

SIXTIETH DAY

St. Paul, Minnesota, Thursday, May 19, 2011

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Pastor Gary Dreier.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

Bakk	Gerlach	Kubly	Nienow	Sieben
Benson	Gimse	Langseth	Olson	Skoe
Berglin	Goodwin	Latz	Ortman	Sparks
Bonoff	Hall	Lillie	Pappas	Stumpf
Brown	Hann	Limmer	Parry	Thompson
Carlson	Harrington	Lourey	Pederson	Tomassoni
Chamberlain	Higgins	Magnus	Pogemiller	Torres Ray
Cohen	Hoffman	Marty	Reinert	Vandever
Dahms	Howe	McGuire	Rest	Wiger
Daley	Ingebrigtsen	Metzen	Robling	Wolf
DeKruif	Jungbauer	Michel	Rosen	
Dibble	Kelash	Miller	Saxhaug	
Fischbach	Koch	Nelson	Senjem	
Gazelka	Kruse	Newman	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.

May 18, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2011 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 2011	Date Filed 2011
	786	25	9:32 a.m. May 18	May 18
	664	26	9:32 a.m. May 18	May 18
	1092	27	9:33 a.m. May 18	May 18
	447	28	9:34 a.m. May 18	May 18

Sincerely,
Mark Ritchie
Secretary of State

May 19, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2011 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 2011	Date Filed 2011
	235	23	12:07 p.m. May 19	May 19
	299	24	12:45 p.m. May 19	May 19

Sincerely,
Mark Ritchie
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Magnus and Rosen introduced–

S.F. No. 1443: A bill for an act relating to economic development; providing a new jobs training pilot program; requiring a report.

Referred to the Committee on Jobs and Economic Growth.

Senators Wiger, Stumpf, Latz, Tomassoni and Howe introduced–

S.F. No. 1444: A bill for an act relating to education; clarifying the definition of a child with a disability; clarifying other circumstances related to children with disabilities; amending Minnesota Statutes 2010, sections 125A.02, subdivision 1; 125A.03; 125A.091, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 125A.

Referred to the Committee on Education.

Senator Bakk, by request, introduced–

S.F. No. 1445: A bill for an act relating to taxation; local taxes authorized; city of Proctor.

Referred to the Committee on Taxes.

Senator Rest introduced–

S.F. No. 1446: A bill for an act relating to elections; authorizing jurisdictions to adopt ranked-choice voting; establishing procedures for adoption, implementation, and use of ranked-choice voting; amending Minnesota Statutes 2010, sections 205.13, subdivision 2; 206.83; 206.89, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapter 206; proposing coding for new law as Minnesota Statutes, chapter 204E.

Referred to the Committee on Local Government and Elections.

Senators Pappas, Olson, Rosen and Stumpf introduced–

S.F. No. 1447: A bill for an act relating to higher education; setting a higher education attainment goal; requiring recommendations to achieve the goal; proposing coding for new law in Minnesota Statutes, chapter 135A.

Referred to the Committee on Higher Education.

Senators Harrington, Ingebrigtsen and Latz introduced–

S.F. No. 1448: A bill for an act relating to crime; enacting the Uniform Collateral Consequences of Conviction Act proposed for adoption by the National Conference of Commissioners on Uniform State Laws; conforming other law regarding collateral consequences and the rehabilitation of criminal offenders with the uniform act; amending Minnesota Statutes 2010, section 364.07; proposing coding for new law in Minnesota Statutes, chapter 638; repealing Minnesota Statutes 2010, sections 609B.050; 609B.100; 609B.101; 609B.102; 609B.103; 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111; 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124; 609B.125; 609B.126; 609B.127; 609B.128;

609B.129; 609B.130; 609B.132; 609B.133; 609B.134; 609B.135; 609B.136; 609B.137; 609B.139; 609B.140; 609B.141; 609B.142; 609B.143; 609B.144; 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150; 609B.151; 609B.152; 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160; 609B.161; 609B.162; 609B.164; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171; 609B.172; 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179; 609B.180; 609B.181; 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191; 609B.192; 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.202; 609B.203; 609B.205; 609B.206; 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245; 609B.255; 609B.262; 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277; 609B.301; 609B.310; 609B.311; 609B.312; 609B.320; 609B.321; 609B.330; 609B.331; 609B.332; 609B.333; 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345; 609B.400; 609B.405; 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445; 609B.450; 609B.455; 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515; 609B.518; 609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600; 609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710; 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; 609B.725.

Referred to the Committee on Judiciary and Public Safety.

Senators Lourey and Sparks introduced—

S.F. No. 1449: A bill for an act relating to human services; modifying personal care assistance services; amending Minnesota Statutes 2010, section 256B.0659, subdivision 2.

Referred to the Committee on Health and Human Services.

Senators Carlson and Lourey introduced—

S.F. No. 1450: A bill for an act relating to local government; providing for detachment from a municipality; amending Minnesota Statutes 2010, section 414.06, subdivisions 1, 2, 3, by adding subdivisions.

Referred to the Committee on Local Government and Elections.

MOTIONS AND RESOLUTIONS

Senator Daley introduced –

Senate Resolution No. 88: A Senate resolution congratulating Jacob Jones for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Daley introduced –

Senate Resolution No. 89: A Senate resolution congratulating Casey Cayer for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

RECESS

Senator Koch moved that the Senate do now recess until 2:15 p.m. The motion prevailed.

The hour of 2:15 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Senator Limmer 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 Orders of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1010, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1010 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 18, 2011

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1010

A bill for an act relating to state government; appropriating money for environment, natural resources, commerce, and energy; creating accounts; modifying disposition of certain receipts; modifying responsibilities and authorities; creating an advisory committee; modifying Petroleum Tank Release Cleanup Act; modifying cooperative electric association petition provisions; repealing definitions and requirements; requiring rulemaking on wild rice standards; amending Minnesota Statutes 2010, sections 85.052, subdivision 4; 89.21; 97A.055, by adding a subdivision; 97A.071, subdivision 2; 97A.075; 103G.271, subdivision 6; 103G.301, subdivision 2; 103G.615, subdivision 2; 115A.1314; 115A.1320, subdivision 1; 115C.09, subdivision 3c; 115C.13; 116P.04, by adding a subdivision; 116P.05, subdivision 2; 216B.026, subdivision 1; 290.431; 290.432; 357.021, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 16E; 84; 89; 97A; 103G; repealing Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 84.027, subdivision 11; 116P.09, subdivision 4; 116P.14.

May 16, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 1010 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. 1010 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

ENVIRONMENT AND NATURAL RESOURCES FINANCE

Section 1. **SUMMARY OF APPROPRIATIONS.**

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

	<u>2012</u>	<u>2013</u>	<u>Total</u>
<u>General</u>	\$ <u>68,531,000</u> \$	<u>68,426,000</u> \$	<u>136,957,000</u>
<u>State Government Special Revenue</u>	<u>75,000</u>	<u>75,000</u>	<u>150,000</u>
<u>Environmental</u>	<u>63,089,000</u>	<u>62,783,000</u>	<u>125,872,000</u>
<u>Natural Resources</u>	<u>89,875,000</u>	<u>90,259,000</u>	<u>180,134,000</u>
<u>Game and Fish</u>	<u>89,242,000</u>	<u>88,545,000</u>	<u>177,787,000</u>
<u>Remediation</u>	<u>10,596,000</u>	<u>10,596,000</u>	<u>21,192,000</u>
<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>	<u>400,000</u>
<u>Total</u>	\$ <u>321,608,000</u> \$	<u>320,884,000</u> \$	<u>642,492,000</u>

Sec. 2. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal year ending June 30, 2011, are effective the day following final enactment.

APPROPRIATIONS
Available for the Year

	<u>Ending June 30</u>	
	<u>2012</u>	<u>2013</u>
Sec. 3. <u>POLLUTION CONTROL AGENCY</u>		
Subdivision 1. <u>Total Appropriation</u>	\$ <u>76,496,000</u>	\$ <u>76,190,000</u>

	<u>Appropriations by Fund</u>	
	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>2,836,000</u>	<u>2,836,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
<u>Environmental</u>	<u>63,089,000</u>	<u>62,783,000</u>
<u>Remediation</u>	<u>10,496,000</u>	<u>10,496,000</u>

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

Subd. 2. <u>Water</u>	<u>21,602,000</u>	<u>21,527,000</u>
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	<u>Appropriations by Fund</u>	
	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>2,836,000</u>	<u>2,836,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
<u>Environmental</u>	<u>18,691,000</u>	<u>18,616,000</u>

\$1,171,000 the first year and \$1,171,000 the second year are for water program operations.

\$1,665,000 the first year and \$1,665,000 the second year are for grants to delegated counties to administer the county feedlot program under Minnesota Statutes, section 116.0711, subdivisions 2 and 3. Money remaining after the first year is available for the second year.

\$740,000 the first year and \$740,000 the second year are from the environmental fund to address the need for continued increased activity in the areas of new technology review, technical assistance

for local governments, and enforcement under Minnesota Statutes, sections 115.55 to 115.58, and to complete the requirements of Laws 2003, chapter 128, article 1, section 165.

\$75,000 the first year from the environmental fund is for transfer to the commissioner of administration for the water management evaluation required in article 4. This is a onetime appropriation.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered on or before June 30, 2013, as grants or contracts for SSTS's, surface water and groundwater assessments, total maximum daily loads, storm water, and local basinwide water quality protection in this subdivision are available until June 30, 2016.

Subd. 3. **Air** 12,297,000 12,466,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>Environmental</u>	<u>12,297,000</u>	<u>12,466,000</u>

\$200,000 the first year and \$200,000 the second year are from the environmental fund for a monitoring program under Minnesota Statutes, section 116.454.

Up to \$150,000 the first year and \$150,000 the second year may be transferred from the environmental fund to the small business environmental improvement loan account established in Minnesota Statutes, section 116.993.

\$125,000 the first year and \$125,000 the second year are from the environmental fund for monitoring ambient air for hazardous pollutants in the metropolitan area.

Subd. 4. **Land** 17,412,000 17,412,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>

<u>Environmental</u>	<u>6,916,000</u>	<u>6,916,000</u>
<u>Remediation</u>	<u>10,496,000</u>	<u>10,496,000</u>

All money for environmental response, compensation, and compliance in the remediation fund not otherwise appropriated is appropriated to the commissioners of the Pollution Control Agency and agriculture for purposes of Minnesota Statutes, section 115B.20, subdivision 2, clauses (1), (2), (3), (6), and (7). At the beginning of each fiscal year, the two commissioners shall jointly submit an annual spending plan to the commissioner of management and budget that maximizes the utilization of resources and appropriately allocates the money between the two departments. This appropriation is available until June 30, 2013.

\$3,616,000 the first year and \$3,616,000 the second year are from the petroleum tank fund to be transferred to the remediation fund for purposes of the leaking underground storage tank program to protect the land.

\$252,000 the first year and \$252,000 the second year are from the remediation fund for transfer to the commissioner of health for private water supply monitoring and health assessment costs in areas contaminated by unpermitted mixed municipal solid waste disposal facilities and drinking water advisories and public information activities for areas contaminated by hazardous releases.

\$128,000 the first year is from the environmental fund for transfer to the Department of Health to complete the environmental health tracking and biomonitoring analysis related to perfluorochemicals and disseminate the results.

Subd. 5. Environmental Assistance and Cross-Media

25,185,000

24,785,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>Environmental</u>	<u>25,185,000</u>	<u>24,785,000</u>

\$14,250,000 the first year and \$14,250,000 the second year are from the environmental fund for SCORE block grants to counties.

\$119,000 the first year and \$119,000 the second year are from the environmental fund for environmental assistance grants or loans under Minnesota Statutes, section 115A.0716. Any unencumbered grant and loan balances in the first year do not cancel but are available for grants and loans in the second year.

\$89,000 the first year and \$89,000 the second year are from the environmental fund for duties related to harmful chemicals in products under Minnesota Statutes, section 116.9401 to 116.9407. Of this amount, \$57,000 each year is transferred to the commissioner of health.

\$315,000 the first year and \$315,000 the second year are from the environmental fund for the electronics waste program under Minnesota Statutes, sections 115A.1310 to 115A.1330.

\$400,000 the first year is from the environmental fund for the costs of implementing general operating permits for feedlots over 1,000 animal units. This is a onetime appropriation.

All money deposited in the environmental fund for the metropolitan solid waste landfill fee in accordance with Minnesota Statutes, section 473.843, and not otherwise appropriated, is appropriated for the purposes of Minnesota Statutes, section 473.844.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered on or before June 30, 2013, as contracts or grants for surface water and groundwater assessments; environmental assistance awarded under Minnesota Statutes, section

fund for use as provided in Minnesota Statutes, section 93.2236, paragraph (c), for mineral resource management, projects to enhance future mineral income, and projects to promote new mineral resource opportunities.

\$68,000 the first year and \$68,000 the second year are for minerals cooperative environmental research, of which \$34,000 the first year and \$40,000 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. The match may be cash or in-kind.

\$251,000 the first year and \$251,000 the second year are for iron ore cooperative research. Of this amount, \$200,000 each year is from the minerals management account in the natural resources fund. \$175,000 the first year and \$175,000 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. The match may be cash or in-kind. Any unencumbered balance from the first year does not cancel and is available in the second year.

\$630,000 the first year and \$630,000 the second year are from the dedicated receipts account in the natural resources fund to cover the costs associated with issuing licenses for land and water crossings and road easements.

\$200,000 the first year and \$200,000 the second year are from the state forest suspense account in the permanent school fund to accelerate land exchanges, land sales, and commercial leasing of school trust lands and to identify, evaluate, and lease construction aggregate located on school trust lands. This appropriation is to be used for securing maximum long-term economic return from the school trust lands consistent with fiduciary responsibilities and sound natural resources conservation and management principles.

The appropriations in Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended by Laws 2009, chapter 37, article

1, section 60, for support of the land records management system are available until June 30, 2013.

Subd. 3. Ecological and Water Resources 21,550,000 21,550,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>6,571,000</u>	<u>6,571,000</u>
<u>Natural Resources</u>	<u>10,280,000</u>	<u>10,280,000</u>
<u>Game and Fish</u>	<u>4,699,000</u>	<u>4,699,000</u>

\$2,742,000 the first year and \$2,742,000 the second year are from the invasive species account in the natural resources fund and \$1,674,000 the first year and \$1,674,000 the second year are from the general fund for management, public awareness, assessment and monitoring research, law enforcement, and water access inspection to prevent the spread of invasive species; management of invasive plants in public waters; and management of terrestrial invasive species on state-administered lands.

\$5,000,000 the first year, and \$5,000,000 the second year are from the water management account in the natural resources fund for only the purposes specified in Minnesota Statutes, section 103G.27, subdivision 2.

\$264,000 the first year and \$264,000 the second year are for grants for up to 50 percent of the cost of implementation of the Red River mediation agreement. The commissioner shall submit a report to the chairs of the legislative committees having primary jurisdiction over environment and natural resources policy and finance on the accomplishments achieved with the grants by January 15, 2014.

\$1,636,000 the first year and \$1,636,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94,

paragraph (e), clause (1).

\$1,223,000 the first year and \$1,223,000 the second year are from the nongame wildlife management account in the natural resources fund for the purpose of nongame wildlife management. Notwithstanding Minnesota Statutes, section 290.431, \$100,000 the first year and \$100,000 the second year may be used for nongame wildlife information, education, and promotion.

\$1,000,000 the first year and \$1,000,000 the second year from the heritage enhancement account in the game and fish fund is for law enforcement and water access inspection to prevent the spread of aquatic invasive species. This is a onetime appropriation.

Subd. 4. Forest Management

31,887,000

31,887,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>17,880,000</u>	<u>17,880,000</u>
<u>Natural Resources</u>	<u>13,093,000</u>	<u>13,093,000</u>
<u>Game and Fish</u>	<u>914,000</u>	<u>914,000</u>

\$7,145,000 the first year and \$7,145,000 the second year are for prevention, presuppression, and suppression costs of emergency firefighting and other costs incurred under Minnesota Statutes, section 88.12. The amount necessary to pay for presuppression and suppression costs during the biennium is appropriated from the general fund.

By January 15 of each year, the commissioner of natural resources shall submit a report to the chairs and ranking minority members of the house and senate committees and divisions having jurisdiction over environment and natural resources finance, identifying all firefighting costs incurred and reimbursements received in the prior fiscal year. These appropriations may not be transferred. Any reimbursement

of firefighting expenditures made to the commissioner from any source other than federal mobilizations shall be deposited into the general fund.

\$13,093,000 the first year and \$13,093,000 the second year are from the forest management investment account in the natural resources fund for only the purposes specified in Minnesota Statutes, section 89.039, subdivision 2.

\$580,000 the first year and \$580,000 the second year are for the Forest Resources Council for implementation of the Sustainable Forest Resources Act.

\$250,000 in the first year and \$250,000 in the second year are for the FORIST system.

\$650,000 the first year and \$650,000 the second year are from the heritage enhancement account in the game and fish fund to maintain and expand the ecological classification system program. This is a onetime appropriation.

After the commissioner approves a sustainable resources management plan, any division of the Department of Natural Resources seeking interaction with the Division of Forestry on projects to implement the plan must reimburse the Division of Forestry for time spent responding to questions, concerns, or challenges to the projects.

Subd. 5. Parks and Trails Management

64,295,000

63,965,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>16,626,000</u>	<u>16,621,000</u>
<u>Natural Resources</u>	<u>45,475,000</u>	<u>45,150,000</u>
<u>Game and Fish</u>	<u>2,194,000</u>	<u>2,194,000</u>

\$1,075,000 the first year and \$1,075,000 the second year are from the water recreation account in the natural resources fund for

enhancing public water access facilities.

The appropriation in Laws 2003, chapter 128, article 1, section 5, subdivision 6, from the water recreation account in the natural resources fund for a cooperative project with the United States Army Corps of Engineers to develop the Mississippi Whitewater Park is available until June 30, 2013. The project must be designed to prevent the spread of aquatic invasive species.

\$5,731,000 the first year and \$5,731,000 the second year are from the natural resources fund for state trail, park, and recreation area operations. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (2).

\$8,424,000 the first year and \$8,424,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for the snowmobile grants-in-aid program. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

\$1,360,000 the first year and \$1,360,000 the second year are from the natural resources fund for the off-highway vehicle grants-in-aid program. Of this amount, \$1,110,000 each year is from the all-terrain vehicle account; \$150,000 each year is from the off-highway motorcycle account; and \$100,000 each year is from the off-road vehicle account. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

\$805,000 the first year and \$805,000 the second year are from the natural resources fund for trail grants to local units of government on land to be maintained for at least 20 years for the purposes of the grants. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (4).

\$200,000 the first year from the off-highway vehicle damage account in the natural resources fund is for all-terrain vehicle grants-in-aid.

\$100,000 the first year is from the all-terrain vehicle account in the natural resources fund for a pass-through grant to Lake County for completion of the Lake County Regional All-Terrain Vehicle Trail. This is a onetime appropriation and is available until spent.

\$400,000 each year is from the all-terrain vehicle account in the natural resources fund. Of this amount, \$100,000 the first year and \$100,000 the second year are for the all-terrain vehicle grant-in-aid trails program. \$200,000 the first year and \$200,000 the second year are for the creation and development of all-terrain vehicle trails. \$100,000 each year is to provide downloadable trail maps on the Internet and is a onetime appropriation. By January 1, 2013, the commissioner shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over natural resources policy and finance. The report must indicate where and how many miles of new all-terrain vehicle trails were created and designated with appropriations under this paragraph.

The commissioner shall not close any state park or state recreation area between July 1, 2011, and June 30, 2013, that is funded with money appropriated in this article.

Subd. 6. Fish and Wildlife Management 60,761,000 60,161,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>199,000</u>	<u>199,000</u>
<u>Natural Resources</u>	<u>1,899,000</u>	<u>1,899,000</u>
<u>Game and Fish</u>	<u>58,663,000</u>	<u>58,063,000</u>

\$100,000 the first year and \$100,000 the second year are from the nongame wildlife

account in the natural resources fund for gray wolf research.

\$120,000 the first year and \$120,000 the second year are from the game and fish fund for gray wolf management.

\$8,167,000 the first year and \$8,167,000 the second year are from the heritage enhancement account in the game and fish fund only for activities specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1). Notwithstanding Minnesota Statutes, section 297A.94, five percent of this appropriation may be used for expanding hunter and angler recruitment and retention.

Notwithstanding Minnesota Statutes, section 84.943, \$13,000 the first year and \$13,000 the second year from the critical habitat private sector matching account may be used to publicize the critical habitat license plate match program.

\$199,000 the first year and \$199,000 the second year are for preserving, restoring, and enhancing grassland and wetland complexes on public or private lands.

\$600,000 the first year is from the game and fish fund for land acquisition.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract on or before June 30, 2013, for aquatic restoration grants and wildlife habitat grants are available until June 30, 2014.

Subd. 7. Enforcement

31,613,000

32,225,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>2,216,000</u>	<u>2,216,000</u>
<u>Natural Resources</u>	<u>8,868,000</u>	<u>9,577,000</u>
<u>Game and Fish</u>	<u>20,429,000</u>	<u>20,332,000</u>
<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>

\$1,204,000 the first year and \$1,307,000

the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1).

