

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

ONE HUNDRED NINTH DAY

St. Paul, Minnesota, Wednesday, April 30, 2008

The Senate met at 12:00 noon 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. Dr. Mark Wegener.

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 communications were received.

April 24, 2008

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the

Secretary of State, S.F. Nos. 2667, 2765, 2915, 3082, 2828, 2399, 3225, 2024, 3286, 2377, 3571, 3647, 2936, 3021, 2642, 3263, 3119, 3227 and 3446.

Sincerely,
Tim Pawlenty, Governor

April 24, 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
2667		213	2:51 p.m. April 24	April 24
2765		214	2:59 p.m. April 24	April 24
2915		215	3:04 p.m. April 24	April 24
3082		216	3:06 p.m. April 24	April 24
2828		217	3:08 p.m. April 24	April 24
2399		218	3:13 p.m. April 24	April 24
3225		219	3:16 p.m. April 24	April 24
2024		220	3:17 p.m. April 24	April 24
3286		221	3:18 p.m. April 24	April 24
2377		222	3:19 p.m. April 24	April 24
3571		223	3:20 p.m. April 24	April 24
3647		224	3:21 p.m. April 24	April 24
2936		225	3:35 p.m. April 24	April 24
3021		226	3:26 p.m. April 24	April 24
2642		227	3:29 p.m. April 24	April 24
3263		228	3:32 p.m. April 24	April 24
3119		229	3:34 p.m. April 24	April 24
3227		230	3:36 p.m. April 24	April 24
3446		231	3:37 p.m. April 24	April 24

Sincerely,
Mark Ritchie
Secretary of State

109TH DAY]

WEDNESDAY, APRIL 30, 2008

9017

April 25, 2008

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2564, 3049, 3336, 3214, 3154, 3342, 2403, 1298 and 2500.

Sincerely,
Tim Pawlenty, Governor

April 25, 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
2564		232	3:55 p.m. April 25	April 25
	3500	233	3:59 p.m. April 25	April 25
3049		234	3:56 p.m. April 25	April 25
3336		235	4:04 p.m. April 25	April 25
	2896	236	4:06 p.m. April 25	April 25
	3516	238	4:01 p.m. April 25	April 25
3214		240	3:58 p.m. April 25	April 25
3154		241	4:05 p.m. April 25	April 25
3342		242	4:14 p.m. April 25	April 25
2403		243	4:11 p.m. April 25	April 25
1298		244	4:16 p.m. April 25	April 25
2500		249	4:18 p.m. April 25	April 25

Sincerely,
Mark Ritchie
Secretary of State

April 28, 2008

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 3139.

Sincerely,
Tim Pawlenty, Governor

April 28, 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
3139		245	4:27 p.m. April 28	April 28
	3662	246	4:28 p.m. April 28	April 28
	2904	247	4:30 p.m. April 28	April 28
	3569	248	4:31 p.m. April 28	April 28

Sincerely,
Mark Ritchie
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2939, 2996, 3174, 3331, 3455 and 3098.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2008

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 3564: A bill for an act relating to transportation finance; correcting transitional rate of special fuel excise tax on compressed natural gas; amending Laws 2008, chapter 152, article 3, section 6.

Senate File No. 3564 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2008

CONCURRENCE AND REPASSAGE

Senator Murphy moved that the Senate concur in the amendments by the House to S.F. No. 3564 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3564: A bill for an act relating to transportation finance; correcting transitional rate of special fuel excise tax on compressed natural gas; providing for surcharge administration; amending Laws 2008, chapter 152, article 2, section 1, by adding a subdivision; article 3, section 6.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 46 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Larson	Pogemiller	Skogen
Bakk	Doll	Latz	Prettner Solon	Sparks
Berglin	Erickson Ropes	Lynch	Rest	Stumpf
Betzold	Foley	Marty	Rummel	Tomassoni
Bonoff	Frederickson	Metzen	Saltzman	Vickerman
Carlson	Higgins	Moua	Saxhaug	Wiger
Chaudhary	Ingebrigtsen	Murphy	Scheid	
Clark	Jungbauer	Olson, M.	Senjem	
Dahle	Kubly	Pappas	Sieben	
Day	Langseth	Pariseau	Skoe	

Those who voted in the negative were:

Fischbach	Hann	Koering	Olson, G.	Rosen
Gerlach	Johnson	Limmer	Ortman	Vandever
Gimse	Koch	Michel	Robling	Wergin

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 3443: A bill for an act relating to veterans; designating July 27 as Korean War Veterans Day; proposing coding for new law in Minnesota Statutes, chapter 197.

Senate File No. 3443 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2008

CONCURRENCE AND REPASSAGE

Senator Koering moved that the Senate concur in the amendments by the House to S.F. No. 3443 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3443 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 3672: A bill for an act relating to relating to liquor; permitting farm wineries to manufacturer and sell distilled spirits under certain conditions; authorizing liquor licenses; making technical corrections; amending Minnesota Statutes 2006, section 340A.315, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 340A.412, subdivision 4.

Senate File No. 3672 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2008

Senator Skogen moved that the Senate do not concur in the amendments by the House to S.F. No. 3672, and that a Conference Committee of 3 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 that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 3001: A bill for an act relating to education; providing for prekindergarten through grade 12 education; including general education, education excellence, special programs, libraries, state agencies, and self-sufficiency and lifelong learning; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 120A.05, subdivision 10a; 120A.22, subdivision 5; 120A.24, subdivisions 1, 2; 120B.02; 120B.021, subdivision 1a; 120B.023, subdivision 2; 121A.035, subdivision 2; 121A.037; 122A.06, subdivision 4; 122A.07, subdivisions 2, 3; 122A.09, subdivision 4; 122A.18, subdivisions 2, 2a, by adding a subdivision; 123B.14, subdivision 7; 123B.36, subdivision 1; 123B.37, subdivision 1; 123B.77, subdivision 3; 123B.81, subdivisions 3, 5; 123B.83, subdivision 3; 123B.88, subdivision 3; 124D.10, subdivisions 2a, 4a, 6, 6a, 7, 8, 20, 23; 124D.19, subdivision 14; 124D.522; 124D.55; 124D.60, subdivision 1; 124D.68, subdivision 2; 124D.86, by adding a subdivision; 125A.02, subdivision 1; 125A.15; 125A.51; 125A.65, subdivision 4, by adding a subdivision; 125A.744, subdivision 3; 125B.07, by adding a subdivision; 126C.40, subdivision 6; 134.31, subdivision 6, by adding a subdivision; 260C.007, subdivision 19; 299F.30, subdivision 1; Minnesota Statutes 2007 Supplement, sections 120B.021, subdivision 1; 120B.024; 120B.30; 123B.81, subdivision 4; 124D.10, subdivisions 4, 23a; 134.31, subdivision 4a; proposing coding for new law in Minnesota Statutes, chapters 1; 121A; 125B; 127A; 134; repealing Minnesota Statutes 2006, sections 120A.22, subdivision 8; 121A.23; 121A.67; Laws 2006, chapter 263, article 3, section 16.

There has been appointed as such committee on the part of the House:

Mariani, Brynaert, Ward, Slocum and Urdahl.

Senate File No. 3001 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2008

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3376.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 28, 2008

FIRST READING OF HOUSE BILLS

H.F. No. 3376: A bill for an act relating to human services; amending the MFIP work participation program; changing child care assistance provisions; changing the child care assistance sliding fee scale; establishing a child care advisory task force; requiring a mandated report; making technical changes; amending Minnesota Statutes 2006, sections 119B.011, subdivision 17; 119B.03, subdivisions 1, 6; 119B.09, subdivisions 1, 9; 119B.125, by adding a subdivision; 119B.21, subdivision 10; 256E.30, subdivision 1; 256E.35, subdivision 7; 256J.24, subdivision 5; 256J.39, by adding a subdivision; 256J.425, subdivision 1; 256J.521, subdivision 4; 256J.54, subdivisions 2, 5; 256J.545; Minnesota Statutes 2007 Supplement, sections 119B.12; 119B.125, subdivision 2; 119B.13, subdivisions 1, 7; 119B.21, subdivision 5; 119B.231, subdivision 5; 245C.08, subdivision 2; 256E.35, subdivision 2; 256J.20, subdivision 3; 256J.49, subdivision 13; 256J.626, subdivisions 3, 7; 256J.95, subdivision 3; repealing Minnesota Statutes 2006, section 256K.25.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3170, now on the Calendar.

REPORTS OF COMMITTEES

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

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

S.F. No. 2647: A bill for an act relating to public safety; establishing crime of disarming a peace officer; providing criminal penalties; amending Minnesota Statutes 2006, section 609.50, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Page 2, line 8, after the comma, insert "without the officer's consent" and delete "and without the"

Page 2, line 9, delete "officer's consent"

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

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

S.F. No. 3385: 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.

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. **[115.0301] DEFINITIONS.**

Subdivision 1. **Application.** For purposes of sections 115.0301 to 115.0309, the following terms have the meanings given them.

Subd. 2. **Agency.** "Agency" means the Pollution Control Agency.

Subd. 3. **Ballast water.** "Ballast water" means water taken on board a vessel to control trim, list, draft, stability, or stresses of the vessel, including matter suspended in the water, or any water placed into a ballast tank during cleaning, maintenance, or other operations.

Subd. 4. **Ballast water management.** "Ballast water management" means mechanical, physical, chemical, and biological processes used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediment.

Subd. 5. **Commissioner.** "Commissioner" means the commissioner of the Pollution Control Agency.

Subd. 6. **Constructed.** "Constructed" means a state of construction of a vessel at which the keel is laid, construction identifiable with the specific vessel begins, assembly of the vessel has begun comprising at least 50 tons or one percent of the estimated mass of all structural material of the vessel, whichever is less, or the vessel undergoes a major conversion.

Subd. 7. **Foreign vessel.** "Foreign vessel" means a vessel of foreign registry or operated under the authority of a foreign country.

Subd. 8. **Sediment.** "Sediment" means matter that has settled out of ballast water within a vessel.

Subd. 9. **State waters of Lake Superior.** "State waters of Lake Superior" means the surface waters of Lake Superior and waters that discharge, flow, or otherwise are transferred into Lake Superior that are under the jurisdiction of the state.

Sec. 2. **[115.0306] BALLAST WATER MANAGEMENT PLAN.**

Subdivision 1. **Ballast water management plan required.** (a) The operator of a vessel that is designed, constructed, or adapted to carry ballast water in state waters of Lake Superior shall conduct all ballast water management operations of the vessel according to a ballast water management plan that is designed to minimize the discharge of invasive species, meets the requirements prescribed by the commissioner under subdivision 2, and is approved by the commissioner.

(b) The owner or operator of a vessel required to have a ballast water management plan under paragraph (a) shall maintain a copy of the vessel's ballast water management plan on board at all times and keep the plan readily available for examination by the commissioner.

Subd. 2. **Ballast water management plan approval.** (a) The commissioner may not approve a ballast water management plan unless the commissioner determines that the plan:

- (1) describes in detail the actions to be taken to implement ballast water management;
- (2) describes in detail the procedures to be used for disposal of sediment at sea and on shore;
- (3) describes in detail the safety procedures for the vessel and crew associated with ballast water management;
- (4) designates the officer on board of the vessel in charge of ensuring that the plan is properly implemented;
- (5) contains the reporting requirements for vessels as prescribed by the commissioner; and
- (6) meets all other requirements prescribed by the commissioner.

(b) The commissioner may approve a ballast water management plan for a foreign vessel on the basis of a certificate of compliance with the criteria described in paragraph (a) issued by the vessel's country of registration according to standards established by the commissioner.

Sec. 3. [115.0307] BALLAST WATER RECORD BOOK.

Subdivision 1. **Ballast water record book required.** The owner or operator of a vessel required to have a ballast water management plan under section 115.0306 shall maintain, in English on board the vessel, a ballast water record book in which each operation of the vessel involving ballast water or sediment discharge is recorded as required by the commissioner. The ballast water record book shall be kept readily available for examination by the commissioner. In cases where a vessel is without a crew and being towed, the ballast water record book may be kept on the towing vessel.

Subd. 2. **Retention period.** (a) Except as provided in paragraph (b), a ballast water record book required in subdivision 1 shall be retained on board the vessel for three years after the date on which the last entry in the book is made and shall be retained under the control of the vessel's owner for an additional three years.

(b) The commissioner may prescribe alternative time periods for record retention by foreign vessels that are consistent with international practices.

Subd. 3. **Regulations.** (a) The commissioner shall require, at a minimum, that:

- (1) each entry in the ballast water record book be signed and dated by the officer in charge of the ballast water operation recorded;
- (2) each completed page in the ballast water record book be signed and dated by the owner or operator of the vessel; and
- (3) the owner or operator of the vessel transmit any information to the commissioner regarding the ballast operations of the vessel as the commissioner may require.

(b) The commissioner may provide for alternative methods of record keeping, including electronic record keeping, to comply with the requirements of this section. Any electronic record keeping method authorized by the commissioner shall comply with applicable standards of the state and the National Institute of Standards and Technology governing reliability, integrity, identity

authentication, and nonrepudiation of stored electronic data.

Sec. 4. **[115.0309] CONSULTATION AND COOPERATION.**

Subdivision 1. **Great Lakes Panel on Aquatic Nuisance Species.** The commissioner of natural resources shall cooperate to the fullest extent practicable with the Great Lakes Panel on Aquatic Nuisance Species to ensure development of standards for the control of invasive species that are broadly protective of the state waters of Lake Superior and other natural resources. The commissioner of the Pollution Control Agency shall serve as the alternate to the commissioner of natural resources if necessary.

Subd. 2. **Cooperation with other state agencies.** In developing the permit process and any standards established under sections 115.0301 to 115.0309, the commissioner is encouraged to consult with the commissioners of commerce, agriculture, natural resources, and any other agency that the commissioner determines to be necessary to develop and implement an effective program for preventing the introduction and spread of invasive species through ballast water.

Subd. 3. **Canada and other foreign governments.** In developing the permit process and any standards established under sections 115.0301 to 115.0309, the commissioner is encouraged to consult with the government of Canada and any other government of a foreign country that the commissioner determines to be necessary to develop and implement an effective program for preventing the introduction and spread of invasive species through ballast water.

Sec. 5. 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 using prescriptive designs and design guidances provided by the agency.

(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 using prescriptive designs and design guidances provided by the agency 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. 6. Minnesota Statutes 2006, section 115A.03, subdivision 21, is amended to read:

Subd. 21. **Mixed municipal solid waste.** (a) "Mixed municipal solid waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, except as provided in paragraph (b).

(b) Mixed municipal solid waste does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams, ~~but does include source-separated compostable materials.~~

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

Sec. 7. Minnesota Statutes 2006, section 115A.03, subdivision 32a, is amended to read:

Subd. 32a. **Source-separated compostable materials.** "Source-separated compostable materials" means ~~mixed municipal solid waste materials~~ that:

(1) ~~is~~ are separated at the source by waste generators for the purpose of preparing ~~it~~ them for use as compost;

(2) ~~is~~ are collected separately from ~~other mixed municipal solid wastes~~ waste, and are governed by the licensing provisions of section 115A.93;

(3) ~~is~~ are comprised of food wastes, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable because the commissioner has determined that no other person is willing to accept the paper for recycling; ~~and~~

(4) ~~is~~ are delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the agency's class I or class II, or equivalent, compost standards and where process residues do not exceed 15 percent by weight of the total material delivered to the facility; and

(5) may be delivered to a transfer station, mixed municipal solid waste processing facility, or recycling facility only for the purposes of composting or transfer to a composting facility, unless the commissioner determines that no other person is willing to accept the materials.

Sec. 8. [115A.936] CONSTRUCTION DEBRIS AS COVER MATERIAL PROHIBITED.

(a) Construction debris or residuals from processed construction debris containing any amount of gypsum shall not be managed as cover material at disposal facilities unless:

(1) residual material is managed in an industrial or construction and demolition disposal facility equipped with a liner and leachate collection system;

(2) residual material is not mechanically pulverized or size-reduced prior to processing, screening, or application;

(3) a maximum effort is made to remove gypsum from the waste prior to processing, screening, or application;

(4) residual material is mixed at a ratio of one part soil to one part residual material prior to application; and

(5) the disposal facility does not accept any amount of cover material greater than what is operationally necessary.

(b) For the purposes of this section, "residual material" means construction debris or residuals from processed construction debris containing any amount of gypsum.

Sec. 9. Minnesota Statutes 2006, section 116.07, subdivision 4a, is amended to read:

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

The Pollution Control Agency may also issue, continue in effect or deny permits, under

such conditions as it may prescribe for the prevention of pollution, for the storage, collection, transportation, processing, or disposal of waste, or for the installation or operation of any system or facility, or any part thereof, related to the storage, collection, transportation, processing, or disposal of waste.

The agency may not issue a new permit to a new facility located in a community in a city of the first class in Hennepin County that meets all of the following conditions:

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

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

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

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

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

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

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

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

Sec. 10. Minnesota Statutes 2006, section 116.47, is amended to read:

116.47 EXEMPTIONS.

Sections 116.48, ~~116.49~~, and 116.482 to 116.491 do not apply to:

(1) farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

(2) tanks of 1,100 gallons or less capacity used for storing heating oil for consumptive use on the premises where stored;

(3) pipeline facilities, including gathering lines, regulated under the Natural Gas Pipeline Safety Act of 1968, United States Code, title 49, chapter 24, or the Hazardous Liquid Pipeline Safety Act of 1979, United States Code, title 49, chapter 29;

(4) surface impoundments, pits, ponds, or lagoons;

- (5) storm water or waste water collection systems;
- (6) flow-through process tanks;
- (7) tanks located in an underground area, including basements, cellars, mineworkings, drifts, shafts, or tunnels, if the storage tank is located upon or above the surface of the floor;
- (8) septic tanks;
- (9) tanks used for storing liquids that are gaseous at atmospheric temperature and pressure; or
- (10) tanks used for storing agricultural chemicals regulated under chapter 18B, 18C, or 18D.

Sec. 11. **[116.482] PETROLEUM RELEASE NOTIFICATION.**

(a) When a potential receptor survey is conducted for a petroleum tank release as provided in agency guidance documents, the tank owner must provide information on the results of the survey, reports of all releases, and any corrective actions, as defined in section 115C.02, that are related to the petroleum tank release in an understandable manner to residents contacted in the survey. The information may be provided through personal contact, mail, or e-mail.

(b) An owner may delegate the owner's responsibility under paragraph (a) to the owner's consultant or contractor, as those terms are defined in section 115C.02, or to the operator of the tank.

Sec. 12. 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 84.82, subdivision 2, is amended to read:

Subd. 2. **Application, issuance, reports, additional fee.** (a) Application for registration or reregistration shall be made to the commissioner or an authorized deputy registrar of motor vehicles in a format prescribed by the commissioner and shall state the legal name and address of every owner of the snowmobile.

(b) A person who purchases a snowmobile from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary ten-day registration permit to each purchaser who applies to the dealer for registration. Each retail dealer shall submit completed registration and fees to the deputy registrar at least once a week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee as hereinafter provided, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned registration number, including a strip with the registration number that may be affixed to the snowmobile, or a commissioner or deputy registrar temporary ten-day permit. Once issued, the registration number must be affixed to the snowmobile using the strip issued or by another method chosen by the owner in a clearly visible and permanent manner for enforcement purposes on the windshield or as the commissioner of natural resources shall prescribe. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the temporary ten-day permit period. The registration is not valid unless signed by at least one owner.

(d) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements.

(e) A fee of \$2 in addition to that otherwise prescribed by law shall be charged for:

(1) each snowmobile registered by the registrar or a deputy registrar and the additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2; or

(2) each snowmobile registered by the commissioner and the additional fee shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

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

Sec. 3. Minnesota Statutes 2006, section 84D.10, subdivision 2, is amended to read:

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

(1) that are duckweeds in the family Lemnaceae;

(2) for purposes of shooting or observation blinds attached in or on watercraft in amounts

sufficient for that purpose, if the aquatic macrophytes are emergent and cut above the waterline;

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

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

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

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

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

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

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

(4) fails to drain water, as required by rule, from watercraft and equipment before leaving designated zebra mussel, spiny water flea, or other invasive plankton infested waters; or

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

Sec. 5. 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. 6. 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. 7. Minnesota Statutes 2006, section 85.012, subdivision 49a, is amended to read:

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

Sec. 8. 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. 9. 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. 10. 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. 11. 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. 12. 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. 13. 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. 14. 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. 15. [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. 16. [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 Indian Affairs Council;

(8) one member designated by the Association of Minnesota Counties;

(9) one member designated by the Minnesota Inter-County Association; and

(10) 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. 17. 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. 18. **[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. 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. **DEPARTMENT OF NATURAL RESOURCES RULEMAKING REQUIRED; STRUCTURES IN PUBLIC WATERS.**

By June 30, 2011, 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. 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. 22. SNOWMOBILE NUMBER STRIPS; APPROPRIATION.

\$124,000 in fiscal year 2009 from the snowmobile trails and enforcement account in the natural resources fund is appropriated to the commissioner of natural resources for programing the electronic licensing system to issue number strips for registered snowmobiles. This is a onetime appropriation.

Sec. 23. APPROPRIATION; WADING POOL UPGRADE GRANTS.

\$50,000 in fiscal year 2008 from the natural resources fund is appropriated to the commissioner of natural resources for grants to local units of government for up to 75 percent of the cost of meeting the equipment requirements for public pools under Minnesota Statutes, section 144.1222, subdivision 1d, paragraph (a), if enacted. The maximum grant is \$10,000 per pool upgraded. Priority shall be given to local government applicants seeking assistance in installing a secondary suction or drainage outlet for the public pool where a fee is not charged for use of the pool. The commissioner shall consult with the commissioner of health in awarding the grants. Of this amount, notwithstanding the restrictions under Minnesota Statutes, section 297A.94, \$25,000 is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (3), and \$25,000 is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (4). This is a onetime appropriation and is available until June 30, 2009.

Sec. 24. 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 17.4988, subdivision 3, is amended to read:

Subd. 3. **Inspection fees.** ~~The fees for the following inspections are:~~ The commissioner may, by written order published in the State Register, establish fees for the services listed in clauses (1) to (3). The fees must be set in an amount that does not recover significantly more or less than the cost of providing the service. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The services covered under this provision include:

(1) initial inspection of each water to be licensed, ~~\$50~~;

(2) fish health inspection and certification, ~~\$60 plus \$150 per lot thereafter~~ including initial tissue sample collection, basic fish health assessment, viral pathogen testing, and bacteriological testing; and

(3) initial inspection for containment and quarantine facility inspections, ~~\$100~~.

Sec. 10. 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. 11. 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. 12. 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. 13. 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. 14. 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. 15. 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. 16. 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. 17. 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. 18. 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. The commissioner, with the approval of the Board of Animal Health, may enter any lands to carry out the duties and functions of this section and may dispose of or destroy wild animals found on those lands to control the spread of bovine tuberculosis.

(b) The commissioner shall restrict wildlife feeding within a 15-mile radius of a cattle herd that is infected with bovine tuberculosis the Board of Animal Health's proposed modified accredited zone. In addition to any other penalties provided by law, a person who violates the restrictions on wildlife feeding under this paragraph may not obtain a hunting license to take a wild animal for two years after the date of conviction.

(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.

(d) If the commissioner determines that a disease in wildlife in this state presents a substantial and imminent threat to the state's wildlife or to livestock or human health, the commissioner may declare an emergency under this section for purposes of establishing wildlife disease management zones to prevent the spread of disease and carry out the functions of this section. In an established wildlife disease management zone, the following restrictions on wildlife feeding activities are in effect:

(1) except as provided in clauses (2) and (3), a person may not place or distribute feed in an area frequented by deer or elk or knowingly allow another person to place or distribute feed on property under the person's ownership or lease. For purposes of this paragraph, "feed" means grains, fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer or elk. Liquid scents are not feed;

(2) unless otherwise prescribed by the commissioner, wildlife feeding is allowed if the feed is placed in such a manner as to exclude access to deer and elk or the feed is placed at least six feet above the ground; and

(3) the prohibition in clause (1) does not apply to feed that is present solely as a result of normal agriculture, forest management, or wildlife feed planting practices. It also does not apply to feed that is for agricultural or livestock purposes if the feed is:

(i) placed for domestic livestock that are present and actively consuming the feed on a daily basis;

(ii) covered to deter deer or elk from gaining access to the feed; or

(iii) stored consistently with normal agricultural practices.

Sec. 19. 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. 20. 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. 21. [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. 22. 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. 23. 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. 24. 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. 25. 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. 26. 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. 27. 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. 28. 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. 29. 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. 30. 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. 31. 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. 32. 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. 33. 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. 34. 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. 35. 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. 36. 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. 37. 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. 38. 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. 39. 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. 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 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. 42. 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. 43. 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. 44. 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. 45. 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. 46. 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. 47. 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. 48. 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. 49. 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. 50. 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. 51. 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. 52. 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. 53. 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. 54. 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. 55. Minnesota Statutes 2007 Supplement, section 97B.328, is amended to read:

97B.328 BAITING PROHIBITED.

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

- (1) with the aid or use of bait or feed; or
- (2) in the vicinity of bait or feed if the person knows or has reason to know that bait or feed is present; ~~or.~~
- ~~(3) in the vicinity of where the person has placed bait or caused bait to be placed within the previous ten days.~~

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

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

Subd. 3. **Definition.** For purposes of this section, "bait or feed" includes grains, fruits, vegetables,

nuts, hay, or other food that is capable of attracting or enticing deer and that has been placed by a person. Liquid scents, salt, minerals, and bird feeders containing grains or nuts that are at least six feet above the ground are not bait or feed.

~~(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. 56. 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. 57. **[97B.673] EFFECTS OF LEAD SHOT ON UPLAND SMALL GAME; STUDY.**

The commissioner of natural resources shall study the environmental and human health effects of the use of lead shot on upland small game, including, but not limited to, pheasant, turkey, grouse, prairie chicken, and rabbit. By February 1, 2009, the commissioner shall provide information, reports, and recommendations to the senate and house committees with jurisdiction on natural resources policy relating to the effects of lead shot on upland small game.

Sec. 58. 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. 59. 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. 60. 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. 61. [97C.303] CONSERVATION ANGLING LICENSE.

Subdivision 1. **Availability.** The commissioner shall make available a conservation angling license according to this section. Conservation angling licenses shall be offered for resident and nonresident individuals, resident married couples, nonresident married couples valid for 14 consecutive days, and nonresident families.

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

Subd. 3. **License fee.** The fee for a conservation angling license issued under this section is two-thirds of the corresponding standard angling license fee under section 97A.475, subdivision 6 or 7, rounded to the nearest whole dollar.

Sec. 62. 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. 63. 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. 64. 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. 65. 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. 66. 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. 67. 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. 68. 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. 69. 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. 70. 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. 71. 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. 72. **MASTER ANGLER PROPOSAL; APPROPRIATION.**

(a) 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.

(b) \$10,000 in fiscal year 2009 from the game and fish fund is appropriated to the commissioner of natural resources for development of the proposal in paragraph (a).

Sec. 73. **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. 74. **WALLEYE STOCKING.**

\$35,000 is appropriated from the Game and Fish fund in fiscal year 2009 to the commissioner of natural resources to stock up to 25,000,000 additional walleye fry in calendar year 2009 and up to 25,000,000 additional walleye fry in calendar year 2010. This is a onetime appropriation.

Sec. 75. **APPROPRIATION.**

\$123,000 in fiscal year 2008 and \$246,000 in fiscal year 2009 from the game and fish fund is appropriated to the commissioner of natural resources to implement fish virus surveillance, prepare infrastructure to handle possible outbreaks, and implement control procedures for highest risk waters and fish production operations.

Sec. 76. **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. 77. **EFFECTIVE DATE.**

Sections 1 to 76 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 2005, chapter 161, section 25, is amended to read:

Sec. 25. EASEMENT ON STATE LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.

(a) The commissioner of natural resources shall issue an easement on land bordering public water that is described in paragraph (c). The easement shall be issued to the ~~current~~ owners of Lots 7 and 8, Block 2 of Demontreville Highlands and Lots 2, 3, 4, and 5, Block 1, Demontreville Highlands 5th Addition. The easement is for the purpose of the easement holders jointly erecting and maintaining one dock from the property described in paragraph (c). The dock may not exceed 30 feet in length and six feet in width and overnight mooring of watercraft is prohibited.

(b) The easement must be in a form approved by the attorney general for consideration of the easement preparation and recording costs. The attorney general may make necessary changes in the legal description to correct errors and ensure accuracy. ~~The easement will expire as to each owner when they convey their ownership interest in the property described in paragraph (a).~~

(c) The land upon which an easement is to be issued is located in Washington County and is described as: Part of Government Lot 6, Section 5, Township 29 North, Range 21 West, being the South 45 feet lying East of the existing centerline of Demontreville Trail North subject to easements of record.

Sec. 6. 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. 7. 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. 8. 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. 9. 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. 10. 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. 11. 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. 12. 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. 13. 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. 14. 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. 15. 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. 16. 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. 17. 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. 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 50 are effective the day following final enactment."

Amend the title accordingly

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

Senator Pogemiller, from the Committee on Rules and Administration, to which was referred

H.F. No. 3332 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3332	3328				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3332 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3332, the first engrossment; and insert the language after the enacting clause of S.F. No. 3328; further, delete the title of H.F. No. 3332, the first engrossment; and insert the title of S.F. No. 3328.

And when so amended H.F. No. 3332 will be identical to S.F. No. 3328, and further recommends that H.F. No. 3332 be given its second reading and substituted for S.F. No. 3328, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Pogemiller, from the Committee on Rules and Administration, to which was referred

H.F. No. 3493 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3493	3294				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Pogemiller, from the Committee on Rules and Administration, to which was referred

H.F. No. 3800 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				3800	3223

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No.

3800 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3800, the third engrossment; and insert the language after the enacting clause of S.F. No. 3223, the fourth engrossment; further, delete the title of H.F. No. 3800, the third engrossment; and insert the title of S.F. No. 3223, the fourth engrossment.

And when so amended H.F. No. 3800 will be identical to S.F. No. 3223, and further recommends that H.F. No. 3800 be given its second reading and substituted for S.F. No. 3223, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H.F. No. 2996: A bill for an act relating to public safety; allowing persons facing civil commitment as sexually dangerous persons or sexual psychopathic personalities to choose to be confined in correctional facilities while the petition is being adjudicated; addressing the cost of care for persons facing civil commitment; addressing access to certain data; modifying intensive supervised release provisions; modifying fireworks provisions; modifying registration requirements for predatory offenders; establishing a working group to review, assess, and make recommendations regarding the modification and application of controlled substance laws; providing for a report; requiring studies; amending Minnesota Statutes 2006, sections 13.851, by adding a subdivision; 243.166, subdivisions 1a, 3a, 4; 243.167, subdivision 2; 244.05, subdivision 6; 253B.045, subdivisions 1, 2, by adding a subdivision; 253B.185, subdivision 5; 299C.41, as added if enacted; 609.115, by adding a subdivision; 624.20, subdivision 1; 641.05; Minnesota Statutes 2007 Supplement, section 253B.185, subdivision 1b.

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 13.87, subdivision 3, is amended to read:

Subd. 3. **Internet access.** (a) The Bureau of Criminal Apprehension shall establish and maintain an Internet Web site containing public criminal history data by July 1, 2004.

(b) Notwithstanding section 13.03, subdivision 3, paragraph (a), the bureau may charge a fee for Internet access to public criminal history data provided through August 1, 2005. The fee may not exceed \$5 per inquiry or the amount needed to recoup the actual cost of implementing and providing Internet access, whichever is less. Fees collected must be deposited in the general fund as a nondedicated receipt.

(c) The Web site must include a notice to the subject of data of the right to contest the accuracy or completeness of data, as provided under section 13.04, subdivision 4, and provide a telephone number and address that the subject may contact for further information on this process.

(d) The Web site must include the effective date of data that is posted.

(e) The Web site must include a description of the types of criminal history data not available

on the site, including arrest data, juvenile data, criminal history data from other states, federal data, data on convictions where 15 years have elapsed since discharge of the sentence, and other data that are not accessible to the public.

(f) A person who intends to access the Web site to obtain information regarding an applicant for employment, housing, or credit must disclose to the applicant the intention to do so. The Web site must include a notice that a person obtaining such access must notify the applicant when a background check using this Web site has been conducted.

(g) This subdivision does not create a civil cause of action on behalf of the data subject.

~~(h) This subdivision expires July 31, 2007.~~

EFFECTIVE DATE. This section is effective retroactively from July 31, 2007.

Sec. 2. Minnesota Statutes 2006, section 241.27, is amended by adding a subdivision to read:

Subd. 1a. **Marketing plan.** The commissioner of corrections, in conjunction with the commissioner of employment and economic development, shall develop and maintain a formal marketing plan to attract private sector businesses and industries to employ inmate services through MINNCOR industries. The plan shall be reviewed and updated annually by the commissioner of corrections.

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

Sec. 3. Minnesota Statutes 2006, section 364.03, subdivision 3, is amended to read:

Subd. 3. **Evidence of rehabilitation.** (a) A person who has been convicted of a crime or crimes which directly relate to the public employment sought or to the occupation for which a license is sought shall not be disqualified from the employment or occupation if the person can show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the public employment sought or the occupation for which the license is sought. Sufficient evidence of rehabilitation may be established by the production of a certificate of good conduct under section 364.19 or:

(1) a copy of the local, state, or federal release order; and

(2) evidence showing that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime; and evidence showing compliance with all terms and conditions of probation or parole; or

(3) a copy of the relevant Department of Corrections discharge order or other documents showing completion of probation or parole supervision.

(b) In addition to the documentary evidence presented, the licensing or hiring authority shall consider any evidence presented by the applicant regarding:

(1) the nature and seriousness of the crime or crimes for which convicted;

(2) all circumstances relative to the crime or crimes, including mitigating circumstances or social conditions surrounding the commission of the crime or crimes;

(3) the age of the person at the time the crime or crimes were committed;

(4) the length of time elapsed since the crime or crimes were committed; and

(5) all other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicant's release from any local, state, or federal correctional institution.

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

Sec. 4. Minnesota Statutes 2006, section 364.09, is amended to read:

364.09 EXCEPTIONS.

(a) This chapter does not apply to the licensing process for peace officers; to law enforcement agencies as defined in section 626.84, subdivision 1, paragraph (f); or to fire protection agencies; Sections 364.01 to 364.10 do not apply to eligibility for a private detective or protective agent license; to the licensing and background study process under chapters 245A and 245C; to eligibility for school bus driver endorsements; to eligibility for special transportation service endorsements; to eligibility for a commercial driver training instructor license, which is governed by section 171.35 and rules adopted under that section; to emergency medical services personnel, or to the licensing by political subdivisions of taxicab drivers, if the applicant for the license has been discharged from sentence for a conviction within the ten years immediately preceding application of a violation of any of the following:

(1) sections 609.185 to 609.21, 609.221 to 609.223, 609.342 to 609.3451, or 617.23, subdivision 2 or 3;

(2) any provision of chapter 152 that is punishable by a maximum sentence of 15 years or more; or

(3) a violation of chapter 169 or 169A involving driving under the influence, leaving the scene of an accident, or reckless or careless driving.

This chapter also shall not apply to eligibility for juvenile corrections employment, where the offense involved child physical or sexual abuse or criminal sexual conduct.

(b) ~~This chapter does~~ Sections 364.01 to 364.10 do not apply to a school district or to eligibility for a license issued or renewed by the Board of Teaching or the commissioner of education.

(c) Nothing in this section precludes the Minnesota Police and Peace Officers Training Board or the state fire marshal from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement or fire protection agencies.

(d) ~~This chapter does~~ Sections 364.01 to 364.10 do not apply to a license to practice medicine that has been denied or revoked by the Board of Medical Practice pursuant to section 147.091, subdivision 1a.

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

Sec. 5. **[364.19] CERTIFICATE OF GOOD CONDUCT.**

Subdivision 1. **Petition; filing fee.** (a) A person who has been convicted or adjudicated delinquent for a crime may petition a court for a certificate of good conduct as provided in this

section. A petition may seek a certificate for a single crime or multiple crimes. When filing the petition, the person shall pay a filing fee in the amount required under section 357.021, subdivision 2, clause (1).

(b) A person is not eligible for a certificate of good conduct and may not file a petition under this section if the person has filed a petition for a certificate of good conduct or expungement in the past two years.

Subd. 2. **Contents of petition.** (a) A petition for a certificate of good conduct must be signed under oath by the petitioner and state the following:

(1) the petitioner's full name and all other legal names or aliases by which the petitioner has been known at any time;

(2) the petitioner's date of birth;

(3) all of the petitioner's addresses from the date of the offense in connection with which a certificate is sought, to the date of the petition;

(4) why the certificate is sought and why it should be granted;

(5) the details of the offense for which the certificate is sought, including the date and jurisdiction of the offense; either the names of any victims or that there were no identifiable victims; whether there is a current order for protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victims or whether there has ever been a prior order for protection or restraining order prohibiting the petitioner from contacting the victims; the court file number; and the date of conviction;

(6) what steps the petitioner has taken since the time of the offense toward personal rehabilitation, including treatment, work, or other personal history that demonstrates rehabilitation;

(7) the petitioner's criminal conviction record indicating all convictions for misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable convictions in any other state, federal court, or foreign country, whether the convictions occurred before or after the conviction for which the certificate is sought;

(8) the petitioner's criminal charges record indicating all prior and pending criminal charges against the petitioner in this state or another jurisdiction, including all criminal charges that have been continued for dismissal or stayed for adjudication, or have been the subject of pretrial diversion; and

(9) all prior requests by the petitioner, whether for the present offense or for any other offenses, in this state or any other state or federal court, for pardon, return of arrest records, expungement or sealing of a criminal record, or certificate of good conduct or similar certificate, whether granted or not, and all stays of adjudication or imposition of sentence involving the petitioner.

(b) If there is a current order for protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victims or there has ever been a prior order for protection or restraining order prohibiting the petitioner from contacting the victims, the petitioner shall attach a copy of the order to the petition.

Subd. 3. **Service of petition and proposed order.** (a) The petitioner shall serve by mail the

petition for a certificate of good conduct and a proposed certificate order on the prosecutorial office that had jurisdiction over the offense for which the certificate is sought.

(b) The prosecutorial office that had jurisdiction over the offense for which the certificate is sought shall serve by mail the petition for the certificate and the proposed certificate order on any victims of the offense for which the certificate is sought who have requested notice pursuant to section 611A.06. Service under this paragraph does not constitute a violation of an existing order for protection, restraining order, or other no contact order.

(c) The prosecutorial office's notice to victims of the offense under this subdivision must specifically inform the victims of the victims' right to be present and to submit an oral or written statement at the hearing described in subdivision 4.

Subd. 4. **Hearing.** If the petition is filed in the judicial district where the offender was sentenced, the sentencing judge should preside over the hearing when possible. A victim of the offense for which a certificate is sought has a right to submit an oral or written statement to the court at the time of the hearing describing any conduct of the offender that has occurred after the offender's sentencing that is relevant to the issue of whether the offender has been rehabilitated, including the effect of this conduct upon the victim. The judge shall consider the victim's statement when making a decision.

Subd. 5. **Eligibility.** A person is eligible for a certificate of good conduct under this section if the following conditions are met:

(1) the person has been successfully discharged from the sentence imposed for the offense for which the certificate is sought and is not under correctional supervision for any other offense;

(2) the person is not currently required to register as a predatory offender under section 243.166;

(3) the person has been law abiding for the following period immediately preceding the filing of the petition: (i) for a person convicted of a crime against the person or who was required to register as a predatory offender, five years; or (ii) for all other persons, three years;

(4) the person demonstrates rehabilitation, which may be shown, among other ways, by evidence of the person's good character, employment, volunteer activities, or participation in vocational, educational, treatment, or rehabilitation programs;

(5) the person has paid or the court determines the person is making a good faith and consistent effort to pay court-ordered fines, restitution, and other costs related to the crime for which the certificate is sought;

(6) for petitions for certificates for crimes where an element of the offense involved alcohol or a controlled substance, that the person is not abusing alcohol or using a controlled substance;

(7) the issuance of the certificate is consistent with the public interest; and

(8) any other factor deemed relevant by the court, including, but not limited to, the severity of the conduct that constituted the offense for which the certificate is sought.

Subd. 6. **Issuance of certificate.** A judge shall issue a certificate of good conduct to a petitioner if the petitioner establishes by a preponderance of the evidence that the petitioner meets the eligibility requirements specified in subdivisions 1, paragraph (b); 5, clauses (1) to (7); and any other factor

required by the court under subdivision 5, clause (8).

Subd. 7. Record with Bureau of Criminal Apprehension. After ruling on a petition under this section, the court shall notify the Bureau of Criminal Apprehension of the court's ruling. The bureau shall record the court's ruling on the petitioner's criminal record.

Subd. 8. Effect of certificate. (a) A certificate of good conduct issued under this section creates a presumption of rehabilitation in favor of the person to whom it was issued and relieves the person of any state-imposed collateral sanction, as defined in section 609B.050, relating to eligibility for housing, employment, or professional or occupational licensing arising from a crime for which the certificate was issued. For background studies under chapter 245C, the commissioner of human services may not disqualify any individual solely for a crime for which the individual has received a certificate of good conduct. When an individual obtains a certificate of good conduct for a crime for which the commissioner of human services had previously disqualified the individual, upon presentation of the certificate of good conduct by the individual, the commissioner shall rescind the relevant disqualification.

(b) A certificate of good conduct has no effect on collateral sanctions that are unrelated to housing, employment, or licensing.

(c) Consistent with paragraph (a) and other applicable law, a housing or licensing authority or employer may, but is not required to, take into account a conviction that is the subject of a certificate of good conduct when making a housing, licensing, or hiring decision.

(d) A housing or licensing authority or employer is not civilly or criminally liable for relying on a certificate of good conduct when offering housing, employment, or licensing to a person. This paragraph does not relieve a person from any other legal duty in making a housing, employment, or licensing decision not related to the conduct that is the subject of the certificate of good conduct.

(e) Evidence relating to a conviction for which a certificate of good conduct has been issued is inadmissible in a civil action against a housing or licensing authority or employer for negligence or other fault in renting, leasing, licensing, or hiring if the authority or employer relied on the certificate when making the underlying decision.

(f) The existence of a certificate of good conduct is admissible as evidence of reasonable care by a person who relied on it when making a housing, licensing, or hiring decision related to the subject of the certificate.

Subd. 9. Revocation. A certificate of good conduct is revoked by operation of law if the subject of the certificate is subsequently convicted or adjudicated delinquent for a new crime.

Subd. 10. Limited effect. A certificate of good conduct has only the effect given in this section. A certificate does not act as a pardon or expungement. The certificate does not relieve the person to whom it was issued of any collateral sanctions or legal disabilities related to predatory offender registration, eligibility to possess firearms, or driver's license sanctions.

Subd. 11. Crime for misuse. Unless a greater penalty is specified elsewhere in statute, a person who knowingly uses or attempts to use a revoked certificate of good conduct or who fraudulently alters or forges a certificate of good conduct is guilty of a misdemeanor.

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

Sec. 6. [364.20] USE OF NONCONVICTION RECORDS BY PRIVATE EMPLOYERS; IMMUNITY FROM CIVIL LIABILITY.

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

(1) "conviction" has the meaning given in section 609.02, subdivision 5;

(2) "nonconviction criminal record" means a record of an arrest, citation, complaint, prosecution, or other record relating to a criminal proceeding that is not pending and did not result in a conviction; stayed sentence under section 152.18, subdivision 1; or referral to a diversion program; and

(3) "private employer" means a person hiring or employing individuals in this state, but does not include the state or a political subdivision of the state governed by sections 364.01 to 364.10.

Subd. 2. **Use of nonconviction records for private employment.** Unless a criminal background investigation is specifically required or permitted by law, a private employer must not:

(1) request information regarding a nonconviction criminal record from an employee or prospective employee or obtain access to a nonconviction criminal record from another source; or

(2) take adverse action against an employee or prospective employee based on a nonconviction criminal record.

Subd. 3. **Affirmative defense.** (a) To the extent a criminal record as of the date an individual was hired is alleged as the basis for negligent hiring, a private employer shall not be held liable for the hiring of the individual if the employer establishes that they followed the provisions applicable to public employers in section 364.03 and reasonably determined that:

(1) the conviction did not directly relate to the position of employment being sought; or

(2) the individual showed evidence of sufficient rehabilitation and present fitness to perform the duties of the employment being sought.

(b) This subdivision does not create any duty on the part of an employer to follow the provisions of paragraph (a).

Subd. 4. **Remedy.** A private employer who violates subdivision 2 is liable to the individual who is the subject of the criminal record for \$1,000 or actual damages caused by the violation, whichever is greater, plus costs and disbursements and reasonable attorney fees.

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

Sec. 7. Minnesota Statutes 2006, section 373.47, subdivision 1, is amended to read:

Subdivision 1. **Authority to incur debt.** Subject to prior approval by the ~~Public Safety Radio System Planning Committee~~ Statewide Radio Board under section 403.36, the governing body of a county may finance the cost of designing, constructing, and acquiring public safety communication system infrastructure and equipment for use on the statewide, shared public safety radio system by issuing:

(1) capital improvement bonds under section 373.40, as if the infrastructure and equipment qualified as a "capital improvement" within the meaning of section 373.40, subdivision 1, paragraph (b); and

(2) capital notes under the provisions of section 373.01, subdivision 3, as if the equipment qualified as "capital equipment" within the meaning of section 373.01, subdivision 3.

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

Sec. 8. [480.237] ELECTRONIC PAYMENTS; CONVENIENCE FEES; RECORDS ACCESS.

(a) The judicial branch may accept credit cards, charge cards, debit cards, or other methods of electronic funds transfer for government fees and payments ordered by a court.

(b) The judicial branch may impose a convenience fee to be added to each transaction. The total amount of the convenience fee may not exceed the transaction fee charged by a processing contractor for the credit services during the most recent collection period. Each court imposing a convenience fee must notify the person using the credit services of the fee before the transaction is processed. Fees collected under this section are appropriated to the level of court that imposed the fee for the purposes of paying the processing contractor.

(c) Records relating to credit card, charge card, debit card, or other method of electronic funds transfer account numbers collected by the judicial branch in connection with a transaction under this section are not accessible to the general public.

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

Sec. 9. Minnesota Statutes 2006, section 609.115, is amended by adding a subdivision to read:

Subd. 10. **Military veterans.** (a) When a defendant appears in court and is convicted of a crime, the court shall inquire whether the defendant is currently serving in or is a veteran of the armed forces of the United States.

(b) If the defendant is currently serving in the military or is a veteran and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may:

(1) order that the officer preparing the report under subdivision 1 consult with the United States Department of Veterans Affairs, Minnesota Department of Veterans Affairs, or another agency or person with suitable knowledge or experience, for the purpose of providing the court with information regarding treatment options available to the defendant, including federal, state, and local programming; and

(2) consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing sentence.

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

Sec. 10. Minnesota Statutes 2006, section 609A.03, subdivision 1, is amended to read:

Subdivision 1. **Petition; filing fee.** (a) An individual who is the subject of a criminal record who is seeking the expungement of the record shall file a petition under this section and pay a filing fee in the amount required under section 357.021, subdivision 2, clause (1). The filing fee may be waived in cases of indigency and shall be waived in the cases described in section 609A.02, subdivision 3.

(b) A person is not eligible for an expungement and may not file a petition under this chapter if the person has filed a petition for an expungement or a certificate of good conduct under section 364.19 in the past two years.

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

Sec. 11. Minnesota Statutes 2006, section 609A.03, subdivision 2, is amended to read:

Subd. 2. **Contents of petition.** (a) A petition for expungement shall be signed under oath by the petitioner and shall state the following:

(1) the petitioner's full name and all other legal names or aliases by which the petitioner has been known at any time;

(2) the petitioner's date of birth;

(3) all of the petitioner's addresses from the date of the offense or alleged offense in connection with which an expungement order is sought, to the date of the petition;

(4) why expungement is sought, if it is for employment or licensure purposes, the statutory or other legal authority under which it is sought, and why it should be granted;

(5) the details of the offense or arrest for which expungement is sought, including the date and jurisdiction of the occurrence, either the names of any victims or that there were no identifiable victims, whether there is a current order for protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victims or whether there has ever been a prior order for protection or restraining order prohibiting the petitioner from contacting the victims, the court file number, and the date of conviction or of dismissal;

(6) in the case of a conviction, what steps the petitioner has taken since the time of the offense toward personal rehabilitation, including treatment, work, or other personal history that demonstrates rehabilitation;

(7) petitioner's criminal conviction record indicating all convictions for misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable convictions in any other state, federal court, or foreign country, whether the convictions occurred before or after the arrest or conviction for which expungement is sought;

(8) petitioner's criminal charges record indicating all prior and pending criminal charges against the petitioner in this state or another jurisdiction, including all criminal charges that have been continued for dismissal or stayed for adjudication, or have been the subject of pretrial diversion; and

(9) all prior requests by the petitioner, whether for the present offense or for any other offenses, in this state or any other state or federal court, for pardon, return of arrest records, a certificate of good conduct or similar certificate, or expungement or sealing of a criminal record, whether granted or not, and all stays of adjudication or imposition of sentence involving the petitioner.

(b) If there is a current order for protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victims or there has ever been a prior order for protection or restraining order prohibiting the petitioner from contacting the victims, the petitioner shall attach a copy of the order to the petition.

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

Sec. 12. Minnesota Statutes 2006, section 611A.06, subdivision 1a, is amended to read:

Subd. 1a. **Notice of expungement or certificate of good conduct required.** The prosecuting authority with jurisdiction over an offense for which expungement or a certificate of good conduct under section 364.19 is being sought shall make a good faith effort to notify a victim that the expungement or a certificate is being sought if: (1) the victim has mailed to the prosecuting authority with jurisdiction over an offense for which expungement or a certificate is being sought a written request for this notice, or (2) the victim has indicated on a request for notice of expungement release submitted under subdivision 1 a desire to be notified in the event the offender seeks an expungement or a certificate for the offense.

A copy of any written request for a notice of expungement or a certificate request received by the commissioner of corrections or other custodial authority shall be forwarded to the prosecutorial authority with jurisdiction over the offense to which the notice relates. The prosecutorial authority complies with this section upon mailing a copy of an expungement or a certificate petition relating to the notice to the address which the victim has most recently provided in writing.

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

Sec. 13. Laws 2007, chapter 54, article 1, section 5, is amended to read:

Sec. 5. **TRIAL COURTS** \$ 246,077,000 \$ 254,916,000

New Judge Units. \$1,792,000 the first year and \$3,241,000 the second year are for an increase in judge units, including three trial court judge units in the First Judicial District, one trial court judge unit in the Seventh Judicial District, one trial court judge unit in the Ninth Judicial District and two trial court judge units in the Tenth Judicial District. These new judge units begin on January 1, 2008. Each judge unit consists of a judge, law clerk, and court reporter.

~~**Maintain and Expand Drug Courts.** \$2,096,000 the first year and \$2,097,000 the second year are to maintain and to establish new drug courts.~~

Guardian Ad Litem Services. \$1,260,000 the first year and \$1,629,000 the second year are for guardian ad litem services.

Interpreter Services. \$606,000 the first year and \$777,000 the second year are for interpreter services.

Psychological Services. \$1,531,000 the first

year and \$2,151,000 the second year are for psychological services.

In Forma Pauperis Services. \$178,000 each year is for in forma pauperis services.

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

Sec. 14. Laws 2007, chapter 54, article 1, section 9, is amended to read:

Sec. 9. BOARD OF PUBLIC DEFENSE	\$	66,348,000	\$	69,519,000
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~~**District Public Defense Caseload Increase.** \$3,213,000 the first year and \$5,009,000 the second year are for 34 new full-time equivalent attorneys and 11 new full-time equivalent support staff positions to address caseload increases. Of this amount, \$200,000 each year is for transcript costs.~~

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

Sec. 15. GUIDELINES FOR REVOCATION OF PAROLE AND SUPERVISED RELEASE; DEPARTMENT OF CORRECTIONS INTERNAL REVIEW; REPORT TO LEGISLATURE.

The commissioner of corrections shall perform an internal review of the department's guidelines for revocation of parole and supervised release. At a minimum, the commissioner shall assess: (1) the appropriateness and proportionality of the sanctions set forth in the guidelines; (2) the use of intermediate sanctions and the potential for expanding the use and number of intermediate sanctions; and (3) the option of capping the number of days that an offender may be re-incarcerated for a parole or supervised release violation. By March 1, 2009, the commissioner shall report the results of the internal review to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding.

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

Sec. 16. WORKING GROUP ON CONTROLLED SUBSTANCE LAWS; REPORT TO LEGISLATURE.

Subdivision 1. **Establishment; membership; staff.** (a) The working group on the state's controlled substance laws shall include:

- (1) two representatives of the Minnesota County Attorneys Association;
- (2) two representatives of the Board of Public Defense;
- (3) three representatives of state law enforcement associations, including one sheriff, one chief of police, and one member of the Minnesota Police and Peace Officers Association;
- (4) two representatives of the Judicial Council;

(5) one representative from community corrections or probation;

(6) one expert in the fields of drug treatment and controlled substance laws;

(7) two individuals who are not affiliated with any of the associations in clauses (1) to (6) and who have relevant experience related to sentencing policy or the criminal justice field, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate; and

(8) four community members that reside in areas adversely affected by controlled substance crimes and violent crimes, two of whom shall be appointed by the speaker of the house of representatives and two of whom shall be appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate. One of the community members appointed by the senate must be a member of a community crime prevention organization. Of the community members appointed by the senate, one must reside in Minneapolis and one must reside in outstate Minnesota. Of the community members appointed by the house, one must reside in St. Paul and one must reside in a suburb of Minneapolis or St. Paul.

(b) Before making the appointments required under paragraph (a), the legislative appointing authorities must consider the recommendations of the chairs and ranking minority members of the committees and divisions in their respective legislative body with jurisdiction over criminal justice and policy funding.

(c) The appointments under paragraph (a) must be completed by July 1, 2008. Staff support for the working group shall be provided by the Sentencing Guidelines Commission. The executive director of the Sentencing Guidelines Commission or the executive director's designee shall convene the first meeting of the working group. The working group shall elect its chair from its membership at the first meeting.

Subd. 2. **Subject matter.** (a) The working group must review, assess, and make specific recommendations, including any necessary draft legislation regarding the following alternatives for modification of Minnesota's controlled substance laws:

(1) revising the threshold amounts for Minnesota's controlled substance crimes;

(2) establishing a separate sentencing guidelines grid for drug offenses;

(3) establishing additional aggravating factors so as to target certain particularly dangerous offenders;

(4) revising the criminal history point calculations for repeat drug offenders;

(5) maximizing the use of deferred prosecutions for low-level drug offenders under section 152.18 throughout the state; and

(6) increasing the use of the early release program for nonviolent controlled substance offenders who successfully complete drug treatment while incarcerated as provided in section 244.055.

