponsor intends to use to monitor and evaluate the fiscal and student performance of the charter school, consistent with subdivision 15.

Sec. 41. Minnesota Statutes 2006, section 124D.10, subdivision 6a, is amended to read:

Subd. 6a. **Audit report.** (a) The charter school must submit an audit report to the commissioner by December 31 each year.

(b) The charter school, with the assistance of the auditor conducting the audit, must include with the report a copy of all charter school agreements for corporate management services. If the entity that provides the professional services to the charter school is exempt from taxation under section 501 of the Internal Revenue Code of 1986, that entity must file with the commissioner by February 15 a copy of the annual return required under section 6033 of the Internal Revenue Code of 1986.

(c) If the commissioner receives ~~as part of the~~ an audit report ~~a management letter~~ indicating that a material weakness exists in the financial reporting systems of a charter school, the charter school must submit a written report to the commissioner explaining how the material weakness will be resolved.

(d) Upon the request of an individual, the charter school must make available in a timely fashion the minutes of meetings of members, the board of directors, and committees having any of the authority of the board of directors, and statements showing the financial result of all operations and transactions affecting income and surplus during the school's last annual accounting period and a balance sheet containing a summary of its assets and liabilities as of the closing date of the accounting period.

Sec. 42. Minnesota Statutes 2006, section 124D.10, subdivision 7, is amended to read:

Subd. 7. **Public status; exemption from statutes and rules.** A charter school is a public school and is part of the state's system of public education. ~~Except as provided in this section, a charter school is exempt from all statutes and rules applicable to a school, a board, or a district, although it may elect to comply with one or more provisions of statutes or rules.~~ A charter school is exempt from all statutes and rules applicable to a school, school board, or school district unless a statute or rule is made specifically applicable to a charter school.

Sec. 43. Minnesota Statutes 2006, section 124D.10, subdivision 8, is amended to read:

Subd. 8. **State and local requirements.** (a) A charter school shall meet all ~~applicable~~ federal, state, and local health and safety requirements applicable to school districts.

(b) A school sponsored by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution.

(c) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(e) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(f) A charter school may not charge tuition.

(g) A charter school is subject to and must comply with chapter 363A and section 121A.04.

(h) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(i) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district. Audits must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act, if applicable, and section 6.65. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 123B.52, subdivision 5; 471.38; 471.391; 471.392; 471.425; 471.87; 471.88, subdivisions 1, 2, 3, 4, 5, 6, 12, 13, and 15; 471.881; and 471.89. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. Deviations must be approved by the commissioner. The Department of Education, state auditor, or legislative auditor may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(j) A charter school is a district for the purposes of tort liability under chapter 466.

(k) A charter school must comply with sections 13.32; 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

(l) A charter school is subject to the Pledge of Allegiance requirement under section 121A.11, subdivision 3.

Sec. 44. Minnesota Statutes 2006, section 124D.10, subdivision 20, is amended to read:

Subd. 20. **Leave to teach in a charter school.** If a teacher employed by a district makes a written request for an extended leave of absence to teach at a charter school, the district must grant the leave. The district must grant a leave not to exceed a total of five years. Any request to extend the leave shall be granted only at the discretion of the school board. The district may require that the request for a leave or extension of leave be made ~~up to 90 days before the teacher would otherwise have to report for duty before February 1 in the school year preceding the school year in which the teacher wishes to return, or February 1 of the calendar year in which the leave is scheduled to terminate.~~ Except as otherwise provided in this subdivision and except for section 122A.46, subdivision 7, the leave is governed by section 122A.46, including, but not limited to, reinstatement, notice of intention to return, seniority, salary, and insurance.

During a leave, the teacher may continue to aggregate benefits and credits in the Teachers' Retirement Association account by paying both the employer and employee contributions based upon the annual salary of the teacher for the last full pay period before the leave began. The retirement association may impose reasonable requirements to efficiently administer this subdivision.

Sec. 45. Minnesota Statutes 2006, section 124D.10, subdivision 23, is amended to read:

Subd. 23. **Causes for nonrenewal or termination of charter school contract.** (a) The duration of the contract with a sponsor must be for the term contained in the contract according to subdivision 6. The sponsor may or may not renew a contract at the end of the term for any ground listed in paragraph (b). A sponsor may unilaterally terminate a contract during the term of the contract for any ground listed in paragraph (b). At least 60 days before not renewing or terminating a contract, the sponsor shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action in reasonable detail and that the charter school's board of directors may request in writing an informal hearing before the sponsor within 14 days of receiving notice of nonrenewal or termination of the contract. Failure by the board of directors to make a written request for a hearing within the 14-day period shall be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the sponsor shall give reasonable notice to the charter school's board of directors of the hearing date. The sponsor shall conduct an informal hearing before taking final action. The sponsor shall take final action to renew or not renew a contract by the last day of classes in the school year. If the sponsor is a local board, the school's board of directors may appeal the sponsor's decision to the commissioner.

(b) A contract may be terminated or not renewed upon any of the following grounds:

- (1) failure to meet the requirements for pupil performance contained in the contract;
- (2) failure to meet generally accepted standards of fiscal management;
- (3) violations of law; or
- (4) other good cause shown.

If a contract is terminated or not renewed under this paragraph, the school must be dissolved according to the applicable provisions of chapter 308A or 317A, except when the commissioner approves the decision of a different eligible sponsor to authorize the charter school.

(c) If at the end of a contract term, ~~either the sponsor or~~ and the charter school board of directors ~~wants mutually agree~~ to voluntarily terminate the contract, a change in sponsors is allowed if the commissioner approves the decision of a different eligible sponsor to authorize the charter school. ~~The party intending to terminate the contract must notify the other party and the commissioner of its intent at least 90 days before the date on which the contract ends. The sponsor that is a party to the existing contract at least must inform the approved different eligible sponsor about the fiscal and student performance of the school. Both parties jointly must submit in writing to the commissioner their written intent to terminate the contract. The commissioner must determine whether the charter school and the prospective new sponsor can clearly identify and effectively resolve those circumstances causing the previous sponsor and the charter school to terminate the contract before the commissioner determines whether to grant the change of sponsor. If no different eligible sponsor is approved, the school must be dissolved according to applicable law and the terms of the contract.~~

(d) The commissioner, after providing reasonable notice to the board of directors of a charter school and the existing sponsor, and after providing an opportunity for a public hearing, may terminate the existing ~~sponsorial relationship~~ contract between the sponsor and the charter school if the charter school has a history of:

- (1) sustained failure to meet the requirements for pupil performance contained in the contract;
- (2) financial mismanagement; or
- ~~(2)~~ (3) repeated violations of the law.

Sec. 46. Minnesota Statutes 2007 Supplement, section 124D.10, subdivision 23a, is amended to read:

Subd. 23a. **Related party lease costs.** (a) A charter school is prohibited from entering a lease of real property with a related party as defined in ~~subdivision 26~~ this subdivision, unless the lessor is a nonprofit corporation under chapter 317A or a cooperative under chapter 308A, and the lease cost is reasonable under section 124D.11, subdivision 4, clause (1).

(b) For purposes of this subdivision:

(1) "related party" means an affiliate or close relative of the other party in question, an affiliate of a close relative, or a close relative of an affiliate;

(2) "affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person;

(3) "close relative" means an individual whose relationship by blood, marriage, or adoption to another individual is no more remote than first cousin;

(4) "person" means an individual or entity of any kind; and

(5) "control" means the ability to affect the management, operations, or policies of a person, whether through ownership of voting securities, by contract, or otherwise.

~~(b)~~ (c) A lease of real property to be used for a charter school, not excluded in paragraph (a), must contain the following statement: "This lease is subject to Minnesota Statutes, section 124D.10, subdivision 23a."

~~(c)~~ (d) If a charter school enters into as lessee a lease with a related party and the charter school subsequently closes, the commissioner has the right to recover from the lessor any lease payments in excess of those that are reasonable under section 124D.11, subdivision 4, clause (1).

Sec. 47. **[125B.015] STATE AND SCHOOL DISTRICT TECHNOLOGY STANDARDS.**

Subdivision 1. State technology standards; standard setting. (a) Notwithstanding other law to the contrary, the commissioner, the Minnesota Education Technology Task Force, and representatives of school districts must work together to identify for school districts the robust technology tools and systems that improve the educational achievement of all Minnesota students. These entities must establish a foundation of flexible shared services that supports state development and implementation of new and more efficient educational business practices, including the use of modern analytical tools that help schools and school districts make data-driven decisions and increase instructional time. These entities also must anticipate the needs of school districts for effectively using emerging technologies to make the best and most cost-effective use of finite educational resources.

(b) The commissioner, the Minnesota Education Technology Task Force, representatives of school districts, and other interested and affected stakeholders, must establish and then maintain, revise, and publish every four years beginning December 1, 2008, state and district technology standards and accompanying guidelines consistent with the requirements of this section and section 120B.023, subdivision 2, paragraph (a). The state and school districts must use the technology standards to participate in a uniform data collection system premised on:

(1) common data definitions for all required data elements;

(2) a common course catalogue;

(3) common transcript definitions; and

(4) school district infrastructure technology standards.

(c) School districts, consistent with this section and other applicable law, may use financial resources in addition to state funding to provide students with the technology tools they need to succeed in an increasingly complex and information-rich environment.

Subd. 2. **District technology standards.** (a) The commissioner, in collaboration with the Minnesota Education Technology Task Force, must establish and then maintain, revise, and publish six categories of district technology standards consistent with this section. The district technology standards must encompass:

(1) instructional technology that includes best practices in 21st century classroom instruction and student learning;

(2) technological tools that support formative and summative online assessments, equipment, and software;

(3) shared services that facilitate network and data systems administration;

(4) data practices that include technical security, Internet safety, and data privacy;

(5) data management that facilitates efficient data transfers involving school districts and the department; and

(6) facilities infrastructure that supports multipurpose technology facilities for instruction and assessment.

(b) School districts are encouraged to align district technology expenditures with state and district technology standards established under this section.

(c) Beginning December 1, 2010, and each two-year period thereafter, school districts must use the district technology standards in this section to complete a review of the district technology environment that:

(1) examines the alignment of district technology expenditures to the technology standards under this section;

(2) identifies service gaps in the district technology plan; and

(3) estimates the funding needed to fill service gaps.

(d) School districts must transmit the substance of the review to the commissioner in the form and manner the commissioner determines in collaboration with the Minnesota Education Technology Task Force. The commissioner must evaluate and report the substance of the reviews to the legislature by February 15, 2011, and each two-year period thereafter.

Subd. 3. **Expedited process.** The commissioner must use the expedited rulemaking process under section 14.389 to adopt state and district technology standards consistent with this section.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to the 2008-2009 school year and later.

Sec. 48. Minnesota Statutes 2006, section 126C.40, subdivision 6, is amended to read:

Subd. 6. **Lease purchase; installment buys.** (a) Upon application to, and approval by, the commissioner in accordance with the procedures and limits in subdivision 1, paragraphs (a) and (b), a district, as defined in this subdivision, may:

(1) purchase real or personal property under an installment contract or may lease real or personal property with an option to purchase under a lease purchase agreement, by which installment contract or lease purchase agreement title is kept by the seller or vendor or assigned to a third party as security for the purchase price, including interest, if any; and

(2) annually levy the amounts necessary to pay the district's obligations under the installment contract or lease purchase agreement.

(b) The obligation created by the installment contract or the lease purchase agreement must not be included in the calculation of net debt for purposes of section 475.53, and does not constitute debt under other law. An election is not required in connection with the execution of the installment contract or the lease purchase agreement.

(c) The proceeds of the levy authorized by this subdivision must not be used to acquire a facility to be primarily used for athletic or school administration purposes.

(d) For the purposes of this subdivision, "district" means:

(1) a racially isolated school district or a school district with a racially identifiable school required to have a comprehensive desegregation or integration plan for the elimination of segregation under Minnesota Rules, parts 3535.0100 to 3535.0180, which is eligible for revenue under section 124D.86, subdivision 3, clause (1), (2), or (3), and whose plan has been determined by the commissioner to be in compliance with Department of Education rules relating to equality of educational opportunity and school desegregation and, for a district eligible for revenue under section 124D.86, subdivision 3, clause (4) or (5), where the acquisition of property under this subdivision is determined by the commissioner to contribute to the implementation of the desegregation plan; or

(2) a school district that participates in a joint program for interdistrict desegregation with a district defined in clause (1) if the facility acquired under this subdivision is to be primarily used for the joint program and the commissioner determines that the joint programs are being undertaken to implement the districts' desegregation plan.

(e) Notwithstanding subdivision 1, the prohibition against a levy by a district to lease or rent a district-owned building to itself does not apply to levies otherwise authorized by this subdivision.

(f) For the purposes of this subdivision, any references in subdivision 1 to building or land shall include personal property.

Sec. 49. **[127A.70] MINNESOTA P-20 EDUCATION PARTNERSHIP.**

Subdivision 1. Establishment; membership. A P-20 education partnership is established to create a seamless system of education that maximizes achievements of all students, from early childhood through elementary, secondary, and postsecondary education, while promoting the efficient use of financial and human resources. The partnership shall consist of major statewide educational groups or constituencies or noneducational statewide organizations with a stated interest in P-20 education. The initial membership of the partnership includes the members serving on the Minnesota P-16 Education Partnership and four legislators appointed as follows:

(1) one senator from the majority party and one senator from the minority party, appointed by the Subcommittee on Committees of the Committee on Rules and Administration; and

(2) one member of the house of representatives appointed by the speaker of the house and one member appointed by the minority leader of the house.

The chair of the P-16 education partnership must convene the first meeting of the P-20 partnership. Prospective members may be nominated by any partnership member and new members will be added with the approval of a two-thirds majority of the partnership. The partnership will also seek input from nonmember organizations whose expertise can help inform the partnership's work.

Partnership members shall be represented by the chief executives, presidents, or other formally designated leaders of their respective organizations, or their designees. The partnership shall meet at least three times during each calendar year.

Subd. 2. **Powers and duties; report.** The partnership shall develop recommendations to the governor and the legislature designed to maximize the achievement of all P-20 students while promoting the efficient use of state resources, thereby helping the state realize the maximum value for its investment. These recommendations may include, but are not limited to, strategies, policies, or other actions focused on:

(1) improving the quality of and access to education at all points from preschool through the graduate education;

(2) improving preparation for, and transitions to, postsecondary education and work; and

(3) ensuring educator quality by creating rigorous standards for teacher recruitment, teacher preparation, induction and mentoring of beginning teachers, and continuous professional development for career teachers.

By January 15 of each year, the partnership shall submit a report to the governor and to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over P-20 education policy and finance that summarizes the partnership's progress in meeting its goals and identifies the need for any draft legislation when necessary to further the goals of the partnership to maximize student achievement while promoting efficient use of resources.

Subd. 3. **Expiration.** Notwithstanding section 15.059, subdivision 5, the partnership is permanent and does not expire.

Sec. 50. Minnesota Statutes 2006, section 260C.007, subdivision 19, is amended to read:

Subd. 19. **Habitual truant.** "Habitual truant" means a child under the age of ~~16~~ 18 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school, ~~or a child who is 16 or 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school under section 120A.22, subdivision 8.~~

EFFECTIVE DATE. This section is effective for the 2011-2012 school year and later.

Sec. 51. Minnesota Statutes 2006, section 299F.30, subdivision 1, is amended to read:

Subdivision 1. **Duties of fire marshal.** Consistent with sections 121A.035, 121A.037, and this section, it shall be the duty of the state fire marshal, deputies and assistants, to require public and private schools and educational institutions to have at least five fire drills each school year, to expect students to be present and participate in these drills, and to keep all doors and exits unlocked from the inside of the building during school hours.

EFFECTIVE DATE. This section is effective for the 2008-2009 school year and later.

Sec. 52. **IMPLEMENTING A STUDENT GROWTH-BASED VALUE-ADDED SYSTEM.**

(a) To implement the requirements of Minnesota Statutes, section 120B.35, subdivision 3, paragraph (b), and to help parents and members of the public compare the reported data, the commissioner must convene a group of expert school district assessment and evaluation staff, including a recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers and interested stakeholders, including school superintendents, school principals, school teachers, and parents to examine the actual statewide performance of students using Minnesota's growth-based value-added system and establish criteria for identifying schools and school districts that demonstrate accelerated growth in order to advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs.

(b) The commissioner must submit a written report to the education committees of the house of representatives and senate by February 15, 2009, describing the criteria for identifying schools and school districts that demonstrate accelerated growth. The group convened under this section expires on June 30, 2009.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to school report cards in the 2008-2009 school year and later.

Sec. 53. **IMPLEMENTING RIGOROUS COURSEWORK MEASURES RELATED TO STUDENT PERFORMANCE.**

To implement the requirements of Minnesota Statutes, section 120B.35, subdivision 3, paragraph (c), clauses (1) and (2), and to help parents and members of the public compare the reported data, the commissioner of education must convene a group of recognized and qualified experts and interested stakeholders, including parents among other stakeholders, to develop a model projecting anticipated performance of each high school on preparation and rigorous coursework measures that compares the school with similar schools. The model must use information about entering high school students based on particular background characteristics that are predictive of differing rates of college readiness. These characteristics include grade 8 achievement levels, high school student mobility, high school student attendance, and the size of each entering ninth grade class. The group of experts and stakeholders may examine other characteristics not part of the prediction model including the nine student categories identified under the federal 2001 No Child Left Behind Act, and two student gender categories of male and female, respectively. The commissioner annually must use the predicted level of entering students' performance to provide a context for interpreting graduating students' actual performance. The group convened under this section expires June 30, 2011.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to school report cards beginning July 1, 2011.

Sec. 54. **IMPLEMENTING MEASURES FOR ASSESSING SCHOOL SAFETY AND STUDENTS' ENGAGEMENT AND CONNECTION AT SCHOOL.**

(a) To implement the requirements of Minnesota Statutes, section 120B.35, subdivision 3, paragraph (e), the commissioner of education, in consultation with interested stakeholders, including parents and teachers among other stakeholders, must convene a group of recognized and qualified experts on student engagement assessment and elementary and secondary classroom teachers currently teaching in Minnesota schools to:

(1) identify measures of student engagement that may include student attendance, student support outside the classroom, parent involvement, and homework indicators, among other measures;

(2) review the University of Minnesota student safety and engagement survey instrument and other commonly recognized survey instruments to determine whether the survey instruments have sound psychometric properties, are useful for intervention planning, and are suitable instruments for state accountability purposes; and

(3) determine through disaggregated use of survey indicators or other means how to report "safety" in order to comply with federal law.

(b) The commissioner must submit a written report and all the group's working papers to the education committees of the house of representatives and senate by February 15, 2009, presenting the group's responses to paragraph (a), clauses (1) to (3). The commissioner must submit a second, related report to the education committees of the legislature by February 15, 2012, indicating the content and analysis of and the format for reporting the data collected in the 2009-2010 and 2010-2011 school years under Minnesota Statutes, section 120B.35, subdivision 3, paragraph (e). The group convened under this section expires December 31, 2012.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to school report cards beginning July 1, 2012.

Sec. 55. **GROWTH-TO-STANDARD AND GROWTH-BASED VALUE-ADDED COMPARISON REPORT.**

(a) The commissioner of education, in collaboration with the Independent Office of Educational Accountability under MS, section 120B.31, subdivision 3, and a recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers, must use 2006-2007 and 2007-2008 school year data to compare and report the results of using the growth-to-standard and the growth-based value-added models under MS, sections 120B.299, 120B.35, and related sections at the school and school district levels. The report may show how the growth-to-standard and the growth-based value-added models affect the data and the reporting of the data on growth indicators related to (i) the size and location of schools and school districts and (ii) the composition of enrolled students by category, among other indicators. To the extent feasible, the report also may compare individual student and school results from a value-added model with the results of the growth-to-standard and the growth-based value-added models.

(b) Consistent with paragraph (a), the commissioner must submit a report comparing the growth-to-standard and the growth-based value-added models to the education policy committees of the legislature by February 1, 2009, and include any recommendations for statutory changes related to educational accountability and reporting under MS, chapter 120B.

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

Sec. 56. **GROWTH-BASED VALUE-ADDED MODEL; REFERENCE.**

The recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers, in collaboration with the Independent Office of Educational Accountability under Minnesota Statutes, section 120B.31, subdivision 3, shall deposit with the Office of the Revisor of Statutes and the Legislative Reference Library a reference document further explaining the growth-based value-added system of assessments that the commissioner of education and other interested individuals may consult when implementing Minnesota Statutes, sections 120B.299, 120B.30, 120B.31, 120B.35, 120B.36, and 120B.362.

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

Sec. 57. **SCHOOL DISTRICT PLANS TO IMPROVE STUDENTS' ACADEMIC ACHIEVEMENT.**

Subdivision 1. **District academic achievement plan; priorities.** (a) A school district experiencing disparities in academic achievement among groups of students defined by race, ethnicity, and income is encouraged to develop a short and long-term plan encompassing one through four years to significantly improve students' academic achievement and use research-based practices to eliminate differences in academic performance. The plan must:

(1) reflect a research-based understanding of high-performing educational systems and best educational practices;

(2) include innovative and practical strategies and programs, whether existing or new, that supplement district initiatives to increase students' academic achievement under state and federal educational accountability requirements; and

(3) contain valid and reliable measures of student achievement that the district uses to demonstrate the efficacy of the district plan to the commissioner of education.

(b) A district must address the elements under section 58, paragraph (a), to the extent those elements are implicated in the district's plan.

(c) A district must identify in its plan the strategies and programs the district has implemented and found effective in improving students' academic achievement.

(d) The district must include with the plan the amount of expenditures necessary to implement the plan. The district must indicate how current resources are used to implement the plan, including, but not limited to, state-limited English proficiency aid under Minnesota Statutes, section 124D.65; integration revenue under Minnesota Statutes, section 124D.86; early childhood family education revenue under Minnesota Statutes, section 124D.135; school readiness aid under Minnesota Statutes, section 124D.16; basic skills revenue under Minnesota Statutes, section 126C.10, subdivision 4; extended time revenue under Minnesota Statutes, section 126C.10, subdivision 2a; and alternative compensation revenue under Minnesota Statutes, section 122A.415.

Subd. 2. **Plan.** (a) A school district by October 1, 2008, must submit its plan in electronic format to the commissioner of education, consistent with subdivision 1.

(b) The commissioner of education must analyze the commonalities and differences of the district plans and the effective strategies and programs districts have implemented to improve students' academic achievement, and submit the analysis and supporting data to the advisory task force on improving students' academic achievement under section 58 by November 1, 2008, and also report the substance of the analyses to the education policy and finance committees of the legislature by February 15, 2009.

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

Sec. 58. **ADVISORY TASK FORCE ON IMPROVING STUDENTS' ACADEMIC ACHIEVEMENT.**

(a) An advisory task force on improving students' academic achievement is established to review the plans submitted to the commissioner of education under section 57 and recommend to the education committees of the legislature a proposal for improving students' academic achievement and eliminating differences in academic performance among groups of students defined by race, ethnicity, and income. The task force members must at least consider how the following education-related issues impact the educational achievement of low-income students and students of color:

(1) rigorous preparation and coursework and how to (i) effectively invest in early childhood and parent education, (ii) increase academic rigor and high expectations on elementary and secondary students in schools serving a majority of low-income students and students of color, and (iii) provide parents, educators, and community members with meaningful opportunities to collaborate in educating students in schools serving a majority of low-income students and students of color;

(2) professional development for educators and how to (i) provide stronger financial and professional incentives to attract and retain experienced, bilingual, and culturally competent teachers and administrators in schools serving a majority of low-income students and students of color, (ii) recruit and retain teachers of color, and (iii) develop and include cultural sensitivity and interpersonal and pedagogical skills training that teachers need for effective intercultural teaching;

(3) English language learners and how to (i) use well-designed tests, curricula, and English as a second language programs and services as diagnostic tools to develop effective student interventions, (ii) monitor students' language capabilities, (iii) provide academic instruction in English that supports students' learning and is appropriate for students' level of language proficiency, and (iv) incorporate the perspectives and contributions of ethnic and racial groups, consistent with Minnesota Statutes, section 120B.022, subdivision 1, paragraph (b);

(4) special education and how to (i) incorporate linguistic and cultural sensitivity into special education diagnosis and referral, (ii) increase the frequency and quality of prereferral interventions, and (iii) decrease the number of minority and nonnative English speaking students inappropriately placed in special education;

(5) GRAD tests and how to (i) incorporate linguistic and cultural sensitivity into the reading and math GRAD tests, and (ii) develop interventions to meet students' learning needs; and

(6) valid and reliable data and how to use data on student on-time graduation rates, student dropout rates, documented disciplinary actions, and completed and rigorous course work indicators to determine how well-prepared, low-income students and students of color are for postsecondary academic and career opportunities.

The task force also must examine the findings of a 2008 report by Minnesota superintendents on strategies for creating a world-class educational system to establish priorities for improving students' academic achievement. The task force may consider other related matters at its discretion.

(b) The commissioner of education must convene the first meeting of the advisory task force on improving students' academic achievement by September 1, 2008. The task force members must adopt internal procedures and standards for subsequent meetings. The task force is composed of the following members:

(1) a representative from a Twin Cities metropolitan area school district, a suburban school district, a school district located in a regional center, and a rural school district, all four representatives appointed by the state demographer based on identified concentrations of low-performing, low-income students and students of color;

(2) a faculty member of a teacher preparation program at the University of Minnesota's College of Education and Human Development, appointed by the college dean or the dean's designee;

(3) a faculty member from the urban teachers program at Metropolitan State University appointed by the university president or the president's designee;

(4) a faculty member from a Minnesota State Colleges and Universities teacher preparation program located outside the Twin Cities metropolitan area, appointed by the chancellor or the chancellor's designee;

(5) a classroom teacher appointed by Education Minnesota;

(6) an expert in early childhood care and education appointed by a state early childhood organization;

(7) a member from each state council representing a community of color, appointed by the respective council;

(8) a curriculum specialist with expertise in providing language instruction for nonnative English speakers, appointed by a state curriculum organization;

(9) a special education teacher, appointed by a state organization of special education educators;

(10) a parent of color, appointed by a state parent-teacher organization;

(11) a district testing director appointed by a recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers; and

(12) a Department of Education staff person with expertise in school desegregation matters appointed by the commissioner of education or the commissioner's designee.

A majority of task force members, at their discretion, may invite other representatives of interested public or nonpublic organizations, Minnesota's communities of color, and stakeholders in local and state educational equity to become task force members. The department must make every effort to ensure that a majority of task force members are persons of color.

(c) Members of the task force serve without compensation. By February 15, 2009, the task force must submit a written proposal to the education policy and finance committees of the legislature on how to significantly improve students' academic achievement.

(d) The advisory task force expires on February 16, 2009.

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

Sec. 59. ADVISORY TASK FORCE; INTEGRATING SECONDARY AND POSTSECONDARY ACADEMIC AND CAREER EDUCATION.

(a) An advisory task force on improving teacher quality and identifying institutional structures and strategies for effectively integrating secondary and postsecondary academic and career education is established to consider and recommend to the education policy and finance committees of the legislature proposals on how to:

(1) foster classroom teachers' interest and ability to acquire a master's degree in the teachers' substantive fields of licensure; and

(2) meet all elementary and secondary students' needs for adequate education planning and preparation and improve all students' ability to acquire the knowledge and skills needed for postsecondary academic and career education.

(b) The commissioner of education, or the commissioner's designee, shall appoint an advisory task force that is composed of a representative from each of the following entities: Education Minnesota, the University of Minnesota, the Department of Education, the Board of Teaching, the Minnesota Private College Council, the Office of Higher Education, the Minnesota Career College Association, the Minnesota PTA, the Minnesota Chamber of Commerce, the Minnesota Business Partnership, the Department of Employment and Economic Development, the Minnesota Association of Career and Technical Administrators, the Minnesota Association of Career and Technical Educators, the Minnesota State Colleges and Universities, and other representatives of other entities recommended by task force members. Members of the task force serve without compensation of any kind for any purpose. By February 15, 2009, the task force must submit written recommendations to the education policy and finance committees of the legislature on improving teacher quality and identifying the institutional structures and strategies for effectively integrating secondary and postsecondary academic and career education, consistent with this section.

(c) Upon request, the commissioner of education must provide the task force with technical, fiscal, and other support services.

(d) The advisory task force expires February 16, 2009.

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

Sec. 60. **ASSESSMENT OF READING INSTRUCTION.**

(a) No later than March 1, 2010, the Board of Teaching, in cooperation with the commissioner of education, shall adopt an assessment of reading instruction for all prekindergarten and elementary licensure candidates consistent with Minnesota Statutes, section 122A.18, subdivision 2c.

(b) The Board of Teaching and the commissioner shall report to the senate and house of representatives committees having jurisdiction over prekindergarten through grade 12 education policy by March 15, 2010, on the assessment of reading instruction that was adopted.

Sec. 61. **READING INSTRUCTION RULES; LEGISLATIVE REVIEW.**

Beginning July 1, 2008, and until July 1, 2009, the Board of Teaching must submit any proposed rules regarding licensure in reading instruction to the chairs of the legislative committees with jurisdiction over kindergarten through grade 12 education policy by February 1, 2009. The board may not adopt the rules until the legislature has adjourned the 2009 regular session.

Sec. 62. **COMPUTER ADAPTIVE ASSESSMENTS.**

The Department of Education, by February 1, 2009, must report to the education committees of the legislature on its efforts to add computer adaptive assessments that include formative analytics to the Minnesota's comprehensive assessment administered under Minnesota Statutes, section 120B.30.

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

Sec. 63. **REVIVAL AND REENACTMENT.**

Minnesota Statutes, section 124D.10, subdivision 2a, is revived and reenacted effective retroactively and without interruption from June 30, 2007.

Sec. 64. **REPEALER.**

Minnesota Statutes 2006, section 120A.22, subdivision 8, is repealed effective for the 2011-2012 school year and later.

ARTICLE 3

SPECIAL PROGRAMS

Section 1. Minnesota Statutes 2006, section 124D.60, subdivision 1, is amended to read:

Subdivision 1. **Notice.** Within ~~ten~~ 30 days after the enrollment of any pupil in an instructional program for limited English proficient students, the district in which the pupil resides must notify the parent by mail. This notice must:

- (1) be in writing in English and in the primary language of the pupil's parents;
- (2) inform the parents that their child has been enrolled in an instructional program for limited English proficient students;
- (3) contain a simple, nontechnical description of the purposes, method and content of the program;
- (4) inform the parents that they have the right to visit the educational program for limited English proficient students in which their child is enrolled;
- (5) inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and
- (6) inform the parents of their rights to withdraw their child from an educational program for limited English proficient students and the time and manner in which to do so.

The department shall, at the request of the district, prepare the notice in the primary language of the parent.

Sec. 2. Minnesota Statutes 2007 Supplement, section 125A.14, is amended to read:

125A.14 EXTENDED SCHOOL YEAR.

A district may provide extended school year services for children with a disability living within the district and nonresident children temporarily placed in the district pursuant to section 125A.15 ~~or 125A.16~~. Prior to March 31 or 30 days after the child with a disability is placed in the district, whichever is later, the providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to section 125A.15 ~~or 125A.16~~, of its intention to provide these programs. Notwithstanding any contrary provisions in sections 125A.15 ~~and 125A.16~~, the district providing the special instruction and services must apply for special education aid for the extended school year services. The unreimbursed actual cost of providing the program for nonresident children with a disability, including the cost of board and lodging, may be billed to the district of the child's residence and must be paid by the resident district. Transportation costs must be paid by the district responsible for providing transportation pursuant to section 125A.15 ~~or 125A.16~~ and transportation aid must be paid to that district.

Sec. 3. Minnesota Statutes 2006, section 125A.15, is amended to read:

125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.

The responsibility for special instruction and services for a child with a disability temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The district of residence of a child shall be the district in which the child's parent resides, if living, or the child's guardian, or the district designated by the commissioner if neither parent nor guardian is living within the state.

(b) If a district other than the resident district places a pupil for care and treatment, the district placing the pupil must notify and give the resident district an opportunity to participate in the placement decision. When an immediate emergency placement of a pupil is necessary and time constraints foreclose a resident district from participating in the emergency placement decision, the district in which the pupil is temporarily placed must notify the resident district of the emergency placement within 15 days. The resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.