\$240,000 the first year and \$143,000 the second year are from the heritage enhancement account in the game and fish fund for a conservation officer academy.

\$315,000 the first year and \$315,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for grants to local law enforcement agencies for snowmobile enforcement activities. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

\$250,000 the first year and \$250,000 the second year are from the all-terrain vehicle account for grants to qualifying organizations to assist in safety and environmental education and monitoring trails on public lands under Minnesota Statutes, section 84.9011. Grants issued under this paragraph: (1) must be issued through a formal agreement with the organization; and (2) must not be used as a substitute for traditional spending by the organization. By December 15 each year, an organization receiving a grant under this paragraph shall report to the commissioner with details on expenditures and outcomes from the grant. By January 15, 2013, the commissioner shall report on the expenditures and outcomes of the grants to the chairs and ranking minority members of the legislative committees and divisions having jurisdiction over natural resources policy and finance. Of this appropriation, \$25,000 each year is for administration of these grants. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

\$510,000 the first year and \$510,000 the second year are from the natural

resources fund for grants to county law enforcement agencies for off-highway vehicle enforcement and public education activities based on off-highway vehicle use in the county. Of this amount, \$498,000 each year is from the all-terrain vehicle account; \$11,000 each year is from the off-highway motorcycle account; and \$1,000 each year is from the off-road vehicle account. The county enforcement agencies may use money received under this appropriation to make grants to other local enforcement agencies within the county that have a high concentration of off-highway vehicle use. Of this appropriation, \$25,000 each year is for administration of these grants. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

\$1,082,000 the first year and \$1,082,000 the second year are from the water recreation account in the natural resources fund for grants to counties for boat and water safety. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

Subd. 8. Operations Support

2,303,000

2,303,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>881,000</u>	<u>881,000</u>
<u>Natural Resources</u>	<u>481,000</u>	<u>481,000</u>
<u>Game and Fish</u>	<u>941,000</u>	<u>941,000</u>

\$320,000 the first year and \$320,000 the second year are from the natural resources fund for grants to be divided equally between the city of St. Paul for the Como Park Zoo and Conservatory and the city of Duluth for the Duluth Zoo. This appropriation is from the revenue deposited to the fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (5).

Sec. 5. **BOARD OF WATER AND SOIL
RESOURCES**

\$ 10,304,000 \$ 10,304,000

\$2,996,000 the first year and \$2,996,000 the second year are for natural resources block grants to local governments. The board may reduce the amount of the natural resources block grant to a county by an amount equal to any reduction in the county's general services allocation to a soil and water conservation district from the county's previous year allocation when the board determines that the reduction was disproportionate. Grants must be matched with a combination of local cash or in-kind contributions. The base grant portion related to water planning must be matched by an amount as specified by Minnesota Statutes, section 103B.3369.

\$2,750,000 the first year and \$2,750,000 the second year are for grants requested by soil and water conservation districts for general purposes, nonpoint engineering, and implementation of the reinvest in Minnesota reserve program. Upon approval of the board, expenditures may be made from these appropriations for supplies and services benefiting soil and water conservation districts. Any district requesting a grant under this paragraph shall maintain a Web page that publishes, at a minimum, its annual plan, annual report, annual audit, annual budget, including membership dues, and meeting notices and minutes.

\$937,000 the first year and \$937,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control, water quality management, feedlot water quality projects.

\$386,000 the first year and \$386,000 the second year are for implementation and enforcement of the Wetland Conservation Act.

\$166,000 the first year and \$166,000 the second year are to provide assistance to local

second year are from the natural resources fund for metropolitan area regional parks and trails maintenance and operations. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (3).

Sec. 7. **CONSERVATION CORPS MINNESOTA** \$ **746,000** \$ **646,000**

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	256,000	156,000
<u>Natural Resources</u>	490,000	490,000

Conservation Corps Minnesota may receive money appropriated from the natural resources fund under this section only as provided in an agreement with the commissioner of natural resources. The general fund appropriation is onetime.

Sec. 8. **ZOOLOGICAL BOARD** \$ **5,591,000** \$ **5,591,000**

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	5,431,000	5,431,000
<u>Natural Resources</u>	160,000	160,000

\$160,000 the first year and \$160,000 the second year are from the natural resources fund from the revenue deposited under Minnesota Statutes, section 297A.94, paragraph (e), clause (5).

ARTICLE 2

ENERGY, COMMERCE, AND CONSUMER PROTECTION FINANCE

Section 1. **SUMMARY OF APPROPRIATIONS.**

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

		<u>2012</u>		<u>2013</u>		<u>Total</u>
<u>General</u>	\$	26,646,000	\$	26,654,000	\$	53,300,000
<u>Petroleum Tank Cleanup</u>		1,052,000		1,052,000		2,104,000

<u>Workers' Compensation</u>	<u>751,000</u>	<u>751,000</u>	<u>1,502,000</u>
<u>Total</u>	<u>\$ 28,449,000</u>	<u>\$ 28,457,000</u>	<u>56,906,000</u>

Sec. 2. **ENERGY FINANCE APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal year ending June 30, 2011, are effective the day following final enactment.

APPROPRIATIONS
Available for the Year
Ending June 30
2012 **2013**

Sec. 3. **DEPARTMENT OF COMMERCE**

Subdivision 1. **Total Appropriation** **\$ 22,267,000** **\$ 22,275,000**

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>20,464,000</u>	<u>20,472,000</u>
<u>Petroleum Cleanup</u>	<u>1,052,000</u>	<u>1,052,000</u>
<u>Workers' Compensation</u>	<u>751,000</u>	<u>751,000</u>

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

Subd. 2. **Financial Institutions** 7,124,000 7,128,000

\$138,000 the first year and \$142,000 the second year are for the regulation of mortgage originators and servicers under Minnesota Statutes, chapters 58 and 58A.

\$350,000 each year is for additional financial examination services. The commissioner may issue contracts for these services.

Subd. 3. **Petroleum Tank Release Cleanup Board** 1,052,000 1,052,000

This appropriation is from the petroleum tank release cleanup fund.

Subd. 4. **Administrative Services** 3,176,000 3,176,000

The commissioner may redirect up to \$1,071,000 in fiscal year 2012 and \$1,071,000 in fiscal year 2013 of the general fund reduction in this subdivision to other subdivisions of this section. The commissioner shall report by February 1, 2012, to the chairs of the legislative committees having primary jurisdiction over the Department of Commerce's operating budget regarding any redirection authorized in this subdivision.

\$375,000 each year is for additional compliance efforts with unclaimed property. The commissioner may issue contracts for these services. This additional amount shall be added to the base budget for fiscal years 2014 and 2015 only. The enhanced unclaimed property compliance program shall sunset June 30, 2015.

Subd. 5. **Telecommunications** 1,010,000 1,010,000

Subd. 6. **Market Assurance** 6,915,000 6,919,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>6,164,000</u>	<u>6,168,000</u>
<u>Workers' Compensation</u>	<u>751,000</u>	<u>751,000</u>

Subd. 7. **Office of Energy Security** 2,990,000 2,990,000

Sec. 4. **TELECOMMUNICATIONS ACCESS MINNESOTA** \$ 700,000 \$ 700,000

(a) The appropriations in this section are from the telecommunications access Minnesota fund.

(b) \$300,000 the first year and \$300,000 the second year are for transfer to the commissioner of human services to

supplement the ongoing operational expenses of the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans. This appropriation is from the telecommunication access Minnesota fund, and is added to the commission's base.

(c) In addition to the appropriation authorized in Minnesota Statutes, section 237.52, \$400,000 the first year and \$400,000 the second year are onetime appropriations for the following purposes:

(1) \$230,000 each year is to the Office of Enterprise Technology for coordinating technology accessibility and usability;

(2) \$20,000 each year is to the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans to provide information on their Web site in American Sign Language and to provide technical assistance to state agencies; and

(3) \$150,000 each year is to the Legislative Coordinating Commission to provide captioning of live streaming of legislative activity on the commission's Web site and for a consolidated access fund for other state agencies.

Sec. 5. <u>PUBLIC UTILITIES COMMISSION</u>	\$	<u>6,182,000</u>	\$	<u>6,182,000</u>
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Sec. 6. **TRANSFERS**

(a) By June 30, 2013, the commissioner of management and budget shall transfer \$6,950,000 from the special revenue fund to the general fund. The transfers must be from the following appropriation reductions and accounts with the special revenue fund:

(1) \$1,100,000 is from the telecommunications access Minnesota fund established in Minnesota Statutes, section 237.52;

(2) \$650,000 is from the Department of Commerce license technology surcharge account established in Minnesota Statutes,

section 45.24;

(3) \$1,300,000 is from the energy and conservation account established in Minnesota Statutes, section 216B.241;

(4) \$950,000 is from the insurance fraud prevention account established in Minnesota Statutes, section 45.0135;

(5) \$1,500,000 is from the automobile theft prevention account established in Minnesota Statutes, section 168A.40;

(6) \$450,000 is from the real estate education, research and recovery fund established in Minnesota Statutes, section 82.86. Notwithstanding Minnesota Statutes, section 82.86, subdivision 4, the commissioner shall not, in addition to the fee set forth in Minnesota Statutes, section 82.86, subdivision 3, assess an additional fee to restore a balance in the fund; and

(7) the commissioner of management and budget shall transfer \$500,000 the first year and \$500,000 the second year to the general fund from the telephone assistance program established in Minnesota Statutes, section 237.69.

Sec. 7. TRANSFER; ASSIGNED RISK PLAN

(a) By June 30, 2012, the commissioner of management and budget shall transfer \$14,000,000 in assets of the workers' compensation assigned risk plan created under Minnesota Statutes, section 79.252, to the general fund.

(b) By June 30, 2013, the commissioner of management and budget shall transfer \$10,500,000 in assets of the workers' compensation assigned risk plan created under Minnesota Statutes, section 79.252, to the general fund.

Sec. 8. TRANSFERS IN

(a) The remaining balance in the second year

of the appropriation in Laws 2007, chapter 57, article 2, section 3, subdivision 6, for biogas recovery facilities, estimated to be \$420,000, is canceled to the general fund.

(b) The remaining balance of the appropriation in Laws 2007, chapter 57, article 2, section 3, subdivision 6, clause (7), as amended by Laws 2008, chapter 340, section 5, for the Greenhouse Gas Advisory Group, estimated to be \$7,000, is canceled to the general fund.

(c) In the first year, the remaining balance of the appropriation in Laws 2007, chapter 57, article 2, section 3, subdivision 6, clause (5), for the hydrogen roadmap project, estimated to be \$280,000, is canceled to the general fund.

(d) The remaining balance of the appropriation in Laws 2008, chapter 363, article 6, section 3, subdivision 4, for renewable grants, estimated to be \$368,000, is canceled to the general fund.

(e) The remaining balance of the appropriation in Laws 2008, chapter 363, article 6, section 3, subdivision 4, for the green economy projects, estimated to be \$59,000, is canceled to the general fund.

(f) The remaining balance of the appropriation in Laws 2007, chapter 57, article 2, section 3, subdivision 6, clause (4), for automotive technology projects, estimated to be \$22,000, is canceled to the general fund.

(g) The remaining balance of the appropriation in Laws 2009, chapter 37, article 2, section 13, paragraph (b), clauses (1) and (2), for renewable energy and energy efficiency projects, estimated to be \$600,000, is canceled to the general fund.

Sec. 9. COMMUNITY ENERGY ACTIVITIES; ASSESSMENT AND GRANT.

The commissioner of commerce shall grant \$500,000 in the fiscal year ending June 30, 2012, from assessments made under Minnesota Statutes, section 216B.241, subdivision 1e, for the purpose

of community energy technical assistance and outreach on renewable energy and energy efficiency as described in Minnesota Statutes, section 216C.385.

ARTICLE 3

ENVIRONMENT AND NATURAL RESOURCE TRUST FUND APPROPRIATIONS

Section 1. MINNESOTA RESOURCES APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the environment and natural resources trust fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. The appropriations in this article are onetime.

	APPROPRIATIONS	
	Available for the Year	
	Ending June 30	
	<u>2012</u>	<u>2013</u>
Sec. 2. <u>MINNESOTA RESOURCES</u>		
Subdivision 1. <u>Total Appropriation</u>	\$	\$
	<u>26,078,000</u>	<u>25,078,000</u>
<u>Appropriations by Fund</u>		
	<u>2012</u>	<u>2013</u>
<u>Environment and natural resources trust fund</u>	<u>25,328,000</u>	<u>25,078,000</u>
<u>State land and water conservation account (LAWCON)</u>	<u>750,000</u>	<u>-0-</u>

Appropriations are available for two years beginning July 1, 2011, unless otherwise stated in the appropriation. Any unencumbered balance remaining in the first year does not cancel and is available for the second year.

Subd. 2. Definitions

(a) "Trust fund" means the Minnesota environment and natural resources trust fund referred to in Minnesota Statutes, section

116P.02, subdivision 6.

(b) "State land and water conservation account (LAWCON)" means the state land and water conservation account in the natural resources fund referred to in Minnesota Statutes, section 116P.14.

Subd. 3. Natural Resource Data and Information

3,887,000

5,388,000

(a) Minnesota County Biological Survey

\$1,125,000 the first year and \$1,125,000 the second year are from the trust fund to the commissioner of natural resources for continuation of the Minnesota county biological survey to provide a foundation for conserving biological diversity by systematically collecting, interpreting, and delivering data on plant and animal distribution and ecology, native plant communities, and functional landscapes.

(b) County Geologic Atlases for Sustainable Water Management

\$900,000 the first year and \$900,000 the second year are from the trust fund to accelerate the production of county geologic atlases to provide information essential to sustainable management of ground water resources by defining aquifer boundaries and the connection of aquifers to the land surface and surface water resources. Of this appropriation, \$600,000 each year is to the Board of Regents of the University of Minnesota for the Geologic Survey and \$300,000 each year is to the commissioner of natural resources. This appropriation is available until June 30, 2015, by which time the project must be completed and final products delivered.

(c) Completion of Statewide Digital Soil Survey

\$250,000 the first year and \$250,000 the second year are from the trust fund to the Board of Water and Soil Resources to accelerate the completion of county soil

survey mapping and Web-based data delivery.
The soil surveys must be done on a cost-share
basis with local and federal funds.

(d) Updating National Wetlands Inventory
for Minnesota - Phase III

\$1,500,000 the second year is from the trust
fund to the commissioner of natural resources
to continue the update of wetland inventory
maps for Minnesota. This appropriation is
available until June 30, 2015, by which time
the project must be completed and final
products delivered.

(e) Golden Eagle Survey

\$30,000 the first year and \$30,000 the
second year are from the trust fund to the
commissioner of natural resources for an
agreement with the National Eagle Center to
increase the understanding of golden eagles
in Minnesota through surveys and education.
This appropriation is available until June
30, 2014, by which time the project must be
completed and final products delivered.

(f) Determining Causes of Mortality in
Moose Populations

\$300,000 the first year and \$300,000 the
second year are from the trust fund to
the commissioner of natural resources to
determine specific causes of moose mortality
and population decline in Minnesota and
to develop specific management actions
to prevent further population decline. This
appropriation is available until June 30, 2014,
by which time the project must be completed
and final products delivered.

(g) Prairie Management for Wildlife and
Bioenergy - Phase II

\$300,000 the first year and \$300,000 the
second year are from the trust fund to
the Board of Regents of the University of
Minnesota to research and evaluate methods
of managing diverse working prairies for
wildlife and renewable bioenergy production.

This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(h) Evaluation of Biomass Harvesting Impacts on Minnesota's Forests

\$175,000 the first year and \$175,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to assess the impacts biomass harvests for energy have on soil nutrients, native forest vegetation, invasive species spread, and long-term tree productivity within Minnesota's forests. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(i) Change and Resilience in Boreal Forests in Northern Minnesota

\$75,000 the first year and \$75,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to assess the potential response of northern Minnesota's boreal forests to observed and predicted changes in climate conditions and develop related management guidelines and adaptation strategies. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(j) Information System for Wildlife and Aquatic Management Areas

\$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of natural resources to develop an information system to facilitate improved management of wildlife and fish habitat and facilities. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(k) Strengthening Natural Resource Management with LiDAR Training

\$90,000 the first year and \$90,000 the second

year are from the trust fund to the Board of Regents of the University of Minnesota to provide workshops and Web-based training and information on the use of LiDAR elevation data in planning for and managing natural resources.

(l) Measuring Conservation Practice Outcomes

\$170,000 the first year and \$170,000 the second year are from the trust fund to the Board of Water and Soil Resources to improve measurement of impacts of conservation practices through refinement of existing and development of new pollution estimators and by providing local government training.

(m) Conservation-Based Approach for Assessing Public Drainage Benefits

\$75,000 the first year and \$75,000 the second year are from the trust fund to the Board of Water and Soil Resources to develop an alternative framework to assess drainage benefits on public systems to enhance water conservation. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(n) Mississippi River Central Minnesota Conservation Planning

\$87,000 the first year and \$88,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Stearns County Soil and Water Conservation District to develop and adopt river protection strategies in cooperation with local jurisdictions in the communities of the 26 miles of the Mississippi River between Benton and Stearns Counties. This appropriation must be matched by \$175,000 of nonstate cash or qualifying in-kind funds.

(o) Saint Croix Basin Conservation Planning and Protection

\$60,000 the first year and \$60,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the St. Croix River Association to develop an interagency plan to identify and prioritize critical areas for project implementation to improve watershed health. This appropriation must be matched by \$120,000 of nonstate cash or qualifying in-kind funds. Up to \$10,000 may be retained by the Department of Natural Resources at the request of the St. Croix River Association to provide technical and mapping assistance. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

Subd. 4. <u>Land, Habitat, and Recreation</u>	<u>14,252,000</u>	<u>13,505,000</u>
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Summary by Fund

<u>Environment and natural resources trust fund</u>	<u>13,502,000</u>	<u>13,505,000</u>
<u>State land and water conservation account (LAWCON)</u>	<u>750,000</u>	<u>-0-</u>

(a) State Park and Recreation Area Operations

\$1,500,000 the first year and \$1,500,000 the second year are from the trust fund to the commissioner of natural resources for state park and recreation area operations.

(b) State Parks and Trails Land Acquisition

\$1,500,000 the first year and \$1,500,000 the second year are from the trust fund to the commissioner of natural resources to acquire state trails and critical parcels within the statutory boundaries of state parks. State park land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. A list of proposed acquisitions must be provided as part of the required work

program. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(c) Metropolitan Regional Park System Acquisition

\$1,125,000 the first year and \$1,125,000 the second year are from the trust fund to the Metropolitan Council for grants for the acquisition of lands within the approved park unit boundaries of the metropolitan regional park system. This appropriation may not be used for the purchase of residential structures. A list of proposed fee title and easement acquisitions must be provided as part of the required work program. This appropriation must be matched by at least 40 percent of nonstate money and must be committed by December 31, 2011, or the appropriation cancels. This appropriation is available until June 30, 2014, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(d) Regional Park, Trail, and Connection Acquisition and Development Grants

\$1,000,000 the first year and \$1,000,000 the second year are from the trust fund to the commissioner of natural resources to provide matching grants to local units of government for acquisition and development of regional parks, regional trails, and trail connections. The local match required for a grant to acquire a regional park or regional outdoor recreation area is two dollars of nonstate money for each three dollars of state money. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(e) Scientific and Natural Area Acquisition and Restoration

\$820,000 the first year and \$820,000 the second year are from the trust fund to the commissioner of natural resources

to acquire lands with high-quality native plant communities and rare features to be established as scientific and natural areas as provided in Minnesota Statutes, section 86A.05, subdivision 5, restore parts of scientific and natural areas, and provide technical assistance and outreach. A list of proposed acquisitions must be provided as part of the required work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(f) LaSalle Lake State Recreation Area Acquisition

\$1,000,000 the first year and \$1,000,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with The Trust for Public Land to acquire approximately 190 acres to be designated as a state recreation area as provided in Minnesota Statutes, section 86A.05, subdivision 3, on LaSalle Lake adjacent to the upper Mississippi River. If this acquisition is not completed by July 15, 2012, then the appropriation is available to the Department of Natural Resources for other state park and recreation area acquisitions on the priority list. Up to \$10,000 may be retained by the Department of Natural Resources at the request of The Trust for Public Land for transaction costs, associated professional services, and restoration needs.