(b) As part of its review of the various possible reforms, the working group may also study and consider:

(1) the significance, if any, of current rates of departure from presumptive guideline sentences for controlled substance crimes;

(2) the significance, if any, of current rates of departure from presumptive guideline sentences for controlled substance crimes for identifiable categories of offenders;

(3) the impact that recent United States Supreme Court criminal sentencing decisions have on implementing further reform;

(4) the barriers to comparing Minnesota's sentencing data with data from other states;

(5) strategies for reducing probation and supervised release violations among drug offenders;

(6) strategies for increasing the efficacy of programs that are now available to treat drug offenders;

(7) the likely impact of any recommended change in policy upon victims of drug-related crimes and the neighborhoods in which these crimes occur;

(8) the likely impact of any recommended change in policy upon the efficacy of law enforcement, prosecution, public defender, or court personnel; or

(9) any other sentencing-related matter that the working group sees fit to consider.

Subd. 3. **Report to legislature.** The working group shall report its findings and recommendations to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over criminal justice policy and funding by January 15, 2009. The working group expires upon the submission of the report required by this subdivision.

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

Sec. 17. **APPROPRIATIONS.**

(a) \$1,034,000 is appropriated to the district courts for the fiscal year ending June 30, 2009, from the general fund to implement Minnesota Statutes, section 364.19.

(b) \$166,000 is appropriated to the commissioner of public safety for the fiscal year ending June 30, 2009, from the general fund to implement Minnesota Statutes, section 364.19.

Sec. 18. **REPEALER.**

Minnesota Statutes 2006, section 609.103, is repealed.

EFFECTIVE DATE. This section is effective July 1, 2008."

Delete the title and insert:

"A bill for an act relating to public safety; requiring the commissioner of corrections to develop a marketing plan for MINNCOR industries; establishing a controlled substance law working group; requiring the commissioner of corrections to conduct an internal review of parole and supervised release procedures and sanctions; prohibiting use of nonconviction criminal records for private employment purposes; providing immunity from negligent hiring in certain cases involving criminal records; authorizing the judicial branch to collect convenience fees on credit card payments; establishing certificates of good conduct; giving the board of public defense and

district courts greater flexibility in the use of appropriations for this biennium; authorizing courts to take certain actions relating to military veterans with mental illnesses who have been convicted of a crime; removing a sunset on the law governing Internet access to Bureau of Criminal Apprehension data; making technical correction to provision relating to financing the statewide public safety radio system; appropriating money; amending Minnesota Statutes 2006, sections 13.87, subdivision 3; 241.27, by adding a subdivision; 364.03, subdivision 3; 364.09; 373.47, subdivision 1; 609.115, by adding a subdivision; 609A.03, subdivisions 1, 2; 611A.06, subdivision 1a; Laws 2007, chapter 54, article 1, sections 5; 9; proposing coding for new law in Minnesota Statutes, chapters 364; 480; repealing Minnesota Statutes 2006, section 609.103."

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

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

S.F. No. 3190: A bill for an act relating to employment; providing up to three hours of paid leave in any 12-month period for state employees to donate blood; authorizing employers to provide leave to employees to donate blood; proposing coding for new law in Minnesota Statutes, chapters 43A; 181.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

STATE GOVERNMENT

Section 1. Minnesota Statutes 2006, section 3.885, is amended by adding a subdivision to read:

Subd. 11. **Subcommittee on Government Accountability.** The commission must form a Subcommittee on Government Accountability under section 3.3056 to review recommendations from the commissioner of finance under section 16A.10, subdivision 1c, and to review recommendations from the commissioners of finance and administration on how to improve the use of Minnesota Milestones and other statewide goals and indicators in state planning and budget documents. The subcommittee shall consider testimony from representatives from the following organizations and agencies: (1) nonprofit organizations involved in the preparation of Minnesota Milestones; (2) the University of Minnesota and other higher education institutions; (3) the Department of Finance and other state agencies; and (4) other legislators. The subcommittee shall report to the commission by February 1 of each odd-numbered year with long-range recommendations for the further implementation and uses of Minnesota Milestones and other government accountability improvements.

Sec. 2. Minnesota Statutes 2006, section 15A.081, subdivision 8, is amended to read:

Subd. 8. **Expense allowance.** Notwithstanding any law to the contrary, positions listed in section 15A.0815, ~~subdivisions 2 and 3,~~ constitutional officers, the commissioner of Iron Range resources and rehabilitation, and the director of the State Lottery are authorized an annual expense allowance not to exceed \$1,500 for necessary expenses in the normal performance of their duties for which no other reimbursement is provided. The expenditures under this subdivision are subject to any laws and rules relating to budgeting, allotment and encumbrance, preaudit and postaudit.

The commissioner of finance may adopt rules to assure the proper expenditure of these funds and to provide for reimbursement.

Sec. 3. Minnesota Statutes 2006, section 15A.0815, subdivision 1, is amended to read:

Subdivision 1. **Salary limits.** The governor or other appropriate appointing authority shall set the salary rates for positions listed in ~~this section~~ subdivision 2 within the salary limits listed in ~~subdivisions~~ subdivision 2 to 4 and section 43A.17, subdivision 9, subject to approval of the Legislative Coordinating Commission and the legislature as provided by subdivision 5 and sections 3.855 and 15A.081, subdivision 7b.

Sec. 4. Minnesota Statutes 2006, section 15A.0815, subdivision 2, as amended by Laws 2008, chapter 204, section 3, is amended to read:

Subd. 2. **Group I salary limits Positions.** ~~The salaries for positions in this subdivision may not exceed 95 percent of the salary of the governor.~~

Commissioner of administration;

Commissioner of agriculture;

Commissioner of education;

Commissioner of commerce;

Commissioner of corrections;

Commissioner of employment and economic development;

Commissioner of finance;

Director, Gambling Control Board;

Commissioner of health;

Executive director, Minnesota Office of Higher Education;

Commissioner, Housing Finance Agency;

Commissioner of human rights;

Commissioner of human services;

Commissioner, Iron Range Resources and Rehabilitation Board;

Commissioner of labor and industry;

Commissioner, Bureau of Mediation Services;

Ombudsman for Mental Health and Developmental Disabilities;

Chair, Metropolitan Airports Commission;

Chair, Metropolitan Council;

Director, Minnesota State Lottery;

Commissioner of natural resources;
~~Director of Office of Strategic and Long-Range Planning;~~
Commissioner, Pollution Control Agency;
Executive director, Public Employees Retirement Association;
Commissioner of public safety;
Commissioner, Public Utilities Commission;
Director, Minnesota Racing Commission;
Commissioner of revenue;
~~Commissioner of employment and economic development;~~
Executive director, State Retirement System;
Executive director, Teachers Retirement Association;
Commissioner of transportation; and
Commissioner of veterans affairs.

Sec. 5. Minnesota Statutes 2006, section 15A.0815, subdivision 5, is amended to read:

Subd. 5. **Appointing authorities to recommend certain salaries.** (a) The governor, or other appropriate appointing authority, may submit to the Legislative Coordinating Commission recommendations for salaries within the salary limits for the positions listed in subdivisions 2 to 4. An appointing authority may also propose additions or deletions of positions from those listed.

(b) Before submitting the recommendations, the appointing authority shall consult with the commissioner of employee relations concerning the recommendations.

(c) In making recommendations, the appointing authority shall consider the criteria established in section 43A.18, subdivision 8, and the performance of individual incumbents. The performance evaluation must include a review of an incumbent's progress toward attainment of affirmative action goals. The appointing authority shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities, and accountabilities, and in determining recommendations, rate each position by this system.

(d) Before the appointing authority's recommended salaries take effect, the recommendations must be reviewed and approved, rejected, or modified by the Legislative Coordinating Commission and the legislature under section 3.855, subdivisions 2 and 3. If, when the legislature is not in session, the commission fails to reject or modify salary recommendations of the governor within 30 calendar days of their receipt, the recommendations are deemed to be approved.

(e) The appointing authority shall set the initial salary of a head of a new agency or a chair of a new metropolitan board or commission whose salary is not specifically prescribed by law after consultation with the commissioner, whose recommendation is advisory only. The amount of the new salary must be comparable to the salary of an agency head or commission chair having similar duties and responsibilities.

(f) The salary of a newly appointed head of an agency or chair of a metropolitan agency listed in ~~subdivisions 2 to 4~~ subdivision 2 to 4, may be increased or decreased by the appointing authority from the salary previously set for that position within 30 days of the new appointment after consultation with the commissioner. If the appointing authority increases a salary under this paragraph, the appointing authority shall submit the new salary to the Legislative Coordinating Commission and the full legislature for approval, modification, or rejection under section 3.855, subdivisions 2 and 3. If, when the legislature is not in session, the commission fails to reject or modify salary recommendations of the governor within 30 calendar days of their receipt, the recommendations are deemed to be approved.

Sec. 6. Minnesota Statutes 2006, section 16A.10, subdivision 1, is amended to read:

Subdivision 1. **Budget format.** In each even-numbered calendar year the commissioner shall prepare budget forms and instructions for all agencies, including guidelines for reporting agency performance measures, subject to the approval of the governor. In addition to the review required under subdivision 1c, the commissioner shall request and receive advisory recommendations from the chairs of the senate Finance Committee and house of representatives Ways and Means Committee before adopting a format for the biennial budget document. By June 15, the commissioner shall send the proposed budget forms to the appropriations and finance committees. The committees have until July 15 to give the commissioner their advisory recommendations on possible improvements. To facilitate this consultation, the commissioner shall establish a working group consisting of executive branch staff and designees of the chairs of the senate Finance and house of representatives Ways and Means Committees. The commissioner must involve this group in all stages of development of budget forms and instructions. The budget format must show actual expenditures and receipts for the most recent fiscal year, estimated expenditures and receipts for the current fiscal year, and estimates for each fiscal year of the next biennium. Estimated expenditures must be classified by funds and character of expenditures and may be subclassified by programs and activities. Agency revenue estimates must show how the estimates were made and what factors were used. Receipts must be classified by funds, programs, and activities. Expenditure and revenue estimates must be based on the law in existence at the time the estimates are prepared.

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

Sec. 7. Minnesota Statutes 2006, section 16A.10, subdivision 1c, is amended to read:

Subd. 1c. **Performance measures for change items.** For each change item in the budget proposal requesting new or increased funding, the budget document must present proposed performance measures that can be used to determine if the new or increased funding is accomplishing its goals. To the extent possible, each budget change item must identify relevant Minnesota Milestones and other statewide goals and indicators related to the proposed initiative. By June 15 of each even-numbered year, the commissioner must report to the Subcommittee on Government Accountability established under section 3.885, subdivision 11, regarding the format and process to be used for the presentation and selection of Minnesota Milestones and other statewide goals and indicators. By July 15 of each even-numbered year, the subcommittee must recommend the format and process for use in the preparation of the budget documents.

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

Sec. 8. Minnesota Statutes 2006, section 16B.281, subdivision 3, is amended to read:

Subd. 3. **Notice to agencies; determination of surplus.** ~~On or before October 1 of each year, the commissioner shall review the certifications of heads of each department or agency provided for in this section.~~ The commissioner of administration shall send written notice to all state departments, agencies, and the University of Minnesota describing any lands or tracts that may be declared surplus. If a department or agency or the University of Minnesota desires custody of the lands or tracts, it shall submit a written request to the commissioner, no later than four calendar weeks after mailing of the notice, setting forth in detail its reasons for desiring to acquire and its intended use of the land or tract. The commissioner shall then determine whether any of the lands described ~~in the certifications of the heads of the departments or agencies~~ should be declared surplus and offered for sale or otherwise disposed of by transferring custodial control to other requesting state departments or agencies or to the Board of Regents of the University of Minnesota for educational purposes, provided however that transfer to the Board of Regents shall not be determinative of tax exemption or immunity. If the commissioner determines that any of the lands are no longer needed for state purposes, the commissioner shall make findings of fact, describe the lands, declare the lands to be surplus state land, and state the reasons for the sale or disposition of the lands, and notify the Executive Council of the determination.

Sec. 9. Minnesota Statutes 2006, section 16B.282, is amended to read:

16B.282 SURVEYS, APPRAISALS, AND SALE.

Subdivision 1. **Appraisal; notice and offer to public bodies.** (a) Before offering any surplus state-owned lands for sale, the commissioner of administration may survey the lands and, if the value of the lands is estimated to be \$40,000 \$50,000 or less, may have the lands appraised. The commissioner shall have the lands appraised if the estimated value is in excess of \$40,000 \$50,000.

(b) ~~The appraiser shall, before entering upon the duties of the office, take and subscribe an oath that the appraiser will faithfully and impartially discharge the duties of appraiser according to the best of the appraiser's ability and that the appraiser is not interested, directly or indirectly, in any of the lands to be appraised or the timber or improvements on the lands or in the purchase of the lands, timber, or improvements and has entered into no agreement or combination to purchase any of the lands, timber, or improvements. The oath shall be attached to the appraisal report. Appraisals must be made by an appraiser that holds a state appraiser license issued by the Department of Commerce. The appraisal must be in conformity with the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.~~

(c) Before offering surplus state-owned lands for public sale, the lands shall first be offered to the city, county, town, school district, or other public body corporate or politic in which the lands are situated for public purposes and the lands may be sold for public purposes for not less than the appraised value of the lands. To determine whether a public body desires to purchase the surplus land, the commissioner shall give a written notice to the governing body of each political subdivision whose jurisdictional boundaries include or are adjacent to the surplus land. If a public body desires to purchase the surplus land, it shall submit a written offer to the commissioner no later than two weeks after receipt of notice setting forth in detail its reasons for desiring to acquire and its intended use of the land. In the event that more than one public body tenders an offer, the commissioner shall determine which party shall receive the property and shall submit written findings regarding the decision. If lands are offered for sale for public purposes and if a public body notifies the commissioner of its desire to acquire the lands, the public body may have up to two years from the date of the accepted offer to commence payment for the lands in the manner provided by law.

Subd. 2. **Public sale requirements.** (a) ~~Lands certified as surplus by the head of a department or agency under section 16B.281 shall be offered for public sale by the commissioner as provided in this subdivision. After complying with subdivision 1 and before any public sale of surplus state-owned land is made and at least 30 days before the sale, the commissioner of administration shall publish a notice of the sale at least once each week for four successive weeks in a legal newspaper and also in a newspaper of general distribution in the city or county in which the real property to be sold is situated. The notice shall specify the time and place at which the sale will commence, a general description of the lots or tracts to be offered, and a general statement of the terms of sale. Each tract or lot shall be sold separately and shall be sold for no less than its appraised value.~~

(b) Surplus state-owned land shall be sold for no less than the estimated or appraised value. The minimum bid may include expenses incurred by the commissioner in rendering the property saleable, including survey, appraisal, legal, advertising, and other expenses.

(c) Parcels remaining unsold after the offering may be sold to anyone agreeing to pay the appraised value. The sale shall continue until all parcels are sold or until the commissioner orders a reappraisal or withdraws the remaining parcels from sale.

~~(e) Except as provided in section 16B.283, the cost of any survey or appraisal as provided in subdivision 1 shall be added to and made a part of the appraised value of the lands to be sold, whether to any political subdivision of the state or to a private purchaser as provided in this subdivision.~~

Sec. 10. Minnesota Statutes 2006, section 16B.283, is amended to read:

16B.283 TERMS OF PAYMENT.

No less than ten percent of the purchase price shall be paid at the time of sale with the balance payable according to this section. If the purchase price of any lot or parcel is \$5,000 or less, the balance shall be paid within 90 days of the date of sale. If the purchase price of any lot or parcel is in excess of \$5,000, the balance shall be paid in equal annual installments for no more than five years, at the option of the purchaser, with principal and interest payable annually in advance at a rate equal to the rate in effect at the time under section 549.09 on the unpaid balance, payable to the state treasury on or before June 1 each year. Any installment of principal or interest may be prepaid. The purchaser must pay at the time of sale ten percent of the total amount bid and the remainder of the payment is due within 90 days of the sale date. A person who fails to make final payment within 90 days of the sale date is in default. On default, all right, title, and interest of the purchaser or heirs, representatives, or assigns of the purchaser in the premises shall terminate without the state doing any act or thing. A record of the default must be made in the state land records of the commissioner.

Sec. 11. Minnesota Statutes 2006, section 16B.284, is amended to read:

16B.284 CONTRACT FOR DEED AND QUITCLAIM DEED.

~~In the event a purchaser elects to purchase surplus real property on an installment basis, the commissioner shall enter into a contract for deed with the purchaser, in which shall be set forth the description of the real property sold and the price of the property, the consideration paid and to be paid for the property, the rate of interest, and time and terms of payment. The contract for deed shall be made assignable and shall further set forth that in case of the nonpayment of the annual principal or interest payment due by the purchaser, or any person claiming under the purchaser, then the contract for deed, from the time of the failure, is entirely void and of no effect and the state~~

~~may be repossessed of the lot or tract and may resell the lot or tract as provided in sections 16B.281 to 16B.287. In the event the terms and conditions of a contract for deed are completely fulfilled or if a purchaser makes a lump sum payment for the subject property in lieu of entering into a contract for deed, The commissioner of administration shall sign and cause to be issued a quitclaim deed on behalf of the state. The quitclaim deed shall be in a form prescribed by the attorney general and shall vest in the purchaser all of the state's interest in the subject property except as provided in section 16B.286.~~

Sec. 12. Minnesota Statutes 2006, section 16B.287, subdivision 2, is amended to read:

Subd. 2. **Payment of expenses.** A portion of the proceeds from the sale equal in amount to the survey, appraisal, legal, advertising, and other expenses incurred by the commissioner of administration or other state official in rendering the property salable shall be remitted to the account from which the expenses were paid and are appropriated and immediately available for expenditure in the same manner as other money in the account.

Sec. 13. Minnesota Statutes 2006, section 16E.01, subdivision 3, is amended to read:

Subd. 3. **Duties.** (a) The office shall:

(1) manage the efficient and effective use of available federal, state, local, and public-private resources to develop statewide information and telecommunications technology systems and services and its infrastructure;

(2) approve state agency and intergovernmental information and telecommunications technology systems and services development efforts involving state or intergovernmental funding, including federal funding, provide information to the legislature regarding projects reviewed, and recommend projects for inclusion in the governor's budget under section 16A.11;

(3) ensure cooperation and collaboration among state and local governments in developing intergovernmental information and telecommunications technology systems and services, and define the structure and responsibilities of a representative governance structure;

(4) cooperate and collaborate with the legislative and judicial branches in the development of information and communications systems in those branches;

(5) continue the development of North Star, the state's official comprehensive online service and information initiative;

(6) promote and collaborate with the state's agencies in the state's transition to an effectively competitive telecommunications market;

(7) collaborate with entities carrying out education and lifelong learning initiatives to assist Minnesotans in developing technical literacy and obtaining access to ongoing learning resources;

(8) promote and coordinate public information access and network initiatives, consistent with chapter 13, to connect Minnesota's citizens and communities to each other, to their governments, and to the world;

(9) promote and coordinate electronic commerce initiatives to ensure that Minnesota businesses and citizens can successfully compete in the global economy;

(10) manage and promote the regular and periodic reinvestment in the information and telecommunications technology systems and services infrastructure so that state and local government agencies can effectively and efficiently serve their customers;

(11) facilitate the cooperative development of and ensure compliance with standards and policies for information and telecommunications technology systems and services, electronic data practices and privacy, and electronic commerce among international, national, state, and local public and private organizations;

(12) eliminate unnecessary duplication of existing information and telecommunications technology systems and services provided by other public and private organizations while building on the existing governmental, educational, business, health care, and economic development infrastructures;

(13) identify, sponsor, develop, and execute shared information and telecommunications technology projects and ongoing operations; and

(14) ensure overall security of the state's information and technology systems and services.

(b) The chief information officer, in consultation with the commissioner of finance, must determine when it is cost-effective for agencies to develop and use shared information and telecommunications technology systems and services for the delivery of electronic government services. The chief information officer may require agencies to use shared information and telecommunications technology systems and services. The chief information officer shall establish reimbursement rates in cooperation with the commissioner of finance to be billed to agencies and other governmental entities sufficient to cover the actual development, operating, maintenance, and administrative costs of the shared systems. The methodology for billing may include the use of interagency agreements, or other means as allowed by law.

(c) A state agency that has an information and telecommunications technology project with a total expected project cost of more than \$1,000,000, whether funded as part of the biennial budget or by any other means, shall register with the office by submitting basic project startup documentation, as specified by the chief information officer in both format and content, before any project funding is requested or committed and before the project commences. State agency project leaders must demonstrate that the project will be properly managed, provide updates to the project documentation as changes are proposed, and regularly report on the current status of the project on a schedule agreed to with the chief information officer.

(d) The chief information officer shall monitor progress on any active information and telecommunications technology project with a total expected project cost of more than \$5,000,000 and report on the performance of the project in comparison with the plans for the project in terms of time, scope, and budget. The chief information officer may conduct an independent project audit of the project. The audit analysis and evaluation of the projects subject to paragraph (c) must be presented to agency executive sponsors, the project governance bodies, and the chief information officer. All reports and responses must become part of the project record.

(e) For any active information and telecommunications technology project with a total expected project cost of more than \$10,000,000, the state agency must perform an annual independent audit that conforms to published project audit principles promulgated by the office.

(f) The chief information officer shall report by January 15 of each year to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the office regarding projects the office has reviewed under paragraph (a), clause (2). The report must include the reasons for the determinations made in the review of each project and a description of its current status.

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

Sec. 14. Minnesota Statutes 2006, section 16E.03, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of chapter 16E, the following terms have the meanings given them.

(a) "Information and telecommunications technology systems and services" means all computing and telecommunications hardware and software, the activities undertaken to secure that hardware and software, and the activities undertaken to acquire, transport, process, analyze, store, and disseminate information electronically. "Information and telecommunications technology systems and services" includes all proposed expenditures for computing and telecommunications hardware and software, security for that hardware and software, and related consulting or other professional services.

(b) "Information and telecommunications technology project" means an effort to acquire or produce information and telecommunications technology systems and services.

(c) "Telecommunications" means voice, video, and data electronic transmissions transported by wire, wireless, fiber-optic, radio, or other available transport technology.

(d) "Cyber security" means the protection of data and systems in networks connected to the Internet.

(e) "State agency" means an agency in the executive branch of state government and includes the Minnesota Office of Higher Education, but does not include the Minnesota State Colleges and Universities unless specifically provided elsewhere in this chapter.

(f) "Total expected project cost" includes direct staff costs, all supplemental contract staff and vendor costs, and costs of hardware and software development or purchase. Breaking a project into several phases does not affect the cost threshold, which must be computed based on the full cost of all phases.

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

Sec. 15. Minnesota Statutes 2006, section 16E.04, subdivision 2, is amended to read:

Subd. 2. **Responsibilities.** (a) In addition to other activities prescribed by law, the office shall carry out the duties set out in this subdivision.

(b) The office shall develop and establish a state information architecture to ensure that state agency development and purchase of information and communications systems, equipment, and services is designed to ensure that individual agency information systems complement and do not needlessly duplicate or conflict with the systems of other agencies. When state agencies have need for the same or similar public data, the chief information officer, in coordination with the affected agencies, shall manage the most efficient and cost-effective method of producing and storing data

for or sharing data between those agencies. The development of this information architecture must include the establishment of standards and guidelines to be followed by state agencies. The office shall ensure compliance with the architecture.

(c) The office shall assist state agencies in the planning and management of information systems so that an individual information system reflects and supports the state agency's mission and the state's requirements and functions. The office shall review and approve agency technology plans to ensure consistency with enterprise information and telecommunications technology strategy. By January 15 of each year, the chief information officer must report to the chairs and the ranking minority members of the legislative committees and divisions with jurisdiction over the office regarding the assistance provided under this paragraph. The report must include a listing of agencies that have developed or are developing plans under this paragraph.

(d) The office shall review and approve agency requests for funding for the development or purchase of information systems equipment or software before the requests may be included in the governor's budget.

(e) The office shall review major purchases of information systems equipment to:

(1) ensure that the equipment follows the standards and guidelines of the state information architecture;

(2) ensure the agency's proposed purchase reflects a cost-effective policy regarding volume purchasing; and

(3) ensure that the equipment is consistent with other systems in other state agencies so that data can be shared among agencies, unless the office determines that the agency purchasing the equipment has special needs justifying the inconsistency.

(f) The office shall review the operation of information systems by state agencies and ensure that these systems are operated efficiently and securely and continually meet the standards and guidelines established by the office. The standards and guidelines must emphasize uniformity that is cost-effective for the enterprise, that encourages information interchange, open systems environments, and portability of information whenever practicable and consistent with an agency's authority and chapter 13.

(g) The office shall conduct a comprehensive review at least every three years of the information systems investments that have been made by state agencies and higher education institutions. The review must include recommendations on any information systems applications that could be provided in a more cost-beneficial manner by an outside source. The office must report the results of its review to the legislature and the governor.

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

Sec. 16. Minnesota Statutes 2006, section 43A.01, subdivision 3, is amended to read:

Subd. 3. **Equitable compensation relationships.** It is the policy of this state to ~~attempt to~~ establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees in the executive branch. Compensation relationships are equitable within the meaning of this subdivision when the primary consideration in negotiating, establishing, recommending, and approving total compensation is comparability of the value of the work in

relationship to other positions in the executive branch. A recognized system for classification analysis and its concurrent point allocation system must be used in order to attain compensation equity. Classification range maximums must fall within the system's point allocation window. Market-driven forces are recognized as acceptable in order to maintain employee recruitment and retention efforts whenever the compensation rates exceed the allocated points. No contract executed under chapter 179A may modify, waive, or abridge this section and sections 43A.07 to 43A.121, 43A.15, and 43A.17 to 43A.21, except to the extent expressly permitted in those sections. Any compensation equity adjustments must be made from agency appropriations. Fifty percent of the compensation governed by this system must be adjusted in fiscal year 2009 and the remaining compensation in fiscal year 2010.

Sec. 17. Minnesota Statutes 2006, section 43A.17, subdivision 9, is amended to read:

Subd. 9. ~~Political subdivision~~ **Compensation limit.** (a) The salary and the value of all other forms of compensation of the positions in section 15A.0815 and a person employed by a political subdivision of this state, excluding a school district, or employed under section 422A.03 may not exceed 110 percent of the salary of the governor as set under section 15A.082, except as provided in this subdivision. For purposes of this subdivision, "political subdivision of this state" includes a statutory or home rule charter city, county, town, metropolitan or regional agency, or other political subdivision, but does not include a hospital, clinic, or health maintenance organization owned by such a governmental unit.

(b) Beginning in 2006, the limit in paragraph (a) shall be adjusted annually in January. The limit shall equal the limit for the prior year increased by the percentage increase, if any, in the Consumer Price Index for all-urban consumers from October of the second prior year to October of the immediately prior year.

(c) Deferred compensation and payroll allocations to purchase an individual annuity contract for an employee are included in determining the employee's salary. Other forms of compensation which shall be included to determine an employee's total compensation are all other direct and indirect items of compensation which are not specifically excluded by this subdivision. Other forms of compensation which shall not be included in a determination of an employee's total compensation for the purposes of this subdivision are:

(1) employee benefits that are also provided for the majority of all other full-time employees of the political subdivision, vacation and sick leave allowances, health and dental insurance, disability insurance, term life insurance, and pension benefits or like benefits the cost of which is borne by the employee or which is not subject to tax as income under the Internal Revenue Code of 1986;

(2) dues paid to organizations that are of a civic, professional, educational, or governmental nature; and

(3) reimbursement for actual expenses incurred by the employee which the governing body determines to be directly related to the performance of job responsibilities, including any relocation expenses paid during the initial year of employment.

The value of other forms of compensation shall be the annual cost to the political subdivision for the provision of the compensation.

(d) The salary of a medical doctor or doctor of osteopathy occupying a position that the governing

body of the political subdivision has determined requires an M.D. or D.O. degree is excluded from the limitation in this subdivision.

(e) The commissioner may increase the limitation in this subdivision for a position that the commissioner has determined requires special expertise necessitating a higher salary to attract or retain a qualified person. The commissioner shall review each proposed increase giving due consideration to salary rates paid to other persons with similar responsibilities in the state and nation. The commissioner may not increase the limitation until the commissioner has presented the proposed increase to the Legislative Coordinating Commission and received the commission's recommendation on it. The recommendation is advisory only. If the commission does not give its recommendation on a proposed increase within 30 days from its receipt of the proposal, the commission is deemed to have made no recommendation. If the commissioner grants or granted an increase under this paragraph, the new limitation shall be adjusted beginning in August 2005 and in each subsequent calendar year in January by the percentage increase equal to the percentage increase, if any, in the Consumer Price Index for all-urban consumers from October of the second prior year to October of the immediately prior year.

Sec. 18. [43A.187] BLOOD DONATION LEAVE.

A state employee must be granted leave from work with 100 percent of pay to donate blood at a location away from the place of work. The total amount of leave used under this paragraph may not exceed three hours in a 12-month period, and must be determined by the employee. A state employee seeking leave from work under this section must provide 14 days' notice to the appointing authority. This leave must not affect the employee's vacation leave, pension, compensatory time, personal vacation days, sick leave, earned overtime accumulation, or cause a loss of seniority. For the purposes of this section, "state employee" does not include an employee of the Minnesota State Colleges and Universities.

Sec. 19. Minnesota Statutes 2006, section 119A.03, subdivision 1, is amended to read:

Subdivision 1. **General.** The department is under the administrative control of the commissioner. The commissioner is appointed by the governor with the advice and consent of the senate. The commissioner must possess broad knowledge and experience in strengthening children and families. The commissioner has the general powers as provided in section 15.06, subdivision 6.

The commissioner's salary must be established according to the procedure in section 15A.0815, ~~in the same range as that specified for the commissioner of finance.~~

Sec. 20. Minnesota Statutes 2006, section 124D.385, subdivision 4, is amended to read:

Subd. 4. **Delegation to nonprofit.** The commission may create a private nonprofit corporation that is exempt from taxation under section 501(c)(3) of the federal Internal Revenue Code of 1986. If the commission creates a private nonprofit corporation, the commission must serve as the corporation's board of directors. The private nonprofit corporation is not subject to laws governing state agencies or political subdivisions, except the provisions of chapter 13, the Open Meeting Law under chapter 13D, salary limits under section 15A.0815, ~~subdivision 2,~~ and audits by the legislative auditor under chapter 3 apply. Further provided that the board of directors and the executive director of the nonprofit corporation are each considered an "official" for purposes of section 10A.071. The commission may delegate any or all of its powers and duties under federal law or under sections 124D.37 to 124D.45 to the corporation if the nonprofit corporation is

approved under federal law to administer the National and Community Service Trust Act. The commission may revoke a delegation of powers and duties at any time, and must revoke the delegation if the corporation is no longer approved under federal law as the administrator in the state of Minnesota for the National and Community Service Trust Act.

Sec. 21. [181.9458] AUTHORIZATION FOR BLOOD DONATION LEAVE.

An employer may grant paid leave from work to an employee to allow the employee to donate blood.

Sec. 22. Minnesota Statutes 2007 Supplement, section 216C.052, subdivision 2, is amended to read:

Subd. 2. **Administrative issues.** (a) The commissioner may select the administrator. The administrator must have at least five years of experience working as a power systems engineer or transmission planner, or in a position dealing with power system reliability issues, and may not have been a party or a participant in a commission energy proceeding for at least one year prior to selection by the commissioner. The commissioner shall oversee and direct the work of the administrator, annually review the expenses of the administrator, and annually approve the budget of the administrator. The administrator may hire staff and may contract for technical expertise in performing duties when existing state resources are required for other state responsibilities or when special expertise is required. The salary of the administrator is governed by section 15A.0815, ~~subdivision 2.~~

(b) Costs relating to a specific proceeding, analysis, or project are not general administrative costs. For purposes of this section, "energy utility" means public utilities, generation and transmission cooperative electric associations, and municipal power agencies providing natural gas or electric service in the state.

(c) The Department of Commerce shall pay:

(1) the general administrative costs of the administrator, not to exceed \$1,000,000 in a fiscal year, and shall assess energy utilities for those administrative costs. These costs must be consistent with the budget approved by the commissioner under paragraph (a). The department shall apportion the costs among all energy utilities in proportion to their respective gross operating revenues from sales of gas or electric service within the state during the last calendar year, and shall then render a bill to each utility on a regular basis; and

(2) costs relating to a specific proceeding analysis or project and shall render a bill to the specific energy utility or utilities participating in the proceeding, analysis, or project directly, either at the conclusion of a particular proceeding, analysis, or project, or from time to time during the course of the proceeding, analysis, or project.

(d) For purposes of administrative efficiency, the department shall assess energy utilities and issue bills in accordance with the billing and assessment procedures provided in section 216B.62, to the extent that these procedures do not conflict with this subdivision. The amount of the bills rendered by the department under paragraph (c) must be paid by the energy utility into an account in the special revenue fund in the state treasury within 30 days from the date of billing and is appropriated to the department for the purposes provided in this section. The commission shall approve or approve as modified a rate schedule providing for the automatic adjustment of charges

to recover amounts paid by utilities under this section. All amounts assessed under this section are in addition to amounts appropriated to the commission and the department by other law.

Sec. 23. Minnesota Statutes 2006, section 309.53, subdivision 3, is amended to read:

Subd. 3. **Financial statement requirements.** The financial statement shall include a balance sheet, statement of income and expense, and statement of functional expenses, shall be consistent with forms furnished by the attorney general, and shall be prepared in accordance with generally accepted accounting principles so as to make a full disclosure of the following, including necessary allocations between each item and the basis of such allocations:

- (a) total receipts and total income from all sources;
- (b) cost of management and general;
- (c) program services;
- (d) cost of fund-raising;
- (e) cost of public education;
- (f) funds or properties transferred out of state, with explanation as to recipient and purpose;
- (g) total net amount disbursed or dedicated within this state, broken down into total amounts disbursed or dedicated for each major purpose, charitable or otherwise;
- (h) names of professional fund-raisers used during the accounting year and the financial compensation and profit resulting to each professional fund-raiser; and
- (i) a list of the five highest paid directors, officers, and employees of the organization and its related organizations, as that term is defined by section 317A.011, subdivision 18, that receive total compensation of more than \$50,000, together with the total compensation paid to each. Total compensation shall include salaries, fees, bonuses, fringe benefits, severance payments, and deferred compensation paid by the charitable organization and all related organizations as that term is defined by section 317A.011, subdivision 18.

Unless otherwise required by this subdivision, the financial statement need not be certified.

A financial statement of a charitable organization which has received total revenue in excess of \$350,000 for the 12 months of operation covered by the statement shall be accompanied by an audited financial statement prepared in accordance with generally accepted accounting principles that has been examined by an independent certified public accountant for the purpose of expressing an opinion. In preparing the audit the certified public accountant shall take into consideration capital, endowment or other reserve funds, if any, controlled by the charitable organization. For purposes of calculating the \$350,000 total revenue threshold provided by this subdivision, the value of donated food to a nonprofit food shelf may not be included if the food is donated for subsequent distribution at no charge, and not for resale.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to any financial statement that is required to be filed under this section after May 14, 2008.

Sec. 24. Minnesota Statutes 2006, section 349A.02, subdivision 1, is amended to read:

Subdivision 1. **Director.** A State Lottery is established under the supervision and control of a director. The director of the State Lottery shall be appointed by the governor with the advice and consent of the senate. The director serves in the unclassified service at the pleasure of the governor. ~~The annual salary rate authorized for the director is equal to 95 percent of the salary rate prescribed for the governor.~~

Sec. 25. Minnesota Statutes 2006, section 480B.01, subdivision 1, is amended to read:

Subdivision 1. **Judicial vacancies.** If a judge of the Supreme Court; Court of Appeals; district court; or Workers' Compensation Court of Appeals dies, resigns, retires, or is removed during the judge's term of office, or if a new ~~district or Workers' Compensation Court of Appeals~~ judgeship is created, the resulting vacancy must be filled by the governor as provided in this section.

Sec. 26. Minnesota Statutes 2006, section 480B.01, subdivision 6, is amended to read:

Subd. 6. **Temporary ineligibility for vacancy.** Members of the commission who would otherwise be eligible to hold judicial office may not be considered or appointed to fill a ~~district court~~ judicial vacancy while they are members of the commission or for one year following the end of their membership on the commission.

Sec. 27. Minnesota Statutes 2006, section 480B.01, subdivision 10, is amended to read:

Subd. 10. **Notice to the public.** Upon receiving notice from the governor that a judicial vacancy has occurred or will occur on a specified date, the chair shall provide notice of the following information:

- (1) the office that is or will be vacant;
- (2) that applications from qualified persons or on behalf of qualified persons are being accepted by the commission;
- (3) that application forms may be obtained from the governor or the commission at a named address; and
- (4) that application forms must be returned to the commission by a named date.

For a district court vacancy, the notice must be made available to attorney associations in the judicial district where the vacancy has occurred or will occur and to at least one newspaper of general circulation in each county in the district. For a Workers' Compensation Court of Appeals vacancy on the Supreme Court, Court of Appeals, or Workers' Compensation Court of Appeals, the notice must be given to state attorney associations and all forms of the public media.

Sec. 28. Laws 2005, First Special Session chapter 1, article 4, section 121, subdivision 4, as amended by Laws 2007, chapter 29, section 1, subdivision 4, is amended to read:

Subd. 4. **Duties.** The commission shall have the following duties:

- (1) to present to the governor and legislature a plan for grants to pay for capital improvements on Minnesota's historic public and private buildings, to be known as sesquicentennial grants;
- (2) to seek funding for activities to celebrate the 150th anniversary of statehood, and to form partnerships with private parties to further this mission;

(3) to present an annual report to the governor and legislature outlining progress made towards the celebration of the sesquicentennial; and

(4) to encourage all activities celebrating the sesquicentennial to be as energy efficient as practicable; and

(5) to use the results of the Sesquicentennial Plan for Our Future project to help provide feedback on the selection and use of Minnesota Milestones goals and indicators.

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

Sec. 29. WORKING GROUP FOR MINNESOTA MILESTONES PROCESS AND INDICATORS.

By June 1, 2008, the commissioner of finance shall convene a working group of state agency staff, legislative staff, and other interested parties to assist in the preparation of recommendations for the Minnesota Milestones report required under Minnesota Statutes, section 16A.10, subdivision 1c. The working group shall consider collaborative opportunities with community organizations and higher education institutions. The working group expires 30 days after the commissioner has submitted recommendations required under Minnesota Statutes, section 16A.10, subdivision 1c.

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

Sec. 30. WORKERS MEMORIAL; APPROPRIATION.

\$65,000 is appropriated from the general fund to the commissioner of administration to design and construct a workers memorial on the Capitol grounds in St. Paul. This appropriation is added to the appropriation in Laws 2006, chapter 258, section 12, subdivision 4.

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

Sec. 31. HUBERT H. HUMPHREY MEMORIAL; APPROPRIATION.

\$60,000 is appropriated from the general fund to the Capitol Area Architectural and Planning Board to design and construct a memorial to Hubert H. Humphrey in the Capitol area. This appropriation is added to the appropriations for the same purpose in Laws 1993, chapter 192, section 16; and Laws 1999, chapter 250, article 1, section 13, and is available until expended.

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

Sec. 32. REPEALER.

Minnesota Statutes 2006, sections 15A.0815, subdivisions 3 and 4; 16B.281, subdivisions 2, 4, and 5; and 16B.285, are repealed.

ARTICLE 2

LAWFUL GAMBLING

Section 1. Minnesota Statutes 2006, section 240.24, subdivision 2, is amended to read:

Subd. 2. **Exception.** Notwithstanding subdivision 1, the commission by rule shall allow the use of: (1) topical external applications that do not contain anesthetics or steroids; (2) food additives; (3) Furosemide or other pulmonary hemostatic agents if the agents are administered under the visual

supervision of the veterinarian or a designee of the veterinarian employed by the commission; ~~and~~ (4) nonsteroidal anti-inflammatory drugs, provided that the test sample does not contain more than five micrograms of the substance or metabolites thereof per milliliter of blood plasma; and (5) medications and their metabolites, provided their use thereof does not exceed regulatory threshold concentrations set by rule by the commission. For purposes of this clause, "test sample" means any bodily substance including blood, urine, saliva, or other substance as directed by the commission, taken from a horse under the supervision of the commission veterinarian and in such manner as prescribed by the commission for the purpose of analysis.

Sec. 2. Minnesota Statutes 2006, section 609.75, subdivision 4, is amended to read:

Subd. 4. **Gambling device.** A gambling device is a contrivance the purpose of which is that for a consideration affords the a player is afforded an opportunity to obtain something of value, other than free plays, automatically from the machine or otherwise, the award of which is determined principally by chance, whether or not the contrivance is actually played. "Gambling device" also includes a video game of chance, as defined in subdivision 8.

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

Sec. 3. **REPEALER.**

Minnesota Statutes 2006, section 349.40, is repealed.

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

ARTICLE 3 ELECTIONS

Section 1. Minnesota Statutes 2006, section 10A.27, subdivision 1, is amended to read:

Subdivision 1. **Contribution limits.** (a) Except as provided in subdivision 2, a candidate must not permit the candidate's principal campaign committee to accept aggregate contributions made or delivered by any individual, political committee, or political fund in excess of the following:

(1) to candidates for governor and lieutenant governor running together, \$2,000 in an election year for the office sought and \$500 in other years;

(2) to a candidate for attorney general, \$1,000 in an election year for the office sought and \$200 in other years;

(3) to a candidate for the office of secretary of state or state auditor, \$500 in an election year for the office sought and \$100 in other years;

(4) to a candidate for state senator, \$500 in an election year for the office sought and \$100 in other years; ~~and~~

(5) to a candidate for state representative, \$500 in an election year for the office sought and \$100 in the other year; and

(6) to a candidate for judicial office, \$2,000 in an election year for the office sought and \$500 in other years.

account after previous appropriations and the appropriations in this section is appropriated to the secretary of state for the purposes of the account. This appropriation is available until June 30, 2011.

(d) The amount necessary to meet federal requirements for interest payments and the additional match for the Help America Vote Act account is transferred from the general fund appropriation to the Help America Vote Act account.

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

Delete the title and insert:

"A bill for an act relating to state government; modifying equitable compensation limits; modifying limits on state commissioner salaries; incorporating Minnesota Milestones goals and indicators in budget preparation; requiring state agencies with certain information and telecommunications technology projects to register with the Office of Enterprise Technology and requiring the office to monitor progress on the projects; requiring the Office of Enterprise Technology to report to the legislature regarding its approval process for state agency technology requests and assistance provided to state agencies in developing agency information systems plans; providing additional duties for the Sesquicentennial Commission; establishing a working group; providing up to three hours of paid leave in any 12-month period for state employees to donate blood; authorizing employers to provide leave to employees to donate blood; modifying financial statement requirements for certain charitable organizations; including appellate court appointments in the Commission on Judicial Selection process; modifying certain horse racing medication regulations; clarifying definition of gambling device; repealing a provision relating to manufacture of gambling devices or components for shipment to other jurisdictions; providing contribution limits for certain candidates; authorizing the secretary of state to transfer funds; appropriating money; amending Minnesota Statutes 2006, sections 3.885, by adding a subdivision; 10A.27, subdivision 1; 15A.081, subdivision 8; 15A.0815, subdivisions 1, 2, as amended, 5; 16A.10, subdivisions 1, 1c; 16B.281, subdivision 3; 16B.282; 16B.283; 16B.284; 16B.287, subdivision 2; 16E.01, subdivision 3; 16E.03, subdivision 1; 16E.04, subdivision 2; 43A.01, subdivision 3; 43A.17, subdivision 9; 119A.03, subdivision 1; 124D.385, subdivision 4; 203B.227, as added; 240.24, subdivision 2; 309.53, subdivision 3; 349A.02, subdivision 1; 480B.01, subdivisions 1, 6, 10; 609.75, subdivision 4; Minnesota Statutes 2007 Supplement, section 216C.052, subdivision 2; Laws 2005, First Special Session chapter 1, article 4, section 121, subdivision 4, as amended; Laws 2007, chapter 148, article 1, section 7; proposing coding for new law in Minnesota Statutes, chapters 43A; 181; repealing Minnesota Statutes 2006, sections 15A.0815, subdivisions 3, 4; 16B.281, subdivisions 2, 4, 5; 16B.285; 349.40."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2647, 3385 and 3190 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 3332, 3493, 3800 and 2996 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Pappas moved that her name be stricken as chief author, and the name of Senator Marty be added as chief author to S.F. No. 651. The motion prevailed.

Senator Lynch moved that the name of Senator Cohen be added as a co-author to S.F. No. 2647. The motion prevailed.

Senator Saxhaug moved that the name of Senator Chaudhary be added as a co-author to S.F. No. 2651. The motion prevailed.

Senator Dibble moved that the name of Senator Carlson be added as a co-author to S.F. No. 3746. The motion prevailed.

Senator Rest moved that the name of Senator Bakk be added as a co-author to S.F. No. 3850. 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 Pogemiller introduced—

S.F. No. 3854: A bill for an act relating to finance; appropriating money for a workers memorial on the Capitol grounds.

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

Senator Marty introduced—

S.F. No. 3855: A bill for an act relating to early childhood education; establishing an early childhood education for homeless children pilot project; appropriating money.

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

Senators Dille, Koering, Gimse, Skogen and Langseth introduced—

S.F. No. 3856: A bill for an act relating to wastewater treatment; providing for loans by the Public Facilities Authority to the cities of Litchfield and Willmar for certain wastewater treatment projects.

Referred to the Committee on Environment and Natural Resources.

Senator Rest introduced—

S.F. No. 3857: A bill for an act relating to local government; authorizing alternative transfer procedure in Hennepin County for certain drainage system management; proposing coding for new law in Minnesota Statutes, chapter 383B.

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

Senators Senjem and Day introduced—

S.F. No. 3858: A bill for an act relating to capital improvements; appropriating money for repair of the Mantorville Dam; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Senjem introduced—

S.F. No. 3859: A bill for an act relating to education finance; authorizing state grants to leverage quality improvements in K-12 education; appropriating money.

Referred to the Committee on Finance.

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**SPECIAL ORDERS**

Pursuant to Rule 26, Senator Pogemiller, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

H.F. No. 3722, S.F. Nos. 3168 and 2651.

SPECIAL ORDER

H.F. No. 3722: A bill for an act relating to economic development; providing military reservist economic injury loans; defining terms; appropriating money; amending Minnesota Statutes 2007 Supplement, section 116L.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116J.

Senator Robling moved to amend H.F. No. 3722, the unofficial engrossment, as follows:

Page 3, delete section 4

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Tomassoni imposed a call of the Senate for the balance of the proceedings on H.F. No. 3722. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Robling amendment.

The roll was called, and there were yeas 24 and nays 35, as follows:

Those who voted in the affirmative were:

Bonoff	Frederickson	Johnson	Michel	Rummel
Day	Gerlach	Jungbauer	Olson, G.	Senjem
Dille	Gimse	Koch	Pariseau	Vandever
Doll	Hann	Limmer	Robling	Wergin
Fischbach	Ingebrigtsen	Lynch	Rosen	

Those who voted in the negative were:

Anderson	Dahle	Latz	Pogemiller	Skogen
Bakk	Dibble	Lourey	Rest	Sparks
Berglin	Erickson Ropes	Marty	Saltzman	Stumpf
Betzold	Foley	Metzen	Saxhaug	Tomassoni
Carlson	Higgins	Moua	Sheran	Torres Ray
Chaudhary	Kubly	Murphy	Sieben	Vickerman
Clark	Langseth	Pappas	Skoe	Wiger

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

Senator Koch moved to amend H.F. No. 3722, the unofficial engrossment, as follows:

Page 23, delete sections 32 and 33

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Rosen moved to amend H.F. No. 3722, the unofficial engrossment, as follows:

Page 2, after line 8, insert:

"Sec. 2. Minnesota Statutes 2006, section 116J.03, is amended by adding a subdivision to read:

Subd. 4. **Targeted rural opportunity community.** "Targeted rural opportunity community" means a city or township in a county that either lost population from 1980 to 2000 according to the decennial census or had an unemployment rate higher than the Minnesota state annual average in 2006 according to local area unemployment statistics published by the Department of Employment and Economic Development.

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

Sec. 3. **[116J.432] RURAL ENTERPRISE MICROLOAN PROGRAM.**

Subdivision 1. **Definitions.** For purposes of this section, the definitions in this subdivision have the meanings given them:

(1) "Commissioner" means the commissioner of employment and economic development.

(2) "Nonprofit corporation" means a corporation organized and operating under chapter 317A and holding tax exempt status under section 501(c)(3), 501(c)(4)(A), or 501(c)(5) of the Internal Revenue Code, or a Minnesota private foundation meeting the definition of section 509 of the Internal Revenue Code.

(3) "Rural areas" means those areas of Minnesota located outside the metropolitan area as defined in section 473.121, subdivision 2.

Subd. 2. **Established.** The rural enterprise microloan program is created to provide rural enterprise grants to nonprofit corporations to encourage private investment, create jobs for persons in rural areas, and promote economic development.

Subd. 3. **Eligibility.** The commissioner shall enter into agreements with nonprofit corporations to provide rural enterprise microloans in rural areas as provided under this section. In order to qualify for a rural enterprise microloan grant, a corporation must demonstrate that the corporation:

(1) has a board of directors that includes citizens experienced in business lending and development, the operations of rural business enterprises, and the creation of jobs in low-income, economically disadvantaged rural areas;

(2) has the technical skills to analyze projects;

(3) is familiar with other available public and private funding sources and economic development programs;

(4) can initiate and implement economic development projects;

(5) can establish and administer a rural enterprise microloan account which will be used to disburse loans to qualifying businesses and receive loan repayments; and

(6) has demonstrated a capacity to deliver financial, technical, managerial, and marketing assistance to a business enterprise receiving a microloan under this section. This assistance may be delivered by the nonprofit corporation or through other appropriate organizations as provided by the nonprofit corporation through written agreements.

Subd. 4. **Revolving loan funds.** Nonprofit corporations must establish a revolving loan fund

to receive rural enterprise microloan grants. Grants must be used to make loans to new and expanding for-profit business enterprises in rural areas, targeted rural opportunity communities, and disadvantaged business enterprises in rural areas in order to promote business enterprises and job creation.

Subd. 5. **Revolving fund administration.** (a) The department shall establish a maximum interest rate for loans made under this section.

(b) Loan repayment amounts, including principal and interest, must be deposited in a revolving fund created by the nonprofit corporation to be used for additional loans consistent with the loan criteria specified in this section or as allowed under paragraph (c).

(c) Expenses incurred by a nonprofit corporation in providing financial, technical, managerial, and marketing assistance to a business enterprise receiving a loan under this section may be paid out of interest earned from rural enterprise loans, as allowed by the department.

Subd. 6. **Loan criteria.** (a) The criteria in this subdivision apply to loans made or guaranteed by nonprofit corporations under the rural enterprise microloan program.

(b) Loans or guarantees must be made to businesses that are not likely to undertake a project for which loans are sought without assistance from the rural enterprise microloan program.

(c) The minimum state contribution to a loan or guarantee is \$1,000 and the maximum is \$50,000.

(d) The state contributions must be matched by at least an equal amount of new private investment.

Subd. 7. **Reporting requirement.** A nonprofit corporation that receives a rural enterprise microloan grant shall submit, in a format prescribed by the department, an annual report by October 1 of each year that provides information as to the use and impact of the grant funds.

Subd. 8. **Report to legislature.** The commissioner shall submit an annual report that provides information as to the use and impact of the funds provided under this section, by January 15 of each year to the chairs and ranking minority members of the legislative committees with jurisdiction over economic development policy and finance.

Subd. 9. **Rules.** The commissioner shall adopt rules for eligibility, revolving fund administration, and other details of rural enterprise microloans, using the expedited process under section 14.389.

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

Sec. 4. Minnesota Statutes 2006, section 116J.656, is amended to read:

116J.656 SMALL BUSINESS ACCESS TO FEDERAL RESEARCH FUNDS OFFICE OF TECHNOLOGY AND COMMERCIALIZATION.

(a) The commissioner shall assist small businesses to access federal money through the federal Small Business Innovation Research program and the Small Business Technology Transfer program. The commissioner shall establish within the department an Office of Technology and Commercialization. The Office of Technology and Commercialization shall serve as an intermediary to leverage and coordinate regional public and private resources to maximize technology-related economic growth and shall serve as an intermediary in assisting small

businesses in forming alliances and joint ventures with medium- and large-sized corporations. The office shall provide entrepreneurial and innovation services to expand the competitiveness of high technology companies. These services shall include, but not be limited to, technology training and information exchange; assistance with federal funding sources, to include the small business innovation research and small business technology transfer programs; and assistance in forming alliances for technology development and commercialization. In providing this assistance these services, the commissioner shall maintain connections to eligible federal programs, assess specific funding opportunities, review funding proposals, provide referrals to specific consulting services, and hold training workshops throughout the state.

(b) Unless prohibited by federal law, the commissioner must implement fees for services that help companies seek federal Phase II Small Business Innovation Research grants. The fees must be deposited in a special revenue account and are annually appropriated to the commissioner for the small business innovation research and small business technology transfer programs.

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

Sec. 5. Minnesota Statutes 2006, section 116J.66, is amended to read:

116J.66 BUSINESS ASSISTANCE OFFICE OF ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT.

The commissioner shall establish within the department ~~a business assistance center. The center~~ an Office of Entrepreneurship and Small Business Development, which shall consist of:

(1) ~~a Bureau of Small Business which shall have as its sole function the provision of assistance~~ an entrepreneurs network which shall serve as the state's central network for entrepreneurs and small businesses to access qualified network member providers of entrepreneurial and small business assistance, to access developed and shared business information and research resources, and to develop policy recommendations that support development of entrepreneurs and small businesses;

(2) an entrepreneur and small business development center network which shall operate a network of small business development centers throughout the state under a cooperative agreement with the United States Small Business Administration pursuant to United States Code, title 15, section 648;

(3) an Office of Business Information and Professional Services to provide information and professional assistance and guidance to small businesses in the state ~~and (2);~~

(4) a Bureau of Licenses to assist all businesses in obtaining state licenses and permits. ~~This center shall be accorded at least equal status with the other major operating units within the department.; and~~

(5) an Office of Technology and Commercialization to provide entrepreneurial and innovation services to high technology companies.