(c) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation to and from the care and treatment facility program and an appropriate educational program for the child. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district.

~~(e)~~ (d) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing an appropriate educational program for the child and necessary transportation while the child is attending the educational program; and must bill the district of the child's residence for the actual cost of providing the program, as outlined in section 125A.11, except as provided in paragraph ~~(d)~~ (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a disability placed outside of the school district of residence by the commissioner of human services or the commissioner of corrections or their agents, for reasons other than providing for the child's special educational needs must not become the responsibility of either the district providing the instruction or the district of the child's residence. For the purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment.

~~(d)~~ (e) A privately owned and operated residential facility may enter into a contract to obtain appropriate educational programs for special education children and services with a joint powers entity. The entity with which the private facility contracts for special education services shall be the district responsible for providing students placed in that facility an appropriate educational program in place of the district in which the facility is located. If a privately owned and operated residential facility does not enter into a contract under this paragraph, then paragraph ~~(e)~~ (d) applies.

~~(e)~~ (f) The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim general education aid for the child as provided by law. Transportation costs must be paid by the district responsible for providing the transportation and the state must pay transportation aid to that district.

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

Sec. 4. Minnesota Statutes 2006, section 125A.51, is amended to read:

125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION AND TRANSPORTATION.

The responsibility for providing instruction and transportation for a pupil without a disability who has a short-term or temporary physical or emotional illness or disability, as determined by the standards of the commissioner, and who is temporarily placed for care and treatment for that illness or disability, must be determined as provided in this section.

- (a) The school district of residence of the pupil is the district in which the pupil's parent or guardian resides.
- (b) When parental rights have been terminated by court order, the legal residence of a child placed in a residential or foster facility for care and treatment is the district in which the child resides.
- (c) Before the placement of a pupil for care and treatment, the district of residence must be notified and provided an opportunity to participate in the placement decision. When an immediate emergency placement is necessary and time does not permit resident district participation in the placement decision, the district in which the pupil is temporarily placed, if different from the district of residence, must notify the district of residence of the emergency placement within 15 days of the placement. When a nonresident district makes an emergency placement without first consulting with the resident district, the resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.
- (d) When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, the district of residence must provide instruction and necessary transportation to and from the care and treatment facility program for the pupil. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the instruction at a school within the district of residence, at the pupil's residence, or in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district. The district of placement may contract with a facility to provide instruction by teachers licensed by the state Board of Teaching.
- (e) When a pupil without a disability is temporarily placed in a residential program for care and treatment, the district in which the pupil is placed must provide instruction for the pupil and necessary transportation while the pupil is receiving instruction, and in the case of a placement outside of the district of residence, the nonresident district must bill the district of residence for the actual cost of providing the instruction for the regular school year and for summer school, excluding transportation costs.

(f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or private homeless shelter, then the district that enrolls the pupil under section 127A.47, subdivision 2, shall provide the transportation, unless the district that enrolls the pupil and the district in which the pupil is temporarily placed agree that the district in which the pupil is temporarily placed shall provide transportation. When a pupil without a disability is temporarily placed in a residential program outside the district of residence, the administrator of the court placing the pupil must send timely written notice of the placement to the district of residence. The district of placement may contract with a residential facility to provide instruction by teachers licensed by the state Board of Teaching. For purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment.

(g) The district of residence must include the pupil in its residence count of pupil units and pay tuition as provided in section 123A.488 to the district providing the instruction. Transportation costs must be paid by the district providing the transportation and the state must pay transportation aid to that district. For purposes of computing state transportation aid, pupils governed by this subdivision must be included in the disabled transportation category if the pupils cannot be transported on a regular school bus route without special accommodations.

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

Sec. 5. Minnesota Statutes 2006, section 125A.744, subdivision 3, is amended to read:

Subd. 3. **Implementation.** Consistent with section 256B.0625, subdivision 26, school districts may enroll as medical assistance providers or subcontractors and bill the Department of Human Services under the medical assistance fee for service claims processing system for special education services which are covered services under chapter 256B, which are provided in the school setting for a medical assistance recipient, and for whom the district has secured informed consent consistent with section 13.05, subdivision 4, paragraph (d), and section 256B.77, subdivision 2, paragraph (p), to bill for each type of covered service. School districts shall be reimbursed by the commissioner of human services for the federal share of individual education plan health-related services that qualify for reimbursement by medical assistance, minus up to five percent retained by the commissioner of human services for administrative costs, ~~not to exceed \$350,000 per fiscal year~~. The commissioner may withhold up to five percent of each payment to a school district. Following the end of each fiscal year, the commissioner shall settle up with each school district in order to ensure that collections from each district for departmental administrative costs are made on a pro rata basis according to federal earnings for these services in each district. A school district is not eligible to enroll as a home care provider or a personal care provider organization for purposes of billing home care services under sections 256B.0651 and 256B.0653 to 256B.0656 until the commissioner of human services issues a bulletin instructing county public health nurses on how to assess for the needs of eligible recipients during school hours. To use private duty nursing services or personal care services at school, the recipient or responsible party must provide written authorization in the care plan identifying the chosen provider and the daily amount of services to be used at school.

Sec. 6. **REPEALER.**

Minnesota Statutes 2006, sections 121A.67; 125A.16; 125A.19; 125A.20; and 125A.57, and Laws 2006, chapter 263, article 3, section 16, are repealed.

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

ARTICLE 4

LIBRARIES

Section 1. Minnesota Statutes 2007 Supplement, section 134.31, subdivision 4a, is amended to read:

Subd. 4a. **Services to the blind and physically handicapped.** The Minnesota Department of Education shall provide specialized services to the blind and physically handicapped through the Minnesota Braille and Talking Book Library ~~for the Blind and Physically Handicapped~~ under a cooperative plan with the National Library Services for the Blind and Physically Handicapped of the Library of Congress.

Sec. 2. Minnesota Statutes 2006, section 134.31, subdivision 6, is amended to read:

Subd. 6. **Advisory committee.** The commissioner shall appoint an advisory committee of five members to advise the staff of the Minnesota Braille and Talking Book Library ~~for the Blind and Physically Handicapped~~ on long-range plans and library services. Members shall be people who use the library. Section 15.059 governs this committee except that the committee shall not expire.

Sec. 3. Minnesota Statutes 2006, section 134.31, is amended by adding a subdivision to read:

Subd. 7. **Telephone or electronic meetings.** (a) Notwithstanding section 13D.01, the Advisory Committee for the Minnesota Braille and Talking Book Library may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the committee participating in the meeting, wherever their physical locations, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the committee can hear all discussion, testimony, and votes of the members of the committee;

(3) at least one member of the committee is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's votes on each issue can be identified and recorded.

(b) Each member of the committee participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, to the extent practical, the committee shall allow a person to monitor the meeting electronically from a remote location. The committee may require the person making the connection to pay for the documented marginal costs that the committee incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the committee shall provide notice of the regular meeting location, the fact that some members may participate by telephone or other electronic means, and the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

ARTICLE 5

STATE AGENCIES

Section 1. [124D.805] COMMITTEE ON AMERICAN INDIAN EDUCATION PROGRAMS.

Subdivision 1. **Establishment.** The commissioner of education shall create an American Indian education committee. The commissioner must appoint the members of the committee. Members must include representatives of tribal bodies, community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian education programs, persons involved in programs for American Indian children in American Indian schools, and persons knowledgeable in the field of American Indian education. Appointed members shall be representative of significant segments of the population of American Indians.

Subd. 2. **Committee to advise commissioner.** The committee on American Indian education programs shall advise the commissioner in the administration of the commissioner's duties under sections 124D.71 to 124D.82 and other programs for the education of American Indian people as determined by the commissioner.

Subd. 3. **Expenses.** The committee members must not be reimbursed for expenses. The commissioner must determine the membership terms and the duration of the committee, which expire no later than June 30, 2020.

Sec. 2. Minnesota Statutes 2006, section 125A.65, subdivision 4, is amended to read:

Subd. 4. **Unreimbursed costs.** (a) For fiscal year 2006, in addition to the tuition charge allowed in subdivision 3, the academies may charge the child's district of residence for the academy's unreimbursed cost of providing an instructional aide assigned to that child, after deducting the special education aid under section 125A.76, attributable to the child, if that aide is required by the child's individual education plan. Tuition received under this paragraph must be used by the academies to provide the required service.

(b) For fiscal year ~~2007~~ 2008 and later, the special education aid paid to the academies shall be increased by the academy's unreimbursed cost of providing ~~an one to one instructional aide and behavioral management aides~~ assigned to a child, after deducting the special education aid under section 125A.76 attributable to the child, if ~~that aide is~~ the aides are required by the child's individual education plan. Aid received under this paragraph must be used by the academies to provide the required service.

(c) For fiscal year ~~2007~~ 2008 and later, the special education aid paid to the district of the child's residence shall be reduced by the amount paid to the academies for district residents under paragraph (b).

(d) Notwithstanding section 127A.45, subdivision 3, beginning in fiscal year 2008, the commissioner shall make an estimated final adjustment payment to the Minnesota State Academies for general education aid and special education aid for the prior fiscal year by August 15.

(e) For fiscal year 2007, the academies may retain receipts received through mutual agreements with school districts for one to one behavior management aides.

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

Sec. 3. Minnesota Statutes 2007 Supplement, section 125A.76, subdivision 2, is amended to read:

Subd. 2. **Special education initial aid.** The special education initial aid equals the sum of the following amounts computed using current year data:

(1) 68 percent of the salary of each essential person employed in the district's program for children with a disability during the fiscal year, whether the person is employed by one or more districts or a Minnesota correctional facility operating on a fee-for-service basis;

(2) for the Minnesota State Academy for the Deaf or the Minnesota State Academy for the Blind, 68 percent of the salary of each one to one instructional and behavior management aide assigned to a child attending the academy, ~~if that aide is~~ the aides are required by the child's individual education plan;

(3) for special instruction and services provided to any pupil by contracting with public, private, or voluntary agencies other than school districts, in place of special instruction and services provided by the district, 52 percent of the difference between the amount of the contract and the general education revenue, excluding basic skills revenue and alternative teacher compensation revenue, and referendum equalization aid attributable to a pupil, calculated using the resident district's average general education revenue and referendum equalization aid per adjusted pupil unit for the fraction of the school day the pupil receives services under the contract. This includes children who are residents of the state, receive services under this subdivision and subdivision 1, and are placed in a care and treatment facility by court action in a state that does not have a reciprocity agreement with the commissioner under section 125A.155 as provided for in section 125A.79, subdivision 8;

(4) for special instruction and services provided to any pupil by contracting for services with public, private, or voluntary agencies other than school districts, that are supplementary to a full educational program provided by the school district, 52 percent of the amount of the contract for that pupil;

(5) for supplies and equipment purchased or rented for use in the instruction of children with a disability, an amount equal to 47 percent of the sum actually expended by the district, or a Minnesota correctional facility operating on a fee-for-service basis, but not to exceed an average of \$47 in any one school year for each child with a disability receiving instruction;

(6) for fiscal years 1997 and later, special education base revenue shall include amounts under clauses (1) to (5) for special education summer programs provided during the base year for that fiscal year;

(7) the cost of providing transportation services for children with disabilities under section 123B.92, subdivision 1, paragraph (b), clause (4); and

(8) the district's transition-disabled program initial aid according to section 124D.454, subdivision 3.

The department shall establish procedures through the uniform financial accounting and reporting system to identify and track all revenues generated from third-party billings as special education revenue at the school district level; include revenue generated from third-party billings as special education revenue in the annual cross-subsidy report; and exclude third-party revenue from calculation of excess cost aid to the districts.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2008.

ARTICLE 6

SELF-SUFFICIENCY AND LIFELONG LEARNING

Section 1. Minnesota Statutes 2006, section 124D.19, subdivision 14, is amended to read:

Subd. 14. **Community education; annual report.** Each district offering a community education program under this section must annually complete a program report to the department ~~information regarding the cost per participant and cost per contact hour for each community education program, including youth after school enrichment programs, that receives aid or levy. The department must include cost per participant and cost per contact hour information by program in the community education annual report.~~

Sec. 2. Minnesota Statutes 2006, section 124D.522, is amended to read:

124D.522 ADULT BASIC EDUCATION SUPPLEMENTAL SERVICE GRANTS.

(a) The commissioner, in consultation with the policy review task force under section 124D.521, may make grants to nonprofit organizations to provide services that are not offered by a district adult basic education program or that are supplemental to either the statewide adult basic education program, or a district's adult basic education program. The commissioner may make grants for: staff development for adult basic education teachers and administrators; training for volunteer tutors; training, services, and materials for serving disabled students through adult basic education programs; statewide promotion of adult basic education services and programs; development and dissemination of instructional and administrative technology for adult basic education programs; programs which primarily serve communities of color; adult basic education distance learning projects, including television instruction programs; and other supplemental services to support the mission of adult basic education and innovative delivery of adult basic education services.

(b) The commissioner must establish eligibility criteria and grant application procedures. Grants under this section must support services throughout the state, focus on educational results for adult learners, and promote outcome-based achievement through adult basic education programs. Beginning in fiscal year 2002, the commissioner may make grants under this section from the state total adult basic education aid set aside for supplemental service grants under section 124D.531. Up to one-fourth of the appropriation for supplemental service grants must be used for grants for adult basic education programs to encourage and support innovations in adult basic education instruction and service delivery. A grant to a single organization cannot exceed ~~\$100,000~~ 20 percent of the total supplemental services aid. Nothing in this section prevents an approved adult basic education program from using state or federal aid to purchase supplemental services."

Correct the title numbers accordingly

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

Senate Conferees: CHARLES W. WIGER, KATHY L. SALTZMAN, GEN OLSON, KEVIN L. DAHLE AND SANDY RUMMEL.

House Conferees: CARLOS MARIANI, KATHY BRYNAERT, JOHN WARD, LINDA SLOCUM AND DEAN URDAHL.

Mariani moved that the report of the Conference Committee on S. F. No. 3001 be adopted and that the bill be repassed as amended by the Conference Committee.

Erickson moved that the House refuse to adopt the Conference Committee report on S. F. No. 3001 and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the Erickson motion and the roll was called. There were 58 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Garofalo	Kalin	Ozment	Simpson
Anderson, B.	Demmer	Gottwalt	Knuth	Paulsen	Smith
Anderson, S.	Dettmer	Gunther	Kohls	Peppin	Tingelstad
Beard	Doty	Hackbarth	Lanning	Peterson, N.	Urdahl
Berns	Drazkowski	Hamilton	Magnus	Poppe	Wardlow
Brod	Eastlund	Haws	Marquart	Ruth	Welti
Brown	Emmer	Heidgerken	McFarlane	Scalze	Westrom
Buesgens	Erhardt	Holberg	McNamara	Seifert	Zellers
Cornish	Erickson	Hoppe	Nornes	Severson	
Dean	Finstad	Howes	Olson	Shimanski	

Those who voted in the negative were:

Anzelc	Faust	Johnson	Mahoney	Pelowski	Thissen
Atkins	Fritz	Juhnke	Mariani	Peterson, A.	Tillberry
Benson	Gardner	Kahn	Masin	Peterson, S.	Tschumper
Bigham	Greiling	Koenen	Morgan	Rukavina	Wagenius
Bly	Hansen	Kranz	Morrow	Ruud	Walker
Brynaert	Hausman	Laine	Mullery	Sailer	Ward
Bunn	Hilstrom	Lenczewski	Murphy, E.	Sertich	Winkler
Carlson	Hilty	Lesch	Murphy, M.	Simon	Wollschlager
Clark	Hornstein	Liebling	Nelson	Slawik	Spk. Kelliher
Dill	Hortman	Lieder	Norton	Slocum	
Dittrich	Hosch	Lillie	Olin	Solberg	
Dominguez	Huntley	Loeffler	Otremba	Swails	
Eken	Jaros	Madore	Paymar	Thao	

The motion did not prevail.

The question recurred on the Mariani motion that the report of the Conference Committee on S. F. No. 3001 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3001, A bill for an act relating to education; providing for prekindergarten through grade 12 education; including general education, education excellence, special programs, libraries, state agencies, and self-sufficiency and lifelong learning; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 120A.05, subdivision 10a; 120A.22, subdivision 5; 120A.24, subdivisions 1, 2; 120B.02; 120B.021, subdivision 1a; 120B.023, subdivision 2; 121A.035, subdivision 2; 121A.037; 122A.06, subdivision 4; 122A.07, subdivisions 2, 3; 122A.09, subdivision 4; 122A.18, subdivisions 2, 2a, by adding a subdivision; 123B.14, subdivision 7; 123B.36, subdivision 1; 123B.37, subdivision 1; 123B.77, subdivision 3; 123B.81, subdivisions 3, 5; 123B.83, subdivision 3; 123B.88, subdivision 3; 124D.10, subdivisions 2a, 4a, 6, 6a, 7, 8, 20, 23; 124D.19, subdivision 14; 124D.522; 124D.55; 124D.60, subdivision 1; 124D.68, subdivision 2; 124D.86, by adding a subdivision; 125A.02, subdivision 1; 125A.15; 125A.51; 125A.65, subdivision 4, by adding a subdivision; 125A.744, subdivision 3; 125B.07, by adding a subdivision; 126C.40, subdivision 6; 134.31, subdivision 6, by adding a subdivision; 260C.007,

subdivision 19; 299F.30, subdivision 1; Minnesota Statutes 2007 Supplement, sections 120B.021, subdivision 1; 120B.024; 120B.30; 123B.81, subdivision 4; 124D.10, subdivisions 4, 23a; 134.31, subdivision 4a; proposing coding for new law in Minnesota Statutes, chapters 1; 121A; 125B; 127A; 134; repealing Minnesota Statutes 2006, sections 120A.22, subdivision 8; 121A.23; 121A.67; Laws 2006, chapter 263, article 3, section 16.

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 82 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anzelc	Eken	Jaros	Loeffler	Paymar	Thao
Atkins	Faust	Johnson	Madore	Pelowski	Thissen
Benson	Fritz	Juhnke	Mahoney	Peterson, A.	Tillberry
Bigham	Gardner	Kahn	Mariani	Peterson, S.	Tschumper
Bly	Greiling	Kalin	Masin	Rukavina	Urdahl
Brown	Hansen	Knuth	Morgan	Ruud	Wagenius
Brynaert	Hausman	Koenen	Morrow	Sailer	Walker
Bunn	Haws	Kranz	Mullery	Scalze	Ward
Carlson	Hilstrom	Laine	Murphy, E.	Sertich	Welti
Clark	Hilty	Lenczewski	Murphy, M.	Simon	Winkler
Davnie	Hornstein	Lesch	Nelson	Slawik	Wollschlager
Dill	Hortman	Liebling	Norton	Slocum	Spk. Kelliher
Dittrich	Hosch	Lieder	Olin	Solberg	
Dominguez	Huntley	Lillie	Otremba	Swails	

Those who voted in the negative were:

Abeler	DeLaForest	Garofalo	Lanning	Peppin	Tingelstad
Anderson, B.	Demmer	Gottwalt	Magnus	Peterson, N.	Wardlow
Anderson, S.	Dettmer	Gunther	Marquart	Poppe	Westrom
Beard	Drazkowski	Hackbarth	McFarlane	Ruth	Zellers
Berns	Eastlund	Hamilton	McNamara	Seifert	
Brod	Emmer	Heidgerken	Nornes	Severson	
Buesgens	Erhardt	Holberg	Olson	Shimanski	
Cornish	Erickson	Hoppe	Ozment	Simpson	
Dean	Finstad	Kohls	Paulsen	Smith	

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

Madam Speaker:

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

S. F. No. 3672.

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.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. No. 3672

A bill for an act relating to liquor; permitting farm wineries to manufacture and sell distilled spirits under certain conditions; authorizing liquor licenses; making technical corrections; amending Minnesota Statutes 2006, section 340A.315, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 340A.412, subdivision 4.

May 7, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3672 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. 3672 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 169A.35, subdivision 6, is amended to read:

Subd. 6. **Exceptions.** (a) This section does not prohibit the possession or consumption of alcoholic beverages by passengers in:

(1) a bus that is operated by a motor carrier of passengers, as defined in section 221.011, subdivision 48; ~~or~~

(2) a vehicle that is operated for commercial purposes in a manner similar to a bicycle as defined in section 169.01, subdivision 51, with five or more passengers who provide pedal power to the drive train of the vehicle; or

(3) a vehicle providing limousine service as defined in section 221.84, subdivision 1.

(b) Subdivisions 3 and 4 do not apply to a bottle or receptacle that is in the trunk of the vehicle if it is equipped with a trunk, or that is in another area of the vehicle not normally occupied by the driver and passengers if the vehicle is not equipped with a trunk. However, a utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

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

Sec. 2. Minnesota Statutes 2006, section 340A.315, subdivision 2, is amended to read:

Subd. 2. **Sales.** A license authorizes the sale, on the farm winery premises, of table, sparkling, or fortified wines produced by that farm winery at on-sale or off-sale, in retail, or wholesale lots in total quantities not in excess of 50,000 gallons in a calendar year, glassware, wine literature and accessories, cheese and cheese spreads, other wine-related food items, and the dispensing of free samples of the wines offered for sale. Sales at on-sale and off-sale may be made on Sundays between 12:00 noon and 12:00 midnight. Labels for each type or brand produced must be registered with the commissioner, without fee prior to sale. A farm winery may provide samples of distilled spirits manufactured pursuant to subdivision 7, on the farm winery premises, but may sell the distilled spirits only through a licensed wholesaler. Samples of distilled spirits may not exceed 15 milliliters per variety.

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

Sec. 3. Minnesota Statutes 2006, section 340A.315, is amended by adding a subdivision to read:

Subd. 7. **Distilled spirits permitted.** Farm wineries licensed under this section are permitted to manufacture distilled spirits as defined under section 340A.101, subdivision 9, which may exceed 25 percent alcohol by volume, made from Minnesota produced or grown grapes, grape juice, other fruit bases, or honey. The following conditions pertain:

(1) no farm winery or firm owning multiple farm wineries may manufacture more than 5,000 gallons of distilled spirits in a given year, and this 5,000 gallon limit is part of the 50,000 gallon limit found in subdivision 2;

(2) farm wineries must pay an additional annual fee of \$500 to the commissioner before beginning production of distilled spirits; and

(3) farm wineries may not sell or produce distilled spirits for direct sale to manufacturers licensed under section 340A.301, subdivision 6, paragraph (a).

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

Sec. 4. Minnesota Statutes 2007 Supplement, section 340A.412, subdivision 4, is amended to read:

Subd. 4. **Licenses prohibited in certain areas.** (a) No license to sell intoxicating liquor may be issued within the following areas:

(1) where restricted against commercial use through zoning ordinances and other proceedings or legal processes regularly had for that purpose, except licenses may be issued to restaurants in areas which were restricted against commercial uses after the establishment of the restaurant;

(2) within the Capitol or on the Capitol grounds, except as provided under Laws 1983, chapter 259, section 9, or Laws 1999, chapter 202, section 13;

(3) on the State Fairgrounds, except as provided under section 37.21, subdivision 2;

(4) on the campus of the College of Agriculture of the University of Minnesota;

(5) within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision or control, in whole or in part, of the commissioner of human services or the commissioner of corrections;

(6) in a town or municipality in which a majority of votes at the last election at which the question of license was voted upon were not in favor of license under section 340A.416, or within one-half mile of any such town or municipality, except that intoxicating liquor manufactured within this radius may be sold to be consumed outside it;

(7) within 1,500 feet of a state university, except that:

(i) the minimum distance in the case of Winona and Southwest State University is 1,200 feet, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;

(ii) within 1,500 feet of St. Cloud State University one on-sale wine and two off-sale intoxicating liquor licenses may be issued, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;

(iii) at Mankato State University the distance is measured from the front door of the student union of the Highland campus;

(iv) a temporary license under section 340A.404, subdivision 10, may be issued to a location on the grounds of a state university for an event sponsored or approved by the state university; and

(v) this restriction does not apply to the area surrounding the premises of Metropolitan State University in Minneapolis; and

(8) within 1,500 feet of any public school that is not within a city.

(b) The restrictions of this subdivision do not apply to a manufacturer or wholesaler of intoxicating liquor or to a drugstore or to a person who had a license originally issued lawfully prior to July 1, 1967.

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

Sec. 5. **SPECIAL LICENSE; MINNEAPOLIS.**

Notwithstanding any law, local ordinance, or charter provision, the city of Minneapolis may issue an on-sale intoxicating liquor license to a restaurant located at 1367 Willow Street South. The provisions of Minnesota Statutes, chapter 340A, apply to licenses issued under this section. The license authorizes sales on all days of the week.

EFFECTIVE DATE. This section is effective upon approval by the Minneapolis City Council in the manner provided by Minnesota Statutes, section 645.021, notwithstanding Minnesota Statutes, section 645.023, subdivision 1, paragraph (a).

Sec. 6. **TEMPORARY CLOSING TIME.**

During the 2008 Republican National Convention, licensing jurisdictions that lie fully or partially within the seven-county metropolitan area may at their discretion issue special permits for service of alcohol through extended hours lasting until 4:00 a.m. each day. This section is subject to the following conditions:

(1) only holders of an existing on-sale intoxicating liquor license or a 3.2 malt liquor license are eligible for later closing hours;

(2) later closing hours apply only during the period from 12:00 p.m. on August 31, 2008, through 4:00 a.m. on September 5, 2008;

(3) local licensing jurisdictions issuing special permits to operate with extended hours during these days, may charge a fee up to but not to exceed \$2,500 for such a permit. In the process of issuing a permit under this section, the licensing jurisdiction may limit approval to specified geographic, zoning, or license classifications within its jurisdiction, or to specific days within the time period described in clause (2); and

(4) this section is repealed as of 4:01 a.m. on September 5, 2008.

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

Delete the title and insert:

"A bill for an act relating to liquor; regulating consumption and service of alcohol under certain conditions; permitting farm wineries to manufacture distilled spirits under certain conditions; authorizing a liquor license; amending Minnesota Statutes 2006, sections 169A.35, subdivision 6; 340A.315, subdivision 2, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 340A.412, subdivision 4."

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

Senate Conferees: DAN SKOGEN, LINDA SCHEID AND DEBBIE J. JOHNSON.

House Conferees: JOE ATKINS, TOM TILLBERRY AND KURT ZELLERS.

Atkins moved that the report of the Conference Committee on S. F. No. 3672 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3672, A bill for an act relating to liquor; permitting farm wineries to manufacturer and sell distilled spirits under certain conditions; authorizing liquor licenses; making technical corrections; amending Minnesota Statutes 2006, section 340A.315, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 340A.412, subdivision 4.

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 112 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Anderson, S.	Dittrich	Hornstein	Loeffler	Paymar	Swails
Anzelc	Dominguez	Hortman	Madore	Pelowski	Thao
Atkins	Doty	Hosch	Magnus	Peterson, A.	Thissen
Beard	Drazkowski	Howes	Mahoney	Peterson, N.	Tillberry
Benson	Eken	Huntley	Mariani	Peterson, S.	Tingelstad
Berns	Erhardt	Jaros	Marquart	Rukavina	Tschumper
Bly	Faust	Johnson	Masin	Ruud	Urdahl
Brod	Gardner	Juhnke	McNamara	Sailer	Wagenius
Brynaert	Gottwalt	Kahn	Moe	Scalze	Walker
Buesgens	Gunther	Knuth	Morrow	Seifert	Ward
Carlson	Hackbarth	Koenen	Mullery	Sertich	Wardlow
Clark	Hamilton	Kohls	Murphy, E.	Severson	Welti
Cornish	Hansen	Kranz	Murphy, M.	Shimanski	Westrom
Davnie	Hausman	Laine	Nelson	Simon	Winkler
Dean	Haws	Lanning	Nornes	Simpson	Wollschlager
DeLaForest	Heidgerken	Lenczewski	Olin	Slawik	Zellers
Demmer	Hilstrom	Lesch	Otremba	Slocum	Spk. Kelliher
Dettmer	Hilty	Lieder	Ozment	Smith	
Dill	Hoppe	Lillie	Paulsen	Solberg	

Those who voted in the negative were:

Abeler	Bunn	Finstad	Holberg	Morgan	Poppe
Anderson, B.	Eastlund	Fritz	Kalin	Norton	Ruth
Bigham	Emmer	Garofalo	Liebling	Olson	
Brown	Erickson	Greiling	McFarlane	Peppin	

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

Madam Speaker:

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

S. F. No. 2379.

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.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2379

A bill for an act relating to eminent domain; amending provisions concerning reestablishment costs limit; amending Minnesota Statutes 2006, sections 117.51; 117.52, subdivision 1a.

April 25, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2379 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

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

Senate Conferees: THOMAS M. BAKK, STEVE MURPHY AND JULIANNE E. ORTMAN.

House Conferees: DAVID DILL, CY THAO AND DENNY MCNAMARA.

Dill moved that the report of the Conference Committee on S. F. No. 2379 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2379, A bill for an act relating to eminent domain; amending provisions concerning reestablishment costs limit; amending Minnesota Statutes 2006, sections 117.51; 117.52, subdivision 1a.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Heidgerken	Liebling	Otremba	Smith
Anderson, B.	Dittrich	Hilstrom	Lieder	Ozment	Solberg
Anderson, S.	Dominguez	Hilty	Lillie	Paulsen	Swails
Anzelc	Doty	Holberg	Loeffler	Paymar	Thao
Atkins	Drazkowski	Hoppe	Madore	Pelowski	Thissen
Beard	Eastlund	Hornstein	Magnus	Peppin	Tillberry
Benson	Eken	Hortman	Mahoney	Peterson, A.	Tingelstad
Berns	Emmer	Hosch	Mariani	Peterson, N.	Tschumper
Bigham	Erhardt	Howes	Marquart	Peterson, S.	Urdahl
Bly	Erickson	Huntley	Masin	Poppe	Wagenius
Brod	Faust	Jaros	McFarlane	Rukavina	Walker
Brown	Finstad	Johnson	McNamara	Ruth	Ward
Brynaert	Fritz	Juhnke	Moe	Ruud	Wardlow
Buesgens	Gardner	Kahn	Morgan	Sailer	Welti
Bunn	Garofalo	Kalin	Morrow	Scalze	Westrom
Carlson	Gottwalt	Knuth	Mullery	Seifert	Winkler
Clark	Greiling	Koenen	Murphy, E.	Sertich	Wollschlager
Cornish	Gunther	Kohls	Murphy, M.	Severson	Zellers
Davnie	Hackbarth	Kranz	Nelson	Shimanski	Spk. Kelliher
Dean	Hamilton	Laine	Nornes	Simon	
DeLaForest	Hansen	Lanning	Norton	Simpson	
Demmer	Hausman	Lenczewski	Olin	Slawik	
Dettmer	Haws	Lesch	Olson	Slocum	

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

Madam 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.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2909

A bill for an act relating to landlord and tenant; modifying right of tenant to pay utility bills; amending Minnesota Statutes 2006, section 504B.215, subdivision 3.

April 29, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
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 2006, section 504B.215, subdivision 2, is amended to read:

Subd. 2. **Single-meter utility service payments.** ~~In a residential leasehold contract entered into or renewed on or after August 1, 1995~~ Except as provided in subdivision 3, the landlord of a single-metered residential building shall be the bill payer responsible, and shall be the customer of record contracting with the utility for utility services. The landlord must advise the utility provider that the utility services apply to a single-metered residential building. A failure by the landlord to comply with this subdivision is a violation of sections 504B.161, subdivision 1, clause (1), and 504B.221. This subdivision may not be waived by contract or otherwise. This subdivision does not require a landlord to contract and pay for utility service provided to each residential unit through a separate meter which accurately measures that unit's use only. This subdivision does not prohibit a landlord from apportioning utility service payments among residential units and either including utility costs in a unit's rent or billing for utility charges separate from rent.