(g) Minnesota River Valley Green Corridor Scientific and Natural Area Acquisition

\$1,000,000 the first year and \$1,000,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Redwood Area Communities Foundation to acquire lands

with high-quality native plant communities and rare features to be established as scientific and natural areas as provided in Minnesota Statutes, section 86A.05, subdivision 5. A list of proposed acquisitions must be provided as part of the required work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. Up to \$54,000 may be retained by the Department of Natural Resources at the request of the Redwood Area Communities Foundation for transaction costs, associated professional services, and restoration needs. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(h) Native Prairie Stewardship and Native Prairie Bank Acquisition

\$500,000 the first year and \$500,000 the second year are from the trust fund to the commissioner of natural resources to acquire native prairie bank easements, prepare baseline property assessments, restore and enhance native prairie sites, and provide technical assistance to landowners. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(i) Metropolitan Conservation Corridors (MeCC) - Phase VI

\$1,737,000 the first year and \$1,738,000 the second year are from the trust fund to the commissioner of natural resources for the acceleration of agency programs and cooperative agreements. Of this appropriation, \$150,000 the first year and \$150,000 the second year are to the commissioner of natural resources for agency programs and \$3,175,000 is for the agreements as follows: \$100,000 the first year and \$100,000 the second year with Friends of the Mississippi River; \$517,000 the first year

and \$518,000 the second year with Dakota County; \$200,000 the first year and \$200,000 the second year with Great River Greening; \$220,000 the first year and \$220,000 the second year with Minnesota Land Trust; \$300,000 the first year and \$300,000 the second year with Minnesota Valley National Wildlife Refuge Trust, Inc.; and \$250,000 the first year and \$250,000 the second year with The Trust for Public Land for planning, restoring, and protecting priority natural areas in the metropolitan area, as defined under Minnesota Statutes, section 473.121, subdivision 2, and portions of the surrounding counties, through contracted services, technical assistance, conservation easements, and fee title acquisition. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. Expenditures are limited to the identified project corridor areas as defined in the work program. This appropriation may not be used for the purchase of habitable residential structures, unless expressly approved in the work program. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated as an outdoor recreation unit under Minnesota Statutes, section 86A.07. The commissioner may similarly designate any lands acquired in less than fee title. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. An entity that acquires a conservation easement with appropriations from the trust fund must have a long-term stewardship plan for the easement and a fund established for monitoring and enforcing the agreement. Money appropriated from the trust fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the work program. An

annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(j) Habitat Conservation Partnership (HCP) - Phase VII

\$1,737,000 the first year and \$1,738,000 the second year are from the trust fund to the commissioner of natural resources for the acceleration of agency programs and cooperative agreements. Of this appropriation, \$125,000 the first year and \$125,000 the second year are to the commissioner of natural resources for agency programs and \$3,225,000 is for agreements as follows: \$637,000 the first year and \$638,000 the second year with Ducks Unlimited, Inc.; \$38,000 the first year and \$37,000 the second year with Friends of Detroit Lakes Wetland Management District; \$25,000 the first year and \$25,000 the second year with Leech Lake Band of Ojibwe; \$225,000 the first year and \$225,000 the second year with Minnesota Land Trust; \$200,000 the first year and \$200,000 the second year with Minnesota Valley National Wildlife Refuge Trust, Inc.; \$242,000 the first year and \$243,000 the second year with Pheasants Forever, Inc.; and \$245,000 the first year and \$245,000 the second year with The Trust for Public Land to plan, restore, and acquire fragmented landscape corridors that connect areas of quality habitat to sustain fish, wildlife, and plants. The United States Department of Agriculture, Natural Resources Conservation Service, is an authorized cooperating partner in the appropriation. Expenditures are limited to the project corridor areas as defined in the work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum habitat and facility management standards, as determined by the commissioner of natural resources. This appropriation may not be used for the

purchase of habitable residential structures, unless expressly approved in the work program. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated as an outdoor recreation unit under Minnesota Statutes, section 86A.07. The commissioner may similarly designate any lands acquired in less than fee title. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. An entity who acquires a conservation easement with appropriations from the trust fund must have a long-term stewardship plan for the easement and a fund established for monitoring and enforcing the agreement. Money appropriated from the trust fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the work program. An annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(k) Natural and Scenic Area Acquisition Grants

\$500,000 the first year and \$500,000 the second year are from the trust fund to the commissioner of natural resources to provide matching grants to local governments for acquisition of natural and scenic areas, as provided in Minnesota Statutes, section 85.019, subdivision 4a. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(l) Acceleration of Minnesota Conservation Assistance

\$313,000 the first year and \$312,000 the

second year are from the trust fund to the Board of Water and Soil Resources to provide grants to soil and water conservation districts to provide technical assistance to secure enrollment and retention of private lands in federal and state programs for conservation.

(m) Conservation Easement Stewardship and Enforcement Program - Phase II

\$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of natural resources to accelerate the implementation of the Phase I Conservation Easement Stewardship Plan being developed with an appropriation from Laws 2008, chapter 367, section 2, subdivision 5, paragraph (h).

(n) Recovery of At-Risk Native Prairie Species

\$73,000 the first year and \$74,000 the second year are from the trust fund to the Board of Water and Soil Resources for an agreement with the Martin County Soil and Water Conservation District to collect, propagate, and plant declining, at-risk native species on protected habitat and to enhance private market sources for local ecotype native seed. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(o) Understanding Threats, Genetic Diversity, and Conservation Options for Wild Rice

\$97,000 the first year and \$98,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to research the genetic diversity of wild rice population throughout Minnesota for use in related conservation and restoration efforts. This appropriation is contingent upon demonstration of review and cooperation with the Native American tribal nations in Minnesota. Equipment purchased with this appropriation must be available for

future publicly funded projects at no charge except for typical operating expenses. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(p) Southeast Minnesota Stream Restoration

\$125,000 the first year and \$125,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Trout Unlimited to restore at least four miles of riparian corridor for trout and nongame species in southeast Minnesota and increase local capacities to implement stream restoration through training and technical assistance. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(q) Restoration Strategies for Ditched Peatland Scientific and Natural Areas

\$100,000 the first year and \$100,000 the second year are from the trust fund to the commissioner of natural resources to evaluate the hydrology and habitat of the Winter Road Lake peatland watershed protection area to determine the effects of ditch abandonment and examine the potential for restoration of patterned peatlands. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(r) Northeast Minnesota White Cedar Plant Community Restoration

\$125,000 for the first year and \$125,000 the second year are from the trust fund to the Board of Water and Soil Resources to assess the decline of northern white cedar plant communities in northeast Minnesota, prioritize cedar sites for restoration, and provide cedar restoration training to local units of government.

(s) Land and Water Conservation Account

(LAWCON) Federal Reimbursement

\$750,000 is from the state land and water conservation account (LAWCON) in the natural resources fund to the commissioner of natural resources for priorities established by the commissioner for eligible state projects and administrative and planning activities consistent with Minnesota Statutes, section 116P.14, and the federal Land and Water Conservation Fund Act. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

Subd. 5. Water Resources778,000779,000**(a) Itasca County Sensitive Lakeshore Identification**

\$80,000 the first year and \$80,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Itasca County Soil and Water Conservation District to identify sensitive lakeshore and restorable shoreline in Itasca County. Up to \$130,000 may be retained by the Department of Natural Resources at the request of Itasca County to provide technical assistance.

(b) Trout Stream Springshed Mapping in Southeast Minnesota - Phase III

\$250,000 the first year and \$250,000 the second year are from the trust fund to continue to identify and delineate water supply areas and springsheds for springs serving as cold water sources for trout streams and to assess the impacts from development and water appropriations. Of this appropriation, \$140,000 each year is to the Board of Regents of the University of Minnesota and \$110,000 each year is to the commissioner of natural resources.

(c) Mississippi River Water Quality Assessment

\$278,000 the first year and \$279,000 the

second year are from the trust fund to the Board of Regents of the University of Minnesota to assess water quality in the Mississippi River using DNA sequencing approaches and chemical analyses. The assessments shall be incorporated into a Web-based educational tool for use in classrooms and public exhibits. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(d) Zumbro River Watershed Restoration Prioritization

\$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Zumbro Watershed Partnership, Inc. to identify sources of erosion and runoff in the Zumbro River Watershed in order to prioritize restoration and protection projects.

(e) Assessment of Minnesota River Antibiotic Concentrations

\$95,000 the first year and \$95,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Saint Thomas University in cooperation with Gustavus Adolphus College and the University of Minnesota to measure antibiotic concentrations and antibiotic resistance levels at sites on the Minnesota River.

Subd. 6. Aquatic and Terrestrial Invasive Species

435,000

435,000

(a) Improved Detection of Harmful Microbes in Ballast Water

\$125,000 the first year and \$125,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota for the University of Minnesota Duluth to identify and analyze potentially harmful bacteria transported into Lake Superior through ship ballast water discharge.

This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(b) Emerald Ash Borer Biocontrol Research and Implementation

\$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of agriculture to assess a biocontrol method for suppressing emerald ash borers by testing bioagent winter survival potential, developing release and monitoring methods, and piloting implementation of emerald ash borer biocontrol. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(c) Evaluation of Switchgrass as Biofuel Crop

\$60,000 the first year and \$60,000 the second year are from the trust fund to the Minnesota State Colleges and Universities System for Central Lakes College in cooperation with the University of Minnesota to determine the invasion risk of selectively bred native grasses for biofuel production and develop strategies to minimize the invasion potential and impacts on biodiversity. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

Subd. 7. Renewable Energy and Air Quality

75,000

75,000

Supporting Community-Driven Sustainable Bioenergy Projects

\$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Dovetail Partners, Inc., in cooperation with the University of Minnesota to assess feasibility, impacts, and management needs of community-scale forest bioenergy systems through pilot studies in Ely and Cook County and to disseminate

findings to inform related efforts in other communities.

Subd. 8. Environmental Education

123,000

123,000

Youth-Led Renewable Energy and Energy Conservation in West Central and Southwest Minnesota

\$123,000 the first year and \$123,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Prairie Woods Environmental Learning Center to initiate youth-led renewable energy and conservation projects in over thirty communities in west central and southwest Minnesota.

Subd. 9. Emerging Issues

5,964,000

4,213,000

(a) Minnesota Conservation Apprentice Academy

\$100,000 the first year and \$100,000 the second year are from the trust fund to the Board of Water and Soil Resources in cooperation with Conservation Corps Minnesota to train and mentor future conservation professionals by providing apprenticeship service opportunities to soil and water conservation districts. This appropriation is available until June 30, 2014, by which time the project must be completed and the final products delivered.

(b) Wild Rice Standards

\$1,000,000 the first year is from the trust fund to the commissioner of the Pollution Control Agency for a wild rice standards study. This appropriation is available until June 30, 2015.

(c) Chronic Wasting Disease and Animal Health

\$600,000 the first year and \$600,000 the second year are from the trust fund to the commissioner of natural resources to address chronic wasting disease and accelerate wildlife health programs.

(d) Aquatic Invasive Species

\$2,177,000 the first year and \$3,513,000 the second year are from the trust fund to the commissioner of natural resources to accelerate aquatic invasive species programs, including the development and implementation of best management practices for public water access facilities to implement aquatic invasive species prevention strategies. \$50,000 is for a grant to develop and produce a documentary identifying the challenges presented by aquatic invasive species. The documentary shall be available to the Department of Natural Resources to distribute to watercraft license purchasers and the general public through online and other media.

(e) Coon Rapids Dam

\$442,000 the first year is from the trust fund to the commissioner of natural resources for a grant to Three Rivers Park District for predesign and design of the Coon Rapids Dam for improvements and to function as a barrier to invasive fish.

(f) Reinvest in Minnesota Wetlands Reserve Acquisition and Restoration Program Partnership

\$1,645,000 the first year is to the Board of Water and Soil Resources to acquire permanent conservation easements and restore wetlands and associated upland habitat in cooperation with the United States Department of Agriculture Wetlands Reserve Program. A list of proposed land acquisitions must be provided as part of the required work program.

Subd. 10. Administration and Contract Management564,000560,000**(a) Legislative-Citizen Commission on Minnesota Resources (LCCMR)**

\$473,000 the first year and \$473,000 the second year are from the trust fund to the

LCCMR for administration as provided in Minnesota Statutes, section 116P.09, subdivision 5.

(b) Contract Management

\$88,000 the first year and \$87,000 the second year are from the trust fund to the commissioner of natural resources for expenses incurred for contract fiscal services for the agreements specified in this section. The commissioner shall provide documentation to the Legislative-Citizen Commission on Minnesota Resources on the expenditure of these funds. This appropriation is available until June 30, 2014.

(c) LCC Web Site

\$3,000 in the first year is appropriated to the Legislative Coordinating Commission for the Web site required in Minnesota Statutes, section 3.303, subdivision 10.

Subd. 11. Availability of Appropriations

Money appropriated in this section may not be spent on activities unless they are directly related to the specific appropriation and are specified in the approved work program. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges. Unless otherwise provided, the amounts in this section are available until June 30, 2013, when projects must be completed and final products delivered. For acquisition of real property, the amounts in this section are available until June 30, 2014, if a binding contract is entered into by June 30, 2013, and closed not later than June 30, 2014. If a project receives a federal grant, the time period of the appropriation is extended to equal the federal grant period.

Subd. 12. Data Availability Requirements

Data collected by the projects funded under this section must conform to guidelines and standards adopted by the Office of Enterprise

Technology. Spatial data also must conform to additional guidelines and standards designed to support data coordination and distribution that have been published by the Minnesota Geospatial Information Office. Descriptions of spatial data must be prepared as specified in the state's geographic metadata guideline and must be submitted to the Minnesota Geospatial Information Office. All data must be accessible and free to the public unless made private under the Data Practices Act, Minnesota Statutes, chapter 13.

To the extent practicable, summary data and results of projects funded under this section should be readily accessible on the Internet and identified as an environment and natural resources trust fund project.

Subd. 13. Project Requirements

(a) As a condition of accepting an appropriation under this section, any agency or entity receiving an appropriation or a party to an agreement from an appropriation must comply with paragraphs (b) to (k) and Minnesota Statutes, chapter 116P, and must submit a work program and semiannual progress reports in the form determined by the Legislative-Citizen Commission on Minnesota Resources for any project funded in whole or in part with funds from the appropriation.

(b) For all restorations conducted with money appropriated under this section, a recipient must prepare an ecological restoration and management plan that, to the degree practicable, is consistent with the highest quality conservation and ecological goals for the restoration site. Consideration should be given to soil, geology, topography, and other relevant factors that would provide the best chance for long-term success of the restoration projects. The plan must include the proposed timetable for implementing the restoration, including site preparation, establishment of diverse plant species,

maintenance, and additional enhancement to establish the restoration; identify long-term maintenance and management needs of the restoration and how the maintenance, management, and enhancement will be financed; and take advantage of the best available science and include innovative techniques to achieve the best restoration.

(c) Any entity receiving an appropriation in this section for restoration activities must provide an initial restoration evaluation at the completion of the appropriation and an evaluation three years beyond the completion of the expenditure. Restorations must be evaluated relative to the stated goals and standards in the restoration plan, current science, and, when applicable, the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines. The evaluation shall determine whether the restorations are meeting planned goals, identify any problems with the implementation of the restorations, and, if necessary, give recommendations on improving restorations. The evaluation shall be focused on improving future restorations.

(d) Except as otherwise provided in this section, all restoration and enhancement projects funded with money appropriated in this section must be on land permanently protected by a conservation easement or public ownership or in public waters as defined in Minnesota Statutes, section 103G.005, subdivision 15.

(e) A recipient of money from an appropriation under this section must give consideration to contracting with Conservation Corps Minnesota or its successor for contract restoration and enhancement services.

(f) All conservation easements acquired with money appropriated under this section must:

(1) be perpetual;

(2) specify the parties to an easement in the easement;

(3) specify all of the provisions of an agreement that are perpetual;

(4) be sent to the Office of the Legislative-Citizen Commission on Minnesota Resources in an electronic format;

(5) include a long-term monitoring and enforcement plan and funding for monitoring and enforcing the easement agreement; and

(6) include requirements in the easement document to address specific water quality protection activities such as keeping water on the landscape, reducing nutrient and contaminant loading, protecting groundwater, and not permitting artificial hydrological modifications.

(g) For any acquisition of land or interest in land, a recipient of money appropriated under this section must give priority to high quality natural resources or conservation lands that provide natural buffers to water resources.

(h) For new lands acquired with money appropriated under this section, a recipient must prepare a restoration and management plan in compliance with paragraph (b), including sufficient funding for implementation unless the work program addresses why a portion of the money is not necessary to achieve a high quality restoration.

(i) To the extent an appropriation is used to acquire an interest in real property, a recipient of an appropriation under this section must provide to the Legislative-Citizen Commission on Minnesota Resources and the commissioner of management and budget an analysis of increased operations and maintenance costs likely to be incurred by public entities as a result of the acquisition and how these costs are to be paid.

(j) To ensure public accountability for the

use of public funds, a recipient of money appropriated under this section must provide to the Legislative-Citizen Commission on Minnesota Resources documentation of the selection process used to identify parcels acquired and provide documentation of all related transaction costs, including but not limited to appraisals, legal fees, recording fees, commissions, other similar costs, and donations. This information must be provided for all parties involved in the transaction. The recipient must also report to the Legislative-Citizen Commission on Minnesota Resources any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal, if a state-certified or state-reviewed appraisal was conducted. Acquisition data such as appraisals may remain private during negotiations but must ultimately be made public according to Minnesota Statutes, chapter 13. The Legislative-Citizen Commission on Minnesota Resources shall review the requirement in this paragraph and provide a recommendation on whether to continue or modify the requirement in future years. The commission may waive the application of this paragraph for specific projects.

(k) A recipient of an appropriation from the trust fund under this section must acknowledge financial support from the Minnesota environment and natural resources trust fund in project publications, signage, and other public communications and outreach related to work completed using the appropriation. Acknowledgment may occur, as appropriate, through use of the trust fund logo or inclusion of language attributing support from the trust fund.

Subd. 14. Payment Conditions and Capital Equipment Expenditures

All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis unless otherwise

provided in this section. Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after July 1, 2011, or the date the work program is approved, whichever is later, are eligible for reimbursement unless otherwise provided in this section. Periodic payment must be made upon receiving documentation that the deliverable items articulated in the approved work program have been achieved, including partial achievements as evidenced by approved progress reports. Reasonable amounts may be advanced to projects to accommodate cash flow needs or match federal money. The advances must be approved as part of the work program. No expenditures for capital equipment are allowed unless expressly authorized in the project work program.

Subd. 15. Purchase of Recycled and Recyclable Materials

A political subdivision, public or private corporation, or other entity that receives an appropriation under this section must use the appropriation in compliance with Minnesota Statutes, section 16B.121, regarding purchase of recycled, repairable, and durable materials; and Minnesota Statutes, section 16B.122, regarding purchase and use of paper stock and printing.

Subd. 16. Energy Conservation and Sustainable Building Guidelines

A recipient to whom an appropriation is made under this section for a capital improvement project must ensure that the project complies with the applicable energy conservation and sustainable building guidelines and standards contained in law, including Minnesota Statutes, sections 16B.325, 216C.19, and 216C.20, and rules adopted under those sections. The recipient may use the energy planning, advocacy, and State Energy Office units of the Department of Commerce to obtain information and technical assistance

on energy conservation and alternative energy development relating to the planning and construction of the capital improvement project.

Subd. 17. Accessibility

Structural and nonstructural facilities must meet the design standards in the Americans with Disabilities Act (ADA) accessibility guidelines.

Subd. 18. Carryforward

(a) The availability of the appropriation for the following projects is extended to June 30, 2012:

(1) Laws 2008, chapter 367, section 2, subdivision 4, paragraph (f), Native Shoreland Buffer Incentives Program;

(2) Laws 2008, chapter 367, section 2, subdivision 4, paragraph (g), Southeast Minnesota Stream Restoration Projects;

(3) Laws 2009, chapter 143, section 2, subdivision 4, paragraph (a), State Park Acquisition;

(4) Laws 2009, chapter 143, section 2, subdivision 4, paragraph (b), State Trail Acquisition;

(5) Laws 2009, chapter 143, section 2, subdivision 6, paragraph (c), Improving Emerging Fish Disease Surveillance in Minnesota;

(6) Laws 2009, chapter 143, section 2, subdivision 8, paragraph (a), Contract Management; and

(7) Laws 2009, chapter 143, section 2, subdivision 8, paragraph (b), Legislative-Citizen Commission on Minnesota Resources (LCCMR) for purposes provided under Minnesota Statutes, section 16A.281.

(b) The availability of the appropriation for

the following project is extended to June 30, 2013:

(1) Laws 2010, chapter 362, section 2, subdivision 8, paragraph (f), Expanding Outdoor Classrooms at Minnesota Schools; and

(2) Laws 2010, chapter 362, section 2, subdivision 8, paragraph (g), Integrating Environmental and Outdoor Education in Grades 7-12.

Subd. 19. Easement Monitoring and Enforcement Requirements

Money appropriated under this section and adjustments made under subdivision 20 for easement monitoring and enforcement may be spent only on activities included in an easement monitoring and enforcement plan contained within the work program. Money received for monitoring and enforcement, including earnings on the money received, shall be kept in a monitoring and enforcement fund held by the organization and dedicated to monitoring and enforcing conservation easements within Minnesota. Within 120 days after the close of the entity's fiscal year, an entity receiving appropriations for easement monitoring and enforcement must provide an annual financial report to the Legislative-Citizen Commission on Minnesota Resources on the easement monitoring and enforcement fund as specified in the work program. Money appropriated under this section for monitoring and enforcement of easements and earnings on the money appropriated shall revert to the state if: (1) the easement transfers to the state; (2) the holder of the easement fails to file an annual report and then fails to cure that default within 30 days of notification of the default by the state; or (3) the holder of the easement fails to comply with the terms of the monitoring and enforcement plan contained within the work program and fails to cure that default within 90 days of notification of the

default by the state.