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

Sec. 6. Minnesota Statutes 2006, section 116J.68, is amended to read:

116J.68 BUREAU OF SMALL BUSINESS OFFICE OF BUSINESS INFORMATION AND PROFESSIONAL SERVICES.

Subdivision 1. **Generally; definition.** (a) ~~The Bureau of Small Business~~ Office of Business Information and Professional Services within the ~~business assistance center~~ Office of Entrepreneurship and Small Business Development shall serve as a clearinghouse and referral service for information needed by small businesses including small targeted group businesses and small businesses located in an economically disadvantaged area.

(b) For purposes of this section, "office" means the Office of Business Information and Professional Services.

Subd. 2. **Duties.** The ~~bureau~~ office shall:

~~(a)~~ (1) provide information and assistance with respect to all aspects of business planning and business management related to the start-up, operation, or expansion of a small business in Minnesota;

~~(b)~~ (2) refer persons interested in the start-up, operation, or expansion of a small business in Minnesota to assistance programs sponsored by federal agencies, state agencies, educational institutions, chambers of commerce, civic organizations, community development groups, private industry associations, and other organizations or to the business assistance referral system established by the ~~Minnesota Project Outreach Corporation~~ Office of Entrepreneurship and Small Business Development;

~~(c)~~ (3) plan, develop, and implement a master file of information on small business assistance programs of federal, state, and local governments, and other public and private organizations so as to provide comprehensive, timely information to the ~~bureau's~~ office's clients;

~~(d)~~ (4) employ staff with adequate and appropriate skills and education and training for the delivery of information and assistance;

~~(e)~~ (5) seek out and utilize, to the extent practicable, contributed expertise and services of federal, state, and local governments, educational institutions, and other public and private organizations;

~~(f)~~ (6) maintain a close and continued relationship with the director of the procurement program within the Department of Administration so as to facilitate the department's duties and responsibilities under sections 16C.16 to 16C.19 relating to the small targeted group business and economically disadvantaged business program of the state;

~~(g)~~ (7) develop an information system which will enable the commissioner and other state agencies to efficiently store, retrieve, analyze, and exchange data regarding small business development and growth in the state. All executive branch agencies of state government and the secretary of state shall to the extent practicable, assist the ~~bureau~~ office in the development and implementation of the information system;

~~(h)~~ (8) establish and maintain a toll free telephone number so that all small business persons anywhere in the state can call the ~~bureau~~ office for assistance. An outreach program shall be established to make the existence of the ~~bureau~~ office well known to its potential clientele throughout the state. If the small business person requires a referral to another provider the ~~bureau~~ office may use the business assistance referral system established by the ~~Minnesota Project Outreach Corporation~~ Office of Entrepreneurship and Small Business Development;

~~(i)~~ (9) conduct research and provide data as required by the state legislature;

~~(j)~~ (10) develop and publish material on all aspects of the start-up, operation, or expansion of a small business in Minnesota;

~~(k)~~ (11) collect and disseminate information on state procurement opportunities, including information on the procurement process; and

~~(l)~~ (12) develop a public awareness program through the use of newsletters, personal contacts, and electronic and print news media advertising about state assistance programs for small businesses, including those programs specifically for socially disadvantaged small business persons;

~~(m)~~ enter into agreements with the federal government and other public and private entities to serve as the statewide coordinator or host agency for the federal small business development center program under United States Code, title 15, section 648; and

~~(n)~~ assist providers in the evaluation of their programs and the assessment of their service area needs. The bureau may establish model evaluation techniques and performance standards for providers to use.

Subd. 5. **Advisory board meetings.** (a) If compliance with section 13D.02 is impractical, the Small Business Development Center Advisory Board, created pursuant to United States Code, title 15, section 648, may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the board participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the board can hear clearly all discussion and testimony and all votes of members of the board and, if needed, receive those services required by sections 15.44 and 15.441;

(3) at least one member of the board is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the board participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the board, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The board may require the person making such a connection to pay for documented marginal costs that the board incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

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

Sec. 7. [116J.8749] SMALL BUSINESS PRODUCT DEVELOPMENT PROGRAM.

Subdivision 1. **Establishment.** The commissioner of employment and economic development shall implement a small business product development program to assist entrepreneurs and businesses in demonstrating the feasibility of a technology or completing new product development, leading to the commercialization of new products through industry and research partnerships.

Subd. 2. **Awards.** Funds shall be awarded to entities that conduct research who agree to provide these services to a specific business or entrepreneur.

Subd. 3. **Application.** Applications must be coauthored by the business or entrepreneur and must demonstrate commercial potential and time frames for commercialization. Applications must be approved through an internal review committee within the research institution to assess the technology and business plan prior to official submission to the state entity.

Subd. 4. **Eligibility.** (a) Eligible institutions include, but are not limited to, all Minnesota-based two- and four-year colleges and universities and other publicly funded research organizations.

(b) Eligible businesses must be Minnesota-based with either headquarters or a majority of operations in the state. If relocating, businesses must set up headquarters or have a majority of its operations in the state within one year of award.

Subd. 5. **Review board.** The Department of Employment and Economic Development will assemble a technical and business review board to evaluate the applications.

Subd. 6. **Limitations.** Funds used for a single business may not exceed \$25,000 per calendar year and must be matched dollar-for-dollar by the business with additional cash or in-kind contributions. Up to 50 percent of the awards may be made to small businesses that receive federal funding for research. Funds expended prior to the start of the award will not be considered as match.

Subd. 7. **Rules.** The commissioner shall adopt rules for eligibility and other details of the small business product development program, using the expedited process under section 14.389.

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

Page 3, after line 33, insert:

"Sec. 10. [116J.9805] MAIN STREET REVITALIZATION GRANT PROGRAM.

Subdivision 1. **Grants.** (a) The Main Street revitalization grant program is created to provide grants to eligible communities to increase business creation, promote business retention, or make general, viable, economic improvements to eligible communities or business districts within an eligible community.

(b) Eligible activities include, but are not limited to, rehabilitation, new construction, demolition of buildings, financing for public infrastructure that benefits the business district, the installation of new technology or equipment for business to either remain or be more competitive.

(c) The Department of Employment and Economic Development shall administer funds appropriated for the Main Street revitalization grant program as required under section 116J.980.

Subd. 2. **Eligibility.** Targeted rural opportunity communities as defined in section 116J.03,

subdivision 4, are eligible for a grant under this section. An application to the small cities development program will be considered as an application to the Main Street revitalization grant program if all other eligibility requirements for the Main Street revitalization grant program are met.

Subd. 3. **Application process.** The commissioner shall award grants to eligible communities based on an evaluation of economic and business-related needs, using the same competitive application criteria, exclusive of the HUD federal objective requirements, developed for the small cities development program. Funds shall be disbursed to eligible communities according to the procedures used by the small cities development program.

Subd. 4. **Limitations.** A grant may not exceed \$600,000 per activity per eligible applicant.

Subd. 5. **Local match requirement.** A local match shall be required for each grant awarded, with preference given to projects that leverage private investment or nonstate funding resources and do not use federal funds as a match.

Subd. 6. **Carryforward.** Any funds not allocated, obligated, or expended in a fiscal year shall be available for allocation, obligation, or expenditure in the following fiscal year.

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

Sec. 11. **[116J.9825] COMMUNITY LEADERSHIP AND PLANNING PROGRAM.**

Subdivision 1. **Establishment.** The commissioner of employment and economic development shall establish the community leadership and planning program to award grants to qualified organizations to support leadership development and planning.

Subd. 2. **Eligibility.** Grants are only available to targeted rural opportunity communities, as defined in section 116J.03, subdivision 4.

Subd. 3. **Grants; limits.** Grants must be awarded to organizations that have demonstrated experience in implementing community leadership and planning programs. Priority must be given to projects which will provide the intended services in rural communities that otherwise would not have access to them. A grant must not exceed \$50,000.

Subd. 4. **Use of funds.** (a) Grants must be used for programs that:

(1) help rural community members increase members' leadership skills to address community issues and needs;

(2) assist in evaluation of community assets, needs, and priorities;

(3) support an understanding of the community's place in the regional economy and appropriate plans based on that understanding; and

(4) develop action plans that the communities can use for future growth and improvement.

(b) The commissioner may award a portion of the funds for projects intended for participation by multiple communities to facilitate leadership and planning among communities with similar issues and regional interaction.

Subd. 5. **Matching funds.** The commissioner shall require that when state funds are awarded,

the grants must be matched by at least an equal amount of nonstate funds.

Subd. 6. **Report required.** The commissioner of employment and economic development must report to the chairs and ranking minority members of the legislative committees with jurisdiction over economic development policy and finance, by September 1, 2009, on the first grant awards, the outcomes, and recommendations, including any draft legislation, for improvement in the program.

Subd. 7. **Rules.** The commissioner shall adopt rules for eligibility, use of funds, and other details of the community leadership and planning program using the expedited process under section 14.389.

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

Sec. 12. Minnesota Statutes 2006, section 116L.02, is amended to read:

116L.02 JOB SKILLS PARTNERSHIP PROGRAM.

(a) The Minnesota Job Skills Partnership program is created to act as a catalyst to bring together employers with specific training needs with educational or other nonprofit institutions which can design programs to fill those needs. The partnership shall work closely with employers to prepare, train and place prospective or incumbent workers in identifiable positions as well as assisting educational or other nonprofit institutions in developing training programs that coincide with current and future employer requirements. The partnership shall provide grants to educational or other nonprofit institutions for the purpose of training workers. A participating business must match the grant-in-aid made by the Minnesota Job Skills Partnership. The match may be in the form of funding, equipment, or faculty.

(b) The partnership program shall administer the health care and human services worker training and retention program under sections 116L.10 to 116L.15.

(c) The partnership program is authorized to use funds to pay for training for individuals who have incomes at or below 200 percent of the federal poverty line. The board may grant funds to eligible recipients to pay for board-certified training. Eligible recipients of grants may include public, private, or nonprofit entities that provide employment services to low-income individuals.

(d) The partnership program shall administer the rural workforce innovation grant program under section 116L.175.

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

Sec. 13. **[116L.175] RURAL WORKFORCE INNOVATION GRANTS.**

Subdivision 1. **Purpose.** The rural workforce innovation grant program is created to promote incumbent worker training at small businesses in rural Minnesota. This program and the related grants and training will assist small businesses in increasing employee skill development, worker productivity, and overall job security for trained workers.

Subd. 2. **Definitions.** (a) for the purposes of this section, the following terms have the meanings given them.

(b) "Incumbent worker" means an individual employed by a qualifying employer, who is paid by that employer for at least 20 hours per week.

(c) "Qualifying employer" means a for-profit business or nonprofit organization located in a targeted rural opportunity community as defined in section 116J.03, subdivision 4, with at least one but no more than 50 full-time paid employees. Public sector organizations are not considered qualifying employers.

(d) "Direct training services" are services provided by an accredited educational program or institution. These services include, but are not limited to, occupational skills training, customized training, entrepreneurial training, on-the-job training, and other training that results in an industry-recognized credential.

Subd. 3. **Grants.** At the beginning of each fiscal year, the board shall make initial grants to any number of local workforce investment boards using a competitive process. The board shall spend at least 75 percent of its annual appropriation on these initial grants. Following the initial allocation, the board may make subsequent grants at the request of local workforce investment boards. The board shall make all grants based on demonstrated need, likely impact, and other criteria as necessary.

Subd. 4. **Use of funds.** Local workforce investment boards shall use funds granted under this section for direct training services at qualifying employers, to provide a measurable increase in the job-related skills of participating incumbent workers. Local workforce investment boards may also use funds to provide basic assessment, counseling, and preemployment training services requested by the qualifying employer. No funds may be used for support services as described in section 116L.17, subdivision 4, clause (2). No funds may be used to pay or supplement the wages of a qualifying employer's employees. No qualifying employer shall receive more than \$50,000 per year for activities under this section.

Subd. 5. **Administrative costs.** The board may spend, and allow local workforce investment boards to spend, funds for administrative costs. The limits on these costs shall be consistent with those established for other programs under the authority of the board.

Subd. 6. **Matching funds requirement.** The board may establish statewide matching requirements for qualifying employers. Those requirements may include any or all of the following: funding, equipment, or faculty. The board shall consult with local workforce investment boards in establishing any statewide matching requirements.

Subd. 7. **Accountability and performance measures.** The board and the commissioner of employment and economic development shall jointly develop performance outcome measures and standards for this program. The commissioner and the board shall consult with local workforce investment boards in establishing standards. Measures, at a minimum, shall include posttraining retention, promotion, and wage increase. The board and commissioner shall provide a report to the chairs and ranking minority members of the legislative committees with jurisdiction over economic development policy and finance each year regarding the previous fiscal year's program performance. Local workforce investment boards shall provide all necessary data in a timely manner for the completion of this report, as well as any interim reports required by the board.

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

Page 27, after line 27, insert:

"Sec. 47. **SMALL BUSINESS DEVELOPMENT CENTERS.**

\$..... is appropriated in fiscal year 2009 to the commissioner of employment and economic

development for expansion of the services provided to small businesses by the small business development centers established under Minnesota Statutes, section 116J.66. This appropriation is added to the department's budget base and is available until expended.

Sec. 48. ENTREPRENEURIAL NETWORK.

\$...... is appropriated in fiscal year 2009 to the commissioner of employment and economic development for development of a network to support increased entrepreneurial opportunities including, but not limited to, readiness assessment and services for potential rural entrepreneurs through Minnesota's workforce center system, programs linking aspiring entrepreneurs with qualified mentors, and electronic and other communications means to certify and bring available services to potential entrepreneurs. This appropriation is added to the department's budget base and is available until expended.

Sec. 49. OFFICE OF TECHNOLOGY AND COMMERCIALIZATION.

\$...... is appropriated in fiscal year 2009 to the commissioner of employment and economic development for operation of the Office of Technology and Commercialization established under Minnesota Statutes, section 116J.656. This appropriation is added to the department's budget base and is available until expended.

Sec. 50. MANUFACTURING EXTENSION GRANTS.

\$...... is appropriated in fiscal year 2009 to the commissioner of employment and economic development for grants to organizations initiating or continuing programs to assist rural small manufacturing businesses in implementing technology and business improvements that increase the competitiveness of those businesses. The application process will reference similar measures as the growth acceleration program and be established by the commissioner. The grants are open to all qualified organizations as defined by the commissioner through solicitation. This is a onetime appropriation and is available until expended.

Sec. 51. MINNESOTA TRADE OFFICE EXPORT SERVICES.

\$...... is appropriated in fiscal year 2009 to the commissioner of employment and economic development for the Minnesota Trade Office to increase export services in greater Minnesota. This appropriation is added to the department's budget base and is available until expended.

Sec. 52. MINNESOTA RURAL ENTERPRISE MICROLOAN PROGRAM.

\$...... is appropriated in fiscal year 2009 to the commissioner of employment and economic development for the Minnesota rural enterprise microloan program established under Minnesota Statutes, section 116J.432. This is a onetime appropriation and is available until expended.

Sec. 53. MINNESOTA INITIATIVE FOUNDATIONS.

\$...... is appropriated in fiscal year 2009 to the commissioner of employment and economic development for grants to the six regional initiative fund foundations established under Minnesota Statutes, section 116J.871, as regional organizations, to expand their ability to provide loans to small businesses. The grants must be matched by new private funds. This is a onetime appropriation and is available until expended.

Sec. 54. SMALL BUSINESS PRODUCT DEVELOPMENT PROGRAM.

\$..... is appropriated in fiscal year 2009 to the commissioner of employment and economic development for small business development program grants under Minnesota Statutes, section 116J.8749. This appropriation is added to the department's budget base and is available until expended.

Sec. 55. MINNESOTA INVESTMENT FUND.

\$..... is appropriated in fiscal year 2009 to the commissioner of employment and economic development for the Minnesota investment fund under Minnesota Statutes, section 116J.873. Awards made under this appropriation may include businesses that increase productivity, increase research and product development, and modernize technology. Priority shall be given to targeted rural opportunity communities as defined in Minnesota Statutes, section 116J.03, subdivision 4. This is a onetime appropriation and is available until expended.

Sec. 56. JOB SKILLS PARTNERSHIP GRANTS.

\$..... is appropriated in fiscal year 2009 to the Minnesota Job Skills Partnership Board for strategic entrepreneurial economic development training program grants. This appropriation is added to the department's budget base and is available until expended.

Sec. 57. COMMUNITY LEADERSHIP AND PLANNING.

\$..... is appropriated in fiscal year 2009 to the commissioner of employment and economic development for the community leadership and planning program. This appropriation is added to the department's budget base and is available until expended.

Sec. 58. STREAMLINE INFRASTRUCTURE FINANCING.

\$..... is appropriated in fiscal year 2009 to the Public Facilities Authority for the development of legal documents and for staff consultant costs necessary and reasonable to develop the pooled bond program under Minnesota Statutes, sections 446A.086 and 446A.087, including the cost associated with developing legal documents and application forms, and negotiating underwriting criteria necessary to obtain bond ratings for the program.

Sec. 59. MAIN STREET REVITALIZATION GRANT PROGRAM.

\$..... is appropriated in fiscal year 2009 to the commissioner of employment and economic development for the Main Street revitalization grant program to increase business creation, to promote business retention, or for general economic vitality improvements. This amount shall be added to the department's budget base and is available until expended.

Sec. 60. WEB-BASED MARKETING SYSTEM.

\$..... is appropriated in fiscal year 2009 to the commissioner of employment and economic development to develop and implement a new Web-based community and property profile system. This appropriation is available until expended.

Sec. 61. MARKETING RURAL MINNESOTA.

\$..... is appropriated in fiscal year 2009 to the commissioner of employment and economic development for expenses associated with marketing the state of Minnesota to attract new business development opportunities. These funds must be used to attract industries in which the commissioner

determines that Minnesota has a current or potential competitive advantage, including renewable energy and other industries with strengths and opportunities to grow additional businesses and jobs. State funds awarded to the department must be matched by nonstate sources. The appropriation is available until expended.

Sec. 62. LABOR MARKET INFORMATION ENHANCEMENTS.

\$...... is appropriated in fiscal year 2009 to the commissioner of employment and economic development for business surveys to determine benefit and vacancy levels on an occupational and regional basis, and to improve accessibility of economic and labor market information data collected by the Department of Employment and Economic Development through the Internet. This appropriation is added to the department's budget base and is available until expended.

Sec. 63. EFFECTIVE DATE.

Sections 47 to 62 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 28, as follows:

Those who voted in the affirmative were:

Bonoff	Erickson Ropes	Johnson	Pariseau	Sheran
Chaudhary	Fischbach	Jungbauer	Prettner Solon	Skoe
Dahle	Frederickson	Koch	Robling	Skogen
Day	Gerlach	Koering	Rosen	Sparks
Dibble	Gimse	Limmer	Saltzman	Vandever
Dille	Hann	Michel	Scheid	Vickerman
Doll	Ingebrigtsen	Olson, G.	Senjem	Wergin

Those who voted in the negative were:

Anderson	Foley	Lynch	Pappas	Stumpf
Bakk	Higgins	Marty	Pogemiller	Tomassoni
Berglin	Kubly	Metzen	Rest	Torres Ray
Betzold	Langseth	Moua	Rummel	Wiger
Carlson	Latz	Murphy	Saxhaug	
Clark	Lourey	Olson, M.	Sieben	

The motion prevailed. So the amendment was adopted.

Senator Koch moved to amend H.F. No. 3722, the unofficial engrossment, as follows:

Page 5, delete section 6

Pages 9 to 11, delete sections 10 to 13

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 41, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Johnson	Limmer	Robling
Dille	Gimse	Jungbauer	Michel	Senjem
Fischbach	Hann	Koch	Olson, G.	Vandever
Frederickson	Ingebrigtsen	Koering	Pariseau	Wergin

Those who voted in the negative were:

Anderson	Dibble	Lynch	Rummel	Stumpf
Bakk	Doll	Marty	Saltzman	Tomassoni
Berglin	Erickson Ropes	Metzen	Saxhaug	Torres Ray
Betzold	Foley	Moua	Scheid	Vickerman
Bonoff	Higgins	Murphy	Sheran	Wiger
Carlson	Kubly	Olson, M.	Sieben	
Chaudhary	Langseth	Pappas	Skoe	
Clark	Latz	Prettner Solon	Skogen	
Dahle	Lourey	Rest	Sparks	

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

Senator Vandever moved to amend H.F. No. 3722, the unofficial engrossment, as follows:

Page 8, after line 24, insert:

"Sec. 9. Minnesota Statutes 2007 Supplement, section 268.085, subdivision 9, is amended to read:

Subd. 9. **Business owners.** Wage credits from an employer may not be used for unemployment benefit purposes by any applicant who:

(1) individually, jointly, or in combination with the applicant's spouse, parent, or child owns or controls directly or indirectly 25 percent or more interest in the employer; ~~or~~

(2) is the spouse, parent, or minor child of any individual who owns or controls directly or indirectly 25 percent or more interest in the employer; ~~and~~

~~(2) is temporarily, seasonally, or indefinitely unemployed and not permanently separated from the employment.~~

This subdivision only applies if the applicant has been paid unemployment benefits based upon wage credits from this employer within the prior four years and is effective when the applicant has been paid ~~four~~ five times the applicant's weekly unemployment benefit amount in the current benefit year.

EFFECTIVE DATE. This section is effective July 6, 2008, and applies to applications for unemployment benefits filed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Koch moved to amend H.F. No. 3722, the unofficial engrossment, as follows:

Page 5, after line 31, insert:

"Sec. 6. Minnesota Statutes 2006, section 216B.243, subdivision 3b, is amended to read:

Subd. 3b. ~~Nuclear power plant; new construction prohibited; relicensing~~ **Additional storage of spent nuclear fuel.** ~~(a) The commission may not issue a certificate of need for the construction of a new nuclear-powered electric generating plant.~~

~~(b)~~ Any certificate of need for additional storage of spent nuclear fuel for a facility seeking a license extension shall address the impacts of continued operations over the period for which approval is sought.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Tomassoni questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

RECONSIDERATION

Having voted on the prevailing side, Senator Skoe moved that the vote whereby the Rosen amendment to H.F. No. 3722 was adopted on April 30, 2008, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Senator Frederickson requested division of the Rosen amendment as follows:

First portion:

Page 2, after line 8, insert:

"Sec. 2. Minnesota Statutes 2006, section 116J.03, is amended by adding a subdivision to read:

Subd. 4. **Targeted rural opportunity community.** "Targeted rural opportunity community" means a city or township in a county that either lost population from 1980 to 2000 according to the decennial census or had an unemployment rate higher than the Minnesota state annual average in 2006 according to local area unemployment statistics published by the Department of Employment and Economic Development.

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

Sec. 3. **[116J.432] RURAL ENTERPRISE MICROLOAN PROGRAM.**

Subdivision 1. **Definitions.** For purposes of this section, the definitions in this subdivision have the meanings given them:

(1) "Commissioner" means the commissioner of employment and economic development.

(2) "Nonprofit corporation" means a corporation organized and operating under chapter 317A and holding tax exempt status under section 501(c)(3), 501(c)(4)(A), or 501(c)(5) of the Internal

Revenue Code, or a Minnesota private foundation meeting the definition of section 509 of the Internal Revenue Code.

(3) "Rural areas" means those areas of Minnesota located outside the metropolitan area as defined in section 473.121, subdivision 2.

Subd. 2. **Established.** The rural enterprise microloan program is created to provide rural enterprise grants to nonprofit corporations to encourage private investment, create jobs for persons in rural areas, and promote economic development.

Subd. 3. **Eligibility.** The commissioner shall enter into agreements with nonprofit corporations to provide rural enterprise microloans in rural areas as provided under this section. In order to qualify for a rural enterprise microloan grant, a corporation must demonstrate that the corporation:

(1) has a board of directors that includes citizens experienced in business lending and development, the operations of rural business enterprises, and the creation of jobs in low-income, economically disadvantaged rural areas;

(2) has the technical skills to analyze projects;

(3) is familiar with other available public and private funding sources and economic development programs;

(4) can initiate and implement economic development projects;

(5) can establish and administer a rural enterprise microloan account which will be used to disburse loans to qualifying businesses and receive loan repayments; and

(6) has demonstrated a capacity to deliver financial, technical, managerial, and marketing assistance to a business enterprise receiving a microloan under this section. This assistance may be delivered by the nonprofit corporation or through other appropriate organizations as provided by the nonprofit corporation through written agreements.

Subd. 4. **Revolving loan funds.** Nonprofit corporations must establish a revolving loan fund to receive rural enterprise microloan grants. Grants must be used to make loans to new and expanding for-profit business enterprises in rural areas, targeted rural opportunity communities, and disadvantaged business enterprises in rural areas in order to promote business enterprises and job creation.

Subd. 5. **Revolving fund administration.** (a) The department shall establish a maximum interest rate for loans made under this section.

(b) Loan repayment amounts, including principal and interest, must be deposited in a revolving fund created by the nonprofit corporation to be used for additional loans consistent with the loan criteria specified in this section or as allowed under paragraph (c).

(c) Expenses incurred by a nonprofit corporation in providing financial, technical, managerial, and marketing assistance to a business enterprise receiving a loan under this section may be paid out of interest earned from rural enterprise loans, as allowed by the department.

Subd. 6. **Loan criteria.** (a) The criteria in this subdivision apply to loans made or guaranteed by nonprofit corporations under the rural enterprise microloan program.

(b) Loans or guarantees must be made to businesses that are not likely to undertake a project for which loans are sought without assistance from the rural enterprise microloan program.

(c) The minimum state contribution to a loan or guarantee is \$1,000 and the maximum is \$50,000.

(d) The state contributions must be matched by at least an equal amount of new private investment.

Subd. 7. **Reporting requirement.** A nonprofit corporation that receives a rural enterprise microloan grant shall submit, in a format prescribed by the department, an annual report by October 1 of each year that provides information as to the use and impact of the grant funds.

Subd. 8. **Report to legislature.** The commissioner shall submit an annual report that provides information as to the use and impact of the funds provided under this section, by January 15 of each year to the chairs and ranking minority members of the legislative committees with jurisdiction over economic development policy and finance.

Subd. 9. **Rules.** The commissioner shall adopt rules for eligibility, revolving fund administration, and other details of rural enterprise microloans, using the expedited process under section 14.389.

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

Sec. 4. Minnesota Statutes 2006, section 116J.656, is amended to read:

116J.656 SMALL BUSINESS ACCESS TO FEDERAL RESEARCH FUNDS OFFICE OF TECHNOLOGY AND COMMERCIALIZATION.

(a) ~~The commissioner shall assist small businesses to access federal money through the federal Small Business Innovation Research program and the Small Business Technology Transfer program.~~ The commissioner shall establish within the department an Office of Technology and Commercialization. The Office of Technology and Commercialization shall serve as an intermediary to leverage and coordinate regional public and private resources to maximize technology-related economic growth and shall serve as an intermediary in assisting small businesses in forming alliances and joint ventures with medium- and large-sized corporations. The office shall provide entrepreneurial and innovation services to expand the competitiveness of high technology companies. These services shall include, but not be limited to, technology training and information exchange; assistance with federal funding sources, to include the small business innovation research and small business technology transfer programs; and assistance in forming alliances for technology development and commercialization. In providing ~~this assistance~~ these services, the commissioner shall maintain connections to eligible federal programs, assess specific funding opportunities, review funding proposals, provide referrals to specific consulting services, and hold training workshops throughout the state.

(b) Unless prohibited by federal law, the commissioner must implement fees for services that help companies seek federal Phase II Small Business Innovation Research grants. The fees must be deposited in a special revenue account and are annually appropriated to the commissioner for the small business innovation research and small business technology transfer programs.

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

Sec. 5. Minnesota Statutes 2006, section 116J.66, is amended to read:

116J.66 BUSINESS ASSISTANCE OFFICE OF ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT.

The commissioner shall establish within the department a ~~business assistance center~~. ~~The center an Office of Entrepreneurship and Small Business Development, which shall consist of:~~

(1) ~~a Bureau of Small Business which shall have as its sole function the provision of assistance~~ an entrepreneurs network which shall serve as the state's central network for entrepreneurs and small businesses to access qualified network member providers of entrepreneurial and small business assistance, to access developed and shared business information and research resources, and to develop policy recommendations that support development of entrepreneurs and small businesses;

(2) an entrepreneur and small business development center network which shall operate a network of small business development centers throughout the state under a cooperative agreement with the United States Small Business Administration pursuant to United States Code, title 15, section 648;

(3) an Office of Business Information and Professional Services to provide information and professional assistance and guidance to small businesses in the state and (2);

(4) a Bureau of Licenses to assist all businesses in obtaining state licenses and permits. This center shall be accorded at least equal status with the other major operating units within the department; and

(5) an Office of Technology and Commercialization to provide entrepreneurial and innovation services to high technology companies.

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

Sec. 6. Minnesota Statutes 2006, section 116J.68, is amended to read:

116J.68 BUREAU OF SMALL BUSINESS OFFICE OF BUSINESS INFORMATION AND PROFESSIONAL SERVICES.

Subdivision 1. **Generally; definition.** (a) The ~~Bureau of Small Business~~ Office of Business Information and Professional Services within the ~~business assistance center~~ Office of Entrepreneurship and Small Business Development shall serve as a clearinghouse and referral service for information needed by small businesses including small targeted group businesses and small businesses located in an economically disadvantaged area.

(b) For purposes of this section, "office" means the Office of Business Information and Professional Services.

Subd. 2. **Duties.** The ~~bureau~~ office shall:

~~(a)~~ (1) provide information and assistance with respect to all aspects of business planning and business management related to the start-up, operation, or expansion of a small business in Minnesota;

~~(b)~~ (2) refer persons interested in the start-up, operation, or expansion of a small business in Minnesota to assistance programs sponsored by federal agencies, state agencies, educational institutions, chambers of commerce, civic organizations, community development groups, private

industry associations, and other organizations or to the business assistance referral system established by the ~~Minnesota Project Outreach Corporation~~ Office of Entrepreneurship and Small Business Development;

~~(e)~~ (3) plan, develop, and implement a master file of information on small business assistance programs of federal, state, and local governments, and other public and private organizations so as to provide comprehensive, timely information to the ~~bureau's~~ office's clients;

~~(d)~~ (4) employ staff with adequate and appropriate skills and education and training for the delivery of information and assistance;

~~(e)~~ (5) seek out and utilize, to the extent practicable, contributed expertise and services of federal, state, and local governments, educational institutions, and other public and private organizations;

~~(f)~~ (6) maintain a close and continued relationship with the director of the procurement program within the Department of Administration so as to facilitate the department's duties and responsibilities under sections 16C.16 to 16C.19 relating to the small targeted group business and economically disadvantaged business program of the state;

~~(g)~~ (7) develop an information system which will enable the commissioner and other state agencies to efficiently store, retrieve, analyze, and exchange data regarding small business development and growth in the state. All executive branch agencies of state government and the secretary of state shall to the extent practicable, assist the ~~bureau~~ office in the development and implementation of the information system;

~~(h)~~ (8) establish and maintain a toll free telephone number so that all small business persons anywhere in the state can call the ~~bureau~~ office for assistance. An outreach program shall be established to make the existence of the ~~bureau~~ office well known to its potential clientele throughout the state. If the small business person requires a referral to another provider the ~~bureau~~ office may use the business assistance referral system established by the ~~Minnesota Project Outreach Corporation~~ Office of Entrepreneurship and Small Business Development;

~~(i)~~ (9) conduct research and provide data as required by the state legislature;

~~(j)~~ (10) develop and publish material on all aspects of the start-up, operation, or expansion of a small business in Minnesota;

~~(k)~~ (11) collect and disseminate information on state procurement opportunities, including information on the procurement process; and

~~(l)~~ (12) develop a public awareness program through the use of newsletters, personal contacts, and electronic and print news media advertising about state assistance programs for small businesses, including those programs specifically for socially disadvantaged small business persons;

~~(m)~~ enter into agreements with the federal government and other public and private entities to serve as the statewide coordinator or host agency for the federal small business development center program under United States Code, title 15, section 648; and

~~(n)~~ assist providers in the evaluation of their programs and the assessment of their service area needs. The bureau may establish model evaluation techniques and performance standards for

~~providers to use.~~

Subd. 5. **Advisory board meetings.** (a) If compliance with section 13D.02 is impractical, the Small Business Development Center Advisory Board, created pursuant to United States Code, title 15, section 648, may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the board participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the board can hear clearly all discussion and testimony and all votes of members of the board and, if needed, receive those services required by sections 15.44 and 15.441;

(3) at least one member of the board is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the board participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the board, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The board may require the person making such a connection to pay for documented marginal costs that the board incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

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

Sec. 7. [116J.8749] SMALL BUSINESS PRODUCT DEVELOPMENT PROGRAM.

Subdivision 1. **Establishment.** The commissioner of employment and economic development shall implement a small business product development program to assist entrepreneurs and businesses in demonstrating the feasibility of a technology or completing new product development, leading to the commercialization of new products through industry and research partnerships.

Subd. 2. **Awards.** Funds shall be awarded to entities that conduct research who agree to provide these services to a specific business or entrepreneur.

Subd. 3. **Application.** Applications must be coauthored by the business or entrepreneur and must demonstrate commercial potential and time frames for commercialization. Applications must be approved through an internal review committee within the research institution to assess the technology and business plan prior to official submission to the state entity.

Subd. 4. **Eligibility.** (a) Eligible institutions include, but are not limited to, all Minnesota-based two- and four-year colleges and universities and other publicly funded research organizations.

(b) Eligible businesses must be Minnesota-based with either headquarters or a majority of operations in the state. If relocating, businesses must set up headquarters or have a majority of its operations in the state within one year of award.

Subd. 5. **Review board.** The Department of Employment and Economic Development will assemble a technical and business review board to evaluate the applications.

Subd. 6. **Limitations.** Funds used for a single business may not exceed \$25,000 per calendar year and must be matched dollar-for-dollar by the business with additional cash or in-kind contributions. Up to 50 percent of the awards may be made to small businesses that receive federal funding for research. Funds expended prior to the start of the award will not be considered as match.

Subd. 7. **Rules.** The commissioner shall adopt rules for eligibility and other details of the small business product development program, using the expedited process under section 14.389.

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

Page 3, after line 33, insert:

"Sec. 10. **[116J.9805] MAIN STREET REVITALIZATION GRANT PROGRAM.**

Subdivision 1. **Grants.** (a) The Main Street revitalization grant program is created to provide grants to eligible communities to increase business creation, promote business retention, or make general, viable, economic improvements to eligible communities or business districts within an eligible community.

(b) Eligible activities include, but are not limited to, rehabilitation, new construction, demolition of buildings, financing for public infrastructure that benefits the business district, the installation of new technology or equipment for business to either remain or be more competitive.

(c) The Department of Employment and Economic Development shall administer funds appropriated for the Main Street revitalization grant program as required under section 116J.980.

Subd. 2. **Eligibility.** Targeted rural opportunity communities as defined in section 116J.03, subdivision 4, are eligible for a grant under this section. An application to the small cities development program will be considered as an application to the Main Street revitalization grant program if all other eligibility requirements for the Main Street revitalization grant program are met.

Subd. 3. **Application process.** The commissioner shall award grants to eligible communities based on an evaluation of economic and business-related needs, using the same competitive application criteria, exclusive of the HUD federal objective requirements, developed for the small cities development program. Funds shall be disbursed to eligible communities according to the procedures used by the small cities development program.

Subd. 4. **Limitations.** A grant may not exceed \$600,000 per activity per eligible applicant.

Subd. 5. **Local match requirement.** A local match shall be required for each grant awarded, with preference given to projects that leverage private investment or nonstate funding resources and do not use federal funds as a match.

Subd. 6. **Carryforward.** Any funds not allocated, obligated, or expended in a fiscal year shall

be available for allocation, obligation, or expenditure in the following fiscal year.

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

Sec. 11. [116J.9825] COMMUNITY LEADERSHIP AND PLANNING PROGRAM.

Subdivision 1. **Establishment.** The commissioner of employment and economic development shall establish the community leadership and planning program to award grants to qualified organizations to support leadership development and planning.

Subd. 2. **Eligibility.** Grants are only available to targeted rural opportunity communities, as defined in section 116J.03, subdivision 4.

Subd. 3. **Grants; limits.** Grants must be awarded to organizations that have demonstrated experience in implementing community leadership and planning programs. Priority must be given to projects which will provide the intended services in rural communities that otherwise would not have access to them. A grant must not exceed \$50,000.

Subd. 4. **Use of funds.** (a) Grants must be used for programs that:

(1) help rural community members increase members' leadership skills to address community issues and needs;

(2) assist in evaluation of community assets, needs, and priorities;

(3) support an understanding of the community's place in the regional economy and appropriate plans based on that understanding; and

(4) develop action plans that the communities can use for future growth and improvement.

(b) The commissioner may award a portion of the funds for projects intended for participation by multiple communities to facilitate leadership and planning among communities with similar issues and regional interaction.

Subd. 5. **Matching funds.** The commissioner shall require that when state funds are awarded, the grants must be matched by at least an equal amount of nonstate funds.

Subd. 6. **Report required.** The commissioner of employment and economic development must report to the chairs and ranking minority members of the legislative committees with jurisdiction over economic development policy and finance, by September 1, 2009, on the first grant awards, the outcomes, and recommendations, including any draft legislation, for improvement in the program.

Subd. 7. **Rules.** The commissioner shall adopt rules for eligibility, use of funds, and other details of the community leadership and planning program using the expedited process under section 14.389.

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

Sec. 12. Minnesota Statutes 2006, section 116L.02, is amended to read:

116L.02 JOB SKILLS PARTNERSHIP PROGRAM.

(a) The Minnesota Job Skills Partnership program is created to act as a catalyst to bring together employers with specific training needs with educational or other nonprofit institutions

which can design programs to fill those needs. The partnership shall work closely with employers to prepare, train and place prospective or incumbent workers in identifiable positions as well as assisting educational or other nonprofit institutions in developing training programs that coincide with current and future employer requirements. The partnership shall provide grants to educational or other nonprofit institutions for the purpose of training workers. A participating business must match the grant-in-aid made by the Minnesota Job Skills Partnership. The match may be in the form of funding, equipment, or faculty.

(b) The partnership program shall administer the health care and human services worker training and retention program under sections 116L.10 to 116L.15.

(c) The partnership program is authorized to use funds to pay for training for individuals who have incomes at or below 200 percent of the federal poverty line. The board may grant funds to eligible recipients to pay for board-certified training. Eligible recipients of grants may include public, private, or nonprofit entities that provide employment services to low-income individuals.

(d) The partnership program shall administer the rural workforce innovation grant program under section 116L.175.

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

Sec. 13. **[116L.175] RURAL WORKFORCE INNOVATION GRANTS.**

Subdivision 1. **Purpose.** The rural workforce innovation grant program is created to promote incumbent worker training at small businesses in rural Minnesota. This program and the related grants and training will assist small businesses in increasing employee skill development, worker productivity, and overall job security for trained workers.

Subd. 2. **Definitions.** (a) for the purposes of this section, the following terms have the meanings given them.

(b) "Incumbent worker" means an individual employed by a qualifying employer, who is paid by that employer for at least 20 hours per week.

(c) "Qualifying employer" means a for-profit business or nonprofit organization located in a targeted rural opportunity community as defined in section 116J.03, subdivision 4, with at least one but no more than 50 full-time paid employees. Public sector organizations are not considered qualifying employers.

(d) "Direct training services" are services provided by an accredited educational program or institution. These services include, but are not limited to, occupational skills training, customized training, entrepreneurial training, on-the-job training, and other training that results in an industry-recognized credential.

Subd. 3. **Grants.** At the beginning of each fiscal year, the board shall make initial grants to any number of local workforce investment boards using a competitive process. The board shall spend at least 75 percent of its annual appropriation on these initial grants. Following the initial allocation, the board may make subsequent grants at the request of local workforce investment boards. The board shall make all grants based on demonstrated need, likely impact, and other criteria as necessary.

Subd. 4. **Use of funds.** Local workforce investment boards shall use funds granted under this

section for direct training services at qualifying employers, to provide a measurable increase in the job-related skills of participating incumbent workers. Local workforce investment boards may also use funds to provide basic assessment, counseling, and preemployment training services requested by the qualifying employer. No funds may be used for support services as described in section 116L.17, subdivision 4, clause (2). No funds may be used to pay or supplement the wages of a qualifying employer's employees. No qualifying employer shall receive more than \$50,000 per year for activities under this section.

Subd. 5. **Administrative costs.** The board may spend, and allow local workforce investment boards to spend, funds for administrative costs. The limits on these costs shall be consistent with those established for other programs under the authority of the board.

Subd. 6. **Matching funds requirement.** The board may establish statewide matching requirements for qualifying employers. Those requirements may include any or all of the following: funding, equipment, or faculty. The board shall consult with local workforce investment boards in establishing any statewide matching requirements.

Subd. 7. **Accountability and performance measures.** The board and the commissioner of employment and economic development shall jointly develop performance outcome measures and standards for this program. The commissioner and the board shall consult with local workforce investment boards in establishing standards. Measures, at a minimum, shall include posttraining retention, promotion, and wage increase. The board and commissioner shall provide a report to the chairs and ranking minority members of the legislative committees with jurisdiction over economic development policy and finance each year regarding the previous fiscal year's program performance. Local workforce investment boards shall provide all necessary data in a timely manner for the completion of this report, as well as any interim reports required by the board.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the first portion of the amendment.

The roll was called, and there were yeas 28 and nays 35, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koering	Prettner Solon	Sparks
Dille	Hann	Kubly	Robling	Vandever
Doll	Ingebrigtsen	Limmer	Rosen	Vickerman
Fischbach	Johnson	Michel	Senjem	Wergin
Frederickson	Jungbauer	Olson, G.	Sheran	
Gerlach	Koch	Pariseau	Skogen	

Those who voted in the negative were:

Anderson	Clark	Lourey	Olson, M.	Scheid
Bakk	Dahle	Lynch	Pappas	Sieben
Berglin	Dibble	Marty	Pogemiller	Skoe
Betzold	Foley	Metzen	Rest	Stumpf
Bonoff	Higgins	Moua	Rummel	Tomassoni
Carlson	Langseth	Murphy	Saltzman	Torres Ray
Chaudhary	Latz	Olseen	Saxhaug	Wiger

The motion did not prevail. So the first portion of the amendment was not adopted.

Senator Rosen withdrew the remainder of her amendment.

H.F. No. 3722 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 43 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Lynch	Prettner Solon	Skogen
Bakk	Doll	Marty	Rest	Sparks
Berglin	Erickson Ropes	Metzen	Rummel	Stumpf
Betzold	Foley	Moua	Saltzman	Tomassoni
Bonoff	Higgins	Murphy	Saxhaug	Torres Ray
Carlson	Kubly	Olseen	Scheid	Vickerman
Chaudhary	Langseth	Olson, M.	Sheran	Wiger
Clark	Latz	Pappas	Sieben	
Dahle	Lourey	Pogemiller	Skoe	

Those who voted in the negative were:

Day	Gimse	Koch	Pariseau	Wergin
Dille	Hann	Koering	Robling	
Fischbach	Ingebrigtsen	Limmer	Rosen	
Frederickson	Johnson	Michel	Senjem	
Gerlach	Jungbauer	Olson, G.	Vanderveer	

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

SPECIAL ORDER

S.F. No. 3168: A bill for an act relating to human services; amending health care services provisions; making changes to general assistance medical care, medical assistance, and MinnesotaCare; modifying claims, liens, and treatment of assets; establishing a statewide information exchange; modifying regulation of certain home care service providers; clarifying coverage of community health worker education services; amending Minnesota Statutes 2006, sections 125A.02, subdivision 1; 144A.45, subdivision 1, by adding a subdivision; 256.01, by adding a subdivision; 256B.055, subdivision 12; 256B.056, subdivisions 2, 4a, 11, by adding a subdivision; 256B.057, subdivision 1; 256B.0571, subdivisions 6, 8, 9, 15, by adding a subdivision; 256B.058; 256B.059, subdivisions 1, 1a; 256B.0594; 256B.0595, subdivisions 1, 2, 3, 4, by adding subdivisions; 256B.0625, subdivisions 13g, 13h; 256B.075, subdivision 2; 256B.15, subdivision 4; 256B.69, subdivisions 6, 27; 524.3-803; Minnesota Statutes 2007 Supplement, sections 256B.055, subdivision 14; 256B.0625, subdivision 49; 256D.03, subdivision 3; repealing Minnesota Statutes 2006, section 256B.0571, subdivision 8a; Laws 2003, First Special Session chapter 5, section 11.

Senator Berglin moved to amend S.F. No. 3168, the second engrossment, as follows:

Page 33, line 7, strike the first "or" and after the second comma, insert "or dentist,"

Page 33, line 13, strike the first "or" and after the third comma, insert "or dentist,"

Page 33, after line 15, insert:

"(c) Care coordination and patient education services covered under this subdivision include, but are not limited to, services relating to oral health and dental care."

The motion prevailed. So the amendment was adopted.

Senator Berglin moved to amend S.F. No. 3168, the second engrossment, as follows:

Page 60, line 20, after "ASSISTANCE" insert "AND LICENSING"

Page 60, after line 20, insert:

"Section 1. Minnesota Statutes 2006, section 245C.24, subdivision 2, is amended to read:

Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in paragraph (b), the commissioner may not set aside the disqualification of any individual disqualified pursuant to this chapter, regardless of how much time has passed, if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision 1.

(b) For an individual in the chemical dependency or corrections field who was disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and whose disqualification was set aside prior to July 1, 2005, the commissioner must consider granting a variance pursuant to section 245C.30 for the license holder for a program dealing primarily with adults. A request for reconsideration evaluated under this paragraph must include a letter of recommendation from the license holder that was subject to the prior set-aside decision addressing the individual's quality of care to children or vulnerable adults and the circumstances of the individual's departure from that service.

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

Page 72, lines 4 and 5, reinstate the stricken language

Page 72, line 6, delete the new language and reinstate the stricken language

Page 72, lines 7 and 8, delete the new language

Page 72, line 9, delete everything before the period and before "If" insert "Prior to placing a participant in unpaid work, the county must inform the participant that the participant will be notified if a paid work experience or supported work position becomes available." and after "consents" insert "in writing"

Page 72, line 10, strike "participating" and insert "participate"

Page 78, after line 15, insert:

"Sec. 13. Laws 2007, chapter 147, article 2, section 21, the effective date, is amended to read:

EFFECTIVE DATE. Subdivision 1 is effective February 1, 2008, and subdivision 2 is effective ~~May 1, 2008~~ March 1, 2009."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hann moved to amend S.F. No. 3168, the second engrossment, as follows:

Page 78, after line 15, insert:

"ARTICLE 4

GOALS OF HEALTH CARE REFORM

Section 1. POLICY GOALS OF HEALTH CARE REFORM.

It is the policy and intent of the state of Minnesota to enact and promote consumer-driven, market-based solutions within the health care sector, to achieve the greatest access to the highest quality of care. It is not the intent of this act to shift, in part or in whole, any care provided in the private market to public programs or to a single-payer government-managed system. Any policies enacted must be patient-centered, and offer choice and competition through the free market. Any policies enacted must inform and empower consumer decision-making, prevent health care rationing, provide effective accountability, and advance and provide access to high-quality, affordable care.

ARTICLE 5

INSURANCE REFORM

Section 1. [43A.221] BENEFIT STRUCTURE; HEALTH SAVINGS ACCOUNTS.

(a) The state employee group insurance plan must be structured as a high-deductible health plan that would allow both the employer and participants to qualify under federal law to use health savings accounts to:

- (1) provide open access to health care services and unlimited patient choice;
- (2) save on health care costs by encouraging price comparison shopping; and
- (3) create a tax-free, interest-earning fund for future medical expenses.

(b) The plan must include an option for the employer to contribute at least 60 percent of the cost of the chosen high-deductible health plan and a maximum of 100 percent of the chosen deductible for both single and family coverage per year. Preventive care coverage must be 100 percent covered by the insurance portion of the plan with a waiver of the deductible.

(c) The goal of the employer is to expand coverage through the health savings account for eligible items, including but not limited to:

- (1) all preventive and medical care services;
- (2) eyeglasses, contact lenses, and laser eye surgery;
- (3) preventive and restorative dental procedures, including orthodontics;
- (4) all over-the-counter medications and supplies;
- (5) future long-term care policy premiums; and
- (6) future Medicare Part B premiums.

(d) The goal of the employer is to enable a dramatic reduction in potential out-of-pocket financial liability to the employee with both single and family coverage as compared to the present plan.

(e) The goal of the employer is to eliminate the employee's net out-of-pocket plan liability through the tax-free accumulation of both employee elective pretax payroll contributions, and the accumulation of unused health savings account funds from year to year.

(f) It is the employer's goal to allow for the portability of employee-owned pretax health savings account accumulations into retirement for the purpose of financing health care needs of the retired employee postretirement on a tax-free basis.

(g) Any future premium reductions of the high-deductible health plan shall be reinvested back into employee health savings accounts as a reward for successful efforts in achieving the goals of this new plan.

EFFECTIVE DATE. This section is effective for the insurance plan year beginning January 1, 2010.

Sec. 2. [62J.261] HEALTH COVERAGE MANDATE COST INFORMATION.

The commissioner of commerce shall post, and update at least annually, on the Department of Commerce Web site information for consumers regarding health coverage mandates required under Minnesota law. The information must list separately each current mandate and an estimate of its cost as a percentage of the premium, if available. The estimated cost must be based on the assumption that the benefit would not be covered in the absence of a mandate. A health plan company shall, upon request of the commissioner, provide information it has, if any, regarding the estimated cost of a mandate based upon the health plan company's experience. Cost estimates posted on the Web site may be an average or may specify a range of costs, but must not identify particular health plan companies.

Sec. 3. Minnesota Statutes 2006, section 62J.2930, is amended by adding a subdivision to read:

Subd. 5. Virtual health pretax benefits exchange. The commissioner shall create a Web site to assist employers and employees in obtaining health benefits on a pretax basis. The Web site must focus on providing a cost-effective means of connecting employers and employees with providers of pretax health benefit plans. The Web site must also focus on educating employees and employers on the tax advantage of pretax health benefits.

Sec. 4. [62Q.022] HEALTH PLAN COMPANIES AUTHORIZED IN OTHER STATES.

(a) Health plan companies authorized to issue health coverage in other states may issue health coverage in this state under this section.

(b) Out-of-state health plan companies authorized under this section are not required to provide benefits mandated under the laws of this state in coverage sold to residents of this state.

(c) Each written application for participation in an out-of-state health benefit plan shall contain the following language in boldface type at the beginning of the document: "This policy is primarily governed by the laws of [insert state where the master policy is filed]; therefore, all of the rating laws applicable to policies filed in this state do not apply to this policy, which may result in increases in your premium at renewal that would not be permissible in a Minnesota-approved

policy. Any purchase of individual health insurance should be considered carefully since future medical conditions may make it impossible to qualify for another individual health policy. For information concerning individual health coverage under a Minnesota-approved policy, please consult your insurance agent or the Minnesota Department of Commerce or Minnesota Department of Health."

(d) Each out-of-state health benefit plan shall contain the following language in boldface type at the beginning of the document: "The benefits of this policy providing your coverage are governed primarily by the laws of a state other than Minnesota. While this health benefit plan may provide you a more affordable health insurance policy, it may also provide fewer health benefits than those included as state mandated health benefits in policies in Minnesota. Please consult your insurance agent to determine which state-mandated health benefits are excluded under this policy."

(e) The commissioner of commerce or health, as appropriate, shall be authorized to conduct market conduct and solvency examinations of all out-of-state companies seeking to offer health benefit plans in this state or who have been given approval to offer health benefit plans in this state. Such examinations shall be conducted in the same manner and under the same terms and conditions as for companies located in this state.

(f) The commissioners of commerce and health shall adopt rules necessary to implement this chapter, including, but not limited to, determining which health plan companies located in other states shall be authorized to offer plans to Minnesota residents and determining the manner of approving the health benefit plans offered by such companies.

Sec. 5. [604.111] EMERGENCY HEALTH CARE AND OB/GYN ACTIONS; LIMITS ON DAMAGES.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in paragraphs (b) to (d) have the meanings given them.

(b) "Economic loss" means all harm for which damages are recoverable, other than noneconomic losses.

(c) "Health care provider" has the meaning given in section 541.076, paragraph (a), except that health care provider also includes a physician assistant registered under chapter 147A and ambulance services, medical directors, and personnel regulated under chapter 144E.

(d) "Noneconomic loss" means all nonpecuniary harm for which damages are recoverable, including, but not limited to, pain, disability, disfigurement, embarrassment, emotional distress, and loss of consortium.

Subd. 2. **Limitation.** (a) In an action for injury or death against a health care provider alleging malpractice, error, mistake, or failure to cure, whether based in contract or tort, in which the health care services at issue were provided for:

(1) pregnancy or labor and delivery, including the immediate postpartum period; or

(2) emergency care in the emergency room of a hospital; the amount of damages awarded for noneconomic losses must not exceed \$500,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(b) The limitation imposed by this subdivision must not be disclosed to the trier of fact by any person at trial.

Subd. 3. **Findings.** (a) A court in an action tried without a jury shall make a finding as to noneconomic loss without regard to the limit under subdivision 2. If noneconomic loss in excess of the limit is found, the court shall make any reduction required under this section and shall award as damages for noneconomic loss the lesser of the reduced amount or the limit.

(b) If an action is before a jury, the jury shall make a finding as to noneconomic loss without regard to the limit under subdivision 2. If the jury finds that noneconomic loss exceeds the limit, the court shall make any reduction required under this section and shall award as damages for noneconomic loss the lesser of the reduced amount or the limit.

Subd. 4. **Punitive damages limited.** Punitive, exemplary, and similar damages recoverable against a health care provider in a cause of action described in subdivision 2 must not exceed \$250,000. The jury must not be informed of this limitation.

Subd. 5. **Excessive attorney fees prohibited.** (a) Attorney fees payable by a plaintiff in any cause of action referred to in subdivision 2 must not exceed the following percentage of damages:

- (1) 40 percent of the first \$50,000;
- (2) 33-1/3 percent of the next \$50,000;
- (3) 25 percent of the next \$500,000; plus
- (4) 15 percent of that portion of damages that exceeds \$600,000.

(b) This subdivision applies to the net damages actually recovered by that plaintiff under the cause of action, whether through settlement, alternative dispute resolution, court judgment, or otherwise. "Net damages actually recovered" means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorney's office overhead costs or charges for legal services are not deductible disbursements of costs for such purpose.

(c) A fee agreement that violates this subdivision is void and unenforceable to the extent of the violation.