Sec. 2. Minnesota Statutes 2006, section 504B.215, subdivision 3, is amended to read:

Subd. 3. **Procedure.** (a) When a municipality, utility company, or other company supplying home heating oil, propane, natural gas, electricity, or water to a building has issued a final notice or has posted the building proposing to disconnect or discontinue the service to the building because a landlord who has contracted for the service has failed to pay for it or because a landlord is required by law or contract to pay for the service and fails to do so, a tenant or group of tenants may pay to have the service continued or reconnected as provided under this section. If a building is posted, the posting must be placed in at least one conspicuous location in the building and provide tenants with, at a minimum, the following information:

(1) the date the service will be discontinued;

(2) the telephone number to call at the utility to obtain further information;

(3) a brief description of the rights of tenants under this section to continue or restore service; and

(4) advice to consider seeking assistance from legal aid, a private attorney, or a housing organization in exercising the rights of tenants under Minnesota law to maintain their utility service.

Before paying for the service, the tenant or group of tenants shall give oral or written notice to the landlord of the tenant's intention to pay after 48 hours, or a shorter period that is reasonable under the circumstances, if the landlord has not already paid for the service. In the case of oral notification, written notice shall be mailed or delivered to the landlord within 24 hours after oral notice is given.

(b) In the case of natural gas, or electricity, or water, if the landlord has not yet paid the bill by the time of the tenant's intended payment; or if the service remains discontinued, the tenant or tenants may pay the ~~outstanding bill~~ current charges for the most recent billing period; if and the utility company or municipality will must restore the service for at least one billing period. In a residential building with less than five units, one of the tenants may notify the utility company or municipality that the tenant agrees to become the bill payer responsible and customer of record and the utility company or municipality must place the account disconnected or subject to disconnection in the tenant's name and provide service prospectively, provided the tenant satisfies all requirements for establishing service. A tenant becoming the customer of record of a cooperative electric association does not acquire membership rights. Exercise of the right to pay the current charges for the most recent billing period does not preclude exercising the right to become the bill payer responsible and customer of record, provided that if there are multiple tenants in an affected multifamily building, the utility company or municipality is not required to offer the right to become the bill payer responsible and the customer of record to more than one tenant in a 12-month period.

(c) In the case of water, if the landlord has not paid the bill by the time of the tenant's intended payment or if the service remains discontinued, upon request from a tenant, a municipality must provide a copy of each bill the landlord fails to pay. The tenant:

(1) has a continuing right to pay the current charges for the most recent billing period and retain service;

(2) has the period of time provided by the governing ordinance, policy, or practice within which to pay the charges;

(3) is not subject to any deposit requirements; and

(4) is entitled to reasonable notice of any disconnection.

This paragraph does not require a municipality to alter its accounting system or billing records if the tenant exercises the right to pay current charges and retain water service. If there are multiple tenants in an affected property, the municipality is not required to offer the right to pay current charges and retain service to more than one tenant in a 12-month period.

(d) For purposes of this subdivision, "current charges" does not include arrears or late payment fees incurred by the landlord.

(~~e~~) (e) In a single-metered residential building, other residential tenants in the building may contribute payments to the utility company or municipality on the account of the tenant who is the customer of record under paragraph (b) or on the landlord's account under paragraph (c).

(f) A landlord who satisfies all requirements for reestablishing service, including paying, or entering into an agreement acceptable to the utility company or municipality to pay, all arrears and other lawful charges incurred by the landlord on the account that was placed in the tenant's name, may reestablish service in the landlord's name.

(g) This section does not restrict or prohibit a municipal utility provider from exercising its authority pursuant to section 444.075, subdivisions 3 and 3e, to make contracts with and impose utility charges against property owners and to certify unpaid charges to the county auditor with taxes against the property served for collection as a tax.

(h) In the case of home heating oil or propane, if the landlord has not yet paid the bill by the time of the tenant's intended payment, or if the service remains discontinued, the tenant or tenants may order and pay for one month's supply of the proper grade and quality of oil or propane.

~~(d)~~ (i) After submitting ~~receipts for~~ documentation to the landlord of the tenant's payment to the landlord utility company or municipality, a tenant may deduct the amount of the tenant's payment to the utility company or municipality from the rental payment next paid to the landlord. Any amount paid to the municipality, utility company, or other company by a tenant under this subdivision is considered payment of rent to the landlord for purposes of section 504B.291."

Delete the title and insert:

"A bill for an act relating to landlord and tenant; modifying right of tenant to pay utility bills; amending Minnesota Statutes 2006, section 504B.215, subdivisions 2, 3."

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

Senate Conferees: RICK E. OLSEEN, LINDA HIGGINS AND WARREN LIMMER.

House Conferees: BOB GUNTHER, JOE MULLERY AND TOM TILLBERRY.

Gunther 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 landlord and tenant; modifying right of tenant to pay utility bills; amending Minnesota Statutes 2006, section 504B.215, subdivision 3.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Gunther	Kalin	McNamara	Peterson, S.
Anderson, B.	Demmer	Hackbarth	Knuth	Moe	Poppe
Anderson, S.	Dettmer	Hamilton	Koenen	Morgan	Rukavina
Anzelc	Dill	Hansen	Kohls	Morrow	Ruth
Atkins	Dittrich	Hausman	Kranz	Mullery	Ruud
Beard	Dominguez	Haws	Laine	Murphy, E.	Sailer
Benson	Doty	Heidgerken	Lanning	Murphy, M.	Scalze
Berns	Drazkowski	Hilstrom	Lenczewski	Nelson	Seifert
Bigham	Eastlund	Hilty	Lesch	Nornes	Sertich
Bly	Eken	Holberg	Liebling	Norton	Severson
Brod	Emmer	Hoppe	Lieder	Olin	Shimanski
Brown	Erhardt	Hornstein	Lillie	Olson	Simon
Brynaert	Erickson	Hortman	Loeffler	Otremba	Simpson
Buesgens	Faust	Hosch	Madore	Ozment	Slawik
Bunn	Finstad	Howes	Magnus	Paulsen	Slocum
Carlson	Fritz	Huntley	Mahoney	Paymar	Smith
Clark	Gardner	Jaros	Mariani	Pelowski	Solberg
Cornish	Garofalo	Johnson	Marquart	Peppin	Swails
Davnie	Gottwalt	Juhnke	Masin	Peterson, A.	Thao
Dean	Greiling	Kahn	McFarlane	Peterson, N.	Thissen

Tillberry
Tingelstad
Tschumper

Urdahl
Wagenius
Walker

Ward
Wardlow
Welti

Westrom
Winkler
Wollschlager

Zellers
Spk. Kelliher

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

Madam Speaker:

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

S. F. No. 3303.

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.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3303

A bill for an act relating to the city of Minneapolis; authorizing the creation of a nonprofit riverfront revitalization corporation; requiring a report.

April 30, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3303 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. 3303 be further amended as follows:

Page 2, line 32, delete "December"

Page 3, line 1, delete "31" and insert "August 1"

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

Senate Conferees: LINDA HIGGINS, D. SCOTT DIBBLE AND DAVID H. SENJEM.

House Conferees: DIANE LOEFFLER, JOE MULLERY AND BOB GUNTHER.

Loeffler moved that the report of the Conference Committee on S. F. No. 3303 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3303, A bill for an act relating to the city of Minneapolis; authorizing the creation of a nonprofit riverfront revitalization corporation; requiring a report.

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 101 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Huntley	Madore	Ozment	Smith
Anzelc	Eken	Jaros	Mahoney	Paulsen	Solberg
Atkins	Erhardt	Johnson	Mariani	Paymar	Swails
Benson	Faust	Juhnke	Marquart	Pelowski	Thao
Berns	Fritz	Kahn	Masin	Peterson, A.	Thissen
Bigham	Gardner	Kalin	McFarlane	Peterson, N.	Tillberry
Bly	Greiling	Knuth	McNamara	Peterson, S.	Tingelstad
Brown	Gunther	Koenen	Moe	Poppe	Tschumper
Brynaert	Hansen	Kranz	Morgan	Rukavina	Urdahl
Bunn	Hausman	Laine	Morrow	Ruth	Wagenius
Carlson	Haws	Lanning	Mullery	Ruud	Walker
Clark	Hilstrom	Lenczewski	Murphy, E.	Sailer	Ward
Davnie	Hilty	Lesch	Murphy, M.	Scalze	Welti
Demmer	Hornstein	Liebling	Nelson	Sertich	Winkler
Dill	Hortman	Lieder	Norton	Simon	Wollschlager
Dittrich	Hosch	Lillie	Olin	Slawik	Spk. Kelliher
Dominguez	Howes	Loeffler	Otremba	Slocum	

Those who voted in the negative were:

Anderson, B.	Dean	Erickson	Heidgerken	Olson	Wardlow
Anderson, S.	DeLaForest	Finstad	Holberg	Peppin	Westrom
Beard	Dettmer	Garofalo	Hoppe	Seifert	Zellers
Brod	Drazkowski	Gottwalt	Kohls	Severson	
Buesgens	Eastlund	Hackbarth	Magnus	Shimanski	
Cornish	Emmer	Hamilton	Nornes	Simpson	

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

Madam Speaker:

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

S. F. No. 3235.

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.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3235

A bill for an act relating to data practices; classifying data and authorizing data sharing; making technical changes; regulating practices of business screening services; providing for civil penalties and remedies; amending Minnesota Statutes 2006, sections 6.715, by adding a subdivision; 13.03, subdivision 3; 13.32, by adding a subdivision; 123B.03, subdivisions 2, 3, by adding a subdivision; 260B.171, subdivision 5; 518.10; Minnesota Statutes 2007 Supplement, section 13.39, subdivisions 2, 2a; proposing coding for new law in Minnesota Statutes, chapter 332.

May 7, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3235 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. 3235 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 6.715, is amended by adding a subdivision to read:

Subd. 5. **Review of data; data protection.** If, before releasing a report, the state auditor provides a person with data relating to the audit for the purpose of review and verification of the data, the person must protect the data from unlawful disclosure or be subject to the penalties and liabilities provided in sections 13.08 and 13.09.

Sec. 2. Minnesota Statutes 2006, section 13.03, subdivision 3, is amended to read:

Subd. 3. **Request for access to data.** (a) Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data.

(b) For purposes of this section, "inspection" includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the government entity, unless printing a copy is the only method to provide for inspection of the data. In the case of data stored in electronic form and made available in electronic form on a remote access basis to the public by the government entity, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public's own computer equipment. Nothing in this section prohibits a government entity from charging a reasonable fee for remote access to data under a specific statutory grant of authority. A government entity may charge a fee for remote access to data where either the data or the access is enhanced at the request of the person seeking access.

(c) The responsible authority or designee shall provide copies of public data upon request. If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, ~~compiling~~, and electronically transmitting the copies of the data or the data, but may not charge for separating public from not public data. However, if 100 or fewer pages of black and white, letter or legal size

paper copies are requested, actual costs shall not be used, and instead, the responsible authority may charge no more than 25 cents for each page copied. If the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

(d) When a request under this subdivision involves any person's receipt of copies of public government data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the government entity, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, ~~certifying, and compiling~~ and certifying the copies. Any fee charged must be clearly demonstrated by the government entity to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.

(e) The responsible authority of a government entity that maintains public government data in a computer storage medium shall provide to any person making a request under this section a copy of any public data contained in that medium, in electronic form, if the government entity can reasonably make the copy or have a copy made. This does not require a government entity to provide the data in an electronic format or program that is different from the format or program in which the data are maintained by the government entity. The entity may require the requesting person to pay the actual cost of providing the copy.

(f) If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Sec. 3. Minnesota Statutes 2006, section 13.08, subdivision 1, is amended to read:

Subdivision 1. **Action for damages.** Notwithstanding section 466.03, a responsible authority or government entity which violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damage as a result of the violation, and the person damaged or a representative in the case of private data on decedents or confidential data on decedents may bring an action against the responsible authority or government entity to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the government entity shall, in addition, be liable to exemplary damages of not less than ~~\$100~~ \$1,000, nor more than ~~\$10,000~~ \$15,000 for each violation. The state is deemed to have waived any immunity to a cause of action brought under this chapter.

Sec. 4. Minnesota Statutes 2007 Supplement, section 13.08, subdivision 4, is amended to read:

Subd. 4. **Action to compel compliance.** (a) In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to ~~\$300~~ \$1,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1. The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration.

(b) In determining whether to assess a civil penalty under this subdivision, the court shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has:

- (1) designated a responsible authority under section 13.02, subdivision 16;
 - (2) designated a data practices compliance official under section 13.05, subdivision 13;
 - (3) prepared the public document that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under section 13.05, subdivision 1;
 - (4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.05, subdivision 8; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;
 - (5) acted in conformity with an opinion issued under section 13.072 that was sought by a government entity or another person; or
 - (6) provided ongoing training to government entity personnel who respond to requests under this chapter.
- (c) The court shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

Sec. 5. Minnesota Statutes 2006, section 13.202, subdivision 11, is amended to read:

Subd. 11. **Metropolitan government.** (a) **Affirmative action plans.** Treatment of data relating to metropolitan agency affirmative action plans is governed by section 473.143, subdivisions 5 and 7.

(b) **Contracts for management services.** Data relating to compensation of personnel who work under a management service contract are classified by section 473.405, subdivision 12.

(c) **Arena acquisition.** Certain data in connection with a decision whether to acquire a sports arena are classified under section 473.598, subdivision 4.

(d) **Airports commission.** Certain airline data submitted to the Metropolitan Airports Commission in connection with the issuance of revenue bonds are classified under section 473.6671, subdivision 3.

(e) **Solid waste landfill fee.** Information obtained from the operator of a mixed municipal solid waste disposal facility under section 473.843 is classified under section 473.843, subdivision 4.

(f) **Metropolitan airport parking customers.** Data relating to applicants for or users of automated parking facilities at the Minneapolis-St. Paul International Airport are classified under section 473.674.

Sec. 6. Minnesota Statutes 2006, section 13.32, is amended by adding a subdivision to read:

Subd. 11. **Data sharing; improving instruction.** The following educational data may be shared between the Department of Education and the Minnesota Office of Higher Education as authorized by Code of Federal Regulations, title 34, section 99.31(a)(6), to analyze instruction in school districts for purposes of improvement:

(1) attendance data, including name of school or institution, school district, year or term of attendance, and term type;

(2) student demographic and enrollment data;

(3) academic performance and testing data; and

(4) special academic services received by a student.

Any analysis of or report on the data must contain only summary data.

Sec. 7. Minnesota Statutes 2006, section 13.355, is amended by adding a subdivision to read:

Subd. 3. **Prohibition on use of Social Security number on face of mailings.** A government entity must not:

(1) mail or deliver or cause to be mailed or delivered an item that displays a Social Security number on the outside of the item or in a manner where the Social Security number is visible without opening the item; or

(2) require or request a person to mail or deliver or cause to be mailed or delivered an item that displays a Social Security number on the outside of the item or in a manner where the Social Security number is visible without opening the item.

Sec. 8. Minnesota Statutes 2007 Supplement, section 13.39, subdivision 2, is amended to read:

Subd. 2. **Civil actions.** (a) Except as provided in paragraph (b), data collected by ~~state agencies, political subdivisions, or statewide systems~~ a government entity as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data pursuant to section 13.02, subdivision 13, in the case of data not on individuals and confidential pursuant to section 13.02, subdivision 3, in the case of data on individuals. Any ~~agency, political subdivision, or statewide system~~ government entity may make any data classified as confidential or protected nonpublic pursuant to this subdivision accessible to any person, agency or the public if the ~~agency, political subdivision, or statewide system~~ government entity determines that the access will aid the law enforcement process, promote public health or safety or dispel widespread rumor or unrest.

(b) A complainant has access to a statement provided by the complainant to a government entity under paragraph (a).

Sec. 9. Minnesota Statutes 2007 Supplement, section 13.39, subdivision 2a, is amended to read:

Subd. 2a. **Disclosure of data.** During the time when a civil legal action is determined to be pending under subdivision 1, any person may bring an action in the district court in the county where the data ~~is~~ are maintained to obtain disclosure of data classified as confidential or protected nonpublic under subdivision 2. The court may order that all or part of the data be released to the public or to the person bringing the action. In making the determination whether data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, the government entity, or any person identified in the data. The data in dispute shall be examined by the court in camera.

Sec. 10. Minnesota Statutes 2006, section 13.601, subdivision 3, is amended to read:

Subd. 3. **Applicants for election or appointment.** ~~The following data on all applicants for election or appointment to a public body, including those subject to chapter 13D, are public: name, city of residence, education and training, employment history, volunteer work, awards and honors, and prior government service or experience.~~

(a) Data about applicants for appointment to a public body collected by a government entity as a result of the applicant's application for appointment to the public body are private data on individuals except that the following are public:

(1) name;

(2) city of residence except when the appointment has a residency requirement that requires the entire address to be public;

(3) education and training;

(4) employment history;

(5) volunteer work;

(6) awards and honors;

(7) prior government service; and

(8) any data required to be provided or that is voluntarily provided in an application for appointment to a multimember agency pursuant to section 15.0597.

(b) Once an individual is appointed to a public body, the following additional items of data are public:

(1) residential address; and

(2) either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee.

(c) Notwithstanding paragraph (b), any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

Sec. 11. Minnesota Statutes 2006, section 13.6905, is amended by adding a subdivision to read:

Subd. 28a. **Use and storage of explosives.** Data related to the use and storage of explosives by individuals holding a permit are governed by sections 299F.28 and 299F.75, subdivision 4.

Sec. 12. Minnesota Statutes 2006, section 123B.03, subdivision 2, is amended to read:

Subd. 2. ~~Conditional hiring; discharge~~ **Effect of background check.** (a) A school hiring authority may hire an individual pending completion of a background check under subdivision 1 but shall notify the individual that the individual's employment may be terminated based on the result of the background check. A school hiring authority is not liable for failing to hire or for terminating an individual's employment based on the result of a background check under this section.

(b) An individual must be informed by the school hiring authority if the individual's application to be an employee or volunteer in the district has been denied as a result of a background check conducted under this section. The school hiring authority must also inform an individual who is a current employee or volunteer if the individual's employment or volunteer status in the district is being terminated as a result of a background check conducted under this section.

Sec. 13. Minnesota Statutes 2006, section 123B.03, subdivision 3, is amended to read:

Subd. 3. **Definitions.** For purposes of this section:

(a) "School" means a school as defined in section 120A.22, subdivision 4, except a home school, and includes a school receiving tribal contract or grant school aid under section 124D.83; school, for the purposes of this section, also means a service cooperative, a special education cooperative, or an education district under Minnesota Statutes 1997 Supplement, section 123.35, a charter school under section 124D.10, an intermediate school district under section 136D.01, and a joint powers district under section 471.59.

(b) "School hiring authority" means the school principal or other person having general control and supervision of the school.

(c) "Security violation" means failing to prevent or failing to institute safeguards to prevent the access, use, retention, or dissemination of information in violation of the security and management control outsourcing standard established by the state compact officer under section 299C.58, article I, paragraph (2), clause (B).

Sec. 14. Minnesota Statutes 2006, section 123B.03, is amended by adding a subdivision to read:

Subd. 4. **Third-party contractors; responsibility for criminal history record information.** (a) For purposes of this section, a school hiring authority may contract with an eligible third party to conduct the criminal history background check required under subdivision 1. Before entering into the contract, the school hiring authority must:

(1) provide the state compact officer with the name of the proposed third-party contractor and a copy of the proposed contract;

(2) determine from the state compact officer whether the proposed contractor has committed a security violation; and

(3) request and receive permission from the state compact officer to enter into the contract with the proposed contractor.

A third-party contractor that has committed a security violation is ineligible to participate under this section.

(b) The contract must specify the purposes for which the background check information may be made available and incorporate into the contract by reference the management control outsourcing standard referred to in subdivision 3, paragraph (c). A third-party contractor under this section is subject to section 13.05, subdivision 11.

(c) A school hiring authority must inform an individual who is the subject of a criminal history background check that the individual has the right to request and obtain from the school hiring authority a copy of the background check report. A school hiring authority may charge the individual for the actual cost of providing a copy of the report. An individual who is the subject of a criminal history background check has the right to challenge the accuracy and completeness of information contained in the background check report under section 13.04, subdivision 4.

Sec. 15. Minnesota Statutes 2006, section 260B.171, subdivision 5, is amended to read:

Subd. 5. **Peace officer records of children.** (a) Except for records relating to an offense where proceedings are public under section 260B.163, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 121A.28, (3) as

authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, (5) to the Minnesota crime victims reparations board as required by section 611A.56, subdivision 2, clause (f), for the purpose of processing claims for crime victims reparations, or (6) as otherwise provided in this subdivision. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169A.20. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 6, and 17. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary for law enforcement purposes.

(c) A photograph may be taken of a child taken into custody pursuant to section 260B.175, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes, case supervision by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 46, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not an adult court traffic offense under section 260B.225.

(e) The head of a law enforcement agency or a person specifically given the duty by the head of the law enforcement agency shall notify the superintendent or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:

(1) the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim; or

(2) the agency has probable cause to believe that the juvenile has committed an offense described in subdivision 3, paragraph (a), clauses (1) to (3), that would be a crime if committed by an adult, regardless of whether the victim is a student or staff member of the school.

A law enforcement agency is not required to notify the school under this paragraph if the agency determines that notice would jeopardize an ongoing investigation. For purposes of this paragraph, "school" means a public or private elementary, middle, secondary, or charter school.

(f) In any county in which the county attorney operates or authorizes the operation of a juvenile prepetition or pretrial diversion program, a law enforcement agency or county attorney's office may provide the juvenile diversion program with data concerning a juvenile who is a participant in or is being considered for participation in the program.

(g) Upon request of a local social services agency, peace officer records of children who are or may be delinquent or who may be engaged in criminal acts may be disseminated to the agency to promote the best interests of the subject of the data.

(h) Upon written request, the prosecuting authority shall release investigative data collected by a law enforcement agency to the victim of a criminal act or alleged criminal act or to the victim's legal representative, except as otherwise provided by this paragraph. Data shall not be released if:

- (1) the release to the individual subject of the data would be prohibited under section 13.821; or
- (2) the prosecuting authority reasonably believes:
 - (i) that the release of that data will interfere with the investigation; or
 - (ii) that the request is prompted by a desire on the part of the requester to engage in unlawful activities.

Sec. 16. Minnesota Statutes 2007 Supplement, section 268.19, subdivision 1, is amended to read:

Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered from any person under the administration of the Minnesota Unemployment Insurance Law are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except according to a district court order or section 13.05. A subpoena is not considered a district court order. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

- (1) state and federal agencies specifically authorized access to the data by state or federal law;
- (2) any agency of any other state or any federal agency charged with the administration of an unemployment insurance program;
- (3) any agency responsible for the maintenance of a system of public employment offices for the purpose of assisting individuals in obtaining employment;
- (4) the public authority responsible for child support in Minnesota or any other state in accordance with section 256.978;
- (5) human rights agencies within Minnesota that have enforcement powers;
- (6) the Department of Revenue to the extent necessary for its duties under Minnesota laws;
- (7) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;
- (8) the Department of Labor and Industry and the Division of Insurance Fraud Prevention in the Department of Commerce for uses consistent with the administration of their duties under Minnesota law;

(9) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department or to monitor and evaluate the statewide Minnesota family investment program by providing data on recipients and former recipients of food stamps or food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(10) local and state welfare agencies for the purpose of identifying employment, wages, and other information to assist in the collection of an overpayment debt in an assistance program;

(11) local, state, and federal law enforcement agencies for the purpose of ascertaining the last known address and employment location of an individual who is the subject of a criminal investigation;

(12) the United States Citizenship and Immigration Services has access to data on specific individuals and specific employers provided the specific individual or specific employer is the subject of an investigation by that agency;

(13) the Department of Health for the purposes of epidemiologic investigations; and

(14) the Department of Corrections for the purpose of preconfinement and postconfinement employment tracking of individuals who had been committed to the custody of the commissioner of corrections committed offenders for the purpose of case planning.

(b) Data on individuals and employers that are collected, maintained, or used by the department in an investigation under section 268.182 are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and must not be disclosed except under statute or district court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

(c) Data gathered by the department in the administration of the Minnesota unemployment insurance program must not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department.

EFFECTIVE DATE. This section is effective July 1, 2008.

Sec. 17. Minnesota Statutes 2006, section 299F.28, is amended to read:

299F.28 RECORDS ARE PUBLIC, EXCEPTIONS.

(a) All records on file in the state fire marshal's office shall be public, except: (1) any testimony, correspondence, or other matter taken in an investigation under the provisions of this chapter, which the state fire marshal may withhold from the public; and (2) any data collected on the locations of storage and use of explosives or blasting agents by individuals authorized under sections 299F.72 to 299F.831, which shall be classified as nonpublic data pursuant to section 13.02, subdivision 9.

(b) The state fire marshal may share nonpublic data related to the storage or use of explosives or blasting agents with law enforcement, and with employees of a government entity or utility, as defined in section 609.594, subdivision 1, whose job duties require access to a facility containing explosives or blasting agents. Any recipient of nonpublic data under this paragraph is prohibited from disclosing the data to anyone not directly involved in the work to be completed at the site where the explosives or blasting agents are stored or to be used.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 18. Minnesota Statutes 2006, section 299F.75, is amended by adding a subdivision to read:

Subd. 4. **Use of data.** (a) The portions of an application submitted under this section and any other data held by an issuing authority, local fire official, or law enforcement agency that indicate the applicant's place and time of intended use of explosives or blasting agents and place and means of storage of the explosives or blasting agents until such use shall be classified as nonpublic data pursuant to section 13.02, subdivision 9.

(b) Nonpublic data held pursuant to this section may be shared with other law enforcement, and with employees of a government entity or utility, as defined in section 609.594, subdivision 1, whose job duties require access to a facility containing explosives or blasting agents. Any recipient of nonpublic data under this paragraph is prohibited from disclosing the data to anyone not directly involved in the work to be completed at the site where the explosives or blasting agents are stored or to be used.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 19. **[332.70] BUSINESS SCREENING SERVICES; DATA PRACTICES.**

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

(a) "Business screening service" means a person regularly engaged in the business of collecting, assembling, evaluating, or disseminating criminal record information on individuals for a fee. Business screening service does not include a government entity, as defined in section 13.02, or the news media.

(b) "Conviction" has the meaning given in section 609.02, subdivision 5.

(c) "Criminal record" means a record of an arrest, citation, prosecution, criminal proceeding, or conviction.

Subd. 2. **Criminal records.** A business screening service must not disseminate a criminal record unless the record has been updated within the previous month.

Subd. 3. **Correction and deletion of records.** (a) If the completeness or accuracy of a criminal record maintained by a business screening service is disputed by the individual who is the subject of the record, the screening service shall, without charge, investigate the disputed record. In conducting an investigation, the business screening service shall review and consider all relevant information submitted by the subject of the record with respect to the disputed record.

(b) If the disputed record is found to be inaccurate or incomplete, the business screening service shall promptly correct the record. If the disputed record is found to be sealed, expunged, or the subject of a pardon, the business screening service shall promptly delete the record.

(c) A business screening service may terminate an investigation of a disputed record if the business screening agency reasonably determines that the dispute is frivolous, which may be based on the failure of the subject of the record to provide sufficient information to investigate the disputed record. Upon making a determination that the dispute is frivolous, the business screening service shall inform the subject of the record of the specific reasons why it has determined that the dispute is frivolous and provide a description of any information required to investigate the disputed record.

(d) The business screening service shall notify the subject of the disputed record of the correction or deletion of the record or of the termination or completion of the investigation related to the record within 30 days of the date when the agency receives notice of the dispute from the subject of the record.

Subd. 4. **Date and notice required.** A business screening service that disseminates a criminal record must include the date when the record was collected and a notice that the information may include records that have been expunged, sealed, or otherwise have become inaccessible to the public since that date.

Subd. 5. **Remedies; relationship to FCRA.** (a) A business screening service that violates this section is liable to the individual who is the subject of the record for a penalty of \$1,000 or actual damages caused by the violation, whichever is greater, plus costs and disbursements and reasonable attorney fees.

(b) A business screening service in compliance with the applicable provisions of the Fair Credit Reporting Act, United State Code, title 15, section 1681, et seq., is considered to be in compliance with this section. Those entities are subject to the state remedies under this subdivision when their actions would violate this section and federal law.

Subd. 6. **Service of process; jurisdiction.** A business screening service that disseminates criminal record information in this state or that obtains a criminal record from a government entity, as defined in section 13.02, or a court in this state is deemed to have consented to service of process in this state for purposes of section 5.25, subdivision 4, or other applicable law and to the jurisdiction of courts in this state for actions involving a violation of this section or for the recovery of remedies under this section.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 20. Minnesota Statutes 2006, section 383B.917, subdivision 1, is amended to read:

Subdivision 1. **Data Practices Act.** (a) The corporation is subject to chapter 13, the Minnesota Government Data Practices Act.

(b) "Competitive data," as defined in this subdivision, are nonpublic data pursuant to section 13.02, subdivision 9, or private data on individuals pursuant to section 13.02, subdivision 12. Competitive data are any type of data that the corporation, in its discretion, determines that if disclosed could cause competitive disadvantage to the corporation, including causing adverse effects on the current or future competitive position of the corporation or the entities, facilities, and operations for which it is responsible. Data discussed at an open meeting of the corporation retains the data's original classification, including classification as competitive data, as provided in section 13D.05, subdivision 1, paragraph (c). Any data disseminated by the corporation to the county shall retain the same classification in the hands of the county, including the classification as competitive data, as provided in section 13.03, subdivision 4.

(c) A subsidiary, joint venture, association, partnership, or other entity that is formed by the corporation is not subject to chapter 13, except that if the corporation enters into a contract with such an entity to perform any functions of the corporation, the corporation shall include in the contract terms that make it clear that data created, collected, received, stored, used, maintained, or disseminated by the contracting entity in performing those functions is subject to the same requirements under chapter 13 as the corporation under this subdivision. However, this section does not create a duty on the part of the contracting entity to provide access to public data to the public if the public data are available from the corporation, except as required by the terms of the contract. Any entity contracting to perform functions of the corporation may classify data as competitive data as defined in paragraph (b).

(d) Notwithstanding section 13.384, the corporation, a nonprofit corporation providing physician services to the corporation and participating in an electronic exchange of health records with the corporation, and other persons under contract with Hennepin County who participate in the electronic exchange, may share medical data for purposes of treatment, payment, or health care operations. The nonprofit corporation and other participants in the

electronic exchange are considered to be related health care entities solely for purposes of section 144.293, subdivision 5, clause (2), and are not outside of the corporation's facility for purposes of section 144.651, subdivision 16. This paragraph does not otherwise limit the provisions of sections 144.291 to 144.298.

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

Sec. 21. **[473.674] AIRPORT PARKING SPACE CUSTOMER DATA.**

The following data relating to applicants for or users of automated parking facilities at the Minneapolis-St. Paul International Airport are classified as nonpublic data with regard to data not on individuals and as private data with regard to data on individuals: (1) data contained in applications for an electronic tag or device that provides access to airport parking facilities and which assesses charges for a vehicle's use of those facilities; (2) personal and vehicle information data; (3) financial and credit data; and (4) parking usage data. Nothing in this section prohibits the production of summary data as defined in section 13.02, subdivision 19.

Sec. 22. Minnesota Statutes 2006, section 518.10, is amended to read:

518.10 REQUISITES OF PETITION.

Subdivision 1. **Petition.** The petition for dissolution of marriage or legal separation shall state and allege:

(a) ~~the name, and address, and, in circumstances in which child support or spousal maintenance will be addressed, Social Security number~~ of the petitioner and any prior or other name used by the petitioner;

(b) ~~the name and, if known, the address and, in circumstances in which child support or spousal maintenance will be addressed, Social Security number~~ of the respondent and any prior or other name used by the respondent and known to the petitioner;

(c) the place and date of the marriage of the parties;

(d) in the case of a petition for dissolution, that either the petitioner or the respondent or both:

(1) has resided in this state for not less than 180 days immediately preceding the commencement of the proceeding, or

(2) has been a member of the armed services and has been stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, or

(3) has been a domiciliary of this state for not less than 180 days immediately preceding the commencement of the proceeding;

(e) the name at the time of the petition and any prior or other name, Social Security number, age, and date of birth of each living minor or dependent child of the parties born before the marriage or born or adopted during the marriage and a reference to, and the expected date of birth of, a child of the parties conceived during the marriage but not born;

(f) whether or not a separate proceeding for dissolution, legal separation, or custody is pending in a court in this state or elsewhere;

(g) in the case of a petition for dissolution, that there has been an irretrievable breakdown of the marriage relationship;

(h) in the case of a petition for legal separation, that there is a need for a decree of legal separation;

(i) any temporary or permanent maintenance, child support, child custody, disposition of property, attorneys' fees, costs and disbursements applied for without setting forth the amounts; and

(j) whether an order for protection under chapter 518B or a similar law of another state that governs the parties or a party and a minor child of the parties is in effect and, if so, the district court or similar jurisdiction in which it was entered.