Subd. 20. Appropriations Adjustment

(a) Metropolitan Conservation Corridors

(1) Of the amount appropriated in Laws 2003, chapter 128, article 1, section 9, subdivision 5, paragraph (b), up to \$48,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(2) Of the amount appropriated in Laws 2005, First Special Session, chapter 1, article 2, section 11, subdivision 5, paragraph (b), up to \$49,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(3) Of the amount appropriated in Laws 2007, chapter 30, section 2, subdivision 4, paragraph (c), up to \$59,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(4) Of the amount appropriated in Laws 2008, chapter 367, section 2, subdivision 3, paragraph (a), up to \$42,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(5) Of the amount appropriated in Laws 2009, chapter 143, section 2, subdivision 4, paragraph (f), up to \$80,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(6) Of the amount appropriated in Laws 2010, chapter 362, section 2, subdivision 4, paragraph (g), up to \$10,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(b) Habitat Conservation Partnership

(1) Of the amount appropriated in Laws 2001, First Special Session chapter 2, section 14, subdivision 4, paragraph (e), up to \$288,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(2) Of the amount appropriated in Laws 2003, chapter 128, article 1, section 9, subdivision 5, paragraph (a), up to \$78,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(3) Of the amount appropriated in Laws 2005, First Special Session chapter 1, section 11, subdivision 5, paragraph (a), up to \$55,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(4) Of the amount appropriated in Laws 2007, chapter 30, section 2, subdivision 4, paragraph (b), up to \$123,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(5) Of the amount appropriated in Laws 2008, chapter 367, section 2, subdivision 3, paragraph (c), up to \$120,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(6) Of the amount appropriated in Laws 2009, chapter 143, section 2, subdivision 4, paragraph (e), up to \$60,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(7) Of the amount appropriated in Laws 2010, chapter 362, section 2, subdivision 4, paragraph (f), up to \$30,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(c) Preserving the Avon Hills Landscape

Of the amount appropriated in Laws 2008, chapter 367, section 2, subdivision 3, paragraph (d), up to \$120,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(d) New Models for Land-Use Planning

Of the amount appropriated in Laws 1997, chapter 216, section 15, subdivision 9, paragraph (d), up to \$33,000 is for deposit in a monitoring and enforcement account as

authorized in subdivision 19.

(e) Conservation-Based Development Program

Of the amount appropriated in Laws 1999, chapter 231, section 16, subdivision 8, paragraph (e), up to \$5,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

ARTICLE 4

STATUTORY CHANGES

Section 1. [16E.0475] ADVISORY COMMITTEE FOR TECHNOLOGY STANDARDS FOR ACCESSIBILITY AND USABILITY.

Subdivision 1. **Membership.** (a) The Advisory Committee for Technology Standards for Accessibility and Usability consists of ten members, appointed as follows:

- (1) the state chief information officer, or the state chief information officer's designee;
- (2) a representative from State Services for the Blind, appointed by the commissioner of employment and economic development;
- (3) the commissioner of administration, or the commissioner's designee;
- (4) a representative selected by the Minnesota system of technology to achieve results program;
- (5) a representative selected by the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans;
- (6) the commissioner of education, or the commissioner's designee;
- (7) the commissioner of health, or the commissioner's designee;
- (8) the commissioner of human services, or the commissioner's designee;
- (9) one representative from the Minnesota judicial system designated by the chief justice; and
- (10) one staff member from the legislature, appointed by the chair of the Legislative Coordinating Commission.

(b) The appointing authorities under this subdivision must use their best efforts to ensure that the membership of the advisory committee includes at least one representative who is deaf, hard-of-hearing, or deafblind and at least one representative who is blind.

(c) The advisory committee shall elect a chair from its membership.

Subd. 2. **Duties.** (a) The advisory committee shall:

- (1) recommend review processes to be used for the evaluation or certification of accessibility of technology against accessibility standards;

(2) recommend an exception process and thresholds for any deviation from the accessibility standards;

(3) identify, in consultation with state agencies serving Minnesotans with disabilities, resources for training and technical assistance for state agency staff, including instruction regarding compliance with accessibility standards;

(4) convene customer groups composed of individuals with disabilities to assist in implementation of accessibility standards;

(5) review customer comments about accessibility and usability issues collected by State Services for the Blind; and

(6) develop proposals for funding captioning of live videoconferencing, live Webcasts, Web streaming, podcasts, and other emerging technologies.

(b) The advisory committee shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over state technology systems by January 15 each year regarding the findings, progress, and recommendations made by the advisory committee under this subdivision. The report shall include any draft legislation necessary to implement the committee's recommendations.

Subd. 3. **Terms, compensation, and removal.** The terms, compensation, and removal of members are governed by section 15.059.

Subd. 4. **Expiration.** This section expires June 30, 2013.

Sec. 2. Minnesota Statutes 2010, section 41A.105, is amended by adding a subdivision to read:

Subd. 1a. **Definitions.** For the purpose of this section:

(1) "biobutanol facility" means a facility at which biobutanol is produced; and

(2) "biobutanol" means fermentation isobutyl alcohol that is derived from agricultural products, including potatoes, cereal grains, cheese whey, and sugar beets; forest products; or other renewable resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources.

Sec. 3. Minnesota Statutes 2010, section 65B.84, is amended to read:

65B.84 AUTOMOBILE THEFT PREVENTION PROGRAM.

Subdivision 1. **Program described; commissioner's duties; appropriation.** (a) The commissioner of ~~eommerce~~ public safety shall:

(1) develop and sponsor the implementation of statewide plans, programs, and strategies to combat automobile theft, improve the administration of the automobile theft laws, and provide a forum for identification of critical problems for those persons dealing with automobile theft;

(2) coordinate the development, adoption, and implementation of plans, programs, and strategies relating to interagency and intergovernmental cooperation with respect to automobile theft enforcement;

(3) annually audit the plans and programs that have been funded in whole or in part to evaluate the effectiveness of the plans and programs and withdraw funding should the commissioner of public safety determine that a plan or program is ineffective or is no longer in need of further financial support from the fund;

(4) develop a plan of operation including:

(i) an assessment of the scope of the problem of automobile theft, including areas of the state where the problem is greatest;

(ii) an analysis of various methods of combating the problem of automobile theft;

(iii) a plan for providing financial support to combat automobile theft;

(iv) a plan for eliminating car hijacking; and

(v) an estimate of the funds required to implement the plan; and

(5) distribute money, ~~in consultation with the commissioner of public safety,~~ pursuant to subdivision 3 from the automobile theft prevention special revenue account for automobile theft prevention activities, including:

(i) paying the administrative costs of the program;

(ii) providing financial support to the State Patrol and local law enforcement agencies for automobile theft enforcement teams;

(iii) providing financial support to state or local law enforcement agencies for programs designed to reduce the incidence of automobile theft and for improved equipment and techniques for responding to automobile thefts;

(iv) providing financial support to local prosecutors for programs designed to reduce the incidence of automobile theft;

(v) providing financial support to judicial agencies for programs designed to reduce the incidence of automobile theft;

(vi) providing financial support for neighborhood or community organizations or business organizations for programs designed to reduce the incidence of automobile theft and to educate people about the common methods of automobile theft, the models of automobiles most likely to be stolen, and the times and places automobile theft is most likely to occur; and

(vii) providing financial support for automobile theft educational and training programs for state and local law enforcement officials, driver and vehicle services exam and inspections staff, and members of the judiciary.

(b) The commissioner of public safety may not spend in any fiscal year more than ten percent of the money in the fund for the program's administrative and operating costs. The commissioner of public safety is annually appropriated and must distribute the amount of the proceeds credited to the automobile theft prevention special revenue account each year, less the transfer of \$1,300,000 each year to the general fund described in section 168A.40, subdivision 4.

Subd. 2. **Annual report.** By January 15 of each year, the commissioner of public safety shall

report to the governor and the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over the Departments of Commerce and Public Safety on the activities and expenditures in the preceding year.

Subd. 3. **Grant criteria; application.** (a) A county attorney's office, law enforcement agency, neighborhood organization, community organization, or business organization may apply for a grant under this section. Multiple offices or agencies within a county may apply for a grant under this section.

(b) The commissioner, ~~in consultation with the commissioner~~ of public safety, must develop criteria for the fair distribution of grants from the automobile theft prevention account that address the following factors:

(1) the number of reported automobile thefts per capita in a city, county, or region, not merely the total number of automobile thefts;

(2) the population of the jurisdiction of the applicant office or agency;

(3) the total funds distributed within a county or region; and

(4) the statewide interest in automobile theft reduction.

(c) The commissioner of public safety may give priority to:

(1) offices and agencies engaged in a collaborative effort to reduce automobile theft; and

(2) counties or regions with the greatest rates of automobile theft.

(d) The minimum amount of a grant award is \$5,000. After considering the automobile theft rate and total population of an applicant's jurisdiction, if a grant award, as determined under the criteria and priorities in this subdivision, would be less than \$5,000, it must not be awarded.

Subd. 4. **Advisory board; creation; membership.** An Automobile Theft Prevention Advisory Board is established to advise the commissioner on the distribution of grants under this section. The board must consist of seven members appointed by the commissioner of public safety and must include representatives of law enforcement, prosecuting agencies, automobile insurers, and the public. The commissioner of public safety must annually select a chair from among its members.

EFFECTIVE DATE. This section is effective June 30, 2013.

Sec. 4. [84.0264] FEDERAL LAND AND WATER CONSERVATION FUNDS.

Subdivision 1. **Designated agency.** The Department of Natural Resources is designated as the state agency to apply for, accept, receive, and disburse federal reimbursement funds and private funds that are granted to the state of Minnesota from section 6 of the federal Land and Water Conservation Fund Act.

Subd. 2. **State land and water conservation account.** A state land and water conservation account is created in the natural resources fund. All of the money made available to the state from funds granted under subdivision 1 shall be deposited in the state land and water conservation account.

Subd. 3. **Local share.** Fifty percent of all money made available to the state from funds granted

under subdivision 1 shall be distributed for projects to be acquired, developed, and maintained by local units of government, provided that any project approved is consistent with a statewide or a county or regional recreational plan and compatible with the statewide recreational plan. All money received by the commissioner for local units of government is appropriated annually to carry out the purposes for which the funds are received.

Subd. 4. **State share.** Fifty percent of the money made available to the state from funds granted under subdivision 1 shall be used for state land acquisition and development for the state outdoor recreation system under chapter 86A and the administrative expenses necessary to maintain eligibility for the federal land and water conservation fund.

Sec. 5. [84.8035] NONRESIDENT OFF-ROAD VEHICLE STATE TRAIL PASS.

Subdivision 1. **Pass required; fee.** (a) A nonresident may not operate an off-road vehicle on a state or grant-in-aid off-road vehicle trail unless the vehicle displays a nonresident off-road vehicle state trail pass sticker issued according to this section. The pass must be viewable by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) The fee for an annual pass is \$20. The pass is valid from January 1 through December 31. The fee for a three-year pass is \$30. The commissioner of natural resources shall issue a pass upon application and payment of the fee. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the off-road vehicle account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to counties and municipalities for off-road vehicle organizations to construct and maintain off-road vehicle trails and use areas.

(c) A nonresident off-road vehicle state trail pass is not required for:

(1) an off-road vehicle that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.798, subdivision 2;

(2) a person operating an off-road vehicle only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or

(3) a nonresident operating an off-road vehicle that is registered according to section 84.798.

Subd. 2. **License agents.** The commissioner shall appoint agents to issue and sell nonresident off-road vehicle state trail passes. The commissioner may revoke the appointment of an agent at any time. The commissioner may adopt additional rules as provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted by the commissioner for accounting and handling of passes pursuant to section 97A.485, subdivision 11. An agent shall promptly deposit and remit all money received from the sale of the passes, exclusive of the issuing fee, to the commissioner.

Subd. 3. **Issuance of passes.** The commissioner and agents shall issue and sell nonresident off-road vehicle state trail passes. The commissioner shall also make the passes available through the electronic licensing system established under section 84.027, subdivision 15.

Subd. 4. **Agent's fee.** In addition to the fee for a pass, an issuing fee of \$1 per pass shall be charged. The issuing fee may be retained by the seller of the pass. Issuing fees for passes issued by the commissioner shall be deposited in the off-road vehicle account in the natural resources fund

and retained for the operation of the electronic licensing system.

Subd. 5. **Duplicate passes.** The commissioner and agents shall issue a duplicate pass to persons whose pass is lost or destroyed using the process established under section 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate nonresident off-road vehicle state trail pass is \$4, with an issuing fee of 50 cents.

Sec. 6. Minnesota Statutes 2010, section 84D.15, subdivision 2, is amended to read:

Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under section 86B.415, subdivision 7, and civil penalties under section 84D.13 shall be deposited in the invasive species account. Each year, the commissioner of management and budget shall transfer from the game and fish fund to the invasive species account, the annual surcharge collected on nonresident fishing licenses under section 97A.475, subdivision 7, paragraph (b). ~~In fiscal years 2010 and 2011~~ Each fiscal year, the commissioner of management and budget shall transfer \$725,000 \$750,000 from the water recreation account under section 86B.706 to the invasive species account.

Sec. 7. Minnesota Statutes 2010, section 85.052, subdivision 4, is amended to read:

Subd. 4. **Deposit of fees.** (a) Fees paid for providing contracted products and services within a state park, state recreation area, or wayside, and for special state park uses under this section shall be deposited in the natural resources fund and credited to a state parks account.

(b) Gross receipts derived from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, must be deposited in the state treasury and credited to the state parks working capital account. ~~The appropriation under section 85.22 for revenue deposited in this section is limited to \$25,000 per fiscal year.~~

(c) Notwithstanding paragraph (b), the gross receipts from the sale of stockpile materials, aggregate, or other earth materials from the Iron Range Off-Highway Vehicle Recreation Area shall be deposited in the dedicated accounts in the natural resources fund from which the purchase of the stockpile material was made.

Sec. 8. **[89.0385] FOREST MANAGEMENT INVESTMENT ACCOUNT; COST CERTIFICATION.**

(a) After each fiscal year, the commissioner shall certify the total costs incurred for forest management, forest improvement, and road improvement on state-managed lands during that year. The commissioner shall distribute forest management receipts credited to various accounts according to this section.

(b) The amount of the certified costs incurred for forest management activities on state lands shall be transferred from the account where receipts are deposited to the forest management investment account in the natural resources fund, except for those costs certified under section 16A.125. Transfers in a fiscal year cannot exceed receipts credited to the account.

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

Sec. 9. Minnesota Statutes 2010, section 89.039, subdivision 1, is amended to read:

Subdivision 1. **Account established; sources.** The forest management investment account is created in the natural resources fund in the state treasury and money in the account may be spent

only for the purposes provided in subdivision 2. The following revenue shall be deposited in the forest management investment account:

- (1) timber sales receipts transferred from the consolidated conservation areas account as provided in section 84A.51, subdivision 2;
- (2) timber sales receipts from forest lands as provided in section 89.035;
- (3) money transferred from the forest suspense account according to section 16A.125, subdivision 5; ~~and~~
- (4) interest accruing from investment of the account; and
- (5) money transferred from other accounts according to section 89.0385.

Sec. 10. Minnesota Statutes 2010, section 89.21, is amended to read:

89.21 CAMPGROUNDS, ESTABLISHMENT AND FEES.

(a) The commissioner is authorized to establish and develop state forest campgrounds and may establish minimum standards not inconsistent with the laws of the state for the care and use of such campgrounds and charge fees for such uses as specified by the commissioner of natural resources.

(b) Notwithstanding section 16A.1283, the commissioner shall, by written order, establish fees providing for the use of state forest campgrounds. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(c) All fees shall be deposited in ~~the general fund~~ an account in the natural resources fund and are appropriated annually to the commissioner.

Sec. 11. Minnesota Statutes 2010, section 89.35, subdivision 2, is amended to read:

Subd. 2. **Purpose of planting.** The purposes for which trees may be produced, procured, distributed, and planted under sections 89.35 to 89.39 shall include auxiliary forests, woodlots, windbreaks, shelterbelts, erosion control, soil conservation, water conservation, provision of permanent food and cover for wild life, environmental education, and afforestation and reforestation on ~~public or private state lands of any kind~~, but shall not include the raising of fruit for human consumption or planting for purely ornamental purposes. It is hereby declared that all such authorized purposes are in furtherance of the public health, safety, and welfare.

Sec. 12. Minnesota Statutes 2010, section 89.36, subdivision 1, is amended to read:

Subdivision 1. **Production at state nurseries.** The commissioner of natural resources may produce tree planting stock for the purposes of sections 89.35 to 89.39 upon any lands under control of the commissioner which may be deemed suitable and available ~~therefor so far as not inconsistent~~ consistent with other uses to which ~~such~~ the lands may be dedicated by law. The commissioner may not produce more than ~~40,000,000~~ 8,000,000 units of planting stock annually, after ~~January 1, 2003~~ June 30, 2011. The commissioner shall limit deciduous tree stock production to no more than two percent of total annual production.

Sec. 13. Minnesota Statutes 2010, section 89.37, subdivision 1, is amended to read:

Subdivision 1. ~~Planting conditions~~ State lands. The commissioner of natural resources may

supply planting stock produced or procured ~~hereunder~~ for use on any ~~public or private~~ state lands ~~within the state~~ for the purposes ~~herein~~ authorized under ~~such conditions as~~ sections 89.35 to 89.39. The commissioner may prescribe for planting, care, and maintenance in furtherance of ~~such~~ the purposes specified. The commissioner may sell excess tree planting stock to licensed, private nurseries.

Sec. 14. Minnesota Statutes 2010, section 89.37, subdivision 3b, is amended to read:

Subd. 3b. **Sales to nurseries.** To promote the availability and use of native plant material, the commissioner may sell native tree seed to licensed, private Minnesota nurseries when supplies of seed from geographically adapted sources are not available from private Minnesota seed dealers. ~~The commissioner may also sell native trees and shrubs in lots of ten or more to nonprofit groups and local units of government.~~

Sec. 15. Minnesota Statutes 2010, section 93.481, subdivision 7, is amended to read:

Subd. 7. **Mining administration account.** The mining administration account is established as an account in the natural resources fund. Fees charged to owners, operators, or managers of mines under this section and section 93.482 shall be credited to the account and ~~may be~~ are appropriated to the commissioner to cover the costs of providing and monitoring permits to mine. Earnings accruing from investment of the account remain with the account until appropriated.

Sec. 16. [97A.052] PEACE OFFICER TRAINING ACCOUNT.

Subdivision 1. **Account established; sources.** The peace officer training account is created in the game and fish fund in the state treasury. Revenue from the portion of the surcharges assessed to criminal and traffic offenders in section 357.021, subdivision 7, clause (1), shall be deposited in the account. Money in the account may be spent only for the purposes provided in subdivision 2.

Subd. 2. **Purposes of account.** Money in the peace officer training account may only be spent by the commissioner for peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863 to enforce game and fish laws.

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

Sec. 17. Minnesota Statutes 2010, section 97A.055, is amended by adding a subdivision to read:

Subd. 2b. **Certified costs.** Money for the certified costs under section 89.0385 is transferred annually for reimbursement of certified costs on state lands acquired by purchase or gift for game and fish purposes.

Sec. 18. Minnesota Statutes 2010, section 97A.071, subdivision 2, is amended to read:

Subd. 2. **Revenue from small game license surcharge and lifetime licenses.** Revenue from the small game surcharge and \$6.50 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under sections 97A.473, subdivisions 3 and 5, and 97A.474, subdivision 3, shall be credited to the wildlife acquisition account and is appropriated to the commissioner. The money in the account shall be used by the commissioner only for the purposes of this section, and acquisition and development of wildlife lands under section 97A.145 and maintenance of the lands, in accordance with appropriations made by the legislature.

Sec. 19. Minnesota Statutes 2010, section 97A.075, is amended to read:

97A.075 USE OF LICENSE REVENUES.

Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5), (6), (7), (13), (14), and (15), and 3, clauses (2), (3), (4), (10), (11), and (12), and licenses issued under section 97B.301, subdivision 4.

(b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer management account and ~~shall be used~~ is appropriated to the commissioner for deer habitat improvement or deer management programs.

(c) \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer and bear management account and ~~shall be used~~ is appropriated to the commissioner for deer and bear management programs, including a computerized licensing system.

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild cervidae health management account and is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended. The commissioner must inform the legislative chairs of the natural resources finance committees every two years on how the money for emergency deer feeding and wild cervidae health management has been spent.

When the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear management programs and computerized licensing.

Subd. 2. **Minnesota migratory waterfowl stamp.** (a) Ninety percent of the revenue from the Minnesota migratory waterfowl stamps must be credited to the waterfowl habitat improvement account. ~~Money in the account may be used~~ and is appropriated to the commissioner only for:

(1) development of wetlands and lakes in the state and designated waterfowl management lakes for maximum migratory waterfowl production including habitat evaluation, the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition of sites and facilities necessary for development and management of existing migratory waterfowl habitat and the designation of waters under section 97A.101;

(2) management of migratory waterfowl;

(3) development, restoration, maintenance, or preservation of migratory waterfowl habitat;

(4) acquisition of and access to structure sites; and

(5) the promotion of waterfowl habitat development and maintenance, including promotion and evaluation of government farm program benefits for waterfowl habitat.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), clause (1), (3), (4), or (5), or to specific

management activities under paragraph (a), clause (2).

