

NINETY-SECOND DAY

St. Paul, Minnesota, Tuesday, March 18, 2008

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Pogemiller imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Richard Buller.

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

Anderson	Erickson Ropes	Langseth	Ortman	Sieben
Bakk	Fischbach	Larson	Pappas	Skoe
Berglin	Foley	Latz	Pariseau	Skogen
Betzold	Frederickson	Limmer	Pogemiller	Sparks
Bonoff	Gerlach	Lourey	Prettner Solon	Stumpf
Carlson	Gimse	Lynch	Rest	Tomassoni
Chaudhary	Hann	Marty	Robling	Torres Ray
Clark	Higgins	Metzen	Rosen	Vandever
Cohen	Ingebrigtsen	Michel	Rummel	Vickerman
Dahle	Johnson	Moua	Saltzman	Wergin
Day	Jungbauer	Murphy	Saxhaug	Wiger
Dibble	Koch	Olseen	Scheid	
Dille	Koering	Olson, G.	Senjem	
Doll	Kubly	Olson, M.	Sheran	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 14, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2008 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2008	Date Filed 2008
	3055	155	5:19 p.m. March 14	March 14
	2590	156	5:21 p.m. March 14	March 14

Sincerely,
Mark Ritchie
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 10: A Senate concurrent resolution relating to adjournment for more than three days.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned March 17, 2008

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2553:

H.F. No. 2553: A bill for an act relating to state government; creating a catastrophe survivor compensation fund; appropriating money; amending Minnesota Statutes 2006, section 13.635, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 8A.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Winkler, Kahn, Solberg, Simon and DeLaForest have been appointed as such committee on the part of the House.

House File No. 2553 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 17, 2008

Senator Pogemiller moved that H.F. No. 2553 be laid on the table. The motion prevailed.

Mr. President:

Pursuant to Joint Rule 3.02(a), the Conference Committee on House File No. 1351 was discharged after adjournment on May 21, 2007 and the bill was laid on the table.

H.F. No. 1351: A bill for an act relating to transportation; modifying or adding provisions related to geotechnical investigations before eminent domain proceedings, the highway sign franchise program, streets and highways, highway safety rest areas, highway construction bids and training, town road abandonment, bridges, special mobile equipment, motor vehicle titles, motor vehicle transfers, traffic regulations, flammable liquid definition, drivers' licenses and identification cards, driver records and education, the Real ID Act, traffic-control signals, transportation goals and mission, statewide transportation plan, metropolitan transportation system performance evaluations, transportation contracts, rail service improvement, use of rail bank property, local airports, towing, vehicle impoundments, transit and paratransit, special transportation, small vehicle passenger service, transportation accessibility, transit ways and facilities, light rail transit, vehicle license plates, vehicle size and weight restrictions, vehicle load limits and permits, paper product vehicle routes and permits, definition of full-size pickup truck, vehicle idle reduction technology, commercial vehicles and drivers, vehicle registration, insurance requirements for vehicles owned by charitable organizations, the Unified Carrier Registration Agreement, household goods movers, obsolete motor carrier laws and conforming changes, railroad company requirements, the position of state rail safety inspector, and the Railroad Walkways Safety Act; requiring studies and reports; imposing penalties; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2006, sections 117.041, by adding a subdivision; 160.02, subdivision 19, by adding a subdivision; 160.80; 161.14, subdivision 18, by adding subdivisions; 161.32, subdivisions 1, 1b, 4; 164.06, subdivision 2; 165.01; 165.03; 168.011, subdivision 22; 168.013, subdivision 1e; 168.10, subdivisions 1a, 1b, 1c, 1d, 1g, 1h, 1i; 168.12, subdivisions 1, 2, 2a, 2b, 2c, 2d, 2e; 168A.01, by adding a subdivision; 168A.05, subdivisions 3, 5; 168A.10, subdivision 1; 168A.101; 168A.151, subdivision 1; 168A.153; 168B.04, subdivision 2; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.087, subdivision 1, by adding a subdivision; 169.01, subdivisions 4c, 19, 20, 78, by adding subdivisions; 169.041, subdivisions 1, 2; 169.06, subdivision 5; 169.14, subdivision 2, by adding subdivisions; 169.34; 169.471, subdivision 1; 169.781; 169.782, subdivision 1; 169.783, subdivision 1; 169.81, subdivisions 2, 3c; 169.823, subdivision 1; 169.824, subdivision 2; 169.8261; 169.86, subdivision 5, by adding a subdivision; 169.862; 169.864, subdivisions 1, 2; 169.87, subdivision 4; 171.01, by adding a subdivision; 171.02, subdivision 1; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.12, subdivision 6; 171.14; 174.01, subdivision 2; 174.02, subdivision 1a; 174.03, subdivision 1, by adding subdivisions; 174.24, subdivision 2a; 174.255, by adding a subdivision; 174.29, by adding subdivisions; 174.30, subdivisions 4, 9; 174.64, subdivisions 2, 4; 174.66; 218.021, subdivision 1; 218.041, subdivision 6; 221.011, subdivision 8, by adding a subdivision; 221.025; 221.026; 221.031, subdivisions 1, 6; 221.0314, subdivision 9, by adding a subdivision; 221.033, subdivision 2d; 221.036, subdivisions 1, 3; 221.037, subdivision 1; 221.091, subdivision 2; 221.131; 221.132; 221.141, subdivisions 1, 4; 221.185; 221.221, subdivision 3; 221.231; 221.291, subdivision 4; 221.60, subdivision 1, by adding a subdivision; 222.50, subdivision 7; 222.63, subdivision 4, by adding a subdivision; 299F.60, subdivision 1; 299J.16, subdivision 1; 325F.665, by adding a

subdivision; 473.1466; 473.166; 473.386, subdivisions 1, 2, 2a, 3; 473.399; 473.3993, subdivisions 1, 3, by adding a subdivision; 473.3994; 473.3997; 473.4051; 473.408, by adding subdivisions; Laws 2005, First Special Session chapter 1, article 4, section 39; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 169; 174; 219; 221; 473; repealing Minnesota Statutes 2006, sections 168A.05, subdivision 5a; 174.65; 221.011, subdivisions 24, 25, 28, 29, 38, 41, 44, 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121, subdivisions 1, 2, 3, 4, 5, 6, 6a, 6c, 6d, 6e, 6f, 7; 221.122; 221.123; 221.131, subdivisions 2a, 3; 221.141, subdivision 6; 221.151; 221.152; 221.153, subdivisions 1, 2; 221.161; 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8; 221.60, subdivisions 2, 3, 3a, 4, 5, 6; 221.601; 221.602; 325E.0951, subdivision 3a; 473.1465; 473.247; 473.3994, subdivision 13; Laws 1999, chapter 230, section 44.

House File No. 1351 has been taken from the table and new conferees have been appointed.

Hornstein, Nelson, Madore, Hortman and Ruth have been reappointed as such committee on the part of the House.

House File No. 1351 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 17, 2008

Senator Murphy moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1351, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 117, 2898, 3411, 2582 and 3515.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 17, 2008

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 117: A bill for an act relating to courts; modifying personal jurisdiction over foreign corporations and nonresident individuals in certain matters; amending Minnesota Statutes 2006, section 543.19, subdivision 1.

Referred to the Committee on Judiciary.

H.F. No. 2898: A bill for an act relating to insurance; regulating claim denials under aviation liability coverage; amending Minnesota Statutes 2006, section 60A.081, subdivision 1; Minnesota Statutes 2007 Supplement, section 360.59, subdivision 10.

Referred to the Committee on Judiciary.

H.F. No. 3411: A bill for an act relating to motor fuels; updating standards for petroleum products; providing for use of number to advertise grade of gasoline; amending Minnesota Statutes 2006, sections 239.751, by adding a subdivision; 296A.01, subdivisions 19, 35; Minnesota Statutes 2007 Supplement, sections 239.761; 239.77, subdivision 1; 296A.01, subdivisions 7, 8, 8a, 14, 20, 23, 24, 25, 26, 28.

Referred to the Committee on Commerce and Consumer Protection.

H.F. No. 2582: A bill for an act relating to veterans; designating March 29 as Vietnam Veterans Day; proposing coding for new law in Minnesota Statutes, chapter 197.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2632, now on the Consent Calendar.

H.F. No. 3515: A bill for an act relating to environment; providing for publication of adjustments to costs announced by the Petroleum Tank Release Compensation Board; amending Minnesota Statutes 2006, section 115C.07, subdivision 3.

Referred to the Committee on Energy, Utilities, Technology and Communications.

MOTIONS AND RESOLUTIONS

Senators Scheid, Higgins and Rest introduced –

Senate Resolution No. 159: A Senate resolution honoring community leader Phil Cohen on his 80th birthday.

Referred to the Committee on Rules and Administration.

Senators Scheid, Langseth, Rest and Vickerman introduced –

Senate Resolution No. 160: A Senate resolution recognizing March 31, 2008, as Civilian Conservation Corps Member Appreciation Day in Minnesota.

Referred to the Committee on Rules and Administration.

Senator Pogemiller moved that H.F. No. 2553 be taken from the table. The motion prevailed.

H.F. No. 2553: A bill for an act relating to state government; creating a catastrophe survivor compensation fund; appropriating money; amending Minnesota Statutes 2006, section 13.635, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 8A.

Senator Latz moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2553, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Senator Murphy moved that S.F. No. 3223, No. 96 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate

proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Skoe introduced—

S.F. No. 3777: A bill for an act relating to game and fish; authorizing commissioner of natural resources to extend the season for up to two weeks to take fish species in certain waters; amending Minnesota Statutes 2006, sections 97C.001, subdivision 3; 97C.005, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Senator Sparks introduced—

S.F. No. 3778: A bill for an act relating to agriculture; modifying the waste pesticide collection program; amending Minnesota Statutes 2006, section 18B.065, subdivision 2; Laws 2007, chapter 45, article 1, sections 23; 24.

Referred to the Committee on Agriculture and Veterans.

Senator Day introduced—

S.F. No. 3779: A bill for an act relating to gambling; proposing a constitutional amendment to allow a state-operated casino which may be managed by a private contractor; expanding duties of the director of the State Lottery to include operation of a casino; providing for deposit of net casino proceeds in a capital improvement fund for capital improvements of the state and educational infrastructure; amending Minnesota Statutes 2006, sections 349A.02, subdivision 3; 349A.07, by adding a subdivision; 349A.10, subdivision 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 349A.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Lourey introduced—

S.F. No. 3780: A bill for an act relating to occupations and professions; allowing optometrists to dispense a legend drug at retail under certain conditions; amending Minnesota Statutes 2006, sections 145.711, by adding a subdivision; 148.574.

Referred to the Committee on Health, Housing and Family Security.

Senator Wiger introduced—

S.F. No. 3781: A bill for an act relating to education finance; modifying distribution of permanent school fund payments; setting growth in permanent school fund revenue aside for school technology purposes; amending Minnesota Statutes 2006, section 126C.21, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 127A.

Referred to the Committee on Finance.

Senator Murphy introduced—

S.F. No. 3782: A bill for an act relating to state government; prohibiting constitutional officers from holding other positions; amending Minnesota Statutes 2006, section 10.37.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Murphy introduced—

S.F. No. 3783: A bill for an act relating to elections; transferring functions of the Campaign Finance and Public Disclosure Board to the legislative auditor; making conforming changes; amending Minnesota Statutes 2006, section 10A.02, subdivisions 5, 7, 8, 9, 10, 11, 11a, 12, 12a, 13, 14, 15; repealing Minnesota Statutes 2006, sections 10A.01, subdivision 8; 10A.02, subdivisions 1, 2, 3, 4.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Dille introduced—

S.F. No. 3784: A bill for an act relating to veterans; adding a lawful purpose for the use of lawful gambling revenues; amending Minnesota Statutes 2007 Supplement, section 349.12, subdivision 25.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Sieben and Pogemiller introduced—

S.F. No. 3785: A bill for an act relating to state government; modifying provisions relating to a study of effectiveness of the Starbase program.

Referred to the Committee on Agriculture and Veterans.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Senator Metzen in the chair.

After some time spent therein, the committee arose, and Senator Metzen reported that the committee had considered the following:

S.F. No. 2822, which the committee recommends to pass with the following amendments offered by Senators Clark and Scheid:

Senator Clark moved to amend S.F. No. 2822 as follows:

Page 1, line 17, delete "FIRST PARTY GOOD FAITH INSURANCE PRACTICES" and insert "INSURANCE STANDARD OF CONDUCT"

Page 1, line 23, after "(3)" insert "a contract issued by a nonprofit health service plan corporation regulated under chapter 62C that provides only dental coverage; (4)"

Page 2, line 3, delete "(4)" and insert "(5)"

Page 2, after line 27, insert:

"(d) Upon commencement of a civil action by an insured against an insurer, the complaint must not seek a recovery for the remedies under this subdivision. After filing the suit, the insured may make a motion to amend the pleadings to claim recovery for the remedies under this subdivision. The motion must allege the applicable legal basis under this section for recovery of these remedies and must be accompanied by one or more affidavits showing the factual basis for the motion. The motion may be opposed by the submission of one or more affidavits showing there is no factual basis for the motion. At the hearing, if the court finds prima facie evidence in support of the motion, the court may grant the insured permission to amend the pleadings to seek an award of the remedies under this subdivision.

(e) An award of remedies under this subdivision must be determined by the court in a proceeding subsequent to any determination as to whether the insured is entitled to any proceeds under the insurance policy and is governed by the procedures set forth in Minnesota Rules of General Practice, rule 119."

The motion prevailed. So the amendment was adopted.

Senator Scheid moved to amend S.F. No. 2822 as follows:

Delete everything after the enacting clause and insert:

"Section 1. **[604.18] INSURANCE STANDARD OF CONDUCT.**

Subdivision 1. **Terms.** For purposes of this section, the following terms have the meanings given them.

(a) "Insured" means a person who, or an entity which, qualifies as an insured under the terms of an insurance policy on which a claim for coverage is made. An insured does not include any person who, or entity which, has received any assignment of rights under an insurance policy, and does not include any person or entity claiming a third-party beneficiary status under an insurance policy.

(b) "Insurer" means every insurer, corporation, business trust, or association engaged in insurance as principal licensed to transact insurance under section 60A.06, but for purposes of this section an insurer does not include a political subdivision providing self-insurance or establishing a pool under section 471.981, subdivision 3.

(c) "Insurance policy" means a written agreement between an insured and an insurer, which obligates an insurer to pay proceeds directly to the insured. Insurance policy does not include provisions of a written agreement, which obligate an insurer to defend the insured, reimburse an insured's defense expenses, provide for any other type of defense obligation, or provide for indemnification for judgments or settlements. Insurance policy also does not include any written agreement providing workers' compensation insurance under chapter 176, any written agreement

of a health carrier, as defined in section 62A.011, or any written agreement authorized under section 60A.06, subdivision 1, clauses (4) and (6).

Subd. 2. **Liability.** (a) The court may award as taxable costs to an insured amounts as provided in subdivision 3 if the insured can show:

(1) the absence of a reasonable basis for denying the benefits of the insurance policy; and

(2) that the insurer knew of the lack of a reasonable basis for denying the benefits of the insurance policy or acted in reckless disregard of the lack of a reasonable basis for denying the benefits of the insurance policy.

(b) The insured is not entitled to taxable costs under this section if it is determined:

(1) the insurer did not breach the insurance policy; or

(2) the insured is not entitled to proceeds under the insurance policy in an amount that is in excess of an amount offered by the insurer.

(c) A violation of this section shall not be the basis for any claim or award under chapter 325D or 325F.

(d) A disagreement between an insurer and an insured as to the value or amount of proceeds owed to an insured, an arson investigation or a fraud investigation, or an insurer's reliance on the advice of counsel does not violate this section.