Subd. 6. **Intentional discriminatory denial of treatment.** Except for the purposes of subdivision 5, an action described in subdivision 2 shall not be construed to include any claim in a civil action that is based solely on intentional denial of medical treatment that a patient is otherwise qualified to receive, against the wishes of a patient, or, if the patient is incompetent, against the wishes of the patient's guardian, on the basis of the patient's present or predicted age, disability, degree of medical dependency, or quality of life.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to actions arising from incidents occurring on or after that date.

ARTICLE 6

STATE HEALTH CARE PROGRAMS AND FINANCING

Section 1. **[256.0122] HEALTH AND HUMAN SERVICES SPENDING TARGETS.**

During each fiscal year, beginning July 1, 2009, the commissioners of health and human services shall manage spending on health and human services programs receiving general fund appropriations to ensure that the annual aggregate spending growth for these programs for the next fiscal year does not exceed spending for the previous fiscal year plus an annual growth rate equal to the change in the Consumer Price Index for all urban consumers (CPI-U). The annual spending growth for specific programs may differ from this aggregate spending target. The commissioners shall take all steps necessary to manage program spending growth to ensure compliance with spending targets, including but not limited to reducing administrative costs and modifying program eligibility, covered services, and grant levels, and shall seek any necessary federal approvals. The commissioners shall annually report to the legislature any actions that have been or will be taken to comply with this section, beginning June 1, 2009, and each June 1 thereafter. The commissioners shall also provide the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and spending with at least seven days' notice of specific actions the commissioners plan to take to comply with this section.

Sec. 2. **[256L.20] MINNESOTACARE FOR MORE FAMILIES PROGRAM.**

Subdivision 1. **Establishment.** The commissioner shall establish the MinnesotaCare for More Families (CMF) program. The commissioner shall implement the program on January 1, 2010, or upon federal approval, whichever is later. Upon implementation, the MinnesotaCare CMF program shall replace MinnesotaCare coverage provided to families and children under this chapter.

Subd. 2. **Eligibility.** Families and children with family income equal to or less than 300 percent of the federal poverty guidelines for the applicable family size are eligible for the MinnesotaCare CMF program. Families and children must meet all other eligibility criteria of this chapter, unless the legislature modifies the eligibility criteria based upon the recommendation of the commissioner under subdivision 7.

Subd. 3. **Program design.** (a) Enrollees covered under the MinnesotaCare CMF program must purchase a high-deductible health plan, and must manage a medical benefit account. Money in the account may be used to pay for health care services subject to a deductible, qualified health care expenses, and other expenses specified by the commissioner.

(b) Covered services under the program consist of all comprehensive health maintenance services covered under a standard HMO contract, as defined under section 62D.02, subdivision 7, and Minnesota Rules, chapter 4685.

Subd. 4. **Premiums.** Families and children shall pay a premium based on the sliding scale specified in section 256L.15, except that the commissioner shall extend the premium scale to include families and children with income up to 300 percent of the federal poverty guidelines.

Subd. 5. **Program criteria.** (a) The MinnesotaCare CMF program must meet the criteria specified in this subdivision.

(b) Payments to health care providers for covered services must be substantially equivalent to the average payment paid to providers by health plan companies in the private sector.

(c) The high-deductible health plan purchased by an enrollee must be a plan approved by the commissioner prior to purchase as in compliance with this section and must meet requirements of

the Internal Revenue Code, sections 220 and 223, and related federal regulations.

(d) The high-deductible health plan must be linked to a health savings account that qualifies under sections 220 and 223 of the Internal Revenue Code. The commissioner shall recommend to the legislature any special administrative or other provisions necessary regarding access by enrollees to those accounts.

(e) The MinnesotaCare CMF program shall deposit a minimum of 50 percent of the enrollee deductible into each health savings account for each year, which must comply with federal limits and other provisions. Funds in the account may be used to cover deductibles, co-pays, coinsurance, and other enrollee out-of-pocket costs, and amounts not so spent may accumulate from year to year and accrue earnings from investments.

(f) The MinnesotaCare CMF program shall subsidize the premium for the enrollee's high-deductible health plan based upon the sliding fee scale referenced in subdivision 4.

(g) The program must be designed to achieve a balance of affordability, access to care, choice of providers, and incentives to use health care in a cost-effective manner.

Subd. 6. **Waivers and federal approval.** The commissioner shall seek all necessary federal approvals to implement the MinnesotaCare CMF program and to use federal medical assistance and state children's health insurance program dollars to pay for services covered under the MinnesotaCare CMF program.

Subd. 7. **Legislative changes.** The commissioner shall present to the legislature, by December 15, 2008, all legislative changes necessary to implement the MinnesotaCare CMF program.

Sec. 3. Minnesota Statutes 2006, section 295.52, is amended by adding a subdivision to read:

Subd. 8. **Contingent reduction in tax rate.** On September 1 of each odd-numbered year, beginning September 1, 2009, the commissioner of finance shall determine the projected balance of the health care access fund at the end of the current biennium, based on the most recent February forecast adjusted for any legislative session changes. If the commissioner of finance projects a surplus in the health care access fund at the end of the current biennium, the commissioner of finance, in consultation with the commissioners of health and human services, shall reduce the tax rates specified in subdivisions 1, 1a, 2, 3, and 4 in one-tenth of one percent increments, making the largest reduction in tax rates consistent with ensuring that the health care access fund retains a surplus at the end of the current biennium. The reduced tax rates take effect on the January 1 that immediately follows the September 1 on which the commissioner of finance determines the projected balance and shall remain in effect for two tax years. The tax rates specified in subdivisions 1, 1a, 2, 3, and 4 apply for subsequent tax years, unless the commissioner of finance, based on a determination of the projected balance of the health care access fund made on September 1 of an odd-numbered year, reduces the tax rates. If the commissioner of finance does not project a surplus in the health care access fund at the end of the current biennium, the tax rates specified in subdivisions 1, 1a, 2, 3, and 4 continue to apply. The commissioner of finance shall publish in the State Register by October 1 of each odd-numbered year the amount of tax to be imposed for the next two calendar years.

ARTICLE 7

TAX CHANGES

Section 1. Minnesota Statutes 2007 Supplement, section 290.01, subdivision 19b, as amended by Laws 2008, chapter 154, article 3, section 3, and Laws 2008, chapter 154, article 11, section 11, is amended to read:

Subd. 19b. **Subtractions from federal taxable income.** For individuals, estates, and trusts, there shall be subtracted from federal taxable income:

(1) net interest income on obligations of any authority, commission, or instrumentality of the United States to the extent includable in taxable income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) if included in federal taxable income, the amount of any overpayment of income tax to Minnesota or to any other state, for any previous taxable year, whether the amount is received as a refund or as a credit to another taxable year's income tax liability;

(3) the amount paid to others, less the amount used to claim the credit allowed under section 290.0674, not to exceed \$1,625 for each qualifying child in grades kindergarten to 6 and \$2,500 for each qualifying child in grades 7 to 12, for tuition, textbooks, and transportation of each qualifying child in attending an elementary or secondary school situated in Minnesota, North Dakota, South Dakota, Iowa, or Wisconsin, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, which is not operated for profit, and which adheres to the provisions of the Civil Rights Act of 1964 and chapter 363A. For the purposes of this clause, "tuition" includes fees or tuition as defined in section 290.0674, subdivision 1, clause (1). As used in this clause, "textbooks" includes books and other instructional materials and equipment purchased or leased for use in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state. Equipment expenses qualifying for deduction includes expenses as defined and limited in section 290.0674, subdivision 1, clause (3). "Textbooks" does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to instill such tenets, doctrines, or worship, nor does it include books or materials for, or transportation to, extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or similar programs. For purposes of the subtraction provided by this clause, "qualifying child" has the meaning given in section 32(c)(3) of the Internal Revenue Code;

(4) income as provided under section 290.0802;

(5) to the extent included in federal adjusted gross income, income realized on disposition of property exempt from tax under section 290.491;

(6) to the extent not deducted or not deductible pursuant to section 408(d)(8)(E) of the Internal Revenue Code in determining federal taxable income by an individual who does not itemize deductions for federal income tax purposes for the taxable year, an amount equal to 50 percent of the excess of charitable contributions over \$500 allowable as a deduction for the taxable year under section 170(a) of the Internal Revenue Code and under the provisions of Public Law 109-1;

(7) for taxable years beginning before January 1, 2008, the amount of the federal small ethanol producer credit allowed under section 40(a)(3) of the Internal Revenue Code which is included in gross income under section 87 of the Internal Revenue Code;

(8) for individuals who are allowed a federal foreign tax credit for taxes that do not qualify

for a credit under section 290.06, subdivision 22, an amount equal to the carryover of subnational foreign taxes for the taxable year, but not to exceed the total subnational foreign taxes reported in claiming the foreign tax credit. For purposes of this clause, "federal foreign tax credit" means the credit allowed under section 27 of the Internal Revenue Code, and "carryover of subnational foreign taxes" equals the carryover allowed under section 904(c) of the Internal Revenue Code minus national level foreign taxes to the extent they exceed the federal foreign tax credit;

(9) in each of the five tax years immediately following the tax year in which an addition is required under subdivision 19a, clause (7), or 19c, clause (14), in the case of a shareholder of a corporation that is an S corporation, an amount equal to one-fifth of the delayed depreciation. For purposes of this clause, "delayed depreciation" means the amount of the addition made by the taxpayer under subdivision 19a, clause (7), or subdivision 19c, clause (14), in the case of a shareholder of an S corporation, minus the positive value of any net operating loss under section 172 of the Internal Revenue Code generated for the tax year of the addition. The resulting delayed depreciation cannot be less than zero;

(10) job opportunity building zone income as provided under section 469.316;

(11) to the extent included in federal taxable income, the amount of compensation paid to members of the Minnesota National Guard or other reserve components of the United States military for active service performed in Minnesota, excluding compensation for services performed under the Active Guard Reserve (AGR) program. For purposes of this clause, "active service" means (i) state active service as defined in section 190.05, subdivision 5a, clause (1); (ii) federally funded state active service as defined in section 190.05, subdivision 5b; or (iii) federal active service as defined in section 190.05, subdivision 5c, but "active service" excludes services performed exclusively for purposes of basic combat training, advanced individual training, annual training, and periodic inactive duty training; special training periodically made available to reserve members; and service performed in accordance with section 190.08, subdivision 3;

(12) to the extent included in federal taxable income, the amount of compensation paid to Minnesota residents who are members of the armed forces of the United States or United Nations for active duty performed outside Minnesota under United States Code, title 10, section 101(d); United States Code, title 32, section 101(12); or the authority of the United Nations;

(13) an amount, not to exceed \$10,000, equal to qualified expenses related to a qualified donor's donation, while living, of one or more of the qualified donor's organs to another person for human organ transplantation. For purposes of this clause, "organ" means all or part of an individual's liver, pancreas, kidney, intestine, lung, or bone marrow; "human organ transplantation" means the medical procedure by which transfer of a human organ is made from the body of one person to the body of another person; "qualified expenses" means unreimbursed expenses for both the individual and the qualified donor for (i) travel, (ii) lodging, and (iii) lost wages net of sick pay, except that such expenses may be subtracted under this clause only once; and "qualified donor" means the individual or the individual's dependent, as defined in section 152 of the Internal Revenue Code. An individual may claim the subtraction in this clause for each instance of organ donation for transplantation during the taxable year in which the qualified expenses occur;

(14) in each of the five tax years immediately following the tax year in which an addition is required under subdivision 19a, clause (8), or 19c, clause (15), in the case of a shareholder of a corporation that is an S corporation, an amount equal to one-fifth of the addition made by the

taxpayer under subdivision 19a, clause (8), or 19c, clause (15), in the case of a shareholder of a corporation that is an S corporation, minus the positive value of any net operating loss under section 172 of the Internal Revenue Code generated for the tax year of the addition. If the net operating loss exceeds the addition for the tax year, a subtraction is not allowed under this clause;

(15) to the extent included in federal taxable income, compensation paid to a nonresident who is a service member as defined in United States Code, title 10, section 101(a)(5), for military service as defined in the Service Member Civil Relief Act, Public Law 108-189, section 101(2); ~~and~~

(16) international economic development zone income as provided under section 469.325-; and

(17) to the extent not deducted in computing or otherwise excluded from federal taxable income or used to compute the credit under section 290.0672 or 290.0678, amounts paid during the taxable year for insurance as defined in section 213(d)(1)(D) of the Internal Revenue Code.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2007.

Sec. 2. Minnesota Statutes 2006, section 290.0672, subdivision 2, is amended to read:

Subd. 2. **Credit.** A taxpayer is allowed a credit against the tax imposed by this chapter for long-term care insurance policy premiums paid during the tax year. The credit for each policy equals 25 percent of premiums paid to the extent not deducted in determining federal taxable income. A taxpayer may claim a credit for only one policy for each qualified beneficiary. A maximum of ~~\$100~~ \$1,000 applies to each qualified beneficiary. The maximum total credit allowed per year is ~~\$200~~ \$2,000 for married couples filing joint returns and ~~\$100~~ \$1,000 for all other filers. For a nonresident or part-year resident, the credit determined under this section must be allocated based on the percentage calculated under section 290.06, subdivision 2c, paragraph (e).

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2007.

Sec. 3. **[290.0678] HEALTH CARE AND HEALTH COVERAGE CREDIT.**

Subdivision 1. **Definitions.** (a) "Health insurance premiums" means insurance as defined in section 213(d)(1)(D) of the Internal Revenue Code.

(b) "Medical expenses" means expenditures that qualify for a deduction under section 213 of the Internal Revenue Code, other than health insurance premiums.

(c) "Paid" means expenditures by the taxpayer on behalf of the taxpayer, the taxpayer's spouse, or the taxpayer's tax-qualified dependents, and not reimbursed by any other person or paid by an employee from income on which income tax was not paid.

Subd. 2. **Credit.** (a) A taxpayer is allowed a credit against the tax imposed by this chapter of 50 percent of:

(1) medical expenses paid; and

(2) health insurance premiums paid.

(b) The credit does not apply to amounts deducted in determining federal taxable income or used

as a deduction or as another credit against the tax imposed by this chapter.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2007.

Sec. 4. **REPEALER.**

Minnesota Statutes 2007 Supplement, section 256.962, subdivision 6, is repealed.

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

Amend the title accordingly

Senator Berglin questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Rosen moved to amend S.F. No. 3168, the second engrossment, as follows:

Page 46, after line 12, insert:

"Sec. 42. **NURSING FACILITY RATE DISPARITY REPORT.**

The commissioner of human services shall study and report to the legislature by January 15, 2009, with recommendations to reduce rate disparities between nursing facilities in various regions of the state. The recommendations shall include cost estimates and may include a phase-in schedule. The study shall be accomplished using existing resources."

Renumber the sections in sequence and correct the internal references

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

Senator Wergin moved to amend S.F. No. 3168, the second engrossment, as follows:

Page 3, after line 21, insert:

"Sec. 4. **[145.1622] NOTIFICATION OF DISPOSITION OPTIONS REQUIRED.**

Subdivision 1. **Citation.** This section may be cited as the "Grieving Parents Act."

Subd. 2. **Notification required.** Hospitals, clinics, and medical facilities having custody of a fetus following a miscarriage must provide notification to the mother of her right to arrange for the burial or cremation of the fetus. The notification may also include other options.

Subd. 3. **Election of disposition.** If, within 24 hours of receiving notification, the mother elects to arrange for the burial or cremation of the fetus, the hospital, clinic, or medical facility must release the remains for burial or cremation following all applicable requirements.

EFFECTIVE DATE. This section is effective July 1, 2008."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Wergin moved to amend S.F. No. 3168, the second engrossment, as follows:

Page 3, after line 21, insert:

"Sec. 4. **[145.417] SALINE AMNIOCENTESIS ABORTION FUNDING BAN.**

Subdivision 1. **Provisions related to saline amniocentesis abortion.** The following provisions shall apply to each provision in this act relating to saline amniocentesis abortion:

(1) none of the funds appropriated under this act, nor in any trust fund to which funds are appropriated under this act, shall be expended for any saline amniocentesis abortion;

(2) none of the funds appropriated under this act, nor in any trust fund to which funds are appropriated under this act, shall be expended for health benefits coverage that includes coverage for any saline amniocentesis abortion;

(3) the term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement; and

(4) the term "saline amniocentesis abortion" means an abortion whereby a saline solution is inserted into the amniotic sac for the purpose of killing the unborn child and artificially inducing labor.

Subd. 2. **Severability.** If any one or more provision, section, subdivision, paragraph, sentence, clause, phrase, or word of this act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this act shall remain effective notwithstanding such unconstitutionality. The legislature hereby declares that it would have passed this act, and each provision, section, subdivision, paragraph, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provision, section, subdivision, paragraph, sentence, clause, phrase, or word be declared unconstitutional.

Subd. 3. **Supreme Court jurisdiction.** The Minnesota Supreme Court has original jurisdiction over an action challenging the constitutionality of this section and shall expedite the resolution of the action."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Berglin questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Senjem appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 36 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Lynch	Prettner Solon	Skoe
Bakk	Doll	Marty	Rest	Tomassoni
Berglin	Erickson Ropes	Metzen	Rummel	Torres Ray
Betzold	Foley	Moua	Saltzman	Wiger
Bonoff	Higgins	Murphy	Saxhaug	
Carlson	Larson	Olseen	Scheid	
Chaudhary	Latz	Pappas	Sheran	
Dahle	Lourey	Pogemiller	Sieben	

Those who voted in the negative were:

Day	Hann	Kubly	Pariseau	Stumpf
Dille	Ingebrigtsen	Langseth	Robling	Vandever
Fischbach	Johnson	Limmer	Rosen	Vickerman
Frederickson	Jungbauer	Michel	Senjem	Wergin
Gerlach	Koch	Olson, G.	Skogen	
Gimse	Koering	Olson, M.	Sparks	

So the decision of the President was sustained.

Senator Koch moved to amend S.F. No. 3168, the second engrossment, as follows:

Page 34, after line 14, insert:

"Sec. 34. **[256B.401] FUNDING FOR SALINE AMNIOCENTESIS ABORTIONS PROHIBITED.**

Subdivision 1. **Use of funding.** Funding for state-sponsored health programs shall not be used for funding saline amniocentesis abortions, except to the extent necessary for continued participation in a federal program. For purposes of this section, a "saline amniocentesis abortion" means an abortion whereby a saline solution is inserted into the amniotic sac for the purpose of killing the unborn child and artificially inducing labor.

Subd. 2. **Supreme Court jurisdiction.** The Minnesota Supreme Court has original jurisdiction over an action challenging the constitutionality of this section and shall expedite the resolution of the action."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Day	Hann	Kubly	Pariseau	Vandever
Dille	Ingebrigtsen	Langseth	Robling	Vickerman
Fischbach	Johnson	Limmer	Rosen	Wergin
Frederickson	Jungbauer	Michel	Senjem	
Gerlach	Koch	Olson, G.	Skogen	
Gimse	Koering	Olson, M.	Stumpf	

Those who voted in the negative were:

Anderson	Dahle	Lourey	Prettner Solon	Skoe
Bakk	Dibble	Marty	Rest	Sparks
Berglin	Doll	Metzen	Rummel	Tomassoni
Betzold	Erickson Ropes	Moua	Saltzman	Torres Ray
Bonoff	Foley	Murphy	Saxhaug	Wiger
Carlson	Higgins	Olseen	Scheid	
Chaudhary	Larson	Pappas	Sheran	
Clark	Latz	Pogemiller	Sieben	

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

S.F. No. 3168 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 55 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Fischbach	Hann	Johnson	Limmer	Vandever
Gerlach	Ingebrigtsen	Jungbauer	Michel	

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

Senator Berglin moved that S.F. No. 3168 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 2651: A bill for an act relating to natural resources; creating a Minnesota forests for the future program; establishing a revolving account; providing for alternative recording of state forest roads; providing for certain wetland banking credits; modifying appropriations; providing for relocation of certain forestry office; providing for expedited exchanges of public land; appropriating money; amending Minnesota Statutes 2006, section 89.715; Laws 2007, chapter 57, article 1, section 4, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 84; 94; 103G.

Senator Saxhaug moved to amend S.F. No. 2651 as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 2006, section 16B.281, subdivision 3, is amended to read:

Subd. 3. **Notice to agencies; determination of surplus.** ~~On or before October 1 of each year, the commissioner shall review the certifications of heads of each department or agency provided for in this section.~~ The commissioner of administration shall send written notice to all state departments, agencies, and the University of Minnesota describing any lands or tracts that may be declared surplus. If a department or agency or the University of Minnesota desires custody of the lands or tracts, it shall submit a written request to the commissioner, no later than four calendar weeks after mailing of the notice, setting forth in detail its reasons for desiring to acquire and its intended use of the land or tract. The commissioner shall then determine whether any of the lands described ~~in the certifications of the heads of the departments or agencies~~ should be declared surplus and offered for sale or otherwise disposed of by transferring custodial control to other requesting state departments or agencies or to the Board of Regents of the University of Minnesota for educational purposes, provided however that transfer to the Board of Regents shall not be determinative of tax exemption or immunity. If the commissioner determines that any of the lands are no longer needed for state purposes, the commissioner shall make findings of fact, describe the lands, declare the lands to be surplus state land, and state the reasons for the sale or disposition of the lands, ~~and notify the Executive Council of the determination.~~

Sec. 2. Minnesota Statutes 2006, section 16B.282, is amended to read:

16B.282 SURVEYS, APPRAISALS, AND SALE.

Subdivision 1. **Appraisal; notice and offer to public bodies.** (a) Before offering any surplus state-owned lands for sale, the commissioner of administration may survey the lands and, if the value of the lands is estimated to be \$40,000 \$50,000 or less, may have the lands appraised. The commissioner shall have the lands appraised if the estimated value is in excess of \$40,000 \$50,000.

(b) ~~The appraiser shall, before entering upon the duties of the office, take and subscribe an oath that the appraiser will faithfully and impartially discharge the duties of appraiser according to the best of the appraiser's ability and that the appraiser is not interested, directly or indirectly, in any of the lands to be appraised or the timber or improvements on the lands or in the purchase of the lands, timber, or improvements and has entered into no agreement or combination to purchase any of the lands, timber, or improvements. The oath shall be attached to the appraisal report. Appraisals must be made by an appraiser that holds a state appraiser license issued by the Department of Commerce. The appraisal must be in conformity with the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.~~

(c) Before offering surplus state-owned lands for public sale, the lands shall first be offered to the city, county, town, school district, or other public body corporate or politic in which the lands are situated for public purposes and the lands may be sold for public purposes for not less than the appraised value of the lands. To determine whether a public body desires to purchase the surplus land, the commissioner shall give a written notice to the governing body of each political subdivision whose jurisdictional boundaries include or are adjacent to the surplus land. If a public body desires to purchase the surplus land, it shall submit a written offer to the commissioner no later than two weeks after receipt of notice setting forth in detail its reasons for desiring to acquire and its intended

use of the land. In the event that more than one public body tenders an offer, the commissioner shall determine which party shall receive the property and shall submit written findings regarding the decision. If lands are offered for sale for public purposes and if a public body notifies the commissioner of its desire to acquire the lands, the public body may have up to two years from the date of the accepted offer to commence payment for the lands in the manner provided by law.

~~Subd. 2. **Public sale requirements.** (a) Lands certified as surplus by the head of a department or agency under section 16B.281 shall be offered for public sale by the commissioner as provided in this subdivision. After complying with subdivision 1 and before any public sale of surplus state-owned land is made and at least 30 days before the sale, the commissioner of administration shall publish a notice of the sale at least once each week for four successive weeks in a legal newspaper and also in a newspaper of general distribution in the city or county in which the real property to be sold is situated. The notice shall specify the time and place at which the sale will commence, a general description of the lots or tracts to be offered, and a general statement of the terms of sale. Each tract or lot shall be sold separately and shall be sold for no less than its appraised value.~~

~~(b) Surplus state-owned land shall be sold for no less than the estimated or appraised value. The minimum bid may include expenses incurred by the commissioner in rendering the property saleable, including survey, appraisal, legal, advertising, and other expenses.~~

~~(c) Parcels remaining unsold after the offering may be sold to anyone agreeing to pay the appraised value. The sale shall continue until all parcels are sold or until the commissioner orders a reappraisal or withdraws the remaining parcels from sale.~~

~~(e) Except as provided in section 16B.283, the cost of any survey or appraisal as provided in subdivision 1 shall be added to and made a part of the appraised value of the lands to be sold, whether to any political subdivision of the state or to a private purchaser as provided in this subdivision.~~

Sec. 3. Minnesota Statutes 2006, section 16B.283, is amended to read:

16B.283 TERMS OF PAYMENT.

~~No less than ten percent of the purchase price shall be paid at the time of sale with the balance payable according to this section. If the purchase price of any lot or parcel is \$5,000 or less, the balance shall be paid within 90 days of the date of sale. If the purchase price of any lot or parcel is in excess of \$5,000, the balance shall be paid in equal annual installments for no more than five years, at the option of the purchaser, with principal and interest payable annually in advance at a rate equal to the rate in effect at the time under section 549.09 on the unpaid balance, payable to the state treasury on or before June 1 each year. Any installment of principal or interest may be prepaid. The purchaser must pay at the time of sale ten percent of the total amount bid and the remainder of the payment is due within 90 days of the sale date. A person who fails to make final payment within 90 days of the sale date is in default. On default, all right, title, and interest of the purchaser or heirs, representatives, or assigns of the purchaser in the premises shall terminate without the state doing any act or thing. A record of the default must be made in the state land records of the commissioner.~~

Sec. 4. Minnesota Statutes 2006, section 16B.284, is amended to read:

16B.284 CONTRACT FOR DEED AND QUITCLAIM DEED.

~~In the event a purchaser elects to purchase surplus real property on an installment basis, the commissioner shall enter into a contract for deed with the purchaser, in which shall be set forth the~~

~~description of the real property sold and the price of the property, the consideration paid and to be paid for the property, the rate of interest, and time and terms of payment. The contract for deed shall be made assignable and shall further set forth that in case of the nonpayment of the annual principal or interest payment due by the purchaser, or any person claiming under the purchaser, then the contract for deed, from the time of the failure, is entirely void and of no effect and the state may be repossessed of the lot or tract and may resell the lot or tract as provided in sections 16B.281 to 16B.287. In the event the terms and conditions of a contract for deed are completely fulfilled or if a purchaser makes a lump sum payment for the subject property in lieu of entering into a contract for deed, The commissioner of administration shall sign and cause to be issued a quitclaim deed on behalf of the state. The quitclaim deed shall be in a form prescribed by the attorney general and shall vest in the purchaser all of the state's interest in the subject property except as provided in section 16B.285 or 16B.286.~~

Sec. 5. Minnesota Statutes 2006, section 16B.287, subdivision 2, is amended to read:

Subd. 2. **Payment of expenses.** A portion of the proceeds from the sale equal in amount to the survey, appraisal, legal, advertising, and other expenses incurred by the commissioner of administration or other state official in rendering the property salable shall be remitted to the account from which the expenses were paid and are appropriated and immediately available for expenditure in the same manner as other money in the account."

Pages 8 to 12, delete sections 6 and 7 and insert:

"Sec. 11. FOREST MANAGEMENT INVESTMENT ACCOUNT UNALLOTMENTS; FISCAL YEARS 2008 AND 2009.

In addition to the requirements under Minnesota Statutes, section 16A.152, for fiscal years 2008 and 2009, the commissioner of natural resources shall consult with the chairs and ranking minority members of the house and senate environment and natural resources finance divisions on proposed allotment reductions from appropriations from the forest management investment account. The commissioner shall notify the chairs and ranking minority members of the divisions of the proposed allotment reductions at least 30 days prior to taking action on the reductions. The commissioner must also provide quarterly forest management investment account fund statements, including a report on the methodology used in calculating the revenue forecasts.

Sec. 12. REPEALER.

Minnesota Statutes 2006, sections 16B.281, subdivisions 2, 4, and 5; and 16B.285, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Skogen moved to amend S.F. No. 2651 as follows:

Page 8, after line 16, insert:

"Sec. 6. Minnesota Statutes 2006, section 325D.55, subdivision 1, is amended to read:

Subdivision 1. **Labor, electrical, agricultural, or horticultural organizations.** Nothing

contained in sections 325D.49 to 325D.66, shall be construed to forbid the existence or operation of labor, electrical, agricultural, or horticultural organizations, including organizations that operate aquatic farms, as defined in section 17.47, subdivision 3, that are instituted for the purpose of mutual help, and not conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the provisions of sections 325D.49 to 325D.66, when lawfully carrying out the legitimate objects hereof."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Chaudhary moved to amend S.F. No. 2651 as follows:

Page 1, after line 10, insert:

**"ARTICLE 1
STATE LANDS"**

Page 12, after line 23, insert:

**"ARTICLE 2
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 17.4988, subdivision 3, is amended to read:

Subd. 3. **Inspection fees.** ~~The fees for the following inspections are:~~ The commissioner may, by written order published in the State Register, establish fees for the services listed in clauses (1) to (3). The fees must be set in an amount that does not recover significantly more or less than the cost of providing the service. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The services covered under this provision include:

(1) initial inspection of each water to be licensed, \$50;

(2) fish health inspection and certification, \$60 plus \$150 per lot thereafter including initial tissue sample collection, basic fish health assessment, viral pathogen testing, and bacteriological testing; and

(3) initial inspection for containment and quarantine facility inspections, \$100.

Sec. 10. 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. 11. 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. 12. 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. 13. 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. 14. 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. 15. 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. 16. 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. 17. 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. 18. 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. The commissioner, with the approval of the Board of Animal

Health, may enter any lands to carry out the duties and functions of this section and may dispose of or destroy wild animals found on those lands to control the spread of bovine tuberculosis.

(b) The commissioner shall restrict wildlife feeding within a 15-mile radius of a cattle herd that is infected with bovine tuberculosis the Board of Animal Health's proposed modified accredited zone. In addition to any other penalties provided by law, a person who violates the restrictions on wildlife feeding under this paragraph may not obtain a hunting license to take a wild animal for two years after the date of conviction.

(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.

(d) If the commissioner determines that a disease in wildlife in this state presents a substantial and imminent threat to the state's wildlife or to livestock or human health, the commissioner may declare an emergency under this section for purposes of establishing wildlife disease management zones to prevent the spread of disease and carry out the functions of this section. In an established wildlife disease management zone, the following restrictions on wildlife feeding activities are in effect:

(1) except as provided in clauses (2) and (3), a person may not place or distribute feed in an area frequented by deer or elk or knowingly allow another person to place or distribute feed on property under the person's ownership or lease. For purposes of this paragraph, "feed" means grains, fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer or elk. Liquid scents are not feed;

(2) unless otherwise prescribed by the commissioner, wildlife feeding is allowed if the feed is placed in such a manner as to exclude access to deer and elk or the feed is placed at least six feet above the ground; and

(3) the prohibition in clause (1) does not apply to feed that is present solely as a result of normal agriculture, forest management, or wildlife feed planting practices. It also does not apply to feed that is for agricultural or livestock purposes if the feed is:

(i) placed for domestic livestock that are present and actively consuming the feed on a daily basis;

(ii) covered to deter deer or elk from gaining access to the feed; or

(iii) stored consistently with normal agricultural practices.

Sec. 19. 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. 20. 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. 21. [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. 22. 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. 23. 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. 24. 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. 25. 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. 26. 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. 27. 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. 28. 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. 29. 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. 30. 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. 31. 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. 32. 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. 33. 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. 34. 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. 35. 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. 36. 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. 37. 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. 38. 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. 39. 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. 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 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. 42. 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. 43. 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. 44. 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. 45. 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. 46. 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. 47. 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. 48. 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. 49. 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. 50. 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. 51. 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. 52. 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. 53. 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. 54. 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. 55. Minnesota Statutes 2007 Supplement, section 97B.328, is amended to read:

97B.328 BAITING PROHIBITED.

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

- (1) with the aid or use of bait or feed; or
- (2) in the vicinity of bait or feed if the person knows or has reason to know that bait or feed is present; ~~or~~
- ~~(3) in the vicinity of where the person has placed bait or caused bait to be placed within the previous ten days.~~

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

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

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

~~(4) Food resulting from normal or accepted farming, forest management, wildlife food plantings, orchard management, or other similar land management activities; or is not bait or feed.~~

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

Subd. 3. **Nighttime hunting restrictions.** To take raccoons between sunset and 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. 57. **[97B.673] EFFECTS OF LEAD SHOT ON UPLAND SMALL GAME; STUDY.**

The commissioner of natural resources shall study the environmental and human health effects of the use of lead shot on upland small game, including, but not limited to, pheasant, turkey, grouse, prairie chicken, and rabbit. By February 1, 2009, the commissioner shall provide information, reports, and recommendations to the senate and house committees with jurisdiction on natural resources policy relating to the effects of lead shot on upland small game.

Sec. 58. 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. 59. 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. 60. 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. 61. **97C.303] CONSERVATION ANGLING LICENSE.**

Subdivision 1. **Availability.** The commissioner shall make available a conservation angling license according to this section. Conservation angling licenses shall be offered for resident and nonresident individuals, resident married couples, nonresident married couples valid for 14 consecutive days, and nonresident families.

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

Subd. 3. **License fee.** The fee for a conservation angling license issued under this section is two-thirds of the corresponding standard angling license fee under section 97A.475, subdivision 6 or 7, rounded to the nearest whole dollar.

Sec. 62. 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. 63. 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. 64. 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. 65. 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. 66. 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. 67. 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. 68. 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. 69. 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. 70. 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. 71. 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. 72. **MASTER ANGLER PROPOSAL; APPROPRIATION.**

(a) 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.

(b) \$10,000 in fiscal year 2009 from the game and fish fund is appropriated to the commissioner of natural resources for development of the proposal in paragraph (a).

Sec. 73. **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. 74. **WALLEYE STOCKING.**

\$35,000 is appropriated from the game and fish fund in fiscal year 2009 to the commissioner of natural resources to stock up to 25,000,000 additional walleye fry in calendar year 2009 and up to 25,000,000 additional walleye fry in calendar year 2010. This is a onetime appropriation.

Sec. 75. **APPROPRIATION.**

\$123,000 in fiscal year 2008 and \$246,000 in fiscal year 2009 from the game and fish fund are

appropriated to the commissioner of natural resources to implement fish virus surveillance, prepare infrastructure to handle possible outbreaks, and implement control procedures for highest risk waters and fish production operations.

Sec. 76. **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. 77. **EFFECTIVE DATE.**

Sections 1 to 76 are effective the day following final enactment."

Amend the title accordingly

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 2651. The Sergeant at Arms was instructed to bring in the absent members.

Senator Betzold moved to amend the Chaudhary amendment to S.F. No. 2651 as follows:

Page 17, delete section 25

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the Betzold amendment to the Chaudhary amendment.

The roll was called, and there were yeas 43 and nays 21, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Larson	Ortman	Sparks
Betzold	Gimse	Latz	Pariseau	Tomassoni
Bonoff	Hann	Limmer	Robling	Torres Ray
Carlson	Ingebrigtsen	Lynch	Rosen	Vandever
Clark	Johnson	Metzen	Saltzman	Vickerman
Cohen	Jungbauer	Michel	Senjem	Wergin
Dahle	Koch	Murphy	Sheran	Wiger
Day	Koering	Olseen	Skoe	
Fischbach	Langseth	Olson, G.	Skogen	

Those who voted in the negative were:

Anderson	Doll	Kubly	Prettner Solon	Stumpf
Berglin	Erickson Ropes	Lourey	Rest	
Chaudhary	Foley	Marty	Saxhaug	
Dibble	Frederickson	Moua	Scheid	
Dille	Higgins	Olson, M.	Sieben	

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

The question recurred on the adoption of the Chaudhary amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Anderson moved to amend S.F. No. 2651 as follows:

Page 8, delete section 5 and insert:

"Sec. 5. [103G.2251] STATE CONSERVATION EASEMENTS; WETLAND BANK CREDIT.

In greater than 80 percent areas, preservation of wetlands owned by a local unit of government, protected by a permanent conservation easement as defined under section 84C.01 and held by the board, may be eligible for wetland replacement or mitigation credits, according to rules adopted by the board. To be eligible for credit under this section, a conservation easement must be established after enactment of this section and approved by the board."

The motion prevailed. So the amendment was adopted.

Senator Skogen moved to amend S.F. No. 2651 as follows:

Page 4, after line 8, insert:

"Sec. 3. 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. 4. 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. 5. 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."

Page 8, after line 16, insert:

"Sec. 9. Laws 2005, chapter 161, section 25, is amended to read:

Sec. 25. EASEMENT ON STATE LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.

(a) The commissioner of natural resources shall issue an easement on land bordering public water that is described in paragraph (c). The easement shall be issued to the ~~current~~ owners of Lots 7 and 8, Block 2 of Demontreville Highlands and Lots 2, 3, 4, and 5, Block 1, Demontreville Highlands 5th Addition. The easement is for the purpose of the easement holders jointly erecting and maintaining one dock from the property described in paragraph (c). The dock may not exceed 30 feet in length and six feet in width and overnight mooring of watercraft is prohibited.

(b) The easement must be in a form approved by the attorney general for consideration of the

easement preparation and recording costs. The attorney general may make necessary changes in the legal description to correct errors and ensure accuracy. ~~The easement will expire as to each owner when they convey their ownership interest in the property described in paragraph (a).~~

(c) The land upon which an easement is to be issued is located in Washington County and is described as: Part of Government Lot 6, Section 5, Township 29 North, Range 21 West, being the South 45 feet lying East of the existing centerline of Demontreville Trail North subject to easements of record.

Sec. 10. 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."

Page 12, after line 19, insert:

"Sec. 12. **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. 13. 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. 14. **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. 15. **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. 16. **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. 17. **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. 18. **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. 19. 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. 20. 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. 21. 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. 22. 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. 23. 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. 24. 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. 25. 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. 26. 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. 27. 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. 28. 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. 29. 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. 30. 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. 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:

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. 32. 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. 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 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. 34. 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. 35. 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. 36. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

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

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

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

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. 37. 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. 38. 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. 39. 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. 40. 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. 41. 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. 42. 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. 43. 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. 44. 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. 45. 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. 46. 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. 47. 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. 48. 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. 49. PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, St. Louis County may sell the tax-forfeited land bordering public water that is described in paragraph (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. 50. 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. 51. 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. 52. PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.

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

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

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

(1) that part of the South 200 feet of the West 900 feet of Government Lot 4 lying east of State

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

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

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

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

Sec. 53. 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. 54. 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. 55. 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."

Page 12, after line 23, insert:

"Sec. 57. **EFFECTIVE DATE.**

This act is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2651 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Saxhaug moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Chaudhary be shown as chief author to S.F. No. 2651. The motion prevailed.

SUSPENSION OF RULES

Senator Pogemiller moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 3385 and that the rules of the Senate be so far suspended as to give S.F. No. 3385, now on General Orders, its third reading and place it on its final passage.

CALL OF THE SENATE

Senator Pogemiller imposed a call of the Senate for the balance of the proceedings on S.F. No. 3385. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Pogemiller motion.

The roll was called, and there were yeas 45 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Latz	Pappas	Sieben
Bakk	Dibble	Lourey	Pogemiller	Skoe
Berglin	Doll	Lynch	Prettner Solon	Skogen
Betzold	Erickson Ropes	Marty	Rest	Sparks
Bonoff	Foley	Metzen	Rummel	Stumpf
Carlson	Higgins	Moua	Saltzman	Tomassoni
Chaudhary	Kubly	Murphy	Saxhaug	Torres Ray
Clark	Langseth	Olseen	Scheid	Vickerman
Cohen	Larson	Olson, M.	Sheran	Wiger

Those who voted in the negative were:

Dille	Gimse	Koch	Ortman	Senjem
Fischbach	Hann	Limmer	Pariseau	Vanderveer
Frederickson	Ingebrigtsen	Michel	Robling	Wergin
Gerlach	Jungbauer	Olson, G.	Rosen	

The motion prevailed.

S.F. No. 3385: A bill for an act relating to the environment and natural resources policy; regulating ballast water; modifying solid waste provisions; 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; creating a Minnesota forests for the future program; modifying snowmobile registration requirements; 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; reinstating an exemption from the Wetland Conservation Act for approved development; providing wetland bank credit under certain state-held conservation easements; restricting licensing of certain natural water bodies for aquaculture; providing for viral hemorrhagic septicemia, invasive species, and bovine tuberculosis 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 Minnesota critical habitat private sector matching account; modifying outdoor recreation system provisions; providing for expedited exchanges of public land; modifying state forest road recording requirements; modifying citizen oversight subcommittees; modifying acquisition procedures; adding to and deleting from state parks, recreation areas, and forests; providing for public and private sales, conveyances, leases, and exchanges of certain state land; making technical corrections; authorizing and requiring certain rulemaking; providing a rulemaking exemption; requiring reports and studies; appropriating money; amending Minnesota Statutes 2006, sections 17.4985, subdivisions 2, 3, 5; 17.4986, subdivisions 1, 2, 4; 17.4987; 17.4988, subdivision 3; 17.4992, subdivision 2; 17.4993; 84.82, subdivision 2; 84.943, subdivision 5; 84D.03, subdivision 4; 84D.10, subdivision 2; 84D.13, 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.401, subdivision 2; 97C.505, subdivision 1; 97C.515, subdivisions 2, 4, 5; 97C.821; 103G.2241, by adding a subdivision; 115A.03, subdivisions 21, 32a; 116.07, subdivision 4a; 116.47; 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; 97B.031, subdivision 1; 97B.036; 97B.328; 97C.355, subdivision 8; 115.56, subdivision 2; Laws 2005, chapter 161, section 25; Laws 2006, chapter 236, article 1, section 43; proposing coding for new law in Minnesota Statutes, chapters 84; 94; 97A; 97B; 97C; 103B; 103G; 115; 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.

Senator Chaudhary moved to amend S.F. No. 3385 as follows:

Page 20, after line 23, insert:

"Sec. 15. [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."

Page 26, delete article 3

Page 66, delete article 4

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Anderson moved to amend S.F. No. 3385 as follows:

Page 24, delete section 18 and insert:

"Sec. 18. **[103G.2251] STATE CONSERVATION EASEMENTS; WETLAND BANK CREDIT.**

In greater than 80 percent areas, preservation of wetlands owned by a local unit of government, protected by a permanent conservation easement as defined under section 84C.01 and held by the board, may be eligible for wetland replacement or mitigation credits, according to rules adopted by the board. To be eligible for credit under this section, a conservation easement must be established after enactment of this section and approved by the board."

The motion prevailed. So the amendment was adopted.

Senator Koering moved to amend S.F. No. 3385 as follows:

Page 25, after line 14, insert:

"Sec. 22. **LEASE RATE; CASS COUNTY.**

(a) In fiscal year 2009, and every year thereafter, the amount payable for the lease of lands described in paragraph (b) under Minnesota Statutes, section 89.17, shall be adjusted for inflation and shall be increased over the previous year 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.

(b) The lease rate increases required in paragraph (a) apply to the lease of the land described as:

(1) that part of the SW1/4 of the SE1/4 of Section 6, Township 134 North, Range 29 West, Cass County, except the following described tract:

Beginning at the southeast corner of said SW1/4 SE1/4; thence North 3 degrees 14' 30" West, assumed bearing, a distance of 269 feet along the east line of said SW1/4 SE1/4; thence North 58 degrees West a distance of 34.6 feet; thence West a distance of 165 feet; thence South a distance of 87 feet (the location of this line shall be eight feet westerly of the westerly foundation posts for the fire tower); thence West a distance of 172.40 feet; thence South a distance of 200 feet to the south line of said SW1/4 SE1/4; thence East a distance of 382.05 feet along said south line to the place of beginning, and except the following described tract:

Commencing at the southeast corner of said SW1/4 SE1/4; thence West, assumed bearing, a distance of 382.05 feet along the south line of said SW1/4 SE1/4 to the place of beginning; thence North a distance of 250 feet; thence North 40 degrees East a distance of 190 feet; thence North a distance of 30 feet; thence West a distance of 385 feet; thence South a distance of 425.54 feet to the south line of said SW1/4 SE1/4; thence East a distance of 262.87 feet along said south line to the place of beginning; and

(2) that part of the SE1/4 SW1/4 of Section 6, Township 134 North, Range 29 West, Cass County, Minnesota, lying easterly of County Road 77.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Chaudhary moved that S.F. No. 3385 be laid on the table. The motion prevailed.

SUSPENSION OF RULES

Senator Pogemiller moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2996 and that the rules of the Senate be so far suspended as to give H.F. No. 2996, now on General Orders, its third reading and place it on its final passage.

The question was taken on the adoption of the motion.

Senator Vandever moved that those not voting be excused from voting.

The question was taken on the adoption of the Vandever motion.

The roll was called, and there were yeas 24 and nays 41, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koering	Prettner Solon	Skoe
Dille	Hann	Limmer	Robling	Tomassoni
Fischbach	Ingebrigtsen	Olson, G.	Rosen	Vandever
Frederickson	Jungbauer	Ortman	Scheid	Wergin
Gerlach	Koch	Pariseau	Senjem	

Those who voted in the negative were:

Anderson	Dahle	Latz	Pappas	Sparks
Bakk	Dibble	Lourey	Pogemiller	Stumpf
Berglin	Doll	Lynch	Rest	Torres Ray
Betzold	Erickson Ropes	Marty	Rummel	Vickerman
Bonoff	Foley	Metzen	Saltzman	Wiger
Carlson	Higgins	Moua	Saxhaug	
Chaudhary	Kubly	Murphy	Sheran	
Clark	Langseth	Olseen	Sieben	
Cohen	Larson	Olson, M.	Skogen	

The motion did not prevail.

The roll was called on the Pogemiller motion, and there were yeas 45 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Latz	Pappas	Sieben
Bakk	Dibble	Lourey	Pogemiller	Skoe
Berglin	Doll	Lynch	Prettner Solon	Skogen
Betzold	Erickson Ropes	Marty	Rest	Sparks
Bonoff	Foley	Metzen	Rummel	Stumpf
Carlson	Higgins	Moua	Saltzman	Tomassoni
Chaudhary	Kubly	Murphy	Saxhaug	Torres Ray
Clark	Langseth	Olseen	Scheid	Vickerman
Cohen	Larson	Olson, M.	Sheran	Wiger

Those who voted in the negative were:

Day	Gerlach	Jungbauer	Olson, G.	Rosen
Dille	Gimse	Koch	Ortman	Senjem
Fischbach	Hann	Koering	Pariseau	Vandever
Frederickson	Ingebrigtsen	Limmer	Robling	Wergin

The motion prevailed.

H.F. No. 2996: A bill for an act relating to public safety; allowing persons facing civil commitment as sexually dangerous persons or sexual psychopathic personalities to choose to be confined in correctional facilities while the petition is being adjudicated; addressing the cost of care for persons facing civil commitment; addressing access to certain data; modifying intensive supervised release provisions; modifying fireworks provisions; modifying registration requirements for predatory offenders; establishing a working group to review, assess, and make recommendations regarding the modification and application of controlled substance laws; providing for a report; requiring studies; amending Minnesota Statutes 2006, sections 13.851, by adding a subdivision; 243.166, subdivisions 1a, 3a, 4; 243.167, subdivision 2; 244.05, subdivision 6; 253B.045, subdivisions 1, 2, by adding a subdivision; 253B.185, subdivision 5; 299C.41, as

added if enacted; 609.115, by adding a subdivision; 624.20, subdivision 1; 641.05; Minnesota Statutes 2007 Supplement, section 253B.185, subdivision 1b.

Senator Pogemiller moved that H.F. No. 2996 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Senator Pogemiller moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 3800 and that the rules of the Senate be so far suspended as to give H.F. No. 3800, now on the Calendar, its third reading and place it on its final passage.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 45 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Latz	Pappas	Sieben
Bakk	Dibble	Lourey	Pogemiller	Skoe
Berglin	Doll	Lynch	Prettner Solon	Skogen
Betzold	Erickson Ropes	Marty	Rest	Sparks
Bonoff	Foley	Metzen	Rummel	Stumpf
Carlson	Higgins	Moua	Saltzman	Tomassoni
Chaudhary	Kubly	Murphy	Saxhaug	Torres Ray
Clark	Langseth	Olseen	Scheid	Vickerman
Cohen	Larson	Olson, M.	Sheran	Wiger

Those who voted in the negative were:

Day	Gerlach	Jungbauer	Olson, G.	Rosen
Dille	Gimse	Koch	Ortman	Senjem
Fischbach	Hann	Koering	Pariseau	Vanderveer
Frederickson	Ingebrigtsen	Limmer	Robling	Wergin

The motion prevailed.

H.F. No. 3800: A bill for an act relating to transportation; modifying or adding provisions relating to highways, motor vehicles, traffic regulations, drivers' licenses and records, transit, railroads, motor carriers, and other transportation-related programs or activities; imposing penalties; requiring reports; making technical and clarifying corrections; amending Minnesota Statutes 2006, sections 86B.825, subdivision 5; 123B.88, subdivision 3; 161.081, subdivision 3, as amended, by adding subdivisions; 168.011, subdivision 7; 168.012, subdivision 1; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.185; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.01, subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by adding a subdivision; 169.224; 169.67, subdivision 3; 169.781, subdivisions 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, by adding a subdivision; 169A.03, subdivision 23; 171.01, subdivisions 35, 46; 171.02, by adding a subdivision; 171.03; 171.055, subdivisions 1, 2; 171.0701; 171.12, subdivision 6; 171.13, by adding a subdivision; 171.165, subdivision 2; 171.321, subdivision 1;

174.02, subdivision 2; 174.03, subdivision 1; 174.24, by adding a subdivision; 221.011, by adding a subdivision; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 221.121, subdivisions 1, 6a; 221.151, subdivision 1; 299D.03, subdivision 1; 299D.06; 473.1465, by adding a subdivision; 473.388, subdivision 2; 473.399, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 168.017, subdivision 3; 169.443, subdivision 9; 171.02, subdivision 2; Laws 2002, chapter 393, section 85; Laws 2008, chapter 152, article 2, sections 1; 3, subdivision 2; article 3, sections 6; 8; article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 123B; 169; 171; 174; 219; repealing Minnesota Statutes 2006, sections 168B.087, subdivision 2; 169.145; 221.121, subdivision 4.

Senator Pogemiller moved that H.F. No. 3800 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate revert to the Orders of Business of Messages From the House and First Reading of House Bills. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2796, 2948, 3137 and 3256.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 30, 2008

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2877, 3367 and 3494.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 30, 2008

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2647, now on General Orders.

H.F. No. 3367: A bill for an act relating to data practices; modifying provisions of the open meeting law; providing for attorney fees; amending Minnesota Statutes 2006, sections 13D.05, subdivision 1; 13D.06, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 13D.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3120, now on General Orders.

H.F. No. 3494: A bill for an act relating to employment; providing up to three hours of paid leave in any 12-month period for state employees to donate blood; authorizing employers to provide leave to employees to donate blood; proposing coding for new law in Minnesota Statutes, chapters 43A; 181.

SUSPENSION OF RULES

Senator Pogemiller moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 3494 and that the rules of the Senate be so far suspended as to give H.F. No. 3494 its second and third reading and place it on its final passage.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 45 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Latz	Pappas	Sieben
Bakk	Dibble	Lourey	Pogemiller	Skoe
Berglin	Doll	Lynch	Prettner Solon	Skogen
Betzold	Erickson Ropes	Marty	Rest	Sparks
Bonoff	Foley	Metzen	Rummel	Stumpf
Carlson	Higgins	Moua	Saltzman	Tomassoni
Chaudhary	Kubly	Murphy	Saxhaug	Torres Ray
Clark	Langseth	Olseen	Scheid	Vickerman
Cohen	Larson	Olson, M.	Sheran	Wiger

Those who voted in the negative were:

Day	Gerlach	Jungbauer	Olson, G.	Senjem
Dille	Gimse	Koch	Pariseau	Vandevveer
Fischbach	Hann	Koering	Robling	Wering
Frederickson	Ingebrigtsen	Limmer	Rosen	

The motion prevailed.

H.F. No. 3494 was read the second time.

Senator Pogemiller moved that H.F. No. 3494 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that S.F. No. 3385 be taken from the table. The motion prevailed.

S.F. No. 3385: A bill for an act relating to the environment and natural resources policy;

regulating ballast water; modifying solid waste provisions; 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; creating a Minnesota forests for the future program; modifying snowmobile registration requirements; 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; reinstating an exemption from the Wetland Conservation Act for approved development; providing wetland bank credit under certain state-held conservation easements; restricting licensing of certain natural water bodies for aquaculture; providing for viral hemorrhagic septicemia, invasive species, and bovine tuberculosis 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 Minnesota critical habitat private sector matching account; modifying outdoor recreation system provisions; providing for expedited exchanges of public land; modifying state forest road recording requirements; modifying citizen oversight subcommittees; modifying acquisition procedures; adding to and deleting from state parks, recreation areas, and forests; providing for public and private sales, conveyances, leases, and exchanges of certain state land; making technical corrections; authorizing and requiring certain rulemaking; providing a rulemaking exemption; requiring reports and studies; appropriating money; amending Minnesota Statutes 2006, sections 17.4985, subdivisions 2, 3, 5; 17.4986, subdivisions 1, 2, 4; 17.4987; 17.4988, subdivision 3; 17.4992, subdivision 2; 17.4993; 84.82, subdivision 2; 84.943, subdivision 5; 84D.03, subdivision 4; 84D.10, subdivision 2; 84D.13, 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.401, subdivision 2; 97C.505, subdivision 1; 97C.515, subdivisions 2, 4, 5; 97C.821; 103G.2241, by adding a subdivision; 115A.03, subdivisions 21, 32a; 116.07, subdivision 4a; 116.47; 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; 97B.031, subdivision 1; 97B.036; 97B.328; 97C.355, subdivision 8; 115.56, subdivision 2; Laws 2005, chapter 161, section 25; Laws 2006, chapter 236, article 1, section 43; proposing coding for new law in Minnesota Statutes, chapters 84; 94; 97A; 97B; 97C; 103B; 103G; 115; 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.

The question recurred on the adoption of the Koering amendment. The motion prevailed. So the amendment was adopted.

S.F. No. 3385 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 56 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gerlach Vandever

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Wiger moved that the following members be excused for a Conference Committee on S.F. No. 3001 from 5:30 to 6:40 p.m.:

Senators Wiger; Saltzman; Olson, G.; Dahle and Rummel. The motion prevailed.

RECESS

Senator Clark moved that the Senate do now recess until 7:30 p.m. The motion prevailed.

The hour of 7:30 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3722:

H.F. No. 3722: A bill for an act relating to economic development; providing military reservist economic injury loans; defining terms; appropriating money; amending Minnesota Statutes 2007 Supplement, section 116L.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116J.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Rukavina; Murphy, M., and Gunther have been appointed as such committee on the part of the House.