Subd. 3. **Trout and salmon stamp.** (a) Ninety percent of the revenue from trout and salmon stamps must be credited to the trout and salmon management account. ~~Money in the account may be used~~ and is appropriated to the commissioner only for:

(1) the development, restoration, maintenance, improvement, protection, and preservation of habitat for trout and salmon in trout streams and lakes, including, but not limited to, evaluating habitat; stabilizing eroding stream banks; adding fish cover; modifying stream channels; managing vegetation to protect, shade, or reduce runoff on stream banks; and purchasing equipment to accomplish these tasks;

(2) rearing trout and salmon, including utility and service costs associated with coldwater hatchery buildings and systems; stocking trout and salmon in streams and lakes and Lake Superior; and monitoring and evaluating stocked trout and salmon;

(3) acquisition of easements and fee title along trout waters;

(4) identifying easement and fee title areas along trout waters; and

(5) research and special management projects on trout streams, trout lakes, and Lake Superior and portions of its tributaries.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), to specific fish rearing activities under paragraph (a), clause (2), or for costs associated with supplies and equipment to implement trout and salmon management activities under paragraph (a).

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~~ and is appropriated to the commissioner 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, 2019, personnel may be hired to provide technical and promotional assistance for private landowners to implement conservation provisions of state and federal programs.

Subd. 5. **Turkey account.** (a) \$4.50 from each turkey license sold, except youth licenses under section 97A.475, subdivision 2, clause (4), and subdivision 3, clause (7), must be credited to the wild turkey management account. Money in the account may be used and is appropriated to the commissioner 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.

Subd. 6. **Walleye stamp.** (a) Revenue from walleye stamps must be credited to the walleye stamp account. Money in the account must be used and is appropriated to the commissioner 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).

Sec. 20. [103G.27] WATER MANAGEMENT ACCOUNT.

Subdivision 1. **Account established; sources.** The water management account is created in the natural resources fund in the state treasury. Revenues collected from permit application fees, water use fees, field inspection fees, penalties, and other receipts according to sections 103G.271 and 103G.301 shall be deposited in the account. Interest earned on money in the account accrues to the account.

Subd. 2. **Purposes of account.** Money in the water management account may be spent only for the costs associated with administering this chapter.

Sec. 21. Minnesota Statutes 2010, section 103G.271, subdivision 6, is amended to read:

Subd. 6. **Water use permit processing fee.** (a) Except as described in paragraphs (b) to (f), a water use permit processing fee must be prescribed by the commissioner in accordance with the schedule of fees in this subdivision for each water use permit in force at any time during the year. Fees collected under this paragraph are credited to the water management account in the natural resources fund. The schedule is as follows, with the stated fee in each clause applied to the total

amount appropriated:

- (1) \$140 for amounts not exceeding 50,000,000 gallons per year;
- (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less than 100,000,000 gallons per year;
- (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than 150,000,000 gallons per year;
- (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less than 200,000,000 gallons per year;
- (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than 250,000,000 gallons per year;
- (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less than 300,000,000 gallons per year;
- (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than 350,000,000 gallons per year;
- (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less than 400,000,000 gallons per year;
- (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than 450,000,000 gallons per year;
- (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less than 500,000,000 gallons per year; and
- (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

(b) For once-through cooling systems, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

- (1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and
- (2) for all other users, \$420 per 1,000,000 gallons.

(c) The fee is payable based on the amount of water appropriated during the year and, except as provided in paragraph (f), the minimum fee is \$100.

(d) For water use processing fees other than once-through cooling systems:

- (1) the fee for a city of the first class may not exceed \$250,000 per year;
- (2) the fee for other entities for any permitted use may not exceed:
 - (i) \$60,000 per year for an entity holding three or fewer permits;
 - (ii) \$90,000 per year for an entity holding four or five permits; or
 - (iii) \$300,000 per year for an entity holding more than five permits;

(3) the fee for agricultural irrigation may not exceed \$750 per year;

(4) the fee for a municipality that furnishes electric service and cogenerates steam for home heating may not exceed \$10,000 for its permit for water use related to the cogeneration of electricity and steam; and

(5) no fee is required for a project involving the appropriation of surface water to prevent flood damage or to remove flood waters during a period of flooding, as determined by the commissioner.

(e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of two percent per month calculated from the original due date must be imposed on the unpaid balance of fees remaining 30 days after the sending of a second notice of fees due. A fee may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal governmental agency holding a water appropriation permit.

(f) The minimum water use processing fee for a permit issued for irrigation of agricultural land is \$20 for years in which:

(1) there is no appropriation of water under the permit; or

(2) the permit is suspended for more than seven consecutive days between May 1 and October 1.

(g) A surcharge of \$30 per million gallons in addition to the fee prescribed in paragraph (a) shall be applied to the volume of water used in each of the months of June, July, and August that exceeds the volume of water used in January for municipal water use, irrigation of golf courses, and landscape irrigation. The surcharge for municipalities with more than one permit shall be determined based on the total appropriations from all permits that supply a common distribution system.

Sec. 22. Minnesota Statutes 2010, section 103G.301, is amended by adding a subdivision to read:

Subd. 8. **Deposit of fees.** Fees collected under this section must be credited to the water management account in the natural resources fund.

Sec. 23. Minnesota Statutes 2010, section 103G.615, subdivision 2, is amended to read:

Subd. 2. **Fees.** (a) The commissioner shall establish a fee schedule for permits to control or harvest aquatic plants other than wild rice. The fees must be set by rule, and section 16A.1283 does not apply, but the rule must not take effect until 45 legislative days after it has been reported to the legislature. The fees shall not exceed \$2,500 per permit and shall be based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit, and enforce aquatic plant management rules and permit requirements.

(b) A fee for a permit for the control of rooted aquatic vegetation for each contiguous parcel of shoreline owned by an owner may be charged. This fee may not be charged for permits issued in connection with purple loosestrife control or lakewide Eurasian water milfoil control programs.

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(d) A fee for a permit for the control of rooted aquatic vegetation in a public water basin that is 20 acres or less in size shall be one-half of the fee established under paragraph (a).

(e) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the water recreation account.

Sec. 24. Minnesota Statutes 2010, section 115.073, is amended to read:

115.073 ENFORCEMENT FUNDING.

Except as provided in section 115C.05, all one-half of the money recovered by the state under this chapter and chapters 115A and 116, including civil penalties and money paid under an agreement, stipulation, or settlement, excluding money paid for past due fees or taxes, must be deposited in the state treasury and credited to the environmental fund. The remaining amount collected shall be deposited in the general fund.

Sec. 25. Minnesota Statutes 2010, section 115A.1314, is amended to read:

115A.1314 MANUFACTURER'S REGISTRATION FEE; ~~CREATION OF ACCOUNT.~~

Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section 115A.1312 must, by September 1, 2007, and each year thereafter, pay to the commissioner of revenue an annual registration fee. The commissioner of revenue must deposit the fee in the ~~account established in subdivision 2~~ state treasury and credit the fee to the environmental fund.

(b) ~~The registration fee for the initial program year during which a manufacturer's video display devices are sold to households is \$5,000. Each year thereafter,~~ The registration fee is equal to a base fee of \$2,500, plus a variable recycling fee calculated according to the formula:

$((A \times B) - (C + D)) \times E$, where:

(1) A = the number of pounds of a manufacturer's video display devices sold to households during the previous program year, as reported to the department under section 115A.1316, subdivision 1;

(2) B = the proportion of sales of video display devices required to be recycled, set at 0.6 for the first program year and 0.8 for the second program year and every year thereafter;

(3) C = the number of pounds of covered electronic devices recycled by a manufacturer from households during the previous program year, as reported to the department under section 115A.1316, subdivision 1;

(4) D = the number of recycling credits a manufacturer elects to use to calculate the variable recycling fee, as reported to the department under section 115A.1316, subdivision 1; and

(5) E = the estimated per-pound cost of recycling, initially set at \$0.50 per pound for manufacturers who recycle less than 50 percent of the product (A x B); \$0.40 per pound for manufacturers who recycle at least 50 percent but less than 90 percent of the product (A x B); and \$0.30 per pound for manufacturers who recycle at least 90 percent but less than 100 percent of the product (A x B).

(c) If, as specified in paragraph (b), the term $C - (A \times B)$ equals a positive number of pounds, that amount is defined as the manufacturer's recycling credits. A manufacturer may retain recycling credits to be added, in whole or in part, to the actual value of C, as reported under section 115A.1316, subdivision 2, during any succeeding program year, provided that no more than 25 percent of a manufacturer's obligation (A x B) for any program year may be met with recycling credits generated

in a prior program year. A manufacturer may sell any portion or all of its recycling credits to another manufacturer, at a price negotiated by the parties, who may use the credits in the same manner.

(d) For the purpose of calculating a manufacturer's variable recycling fee under paragraph (b), the weight of covered electronic devices collected from households located outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (c), is calculated at 1.5 times their actual weight.

(e) The registration fee for the initial program year and the base registration fee thereafter for a manufacturer who produces fewer than 100 video display devices for sale annually to households is \$1,250.

Subd. 2. ~~Creation of account; appropriations~~ **Use of registration fees.** ~~(a) The electronic waste account is established in the environmental fund. The commissioner of revenue must deposit receipts from the fee established in subdivision 1 in the account. Any interest earned on the account must be credited to the account. Money from other sources may be credited to the account. Beginning in the second program year and continuing each program year thereafter, as of the last day of each program year, the commissioner shall determine the total amount of the variable fees that were collected. To the extent that the total fees collected by the commissioner in connection with this section exceed the amount the commissioner determines necessary to operate the program for the new program year, the commissioner shall refund on a pro rata basis, to all manufacturers who paid any fees for the previous program year, the amount of fees collected by the commissioner in excess of the amount necessary to operate the program for the new program year. No individual refund is required of amounts of \$100 or less for a fiscal year. Manufacturers who report collections less than 50 percent of their obligation for the previous program year are not eligible for a refund.~~

~~(b) Until June 30, 2011, money in the account is annually appropriated to the Pollution Control Agency:~~ (a) Registration fees may be used by the commissioner for:

~~(1) for the purpose of implementing sections 115A.1312 to 115A.1330, including transfer to the commissioner of revenue to carry out the department's duties under section 115A.1320, subdivision 2, and transfer to the commissioner of administration for responsibilities under section 115A.1324; and~~

~~(2) to the commissioner of the Pollution Control Agency to be distributed on a competitive basis through contracts with grants to counties outside the 11-county metropolitan area, as defined in paragraph ~~(e)~~ (b), and with private entities that collect for recycling covered electronic devices in counties outside the 11-county metropolitan area, where the collection and recycling is consistent with the respective county's solid waste plan, for the purpose of carrying out the activities under sections 115A.1312 to 115A.1330. In awarding competitive grants under this clause, the commissioner must give preference to counties and private entities that are working cooperatively with manufacturers to help them meet their recycling obligations under section 115A.1318, subdivision 1.~~

~~(e)~~ (b) The 11-county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

Sec. 26. Minnesota Statutes 2010, section 115A.1320, subdivision 1, is amended to read:

Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections 115A.1310 to

115A.1330.

(b) The agency shall establish procedures for:

(1) receipt and maintenance of the registration statements and certifications filed with the agency under section 115A.1312; and

(2) making the statements and certifications easily available to manufacturers, retailers, and members of the public.

(c) The agency shall annually review the value of the following variables that are part of the formula used to calculate a manufacturer's annual registration fee under section 115A.1314, subdivision 1:

(1) the proportion of sales of video display devices sold to households that manufacturers are required to recycle;

(2) the estimated per-pound price of recycling covered electronic devices sold to households;

(3) the base registration fee; and

(4) the multiplier established for the weight of covered electronic devices collected in section 115A.1314, subdivision 1, paragraph (d). If the agency determines that any of these values must be changed in order to improve the efficiency or effectiveness of the activities regulated under sections 115A.1312 to 115A.1330 ~~or if the revenues in the account exceed the amount that the agency determines is necessary~~, the agency shall submit recommended changes and the reasons for them to the chairs of the senate and house of representatives committees with jurisdiction over solid waste policy.

(d) By January 15 each year, beginning in 2008, the agency shall calculate estimated sales of video display devices sold to households by each manufacturer during the preceding program year, based on national sales data, and forward the estimates to the department.

~~(e) The agency shall manage the account established in section 115A.1314, subdivision 2. If the revenues in the account exceed the amount that the agency determines is necessary for efficient and effective administration of the program, including any amount for contingencies, the agency must recommend to the legislature that the base registration fee, the proportion of sales of video display devices required to be recycled, or the estimated per pound cost of recycling established under section 115A.1314, subdivision 1, paragraph (b), or any combination thereof, be lowered in order to reduce revenues collected in the subsequent program year by the estimated amount of the excess.~~

~~(f)~~ (e) On or before December 1, 2010, and each year thereafter, the agency shall provide a report to the governor and the legislature on the implementation of sections 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight of covered electronic devices recycled and a summary of information in the reports submitted by manufacturers and recyclers under section 115A.1316. The report must also discuss the various collection programs used by manufacturers to collect covered electronic devices; information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers; and information about covered electronic devices, if any, being disposed of in landfills in this state. The report must include a description of enforcement actions under sections 115A.1310 to 115A.1330. The agency

may include in its report other information received by the agency regarding the implementation of sections 115A.1312 to 115A.1330.

~~(g)~~ (f) The agency shall promote public participation in the activities regulated under sections 115A.1312 to 115A.1330 through public education and outreach efforts.

~~(h)~~ (g) The agency shall enforce sections 115A.1310 to 115A.1330 in the manner provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, except for those provisions enforced by the department, as provided in subdivision 2. The agency may revoke a registration of a collector or recycler found to have violated sections 115A.1310 to 115A.1330.

~~(i)~~ (h) The agency shall facilitate communication between counties, collection and recycling centers, and manufacturers to ensure that manufacturers are aware of video display devices available for recycling.

~~(j)~~ (i) The agency shall develop a form retailers must use to report information to manufacturers under section 115A.1318 and post it on the agency's Web site.

~~(k)~~ (j) The agency shall post on its Web site the contact information provided by each manufacturer under section 115A.1318, paragraph (e).

Sec. 27. Minnesota Statutes 2010, section 115C.09, subdivision 3c, is amended to read:

Subd. 3c. **Release at refineries and tank facilities not eligible for reimbursement.** (a) Reimbursement may not be made under this chapter for costs associated with a release:

(1) from a tank located at a petroleum refinery; or

(2) from a tank facility, including a pipeline terminal, with more than 1,000,000 gallons of total petroleum storage capacity at the tank facility.

(b) Paragraph (a), clause (2), does not apply to reimbursement for costs associated with a release from a tank facility:

(1) owned or operated by a person engaged in the business of mining iron ore or taconite;

(2) owned by a political subdivision, a housing and redevelopment authority, an economic development authority, or a port authority that acquired the tank facility prior to May 23, 1989; ~~or~~

(3) owned by a person:

(i) who acquired the tank facility prior to May 23, 1989;

(ii) who did not use the tank facility for the bulk storage of petroleum; and

(iii) who is not affiliated with the party who used the tank facility for the bulk storage of petroleum; or

(4) that is not a petroleum refinery or pipeline terminal and is owned by a person engaged in the business of storing used oil primarily for sales to end users.

Sec. 28. Minnesota Statutes 2010, section 115C.13, is amended to read:

115C.13 REPEALER.

Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04, 115C.045, 115C.05, 115C.06, 115C.065, 115C.07, 115C.08, 115C.09, 115C.093, 115C.094, 115C.10, 115C.11, 115C.111, 115C.112, 115C.113, 115C.12, and 115C.13, are repealed effective June 30, ~~2012~~ 2017.

Sec. 29. Minnesota Statutes 2010, section 116.06, is amended by adding a subdivision to read:

Subd. 5a. **Capacity.** "Capacity" means the maximum number of animal units actually confined or proposed to be confined at an animal feedlot.

Sec. 30. Minnesota Statutes 2010, section 116.07, subdivision 7c, is amended to read:

Subd. 7c. **NPDES feedlot permitting requirements.** (a) The agency must issue national pollutant discharge elimination system permits for feedlots with ~~1,000 animal units or more and that meet the definition of a "concentrated animal feeding operation" in Code of Federal Regulations, title 40, section 122.23,~~ only as required by federal law. The issuance of national pollutant discharge elimination system permits for feedlots must be based on the following:

(1) a permit for a newly constructed or expanded animal feedlot that is identified as a priority by the commissioner, using criteria ~~established under paragraph (d) in effect on January 1, 2010,~~ must be issued as an individual permit;

(2) ~~after January 1, 2001,~~ an existing feedlot that is identified as a priority by the commissioner, using criteria ~~established under paragraph (e) in effect on January 1, 2010,~~ must be issued as an individual permit; and

(3) the agency must issue a general national pollutant discharge elimination system permit, if required, for animal feedlots that are not identified under clause (1) or (2).

(b) Prior to the issuance of a general national pollutant discharge elimination system permit for a category of animal feedlot facility permittees, the agency must hold at least one public hearing on the permit issuance.

(c) To the extent practicable, the agency must include a public notice and comment period for an individual national pollutant discharge elimination system permit concurrent with any public notice and comment for:

(1) the purpose of environmental review of the same facility under chapter 116D; or

(2) the purpose of obtaining a conditional use permit from a local unit of government where the local government unit is the responsible governmental unit for purposes of environmental review under chapter 116D.

~~(d) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual national pollutant discharge elimination system permit is required under paragraph (a), clause (1). The criteria must be based on proximity to waters of the state, facility design, and other site-specific environmental factors.~~

~~(e) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual national pollutant discharge elimination system permit is required for an existing animal feedlot, under paragraph (a), clause (2). The criteria must be based~~

~~on violations and other compliance problems at the facility.~~

~~(f) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining when an individual national pollutant discharge elimination system permit is transferred from individual to general permit status.~~

~~(g) Notwithstanding the provisions in paragraph (a), until January 1, 2001, the commissioner may issue an individual national pollutant discharge elimination system permit for an animal feedlot. After the general permit is issued and the criteria under paragraphs (d) and (e) are developed, individual permits issued pursuant to this paragraph that do not fit the criteria for an individual permit under the applicable provisions of paragraph (d) or (e) must be transferred to general permit status.~~

~~(h) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining which feedlots are required to apply for and obtain a national pollutant discharge elimination system permit and which feedlots are required to apply for and obtain a state disposal system permit based upon the actual or potential to discharge. A feedlot owner may choose to apply for a national pollutant discharge elimination system permit even if the feedlot is not required by federal law to have a national pollutant discharge elimination system permit.~~

Sec. 31. Minnesota Statutes 2010, section 116D.04, subdivision 2a, as amended by Laws 2011, chapter 4, section 6, is amended to read:

Subd. 2a. **When prepared.** Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible governmental unit. The environmental impact statement shall be an analytical rather than an encyclopedic document which describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision-making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action. No mandatory environmental impact statement may be required for an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than 125,000,000 gallons of ethanol annually and is located outside of the seven-county metropolitan area.

(a) The board shall by rule establish categories of actions for which environmental impact statements and for which environmental assessment worksheets shall be prepared as well as categories of actions for which no environmental review is required under this section. A mandatory environmental assessment worksheet shall not be required for the expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol facility, as defined in section 41A.105, subdivision 1a, based on the capacity of the expanded or converted facility to produce alcohol fuel, but must be required if the ethanol plant meets or exceeds thresholds of other categories of actions for which environmental assessment worksheets must be prepared. The responsible governmental unit for an ethanol plant project for which an environmental assessment worksheet is prepared

shall be the state agency with the greatest responsibility for supervising or approving the project as a whole.

(b) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet in a manner to be determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30-day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit's decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chair may extend the 15-day period by not more than 15 additional days upon the request of the responsible governmental unit.

(c) An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 25 100 individuals who reside or own property in the county or an adjoining county where the proposed action will be located, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental assessment worksheet shall be submitted to the board. The chair of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chair may extend the 15-day period by not more than 15 additional days upon request of the responsible governmental unit.

(d) Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental review under this chapter and rules of the board, if:

(1) the proposed action is:

(i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

(ii) an expansion of an existing animal feedlot facility with a total cumulative capacity of less than 1,000 animal units;

(2) the application for the animal feedlot facility includes a written commitment by the proposer to design, construct, and operate the facility in full compliance with Pollution Control Agency feedlot rules; and

(3) the county board holds a public meeting for citizen input at least ten business days prior to the Pollution Control Agency or county issuing a feedlot permit for the animal feedlot facility unless another public meeting for citizen input has been held with regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition to other exemptions provided under other law and rules of the board.

(e) The board may, prior to final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for

any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.

(f) An early and open process shall be utilized to limit the scope of the environmental impact statement to a discussion of those impacts, which, because of the nature or location of the project, have the potential for significant environmental effects. The same process shall be utilized to determine the form, content and level of detail of the statement as well as the alternatives which are appropriate for consideration in the statement. In addition, the permits which will be required for the proposed action shall be identified during the scoping process. Further, the process shall identify those permits for which information will be developed concurrently with the environmental impact statement. The board shall provide in its rules for the expeditious completion of the scoping process. The determinations reached in the process shall be incorporated into the order requiring the preparation of an environmental impact statement.