Subd. 3. **Remedies.** (a) An insured may be awarded either or both of the following amounts by the court as taxable costs for an insurer's violation of subdivision 2:

(1) an amount not exceeding the lesser of:

(i) one-half of the proceeds awarded, which are in excess of an amount offered by the insurer; or

(ii) \$100,000; and

(2) reasonable attorney fees actually incurred to establish the insurer's violation of this section. Attorney fees shall only be awarded if the fees sought are separately accounted for by the insured's attorney, are not duplicative of the fees the insured's attorney otherwise expends in pursuit of proceeds to an insured under an insurance policy and which is in excess of an amount offered by the insurer, and shall not exceed the lesser of:

(i) one-half of the disputed amount of the proceeds sought from the insurer; or

(ii) \$40,000.

(b) An award under this section precludes the insured's right to an award under sections 357.25; 549.02; 549.04; and 549.09, and under Minnesota Rules of Civil Procedure, rule 68. An insured's request to the court for an award under sections 357.25; 549.02; 549.04; and 549.09, or Minnesota Rules of Civil Procedure, rule 68, shall preclude the insured from an award under this section.

(c) An insured is not entitled to recover punitive or exemplary damages, or attorney fees under section 8.31, because of any violation of this section.

Subd. 4. **Claim for taxable costs.** (a) Upon commencement of a civil action by an insured against

an insurer, the complaint must not seek a recovery under this section. After filing the suit, a party may make a motion to amend the pleadings to claim recovery of taxable costs under this section. The motion must allege the applicable legal basis under this section for awarding taxable costs under this section, and must be accompanied by one or more affidavits showing the factual basis for the motion. The motion may be opposed by the submission of one or more affidavits showing there is no factual basis for the motion. At the hearing, if the court finds prima facie evidence in support of the motion, the court may grant the moving party permission to amend the pleadings to claim taxable costs under this section.

(b) An award of taxable costs under this section shall be determined by the court in a proceeding subsequent to any determination as to whether the insured is entitled to any proceeds under the insurance policy, and shall be governed by the procedures set forth in Minnesota Rules of General Practice, rule 119.

(c) An award of taxable costs under this section is not available in any claim that is subject to any statutory or contractual arbitration, appraisal, or any alternative dispute resolution proceeding.

(d) The following are not admissible in any proceeding that seeks taxable costs under this section:

(1) findings or determinations made in arbitration proceedings conducted under section 65B.525 or any administrative rules promulgated thereunder;

(2) allegations involving, or results of, investigations, examinations, or administrative proceedings conducted by the Department of Commerce;

(3) administrative bulletins or other informal guidance published or disseminated by the Department of Commerce; and

(4) provisions under chapters 59A to 79A and all rules promulgated thereunder are not admissible as standards of conduct.

(e) Nothing in this section shall prohibit an insurer from asserting the defenses of waiver, collateral or other estoppel, res judicata, or any other valid defense pursued under the section.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective August 1, 2008, and applies to causes of action for conduct, which occurs on or after that date."

Delete the title and insert:

"A bill for an act relating to insurance; providing for penalties and attorney fees for certain insurance claims practices; proposing coding for new law in Minnesota Statutes, chapter 604."

Senator Scheid moved to amend the Scheid amendment to S.F. No. 2822 as follows:

Page 2, line 2, delete the first comma and insert "or" and delete ", or an insurer's"

Page 2, line 3, delete everything before "does"

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

The question recurred on the first Scheid amendment, as amended.

The roll was called, and there were yeas 37 and nays 30, as follows:

Those who voted in the affirmative were:

Bonoff	Hann	Larson	Rosen	Stumpf
Day	Ingebrigtsen	Limmer	Saltzman	Vandever
Dille	Johnson	Michel	Saxhaug	Vickerman
Doll	Jungbauer	Murphy	Scheid	Wergin
Fischbach	Koch	Olson, G.	Senjem	Wiger
Frederickson	Koering	Ortman	Skoe	
Gerlach	Kubly	Pariseau	Skogen	
Gimse	Langseth	Robling	Sparks	

Those who voted in the negative were:

Anderson	Clark	Higgins	Moua	Rest
Bakk	Cohen	Latz	Olseen	Rummel
Berglin	Dahle	Lourey	Olson, M.	Sheran
Betzold	Dibble	Lynch	Pappas	Sieben
Carlson	Erickson Ropes	Marty	Pogemiller	Tomassoni
Chaudhary	Foley	Metzen	Prettner Solon	Torres Ray

The motion prevailed. So the first Scheid amendment, as amended, was adopted.

S.F. No. 2822 was then recommended to pass.

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Koch moved that the name of Senator Rest be added as a co-author to S.F. No. 3055. The motion prevailed.

Senator Koch moved that S.F. No. 3055, No. 62 on General Orders, be stricken and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Doll moved that S.F. No. 2934 be withdrawn from the Committee on Health, Housing and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Day moved that his name be stricken as a co-author to S.F. No. 3717. The motion prevailed.

Senator Doll moved that S.F. No. 3775 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Judiciary. The motion prevailed.

RECESS

Senator Pogemiller moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Readings of House Bills.

REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 2818: A bill for an act relating to environment; establishing principles of a cap and trade program for greenhouse gas emissions; requiring studies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216H.

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

Page 1, delete section 2

Page 2, line 11, delete "January" and insert "February"

Page 2, line 14, after the first comma, insert "business and economic development policy,"

Page 2, line 20, delete "and"

Page 2, line 23, delete the period and insert "; and"

Page 2, after line 23, insert:

"(5) an economic impact study under paragraph (d)."

Page 2, delete lines 24 to 26

Page 2, line 27, delete everything before "If"

Page 2, line 28, delete everything before "in"

Page 3, after line 13, insert:

"(d) The report shall include an analysis of the economic impacts of the costs and benefits, including environmental and public health benefits, of the proposed model regional cap and trade rule. The analysis shall consider the impact of the model cap and trade rule on individual industrial sectors subject to the model rule and on the state economy and consumers. The analysis must also include:

(1) an estimate of allowance prices and rates of investment by facilities subject to the cap and trade program in infrastructure and equipment to reduce emissions of greenhouse gases over time;

(2) an estimate of increases in energy prices for fuels that produce greenhouse gas emissions, the impact of price increases on businesses and family income, and the degree of regressivity of the

price increases and how to avoid regressive impacts;

(3) an analysis of options to mitigate adverse competitive impacts on state businesses and methods to reduce disruptive impacts on workers, businesses, and consumers;

(4) an analysis of various mechanisms for protecting jobs in energy intensive industries subject to competition from outside the Midwestern Greenhouse Gas Accord region, including mining, cement, pulp and paper, refining, and chemicals;

(5) an analysis of the energy cost savings to homes and businesses, job growth, new business development, energy balance of trade, and environmental and public health co-benefits; and

(6) an analysis of various mechanisms to provide for equity to communities at risk of disproportionate economic or environmental impacts.

The analysis shall consider the data and policy recommendations developed through the Minnesota Climate Change Advisory Group as well as the growing literature related to reducing greenhouse gas emissions.

(e) For purposes of conducting the economic impact study under this section, the commissioner of commerce may assess up to \$..... under section 216B.62, which is appropriated to the commissioner for a contribution to the Midwestern Governors Association to obtain the Minnesota-specific economic impacts analysis of the model rule developed under the Midwestern Greenhouse Gas Accord. The assessment is not subject to the cap on assessments provided by section 216B.62 or any other law."

Page 3, delete section 4 and insert:

"Sec. 3. **POTENTIAL CAP AND TRADE REVENUE STUDY.**

Subdivision 1. **Report.** By February 1, 2009, the commissioner of commerce shall submit a report to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over business and economic development, energy, and environmental policy on potential revenues to the state from a cap and trade program and how revenues could be spent to mitigate economic disparities resulting from implementation of a cap and trade program. The report must include:

(1) projections of likely revenues if greenhouse gas emission allowances are auctioned;

(2) a detailed estimate of the degree to which different levels of expenditures of auction proceeds on the options listed under subdivision 3, clauses (1) to (6), would:

(i) reduce greenhouse gas emissions;

(ii) reduce economic costs to industry and households;

(iii) yield jobs and other economic benefits by stimulating economic activity, promoting the growth of new businesses, reducing how much money leaves the state to buy fossil fuels, and other means;

(iv) result in environmental and public health co-benefits by reducing pollutants other than greenhouse gases, improving habitat, or other means; and

(v) otherwise meet the goals identified in subdivision 4;

(3) a discussion of the potential for allowances allocated by the program to lead to unfair economic advantage rather than be used to reduce consumer prices; and

(4) an evaluation of governance options under subdivision 2.

Subd. 2. **Governance.** The report required under subdivision 1 shall describe and analyze options on how decisions would be made on expenditures of possible revenues to the state under a cap and trade program. The commissioner may contract with the University of Minnesota or other state public institutions of higher learning or may issue a request for proposals for the study. The report must examine:

(1) the role of the legislature, citizens, technical experts, and state agencies in decisions on allocating funds; and

(2) innovative decision-making structures and processes, including the Legislative-Citizens Commission on Minnesota Resources, and other examples in Minnesota and other states and countries that may offer useful models to consider.

Subd. 3. **Expenditures to be studied.** The report required under subdivision 1 shall consider the impacts of the following types of expenditures:

(1) direct per capita rebates to Minnesotans;

(2) grants and incentives to consumers to invest in energy efficiency and utilize renewable energy sources or in other technologies, products, or practices that help Minnesotans reduce energy costs, energy consumption, and greenhouse gas emissions;

(3) financial assistance to businesses that install technologies that reduce greenhouse gas emissions, targeting energy-intensive industries facing competitors not subject to comparable regulation, including, but not limited to, mining, pulp and paper, cement, refining, and chemicals;

(4) investments in public infrastructure that reduce greenhouse gas emissions;

(5) investments in worker training and retraining programs; and

(6) incentives for terrestrial and geologic carbon sequestration.

Subd. 4. **Study criteria.** The report required under subdivision 1 shall determine the extent to which expenditures on the measures identified in subdivision 3 assist Minnesota in its transition to a low greenhouse gas-emitting economy and increase the economic gains and reduce the dislocating impacts of the transition. Specifically, the report shall assess the extent to which expenditures meet the following goals:

(1) produce cost-effective emission reductions;

(2) increase sustainable economic development, job creation, and job growth;

(3) reduce greenhouse gas emissions in sectors that do not participate in the cap and trade program;

(4) reduce disruptive economic impacts of the transition on workers, businesses, and consumers;

(5) equitably distribute the costs and benefits among state residents, communities, and economic sectors;

(6) assist low-income and other consumers to reduce the costs associated with greenhouse gas emissions; and

(7) protect and enhance public health, environmental quality, wildlife habitat, and the state's natural resources.

Subd. 5. **Assessment; appropriation.** The commissioner of commerce may assess up to \$..... under section 216B.62, which is appropriated to the commissioner for purposes of implementing this section. The assessment is not subject to the cap on assessments provided by section 216B.62 or any other law. The commissioner may contribute funds from the assessment to the Midwestern Governors Association for implementation of this section."

Page 5, delete section 5

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

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 3385: A bill for an act relating to natural resources; modifying monument designation authority; modifying state park names; modifying state park permit requirements; eliminating certain finance report requirements; making technical corrections; amending Minnesota Statutes 2006, sections 85.011; 85.012, subdivisions 28, 49a; 85.013, subdivision 1; 85.054, subdivision 3, by adding a subdivision; 97A.055, subdivision 4b; repealing Minnesota Statutes 2006, sections 84.961, subdivision 4; 85.013, subdivision 21b; Laws 1989, chapter 335, article 1, section 21, subdivision 8, as amended.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

ENVIRONMENTAL POLICY

Section 1. Minnesota Statutes 2007 Supplement, section 115.56, subdivision 2, is amended to read:

Subd. 2. **License required.** (a) Except as provided in paragraph (b), ~~after March 31, 1996,~~ a person may not design, install, maintain, pump, ~~or~~ inspect, or provide service to an individual sewage treatment system without a license issued by the commissioner. Licenses issued under this section allow work on individual sewage treatment systems with a flow of 10,000 gallons of water per day or less.

(b) A license is not required for a person who complies with the applicable requirements if the person is:

(1) a qualified employee of state or local government who has passed the examination described in paragraph (d) or a similar examination;

(2) an individual who constructs an individual sewage treatment system on land that is owned or leased by the individual and functions solely as the individual's dwelling or seasonal dwelling;

(3) a farmer who pumps and disposes of sewage waste from individual sewage treatment systems, holding tanks, and privies on land that is owned or leased by the farmer; or

(4) an individual who performs labor or services for a person licensed under this section in connection with the design, installation, maintenance, pumping, or inspection of an individual sewage treatment system at the direction and under the personal supervision of a person licensed under this section.

A person constructing an individual sewage treatment system under clause (2) must consult with a site evaluator or designer before beginning construction. In addition, the system must be inspected before being covered and a compliance report must be provided to the local unit of government after the inspection.

(c) The commissioner, in conjunction with the University of Minnesota Extension Service or another higher education institution, shall ensure adequate training and design guidance exists for individual sewage treatment system professionals.

(d) The commissioner shall conduct examinations to test the knowledge of applicants for licensing and shall issue documentation of licensing.

(e) Licenses may be issued only upon successful completion of the required examination and submission of proof of sufficient experience, proof of general liability insurance, and a corporate surety bond in the amount of at least \$10,000.

(f) Notwithstanding paragraph (e), the examination and proof of experience are not required for an individual sewage treatment system professional who, on the effective date of the rules adopted under subdivision 1, holds a certification attained by examination and experience under a voluntary certification program administered by the agency.

(g) Local units of government may not require additional local licenses for individual sewage treatment system professionals.

(h) A pumper whose annual gross revenue from pumping systems is \$9,000 or less and whose gross revenue from pumping systems during the year ending May 11, 1994, was at least \$1,000 is not subject to training requirements in rules adopted under subdivision 1, except for any training required for initial licensure.

~~(i) Until December 31, 2010, No other professional license is required to:~~

~~(1) design, install, maintain, or inspect, or provide service for an individual sewage treatment system with a flow of 10,000 gallons of water per day or less if the system designer, installer, maintainer, or inspector, or service provider is licensed under this subdivision and the local unit of government has not adopted additional requirements; and~~

~~(2) operate an individual sewage treatment system with a flow of 10,000 gallons of water per day or less if the system operator is licensed as a system designer, installer, maintainer, or inspector under this subdivision and the local unit of government has not adopted additional requirements.~~

Sec. 2. [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 three parts soil to one part residual material; 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.

Sec. 3. 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.

After July 1, 2008, the agency may issue a new permit to a new facility located in a community that meets all of the following conditions only if the facility also meets the conditions of paragraph (b):

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

(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 an urban area 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) If a new facility meets the conditions provided in paragraph (a), clauses (1) to (5), then a new permit may be issued by the Pollution Control Agency only if the new facility agrees to:

(1) hire at least 35 percent of the facility's permanent employees from the community and surrounding neighborhoods within which the facility will be located and target job training and local hiring efforts to residents which meet the criteria listed in paragraph (a), clause (2);

(2) equip all diesel trucks bringing fuel to the facility with advanced filter systems that reduce emissions from diesel exhaust;

(3) report, on a quarterly basis to the community within which the facility is located, actual emissions levels, as measured by the Pollution Control Agency's 24-hour emissions testing; and

(4) refrain from burning refuse-derived fuel, as defined by section 119.90, at the facility.

(c) 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.

Sec. 4. [116.482] LOCAL NOTIFICATION REQUIREMENTS.