House File No. 3722 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 April 30, 2008

Senator Tomassoni moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3722, and that a Conference Committee of 3 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that H.F. No. 2996 be taken from the table. The motion prevailed.

H.F. No. 2996: A bill for an act relating to public safety; allowing persons facing civil commitment as sexually dangerous persons or sexual psychopathic personalities to choose to be confined in correctional facilities while the petition is being adjudicated; addressing the cost of care for persons facing civil commitment; addressing access to certain data; modifying intensive supervised release provisions; modifying fireworks provisions; modifying registration requirements for predatory offenders; establishing a working group to review, assess, and make recommendations regarding the modification and application of controlled substance laws; providing for a report; requiring studies; amending Minnesota Statutes 2006, sections 13.851, by adding a subdivision; 243.166, subdivisions 1a, 3a, 4; 243.167, subdivision 2; 244.05, subdivision 6; 253B.045, subdivisions 1, 2, by adding a subdivision; 253B.185, subdivision 5; 299C.41, as added if enacted; 609.115, by adding a subdivision; 624.20, subdivision 1; 641.05; Minnesota Statutes 2007 Supplement, section 253B.185, subdivision 1b.

Senator Latz moved to amend H.F. No. 2996, the unofficial engrossment, as follows:

Page 1, after line 21, insert:

"Section 1. Minnesota Statutes 2006, section 3.736, subdivision 4, is amended to read:

Subd. 4. **Limits.** The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case, for claims arising before January 1, 2008;

(b) \$400,000 when the claim is one for death by wrongful act or omission and \$400,000 to any claimant in any other case, for claims arising on or after January 1, 2008, and before July 1, 2009;

(c) \$500,000 when the claim is one for death by wrongful act or omission and \$500,000 to any claimant in any other case, for claims arising on or after July 1, 2009;

(d) \$750,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 1998, and before January 1, 2000;

(e) \$1,000,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2000, and before January 1, 2008;

(f) \$1,200,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2008, and before July 1, 2009; or

(g) \$1,500,000 for any number of claims arising out of a single occurrence, for claims arising on or after July 1, 2009.

Notwithstanding clause (e), there is no limit on the total liability for any number of claims arising out of the collapse of the I-35W bridge that occurred on August 1, 2007.

If the amount awarded to or settled upon multiple claimants exceeds the applicable limit under clause (d), (e), (f), or (g), any party may apply to the district court to apportion to each claimant a proper share of the amount available under the applicable limit under clause (d), (e), (f), or (g). The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement bears to the aggregate awards and settlements for all claims arising out of the occurrence.

The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2007."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Saltzman moved to amend H.F. No. 2996, the unofficial engrossment, as follows:

Page 16, after line 15, insert:

"Sec. 17. **JOINT PHYSICAL CUSTODY; STUDY GROUP.**

(a) The state court administrator shall convene a study group of 12 members to consider the impact that a presumption of joint physical custody would have in Minnesota. The evaluation must consider the positive and negative impact on parents and children of adopting a presumption of joint physical custody, the fiscal impact of adopting this presumption, and the experiences of other states that have adopted a presumption of joint physical custody. The study must consider data and information from academic and research professionals.

(b) In appointing members to the study group, the state court administrator must ensure that the viewpoint of parent advocacy groups, citizen members who are not associated with a parent advocacy group, academics and policy analysts, judges, court administrators, attorneys, domestic violence advocates, and other interested parties are represented. The state court administrator must consult with the chairs and ranking minority members of the house public safety finance division and the senate public safety budget division on the composition of the working group. The state court administrator shall report to the legislature on the evaluation of presumption of joint physical custody, the experiences of other states, and recommendations made by the study group no later than January 15, 2009.

Sec. 18. COMPREHENSIVE FAMILY COURT PROCESS; STUDY.

The state court administrator shall report on a plan to conduct a multidisciplinary, comprehensive study on family law to the chairs and ranking minority members of the budget and policy committees in the house and senate with jurisdiction over family law no later than January 15, 2009."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 42 and nays 22, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Latz	Ortman	Skogen
Bonoff	Gimse	Limmer	Robling	Sparks
Carlson	Hann	Lourey	Rosen	Tomassoni
Dahle	Ingebrigtsen	Lynch	Saltzman	Torres Ray
Day	Jungbauer	Metzen	Saxhaug	Vandever
Dille	Koch	Michel	Scheid	Wergin
Doll	Koering	Murphy	Senjem	
Erickson Ropes	Kubly	Olseen	Sheran	
Fischbach	Langseth	Olson, G.	Skoe	

Those who voted in the negative were:

Anderson	Dibble	Marty	Prettner Solon	Vickerman
Berglin	Foley	Moua	Rest	Wiger
Betzold	Frederickson	Olson, M.	Rummel	
Clark	Higgins	Pappas	Sieben	
Cohen	Larson	Pogemiller	Stumpf	

The motion prevailed. So the amendment was adopted.

Senator Betzold moved to amend H.F. No. 2996, the unofficial engrossment, as follows:

Page 2, after line 25, insert:

"Sec. 3. Minnesota Statutes 2006, section 253B.08, subdivision 1, is amended to read:

Subdivision 1. **Time for commitment hearing.** (a) The hearing on the commitment petition shall be held within 14 days from the date of the filing of the petition, except that the hearing on a commitment petition pursuant to section 253B.185 shall be held within 90 days from the date of the filing of the petition. For good cause shown, the court may extend the time of hearing up to an additional 30 days. The proceeding shall be dismissed if the proposed patient has not had a hearing on a commitment petition within the allowed time.

(b) The proposed patient, or the head of the treatment facility in which the person is held, may demand in writing at any time that the hearing be held immediately. Unless the hearing is held within five days of the date of the demand, exclusive of Saturdays, Sundays and legal holidays, the petition shall be automatically discharged if the patient is being held in a treatment facility pursuant to court order. For good cause shown, the court may extend the time of hearing on the demand for an additional ten days. This paragraph does not apply to a commitment petition brought under section 253B.18 or 253B.185.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Moua moved to amend H.F. No. 2996, the unofficial engrossment, as follows:

Page 2, after line 25, insert:

"Sec. 3. Minnesota Statutes 2006, section 241.301, is amended to read:

241.301 FINGERPRINTS OF INMATES, PAROLEES, AND PROBATIONERS FROM OTHER STATES.

The commissioner of corrections shall establish procedures so that whenever this state receives an inmate, parolee, or probationer from another state under sections 241.28 to 241.30 or ~~243.16~~ 243.1605, fingerprints and thumbprints of the inmate, parolee, or probationer are obtained and forwarded to the bureau of criminal apprehension.

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

Sec. 4. Minnesota Statutes 2006, section 243.1606, subdivision 3, is amended to read:

Subd. 3. **Annual report.** By ~~January 15~~ March 1 of each year, the council shall report to the governor and the ~~legislature~~ chairs and ranking minority members of the senate and house committees having jurisdiction over criminal justice policy on its activities and the activities of the interstate commission and executive committee as described in section 243.1605 for the preceding year. The report also must include an assessment of how the interstate compact is functioning both within and without the state.

EFFECTIVE DATE. This section is effective July 1, 2008."

Page 10, after line 25, insert:

"Sec. 12. Minnesota Statutes 2006, section 609.117, subdivision 3, is amended to read:

Subd. 3. **Offenders from other states.** When the state accepts an offender from another state under the interstate compact authorized by section ~~243.16~~ 243.1605, the acceptance is conditional on the offender providing a biological specimen for the purposes of DNA analysis as defined in section 299C.155, if the offender was initially charged with committing or attempting to commit a felony offense and was convicted of that offense or of any offense arising out of the same set of circumstances. The specimen must be provided under supervision of staff from the Department of Corrections or a Community Corrections Act county within 15 business days after the offender reports to the supervising agent. The cost of obtaining the biological specimen is the responsibility of the agency providing supervision.

EFFECTIVE DATE. This section is effective July 1, 2008."

Page 12, after line 24, insert:

"Sec. 16. Minnesota Statutes 2006, section 641.09, is amended to read:

641.09 POWER OF OFFICERS.

The officer in charge of prisoners so sentenced to labor may use all reasonable means necessary to prevent escape or enforce obedience. For refusal to labor or obey necessary orders in reference thereto, a prisoner may be kept in ~~solitary confinement but shall not be so confined more than ten days for any one offense, nor more than 90 days in all~~ secure confinement for a period of time as defined in a facility's discipline policy.

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

Sec. 17. Minnesota Statutes 2006, section 641.18, is amended to read:

641.18 ~~SOLITARY~~ SECURE CONFINEMENT.

When any prisoner is unruly or disobeys any regulation for the management of jails, the prisoner may be kept in ~~solitary~~ secure confinement as provided in section 641.09.

EFFECTIVE DATE. This section is effective July 1, 2008."

Page 16, line 23, delete "section" and insert "sections 242.193, subdivision 1; 242.39; 260B.241; 260C.207; and" and delete "is" and insert "are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Moua moved to amend the Saltzman amendment to H.F. No. 2996, the unofficial engrossment, adopted by the Senate April 30, 2008, as follows:

Page 1, line 17, delete everything after the first "the" and insert "budget and policy committees in the house and senate with jurisdiction over family law"

Page 1, line 18, delete "budget division"

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

Senator Limmer moved to amend H.F. No. 2996, the unofficial engrossment, as follows:

Page 6, line 7, delete everything after "hearing"

Page 6, delete lines 8 and 9

Page 6, line 10, delete "victim"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 42, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Jungbauer	Michel	Senjem
Dille	Gimse	Koch	Ortman	Vandever
Fischbach	Hann	Koering	Robling	Wergin
Frederickson	Ingebrigtsen	Limmer	Rosen	

Those who voted in the negative were:

Anderson	Dibble	Lourey	Rest	Sparks
Bakk	Doll	Marty	Rummel	Stumpf
Berglin	Erickson Ropes	Metzen	Saltzman	Tomassoni
Betzold	Foley	Moua	Saxhaug	Torres Ray
Bonoff	Higgins	Olseen	Scheid	Vickerman
Carlson	Kubly	Olson, M.	Sheran	Wiger
Clark	Langseth	Pappas	Sieben	
Cohen	Larson	Pogemiller	Skoe	
Dahle	Latz	Prettner Solon	Skogen	

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

Senator Limmer moved to amend H.F. No. 2996, the unofficial engrossment, as follows:

Page 2, after line 25, insert:

"Sec. 3. **[299A.695] PREEMPTION OF LOCAL LAW; ILLEGAL IMMIGRATION.**

Subdivision 1. **Definition.** For the purposes of this section, "local governmental unit" means a county, statutory city, home rule charter city, or town.

Subd. 2. **Immigration status; prohibiting local governmental interference.** (a) Notwithstanding any other provision of state or local law, a local governmental unit or official may not prohibit by law, resolution, or ordinance, or in any way restrict any governmental unit, official, or employee from sending to or receiving from United States immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Notwithstanding any other provision of state or local law, no local governmental unit or local official may prohibit, or in any way restrict, a federal, state, or local governmental employee from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

(1) inquiring about a person's immigration status;

(2) sending immigration information to, or requesting or receiving the information from, the

United States Immigration and Customs Enforcement Agency;

(3) maintaining immigration information; and

(4) exchanging immigration information with any other federal, state, or local governmental unit.

(c) Any ordinance of a local governmental unit in effect as of the effective date of this section that conflicts with it is void.

EFFECTIVE DATE. This section is effective July 1, 2008."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 36, as follows:

Those who voted in the affirmative were:

Day	Gimse	Limmer	Robling	Sparks
Dille	Hann	Michel	Rosen	Vandever
Doll	Ingebrigtsen	Olseen	Saltzman	Wergin
Fischbach	Jungbauer	Olson, G.	Senjem	
Frederickson	Koch	Olson, M.	Sheran	
Gerlach	Koering	Ortman	Skogen	

Those who voted in the negative were:

Anderson	Dahle	Latz	Prettner Solon	Tomassoni
Bakk	Dibble	Lourey	Rest	Torres Ray
Berglin	Erickson Ropes	Marty	Rummel	Vickerman
Betzold	Foley	Metzen	Saxhaug	Wiger
Bonoff	Higgins	Moua	Scheid	
Carlson	Kubly	Murphy	Sieben	
Clark	Langseth	Pappas	Skoe	
Cohen	Larson	Pogemiller	Stumpf	

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

Senator Ortman moved to amend H.F. No. 2996, the unofficial engrossment, as follows:

Page 3, line 18, delete "2008" and insert "2010"

Page 4, line 17, delete "2008" and insert "2010"

Page 8, line 13, delete "2008" and insert "2010"

Page 9, line 13, delete "August 1, 2008" and insert "July 1, 2010"

Page 11, line 4, delete "2008" and insert "2010"

Page 12, lines 7 and 24, delete "2008" and insert "2010"

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

Senator Jungbauer moved to amend H.F. No. 2996, the unofficial engrossment, as follows:

Page 2, after line 17, insert:

"Sec. 2. Minnesota Statutes 2006, section 169.13, is amended by adding a subdivision to read:

Subd. 2a. **Careless driving resulting in death.** (a) A person who drives, operates, or halts a vehicle, anywhere in this state, carelessly or heedlessly in disregard of the rights of others or in a manner that endangers or is likely to endanger any property or any person, including any driver or passenger of a vehicle or other person, that results in the death of a person, is guilty of a gross misdemeanor.

(b) Nothing in this subdivision or section 609.035 limits the power of the state to punish a person for conduct that constitutes a crime under any other law of this state.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 47, as follows:

Those who voted in the affirmative were:

Carlson	Frederickson	Ingebrigtsen	Olson, G.
Day	Gerlach	Jungbauer	Robling
Doll	Gimse	Koch	Senjem
Fischbach	Hann	Limmer	Wergin

Those who voted in the negative were:

Anderson	Erickson Ropes	Marty	Rest	Sparks
Bakk	Foley	Metzen	Rosen	Stumpf
Berglin	Higgins	Michel	Rummel	Tomassoni
Betzold	Koering	Moua	Saltzman	Torres Ray
Bonoff	Kubly	Murphy	Saxhaug	Vandever
Clark	Langseth	Olseen	Scheid	Vickerman
Cohen	Larson	Olson, M.	Sheran	Wiger
Dahle	Latz	Ortman	Sieben	
Dibble	Lourey	Pappas	Skoe	
Dille	Lynch	Prettner Solon	Skogen	

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

H.F. No. 2996 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Clark	Doll	Gimse	Kubly
Bakk	Cohen	Erickson Ropes	Hann	Langseth
Berglin	Dahle	Fischbach	Higgins	Larson
Betzold	Day	Foley	Ingebrigtsen	Latz
Bonoff	Dibble	Frederickson	Koch	Limmer
Carlson	Dille	Gerlach	Koering	Lourey

Lynch	Olson, G.	Rosen	Sieben	Vickerman
Marty	Olson, M.	Rummel	Skoe	Wergin
Metzen	Pappas	Saltzman	Skogen	Wiger
Michel	Pogemiller	Saxhaug	Sparks	
Moua	Prettner Solon	Scheid	Stumpf	
Murphy	Rest	Senjem	Tomassoni	
Olseen	Robling	Sheran	Torres Ray	

Those who voted in the negative were:

Jungbauer	Ortman	Vandev eer
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So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that H.F. No. 3800 be taken from the table. The motion prevailed.

H.F. No. 3800: A bill for an act relating to transportation; modifying or adding provisions relating to highways, motor vehicles, traffic regulations, drivers' licenses and records, transit, railroads, motor carriers, and other transportation-related programs or activities; imposing penalties; requiring reports; making technical and clarifying corrections; amending Minnesota Statutes 2006, sections 86B.825, subdivision 5; 123B.88, subdivision 3; 161.081, subdivision 3, as amended, by adding subdivisions; 168.011, subdivision 7; 168.012, subdivision 1; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.185; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.01, subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by adding a subdivision; 169.224; 169.67, subdivision 3; 169.781, subdivisions 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, by adding a subdivision; 169A.03, subdivision 23; 171.01, subdivisions 35, 46; 171.02, by adding a subdivision; 171.03; 171.055, subdivisions 1, 2; 171.0701; 171.12, subdivision 6; 171.13, by adding a subdivision; 171.165, subdivision 2; 171.321, subdivision 1; 174.02, subdivision 2; 174.03, subdivision 1; 174.24, by adding a subdivision; 221.011, by adding a subdivision; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 221.121, subdivisions 1, 6a; 221.151, subdivision 1; 299D.03, subdivision 1; 299D.06; 473.1465, by adding a subdivision; 473.388, subdivision 2; 473.399, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 168.017, subdivision 3; 169.443, subdivision 9; 171.02, subdivision 2; Laws 2002, chapter 393, section 85; Laws 2008, chapter 152, article 2, sections 1; 3, subdivision 2; article 3, sections 6; 8; article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 123B; 169; 171; 174; 219; repealing Minnesota Statutes 2006, sections 168B.087, subdivision 2; 169.145; 221.121, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Clark	Day	Doll
Bakk	Bonoff	Cohen	Dibble	Erickson Ropes
Berglin	Carlson	Dahle	Dille	Foley

Frederickson	Larson	Olseen	Rummel	Stumpf
Gimse	Latz	Olson, M.	Saltzman	Torres Ray
Higgins	Lourey	Pappas	Saxhaug	Vickerman
Ingebrigtsen	Lynch	Pogemiller	Scheid	Wiger
Jungbauer	Marty	Prettner Solon	Sheran	
Koering	Metzen	Rest	Sieben	
Kubly	Moua	Robling	Skoe	
Langseth	Murphy	Rosen	Skogen	

Those who voted in the negative were:

Fischbach	Koch	Olson, G.	Sparks	Wergin
Gerlach	Limmer	Ortman	Tomassoni	
Hann	Michel	Senjem	Vandever	

So the bill passed and its title was agreed to.

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 Frederickson in the chair.

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

S.F. No. 3058, which the committee recommends to pass, subject to the following motions:

Senator Rest moved to amend S.F. No. 3058 as follows:

Page 1, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2006, section 160.93, is amended to read:

160.93 USER FEES; HIGH-OCCUPANCY VEHICLE AND DYNAMIC SHOULDER LANES.

Subdivision 1. **Fees authorized.** To improve efficiency and provide more options to individuals traveling in a trunk highway corridor, the commissioner of transportation may charge user fees to owners or operators of single-occupant vehicles using dynamic shoulder lanes as designated by the commissioner and any designated high-occupancy vehicle lanes. The fees may be collected using electronic or other toll-collection methods and may vary in amount with the time of day and level of traffic congestion within the corridor. The commissioner shall consult with the Metropolitan Council and obtain necessary federal authorizations before implementing user fees on a high-occupancy vehicle lane or dynamic shoulder lane. Fees under this section are not subject to section 16A.1283.

Subd. 2. **Deposit of revenues; appropriation.** (a) Except as provided in subdivision 2a, money collected from fees authorized under subdivision 1 must be deposited in a high-occupancy vehicle lane user fee account in the special revenue fund. A separate account must be established for each

trunk highway corridor. Money in the account is appropriated to the commissioner.

(b) From this appropriation the commissioner shall first repay the trunk highway fund and any other fund source for money spent to install, equip, or modify the corridor for the purposes of subdivision 1, and then shall pay all the costs of implementing and administering the fee collection system for that corridor.

(c) The commissioner shall spend remaining money in the account as follows:

(1) one-half must be spent for transportation capital improvements within the corridor; and

(2) one-half must be transferred to the Metropolitan Council for expansion and improvement of bus transit services within the corridor beyond the level of service provided on the date of implementation of subdivision 1.

Subd. 2a. **I-35W high-occupancy vehicle and dynamic shoulder lane account.** (a) An I-35W high-occupancy vehicle and dynamic shoulder lane account is established in the special revenue fund. Money collected from fees authorized under subdivision 1 for the marked Interstate Highway 35W (I-35W) corridor must be deposited in the account and used as described in this subdivision. Money in the account is appropriated to the commissioner.

(b) During the first year of revenue operations, the commissioner shall use the money received in that year to pay the costs of operating and administering the fee collection system within the corridor, up to \$1,000,000. Any remaining money must be transferred to the Metropolitan Council for improvement of bus transit services within the I-35W corridor including transit capital expenses.

(c) During the second and subsequent years of revenue operations, the commissioner shall use money in the account as follows:

(1) each year, allocate the lesser amount of \$1,000,000 or 75 percent of the revenues for operating and administering the fee collection system within the corridor;

(2) transfer the remaining amount up to the amount allocated under clause (1) to the Metropolitan Council for improvement of bus transit within the corridor including capital expenses; and

(3) allocate any remaining amount as follows: (i) 25 percent to the commissioner for operating and administering the fee collection system within the corridor and for transportation capital improvements that are consistent with the goals of the urban partnership agreement and that are located within the corridor and (ii) 75 percent to the Metropolitan Council for improvement of bus transit services within the corridor including transit capital expenses.

Subd. 3. **Rules exemption.** With respect to this section, the commissioner is exempt from statutory rulemaking requirements, including section 14.386, and from sections 160.84 to 160.92 and 161.162 to 161.167.

Subd. 4. **Prohibition.** No person may operate a single-occupant vehicle in a designated high-occupancy vehicle lane or dynamic shoulder lane except in compliance with the requirements of the commissioner. A person who violates this subdivision is guilty of a petty misdemeanor and is subject to sections 169.89, subdivisions 1, 2, and 4, and 169.891 and any other provision of chapter 169 applicable to the commission of a petty misdemeanor traffic offense.

Subd. 5. **Dynamic shoulder lanes.** (a) The commissioner may designate dynamic shoulder

lanes on freeways. The commissioner may operate dynamic shoulder lanes as priced lanes, general purpose lanes, high-occupancy vehicle lanes, or as shoulders as defined in section 169.01, subdivision 73. The commissioner may prescribe the conditions under which the lanes may be used.

(b) The commissioner may not operate a dynamic shoulder lane on marked Trunk Highway 35W from its intersection with marked Trunk Highway 94 to its intersection with marked Trunk Highway 62 as a general purpose lane. A dynamic shoulder lane along this portion of marked Trunk Highway 35W may only be used by:

- (1) a vehicle with more than one occupant;
- (2) a single-occupant vehicle if the fee under subdivision 1 is paid;
- (3) a transit bus providing public transit, as defined in section 174.22, subdivision 7; and
- (4) an authorized emergency vehicle, as defined in section 169.01, subdivision 5.

(c) The commissioner shall erect signs to indicate when the lanes may be used."

Page 3, line 13, delete "means the shoulder" and insert "has the meaning given in section 160.02, subdivision 30."

Page 3, delete lines 14 and 15

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Limmer

The motion prevailed. So the amendment was adopted.

Senator Vandever moved to amend S.F. No. 3058 as follows:

Page 2, line 23, delete the second "and"

Page 2, line 24, delete "75" and insert "35"

Page 2, line 25, delete the period and insert "; and"

Page 2, after line 25, insert:

"(iii) 40 percent to the trunk highway fund."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 45, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Koch	Rosen
Dille	Gimse	Koering	Senjem
Fischbach	Hann	Limmer	Vandever
Frederickson	Ingebrigtsen	Ortman	Wergin

Those who voted in the negative were:

Anderson	Dibble	Latz	Pappas	Sieben
Bakk	Doll	Lourey	Pogemiller	Skoe
Berglin	Erickson Ropes	Lynch	Prettner Solon	Skogen
Betzold	Foley	Marty	Rest	Sparks
Bonoff	Higgins	Metzen	Robling	Stumpf
Carlson	Jungbauer	Michel	Rummel	Tomassoni
Clark	Kubly	Murphy	Saltzman	Torres Ray
Cohen	Langseth	Olseen	Saxhaug	Vickerman
Dahle	Larson	Olson, M.	Sheran	Wiger

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

S.F. No. 3058 was then recommended to pass.

H.F. No. 3486, which the committee recommends to pass, subject to the following motions:

Senator Murphy moved to amend H.F. No. 3486, as amended pursuant to Rule 45, adopted by the Senate April 28, 2008, as follows:

(The text of the amended House File is identical to S.F. No. 3314.)

Page 1, delete sections 1 to 3 and insert:

"ARTICLE 1

TRANSPORTATION POLICY

Section 1. Minnesota Statutes 2006, section 117.041, is amended by adding a subdivision to read:

Subd. 3. Geotechnical investigation before eminent domain proceedings. (a) A state agency by order of the commissioner or a political subdivision by resolution may enter property for purposes of investigation, monitoring, testing, surveying, boring, or other similar activities necessary or appropriate to perform geotechnical investigations.

(b) At least ten days before entering the property, the state agency or political subdivision must serve notice on the property owner requesting permission to enter the property, stating the approximate time and purpose of the entry, and giving the owner the option of refusing entry. If the property owner refuses to consent to the entry, the state agency or political subdivision must apply for a court order authorizing the entry and the removal of any sample or portion from the property, giving notice of the court order to the property owner. The court shall issue an order if the state

agency or political subdivision meets the standards in paragraph (a). Notices under this paragraph must be served in the same manner as a summons in a civil action.

(c) The state agency or political subdivision must not cause any unnecessary damage to the property and must compensate the property owner for any damages actually incurred as a result of the geotechnical investigations.

Sec. 2. Minnesota Statutes 2006, section 117.51, is amended to read:

117.51 COOPERATION WITH FEDERAL AUTHORITIES; REESTABLISHMENT COSTS LIMIT.

Subdivision 1. **Cooperation with federal authorities.** In all acquisitions undertaken by any acquiring authority and in all voluntary rehabilitation carried out by a person pursuant to acquisition or as a consequence thereof, the acquiring authority shall cooperate to the fullest extent with federal departments and agencies, and it shall take all necessary action in order to insure, to the maximum extent possible, federal financial participation in any and all phases of acquisition, including the provision of relocation assistance, services, payments and benefits to displaced persons.

Subd. 2. **Reestablishment costs limit.** For purposes of relocation benefits paid by the acquiring authority in accordance with this section, the provisions of Code of Federal Regulations, title 49, part 24, with respect to reimbursement of reestablishment expenses for nonresidential moves are applicable, except that the acquiring authority shall reimburse the displaced business for eligible expenses up to a maximum of \$50,000.

EFFECTIVE DATE. This section is effective retroactively from January 16, 2007.

Sec. 3. Minnesota Statutes 2006, section 117.52, subdivision 1a, is amended to read:

Subd. 1a. **Reestablishment costs limit.** For purposes of relocation benefits paid by the acquiring authority in accordance with this section, the provisions of Code of Federal Regulations, title 49, ~~section 24.304~~ part 24, with respect to reimbursement of reestablishment expenses for nonresidential moves are applicable, except that the acquiring authority shall reimburse the displaced business for eligible expenses ~~actually incurred~~ up to a maximum of \$50,000.

EFFECTIVE DATE. This section is effective retroactively from January 16, 2007.

Sec. 4. Minnesota Statutes 2006, section 160.02, is amended by adding a subdivision to read:

Subd. 18a. **Expressway.** "Expressway" means a divided highway with partial control of access.

Sec. 5. Minnesota Statutes 2006, section 160.02, subdivision 19, is amended to read:

Subd. 19. **Freeway or expressway.** "Freeway" or "expressway" means a divided, ~~controlled-access~~ highway with ~~four or more lanes~~ full control of access.

Sec. 6. **[160.2721] COMMERCIAL VEHICLE DRIVERS AT REST AREAS.**

(a) The commissioner shall allow a commercial motor vehicle operator who is subject to hours of service regulations under Code of Federal Regulations, title 49, part 395, to stop and park continuously, for a period of up to ten hours as necessary to comply with the hours of service regulations, at any Department of Transportation safety rest area or travel information center that

has parking stalls designed to accommodate a commercial motor vehicle, as defined in section 169.01, subdivision 75.

(b) Any clause or provision in a lease or other agreement for the operation of a Department of Transportation safety rest area or travel information center that purports to limit the requirements under paragraph (a) is void and without effect.

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

Sec. 7. Minnesota Statutes 2006, section 160.80, is amended to read:

160.80 SIGN FRANCHISE PROGRAM.

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

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

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

(1) be open for business;

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

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

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

(5) meet the appropriate criteria in paragraphs (b) to ~~(e)~~ (f).

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

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

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

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

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

(g) Businesses that do not meet the appropriate criteria in paragraphs (b) to (e) but that have a signed lease as of January 1, 1998, may retain the business panel until December 31, 2005, or until they withdraw from the program, whichever occurs first, provided they continue to meet the criteria in effect in the department's contract with the logo sign vendor on August 1, 1995. After December 31, 2005, or after withdrawing from the program, a business must meet the appropriate criteria in paragraphs (a) to (e) to qualify for a business panel.

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

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

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

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

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

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

Subd. 3. **Costs.** All costs incurred under the program established by this section must be paid under agreements negotiated between a franchisee and an advertiser or advertisers, unless otherwise provided in the contract between the commissioner and the franchisee.

Subd. 4. **Contract requirements.** (a) All contracts made by the commissioner with a franchisee must provide for:

(1) a requirement that the franchisee obtain liability insurance in an amount the commissioner determines, jointly insuring the state and the franchisee against all liability for claims for damages occurring wholly or in part because of the franchise; and

(2) reasonable standards for the size, design, erection, and maintenance of service information

signs and the advertising logos thereon.

(b) The commissioner may require additional terms and conditions, including but not limited to provisions on the renewal and termination of the agreement, and in the event of termination the rights of the state and franchisee relative to the franchisee's advertising contracts.

Subd. 5. Restrictions. The commissioner shall take no action under this section which will result in the loss to the state of any federal highway construction funds.

Sec. 8. Minnesota Statutes 2006, section 161.14, subdivision 18, is amended to read:

Subd. 18. Voyageur Highway. The following route is named and designated the "Voyageur Highway":

(a) Beginning at a point on Trunk Highway No. 26 on the boundary line between the states of Minnesota and Iowa; thence northerly along Trunk Highway No. 26 to its junction with Trunk Highway No. 61; thence northwesterly along Trunk Highway No. 61 to its junction with Trunk Highway No. 10 in the city of St. Paul; thence extending in a general northwesterly direction along Trunk Highway No. 10 to its junction with Trunk Highway No. 371 at Little Falls; thence extending in a general northerly direction along Trunk Highway No. 371 to its junction with Trunk Highway No. 210 at Brainerd; thence northeasterly along Trunk Highway No. 210 to its junction with Trunk Highway No. 169 at Aitkin; thence in a general northerly direction along Trunk Highway No. 169 to its junction with Trunk Highway No. 2 at Grand Rapids, except that portion that is designated as the Jim Oberstar Causeway; thence northwesterly along Trunk Highway No. 2 to its junction with Trunk Highway No. 71 at Bemidji; thence northeasterly along Trunk Highway No. 71 to its junction with Trunk Highway No. 11 at Pelland; thence northeasterly along Trunk Highway No. 11 to its junction with Trunk Highway No. 53 at International Falls; thence southeasterly along Trunk Highway No. 53 to its junction with ~~Trunk Highway No. 61 Central Entrance at Duluth~~; Beginning at a point on Trunk Highway No. 61 at its junction with Interstate Highway 35 and thence northeasterly along Trunk Highway No. 61 to the boundary line between the state of Minnesota and the province of Ontario, Canada.

(b) The route of the Voyageur Highway designated and described in clause (a) is supplemented by legs or alternative routes described as follows:

Beginning at a point on Trunk Highway No. 1 at its junction with Trunk Highway No. 61 northerly of Silver Bay; thence northwesterly along Trunk Highway No. 1 to Ely; thence southwesterly along Trunk Highway No. 1 to its junction with Trunk Highway No. 169; thence southerly and westerly along Trunk Highway No. 169 to its junction with Trunk Highway No. 53, and there terminating.

Beginning at a point on Trunk Highway No. 11 at its junction with Trunk Highway No. 53 at International Falls; thence easterly along Trunk Highway No. 11 to its easterly terminus near Island View.

Beginning at a point on Trunk Highway No. 33 at its junction with Interstate Highway marked I-35 southerly of Cloquet, thence northerly along Trunk Highway No. 33 to its junction with Trunk Highway No. 53.

(c) The commissioner of transportation shall:

- (1) adopt a suitable marking design of signs or informational plaques;
- (2) effect the installation of such signs or plaques in public waysides or other public areas as approved and designated by the commissioner.

Sec. 9. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 57. **Purple Heart Trail.** Statutory Route No. 392, described in section 161.12 and marked on the effective date of this section as Interstate Highway 94, is designated in its entirety within Minnesota as the Purple Heart Trail. Subject to section 161.139, the commissioner shall adopt a suitable marking design to mark this highway and erect appropriate signs at each safety rest area located on the highway.

Sec. 10. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 58. **Dallas Sams Memorial Highway.** That portion of Legislative Route No. 2, signed as Trunk Highway 210 on the date of final enactment of this section, from the city of Motley to the city of Staples, is designated as the "Dallas Sams Memorial Highway." The commissioner of transportation shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 11. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 59. **Walter F. Mondale Drive.** Trunk Highway marked 53 from its intersection with Superior Street to its intersection with Central Entrance in the city of Duluth, as signed on the effective date of this section, is designated "Walter F. Mondale Drive." Subject to section 161.139, the commissioner of transportation shall adopt a suitable marking design to mark this highway and erect appropriate signs.

Sec. 12. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 60. **Jim Oberstar Causeway.** The causeway over Pokegama Lake on Trunk Highway 169 is designated the "Jim Oberstar Causeway." The commissioner of transportation shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 13. Minnesota Statutes 2006, section 161.32, subdivision 1, is amended to read:

Subdivision 1. **Advertisement for bids.** The commissioner may conduct the work or any part of the work incidental to the construction and maintenance of the trunk highways by labor employed to do the work or by contract. In cases of construction work, the commissioner shall first advertise for bids for contracts, and if no satisfactory bids are received, may either reject all bids and readvertise, or do the work by labor employed to do the work. Except as provided in subdivision 3 or 4, when work is to be done under contract, the commissioner shall advertise for bids once each week for three successive weeks prior to the date the bids are to be received. The advertisement for bids must be published ~~in a newspaper or other periodical of general circulation in the state and may be placed~~ on the Internet. The plans and specifications for the proposed work must be on file in the commissioner's office prior to the first call for bids.

Sec. 14. Minnesota Statutes 2006, section 161.32, subdivision 1b, is amended to read:

Subd. 1b. **Lowest responsible bidder; electronic bids.** Bidders may submit bids electronically in a form and manner required by the commissioner; however, the commissioner may require

that all bids of \$5,000,000 and over for trunk highway contracts must be submitted electronically. Notwithstanding section 13.591, subdivision 3, or any other law or rule to the contrary, bids are not required to be opened and read in public if the commissioner publishes the public data specified by section 13.591, subdivision 3, on a state Web site immediately after the deadline for receipt of bids has passed. Bids for federal-aid highway projects must be conducted in accordance with Code of Federal Regulations, title 23, section 635. Trunk highway construction contracts, including design-build contracts, must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the call for bids. The commissioner may decide which is the lowest responsible bidder for all contracts and may use the principles of life-cycle costing, when appropriate, in determining the lowest overall bid. Any or all bids may be rejected. When competitive bids are required and all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law.

Sec. 15. Minnesota Statutes 2006, section 161.32, subdivision 4, is amended to read:

Subd. 4. **Trunk highways damaged by spring breakup.** Contracts may be let for the repair and restoration of trunk highways damaged by spring breakup upon advertisement for bids and publication thereof in a newspaper or periodical of general circulation for a period of one week prior to the date such bids are to be received, and upon the mailing of such advertisements to all contractors who have filed a written request therefor.

Sec. 16. **[161.3203] CONTRACTS FOR WORK FOR TRUNK HIGHWAY.**

Subdivision 1. **Privatization transportation contracts.** For purposes of this section, "privatization transportation contract" means an enforceable agreement, or combination or series of agreements, by which a private contractor agrees with the commissioner of transportation to provide work (1) that is incidental to the construction or improvement of trunk highways, or (2) for maintenance of trunk highways. A privatization transportation contract does not include a design-build contract as defined in section 161.3410, subdivision 3, contracts awarded pursuant to section 161.32, work related to utility relocation, utility relocation agreements, state aid agreements, municipal agreements, interagency agreements, joint powers agreements, partnership agreements, and grant agreements. Privatization transportation contracts also do not include contracts related to aerial photos, asbestos investigation or abatement, communications, computer and information technology, construction contract administration, cultural resource investigations, electronic communications, environmental investigations, expert witnesses, contaminated soil investigations and remediation, geographic information systems, hydraulic and geotechnical studies, intelligent transportation systems, management support, mapping and photogrammetrics, market research, medical analysis, planning, public relations, right-of-way appraisals or acquisitions and field title investigations, research, relocation services, special studies, traffic studies and modeling, and employee training, and does not include services by persons licensed under sections 326.02 to 326.15.

Subd. 2. **Applicability.** This section applies to privatization transportation contracts in a total amount greater than \$100,000. The requirements imposed by this section are in addition to, and do not supersede, the requirements of any other applicable section of law.

Subd. 3. **Review of contract costs.** (a) Before entering into a privatization transportation contract, the commissioner of transportation shall prepare a comprehensive written estimate of the

cost of having the same work provided in the most cost-effective manner by agency employees. The cost estimate must include all costs of having agency employees provide the work, including the cost of pension, insurance, and other employee benefits. The cost estimate is nonpublic data, as defined in section 13.02, subdivision 9, until the day after the deadline for receipt of responses under paragraph (b), when it becomes public data.

(b) After soliciting and receiving responses, the commissioner shall publicly designate the responder to which it proposes to award the privatization contract. The commissioner shall prepare a comprehensive written estimate of the cost of the proposal based on the designated responder's bid, including the cost of a transition from public to private provision of the work, any additional unemployment and retirement benefits resulting from the transfer, and costs associated with monitoring the proposed contract. If the designated responder proposes to perform any or all of the desired services outside the state, the commissioner of transportation shall include in the cost estimate, as nearly as possible, any loss of sales and income tax revenue to the state. The cost estimate must not include trade secret data which is classified as nonpublic data under section 13.37, subdivision 2.

(c) Before entering into a privatization transportation contract for \$250,000 or more, the commissioner shall determine that:

(1) the cost estimated under paragraph (b) will be lower than the cost estimated under paragraph (a);

(2) the quality of the work to be provided by the designated responder is likely to equal or exceed the quality of services that could be provided by Department of Transportation employees;

(3) the contract, together with other privatization transportation contracts to which the department is or has been party, will not reduce full-time equivalent positions within the department or result in layoffs; and

(4) the proposed privatization contract is in the public interest.

Subd. 4. **Reports.** Beginning in 2009, the commissioner shall provide, no later than September 1, an annual written report to the legislature, in compliance with sections 3.195 and 3.197, and shall submit the report to the chairs of the senate and house of representatives committees having jurisdiction over transportation. The report must list all privatization transportation contracts within the meaning of this section that were executed or performed, whether wholly or in part, in the previous fiscal year. The report must identify, with respect to each contract: the contractor; contract amount; duration; work, provided or to be provided; the comprehensive estimate derived under subdivision 3, paragraph (a); the comprehensive estimate derived under subdivision 3, paragraph (b); the actual cost to the agency of the contractor's performance of the contract; and for contracts of at least \$250,000, a statement containing the commissioner's determinations under subdivision 3, paragraph (c).

Subd. 5. **Short title.** This section may be cited as the "Taxpayers' Transportation Accountability Act."

Sec. 17. Minnesota Statutes 2006, section 161.53, is amended to read:

161.53 RESEARCH ACTIVITIES.

The commissioner may set aside in each fiscal year up to two percent of the total amount of all funds appropriated to the commissioner other than county state-aid and municipal state-aid highway funds for transportation research including public and private research partnerships. The commissioner shall spend this money for (1) research to improve the design, construction, maintenance, management, and environmental compatibility of transportation systems; (2) research on transportation policies that enhance energy efficiency and economic development; (3) programs for implementing and monitoring research results; and (4) development of transportation education and outreach activities. Of all funds appropriated to the commissioner other than state-aid funds, the commissioner shall spend at least 0.1 percent, but not exceeding ~~\$800,000~~ \$1,200,000 in any fiscal year, for research and related activities performed by the Center for Transportation Studies of the University of Minnesota. The center shall establish a technology transfer and training center for Minnesota transportation professionals.

Sec. 18. Minnesota Statutes 2006, section 164.06, subdivision 2, is amended to read:

Subd. 2. **Extinguishing interest in abandoned road.** (a) After providing notice ~~under section 366.01, subdivision 8~~ as required in paragraph (c), the town board may by resolution disclaim and extinguish a town interest in a town road without action under subdivision 1 if:

- (1) the extinguishment is found by the town board to be in the public interest;
- (2) the interest is not a fee interest;
- (3) the interest was established more than 25 years earlier;
- (4) the interest is not recorded or filed with the county recorder;
- (5) no road improvement has been constructed on a right-of-way affected by the interest within the last 25 years; and
- (6) no road maintenance on a right-of-way affected by the interest has occurred within the last 25 years.

(b) The resolution shall be filed with the county auditor and recorded with the county recorder.

(c) Not less than 30 days before the first meeting at which a resolution to disclaim and extinguish a town interest in a town road under this subdivision is discussed, the town board shall provide notice of the meeting by certified mail to each property owner abutting the road to be extinguished. A notice must also be posted as provided under section 366.01, subdivision 8.

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

Sec. 19. Minnesota Statutes 2006, section 165.01, is amended to read:

165.01 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section and section 160.02 shall have the same meanings given them.

Subd. 2. **AASHTO manual.** "AASHTO manual" means the Manual for Condition Evaluation of Bridges, published by the American Association of State Highway and Transportation Officials.

Sec. 20. Minnesota Statutes 2006, section 165.03, is amended to read:

165.03 STRENGTH OF BRIDGE; INSPECTION.

Subdivision 1. **Standards generally.** Each bridge, including a privately owned bridge, must conform to the strength, width, clearance, and safety standards imposed by the commissioner for the connecting highway or street. This subdivision applies to a bridge that is constructed after August 1, 1989, on any public highway or street. The bridge must have sufficient strength to support with safety the maximum vehicle weights allowed under sections 169.822 to 169.829 and must have the minimum width specified in section 165.04, subdivision 3.

Subd. 1a. **Inspection.** (a) Each bridge must be inspected annually, unless a longer interval not to exceed two years for bridges or four years for bridges classified as culverts is authorized by the commissioner. The commissioner's authorization must be based on factors including, but not limited to, the age and condition of the bridge, the rate of deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure, and the characteristics of traffic on the bridge. The commissioner may require interim inspections at intervals of less than one year on bridges that are posted, bridges subjected to extreme scour conditions, bridges subject to significant substructure movement or settlement, and for other reasons as specified or inferred in the AASHTO manual.

(b) The thoroughness of each inspection depends on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors is the responsibility of the engineer assigned the responsibility for inspection as defined by rule adopted by the commissioner of transportation.

Subd. 2. **Inspection and inventory responsibilities; rules; forms.** (a) The commissioner of transportation shall adopt official inventory and bridge inspection report forms for use in making bridge inspections by the owners or highway authorities specified by this subdivision. Bridge Inspections shall must be made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts, by the following owner or official:

(1) the commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway;

(2) the county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or ~~township~~ town road, or any street within a municipality ~~which~~ that does not have a city engineer regularly employed;

(3) the city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits;

(4) the commissioner of transportation in case of a toll bridge that is used by the general public and that is not inspected and certified under subdivision 6; provided, that the commissioner of transportation may assess the owner for the costs of ~~such~~ the inspection;

(5) the owner of a bridge over a public highway or street or that carries a roadway designated for public use by a public authority, if not required to be inventoried and inspected under clause (1), (2), (3), or (4).

(b) The commissioner of transportation shall prescribe the standards for bridge inspection and inventory by rules. The owner or highway authority shall inspect and inventory in accordance with these standards and furnish the commissioner with such data as may be necessary to maintain a central inventory.

Subd. 3. **County inventory and inspection records and reports.** The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (a), clause (2), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts. A report of the inspections ~~shall~~ must be filed annually, on or before February 15 of each year, with the county auditor or town clerk, or the governing body of the municipality. The report ~~shall~~ must contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 4. **Municipal inventory and inspection records and reports.** The city engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (a), clause (3), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts. A report of the inspections ~~shall~~ must be filed annually, on or before February 15 of each year, with the governing body of the municipality. The report ~~shall~~ must contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 5. **Agreement.** Agreements may be made among the various units of governments, or between governmental units and qualified engineering personnel to carry out the responsibilities for the bridge inspections and reports, as established by subdivision 2.

Subd. 6. **Other bridges.** The owner of a toll bridge and the owner of a bridge described in subdivision 2, paragraph (a), clause (5), shall certify to the commissioner, as prescribed by the commissioner, that inspections of the bridge have been made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts. The certification ~~shall~~ must be accompanied by a report of the inspection. The report ~~shall~~ must contain recommendations for the correction of or legal posting of load limitations if the bridge is found to be understrength or unsafe.

Subd. 7. **Department of Natural Resources bridge.** (a) Notwithstanding subdivision 2, the commissioners of transportation and natural resources shall negotiate a memorandum of understanding that governs the inspection of bridges owned, operated, or maintained by the commissioner of natural resources.

(b) The memorandum of understanding must provide for:

- (1) the inspection and inventory of bridges subject to federal law or regulations;
- (2) the frequency of inspection of bridges described in paragraph (a); and
- (3) who may perform inspections required under the memorandum of understanding.

Sec. 21. Minnesota Statutes 2006, section 168.011, subdivision 22, is amended to read:

Subd. 22. **Special mobile equipment.** "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch-digging apparatuses, moving dollies, pump hoists and other water well-drilling equipment registered under chapter 103I, vehicle-mounted concrete pumps with or without placement booms, street-sweeping vehicles, and other machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other

than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, truck-mounted log loaders, earth-moving carryalls, scrapers, power shovels, draglines, self-propelled cranes, and earth-moving equipment. The term does not include travel trailers, dump trucks, truck-mounted transit mixers, truck-mounted feed grinders, or other motor vehicles designed for the transportation of persons or property to which machinery has been attached.

EFFECTIVE DATE. This section is effective August 1, 2008, and expires December 31, 2010.

Sec. 22. Minnesota Statutes 2006, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. **Truck; tractor; combination; exceptions.** (a) On trucks and tractors except those in this chapter defined as farm trucks, on truck-tractor and semitrailer combinations except those defined as farm combinations, and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule

Scheduled taxes include five percent
surtax provided for in subdivision 14

TOTAL GROSS WEIGHT

	IN POUNDS			TAX
A	0	-	1,500	\$ 15
B	1,501	-	3,000	20
C	3,001	-	4,500	25
D	4,501	-	6,000	35
E	6,001	-	9,000 10,000	45
F	9,001 10,001	-	12,000	70
G	12,001	-	15,000	105
H	15,001	-	18,000	145
I	18,001	-	21,000	190
J	21,001	-	26,000	270
K	26,001	-	33,000	360
L	33,001	-	39,000	475
M	39,001	-	45,000	595
N	45,001	-	51,000	715
O	51,001	-	57,000	865
P	57,001	-	63,000	1015
Q	63,001	-	69,000	1185
R	69,001	-	73,280	1325

S	73,281	-	78,000	1595
T	78,001	-	81,000 <u>80,000</u>	1760

(b) For purposes of the Minnesota base rate schedule, for vehicles with six or more axles in the "S" and "T" categories, the base rates are \$1,520 and \$1,620 respectively.

(c) For each vehicle with a gross weight in excess of ~~81,000~~ 80,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of ~~81,000~~ 80,000 pounds, subject to subdivision 12.

(d) For purposes of registration identification, for vehicles registered in the "O" category, the owner must declare at the time of registration whether the vehicle will carry a weight of 55,000 pounds or more and therefore be subject to the federal heavy vehicle use tax. For those owners who declare a weight less than 55,000 pounds, a distinctive weight sticker must be issued and the owner is restricted to a gross vehicle weight of less than 55,000 pounds.

(e) Truck-tractors except those herein defined as farm and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of the truck-tractor and any semitrailer or semitrailers which the applicant proposes to combine with the truck-tractor.

~~(e)~~ (f) Commercial zone trucks include only trucks, truck-tractors, and semitrailer combinations which are:

~~(1)~~ used by an authorized local cartage carrier operating under a permit issued under section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by section 221.011, subdivision 17; ~~or~~

~~(2)~~ operated by an interstate carrier registered under section 221.60, or by an authorized local cartage carrier or other carrier receiving operating authority under chapter 221, and operated solely within a zone exempt from regulation pursuant to United States Code, title 49, section 13506.

~~(f)~~ (g) The license plates issued for commercial zone vehicles shall be plainly marked. A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the misdemeanor penalty therefor, the registrar shall ~~have revoke~~ the registration of the vehicle as a commercial zone vehicle ~~revoked by the registrar~~ and shall ~~be required to reregister~~ require that the vehicle be registered at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax shall may be refunded during the balance of the registration year.

~~(g)~~ (h) On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during each of the first eight years of vehicle life ~~shall be~~ is 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax ~~shall be~~ is 50 percent of the Minnesota base rate schedule.

~~(h)~~ (i) On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those commercial zone vehicles specifically provided for in this subdivision, the tax for each of the first eight years of vehicle life ~~shall be~~ is 100 percent of

the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax ~~shall be~~ is 75 percent of the Minnesota base rate prescribed by this subdivision.

(i) (j) For the purpose of registration, trailers coupled with a truck-tractor, semitrailer combination are semitrailers.

Sec. 23. Minnesota Statutes 2007 Supplement, section 168.12, subdivision 5, is amended to read:

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

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

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

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

Sec. 24. Minnesota Statutes 2006, section 168.1255, is amended by adding a subdivision to read:

Subd. 6. **World War II memorial donation matching account.** Money remaining in the World War II memorial donation matching account after the state share of the construction costs of the World War II memorial has been paid in full is appropriated to the commissioner of veterans affairs for services and programs for veterans and their families.

Sec. 25. Minnesota Statutes 2006, section 168A.01, is amended by adding a subdivision to read:

Subd. 1a. **Commissioner.** "Commissioner" means the commissioner of public safety.

Sec. 26. Minnesota Statutes 2006, section 168A.05, subdivision 3, is amended to read:

Subd. 3. **Content of certificate.** Each certificate of title issued by the department shall contain:

- (1) the date issued;
- (2) the first, middle, and last names, ~~and the dates of birth, and addresses~~ of all owners who are natural persons, and the full names and addresses of all other owners;
- (3) the residence address of the owner listed first if that owner is a natural person or the address if that owner is not a natural person;
- (4) the names and addresses of any secured parties, and the address of the first secured party, listed in the order of priority (i) as shown on the application, or (ii) if the application is based on a certificate of title, as shown on the certificate, or (iii) as otherwise determined by the department;
- ~~(4)~~(5) any liens filed pursuant to a court order or by a public agency responsible for child support enforcement against the owner;
- ~~(5)~~(6) the title number assigned to the vehicle;
- ~~(6)~~(7) a description of the vehicle including, so far as the following data exists, its make, model, year, identifying number, type of body, whether new or used, and if a new vehicle, the date of the first sale of the vehicle for use;
- ~~(7)~~(8) with respect to ~~a motor vehicles~~ vehicle subject to ~~the provisions of~~ section 325E.15, (i) the true cumulative mileage registered on the odometer or (ii) that the actual mileage is unknown if the odometer reading is known by the owner to be different from the true mileage;
- ~~(8)~~(9) with respect to ~~vehicles~~ a vehicle subject to sections 325F.6641 and 325F.6642, the appropriate term "flood damaged," "rebuilt," "prior salvage," or "reconstructed";
- ~~(9)~~(10) with respect to a vehicle contaminated by methamphetamine production, if the registrar has received the certificate of title and notice described in section 152.0275, subdivision 2, paragraph (g), the term "hazardous waste contaminated vehicle"; ~~and~~
- ~~(10)~~(11) with respect to a vehicle subject to section 325F.665, the term "lemon law vehicle"; and
- (12) any other data the department prescribes.

Sec. 27. Minnesota Statutes 2006, section 168A.05, subdivision 5, is amended to read:

Subd. 5. **Forms.** (a) The certificate of title shall contain forms:

- (1) for assignment and warranty of title by the owner;
 - (2) for assignment and warranty of title by a dealer;
 - (3) to apply for a certificate of title by a transferee;
 - (4) to name a secured party; and
 - (5) to make the disclosure required by section 325F.6641.
- (b) The certificate of title must also include a separate detachable ~~postcard~~ form entitled "Notice

of Sale" that contains, but is not limited to, the vehicle's title number and vehicle identification number. The ~~postcard~~ form must include sufficient space for the owner to record the purchaser's name, address, and driver's license number, if any, and the date of sale. The notice of sale must include clear instructions regarding the owner's responsibility to complete and return the form, or to transmit the required information electronically in a form acceptable to the commissioner, pursuant to section 168A.10, subdivision 1.

Sec. 28. Minnesota Statutes 2006, section 168A.10, subdivision 1, is amended to read:

Subdivision 1. **Assignment and warranty of title; mileage; notice of sale.** If an owner transfers interest in a vehicle other than by the creation of a security interest, the owner shall at the time of the delivery of the vehicle execute an assignment and warranty of title to the transferee and shall state the actual selling price in the space provided on the certificate. Within ten days of the date of sale, other than a sale by or to a licensed motor vehicle dealer, the owner shall: (1) complete, detach, and return to the department the ~~postcard~~ form on the certificate entitled "Notice of Sale," if one is provided, including the transferee's name, address, and driver's license number, if any, and the date of sale; or (2) transmit this information electronically in a form acceptable to the commissioner. With respect to motor vehicles subject to the provisions of section 325E.15, the transferor shall also, in the space provided therefor on the certificate, state the true cumulative mileage registered on the odometer or that the actual mileage is unknown if the odometer reading is known by the transferor to be different from the true mileage. The transferor shall cause the certificate and assignment to be delivered to the transferee immediately.

Sec. 29. Minnesota Statutes 2006, section 168A.101, is amended to read:

168A.101 CANCELLATION OF MOTOR VEHICLE SALE.

Subdivision 1. **Required documentation.** If the parties cancel a purchase of a motor vehicle after the transfer of interest, they must submit within 90 days of the original purchase date the following items:

- (1) ~~the outstanding certificate of title with proper assignment; and~~ a written claim for refund;
- (2) an affidavit correcting ownership signed by the parties; ~~and~~
- (3) the outstanding certificate of title, if available, with proper assignment.

Subd. 2. **Refunds.** A party may be eligible for a refund of taxes ~~and fees~~ paid pursuant to chapter 297B only if the items indicated in subdivision 1 are submitted within the 90-day time frame unless otherwise provided by law. No other taxes or fees paid may be refunded due to the cancellation of a motor vehicle sale.