The petition shall be verified by the petitioner or petitioners, and its allegations established by competent evidence.

Subd. 2. **Social Security number document.** In proceedings where child support or spousal maintenance issues will be addressed, the petition under subdivision 1 must be accompanied by a separate document that contains the Social Security numbers of the petitioner and the respondent. The Social Security number document must be maintained in a portion of the court file or records that are not accessible to the general public."

Delete the title and insert:

"A bill for an act relating to data practices; classifying data; requiring protection from disclosure of data; making technical changes; increasing liability limits for damages; authorizing data sharing; regulating Social Security data; requiring notification of denial based upon background check; defining terms; regulating contracts with criminal history background check contractors; regulating data related to explosives or blasting agents; regulating practices of business screening services; authorizing electronic exchange of certain data; amending Minnesota Statutes 2006, sections 6.715, by adding a subdivision; 13.03, subdivision 3; 13.08, subdivision 1; 13.202, subdivision 11; 13.32, by adding a subdivision; 13.355, by adding a subdivision; 13.601, subdivision 3; 13.6905, by adding a subdivision; 123B.03, subdivisions 2, 3, by adding a subdivision; 260B.171, subdivision 5; 299F.28; 299F.75, by adding a subdivision; 383B.917, subdivision 1; 518.10; Minnesota Statutes 2007 Supplement, sections 13.08, subdivision 4; 13.39, subdivisions 2, 2a; 268.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 332; 473."

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

Senate Conferees: MARY A. OLSON, MEE MOUA, DON BETZOLD, LINDA SCHEID AND WARREN LIMMER.

House Conferees: STEVE SIMON, JOHN LESCH, LEON LILLIE, MELISSA HORTMAN AND CHRIS DELAFORREST.

Simon moved that the report of the Conference Committee on S. F. No. 3235 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3235, A bill for an act relating to data practices; classifying data and authorizing data sharing; making technical changes; regulating practices of business screening services; providing for civil penalties and remedies; amending Minnesota Statutes 2006, sections 6.715, by adding a subdivision; 13.03, subdivision 3; 13.32, by adding a subdivision; 123B.03, subdivisions 2, 3, by adding a subdivision; 260B.171, subdivision 5; 518.10; Minnesota Statutes 2007 Supplement, section 13.39, subdivisions 2, 2a; proposing coding for new law in Minnesota Statutes, chapter 332.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Heidgerken	Liebling	Otremba	Smith
Anderson, B.	Dittrich	Hilstrom	Lieder	Ozment	Solberg
Anderson, S.	Dominguez	Hilty	Lillie	Paulsen	Swails
Anzelc	Doty	Holberg	Loeffler	Paymar	Thao
Atkins	Drazkowski	Hoppe	Madore	Pelowski	Thissen
Beard	Eastlund	Hornstein	Magnus	Peppin	Tillberry
Benson	Eken	Hortman	Mahoney	Peterson, A.	Tingelstad
Berns	Emmer	Hosch	Mariani	Peterson, N.	Tschumper
Bigham	Erhardt	Howes	Marquart	Peterson, S.	Urdahl
Bly	Erickson	Huntley	Masin	Poppe	Wagenius
Brod	Faust	Jaros	McFarlane	Rukavina	Walker
Brown	Finstad	Johnson	McNamara	Ruth	Ward
Brynaert	Fritz	Juhnke	Moe	Ruud	Wardlow
Buesgens	Gardner	Kahn	Morgan	Sailer	Welti
Bunn	Garofalo	Kalin	Morrow	Scalze	Westrom
Carlson	Gottwalt	Knuth	Mullery	Seifert	Winkler
Clark	Greiling	Koenen	Murphy, E.	Sertich	Wollschlager
Cornish	Gunther	Kohls	Murphy, M.	Severson	Zellers
Davnie	Hackbarth	Kranz	Nelson	Shimanski	Spk. Kelliher
Dean	Hamilton	Laine	Nornes	Simon	
DeLaForest	Hansen	Lanning	Norton	Simpson	
Demmer	Hausman	Lenczewski	Olin	Slawik	
Dettmer	Haws	Lesch	Olson	Slocum	

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

Madam Speaker:

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

S. F. No. 3492.

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.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3492

A bill for an act relating to public safety; extending the duration of orders for protection and restraining orders after multiple violations or continued threats; amending Minnesota Statutes 2006, sections 518B.01, subdivisions 6, 6a, 11, 18; 609.748, subdivisions 3, 5, 8.

April 30, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3492 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: TARRYL L. CLARK, MARY A. OLSON AND BILL G. INGEBRIGTSEN.

House Conferees: LARRY HOSCH, LARRY HAWS AND BUD HEIDGERKEN.

Hosch moved that the report of the Conference Committee on S. F. No. 3492 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3492, A bill for an act relating to public safety; extending the duration of orders for protection and restraining orders after multiple violations or continued threats; amending Minnesota Statutes 2006, sections 518B.01, subdivisions 6, 6a, 11, 18; 609.748, subdivisions 3, 5, 8.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Finstad	Hornstein	Lesch	Murphy, E.
Anderson, B.	Davnie	Fritz	Hortman	Liebling	Murphy, M.
Anderson, S.	Dean	Gardner	Hosch	Lieder	Nelson
Anzelc	DeLaForest	Garofalo	Howes	Lillie	Nornes
Atkins	Demmer	Gottwalt	Huntley	Loeffler	Norton
Beard	Dettmer	Greiling	Jaros	Madore	Olin
Benson	Dill	Gunther	Johnson	Magnus	Olson
Berns	Dittrich	Hackbarth	Juhnke	Mahoney	Otremba
Bigham	Dominguez	Hamilton	Kahn	Mariani	Ozment
Bly	Doty	Hansen	Kalin	Marquart	Paulsen
Brod	Drazkowski	Hausman	Knuth	Masin	Paymar
Brown	Eastlund	Haws	Koenen	McFarlane	Pelowski
Brynaert	Eken	Heidgerken	Kohls	McNamara	Peppin
Buesgens	Emmer	Hilstrom	Kranz	Moe	Peterson, A.
Bunn	Erhardt	Hilty	Laine	Morgan	Peterson, N.
Carlson	Erickson	Holberg	Lanning	Morrow	Peterson, S.
Clark	Faust	Hoppe	Lenczewski	Mullery	Poppe

Rukavina	Sertich	Slocum	Tillberry	Ward	Zellers
Ruth	Severson	Smith	Tingelstad	Wardlow	Spk. Kelliher
Ruud	Shimanski	Solberg	Tschumper	Welti	
Sailer	Simon	Swails	Urdahl	Westrom	
Scalze	Simpson	Thao	Wagenius	Winkler	
Seifert	Slawik	Thissen	Walker	Wollschlager	

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

Madam Speaker:

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

S. F. No. 3563.

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.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3563

A bill for an act relating to human services; making changes to continuing care provisions; clarifying licensing fines; clarifying senior nutrition appropriations; amending local certification requirements; amending Minnesota Statutes 2007 Supplement, sections 245A.07, subdivision 3; 256B.49, subdivision 16a; Laws 2007, chapter 147, article 19, section 3, subdivision 8.

April 30, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3563 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. 3563 be further amended as follows:

Page 15, after line 16, insert:

"Sec. 4. **REPORT ON STAFFING CRITERIA.**

The commissioner of human services in consultation with the commissioner of health, as well as consumers, nursing facility providers, and nursing facility employees, shall: (1) review the definitions of nursing facility direct care staff in Minnesota Statutes, Minnesota Rules, and agency bulletins; (2) determine how to standardize definitions to allow the public to compare direct care staffing across facilities; and (3) examine how new and emerging staff

positions and titles, including but not limited to "resident assistant," should be incorporated over time into direct care staffing. The commissioner shall report recommendations to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health and human services by January 15, 2009."

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

Senate Conferees: SHARON L. ERICKSON ROPES, MICHELLE L. FISCHBACH AND MARY A. OLSON.

House Conferees: KIM NORTON, PATTI FRITZ AND ROD HAMILTON.

Norton moved that the report of the Conference Committee on S. F. No. 3563 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3563, A bill for an act relating to human services; making changes to continuing care provisions; clarifying licensing fines; clarifying senior nutrition appropriations; amending local certification requirements; amending Minnesota Statutes 2007 Supplement, sections 245A.07, subdivision 3; 256B.49, subdivision 16a; Laws 2007, chapter 147, article 19, section 3, subdivision 8.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Heidgerken	Liebling	Otremba	Smith
Anderson, B.	Dittrich	Hilstrom	Lieder	Ozment	Solberg
Anderson, S.	Dominguez	Hilty	Lillie	Paulsen	Swails
Anzelc	Doty	Holberg	Loeffler	Paymar	Thao
Atkins	Drazkowski	Hoppe	Madore	Pelowski	Thissen
Beard	Eastlund	Hornstein	Magnus	Peppin	Tillberry
Benson	Eken	Hortman	Mahoney	Peterson, A.	Tingelstad
Berns	Emmer	Hosch	Mariani	Peterson, N.	Tschumper
Bigham	Erhardt	Howes	Marquart	Peterson, S.	Urdahl
Bly	Erickson	Huntley	Masin	Poppe	Wagenius
Brod	Faust	Jaros	McFarlane	Rukavina	Walker
Brown	Finstad	Johnson	McNamara	Ruth	Ward
Brynaert	Fritz	Juhnke	Moe	Ruud	Wardlow
Buesgens	Gardner	Kahn	Morgan	Sailer	Welti
Bunn	Garofalo	Kalin	Morrow	Scalze	Westrom
Carlson	Gottwalt	Knuth	Mullery	Seifert	Winkler
Clark	Greiling	Koenen	Murphy, E.	Sertich	Wollschlager
Cornish	Gunther	Kohls	Murphy, M.	Severson	Zellers
Davnie	Hackbarth	Kranz	Nelson	Shimanski	Spk. Kelliher
Dean	Hamilton	Laine	Nornes	Simon	
DeLaForest	Hansen	Lanning	Norton	Simpson	
Demmer	Hausman	Lenczewski	Olin	Slawik	
Dettmer	Haws	Lesch	Olson	Slocum	

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

Madam Speaker:

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

S. F. No. 3669.

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.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3669

A bill for an act relating to transportation; requiring report on mitigating effects of transportation construction projects on small businesses.

May 6, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3669 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. 3669 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **REPORT ON MITIGATION OF TRANSPORTATION CONSTRUCTION IMPACTS.**

(a) The commissioner of transportation shall submit a report to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation policy and finance and over economic development policy and finance that proposes a plan targeted at small businesses as defined in Minnesota Statutes, section 645.445, subdivision 2, that are impacted by transportation construction projects.

(b) The report must include, but not be limited to:

(1) identification of methods and techniques for informing small businesses about upcoming transportation construction projects;

(2) a description of components of an information packet for businesses, which includes:

(i) the nature, extent, and timing of planned construction, including anticipated changes in parking, traffic, and public access in the area;

(ii) identification of a contact within the appropriate road authority that can provide information about construction progress and timing; and

(iii) a listing of area business development organizations that can assist businesses with financing, marketing, and technical counseling during the construction period;

(3) recommendations for opportunities and possible legislation to further assist small businesses impacted by transportation construction projects, including a process for consultation, before a transportation construction project begins, between the commissioner and local units of government to deal with parking, traffic, and access concerns of small businesses that will be impacted by the project; and

(4) the cost of implementing the program described in the report.

(c) In preparing the report, the commissioner shall consult with the commissioner of employment and economic development, the Metropolitan Council, counties, cities, and community organizations, including a metropolitan consortium of community developers and local chambers of commerce.

(d) The commissioner of transportation shall submit the report no later than February 15, 2009."

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

Senate Conferees: PATRICIA TORRES RAY, MEE MOUA AND MICHAEL J. JUNGBAUER.

House Conferees: SHELLEY MADORE, KEN TSCHUMPER AND BUD HEIDGERKEN.

Madore moved that the report of the Conference Committee on S. F. No. 3669 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3669, A bill for an act relating to transportation; requiring report on mitigating effects of transportation construction projects on small businesses.

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 19 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Garofalo	Hosch	Lesch	Morrow
Anderson, S.	Davnie	Gottwalt	Howes	Liebling	Mullery
Anzelc	Demmer	Greiling	Huntley	Lieder	Murphy, E.
Atkins	Dill	Gunther	Jaros	Lillie	Murphy, M.
Benson	Dittrich	Hamilton	Johnson	Loeffler	Nelson
Berns	Dominguez	Hansen	Juhnke	Madore	Nornes
Bigham	Doty	Hausman	Kahn	Mahoney	Norton
Bly	Eastlund	Haws	Kalin	Mariani	Olin
Brod	Eken	Heidgerken	Knuth	Marquart	Otremba
Brown	Erhardt	Hilstrom	Koenen	Masin	Ozment
Brynaert	Erickson	Hilty	Kranz	McFarlane	Paulsen
Bunn	Faust	Hoppe	Laine	McNamara	Paymar
Carlson	Fritz	Hornstein	Lanning	Moe	Pelowski
Clark	Gardner	Hortman	Lenczewski	Morgan	Peterson, A.

Peterson, N.	Sailer	Slocum	Tillberry	Ward	Spk. Kelliher
Peterson, S.	Scalze	Smith	Tingelstad	Wardlow	
Poppe	Seifert	Solberg	Tschumper	Welti	
Rukavina	Sertich	Swails	Urdahl	Westrom	
Ruth	Simon	Thao	Wagenius	Winkler	
Ruud	Slawik	Thissen	Walker	Wollschlager	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Finstad	Magnus	Shimanski
Beard	Dettmer	Hackbarth	Olson	Simpson
Buesgens	Drazkowski	Holberg	Peppin	Zellers
Dean	Emmer	Kohls	Severson	

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

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3800

A bill for an act relating to transportation; modifying or adding provisions relating to highways, motor vehicles, traffic regulations, drivers' licenses and records, transit, railroads, motor carriers, and other transportation-related programs or activities; imposing penalties; requiring reports; making technical and clarifying corrections; amending Minnesota Statutes 2006, sections 86B.825, subdivision 5; 123B.88, subdivision 3; 161.081, subdivision 3, as amended, by adding subdivisions; 168.011, subdivision 7; 168.012, subdivision 1; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.185; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.01, subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by adding a subdivision; 169.224; 169.67, subdivision 3; 169.781, subdivisions 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, by adding a subdivision; 169A.03, subdivision 23; 171.01, subdivisions 35, 46; 171.02, by adding a subdivision; 171.03; 171.055, subdivisions 1, 2; 171.0701; 171.12, subdivision 6; 171.13, by adding a subdivision; 171.165, subdivision 2; 171.321, subdivision 1; 174.02, subdivision 2; 174.03, subdivision 1; 174.24, by adding a subdivision; 221.011, by adding a subdivision; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 221.121, subdivisions 1, 6a; 221.151, subdivision 1; 299D.03, subdivision 1; 299D.06; 473.1465, by adding a subdivision; 473.388, subdivision 2; 473.399, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 168.017, subdivision 3; 169.443, subdivision 9; 171.02, subdivision 2; Laws 2002, chapter 393, section 85; Laws 2008, chapter 152, article 2, sections 1; 3, subdivision 2; article 3, sections 6; 8; article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 123B; 169; 171; 174; 219; repealing Minnesota Statutes 2006, sections 168B.087, subdivision 2; 169.145; 221.121, subdivision 4.

May 7, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3800 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 3800 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSPORTATION POLICY

Section 1. Minnesota Statutes 2006, section 86B.825, subdivision 5, is amended to read:

Subd. 5. **No legal title without certificate.** A person acquiring a watercraft, required to have a certificate of title under this section, through a sale or gift does not acquire a right, title, claim, or interest in the watercraft until the person has been issued a certificate of title to the watercraft or has received a manufacturer's or importer's certificate. A waiver or estoppel does not operate in favor of that person against another person who has obtained possession of the certificate of title or manufacturer's or importer's certificate for the watercraft for valuable consideration.

Sec. 2. Minnesota Statutes 2006, section 162.02, is amended by adding a subdivision to read:

Subd. 3b. **Insurance standards.** When reviewing data and information for the development of safety improvements for trunk highways and state-aid projects, the commissioner of transportation may consider, among other things, the Insurance Institute for Highway Safety's findings in addition to standards contained in Department of Transportation manuals, American Association of State Highway and Transportation Officials manual on design of highways and streets, and other applicable federal publications.

Sec. 3. Minnesota Statutes 2006, section 163.051, subdivision 1, is amended to read:

Subdivision 1. **Tax authorized.** (a) Except as provided in paragraph (b), the board of commissioners of each metropolitan county is authorized to levy a wheelage tax of \$5 for the year 1972 and each subsequent year thereafter by resolution on each motor vehicle, ~~except motoreycles as defined in section 169.01, subdivision 4, which that~~ is kept in such county when not in operation and ~~which that~~ is subject to annual registration and taxation under chapter 168. The board may provide by resolution for collection of the wheelage tax by county officials or it may request that the tax be collected by the state registrar of motor vehicles, and the state registrar of motor vehicles shall collect such tax on behalf of the county if requested, as provided in subdivision 2.

(b) The following vehicles are exempt from the wheelage tax:

(1) motorcycles, as defined in section 169.01, subdivision 4;

(2) motorized bicycles, as defined in section 169.01, subdivision 4a;

(3) electric-assisted bicycles, as defined in section 169.01, subdivision 4b; and

(4) motorized foot scooters, as defined in section 169.01, subdivision 4c.

Sec. 4. Minnesota Statutes 2006, section 168.011, subdivision 7, is amended to read:

Subd. 7. **Passenger automobile.** (a) "Passenger automobile" means any motor vehicle designed and used for carrying not more than 15 individuals, including the driver.

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

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

(1) pickup trucks and vans, including those vans designed to carry passengers, with a manufacturer's nominal rated carrying capacity of one ton a vehicle that is: (i) a pickup truck or a van; (ii) not used in furtherance of a commercial enterprise; and (iii) not subject to state or federal regulation as a commercial motor vehicle; and

(2) neighborhood electric vehicles, as defined in section 169.01, subdivision 91; and

(3) medium-speed electric vehicles, as defined in section 169.01, subdivision 94.

EFFECTIVE DATE. Paragraph (b) and paragraph (c), clause (1), are effective the day following final enactment and apply to any additional tax for a registration period that starts on or after March 1, 2011.

Sec. 5. Minnesota Statutes 2006, section 168.011, subdivision 22, is amended to read:

Subd. 22. **Special mobile equipment.** (a) "Special mobile equipment" means every vehicle not designed or used ~~primarily~~ for the transportation of persons or property and only incidentally operated or moved over a highway, including except vehicles described in paragraph (b). Special mobile equipment includes, but is not limited to: ditch-digging apparatuses, ~~moving dollies,~~ pump hoists and other water well-drilling equipment registered and licensed under chapter 103I, ~~street sweeping vehicles, and other road construction or road maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, aggregate processing and conveying equipment, truck-mounted log loaders, earth moving carryalls, scrapers, power shovels, draglines, self propelled cranes, and earth moving equipment that are used exclusively for commercial logging, and self-propelled cranes. The term~~

(b) "Special mobile equipment" does not include ~~travel trailers;~~ (1) machinery that has been temporarily or permanently mounted on a commercial motor vehicle chassis that is used only to provide a service and is not able to haul goods for resale; or (2) dump trucks, truck-mounted transit mixers, truck-mounted feed grinders, or other motor vehicles designed for the transportation of persons or property to which machinery has been attached.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to any additional tax for a registration period that starts on or after March 1, 2009.

Sec. 6. Minnesota Statutes 2006, section 168.012, subdivision 1, is amended to read:

Subdivision 1. **Vehicles exempt from tax, fees, or plate display.** (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

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

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

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

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

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

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

~~(6)~~ (7) vehicles owned by a commercial driving school licensed under section 171.34, or an employee of a commercial driving school licensed under section 171.34, and the vehicle is used exclusively for driver education and training.

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

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

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

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

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

(g) Each state hospital and institution for persons who are mentally ill and developmentally disabled may have one vehicle without the required identification on the sides of the vehicle. The vehicle must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a

certification signed by the hospital administrator. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the state hospital or institution.

(h) Each county social service agency may have vehicles used for child and vulnerable adult protective services without the required identification on the sides of the vehicle. The vehicles must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the agency administrator. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the social service agency.

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

Sec. 7. Minnesota Statutes 2006, section 168.012, is amended by adding a subdivision to read:

Subd. 2c. **Spotter trucks.** Spotter trucks, as defined in section 169.01, subdivision 7a, shall not be taxed as motor vehicles using the public streets and highways, and shall be exempt from the provisions of this chapter.

EFFECTIVE DATE. This section is effective the day following final enactment and expires June 30, 2013.

Sec. 8. Minnesota Statutes 2006, section 168.013, is amended by adding a subdivision to read:

Subd. 11. **Concrete pumps and street-sweeping vehicles.** The tax on vehicle-mounted concrete pumps and street-sweeping vehicles that are not registered under section 168.187 is 15 percent of the Minnesota base rate schedule. Vehicles registered under this subdivision must display plates from a distinctive series.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to any additional tax for a registration period that starts on or after March 1, 2009.

Sec. 9. Minnesota Statutes 2006, section 168.021, subdivision 1, is amended to read:

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

(b) The commissioner shall not issue more than one set of plates to any owner of a motor vehicle at the same time unless ~~all motor vehicles have been specifically modified for and are used exclusively by a permanently physically disabled person~~ the state council on disability approves the issuance of a second set of plates to a motor vehicle owner.

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

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

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

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

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

Sec. 10. Minnesota Statutes 2006, section 168.021, subdivision 2, is amended to read:

Subd. 2. **Plate design; furnished by commissioner.** The commissioner shall design and furnish two disability plates with attached emblems to ~~each~~ an eligible owner. The emblem must bear the internationally accepted wheelchair symbol, as designated in section 16B.61, subdivision 5, approximately three inches square. The emblem must be large enough to be visible plainly from a distance of 50 feet. An applicant eligible for disability plates shall pay the motor vehicle registration fee authorized by sections 168.013 and 168.09.

Sec. 11. Minnesota Statutes 2006, section 168.09, subdivision 7, is amended to read:

Subd. 7. **Display of temporary permit; special plates.** (a) A vehicle that displays a ~~special Minnesota plate issued under section 168.021; 168.12, subdivision 2, 2a, 2b, 2c, or 2d; 168.123; 168.124; 168.125; 168.126; 168.128; or 168.129, chapter 168~~ may display a temporary permit in conjunction with expired registration if:

(1) the current registration tax and all other fees and taxes have been paid in full; and

(2) the plate ~~requires replacement under section 168.12, subdivision 1, paragraph (d), clause (3)~~ has been applied for.

(b) A vehicle ~~that is registered under section 168.10~~ may display a temporary permit in conjunction with expired registration, with or without a registration plate, if:

(1) the plates have been applied for ~~and~~;

(2) the registration tax has and other fees and taxes have been paid in full, as provided for in section 168.10; and

~~(2) (3) either~~ the vehicle is used solely as a collector vehicle while displaying the temporary permit and not used for general transportation purposes or the vehicle was issued a 21-day permit under section 168.092, subdivision 1.

(c) The permit is valid for a period of 60 days. The permit must be in a format prescribed by the commissioner and whenever practicable must be posted upon the driver's side of the rear window on the inside of the vehicle. The permit is valid only for the vehicle for which it was issued to allow a reasonable time for the new plates to be manufactured and delivered to the applicant. The permit may be issued only by the commissioner or by a deputy registrar under section 168.33.

Sec. 12. **[168.1295] MINNESOTA SESQUICENTENNIAL SPECIAL PLATES.**

Subdivision 1. **Issuance and design.** Notwithstanding section 168.1293, the commissioner shall issue Minnesota sesquicentennial plates or one motorcycle plate to an applicant who:

(1) is a registered owner of a passenger automobile, one-ton pickup truck, motorcycle, or recreational vehicle;

(2) pays a fee of \$10 for each set of license plates;

(3) contributes a minimum of \$25 to the Minnesota Sesquicentennial Commission; and

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

Subd. 2. **Novelty plates.** Notwithstanding subdivision 1, the commissioner may issue distinctive Minnesota Sesquicentennial novelty plates for a fee of \$5 for each plate, and a minimum contribution of \$25 to the Minnesota Sesquicentennial Commission.

Subd. 3. **Design.** After consultation with the Minnesota Sesquicentennial Commission, the commissioner shall design the special plate.

Subd. 4. **Plates transfer.** On payment of a transfer fee of \$5, plates issued under subdivision 1 may be transferred to another passenger automobile, one-ton pickup truck, motorcycle, or recreational vehicle registered to the individual to whom the special plates were issued.

Subd. 5. **Fees.** Fees collected under subdivision 1, clause (2), or under subdivision 2, are credited to the vehicle services operating account in the special revenue fund.

Subd. 6. **Contributions.** Contributions collected under subdivision 1, clause (3), or under subdivision 2, are credited to the sesquicentennial account, which is established in the special revenue fund. Money in the account is appropriated to the Minnesota Sesquicentennial Commission to be used in performance of the commission's powers and duties. After the commission expires, money in the account is appropriated to the Capitol Area Architectural and Planning Board for restoration and renovation of the Capitol Building.

EFFECTIVE DATE. This section is effective the day following final enactment and expires for issuance of plates after June 30, 2011.

Sec. 13. Minnesota Statutes 2006, section 168.185, is amended to read:

168.185 USDOT NUMBERS.

(a) Except as provided in paragraph (d), an owner of a truck or truck-tractor having a gross vehicle weight of more than 10,000 pounds, as defined in section 169.01, subdivision 46, ~~other than a farm truck that is not used in interstate commerce,~~ shall report to the ~~registrar~~ commissioner at the time of registration its USDOT carrier number. A person subject to this paragraph who does not have a USDOT number shall apply for the number at the time of

registration by completing a form MCS-150 Motor Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration, or comparable document as determined by the registrar commissioner. The registrar commissioner shall not assign a USDOT carrier number to a vehicle owner who is not subject to this paragraph.

(b) Assigned USDOT numbers need not be displayed on the outside of the vehicle, but must be made available upon request of an authorized agent of the registrar commissioner, peace officer, other employees of the State Patrol authorized in chapter 299D, or employees of the Minnesota Department of Transportation. The vehicle owner shall notify the registrar commissioner if there is a change to the owner's USDOT number.

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

~~(d) Until October 1, 2003, paragraphs (a) to (c) do not apply to an agricultural fertilizer or agricultural chemical retailer while exclusively engaged in delivering fertilizer or agricultural chemicals to a farmer for on farm use. This section does not apply to (1) a farm truck that is not used in interstate commerce, (2) a vehicle that is not used in intrastate commerce or interstate commerce, or (3) a vehicle that is owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision.~~

Sec. 14. Minnesota Statutes 2006, section 168.28, is amended to read:

168.28 VEHICLES SUBJECT TO TAX; EXCEPTIONS.

Every motor vehicle (except those exempted in section 168.012, and except those which are being towed upon the streets and highways and which shall not be deemed to be using the streets and highways within the meaning of this section) shall be deemed to be one using the public streets and highways and hence as such subject to taxation under this chapter if such motor vehicle has since April 23, 1921, used such public streets or highways, or shall actually use them, or if it shall come into the possession of an owner other than as a manufacturer, dealer, warehouse operator, mortgagee or pledgee. New and unused motor vehicles in the possession of a dealer solely for the purpose of sale, and used ~~or secondhand~~ motor vehicles which have not theretofore used the public streets or highways of this state which are in the possession of a dealer solely for the purpose of sale and which are duly listed as herein provided, shall not be deemed to be vehicles using the public streets or highways. The driving or operating of a motor vehicle upon the public streets or highways of this state by a motor vehicle dealer or any employee of such motor vehicle dealer for demonstration purposes or for any purpose incident to the usual and customary conduct and operation of the business in which licensed under section 168.27 to engage, or solely for the purpose of moving it from points outside or within the state to the place of business or storage of a licensed dealer within the state or solely for the purpose of moving it from the place of business of a manufacturer, or licensed dealer within the state to the place of business or residence of a purchaser outside the state, shall not be deemed to be using the public streets or highways in the state within the meaning of this chapter or of the Constitution of the state of Minnesota, article XIV, and shall not be held to make the motor vehicle subject to taxation under this chapter as one using the public streets or highways, if during such driving or moving the dealer's plates herein provided for shall be duly displayed upon such vehicle. Any dealer or distributor may register a motor vehicle prior to its assessment or taxation as personal property, and pay the license fee and tax thereon for the full calendar year as one using the public streets and highways, and thereafter such vehicle shall be deemed to be one using the public streets and highways and shall not be subject to assessment or taxation as personal property during the calendar year for which it is so registered, whether or not such vehicle shall actually have used the streets or highways. Special mobile equipment is subject to a penalty equal to the tax due under this chapter for the full registration year if it is used to transport persons or property at any time using the public streets.

Sec. 15. Minnesota Statutes 2006, section 168A.01, subdivision 21, is amended to read:

Subd. 21. **Special mobile equipment.** ~~"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatuses, well boring apparatuses, moving dollies, sawing machines, corn shellers, and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and draglines, and self propelled cranes and earth moving equipment. The term does not include travel trailers, dump trucks, truck mounted transit mixers, truck mounted feed grinders, or other vehicles designed for the transportation of persons or property to which machinery has been attached~~ has the meaning given it in section 168.011.

Sec. 16. Minnesota Statutes 2006, section 168A.03, subdivision 1, is amended to read:

Subdivision 1. **No certificate issued.** The registrar shall not issue a certificate of title for:

- (1) a vehicle owned by the United States;
- (2) a vehicle owned by a nonresident and not required by law to be registered in this state;
- (3) a vehicle owned by a nonresident and regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;
- (4) a vehicle moved solely by animal power;
- (5) an implement of husbandry;
- (6) special mobile equipment;
- (7) a self-propelled wheelchair or invalid tricycle;
- (8) a trailer (i) having a gross weight of 4,000 pounds or less unless a secured party holds an interest in the trailer or a certificate of title was previously issued by this state or any other state or (ii) designed primarily for agricultural purposes except a recreational vehicle or a manufactured home, both as defined in section 168.011, subdivisions 8 and 25;
- (9) a snowmobile-; and
- (10) a spotter truck, as defined in section 169.01, subdivision 7a.

EFFECTIVE DATE. This section is effective the day following final enactment and expires June 30, 2013.

Sec. 17. Minnesota Statutes 2006, section 168A.05, subdivision 9, is amended to read:

Subd. 9. **Neighborhood electric vehicle and medium-speed electric vehicles; certificate required.** ~~Neighborhood electric vehicles and medium-speed electric vehicles,~~ as defined in section 169.01, ~~subdivision subdivisions 91 and 94,~~ must be titled as specified in section 168A.02. The department shall not issue a title for a neighborhood electric vehicle or a medium-speed electric vehicle (1) that lacks a vehicle identification number, and (2) for which a manufacturer's certificate of origin clearly labeling the vehicle as a neighborhood electric vehicle or similar designation has not been issued. The department shall not issue a vehicle identification number to a homemade neighborhood electric or low-speed vehicle or retrofitted golf cart, and such vehicles do not qualify as neighborhood electric vehicles.

Sec. 18. Minnesota Statutes 2006, section 168B.051, subdivision 2, is amended to read:

Subd. 2. **Sale after 45 days or title transfer.** ~~An~~ (a) If an unauthorized vehicle is impounded, other than by the city of Minneapolis or the city of St. Paul, the impounded vehicle is eligible for disposal or sale under section 168B.08, the earlier of:

(1) 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle that was not impounded by the city of Minneapolis or the city of St. Paul; or

(2) the date of a voluntary written title transfer by the registered owner to the impound lot operator.