The agency shall directly notify all state legislators and local officials representing the area where an underground tank is located and all residents and businesses within 1,000 feet of the tank within 30 days of receiving any of the following information on a tank:

(1) the installation of a new underground storage tank system;

(2) the discovery of an abandoned tank or of a change in the uses, contents, or ownership of a tank under section 116.48, subdivisions 2 and 3;

(3) reports of all releases under section 115.061, including suspected releases, spills and overfills, and confirmed releases;

(4) information that is generated in the course of corrective actions taken as defined in section 115C.02, subdivision 4;

(5) any change in service of the tank; and

(6) the permanent closure of the tank.

Sec. 5. Minnesota Statutes 2006, section 299K.08, is amended by adding a subdivision to read:

Subd. 3a. **Use of alternative threshold and certifications; restrictions.** (a) For Minnesota facilities required to report under subdivision 3, the alternative threshold quantities outlined in Code of Federal Regulations, title 40, section 372.27, paragraphs (a)(1) and (a)(2)(ii), or a successor regulation, shall be changed back to the threshold levels prior to implementation of the toxic release inventory burden reduction rule of December 18, 2006.

(b) The use of Environmental Protection Agency certification form 9530-2, (Form A), or any equivalent successor to the form, shall not be used by facilities:

(1) if the total annual reportable amount is 500 pounds or more for nonpersistent bioaccumulative and toxic chemicals; or

(2) with respect to any chemical identified by the Environmental Protection Agency administrator as a chemical of special concern under Code of Federal Regulations, title 40, section 372.28, or a successor regulation.

(c) Facilities affected by paragraph (b) must use Environmental Protection Agency form 9350-1 (Form R), or any equivalent successor to the form.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2007, and applies to reports due in 2007 for calendar year 2006 to ensure that no data gaps exist from previous toxic chemical inventory data.

ARTICLE 2

NATURAL RESOURCE POLICY

Section 1. [84.66] MINNESOTA FORESTS FOR THE FUTURE PROGRAM.

Subdivision 1. **Purpose.** The Minnesota forests for the future program identifies and protects private, working forest lands for their timber, scenic, recreational, fish and wildlife habitat, threatened and endangered species, and other cultural and environmental values.

Subd. 2. **Definitions.** For the purpose of this section, the following terms have the meanings given:

(1) "forest land" has the meaning given under section 89.001, subdivision 4;

(2) "forest resources" has the meaning given under section 89.001, subdivision 8;

(3) "guidelines" has the meaning given under section 89A.01, subdivision 8;

(4) "riparian land" has the meaning given under section 103F.511, subdivision 8a; and

(5) "working forest land" means land that provides a broad range of goods and services, including forest products, recreation, fish and wildlife habitat, clean air and water, and carbon sequestration.

Subd. 3. **Establishment.** The commissioner of natural resources shall establish and administer a Minnesota forests for the future program. Land selected for inclusion in the program shall be evaluated on the land's potential for:

(1) producing timber and other forest products;

- (2) maintaining forest landscapes;
- (3) providing public recreation; and
- (4) providing ecological, fish and wildlife habitat, other cultural and environmental values, and values consistent with working forest lands.

Subd. 4. **Land eligibility.** Land may be placed in the Minnesota forests for the future program if it:

- (1) is:
 - (i) forest land;
 - (ii) desirable land adjacent to forest land, as determined by the commissioner; or
 - (iii) beneficial to forest resource protection;
- (2) is at least five acres in size, except for a riparian area or an area providing access to state forest land; and
- (3) is not set aside, enrolled, or diverted under another federal or state program, unless enrollment in the Minnesota forests for the future program would provide additional conservation benefits or a longer enrollment term than under the current federal or state program.

Subd. 5. **Land interests.** The commissioner may acquire permanent interests in lands by fee title, easement acquisition, gift, or donation. An acquired easement shall require a forestry management plan unless the requirement is waived or modified by the commissioner. The plan will guide forest management activities consistent with the purposes and terms of the easement and shall incorporate guidelines and other forest management practices as determined by the commissioner to provide perpetuation of the forest. The plan shall be developed in accordance with the guidelines.

Subd. 6. **Application.** The commissioner shall accept applications from owners of eligible lands at the time, in the form, and containing the information as the commissioner may prescribe. If the number of applications exceeds the ability to fund them all, priority shall be given to those applications covering lands providing the greatest public benefits for timber productivity, public access, and ecological and wildlife values.

Subd. 7. **Landowner responsibilities.** The commissioner may enroll eligible land in the program by signing an easement in recordable form with a landowner in which the landowner agrees to:

- (1) convey to the state a permanent easement that is not subject to any prior title, lien, or encumbrance; and
- (2) manage the land in a manner consistent with the purposes for which the land was selected for the program and not convert the land to other uses.

Subd. 8. **Advisory team.** In administering the program, the commissioner may establish an advisory team to provide advice on program management.

Subd. 9. **Correction of easement boundary lines.** To correct errors in legal descriptions for easements that affect the ownership interests in the state and adjacent landowners, the commissioner may, in the name of the state, convey without consideration, interests of the state necessary to correct

legal descriptions of boundaries. The conveyance must be by quitclaim deed or release in a form approved by the attorney general.

Subd. 10. **Terminating or changing an easement.** The commissioner may terminate an easement, with the consent of the property owner, if the commissioner determines termination to be in the public interest. The commissioner may modify the terms of an easement if the commissioner determines that modification will help implement the Minnesota forests for the future program or facilitate the program's administration.

Subd. 11. **Payments.** Payments to landowners under the Minnesota forests for the future program shall be made in accordance with law and Department of Natural Resources acquisition policies, procedures, and other funding requirements.

Subd. 12. **Monitoring, enforcement, and damages.** (a) The commissioner shall establish a long-term program for monitoring and enforcing Minnesota forests for the future easements.

(b) A landowner who violates the terms of an easement under this section or induces, assists, or allows another to do so is liable to the state for damages due to the loss of timber, scenic, recreational, fish and wildlife habitat, threatened and endangered species, and other cultural and environmental values.

(c) Upon request of the commissioner, the attorney general may commence an action for specific performance, injunctive relief, damages, including attorney's fees, and any other appropriate relief to enforce this section in district court in the county where all or part of the violation is alleged to have been committed or where the landowner resides or has a principal place of business.

Subd. 13. **Rulemaking exemption.** Easements agreed to under this section are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 2. 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. 3. 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. 4. Minnesota Statutes 2006, section 85.012, subdivision 49a, is amended to read:

Subd. 49a. ~~St. Croix~~ Wild River State Park, Chisago County.

Sec. 5. 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. 6. Minnesota Statutes 2006, section 85.053, is amended by adding a subdivision to read:

Subd. 10. **Free entrance; permanently and totally disabled veterans.** The commissioner shall issue an annual park permit for no charge for any veteran with a total and permanent service-connected disability who presents each year a copy of their determination letter to a park attendant or commissioner's designee. For the purposes of this section, "veteran with a total and permanent service-connected disability" means a resident who has a total and permanent service-connected disability as adjudicated by the United States Veterans Administration or by the retirement board of one of the several branches of the armed forces.

Sec. 7. 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. 8. 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. 9. 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.

Sec. 10. 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 standards of the county recorder where the state forest roads are located;
- (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~~ 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. 11. 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. 12. **[103B.701] STAR LAKES.**

Subdivision 1. **Definition.** For the purposes of this section, the term "lake association" means an organized association for the purpose of addressing issues on a specific lake or river, a lake improvement district, or a lake conservation district.

Subd. 2. **Application.** (a) A lake association may apply to the Star Lake Board for designation as a star lake or river. The applicant must include a copy of a star lake or river management plan for the lake or river.

(b) After review of the application, the Star Lake Board shall determine whether designation as a star lake or river will be granted. The designation as a star lake or river becomes effective the day following designation by the board. The board shall publish the decision on a star lake or river designation in the State Register, including the effective date of the designation.

(c) The star lake or river designation is effective until the earlier of:

(1) five years after the date of designation; or

(2) when the Star Lake Board finds that the lake association is not fulfilling the requirements of this section or of the star lake or river management plan submitted.

(d) Within six months before the expiration date of the designation as a star lake or river, a lake association may apply to continue the star lake or river designation under this section.

Subd. 3. **Eligibility.** A lake association applying for designation as a star lake or river must:

(1) develop and update a star lake or river management plan as provided in subdivision 4;

(2) maintain a membership or participation of at least 50 percent of the private shoreland owners;

(3) participate in a water quality monitoring program under section 115.06, subdivision 4, or other programs meeting Pollution Control Agency standards; and

(4) meet at least annually to review the plan and notify appropriate state agencies and local government units in the development and monitoring of the star lake or river management plan.

Subd. 4. **Star lake or river management plan.** (a) A star lake or river management plan must contain a baseline of the current condition of the lake or river based on scientific information, and plans for addressing the following issues:

(1) increases in native vegetation in the littoral area of the lake or river, where appropriate;

(2) increases in native vegetation on the shoreline areas of the lake or river, where appropriate;

(3) prevention, reduction, or elimination of aquatic invasive species in the lake or river;

(4) increasing or maintaining a healthy diverse fishery that is appropriate for the lake or river;

(5) how the association will work with state agencies and local government units to identify water pollution sources and impairments;

(6) how the association will assist state and local programs to generate data needed by state agencies and local government units in an appropriate format;

(7) promoting compliance with adopted shoreland zoning standards and shoreland best management practices;

(8) how the lake association will assure its involvement in public input opportunities for various local comprehensive and project-specific planning and zoning processes;

(9) education and recognition opportunities for shoreland owners and other entities that conduct activities affecting the quality of the lake or river; and

(10) other activities that will coordinate with or enhance other state and local water management efforts.

(b) The star lake or river management plan shall be updated within five years of adoption by the lake association.

Subd. 5. **State resources.** State agencies may consider star lake or river designation in determining the allocation of financial and staff resources.

Sec. 13. [103B.702] STAR LAKE BOARD.

Subdivision 1. **Establishment.** (a) The Star Lake Board shall be established as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Star Lake Board shall promote and designate star lakes and rivers in Minnesota under section 103B.701.

(b) The board must work with private and public entities to leverage the resources available to achieve and sustain the designation of Minnesota star lakes or rivers. The board may assist lake associations with finding appropriate technical and financial assistance and make recommendations to state agencies and local government units regarding the manner in which technical or financial assistance can be most effectively delivered. To the extent that money is available, the board may secure, provide, or recommend financial assistance to meet specific needs of lake associations, for:

(1) completing a star lake or river management plan when the lake association does not have an existing management plan and the association is committed to the goals of a plan, as specified in section 103B.701, subdivision 4; and

(2) addressing specific issues of the lake or river to achieve or maintain the goals of the lake or river management plan for lake associations that have achieved a star lake or river designation.

(c) The board shall consist of:

(1) one member designated by Minnesota Waters;

(2) one member designated by the North Central Lakes Collaborative;

(3) five members, chosen by the other board members with regard to obtaining representation from a variety of types of lakes and rivers within the state, who are from lake associations representing designated star lakes or rivers, or until July 1, 2011, are eligible to achieve star lake

or river designation;

- (4) one member designated by the commissioner of natural resources;
- (5) one member designated by the commissioner of the Pollution Control Agency;
- (6) one member designated by the chair of the Board of Water and Soil Resources;
- (7) one member designated by the Association of Minnesota Counties;
- (8) one member designated by the Minnesota Inter-County Association; and
- (9) one member designated by the League of Minnesota Cities.

(d) By January 15 of each odd-numbered year, the board shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment policy and finance on the activities for which money has been or will be spent for the current biennium, the applications for designation, and the star lakes or rivers designated by the board.

Subd. 2. **Conflict of interest.** A board member may not participate in or vote on a decision of the board relating to an organization in which the member has either a direct or indirect personal financial interest. While serving on the Star Lake Board, a member shall avoid any potential conflict of interest.

Subd. 3. **Staff; contracts.** The board may hire staff or enter into contracts to carry out the activities of the board.

Subd. 4. **Bylaws.** The board shall adopt bylaws necessary for the conduct of the business of the board consistent with this section. The corporation must publish bylaws and amendments to the bylaws in the State Register.

Subd. 5. **Place of business.** The board shall locate and maintain the board's place of business within the state.

Subd. 6. **Chair.** The board shall annually elect from among its members a chair and other officers necessary for the performance of its duties.

Subd. 7. **Meetings.** The board shall meet at least twice each year and may hold additional meetings upon giving notice in accordance with the bylaws of the board. Board meetings are subject to chapter 13D.

Subd. 8. **Funds.** The board may accept and use gifts, grants, or contributions from any source. Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of and invest or reinvest the money, securities, or other property given or bequeathed to it. The principal of these funds, the income from them, and all other revenues received by the board from any nonstate source must be placed in the depositories the board determines and is subject to expenditure for the board's purposes.

Subd. 9. **Accounts; audits.** The board may establish funds and accounts necessary to carry out its responsibilities. The board shall provide for and pay the cost of an independent audit of its official books and records by the legislative auditor subject to sections 3.971 and 3.972. A copy of this audit

shall be filed with the secretary of state.

Sec. 14. Minnesota Statutes 2006, section 103G.2241, is amended by adding a subdivision to read:

Subd. 8a. **Approved development.** A replacement plan for wetlands is not required for development projects and ditch improvement projects in the state that have received preliminary or final plat approval or have infrastructure that has been installed or has local site plan approval, conditional use permits, or similar official approval by a governing body or government agency, within five years before July 1, 1991. As used in the subdivision, "infrastructure" means public water facilities, storm water and sanitary sewer piping, outfalls, inlets, culverts, bridges, and any other work defined specifically by a local government unit as constituting a capital improvement to a parcel within the context of an approved development plan. This exemption applies only in a greater than 80 percent area or in a watershed contiguous to a greater than 80 percent area.

Sec. 15. **[103G.2251] STATE CONSERVATION EASEMENTS; WETLAND BANK CREDIT.**

In greater than 80 percent areas, preservation of wetlands subsequently protected by a conservation easement as defined under section 84C.01, and held by the board, may be eligible for wetland banking credits, according to rules adopted by the board.

Sec. 16. **[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. 17. **[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 must be forgiven.

(b) Unless the person requests review of the order under subdivision 5 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. For purposes of this paragraph, the administrative law judge may recommend attorney fees to be refunded, not to exceed the amount of the penalty order.

(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. **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. 7. **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. 8. **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 a permit, license, or registration issued by the commissioner.

Subd. 9. **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. 18. [103G.254] RECOVERY OF LITIGATION COSTS AND EXPENSES.

In any judicial action brought by the attorney general for civil penalties, injunctive relief, or an action to compel performance under section 103G.253, if the state ultimately prevails and if the proven violation was willful, the state, in addition to other penalties provided by law, may be allowed an amount determined by the court to be the reasonable value of all or part of the litigation expenses incurred by the state. In determining the amount of the litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

Sec. 19. [173.0855] STAR LAKE OR RIVER SIGNS.

Subdivision 1. **Authority to erect.** (a) A county, statutory or home rule charter city, or town of Minnesota that contains a star lake or river designated under section 103B.701 may request the Department of Transportation to erect star lake or river signs pursuant to section 161.139. One sign may be erected at each approach to a lake or river within the right-of-way of an interstate or other highway that passes over a lake or river in the Department of Transportation's eight-county metropolitan district or near or over a lake or river in greater Minnesota.

(b) An official lake or river sign on the right-of-way of an interstate or other highway may be replaced with a star lake or river sign by the Department of Transportation pursuant to section 161.139.

Subd. 2. **Sign standards.** The Department of Transportation shall design and manufacture the star lake and river signs to specifications not contrary to other federal and state highway sign standards.

Sec. 20. FIRST MEETING; DEADLINE FOR APPOINTMENTS.

The appointing authorities named in Minnesota Statutes, section 103B.702, must complete their appointments to the Star Lake Board by August 1, 2008, with the exception of the appointments required under Minnesota Statutes, section 103B.702, subdivision 1, paragraph (c), clause (3), which

must be completed within 30 days of the first meeting of the board. The board member designated by the commissioner of natural resources must convene the first meeting of the board no later than September 1, 2008.