Sec. 30. Minnesota Statutes 2006, section 168A.151, subdivision 1, is amended to read:

Subdivision 1. **Salvage titles.** (a) When an insurer, licensed to conduct business in Minnesota, acquires ownership of a late-model or high-value vehicle through payment of damages, the insurer shall immediately apply for a salvage certificate of title or shall stamp the existing certificate of title with the legend "SALVAGE CERTIFICATE OF TITLE" in a manner prescribed by the department. Within 48 hours of taking possession of a vehicle through payment of damages, an insurer must notify the department in a manner prescribed by the department.

~~(b) Any person who acquires a damaged motor vehicle with an out-of-state title and the cost of repairs exceeds the value of the damaged vehicle or a motor vehicle with an out-of-state salvage title or certificate, as proof of ownership, shall immediately apply for a salvage certificate of title. A person shall immediately apply for a salvage certificate of title if the person acquires a damaged late-model or high-value motor vehicle with an out-of-state title and the vehicle:~~

- ~~(1) is a vehicle that was acquired by an insurer through payment of damages;~~
- ~~(2) is a vehicle for which the cost of repairs exceeds the value of the damaged vehicle; or~~
- ~~(3) has an out-of-state salvage certificate of title as proof of ownership.~~

~~(c) A self-insured owner of a late-model or high-value vehicle who sustains damage by collision or other occurrence which exceeds 70 percent of its actual cash value shall immediately apply for a salvage certificate of title. Damage, for the purpose of this calculation, does not include the actual cost incurred to repair, replace, or reinstall inflatable safety restraints and other vehicle components that must be replaced due to the deployment of the inflatable safety restraints.~~

Sec. 31. Minnesota Statutes 2006, section 168A.153, is amended to read:

168A.153 REPORT OF VEHICLE RECEIPT; ~~SURRENDER OF CERTIFICATE.~~

Subdivision 1. **Older model vehicle.** A dealer who buys an older model vehicle to be dismantled or destroyed shall report to the department within 30 days including the vehicle's license plate number and identification number, and the seller's name and driver's license number.

Subd. 2. **Late-model or high-value vehicle.** A dealer who buys a late-model or high-value vehicle to be dismantled or destroyed shall notify the secured party, if any, and ~~then surrender the certificate of title and a properly completed application for a salvage certificate of title to the department within ten days~~ the commissioner in the manner prescribed in subdivision 3. The dealer must then properly destroy the certificate of title.

Subd. 3. **Notification on vehicle to be dismantled or destroyed; service fee.** Within the time frames prescribed in subdivisions 1 and 2 of acquiring a vehicle titled and registered in Minnesota, a dealer shall notify the registrar that the dealership purchased the vehicle to be dismantled or destroyed. The notification must be made electronically as prescribed by the registrar. The dealer may contract this service to a deputy registrar and the registrar may charge a fee not to exceed \$7 per transaction to provide this service.

Sec. 32. Minnesota Statutes 2006, section 168B.04, subdivision 2, is amended to read:

Subd. 2. **Unauthorized vehicles.** (a) Units of government and peace officers may take into custody and impound any unauthorized vehicle under section 169.041.

(b) A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

- (1) in a public location not governed by section 169.041:
 - (i) on a highway and properly tagged by a peace officer, four hours;
 - (ii) located so as to constitute an accident or traffic hazard to the traveling public, as determined

by a peace officer, immediately; or

(iii) located so as to constitute an accident or traffic hazard to the traveling public within the Department of Transportation's eight-county metropolitan district, as determined by an authorized employee of the department's freeway service patrol, immediately; or

(iv) that is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or

(2) on private property:

(i) that is single-family or duplex residential property, immediately;

(ii) that is private, nonresidential property, properly posted, immediately;

(iii) that is private, nonresidential property, not posted, 24 hours;

(iv) that is private, nonresidential property of an operator of an establishment for the servicing, repair, or maintenance of motor vehicles, five business days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property; or

(v) that is any residential property, properly posted, immediately.

Sec. 33. Minnesota Statutes 2006, section 168D.06, is amended to read:

168D.06 FUEL LICENSE FEES.

License fees paid to the commissioner under the International Fuel Tax Agreement must be deposited in the ~~highway user tax distribution fund~~ vehicle services operating account in the special revenue fund under section 299A.705. The commissioner shall charge an annual fuel license fee of \$15, and an annual application filing fee of \$13 for quarterly reporting of fuel tax.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2005, for fees collected on or after that date.

Sec. 34. Minnesota Statutes 2006, section 168D.07, is amended to read:

168D.07 FUEL DECAL FEE.

The commissioner shall issue a decal or other identification to indicate compliance with the International Fuel Tax Agreement. The commissioner shall establish a charge to cover the cost of issuing the decal or other identification according to section 16A.1285, subdivision 4a. Decal or other identification charges paid to the commissioner under this subdivision must be deposited in the ~~highway user tax distribution fund~~ vehicle services operating account in the special revenue fund under section 299A.705.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2005, for fees collected on or after that date.

Sec. 35. Minnesota Statutes 2006, section 169.01, subdivision 4c, is amended to read:

Subd. 4c. **Motorized foot scooter.** "Motorized foot scooter" means a device with handlebars designed to be stood or sat upon by the operator, and powered by an internal combustion engine or

electric motor that is capable of propelling the device with or without human propulsion, and that has ~~either (1) no more than two ten-inch~~ 12-inch or smaller diameter wheels ~~or (2) and has an engine or motor that is capable of a maximum speed of 15 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged.~~ An electric personal assistive mobility device, a motorized bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

Sec. 36. Minnesota Statutes 2006, section 169.01, subdivision 19, is amended to read:

Subd. 19. **Explosives.** ~~"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb~~ has the meaning given in Code of Federal Regulations, title 49, section 173.50.

Sec. 37. Minnesota Statutes 2006, section 169.01, subdivision 20, is amended to read:

Subd. 20. **Flammable liquid.** ~~"Flammable liquid" means any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device~~ has the meaning given in Code of Federal Regulations, title 49, section 173.120.

Sec. 38. Minnesota Statutes 2006, section 169.01, subdivision 78, is amended to read:

Subd. 78. **Recreational vehicle combination.** (a) "Recreational vehicle combination" means a combination of vehicles consisting of a full-size pickup truck ~~as defined in section 168.011, subdivision 29,~~ or a recreational truck-tractor attached by means of a kingpin and fifth-wheel coupling to a camper-semitrailer middle vehicle which has hitched to it a trailer carrying a watercraft ~~as defined in section 86B.005, subdivision 18;~~ off-highway motorcycle ~~as defined in section 84.787, subdivision 7;~~ motorcycle; motorized bicycle; snowmobile ~~as defined in section 84.81, subdivision 3;~~ all terrain vehicle ~~as defined in section 84.92, subdivision 8;~~ motorized golf cart; or equestrian equipment or supplies.

(b) For purposes of this subdivision,

(1) a "kingpin and fifth-wheel coupling" is a coupling between a camper-semitrailer middle vehicle and a towing full-size pickup truck or a recreational truck-tractor in which a portion of the weight of the camper-semitrailer towed middle vehicle is carried over or forward of the rear axle of the towing pickup.

(2) A "camper-semitrailer" is a trailer, ~~other than a manufactured home as defined in section 327B.01, subdivision 13, designed for human habitation and used for vacation or recreational purposes for limited periods.~~

Sec. 39. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 93. **Full-size pickup truck.** "Full-size pickup truck" means any truck with a manufacturer's nominal rated carrying capacity of one ton or less and commonly known as or resembling a pickup truck.

Sec. 40. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 94. **Recreational truck-tractor.** "Recreational truck-tractor" means a truck-tractor with a gross vehicle weight rating of not more than 24,000 pounds, that is designed exclusively or adapted specifically to tow a semitrailer coupled by means of a fifth-wheel plate and kingpin assembly.

Sec. 41. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 95. **Valid license; valid driver's license.** "Valid license," "valid driver's license," "valid Minnesota driver's license," "valid standard driver's license," or other similar term, has the meaning given in section 171.01, subdivision 49a.

Sec. 42. Minnesota Statutes 2006, section 169.041, subdivision 1, is amended to read:

Subdivision 1. **Towing authority.** For purposes of this section, "towing authority" means:

(1) any local authority authorized by section 169.04 to enforce the traffic laws, and also includes a private towing company authorized by a local authority to tow vehicles on behalf of that local authority; or

(2) an authorized employee of the Department of Transportation's freeway service patrol within the department's eight-county metropolitan district.

Sec. 43. Minnesota Statutes 2006, section 169.041, subdivision 2, is amended to read:

Subd. 2. **Towing order required.** A towing authority may not tow a motor vehicle from public property unless a peace officer or parking enforcement officer has prepared, in addition to the parking citation, a written towing report describing the motor vehicle and the reasons for towing. The report must be signed by the officer and the tow driver. Within the Department of Transportation's eight-county metropolitan district, an authorized employee of the department's freeway service patrol may order a tow from a trunk highway after preparing a written towing report provided by the Minnesota State Patrol. A citation need not be issued before the employee orders a tow.

Except in cases where an accident or traffic hazard to the traveling public exists, the department employee shall ensure that if the tower requested to remove the vehicle by the owner arrives before the tower requested by the department, the tower requested by the owner is given the opportunity to actually conduct and complete all towing operations requested.

Sec. 44. Minnesota Statutes 2006, section 169.06, subdivision 5, is amended to read:

Subd. 5. **Traffic-control signal.** (a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red, and Yellow shall be used, except for special pedestrian signals carrying a word or legend. The traffic-control signal lights or colored lighted arrows indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

(i) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the

intersection or adjacent crosswalk at the time this signal is exhibited.

(ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or other movement as permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk. Every driver of a vehicle shall yield the right-of-way to such pedestrian, except that the pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the green signal indication is first shown.

(2) Steady yellow indication:

(i) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic must not enter the intersection, except for the continued movement allowed by any green arrow indication simultaneously exhibited.

(ii) Pedestrians facing a circular yellow signal, unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

~~(iii) Vehicular traffic facing a steady yellow arrow signal is thereby warned that the protected vehicular movement permitted by the corresponding prior green arrow indication is being terminated.~~

(3) Steady red indication:

(i) Vehicular traffic facing a circular red signal alone must stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown, except as follows: (A) the driver of a vehicle stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or stop signal, and with the intention of making a right turn may make the right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection; or (B) the driver of a vehicle on a one-way street intersecting another one-way street on which traffic moves to the left shall stop in obedience to a red or stop signal and may then make a left turn into the one-way street, unless an official sign has been erected prohibiting the movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection.

(ii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing a steady red signal alone shall not enter the roadway.

(iii) Vehicular traffic facing a steady red arrow signal, with the intention of making a movement indicated by the arrow, must stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and

must remain standing until a permissive signal indication permitting the movement indicated by the red arrow is displayed, except as follows: when an official sign has been erected permitting a turn on a red arrow signal, the vehicular traffic facing a red arrow signal indication is permitted to enter the intersection to turn right, or to turn left from a one-way street into a one-way street on which traffic moves to the left, after stopping, but must yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection.

(b) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except those which can have no application. Any stop required must be made at a sign or marking on the pavement indicating where the stop must be made, but in the absence of any such sign or marking the stop must be made at the signal.

(c) When a traffic-control signal indication or indications placed to control a certain movement or lane are so identified by placing a sign near the indication or indications, no other traffic-control signal indication or indications within the intersection controls vehicular traffic for that movement or lane.

Sec. 45. Minnesota Statutes 2006, section 169.14, subdivision 2, is amended to read:

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

- (1) 30 miles per hour in an urban district or on a town road in a rural residential district;
- (2) 65 miles per hour on noninterstate expressways, as defined in section 160.02, subdivision 18a, and noninterstate freeways ~~and expressways, as defined in section 160.02, subdivision 19;~~
- (3) 55 miles per hour in locations other than those specified in this section;
- (4) 70 miles per hour on interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
- (5) 65 miles per hour on interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
- (6) ten miles per hour in alleys; and
- (7) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (7), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

(c) For purposes of this subdivision, "rural residential district" means the territory contiguous to and including any town road within a subdivision or plat of land that is built up with dwelling houses at intervals of less than 300 feet for a distance of one-quarter mile or more.

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established in this subdivision, or a speed limit designated on an appropriate

sign under subdivision 4, 5, 5b, 5c, or 5e, by driving 20 miles per hour or more in excess of the applicable speed limit, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

Sec. 46. Minnesota Statutes 2006, section 169.34, is amended to read:

169.34 PROHIBITIONS; STOPPING, PARKING.

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

- (1) on a sidewalk;
 - (2) in front of a public or private driveway;
 - (3) within an intersection;
 - (4) within ten feet of a fire hydrant;
 - (5) on a crosswalk;
 - (6) within 20 feet of a crosswalk at an intersection;
 - (7) within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
 - (8) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - (9) within 50 feet of the nearest rail of a railroad crossing;
 - (10) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;
 - (11) alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
 - (12) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (13) upon any bridge or other elevated structure upon a highway or within a highway tunnel, except as otherwise provided by ordinance;
 - (14) at any place where official signs prohibit stopping.
- (b) No person shall move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.
- (c) No person shall, for camping purposes, leave or park a travel trailer on or within the limits of any highway or on any highway right-of-way, except where signs are erected designating the place as a campsite.
- (d) No person shall stop or park a vehicle on a street or highway when directed or ordered to

proceed by any peace officer invested by law with authority to direct, control, or regulate traffic.

Subd. 2. **Violation; penalty for owner or lessee.** (a) If a motor vehicle is stopped, standing, or parked in violation of subdivision 1, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor.

(b) The owner or lessee may not be fined under paragraph (a) if (1) another person is convicted for, or pleads guilty to, that violation, or (2) the motor vehicle was stolen at the time of the violation.

(c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator for violating subdivision 1.

(e) A violation under paragraph (a) does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license.

Sec. 47. Minnesota Statutes 2006, section 169.471, is amended to read:

169.471 TELEVISION; HEADPHONES.

Subdivision 1. **Television screen in vehicle.** No television screen shall be installed or used in any motor vehicle where ~~it is~~ images from the screen are visible to the driver while operating the motor vehicle except:

(1) video screens installed in law enforcement vehicles;

(2) closed-circuit video systems used exclusively to aid the driver's visibility to the front, rear, or sides of the vehicle; and

(3) video screens installed as part of a vehicle control system or used in intelligent vehicle highway applications.

Subd. 2. **Use of headphones in vehicle.** (a) No person, while operating a motor vehicle, shall wear headphones or earphones that are used in both ears simultaneously for purposes of receiving or listening to broadcasts or reproductions from radios, tape decks, or other sound-producing or transmitting devices.

(b) Paragraph (a) does not prohibit:

(1) the use of a hearing aid device by a person who needs the device; ~~or~~

(2) the use of a communication headset by a firefighter while operating a fire department emergency vehicle in response to an emergency; or

(3) the use of a communication headset by an emergency medical services person while operating an ambulance subject to section 144E.101.

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

Sec. 48. Minnesota Statutes 2006, section 169.781, is amended to read:

169.781 ANNUAL COMMERCIAL VEHICLE INSPECTION; INSPECTORS, FEE,

PENALTY.

Subdivision 1. **Definitions.** For purposes of sections 169.781 to 169.783:

(a) "Commercial motor vehicle":

(1) means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) a commercial motor vehicle as defined in section 169.01, subdivision 75, paragraph (a); and (i) has a gross vehicle weight of more than 26,000 pounds;

(2) each (ii) is a vehicle in a combination of more than 26,000 pounds;

(iii) is a bus; or

(iv) is of any size and is used in the transportation of hazardous materials that are required to be placarded under Code of Federal Regulations, title 49, parts 100-185; and

~~"Commercial motor vehicle"~~

(2) does not include (1) (i) a school bus or Head Start bus displaying a certificate under section 169.451, (2) or (ii) a bus operated by the Metropolitan Council or by a local transit commission created in chapter 458A, or (3) a motor vehicle that is required to be placarded under Code of Federal Regulations, title 49, parts 100-185.

(b) "Commissioner" means the commissioner of public safety.

(c) "Owner" means a person who owns, or has control, under a lease of more than 30 days' duration, of one or more commercial motor vehicles.

~~(d) "Storage semitrailer" means a semitrailer that (1) is used exclusively to store property at a location not on a street or highway, (2) does not contain any load when moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked on each side of the semitrailer "storage only" in letters at least six inches high.~~

~~(e) "Building mover vehicle" means a vehicle owned or leased by a building mover as defined in section 221.81, subdivision 1, paragraph (a), and used exclusively for moving buildings.~~

Subd. 2. **Inspection required.** (a) It is unlawful for a person to operate or permit the operation of:

(1) a commercial motor vehicle registered in Minnesota; or

(2) special mobile equipment as defined in section 168.011, subdivision 22, and which is self-propelled, if it is mounted on a commercial motor vehicle chassis,

~~unless the~~ in violation of the requirements of paragraph (b).

(b) A vehicle displays described in paragraph (a):

(1) must display a valid safety inspection decal issued by an inspector certified by the commissioner, or the vehicle carries (1); or

(2) must carry (i) proof that the vehicle complies with federal motor vehicle inspection requirements for vehicles in interstate commerce, and ~~(2)~~ (ii) a certificate of compliance with federal requirements issued by the commissioner under subdivision 9.

Subd. 3. **Inspector certification; suspension and revocation; hearing.** (a) An inspection required by this section may be performed only by:

(1) an employee of the Department of Public Safety or Transportation who has been certified by the commissioner after having received training provided by the State Patrol; or

(2) another person who has been certified by the commissioner after having received training provided by the State Patrol or other training approved by the commissioner.

(b) A person who is not an employee of the Department of Public Safety or Transportation may be certified by the commissioner if the person is:

(1) an owner, or employee of the owner, of one or more commercial motor vehicles that are power units;

(2) a dealer licensed under section 168.27 and engaged in the business of buying and selling commercial motor vehicles, or an employee of the dealer; ~~or~~

(3) engaged in the business of repairing and servicing commercial motor vehicles; or

(4) employed by a governmental agency that owns commercial vehicles.

(c) Certification of persons described in paragraph (b), clauses (1) to ~~(3)~~ (4), is effective for two years from the date of certification. The commissioner may require biennial retraining of persons holding a certificate under paragraph (b) as a condition of renewal of the certificate. The commissioner may charge a fee of not more than \$10 for each certificate issued and renewed. A certified person described in paragraph (b), clauses (1) to ~~(3)~~ (4), may charge a reasonable fee for each inspection of a vehicle not owned by the person or the person's employer.

(d) Except as otherwise provided in subdivision 5, the standards adopted by the commissioner for commercial motor vehicle inspections under sections 169.781 to 169.783 ~~shall~~ must be the standards prescribed in Code of Federal Regulations, title 49, section 396.17, and in chapter III, subchapter B, appendix G.

(e) The commissioner may classify types of vehicles for inspection purposes and may issue separate classes of inspector certificates for each class. ~~The commissioner shall issue separate categories of inspector certificates based on the following classifications:~~

~~(1) a class of certificate that authorizes the certificate holder to inspect commercial motor vehicles without regard to ownership or lease; and~~

~~(2) a class of certificate that authorizes the certificate holder to inspect only commercial motor vehicles the certificate holder owns or leases.~~

~~The commissioner shall issue a certificate described in clause (1) only to a person described in paragraph (b), clause (2) or (3).~~

(f) The commissioner, after notice and an opportunity for a hearing, may suspend a certificate

issued under paragraph (b) for failure to meet annual certification requirements prescribed by the commissioner or failure to inspect commercial motor vehicles in accordance with inspection procedures established by the State Patrol. The commissioner shall revoke a certificate issued under paragraph (b) if the commissioner determines after notice and an opportunity for a hearing that the certified person issued an inspection decal for a commercial motor vehicle when the person knew or reasonably should have known that the vehicle was in such a state of repair that it would have been declared out of service if inspected by an employee of the State Patrol. Suspension and revocation of certificates under this subdivision are not subject to sections 14.57 to 14.69.

Subd. 4. **Inspection report.** (a) A person performing an inspection under this section shall issue an inspection report to the owner of the commercial motor vehicle inspected. The report must include:

(1) the full name of the person performing the inspection, and the person's inspector certification number;

(2) the name of the owner of the vehicle and, if applicable, the United States Department of Transportation carrier number issued to the owner of the vehicle, or to the operator of the vehicle if other than the owner;

(3) the vehicle identification number and, if applicable, the license plate number of the vehicle;

(4) the date and location of the inspection;

(5) the vehicle components inspected and a description of the findings of the inspection, including identification of the components not in compliance with federal motor carrier safety regulations; and

(6) the inspector's certification that the inspection was complete, accurate, and in compliance with the requirements of this section.

(b) The owner must retain a copy of the inspection report for at least 14 months at a location in the state where the vehicle is domiciled or maintained. The inspector must maintain a copy of the inspection report for a period of 14 months following the inspection in a location in the state where the inspector conducts business. During this period the report must be available for inspection by an authorized federal, state, or local official.

(c) The commissioner shall prescribe the form of the inspection report and revise it as necessary to comply with state and federal law and regulations. The adoption of the report form is not subject to the Administrative Procedure Act.

Subd. 5. **Inspection decal.** ~~(a)~~ A person inspecting a commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected component of the vehicle complies with federal motor carrier safety regulations. The decal must state that in the month specified on the decal the vehicle was inspected and each inspected component complied with federal motor carrier safety regulations. The decal is valid for 12 months after the month specified on the decal. The commissioners of public safety and transportation shall make decals available, at a fee of not more than \$2 for each decal, to persons certified to perform inspections under subdivision 3, paragraph (b). Decals are issued to inspectors by serial number and are not transferable unless approved by the commissioner.

~~(b) Minnesota inspection decals may be affixed only to:~~

~~(1) commercial motor vehicles bearing Minnesota-based license plates; or~~

~~(2) special mobile equipment, within the meaning of subdivision 2, clause (2).~~

~~(c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less than 57,000 pounds gross vehicle weight and registered as a farm truck, (2) a storage semitrailer, or (3) a building mover vehicle must issue an inspection decal to the vehicle unless the vehicle has one or more defects that would result in the vehicle being declared out of service under the North American Uniform Driver, Vehicle, and Hazardous Materials Out of Service Criteria issued by the Federal Highway Administration and the Commercial Vehicle Safety Alliance. A decal issued to a vehicle described in clause (1), (2), or (3) is valid for two years from the date of issuance. A decal issued to such a vehicle must clearly indicate that it is valid for two years from the date of issuance.~~

~~(d) Notwithstanding paragraph (a), a commercial motor vehicle that (1) is registered as a farm truck, (2) is not operated more than 75 miles from the owner's home post office, and (3) was manufactured before 1979 that has a dual transmission system, is not required to comply with a requirement in an inspection standard that requires that the service brake system and parking brake system be separate systems in the motor vehicle.~~

Subd. 6. **Record review; random inspection; audit.** Employees of the State Patrol and motor transportation representatives of the Department of Transportation may review records required to be kept under subdivision 4, paragraph (b), and conduct random vehicle inspections and audits at the facility of an owner of a commercial motor vehicle.

Subd. 7. **Disposition of revenues.** The commissioner shall pay all revenues received under this section to the commissioner of finance for deposit in the trunk highway fund.

Subd. 8. **Violation; misdemeanor.** A violation of this section is a misdemeanor.

Subd. 9. **Proof of federal inspection.** An owner of a commercial motor vehicle that is subject to and in compliance with federal motor vehicle inspection requirements for vehicles in interstate commerce may apply to the commissioner for a certificate of compliance with federal requirements. On payment of a fee equal to the fee for an inspection decal under subdivision 5, ~~paragraph (a),~~ the commissioner shall issue the certificate to the applicant. This subdivision only applies to Minnesota-licensed vehicles that are not housed or maintained in Minnesota.

Subd. 10. **Exemption.** This section does not apply to a vehicle operated by a motor carrier of passengers, as defined in section 221.011, subdivision 48, if the vehicle has been inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within the previous 12 months.

Sec. 49. Minnesota Statutes 2006, section 169.782, subdivision 1, is amended to read:

Subdivision 1. **Driver; daily inspection report.** (a) The driver of a commercial motor vehicle shall report in writing at the completion of each day's work on each commercial motor vehicle the driver has operated. A person who owns one or more commercial motor vehicles and who employs drivers for those commercial motor vehicles must require each driver to submit a written report as required ~~in~~ by this section. The report must cover the following parts and accessories: service brakes, including trailer and semitrailer brake connections; parking (hand) brake; steering mechanism; lighting devices and reflectors; tires; horn; windshield wiper or wipers; rear vision

mirror or mirrors; coupling devices; wheels and rims; and emergency equipment.

(b) The report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver that would affect the safe operation of the vehicle or result in its mechanical breakdown. If no defect or deficiency is discovered by or reported to the driver, the report must so indicate. The driver must sign the report after completing it. In the case of a commercial motor vehicle operated by two drivers, the signature of one of the drivers satisfies the requirements of this subdivision if both drivers agree concerning the defects or deficiencies. If a driver operates more than one commercial motor vehicle during a day's work, a report must be prepared for each vehicle operated.

(c) Before operating or allowing the operation of a commercial motor vehicle on which a report has been prepared under this subdivision, the owner of the vehicle or the owner's agent must repair defects or deficiencies listed on the report that would ~~be sufficient under inspection procedures established by the State Patrol to require the vehicle to be declared out of service~~ likely affect the safe operation of the vehicle. Before allowing the commercial motor vehicle to be operated again, the owner or the owner's agent must certify, on the report listing the defect or deficiency, that the defect or deficiency has been corrected or that correction is unnecessary. A motor carrier must keep the original vehicle inspection report for at least three months after the date of inspection. The report must be available for inspection by an authorized federal, state, or local official at any time during this period.

(d) A copy of the vehicle inspection report, including a certification of corrections resulting from the report, must be carried in the commercial motor vehicle, or in the power unit of a commercial motor vehicle combination, at all times when the vehicle or power unit is operated until the next inspection report is completed under this subdivision. The copy must be made available on demand to: (1) a peace officer; (2) a person authorized under section 221.221; and (3) a person described in section 299D.06.

Sec. 50. Minnesota Statutes 2006, section 169.783, subdivision 1, is amended to read:

Subdivision 1. **Postcrash inspection.** (a) ~~A peace officer responding to an accident involving a commercial motor vehicle must immediately notify the State Patrol if the accident results in death, personal injury, or property damage to an apparent extent of more than \$4,400.;~~

(1) a fatality;

(2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicles to be transported away from the scene by tow truck or other motor vehicle.

(b) It is a misdemeanor for a person to drive or cause to be driven a commercial motor vehicle after such an accident unless the vehicle:

(1) has been inspected by a state trooper or other person authorized to conduct inspections under section 169.781, subdivision 3, paragraph (a), who is an employee of the Department of Public Safety or Transportation, and the person inspecting the vehicle has determined that the vehicle may safely be operated; or

(2) a waiver has been granted under subdivision 2.

Sec. 51. Minnesota Statutes 2006, section 169.81, subdivision 2, is amended to read:

Subd. 2. **Length of single vehicle; exceptions.** (a) Statewide, no single vehicle may exceed 40 feet in overall length, including load and front and rear bumpers, except:

~~(1) mobile cranes, which may not exceed 48 feet in overall length;~~

~~(2) buses, which may not exceed 45 feet in overall length; and~~

~~(3) type A, B, or C motor homes as defined in section 168.011, subdivision 25, paragraph (c), which may not exceed 45 feet in overall length.~~

(b) Statewide, no semitrailer may exceed 48 feet in overall length, including bumper and load, but excluding non-cargo-carrying equipment, such as refrigeration units or air compressors, necessary for safe and efficient operation and located on the end of the semitrailer adjacent to the truck-tractor. However, statewide, a single semitrailer may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 43 feet.

(c) Statewide, no single trailer may have an overall length exceeding 45 feet, including the tow bar assembly but exclusive of rear bumpers that do not increase the overall length by more than six inches.

(d) For determining compliance with this subdivision, the length of the semitrailer or trailer must be determined separately from the overall length of the combination of vehicles.

(e) No semitrailer or trailer used in a three-vehicle combination may have an overall length in excess of 28-1/2 feet, exclusive of:

(1) non-cargo-carrying accessory equipment, including refrigeration units or air compressors and upper coupler plates, necessary for safe and efficient operation, located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor;

(2) the tow bar assembly; and

(3) lower coupler equipment that is a fixed part of the rear end of the first semitrailer or trailer.

Sec. 52. Minnesota Statutes 2006, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. **Recreational vehicle combination.** Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

(1) the combination does not consist of more than three vehicles, and the towing rating of the full-size pickup truck or recreational truck-tractor is equal to or greater than the total weight of all vehicles being towed;

(2) the combination does not exceed 70 feet in length;

~~(3) the middle vehicle in the combination does not exceed 28 feet in length;~~

~~(4) the operator of the combination is at least 18 years of age;~~

~~(5) (4) the trailer is only carrying a watercraft, motorcycle, motorized bicycle, off-highway motorcycle, snowmobile, all-terrain vehicle, motorized golf cart, watercraft, motorcycles,~~

motorized bicycles, off-highway motorcycles, snowmobiles, all-terrain vehicles, motorized golf carts, or equestrian equipment or supplies, and meets all requirements of law;

~~(6)~~ (5) the trailers vehicles in the combination are connected to the full-size pickup truck or recreational truck-tractor and each other in conformity with section 169.82; and

~~(7)~~ (6) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays.

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

Sec. 53. Minnesota Statutes 2006, section 169.823, subdivision 1, is amended to read:

Subdivision 1. **Pneumatic-tired vehicle.** No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(1) where the gross weight on any wheel exceeds 9,000 pounds, except that on paved county state-aid highways, paved county roads, designated local routes, and state trunk highways the gross weight on any single wheel shall not exceed 10,000 pounds unless posted to a lesser weight under section 169.87, subdivision 1;

(2) where the gross weight on any single axle exceeds 18,000 pounds, except that on paved county state-aid highways, paved county roads, designated local routes, and state trunk highways the gross weight on any single axle shall not exceed 20,000 pounds unless posted to a lesser weight under section 169.87, subdivision 1;

(3) where the maximum wheel load:

(i) on the foremost and rearmost steering axles, exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less; or

(ii) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's recommended load, whichever is less. ~~This item applies to new vehicles manufactured after August 1, 1991. For vehicles manufactured before August 2, 1991, the maximum weight per inch of tire width is 600 pounds per inch or the manufacturer's recommended load, whichever is less, until August 1, 1996. After July 31, 1996, this item applies to all vehicles regardless of date of manufacture;~~

(4) where the gross weight on any axle of a tridem exceeds 15,000 pounds, except that for vehicles to which an additional axle has been added prior to June 1, 1981, the maximum gross weight on any axle of a tridem may be up to 16,000 pounds provided the gross weight of the tridem combination does not exceed 39,900 pounds where the first and third axles of the tridem are spaced nine feet apart;

(5) where the gross weight on any group of axles exceeds the weights permitted under sections 169.822 to 169.829 with any or all of the interior axles disregarded, and with an exterior axle disregarded if the exterior axle is a variable load axle that is not carrying its intended weight, and their gross weights subtracted from the gross weight of all axles of the group under consideration.

Sec. 54. Minnesota Statutes 2006, section 169.824, subdivision 2, is amended to read:

Subd. 2. **Gross vehicle weight of all axles.** (a) Notwithstanding the provisions of section 169.85,

the gross vehicle weight of all axles of a vehicle or combination of vehicles ~~shall~~ must not exceed:

(1) 80,000 pounds for any vehicle or combination of vehicles on all state (i) trunk highways as defined in section 160.02, subdivision 29, and for all (ii) routes designated under section 169.832, subdivision 11, and (iii) paved nine-ton routes;

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

(3) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes, other than ~~state trunk highways and routes that are designated under section 169.832, subdivision 11, except that a vehicle needing reasonable access to a terminal or facilities for food, fuel, repairs, and rest, located within three miles of a ten-ton route, may not exceed 80,000 pounds. "Terminal" means any location where freight either originates, terminates, or is handled in the transportation process, or where commercial motor carriers maintain operating facilities; and routes identified in clause (1).~~

~~(4) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes, other than state trunk highways and routes that are designated under section 169.832, subdivision 11.~~

~~(b) The maximum weights specified in this section for five consecutive axles shall not apply to a four-axle ready-mix concrete truck which was equipped with a fifth axle prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axles of vehicles excepted by this clause shall not exceed any maximum weight specified for four or fewer consecutive axles in this section. Notwithstanding the maximum weight provisions of this section and section 169.85, and in order to promote the reduction of fuel use and emissions because of engine idling, the maximum gross vehicle weight limits and the axle weight limits for any motor vehicle subject to sections 169.80 to 169.88 and equipped with idle reduction technology must be increased by the amount of weight necessary to compensate for the weight of the idle reduction technology, not to exceed 400 pounds. At the request of an authorized representative of the Department of Transportation or the Department of Public Safety, the vehicle operator shall provide proof that the vehicle is equipped with this technology through documentation or demonstration.~~

Sec. 55. Minnesota Statutes 2006, section 169.8261, is amended to read:

169.8261 GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.

(a) A vehicle or combination of vehicles hauling raw or unfinished forest products, including wood chips, paper, pulp, oriented strand board, laminated strand lumber, hardboard, treated lumber, untreated lumber, or barrel staves, by the most direct route to the nearest highway that has been designated under section 169.832, subdivision 11, may be operated on any highway with gross weights permitted under sections 169.822 to 169.829 without regard to load restrictions imposed on that highway, except that the vehicles must:

(1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;

(2) comply with bridge load limits posted under section 169.84;

- (3) be equipped and operated with six axles and brakes on all wheels;
- (4) not exceed 90,000 pounds gross weight, or ~~98,000~~ 99,000 pounds gross weight during the time when seasonal increases are authorized under section 169.826;
- (5) not be operated on interstate and defense highways;
- (6) obtain an annual permit from the commissioner of transportation;
- (7) obey all road postings; and
- (8) not exceed 20,000 pounds gross weight on any single axle.

(b) A vehicle operated under this section may exceed the legal axle weight limits listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may be exceeded by not more than 22.5 percent during the time when seasonal increases are authorized under section 169.826, subdivision 1.

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

Sec. 56. Minnesota Statutes 2006, section 169.829, subdivision 2, is amended to read:

Subd. 2. **Tow truck.** Sections 169.822 to 169.828 do not apply to a tow truck or towing vehicle when towing a disabled or damaged vehicle damaged in such manner that the towed vehicle cannot be towed from the rear and, when the movement is temporary urgent, and when the movement is for the purpose of taking removing the disabled vehicle from the roadway to a place of safekeeping or to a place of repair.

Sec. 57. Minnesota Statutes 2006, section 169.86, subdivision 5, is amended to read:

Subd. 5. **Fee; proceeds deposited; appropriation.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

- (a) \$15 for each single trip permit.
- (b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.
- (c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:
 - (1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;
 - (2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;
 - (3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;

- (4) special pulpwood vehicles described in section 169.863;
 - (5) motor vehicles bearing snowplow blades not exceeding ten feet in width; ~~and~~
 - (6) noncommercial transportation of a boat by the owner or user of the boat; and
 - (7) motor vehicles carrying bales of agricultural products authorized under section 169.862.
- (d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:
- (1) mobile cranes;
 - (2) construction equipment, machinery, and supplies;
 - (3) manufactured homes and manufactured storage buildings;
 - (4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);
 - (5) double-deck buses;
 - (6) commercial boat hauling; and
 - (7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c).
- (e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	Cost Per Mile For Each Group Of:		
	Two consecutive axles spaced within 8 feet or less	Three consecutive axles spaced within 9 feet or less	Four consecutive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07

9304	JOURNAL OF THE SENATE		[109TH DAY
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

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

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

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for

refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

- (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;
- (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;
- (3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;
- (4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and
- (5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

(j) \$300 for a motor vehicle described in section 169.8261. The fee under this paragraph must be deposited as follows:

- (1) in fiscal years 2005 through 2010:
 - (i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges;
 - (ii) all remaining money in each fiscal year must be deposited in a bridge inspection and signing account in the special revenue fund. Money in the account is appropriated to the commissioner for:
 - (A) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and
 - (B) erection of weight-posting signs on local bridges; and
- (2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway fund.

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

Sec. 58. Minnesota Statutes 2006, section 169.86, is amended by adding a subdivision to read:

Subd. 8. **Tow truck.** A tow truck or towing vehicle, when towing a disabled or damaged vehicle to a place of repair or to a place of safekeeping, may exceed the length and weight limitations of this chapter, subject to a \$300 annual permit fee and other conditions the commissioner may prescribe.

Sec. 59. Minnesota Statutes 2006, section 169.862, is amended to read:

169.862 PERMIT FOR WIDE LOAD OF BALED AGRICULTURAL PRODUCT.

Subdivision 1. **Annual permit authority; restrictions.** ~~(a)~~ The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying ~~round~~ bales of hay, straw, or cornstalks, with a total outside width of the vehicle or the load not exceeding 11-1/2 to 12 feet, and a total height of the loaded vehicle not exceeding 14-1/2 feet, to be operated on public streets and highways.

~~(b) The commissioner of transportation and local authorities may issue an annual permit to enable a vehicle, having a maximum width of 102 inches, carrying a first haul of square bales of straw, each bale having a minimum size of four feet by four feet by eight feet, with a total outside width of the load not exceeding 12 feet, to be operated on public streets and highways between August 1 and March 1 within 35 miles of the border between this state and the state of North Dakota.~~

~~(c) The commissioner of transportation and local authorities may issue an annual permit to enable a vehicle carrying square bales of hay, each with an outside dimension of not less than three feet by four feet by seven feet, with a total height of the loaded vehicle not exceeding 15 feet, to be operated on those public streets and highways designated in the permit.~~

Subd. 2. **Additional restrictions.** Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(b) The vehicles may not be operated on interstate highways.

(c) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

(d) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle.

(e) A vehicle operated under the permit must display red, orange, or yellow flags, 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

(f) Farm vehicles not for hire carrying round baled hay less than 20 miles are exempt from the requirement to obtain a permit. All other requirements of this section apply to vehicles transporting round baled hay.

~~The fee for the permit is \$24.~~

Sec. 60. Minnesota Statutes 2006, section 169.864, subdivision 1, is amended to read:

Subdivision 1. **Special three-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing one additional semitrailer, which may be equipped with an auxiliary dolly, and no semitrailer used in the three-vehicle combination has an overall length in excess of 28-1/2 feet;

(2) has a maximum gross vehicle weight of 108,000 pounds;

(3) complies with the axle weight limits in section 169.824 or with the federal bridge formula for axle groups not described in that section;

(4) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less;

(5) is operated only in this state on Trunk Highway marked 2 between Grand Rapids and the port of Duluth; on Trunk Highway marked 169 between Grand Rapids and its junction with Trunk Highway marked 53; on Trunk Highway marked 194 between Trunk Highway marked 2 and Trunk Highway marked 53; and on Trunk Highway marked 53 between Virginia and the port of Duluth; and

(6) the seasonal weight increases authorized under section 169.826, subdivision 1, do not apply.

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

Sec. 61. Minnesota Statutes 2006, section 169.864, subdivision 2, is amended to read:

Subd. 2. **Special two-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles consisting of a truck-tractor and a single semitrailer that may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 43 feet;

(2) has a maximum gross vehicle weight of 90,000 pounds or 97,000 pounds if the truck has seven axles;

(3) has a maximum gross vehicle weight of 98,000 pounds during the time when seasonal weight increases authorized under section 169.826, subdivision 1, are in effect;

(4) complies with the axle weight limits in section 169.824 or with the federal bridge formula for axle groups not described in that section;

(5) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less; and

(6) is operated only on the highways specified in subdivision 1, clause (5).

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

Sec. 62. **[169.865] SPECIAL AGRICULTURAL PRODUCTS PERMITS.**

Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of six axles to haul raw or unprocessed agricultural

products and be operated with a gross vehicle weight of up to:

(1) 90,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Notwithstanding subdivision 3, paragraph (a), clause (4), a vehicle or combination of vehicles operated under this subdivision and transporting only sealed intermodal containers may be operated on an interstate highway if allowed by the United States Department of Transportation.

(c) The fee for a permit issued under this subdivision is \$300.

Subd. 2. **Seven-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of seven axles to haul raw or unprocessed agricultural products and be operated with a gross vehicle weight of up to:

(1) 97,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Drivers of vehicles operating under this subdivision must comply with driver qualification requirements adopted under section 221.0314, subdivisions 2 to 5, and Code of Federal Regulations, title 49, parts 40 and 382.

(c) The fee for a permit issued under this subdivision is \$500.

Subd. 3. **Requirements; restrictions.** (a) A vehicle or combination of vehicles operating under this section:

(1) is subject to axle weight limitations under section 169.824, subdivision 1;

(2) is subject to seasonal load restrictions under section 169.87;

(3) is subject to bridge load limits posted under section 169.84;

(4) may only be operated on trunk highways other than interstate highways, and on local roads designated under section 169.832, subdivision 11;

(5) may not be operated with loads that exceed the manufacturer's gross vehicle weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating complying with Code of Federal Regulations, title 49, parts 567.4 to 567.7;

(6) must be issued a permit from each road authority having jurisdiction over a road on which the vehicle is operated, if required;

(7) must comply with the requirements of section 169.851, subdivision 4; and

(8) must have brakes on all wheels.

(b) The percentage allowances for exceeding gross weights if transporting unfinished forest products under section 168.013, subdivision 3, paragraph (b), or for the first haul of unprocessed or raw farm products or unfinished forest products under section 168.013, subdivision 3, paragraph

(d), clause (3), do not apply to a vehicle or combination of vehicles operated under this section.

Subd. 4. **Deposit of revenues; appropriation.** (a) Revenue from the permits issued under this section must be deposited:

(1) in fiscal years 2008 through 2011, in the bridge inspection and signing account in the special revenue fund; and

(2) in fiscal year 2012 and subsequent years, in the trunk highway fund.

(b) The revenue in the bridge inspection and signing account under this section is annually appropriated to the commissioner for:

(1) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and

(2) erection of weight posting signs on local bridges.

Sec. 63. Minnesota Statutes 2006, section 171.01, is amended by adding a subdivision to read:

Subd. 49a. **Valid license; valid driver's license.** "Valid license," "valid driver's license," "valid Minnesota driver's license," "valid standard driver's license," or other similar term, means any operator's license, provisional license, temporary license, limited license, permit, or other license to operate a motor vehicle issued or issuable under the laws of this state by the commissioner, or by another state or jurisdiction if specified, that is:

(1) not expired, suspended, revoked, or canceled; and

(2) not disqualified for the class of vehicle being operated.

Sec. 64. Minnesota Statutes 2006, section 171.02, subdivision 1, is amended to read:

Subdivision 1. **License required; duplicate identification restricted.** (a) Except when expressly exempted, a person shall not drive a motor vehicle upon a street or highway in this state unless the person has a ~~license~~ valid license under this chapter for the type or class of vehicle being driven.

(b) The department shall not issue a driver's license to a person unless and until the person's license from any jurisdiction has been invalidated. The department shall provide to the issuing department of any jurisdiction, information that the licensee is now licensed in Minnesota. A person is not permitted to have more than one valid driver's license at any time. The department shall not issue to a person to whom a current Minnesota identification card has been issued a driver's license, other than a limited license, unless the person's Minnesota identification card has been invalidated. This subdivision does not require invalidation of a tribal identification card as a condition of receiving a driver's license.

Sec. 65. Minnesota Statutes 2006, section 171.14, is amended to read:

171.14 CANCELLATION.

(a) The commissioner ~~shall have authority to~~ may cancel any driver's license upon determination that (1) the licensee was not entitled to the issuance thereof hereunder, or that of the license, (2) the licensee failed to give the required or correct information in the application, or (3) the licensee

committed any fraud or deceit in making such the application. ~~The commissioner may also cancel the driver's license of any, or (4) the person who,~~ at the time of the cancellation, would not have been entitled to receive a license under ~~the provisions of~~ section 171.04.

(b) The commissioner shall cancel the driver's license of a person described in paragraph (a), clause (3), for 60 days or until the required or correct information has been provided, whichever is longer.

Sec. 66. Minnesota Statutes 2006, section 174.01, subdivision 2, is amended to read:

Subd. 2. **Transportation goals.** The goals of the state transportation system are as follows:

- (1) to provide safe transportation for users throughout the state;
- (2) to provide multimodal and intermodal transportation that enhances mobility and economic development and provides access to all persons and businesses in Minnesota while ensuring that there is no undue burden placed on any community;
- (3) to provide a reasonable travel time for commuters;
- (4) to provide for the economical, efficient, and safe movement of goods to and from markets by rail, highway, and waterway;
- (5) to encourage tourism by providing appropriate transportation to Minnesota facilities designed to attract tourists;
- (6) to provide transit services throughout the state to meet the needs of transit users;
- (7) to promote productivity through system management and the utilization of technological advancements;
- (8) to maximize the long-term benefits received for each state transportation investment;
- (9) to provide funding for transportation that, at a minimum, preserves the transportation infrastructure;
- (10) to ensure that the planning and implementation of all modes of transportation are consistent with the environmental and energy goals of the state;
- (11) to promote and increase the use of high-occupancy vehicle-use vehicles and low-emission vehicles;
- (12) to provide an air transportation system sufficient to encourage economic growth and allow all regions of the state the ability to participate in the global economy;
- (13) to increase transit use ~~in the urban areas~~ statewide by giving highest priority to the transportation modes with the greatest people-moving capacity and lowest long-term economic and environmental cost; and
- (14) to promote and increase bicycling as an energy-efficient, nonpolluting, and healthful form of transportation alternative;
- (15) to reduce greenhouse gas emissions from the state's transportation sector; and

(16) accomplish these goals with minimal impact on the environment.

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

Sec. 67. Minnesota Statutes 2006, section 174.02, subdivision 1a, is amended to read:

Subd. 1a. **Mission; efficiency; legislative report, recommendations.** It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

- (1) prevent the waste or unnecessary spending of public money;
- (2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;
- (3) minimize the degradation of air and water quality;
- (4) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;
- ~~(4)~~ (5) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;
- ~~(5)~~ (6) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;
- ~~(6)~~ (7) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and
- ~~(7)~~ (8) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

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

Sec. 68. Minnesota Statutes 2006, section 174.03, subdivision 1, is amended to read:

Subdivision 1. **Statewide transportation plan; priorities; schedule of expenditures.** In order to best meet the present and future transportation needs of the public, to insure a strong state economy, to make most efficient use of public and private funds, to lessen adverse environmental impacts of the transportation sector, and to promote the more efficient use of energy and other resources for transportation purposes, the commissioner shall:

- (1) three months after notification that the department is ready to commence operations and prior to the drafting of the statewide transportation plan, hold public hearings as may be appropriate solely for the purpose of receiving suggestions for future transportation alternatives and priorities for the state. The Metropolitan Council, regional development commissions, and port authorities shall appear at the hearings and submit information concerning transportation-related planning undertaken and accomplished by these agencies. Other political subdivisions may appear and submit such information at the hearings. These hearings shall be completed no later than six months from the date of the commissioner's notification;
- (2) develop, adopt, revise, and monitor a statewide transportation plan, taking into account the suggestions and information submitted at the public hearings held pursuant to clause (1). The

plan shall incorporate all modes of transportation including bicycle commutation and recreation and provide for the interconnection and coordination of different modes of transportation. The commissioner shall evaluate alternative all transportation programs and facilities proposed for inclusion in the plan in terms of economic costs and benefits, safety aspects, impact on present and planned land uses, environmental effects, energy efficiency, national transportation policies and priorities, and availability of federal and other financial assistance;

(3) based upon the statewide transportation plan, develop statewide transportation priorities and schedule authorized public capital improvements and other authorized public transportation expenditures pursuant to the priorities;

(4) complete the plan and priorities required by this subdivision no later than July 1, 1978. Upon completion of the plan and priorities, the commissioner shall prepare and periodically revise, as necessary, the schedule of authorized public transportation expenditures. The plan, priorities, and schedule are exempt from the provisions of the Administrative Procedure Act.

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

Sec. 69. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision to read:

Subd. 10. Highway construction training. (a) The commissioner of transportation shall utilize the maximum feasible amount of all federal funds available to this state under United States Code, title 23, section 140, paragraph (b), to develop, conduct, and administer highway construction training, including skill improvement programs.

(b) The commissioner of transportation must report by February 1 of each odd-numbered year to the house of representatives and senate committees having jurisdiction over transportation policy and finance concerning the commissioner's compliance with paragraph (a). The report must, with respect to each of the two previous calendar years:

(1) describe the highway construction training and skill improvement programs the commissioner has conducted and administered;

(2) analyze the results of the commissioner's training programs;

(3) state the amount of federal funds available to this state under United States Code, title 23, section 140, paragraph (b); and

(4) identify the amount spent by the commissioner in conducting and administering the programs.

Sec. 70. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision to read:

Subd. 11. Disadvantaged business enterprise program. (a) The commissioner shall include in each contract that is funded at least in part by federal funds, a sanction for each contractor who does not meet the established project disadvantaged business enterprise goal or demonstrate good faith effort to meet the goal.

(b) The commissioner of transportation shall report by February 1 of each odd-numbered year to the house of representatives and senate committees having jurisdiction over transportation policy and finance concerning the commissioner's disadvantaged business enterprise program. The report must, with respect to each of the two previous calendar years:

- (1) state the department's annual overall goal, compared with the percentage attained;
- (2) explain the methodology, applicable facts, and public participation used to establish the overall goal;
- (3) describe good faith efforts to meet the goal, if the goal was not attained;
- (4) describe actions to address overconcentration of disadvantaged business enterprises in certain types of work;
- (5) state the number of contracts that included disadvantaged business enterprise goals, the number of contractors that met established disadvantaged business enterprise goals, and sanctions imposed for lack of good faith effort; and
- (6) describe contracts with no disadvantaged business enterprise goals, and, of those, state number of contracts and amount of each contract with targeted groups under section 16C.16.

Sec. 71. [174.185] PAVEMENT LIFE-CYCLE COST ANALYSIS.

Subdivision 1. Definitions. For the purposes of this section, the following definitions apply.

(a) "Life-cycle cost" is the sum of the cost of the initial pavement project and all anticipated costs for maintenance, repair, and resurfacing over the life of the pavement. Anticipated costs must be based on Minnesota's actual or reasonably projected maintenance, repair, and resurfacing schedules, and costs determined by the Department of Transportation district personnel based upon recently awarded local projects and experience with local material costs.

(b) "Life-cycle cost analysis" is a comparison of life-cycle costs among competing paving materials using equal design lives and equal comparison periods.

Subd. 2. **Required analysis.** For each project in the reconditioning, resurfacing, and road repair funding categories, the commissioner shall perform a life-cycle cost analysis and shall document the lowest life-cycle costs and all alternatives considered. The commissioner shall document the chosen pavement strategy and, if the lowest life cycle is not selected, document the justification for the chosen strategy. A life-cycle cost analysis is required for projects to be constructed after July 1, 2011. For projects to be constructed prior to July 1, 2011, when feasible, the department will use its best efforts to perform life-cycle cost analyses.

Subd. 3. **Report.** The commissioner shall report annually to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation finance beginning on January 1, 2012, the results of the analyses required in subdivision 2.

Sec. 72. Minnesota Statutes 2006, section 174.30, subdivision 4, is amended to read:

Subd. 4. Vehicle and equipment inspection, rules; decal; complaint contact information.

(a) The commissioner shall inspect or provide for the inspection of vehicles at least annually. In addition to scheduled annual inspections and reinspections scheduled for the purpose of verifying that deficiencies have been corrected, unannounced inspections of any vehicle may be conducted.

(b) On determining that a vehicle or vehicle equipment is in a condition that is likely to cause an accident or breakdown, the commissioner shall require the vehicle to be taken out of service immediately. The commissioner shall require that vehicles and equipment not meeting standards

be repaired and brought into conformance with the standards and shall require written evidence of compliance from the operator before allowing the operator to return the vehicle to service.

(c) The commissioner shall provide in the rules procedures for inspecting vehicles, removing unsafe vehicles from service, determining and requiring compliance, and reviewing driver qualifications.

(d) The commissioner shall design a distinctive decal to be issued to special transportation service providers with a current certificate of compliance under this section. A decal is valid for one year from the last day of the month in which it is issued. A person who is subject to the operating standards adopted under this section may not provide special transportation service in a vehicle that does not conspicuously display a decal issued by the commissioner.

(e) Special transportation service providers shall prominently display in each vehicle all contact information for the submission of complaints regarding the transportation services provided to that individual. All vehicles providing service under section 473.386 shall display contact information for the Metropolitan Council. All other special transportation service vehicles shall display contact information for the commissioner of transportation.

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

Sec. 73. Minnesota Statutes 2006, section 174.30, subdivision 9, is amended to read:

Subd. 9. ~~Complaint data; Complaints; report; data classification.~~ (a) The commissioner shall investigate all complaints over which the commissioner has jurisdiction regarding special transportation service providers regulated under this section.

(b) By January 15, 2009, and in every subsequent odd-numbered year by January 15, the commissioner shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over transportation policy and finance. The report must identify each complaint investigated by the commissioner under paragraph (a), including, but not limited to, any findings and steps taken for resolution of the complaint.

(c) When information is furnished to the Department of Transportation that alleges a violation of this section, an operating standard adopted under this section, or section 174.315, the following data are classified as confidential data or protected nonpublic data:

- (1) names of complainants;
- (2) complaint letters; and
- (3) other unsolicited data when furnished by a person who is not the subject of the data and who is not a department employee.

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

Sec. 74. **[174.56] REPORT ON MAJOR HIGHWAY PROJECTS.**

Subdivision 1. Report required. The commissioner of transportation shall submit a report on January 15, 2009, and on January 15 of each year thereafter, on the status of major highway projects under construction or planned during the year of the report and for the ensuing 15 years. For purposes of this section, a "major highway project" is a highway project that has a total cost for

all segments that the commissioner estimates at the time of the report to be at least (1) \$25,000,000 in the metropolitan highway construction district, or (2) \$10,000,000 in any nonmetropolitan highway construction district.

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

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

(2) a history of the project, including, but not limited to, previous official actions by the department or the appropriate area transportation partnership, or both, the date on which the project was first included in the state transportation improvement plan, the cost of the project at that time, the dates of environmental approval, the dates of municipal approval, the date of final geometric layout, and the date of establishment of any construction limits;

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

(4) past and potential future reasons for delay in letting or completing the project.