(b) A voluntary written title transfer constitutes a waiver by the registered owner of any right, title, and interest in the vehicle.

Sec. 19. Minnesota Statutes 2006, section 168B.06, subdivision 1, is amended to read:

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

(b) The notice shall must:

(1) set forth the date and place of the taking;

(2) provide the year, make, model, and serial number of the impounded motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held;

~~(2)~~ (3) inform the owner and any lienholders of their right to reclaim the vehicle under section 168B.07; and;

~~(3)~~ (4) state that failure of the owner or lienholders to:

(i) exercise their right to reclaim the vehicle and contents within the appropriate time allowed under section 168B.051, subdivision 1, 1a, or 2, shall be deemed and under the conditions set forth in section 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to section 168B.08; or

(ii) exercise their right to reclaim the contents of the vehicle within the appropriate time allowed and under the conditions set forth in section 168B.07, subdivision 3, constitutes a waiver by them of all right, title, and interest in the contents and consent to sell or dispose of the contents under section 168B.08; and

(5) state that a vehicle owner who provides to the impound lot operator documentation from a government or nonprofit agency or legal aid office that the owner is homeless, receives relief based on need, is eligible for legal aid services, or has a household income at or below 50 percent of state median income has the unencumbered right to retrieve any and all contents without charge.

Sec. 20. Minnesota Statutes 2006, section 168B.06, subdivision 3, is amended to read:

Subd. 3. **Unauthorized vehicle; second notice.** If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under subdivision 2, a second notice ~~shall must~~ be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

Sec. 21. Minnesota Statutes 2006, section 168B.07, is amended by adding a subdivision to read:

Subd. 3. Retrieval of contents. (a) For purposes of this subdivision:

(1) "contents" does not include any permanently affixed mechanical or nonmechanical automobile parts; automobile body parts; or automobile accessories, including audio or video players; and

(2) "relief based on need" includes, but is not limited to, receipt of MFIP and Diversionary Work Program, medical assistance, general assistance, general assistance medical care, emergency general assistance, Minnesota supplemental aid, MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy assistance, emergency assistance, Food Stamps, earned income tax credit, or Minnesota working family tax credit.

(b) A unit of government or impound lot operator shall establish reasonable procedures for retrieval of vehicle contents, and may establish reasonable procedures to protect the safety and security of the impound lot and its personnel.

(c) At any time before the expiration of the waiting periods provided in section 168B.051, a registered owner who provides documentation from a government or nonprofit agency or legal aid office that the registered owner is homeless, receives relief based on need, is eligible for legal aid services, or has a household income at or below 50 percent of state median income has the unencumbered right to retrieve any and all contents without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle.

Sec. 22. Minnesota Statutes 2006, section 168B.07, is amended by adding a subdivision to read:

Subd. 4. Waiver of rights. The failure of the registered owner or lienholders to exercise the right to reclaim the vehicle before the expiration of the waiting periods provided under section 168B.051 constitutes a waiver of all right, title, and interest in the vehicle and a consent to the transfer of title to, and disposal or sale of, the vehicle under section 168B.08. The failure of the registered owner to exercise the right provided under subdivision 3 constitutes a waiver of all right, title, and interest in the contents and a consent to the transfer of title to, and disposal or sale of, the contents under section 168B.08.

Sec. 23. Minnesota Statutes 2006, section 168B.08, subdivision 1, is amended to read:

Subdivision 1. Auction or sale. (a) If an abandoned or unauthorized vehicle ~~and contents~~ taken into custody by a unit of government or any impound lot is not reclaimed under section 168B.07, subdivision 1, it may be disposed of or sold at auction or sale when eligible pursuant to sections 168B.06 and 168B.07. If the contents of an abandoned or unauthorized vehicle taken into custody by a unit of government or any impound lot is not reclaimed under section 168B.07, subdivision 3, it may be disposed of or sold at auction or sale when eligible pursuant to sections 168B.06 and 168B.07.

(b) The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title it must receive a motor vehicle safety check.

Sec. 24. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 7a. Spotter truck. "Spotter truck" means a truck-tractor with a manufacturer's certificate of origin "not for on road use" specification, used exclusively for staging or shuttling trailers in the course of a truck freight operation or freight shipping operation.

EFFECTIVE DATE. This section is effective the day following final enactment and expires June 30, 2013.

Sec. 25. Minnesota Statutes 2006, section 169.01, subdivision 55, is amended to read:

Subd. 55. **Implement of husbandry.** "Implement of husbandry" ~~has the meaning given in section 168A.01, subdivision 8~~ means a self-propelled or towed vehicle designed or adapted to be used exclusively for timber-harvesting, agricultural, horticultural, or livestock-raising operations.

Sec. 26. Minnesota Statutes 2006, section 169.01, subdivision 76, is amended to read:

Subd. 76. **Hazardous materials.** "Hazardous materials" means ~~those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle~~ any material that has been designated as hazardous under United States Code, title 49, section 5103, and is required to be placarded under Code of Federal Regulations, title 49, ~~parts 100-185~~ part 172, subpart F, or any quantity of a material listed as a select agent or toxin in Code of Federal Regulations, title 42, part 73.

Sec. 27. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 93. **Wireless communications device.** "Wireless communications device" means (1) a cellular phone, or (2) a portable electronic device that is capable of receiving and transmitting data, including but not limited to text messages and e-mail, without an access line for service. A wireless communications device does not include a device that is permanently affixed to the vehicle, or a global positioning system or navigation system when the system is used exclusively for navigation purposes.

Sec. 28. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 94. **Medium-speed electric vehicle.** "Medium-speed electric vehicle" means an electrically powered four-wheeled motor vehicle, equipped with a roll cage or crushproof body design, that can attain a maximum speed of 35 miles per hour on a paved level surface, is fully enclosed and has at least one door for entry, has a wheelbase of 40 inches or greater and a wheel diameter of ten inches or greater, and except with respect to maximum speed, otherwise meets or exceeds regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

Sec. 29. Minnesota Statutes 2006, section 169.18, subdivision 1, is amended to read:

Subdivision 1. **Keep to the right.** Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) when overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) when the right half of a roadway is closed to traffic while under construction or repair;

(3) upon a roadway divided into three marked lanes for traffic under the rules applicable thereon;

(4) upon a roadway designated and signposted for one-way traffic as a one-way roadway; ~~or~~

(5) as necessary to comply with subdivision 11 when approaching an authorized emergency vehicle parked or stopped on the roadway; ~~or~~

(6) as necessary to comply with subdivision 12 when approaching a road maintenance or construction vehicle parked or stopped on the roadway.

Sec. 30. Minnesota Statutes 2006, section 169.18, subdivision 5, is amended to read:

Subd. 5. **Driving left of roadway center; exception.** (a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(b) Except on a one-way roadway or as provided in paragraph (c), no vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left half of the roadway under the following conditions:

(1) when approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 700 feet;

(2) when approaching within 100 feet of any underpass or tunnel, railroad grade crossing, intersection within a city, or intersection outside of a city if the presence of the intersection is marked by warning signs; or

(3) where official signs are in place prohibiting passing, or a distinctive centerline is marked, which distinctive line also so prohibits passing, as declared in the Manual on Uniform Traffic Control Devices adopted by the commissioner.

~~(c) Paragraph (b) does not apply to a self propelled or towed implement of husbandry that (1) is escorted at the front by a registered motor vehicle that is displaying vehicular hazard warning lights visible to the front and rear in normal sunlight, and (2) does not extend into the left half of the roadway to any greater extent than made necessary by the total width of the right half of the roadway together with any adjacent shoulder that is suitable for travel.~~

~~(d) Paragraph (b) does not apply to a self propelled or towed implement of husbandry that is operated to the left half of the roadway if such operation is not to a greater extent than is necessary to avoid collision with a parked vehicle, sign, or other stationary object located on the highway right of way.~~

Sec. 31. Minnesota Statutes 2006, section 169.18, is amended by adding a subdivision to read:

Subd. 12. **Passing certain parked vehicles.** (a) When approaching and before passing a freeway service patrol, road maintenance, or construction vehicle with its warning lights activated that is parked or otherwise stopped on or next to a street or highway having two lanes in the same direction, the driver of a vehicle shall safely move the vehicle to the lane farthest away from the vehicle, if it is possible to do so.

(b) When approaching and before passing a freeway service patrol, road maintenance, or construction vehicle with its warning lights activated that is parked or otherwise stopped on or next to a street or highway having more than two lanes in the same direction, the driver of a vehicle shall safely move the vehicle so as to leave a full lane vacant between the driver and any lane in which the vehicle is completely or partially parked or otherwise stopped, if it is possible to do so.

Sec. 32. Minnesota Statutes 2006, section 169.21, is amended by adding a subdivision to read:

Subd. 6. **Driver education curriculum.** The class D curriculum, in addition to driver education classroom curriculum prescribed in rules of statutes for class D motor vehicles, must include instruction on the duties of a driver when encountering a bicycle, other nonmotorized vehicles, or a pedestrian.

Sec. 33. Minnesota Statutes 2006, section 169.224, is amended to read:

169.224 NEIGHBORHOOD AND MEDIUM-SPEED ELECTRIC VEHICLES.

Subdivision 1. **Definition.** For purposes of this section, "road authority" means the commissioner, as to trunk highways; the county board, as to county state-aid highways and county highways; the town board, as to town roads; and the governing body of a city, as to city streets.

Subd. 2. **Required equipment.** Notwithstanding any other law, a neighborhood electric vehicle or a medium-speed electric vehicle may be operated on public streets and highways if it meets all equipment and vehicle safety requirements in Code of Federal Regulations, title 49, section 571.500, and successor requirements.

Subd. 3. **Operation.** A neighborhood electric vehicle or a medium-speed electric vehicle may not be operated on a street or highway with a speed limit greater than 35 miles per hour, except to make a direct crossing of that street or highway.

Subd. 4. **Restrictions and prohibitions.** (a) A road authority, including the commissioner of transportation by order, may prohibit or further restrict the operation of neighborhood electric vehicles and medium-speed electric vehicles on any street or highway under the road authority's jurisdiction.

(b) Neither a neighborhood electric vehicle nor a medium-speed electric vehicle may ~~not~~ be used to take any examination to demonstrate ability to exercise control in the operation of a motor vehicle as required under section 171.13.

Sec. 34. **[169.228] SPOTTER TRUCKS.**

Notwithstanding any other law, a spotter truck may be operated on public streets and highways if:

(1) the operator has the appropriate class of driver's license;

(2) the vehicle complies with the size, weight, and load restrictions under this chapter;

(3) the vehicle meets all inspection requirements under section 169.781; and

(4) the vehicle is operated (i) within a zone of two air miles from the truck freight operation or freight shipping operation where the vehicle is housed, or (ii) directly to and from a repair shop, service station, or fueling station for the purpose of repair, servicing, or refueling.

EFFECTIVE DATE. This section is effective the day following final enactment and expires June 30, 2013.

Sec. 35. Minnesota Statutes 2006, section 169.435, is amended to read:

169.435 STATE SCHOOL-BUS SAFETY ADMINISTRATION OFFICE OF PUPIL TRANSPORTATION SAFETY.

Subdivision 1. **Responsibility; Department of Public Safety.** The Department of Public Safety has the primary responsibility for school transportation safety. The Office of Pupil Transportation Safety is created as a section under the Division of State Patrol. The commissioner or the commissioner's designee shall serve as state designate a director of pupil transportation according to subdivision 3.

Subd. 3. **Pupil transportation safety director.** ~~(a) The commissioner of public safety or the commissioner's designee shall serve as pupil transportation safety director.~~

~~(b)~~ The duties of the pupil transportation safety director ~~shall~~ include:

(1) overseeing all department activities related to school bus safety;

(2) assisting in the development, interpretation, and implementation of laws and policies relating to school bus safety, in consultation with a stakeholder group consisting of, but not limited to, representatives of the school board association, school superintendents, directors of transportation, school bus employees or their exclusive bargaining representatives, and parent organizations;

(3) supervising preparation of the School Bus Inspection Manual; ~~and~~

(4) in conjunction with the Department of Education and the stakeholder group described in clause (2), assisting school districts in developing and implementing comprehensive transportation policies and establishing best practices for private contracts;

(5) developing and maintaining a consistent record-keeping system to document school bus inspections, out-of-service school transportation vehicles, driver turnover rate, and driver files; and

(6) conducting periodic audits of selected school districts to determine compliance with federal law and state statute concerning: (i) school bus driver requirements and driver employee background and license checks, including controlled substance and alcohol testing requirements; and (ii) duty to report violations to the commissioner of public safety. Audit results must be documented and retained by the Office of Pupil Transportation Safety, and any statutory violations documented in the audit must be reported to the commissioners of public safety and education.

Subd. 4. **Staff.** In addition to the pupil transportation safety director, who must be a state trooper, the Office of Pupil Transportation Safety must be staffed by a minimum of:

(1) three state troopers, each of whom must be assigned to the metropolitan area, northern Minnesota, or southern Minnesota; and

(2) 15 school bus vehicle inspectors, one of whom must be designated chief inspector. The school bus vehicle inspectors shall perform annual and spot inspections of school buses and Head Start buses as required by law.

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

Sec. 36. Minnesota Statutes 2006, section 169.446, subdivision 2, is amended to read:

Subd. 2. **Driver training programs.** The commissioner of public safety shall adopt rules requiring a minimum of 30 minutes of thorough instruction concerning section 169.444 for persons enrolled in driver training programs offered at public, private and parochial schools, and commercial driver training schools. The instruction must encompass at least the responsibilities of drivers, the content and requirements of section 169.444, and the penalties for violating that section.

Sec. 37. **[169.475] USE OF WIRELESS COMMUNICATIONS DEVICE.**

Subdivision 1. Definition. For purposes of this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, e-mail, a text message, an instant message, a command or request to access a

World Wide Web page, or other data that uses a commonly recognized electronic communications protocol. An electronic message does not include voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communications device without direct initiation by a person.

Subd. 2. **Prohibition on use.** No person may operate a motor vehicle while using a wireless communications device to compose, read, or send an electronic message, when the vehicle is in motion or a part of traffic.

Subd. 3. **Exceptions.** This section does not apply if a wireless communications device is used:

(1) solely in a voice-activated or other hands-free mode;

(2) for making a cellular phone call;

(3) for obtaining emergency assistance to (i) report a traffic accident, medical emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;

(4) in the reasonable belief that a person's life or safety is in immediate danger; or

(5) in an authorized emergency vehicle while in the performance of official duties.

Sec. 38. Minnesota Statutes 2006, section 169.67, subdivision 3, is amended to read:

Subd. 3. **Trailer, semitrailer.** (a) No trailer or semitrailer with a gross vehicle weight of 3,000 or more pounds, or a gross weight that exceeds the empty weight of the towing vehicle, may be drawn on a highway unless it is equipped with brakes that are adequate to control the movement of and to stop and hold the trailer or semitrailer. A surge brake on a trailer or semitrailer meets the requirement of this paragraph for brakes adequate to stop and hold the trailer or semitrailer.

(b) No trailer or semitrailer ~~that is required to have brakes and that has~~ with a gross vehicle weight of more than ~~6,000~~ 3,000 pounds may be drawn on a highway unless it is equipped with brakes that are so constructed that they are adequate to stop and hold the trailer or semitrailer whenever it becomes detached from the towing vehicle.

(c) Except as provided in paragraph (d), paragraph (a) does not apply to:

~~(1) a trailer used by a farmer while transporting farm products produced on the user's farm, or supplies back to the farm of the trailer's user;~~

~~(2) a towed custom service vehicle drawn by a motor vehicle that is equipped with brakes that meet the standards of subdivision 5, provided that such a towed custom service vehicle that exceeds 30,000 pounds gross weight may not be drawn at a speed of more than 45 miles per hour;~~

~~(3) a trailer or semitrailer operated or used by retail dealers of implements of husbandry while engaged exclusively in the delivery of implements of husbandry;~~

~~(4)~~ (2) a motor vehicle drawn by another motor vehicle that is equipped with brakes that meet the standards of subdivision 5; and

~~(5) a tank trailer of not more than 12,000 pounds gross weight owned by a distributor of liquid fertilizer while engaged exclusively in transporting liquid fertilizer, or gaseous fertilizer under pressure;~~

~~(6) a trailer of not more than 12,000 pounds gross weight owned by a distributor of dry fertilizer while engaged exclusively in the transportation of dry fertilizer; and~~

~~(7) (3) a disabled vehicle while being towed to a place of repair.~~

(d) Vehicles described in paragraph (c), ~~clauses (1), (3), and (4)~~ clause (2), may be operated without complying with paragraph (a) only if the trailer or semitrailer does not exceed the following gross weights:

(1) 3,000 pounds while being drawn by a vehicle registered as a passenger automobile, other than a pickup truck as defined in section 168.011, subdivision 29;

(2) 12,000 pounds while being drawn by any other motor vehicle ~~except a self-propelled implement of husbandry.~~

Sec. 39. Minnesota Statutes 2006, section 169.686, subdivision 1, is amended to read:

Subdivision 1. **Seat belt requirement.** (a) Except as provided in section 169.685, a properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

~~(1) the driver and passengers of a passenger vehicle or commercial motor vehicle; truck; a commuter van, as defined in section 168.126; a type III school bus; a type III Head Start bus; and a pickup truck or van;~~

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

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

(b) Except as provided in section 169.685, a person who is 15 years of age or older and who violates paragraph (a), clause (1) or (2), is subject to a fine of \$25. The driver of the passenger vehicle or commercial motor vehicle in which the violation occurred is subject to a \$25 fine for a each violation of paragraph (a), clause (2) or (3), by the driver or by a child of the driver passenger under the age of 15 or any child under the age of 11. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment, but the court may not impose more than one surcharge under section 357.021, subdivision 6, on the driver. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record.

EFFECTIVE DATE. This section is effective June 9, 2008, and applies to acts committed on or after that date.

Sec. 40. Minnesota Statutes 2006, section 169.686, is amended by adding a subdivision to read:

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

(1) "Pickup truck" means any truck regardless of manufacturer's nominal rated carrying capacity and commonly known as a pickup truck.

(2) "Van" means any vehicle of a box-like design with no barrier or separation between the operator's area and the remainder of the cargo-carrying area, or designed to carry 15 passengers or less, including the driver, regardless of the manufacturer's nominal rated carrying capacity.

Sec. 41. Minnesota Statutes 2006, section 169.686, subdivision 2, is amended to read:

Subd. 2. **Seat belt exemptions.** This section shall not apply to:

- (1) a person driving a passenger vehicle in reverse;
- (2) a person riding in a ~~seat~~ vehicle in which all the seating positions equipped with safety belts are occupied by other persons in safety belts;
- (3) a person who is in possession of a written certificate from a licensed physician verifying that because of medical unfitness or physical disability the person is unable to wear a seat belt;
- (4) a person who is actually engaged in work that requires the person to alight from and reenter a motor vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour;
- (5) a rural mail carrier of the United States Postal Service while in the performance of duties;
- (6) a person driving or riding in a passenger vehicle manufactured before January 1, 1965; and
- (7) a person driving or riding in a pickup truck, as defined in section 168.011, subdivision 29, while engaged in normal farming work or activity.

Sec. 42. Minnesota Statutes 2006, section 169.686, is amended by adding a subdivision to read:

Subd. 3. **Short title.** This section shall be known as "The Kathryn Swanson Law."

Sec. 43. Minnesota Statutes 2006, section 169.781, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of sections 169.781 to 169.783:

(a) "Commercial motor vehicle" means:

- (1) a commercial motor vehicle as defined in section 169.01, subdivision 75, paragraph (a); ~~and~~
- (2) each vehicle in a combination of more than 26,000 pounds; and
- (3) a spotter truck.

"Commercial motor vehicle" does not include ~~(1)~~ a school bus or Head Start bus displaying a certificate under section 169.451, ~~(2)~~ a bus operated by the Metropolitan Council or by a local transit commission created in chapter 458A, or ~~(3)~~ a motor vehicle ~~that is~~ required to be placarded under Code of Federal Regulations, title 49, parts 100-185.

(b) "Commissioner" means the commissioner of public safety.

(c) "Owner" means a person who owns, or has control, under a lease of more than 30 days' duration, of one or more commercial motor vehicles.

(d) "Storage semitrailer" means a semitrailer that (1) is used exclusively to store property at a location not on a street or highway, (2) does not contain any load when moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked on each side of the semitrailer "storage only" in letters at least six inches high.

(e) "Building mover vehicle" means a vehicle owned or leased by a building mover as defined in section 221.81, subdivision 1, paragraph (a), and used exclusively for moving buildings.

EFFECTIVE DATE. This section is effective the day following final enactment and expires June 30, 2013.

Sec. 44. Minnesota Statutes 2006, section 169.781, subdivision 2, is amended to read:

Subd. 2. **Inspection required.** It is unlawful for a person to operate or permit the operation of:

(1) a commercial motor vehicle registered in Minnesota or a spotter truck; or

(2) special mobile equipment as defined in section 168.011, subdivision 22, and which is self-propelled, if it is mounted on a commercial motor vehicle chassis,

unless the vehicle displays a valid safety inspection decal issued by an inspector certified by the commissioner, or the vehicle carries (1) proof that the vehicle complies with federal motor vehicle inspection requirements for vehicles in interstate commerce, and (2) a certificate of compliance with federal requirements issued by the commissioner under subdivision 9.

EFFECTIVE DATE. This section is effective the day following final enactment and expires on June 30, 2013.

Sec. 45. Minnesota Statutes 2006, section 169.781, subdivision 5, is amended to read:

Subd. 5. **Inspection decal; violation, penalty.** (a) A person inspecting a commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected component of the vehicle complies with federal motor carrier safety regulations. The decal must state that in the month specified on the decal the vehicle was inspected and each inspected component complied with federal motor carrier safety regulations. The decal is valid for 12 months after the month specified on the decal. The commissioners of public safety and transportation shall make decals available, at a fee of not more than \$2 for each decal, to persons certified to perform inspections under subdivision 3, paragraph (b).

(b) Minnesota inspection decals may be affixed only to:

(1) commercial motor vehicles bearing Minnesota-based license plates; or

(2) special mobile equipment, within the meaning of subdivision 2, clause (2).

(c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less than 57,000 pounds gross vehicle weight and registered as a farm truck, (2) a storage semitrailer, or (3) a building mover vehicle must issue an inspection decal to the vehicle unless the vehicle has one or more defects that would result in the vehicle being declared out of service under the North American Uniform Driver, Vehicle, and Hazardous Materials Out-of-Service Criteria issued by the Federal Highway Administration and the Commercial Vehicle Safety Alliance. A decal issued to a vehicle described in clause (1), (2), or (3) is valid for two years from the date of issuance. A decal issued to such a vehicle must clearly indicate that it is valid for two years from the date of issuance.

(d) Notwithstanding paragraph (a), a commercial motor vehicle that (1) is registered as a farm truck, (2) is not operated more than 75 miles from the owner's home post office, and (3) was manufactured before 1979 that has a dual transmission system, is not required to comply with a requirement in an inspection standard that requires that the service brake system and parking brake system be separate systems in the motor vehicle.

(e) A person who, with the intent to defraud, falsely makes, duplicates, alters, or forges a decal or other writing or thing purporting to be a Minnesota inspection decal described in this subdivision is guilty of a gross misdemeanor. A person who, with the intent to defraud, possesses a decal or other writing or thing falsely purporting to be a Minnesota inspection decal described in this subdivision is guilty of a gross misdemeanor.

Sec. 46. Minnesota Statutes 2006, section 169.79, is amended to read:

169.79 VEHICLE REGISTRATION; DISPLAYING LICENSE PLATES.

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

Subd. 2. **Semitrailer.** If the vehicle is a semitrailer, the number plate displayed must be assigned to the registered owner and correlate to the ~~certificate of title~~ documentation on file with the department ~~and shall not display a year indicator~~.

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

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

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

Subd. 5. **Truck-tractor, road-tractor, or farm truck.** If the vehicle is a truck-tractor, road-tractor, or farm truck, as defined in section 168.011, subdivision 17, but excluding from that definition semitrailers and trailers, then one plate must be displayed on the front of the vehicle.

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

Subd. 7. **Plate fastened and visible.** All plates must be (1) securely fastened so as to prevent them from swinging, (2) displayed horizontally with the identifying numbers and letters facing outward from the vehicle, and (3) mounted in the upright position. The person driving the motor vehicle shall keep the plate legible and

unobstructed and free from grease, dust, or other blurring material so that the lettering is plainly visible at all times. It is unlawful to cover any assigned letters and numbers or the name of the state of origin of a license plate with any material whatever, including any clear or colorless material that affects the plate's visibility or reflectivity.

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

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

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

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

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

Sec. 47. Minnesota Statutes 2006, section 169.801, is amended to read:

169.801 IMPLEMENT OF HUSBANDRY.

Subdivision 1. **Exemption from size, weight, load provisions.** Except as provided in this section and section 169.82, the provisions of sections 169.80 to 169.88 that govern size, weight, and load do not apply to:

- (1) ~~a horse drawn wagon while carrying a load of loose straw or hay;~~
- (2) ~~a specialized vehicle resembling a low slung trailer having a short bed or platform, while transporting one or more implements of husbandry; or~~
- (3) ~~an implement of husbandry while being driven or towed at a speed of not more than 30 miles per hour; provided that this exemption applies to an implement of husbandry owned, leased, or under the control of a farmer or implement dealer only while the implement of husbandry is being operated on noninterstate roads or highways within 75 miles of any farmland or implement dealership: (i) owned, leased, or operated by the farmer or implement dealer and (ii) on which the farmer or implement dealer regularly uses or sells or leases the implement of husbandry while operated in compliance with this section.~~

Subd. 2. **Weight ~~per inch of tire width~~ restrictions.** (a) An implement of husbandry that is not self-propelled and is equipped with pneumatic tires may not be operated on a public highway with a maximum wheel load that exceeds ~~600 pounds per inch of tire width before August 1, 1996, and 500 pounds per inch of tire width on and after August 1, 1996.~~

(b) After December 31, 2009, a person operating or towing an implement of husbandry on a bridge must comply with the gross weight limitations provided in section 169.824.

Subd. 3. **Hitches.** A towed implement of husbandry must be equipped with (1) safety chains that meet the requirements of section 169.82, subdivision 3, paragraph (b); (2) a regulation fifth wheel and kingpin assembly approved by the commissioner of public safety; or (3) a hitch pin or other hitching device with a retainer that prevents accidental unhitching.

Subd. 4. **Bridge posting.** Despite subdivision 2, a person operating or towing an implement of husbandry must comply with a sign that limits the maximum weight allowed on a bridge.

Subd. 5. **Height and width.** A person operating, towing, or transporting an implement of husbandry that is higher than 13 feet six inches or wider than allowed under section 169.80, subdivision 2, must ensure that the operation or transportation does not damage a highway structure, utility line or structure, or other fixture adjacent to or over a public highway.

Subd. 6. **Speed.** No person may operate or tow an implement of husbandry at a speed of more than 30 miles per hour.

Subd. 7. **Driving rules.** (a) An implement of husbandry may not be operated or towed on an interstate highway.

(b) An implement of husbandry may be operated or towed to the left of the center of a roadway only if it is escorted at the front by a vehicle displaying hazard warning lights visible in normal sunlight and the operation does not extend into the left half of the roadway more than is necessary.

Subd. 8. **Lights.** An implement of husbandry must be equipped with lights that comply with section 169.55, subdivisions 2 and 3.

Subd. 9. **Slow moving vehicle emblem.** An implement of husbandry must comply with section 169.522.

Subd. 10. **Brakes.** Notwithstanding section 169.67:

(a) A self-propelled implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it and any vehicle it is towing.

(b) A towed implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it if:

(1) it has a gross vehicle weight of more than 24,000 pounds and was manufactured and sold after January 1, 1994;

(2) it has a gross vehicle weight of more than 12,000 pounds and is towed by a vehicle other than a self-propelled implement of husbandry; or

(3) it has a gross vehicle weight of more than 3,000 pounds and is being towed by a registered passenger automobile other than a pickup truck as defined in section 168.011, subdivision 29.

(c) If a towed implement of husbandry with a gross vehicle weight of more than 6,000 pounds is required under paragraph (b) to have brakes, it must also have brakes adequate to stop and hold it if it becomes detached from the towing vehicle.

Sec. 48. **INFRASTRUCTURE ADAPTATIONS.**

The commissioner of transportation shall investigate and recommend opportunities for infrastructure adaptations to accommodate the implementation of manure application technologies that lessen impacts on roads and bridges.

Sec. 49. Minnesota Statutes 2006, section 169.82, subdivision 3, is amended to read:

Subd. 3. **Hitch, chain, or cable.** (a) Every trailer or semitrailer must be hitched to the towing motor vehicle by a device approved by the commissioner of public safety.

(b) Every trailer and semitrailer must be equipped with safety chains or cables permanently attached to the trailer except in cases where the coupling device is a regulation fifth wheel and kingpin assembly approved by the commissioner of public safety. In towing, the chains or cables must be attached to the vehicles near the points of bumper attachments to the chassis of each vehicle, and must be of sufficient strength to control the trailer in the event of failure of the towing device. The length of chain or cable must be no more than necessary to permit free turning of the vehicles. A minimum fine of \$25 must be imposed for a violation of this paragraph.

(c) This subdivision does not apply to towed implements of husbandry.

(d) No person may be charged with a violation of this section solely by reason of violating a maximum speed prescribed in section ~~169.145 or~~ 169.67 or 169.801.

Sec. 50. Minnesota Statutes 2006, section 169.826, subdivision 1a, is amended to read:

Subd. 1a. **Harvest season increase amount.** The limitations provided in sections 169.822 to 169.829 are increased by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets, carrots, and potatoes from the field of harvest to the point of the first unloading. Transfer of the product from a farm vehicle or small farm trailer, within the meaning of chapter 168, to another vehicle is not considered to be the first unloading. A permit issued under section 169.86, subdivision 1, paragraph (a), is required. The commissioner shall not issue permits under this subdivision if to do so will result in a loss of federal highway funding to the state.

Sec. 51. Minnesota Statutes 2006, section 169.85, subdivision 1, is amended to read:

Subdivision 1. **Driver to stop for weighing.** (a) The driver of a vehicle that has been lawfully stopped may be required by an officer to submit the vehicle and load to a weighing by means of portable or stationary scales.

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

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

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

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

(d) When a truck weight enforcement operation is conducted by means of portable or stationary scales, signs giving notice of the operation must be posted within the highway right-of-way and adjacent to the roadway within two miles of the operation. The driver of a truck or combination of vehicles registered for or ~~weighing in excess of 42,000~~ with a gross vehicle weight exceeding 10,000 pounds shall proceed to the scale site and submit the vehicle to weighing and inspection.

Sec. 52. Minnesota Statutes 2006, section 169.86, is amended by adding a subdivision to read:

Subd. 8. **Tow truck.** The commissioner may issue permits to an applicant who pays a single \$300 annual fee to cover all tow trucks and towing vehicles owned by the applicant and meets any other conditions prescribed by the commissioner. The permit authorizes the tow truck or towing vehicle, when towing a disabled or damaged vehicle to a place of repair or to a place of safekeeping, to exceed the length and weight limitations of this chapter.

Sec. 53. **[169.865] SPECIAL CANOLA HAULING VEHICLE PERMITS.**

Subdivision 1. **Special three-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing one additional trailer or semitrailer, and no semitrailer used in the three-vehicle combination has an overall length in excess of 28-1/2 feet;

(2) has a maximum gross vehicle weight of 105,500 pounds;

(3) complies with the axle weight limits in section 169.824, or with the federal bridge formula for axle groups not described in that section;

(4) complies with the tire weight limits in section 169.823, or the tire manufacturers' recommended load, whichever is less;

(5) is operated only in this state on marked Trunk Highway 175 from Hallock to the North Dakota border, on U.S. Highway 75 from Hallock to Donaldson, and on marked Trunk Highway 11 from Donaldson to the North Dakota border; and

(6) the seasonal weight increases authorized under section 169.826, subdivision 1, do not apply.