Sec. 21. 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. The plan is exempt from the rulemaking procedures under Minnesota Statutes, chapter 14, and Minnesota Statutes, section 14.386, does not apply.

Sec. 22. WATONWAN COUNTY SOIL AND WATER CONSERVATION DISTRICT SUPERVISOR APPOINTMENTS.

Subdivision 1. **Appointments.** Notwithstanding Minnesota Statutes, section 103C.305, subdivision 6, the vacancies in the office of elected supervisor for the Watonwan County Soil and Water Conservation District may be filled by appointment made by the Watonwan County Board. The appointees may hold office until the first Monday in January following the 2008 general election. Successors shall be elected at the 2008 general election and hold office for the remainder of the term or for the next regular term, whichever is appropriate.

Subd. 2. **Expiration.** This section expires January 5, 2009.

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

Sec. 23. DEPARTMENT OF NATURAL RESOURCES RULEMAKING REQUIRED; STRUCTURES IN PUBLIC WATERS.

The commissioner of natural resources shall update rules on structures in public waters allowed and permit requirements for those structures under Minnesota Rules, chapter 6115, as a part of the rulemaking required in Laws 2007, chapter 57, article 1, section 4, subdivision 3. The Department of Natural Resources general permit no. 2008-0401 expires on the effective date of the updated rules.

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

Sec. 24. COMFORT LAKE-FOREST LAKE WATERSHED DISTRICT.

Notwithstanding any law to the contrary, the Comfort Lake-Forest Lake Watershed District established under Minnesota Statutes, chapter 103D, shall be considered a watershed management organization as defined in Minnesota Statutes, section 103B.205, subdivision 13. The Comfort Lake-Forest Lake Watershed District shall manage or plan for the management of surface water within the watershed district boundary in Chisago and Washington Counties through the authorities contained in Minnesota Statutes, sections 103B.205 to 103B.255 and chapter 103D.

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

Sec. 25. REPEALER.

Minnesota Statutes 2006, sections 84.961, subdivision 4; and 85.013, subdivision 21b, and Laws 1989, chapter 335, article 1, section 21, subdivision 8, as amended by Laws 2002, chapter 323, section 19, are repealed.

ARTICLE 3
GAME AND FISH

Section 1. 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. The commissioner shall not issue a new license for aquatic farm purposes on a natural water body that has been restored with money from migratory waterfowl stamp proceeds, credited under section 97A.075, subdivision 2, or federal duck stamp proceeds.~~

(g) Before a new aquatic farm license is issued for a natural water body, the applicant must notify all owners of property with direct access to the water body.

Sec. 2. Minnesota Statutes 2006, section 17.4985, subdivision 2, is amended to read:

Subd. 2. **Bill of lading.** (a) A state-issued bill of lading is required for:

(1) intrastate transportation of aquatic life other than salmonids ~~and~~, catfish, or 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, between licensed private fish hatcheries, aquatic farms, or aquarium facilities licensed for the species being transported if the aquatic life is being transported into a watershed where it is not currently present, if walleyes whose original source is south of marked State Highway 210 are being transported to a facility north of marked State Highway 210, or if the original source of the aquatic life is outside Minnesota and contiguous states; and

(2) stocking of waters other than public waters with aquatic life other than salmonids ~~and~~, catfish, or 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.

(b) When aquatic life is transported under paragraph (a), a copy of the bill of lading must be submitted to the regional fisheries manager at least 72 hours before the transportation.

(c) For transportation and stocking of waters that are not public waters:

(1) a bill of lading must be submitted to the regional fisheries manager 72 hours before transporting fish for stocking;

(2) a bill of lading must be submitted to the regional fisheries manager within five days after stocking if the waters to be stocked are confirmed by telecopy or telephone prior to stocking by the regional fisheries office not to be public waters; or

(3) a completed bill of lading may be submitted to the regional fisheries office by telecopy prior to transporting fish for stocking. Confirmation that the waters to be stocked are not public waters may be made by returning the bill of lading by telecopy or in writing, in which cases additional copies need not be submitted to the Department of Natural Resources.

(d) Bill of lading forms may only be issued by the Department of Natural Resources in St. Paul, and new bill of lading forms may not be issued until all previously issued forms have been returned.

Sec. 3. Minnesota Statutes 2006, section 17.4985, subdivision 3, is amended to read:

Subd. 3. **Exemptions for transportation permits and bills of lading.** (a) A state-issued bill of lading or transportation permit is not required by an aquatic farm licensee for importation, of animals not on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services; transportation, of animals not on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services; or export for the following:

(1) minnows taken under an aquatic farm license in this state and transported intrastate;

(2) aquarium or ornamental fish including goldfish and tropical, subtropical, and saltwater species that cannot survive in the waters of the state, which may be imported or transported if accompanied by shipping documents;

(3) fish or fish eggs that have been processed for use as food, bait, or other purposes unrelated to fish propagation;

(4) live fish from a licensed aquatic farm, which may be transported directly to an outlet for processing or for other food purposes if accompanied by shipping documents;

(5) fish being exported if accompanied by shipping documents;

(6) sucker eggs, sucker fry, or fathead minnows transported intrastate for bait propagation or feeding of cultural aquatic life, except that if either species becomes listed on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, then a transportation permit is required;

(7) species of fish that are found within the state used in connection with public shows, exhibits, demonstrations, or fishing pools for periods not exceeding 14 days;

(8) fish being transported through the state if accompanied by shipping documents; or

(9) intrastate transportation of aquatic life between or within licensed private fish hatcheries, aquatic farms, or aquarium facilities licensed for the species being transported, except where required in subdivision 2 and except that salmonids ~~and~~, catfish, or 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, may only be transferred or transported intrastate without a transportation permit if they had no record of bacterial kidney disease or viral hemorrhagic septicemia at the time they were imported into the state and if they have had a fish health inspection within the preceding year that has shown no certifiable diseases to be present.

Aquatic life being transferred between licensed private fish hatcheries, aquatic farms, or aquarium facilities must be accompanied by shipping documents and salmonids ~~and~~, catfish, or 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, being transferred or transported intrastate without a transportation permit must be accompanied by a copy of their most recent fish health inspection.

(b) Shipping documents required under paragraph (a) must show the place of origin, owner or consignee, destination, number, and species.

Sec. 4. Minnesota Statutes 2006, section 17.4985, subdivision 5, is amended to read:

Subd. 5. **Permit application.** An application for a transportation permit must be made on forms provided by the commissioner. An incomplete application must be rejected. An application for a transportation permit for salmonids ~~and~~, catfish, or 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, their eggs, or sperm must be accompanied by certification that the source of the eggs or sperm are free of certifiable diseases, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported, transported, or stocked following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported, transported, or stocked into areas where the disease has ~~been previously introduced~~ identified as being present. A copy of the transportation permit showing the date of certification inspection must accompany the shipment of fish while in transit and must be available for inspection by the commissioner. By 14 days after a completed application is received, the commissioner must approve or deny the importation permits as provided in this section.

Sec. 5. Minnesota Statutes 2006, section 17.4986, subdivision 1, is amended to read:

Subdivision 1. **Importation and stocking restrictions.** A person may not import fish into or stock fish in the state without first obtaining a transportation permit with a disease certification, as prescribed under section 17.4985, subdivision 5, when required or a bill of lading from the commissioner, unless the person is exempted.

Sec. 6. Minnesota Statutes 2006, section 17.4986, subdivision 2, is amended to read:

Subd. 2. **Licensed facilities.** (a) The commissioner shall issue transportation permits to import:

(1) indigenous and naturalized species except trout, salmon, ~~and~~ catfish, or 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, and sperm from any source to a standard facility;

(2) trout, salmon, ~~and~~ catfish, or species on the official list of viral hemorrhagic susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, from a nonemergency enzootic disease area to a containment facility if the fish

are certified within the previous year to be free of certifiable diseases, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported into areas where the disease has been ~~previously introduced~~ identified as being present; and

(3) trout, salmon, ~~and~~ catfish, or 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, from a facility in a nonemergency enzootic disease area with a disease-free history of three years or more to a standard facility, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported into areas where the disease has been ~~previously introduced~~ identified as being present.

(b) If a source facility in a nonemergency enzootic disease area cannot demonstrate a history free from disease, aquatic life may only be imported into a quarantine facility.

Sec. 7. Minnesota Statutes 2006, section 17.4986, subdivision 4, is amended to read:

Subd. 4. **Disease-free history.** Disease-free histories required under this section must include the results of a fish health inspection. When disease-free histories of more than one year are required for importing salmonids ~~or~~ catfish, or 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, the disease history must be of consecutive years that include the year previous to, or the year of, the transportation request.

Sec. 8. Minnesota Statutes 2006, section 17.4987, is amended to read:

17.4987 STOCKING PRIVATE AQUATIC LIFE.

(a) A person may not release private aquatic life into public waters that are not licensed as part of an aquatic farm without first obtaining a transportation permit from the commissioner. The commissioner may:

(1) deny issuance of a permit if releasing the private aquatic life is not consistent with the management plan for the public waters; and

(2) approve the import, transport, and stocking of fish with bacterial kidney disease or viral hemorrhagic septicemia into areas or waters where either disease has been identified as being present.

(b) The commissioner shall make management plans available to the public.

~~(b)~~ (c) If a permit is denied, the commissioner must provide reasons for the denial in writing.

Sec. 9. Minnesota Statutes 2006, section 17.4992, subdivision 2, is amended to read:

Subd. 2. **Restriction on the sale of game fish.** (a) Except as provided in paragraph (b), 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, must be free of viral hemorrhagic septicemia and species of the family salmonidae or ictaluridae, except bullheads, must be free of certifiable diseases if sold for stocking or transfer to another aquatic farm.

(b) The following exceptions apply to paragraph (a):

(1) eggs with enteric redmouth, whirling disease, or furunculosis may be transferred between licensed facilities or stocked following treatment approved by the commissioner;

(2) fish with bacterial kidney disease or viral hemorrhagic septicemia may be transferred between licensed facilities or stocked in areas where the disease has been previously introduced, identified as being present; and

(3) the commissioner may allow transfer between licensed facilities or stocking of fish with enteric redmouth or furunculosis when the commissioner determines that doing so would pose no threat to the state's aquatic resources.

Sec. 10. Minnesota Statutes 2006, section 17.4993, is amended to read:

17.4993 MINNOWS.

Subdivision 1. **Taking from public waters.** (a) Under an aquatic farm license, a licensee may take minnow sperm, minnow eggs, and live minnows for aquatic farm purposes from public waters for aquatic farm purposes under an aquatic farm license, except that have been tested for viral hemorrhagic septicemia when the testing indicates the disease is not present.

(b) A licensee may take sucker eggs and sperm may only be taken in approved waters with a sucker egg license endorsement as provided by section 17.4994.

Subd. 2. **Importation of live minnows.** Minnows from outside the state may not be imported live by a licensee for purposes other than processing or feeding aquatic farm fish. A transportation permit as prescribed under sections 17.4985, 17.4986, and 97C.515, subdivision 4, is required for importation.

Sec. 11. Minnesota Statutes 2006, section 84D.03, subdivision 4, is amended to read:

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

(b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is designated solely because it contains Eurasian water milfoil must be dried for a minimum of ten days or frozen for a minimum of two days before they are used in any other waters, except as provided in this paragraph. Commercial licensees must notify the department's regional or area fisheries office or a conservation officer before removing nets or equipment from an infested water designated solely because it contains Eurasian water milfoil and

before resetting those nets or equipment in any other waters. Upon notification, the commissioner may authorize a commercial licensee to move nets or equipment to another water without freezing or drying, if that water is designated as infested solely because it contains Eurasian water milfoil.

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

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

Sec. 12. Minnesota Statutes 2006, section 97A.015, is amended by adding a subdivision to read:

Subd. 5a. **Certifiable diseases.** "Certifiable diseases" has the meaning given it in section 17.4982.

Sec. 13. Minnesota Statutes 2006, section 97A.015, subdivision 32a, is amended to read:

Subd. 32a. ~~Muzzle loader~~ **Muzzleloader season.** "~~Muzzle loader~~ Muzzleloader season" means the ~~firearms~~ deer season ~~option~~ open only for legal ~~muzzle-loading~~ muzzleloading firearms, as prescribed by the commissioner.

Sec. 14. Minnesota Statutes 2006, section 97A.015, subdivision 41a, is amended to read:

Subd. 41a. **Regular firearms season.** "Regular firearms season" means any of the ~~firearms deer season options~~ seasons prescribed by the commissioner that begin in November, exclusive of the ~~muzzle loader~~ muzzleloader season.

Sec. 15. 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, that is set on the ice of state waters to provide shelter.

Sec. 16. Minnesota Statutes 2006, section 97A.045, subdivision 7, is amended to read:

Subd. 7. **Duty to encourage stamp design and purchases.** (a) The commissioner shall encourage the purchase of:

(1) Minnesota migratory waterfowl stamps by nonhunters interested in migratory waterfowl preservation and habitat development;

(2) pheasant stamps by persons interested in pheasant habitat improvement;

(3) trout and salmon stamps by persons interested in trout and salmon stream and lake improvement; ~~and~~

(4) turkey stamps by persons interested in ~~wild turkey management and habitat improvement~~ stamp collecting; and

(5) walleye stamps by persons interested in walleye stocking and stamp collecting.

(b) The commissioner shall make rules governing contests for selecting a design for each stamp, including those stamps not required to be in possession while taking game or fish. The commissioner shall ensure that stamp design and characteristics are consistent with the design and characteristics that are sought by pictorial stamp collectors.

Sec. 17. Minnesota Statutes 2006, section 97A.045, subdivision 11, is amended to read:

Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner determines that action is necessary to prevent or control a wildlife disease, the commissioner may prevent or control wildlife disease in a species of wild animal in addition to the protection provided by the game and fish laws by further limiting, closing, expanding, or opening seasons or areas of the state; by reducing or increasing limits in areas of the state; by establishing disease management zones; by authorizing free licenses; by allowing shooting from motor vehicles by persons designated by the commissioner; by issuing replacement licenses for sick animals; by requiring sample collection from hunter-harvested animals; by limiting wild animal possession, transportation, and disposition; and by restricting wildlife feeding.

(b) The commissioner shall restrict wildlife feeding within a ~~15-mile~~ 30-mile radius of a cattle herd that is infected with bovine tuberculosis.

(c) The commissioner may prevent or control wildlife disease in a species of wild animal in the state by emergency rule adopted under section 84.027, subdivision 13.

Sec. 18. 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; ~~and~~

(vii) the walleye stamp under section 97A.475, subdivision 10a;

(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. 19. 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 and walleye 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; and

(10) a subcommittee to review the walleye stamp and address funding issues related to walleye stocking.

(c) The chairs of each of the subcommittees 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. 20. [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 97 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. Appointing authorities shall consider geographic balance in making appointments under this section.

(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. Compensation of members is as provided in section 15.0575.

(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.

Sec. 21. 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. 22. 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. 23. Minnesota Statutes 2006, section 97A.075, is amended by adding a subdivision to read:

Subd. 6. **Walleye stamp.** (a) Revenue from walleye stamps must be credited to the walleye stamp account. Money in the account must be used only for stocking walleye in waters of the state and related activities.

(b) Money in the account may not be used for costs unless they are directly related to a specific body of water under paragraph (a), or for costs associated with supplies and equipment to implement walleye stocking activities under paragraph (a).

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

Sec. 24. Minnesota Statutes 2006, section 97A.145, subdivision 2, is amended to read:

Subd. 2. **Acquisition procedure.** (a) Except as provided in paragraph (g), lands purchased or leased under this section must be acquired in accordance with this subdivision.

(b) The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board must approve or disapprove the proposed acquisition within 90 days after being notified. The commissioner may extend the time up to 30 days. The soil and water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.