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

Sec. 75. Minnesota Statutes 2006, section 218.041, subdivision 6, is amended to read:

Subd. 6. **Investigative powers.** In the exercise of powers granted in this chapter, the commissioner may:

(1) subpoena books, papers, or accounts kept by any regulated business within or without the state, or compel production of verified copies;

(2) prepare all forms or blanks for obtaining information that the commissioner may deem necessary or useful for the proper exercise of the authority and duties of the commissioner in connection with regulated businesses, and prescribe the time and manner within which the blanks and forms must be completed and filed;

(3) inspect, at all reasonable times, and copy the books, records, memoranda, correspondence, or other documents and records of any business under the commissioner's jurisdiction; ~~and~~

(4) examine, under oath, any officer, agent, or employee of a business under the commissioner's jurisdiction concerning any matter within the commissioner's jurisdiction; and

(5) assess common carriers, administer the state rail safety inspection account, and perform other duties on behalf of the state rail safety inspector under section 219.015.

Sec. 76. **[219.015] STATE RAIL SAFETY INSPECTOR.**

(a) The commissioner of transportation shall establish a position of state rail safety inspector in the Office of Freight and Commercial Vehicle Operations of the Minnesota Department of Transportation. The commissioner shall apply to the Federal Railroad Administration (FRA) of the United States Department of Transportation to participate in the Federal State Rail Safety

Partnership Program for training and certification of an inspector under authority of United States Code, title 49, sections 20103, 20105, 20106, and 20113, and Code of Federal Regulations, title 49, part 212. The state rail safety inspector shall inspect mainline track, secondary track, and yard and industry track; inspect railroad right-of-way, including adjacent or intersecting drainage, culverts, bridges, overhead structures, and traffic and other public crossings; inspect yards and physical plants; review and enforce safety requirements; review maintenance and repair records; and review railroad security measures. To the extent delegated by the commissioner, the inspector may issue citations for violations of this chapter, or to ensure railroad employee and public safety and welfare.

(b) The commissioner shall annually assess railroad companies that are (1) defined as common carriers under section 218.011, (2) classified by federal law or regulation as Class I Railroads or Class I Rail Carriers, and (3) operating in this state, by a division of equal proportion between carriers, assessed in equal amounts for 365 days of the calendar year. The commissioner shall assess all start-up or re-establishment costs, and all related costs of initiating the state rail safety inspector program beginning July 1, 2008. The state rail inspector duties must begin and be assessed on January 1, 2009. The assessments must be deposited in a special account in the special revenue fund, to be known as the state rail safety inspection account. Money in the account is appropriated to the commissioner and may be expended to cover the costs incurred for the establishment and ongoing responsibilities of the state rail safety inspector.

(c) The commissioner may exempt a common carrier not federally classified as Class I from violations for a period of up to two years if the common carrier applies for participation in a work site safety coaching program, such as the "MNSharp" program administered by the Minnesota Department of Labor and Industry, and the commissioner determines such participation to be preferred enforcement for safety or security violations.

(d) Any person aggrieved by an assessment levied under this section may appeal within 90 days any assessment, violation, or administrative penalty to the Office of Administrative Hearings, with further appeal and review by the district court.

Sec. 77. Minnesota Statutes 2006, section 221.031, subdivision 6, is amended to read:

Subd. 6. **Vehicle identification rule.** (a) The following carriers shall display the carrier's name and address on the power unit of each vehicle:

(1) motor carriers, regardless of the weight of the vehicle, except that this requirement does not apply to a limousine as defined in section 168.011, subdivision 35, that is equipped with "LM" license plates;

(2) interstate and intrastate private carriers operating vehicles with a gross vehicle weight of more than 10,000 pounds; and

(3) vehicles providing transportation described in section 221.025 with a gross vehicle weight of more than 10,000 pounds except those providing transportation described in section 221.025, clauses (1), (3), and (4).

Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees and have four or fewer axles are not required to comply with the vehicle identification rule of the commissioner.

(b) Vehicles subject to this subdivision must show the name or "doing business as" name of the

carrier operating the vehicle ~~and the community and abbreviation of the state in which the carrier maintains its principal office or in which the vehicle is customarily based.~~ If the carrier operates a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating carrier appears on the vehicle, the words "operated by" must immediately precede the name of the carrier.

(c) The name ~~and address~~ must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The name ~~and address~~ may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.

Sec. 78. Minnesota Statutes 2006, section 221.0314, subdivision 9, is amended to read:

Subd. 9. **Hours of service of driver.** Code of Federal Regulations, title 49, part 395, is incorporated by reference, except that paragraphs (a), (c), (d), (f), (h), (i), (k), ~~(l)~~, (m), and (n) of section 395.1 and section 395.13 of that part are not incorporated. In addition, cross-references to sections or paragraphs not incorporated in this subdivision are not incorporated by reference. The requirements of Code of Federal Regulations, title 49, part 395, do not apply to drivers of lightweight vehicles.

Sec. 79. Minnesota Statutes 2006, section 221.0314, is amended by adding a subdivision to read:

Subd. 12. **Hazardous materials safety permits.** A person who transports the hazardous materials designated in Code of Federal Regulations, title 49, section 385.403, shall comply with this section and with the provisions of Code of Federal Regulations, title 49, part 385, subpart E, which is incorporated by reference.

Sec. 80. Minnesota Statutes 2006, section 221.033, subdivision 2d, is amended to read:

Subd. 2d. **Age of driver under federal materials-of-trade regulation.** A driver of a self-propelled or towed motor vehicle transporting no hazardous material other than materials of trade, as defined in Code of Federal Regulations, title 49, section 171.8, when engaged in intrastate transportation, must be at least 18 years of age. This subdivision does not apply unless the transportation conforms to the requirements of Code of Federal Regulations, title 49, section 173.6.

Sec. 81. Minnesota Statutes 2006, section 221.037, subdivision 1, is amended to read:

Subdivision 1. **Required to provide information.** A person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous materials, hazardous substances, or hazardous waste shall (1) give to transportation representatives and hazardous material specialists of the department information relating to the materials, substances, or waste, or (2) permit them access to and copying of records and safety permits relating to any or all of the materials, substances, or waste, ~~or both.~~

Sec. 82. Minnesota Statutes 2006, section 221.091, subdivision 2, is amended to read:

Subd. 2. **Local licensing of small vehicle passenger service.** A city that licenses and regulates small vehicle passenger service must do so by ordinance. The ordinance must, at a minimum, provide for driver qualifications, insurance, vehicle safety, and periodic vehicle inspections. A city that has adopted an ordinance complying with this subdivision may enforce

the registration requirement in section 221.021. A person who provides small vehicle passenger service to an individual for the purpose of obtaining nonemergency medical care and who receives reimbursement under section 256B.0625, subdivision 17, for providing the service, must comply with the rules of the commissioner adopted under section 174.30.

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

Sec. 83. Minnesota Statutes 2006, section 221.141, subdivision 1, is amended to read:

Subdivision 1. **Financial responsibility of carriers.** (a) No motor carrier and no interstate carrier shall operate a vehicle until it has obtained and has in effect the minimum amount of financial responsibility required by this section. Policies of insurance, surety bonds, other types of security, and endorsements must be continuously in effect and must remain in effect until canceled. Before providing transportation, the motor carrier or interstate carrier shall secure and cause to be filed with the commissioner and maintain in full effect, a certificate of insurance in a form required by the commissioner, evidencing public liability insurance in the amount prescribed. The insurance must cover injuries and damage to persons or property resulting from the operation or use of motor vehicles, regardless of whether each vehicle is specifically described in the policy. This insurance does not apply to injuries or death to the employees of the motor carrier or to property being transported by the carrier.

(b) Notwithstanding any other provision of this chapter, the insurance required of a motor carrier of passengers must be at least that amount required of interstate carriers under Code of Federal Regulations, title 49, section 387.33, as amended.

(c) This section does not apply to a charitable organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code when the transportation furthers the charitable organization's charitable mission. The charitable organization must comply with the insurance requirements of section 65B.48.

Sec. 84. Minnesota Statutes 2006, section 221.231, is amended to read:

221.231 RECIPROCAL AGREEMENT.

The commissioner may enter into reciprocal agreements with the regulatory bodies of other states and the provinces of the Dominion of Canada, ~~whereby the payment of the fees provided in section 221.60 may be waived in whole or in part for~~ regarding motor carriers having an established place of business in that state or province; provided that reciprocal privileges are extended under the agreement to motor carriers of this state.

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

Sec. 85. Minnesota Statutes 2006, section 221.60, subdivision 1, is amended to read:

Subdivision 1. **Procedure Registration required.** ~~A motor carrier may transport persons or property for hire in interstate commerce in Minnesota only if it first:~~

~~(1) complies with section 221.141;~~

~~(2) either registers with the commissioner the federal operating authority that it intends to exercise, or registers and describes the transportation it performs under an exemption contained in United States Code, title 49; and~~

~~(3) purchases an interstate identification stamp or an interstate registration trip permit for each vehicle to be used in interstate transportation in Minnesota~~ A foreign or domestic motor carrier, motor private carrier, leasing company, broker, or freight forwarder, as defined in United States Code, title 49, section 13102, may operate in interstate commerce in Minnesota only if it first complies with the Unified Carrier Registration Agreement authorized by United States Code, title 49, section 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the rules, regulations, and directives adopted thereunder, including registering with a base state and paying all required fees.

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

Sec. 86. Minnesota Statutes 2006, section 221.60, is amended by adding a subdivision to read:

Subd. 7. **Commissioner's authority.** The commissioner of transportation is authorized to take all necessary actions to enter into the Unified Carrier Registration Agreement in accordance with United States Code, title 49, section 14504a, and shall implement and administer the agreement and the rules and regulations adopted thereunder, including directives of the Unified Carrier Registration Plan board of directors as authorized by United States Code, title 49, section 14504a, subsection (d)(2).

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

Sec. 87. Minnesota Statutes 2006, section 222.50, subdivision 7, is amended to read:

Subd. 7. **Expenditures.** (a) The commissioner may expend money from the rail service improvement account for the following purposes:

(1) to make transfers as provided under section 222.57 or to pay interest adjustments on loans guaranteed under the state rail user and rail carrier loan guarantee program;

~~(2) to pay a portion of the costs of capital improvement projects designed to improve rail service including construction or improvement of short segments of rail line such as side track, team track, and connections between existing lines, and construction and improvement of loading, unloading, storage, and transfer facilities of a rail user or a rail carrier;~~

(3) to pay a portion of the costs of rehabilitation projects designed to improve rail service of a rail user or a rail carrier;

(4) to acquire, maintain, manage, and dispose of railroad right-of-way pursuant to the state rail bank program;

~~(4) (5) to provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the in-place track;~~

~~(5) (6) to pay a portion of the costs of acquiring a rail line by a regional railroad authority established pursuant to chapter 398A;~~

~~(6) (7) to pay the state matching portion of federal grants for rail-highway grade crossing improvement projects.~~

(b) All money derived by the commissioner from the disposition of railroad right-of-way or

of any other property acquired pursuant to sections 222.46 to 222.62 shall be deposited in the rail service improvement account.

Sec. 88. Minnesota Statutes 2006, section 222.63, subdivision 4, is amended to read:

Subd. 4. **Disposition permitted.** (a) The commissioner may lease any rail line or right-of-way held in the state rail bank or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner.

(b) The commissioner may convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to any other state agency or to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivision 2.

(c) The commissioner may convey a portion of previously acquired rail bank right-of-way to a state agency or governmental subdivision when the commissioner determines that:

(1) the portion to be conveyed is in excess of that needed for the purposes stated in subdivision 2;

(2) the conveyance is upon terms and conditions agreed upon by both the commissioner and the state agency or governmental subdivision;

(3) after the sale, the rail bank corridor will continue to meet the future public and commercial transportation and transmission needs of the state; and

(4) the conveyance will not reduce the width of the rail bank corridor to less than ~~50~~ 100 feet.

(d) The commissioner may lease previously acquired state rail bank right-of-way to a state agency or governmental subdivision or to a private entity for nontransportation purposes when:

(1) the portion to be leased is in excess of that needed for the purposes stated in subdivision 2;

(2) the lease will not reduce the useable width of the rail bank corridor to less than ~~50~~ 100 feet;

(3) the cost of the lease is based on the fair market value of the portion to be leased, as determined by appraisal;

(4) the lease allows the commissioner to terminate the lease on 90 days' written notice to the lessee; and

(5) the lease prohibits the construction or erection of any permanent structure within the ~~50-foot~~ 100-foot rail bank corridor and requires any structure erected on the leased property to be removed and the land restored to its original condition on 90 days' written notice to the lessee.

(e) Proceeds from a sale or lease must be deposited in the rail bank maintenance account described in subdivision 8.

Sec. 89. Minnesota Statutes 2006, section 222.63, is amended by adding a subdivision to read:

Subd. 9. Rail bank property use; petty misdemeanors. (a) Except for the actions of road authorities and their agents, employees, and contractors, and of utilities, in carrying out their duties

imposed by permit, law, or contract, and except as otherwise provided in this section, it is unlawful to perform any of the following activities on rail bank property:

- (1) obstruct any trail;
 - (2) deposit snow or ice;
 - (3) remove or place any earth, gravel, or rock without authorization;
 - (4) obstruct or remove any ditch-draining device, or drain any harmful or dangerous materials;
 - (5) erect a fence, or place or maintain any advertising, sign, or memorial;
 - (6) remove, injure, displace, or destroy right-of-way markers or reference or witness monuments or markers placed to preserve section or quarter-section corners defining rail bank property limits;
 - (7) drive upon any portion of rail bank property, except at approved crossings, and except where authorized for snowmobiles, emergency vehicles, maintenance vehicles, or other vehicles authorized to use rail bank property;
 - (8) deface, mar, damage, or tamper with any structure, work, material, sign, marker, paving, guardrail, drain, or any other rail bank appurtenance; or
 - (9) park, overhang, or abandon any unauthorized vehicle or implement of husbandry on, across, or over the limits of rail bank property.
- (b) Unless a greater penalty is provided elsewhere in statute, any violation of this subdivision is a petty misdemeanor.
- (c) The cost to remove, repair, or perform any other corrective action necessitated by a violation of this subdivision may be charged to the violator.

Sec. 90. Minnesota Statutes 2006, section 299A.705, subdivision 1, is amended to read:

Subdivision 1. **Vehicle services operating account.** (a) The vehicle services operating account is created in the special revenue fund, consisting of all money from the vehicle services fees specified in chapters 168 ~~and~~, 168A, and 168D, and any other money otherwise donated, allotted, appropriated, or legislated to this account.

(b) Funds appropriated are available to administer vehicle services as specified in chapters 168 ~~and~~, 168A, and 168D, and section 169.345, including:

- (1) designing, producing, issuing, and mailing vehicle registrations, plates, emblems, and titles;
- (2) collecting title and registration taxes and fees;
- (3) transferring vehicle registration plates and titles;
- (4) maintaining vehicle records;
- (5) issuing disability certificates and plates;
- (6) licensing vehicle dealers;
- (7) appointing, monitoring, and auditing deputy registrars; and

(8) inspecting vehicles when required by law.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2005, for fees collected on or after that date.

Sec. 91. Minnesota Statutes 2006, section 299F.60, subdivision 1, is amended to read:

Subdivision 1. **Money penalty.** Any person who violates any provision of sections 299F.56 to 299F.641, or any rule issued thereunder, ~~shall be~~ is subject to a civil penalty to be imposed by the commissioner not to exceed ~~\$10,000~~ \$100,000 for each ~~such~~ violation for each day that ~~such~~ the violation persists, except that the maximum civil penalty ~~shall~~ must not exceed ~~\$500,000~~ \$1,000,000 for a related series of violations.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to violations committed on or after that date.

Sec. 92. Minnesota Statutes 2006, section 299J.16, subdivision 1, is amended to read:

Subdivision 1. **Civil penalty.** (a) A pipeline operator who violates section 299J.07, subdivision 1, or 299J.15, or the rules of the commissioner implementing those sections, shall forfeit and pay to the state a civil penalty in an amount to be determined by the court, up to ~~\$10,000~~ \$100,000 for each day that the operator remains in violation, subject to a maximum of ~~\$500,000~~ \$1,000,000 for a related series of violations.

(b) The penalty provided under this subdivision may be recovered by an action brought by the attorney general at the request of the commissioner, in the name of the state, in connection with an action to recover expenses of the director under section 299J.13, subdivision 4:

- (1) in the District Court of Ramsey County; or
- (2) in the county of the defendant's residence.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to violations committed on or after that date.

Sec. 93. Minnesota Statutes 2006, section 325F.665, is amended by adding a subdivision to read:

Subd. 14. **Title branding.** (a) Upon transfer and application for title of all vehicles subject to this section, the registrar of motor vehicles shall record the term "lemon law vehicle" on the certificate of title and all subsequent certificates of title for that vehicle.

(b) For vehicles with out-of-state titles that bear the term "lemon law vehicle," or any similar term, the registrar of motor vehicles shall record the term "lemon law vehicle" on the first Minnesota certificate of title and all subsequent Minnesota certificates of title issued for that vehicle.

(c) The designation of "lemon law vehicle" on a certificate of title must be made by the registrar of motor vehicles in a clear and conspicuous manner, in a color different from all other writing on the certificate of title.

Sec. 94. Minnesota Statutes 2006, section 473.1466, is amended to read:

473.1466 TRANSPORTATION SYSTEM PERFORMANCE ~~AUDIT; TRANSIT~~ EVALUATION.

~~(a) In 1997 and every four years thereafter, the council shall provide for an independent entity selected through a request for proposal process conducted nationwide to do~~ Prior to each major revision of the transportation policy plan, the council must carry out a performance audit evaluation of the ~~commuting~~ metropolitan area's transportation system as a whole. The performance audit evaluation must:

(1) evaluate the ~~commuting~~ area's ability to meet the ~~region's needs~~ need for effective and efficient transportation of goods and people;

(2) evaluate ~~future~~ trends and their impacts on the ~~region's~~ area's transportation system, and;

(3) assess the region's success in meeting the currently adopted regional transportation benchmarks; and

(4) include an evaluation of the regional transit system, including a comparison with peer metropolitan regions with regard to key operating and investment measurements.

(b) The council must update the evaluation of the regional transit system every two years.

(c) The council shall use the results of the performance evaluation to make recommendations for improving the system in each revision of the transportation policy plan. ~~The performance audit must recommend performance funding measures.~~

~~(b) In 1999 and every four years thereafter, the council must evaluate the performance of the metropolitan transit system's operation in relationship to the regional transit performance standards developed by the council.~~

(d) The council must conduct a peer review of the performance evaluation using at least two nationally recognized transportation and transit consultants.

(e) The council must submit the performance evaluation to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over transportation finance and policy.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to each revision of the transportation policy plan after the 2008 revision.

Sec. 95. Minnesota Statutes 2006, section 473.166, is amended to read:

473.166 CONTROLLED ACCESS; ~~TRANSIT FIXED-GUIDEWAY; APPROVAL.~~

Before acquiring land for or constructing a controlled access highway ~~or transit fixed guideway~~ in the area, the state Transportation Department or local government unit proposing the acquisition or construction shall submit to the council a statement describing the proposed project. The statement must be in the form and detail required by the council. The council shall review the statement to ascertain its consistency with its policy plan and the development guide. No project may be undertaken unless the council determines that it is consistent with the policy plan. This approval is in addition to the requirements of any other statute, ordinance or rule.

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

Sec. 96. Minnesota Statutes 2006, section 473.386, subdivision 1, is amended to read:

Subdivision 1. **Service objectives.** The council shall implement a special transportation service, as defined in section 174.29, in the metropolitan area. The service has the following objectives:

(a) to provide greater access to transportation for the elderly, people with disabilities, and others with special transportation needs in the metropolitan area;

(b) to develop an integrated system of special transportation service providing transportation tailored to meet special individual needs in the most cost-efficient manner; and

(c) to use existing public, private, and private nonprofit providers of service ~~wherever possible when feasible and cost-efficient~~, to supplement rather than replace existing service, and to increase the productivity of all special transportation vehicles available in the area.

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

Sec. 97. Minnesota Statutes 2006, section 473.386, subdivision 2, is amended to read:

Subd. 2. **Service contracts; management; transportation accessibility advisory committee.**

(a) The council may contract for services necessary for the provision of special transportation. Transportation service provided under a contract must specify the service to be provided, the standards that must be met, and the rates for operating and providing special transportation services.

(b) The council shall establish management policies for the service and may contract with a service administrator for day-to-day administration and management of the service. Any contract must delegate to the service administrator clear authority to administer and manage the delivery of the service pursuant to council management policies and must establish performance and compliance standards for the service administrator. The council may provide directly day to day administration and management of the service and may own or lease vehicles used to provide the service.

(c) The council shall ensure that the service administrator establishes a system for registering and expeditiously responding to complaints by users, informing users of how to register complaints, and requiring providers to report on incidents that impair the safety and well-being of users or the quality of the service.

~~(d) The council shall annually report to the commissioner of transportation and the legislature on complaints and provider reports, the response of the service administrator, and steps taken by the council and the service administrator to identify causes and provide remedies to recurring problems on its special transportation services as part of the program evaluation provided for in section 473.13, subdivision 1a.~~

~~(d) Each year before renewing contracts with providers and the service administrator, the council shall provide an opportunity for the transportation accessibility advisory committee, users, and other interested persons to testify before the council concerning providers, contract terms, and other matters relating to council policies and procedures for implementing the service.~~

(e) The council shall provide, on an annual basis, an opportunity for users and other interested persons to provide testimony to the council concerning services provided under this section.

(f) The council shall establish a Transportation Accessibility Advisory Committee consisting of 15 members and a chair to advise the council on management policies for the council's special

transportation service. The Transportation Accessibility Advisory Committee must include elderly and disabled persons, other users of special transportation service, ~~representatives of persons contracting to provide special transportation services,~~ and representatives of appropriate agencies for elderly and disabled persons ~~to advise the council on management policies for the service.~~ At least half the Transportation Accessibility Advisory Committee members must be ~~disabled or elderly persons or the representatives of disabled or elderly persons who are both ADA-certified and users of public transit in the metropolitan area.~~ Two of the appointments to the Transportation Accessibility Advisory Committee shall be made by the Council on Disability in consultation with the chair of the Metropolitan Council.

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

Sec. 98. Minnesota Statutes 2006, section 473.386, subdivision 2a, is amended to read:

Subd. 2a. **Eligibility application and verification; penalty for fraudulent certification.** If the council requires a person to be certified as eligible for special transportation services, an applicant for certification must submit an application form and the applicant's eligibility must be verified by a type of professional specified by the council. ~~The council shall include the notice of penalty for fraudulent certification, and require the person certifying the applicant to sign the eligibility certification form and the applicant to sign the application form, as provided in section 174.295.:~~

(1) require the applicant to sign the application form and certify that the application information is accurate; and

(2) require the person verifying the applicant's eligibility to sign the eligibility verification form and certify that the verifying information is accurate.

The penalty provided for in section 174.295, subdivision 4, applies to the certifications by the applicant and the person verifying the applicant's eligibility. The council must include a notice of the penalty for fraudulent certification in the application form and the eligibility verification form.

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

Sec. 99. Minnesota Statutes 2006, section 473.386, subdivision 3, is amended to read:

Subd. 3. **Duties of council.** In implementing the special transportation service, the council shall:

(a) encourage participation in the service by public, private, and private nonprofit providers of special transportation currently receiving capital or operating assistance from a public agency;

(b) when feasible and cost-efficient, contract with public, private, and private nonprofit providers that have demonstrated their ability to effectively provide service at a reasonable cost;

(c) encourage individuals using special transportation to use the type of service most appropriate to their particular needs;

~~(d) ensure that all persons providing special transportation service receive equitable treatment in the allocation of the ridership;~~

~~(e)~~ encourage shared rides to the greatest extent practicable;

~~(f)~~ (e) encourage public agencies that provide transportation to eligible individuals as a

component of human services and educational programs to coordinate with this service and to allow reimbursement for transportation provided through the service at rates that reflect the public cost of providing that transportation;

~~(g)~~ (f) establish criteria to be used in determining individual eligibility for special transportation services;

~~(h)~~ (g) consult with the Transportation Accessibility Advisory Committee in a timely manner before changes are made in the provision of special transportation services, ~~including, but not limited to, changes in policies affecting the matters subject to hearing under subdivision 2;~~

~~(i)~~ (h) provide for effective administration and enforcement of council policies and standards;

~~(j)~~ annually evaluate providers of special transportation service to ensure compliance with the standards established for the program; and

~~(k)~~ (i) ensure that, taken as a whole including contracts with public, private, and private nonprofit providers, the geographic coverage area of the special transportation service is continuous within the boundaries of the transit taxing district, as defined as of March 1, 2006, in section 473.446, subdivision 2.

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

Sec. 100. Minnesota Statutes 2006, section 473.399, is amended to read:

473.399 TRANSIT WAYS; LIGHT RAIL TRANSIT AND COMMUTER RAIL PLANNING IN THE METROPOLITAN AREA.

Subdivision 1. **General requirements.** (a) The council must identify in its transportation policy plan those heavily traveled corridors where development of a transit way may be feasible and cost-effective. Modes of providing service in a transit way may include bus rapid transit, light rail transit, commuter rail, or other available systems or technologies that improve transit service.

(b) After the completion of environmental studies and receipt of input from the governing body of each statutory and home rule charter city, county, and town in which a transit way is proposed to be constructed, the council must designate the locally preferred alternative transit mode with respect to the corridor.

~~(c) The council shall adopt a plan to ensure that any light rail transit facilities that are designated as the locally preferred alternative and that are to be constructed in the metropolitan area will be acquired, developed, owned, and capable of operation in an efficient, cost-effective, and coordinated manner in coordination with buses and other transportation modes and facilities. The plan may be developed and adopted in phases corresponding to phasing of construction of light rail. The council may incorporate into its plan appropriate elements of the plans of regional railroad authorities in order to avoid duplication of effort.~~

~~(b) The light rail transit plan or first phase of the plan required by this section must be adopted by the council before the commissioner of transportation may begin~~

(d) Construction of light rail transit facilities in a particular transit corridor may not commence unless and until that mode is designated as the locally preferred alternative for that corridor by the council. Following adoption of the plan, the commissioner of transportation shall act in conformity

~~with the plan. The commissioner shall prepare or amend the final design plans as necessary to make the plans consistent with the light rail transit plan.~~

~~(c) Throughout the development and implementation of the plan, the council shall contract for or otherwise obtain engineering services to assure that the plan adequately addresses the technical aspects of light rail transit.~~

Subd. 1a. **Integrated transportation system.** The commissioner of transportation and the Metropolitan Council shall ensure that the light rail transit and commuter rail facilities are planned, designed, and implemented: (1) to move commuters and transit users into and out of, as well as within, the metropolitan area, and (2) to ensure that rail transit lines will interface with each other and other transportation facilities and services so as to provide a unified, integrated, and efficient multimodal transportation system.

Subd. 4. **Expenditure of state funds.** No state funds may be expended by the Metropolitan Council to study a particular light rail transit or commuter rail facility unless the funds are appropriated in legislation that identifies the route, including the origin and destination.

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

Sec. 101. Minnesota Statutes 2006, section 473.3993, subdivision 1, is amended to read:

Subdivision 1. **Application.** The definitions in this section apply to ~~section 473.3994~~ sections 473.3993 to 473.3997.

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

Sec. 102. Minnesota Statutes 2006, section 473.3993, subdivision 3, is amended to read:

Subd. 3. **Final design plan.** "Final design plan" means a light rail transit plan that includes the items in the preliminary design plan and the preliminary engineering plan for the facilities proposed but with greater detail and specificity needed for construction. The final design plan must include, at a minimum:

(1) final plans for the physical design of facilities, including the right-of-way definition; environmental impacts and mitigation measures; intermodal coordination with bus operations and routes; and civil engineering plans for vehicles, track, stations, parking, and access, including disability access; and

(2) final plans for civil engineering for electrification, communication, and other similar facilities; operational rules, procedures, and strategies; capital costs; ridership; operating costs and revenues, and sources of funds for operating subsidies; financing for construction and operation; an implementation method; and other similar matters.

The final design plan must be stated with sufficient particularity and detail to allow the proposer to begin the acquisition and construction of operable facilities. If a design-build implementation method is proposed, instead of civil engineering plans the final design plan must state detailed design criteria and performance standards for the facilities.

~~The commissioner of transportation may use a design-build method of project development and construction for light rail transit. Notwithstanding any law to the contrary, the commissioner may award a design-build contract on the basis of requests for proposals or requests for qualifications~~

~~without bids. "Design-build method of project development and construction" means a project delivery system in which a single contractor is responsible for both the design and construction of the project and bids the design and construction together.~~

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

Sec. 103. Minnesota Statutes 2006, section 473.3993, is amended by adding a subdivision to read:

Subd. 4. **Responsible authority.** "Responsible authority" means either the Metropolitan Council or the state of Minnesota acting through the commissioner of transportation, as designated by the governor under section 473.3994, subdivision 1a, for a particular light rail transit facility.

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

Sec. 104. Minnesota Statutes 2006, section 473.3994, is amended to read:

473.3994 LIGHT RAIL TRANSIT; DESIGN PLANS.

Subd. 1a. **Designation of responsible authority.** For each proposed light rail transit facility in the metropolitan area, the governor must designate either the Metropolitan Council or the state of Minnesota acting through the commissioner of transportation as the entity responsible for planning, designing, acquiring, constructing, and equipping the facility. Notwithstanding such designation, the commissioner and the council may enter into one or more cooperative agreements with respect to the planning, designing, acquiring, constructing, or equipping of a particular light rail transit facility that provide for the parties to exercise their respective authorities in support of the project in a manner that best serves the project and the public.

Subd. 2. **Preliminary design plans; public hearing.** Before final design plans are prepared for a light rail transit facility in the metropolitan area, the ~~commissioner of transportation~~ responsible authority and the regional railroad authority or authorities in whose jurisdiction the line or lines are located must hold a public hearing on the physical design component of the preliminary design plans. The ~~commissioner of transportation~~ responsible authority and the regional railroad authority or authorities in whose jurisdiction the line or lines are located must provide appropriate public notice of the hearing and publicity to ensure that affected parties have an opportunity to present their views at the hearing. The ~~commissioner~~ responsible authority shall summarize the proceedings and testimony and maintain the record of a hearing held under this section, including any written statements submitted.

Subd. 3. **Preliminary design plans; local approval.** At least 30 days before the hearing under subdivision 2, the ~~commissioner of transportation~~ responsible authority shall submit the physical design component of the preliminary design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located. The city, county, or town shall hold a public hearing. Within 45 days after the hearing under subdivision 2, the city, county, or town shall review and approve or disapprove the plans for the route to be located in the city, county, or town. A local unit of government that disapproves the plans shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within 45 days after the hearing is deemed to be approval, unless an extension of time is agreed to by the city, county, or town and the ~~commissioner of transportation~~ responsible authority.

Subd. 4. **Preliminary design plans; council referral.** If the governing body of one or more cities, counties, or towns disapproves the preliminary design plans within the period allowed under subdivision 3, ~~the commissioner of transportation may refer the plans, along with any comments of local jurisdictions, to the Metropolitan Council.~~ The council shall hold a hearing on the plans, giving the commissioner of transportation, if the responsible authority, any disapproving local governmental units, and other persons an opportunity to present their views on the plans. The council may conduct independent study as it deems desirable and may mediate and attempt to resolve disagreements about the plans. Within ~~90~~ 60 days after the ~~referral hearing,~~ the council shall review the plans ~~submitted by the commissioner of transportation and the council~~ and shall decide what amendments to the plans, if any, must be made to accommodate the objections presented by the disapproving local governmental units. The commissioner shall make the Amendments to the plans as decided by the council must be made before continuing the planning and designing process.

Subd. 5. **Final design plans.** (a) If the final design plans incorporate a substantial change from the preliminary design plans with respect to location, length, or termini of routes; general dimension, elevation, or alignment of routes and crossings; location of tracks above ground, below ground, or at ground level; or station locations, before beginning construction, ~~the commissioner~~ responsible authority shall submit the changed component of the final design plans to the governing body of each statutory and home rule city, county, and town in which the changed component is proposed to be located. Within 60 days after the submission of the plans, the city, county, or town shall review and approve or disapprove the changed component located in the city, county, or town. A local unit of government that disapproves the change shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the changed plans in writing within the time period is deemed to be approval, unless an extension is agreed to by the city, county, or town and ~~the commissioner~~ responsible authority.

(b) If the governing body of one or more cities, counties, or towns disapproves the changed plans within the period allowed under paragraph (a), ~~the commissioner may refer the plans, along with any comments of local jurisdictions, to the Metropolitan Council.~~ The council shall review the final design plans under the same procedure and with the same effect as provided in subdivision 4 for preliminary design plans.

Subd. 7. **Council review.** If the commissioner is the responsible authority, before proceeding with construction of a light rail transit facility, the commissioner must submit preliminary and final design plans to the Metropolitan Council. The council must review the plans for consistency with the council's development guide and approve the plans.

Subd. 8. **Metropolitan significance.** This section does not diminish or replace the authority of the council under section 473.173.

Subd. 9. **Light rail transit operating costs.** (a) Before submitting an application for federal assistance for light rail transit facilities in the metropolitan area, ~~the applicant must provide to the Metropolitan Council~~ estimates must prepare an estimate of the amount of operating subsidy which will be required to operate light rail transit in the corridor to which the federal assistance would be applied. The information provided to the council estimate must indicate the amount of operating subsidy estimated to be required in each of the first ten years of operation of the light rail transit facility. If the commissioner of transportation is the responsible authority, the commissioner must provide information requested by the council that is necessary to make the estimate.

(b) The council must review and evaluate the ~~information provided~~ estimate developed under paragraph (a) with regard to the effect of operating the light rail transit facility on the currently available mechanisms for financing transit in the metropolitan area.

Subd. 10. **Corridor Management Committee.** The responsible authority must establish a Corridor Management Committee ~~shall be established~~ to advise the commissioner of transportation responsible authority ~~in the design and construction of light rail transit in each corridor to be constructed.~~ The Corridor Management Committee for each corridor shall consist of the following members:

- (1) one member appointed by each city and county in which the corridor is located;
- (2) the commissioner of transportation or a designee of the commissioner;
- (3) two members appointed by the Metropolitan Council, one of whom shall be designated as the chair of the committee;
- (4) one member appointed by the Metropolitan Airports Commission, if the designated corridor provides direct service to the Minneapolis-St. Paul International Airport; and
- (5) one member appointed by the president of the University of Minnesota, if the designated corridor provides direct service to the university.

The Corridor Management Committee shall advise the commissioner of transportation responsible authority on issues relating to the alternatives analysis, environmental review, preliminary design, preliminary engineering, final design, implementation method, and construction of light rail transit in the corridor.

Subd. 13. **Dispute resolution.** In the event of a dispute between any of the parties arising from the parties' respective authority and responsibility under this section, the dispute shall be submitted to the Metropolitan Council for final resolution by any party to the dispute. The Metropolitan Council shall establish ~~by July 1, 1993,~~ a process to ensure a prompt and speedy resolution of the dispute. This process shall allow the parties to provide evidence and testimony in support of their positions.

Subd. 14. **Transfer of facility after construction.** If the commissioner of transportation is the responsible authority for a particular light rail transit facility, the commissioner must transfer to the Metropolitan Council all facilities constructed and all equipment and property acquired in developing the facility upon completion of construction.

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

Sec. 105. [473.3995] LIGHT RAIL TRANSIT; DESIGN-BUILD METHOD.

(a) A responsible authority may use a design-build method of project development and construction for light rail transit. Notwithstanding any law to the contrary, a responsible authority may award a design-build contract on the basis of requests for proposals or requests for qualifications without bids. "Design-build method of project development and construction" means a project delivery system in which a single contractor is responsible for both the design and construction of the project and bids the design and construction together.

(b) If a responsible authority utilizes a design-build method of project development and construction for light rail transit, the requirements and procedures in sections 161.3410 to 161.3426

apply to the procurement, subject to the following conditions and exceptions:

(1) if the Metropolitan Council is the responsible authority for a particular light rail transit project, when used in sections 161.3410 to 161.3426, (i) the terms "commissioner," "Minnesota Department of Transportation," "department," "state agencies," and "road authority" refer to the Metropolitan Council, and (ii) the term "state" refers to the Metropolitan Council except in references to state law or in references to the state as a geographical location;

(2) the provisions of section 161.3412, subdivisions 3 and 4, are not applicable to the procurement; and

(3) if any federal funds are used in developing or constructing the light rail transit project, any provisions in sections 161.3410 to 161.3426 that are inconsistent with, or prohibited by, any federal law, regulation, or other requirement are not applicable to the procurement.

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

Sec. 106. Minnesota Statutes 2006, section 473.3997, is amended to read:

473.3997 FEDERAL FUNDING; LIGHT RAIL TRANSIT.

(a) Upon completion of the alternatives analysis and draft environmental impact statement, and selection of the locally preferred alternative, for the central corridor transit improvement project each light rail transit facility, the council, the commissioner of transportation, and the affected regional rail authorities responsible authority may prepare a joint an application for federal assistance for the light rail transit facilities in the metropolitan area facility. If the commissioner is the responsible authority, the application must be reviewed and approved by the Metropolitan Council before it is submitted by the council and the commissioner. In reviewing the application the council must consider the information submitted to it operating cost estimate developed under section 473.3994, subdivision 9.

(b) Until the application described in paragraph (a) is submitted Except for the designated responsible authority for a particular light rail transit facility, no political subdivision in the metropolitan area may on its own apply for federal assistance for light rail transit planning or construction.

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

Sec. 107. [473.3999] LIGHT RAIL TRANSIT CONSTRUCTION IN METROPOLITAN AREA; COUNCIL AUTHORITY.

The Metropolitan Council may exercise the powers granted in this chapter and in other applicable law, as necessary, to plan, design, acquire, construct, and equip light rail transit facilities in the metropolitan area as defined in section 473.121, subdivision 2.

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

Sec. 108. Minnesota Statutes 2006, section 473.4051, is amended to read:

473.4051 LIGHT RAIL TRANSIT OPERATION.

The council shall operate all light rail transit facilities and services located in the metropolitan

area upon completion of construction of the facilities and the commencement of revenue service using the facilities. The commissioner of transportation and the council may not allow the commencement of revenue service until after an appropriate period of acceptance testing to ensure safe and satisfactory performance. In assuming the operation of the system, the council must comply with section 473.415. The council shall coordinate operation of the light rail transit system with bus service to avoid duplication of service on a route served by light rail transit and to ensure the widest possible access to light rail transit lines in both suburban and urban areas by means of a feeder bus system.

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

Sec. 109. Minnesota Statutes 2006, section 473.407, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** The council may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), and establish a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known as the Metropolitan Transit Police, to police its transit property and routes, to carry out investigations, and to make arrests under sections 629.30 and 629.34. The jurisdiction of the law enforcement agency is limited to offenses relating to council transit property, equipment, employees, and passengers. The jurisdiction of the Metropolitan Transit Police shall include traffic lanes designed for bus or transit use, freeway or expressway shoulders in the seven-county metropolitan area used by authorized transit buses and metro mobility buses under section 169.306, and high-occupancy vehicle lanes used by transit buses. Upon request from, or under an agreement with, any law enforcement agency and subject to the availability of its personnel and other resources, the Metropolitan Transit Police may exercise general law enforcement agency authority to assist any law enforcement agency in implementing or carrying out law enforcement activities, programs, or initiatives. If the commissioner of transportation contracts with the Metropolitan Council for operation of commuter rail facilities under section 174.90, the jurisdiction of the Metropolitan Transit Police extends to offenses relating to the operation, property, facilities, equipment, employees, and passengers of the commuter rail facilities located in and outside of the metropolitan area.

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

Sec. 110. Minnesota Statutes 2006, section 473.408, is amended by adding a subdivision to read:

Subd. 8. **Charitable organization discount passes.** The council may offer passes, including tokens, for regular route bus service for sale to charitable organizations, described in section 501(c)(3) of the Internal Revenue Code, at a special discount.

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

Sec. 111. Minnesota Statutes 2006, section 473.408, is amended by adding a subdivision to read:

Subd. 9. **Youth discount passes.** (a) The council may offer passes, including tokens, for regular route bus service to charitable organizations, described in section 501(c)(3) of the Internal Revenue Code, free of charge. Any passes provided under this subdivision must be:

(1) distributed to and used solely by a person who is under 16 years of age; and

(2) restricted to use on a bus that is not operating at full capacity at the time of use of the bus pass.

(b) The council may establish additional requirements and terms of use of the passes, including but not limited to charging a fee to the charitable organization for any printing or production costs, restricting times of bus pass use to certain or nonpeak hours of operation, and establishing oversight and auditing of the charitable organization with regard to bus pass distribution and use.

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

Sec. 112. Minnesota Statutes 2006, section 609.531, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District park rangers, the Department of Natural Resources Division of Enforcement, the University of Minnesota Police Department, the Department of Corrections' Fugitive Apprehension Unit, or a city, metropolitan transit, or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

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

Sec. 113. Laws 2005, First Special Session chapter 1, article 4, section 39, the effective date, is

amended to read:

EFFECTIVE DATE. ~~This section is effective the latter of August 1, 2006, or the date on which the commissioner determines that building permits have been issued for the construction of a new pulp and paper manufacturing facility at Grand Rapids on the effective date of 2007 House File 1351, article 1, sections 60 and 61, as amended.~~

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

Sec. 114. Laws 2008, chapter 152, article 6, section 7, is amended to read:

Sec. 7. [398A.10] TRANSIT FUNDING.

Subdivision 1. **Capital costs.** A county regional railroad authority may not contribute more than ten percent of the capital costs of a light rail transit or commuter rail project. This subdivision does not apply to a light rail transit project for which a county regional railroad authority commits to providing an amount greater than ten percent of the capital costs, if the commitment (1) is made before October 2, 2008, (2) is made as part of an application for federal funds, and (3) is adjusted by the county regional railroad authority to meet the requirements of this subdivision as part of the next scheduled federal funding application for the project.

Subd. 2. **Operating and maintenance costs.** A county regional railroad authority may not contribute any funds to pay the operating and maintenance costs for a light rail transit or commuter rail project. If a county regional railroad authority is contributing funds for operating and maintenance costs on a light rail transit or commuter rail project on the date of the enactment of this act, the authority may continue to contribute funds for these purposes until January 1, 2009.

Subd. 3. **Application.** This section only applies ~~if~~ to a county that has imposed the metropolitan transportation sales and use tax under section 297A.992.

EFFECTIVE DATE. ~~This section is effective the day after the metropolitan transportation area sales tax is imposed under Minnesota Statutes, section 297A.992, subdivision 2. This section is effective July 1, 2008.~~

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

Sec. 115. LEGISLATIVE INTENT CONCERNING TRUCK WEIGHT INCREASES.

It is the intent of the legislature to study, during the 2010 legislative session, the effects of the sections in this chapter that increase allowable size, weight, or load limits on state or local roads or bridges, and to modify statutes as necessary to achieve the goals of promoting mobility while protecting infrastructure.

Sec. 116. CULKIN SAFETY REST AREA.

The commissioner of transportation shall reopen without delay the Culkin safety rest area, located on marked Interstate Highway 35.

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

Sec. 117. CREDIT CARD PAYMENT STUDY; PROPOSAL.

(a) By February 1, 2009, the commissioner of public safety shall submit a proposal to the

chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation finance. The proposal must identify a method that allows the Department of Public Safety, its deputy registrars, and driver's license agents to collect by credit or debit card, motor vehicle registration taxes under Minnesota Statutes, section 168.013; motor vehicle certificates of title and related document fees under Minnesota Statutes, section 168A.29; motor vehicle sales tax under Minnesota Statutes, sections 297B.02 and 297B.025; and driver's license and Minnesota identification card fees under Minnesota Statutes, section 171.06.

(b) The proposal must identify the total estimated statewide cost of the processing fees paid to either a vendor, financial institution, or credit card company. The proposal must consider options to finance the acceptance fees through either (1) state fee increases necessary to finance (i) the costs of credit and debit card processing fees paid to a processing vendor, (ii) the administrative costs of the department to implement the acceptance of credit and debit cards, including hardware and software costs of the department, its deputy registrars, and agents, and (iii) associated ongoing administrative cost increases, or (2) an agreement with a vendor that allows the addition of a convenience fee to each transaction to be paid directly by customers who choose to utilize credit or debit cards.

(c) The commissioner of public safety, with the assistance of the commissioners of finance and administration, shall develop a request for proposals from vendors, to be issued by January 1, 2010, to implement the acceptance of credit and debit payments by the Department of Public Safety, its deputy registrars, and agents. The department shall consult deputy registrars and driver's license agents in developing the request for proposals.

Sec. 118. STUDY OF TRANSPORTATION LONG-RANGE SOLUTIONS.

(a) The commissioner of transportation shall conduct a study in consultation with other state agencies and key stakeholders to evaluate the current and long-range needs of the state's transportation system, and investigate possible strategies to meet these needs.

(b) The study must include, but is not limited to:

(1) evaluation of the current needs of the state's highway systems, bridges, and transit;

(2) analysis and quantification of the needs for the next 20 years of the state's highway systems, bridges, and transit;

(3) comparison of estimates of revenues raised by current transportation funding sources, with long-term needs of the state's transportation system;

(4) identification of options for maintenance and improvement of the state's transportation system with specific reference to the effects of potential increases in vehicle fuel economy, availability of alternative modes of transportation, and extreme fuel price volatility on future transportation revenues;

(5) analysis of alternative pricing options utilized in other states and countries, and their potential for use, public acceptance, alleviation of congestion, and revenue generation in this state; and

(6) identification of options for road-use pricing, other alternative financing mechanisms with particular consideration of key environmental impacts such as air quality, water quality, and greenhouse gas emissions, and estimates of implementation costs, user costs, and revenue.

(c) The commissioner shall report the results of the study to the legislature no later than November 1, 2009.

Sec. 119. STUDY AND REPORT ON SPEED LIMITS.

The commissioner of transportation shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation and local government by January 30, 2009, on speed limits on local roads. The commissioner shall consult with local governments and solicit input from local governments before issuing the report. The report must include, at a minimum:

(1) whether the current statutory speed limit of 30 miles per hour in urban districts and rural residential districts is appropriate, or if there are locations where the appropriate speed limit is 25 miles per hour;

(2) whether the current statutory speed limit of 55 miles per hour in rural residential districts within a city is appropriate, or if there are locations where the appropriate speed limit is 30 miles per hour; and

(3) whether the current definitions of urban district, rural residential district, and residential roadway are appropriate, or whether and how they should be changed.

Sec. 120. RAIL TRANSIT FEASIBILITY STUDY.

The Metropolitan Council may conduct a study of the feasibility of the use of light rail or commuter rail transit in a corridor aligned on marked Interstate Highway 394 or between marked Interstate Highway 394 and marked Trunk Highway 55, from downtown Minneapolis to Ridgedale Drive in Minnetonka, with the alternative of extending to Wayzata. The study must include consideration of the feasibility of combining the Southwest Rail Transit Corridor with the Interstate Highway 394 Corridor between downtown Minneapolis and a point of divergence west of downtown. The Metropolitan Council may hire a consultant to assist in the study and report.

Sec. 121. REPORT ON INTERNET-BASED DRIVER EDUCATION.

The commissioner of public safety shall submit a report on Internet-based driver education for the instruction permit component by February 15, 2009, to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over transportation finance and policy. The report must review and analyze current findings and studies on the feasibility, effectiveness, and impacts of Internet-based driver education programs for the instruction permit component, including program effectiveness for persons under age 18.

Sec. 122. NULLIFICATION OF EXPEDITED TOWN ROAD EXTINGUISHMENT.

(a) Any extinguishment of town interest in a town road under Minnesota Statutes, section 164.06, subdivision 2, is hereby nullified if:

(1) the interest was not recorded or filed with the county recorder but was recorded or filed with the county auditor prior to 1972;

(2) the state or a political subdivision has constructed a road or bridge improvement on a right-of-way affected by the interest;

(3) the affected road was the only means of access to a property;

(4) the extinguishment took place within the last ten years; and

(5) a person whose only access to property was lost because of the extinguishment files a petition of a nullification with the town board stating that the person's property became landlocked because of the extinguishment and that the road satisfies all of the requirements of paragraph (a), clauses (1) to (4). A copy of the road order found filed or recorded with the county auditor must be attached to the petition. The town shall file the petition with the county auditor and record it with the county recorder.

(b) Notwithstanding Minnesota Statutes, sections 164.08, subdivision 1, and 541.023, for any nullification under paragraph (a), the affected road is hereby deemed to be a cartway. No additional damages or other payments may be required other than those paid at the time the fee interest was originally acquired and the order filed with the county auditor. A cartway created by this paragraph may be converted to a private driveway under Minnesota Statutes, section 164.08, subdivision 2.

(c) For purposes of this section, "affected road" means the road in which the town board extinguished its interest.

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

Sec. 123. WILLMAR AIRPORT.

(a) Notwithstanding any law, rule, or agreement to the contrary, the commissioner of transportation may enter into an agreement with the city of Willmar to allow funds granted by the state to the city for land acquisition purposes at its former airport to instead be used by June 30, 2012, as the state's share of funds for aeronautical purposes at the city's new airport.

(b) Funds not spent pursuant to paragraph (a) by June 30, 2012, must be paid to the commissioner of transportation and deposited in the state airports fund.

Sec. 124. AIRPORT ZONING EXCEPTION.

(a) Notwithstanding any other law, rule, or ordinance to the contrary, the Eveleth-Virginia Municipal Airport Board of Adjustment must grant a variance to a property owner who resides in Safety Zone A of the Eveleth-Virginia Municipal Airport for the construction of, reconstruction of, remodeling of, or expansion of a structure in accordance with St. Louis County Ordinance 46, provided that the structure must not exceed the height restrictions imposed by the airport ordinance.

(b) Notwithstanding any other law, rule, or ordinance to the contrary, Safety Zone A of the Eveleth-Virginia Municipal Airport shall not include any residential building lot riparian to the east shore of St. Mary's Lake, St. Louis County provided such residential building lot was in existence on January 1, 1978.

Sec. 125. APPLICATION.

Sections 94 to 111 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

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

Sec. 126. **REPEALER.**

(a) Minnesota Statutes 2006, sections 221.60, subdivisions 2, 3, 3a, 4, 5, and 6; 221.601; and 221.602, are repealed.

(b) Minnesota Statutes 2006, sections 168A.05, subdivision 5a; and 325E.0951, subdivision 3a, are repealed.

(c) Minnesota Statutes 2006, sections 473.1465; and 473.3994, subdivision 13, are repealed.

EFFECTIVE DATE. Paragraph (a) is effective the day following final enactment.

ARTICLE 2

REGISTRATION PLATES

Section 1. Minnesota Statutes 2006, section 168.10, subdivision 1a, is amended to read:

Subd. 1a. **Collector's vehicle, pioneer license plate.** (a) Any motor vehicle manufactured prior to 1936 and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list such vehicle for taxation and registration and shall issue a single number plate.

(b) The number plate so issued shall bear the inscription "Pioneer," "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to revoke said plate for failure to comply with this subdivision.

Sec. 2. Minnesota Statutes 2006, section 168.10, subdivision 1b, is amended to read:

Subd. 1b. **Collector's vehicle, classic car license plate.** (a) Any motor vehicle manufactured between and including the years 1925 and 1948, and designated by the ~~registrar of motor vehicles~~ commissioner as a classic car because of its fine design, high engineering standards, and superior workmanship, and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and that the motor vehicle qualifies to be classified as a classic car, and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list such vehicle for taxation and registration and shall issue a single number plate.

(b) The number plate so issued shall bear the inscription "Classic Car," "Minnesota," and the registration number or other combination of characters authorized under section 168.12, subdivision

2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence in Minnesota. The registrar commissioner has the power to revoke said plate for failure to comply with this subdivision.

(c) The following cars built between and including 1925 and 1948 are classic:

A.C.

Adler

Alfa Romeo

Alvis Speed 20, 25, and 4.3 litre.

Amilcar

Aston Martin

Auburn All 8-cylinder and 12-cylinder models.

Audi

Austro-Daimler

Avions Voisin 12

Bentley

Blackhawk

B.M.W. Models 327, 328, and 335 only.

Brewster (Heart-front Ford)

Bugatti

Buick 1931 through 1942: series 90 only.

Cadillac All 1925 through 1935.

All 12's and 16's.

1936-1948: Series 63, 65, 67,

70, 72, 75, 80, 85 and 90 only.

1938-1947: 60 special only.

1940-1947: All 62 Series.

Chrysler 1926 through 1930: Imperial 80.

1929: Imperial L.

1931 through 1937: Imperial Series CG,

CH, CL, and CW.

All Newports and Thunderbolts.

1934 CX.

1935 C-3.

1936 C-11.

1937 through 1948: Custom Imperial,
Crown Imperial Series C-15, C-20, C-24,
C-27, C-33, C-37, and C-40.

Cord

Cunningham

Dagmar

Model 25-70 only.

Daimler

Delage

Delahaye

Doble

Dorris

Duesenberg

du Pont

Franklin

All models except 1933-34 Olympic Sixes.

Frazer Nash

Graham

1930-1931: Series 137.

Graham-Paige

1929-1930: Series 837.

Hispano Suiza

Horch

Hotchkiss

Invicta

Isotta Fraschini

Jaguar

Jordan

Speedway Series 'Z' only.

Kissel

1925, 1926 and 1927: Model 8-75.

1928: Model 8-90, and 8-90 White Eagle.

1929: Model 8-126, and 8-90 White Eagle.

1930: Model 8-126.

1931: Model 8-126.

Lagonda

Lancia

La Salle

1927 through 1933 only.

Lincoln

All models K, L, KA, and KB.

1941: Model 168H.

	1942: Model 268H.
Lincoln Continental	1939 through 1948.
Locomobile	All models 48 and 90. 1927: Model 8-80. 1928: Model 8-80. 1929: Models 8-80 and 8-88.
Marmon	All 16-cylinder models. 1925: Model 74. 1926: Model 74. 1927: Model 75. 1928: Model E75. 1931: Model 88, and Big 8.
Maybach	
McFarlan	
Mercedes Benz	All models 2.2 litres and up.
Mercer	
M.G.	6-cylinder models only.
Minerva	
Nash	1931: Series 8-90. 1932: Series 9-90, Advanced 8, and Ambassador 8. 1933-1934: Ambassador 8.
Packard	1925 through 1934: All models. 1935 through 1942: Models 1200, 1201, 1202, 1203, 1204, 1205, 1207, 1208, 1400, 1401, 1402, 1403, 1404, 1405, 1407, 1408, 1500, 1501, 1502, 1506, 1507, 1508, 1603, 1604, 1605, 1607, 1608, 1705, 1707, 1708, 1806, 1807, 1808, 1906, 1907, 1908, 2006, 2007, and 2008 only. 1946 and 1947: Models 2106 and 2126 only.
Peerless	1926 through 1928: Series 69.