Subd. 2. **Restrictions.** Vehicles issued permits under subdivision 1 must comply with the following restrictions:

(1) the vehicle must be operated in compliance with seasonal load restrictions under section 169.87;

(2) the vehicle may not be operated on the interstate highway system or national network highways; and

(3) the vehicle may be operated on streets or highways under the control of local authorities only upon the approval of the local authority; however, vehicles may have reasonable access to terminals and facilities for food, fuel, repairs, and rest, and for continuity of route within one mile of the national network as provided by section 169.81, subdivision 3, and by the Code of Federal Regulations, title 23, part 658.19.

Subd. 3. **Permit fee; appropriation.** Vehicle permits issued under subdivision 1 must be annual permits. The fee is \$850 for each vehicle and must be deposited in the trunk highway fund. An amount sufficient to administer the permit program is appropriated from the trunk highway fund to the commissioner for the costs of administering the permit program.

Sec. 54. Minnesota Statutes 2006, section 169.99, subdivision 1b, is amended to read:

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

Sec. 55. Minnesota Statutes 2006, section 169.99, is amended by adding a subdivision to read:

Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must give conspicuous notice of the fact that, if convicted, the person to whom it was issued must pay a state imposed surcharge under section 357.021, subdivision 6, and the current amount of the required surcharge.

EFFECTIVE DATE. This section is effective July 1, 2008. However, law enforcement agencies may continue to issue nonconforming tickets until the supply of those tickets has been exhausted.

Sec. 56. Minnesota Statutes 2006, section 171.01, subdivision 35, is amended to read:

Subd. 35. **Hazardous materials.** "Hazardous materials" means ~~those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle~~ any material that has been designated as hazardous under United States Code, title 49, section 5103, and is required to be placarded under Code of Federal Regulations, title 49, parts 100-185 part 172, subpart F, or any quantity of a material listed as a select agent or toxin in Code of Federal Regulations, title 42, part 73.

Sec. 57. Minnesota Statutes 2006, section 171.01, subdivision 46, is amended to read:

Subd. 46. **School bus.** "School bus" ~~means a motor vehicle used to transport pupils to or from a school defined in section 120A.22, or to or from school related activities, by the school or a school district or by someone under an agreement with the school or a school district. A school bus does not include a motor vehicle transporting children to or from school for which parents or guardians receive direct compensation from a school district, a motor coach operating under charter carrier authority, a transit bus providing services as defined in section 174.22, subdivision 7, or a vehicle otherwise qualifying as a type III vehicle under section 169.01, subdivision 6, paragraph (5), when the vehicle is properly registered and insured and being driven by an employee or agent of a school district for nonscheduled transportation.~~ has the meaning given in section 169.01, subdivision 6.

Sec. 58. Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2, is amended to read:

Subd. 2. **Driver's license classifications, endorsements, exemptions.** (a) Drivers' licenses are classified according to the types of vehicles that may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly.

(b) Except as provided in paragraph (c), clauses (1) and (2), and subdivision 2a, no class of license is valid to operate a motorcycle, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed. There are four general classes of licenses as described in paragraphs (c) through (f).

(c) Class D drivers' licenses are valid for:

(1) operating all farm trucks if the farm truck is:

(i) controlled and operated by a farmer, including operation by an immediate family member or an employee of the farmer;

(ii) used to transport agricultural products, farm machinery, or farm supplies, including hazardous materials, to or from a farm;

(iii) not used in the operations of a common or contract motor carrier as governed by Code of Federal Regulations, title 49, part 365; and

(iv) used within 150 miles of the farm;

(2) notwithstanding paragraph (b), operating an authorized emergency vehicle, as defined in section 169.01, subdivision 5, whether or not in excess of 26,000 pounds gross vehicle weight;

(3) operating a recreational vehicle as defined in section 168.011, subdivision 25, that is operated for personal use;

(4) operating all single-unit vehicles except vehicles with a gross vehicle weight of more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials;

(5) notwithstanding paragraph (d), operating a type A school bus or a multifunctional school activity bus without a school bus endorsement if:

(i) the bus has a gross vehicle weight of 10,000 pounds or less;

(ii) the bus is designed to transport 15 or fewer passengers, including the driver; and

(iii) the requirements of subdivision 2a are satisfied, as determined by the commissioner;

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

(7) towing vehicles if:

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

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

(d) Class C drivers' licenses are valid for:

(1) operating class D motor vehicles;

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

(3) with a passenger endorsement, operating buses; and

~~(3) (4) with a passenger endorsement and~~ school bus endorsement, operating school buses ~~designed to transport 15 or fewer passengers, including the driver.~~

(e) Class B drivers' licenses are valid for:

(1) operating all class C motor vehicles, class D motor vehicles, and all other single-unit motor vehicles including, with a passenger endorsement, buses; and

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

(f) Class A drivers' licenses are valid for operating any vehicle or combination of vehicles.

Sec. 59. Minnesota Statutes 2006, section 171.03, is amended to read:

171.03 PERSONS EXEMPT.

The following persons are exempt from license hereunder:

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

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

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

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

(3) a member of a reserve component of the U. S. Armed Forces; or

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

The exemption provided under this paragraph does not apply to a U. S. Armed Forces Reserve technician.

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

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

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

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

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

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

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

Sec. 60. Minnesota Statutes 2006, section 171.05, subdivision 2b, is amended to read:

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

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

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

~~(d)~~ The permit holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The permit holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger. Violation of this paragraph is a petty misdemeanor subject to section 169.89, subdivision 2.

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

EFFECTIVE DATE. This section is effective June 9, 2008, and applies to acts committed on or after that date.

Sec. 61. Minnesota Statutes 2006, section 171.055, subdivision 2, is amended to read:

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

~~(b)~~ A provisional license holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The provisional license holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger. Violation of this paragraph is a petty misdemeanor subject to section 169.89, subdivision 2.

(e) (b) If the holder of a provisional license during the period of provisional licensing incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more than one conviction for a moving violation that is not crash related, the person may not be issued a driver's license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first.

(c) For the first six months of provisional licensure, a provisional license holder may not operate a motor vehicle carrying more than one passenger under the age of 20 years who is not a member of the holder's immediate family. For the second six months, the holder of the license may not operate a motor vehicle that is carrying more than three passengers who are under the age of 20 years and who are not members of the holder's immediate family. This paragraph does not apply if the provisional license holder is accompanied by a parent or guardian.

(d) For the first six months of provisional licensure, a provisional license holder may operate a motor vehicle between the hours of midnight and 5:00 a.m. only when the license holder is:

(1) driving between the license holder's home and place of employment;

(2) driving between the license holder's home and a school event for which the school has not provided transportation;

(3) driving for employment purposes; or

(4) accompanied by a licensed driver at least 25 years of age.

EFFECTIVE DATE. The amendments to paragraph (a) are effective June 9, 2008, and apply to acts committed on and after that date.

Sec. 62. Minnesota Statutes 2006, section 171.0701, is amended to read:

171.0701 DRIVER EDUCATION; ~~ORGAN AND TISSUE DONATION~~ CONTENT.

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

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

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

Sec. 63. Minnesota Statutes 2006, section 171.12, subdivision 6, is amended to read:

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

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

Sec. 64. Minnesota Statutes 2006, section 171.13, subdivision 1, is amended to read:

Subdivision 1. **Examination subjects and locations; provisions for color blindness, disabled veterans.** Except as otherwise provided in this section, the commissioner shall examine each applicant for a driver's license by such agency as the commissioner directs. This examination must include a test of applicant's eyesight; ability to read and understand highway signs regulating, warning, and directing traffic; knowledge of traffic laws; knowledge of the effects of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally, and of the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs; knowledge of railroad grade crossing safety; knowledge of slow-moving vehicle safety; knowledge of laws relating to pupil transportation safety, including the significance of school bus lights, signals, stop arm, and passing a school bus; knowledge of traffic laws related to bicycles; an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; and other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, provided, further however, no driver's license shall be denied an applicant on the exclusive grounds that the applicant's eyesight is deficient in color perception. Provided, however, that war veterans operating motor vehicles especially equipped for disabled persons, shall, if otherwise entitled to a license, be granted such license. The commissioner shall make provision for giving these examinations either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant.

Sec. 65. Minnesota Statutes 2006, section 171.13, is amended by adding a subdivision to read:

Subd. 1i. **Pupil transportation safety.** The commissioner shall include in each edition of the driver's manual a section relating to pupil transportation safety laws.

Sec. 66. Minnesota Statutes 2006, section 171.13, is amended by adding a subdivision to read:

Subd. 1j. **Driver's manual; interaction with commercial motor vehicle.** The commissioner shall include in each edition of the driver's manual published by the department after August 1, 2008, a section that includes information on awareness and safe interaction with commercial motor vehicle traffic.

Sec. 67. Minnesota Statutes 2006, section 171.165, subdivision 2, is amended to read:

Subd. 2. **Implied consent revocation.** The commissioner shall disqualify a person from operating commercial motor vehicles for a revocation under section 169A.52 or a statute or ordinance from another state or jurisdiction in conformity with it, ~~in accordance with~~ for a period that is equivalent in duration under the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D, that pertain to a conviction of being under the influence of alcohol or refusal to be tested.

Sec. 68. **[171.168] NOTIFICATION OF CONVICTION FOR VIOLATION BY COMMERCIAL DRIVER.**

(a) Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by this state, and who is convicted of a criminal offense; of a serious traffic violation, as defined in Code of Federal Regulations, title 49, section 383.5; or of violating any other state or local law relating to motor vehicle traffic control, other than a parking violation, in any type of motor vehicle in another state or jurisdiction, shall notify the department's Division of Driver and Vehicle Services of the conviction. The person shall notify the division within 30 days after the date that the person was convicted.

(b) Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by this state, and who is convicted of violating, in any type of motor vehicle, a Minnesota state or local law relating to motor vehicle traffic control, other than a parking violation, shall notify the person's employer of the conviction. The person shall notify the person's employer within 30 days after the date that the person was convicted. If the person is not currently employed, the person shall notify the division according to paragraph (a).

(c) Notification to the division must be made in writing and contain the following information:

(1) the driver's full name;

(2) the driver's license number;

(3) the date of conviction;

(4) the specific criminal or other offense; serious traffic violation, as defined in Code of Federal Regulations, title 49, section 383.5; and any other violation of state or local law relating to motor vehicle traffic control, for which the person was convicted and any suspension, revocation, or cancellation of certain driving privileges that resulted from the conviction;

(5) an indication whether the violation was in a commercial motor vehicle;

(6) the location of the offense; and

(7) the driver's signature.

Sec. 69. **[171.169] NOTIFICATION OF SUSPENSION OF LICENSE OF COMMERCIAL DRIVER.**

Each employee, as defined in Code of Federal Regulations, title 49, section 383.5, who has a Minnesota-issued driver's license suspended, revoked, or canceled by this state or another state or jurisdiction, who loses the right to operate a commercial motor vehicle in this state or another state or jurisdiction for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify the person's employer of the suspension, revocation, cancellation, lost privilege, or disqualification. The employee shall notify the employer before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification.

Sec. 70. Minnesota Statutes 2006, section 171.321, subdivision 1, is amended to read:

Subdivision 1. **Endorsement.** No person shall drive a school bus when transporting school children to or from school or upon a school-related trip or activity without having a valid class A, class B, or class C driver's license with a school bus endorsement except that a person possessing a valid driver's license but not a school bus endorsement may drive a ~~vehicle with a seating capacity of ten or less persons used as a school bus but not outwardly equipped or identified as a school bus~~ type III vehicle.

Sec. 71. Minnesota Statutes 2006, section 174.03, subdivision 1, is amended to read:

Subdivision 1. **Statewide transportation plan; priorities; schedule of expenditures.** In order to best meet the present and future transportation needs of the public, to insure a strong state economy, to make most efficient use of public and private funds, and to promote the more efficient use of energy and other resources for transportation purposes, the commissioner shall:

(1) three months after notification that the department is ready to commence operations and prior to the drafting of the statewide transportation plan, hold public hearings as may be appropriate solely for the purpose of receiving suggestions for future transportation alternatives and priorities for the state. The Metropolitan Council, regional development commissions, and port authorities shall appear at the hearings and submit information concerning transportation-related planning undertaken and accomplished by these agencies. Other political subdivisions may appear and submit such information at the hearings. These hearings shall be completed no later than six months from the date of the commissioner's notification;

(2) develop, adopt, revise, and monitor a statewide transportation plan, taking into account the suggestions and information submitted at the public hearings held pursuant to clause (1). The plan shall incorporate all modes of transportation and provide for the interconnection and coordination of different modes of transportation. The commissioner shall evaluate alternative transportation programs and facilities proposed for inclusion in the plan in terms of economic costs and benefits, safety aspects, impact on present and planned land uses, environmental effects, energy efficiency, national transportation policies and priorities, and availability of federal and other financial assistance;

(3) based upon the statewide transportation plan, develop statewide transportation priorities and schedule authorized public capital improvements and other authorized public transportation expenditures pursuant to the priorities. As permitted by the federal surface transportation program and subject to available funding, the commissioner shall give serious consideration to prioritizing for funding those trunk highway projects in the metropolitan area, as defined in section 473.121, subdivision 2, that are consistent with policies included in the Metropolitan Council's metropolitan development guide, transportation policy plan, and regional development framework, and that have been awarded funding through the federal surface transportation program. In responding to an unforeseen, catastrophic event affecting the state transportation system, the commissioner may, upon written notification to the chairs of the senate and house of representatives committees with jurisdiction over transportation policy and finance, prioritize projects without regard to availability of federal funding; and

(4) complete the plan and priorities required by this subdivision no later than July 1, 1978. Upon completion of the plan and priorities, the commissioner shall prepare and periodically revise, as necessary, the schedule of authorized public transportation expenditures. The plan, priorities, and schedule are exempt from the provisions of the Administrative Procedure Act.

EFFECTIVE DATE. This section is effective January 1, 2009.

Sec. 72. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision to read:

Subd. 1b. **Statewide freight and passenger rail plan.** (a) The commissioner shall develop a comprehensive statewide freight and passenger rail plan to be included and revised as a part of the statewide transportation plan.

(b) Before the initial version of the plan is adopted, the commissioner shall provide a copy for review and comment to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation policy and finance. Notwithstanding paragraph (a), the commissioner may adopt the next revision of the statewide transportation plan, scheduled to be completed in calendar year 2009, prior to completion of the initial version of the comprehensive statewide freight and passenger rail plan.

Sec. 73. Minnesota Statutes 2006, section 174.24, is amended by adding a subdivision to read:

Subd. 1a. **Transit service needs implementation plan.** The commissioner shall develop a transit service needs implementation plan that contains a goal of meeting at least 80 percent of unmet transit service needs in greater Minnesota by July 1, 2015, and meeting at least 90 percent of unmet transit service needs in greater Minnesota by July 1, 2025. The plan must include, but is not limited to, the following: an analysis of ridership and transit service

needs throughout greater Minnesota; a calculation of unmet needs; an assessment of the level and type of service required to meet unmet needs; an analysis of costs and revenue options; and, a plan to reduce unmet transit service needs as specified in this subdivision. The plan must specifically address special transportation service ridership and needs. The commissioner may amend the plan as necessary, and may use all or part of the 2001 greater Minnesota public transportation plan created by the Minnesota Department of Transportation.

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

Sec. 74. **[174.247] ANNUAL TRANSIT REPORT.**

(a) By February 15 annually, the commissioner shall submit a report to the legislature on transit services outside the metropolitan area. The Metropolitan Council and any public transit system receiving assistance under section 174.24 shall provide assistance in creating the report, as requested by the commissioner.

(b) The report must include, at a minimum, the following:

(1) a descriptive overview of public transit in Minnesota;

(2) a descriptive summary of funding sources and assistance programs;

(3) a summary of each public transit system receiving assistance under section 174.24;

(4) data that identifies use of volunteers in providing transit service;

(5) financial data that identifies operating and capital costs, and funding sources, for each public transit system and for each transit system classification under section 174.24, subdivision 3b; and

(6) in each odd-numbered year, beginning in 2009, a calculation of the amounts of surplus or insufficient funds available for (i) paying the state share of transit operating costs under section 174.24, subdivision 3b, and (ii) paying capital and operating costs to fully implement the transit service needs implementation plan under section 147.24, subdivision 1a.

EFFECTIVE DATE. This section is effective January 1, 2009.

Sec. 75. **[174.37] ADVISORY COMMITTEE ON NONMOTORIZED TRANSPORTATION.**

Subdivision 1. **Purpose.** (a) The commissioner of transportation shall establish an advisory committee on nonmotorized transportation. The committee shall make recommendations to the commissioner on items related to nonmotorized transportation, including safety, education, and development programs. The committee shall review and analyze issues and needs relating to operating nonmotorized transportation on public rights-of-way, and identify solutions and goals for addressing identified issues and needs.

(b) For purposes of this section, "nonmotorized transportation" includes bicycling, pedestrian activities, and other forms of nonmotorized transportation.

Subd. 2. **Members.** The advisory committee must consist of the following members:

(a) The commissioner of transportation shall appoint up to 18 public members, as follows: one member from each of the department's seven greater Minnesota districts; four members from the department's metropolitan district; and no more than seven members at large. Each of the members at large must represent nonmotorized interests or organizations.

(b) The commissioners of each of the following state agencies shall appoint an employee of the agency to serve as a member: administration, education, health, natural resources, public safety, transportation, and pollution control. The chair of the Metropolitan Council shall appoint an employee of the council to serve as a member. The director of Explore Minnesota Tourism shall appoint an employee of the agency to serve as a member. The division administrator of the Federal Highway Administration may appoint an employee of the agency to serve as a member.

(c) Members of the committee shall serve four-year terms.

Subd. 3. **Meetings.** The commissioner of transportation's designee shall convene the first meeting by January 15, 2009. The committee shall elect a chair from its membership, and shall establish a meeting schedule and meet at least annually.

Subd. 4. **Reports.** The committee shall issue an annual report to the commissioner of transportation.

Subd. 5. **Expenses.** Members of the advisory committee serve without compensation, but members who are not employees of government agencies must be reimbursed for expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. The commissioner of transportation shall provide department staff support to the committee.

Subd. 6. **Expiration.** Notwithstanding section 15.059, subdivision 5, the committee expires June 30, 2014.

Sec. 76. Minnesota Statutes 2006, section 221.011, is amended by adding a subdivision to read:

Subd. 50. **Out-of-service order.** "Out-of-service order" has the meaning given it in Code of Federal Regulations, title 49, section 383.5.

Sec. 77. Minnesota Statutes 2006, section 221.031, subdivision 1, is amended to read:

Subdivision 1. **Powers, duties, reports, limitations.** (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

(d) The commissioner shall require holders of household goods mover permits to file ~~annual and other reports including annual accounts of motor carriers~~, schedules of rates and charges, or other data by motor carriers, regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter.

~~(e) A motor carrier subject to paragraph (d) but having gross revenues from for hire transportation in a calendar year of less than \$200,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if instead the motor carrier files an abbreviated annual report, in a form as may be prescribed by the~~

~~commissioner, attesting that the motor carrier's gross revenues did not exceed \$200,000 in the previous calendar year. Motor carrier gross revenues from for hire transportation, for the purposes of this subdivision only, do not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6.~~

~~(f)~~ The commissioner shall enforce sections 169.781 to 169.783.

Sec. 78. Minnesota Statutes 2006, section 221.036, subdivision 1, is amended to read:

Subdivision 1. **Order.** The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for a violation of (1) section 221.021; (2) section 221.033, subdivision 2b; (3) section 221.151; (4) section 221.171; (5) section 221.141; (6) a federal, state, or local law, regulation, rule, or ordinance pertaining to railroad-highway grade crossings; or ~~(6)~~ (7) rules of the commissioner relating to the transportation of hazardous waste, motor carrier operations, insurance, or tariffs and accounting. An order must be issued as provided in this section.

Sec. 79. Minnesota Statutes 2006, section 221.036, subdivision 3, is amended to read:

Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.141; 221.151; or 221.171, or rules of the commissioner relating to motor carrier operations, insurance, or tariffs and accounting, identified during a single inspection, audit, or investigation.

(b) The commissioner may issue an order assessing a penalty up to a maximum of \$10,000 for all violations of section 221.033, subdivision 2b, identified during a single inspection or audit.

(c) In determining the amount of a penalty, the commissioner shall consider:

(1) the willfulness of the violation;

(2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;

(3) the history of past violations, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified;

(4) the economic benefit gained by the person by allowing or committing the violation; and

(5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

~~(d) The commissioner shall assess a penalty of not less than \$1,000 against a driver who is convicted of a violation of an out-of-service order. The commissioner shall assess a penalty of not more than \$10,000 against an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order, in accordance with Code of Federal Regulations, title 49, section 383.53 against:~~

(1) a driver who is convicted of a violation of an out-of-service order;

(2) an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order; or

(3) an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

Sec. 80. Minnesota Statutes 2006, section 221.121, subdivision 1, is amended to read:

Subdivision 1. **Petition; ~~notice and hearing~~; scope.** (a) A person desiring to operate as a permit carrier, except as provided in subdivision 5 or section 221.296, shall file a petition with the commissioner specifying the kind of permit desired, the name and address of the petitioner and the names and addresses of the officers, if a corporation, and other information as the commissioner may require. Letters of shipper support must be filed with the petition. No person shall knowingly make a false or misleading statement in a petition.

(b) The commissioner, ~~after notice to interested parties and a hearing~~, shall issue the permit upon compliance with the laws and rules relating to it, if it finds that petitioner is fit and able to conduct the proposed operations, that petitioner's vehicles meet the safety standards established by the department, ~~that the area to be served has a need for the transportation services requested in the petition, and that existing permit and certificated carriers in the area to be served have failed to demonstrate that they offer sufficient transportation services to meet fully and adequately those needs~~, provided that no person who holds a permit at the time sections 221.011 to 221.291 take effect may be denied a renewal of the permit upon compliance with other provisions of sections 221.011 to 221.291.

(c) A permit once granted continues in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with the applicable provisions of law and the rules of the commissioner governing permit carriers.

(d) No permit may be issued to a common carrier by rail permitting the common carrier to operate trucks for hire within this state, nor may a common carrier by rail be permitted to own, lease, operate, control, or have an interest in a permit carrier by truck, either by stock ownership or otherwise, directly, indirectly, through a holding company, or by stockholders or directors in common, or in any other manner. Nothing in sections 221.011 to 221.291 prevents the commissioner from issuing a permit to a common carrier by rail authorizing the carrier to operate trucks wholly within the limits of a municipality or within adjacent or contiguous municipalities or a common rate point served by the railroad and only as a service supplementary to the rail service now established by the carriers.

Sec. 81. Minnesota Statutes 2006, section 221.121, subdivision 6a, is amended to read:

Subd. 6a. **Household goods carrier.** A person who desires to hold out or to operate as a carrier of household goods shall ~~follow the procedure established in subdivision 1, and shall specifically request a household goods mover permit. The permit granted by the commissioner to a person who meets the criteria established in this subdivision and subdivision 1 shall authorize the person to hold out and to operate as a household goods mover. A person who provides or offers to provide household goods packing services and who makes any arrangement directly or indirectly by lease, rental, referral, or by other means to provide or to obtain drivers, vehicles, or transportation service for moving household goods, must have a household goods mover permit~~ file an application with the commissioner on a form the commissioner prescribes. Notwithstanding this or any other section or rule to the contrary, the commissioner must not provide public notice or hearing when reviewing the application or before granting the requested operating authority. All permits granted to household goods carriers must allow statewide operation. Notwithstanding any geographical restrictions imposed upon a permit at the time it was granted or any section or rule to the contrary, the holder of a household goods permit may operate statewide.

Sec. 82. Minnesota Statutes 2006, section 221.151, subdivision 1, is amended to read:

Subdivision 1. **Petition.** (a) Permits, except livestock permits, issued under section 221.121 may be assigned or transferred but only upon the order of the commissioner approving the transfer or assignment after notice and hearing.

(b) The proposed seller and buyer or lessor and lessee of a permit, except for livestock carrier permits, shall file a joint notarized petition with the commissioner setting forth the name and address of the parties, the identifying number of the permit, and the description of the authority which the parties seek to sell or lease, a short statement of the reasons for the proposed sale or lease, a statement of outstanding claims of creditors which are directly attributable to the operation to be conducted under the permit, a copy of the contract of sale or lease, and a financial statement with a balance sheet and an income statement, if existent, of the buyer or lessee. If it appears to the commissioner, ~~after notice to interested parties and a hearing, from the contents of the petition, from the evidence produced at the hearing, and from the department's records, files, and investigation that the approval of the sale or lease of the permit will not adversely affect the rights of the users of the service and will not have an adverse effect upon other competing carriers,~~ the commissioner may make an order granting the sale or lease. Provided, however, that the commissioner shall make no order granting the sale or lease of a permit to a person or corporation or association which holds a certificate or permit other than local cartage carrier permit from the commissioner under this chapter or to a common carrier by rail.

~~Provided further that the commissioner shall make no order approving the sale or lease of a permit if the commissioner finds that the price paid for the sale or lease of a permit is disproportionate to the reasonable value of the permit considering the assets and goodwill involved. The commissioner shall approve the sale or lease of a permit only after a finding that the transferee is fit and able to conduct the operations authorized under the permit and that the vehicles the transferee proposes to use in conducting the operations meet the safety standards of the commissioner. In determining the extent of the operating authority to be conducted by the transferee under the sale or lease of the permit, the past operations of the transferor within the two year period immediately preceding the transfer must be considered. Only such operating authority may be granted to the transferee as was actually exercised by the transferor under the transferor's authority within the two year period immediately preceding the transfer as evidenced by bills of lading, company records, operation records, or other relevant evidence. For purposes of determining the two year period, the date of divesting of interest or control is the date of the sale.~~

(c) The commissioner shall look to the substance of the transaction rather than the form. An agreement for the transfer or sale of a permit must be reported and filed with the commissioner within 30 days of the agreement.

(d) If an authority to operate as a permit carrier is held by a corporation, a sale, assignment, pledge, or other transfer of the stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of the corporation, as exercised through its stockholders, must be reported in the manner prescribed in the rules of the commissioner within 30 days after the sale, assignment, pledge, or other transfer of stock. The commissioner shall then make a finding whether or not the stock transfer does, in fact, constitute a sale, lease, or other transfer of the permit of the corporation to a new party or parties and, if they so find, then the continuance of the permit issued to the corporation may only be upon the corporation's complying with the standards and procedures otherwise imposed by this section.

Sec. 83. Minnesota Statutes 2006, section 221.221, subdivision 2, is amended to read:

Subd. 2. **Enforcement powers.** (a) Transportation program specialists and hazardous material program specialists of the department, for the purpose of enforcing are authorized to enforce (1) this chapter, sections 169.781 to 169.783 relating to commercial vehicle inspections, and sections 168D.05 and 168D.12 relating to motor carrier licenses and trip permits, (2) Code of Federal Regulations, title 49, parts 40 and 382, ~~and~~ (3) the applicable rules, orders, or directives of the commissioner of transportation and the commissioner of revenue, issued under this chapter and chapter 168D or 296A, ~~but for no other purpose, have the powers conferred by law upon police officers. The powers include the authority to~~ and (4) the North American Uniform Out-Of-Service Criteria, including issuing out-of-service orders, as defined in Code of Federal Regulations, title 49, section 383.5, and they may conduct inspections at designated highway weigh stations or under other appropriate circumstances.

(b) Transportation program specialists and hazardous material program specialists of the department must not be armed and, except as provided in this section, have none of the other powers and privileges reserved to peace officers, including the power to enforce traffic laws and regulations.

Sec. 84. Minnesota Statutes 2006, section 222.50, subdivision 7, is amended to read:

Subd. 7. **Expenditures.** (a) The commissioner may expend money from the rail service improvement account for the following purposes:

(1) to make transfers as provided under section 222.57 or to pay interest adjustments on loans guaranteed under the state rail user and rail carrier loan guarantee program;

(2) to pay a portion of the costs of capital improvement projects designed to improve rail service including construction or improvement of short segments of rail line such as side track, team track, and connections between existing lines, and construction and improvement of loading, unloading, storage, and transfer facilities of a rail user;

(3) to acquire, maintain, manage, and dispose of railroad right-of-way pursuant to the state rail bank program;

(4) to provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the in-place track;

(5) to pay a portion of the costs of acquiring a rail line by a regional railroad authority established pursuant to chapter 398A;

(6) to pay the state matching portion of federal grants for rail-highway grade crossing improvement projects; and

(7) to fund rail planning studies.

(b) All money derived by the commissioner from the disposition of railroad right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall be deposited in the rail service improvement account.

Sec. 85. Minnesota Statutes 2006, section 239.791, subdivision 10, is amended to read:

Subd. 10. **Exemption for airport, marina, mooring facility, and resort.** A person responsible for the product may offer for sale, sell, or dispense at an airport, ~~marina, mooring facility, or resort~~, for use in airplanes ~~or for purposes listed under subdivision 12, paragraph (a)~~, gasoline that is not oxygenated in accordance with subdivision 1 if the gasoline is unleaded premium grade as defined in section 239.751, subdivision 4.

Sec. 86. Minnesota Statutes 2006, section 239.791, is amended by adding a subdivision to read:

Subd. 10a. **Exemption for resorts, marinas, and houseboat rental companies.** A person responsible for the product may offer for sale, sell, or dispense at a resort, marina, or houseboat rental company gasoline that is not oxygenated in accordance with subdivision 1 if the gasoline: has an octane rating of 87 or higher; is delivered into onsite bulk storage; and is not used for a licensed motor vehicle as defined in section 168.011, subdivision 4.

Sec. 87. Minnesota Statutes 2006, section 299D.03, subdivision 1, is amended to read:

Subdivision 1. **Members, powers, and duties.** (a) The commissioner is hereby authorized to employ and designate a chief supervisor, a chief assistant supervisor, and such assistant supervisors, sergeants and officers as are provided by law, who shall comprise the Minnesota State Patrol.

(b) The members of the Minnesota State Patrol shall have the power and authority:

(1) as peace officers to enforce the provisions of the law relating to the protection of and use of trunk highways;

(2) at all times to direct all traffic on trunk highways in conformance with law, and in the event of a fire or other emergency, or to expedite traffic or to insure safety, to direct traffic on other roads as conditions may require notwithstanding the provisions of law;

(3) to serve search warrants related to criminal motor vehicle and traffic violations and arrest warrants, and legal documents anywhere in the state;

(4) to serve orders of the commissioner of public safety or the commissioner's duly authorized agents issued under the provisions of the Driver's License Law, the Safety Responsibility Act, or relating to authorized brake- and light-testing stations, anywhere in the state and to take possession of any license, permit, or certificate ordered to be surrendered;

(5) to inspect official brake and light adjusting stations;

(6) to make appearances anywhere within the state for the purpose of conducting traffic safety educational programs and school bus clinics;

(7) to exercise upon all trunk highways the same powers with respect to the enforcement of laws relating to crimes, as sheriffs and police officers;

(8) to cooperate, under instructions and rules of the commissioner of public safety, with all sheriffs and other police officers anywhere in the state, provided that said employees shall have no power or authority in connection with strikes or industrial disputes;

(9) to assist and aid any peace officer whose life or safety is in jeopardy;

(10) as peace officers to provide security and protection to the governor, governor elect, either or both houses of the legislature, and state buildings or property in the manner and to the extent determined to be necessary after consultation with the governor, or a designee. Pursuant to this clause, members of the State Patrol, acting as peace officers have the same powers with respect to the enforcement of laws relating to crimes, as sheriffs and police officers have within their respective jurisdictions;

(11) to inspect school buses anywhere in the state for the purposes of determining compliance with vehicle equipment, pollution control, and registration requirements;

(12) as peace officers to make arrests for public offenses committed in their presence anywhere within the state. Persons arrested for violations other than traffic violations shall be referred forthwith to the appropriate local law enforcement agency for further investigation or disposition; and

(13) to enforce the North American uniform out-of-service criteria and issue out-of-service orders, as defined in Code of Federal Regulations, title 49, section 383.5.