(c) If the county board approves the acquisition within the prescribed time, the commissioner may acquire the land.

(d) If the county board disapproves the acquisition, it must state valid reasons. The commissioner may not purchase or lease the land if the county board disapproves the acquisition and states its reasons within the prescribed time period. The landowner or the commissioner may appeal the disapproval to the district court having jurisdiction where the land is located.

(e) The commissioner or the owner of the land may submit the proposed acquisition to the Land Exchange Board if: (1) the county board does not give reason for disapproval, or does not approve or disapprove the acquisition within the prescribed time period; or (2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.

(f) The Land Exchange Board must conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal. The Land Exchange Board must give notice of the hearing to the county board, the commissioner, the landowner, and other interested parties. The Land Exchange Board must consider the interests of the county, the state, and the landowner in determining whether the acquisition is in the public interest. If a majority of the Land Exchange Board members approves the acquisition, the commissioner may acquire the land. If a majority disapproves, the commissioner may not purchase or lease the land.

(g) This subdivision does not apply to land acquired for the Carlos Avery and Lamprey Pass Wildlife Management Areas that is contiguous to other land within the wildlife management area.

Sec. 25. 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. 26. 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, or walleye~~ 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. 27. Minnesota Statutes 2007 Supplement, section 97A.405, subdivision 4, is amended to read:

Subd. 4. **Replacement licenses.** (a) The commissioner may permit licensed deer hunters to change ~~zone, license, or season options.~~ The commissioner may issue a replacement license if the applicant submits the original deer license and unused tags that are being replaced and the applicant pays any increase in cost between the original and the replacement license. A refund of the difference in fees may be issued when a person changes from a regular deer license to a youth deer license. ~~When a person submits both an archery and a firearms license for replacement, the commissioner may apply the value of both licenses towards the replacement license fee.~~

(b) A replacement license may be issued only if the applicant has not used any tag from the original license or licenses and meets the conditions of paragraph (c). The original license or licenses and all unused tags for the licenses being replaced must be submitted to the issuing agent at the time the replacement license is issued.

(c) A replacement license may be issued under the following conditions, or as otherwise prescribed by rule of the commissioner:

(1) when the season for the license being surrendered has not yet opened; or

~~(2) when the person is upgrading from a regular firearms or archery deer license to an all season deer license;~~

~~(3) when the person is upgrading from a regular firearms license to a multizone deer license; or~~

(4) when the person is changing from a regular ~~firearms~~ deer license to a youth deer license.

(d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid immediately upon issuance if the license being surrendered is valid at that time.

Sec. 28. 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. 29. 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. 30. 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. 31. 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. 32. 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 obtain a small game license but may take small game by firearms or bow and arrow without a license 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. 33. Minnesota Statutes 2006, section 97A.473, subdivision 2, is amended to read:

Subd. 2. **Lifetime angling license; fee.** (a) A resident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual resident angling license. The license does not include a trout and salmon stamp validation, a walleye stamp validation, or other stamps required by law.

(b) The fees for a resident lifetime angling license are:

- (1) age 3 and under, \$227;
- (2) age 4 to age 15, \$300;
- (3) age 16 to age 50, \$383; and
- (4) age 51 and over, \$203.

Sec. 34. Minnesota Statutes 2007 Supplement, section 97A.473, subdivision 5, is amended to read:

Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt and trap small game in the state. The license authorizes

those activities authorized by the annual resident angling, resident small game hunting, and resident trapping licenses. The license does not include a trout and salmon stamp validation, a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required by law.

(b) The fees for a resident lifetime sporting license are:

- (1) age 3 and under, \$357;
- (2) age 4 to age 15, \$480;
- (3) age 16 to age 50, \$613; and
- (4) age 51 and over, \$413.

Sec. 35. Minnesota Statutes 2006, section 97A.474, subdivision 2, is amended to read:

Subd. 2. **Nonresident lifetime angling license; fee.** (a) A nonresident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual nonresident angling license. The license does not include a trout and salmon stamp validation, a walleye stamp validation, or other stamps required by law.

(b) The fees for a nonresident lifetime angling license are:

- (1) age 3 and under, \$447;
- (2) age 4 to age 15, \$600;
- (3) age 16 to age 50, \$773; and
- (4) age 51 and over, \$513.

Sec. 36. 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) to take turkey, ~~\$18~~ \$23;
- (4) for persons age 18 or over to take deer with firearms during the regular firearms season, \$26;
- (5) for persons age 18 or over to take deer by archery, \$26;
- (6) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$26;
- (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) multizone license to take antlered deer in more than one zone, \$52;~~

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

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

~~(12) to take prairie chickens, \$20;~~

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

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

~~(14) for persons under age 18 to take deer during the muzzleloader season, \$13.~~

EFFECTIVE DATE. The amendment to clause (3) is effective March 1, 2009.

Sec. 37. 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~~ or over to take small game, \$73;

(2) for persons age 18 ~~and older~~ or over to take deer with firearms during the regular firearms season, \$135;

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

(4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$135;

(5) to take bear, \$195;

~~(5) (6) to take turkey, \$73~~ \$78;

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

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

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

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

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

(11) for persons under age 18 to take deer during the muzzleloader season, \$13.

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

EFFECTIVE DATE. The amendment to the turkey license fee under paragraph (a), clause (6), is effective March 1, 2009.

Sec. 38. 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. 39. 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. 40. Minnesota Statutes 2006, section 97A.475, is amended by adding a subdivision to read:

Subd. 10a. **Walleye stamp validation.** A person may agree to purchase a walleye stamp validation for \$5.

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

Sec. 41. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 11, is amended to read:

Subd. 11. **Fish houses ~~and~~, dark houses, or shelters; residents.** Fees for the following licenses for a resident are:

- (1) annual for a fish house ~~or~~, dark house, or shelter that is not rented, \$11.50;
- (2) annual for a fish house ~~or~~, dark house, or shelter that is rented, \$26;
- (3) three-year for a fish house ~~or~~, dark house, or shelter that is not rented, \$34.50; and

(4) three-year for a fish house ~~or~~, dark house, or shelter that is rented, \$78.

Sec. 42. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 12, is amended to read:

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

- (1) annual, \$33;
- (2) seven consecutive days, \$19; and
- (3) three-year, \$99.

Sec. 43. 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. 44. 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. 45. 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. 46. 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) 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. 47. 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. 48. 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 Mach 2, .17 HMR, .22 short, long, or long rifle, or .22 magnum caliber;

(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. 49. Minnesota Statutes 2006, section 97B.071, is amended to read:

97B.071 BLAZE ORANGE REQUIREMENTS.

(a) Except as provided in rules adopted under paragraph (c), a person may not hunt or trap during the open season where deer may be taken by firearms under applicable laws and ordinances, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location or to trappers on waters of this state.

(b) Except as provided in rules adopted under paragraph (c), and in addition to the requirement in paragraph (a), a person may not take small game other than turkey, migratory birds, raccoons, and predators, ~~except when hunting with nontoxic shot or while trapping~~, unless a visible portion of at least one article of the person's clothing above the waist is blaze orange. This paragraph does not apply to a person hunting by falconry.

(c) The commissioner may, by rule, prescribe an alternative color in cases where paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public Law 103-141.

(d) A violation of paragraph (b) shall not result in a penalty, but is punishable only by a safety warning.

Sec. 50. Minnesota Statutes 2006, section 97B.081, is amended to read:

97B.081 USING ARTIFICIAL LIGHTS TO LOCATE ANIMALS.

Subdivision 1. **With firearms and bows.** ~~(a) Except as provided in subdivision 3, a person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest, to spot, locate, or take a wild animal, except while taking raccoons in accordance with section 97B.621, subdivision 3, or tending traps in accordance with section 97B.931, while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to kill take big game, small game, or unprotected wild animals.~~

~~(b) This subdivision does not apply to a firearm that is:~~

~~(1) unloaded;~~

~~(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and~~

~~(3) in the closed trunk of a motor vehicle.~~

~~(c) This subdivision does not apply to a bow that is:~~

~~(1) completely encased or unstrung; and~~

~~(2) in the closed trunk of a motor vehicle.~~

~~(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.~~

~~(e) This subdivision does not apply to persons taking raccoons under section 97B.621, subdivision 3.~~

~~(f) This subdivision does not apply to a person hunting fox or coyote from January 1 to March 15 while using a hand-held artificial light, provided that the person:~~

~~(1) is on foot;~~

~~(2) is using a shotgun;~~

~~(3) is not within a public road right-of-way;~~

~~(4) is using a hand-held or electronic calling device; and~~

~~(5) is not within 200 feet of a motor vehicle.~~

Subd. 2. **Without firearms.** ~~(a) Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, Except as provided in subdivision 3, from two hours after sunset until sunrise, a person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest to spot, or locate, or take a wild animal except to take raccoons under section 97B.621, subdivision 3, or to tend traps under section 97B.931.~~

~~(b) Between one-half hour after sunset until sunrise, Except as provided in subdivision 3, a person may not cast the rays of a spotlight, headlight, or other artificial light to spot, locate, or take a wild animal on fenced, agricultural land, containing livestock, as defined in section 17A.03, subdivision 5, or poultry that is marked with signs prohibiting the shining of lights. The signs must:~~

~~(1) display reflectorized letters that are at least two inches in height and state "no shining" or similar terms; and~~

~~(2) be placed at intervals of 1,000 feet or less along the boundary of the area.~~

~~(c) It is not a violation of paragraph (a) or (b) for a person to carry out any agricultural, occupational, or recreational practice, including snowmobiling that is not related to spotting, locating, or taking a wild animal.~~

~~(d) Between the hours of 6:00 p.m. and 6:00 a.m., Except as provided in subdivision 3, a person may not project cast a spotlight or hand-held light onto residential property or building sites from a moving motor vehicle being operated on land, except for the following purposes:~~

~~(1) safety;~~

~~(2) emergency response;~~

~~(3) normal vehicle operations; or~~

~~(4) performing an occupational duty.~~

(d) Except as provided in subdivision 3, a person may not at any time cast the rays of a spotlight, headlight, or other artificial light on property posted with signs prohibiting the shining of lights onto the property. When signs are posted, the signs shall display letters that are at least two inches in height and state "no shining" or similar terms, and shall be placed at intervals of 500 feet or less along the boundary of the property.

Subd. 3. **Exceptions.** (a) It is not a violation of this section for a person to cast the rays of a spotlight, headlight, or other artificial light to:

(1) take raccoons in accordance with section 97B.621, subdivision 3, or tend traps in accordance with section 97B.931; or

(2) hunt fox or coyote from January 1 to March 15 while using a hand-held artificial light, provided that the person is:

(i) on foot;

(ii) using a shotgun;

(iii) not within a public road right-of-way;

(iv) using a hand-held or electronic calling device; and

(v) not within 200 feet of a motor vehicle.

(b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight, headlight, or other artificial light to:

(1) carry out any agricultural, safety, emergency response, normal vehicle operations, or occupational-related activities that do not involve taking wild animals; or

(2) carry out outdoor recreation as defined in section 97B.001 that is not related to spotting, locating, or taking a wild animal.

Sec. 51. 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. 52. 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. 53. Minnesota Statutes 2006, section 97B.301, subdivision 1, is amended to read:

Subdivision 1. **Licenses required.** A person may not take deer without a license. A person must have a firearms deer license to take deer with firearms during the regular firearms season, a muzzleloader license to take deer with a muzzleloader during the muzzleloader season, and an archery deer license to take deer by archery except as provided in this section.

Sec. 54. Minnesota Statutes 2006, section 97B.301, subdivision 2, is amended to read:

Subd. 2. **Limit of one deer.** ~~Except as provided in subdivisions 3 and 4,~~ A person may obtain one regular firearms season deer license, one muzzleloader season deer license, and one archery season deer license in the same license year, but may ~~take only~~ not tag more than one deer ~~except as provided in subdivisions 3 and 4.~~

Sec. 55. Minnesota Statutes 2006, section 97B.301, subdivision 4, is amended to read:

Subd. 4. **Taking more than one deer.** ~~(a)~~ The commissioner may, by rule, allow a person to take more than one deer. The commissioner shall prescribe the conditions for taking the additional deer including:

- (1) taking by firearm, muzzleloader, or archery;
- (2) obtaining additional licenses; ~~and~~
- (3) payment of a fee not more than the fee for a firearms deer license; and
- (4) the total number of deer that an individual may take.

~~(b) In Kittson, Lake of the Woods, Marshall, Pennington, and Roseau Counties, a person may obtain one firearms deer license and one archery deer license in the same license year, and may take one deer under each license. The commissioner may limit the use of this provision in certain years to protect the deer population in the area.~~

Sec. 56. 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. 57. 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, and minerals are not bait or feed.

~~(1) 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.

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. 58. 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 handgun or rifle rimfire only .17 MACH2, .17 HMR, 22 short, long, and long rifle, and 22 magnum; and

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

Sec. 59. **[97B.673] NONTOXIC SHOT REQUIRED FOR TAKING SMALL GAME IN CERTAIN AREAS.**

Subdivision 1. **Nontoxic shot on public lands in agricultural zone.** After July 1, 2011, nontoxic shot, as approved by the director of the United States Fish and Wildlife Service, must be used when taking small game by shotgun on public lands in the agricultural zone defined in this section.

Subd. 2. **Agricultural zone.** The agricultural zone is that area of the state south and west of a line beginning at the eastern boundary of the state on U.S. Highway 8, thence westerly on U.S. Highway 8 to State Trunk Highway 95, thence westerly on State Trunk Highway 95 to the junction

of U.S. Highway 10, thence northwesterly on U.S. Highway 10 to the junction of U.S. Highway 59, thence northerly on U.S. Highway 59 to the Canadian border.

Sec. 60. 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. 61. Minnesota Statutes 2006, section 97C.203, is amended to read:

97C.203 EXCHANGE OF FISH OR WILDLIFE RESOURCES; DISPOSAL OF STATE HATCHERY PRODUCTS.

(a) The commissioner shall dispose of fish hatchery products or exchange fish or wildlife resources only after they have been tested for certifiable diseases. The testing must have been completed within the 12 months preceding the disposal or exchange. Fish or wildlife resources subject to an exchange must have received a disease-free certification for those certifiable diseases not currently documented in Minnesota. Disease certification must be provided prior to accepting the fish or wildlife resource. When the fish or wildlife resource is not certified as disease-free, they may be stocked or transferred only into waters that already contain that disease.

(b) State hatchery products shall be disposed of according to the following order of priorities:

(1) distribution of fish eggs and fry to state hatcheries to hatch fry or raise fingerlings for stocking waters of the state for recreational fishing;

(2) transfer to other government agencies in exchange for fish or wildlife resources of equal value or private fish hatcheries in exchange for fish to be stocked in waters of the state for recreational fishing;

(3) sale to private fish hatcheries or licensed aquatic farms at a price not less than the fair wholesale market value, established as the average price charged at the state's private hatcheries and contiguous states per volume rates;

(4) transfer to other government agencies, colleges, or universities for cooperative fish management and research purposes; and

(5) sale of not more than \$25 fair market value to any school, museum, or commercial enterprise for curriculum implementation, educational programs, public exhibition, or cooperative displays.

Sec. 62. 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 or as prescribed for certifiable diseases under sections 17.46 to 17.4999.

(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 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) 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. 63. 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.

Sec. 64. 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, or shelter unattended on the ice ~~overnight~~ 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. 65. 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. 66. 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. 67. 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. 68. 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. 69. 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. 70. Minnesota Statutes 2006, section 97C.505, subdivision 1, is amended to read:

Subdivision 1. **Authority to take, possess, buy, and sell.** (a) Minnows may be taken, possessed, bought, and sold, subject to the restrictions in this chapter, section 84D.03, subdivision 3, and in rules adopted by the commissioner under paragraph (b). A person may not take, possess, or sell minnows except for use as bait or for ornamental or aquacultural purposes.