	1930-1931: Custom 8. 1932: Deluxe Custom 8.
Pierce Arrow	
Railton	
Renault	Grand Sport model only.
Reo	1930-1931: Royale Custom 8, and Series 8-35 and 8-52 Elite 8. 1933: Royale Custom 8.
Revere	
Roamer	1925: Series 8-88, 6-54e, and 4-75. 1926: Series 4-75e, and 8-88. 1927-1928: Series 8-88. 1929: Series 8-88, and 8-125. 1930: Series 8-125.
Rohr	
Rolls Royce	
Ruxton	
Salmson	
Squire	
Stearns Knight	
Stevens Duryea	
Steyr	
Studebaker	1929-1933: President, except model 82.
Stutz	
Sunbeam	
Talbot	
Triumph	Dolomite 8 and Gloria 6.
Vauxhall	Series 25-70 and 30-98 only.
Voisin	
Wills Saint Claire	

(d) No commercial vehicles such as hearses, ambulances, or trucks are considered to be classic cars.

Sec. 3. Minnesota Statutes 2006, section 168.10, subdivision 1c, is amended to read:

Subd. 1c. **Collector's vehicle, collector plate.** (a) The owner of any self-propelled motor vehicle, including any truck, (1) that is (i) at least 20 model years old, or (ii) at least ten model years old and with a body or engine style of which not more than 500 were manufactured in or imported into the United States in any model year, (2) that was manufactured after 1935, and (3) that is owned and operated solely as a collector's vehicle, shall list the vehicle for taxation and registration as provided in paragraph (b).

(b) The owner shall execute an affidavit stating (1) the name and address of the person from whom purchased and of the new owner, (2) the make of the motor vehicle, (3) the year and number of the model, (4) the manufacturer's identification number, (5) in the case of a vehicle described in paragraph (a), clause (1)(ii), that the vehicle has a body or engine style of which not more than 500 were manufactured or imported into the United States in any model year, and (6) that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes.

(c) The owner shall provide a statement of the manufacturer or importer regarding the number of vehicles manufactured or imported during the model year.

(d) The owner shall also prove that the owner also has one or more vehicles with regular license plates.

If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list the vehicle for taxation and registration and shall issue a single number plate.

(e) The number plate issued shall bear the inscription "Collector," "Minnesota," and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to revoke the plate for failure to comply with this subdivision.

Sec. 4. Minnesota Statutes 2006, section 168.10, subdivision 1d, is amended to read:

Subd. 1d. **Collector's vehicle, street rod license plate.** Any modernized motor vehicle manufactured prior to the year 1949 or designed and manufactured to resemble such vehicle shall be listed for taxation and registration as follows:

An affidavit shall be executed stating the name and address of the person from whom purchased and of the new owner, the make of the motor vehicle, year number of model, and the manufacturer's identification number. The affidavit shall further state that the vehicle is owned and operated solely as a street rod and not for general transportation purposes. The owner must also prove that the owner has one or more vehicles with regular license plates. If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list such vehicle for taxation and registration and shall issue a single number plate.

The number plate issued shall bear the inscription "Street Rod", "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to revoke such plate for failure to comply with this subdivision.

Sec. 5. Minnesota Statutes 2006, section 168.10, subdivision 1g, is amended to read:

Subd. 1g. **Original plates.** A vehicle registered pursuant to subdivision 1a, 1b, 1c or 1d may in lieu of being issued number plates by the ~~registrar~~ commissioner display original Minnesota number plates issued in the same year as the model year of the car on which they are displayed. The number of the original plates must be provided to the ~~registrar~~ commissioner. The original plates must be in good condition ~~and shall be used in pairs one to be displayed in the front of the car and one in the rear, except for an original plate issued in 1911, 1944, 1945, or 1946 which may be used singly and displayed at the rear of the vehicle.~~ Original Minnesota number plates shall not be used if the number on the original plate is identical to a number on any current ~~street rod~~ plate or any other plate in a numbering system used by the ~~registrar~~ commissioner without written authorization from the commissioner. Any person currently using plates issued pursuant to subdivision 1a, 1b, 1c or 1d shall return those plates to the ~~registrar~~ commissioner before substituting original plates. ~~The registrar may commissioner shall charge a fee of \$10 for registering the number on original plates.~~

Sec. 6. Minnesota Statutes 2006, section 168.10, subdivision 1h, is amended to read:

Subd. 1h. **Collector military vehicle.** (a) A motor vehicle, including a truck, shall be listed and registered under this section if it meets the following conditions:

(1) it is at least 20 years old;

(2) its first owner following its manufacture was a branch of the armed forces of the United States and it presently conforms to the vehicle specifications required during the time of military ownership, or it has been restored and presently conforms to the specifications required by a branch of the armed forces for the model year that the restored vehicle could have been owned by that branch of the armed forces; and

(3) it is owned by a nonprofit organization and operated solely as a collector's vehicle. For purposes of this subdivision, "nonprofit organization" means a corporation, society, association, foundation, or institution organized and operated exclusively for historical or educational purposes, no part of the net earnings of which inures to the benefit of a private individual.

(b) The owner of the vehicle shall execute an affidavit stating the name and address of the person from whom purchased and of the new owner; the make, year, and model number of the motor vehicle; the manufacturer's identification number; and the collector military vehicle identification number, if any, located on the exterior of the vehicle. The affidavit must affirm that the vehicle is owned by a nonprofit organization and is operated solely as a collector's item and not for general transportation purposes. If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list the vehicle for taxation and registration and shall issue number plates. The number plates shall bear the inscriptions "Collector" and "Minnesota" and the registration number, but no date. The number plates are valid without renewal as long as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner may revoke the plates for failure to comply with this subdivision.

(c) Notwithstanding section 168.09, 168.12, or other law to the contrary, the owner of a registered collector military vehicle is not required to display registration plates on the exterior of the vehicle if the vehicle has an exterior number identification that conforms to the identifying system for military vehicles in effect when the vehicle was last owned by the branch of the armed forces of the United

States or in effect in the year to which the collector military vehicle has been restored. However, the state registration plates must be carried in or on the collector military vehicle at all times.

(d) The owner of a registered collector military vehicle that is not required to display registration plates under paragraph (c) may tow a registered trailer behind it. The trailer is not required to display registration plates if the trailer:

- (1) does not exceed a gross weight of 15,000 pounds;
- (2) otherwise conforms to registration, licensing, and safety laws and specifications;
- (3) conforms to military specifications for appearance and identification;
- (4) is intended to represent and does represent a military trailer; and
- (5) carries registration plates on or in the trailer or the collector military vehicle towing the trailer.

Sec. 7. Minnesota Statutes 2006, section 168.10, subdivision 1i, is amended to read:

Subd. 1i. **Collector plate transfer.** Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another vehicle owned or jointly owned by the person to whom the special plates were issued or the plate may be assigned to another owner. In addition to the transfer fee a new owner must pay the \$25 plate tax ~~or~~ and any fee required by section 168.12, subdivision 2a. The \$5 fee must be paid into the state treasury and credited to the highway user tax distribution fund. License plates issued under this section may not be transferred to a vehicle not eligible for the collector's vehicle license plates.

Sec. 8. Minnesota Statutes 2006, section 168.12, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

(5) Plates for any vehicle not specified in clauses (1) to (3), ~~except for trailers as hereafter provided,~~ must be issued for the life of the vehicle. ~~Beginning with plates issued for the year 1981, plates issued for trailers with a total gross weight of 3,000 pounds or less must be issued for the life of the trailer and must be not more than seven inches in length and four inches in width.~~

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

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

Sec. 9. Minnesota Statutes 2006, section 168.12, subdivision 2, is amended to read:

Subd. 2. **Amateur radio licensee; special plates, rules.** (a) The commissioner shall issue amateur radio plates to an applicant who:

- (1) is an owner of a passenger automobile or recreational motor vehicle;
 - (2) is a resident of this state;
 - (3) holds an official amateur radio station license or a citizens radio service class D license, in good standing, issued by the Federal Communications Commission;
 - (4) pays the registration tax required under section 168.013;
 - (5) pays a fee of \$10 for each set of special plates and any other fees required by this chapter; and
 - (6) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers;
- (b) In lieu of the registration number required for identification under subdivision 1, the plates must indicate the official amateur call letters of the applicant, as assigned by the Federal Communications Commission, and the words "AMATEUR RADIO."
- (c) This provision for the issue of special plates applies only if the applicant's motor vehicle is

already registered in Minnesota so that the applicant has valid regular Minnesota plates issued for that motor vehicle under which to operate it during the time that it will take to have the necessary special plates made.

(d) If owning more than one motor vehicle of the type specified in this subdivision, the applicant may apply for special plates for each ~~of not more than two motor vehicles~~ motor vehicle and, if each application complies with this subdivision, the commissioner shall furnish the applicant with the special plates, indicating the official amateur call letters and other distinguishing information as the commissioner considers necessary, for each of the ~~two~~ motor vehicles.

(e) The commissioner may make reasonable rules governing the use of the special plates as will assure the full compliance by the owner of the special plates, with all existing laws governing the registration of motor vehicles and the transfer and use of the plates.

(f) Despite any contrary provision of subdivision 1, the special plates issued under this subdivision may be transferred by an owner to another motor vehicle listed in paragraph (a) and registered to the same owner, upon the payment of a fee of \$5. The commissioner must be notified before the transfer and may prescribe a format for the notification.

Sec. 10. Minnesota Statutes 2006, section 168.12, subdivision 2a, is amended to read:

Subd. 2a. **Personalized plates; rules.** (a) The commissioner ~~shall~~ may issue personalized plates or, if requested for special plates issued under section 168.123 for veterans, 168.124 for medal of honor recipients, or 168.125 for former prisoners of war, applicable personalized special veterans plates, to an applicant who:

(1) is an owner of a passenger automobile including a passenger automobile registered as a classic car, pioneer car, collector car, or street rod; any truck with a manufacturer's nominal rated capacity of one ton or less and resembling a pickup truck; a motorcycle, including a classic motorcycle; a motorized bicycle; a commuter van as defined in section 168.126; or a recreational motor vehicle;

(2) pays a onetime fee of \$100 and any other fees required by this chapter;

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

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

(b) The commissioner shall charge a replacement fee for personalized license plates and personalized special veterans plates issued under section 168.123 as specified in subdivision 5. This fee must be paid by the applicant whenever the personalized plates are required to be replaced by law, except that as provided in section 168.124, subdivision 3, and 168.125, subdivision 1b, no fee may be charged to replace plates issued under those sections.

(c) In lieu of the registration number assigned as provided in subdivision 1, personalized plates and personalized special veterans plates must have imprinted on them a series of not more than seven numbers and letters, or five numbers and letters for personalized special veterans plates, in any combination and, as applicable, satisfy the design requirements of section 168.123, 168.124, or 168.125. When an applicant has once obtained personalized plates or personalized special veterans plates, the applicant shall have a prior claim for similar personalized plates or personalized

special veterans plates in the next succeeding year as long as current motor vehicle registration is maintained.

(d) The commissioner shall adopt rules in the manner provided by chapter 14, regulating the issuance and transfer of personalized plates and personalized special veterans plates. No words or combination of letters placed on these plates may be used for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a nature that would offend public morals or decency. The call signals or letters of a radio or television station are not commercial advertising for the purposes of this subdivision.

(e) Despite the provisions of subdivision 1, personalized plates and personalized special veterans plates issued under this subdivision may be transferred to another motor vehicle listed in paragraph (a) and owned by the applicant, upon the payment of a fee of \$5.

(f) The commissioner may by rule specify the format for notification.

(g) A personalized plate or personalized special veterans plate issued for a classic car, pioneer car, collector car, street rod, or classic motorcycle may not be transferred to a vehicle not eligible for such a plate.

(h) Despite any law to the contrary, if the personalized license plates are lost, stolen, or destroyed, the applicant may apply and must be issued duplicate license plates bearing the same combination of letters and numbers and the same design as (1) the former personalized plates or personalized special veterans plates under section 168.123 upon the payment of the fee required by section 168.29 or (2) the former personalized special veterans plates issued under section 168.124 or 168.125, without charge.

Sec. 11. Minnesota Statutes 2006, section 168.12, subdivision 2b, is amended to read:

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

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

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

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

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

(b) In lieu of the identification required under subdivision 1, the special plates must bear an emblem of a Maltese Cross together with any numbers or characters prescribed by the commissioner. ~~No applicant shall receive more than two sets of plates for motor vehicles owned by the applicant.~~

(c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of a fire department as specified in this subdivision. When the individual to whom the special plates were issued is no longer a member of a fire department or when the motor vehicle ownership is transferred, the owner shall remove the special plates from the motor vehicle. If the commissioner receives written notification that an individual is no

longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. Upon removal or invalidation of the special plates, or special motorcycle plate, either the owner or purchaser of the motor vehicle is entitled to receive regular plates or a regular motorcycle plate for the motor vehicle without cost for the remainder of the registration period for which the special plate or plates were issued shall obtain regular plates or a regular motorcycle plate for the proper registration classification for the motor vehicle.

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

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

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

Sec. 12. Minnesota Statutes 2006, section 168.12, subdivision 2c, is amended to read:

Subd. 2c. **National Guard; special plates, rules.** (a) The commissioner shall issue special plates to any applicant who:

(1) is a regularly enlisted, commissioned, or retired member of the Minnesota National Guard, other than an inactive member who is not a retired member, and is an owner of a passenger automobile;

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

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

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

(b) The adjutant general shall design the emblem for these special plates subject to the approval of the commissioner.

~~(c) An applicant must not be issued more than two sets of plates for motor vehicles registered to the applicant.~~

~~(c)~~ (c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is an active or retired member of the Minnesota National Guard as specified in this subdivision. When the individual to whom the special plates were issued is no longer an active or retired member of the Minnesota National Guard, the special plates must be removed from the vehicle by the owner. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. Upon removal or invalidation of the special plates, either the owner or purchaser of the motor vehicle is entitled to receive regular plates for the

~~motor vehicle without cost for the remainder of the registration period for which the special plates were issued shall obtain regular plates for the motor vehicle.~~

~~(e)~~ (d) While the person is an active or retired member of the Minnesota National Guard, plates issued pursuant to this subdivision may be transferred to another motor vehicle owned by that individual upon payment of a fee of \$5.

~~(f)~~ (e) For purposes of this subdivision, "retired member" means an individual placed on the roll of retired officers or roll of retired enlisted members in the Office of the Adjutant General under section 192.18 and who is not deceased.

~~(g)~~ (f) The commissioner may adopt rules under the Administrative Procedure Act to govern the issuance and use of the special plates authorized by this subdivision.

Sec. 13. Minnesota Statutes 2006, section 168.12, subdivision 2d, is amended to read:

Subd. 2d. **Ready Reserve; special plates, rules.** (a) The commissioner shall issue special plates to an applicant who:

(1) is not eligible for special National Guard plates under subdivision 2c, is a member of the United States armed forces ready reserve as described in United States Code, title 10, section 10142 or 10143, or a retired reserve as described in United States Code, title 10, section 10154, and is an owner of a passenger automobile;

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

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

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

(b) The commissioner of veterans affairs shall design the emblem for these special plates subject to the approval of the commissioner.

~~(c) An applicant must not be issued more than two sets of plates for motor vehicles owned by the applicant.~~

~~(d)~~ (c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of the ready reserve. When the owner is no longer a member, the special plates must be removed from the motor vehicle by the owner. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. On removing removal or invalidation of the special plates, either the owner or purchaser of the motor vehicle is entitled to receive regular plates for the motor vehicle without cost for the rest of the registration period for which the special plates were issued shall obtain regular plates for the motor vehicle. While the owner is a member of the ready reserve, plates issued under this subdivision may be transferred to another motor vehicle owned by that individual on paying a fee of \$5.

~~(e)~~ (d) The commissioner may adopt rules under the Administrative Procedure Act to govern the issuance and use of the special plates authorized by this subdivision.

Sec. 14. Minnesota Statutes 2006, section 168.12, subdivision 2e, is amended to read:

Subd. 2e. **Volunteer ambulance attendants; special plates.** (a) The commissioner shall issue special license plates to an applicant who:

(1) is a volunteer ambulance attendant as defined in section 144E.001, subdivision 15, and owns a motor vehicle taxed as a passenger automobile;

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

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

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

~~(b) The commissioner shall not issue more than two sets of these plates to each qualified applicant.~~

~~(e)(b) An individual may use special plates issued under this subdivision only during the period that the individual is a volunteer ambulance attendant. When the individual to whom the special plates were issued ceases to be a volunteer ambulance attendant, the individual shall remove each set of special plates issued. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. When ownership of the motor vehicle is transferred, the individual shall remove the special plates from that motor vehicle. On removal or invalidation of each set of the special plates, the owner or purchaser of the motor vehicle, or new owner in case of a transferred motor vehicle, is entitled to receive regular plates for the motor vehicle without cost for the rest of the registration period for which the set of special plates were issued shall obtain regular plates for the motor vehicle. Special plates issued under this subdivision may be transferred to another motor vehicle owned by the volunteer ambulance attendant on payment of a fee of \$5.~~

~~(d)(c) The commissioner may adopt rules governing the design, issuance, and sale of the special plates authorized by this subdivision."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Senjem moved to amend H.F. No. 3486, as amended pursuant to Rule 45, adopted by the Senate April 28, 2008, as follows:

(The text of the amended House File is identical to S.F. No. 3314.)

Page 2, after line 17, insert:

"Sec. 4. Laws 2008, chapter 152, article 2, section 1, subdivision 3, is amended to read:

Subd. 3. **Surcharge rate.** (a) By July 16, 2008, and each April 1 thereafter, the commissioner of revenue shall calculate and publish a surcharge as provided in paragraphs (b) and (c). The surcharge is imposed from ~~August 1~~ September 2, 2008, through June 30, 2009, and each new surcharge

thereafter is imposed the following July 1 through June 30.

(b) For fiscal years 2009 through 2012, the commissioner shall set the surcharge as specified in the following surcharge rate schedule.

Surcharge Rate Schedule

Fiscal Year	Rate (in cents per gallon)
2009	0.5
2010	2.1
2011	2.5
2012	3.0

(c) For fiscal year 2013 and thereafter, the commissioner shall set the surcharge at the lesser of (1) 3.5 cents, or (2) an amount calculated so that the total proceeds from the surcharge deposited in the trunk highway fund from fiscal year 2009 to the upcoming fiscal year equals the total amount of debt service from fiscal years 2009 to 2039, and the surcharge is rounded to the nearest 0.1 cent.

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

Sec. 5. GASOLINE EXCISE TAX; TRANSITION PROVISION.

Notwithstanding Minnesota Statutes, section 296A.07, subdivision 3, before October 1, 2008, the gasoline excise tax is imposed at the following rates:

- (1) E85 is taxed at the rate of 15.62 cents per gallon;
- (2) M85 is taxed at the rate of 12.54 cents per gallon; and
- (3) all other gasoline is taxed at the rate of 22 cents per gallon.

EFFECTIVE DATE. This section is effective September 2, 2008, and applies to all gasoline, undyed diesel fuel, and special fuel in distributor storage on that date. This section expires October 1, 2008.

Sec. 6. SPECIAL FUEL EXCISE TAX; TRANSITION PROVISION.

Notwithstanding Minnesota Statutes, section 296A.08, subdivision 2, before October 1, 2008, the special fuel excise tax is imposed at the following rates:

- (1) liquefied petroleum gas or propane is taxed at the rate of 16.5 cents per gallon;
- (2) liquefied natural gas is taxed at the rate of 13.2 cents per gallon;
- (3) compressed natural gas is taxed at the rate of \$1.913 per thousand cubic feet; or 22 cents per gasoline equivalent. For purposes of this paragraph, "gasoline equivalent," as defined by the National Conference on Weights and Measures, is 5.66 pounds of gas; and
- (4) all other special fuel is taxed at the same rate as the gasoline excise tax as specified in section 4. The tax is payable in the form and manner prescribed by the commissioner.

EFFECTIVE DATE. This section is effective September 2, 2008, and applies to all gasoline, undyed diesel fuel, and special fuel in distributor storage on that date. This section expires October 1, 2008.

Sec. 7. **REPEALER.**

(a) Laws 2008, chapter 152, article 3, section 4, is repealed.

(b) Laws 2008, chapter 152, article 3, section 6, is repealed.

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

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 44, as follows:

Those who voted in the affirmative were:

Day	Hann	Koering	Robling	Wergin
Fischbach	Ingebrigtsen	Limmer	Rosen	
Gerlach	Jungbauer	Michel	Senjem	
Gimse	Koch	Ortman	Vanderveer	

Those who voted in the negative were:

Anderson	Dibble	Larson	Pappas	Skoe
Bakk	Dille	Latz	Pogemiller	Skogen
Berglin	Doll	Lourey	Prettner Solon	Sparks
Betzold	Erickson Ropes	Lynch	Rest	Stumpf
Bonoff	Foley	Marty	Rummel	Tomassoni
Carlson	Frederickson	Metzen	Saltzman	Torres Ray
Clark	Higgins	Murphy	Saxhaug	Vickerman
Cohen	Kubly	Olseen	Sheran	Wiger
Dahle	Langseth	Olson, M.	Sieben	

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

H.F. No. 3486 was then recommended to pass.

S.F. No. 2468, which the committee recommends to pass with the following amendment offered by Senator Tomassoni:

Page 5, after line 14, insert:

"Sec. 12. Minnesota Statutes 2006, section 116O.09, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The Agricultural Utilization Research Institute is established as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Agricultural Utilization Research Institute shall conduct onsite and applied research, promote the establishment of new products and product uses and the expansion of existing markets for the state's agricultural commodities and products, including direct financial and technical assistance for Minnesota entrepreneurs. The institute must establish or maintain facilities and work with private and public entities to leverage the resources available to achieve maximum results for Minnesota agriculture."

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 3477, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 3477 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 28, 2008

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3477

A bill for an act relating to manufactured housing; providing for regulation of lending practices and default; providing notices and remedies; amending Minnesota Statutes 2006, sections 327.64, subdivision 2; 327.65; 327.66; 327B.01, by adding subdivisions; 327B.08, by adding a subdivision; 327B.09, by adding a subdivision; 327B.12; proposing coding for new law in Minnesota Statutes, chapters 327; 327B.

April 23, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3477 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 3477 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 327.64, subdivision 2, is amended to read:

Subd. 2. **Notice; service.** (a) A secured party may commence repossession of a manufactured home by personally serving upon, or by sending by certified or registered United States mail and concurrently sending a copy of the notice by first class mail to, the occupant of the mobile manufactured home a notice and, if the occupant is not the debtor, by sending a registered or certified letter to the last known address of the debtor under the security agreement, both setting forth the circumstances constituting the default under the security agreement and stating that the secured party will at the expiration of a 30-day period following receipt of the notice seek a court order removing the occupant from the manufactured home and repossessing the manufactured home, unless the debtor or the occupant acting on behalf of the debtor cures the default prior to that time and in the manner provided by section 327.66. If notice is mailed to a debtor in accordance with this subdivision, the secured party by affidavit shall set forth the circumstances causing the secured party to believe that the debtor could be reached at the address to which the notice was mailed. The affidavit shall state that the secured party has no reason to believe reliable information causing the secured party to conclude that the debtor might receive mailed notice at another address.

(b) The notice must state: "Your loan is currently in default. Contact us immediately at [insert phone number] to discuss possible options for preventing repossession. We encourage you to seek assistance from the foreclosure prevention counseling program in your area. Nearby community agencies will answer your questions, offer free advice, and help you create a plan. You can contact the Minnesota Home Ownership Center at (866) 462-6646 or www.hocmn.org to get the phone number and location of the nearest foreclosure prevention organization. Call today. Waiting limits your options. IF YOU DO NOT BECOME CURRENT ON YOUR LOAN WITHIN 30 DAYS, WE WILL SEEK A COURT ORDER REPOSSESSING THE HOME, AND BY COURT ORDER YOU WILL HAVE TO VACATE THE HOME."

(c) If the debtor does not sign for the registered or certified letter containing the notice within seven calendar days of the first attempted delivery, the secured party may proceed with all permissible actions provided in statute as though the debtor's signature has been secured.

Sec. 2. Minnesota Statutes 2006, section 327.65, is amended to read:

327.65 COURT ORDER.

Except in cases of voluntary repossession, upon expiration of the 30-day period specified in the notices required by section 327.64, a secured party must apply to the district court in the county in which the manufactured home is located for an order pursuant to chapter 565 directing the seizure and delivery of the manufactured home. The application shall be accompanied by a copy of the security agreement entitling the secured party to repossession of the manufactured home, a copy of the notices required under sections 327.64 and 327.665, and by the an affidavit required by section 327.64 if notice is mailed to the debtor of service stating that the notices required under sections 327.64 and 327.665 were properly served upon the occupant, and if the occupant of the home is not the debtor, the debtor. The notices required by section sections 327.64 and 327.665 shall not be considered as satisfying any of the notice requirements under chapter 565.

Sec. 3. [327.651] VOLUNTARY REPOSSESSION.

The secured party and the debtor and occupant, if the debtor is not the occupant, may agree in writing on a voluntary surrender of the title and possession of the manufactured home to the secured

party prior to or after the end of the 30-day period specified under section 327.64. The secured party may file the agreement and any other documents necessary to transfer the title in the manner required under chapter 336. When this provision is exercised, notice under section 327.64, subdivision 3 is not applicable.

Sec. 4. Minnesota Statutes 2006, section 327.66, is amended to read:

327.66 CURE OF DEFAULT.

A debtor, or an occupant of a manufactured home acting on behalf of a debtor, may within the 30 day period specified in the notices required by section 327.64, cure a default by tendering full payment of the sums then in arrears under the terms of the security agreement, or by otherwise remedying the default, and by paying the reasonable costs, not to exceed the sum of ~~\$15~~ \$100, incurred by the secured party to enforce the security agreement. Cure of a default in accordance with the provisions of this section shall suspend the secured party's right to seek repossession of the manufactured home under the provisions of sections 327.61 to 327.67.

Sec. 5. **327.665 REINSTATEMENT.**

Subdivision 1. **Right to reinstate.** (a) If the debtor does not cure the default within the 30-day period specified in section 327.66, the secured party must send a registered or certified letter and concurrently send a copy of the notice by first class mail to the occupant of the home and, if the debtor is different than the occupant, to the debtor, stating that the debtor has 30 days to reinstate the loan by paying the defaulted amount plus additional allowable fees incurred by the secured party in order to regain possession of the home.

(b) If the debtor does not sign for the registered or certified letter containing the notice within seven calendar days of the first attempted delivery, the secured party may proceed with all permissible actions provided in statute as though the debtor's signature had been secured.

Subd. 2. **Required notice; contents of notice.** (a) The notice shall contain, at a minimum, the following information:

(1) the name of the secured party, the debtor, each current assignee of the loan, if any, and the original or maximum principal amount secured by the loan;

(2) the date of the loan;

(3) the amount in arrears on the loan as of the date of the notice;

(4) a description of the manufactured home upon which the loan is secured, conforming substantially to that contained in the loan documents;

(5) the amount of allowable fees incurred by the secured party in order to regain possession of the home prior to the court order.

(b) The notice must also state: "Your manufactured home is currently being repossessed. Contact us immediately at [insert phone number] to discuss possible options for reinstating your loan. We encourage you to seek counseling with the foreclosure prevention counselor in your area. Nearby community agencies will answer your questions, offer free advice, and help you create a plan. You can contact the Minnesota Home Ownership Center at 866-462-6646 or www.hocmn.org to get the phone number and location of the nearest counseling organization. Call today. Waiting limits your

options. If you do not become current on your loan within 30 days, including any additional fees, you will no longer be entitled to reinstate your loan. We are seeking a court order repossessing the home, and by court order you will have to vacate the home."

Subd. 3. **Action to repossess; termination of action.** At any time after the expiration of the 30-day period required under section 327.64, the creditor may proceed with a court action under section 327.65, so long as the right to reinstate has not been exercised. The exercise of the right to reinstatement in accordance with the provisions of this section shall suspend the secured party's right to seek repossession of the manufactured home under the provisions of sections 327.61 to 327.67 and shall immediately terminate any court action filed pursuant to sections 327.61 to 327.67 or section 565.

Subd. 4. **Allowable costs.** For the purposes of this section, allowable costs that can be recovered include insurance; delinquent taxes, if any, upon the premises; interest to date of payment; cost of services of process or notices; filing fees; attorney fees, not to exceed \$150 or one-half of the attorney fees authorized by section 582.01, whichever is greater; together with other lawful disbursements necessarily incurred in connection with the proceedings by the party repossessing.

Sec. 6. Minnesota Statutes 2006, section 327B.01, is amended by adding a subdivision to read:

Subd. 2a. **Borrower.** "Borrower" means a person or persons applying for or obtaining a manufactured home loan.

Sec. 7. Minnesota Statutes 2006, section 327B.01, is amended by adding a subdivision to read:

Subd. 4b. **Churning.** "Churning" means knowingly or intentionally making, providing, or arranging for a manufactured home loan when the new manufactured home loan does not provide a reasonable, tangible net benefit to the borrower considering all of the circumstances, including the terms of both the new and refinanced loans, the cost of the new loan, and the borrower's circumstances.

Sec. 8. Minnesota Statutes 2006, section 327B.01, is amended by adding a subdivision to read:

Subd. 13a. **Manufactured home lender.** "Manufactured home lender" means a person who makes a manufactured home loan to a borrower, including a person who provides table funding. A manufactured home lender includes an affiliate, subsidiary, or any person acting as an agent of the lender. This definition does not apply to a manufactured home loan originated by a federal or state chartered bank, savings bank, credit union, or a licensed sales finance company as defined under section 53C.01, subdivision 12.

Sec. 9. Minnesota Statutes 2006, section 327B.01, is amended by adding a subdivision to read:

Subd. 13b. **Manufactured home loan.** "Manufactured home loan" means a loan made to a person or persons for the purchase, refinancing, improvement, or repair of a manufactured home.

Sec. 10. Minnesota Statutes 2006, section 327B.01, is amended by adding a subdivision to read:

Subd. 14b. **Negative amortization.** "Negative amortization" occurs when the borrower's compliance with any repayment option offered pursuant to the terms of the manufactured home loan is insufficient to satisfy the interest accruing on the loan, resulting in an increase in the loan balance. Negative amortization does not occur when a manufactured home loan is originated, subsidized, or

guaranteed by or through a state, tribal, or local government, or nonprofit organization, and bears one or more of the following nonstandard payment terms that substantially benefit the borrower:

- (1) payments vary with income;
- (2) payments of principal and interest are deferred until the maturity date of the loan or the sale of the residence;
- (3) principal or interest is forgivable under specified conditions; or
- (4) where no interest or an annual interest rate of two percent or less is charged in connection with the loan, and excludes existing loan modifications and payment extensions mutually agreed upon by the secured party and debtor.

Sec. 11. Minnesota Statutes 2006, section 327B.08, is amended by adding a subdivision to read:

Subd. 6. **Duty of agency.** (a) A person acting as a broker shall be considered to have created an agency relationship with the borrower in all cases and shall comply with the following duties:

- (1) brokers shall reasonably act:
 - (i) in the borrower's best interest;
 - (ii) in the utmost good faith toward borrowers; and
 - (iii) so as not to compromise a borrower's right or interest in favor of another's right or interest, including a right or interest of the broker. A broker shall not accept, give, or charge any undisclosed compensation or realize any undisclosed remuneration, either through direct or indirect means, that inures to the benefit of the broker on an expenditure made for the borrower;
- (2) brokers shall carry out all lawful instructions given by borrowers;
- (3) brokers shall disclose to borrowers all material facts of which the broker has knowledge which might reasonably affect the borrower's rights, interests, or ability to receive the borrower's intended benefit from the manufactured home loan, but not facts which are reasonably susceptible to the knowledge of the borrower;
- (4) brokers shall use reasonable care in performing duties; and
- (5) brokers shall account to a borrower for all the borrower's money and property received as an agent.

(b) The duty of agency does not attach to a broker who is:

- (1) a dealer or retailer;
- (2) a limited dealer or retailer;
- (3) licensed as a sales finance company as defined under section 53C.01, subdivision 12;
- (4) employed by:
 - (i) a manufactured home lender;
 - (ii) a dealer or retailer;

(iii) a limited dealer or retailer; or

(iv) a licensed sales finance company as defined under section 53C.01, subdivision 12;

(5) a person who has an exclusive contract to act as a broker for:

(i) a manufactured home lender;

(ii) a dealer or retailer;

(iii) a limited dealer or retailer; or

(iv) a licensed sales finance company as defined under section 53C.01, subdivision 12.

(c) Nothing in this section prohibits a broker who is bound by the duty of agency from contracting for or collecting a reasonable fee for services rendered and which had been disclosed to the borrower in advance of the provision of such services.

(d) Nothing in this section requires a broker who is bound by the duty of agency to obtain a loan containing terms or conditions not available to the broker in the broker's usual course of business, or to obtain a loan for the borrower from a manufactured home loan lender with whom the broker does not have a business relationship.

Sec. 12. Minnesota Statutes 2006, section 327B.09, is amended by adding a subdivision to read:

Subd. 6. **Standards of conduct.** (a) No manufactured home lender shall:

(1) charge a fee for a product or service where the product or service is not actually provided, or misrepresent the amount charged by or paid to a third-party for a product or service;

(2) make or cause to be made, directly or indirectly, any false, deceptive, or misleading statement or representation in connection with a manufactured home loan transaction, including, without limitation, a false, deceptive, or misleading statement or representation regarding the borrower's ability to qualify for any manufactured home loan product;

(3) issue any document indicating conditional qualification or conditional approval for a manufactured home loan, unless the document also clearly indicates that final qualification or approval is not guaranteed, and may be subject to additional review;

(4) make or assist in making any manufactured home loan without verifying the reasonable ability of the borrower to repay the loan, taking into consideration taxes and insurance in connection with the manufactured home;

(5) make, provide, or arrange for a manufactured home loan for a higher interest rate or on less favorable terms than the rate or terms for which the borrower qualifies based on criteria typically used by that lender to evaluate rate and term offerings;

(6) make, provide, or arrange for a manufactured home loan all or a portion of the proceeds of which are used to fully or partially pay off a "special loan" unless the borrower has obtained a written certification from an authorized independent loan counselor that the borrower has received counseling on the advisability of the loan transaction. For the purposes of this section, "special loan" means a loan for the purchase, refinance, improvement, or repair of the manufactured home originated, subsidized, or guaranteed by or through a state, tribal, or local government, or

nonprofit organization, that bears one or more of the following nonstandard payment terms, which substantially benefit the borrower:

(i) payments vary with income;

(ii) payments of principal or interest are not required or can be deferred under specified conditions;

(iii) principal or interest is forgivable under specified conditions; or

(iv) where no interest or an annual interest rate of two percent or less is charged in connection with the loan. For the purposes of this section, "authorized independent loan counselor" means a nonprofit, third-party individual or organization providing homebuyer education programs, foreclosure prevention services, loan counseling, or credit counseling certified by the United States Department of Housing and Urban Development, the Minnesota Home Ownership Center, the Minnesota Mortgage Foreclosure Prevention Association, AARP, or NeighborWorks America.

(7) engage in churning; or

(8) make, provide, or arrange for a manufactured home loan if the borrower's compliance with any repayment option offered under the terms of the loan will result in negative amortization during any six-month period. This excludes existing loan extensions and modifications.

(b) This subdivision does not apply to a state or federally chartered bank, savings bank, or credit union, an institution chartered by Congress under the Farm Credit Act, or to a person making, providing, or arranging a manufactured home loan originated or purchased by a state agency or a tribal or local unit of government.

Sec. 13. [327B.095] INTEREST, POINTS, FINANCE CHARGES, FEES, AND OTHER CHARGES.

Subdivision 1. **Financed interest, points, finance charges, fees, and other charges.** (a) A manufactured home lender making or modifying a manufactured home loan to a borrower located in this state must not include in the principal amount of any loan, all or any portion of any lender fee in an aggregate amount exceeding:

(1) five percent of the loan amount for loans over \$60,000;

(2) six percent of the loan amount for loans less than \$60,000, but greater than or equal to \$40,000; or

(3) eight percent of the loan amount for loans of less than \$40,000.

(b) "Lender fee" means interest, origination points, finance charges, fees, and other charges payable in connection with the manufactured home loan:

(1) by the borrower to any manufactured home lender or broker or to any assignee of any manufactured home lender or broker; or

(2) by the lender to a broker.

(c) Lender fee does not include discount points, provided there is a concomitant benefit to the borrower, recording fees, taxes, passthroughs, or other amounts that are paid by any person to any

government entity, filing office, or other third party that is not a manufactured home lender or broker or to any assignee of any manufactured home lender or broker. Lender fee also does not include any amount that is set aside to pay taxes or insurance on any property securing the manufactured home loan.

(d) "Loan amount" means:

(1) for a line of credit, the maximum principal amount of the line of credit; and

(2) for any other manufactured home loan, the principal amount of the loan, excluding all interest, points, finance charges, fees, and other charges.

(e) A manufactured home lender or broker shall not charge, receive, or collect any excess financed interest, points, finance charges, fees, or other charges described in this subdivision, or any interest, points, finance charges, fees, or other charges with respect to this excess.

Subd. 2. **Prepayment penalties.** No manufactured home loan may contain a provision requiring or permitting the imposition of a penalty, fee, premium, or other charge in the event the manufactured home loan is prepaid in whole or in part unless the penalty, fee, premium, or other charge constitutes consideration for an equal or greater benefit to the borrower.

Subd. 3. **Exemption.** This section does not apply to a manufactured home loan originated by a federal or state chartered bank, savings bank, credit union, or a licensed sales finance company as defined under section 53C.01, subdivision 12.

Sec. 14. Minnesota Statutes 2006, section 327B.12, is amended to read:

327B.12 ADDITIONAL REMEDIES AND ENFORCEMENT.

Subdivision 1. **Private remedies.** (a) Any person injured or threatened with injury by a dealer or manufacturer's violation of sections 327B.01 to 327B.12 may bring a private action in any court of competent jurisdiction.

(b) A borrower injured by a violation of the standards, duties, prohibitions, or requirements of sections 327B.08, subdivision 6; 325B.09, subdivision 6; or 325B.095, shall have a private right of action and the court shall award actual, incidental, and consequential damages.

Subd. 2. **Fraud remedies.** In addition to the remedies provided in sections 327B.01 to 327B.12, any violation of section 327B.08 or 327B.09 is a violation of section 325F.69, subdivision 1 and the provisions of section 8.31 shall apply. A private right of action by the borrower under this chapter is in the public interest."

Delete the title and insert:

"A bill for an act relating to manufactured housing; providing for regulation of lending practices and default; providing notices and remedies; amending Minnesota Statutes 2006, sections 327.64, subdivision 2; 327.65; 327.66; 327B.01, by adding subdivisions; 327B.08, by adding a subdivision; 327B.09, by adding a subdivision; 327B.12; proposing coding for new law in Minnesota Statutes, chapters 327; 327B."

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

House Conferees: (Signed) Paul Gardner, Jim Davnie, John Berns

Senate Conferees: (Signed) John Marty, Michael J. Jungbauer, Linda Scheid

Senator Marty moved that the foregoing recommendations and Conference Committee Report on H.F. No. 3477 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 3477 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2369 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2369

A bill for an act relating to education; requiring criminal history background checks; amending Minnesota Statutes 2006, section 123B.03, subdivision 1.

April 24, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2369 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 2369 be further amended as

follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 123B.03, is amended to read:

123B.03 BACKGROUND CHECK.

Subdivision 1. **Background check required.** (a) A school hiring authority, ~~as defined in subdivision 3,~~ shall request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all individuals who are offered employment ~~in the a school,~~ as defined in subdivision 3 and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular services to a school, regardless of whether any compensation is paid. In order for an individual to be eligible for employment or to provide the services, ~~an the individual who is offered employment~~ must provide an executed criminal history consent form and a money order or check payable to either the Bureau of Criminal Apprehension or the school hiring authority, at the ~~election~~ discretion of the school hiring authority, in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. A school hiring authority ~~electing~~ deciding to receive payment may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and shall pay the superintendent of the Bureau of Criminal Apprehension directly to conduct the background check. The superintendent of the Bureau of Criminal Apprehension shall conduct the background check by retrieving criminal history data maintained in the criminal justice information system computers. A school hiring authority, at its discretion, may ~~elect~~ decide not to request a criminal history background check on an individual who holds an initial entrance license issued by the State Board of Teaching or the commissioner of education within the 12 months preceding an offer of employment.

(b) A school hiring authority may use the results of a criminal background check conducted at the request of another school hiring authority if:

(1) the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;

(2) the other school hiring authority conducted a criminal background check within the previous 12 months;

(3) the individual who is the subject of the criminal background check executes a written consent form giving a school hiring authority access to the results of the check; and

(4) there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment.

(c) A school hiring authority may, at its discretion, request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on any individual who seeks to enter a school or its grounds for the purpose of serving as a school volunteer or working as an independent contractor or student employee. In order for an individual to enter a school or its grounds under this paragraph when the school hiring authority ~~elects~~ decides to request a criminal history background check on the individual, the individual first must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school district in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school district

of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

(d) For all nonstate residents who are offered employment in a school, a school hiring authority shall request a criminal history background check on such individuals from the superintendent of the Bureau of Criminal Apprehension and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. Such individuals must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school hiring authority in an amount equal to the actual cost to the government agencies and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

(e) At the beginning of each school year or when a student enrolls, a school hiring authority must notify parents and guardians about the school hiring authority's policy requiring a criminal history background check on employees and other individuals who provide services to the school, and identify those positions subject to a background check and the extent of the hiring authority's discretion in requiring a background check. The school hiring authority may include the notice in the student handbook, a school policy guide, or other similar communication. Nothing in this paragraph affects a school hiring authority's ability to request a criminal history background check on an individual under paragraph (c).

Subd. 2. **Conditional hiring and services; discharge.** A school hiring authority may hire or otherwise allow an individual to provide a service to a school pending completion of a background check under subdivision 1 but shall notify the individual that the individual's employment or other service may be terminated based on the result of the background check. A school hiring authority is not liable for failing to hire or for terminating an individual's employment or other service based on the result of a background check under this section.

Subd. 3. **Definitions.** For purposes of this section:

(a) "School" means a school as defined in section 120A.22, subdivision 4, except a home school, and includes a school receiving tribal contract or grant school aid under section 124D.83; school, for the purposes of this section, also means a service cooperative, a special education cooperative, or an education district under Minnesota Statutes 1997 Supplement, section 123.35, a charter school under section 124D.10, and a joint powers district under section 471.59.

(b) "School hiring authority" means the school board, or in the case of a nonpublic school, the school principal or other person having general control and supervision of the school.

EFFECTIVE DATE. This section is effective September 1, 2008."

Correct the title numbers accordingly

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

Senate Conferees: (Signed) Ann H. Rest, Gen Olson, Don Betzold

House Conferees: (Signed) Karla Bigham, Sandra Peterson, Bob Dettmer

Senator Rest moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2369 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2369 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2881 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2881

A bill for an act relating to commerce; regulating contracts for deed, rates of interest on certain contracts, and mortgage lending; providing verification of the borrower's reasonable ability to repay a mortgage loan; providing penalties and remedies for a mortgage broker's failure to comply with the broker's duties of agency; amending Minnesota Statutes 2006, sections 47.20, subdivision 2; 334.01, subdivision 2; Minnesota Statutes 2007 Supplement, sections 58.13, subdivision 1; 58.18, subdivisions 1, 2.

April 25, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2881 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

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

Senate Conferees: (Signed) Linda Scheid, Dan Sparks, Ray Vandever

House Conferees: (Signed) Jim Davnie, Tim Mahoney, Neil W. Peterson

Senator Scheid moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2881 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2881 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 3674 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 3674

A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2006, sections 13.202, subdivision 3; 13.322, subdivision 1; 13.3806, subdivision 1; 13.635, subdivision 1; 13.681, subdivision 1; 13.712, subdivision 1; 13.83, subdivision 10; 13.871, subdivisions 1, 6; 17.117, subdivision 3; 46.044, subdivision 1; 72A.20, subdivision 11; 103F.725, subdivision 1a; 103I.005, subdivision 22; 103I.311, subdivision 3; 115A.554; 123B.88, subdivision 19; 124D.59, subdivision 3; 126C.17, subdivision 9; 144.396, subdivision 9; 144.581, subdivision 1; 144A.461; 145B.02, subdivision 5; 148.736, subdivisions 2, 3; 169.01, subdivision 4b; 169.421, subdivision 5; 169.448, subdivision 1; 171.12, subdivision 2a; 174.03, subdivision 8; 175.35; 237.411,

subdivision 5; 244.08; 256.98, subdivision 7; 256B.04, subdivision 16; 256B.35, subdivision 1; 256J.30, subdivision 9; 256J.32, subdivision 4; 256J.42, subdivisions 5, 6; 256J.425, subdivisions 5, 6; 256J.46, subdivision 1; 256J.50, subdivision 1; 256J.521, subdivision 4; 256J.54, subdivision 5; 260B.235, subdivision 5; 260C.007, subdivision 6; 270.81, subdivision 1; 270.82, subdivision 1; 270.83, subdivision 3; 273.1398, subdivision 6; 275.065, subdivision 5a; 282.01, subdivision 1b; 289A.08, subdivision 7; 289A.63, subdivision 6; 290.0921, subdivision 3; 297A.70, subdivision 13; 298.282, subdivision 2; 300.15; 300.64, subdivision 4; 321.0108; 332.30; 352.03, subdivision 11; 352.119, subdivision 3; 354.07, subdivision 3; 354A.12, subdivisions 1, 2a; 356.30, subdivision 1; 356.65, subdivision 2; 386.015, subdivision 5; 422A.101, subdivision 2; 424A.02, subdivision 8a; 458D.18, subdivision 9; 469.153, subdivision 2; 480.182; 484.012; 501B.86, subdivision 2; 508A.22, subdivision 3; 518C.310; 550.04; 609.101, subdivision 3; 609.75, subdivision 1; 609B.121; 609B.164; 609B.265, subdivision 3; 609B.515; 611.272; Minnesota Statutes 2007 Supplement, sections 16C.03, subdivision 10; 103L.235, subdivision 1; 136A.127, subdivision 8; 144.121, subdivision 5b; 148.67, subdivision 1; 183.57, subdivision 2; 183.59; 216B.1637; 256.01, subdivision 23; 256.476, subdivision 4; 256B.0915, subdivisions 3a, 3e; 256B.49, subdivision 16a; 256J.49, subdivision 13; 256J.55, subdivision 1; 268.101, subdivision 2; 325E.386, subdivision 1; 326.91, subdivision 1; 352.01, subdivision 2b; 446A.051, subdivision 1; 446A.072, subdivision 5a; Laws 2007, chapter 147, article 19, section 3, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 609B; repealing Minnesota Statutes 2006, sections 35.701; 35.96, subdivision 5; 62Q.64; 216C.30, subdivision 4; 256E.21, subdivision 3; 289A.11, subdivision 2; 383D.47; 473.1551, subdivision 1; 473.553, subdivision 14; 473.616; 484.69, subdivision 1a; 525.091, subdivision 2; Laws 2006, chapter 270, article 2, section 13; Laws 2007, chapter 128, article 6, section 16; Laws 2007, chapter 134, article 1, section 8; Laws 2007, chapter 147, article 1, section 32.

April 24, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 3674 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendments.

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

Senate Conferees: (Signed) Mee Moua, Thomas M. Bakk, Warren Limmer

House Conferees: (Signed) Dave Olin, Tony Sertich, John Berns

Senator Moua moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3674 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 3674 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

CALENDAR

H.F. No. 3195: A bill for an act relating to environment; establishing an intent to participate in a cap and trade program for greenhouse gas emissions; requiring studies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216H.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 43 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Latz	Olson, M.	Sheran
Bakk	Doll	Lourey	Pappas	Sieben
Berglin	Erickson Ropes	Lynch	Pogemiller	Sparks
Betzold	Foley	Marty	Prettner Solon	Stumpf
Bonoff	Frederickson	Metzen	Rest	Torres Ray
Carlson	Higgins	Michel	Rummel	Vickerman
Clark	Kubly	Moua	Saltzman	Wiger
Cohen	Langseth	Murphy	Saxhaug	
Dahle	Larson	Olseen	Scheid	

Those who voted in the negative were:

Day	Hann	Limmer	Senjem	Wergin
Dille	Ingebrigtsen	Olson, G.	Skoe	
Fischbach	Jungbauer	Ortman	Skogen	
Gerlach	Koch	Robling	Tomassoni	
Gimse	Koering	Rosen	Vandever	

So the bill passed and its title was agreed to.

S.F. No. 3366: A bill for an act relating to human services; modifying the phase-in of rebased nursing facility operating cost payment rates; amending Minnesota Statutes 2007 Supplement, section 256B.441, subdivisions 1, 55, 56.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Doll	Koch	Rosen
Jungbauer	Lourey	Wergin

So the bill passed and its title was agreed to.

S.F. No. 3193: A bill for an act relating to adoption; modifying provisions governing access to adoption records and original birth certificates; amending Minnesota Statutes 2006, sections 13.465, subdivision 8; 144.218, subdivision 1; 144.225, subdivision 2; 144.2252; 144.226, subdivision 1; 259.89, subdivision 1; 260C.317, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2006, sections 259.83, subdivision 3; 259.89, subdivisions 2, 3, 4, 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Larson	Olson, M.	Sieben
Bakk	Frederickson	Latz	Pappas	Skoe
Berglin	Gerlach	Lourey	Pogemiller	Skogen
Betzold	Hann	Lynch	Prettner Solon	Tomassoni
Bonoff	Higgins	Metzen	Rest	Torres Ray
Carlson	Ingebrigtsen	Michel	Rosen	Vickerman
Cohen	Koch	Moua	Saltzman	Wergin
Dille	Koering	Murphy	Saxhaug	Wiger
Doll	Kubly	Olseen	Scheid	
Erickson Ropes	Langseth	Olson, G.	Sheran	

Those who voted in the negative were:

Clark	Fischbach	Marty	Senjem
Dahle	Gimse	Ortman	Sparks
Day	Jungbauer	Robling	Stumpf
Dibble	Limmer	Rummel	Vandev eer

So the bill passed and its title was agreed to.

S.F. No. 1128: A bill for an act relating to employment; modifying use of personal sick leave benefits; amending Minnesota Statutes 2006, section 181.9413.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 11, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Ingebrigtsen	Ortman	Vandev eer
Gerlach	Jungbauer	Robling	Wergin
Hann	Koch	Senjem	

So the bill passed and its title was agreed to.

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.

APPOINTMENTS

Senator Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 3722: Senators Tomassoni, Metzen and Bonoff.

S.F. No. 3672: Senators Skogen, Scheid and Johnson.

S.F. No. 2597: Senators Saltzman, Wiger and Torres Ray.

Senator Pogemiller moved that the foregoing appointments be approved. 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.

MEMBERS EXCUSED

Senator Dille was excused from the Session of today from 12:00 noon to 12:30 p.m. Senators Sheran and Torres Ray were excused from the Session of today from 12:00 noon to 12:50 p.m. Senator Olseen was excused from the Session of today from 12:00 noon to 3:10 p.m. Senators Olson, M.; Prettner Solon and Scheid were excused from the Session of today from 2:30 to 2:40 p.m. Senator Koering was excused from the Session of today from 2:30 to 2:45 p.m. Senator Larson was excused from the Session of today from 2:30 to 3:50 p.m. Senator Ortman was excused from the Session of today from 2:30 to 4:30 p.m. Senator Cohen was excused from the Session of today from 2:30 to 5:00 p.m. and from 8:15 to 9:15 p.m. Senator Rosen was excused from the Session of today from 2:50 to 3:10 p.m. Senator Pogemiller was excused from the Session of today from 2:50 to 3:10 p.m. and from 5:00 to 5:15 p.m. Senator Erickson Ropes was excused from the Session of today from 3:25 to 3:35 p.m. Senator Rummel was excused from the Session of today from 4:15 to 5:20 p.m. Senator Johnson was excused from the Session of today at 5:10 p.m. Senators Chaudhary and Pariseau were excused from the Session of today at 8:00 p.m. Senators Moua and Scheid were excused from the Session of today from 10:30 to 11:00 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Thursday, May 1, 2008. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Wednesday, April 30, 2008

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 9015 to 9018

CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
2667		213	9016
2765		214	9016
2915		215	9016
3082		216	9016
2828		217	9016
2399		218	9016
3225		219	9016
2024		220	9016
3286		221	9016
2377		222	9016
3571		223	9016
3647		224	9016
2936		225	9016
3021		226	9016
2642		227	9016
3263		228	9016
3119		229	9016
3227		230	9016
3446		231	9016
2564		232	9017
	3500	233	9017
3049		234	9017
3336		235	9017
	2896	236	9017
	3516	238	9017
3214		240	9017
3154		241	9017
3342		242	9017
2403		243	9017
1298		244	9017
2500		249	9017
3139		245	9018
	3662	246	9018
	2904	247	9018
	3569	248	9018

MESSAGES FROM THE HOUSE AND FIRST READING OF

HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
2796	9254	2877	9254	9254
2939	9018	3367	9254	9255
2948	9254	3376	9022	9022
2996	9018	3477	9354	
3001	9021	3494	9254	9255
3098	9018	3722	9258	
3137	9254			
3174	9018			
3256	9254			
3331	9018			
3443	9020			
3455	9018			
3564	9019			
3672	9021			

CONCURRENCE AND REPASSAGE

S.F. Nos.	Page	H.F. Nos.	Page
3443	9020		
3564	9019		

SUSPENSION OF RULES

S.F. Nos.	Page	H.F. Nos.	Page
3385	9245	2996	9251
3385	9246	3494	9255
		3800	9253

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
2647	9022	9139	2996	9107	9139
3190	9120	9139	3332	9106	9139
3385	9023	9139	3493	9106	9139
			3800	9106	9139

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
651	9139	2996	9258
2647	9139	3800	9266
2651	9139		
2651	9245		
3385	9255		

3746 9139
3850 9139

CONFERENCE COMMITTEE REPORTS AND THIRD READINGS

S.F. Nos.	Page	H.F. Nos.	Page
2369	9362	3477	9354
2881	9365		
3674	9366		

CALENDAR

S.F. Nos.	Page	H.F. Nos.	Page
1128	9370	3195	9368
3193	9369		
3366	9369		

GENERAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
2468	9353	3486	9270
3058	9267		

RECONSIDERATION

S.F. Nos.	Page	H.F. Nos.	Page
		3722	9155

SPECIAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
2651	9179	3722	9141
3168	9165		

APPOINTMENTS TO CONFERENCE COMMITTEES

S.F. Nos.	Page	H.F. Nos.	Page
2597	9370	3722	9370
3672	9370		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 3854 to 3859 Pages 9139 to 9140