(g) The responsible governmental unit shall, to the extent practicable, avoid duplication and ensure coordination between state and federal environmental review and between environmental review and environmental permitting. Whenever practical, information needed by a governmental unit for making final decisions on permits or other actions required for a proposed project shall be developed in conjunction with the preparation of an environmental impact statement.

(h) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement.

(i) The proposer of a specific action may include in the information submitted to the responsible governmental unit a preliminary draft environmental impact statement under this section on that action for review, modification, and determination of completeness and adequacy by the responsible governmental unit. A preliminary draft environmental impact statement prepared by the project proposer and submitted to the responsible governmental unit shall identify or include as an appendix all studies and other sources of information used to substantiate the analysis contained in the preliminary draft environmental impact statement. The responsible governmental unit shall require additional studies, if needed, and obtain from the project proposer all additional studies and information necessary for the responsible governmental unit to perform its responsibility to review, modify, and determine the completeness and adequacy of the environmental impact statement.

Sec. 32. Minnesota Statutes 2010, section 116G.15, subdivision 1, is amended to read:

Subdivision 1. ~~Establishment; purpose~~ **Designation.** The federal Mississippi National River and Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of critical concern in accordance with this chapter. ~~The purpose of the designation is to:~~

~~(1) protect and preserve the Mississippi River and adjacent lands that the legislature finds to be unique and valuable state and regional resources for the benefit of the health, safety, and welfare of the citizens of the state, region, and nation;~~

- ~~(2) prevent and mitigate irreversible damages to these state, regional, and natural resources;~~
- ~~(3) preserve and enhance the natural, aesthetic, cultural, and historical values of the Mississippi River and adjacent lands for public use and benefit;~~
- ~~(4) protect and preserve the Mississippi River as an essential element in the national, state, and regional transportation, sewer and water, and recreational systems; and~~
- ~~(5) protect and preserve the biological and ecological functions of the Mississippi River corridor.~~

Sec. 33. Minnesota Statutes 2010, section 116P.05, subdivision 2, is amended to read:

Subd. 2. **Duties.** (a) The commission shall recommend an annual or biennial legislative bill for appropriations from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08. Approval of the recommended legislative bill requires an affirmative vote of at least 12 members of the commission.

~~(b) The commission shall recommend expenditures to the legislature from the state land and water conservation account in the natural resources fund.~~

~~(c)~~ It is a condition of acceptance of the appropriations made from the Minnesota environment and natural resources trust fund, and oil overcharge money under section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work program and semiannual progress reports in the form determined by the Legislative-Citizen Commission on Minnesota Resources, and comply with applicable reporting requirements under section 116P.16. None of the money provided may be spent unless the commission has approved the pertinent work program.

~~(d)~~ (c) The peer review panel created under section 116P.08 must also review, comment, and report to the commission on research proposals applying for an appropriation from the oil overcharge money under section 4.071, subdivision 2.

~~(e)~~ (d) The commission may adopt operating procedures to fulfill its duties under this chapter.

~~(f)~~ (e) As part of the operating procedures, the commission shall:

- (1) ensure that members' expectations are to participate in all meetings related to funding decision recommendations;
- (2) recommend adequate funding for increased citizen outreach and communications for trust fund expenditure planning;
- (3) allow administrative expenses as part of individual project expenditures based on need;
- (4) provide for project outcome evaluation;
- (5) keep the grant application, administration, and review process as simple as possible; and
- (6) define and emphasize the leveraging of additional sources of money that project proposers should consider when making trust fund proposals.

Sec. 34. Minnesota Statutes 2010, section 168A.40, is amended to read:

168A.40 AUTOMOBILE THEFT PREVENTION PROGRAM.

Subd. 3. **Surcharge.** Each insurer engaged in the writing of policies of automobile insurance shall collect a surcharge, at the rate of 50 cents per vehicle for every six months of coverage, on each policy of automobile insurance providing comprehensive insurance coverage issued or renewed in this state. The surcharge may not be considered premium for any purpose, including the computation of premium tax or agents' commissions. The amount of the surcharge must be separately stated on either a billing or policy declaration sent to an insured. Insurers shall remit the revenue derived from this surcharge at least quarterly to the commissioner of public safety for purposes of the automobile theft prevention program described in section ~~65B.84~~ 299A.625. For purposes of this subdivision, "policy of automobile insurance" has the meaning given it in section 65B.14, covering only the following types of vehicles as defined in section 168.002:

- (1) a passenger automobile;
- (2) a pickup truck;
- (3) a van but not commuter vans as defined in section 168.126; or
- (4) a motorcycle,

except that no vehicle with a gross vehicle weight in excess of 10,000 pounds is included within this definition.

Subd. 4. **Automobile theft prevention account.** A special revenue account is created in the state treasury to be credited with the proceeds of the surcharge imposed under subdivision 3. Of the revenue in the account, \$1,300,000 each year must be transferred to the general fund. Revenues in excess of \$1,300,000 each year may be used only for the automobile theft prevention program described in section ~~65B.84~~ 299A.625.

EFFECTIVE DATE. This section is effective June 30, 2013.

Sec. 35. Minnesota Statutes 2010, section 216H.02, subdivision 4, is amended to read:

Subd. 4. **General elements of the plan.** The plan must:

- (1) estimate 1990 and 2005 greenhouse gas emissions in the state and make projections of emissions in 2015, 2025, and 2050;
- (2) identify, evaluate, and integrate a broad range of statewide greenhouse gas reduction options for all emission sectors in the state;
- (3) assess the costs, benefits, and feasibility of implementing the options;
- (4) recommend an integrated set of reduction options and strategies for implementing the options that will achieve the goals in subdivision 1, including analysis of the associated costs and benefits to Minnesotans;
- (5) estimate the statewide greenhouse gas emissions reductions anticipated from implementation of existing state policies; and
- (6) recommend a system to require the reporting of statewide greenhouse gas emissions, identifying which facilities must report, and how emission estimates should be made; and
- ~~(7) evaluate the option of exempting a project from the prohibitions contained in section~~

~~216H.03, subdivision 3, if the project contributes a specified fee per ton of carbon dioxide emissions emitted annually by the project, the proceeds of which would be used to fund permanent, quantifiable, verifiable, and enforceable reductions in greenhouse gas emissions that would not otherwise have occurred.~~

Sec. 36. Minnesota Statutes 2010, section 290.431, is amended to read:

290.431 NONGAME WILDLIFE CHECKOFF.

Every individual who files an income tax return or property tax refund claim form may designate on their original return that \$1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that individual and paid into an account to be established for the management of nongame wildlife. The commissioner of revenue shall, on the income tax return and the property tax refund claim form, notify filers of their right to designate that a portion of their tax or refund shall be paid into the nongame wildlife management account. The sum of the amounts so designated to be paid shall be credited to the nongame wildlife management account for use by the nongame program in the Department of Natural Resources. All interest earned on money accrued, gifts to the program, contributions to the program, and reimbursements of expenditures in the nongame wildlife management account shall be credited to the account by the commissioner of management and budget, except that gifts or contributions received directly by the commissioner of natural resources and directed by the contributor for use in specific nongame field projects or geographic areas shall be handled according to section 84.085, subdivision 1. ~~The commissioner of natural resources shall submit a work program for each fiscal year and semiannual progress reports to the Legislative Citizen Commission on Minnesota Resources in the form determined by the commission.~~

The state pledges and agrees with all contributors to the nongame wildlife management account to use the funds contributed solely for the management of nongame wildlife projects and further agrees that it will not impose additional conditions or restrictions that will limit or otherwise restrict the ability of the commissioner of natural resources to use the available funds for the most efficient and effective management of nongame wildlife. The commissioner may use funds appropriated for nongame wildlife programs for the purpose of developing, preserving, restoring, and maintaining wintering habitat for neotropical migrant birds in Latin America and the Caribbean under agreement or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of such projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. Under this authority, the commissioner may execute agreements and contracts if the commissioner determines that the use of the funds will benefit neotropical migrant birds that breed in or migrate through the state.

Sec. 37. Minnesota Statutes 2010, section 290.432, is amended to read:

290.432 CORPORATE NONGAME WILDLIFE CHECKOFF.

A corporation that files an income tax return may designate on its original return that \$1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that corporation and paid into the nongame wildlife management account established by section 290.431 for use by the Department of Natural Resources for its nongame wildlife program. The commissioner of revenue shall, on the corporate tax return, notify filers of their right to designate that a portion of their tax return be paid into the nongame wildlife management account for the protection of endangered natural resources. All interest earned on money accrued, gifts to

the program, contributions to the program, and reimbursements of expenditures in the nongame wildlife management account shall be credited to the account by the commissioner of management and budget, except that gifts or contributions received directly by the commissioner of natural resources and directed by the contributor for use in specific nongame field projects or geographic areas shall be handled according to section 84.085, subdivision 1. ~~The commissioner of natural resources shall submit a work program for each fiscal year to the Legislative Citizen Commission on Minnesota Resources in the form determined by the commission.~~

The state pledges and agrees with all corporate contributors to the nongame wildlife account to use the funds contributed solely for the nongame wildlife program and further agrees that it will not impose additional conditions or restrictions that will limit or otherwise restrict the ability of the commissioner of natural resources to use the available funds for the most efficient and effective management of those programs.

Sec. 38. Minnesota Statutes 2010, section 299C.40, subdivision 1, is amended to read:

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

(b) "CIBRS" means the Comprehensive Incident-Based Reporting System, located in the Department of Public Safety and managed by the Bureau of Criminal Apprehension. A reference in this section to "CIBRS" includes the Bureau of Criminal Apprehension.

(c) "Law enforcement agency" means a Minnesota municipal police department, the Metropolitan Transit Police, the Metropolitan Airports Police, the University of Minnesota Police Department, the Department of Corrections Fugitive Apprehension Unit, a Minnesota county sheriff's department, the Enforcement Division of the Department of Natural Resources, the Bureau of Criminal Apprehension, or the Minnesota State Patrol.

Sec. 39. Minnesota Statutes 2010, section 357.021, subdivision 7, is amended to read:

Subd. 7. **Disbursement of surcharges by commissioner of management and budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of management and budget shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the peace officer training account in the game and fish fund to provide peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws;

(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent shall be credited to the general fund.

(b) The commissioner of management and budget shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

(c) In addition to any amounts credited under paragraph (a), the commissioner of management and budget shall credit \$47 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

(d) If the Ramsey County Board of Commissioners authorizes imposition of the additional

\$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the Second Judicial District shall transmit the surcharge to the commissioner of management and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account in the special revenue fund and amounts in the account are appropriated to the trial courts for the administration of the petty misdemeanor diversion program operated by the Second Judicial District Ramsey County Violations Bureau.

Sec. 40. Minnesota Statutes 2010, section 609.66, subdivision 1h, is amended to read:

Subd. 1h. **Silencers; authorized for law enforcement and wildlife control purposes.** (a) Notwithstanding subdivision 1a, paragraph (a), clause (1), licensed peace officers may use devices designed to silence or muffle the discharge of a firearm for tactical emergency response operations. Tactical emergency response operations include execution of high risk search and arrest warrants, incidents of terrorism, hostage rescue, and any other tactical deployments involving high risk circumstances. The chief law enforcement officer of a law enforcement agency that has the need to use silencing devices must establish and enforce a written policy governing the use of the devices.

(b) Notwithstanding subdivision 1a, paragraph (a), clause (1), ~~until July 1, 2011,~~ an enforcement officer, as defined in section 97A.015, subdivision 18, a wildlife area manager, an employee designated under section 84.0835, or a person acting under contract with the commissioner of natural resources, at specific times and locations that are authorized by the commissioner of natural resources may use devices designed to silence or muffle the discharge of a firearm for wildlife control operations that require stealth. If the commissioner determines that the use of silencing devices is necessary under this paragraph, the commissioner must:

~~(1) establish and enforce a written policy governing the use, possession, and transportation of the devices;~~

~~(2) limit the number of the silencing devices maintained by the Department of Natural Resources to no more than ten; and~~

~~(3) keep direct custody and control of the devices when the devices are not specifically authorized for use.~~

Sec. 41. Laws 2005, chapter 156, article 2, section 45, as amended by Laws 2007, chapter 148, article 2, section 73, and Laws 2009, chapter 37, article 1, section 59, is amended to read:

Sec. 45. **SALE OF STATE LAND.**

Subdivision 1. **State land sales.** The commissioner of administration shall coordinate with the head of each department or agency having control of state-owned land to identify and sell at least \$6,440,000 of state-owned land. Sales should be completed according to law and as provided in this section as soon as practicable but no later than June 30, ~~2011~~ 2013. Notwithstanding Minnesota Statutes, sections 16B.281 and 16B.282, 94.09 and 94.10, or any other law to the contrary, the commissioner may offer land for public sale by only providing notice of lands or an offer of sale of lands to state departments or agencies, the University of Minnesota, cities, counties, towns, school districts, or other public entities.

Subd. 2. **Anticipated savings.** Notwithstanding Minnesota Statutes, section 94.16, subdivision 3, or other law to the contrary, the amount of the proceeds from the sale of land under this section that exceeds the actual expenses of selling the land must be deposited in the general fund, except as

otherwise provided by the commissioner of finance. Notwithstanding Minnesota Statutes, section 94.11 or 16B.283, the commissioner of finance may establish the timing of payments for land purchased under this section. If the total of all money deposited into the general fund from the proceeds of the sale of land under this section is anticipated to be less than \$6,440,000, the governor must allocate the amount of the difference as reductions to general fund operating expenditures for other executive agencies for the biennium ending June 30, ~~2011~~ 2013.

Subd. 3. **Sale of state lands revolving loan fund.** \$290,000 is appropriated from the general fund in fiscal year 2006 to the commissioner of administration for purposes of paying the actual expenses of selling state-owned lands to achieve the anticipated savings required in this section. From the gross proceeds of land sales under this section, the commissioner of administration must cancel the amount of the appropriation in this subdivision to the general fund by June 30, ~~2011~~ 2013.

Sec. 42. Laws 2011, chapter 14, section 16, is amended to read:

Sec. 16. **REPEALER.**

Minnesota Statutes 2010, section 41A.09, subdivisions 1a, ~~2a~~, 3a, 4, and 10, are repealed.

Sec. 43. **STATE TREE NURSERY PROGRAM RESTRUCTURING; REPORT REQUIRED; ACCOUNT BALANCE TRANSFER.**

(a) By June 30, 2013, the commissioner of natural resources shall discontinue the tree nursery operations at the General C.C. Andrews State Nursery. After July 1, 2011, the commissioner shall limit nursery operations at the Baudora State Nursery to the production of stock for use by the state, concentrating on the production of coniferous tree stock, with deciduous tree stock production making up no more than two percent of total annual production.

(b) By January 15, 2012, the commissioner of natural resources shall submit a budget and financial plan for the state nurseries to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources policy and finance. The plan shall include a long-term business plan to operate the Baudora State Nursery in a manner that is self sufficient. The plan shall also include options for the General C.C. Andrews State Nursery land and assets, including selling the land, leasing the nursery, and selling the nursery and assets to a licensed, private nursery.

(c) By June 30, 2012, the commissioner of management and budget shall transfer \$500,000 from the forest nursery account to the general fund. By June 30, 2013, the commissioner of management and budget shall transfer an additional \$500,000 from the forest nursery account to the general fund.

(d) If the Baudora Nursery operation draws upon more than ten percent of reserves in two consecutive fiscal years after fiscal year 2012, the commissioner of natural resources shall immediately begin a three year phase-out of all state nursery operations.

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

Sec. 44. **COORDINATION OF MINNESOTA AND WISCONSIN PHOSPHORUS STANDARD; LAKE PEPIN.**

The commissioner of the Pollution Control Agency shall coordinate with the Wisconsin Department of Natural Resources in establishing a phosphorus standard for Lake Pepin and shall

advocate implementation of a phosphorus standard that considers nutrient impacts on algal growth applicable during the June to September growing season only. If necessary, the commissioner may engage in a conference with the Wisconsin Department of Natural Resources according to section 103 of the Clean Water Act, United States Code, title 33, section 1253, to resolve any discrepancies in the states' respective standards.

Sec. 45. TERRY MCGAUGHEY MEMORIAL BRIDGE.

The commissioner of natural resources shall designate the Paul Bunyan Trail bridge that crosses Excelsior Road in Baxter as the Terry McGaughey Memorial Bridge. The commissioner shall place signs with the designation on both ends of the bridge.

Sec. 46. RULEMAKING.

The rulemaking authority granted under Minnesota Statutes, section 116G.15, subdivision 7, is explicitly repealed by this act and any rulemaking to effectuate the purpose of Laws 2009, chapter 172, article 2, section 27, commenced by the commissioner of natural resources under that authority or any other authority is void and must cease on the effective date of this section.

Sec. 47. WILD RICE RULEMAKING AND RESEARCH.

(a) Upon completion of the research referenced in paragraph (d), the commissioner of the Pollution Control Agency shall initiate a process to amend Minnesota Rules, chapter 7050. The amended rule shall:

(1) establish water quality standards for waters containing natural beds of wild rice, as well as for irrigation waters used for the production of wild rice; and

(2) designate each body of water, or specific portion thereof, to which the wild rice water quality standard applies and the specific times of year during which the standard applies.

(b) "Waters containing natural beds of wild rice" means waters where significant quantities of wild rice occur naturally. Before designating waters containing natural beds of wild rice as waters subject to a standard, the commissioner of the Pollution Control Agency shall establish criteria for the waters after consultation with the Department of Natural Resources, Minnesota Indian tribes, and other interested parties and after public notice and comment. The criteria shall include, but not be limited to, documented history of wild rice harvests, minimum acreage, and wild rice density. Waters where individual wild rice plants or isolated, sparse stands of wild rice exist shall not be designated as subject to the standard.

(c) Within 30 days of the effective date of this section, the commissioner of the Pollution Control Agency must create an advisory group to provide input to the commissioner on a protocol for scientific research to assess the impacts of sulfates and other substances on the growth of wild rice, review research results, and provide other advice on the development of future rule amendments to protect wild rice. The group must include representatives of tribal governments, municipal wastewater treatment facilities, industrial dischargers, wild rice harvesters, wild rice research experts, and citizen organizations.

(d) After receiving the advice of the advisory group under paragraph (c), consultation with the commissioner of natural resources, and review of all available scientific research on water quality and other environmental impacts on the growth of wild rice, the commissioner of the Pollution

Control Agency shall adopt and implement a wild rice research plan using the money appropriated to contract with appropriate scientific experts. The commissioner shall periodically review the results of the research with the commissioner of natural resources and the advisory group.

(e) To the extent allowable under the federal Clean Water Act, during the pendency of the rule amendment described in paragraph (a), the Pollution Control Agency, with respect to permits issued for the discharge of wastewater, shall exercise its powers under Minnesota Statutes, section 115.03, subdivision 1, paragraph (e), to enter into schedules of compliance to ensure that no permittee is required to expend funds for design and implementation of sulfate treatment technologies until after the rule amendment is complete. Nothing shall prevent the Pollution Control Agency from including in a schedule of compliance a requirement to monitor sulfate concentrations in discharges and, if appropriate, based on site-specific conditions, a requirement to implement a sulfate minimization plan to avoid or minimize sulfate concentrations during periods when wild rice may be susceptible to damage.

(f) To the extent that the commissioner of the Pollution Control Agency determines that provisions of the federal Clean Water Act or other federal laws limits full implementation of paragraph (e), the commissioner shall fully exercise the agency's authority under state and federal law and regulations to ensure, to the fullest extent possible, that no permittee is required to expend funds for design and implementation of sulfate treatment technologies until after the rule amendment described in paragraph (a) is complete. If the commissioner determines that amendments to Minnesota Rules are necessary to ensure that no permittee is required to expend funds for design and implementation of sulfate treatment technologies until after the rule amendment described in paragraph (a) is complete, the commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules necessary to implement this section, and Minnesota Statutes, section 14.386, does not apply, except as provided in Minnesota Statutes, section 14.388.

(g) Upon completion of the rule amendment described in paragraph (a), the Pollution Control Agency shall modify the discharge limits in the affected wastewater discharge permits to reflect the new standards in accordance with state and federal regulations and shall exercise its powers to enter into schedules of compliance in the permits.

(h) By December 15, 2011, the commissioner of the Pollution Control Agency shall submit a report to the chairs and ranking minority members of the environment and natural resources committees of the house of representatives and senate on the status of implementation of this section. The report must include an estimated timeline for completion of the wild rice research plan and initiation and completion of the formal rulemaking process under Minnesota Statutes, chapter 14.

(i) To the extent allowable under the federal Clean Water Act, until the rule amendment described in paragraph (a) is finally adopted, the agency shall suspend the standard for sulfate for class 4 waters.

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

Sec. 48. WATER RULEMAKING LEGISLATIVE REVIEW.