(b) The commissioner may adopt rules for the taking, possession, purchase, sale, and transportation of minnows.

Sec. 71. Minnesota Statutes 2006, section 97C.515, subdivision 2, is amended to read:

Subd. 2. **Permit for transportation.** (a) A person may transport minnows through the state with a permit from the commissioner. The permit must state the name and address of the person, the number and species of minnows, the point of entry into the state, the destination, and the route through the state. The permit is not valid for more than 12 hours after it is issued.

(b) The commissioner may require the person transporting minnow species found on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, to provide health certification for viral hemorrhagic septicemia or other certifiable diseases. For certifiable diseases not currently documented in Minnesota, the certification must be dated within the 12 months preceding transport.

Sec. 72. 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.

(c) The commissioner may approve the import of minnows into areas or waters where certifiable diseases have been identified as being present.

Sec. 73. Minnesota Statutes 2006, section 97C.515, subdivision 5, is amended to read:

Subd. 5. **Special permits.** (a) The commissioner may issue a special permit, without a fee, to allow a person with a private fish hatchery license to import minnows from other states for export. A permit under this subdivision is not required for importation authorized under subdivision 4.

(b) An applicant for a permit under this subdivision shall submit to the commissioner sufficient information to identify potential threats to native plant and animal species and an evaluation of the feasibility of the proposal. The permit may include reasonable restrictions on importation, transportation, possession, containment, disease certification, and disposal of minnows to ensure that native species are protected. The permit may have a term of up to two years and may be modified, suspended, or revoked by the commissioner for cause, including violation of a condition of the permit.

Sec. 74. 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, or are infected with any certifiable disease.

Sec. 75. RULE AMENDMENTS.

The commissioner of natural resources may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend Minnesota Rules, part 6262.0200, subpart 1, item G, to establish a daily and possession limit of four walleye and sauger in the aggregate. Minnesota Statutes, section 14.386, does not apply to the rulemaking under this section, except to the extent provided under Minnesota Statutes, section 14.388.

Sec. 76. MASTER ANGLER PROPOSAL.

By January 15, 2009, the commissioner of natural resources, after consultation with the director of Explore Minnesota Tourism and interested stakeholders, shall submit a proposal to improve, expand, and promote the master angler program.

Sec. 77. NORTHWESTERN MINNESOTA MOOSE BIOLOGIST; RESEARCH STUDY.

The commissioner of natural resources shall designate a moose biologist for the moose herd in northwestern Minnesota. The moose biologist shall conduct a moose research study to examine the causes of the moose population declines in northwestern Minnesota. By January 15, 2009, the commissioner shall submit a progress report on the study to the senate and house committees with jurisdiction over natural resource policy.

Sec. 78. REPEALER.

Minnesota Statutes 2006, section 97A.411, subdivision 2; 97C.515, subdivision 3; Minnesota Statutes 2007 Supplement, section 97B.301, subdivision 7, and Minnesota Rules, parts 6232.0200, subpart 4; and 6232.0300, subpart 4, are repealed.

Sec. 79. EFFECTIVE DATE.

Sections 1 to 79 are effective the day following final enactment.

ARTICLE 4

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. 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. 3. 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, trail, rest area, and water access site.

Sec. 4. [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 the 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. 5. 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. 6. **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. 7. 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 veterans 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 1/2 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 1/2 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 3/4 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 record 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 HUDSON ACRES; thence South 48 degrees 33 minutes 10 seconds East 298.26 feet along the northeasterly line of said Lot 31A to an existing 1 1/2 inch inside diameter iron pipe marking the easterly most corner thereof and the most northerly corner of Lot 31 of HUDSON 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 1 1/2 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 1 1/2 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 1 1/2 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 1 1/2 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 1 1/2 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 1 1/2 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 degrees 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 1 1/2 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. 8. 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. 9. 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. 10. 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. 11. 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. 12. 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. 13. 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. 14. 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. 15. 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 by public 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 Carlton County and is described as: The SE1/4 of the SE1/4 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. 16. 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. 17. LEASE RATE; CASS COUNTY.

(a) In fiscal year 2008, the lease rate for lands leased under Minnesota Statutes, section 89.17, that are located in Section 6, Township 134 North, Range 29 West, Cass County, shall be six percent of the appraised value of the land as determined by the commissioner of natural resources.

(b) In fiscal year 2009, and every year thereafter, the amount payable shall be adjusted for inflation and shall be increased to an amount equal to the amount before the inflation adjustment multiplied by one plus the percentage increase in the implicit price deflator for government consumption expenditures and gross investment for state and local governments prepared by the Bureau of Economic Analysis of the United States Department of Commerce for the last month of the third quarter of the calendar year prior to the year for which the rent is paid.

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

Sec. 18. 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 surplus 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 conveyance must provide that the land described in paragraph (c) be used for the public and reverts to the state if the county fails to provide for public use or abandons the public use of the land.

(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. 19. 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. 20. 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. 21. 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. 22. 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. 23. 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. 24. 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. 25. 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. 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 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. 27. 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 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. 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 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. 29. 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. 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 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. 31. 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. 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:

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. 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, 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. 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 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. 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 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. 36. 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. 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:

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

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 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. 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, 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. 40. 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. 41. 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. 42. 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. 43. 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. 44. 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. 45. 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. 46. 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. 47. 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. 48. 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. 49. 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. 50. PRIVATE SALE 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, or other law to the contrary, Washington County may sell by private sale the tax-forfeited land that is bordering public water and described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and must provide that the county or watershed district retains an easement for drainage purposes. 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 Washington County and is described as:

All that part of the Southwest Quarter of the Southeast Quarter of Section 17, Township 30 North, Range 21 West, Washington County, Minnesota, that lies south of the following described parcel:

Commencing at the northeast corner of the Southwest Quarter of the Southeast Quarter of Section 17; thence South, assumed bearing, along the east line of said Southwest Quarter of the Southeast Quarter, 393 feet to the point of beginning; thence North 88 degrees 30 minutes West, on a line parallel with the north line of said Southwest Quarter of the Southeast Quarter, 915.7 feet, more or less, to an iron pipe; thence North 79 degrees 29 minutes West 395.5 feet, more or less, to a point on the centerline of the county road; thence southerly along said centerline, 323.4 feet, more or less, to a point; thence South 76 degrees 00 minutes East 251.9 feet, more or less, to an iron pipe; thence South 88 degrees 30 minutes East 1083 feet, more or less, to a point on the east line of said Southwest Quarter of the Southeast Quarter; thence North, along said east line, 312 feet, more or less, to the point of beginning.

And, lies east of the plat of Laurelside which is on file and of record in the Office of the Washington County Recorder.

And, lies northerly of the following described parcel:

All that part of said Southwest Quarter of the Southeast Quarter of said Section 17, and all that part of the Northwest Quarter of the Northeast Quarter of Section 20, Township 30 North, Range 21 West; which is also part of vacated Block 146 and adjacent Linden Street (now vacated) of the plat of Wildwood which is on file and of record in the Office of the Washington County Recorder; and more specifically described as follows:

Commencing at the most westerly corner of Block 147, Wildwood; thence on the northwesterly extension of the southwesterly line of Block 147, a distance of 60 feet to a point on the southeasterly side of said Block 146, which is also the northwesterly line of Bryant Avenue; thence northeasterly along said southeasterly side of Block 146, a distance of 92 feet to the point of beginning of the parcel to be described; thence continuing northeasterly, along said southeasterly side of Block 146, a distance of 231 feet, more or less, to a contour line being at elevation 947 feet above mean sea level; thence in a northwesterly direction along said contour line for 200 feet, more or less, to its intersection with a line that is parallel with and 177 feet from said southeasterly side of Block 146 as measured at right angles; thence southwesterly along said parallel line, 297 feet, more or less, to a point drawn at right angles from the point of beginning; thence on a deflection angle of 90 degrees to the left, 177 feet to the point of beginning.

(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. EFFECTIVE DATE.

Sections 1 to 49 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to the environment and natural resources policy; modifying licensing requirements for individual sewage treatment system professionals; restricting certain construction debris as cover material; modifying requirements for certain air emission permits; modifying toxic

chemical release reporting requirements; modifying state park permit requirements; authorizing free state park permits for totally and permanently disabled veterans; creating a Minnesota forests for the future program; modifying campfire provisions; providing a process for designating star lakes or rivers; creating a Star Lake Board as a nonprofit corporation; allowing for the placement of star lake or river signs on highways; providing for administrative penalty orders; providing civil penalties; requiring an implementation plan; providing a rulemaking exemption; reinstating an exemption from the Wetland Conservation Act for approved development; providing wetland bank credit under certain state-held conservation easements; providing procedures for filling the Watonwan County Soil and Water Conservation District Board supervisor vacant positions; restricting licensing of certain natural water bodies for aquaculture; providing for viral hemorrhagic septicemia control; modifying report requirements for game and fish fund; modifying disposition of pheasant habitat improvement account; modifying wild turkey management account; providing for a voluntary walleye stamp; creating the Lessard-Heritage Enhancement Council; modifying hunting and fishing licensing and taking provisions; modifying restrictions on shining artificial lights; modifying Minnesota critical habitat private sector matching account; modifying outdoor recreation system provisions; providing for expedited exchanges of public land; adding to and deleting from state parks, recreation areas, and forests; providing for public and private sales, conveyances; and exchanges of certain state land; making technical corrections; authorizing and requiring certain rulemaking; providing a rulemaking exemption; requiring reports; 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; 84.943, subdivision 5; 84D.03, subdivision 4; 85.011; 85.012, subdivisions 28, 49a; 85.013, subdivision 1; 85.053, by adding a subdivision; 85.054, subdivision 3, by adding a subdivision; 86A.04; 86A.08, subdivision 1; 88.15, subdivision 2; 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.145, subdivision 2; 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.371, by adding a subdivision; 97C.401, subdivision 2; 97C.505, subdivision 1; 97C.515, subdivisions 2, 4, 5; 97C.821; 103G.2241, by adding a subdivision; 116.07, subdivision 4a; 299K.08, by adding a subdivision; 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, 7, 11, 12; 97B.031, subdivision 1; 97B.036; 97B.328; 97C.355, subdivisions 2, 8; 115.56, subdivision 2; Laws 2006, chapter 236, article 1, section 43; proposing coding for new law in Minnesota Statutes, chapters 84; 94; 97A; 97B; 103B; 103G; 115A; 116; 173; repealing Minnesota Statutes 2006, sections 84.961, subdivision 4; 85.013, subdivision 21b; 97A.411, subdivision 2; 97C.515, subdivision 3; Minnesota Statutes 2007 Supplement, section 97B.301, subdivision 7; Laws 1989, chapter 335, article 1, section 21, subdivision 8, as amended; Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and

Oversight, to which was re-referred

S.F. No. 3218: A bill for an act relating to workers' compensation; adopting recommendations of the Workers' Compensation Advisory Council; amending Minnesota Statutes 2006, sections 176.011, subdivision 9; 176.041, subdivision 1; 176.101, subdivision 1; 176.102, subdivisions 2, 11; 176.135, by adding a subdivision; 176.136, subdivisions 1a, 1b; 176.1812, subdivision 1; 176.183, subdivision 1; 176.185, subdivision 8a; 176.231, subdivision 10; 176.245; 176.275, subdivision 1; 176.285; 176.83, subdivision 7; repealing Minnesota Statutes 2006, sections 176.1041; 176.669.

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

Page 23, after line 4, insert:

"Sec. 17. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall recode Minnesota Statutes, section 176.181, subdivision 2b, as Minnesota Statutes, section 79A.04, subdivision 3a."

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 3622: A bill for an act relating to local government; changing the contract threshold amounts subject to certain requirements of the Uniform Municipal Contracting Law; amending Minnesota Statutes 2006, sections 103E.705, subdivisions 5, 6, 7; 471.345, subdivisions 3, 4; Minnesota Statutes 2007 Supplement, section 471.345, subdivisions 3a, 4a, 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 3291: A bill for an act relating to the State Building Code; regulating the application and enforcement of the State Building Code; amending Minnesota Statutes 2006, sections 16B.616, subdivision 4; 16B.62; 16B.71; Minnesota Statutes 2007 Supplement, sections 16B.61, subdivision 3; 16B.735; repealing Minnesota Statutes 2007 Supplement, sections 16B.72; 16B.73.

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

Page 3, line 12, delete "or" and insert "and"

Page 7, line 26, after "municipality" insert "where a fee has been collected by the municipality"

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

Senator Rest from the Committee on State and Local Government Operations and

Oversight, to which was referred

H.F. No. 3157: A bill for an act relating to Big Stone County; authorizing the county board to assign certain duties to the county treasurer.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 3238: A bill for an act relating to elections; providing for the establishment of precinct caucus dates by the appropriate political party; requiring notice to the secretary of state; amending Minnesota Statutes 2006, sections 202A.14, subdivision 1; 202A.15, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. **Time and manner of holding; postponement.** ~~At 7:00 p.m. on the first Tuesday in March~~ (a) In every state general election year, beginning at 7:00 p.m. on the date established pursuant to paragraph (b), there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19, except that.

(b) (1) The chairs of the two largest major political parties shall jointly submit to the secretary of state, no later than March 1 of each odd-numbered year, the single date on which the two parties have agreed to conduct their precinct caucuses in the next even-numbered year.

(2) On March 1 of each odd-numbered year, the secretary of state shall publicly announce the official state precinct caucus date for the following general election year.

(3) If the chairs of the two largest major political parties do not jointly submit a single date for conducting their precinct caucuses as provided in this paragraph, then for purposes of the next general election year, the first Tuesday in February shall be considered the day of a major political party precinct caucus and sections 202A.19 and 202A.192 shall only apply on that date.

(4) For purposes of this paragraph, the two largest major political parties shall be the parties whose candidates for governor received the greatest and second-greatest number of votes at the most recent gubernatorial election.

(c) In the event of severe weather a major political party may request the secretary of state to postpone caucuses. If a major political party makes a request, or upon the secretary of state's own initiative, after consultation with all major political parties and on the advice of the federal Weather Bureau and the Department of Transportation, the secretary of state may declare precinct caucuses to be postponed for a week in counties where weather makes travel especially dangerous. The secretary of state shall submit a notice of the postponement to news media covering the affected counties by 6:00 p.m. on the scheduled day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision.

Sec. 2. Minnesota Statutes 2006, section 202A.15, subdivision 1, is amended to read:

Subdivision 1. **Time.** Precinct caucuses within a county shall be held on the day ~~provided by law~~ established pursuant to section 202A.14, subdivision 1, and the caucuses shall remain open for at least one hour.

Sec. 3. **[211B.22] CAMPAIGN MATERIAL THAT MUST INCLUDE CAPTIONING.**

Campaign material that is disseminated electronically by a candidate or committee using any of the following methods must include captioning for deaf and hard-of-hearing viewers:

- (1) television time or online video time purchased by a candidate or committee;
- (2) free time on a public access cable television channel; and
- (3) free time on a television broadcast or Web site."

Delete the title and insert:

"A bill for an act relating to elections; providing for the establishment of precinct caucus dates by the appropriate political party; requiring notice to the secretary of state; requiring captioning for deaf and hard-of-hearing viewers on certain campaign materials; amending Minnesota Statutes 2006, sections 202A.14, subdivision 1; 202A.15, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 211B."

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 3373: A bill for an act relating to elections; providing for discretionary partial recounts; specifying certain recount and postelection review procedures; amending Minnesota Statutes 2006, sections 204C.35, subdivisions 1, 2, by adding a subdivision; 204C.36, subdivision 2, by adding a subdivision; 206.89, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 204C.35, subdivision 2, is amended to read:

Subd. 2. **Optional recount.** (a) A losing candidate for nomination or election to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought.