(c) The state may contract for State Patrol members to render the services described in this section in excess of their regularly scheduled duty hours and patrol members rendering such services shall be compensated in such amounts, manner and under such conditions as the agreement provides.

(d) Employees thus employed and designated shall subscribe an oath.

Sec. 88. Minnesota Statutes 2006, section 299D.06, is amended to read:

299D.06 PATROL EMPLOYEES WHO ARE NOT TROOPERS.

(a) Department personnel must be classified employees assigned to the Division of State Patrol if they are employed to enforce:

(1) laws relating to motor vehicle equipment; school bus equipment; drivers' licenses; motor vehicle registration; motor vehicle size and weight; motor carrier insurance, registration, and safety; and motor vehicle petroleum taxes;

(2) Pollution Control Agency rules relating to motor vehicle noise abatement; ~~and~~

(3) laws relating to directing the movement of vehicles; ~~and~~

(4) the North American uniform out-of-service criteria and issue out-of-service orders, as defined in Code of Federal Regulations, title 49, section 383.5.

(b) Employees engaged in these duties, while actually on the job during their working hours only, shall have power to:

(1) issue citations in lieu of arrest and continued detention; and

(2) prepare notices to appear in court for violation of these laws and rules, in the manner provided in section 169.91, subdivision 3.

(c) They shall not be armed and, except as provided in this section, shall have none of the other powers and privileges reserved to peace officers including the power to enforce traffic laws and regulations.

Sec. 89. Minnesota Statutes 2006, section 357.021, subdivision 6, is amended to read:

Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this paragraph, the court shall impose and the court administrator shall collect a \$72 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a \$4 surcharge, and other than a violation of section 169.686, for which there shall be a \$25 surcharge. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of finance.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the commissioner of finance.

EFFECTIVE DATE. This section is effective June 9, 2008, and applies to acts committed on or after that date.

Sec. 90. Minnesota Statutes 2006, section 357.021, subdivision 7, is amended to read:

Subd. 7. **Disbursement of surcharges by commissioner of finance.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of finance shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the game and fish fund to provide peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws;

(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent shall be credited to the general fund.

(b) The commissioner of finance shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

(c) In addition to any amounts credited under paragraph (a), the commissioner of finance shall credit \$44 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the \$4 parking surcharge, to the general fund.

(d) If the Ramsey County Board of Commissioners authorizes imposition of the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the Second Judicial District shall transmit the surcharge to the commissioner of finance. The \$1 special surcharge is deposited in a Ramsey County surcharge account in the special revenue fund and amounts in the account are appropriated to the trial courts for the administration of the petty misdemeanor diversion program operated by the Second Judicial District Ramsey County Violations Bureau.

(e) Notwithstanding paragraphs (b) and (c), the commissioner of finance shall disburse the entire surcharge received under subdivision 6 for violations of section 169.686 as provided in paragraph (a).

EFFECTIVE DATE. This section is effective June 9, 2008, and applies to acts committed on or after that date.

Sec. 91. Minnesota Statutes 2006, section 465.74, is amended by adding a subdivision to read:

Subd. 10. **Facility relocation costs.** Notwithstanding any contrary provisions in section 237.163, and rules adopted under that section, public right-of-way users under Minnesota Rules, chapter 7819, including, but not limited to, district heating and district cooling nonprofit corporations organized under chapter 317A that are exempt organizations under section 501(c)(3) of the United States Internal Revenue Code, are eligible to receive grants and federal money for costs of relocating facilities from public rights-of-way to prevent interference with public light rail projects, unless eligibility would impact the project's Federal Transit Authority required cost effectiveness index.

Sec. 92. Minnesota Statutes 2006, section 473.13, subdivision 1a, is amended to read:

Subd. 1a. **Program evaluation.** The budget procedure of the council must include a substantive assessment and evaluation of the effectiveness of each significant program of the council, with, to the extent possible, quantitative information on the status, progress, costs, benefits, and effects of each program. An assessment of progress towards meeting transit goals for people with disabilities must be included, with required elements including, but not limited to:

- (1) a description of proposed program enhancements;
- (2) an assessment of progress;
- (3) identification of the estimated total number of potential and actual riders who are disabled;
- (4) an assessment of the level and type of service required to meet unmet ridership needs; and
- (5) an analysis of costs and revenue options, including a calculation of the amounts of surplus or insufficient funds available for achieving paratransit needs.

The council shall transmit the evaluation to the legislature annually.

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

Sec. 93. Minnesota Statutes 2006, section 473.399, is amended by adding a subdivision to read:

Subd. 5. **Availability of light rail transit information.** The Metropolitan Council shall maintain in a centralized location on an Internet Web site, for each light rail transit line operated by the council and for each year of operation of the line:

- (1) financial data, including revenue by source and operating and capital expenses; and
- (2) ridership information, including ridership and passenger miles.

Sec. 94. Laws 1976, chapter 199, section 14, subdivision 1, as amended by Laws 1984, chapter 572, section 3, subdivision 1, is amended to read:

Subdivision 1. **Safety regulation study.** The commissioner of transportation, with the cooperation of representatives of regional and local units of government and law enforcement agencies, the state trail council, the Governor's trail advisory committee, the commissioner of public safety, highway user groups and associations, and cycling groups and associations shall review and analyze problems relating to the operation of bicycles on the public roads and ways.

As part of this review and analysis the commissioner shall review the Minnesota motor vehicle code to identify provisions which give motorists and bicyclists inadequate guidelines where such traffic conflicts or which may be inconsistent or ambiguous when applied to traffic situations involving special bicycle facilities within or adjacent to public streets and highways.

No later than January 15, 1977 the commissioner shall report the results of this review and analysis and recommendations for any necessary action to the legislative committees having jurisdiction over the subject.

~~Following the completion of the study the advisory committee on bicycling formed by the commissioner under this subdivision shall continue to function under that name in an advisory capacity to make recommendations to the commissioners of transportation and public safety and the legislature on bicycle safety and bicycle education and development programs.~~

Sec. 95. **ENGINE BRAKES; REGULATION BY MINNEAPOLIS.**

Notwithstanding any other law or charter provision, the governing body of the city of Minneapolis may by ordinance restrict or prohibit the use of an engine brake on motor vehicles along Legislative Route No. 107, also known as marked Interstate Highway 394, beginning at the South Penn Avenue interchange in the city of Minneapolis and thence extending easterly to the terminus of marked Interstate Highway 394. Upon notification to the commissioner of transportation by the city of Minneapolis, the commissioner of transportation shall erect the appropriate signs, with the cost of the signs to be paid by the city. For purposes of this section, "engine brake" means any device that uses the engine and transmission to impede the forward motion of the motor vehicle by compression of the engine.

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

Sec. 96. **LITTLE CROW TRANSIT WAY.**

The commissioner of transportation and the Metropolitan Council shall reference in planning or study documents any commuter rail or other transit service proposal along or near marked Trunk Highway 12 between Willmar and downtown Minneapolis as the Little Crow transit way.

Sec. 97. **HIGHWAY CHANGES; REPEALERS; EFFECTIVE DATES; REVISOR INSTRUCTIONS.**

Subdivision 1. **Legislative Route No. 295 removed.** (a) Minnesota Statutes 2006, section 161.115, subdivision 226, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the city of St. Peter to transfer jurisdiction of Legislative Route No. 295 to the city of St. Peter and notifies the revisor of statutes under paragraph (b).

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

Subd. 2. **Legislative Route No. 335 removed.** (a) Minnesota Statutes 2006, section 161.115, subdivision 266, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the city of St. Peter to transfer jurisdiction of Legislative Route No. 335 to the city of St. Peter and notifies the revisor of statutes under paragraph (b).

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

Sec. 98. **RIGHT-OF-WAY TRANSFERRED TO STATE RAIL BANK.**

(a) Notwithstanding Minnesota Statutes, section 16B.281, 16B.282, 92.45, or any other law to the contrary, the trunk highway right-of-way described in paragraph (b) is hereby transferred to the state rail bank under Minnesota Statutes, section 222.63, being a certain parcel of land located in the county of Otter Tail, state of Minnesota, being more particularly described in paragraph (b).

(b) All of Tracts A, B, and C described below:

TRACT A

That part of Government Lot 1 of Section 12, Township 132 North, Range 43 West, Otter Tail County, Minnesota, lying Northeasterly of the former Southwesterly right-of-way line of the BNSF Railway Company (formerly the St. Paul, Minneapolis and Manitoba Railway Company);

TRACT B

A strip of land 150 feet in width, being 75 feet on each side of the former centerline of the BNSF Railway Company (formerly the St. Paul, Minneapolis and Manitoba Railway Company) across the SW1/4NW1/4 of Section 12, Township 132 North, Range 43 West, Otter Tail County, Minnesota, said strip extending from the South line to the West line of said SW1/4NW1/4; together with that part of said SW1/4NW1/4 adjoining and Westerly of the above described strip and Easterly of the Easterly right-of-way line of said railroad company as located prior to 1888;

TRACT C

A strip of land 100 feet in width, being 50 feet on each side of the former centerline of the BNSF Railway Company (formerly the St. Paul, Minneapolis and Manitoba Railway Company) across the E1/2NE1/4 of Section 11, Township 132 North, Range 43 West, Otter Tail County, Minnesota, said strip extending from the East to the North line of said E1/2NE1/4;

together with that part of Tract D described below:

TRACT D

A strip of land 100 feet in width, being 50 feet on each side of the former centerline of the BNSF Railway Company (formerly the St. Paul, Minneapolis and Manitoba Railway Company) across the E1/2 of Section 2, Township 132 North, Range 43 West, Otter Tail County, Minnesota;

which lies Southeasterly of a line run parallel with and distant 135 feet Southeasterly of Line 1 described below:

LINE 1.

Beginning at a point on the North and South Quarter line of said Section 2, distant 1,060.11 feet North of the South Quarter corner thereof; thence run Northeasterly at an angle of 72°36'15" (measured from North to East) from said North and South Quarter line for 1,600 feet and there terminating;

together with all right of access, being the right of ingress to and egress from that part of Tract D hereinbefore described, not acquired herein, to the above described strip.

Sec. 99. **BRIDGE INFRASTRUCTURE PLANNING.**

Subdivision 1. **Trunk highway bridge improvements.** In conjunction with the planning or design for construction, reconstruction, or replacement of a trunk highway bridge in the metropolitan area, within the meaning of Minnesota Statutes, section 473.121, the commissioner of transportation shall consult with the chair of the Metropolitan Council to identify necessary or feasible transit infrastructure and improvements in the corridor.

Subd. 2. **Planning and development.** The commissioner and the chair shall develop a process to coordinate planning and development of highway and transit projects to enhance the efficient use of resources, facilitate selection of appropriate infrastructure choices, and provide a balanced transportation system for the metropolitan area.

Sec. 100. **CREATION OF PLAN, REPORTS, AND ASSESSMENTS.**

The Department of Transportation and the Metropolitan Council shall create the plan, reports, and assessments required in Minnesota Statutes, sections 174.24, subdivision 1a; 174.247; and 473.13, subdivision 1a, within current appropriation levels.

Sec. 101. **REPORT ON OFFICE OF PUPIL TRANSPORTATION SAFETY.**

By January 15, 2009, the commissioner of public safety and the director of pupil transportation safety must report to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation and education policy and finance concerning the Office of Pupil Transportation Safety, including adequacy of funding, staffing levels, available technology to carry out the requirements of Minnesota Statutes, section 169.435, and any recommended legislation to improve the ability of the pupil transportation safety director to perform statutory duties.

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

Sec. 102. **COMPLETE STREETS.**

The commissioner of transportation, in cooperation with the Metropolitan Council and representatives of counties, statutory and home rule charter cities, and towns, shall study the benefits, feasibility, and cost of adopting a complete streets policy applicable to plans to construct, reconstruct, and relocate streets and roads that includes the following elements:

- (1) safe access for all users, including pedestrians, bicyclists, motorists, and transit riders;
- (2) bicycle and pedestrian ways in urbanized areas except where bicyclists and pedestrians are prohibited by law, where costs would be excessively disproportionate, and where there is no need for bicycle and pedestrian ways;
- (3) paved shoulders on rural roads;
- (4) safe pedestrian travel, including for people with disabilities, on sidewalks and street crossings;
- (5) utilization of the latest and best design standards; and
- (6) consistency of complete streets plan with community context.

The commissioner shall report findings, conclusions, and recommendations to the senate Transportation Budget and Policy Division and the house of representatives Transportation Finance Division and Transportation and Transit Policy Subcommittee by December 5, 2009.

Sec. 103. **APPROPRIATION.**

\$1,000,000 is appropriated from the trunk highway fund to the commissioner of public safety in fiscal year 2009 to implement and operate the Office of Pupil Transportation Safety.

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

Sec. 104. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall change the terms "type III school bus," "type III bus," and "type III Head Start bus" to "type III vehicle," and the terms "type III school buses," "type III buses," and "type III Head Start buses" to "type III vehicles," in Minnesota Statutes, chapters 169, 169A, and 171, and in Minnesota Rules, parts 7470.1400 and 7470.1500.

Sec. 105. **REPEALER.**

Minnesota Statutes 2006, sections 168.123, subdivision 2a; 168B.087, subdivision 2; 169.145; 169.446, subdivision 3; and 221.121, subdivision 4, are repealed.

ARTICLE 2

RAILWAY WALKWAY SAFETY

Section 1. **[219.501] RAIL CARRIER WALKWAYS.**

Subdivision 1. **Duty to provide walkways.** (a) Rail carriers must provide walkways adjacent to those portions of yard tracks where rail carrier employees frequently work on the ground performing switching activities. For purposes of this section, "frequently work" means at least five days per week, one shift per day.

(b) This section applies to reconstruction and new construction of yard track completed after July 1, 2008.

(c) This section does not apply to an entity that owns or operates track in this state other than class one and class two rail carriers as classified by the Federal Railroad Administration.

Subd. 2. **General requirements.** (a) Walkways constructed pursuant to this section may be surfaced with asphalt, concrete, planking, grating, native material, crushed material, or other similar nonrevenue material. When crushed material is used, 100 percent of the material must be capable of passing through a 1-1/2-inch square sieve opening, and at least 90 percent of the material must be capable of passing through a one-inch square sieve opening provided, however, a de minimus variation is not a violation of this section where the rail carrier has made a good faith effort to comply with the percentage requirements. Smaller crushed material is preferable, where drainage and durability issues do not arise. Material that is three-quarter inch or less in size is recommended for switching lead tracks.

(b) Walkways must have a reasonably uniform surface and must be maintained in a safe condition without compromising track drainage.

(c) Cross slopes for walkways must not exceed one inch of elevation for each eight inches of horizontal length in any direction.

(d) Walkways must be a minimum width of two feet.

(e) Walkways regulated under this section must be kept reasonably clear of spilled fuel, oil, sand, posts, rocks, and other hazards or obstructions.

Subd. 3. **Allowances for unusual conditions.** Rail carriers are not required to comply with the requirements of this section during (1) maintenance activities or any period of heavy rain or snow, derailments, rock and earth slides, washouts, and similar weather or seismic conditions, and (2) during a reasonable period after any occurrences identified in clause (1) in order to allow a return to compliance.

Subd. 4. **Waiver of requirements.** Upon written request of a rail carrier, the commissioner may waive any portion of this section where conditions do not reasonably allow compliance. A decision of the commissioner is subject to the requirements under section 218.041.

Sec. 2. Minnesota Statutes 2006, section 219.51, is amended to read:

219.51 CLEARANCE VIOLATIONS AND PENALTIES.

Subdivision 1. **Clearance Violation.** A common carrier, corporation, or person subject to sections 219.45 to 219.53 violating any of the provisions of those sections, is liable to a penalty of not more than \$500 for each violation.

Subd. 2. **Failure to correct.** If a common carrier, person, or corporation (1) fails to correct a violation of sections 219.45 to 219.53 when ordered by the commissioner of transportation within the time provided in the order, and (2) does not appeal the order, then failure to correct the violation as ordered by the commissioner constitutes a new and separate offense distinct from the original violation of sections 219.45 to 219.53.

Subd. 3. **Duties of attorney general.** The penalty must be recovered in a suit brought in the name of the state by the attorney general in a court having jurisdiction in the locality where the violation was committed. Under the direction of the commissioner, the attorney general shall bring suit upon receipt of duly verified information from any person of a violation being committed. The commissioner shall lodge with the attorney general information of any violation as may come to their knowledge.

Subd. 4. **Walkway orders.** When the commissioner finds that rail carrier employees who frequently work adjacent to a portion of track performing switching activities are exposed to safety hazards due to the lack of a walkway or to the condition of a walkway constructed before July 1, 2008, the commissioner may, under the provisions of this section, order a rail carrier to construct a walkway adjacent to a portion of track where employees are performing switching activities, or require a rail carrier to modify an existing walkway in conformance with the standards set forth in section 219.501, within a reasonable period of time.

Subd. 5. **Filing of complaints.** No formal complaint of an alleged violation of sections 219.45 to 219.53 may be filed until the filing party has attempted to address the alleged violations with the rail carrier. Any complaint of an alleged violation must contain a written statement that the filing party has made a reasonable, good faith attempt to address the alleged violation.

Sec. 3. Minnesota Statutes 2006, section 609.85, subdivision 6, is amended to read:

Subd. 6. **Trespass; allowing animals on track exception.** Whoever intentionally trespasses, or who permits animals under the person's control to trespass on a railroad track, yard, or bridge is guilty of a misdemeanor. This subdivision does not apply to an elected union official's access to those facilities when acting in an official capacity, to an employee acting within the scope of employment, or to a person with written permission from the railroad company to enter upon the railroad facility."

Delete the title and insert:

"A bill for an act relating to transportation; modifying or adding provisions relating to highways, motor vehicles, vehicle registration, traffic regulations and surcharges, commercial vehicles and vehicle combinations and permits, pupil transportation and school bus drivers, drivers' licenses, driver training, motor fuels, the State Patrol, transit and paratransit planning, the transfer of right-of-way to state rail bank, nonmotorized transportation, transportation finance, and other transportation-related programs or practices; requiring studies and reports; imposing penalties; appropriating money; amending Minnesota Statutes 2006, sections 86B.825, subdivision 5; 162.02, by adding a

subdivision; 163.051, subdivision 1; 168.011, subdivisions 7, 22; 168.012, subdivision 1, by adding a subdivision; 168.013, by adding a subdivision; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.185; 168.28; 168A.01, subdivision 21; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.08, subdivision 1; 169.01, subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by adding a subdivision; 169.21, by adding a subdivision; 169.224; 169.435; 169.446, subdivision 2; 169.67, subdivision 3; 169.686, subdivisions 1, 2, by adding subdivisions; 169.781, subdivisions 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, by adding a subdivision; 169.99, subdivision 1b, by adding a subdivision; 171.01, subdivisions 35, 46; 171.03; 171.05, subdivision 2b; 171.055, subdivision 2; 171.0701; 171.12, subdivision 6; 171.13, subdivision 1, by adding subdivisions; 171.165, subdivision 2; 171.321, subdivision 1; 174.03, subdivision 1, by adding a subdivision; 174.24, by adding a subdivision; 219.51; 221.011, by adding a subdivision; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 221.121, subdivisions 1, 6a; 221.151, subdivision 1; 221.221, subdivision 2; 222.50, subdivision 7; 239.791, subdivision 10, by adding a subdivision; 299D.03, subdivision 1; 299D.06; 357.021, subdivisions 6, 7; 465.74, by adding a subdivision; 473.13, subdivision 1a; 473.399, by adding a subdivision; 609.85, subdivision 6; Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2; Laws 1976, chapter 199, section 14, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapters 168; 169; 171; 174; 219; repealing Minnesota Statutes 2006, sections 168.123, subdivision 2a; 168B.087, subdivision 2; 169.145; 169.446, subdivision 3; 221.121, subdivision 4."

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

House Conferees: MELISSA HORTMAN, TERRY MORROW, ALICE HAUSMAN AND RON ERHARDT.

Senate Conferees: STEVE MURPHY, D. SCOTT DIBBLE, KATIE SIEBEN, MICHAEL J. JUNGBAUER AND RICK E. OLSEEN.

Hortman moved that the report of the Conference Committee on H. F. No. 3800 be adopted and that the bill be repassed as amended by the Conference Committee.

Rukavina moved that the House refuse to adopt the Conference Committee report on H. F. No. 3800 and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Seifert and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Bigham	Clark	Dittrich	Erickson	Gunther
Anderson, B.	Bly	Cornish	Dominguez	Faust	Hackbarth
Anderson, S.	Brod	Davnie	Doty	Finstad	Hamilton
Anzelc	Brown	Dean	Drazkowski	Fritz	Hansen
Atkins	Brynaert	DeLaForest	Eastlund	Gardner	Hausman
Beard	Buesgens	Demmer	Eken	Garofalo	Haws
Benson	Bunn	Dettmer	Emmer	Gottwalt	Heidgerken
Berns	Carlson	Dill	Erhardt	Greiling	Hilstrom

Hilty	Kohls	Masin	Ozment	Sertich	Urdahl
Holberg	Kranz	McFarlane	Paulsen	Severson	Wagenius
Hoppe	Laine	McNamara	Paymar	Shimanski	Walker
Hornstein	Lanning	Moe	Pelowski	Simon	Ward
Hortman	Lenczewski	Morgan	Peppin	Simpson	Wardlow
Hosch	Lesch	Morrow	Peterson, A.	Slawik	Welti
Howes	Liebling	Mullery	Peterson, N.	Slocum	Westrom
Huntley	Lieder	Murphy, E.	Peterson, S.	Smith	Winkler
Jaros	Lillie	Murphy, M.	Poppe	Solberg	Wollschlager
Johnson	Loeffler	Nelson	Rukavina	Swails	Zellers
Juhnke	Madore	Nornes	Ruth	Thao	Spk. Kelliher
Kahn	Magnus	Norton	Ruud	Thissen	
Kalin	Mahoney	Olin	Sailer	Tillberry	
Knuth	Mariani	Olson	Scalze	Tingelstad	
Koenen	Marquart	Otremba	Seifert	Tschumper	

All members answered to the call and it was so ordered.

The question recurred on the Rukavina motion and the roll was called. There were 72 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Gottwalt	Koenen	Nelson	Severson
Anderson, B.	Dill	Gunther	Kohls	Nornes	Shimanski
Anderson, S.	Dominguez	Hackbarth	Kranz	Olson	Simpson
Anzelc	Doty	Hamilton	Lanning	Otremba	Smith
Atkins	Drazkowski	Heidgerken	Lesch	Ozment	Solberg
Beard	Eastlund	Hilstrom	Magnus	Paulsen	Thao
Berns	Eken	Holberg	Mariani	Peppin	Urdahl
Brod	Emmer	Hoppe	Masin	Rukavina	Walker
Buesgens	Erickson	Howes	McFarlane	Ruth	Ward
Dean	Faust	Jaros	McNamara	Scalze	Westrom
DeLaForest	Finstad	Juhnke	Moe	Seifert	Wollschlager
Demmer	Garofalo	Kalin	Mullery	Sertich	Zellers

Those who voted in the negative were:

Benson	Erhardt	Huntley	Mahoney	Peterson, N.	Tingelstad
Bigham	Fritz	Johnson	Marquart	Peterson, S.	Tschumper
Bly	Gardner	Kahn	Morgan	Poppe	Wagenius
Brown	Greiling	Knuth	Morrow	Ruud	Wardlow
Brynaert	Hansen	Laine	Murphy, E.	Sailer	Welti
Bunn	Hausman	Lenczewski	Murphy, M.	Simon	Winkler
Carlson	Haws	Liebling	Norton	Slawik	Spk. Kelliher
Clark	Hilty	Lieder	Olin	Slocum	
Cornish	Hornstein	Lillie	Paymar	Swails	
Davnie	Hortman	Loeffler	Pelowski	Thissen	
Dittrich	Hosch	Madore	Peterson, A.	Tillberry	

The motion prevailed.

CALL OF THE HOUSE LIFTED

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Madam Speaker:

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

H. F. No. 3494, A bill for an act relating to employment; providing up to three hours of paid leave in any 12-month period for state employees to donate blood; authorizing employers to provide leave to employees to donate blood; proposing coding for new law in Minnesota Statutes, chapters 43A; 181.

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

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Madam Speaker:

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

S. F. No. 3775.

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.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3775

A bill for an act relating to solid waste; establishing a pilot program to collect and process used paint; requiring reports.

May 6, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3775 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. 3775 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **PAINT STEWARDSHIP PILOT PROGRAM.**

Subdivision 1. **Purpose.** The purpose of the paint stewardship pilot program established under this section is to allow paint manufacturers to develop and implement a program to collect, transport, and process postconsumer paint to reduce the costs and environmental impacts of the disposal of postconsumer paint in Minnesota.

Subd. 2. **Definitions.** For purposes of sections 1 to 3, the following terms have the meanings given.

(a) "Architectural paint" means interior and exterior architectural coatings, including paints and stains purchased for commercial or homeowner use, but does not include architectural coatings purchased for industrial or original equipment manufacturer use.

(b) "Commissioner" means the commissioner of the Pollution Control Agency.

(c) "Cost recovery system" means a system whereby the costs of the paint stewardship pilot program are included in the final purchase price of the product.

(d) "Consumer paint stewardship assessment" means the amount charged by the retailer or distributor on each purchase of architectural paint sold in containers of one quart or larger.

(e) "Distributor" means a company that has a contractual relationship with one or more manufacturers to market and sell architectural paint to retailers.

(f) "Manufacturer" means a manufacturer of architectural paint.

(g) "Paint stewardship assessment" means the amount paid by each manufacturer that is equal to the amount of the consumer paint stewardship assessment for architectural paint the manufacturer sells.

(h) "Postconsumer paint" means architectural paint not used by the purchaser.

(i) "Representative organization" means the nonprofit organization created by the manufacturers to implement the paint stewardship pilot program described in subdivision 3.

(j) "Retailer" means a person who sells architectural paint at retail.

Subd. 3. **Plan.** (a) Starting July 1, 2008, manufacturers of architectural paint sold at retail must, through a representative organization, implement a pilot stewardship program to undertake responsibility for the development and implementation of strategies to reduce the generation of postconsumer paint, promote the reuse of postconsumer paint, and collect, transport, and process the end-of-life management of postconsumer paint. A cost recovery system must be established to collect an assessment on all architectural paint sold to recover from consumers the cost of collecting, storing, transporting and reusing or disposing of postconsumer paint in an environmentally sound fashion. The cost recovery system shall fund the pilot stewardship program in the following manner:

(1) each architectural paint manufacturer shall remit a paint stewardship assessment to the representative organization implementing the paint stewardship pilot program based on the amount of architectural paint it sells in this state;

(2) each Minnesota retailer or distributor of architectural paint shall include a consumer paint stewardship assessment in the price of all architectural paint it sells; and

(3) an architectural paint manufacturer shall recover the paint stewardship assessments by invoicing each of its Minnesota retailers or distributors of architectural paint, who shall remit payment for the assessments to the architectural paint manufacturer. The funds used by retailers and distributors to pay the invoices shall be derived from the consumer paint stewardship assessment attached to the sale of architectural paints by retailers and distributors.

(b) To ensure that the consumer cost recovery mechanism is equitable and sustainable, a uniform consumer paint stewardship assessment is established for all architectural paint sold. The consumer paint stewardship assessment must be reviewed by the commissioner and must be sufficient to recover, but not exceed, the costs of the paint stewardship pilot program and shall not exceed \$.40 per container. Any assessments collected that exceed the cost of the program, as reported in the audit required under section 3, must be remitted by the representative organization to the commissioner of the Pollution Control Agency, who shall deposit the assessments in the environmental fund. Assessments deposited in the environmental fund are appropriated to the commissioner of the Pollution Control Agency for distribution to counties to conduct household hazardous waste activities.

(c) Material shall be provided to the consumer by the manufacturer or representative of the manufacturer in a manner designed to ensure that consumers are made aware that a consumer paint stewardship assessment is included in the final sales price of the architectural paint.

Subd. 4. **Nonpublic data.** Data reported to the commissioner by a manufacturer or organization of manufacturers is classified as nonpublic data, as defined in Minnesota Statutes, section 13.02, subdivision 9, except that the commissioner may release the data in summary form in which individual manufacturers, distributors, or retailers are not identified and from which neither their identities nor any other characteristics that could uniquely identify an individual manufacturer or retailer is ascertainable.

Sec. 2. **CONDUCT AUTHORIZED.**

A manufacturer or organization of manufacturers that organizes collection, transport, and processing of postconsumer paint under section 1 may engage in anticompetitive conduct only to the extent necessary to plan and implement its chosen organized collection or recycling system and is immune from liability for the conduct under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

Sec. 3. **REPORTS.**

(a) Beginning July 1, 2009, and each year thereafter, manufacturers of architectural paint sold at retail in this state must, through a representative organization, submit a report to the commissioner describing the paint stewardship pilot program. At a minimum, the report must contain:

(1) a description of methods used to collect, transport, and process postconsumer paint in all regions of Minnesota;

(2) the total cost of implementing the pilot program as determined by an independent financial audit funded from the paint stewardship assessment;

(3) an evaluation of how the pilot program's funding mechanism operated;

(4) examples of educational materials that were provided to consumers of architectural paint and an evaluation of those methods;

(5) an analysis of the environmental costs and benefits of collecting and recycling latex paint;

(6) an evaluation of the feasibility of donating usable postconsumer paint to charitable organizations, nonprofit organizations, and K-12 schools; and

(7) an evaluation of possible rebates of or exemptions from the consumer paint stewardship assessment for educational institutions or volunteer community improvement programs.

(b) By January 15, 2010, the commissioner shall submit a report to the chairs and ranking minority members of the committees in the senate and house of representatives that have primary jurisdiction over solid waste policy describing the results of the paint stewardship pilot program and recommending whether it should be made permanent and any modifications to improve the functioning and efficiency of the program. The report shall include an analysis of the potential costs avoided by state and local units of government as a result of the program.

Sec. 4. **EXPIRATION.**

Sections 1 to 3 expire June 30, 2010.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to solid waste; establishing a pilot program to collect and process used paint; requiring reports; appropriating money."

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

Senate Conferees: JOHN DOLL, LINDA HIGGINS AND DENNIS R. FREDERICKSON.

House Conferees: BRITA SAILER, STEVE SIMON AND DENNIS OZMENT.

Sailer moved that the report of the Conference Committee on S. F. No. 3775 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

The Speaker called Juhnke to the Chair.

Pursuant to rule 1.50, Sertich moved that the House be allowed to continue in session after 12:00 midnight. The motion prevailed.

S. F. No. 3775, A bill for an act relating to solid waste; establishing a pilot program to collect and process used paint; requiring reports.

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 81 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Howes	Lillie	Otremba	Solberg
Anzelc	Dominguez	Huntley	Loeffler	Ozment	Swails
Atkins	Eken	Jaros	Mahoney	Paymar	Thao
Beard	Erhardt	Johnson	Mariani	Peterson, A.	Thissen
Benson	Faust	Juhnke	Masin	Peterson, N.	Tillberry
Bigham	Gardner	Kahn	McFarlane	Peterson, S.	Tingelstad
Bly	Greiling	Kalin	Moe	Rukavina	Tschumper
Brown	Hansen	Knuth	Morgan	Ruud	Wagenius
Brynaert	Hausman	Koenen	Morrow	Sailer	Ward
Bunn	Heidgerken	Laine	Mullery	Scalze	Winkler
Carlson	Hilstrom	Lenczewski	Murphy, E.	Sertich	Spk. Kelliher
Clark	Hilty	Lesch	Murphy, M.	Simon	
Cornish	Hornstein	Liebling	Nelson	Slawik	
Davnie	Hortman	Lieder	Olin	Slocum	

Those who voted in the negative were:

Anderson, B.	Dittrich	Gottwalt	Kranz	Paulsen	Smith
Anderson, S.	Doty	Gunther	Lanning	Pelowski	Urdahl
Berns	Drazkowski	Hackbarth	Madore	Peppin	Wardlow
Brod	Eastlund	Hamilton	Magnus	Poppe	Welti
Buesgens	Emmer	Haws	Marquart	Ruth	Westrom
Dean	Erickson	Holberg	McNamara	Seifert	Wollschlager
DeLaForest	Finstad	Hoppe	Nornes	Severson	Zellers
Demmer	Fritz	Hosch	Norton	Shimanski	
Dettmer	Garofalo	Kohls	Olson	Simpson	

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

Madam Speaker:

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

S. F. No. 875.

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.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 875

A bill for an act relating to employment; increasing and indexing the minimum wage; eliminating the training wage; requiring notice to new employees; amending Minnesota Statutes 2006, section 177.24, subdivision 1, by adding a subdivision.