Until June 30, 2013, all proposed rules related to water quality or water resource protection must be consistent with other local, state, and federal rules, and must be able to achieve the legislatively intended outcome as effectively and efficiently as possible. To ensure that all proposed rules

satisfy this legislative policy, the proposed rules must be submitted to the Legislative Coordinating Commission prior to the filing of the notice of intent to adopt. The agency submitting the proposed rule shall provide the following information:

- (1) an explanation of how the proposed rule is consistent with other water-related rules; and
- (2) a statement from other affected agencies that they do not object to the proposed rule being inconsistent or contrary to any existing rule and accept the proposing agency's jurisdiction over the subject matter of the proposed rule.

Within 60 days of receipt of the proposed water-related rule, the commission may notify the agency proposing the rule that the commission agrees that the rule does not comply with the legislative policy, that rules are not consistent with all other water-related rules, or the agency is not the appropriate authority for jurisdiction over the proposed rules.

Sec. 49. INTEREST IN LANDS EXTENDED.

Notwithstanding any law to the contrary, Dakota County's reversionary interests in lands deeded by Dakota County to the state of Minnesota, as contemplated by Laws 1975, chapter 382, and currently maintained and used for the purposes of a state zoological garden in Apple Valley, Minnesota, to wit, those lands described in documents recorded in the Dakota County Property Records Office as Document No. 433980 and Document No. 439719, excluding lands subject to that certain quit claim deed recorded as Document No. 1246646 and excluding lands subject to that certain quit claim deed recorded as Document No. 1330383, are extended and remain permanently valid and operative.

EFFECTIVE DATE. This section is effective upon compliance by the Dakota County Board of Commissioners with the provisions of Minnesota Statutes, section 645.021.

Sec. 50. EVALUATION REQUIRED.

(a) The Department of Administration shall evaluate state and local water-related programs, policies, and permits to make recommendations for cost savings, increased productivity, and the elimination of duplication among public agencies.

(b) The evaluation must:

(1) identify current rules relating to surface and groundwater, including those related to storm water, residential, industrial, and agricultural use, shorelands, floodplains, wild and scenic rivers, wetlands, feedlots, and subsurface sewage treatment systems, and for each rule specify:

(i) the statutory authority;

(ii) intended outcomes;

(iii) the cost to state and local government and the private sector; and

(iv) the relationship of the rule to other local, state, and federal rules;

(2) assess the pros and cons of alternative approaches to implementing water-related programs, policies, and permits, including local, state, and regional-based approaches;

(3) identify inconsistencies and redundancy between local, state, and federal rules;

(4) identify means to coordinate rulemaking and implementation so as to achieve intended outcomes more effectively and efficiently;

(5) identify a rule assessment and evaluation process for determining whether each identified rule should be continued or repealed;

(6) rely on scientific, peer-reviewed data, including the studies of the National Academy of Sciences;

(7) evaluate current responsibilities of the Pollution Control Agency, Department of Natural Resources, Board of Water and Soil Resources, Environmental Quality Board, Department of Agriculture, and Department of Health for developing and implementing water-related programs, policies, and permits and make recommendations for reallocating responsibilities among the agencies; and

(8) assess the current role of the clean water fund in supporting water-related programs and policies and make recommendations for allocating resources among the agencies that collaborate and partner in spending the clean water fund consistent with the other recommendations of the study.

(c) The commissioner of administration must submit the study results and make recommendations to agencies listed under paragraph (a) and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2012.

Sec. 51. REVISOR'S INSTRUCTION.

The revisor of statutes shall recodify section 65B.84 as section 299A.625.

EFFECTIVE DATE. This section is effective June 30, 2013.

Sec. 52. REPEALER.

Minnesota Statutes 2010, sections 84.027, subdivision 11; 89.06; 89.37, subdivisions 2, 3, and 3a; 116G.15, subdivisions 2, 3, 4, 5, 6, and 7; 116P.14; and 216H.03, are repealed."

Delete the title and insert:

"A bill for an act relating to state government; appropriating money for environment, natural resources, commerce, and energy; creating accounts; modifying disposition of certain receipts; creating an advisory committee; modifying automobile theft prevention program; requiring nonresident off-road vehicle state trail pass; modifying state tree nursery provisions; modifying fees; modifying feedlot provisions; modifying environmental review requirements; modifying critical areas; modifying greenhouse gas emissions control requirements; modifying reporting requirements; modifying requirements for department use of silencers; designating a bridge; modifying definitions; modifying Petroleum Tank Release Cleanup Act; requiring rulemaking; amending Minnesota Statutes 2010, sections 41A.105, by adding a subdivision; 65B.84; 84D.15, subdivision 2; 85.052, subdivision 4; 89.039, subdivision 1; 89.21; 89.35, subdivision 2; 89.36, subdivision 1; 89.37, subdivisions 1, 3b; 93.481, subdivision 7; 97A.055, by adding a subdivision; 97A.071, subdivision 2; 97A.075; 103G.271, subdivision 6; 103G.301, by adding a subdivision; 103G.615, subdivision 2; 115.073; 115A.1314; 115A.1320, subdivision 1; 115C.09, subdivision 3c; 115C.13; 116.06, by adding a subdivision; 116.07, subdivision 7c; 116D.04, subdivision 2a,

as amended; 116G.15, subdivision 1; 116P.05, subdivision 2; 168A.40; 216H.02, subdivision 4; 290.431; 290.432; 299C.40, subdivision 1; 357.021, subdivision 7; 609.66, subdivision 1h; Laws 2005, chapter 156, article 2, section 45, as amended; Laws 2011, chapter 14, section 16; proposing coding for new law in Minnesota Statutes, chapters 16E; 84; 89; 97A; 103G; repealing Minnesota Statutes 2010, sections 84.027, subdivision 11; 89.06; 89.37, subdivisions 2, 3, 3a; 116G.15, subdivisions 2, 3, 4, 5, 6, 7; 116P.14; 216H.03."

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

House Conferees: Denny McNamara, Tom Hackbarth, Paul Torkelson, Joe Hoppe

Senate Conferees: Bill G. Ingebrigtsen, Julie A. Rosen, John C. Pederson, Chris Gerlach, Gary H. Dahms

Senator Ingebrigtsen moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1010 be now adopted, and that the bill be repassed as amended by the Conference Committee.

CALL OF THE SENATE

Senator Limmer imposed a call of the Senate for the balance of the proceedings on H.F. No. 1010. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Ingebrigtsen motion. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1010 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 35 and nays 28, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Ingebrigtsen	Miller	Pederson
Carlson	Gerlach	Koch	Nelson	Robling
Chamberlain	Gimse	Kruse	Newman	Rosen
Dahms	Hall	Lillie	Nienow	Senjem
Daley	Hann	Limmer	Olson	Thompson
DeKruif	Hoffman	Magnus	Ortman	Vanderveer
Fischbach	Howe	Michel	Parry	Wolf

Those who voted in the negative were:

Bakk	Harrington	Marty	Rest	Stumpf
Berglin	Higgins	McGuire	Saxhaug	Tomassoni
Bonoff	Kelash	Metzen	Sheran	Torres Ray
Cohen	Kubly	Pappas	Sieben	Wiger
Dibble	Langseth	Pogemiller	Skoe	
Goodwin	Lourey	Reinert	Sparks	

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

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1140, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1140 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 18, 2011

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1140

A bill for an act relating to government finance; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers and tort claims; authorizing an account and certain contingent appropriations; providing for use of revenues from metropolitan transportation area sales tax; reducing funding for 2010 state road construction; authorizing temporary transfers from metropolitan livable communities fund accounts, right-of-way loan acquisition fund for transit operating deficits, and Metropolitan Council operating budget; establishing direct appropriation from transit assistance fund; establishing an account; modifying various provisions related to transportation finance and policy; modifying provisions related to licensing drivers; mandating and amending legislative reports; making technical and clarifying changes; amending Minnesota Statutes 2010, sections 16A.11, subdivision 3a; 16A.86, subdivision 3a; 16A.88; 162.06, subdivision 1; 162.12, subdivision 1; 168.12, subdivision 5; 171.06, subdivision 2; 171.0701; 171.13, subdivision 1, by adding a subdivision; 174.93; 297A.992, subdivision 5, by adding a subdivision; Laws 2009, chapter 36, article 1, section 3, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 171.

May 16, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 1140 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1140 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1**TRANSPORTATION APPROPRIATIONS**

Section 1. SUMMARY OF APPROPRIATIONS.

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

	<u>2012</u>	<u>2013</u>	<u>Total</u>
<u>General</u>	\$ <u>31,079,000</u> \$	<u>31,079,000</u> \$	<u>62,158,000</u>
<u>Airports</u>	<u>19,609,000</u>	<u>21,384,000</u>	<u>40,993,000</u>
<u>C.S.A.H.</u>	<u>545,109,000</u>	<u>572,773,000</u>	<u>1,117,882,000</u>
<u>M.S.A.S.</u>	<u>145,455,000</u>	<u>153,484,000</u>	<u>298,939,000</u>
<u>Special Revenue</u>	<u>49,088,000</u>	<u>49,088,000</u>	<u>98,176,000</u>
<u>H.U.T.D.</u>	<u>10,406,000</u>	<u>10,406,000</u>	<u>20,812,000</u>
<u>Trunk Highway</u>	<u>1,561,090,000</u>	<u>1,335,276,000</u>	<u>2,896,366,000</u>
<u>Total</u>	\$ <u>2,361,836,000</u> \$	<u>2,173,490,000</u> \$	<u>4,535,326,000</u>

Sec. 2. TRANSPORTATION APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the trunk highway fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal year ending June 30, 2011, are effective the day following final enactment.

APPROPRIATIONS
Available for the Year
Ending June 30
2012 2013

Sec. 3. DEPARTMENT OF TRANSPORTATION

Subdivision 1. Total Appropriation \$ 2,197,672,000 \$ 2,009,326,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>12,877,000</u>	<u>12,877,000</u>
<u>Airports</u>	<u>19,609,000</u>	<u>21,384,000</u>
<u>C.S.A.H.</u>	<u>545,109,000</u>	<u>572,773,000</u>
<u>M.S.A.S.</u>	<u>145,455,000</u>	<u>153,484,000</u>

<u>Trunk Highway</u>	<u>1,474,622,000</u>	<u>1,248,808,000</u>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Multimodal Systems

(a) Aeronautics

<u>(1) Airport Development and Assistance</u>	<u>14,298,000</u>	<u>16,073,000</u>
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This appropriation is from the state airports fund and must be spent according to Minnesota Statutes, section 360.305, subdivision 4.

The base appropriation for fiscal years 2014 and 2015 is \$14,298,000 for each year.

Notwithstanding Minnesota Statutes, section 16A.28, subdivision 6, this appropriation is available for five years after appropriation. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

If the commissioner of transportation determines that a balance remains in the state airports fund following the appropriations made in this article, and that the appropriations made are insufficient for advancing airport development and assistance projects, an amount necessary to advance the projects, not to exceed the balance in the state airports fund, is appropriated in each year to the commissioner and must be spent according to Minnesota Statutes, section 360.305, subdivision 4. Within two weeks of a determination under this contingent appropriation, the commissioner of transportation shall notify the commissioner of management and budget and the chairs and ranking minority members of the legislative committees with jurisdiction over transportation finance concerning funds appropriated. Funds appropriated under this contingent appropriation do not adjust the base appropriation for fiscal years 2014 and

2015.

<u>(2) Aviation Support and Services</u>	<u>6,123,000</u>	<u>6,123,000</u>
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Appropriations by Fund

<u>Airports</u>	<u>5,286,000</u>	<u>5,286,000</u>
<u>Trunk Highway</u>	<u>837,000</u>	<u>837,000</u>

\$65,000 in each year is from the state airports fund for the Civil Air Patrol.

<u>(b) Transit</u>	<u>13,338,000</u>	<u>13,338,000</u>
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Appropriations by Fund

<u>General</u>	<u>12,563,000</u>	<u>12,563,000</u>
<u>Trunk Highway</u>	<u>775,000</u>	<u>775,000</u>

The base appropriation from the general fund is \$12,563,000 for fiscal year 2014 and \$12,482,000 for fiscal year 2015.

The amount used in each year as operating assistance for public transit systems for elderly and disabled service must not be less than the amount used in 2011 for that purpose.

\$100,000 in each year is from the general fund for the administrative expenses of the Minnesota Council on Transportation Access under Minnesota Statutes, section 174.285.

<u>(c) Freight</u>	<u>5,154,000</u>	<u>5,154,000</u>
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Appropriations by Fund

<u>General</u>	<u>257,000</u>	<u>257,000</u>
<u>Trunk Highway</u>	<u>4,897,000</u>	<u>4,897,000</u>

Subd. 3. State Roads

<u>(a) Operations and Maintenance</u>	<u>257,395,000</u>	<u>257,395,000</u>
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<u>(b) Program Planning and Delivery</u>	<u>206,918,000</u>	<u>206,733,000</u>
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Of these appropriations, \$130,000 in each year is for administrative costs of the targeted group business program, if a law is

enacted and effective in 2012 and 2013 that establishes a targeted group business program for state highway construction contracts.

\$266,000 in each year is available for grants to metropolitan planning organizations outside the seven-county metropolitan area.

\$75,000 in each year is available for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$600,000 in each year is available for grants for transportation studies outside the metropolitan area to identify critical concerns, problems, and issues. These grants are available: (1) to regional development commissions; (2) in regions where no regional development commission is functioning, to joint powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission; and (3) in regions where no regional development commission or joint powers board is functioning, to the department's district office for that region.

(c) State Road Construction

801,000,000

555,000,000

It is estimated that these appropriations will be funded as follows:

<u>Appropriations by Fund</u>		
<u>Federal Highway Aid</u>	<u>490,800,000</u>	<u>264,800,000</u>
<u>Highway User Taxes</u>	<u>310,200,000</u>	<u>290,200,000</u>

The commissioner of transportation shall notify the chairs and ranking minority members of the legislative committees with jurisdiction over transportation finance of any significant events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways, including design-build contracts and consultant usage to support these activities. This includes the cost of actual payment to landowners for lands acquired for highway rights-of-way, payment to lessees, interest subsidies, and relocation expenses.

The base appropriation for fiscal years 2014 and 2015 is \$635,000,000 for each year.

The commissioner may transfer up to \$20,000,000 in the first year from the trunk highway fund to the trunk highway economic development account established under Minnesota Statutes, section 161.04, subdivision 6.

The commissioner may expend up to one-half of one percent of the federal appropriations under this paragraph as grants to opportunity industrialization centers and other nonprofit job training centers for job training programs related to highway construction.

The commissioner may transfer up to \$15,000,000 each year to the transportation revolving loan fund.

The commissioner may receive money covering other shares of the cost of partnership projects. These receipts are appropriated to the commissioner for these projects.

(d) Highway Debt Service

137,876,000

158,247,000

\$123,876,000 the first year and \$144,247,000 the second year are for transfer to the state bond fund. If an appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of management and budget shall notify the Committee on Finance of the senate and the Committee on Ways and Means of the house of representatives of the amount of the deficiency and shall then transfer that amount

under the statutory open appropriation. Any excess appropriation cancels to the trunk highway fund.

(e) Electronic Communications 5,171,000 5,171,000

Appropriations by Fund

<u>General</u>	<u>3,000</u>	<u>3,000</u>
<u>Trunk Highway</u>	<u>5,168,000</u>	<u>5,168,000</u>

The general fund appropriation is to equip and operate the Roosevelt signal tower for Lake of the Woods weather broadcasting.

Subd. 4. Local Roads

(a) County State Aids 545,109,000 572,773,000

This appropriation is from the county state-aid highway fund under Minnesota Statutes, sections 161.082 to 161.085; and Minnesota Statutes, chapter 162. This appropriation is available until spent.

If the commissioner of transportation determines that a balance remains in the county state-aid highway fund following the appropriations and transfers made in this subdivision, and that the appropriations made are insufficient for advancing county state-aid highway projects, an amount necessary to advance the projects, not to exceed the balance in the county state-aid highway fund, is appropriated in each year to the commissioner. Within two weeks of a determination under this contingent appropriation, the commissioner of transportation shall notify the commissioner of management and budget and the chairs and ranking minority members of the legislative committees with jurisdiction over transportation finance concerning funds appropriated.

(b) Municipal State Aids 145,455,000 153,484,000

This appropriation is from the municipal state-aid street fund for municipal state-aid

streets under Minnesota Statutes, chapter 162.
This appropriation is available until spent.

If the commissioner of transportation determines that a balance remains in the municipal state-aid street fund following the appropriations made in this subdivision, and that the appropriations made are insufficient for advancing municipal state-aid street projects, an amount necessary to advance the projects, not to exceed the balance in the municipal state-aid street fund, is appropriated in each year to the commissioner. Within two weeks of a determination under this contingent appropriation, the commissioner of transportation shall notify the commissioner of management and budget and the chairs and ranking minority members of the legislative committees with jurisdiction over transportation finance concerning funds appropriated.

Subd. 5. Agency Management

(a) Agency Services	<u>41,997,000</u>	<u>41,997,000</u>
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Appropriations by Fund

<u>Airports</u>	<u>25,000</u>	<u>25,000</u>
<u>Trunk Highway</u>	<u>41,972,000</u>	<u>41,972,000</u>

(b) Buildings	<u>17,838,000</u>	<u>17,838,000</u>
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Appropriations by Fund

<u>General</u>	<u>54,000</u>	<u>54,000</u>
<u>Trunk Highway</u>	<u>17,784,000</u>	<u>17,784,000</u>

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 6. Transfers

(a) With the approval of the commissioner of management and budget, the commissioner of transportation may transfer unencumbered

balances among the appropriations from the trunk highway fund and the state airports fund made in this section. No transfer may be made from the appropriations for state road construction or for debt service. Transfers under this paragraph may not be made between funds. Transfers under this paragraph must be reported immediately to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation finance.

(b) The commissioner shall transfer from the flexible highway account in the county state-aid highway fund: (1) \$1,000,000 in the first year to the municipal turnback account in the municipal state-aid street fund; (2) \$1,900,000 in the first year to the trunk highway fund; and (3) the remainder in each year to the county turnback account in the county state-aid highway fund. The funds transferred are for highway turnback purposes as provided under Minnesota Statutes, section 161.081, subdivision 3.

Subd. 7. Use of State Road Construction Appropriations

Any money appropriated to the commissioner of transportation for state road construction for any fiscal year before the first year is available to the commissioner during the biennium to the extent that the commissioner spends the money on the state road construction project for which the money was originally encumbered during the fiscal year for which it was appropriated. The commissioner of transportation shall report to the commissioner of management and budget by August 1, 2011, and August 1, 2012, on a form the commissioner of management and budget provides, on expenditures made during the previous fiscal year that are authorized by this subdivision.

Subd. 8. Contingent Appropriation

The commissioner of transportation, with

the approval of the governor and the written approval of at least five members of a group consisting of the members of the Legislative Advisory Commission under Minnesota Statutes, section 3.30, and the ranking minority members of the legislative committees with jurisdiction over transportation finance, may transfer all or part of the unappropriated balance in the trunk highway fund to an appropriation: (1) for trunk highway design, construction, or inspection in order to take advantage of an unanticipated receipt of income to the trunk highway fund or to take advantage of federal advanced construction funding; (2) for trunk highway maintenance in order to meet an emergency; or (3) to pay tort or environmental claims. Nothing in this subdivision authorizes the commissioner to increase the use of federal advanced construction funding beyond amounts specifically authorized. Any transfer as a result of the use of federal advanced construction funding must include an analysis of the effects on the long-term trunk highway fund balance. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Subd. 9. Use of Trunk Highway Fund

No transfer or expenditure of trunk highway funds may be made for the purpose of paying personnel costs incurred on behalf of the Governor's Office.

Sec. 4. <u>METROPOLITAN COUNCIL</u>	<u>\$</u>	<u>10,248,000</u>	<u>\$</u>	<u>10,248,000</u>
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This appropriation is from the general fund for transit system operations under Minnesota Statutes, sections 473.371 to 473.449.

Of this appropriation, \$140,000 in each fiscal year is for transit service for disabled veterans under Minnesota Statutes, section 473.408, subdivision 10.

The base appropriation is \$39,248,000 for fiscal year 2014 and \$39,329,000 for fiscal

year 2015.

The Metropolitan Council shall deploy the following strategies as necessary to avoid transit service reductions and route elimination, in the order stated:

(1) use the maximum feasible amount of the council's reserve funds for bus transit operations in fiscal years 2012 and 2013;

(2) exercise the authority granted to the council in article 2, sections 3 to 5;

(3) increase fares; and

(4) if the strategies under clauses (1) to (3) have been deployed, perform service reductions or route eliminations except as otherwise prohibited under this section.

The Metropolitan Council may not reduce the level of service provided in the biennium for special transportation service under Minnesota Statutes, section 473.386, from the level of service provided by the council on January 1, 2011. The Metropolitan Council may not restrict eligibility in the biennium for special transportation service under Minnesota Statutes, section 473.386, beyond the eligibility requirements in place on January 1, 2011. Level of service includes, but is not limited to, geographic coverage area, hours of service, hours of operation for reservation services, and any other aspects of the program having a substantial impact on usability of the service.

Notwithstanding Minnesota Statutes, section 473.388, subdivision 4, in each year of the biennium, the Metropolitan Council shall provide financial assistance to each transit provider under Minnesota Statutes, section 473.388, in an amount equal to the amount of assistance provided to that transit provider by the Metropolitan Council in fiscal year 2011.