(b) The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; the costs of computer operation, preparation of ballot counting

equipment, necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

(c) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after the result in these precincts has been determined.

(d) If the result of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

Sec. 2. Minnesota Statutes 2006, section 204C.35, subdivision 3, is amended to read:

Subd. 3. **Scope of recount.** A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process. The official conducting the recount must visually inspect each ballot before counting to determine if any of the marks made by the voter cannot be counted by the voting system. In every instance where a vote cannot be counted by the voting system, the official must use the criteria in section 204B.22 to determine the voter's intent.

Sec. 3. Minnesota Statutes 2006, section 204C.36, subdivision 2, is amended to read:

Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by subdivision 1, clauses (a) to (e). The votes shall be recounted as provided in this section if the requesting candidate files with the county auditor, municipal clerk, or school district clerk a bond, cash, or surety in an amount set by the governing body of the jurisdiction or the school board of the school district for the payment of the recount expenses.

(b) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after the results in these precincts have been determined.

(c) If the result of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

Sec. 4. Minnesota Statutes 2006, section 204C.36, subdivision 6, is amended to read:

Subd. 6. **Scope of recount.** A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office or question to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process. The official conducting the recount must visually inspect each ballot before counting to determine if any of the marks made by the voter cannot be counted by the voting system. In every instance where a vote cannot be counted by the voting system, the official must use the criteria in section 204B.22 to determine the voter's intent.

Sec. 5. Minnesota Statutes 2006, section 206.89, subdivision 2, is amended to read:

Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the county canvassing

board in each county must set the date, time, and place for the postelection review of the state general election to be held under this section.

At the canvass of the state general election, the county canvassing boards must select the precincts to be reviewed. The county canvassing board of a county with fewer than 50,000 registered voters must select at least two precincts for postelection review. The county canvassing board of a county with between 50,000 and 100,000 registered voters must select at least three precincts for review. The county canvassing board of a county with over 100,000 registered voters must select at least four precincts. The precincts must be selected by lot at a public meeting. At least one precinct selected in each county must have had more than 150 votes cast at the general election.

The county auditor must notify the secretary of state of the precincts that have been chosen for review and the time and place the postelection review for that county will be conducted, as soon as the decisions are made. If the selection of precincts by lot has not resulted in the selection of at least four precincts in each congressional district, the secretary of state may require counties to select by lot additional precincts to meet the congressional district requirement. The secretary of state must post this information on the office Web site.

Sec. 6. [211B.22] CAMPAIGN MATERIAL THAT MUST INCLUDE CAPTIONING.

Campaign material that is disseminated electronically by a candidate or committee using any of the following methods must include captioning for deaf and hard-of-hearing viewers:

- (1) television time or online video time purchased by a candidate or committee;
- (2) free time on a public access cable television channel; and
- (3) free time on a television broadcast or Web site."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring captioning for deaf and hard-of-hearing viewers on certain campaign materials;"

Amend the title numbers accordingly

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 3353: A bill for an act relating to human services; providing long-term care rate adjustments; providing funding for long-term care employee health insurance costs; modifying MinnesotaCare eligibility for long-term care employees; requiring development of a new nursing facility rate rebasing methodology; requiring a study of direct care staffing; amending Minnesota Statutes 2006, sections 256B.434, by adding a subdivision; 256B.441, by adding a subdivision; 256B.5012, by adding a subdivision; 256L.07, subdivision 2; Minnesota Statutes 2007 Supplement, sections 256B.434, subdivision 19; 256B.441, subdivisions 1, 50, 51a; 256B.5012, subdivision 7; Laws 2007, chapter 147, article 7, section 71; repealing Minnesota Statutes 2007 Supplement, section 256B.441, subdivisions 55, 56.

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

Page 15, delete section 11 and insert:

"Sec. 11. **REBASING.**

Prior to enactment of a revised rebasing methodology, the chairs of the house of representatives and senate committees with jurisdiction over health care policy and finance shall hold committee hearings to allow representatives of nursing facility and other long-term care service providers, consumers, and employees, representatives of the commissioners of human services and health, and other interested parties, to present recommendations for rebasing methods and objectives, including recommendations on whether the rebasing of nursing facility rates should be accompanied by the rebasing of rates for home and community-based long-term care providers."

Page 16, line 10, before "STAFFING" insert "REPORT ON"

Page 16, line 11, delete "convene a working group of" and insert "consult with"

Page 16, line 17, delete "present working"

Page 16, line 18, delete everything before the period and insert "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"

Page 16, line 23, delete "legislature by December 15,"

Page 16, line 24, delete "2008" and insert "chairs and ranking minority members of the legislative committees with jurisdiction over human services by January 15, 2009"

Page 16, after line 33, insert:

"Sec. 14. **USE OF REBASING APPROPRIATION.**

The commissioner of human services shall use money appropriated for fiscal year 2009 for the phase-in of rebased operating payment rates under Minnesota Statutes, section 256B.441, subdivision 55, that is not spent due to the delay in implementing rebasing, to provide rate adjustments to long-term care providers as provided in this act."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "expanding the uses for an existing appropriation for the phase-in of rebased operating rates;"

And when so amended the bill do pass and be re-referred to the Committee on Health, Housing and Family Security. Amendments adopted. Report adopted.

Senator Bakk from the Committee on Taxes, to which was re-referred

S.F. No. 3180: A bill for an act relating to finance; requiring disclosure of status of fiscal note requests; providing for appeal of fiscal note conclusions; providing for appeal of revenue estimates; amending Minnesota Statutes 2006, sections 3.98, subdivision 4, by adding a subdivision; 270C.11,

subdivision 5.

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

Page 2, delete section 3

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

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

S.F. No. 3542: A bill for an act relating to traffic regulations; providing for trailer brakes; imposing penalties for forging or possessing false commercial motor vehicle inspection decal; providing that officer may require weighing and inspection of truck weighing more than 10,000 pounds; amending Minnesota Statutes 2006, sections 169.67, subdivision 3; 169.781, subdivision 5; 169.85, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 3099: A bill for an act relating to health care; establishing a statewide health improvement program; monitoring child obesity; establishing a health improvement fund; establishing a public health improvement assessment; establishing health care homes; increasing continuity of care; modifying outreach efforts; establishing primary care education initiatives; increasing affordability and continuity of care with public health care programs; creating a health insurance exchange; establishing Section 125 Plans; creating a Health Care Transformation Commission; restructuring the health care payment system; creating a savings reinvestment fund; establishing a savings recapture assessment; establishing cost containment goals; specifying an affordability standard; providing subsidies for employer-subsidized coverage; requiring providers to list prices; establishing an electronic prescription drug program; requiring mandated reports; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 13.3806, by adding a subdivision; 62A.65, subdivision 3; 62E.141; 62L.12, subdivisions 2, 4; 62Q.735, subdivision 1; 256.01, by adding subdivisions; 256B.061; 256B.69, by adding a subdivision; 256D.03, by adding a subdivision; 256L.05, by adding a subdivision; 256L.06, subdivision 3; 256L.07, subdivision 3; 256L.15, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 13.46, subdivision 2; 62J.496, by adding a subdivision; 62J.81, subdivision 1; 62J.82, subdivision 1; 256.962, subdivisions 5, 6; 256B.056, subdivision 10; 256L.03, subdivisions 3, 5; 256L.04, subdivisions 1, 7; 256L.05, subdivision 3a; 256L.07, subdivision 1; 256L.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16A; 62J; 145; 256B; proposing coding for new law as Minnesota Statutes, chapter 62U; repealing Minnesota Statutes 2006, sections 62A.63; 62A.64; 62Q.49; 62Q.65; 62Q.736; 256L.15, subdivision 3.

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

Page 2, line 1, delete everything after the period

Page 2, line 2, delete everything before "Notwithstanding"

Page 2, lines 4 and 5, delete "shall" and insert "must"

Page 4, delete section 3 and insert:

"Sec. 3. [145.9865] PUBLIC HEALTH IMPROVEMENT ASSESSMENT.

Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of commerce for nonprofit health plan companies subject to the jurisdiction of the commissioner of commerce, and the commissioner of health for nonprofit health plan companies subject to the jurisdiction of the commissioner of health.

(c) "Hospital" means a hospital that is required to report to the commissioner of health under section 144.698, except facilities of the federal Indian Health Service, Veterans Administration, and state-operated facilities.

(d) "Net patient revenue" means net patient revenue, as reported by the hospital to the health care cost information system under section 144.698 for the fiscal year ending in the calendar year two years before the current calendar year, excluding net Medicare and Medicaid revenue.

(e) "Nonprofit health plan company" includes a health maintenance organization operating under chapter 62D and a nonprofit health service plan corporation operating under chapter 62C.

(f) "Total premium revenue" means:

(1) premium revenue recognized on a prepaid basis from individuals and groups for provision of a specified range of health services over a defined period of time that is normally one month, excluding premiums paid to a nonprofit health plan company from the Federal Employees Health Benefit Program and revenues received from the Department of Human Services for state health care programs; and

(2) premiums from Medicare wraparound subscribers for health benefits that supplement Medicare coverage.

Subd. 2. Hospital assessment. (a) By June 1, 2009, each hospital shall pay to the commissioner of health a public health improvement assessment equal to 0.15 percent of net patient revenue. The commissioner shall credit the assessment to the health improvement fund established under section 16A.726.

(b) By June 1, 2010, and each June 1 thereafter, each hospital shall pay to the commissioner of health a public health improvement assessment determined by the commissioner under subdivision 4. The commissioner shall credit the assessment to the health improvement fund.

(c) The commissioner shall notify each hospital by May 1 of each year of the assessment due by June 1. If, for any year, data needed to determine actual net patient revenue for the previous calendar year is not available in time to determine the assessment due, the commissioner may estimate net patient revenue for the purposes of this section until actual data is available, and must make any necessary adjustments.

(d) Assessments under this section may be applied toward a hospital's community benefit as

reported under section 144.699. Nothing in this section requires a hospital to increase its total level of community benefit beyond its current level.

Subd. 3. **Health plan company assessment.** (a) By June 1, 2009, each nonprofit health plan company shall pay to the commissioner of health a public health improvement assessment equal to 0.15 percent of the total premium revenues of the nonprofit health plan company for calendar year 2008 as reported to the commissioner.

(b) By June 1, 2010, and each June 1 thereafter, each nonprofit health plan company shall pay to the commissioner of health a public health improvement assessment determined by the commissioner under subdivision 4. The commissioner shall credit the assessment to the health improvement fund.

(c) The commissioner of health shall notify each nonprofit health plan company by May 1 of each year of the assessment due by June 1. If, for any year, data needed to determine actual total premium revenue for the previous calendar year is not available in time to determine the assessment due, the commissioner of health may estimate total premium revenue for the purposes of this section until actual data is available, and must make any necessary adjustments.

(d) Assessments under this section may be applied toward a nonprofit health plan company's community benefit requirements.

Subd. 4. **Assessment percentage, 2010 and thereafter.** The amount assessed in year 2010 and thereafter is \$40,000,000 each year, divided among hospitals under subdivision 2 in proportion to their net patient revenue and among nonprofit health plan companies under subdivision 3 in proportion to their total premium revenue. The commissioner of health shall determine the share to be assessed against hospitals and the share to be assessed against nonprofit health plan companies and shall set the assessment as the same percentage of net patient revenue for each hospital and the same percentage of total premium revenue for each nonprofit health plan company, provided that the percentage assessed must not be more than 0.3 percent of net patient revenue for hospitals or 0.3 percent of total premium revenue for nonprofit health plan companies.

Subd. 5. **Expiration.** This section expires July 1, 2013."

Page 6, delete section 5

Page 14, delete section 8

Page 15, after line 4, insert:

"Section 1. Minnesota Statutes 2006, section 144.1501, subdivision 2, is amended to read:

Subd. 2. **Creation of account.** (a) A health professional education loan forgiveness program account is established.

(b) The commissioner of health shall use money from the account to establish a loan forgiveness program:

(1) for medical residents agreeing to practice in designated rural areas or underserved urban communities or specializing in the area of pediatric psychiatry;

(2) for midlevel practitioners agreeing to practice in designated rural areas or to teach for at least

20 hours per week in the nursing field in a postsecondary program;

(3) for nurses who agree to practice in a Minnesota nursing home or intermediate care facility for persons with developmental disability or to teach for at least 20 hours per week in the nursing field in a postsecondary program;

(4) for other health care technicians agreeing to teach for at least 20 hours per week in their designated field in a postsecondary program. The commissioner, in consultation with the Healthcare Education-Industry Partnership, shall determine the health care fields where the need is the greatest, including, but not limited to, respiratory therapy, clinical laboratory technology, radiologic technology, and surgical technology; and

(5) for pharmacists who agree to practice in designated rural areas; and.

(c) The commissioner shall use money from the account allocated for dental loan forgiveness:

~~(6)~~ (1) for dentists agreeing who: (i) agree to deliver at least 25 20 percent of the dentist's yearly patient encounters to state public program enrollees or patients receiving sliding fee schedule discounts through a formal sliding fee schedule meeting the standards established by the United States Department of Health and Human Services under Code of Federal Regulations, title 42, section 51, chapter 303, or (ii) have been trained in a foreign country, received a dental license from the Board of Dentistry, and who agree to provide services for a nonprofit organization, community clinic, or federally qualified health clinic in Minnesota for a period of at least three years; and

(2) for the dental school scholarship program under subdivision 7.

~~(b)~~ (d) Appropriations made to the account do not cancel and are available until expended, except that at the end of each biennium, any remaining balance in the account that is not committed by contract and not needed to fulfill existing commitments shall cancel to the fund.

Sec. 2. Minnesota Statutes 2006, section 144.1501, is amended by adding a subdivision to read:

Subd. 7. **Dental school student scholarship program.** The commissioner may award up to three scholarships each year to:

(1) foreign-trained dental students who enroll in the Program for Advanced Standing Students at the University of Minnesota School of Dentistry and who agree upon graduation from the program and upon licensure by the Board of Dentistry to provide dental services in Minnesota for a nonprofit organization, community clinic, or federally qualified community health center for a period of at least three years; or

(2) current dental school students who agree after graduation to provide dental services in Minnesota for a nonprofit organization, community clinic, or federally qualified community health center for a period of at least three years.

Scholarships awarded under the program must be at least \$30,000 each year that the graduates provide care under the scholarship agreement."

Page 15, line 14, delete everything after the period and insert "By"

Page 15, delete line 15

Page 17, delete lines 4 to 7

Page 17, lines 8 and 12, delete "(e)" and insert "(d)"

Page 17, line 13, delete everything after the period

Page 17, delete line 14

Pages 17 to 18, delete sections 5 to 6

Page 25, after line 12, insert:

"Sec. 16. Minnesota Statutes 2007 Supplement, section 256L.15, subdivision 1, is amended to read:

Subdivision 1. **Premium determination.** (a) Families with children and individuals shall pay a premium determined according to subdivision 2.

(b) Pregnant women and children under age two are exempt from the provisions of section 256L.06, subdivision 3, paragraph (b), clause (3), requiring disenrollment for failure to pay premiums. For pregnant women, this exemption continues until the first day of the month following the 60th day postpartum. Women who remain enrolled during pregnancy or the postpartum period, despite nonpayment of premiums, shall be disenrolled on the first of the month following the 60th day postpartum for the penalty period that otherwise applies under section 256L.06, unless they begin paying premiums.