May 6, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 875 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. 875 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 177.24, subdivision 1, is amended to read:

Subdivision 1. **Amount.** (a) For purposes of this subdivision, the terms defined in this paragraph have the meanings given them.

(1) "Large employer" means an enterprise whose annual gross volume of sales made or business done is not less than \$625,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota Fair Labor Standards Act, sections 177.21 to 177.35.

(2) "Small employer" means an enterprise whose annual gross volume of sales made or business done is less than \$625,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota Fair Labor Standards Act, sections 177.21 to 177.35.

(b) Except as otherwise provided in sections 177.21 to 177.35, every large employer must pay each employee wages at a rate of at least ~~\$5.15 an hour beginning September 1, 1997, and at a rate of at least \$6.15 an hour beginning August 1, 2005~~ \$6.75 an hour effective July 24, 2008, and at a rate of at least \$7.75 an hour effective July 24, 2009. Every small employer must pay each employee at a rate of at least ~~\$4.90 an hour beginning January 1, 1998, and at a rate of at least \$5.25 an hour beginning August 1, 2005~~ \$5.75 an hour effective July 24, 2008, and at a rate of at least \$6.75 an hour effective July 24, 2009.

(c) Notwithstanding paragraph (b), during the first 90 consecutive days of employment, an employer may pay an employee under the age of ~~20~~ 18 years a wage at a rate of \$4.90 at least \$5.35 an hour effective July 24, 2008, and at a rate of at least \$5.75 an hour effective July 24, 2009. No employer may take any action to displace any employee, including a partial displacement through a reduction in hours, wages, or employment benefits, in order to hire an employee at the wage authorized in this paragraph.

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

Sec. 2. Minnesota Statutes 2006, section 177.24, is amended by adding a subdivision to read:

Subd. 6. Notice. An employer who pays a new employee the current state minimum wage under subdivision 1 must provide a written statement accompanying the first two paychecks of the employee or on the first two paydays of the employee if the employee is paid by electronic transfer. The written statement must be in at least 10-point font and must include the following information:

(1) the applicable state or federal minimum wage rate required by law; and

(2) contact information for the Department of Labor and Industry for the reporting of possible minimum wage violations.

EFFECTIVE DATE. This section is effective July 24, 2008."

Delete the title and insert:

"A bill for an act relating to employment; increasing the minimum wage; requiring notice to new employees; amending Minnesota Statutes 2006, section 177.24, subdivision 1, by adding a subdivision."

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

Senate Conferees: ELLEN R. ANDERSON, TARRYL L. CLARK AND DAVID J. TOMASSONI.

House Conferees: TOM RUKAVINA, LINDA SLOCUM AND LARRY HOWES.

Rukavina moved that the report of the Conference Committee on S. F. No. 875 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 875, A bill for an act relating to employment; increasing and indexing the minimum wage; eliminating the training wage; requiring notice to new employees; amending Minnesota Statutes 2006, section 177.24, subdivision 1, by adding a subdivision.

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 89 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Huntley	Loeffler	Ozment	Solberg
Anzelc	Eken	Jaros	Madore	Paymar	Swails
Atkins	Faust	Johnson	Mahoney	Pelowski	Thao
Benson	Fritz	Juhnke	Mariani	Peterson, A.	Thissen
Bigham	Gardner	Kahn	Marquart	Peterson, S.	Tillberry
Bly	Greiling	Kalin	Masin	Poppe	Tingelstad
Brown	Hansen	Knuth	Moe	Rukavina	Tschumper
Brynaert	Hausman	Koenen	Morgan	Ruud	Wagenius
Bunn	Haws	Kranz	Morrow	Sailer	Walker
Carlson	Hilstrom	Laine	Mullery	Scalze	Ward
Clark	Hilty	Lenczewski	Murphy, E.	Sertich	Walti
Davnie	Hornstein	Lesch	Murphy, M.	Simon	Winkler
Dill	Hortman	Liebling	Nelson	Slawik	Wollschlager
Dittrich	Hosch	Lieder	Olin	Slocum	Spk. Kelliher
Dominguez	Howes	Lillie	Otremba	Smith	

Those who voted in the negative were:

Anderson, B.	Berns	Cornish	Demmer	Eastlund	Erickson
Anderson, S.	Brod	Dean	Dettmer	Emmer	Finstad
Beard	Buesgens	DeLaForest	Drazkowski	Erhardt	Garofalo

Gottwalt	Holberg	McFarlane	Paulsen	Severson	Westrom
Gunther	Hoppe	McNamara	Peppin	Shimanski	Zellers
Hackbarth	Kohls	Nornes	Peterson, N.	Simpson	
Hamilton	Lanning	Norton	Ruth	Urdahl	
Heidgerken	Magnus	Olson	Seifert	Wardlow	

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

Madam Speaker:

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

S. F. No. 2651, A bill for an act relating to natural resources; modifying provisions for sale of surplus state land; creating a Minnesota forests for the future program; establishing a revolving account; providing for alternative recording of state forest roads; providing for certain wetland banking credits; modifying provisions related to aquatic farms; providing for expedited exchanges of public land; providing for consultation on certain unallotments; providing for viral hemorrhagic septicemia and wildlife disease control; providing for a voluntary walleye stamp; creating the Lessard-Heritage Enhancement Council; modifying hunting and fishing licensing and taking provisions; modifying certain fund and account provisions; modifying outdoor recreation system provisions; adding to and deleting from state parks, recreation areas, and forests; providing for public and private sales, conveyances, leases, and exchanges of certain state land; requiring reports and studies; appropriating money; amending Minnesota Statutes 2006, sections 16B.281, subdivision 3; 16B.282; 16B.283; 16B.284; 16B.287, subdivision 2; 17.4985, subdivisions 2, 3, 5; 17.4986, subdivisions 1, 2, 4; 17.4987; 17.4988, subdivision 3; 17.4992, subdivision 2; 17.4993; 84.943, subdivision 5; 84D.03, subdivision 4; 86A.04; 86A.08, subdivision 1; 89.715; 97A.015, subdivisions 32a, 41a, by adding subdivisions; 97A.045, subdivisions 7, 11; 97A.055, subdivision 4b; 97A.075, subdivisions 4, 5, by adding a subdivision; 97A.311, subdivision 5; 97A.431, subdivision 2; 97A.433, subdivision 2; 97A.434, subdivision 2; 97A.473, subdivision 2; 97A.474, subdivision 2; 97A.475, subdivision 5, by adding a subdivision; 97A.485, subdivision 6; 97A.535, subdivision 1; 97B.015, subdivision 5; 97B.041; 97B.071; 97B.081; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.301, subdivisions 1, 2, 4, 6; 97B.621, subdivision 3; 97B.721; 97C.203; 97C.205; 97C.341; 97C.355, subdivisions 4, 7a; 97C.401, subdivision 2; 97C.505, subdivision 1; 97C.515, subdivisions 2, 4, 5; 97C.821; 325D.55, subdivision 1; Minnesota Statutes 2007 Supplement, sections 17.4984, subdivision 1; 97A.055, subdivision 4; 97A.405, subdivisions 2, 4; 97A.441, subdivision 7; 97A.451, subdivision 3; 97A.473, subdivision 5; 97A.475, subdivisions 2, 3; 97B.031, subdivision 1; 97B.036; 97B.328; 97C.355, subdivision 8; Laws 2005, chapter 161, section 25; Laws 2006, chapter 236, article 1, section 43; proposing coding for new law in Minnesota Statutes, chapters 84; 94; 97A; 97B; 97C; 103G; repealing Minnesota Statutes 2006, sections 16B.281, subdivisions 2, 4, 5; 16B.285; 97A.411, subdivision 2; 97C.515, subdivision 3; Minnesota Statutes 2007 Supplement, section 97B.301, subdivision 7; Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4.

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

Senators Chaudhary, Anderson, Saxhaug, Frederickson and Dille.

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

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Dill 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. 2651. The motion prevailed.

Madam Speaker:

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

S. F. No. 3486, A bill for an act relating to human services; modifying Medicare special needs plans; amending Minnesota Statutes 2006, section 256B.69, subdivision 28.

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

Senators Prettner Solon, Marty and Wergin.

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

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Madore 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. 3486. The motion prevailed.

Madam Speaker:

I hereby announce the following change in the membership of the Conference Committee on S. F. No. 2368:

The name of Lourey has been stricken and the name of Cohen has been added.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CALENDAR FOR THE DAY

There being no objection, H. F. No. 4223, as amended, which was continued earlier today on the Calendar for the Day, was again reported to the House.

The pending Buesgens amendment to H. F. No. 4223, the first engrossment, as amended, was again reported to the House.

Page 12, line 9, after the period, insert "The city share of property taxes paid on the development shall be reduced by an amount equal to the amount of any fee paid or the value of any land dedicated under this provision. The deduction shall begin with taxes payable in the year following the payment or dedication, and continue until the total deduction is equal to the amount of the fee or the value of the dedicated land."

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 40 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Garofalo	Kohls	Paulsen	Smith
Anderson, S.	Dettmer	Gottwalt	Magnus	Peppin	Urdahl
Beard	Drazkowski	Gunther	McFarlane	Ruth	Wardlow
Berns	Eastlund	Hackbarth	McNamara	Seifert	Westrom
Buesgens	Emmer	Heidgerken	Nornes	Severson	Zellers
Cornish	Erickson	Hoppe	Olson	Shimanski	
Dean	Finstad	Howes	Ozment	Simpson	

Those who voted in the negative were:

Abeler	Dominguez	Hortman	Lieder	Olin	Solberg
Anzelc	Doty	Hosch	Lillie	Otremba	Swails
Atkins	Eken	Huntley	Loeffler	Paymar	Thao
Benson	Erhardt	Jaros	Madore	Pelowski	Thissen
Bigham	Faust	Johnson	Mahoney	Peterson, A.	Tillberry
Bly	Fritz	Juhnke	Mariani	Peterson, N.	Tingelstad
Brod	Gardner	Kahn	Marquart	Peterson, S.	Tschumper
Brown	Greiling	Kalin	Masin	Poppe	Wagenius
Brynaert	Hamilton	Knuth	Moe	Rukavina	Walker
Bunn	Hansen	Koenen	Morgan	Ruud	Ward
Carlson	Hausman	Kranz	Morrow	Sailer	Welti
Clark	Haws	Laine	Mullery	Scalze	Winkler
Davnie	Hilstrom	Lanning	Murphy, E.	Sertich	Wollschlager
Demmer	Hilty	Lenczewski	Murphy, M.	Simon	Spk. Kelliher
Dill	Holberg	Lesch	Nelson	Slawik	
Dittrich	Hornstein	Liebling	Norton	Slocum	

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

Hilstrom moved to amend H. F. No. 4223, the first engrossment, as amended, as follows:

Page 1, delete section 1

The motion prevailed and the amendment was adopted.

Westrom, Howes and Rukavina moved to amend H. F. No. 4223, the first engrossment, as amended, as follows:

Page 5, after line 26, insert:

"Sec. 7. Minnesota Statutes 2006, section 394.36, is amended by adding a subdivision to read:

Subd. 5. **Ownership of nonconforming parcel not relevant.** A county must not make a permit or other approval for use, development, or sale or other disposition of a nonconforming lot or parcel of land dependent on the ownership, or the relationship of the buyer to the seller, of the lot or parcel."

Page 7, after line 11, insert:

"Sec. 11. Minnesota Statutes 2006, section 462.357, subdivision 1e, is amended to read:

Subd. 1e. **Nonconformities.** (a) 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, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) the nonconformity or occupancy is discontinued for a period of more than one year; or

(2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

(b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or 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.

(c) Notwithstanding paragraph (a), a municipality shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

(d) A municipality must not make a permit or other approval for use, development, or sale or disposition of a nonconforming lot or parcel of land dependent on the ownership, or the relationship of the buyer to the seller, of the lot or parcel."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Westrom et al amendment and the roll was called. There were 50 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Emmer	Gunther	Howes	McNamara
Anderson, S.	Demmer	Erickson	Hackbarth	Jaros	Nornes
Beard	Dettmer	Faust	Hamilton	Juhnke	Olson
Berns	Dill	Finstad	Holberg	Kohls	Otremba
Buesgens	Drazkowski	Garofalo	Hoppe	Magnus	Paulsen
Cornish	Eastlund	Gottwalt	Hosch	Masin	Peppin

Poppe	Seifert	Simpson	Tingelstad	Westrom
Rukavina	Severson	Smith	Urdahl	Zellers
Ruth	Shimanski	Solberg	Wardlow	

Those who voted in the negative were:

Abeler	Dittrich	Hornstein	Lieder	Nelson	Slawik
Anzelc	Dominguez	Hortman	Lillie	Norton	Slocum
Atkins	Doty	Huntley	Loeffler	Olin	Swails
Benson	Eken	Johnson	Madore	Ozment	Thao
Bigham	Erhardt	Kahn	Mahoney	Paymar	Thissen
Bly	Fritz	Kalin	Mariani	Pelowski	Tillberry
Brod	Gardner	Knuth	Marquart	Peterson, A.	Tschumper
Brown	Greiling	Koenen	McFarlane	Peterson, N.	Wagenius
Brynaert	Hansen	Kranz	Moe	Peterson, S.	Walker
Bunn	Hausman	Laine	Morgan	Ruud	Ward
Carlson	Haws	Lanning	Morrow	Sailer	Welti
Clark	Heidgerken	Lenczewski	Mullery	Scalze	Winkler
Davnie	Hilstrom	Lesch	Murphy, E.	Sertich	Wollschlager
Dean	Hilty	Liebling	Murphy, M.	Simon	Spk. Kelliher

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

H. F. No. 4223, A bill for an act relating to local government; establishing the Business Energy Accountability Act; modifying subordinate service district provisions; providing for transfer of certain drainage systems; providing for interim uses in zoning; modifying charter commission provisions; modifying title registrars' fees; modifying Minnesota Common Interest Ownership Act; modifying Minneapolis dedication fee provisions; amending Minnesota Statutes 2006, sections 365A.095; 394.26; 410.05, subdivision 5; 410.12, subdivision 7; 444.075, subdivision 3; 508.82, subdivision 1; 515B.1-116; Laws 2006, chapter 269, section 2; proposing coding for new law in Minnesota Statutes, chapters 216C; 383B; 394.

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 110 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Greiling	Huntley	Lieder	Murphy, E.
Anzelc	Dean	Gunther	Jaros	Lillie	Murphy, M.
Atkins	Demmer	Hamilton	Johnson	Loeffler	Nelson
Benson	Dill	Hansen	Juhnke	Madore	Nornes
Berns	Dittrich	Hausman	Kahn	Magnus	Norton
Bigham	Dominguez	Haws	Kalin	Mahoney	Olin
Bly	Doty	Heidgerken	Knuth	Mariani	Otremba
Brod	Eastlund	Hilstrom	Koenen	Marquart	Ozment
Brown	Eken	Hilty	Kranz	McFarlane	Paulsen
Brynaert	Erhardt	Holberg	Laine	McNamara	Paymar
Bunn	Erickson	Hornstein	Lanning	Moe	Pelowski
Carlson	Faust	Hortman	Lenczewski	Morgan	Peterson, A.
Clark	Fritz	Hosch	Lesch	Morrow	Peterson, N.
Cornish	Gardner	Howes	Liebling	Mullery	Peterson, S.

Poppe	Scalze	Slocum	Tillberry	Walker	Spk. Kelliher
Rukavina	Sertich	Solberg	Tingelstad	Ward	
Ruth	Simon	Swails	Tschumper	Wardlow	
Ruud	Simpson	Thao	Urdahl	Welti	
Sailer	Slawik	Thissen	Wagenius	Winkler	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Finstad	Hoppe	Peppin	Smith
Anderson, S.	Dettmer	Garofalo	Kohls	Seifert	Westrom
Beard	Drazkowski	Gottwalt	Masin	Severson	Wollschlager
Buesgens	Emmer	Hackbarth	Olson	Shimanski	Zellers

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

S. F. No. 2941 was reported to the House.

Abeler, Gottwalt, Thao and Thissen moved to amend S. F. No. 2941, the second engrossment, as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2006, section 148.10, is amended by adding a subdivision to read:

Subd. 1a. **Free or discounted examination or treatment.** (a) Free or discounted examinations must provide sufficient information to allow for a diagnosis and initiation of treatment, with the exception of examinations clearly identified as for the purpose of screening. Free or discounted chiropractic treatments shall be comparable to similar nondiscounted chiropractic treatments.

(b) When using the word "free," or any other term with essentially the same meaning in reference to delivering any service, examination, or treatment, the following statement must be presented to the patient or guardian for signature and kept on file: "I understand that one or more services provided have been or will be free of charge. Any subsequent services provided will be provided at the fees that have been or will be explained to me.""

Page 4, after line 31, insert:

"Sec. 7. Minnesota Statutes 2007 Supplement, section 152.126, is amended to read:

152.126 SCHEDULE II AND III CONTROLLED SUBSTANCES PRESCRIPTION ELECTRONIC REPORTING SYSTEM.

Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this subdivision have the meanings given.

(a) "Board" means the Minnesota State Board of Pharmacy established under chapter 151.

(b) "Controlled substances" means those substances listed in section 152.02, subdivisions 3 and 4, and those substances defined by the board pursuant to section 152.02, subdivisions 7, 8, and 12.

(c) "Dispense" or "dispensing" has the meaning given in section 151.01, subdivision 30. Dispensing does not include the direct administering of a controlled substance to a patient by a licensed health care professional.

(d) "Dispenser" means a person authorized by law to dispense a controlled substance, pursuant to a valid prescription. For the purposes of this section, a dispenser does not include a licensed hospital pharmacy that distributes controlled substances for inpatient hospital care or a veterinarian who is dispensing prescriptions under section 156.18.

(e) "Prescriber" means a licensed health care professional who is authorized to prescribe a controlled substance under section 152.12, subdivision 1.

(f) "Prescription" has the meaning given in section 151.01, subdivision 16.

Subd. 1a. **Treatment of intractable pain.** This section is not intended to limit or interfere with the legitimate prescribing of controlled substances for pain. No prescriber shall be subject to disciplinary action by a health-related licensing board for prescribing a controlled substance according to the provisions of section 152.125.

Subd. 2. **Prescription electronic reporting system.** (a) The board shall establish by January 1, ~~2009~~ 2010, an electronic system for reporting the information required under subdivision 4 for all controlled substances dispensed within the state. ~~Data for controlled substance prescriptions that are dispensed in a quantity small enough to provide treatment to a patient for a period of 48 hours or less need not be reported.~~

(b) The board may contract with a vendor for the purpose of obtaining technical assistance in the design, implementation, and maintenance of the electronic reporting system. The vendor's role shall be limited to providing technical support to the board concerning the software, databases, and computer systems required to interface with the existing systems currently used by pharmacies to dispense prescriptions and transmit prescription data to other third parties.

Subd. 3. **Prescription Electronic Reporting Advisory Committee.** (a) The board shall convene an advisory committee. The committee must include at least one representative of:

- (1) the Department of Health;
- (2) the Department of Human Services;
- (3) each health-related licensing board that licenses prescribers;
- (4) a professional medical association, which may include an association of pain management and chemical dependency specialists;
- (5) a professional pharmacy association;
- (6) a professional nursing association;
- (7) a professional dental association;
- (8) a consumer privacy or security advocate; and
- (9) a consumer or patient rights organization.

(b) The advisory committee shall advise the board on the development and operation of the electronic reporting system, including, but not limited to:

- (1) technical standards for electronic prescription drug reporting;
- (2) proper analysis and interpretation of prescription monitoring data; and
- (3) an evaluation process for the program.

(c) The Board of Pharmacy, after consultation with the advisory committee, shall present recommendations and draft legislation on the issues addressed by the advisory committee under paragraph (b), to the legislature by December 15, 2007.

Subd. 4. **Reporting requirements; notice.** (a) Each dispenser must submit the following data to the board or its designated vendor, subject to the notice required under paragraph (d):

- (1) name of the prescriber;
- (2) national provider identifier of the prescriber;
- (3) name of the dispenser;
- (4) national provider identifier of the dispenser;
- (5) prescription number;
- (6) name of the patient for whom the prescription was written;
- (7) address of the patient for whom the prescription was written;
- ~~(6)~~ (8) date of birth of the patient for whom the prescription was written;
- ~~(7)~~ (9) date the prescription was written;
- ~~(8)~~ (10) date the prescription was filled;
- ~~(9)~~ (11) name and strength of the controlled substance;
- ~~(10)~~ (12) quantity of controlled substance prescribed; ~~and~~
- ~~(11)~~ (13) quantity of controlled substance dispensed; and
- (14) number of days supply.

(b) The dispenser must submit the required information by a procedure and in a format established by the board. The board may allow dispensers to omit data listed in this subdivision or may require the submission of data not listed in this subdivision provided the omission or submission is necessary for the purpose of complying with the electronic reporting or data transmission standards of the American Society for Automation in Pharmacy, the National Council on Prescription Drug Programs, or other relevant national standard-setting body.

(c) A dispenser is not required to submit this data for those controlled substance prescriptions dispensed for:

- (1) individuals residing in licensed skilled nursing or intermediate care facilities;
 - (2) individuals receiving assisted living services under chapter 144G or through a medical assistance home and community-based waiver;
 - (3) individuals receiving medication intravenously;
 - (4) individuals receiving hospice and other palliative or end-of-life care; and
 - (5) individuals receiving services from a home care provider regulated under chapter 144A.
- (d) A dispenser must not submit data under this subdivision unless a conspicuous notice of the reporting requirements of this section is given to the patient for whom the prescription was written.

Subd. 5. Use of data by board. (a) The board shall develop and maintain a database of the data reported under subdivision 4. The board shall maintain data that could identify an individual prescriber or dispenser in encrypted form. The database may be used by permissible users identified under subdivision 6 for the identification of:

- (1) individuals receiving prescriptions for controlled substances from prescribers who subsequently obtain controlled substances from dispensers in quantities or with a frequency inconsistent with generally recognized standards of use for those controlled substances, including standards accepted by national and international pain management associations ~~of dosage for those controlled substances~~; and
 - (2) individuals presenting forged or otherwise false or altered prescriptions for controlled substances to dispensers.
- (b) No permissible user identified under subdivision 6 may access the database for the sole purpose of identifying prescribers of controlled substances for unusual or excessive prescribing patterns without a valid search warrant or court order.
- (c) No personnel of a state or federal occupational licensing board or agency may access the database for the purpose of obtaining information to be used to initiate or substantiate a disciplinary action against a prescriber.
- (d) Data reported under subdivision 4 shall be retained by the board in the database for a 12-month period, and shall be removed from the database 12 months from the date the data was received.

Subd. 6. Access to reporting system data. (a) Except as indicated in this subdivision, the data submitted to the board under subdivision 4 is private data on individuals as defined in section 13.02, subdivision 12, and not subject to public disclosure.

(b) Except as specified in subdivision 5, the following persons shall be considered permissible users and may access the data submitted under subdivision 4 in the same or similar manner, and for the same or similar purposes, as those persons who are authorized to access similar private data on individuals under federal and state law:

- (1) a prescriber, to the extent the information relates specifically to a current patient ~~of the prescriber~~, to whom the ~~practitioner~~ prescriber is prescribing or considering prescribing any controlled substance;
- (2) a dispenser, to the extent the information relates specifically to a current patient to whom that dispenser is dispensing or considering dispensing any controlled substance;

(3) an individual who is the recipient of a controlled substance prescription for which data was submitted under subdivision 4, or a guardian of the individual, parent or guardian of a minor, or health care agent of the individual acting under a health care directive under chapter 145C;

(4) personnel of the board specifically assigned to conduct a bona fide investigation of a specific licensee;

(5) personnel of the board engaged in the collection of controlled substance prescription information as part of the assigned duties and responsibilities under this section;

(6) authorized personnel of a vendor under contract with the board who are engaged in the design, implementation, and maintenance of the electronic reporting system as part of the assigned duties and responsibilities of their employment, provided that access to data is limited to the minimum amount necessary to test and maintain the system databases;

(7) federal, state, and local law enforcement authorities acting pursuant to a valid search warrant; and

(8) personnel of the medical assistance program assigned to use the data collected under this section to identify recipients whose usage of controlled substances may warrant restriction to a single primary care physician, a single outpatient pharmacy, or a single hospital.

For purposes of clause (3), access by an individual includes persons in the definition of an individual under section 13.02.

(c) Any permissible user identified in paragraph (b), who directly accesses the data electronically, shall implement and maintain a comprehensive information security program that contains administrative, technical, and physical safeguards that are appropriate to the user's size and complexity, and the sensitivity of the personal information obtained. The permissible user shall identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of personal information that could result in the unauthorized disclosure, misuse, or other compromise of the information and assess the sufficiency of any safeguards in place to control the risks.

(d) The board shall not release data submitted under this section unless it is provided with evidence, satisfactory to the board, that the person requesting the information is entitled to receive the data.

(e) The board shall not release the name of a prescriber without the written consent of the prescriber or a valid search warrant or court order. The board shall provide a mechanism for a prescriber to submit to the board a signed consent authorizing the release of the prescriber's name when data containing the prescriber's name is requested.

(f) The board shall maintain a log of all persons who access the data and shall ensure that any permissible user complies with paragraph (c) prior to attaining direct access to the data.

Subd. 7. Disciplinary action. (a) A dispenser who knowingly fails to submit data to the board as required under this section is subject to disciplinary action by the appropriate health-related licensing board.

(b) A prescriber or dispenser authorized to access the data who knowingly discloses the data in violation of state or federal laws relating to the privacy of health care data shall be subject to disciplinary action by the appropriate health-related licensing board, and appropriate civil penalties.

Subd. 8. Evaluation and reporting. (a) The board shall evaluate the prescription electronic reporting system to determine if the system is cost effective and whether it is negatively impacting appropriate prescribing practices of controlled substances. The board may contract with a vendor to design and conduct the evaluation.

(b) The board shall submit the evaluation of the system to the legislature by January 15, ~~2010~~ 2011.

Subd. 9. **Immunity from liability; no requirement to obtain information.** (a) A pharmacist, prescriber, or other dispenser making a report to the program in good faith under this section is immune from any civil, criminal, or administrative liability, which might otherwise be incurred or imposed as a result of the report, or on the basis that the pharmacist or prescriber did or did not seek or obtain or use information from the program.

(b) Nothing in this section shall require a pharmacist, prescriber, or other dispenser to obtain information about a patient from the program, and the pharmacist, prescriber, or other dispenser, if acting in good faith, is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting, receiving, or using information from the program."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2941, A bill for an act relating to health; changing provisions for prescribing and filing drugs; amending Minnesota Statutes 2006, sections 151.01, subdivision 23; 151.37, subdivision 7; Minnesota Statutes 2007 Supplement, sections 148.235, subdivision 11; 151.37, subdivision 2; 151.56; repealing Minnesota Statutes 2007 Supplement, section 148.235, subdivision 12.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Gunther	Kalin	McNamara	Peterson, S.
Anderson, B.	Demmer	Hackbarth	Knuth	Moe	Poppe
Anderson, S.	Dettmer	Hamilton	Koenen	Morgan	Rukavina
Anzelc	Dill	Hansen	Kohls	Morrow	Ruth
Atkins	Dittrich	Hausman	Kranz	Mullery	Ruud
Beard	Dominguez	Haws	Laine	Murphy, E.	Sailer
Benson	Doty	Heidgerken	Lanning	Murphy, M.	Scalze
Berns	Drazkowski	Hilstrom	Lenczewski	Nelson	Seifert
Bigham	Eastlund	Hilty	Lesch	Nornes	Sertich
Bly	Eken	Holberg	Liebling	Norton	Severson
Brod	Emmer	Hoppe	Lieder	Olin	Shimanski
Brown	Erhardt	Hornstein	Lillie	Olson	Simon
Brynaert	Erickson	Hortman	Loeffler	Otremba	Simpson
Buesgens	Faust	Hosch	Madore	Ozment	Slawik
Bunn	Finstad	Howes	Magnus	Paulsen	Slocum
Carlson	Fritz	Huntley	Mahoney	Paymar	Smith
Clark	Gardner	Jaros	Mariani	Pelowski	Solberg
Cornish	Garofalo	Johnson	Marquart	Peppin	Swails
Davnie	Gottwalt	Juhnke	Masin	Peterson, A.	Thao
Dean	Greiling	Kahn	McFarlane	Peterson, N.	Thissen

Tillberry
Tingelstad
Tschumper

Urdahl
Wagenius
Walker

Ward
Wardlow
Wolti

Westrom
Winkler
Wollschlager

Zellers
Spk. Kelliher

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

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

MOTIONS AND RESOLUTIONS

Eken moved that his name be stricken and the name of Hortman be added as chief author on H. F. No. 3273. The motion prevailed.

Poppe moved that the name of Sailer be added as an author on H. F. No. 3643. The motion prevailed.

Eken moved that the names of Solberg, Otremba, Sertich and Scalze be added as authors on H. F. No. 3796. The motion prevailed.

Thissen moved that the name of Dettmer be added as an author on H. F. No. 3926. The motion prevailed.

TAKEN FROM THE TABLE

Greiling moved that H. F. No. 6, which had been laid on the table pursuant to joint rule 3.02(a), be taken from the table, that the Speaker appoint a Conference Committee of 5 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.

A roll call was requested and properly seconded.

POINT OF ORDER

Buesgens raised a point of order pursuant to rule 4.03 relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills. The Speaker ruled the point of order not well taken.

The question recurred on the Greiling motion and the roll was called. There were 119 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Abeler
Anderson, S.
Anzelc
Atkins
Benson
Berns
Bigham

Bly
Brod
Brown
Brynaert
Bunn
Carlson
Clark

Cornish
Davnies
Dean
DeLaForest
Demmer
Dettmer
Dill

Dittrich
Dominguez
Doty
Drazkowski
Eken
Erhardt
Faust

Fritz
Gardner
Garofalo
Greiling
Gunther
Hamilton
Hansen

Hausman
Haws
Heidgerken
Hilstrom
Hilty
Hoppe
Hornstein

Hortman	Lanning	McFarlane	Ozment	Seifert	Tschumper
Hosch	Lenczewski	McNamara	Paulsen	Sertich	Urdahl
Howes	Lesch	Moe	Paymar	Severson	Wagenius
Huntley	Liebling	Morgan	Pelowski	Simon	Walker
Jaros	Lieder	Morrow	Peterson, A.	Simpson	Ward
Johnson	Lillie	Mullery	Peterson, N.	Slawik	Wardlow
Juhnke	Loeffler	Murphy, E.	Peterson, S.	Slocum	Welti
Kahn	Madore	Murphy, M.	Poppe	Smith	Westrom
Kalin	Magnus	Nelson	Rukavina	Solberg	Winkler
Knuth	Mahoney	Nornes	Ruth	Swails	Wollschlager
Koenen	Mariani	Norton	Ruud	Thao	Zellers
Kranz	Marquart	Olin	Sailer	Thissen	Spk. Kelliher
Laine	Masin	Otremba	Scalze	Tillberry	

Those who voted in the negative were:

Anderson, B.	Eastlund	Finstad	Holberg	Peppin
Beard	Emmer	Gottwalt	Kohls	Shimanski
Buesgens	Erickson	Hackbarth	Olson	

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. 6:

Greiling, Slawik, Davnie, Brown and Heidgerken.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3486:

Madore, Rukavina and Gunther.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place H. F. Nos. 3082, 2748 and 3796; and S. F. No. 2833 on the Fiscal Calendar for Monday, May 12, 2008.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 10:00 a.m., Monday, May 12, 2008. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Monday, May 12, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