(c) Members of the military and their families who meet the eligibility criteria for MinnesotaCare upon eligibility approval made within 24 months following the end of the member's tour of active duty shall have their premiums paid by the commissioner. The effective date of coverage for an individual or family who meets the criteria of this paragraph shall be the first day of the month following the month in which eligibility is approved. This exemption applies for 12 months. ~~This paragraph expires June 30, 2010.~~"

Page 26, line 10, delete "shall pay a monthly premium of \$4" and insert "and parents with income at or below 100 percent of federal poverty guidelines shall not pay a monthly premium"

Page 26, delete section 18 and insert:

"Sec. 19. Laws 2007, chapter 147, article 5, section 19, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective July 1, 2007, ~~or upon federal approval, whichever is later 2008.~~"

Page 27, delete section 19

Page 32, line 13, delete "27" and insert "28"

Page 32, delete section 3 and insert:

"Sec. 3. [16A.727] HEALTH SAVINGS REINVESTMENT FUND.

Subdivision 1. **Created.** A health savings reinvestment fund is created in the state treasury. The fund is a direct appropriated special revenue fund. The commissioner shall deposit to the credit of the fund all revenue from the health savings reinvestment assessment under section 62U.13.

Subd. 2. **Transfer; appropriation.** (a) On July 1 of each year, beginning in year 2010, the commissioner of finance shall transfer from the health savings reinvestment fund to the general fund an amount equal to the loss of income tax revenue for the immediately preceding calendar year attributable to the use of Section 125 Plans under section 62U.03 as determined by the commissioner of revenue. The amount necessary to make the transfer is appropriated from the health savings reinvestment fund to the commissioner of finance.

(b) Any balance in the fund remaining after the transfer under paragraph (a) is available for direct appropriation by law."

Page 39, lines 7 and 9, delete "cost" and insert "price"

Page 39, delete line 8 and insert "average length of stay, average charge price, average charge price per day, and median"

Page 42, line 18, after the period, insert "This definition shall not be used to exclude or deny technology or treatment necessary to preserve life on the basis of an individual's age or expected length of life or of the individual's present or predicted disability, degree of medical dependency, or quality of life."

Page 43, line 23, delete "is" and insert "shall be formed as"

Page 48, after line 20, insert:

"Subd. 17. **Data.** (a) The exchange shall act as if it were a governmental entity subject to sections 13.04; 13.05, subdivisions 3 to 6, 8, and 13; 13.055; and 13.08 for any data on individuals collected or maintained by the exchange as part of its duties under subdivision 8, clauses (4) to (9). For purposes of this paragraph, any data on individuals collected or maintained by the exchange as part of its duties under subdivision 8 shall be classified as private data on individuals as defined in section 13.02, subdivision 12.

(b) Notwithstanding paragraph (a), the exchange may exchange data on individuals with health plan companies, employers, and the Department of Human Services as required to execute its responsibilities under subdivision 8. Nothing in this subdivision shall restrict the exchange from using or disclosing summary data as defined in section 13.02, subdivision 19."

Page 48, line 21, delete "17" and insert "18"

Page 48, line 34, delete "62U.03" and insert "62U.02"

Page 49, line 1, delete "January" and insert "July"

Page 49, line 16, delete "January" and insert "July"

Page 50, after line 32, insert:

"(d) For the purposes of section 10A.09, members of the commission are public officials and must file a statement of economic interest as required under that section."

Page 51, after line 2, insert:

"(d) The commission may appoint an executive director who, if appointed, shall:

- (1) be a state employee;
- (2) administer all of the activities and contracts of the commission; and
- (3) hire and supervise staff for the commission."

Page 56, after line 10, insert:

"(c) The committee's recommendation may not limit the use of a health technology necessary to preserve life on the basis of an individual's age or expected length of life or of an individual's present or predicted disability, degree of medical dependency, or quality of life."

Page 60, line 15, delete "January" and insert "July"

Page 61, line 3, delete "Organization" and insert "Committee"

Page 61, line 27, after "Medicare" insert "and long-term care" and delete "shall" and insert "must"

Page 62, line 1, delete "offset amount" and insert "reinvestment amount,"

Page 62, line 4, delete "offset" and insert "reinvestment"

Page 62, line 12, delete "as a percentage of"

Page 62, line 13, delete "paid claims"

Page 62, lines 14 and 17, delete "shall" and insert "must"

Page 62, line 19, delete "paid claims" and insert "administered benefits"

Page 62, line 20, delete "shall not be" and insert "is not"

Page 62, line 21, after "employees" insert "or Medicare beneficiaries, except private supplemental coverage"

Page 62, line 22, delete "shall" and after "paid" insert "or administration provided"

Page 62, delete lines 24 to 26 and insert:

"(d) Health savings reinvestment assessments must be paid quarterly to the commissioner of revenue within 60 days after the close of each quarter, beginning no later than May 30, 2010."

Page 62, delete subdivision 5 and insert:

"Subd. 5. **Credit of assessments.** The commissioner of revenue shall credit the revenue derived from the assessments to the health savings reinvestment fund established under section 16A.727."

Page 63, line 20, delete everything after "insured" and insert a period

Page 63, delete line 21

Page 63, line 26, after the period, insert "For individuals and families with pretax income, the determination of "affordability" for purposes of this section shall compare the net cost of health coverage that includes pretax savings to the applicable percentage of the individual's or family's gross monthly income."

Page 64, line 16, after "COVERAGE" insert "PLAN"

Page 64, line 18, delete "establish" and insert "develop a plan for"

Page 64, line 21, delete "section" and insert "plan"

Page 64, line 31, after the second "subsidy" insert "in the plan"

Page 65, delete section 30

Page 65, line 1, before "The" insert "As part of the plan,"

Page 65, after line 6, insert:

"Subd. 5. **Report.** The commissioner shall submit the plan creating the subsidy program to the legislature by January 15, 2009, for implementation by July 1, 2009."

Page 65, line 7, delete "2010" and insert "2008"

Page 65, line 10, delete "27" and insert "28"

Page 65, after line 24, insert:

"ARTICLE 5

APPROPRIATIONS

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2009</u>		<u>Total</u>		
<u>Health Care Access Fund</u>	\$	39,313,000	\$		39,313,000
<u>Health Improvement Fund</u>		20,000,000			20,000,000
<u>Total</u>	\$	59,313,000	\$		59,313,000

Sec. 2. **HEALTH AND HUMAN SERVICES APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are added to or, if shown in parentheses, subtracted from the appropriations in Laws 2007, chapter 147, article 19, or other law to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal year indicated for each purpose. The figure "2009" used in this article means that the addition to or subtraction from the appropriation listed under it is available for the fiscal year ending June 30, 2009.

APPROPRIATIONS
Available for the Year
Ending June 30

2009

Sec. 3. **HUMAN SERVICES**

Subdivision 1. Total Appropriation **\$ 9,725,000**

Appropriations by Fund

2009

Health Care Access 9,725,000

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Children and Economic Assistance Management

Health Care Access 6,000

Subd. 3. Basic Health Care Grants

The amounts that may be spent from the appropriation for each purpose are as follows:

(a) MinnesotaCare Grants

Health Care Access 4,435,000

(b) Other Health Care Grants

Health Care Access 1,050,000

Primary Care Physician Rate Increases. Of the health care access fund appropriation, \$200,000 is to the commissioner for the medical assistance reimbursement rate increase described in Minnesota Statutes, section 256B.766.

Mobile Dental Unit. (a) Of the health care access fund appropriation, \$500,000 is to be awarded as a grant to a nonprofit organization to operate a mobile dental unit within the seven-county metropolitan area for treating the dental needs of underserved children and adults with a comprehensive approach of education, treatment, and follow-up routine visits. The organization must show viable

partnerships with the dental community, community-based organizations, and local school districts. The services provided by the organization must include:

(1) identifying and treating children with untreated dental conditions at locations with the community;

(2) educating children and their families about oral health diseases and the importance and benefits of a preventive oral health care program; and

(3) connecting local dental health care professionals and organizations with underserved children for follow-up and ongoing dental care services.

(b) The organization must report to the commissioner by January 15, 2010, the number of children served by the mobile unit, the services provided by the unit, the locations where children were served, and if follow-up services were provided.

Open Door Health Center. Of the health care access fund appropriation, \$350,000 is to be awarded as a grant to the Open Door Health Center to act as a bridge funding to meet the demand for health care services in medically underserved areas.

Subsidies for Employer-Subsidized Health Coverage. For the biennium beginning July 1, 2009, base level funding for the subsidy program described in Minnesota Statutes, section 62U.16, shall be \$20,000,000 from the health care access fund for the first year and \$35,000,000 from the health care access fund for the second year.

Subd. 4. **Health Care Management**

The amounts that may be spent from the appropriation for each purpose are as follows:

(a) **Health Care Policy Administration**

Health Care Access 182,000

(b) Health Care Operations

Health Care Access 3,248,000

Outreach Funding. Of the health care access fund appropriation, \$350,000 is for the incentive program under Minnesota Statutes, section 256.962, subdivision 5. This is in addition to the base level fund for the biennium beginning July 1, 2009. For the fiscal year beginning July 1, 2011, appropriations for this activity shall be from the health savings reinvestment fund.

Subd. 5. Continuing Care Management

Health Care Access 804,000

Long-Term Care Worker Health Coverage Study. (a) Of the health care access fund appropriation, \$804,000 is for the commissioner to study and report to the legislature by December 15, 2008, with recommendations for a rate increase to long-term care employers dedicated to the purchase of employee health insurance in the private market. The commissioner shall collect necessary actuarial data, employment data, current coverage data, and other needed information.

(b) The commissioner shall develop cost estimates for three levels of insurance coverage for long-term care workers:

(1) the coverage provided to state employees;

(2) the coverage provided to MinnesotaCare enrollees; and

(3) the benefits provided under an "average" private market insurance product, but with a deductible limited to \$100 per person.

Premium cost sharing, waiting periods for eligibility, definitions of full- and part-time employment, and other parameters under the

three options must be identical to those under the state employees' health plan.

(c) For purposes of this section, a long-term care worker is a person employed by a nursing facility, an intermediate care facility for persons with developmental disabilities, or a service provider that:

(1) is eligible under Laws 2007, chapter 147, article 7, section 71; and

(2) provides long-term care services.

The commissioner may recommend a different definition of long-term care worker if this definition presents insurmountable implementation issues.

(d) The recommendations must include measures to:

(1) ensure equitable treatment between employers that currently have different levels of expenditure for employee health insurance costs; and

(2) enforce the requirement that the rate increase be expended for the intended purpose.

Sec. 4. COMMISSIONER OF HEALTH

Subdivision 1. Total Appropriation \$ 49,588,000

Appropriations by Fund

	<u>2009</u>
<u>Health Care Access</u>	<u>29,588,000</u>
<u>Health Improvement</u>	<u>20,000,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Community and Family Health Promotion

<u>Health Improvement</u>	<u>20,000,000</u>
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Statewide Health Improvement Program.

This appropriation is for the statewide health improvement program under Minnesota Statutes, section 145.986. This is a onetime appropriation. Of this appropriation, \$18,600,000 is for grants to local communities in accordance with Minnesota Statutes, section 145.986, subdivision 2.

Subd. 3. Policy, Quality, and Compliance

Health Care Access

29,588,000

Dental Loan Forgiveness and Scholarship Program. Of the health care access fund appropriation, \$400,000 is for the dental loan forgiveness and scholarship program described in Minnesota Statutes, section 144.1501.

Federally Qualified Health Centers. Of the health care access fund appropriation, \$4,000,000 is for subsidies to federally qualified health centers under Minnesota Statutes, section 145.9269. This amount shall be added to the base level funding.

Health Care Transformation Commission. Of the health care access fund appropriation, \$12,000,000 is for the operation of the Health Care Transformation Commission. This is a onetime appropriation and is available until expended.

Health Insurance Exchange. Of the health care access fund appropriation, \$8,000,000 is for the operation of the Health Insurance Exchange. This is a onetime appropriation and is available until expended.

Electronic Health Records Grants. Of the health care access fund appropriation, \$1,962,000 is for the electronic health records grant program in Minnesota Statutes, section 144.3345. Base level funding for this activity shall be \$3,673,000 in fiscal year 2010 and \$3,673,000 in fiscal year 2011. The appropriation for this activity expires after the fiscal year 2011 appropriation.

Electronic Health Records Revolving Account and Loan. Of the health care access fund appropriation, \$2,000,000 is for the electronic health record system revolving account and loan program in Minnesota Statutes, section 62J.496. Base level funding for this activity shall be \$3,750,000 in fiscal year 2010 and \$3,750,000 in fiscal year 2011. The appropriation for this activity expires after the fiscal year 2011 appropriation.

Transfer. (a) After the transfer to the general fund in accordance with Minnesota Statutes, section 16A.727, to the extent there are remaining funds in the health savings reinvestment fund, the commissioner of finance shall transfer to the general fund \$2,121,000 in fiscal year 2010 to be appropriated to the commissioner of human services for the health care home care coordination fee under Minnesota Statutes, section 256B.0753.

(b) To the extent funds are remaining in the health savings reinvestment fund after the transfer described in paragraph (a), the commissioner of finance shall transfer to the general fund \$1,250,000 in fiscal year 2010 to be appropriated in equal amounts to:

(1) to the Board of Regents of the University of Minnesota to increase the number of primary care physicians who practice in underserved communities in the state and the number of primary care physician slots in residency programs in the state;

(2) to the Mayo Medical Foundation for medical school initiatives to increase the number of primary care physicians who practice in underserved communities in the state and the number of primary care physician slots in residency programs in the state;

(3) to the Office of Higher Education to increase the number of primary care physicians who practice in underserved communities in the state and the number of

primary care physician slots in residency programs in the state;

(4) to the Duluth Graduate Medical Education Council, Inc. for medical school initiatives to increase the number of primary care physician slots in residency programs in the state;

(5) to the Office of Higher Education to provide grants to schools of nursing in Minnesota to increase the number of graduates of advanced practice registered nurse programs;

(6) to the Board of Regents of the University of Minnesota to address faculty shortages in primary care medicine;

(7) to the Mayo Medical Foundation to address faculty shortages in primary care medicine; and

(8) to the Office of Higher Education to provide grants to schools of nursing in Minnesota to address faculty shortages.

Sec. 5. SUNSET OF UNCODIFIED LANGUAGE.

All uncodified language contained in this article expires on June 30, 2009, unless a different expiration date is specified.

Sec. 6. EFFECTIVE DATE.

The provisions in this article are effective July 1, 2008, unless a different effective date is specified."

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

S.F. No. 481: A bill for an act relating to global warming and the environment; requiring adoption of California standards regarding low emission vehicles; providing for updates to the standards as necessary to comply with the federal Clean Air Act; amending Minnesota Statutes 2006, section 116.07, subdivision 2.

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

Page 2, line 11, delete "section" and insert "sections 1900, 1961, 1961.1, and"

Page 2, line 19, after the sixth comma, insert "self-propelled vehicles used for agricultural purposes,"

Page 4, line 16, after the period, insert "The rules adopted under section 1 do not affect collector vehicles or street rods under Minnesota Statutes, section 168.10."

And when so amended the bill do pass and be re-referred to the Committee on Business, Industry and Jobs. Amendments adopted. Report adopted.

Senator Vickerman from the Committee on Agriculture and Veterans, to which was referred

S.F. No. 3165: A bill for an act relating to agriculture; establishing requirements for practicing animal chiropractic care; amending Minnesota Statutes 2006, section 148.01, subdivision 1, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 148.

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

Page 1, line 16, delete "(1)" and insert "(i)"

Page 1, line 17, delete "(2)" and insert "(ii)"

Page 1, line 18, delete "(3)" and insert "(iii)" and before the period, insert "and diagnosis"

Page 2, line 8, delete "contact"

Page 2, line 22, delete "approved" and insert "who have completed the approved program of study"

Page 4, delete line 2 and insert "veterinarian, or the animal's veterinarian if the animal has not been referred by a veterinarian."

And when so amended the bill do pass and be re-referred to the Committee on Health, Housing and Family Security. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 3218, 3622, 3291, 3238, 3373 and 3099 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 3157 was read the second time.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 10:30 a.m., Wednesday, March 19, 2008. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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