Sec. 5. DEPARTMENT OF PUBLIC SAFETY

<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>153,316,000</u>	<u>\$</u>	<u>153,316,000</u>
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	<u>Appropriations by Fund</u>	
	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>7,954,000</u>	<u>7,954,000</u>
<u>Special Revenue</u>	<u>49,088,000</u>	<u>49,088,000</u>
<u>H.U.T.D.</u>	<u>10,406,000</u>	<u>10,406,000</u>
<u>Trunk Highway</u>	<u>85,868,000</u>	<u>85,868,000</u>

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

Subd. 2. Administration and Related Services

(a) Office of Communications 434,000 434,000

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>41,000</u>	<u>41,000</u>
<u>Trunk Highway</u>	<u>393,000</u>	<u>393,000</u>

(b) Public Safety Support 8,168,000 8,168,000

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>3,296,000</u>	<u>3,296,000</u>
<u>H.U.T.D.</u>	<u>1,366,000</u>	<u>1,366,000</u>
<u>Trunk Highway</u>	<u>3,506,000</u>	<u>3,506,000</u>

\$380,000 in each year is from the general fund for payment of public safety officer survivor benefits under Minnesota Statutes, section 299A.44. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$1,367,000 in each year is from the general fund to be deposited in the public safety officer's benefit account. This money is available for reimbursements under Minnesota Statutes, section 299A.465.

\$508,000 in each year is from the general fund for soft body armor reimbursements under Minnesota Statutes, section 299A.38.

\$792,000 in each year is from the general

fund for transfer by the commissioner of management and budget to the trunk highway fund on December 31, 2011, and December 31, 2012, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related services program.

\$610,000 in each year is from the highway user tax distribution fund for transfer by the commissioner of management and budget to the trunk highway fund on December 31, 2011, and December 31, 2012, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for highway user tax distribution fund purposes in the administration and related services program.

\$716,000 in each year is from the highway user tax distribution fund for transfer by the commissioner of management and budget to the general fund on December 31, 2011, and December 31, 2012, respectively, in order to reimburse the general fund for expenses not related to the fund. These represent amounts appropriated out of the general fund for operation of the criminal justice data network related to driver and motor vehicle licensing.

(c) Technology and Support Service	<u>3,835,000</u>	<u>3,835,000</u>
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Appropriations by Fund

General	<u>1,472,000</u>	<u>1,472,000</u>
H.U.T.D.	<u>19,000</u>	<u>19,000</u>
Trunk Highway	<u>2,344,000</u>	<u>2,344,000</u>

Subd. 3. State Patrol

(a) Patrolling Highways	<u>71,522,000</u>	<u>71,522,000</u>
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Appropriations by Fund

60TH DAY]

THURSDAY, MAY 19, 2011

2885

<u>General</u>	<u>37,000</u>	<u>37,000</u>
<u>H.U.T.D.</u>	<u>92,000</u>	<u>92,000</u>
<u>Trunk Highway</u>	<u>71,393,000</u>	<u>71,393,000</u>

<u>(b) Commercial Vehicle Enforcement</u>	<u>7,796,000</u>	<u>7,796,000</u>
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\$600,000 in each year is for the Office of Pupil Transportation Safety under Minnesota Statutes, section 169.435.

<u>(c) Capitol Security</u>	<u>3,108,000</u>	<u>3,108,000</u>
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This appropriation is from the general fund.

The commissioner may not: (1) spend any money from the trunk highway fund for capitol security; or (2) permanently transfer any state trooper from the patrolling highways activity to capitol security.

The commissioner may not transfer any money appropriated to the commissioner under this section: (1) to capitol security; or (2) from capitol security.

<u>(d) Vehicle Crimes Unit</u>	<u>693,000</u>	<u>693,000</u>
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This appropriation is from the highway user tax distribution fund.

This appropriation is to investigate: (1) registration tax and motor vehicle sales tax liabilities from individuals and businesses that currently do not pay all taxes owed; and (2) illegal or improper activity related to sale, transfer, titling, and registration of motor vehicles.

Subd. 4. Driver and Vehicle Services

<u>(a) Vehicle Services</u>	<u>27,259,000</u>	<u>27,259,000</u>
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Appropriations by Fund

<u>Special Revenue</u>	<u>19,023,000</u>	<u>19,023,000</u>
<u>H.U.T.D.</u>	<u>8,236,000</u>	<u>8,236,000</u>

The special revenue fund appropriation is

from the vehicle services operating account.

(b) Driver Services 28,712,000 28,712,000

Appropriations by Fund

Special Revenue 28,711,000 28,711,000

Trunk Highway 1,000 1,000

The special revenue fund appropriation is from the driver services operating account.

Subd. 5. Traffic Safety 435,000 435,000

The commissioner of public safety shall spend 50 percent of the money available to the state under United States Code, title 23, section 164, and the remaining 50 percent must be transferred to the commissioner of transportation for hazard elimination activities under United States Code, title 23, section 152.

Subd. 6. Pipeline Safety 1,354,000 1,354,000

This appropriation is from the pipeline safety account in the special revenue fund.

Subd. 7. Use of Trunk Highway Fund

No transfer or expenditure of trunk highway funds may be made for the purpose of paying personnel costs incurred on behalf of the Governor's Office.

Sec. 6. TORT CLAIMS \$ 600,000 \$ 600,000

This appropriation is to the commissioner of management and budget.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 7. Laws 2009, chapter 36, article 1, section 3, subdivision 3, as amended by Laws 2010, chapter 351, section 66, is amended to read:

Subd. 3. State Roads

(a) Infrastructure Operations and Maintenance 251,643,000 245,892,000

The base appropriation for fiscal years 2012 and 2013 is \$257,395,000 for each year.

(b) Infrastructure Investment and Planning

(1) Infrastructure Investment Support

201,461,000

196,935,000

The base appropriation for fiscal years 2012 and 2013 is \$205,988,000 for each year.

\$266,000 the first year and \$266,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area.

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$600,000 the first year and \$600,000 the second year are available for grants for transportation studies outside the metropolitan area to identify critical concerns, problems, and issues. These grants are available (1) to regional development commissions; (2) in regions where no regional development commission is functioning, to joint powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission; and (3) in regions where no regional development commission or joint powers board is functioning, to the department's district office for that region.

\$200,000 the second year is for grants to nonprofit job training centers for: (1) job training programs related to highway construction; and (2) business training for companies that are certified disadvantaged business enterprises.

(2) State Road Construction

551,300,000

598,700,000555,700,000

The base appropriation for fiscal years 2012 and 2013 is \$635,000,000 for each year.

It is estimated that these appropriations will be funded as follows:

Appropriations by Fund

		<u>388,500,000</u>
Federal Highway Aid	301,100,000	<u>345,500,000</u>
Highway User Taxes	250,200,000	210,200,000

The commissioner of transportation shall notify the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation finance of any significant events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways, including design-build contracts and consultant usage to support these activities. This includes the cost of actual payment to landowners for lands acquired for highway rights-of-way, payment to lessees, interest subsidies, and relocation expenses.

The commissioner may spend up to \$250,000 of trunk highway funds in fiscal year 2011 to pay the operating costs of bus service between Hastings and Minneapolis-St. Paul to mitigate the traffic impacts of the project involving construction of a bridge crossing the Mississippi River in the city of Hastings on marked Trunk Highway 61.

The commissioner shall expend up to one-half of one percent of the federal appropriations under this paragraph as grants to opportunity industrialization centers and other nonprofit job training centers for job training programs related to highway construction.

The commissioner may transfer up to \$15,000,000 each year to the transportation revolving loan fund.

The commissioner may receive money covering other shares of the cost of partnership projects. These receipts are appropriated to the commissioner for these projects.

(3) Highway Debt Service	101,170,000	173,400,000
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\$86,517,000 the first year and \$157,304,000 the second year are for transfer to the state bond fund. If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the Committee on Finance of the senate and the Committee on Ways and Means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation. Any excess appropriation cancels to the trunk highway fund.

(c) Electronic Communications	5,177,000	5,177,000
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Appropriations by Fund

General	9,000	9,000
Trunk Highway	5,168,000	5,168,000

The general fund appropriation is to equip and operate the Roosevelt signal tower for Lake of the Woods weather broadcasting.

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

ARTICLE 2

METROPOLITAN TRANSIT FINANCE

Section 1. Minnesota Statutes 2010, section 297A.992, subdivision 5, is amended to read:

Subd. 5. Grant application and awards; Grant Evaluation and Ranking System (GEARS) Committee. (a) The joint powers board shall establish a grant application process and identify the amount of available funding for grant awards. Grant applications must be submitted in a form prescribed by the joint powers board. An applicant must provide, in addition to all other information required by the joint powers board, the estimated cost of the project, the amount of the grant sought, possible sources of funding in addition to the grant sought, and identification of any federal funds

that will be utilized if the grant is awarded. A grant application seeking transit capital funding must identify the source of money necessary to operate the transit improvement.

(b) The joint powers board shall establish a timeline and procedures for the award of grants, and may award grants only to the state and political subdivisions. The board shall define objective criteria for the award of grants, which must include, but not be limited to, consistency with the most recent version of the transportation policy plan adopted by the Metropolitan Council under section 473.146. The joint powers board shall maximize the availability and use of federal funds in projects funded under this section.

(c) The joint powers board shall establish a GEARS Committee, which must consist of:

(1) one county commissioner from each county that is in the metropolitan transportation area, appointed by its county board;

(2) one elected city representative from each county that is in the metropolitan transportation area;

(3) one additional elected city representative from each county for every additional 400,000 in population, or fraction of 400,000, in the county that is above 400,000 in population; and

(4) the chair of the Metropolitan Council Transportation Committee.

(d) Each city representative must be elected at a meeting of cities in the metropolitan transportation area, which must be convened for that purpose by the Association of Metropolitan Municipalities.

(e) The committee shall evaluate grant applications following objective criteria established by the joint powers board, and must provide to the joint powers board a selection list of transportation projects that includes a priority ranking.

(f) A grant award for a transit project located within the metropolitan area, as defined in section 473.121, subdivision 2, may be funded only after the Metropolitan Council reviews the project for consistency with the transit portion of the Metropolitan Council policy plan and one of the following occurs:

(1) the Metropolitan Council finds the project to be consistent;

(2) the Metropolitan Council initially finds the project to be inconsistent, but after a good faith effort to resolve the inconsistency through negotiations with the joint powers board, agrees that the grant award may be funded; or

(3) the Metropolitan Council finds the project to be inconsistent, and submits the consistency issue for final determination to a panel, which determines the project to be consistent. The panel is composed of a member appointed by the chair of the Metropolitan Council, a member appointed by the joint powers board, and a member agreed upon by both the chair and the joint powers board.

(g) Grants must be funded by the proceeds of the taxes imposed under this section, bonds, notes, or other obligations issued by the joint powers board under subdivision 7.

~~(h) Notwithstanding the provisions of this subdivision, in fiscal year 2009, of the initial revenue collected under this section, the joint powers board shall allocate at least \$30,783,000 to the~~

Metropolitan Council for operating assistance for transit. Notwithstanding the provisions of this section except subdivision 6a, of the revenue collected under this section, the joint powers board may allocate to the Metropolitan Council, in fiscal years 2012 and 2013, any amount that is not provided as grant awards for transit ways or park-and-ride facilities.

(i) The Metropolitan Council shall expend any funds allocated under paragraph (h):

(1) for bus operations under sections 473.371 to 473.449, and excluding (i) bus rapid transit operations, and (ii) light rail transit and commuter rail operations under sections 174.90, 473.3993 to 473.3999, and 473.4051 to 473.4057; and

(2) solely within those counties that are in the metropolitan transportation area.

(j) Nothing in paragraph (h) or (i) prevents grant awards to the Metropolitan Council for capital and operating assistance for transit ways and park-and-ride facilities.

Sec. 2. Minnesota Statutes 2010, section 297A.992, is amended by adding a subdivision to read:

Subd. 6a. **Priority of fund uses.** The joint powers board shall allocate all revenues from the taxes imposed under this section in conformance with the following priority order:

(1) payment of debt service necessary for the fiscal year on bonds or other obligations issued prior to January 1, 2011, under subdivision 7; and

(2) as otherwise authorized under this section.

Sec. 3. **METROPOLITAN LIVABLE COMMUNITIES FUND; TRANSFERS.**

(a) Notwithstanding Minnesota Statutes, sections 473.25 to 473.255, or any other law, the Metropolitan Council may transfer to its transit operating budget in 2011, 2012, and 2013 up to 100 percent of the sum of balances in, revenues in, and amounts otherwise credited, transferred, or distributed to, each of the following accounts in 2011, 2012, and 2013:

(1) the tax base revitalization account pursuant to Minnesota Statutes, section 473.252;

(2) the livable communities demonstration account pursuant to Minnesota Statutes, section 473.253; and

(3) the local housing incentives account pursuant to Minnesota Statutes, section 473.254.

(b) The council may not transfer funds under this section that are committed to grant or loan awards made by the council.

(c) The council shall use any amounts transferred under this section to cover operating deficits for transit services provided or assisted by the council under Minnesota Statutes, sections 473.371 to 473.449. If the council transfers funds pursuant to this section, the council shall amend the annual distribution plan described in Minnesota Statutes, section 473.25, paragraph (d), and include information about the transfer in the annual report required under Minnesota Statutes, section 473.25, paragraph (e).

Sec. 4. **RIGHT-OF-WAY ACQUISITION LOAN FUND; TRANSFERS.**

(a) Notwithstanding Minnesota Statutes, section 473.167, or any other law, the Metropolitan

Council may transfer to its transit operating budget in 2011, 2012, and 2013 up to 100 percent of the amounts levied and collected in 2011, 2012, and 2013 under Minnesota Statutes, section 473.167, subdivision 3. The council shall use the amounts transferred to cover operating deficits for transit services provided or assisted by the council under Minnesota Statutes, sections 473.371 to 473.449.

(b) If the council transfers funds pursuant to this section, the council shall within two weeks notify the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance concerning the transfers.

Sec. 5. METROPOLITAN COUNCIL OPERATING BUDGET; TRANSFERS.

(a) Notwithstanding Minnesota Statutes, chapter 473, or any other law, the Metropolitan Council may transfer to its transit operating budget in 2011, 2012, and 2013 up to 100 percent of the amounts levied and collected in 2011, 2012, and 2013, respectively, under Minnesota Statutes, section 473.249, that are otherwise budgeted in that year in the council's operating budget under Minnesota Statutes, section 473.13, for the following departments or functions:

- (1) government affairs;
- (2) public affairs;
- (3) regional systems planning and growth strategy; and
- (4) local planning assistance.

(b) The council may not transfer funds under this section that are identified for or committed to grant or loan awards made by the council.

(c) The council shall use the amounts transferred to cover operating deficits for transit services provided or assisted by the council under Minnesota Statutes, sections 473.371 to 473.449. If the council transfers funds pursuant to this section, the council shall within two weeks notify the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance concerning the transfers.

ARTICLE 3

TRANSPORTATION DEVELOPMENT

Section 1. Minnesota Statutes 2010, section 16A.11, subdivision 3a, is amended to read:

Subd. 3a. **Part three: detailed capital budget.** The detailed capital budget must include recommendations for capital projects to be funded during the next six fiscal years and, if applicable, must meet the requirements under section 174.93, subdivision 1a. It must be submitted with projects recommended by the governor and in order of importance among that agency's requests as determined by the agency originating the request.

Sec. 2. Minnesota Statutes 2010, section 16A.86, subdivision 3a, is amended to read:

Subd. 3a. **Information provided.** All requests for state assistance under this section must include the following information:

- (1) the name of the political subdivision that will own the capital project for which state assistance is being requested;

- (2) the public purpose of the project;
- (3) the extent to which the political subdivision has or expects to provide local, private, user financing, or other nonstate funding for the project;
- (4) a list of the bondable activities that the project encompasses; examples of bondable activities are public improvements of a capital nature for land acquisition, predesign, design, construction, and furnishing and equipping for occupancy;
- (5) whether the project will require new or additional state operating subsidies;
- (6) whether the governing body of the political subdivision requesting the project has passed a resolution in support of the project and has established priorities for all projects within its jurisdiction for which bonding appropriations are requested when submitting multiple requests; ~~and~~
- (7) if the project requires a predesign under section 16B.335, whether the predesign has been completed at the time the capital project request is submitted, and whether the political subdivision has submitted the project predesign to the commissioner of administration for review and approval; and
- (8) if applicable, the information required under section 174.93, subdivision 1a.

Sec. 3. Minnesota Statutes 2010, section 161.04, is amended by adding a subdivision to read:

Subd. 6. **Trunk highway economic development account.** (a) The trunk highway economic development account is created in the trunk highway fund. Money in the account is annually appropriated to the commissioner and does not lapse. Interest earned from investment of money in this account must be deposited in the trunk highway economic development account.

(b) Money in the account must be used to fund construction, reconstruction, and improvement of trunk highways that will promote economic development, increase employment, and relieve growing traffic congestion.

(c) The commissioner shall design a project application and selection process to distribute money in the account. The process must include specified eligibility and prioritizing criteria.

(d) Money in the account must be allocated 50 percent to the department's metropolitan district, and 50 percent to districts in greater Minnesota except as provided in this paragraph. If there are not sufficient project applications that meet eligibility and prioritizing criteria in either the metropolitan district or greater Minnesota districts to permit an equal division of available money, the commissioner shall fund projects that meet the selection criteria without regard to location in the state.

Sec. 4. Minnesota Statutes 2010, section 162.06, subdivision 1, is amended to read:

Subdivision 1. **Estimate.** (a) By December 15 of each year the commissioner shall estimate the amount of money that will be available to the county state-aid highway fund during that fiscal year. The amount available must be based on actual receipts from July 1 through ~~November 30~~ October 31, the unallocated fund balance, and the projected receipts for the remainder of the fiscal year. The amount available, except for deductions as provided in this section, shall be apportioned by the commissioner to the counties as provided in section 162.07.

(b) For purposes of this section, "amount available" means the amount estimated in paragraph (a).

Sec. 5. Minnesota Statutes 2010, section 162.12, subdivision 1, is amended to read:

Subdivision 1. **Estimate of accruals.** By December 15 of each year the commissioner shall estimate the amount of money that will be available to the municipal state-aid street fund during that fiscal year. The amount available is based on actual receipts from July 1 through ~~November 30~~ October 31, the unallocated fund balance, and the projected receipts for the remainder of the fiscal year. The total available, except for deductions as provided herein, shall be apportioned by the commissioner to the cities having a population of 5,000 or more as hereinafter provided.

Sec. 6. Minnesota Statutes 2010, 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	
Vertical Motorcycle Plate	\$ 100.00	NA
Stickers		
Duplicate year	\$ 1.00	\$ 1.00
International Fuel Tax Agreement	\$ 2.50	

(c) For vehicles that require two of the categories above, the registrar shall only charge the higher of the two fees and not a combined total.

(d) As part of procedures for payment of the fee under paragraph (b), the commissioner shall allow a vehicle owner to add to the fee a \$2 donation for the purposes of public information and education on anatomical gifts under section 171.075.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 7. Minnesota Statutes 2010, section 168.1253, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The terms used in this section have the meanings given them in this subdivision.

(b) "Active service" has the meaning given in section 190.05, subdivision 5.

(c) "Eligible person" means a surviving spouse ~~or~~, child, parent or legal guardian, or sibling of a person who has died while serving honorably in active service. For purposes of this section, an eligibility relationship may be established by birth or adoption.

(d) "Motor vehicle" means a vehicle for personal use, not used for commercial purposes, and may include a passenger automobile, motorcycle, recreational vehicle, pickup truck, or van.

EFFECTIVE DATE. This section is effective August 1, 2011, for registrations applied for or renewed on or after that date.

Sec. 8. Minnesota Statutes 2010, section 169.86, subdivision 5, is amended to read:

Subd. 5. **Fees; 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;

(6) noncommercial transportation of a boat by the owner or user of the boat;

(7) motor vehicles carrying bales of agricultural products authorized under section 169.862; and

(8) special milk-hauling vehicles authorized under section 169.867.

(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;
- (5) double-deck buses;
- (6) commercial boat hauling and transporting waterfront structures including, but not limited to, portable boat docks and boat lifts;
- (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); and
- (8) vehicles operating on that portion of marked Trunk Highway 36 described in section 169.81, subdivision 3, paragraph (e).

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.823 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:

Weight (pounds) exceeding weight limitations on axles	Overweight Axle Group Cost Factors		
	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
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, mobile cranes; construction equipment, machinery, and supplies; implements of husbandry; and commercial boat hauling. 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) \$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.

(j) 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).

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

Sec. 9. Minnesota Statutes 2010, section 171.06, subdivision 2, is amended to read:

Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are as follows:

Classified Driver's License	D-\$22.25	C-\$26.25	B-\$33.25	A-\$41.25
Classified Under-21 D.L.	D-\$22.25	C-\$26.25	B-\$33.25	A-\$21.25
Enhanced Driver's License	D-\$37.25	C-\$41.25	B-\$48.25	A-\$56.25
Instruction Permit				\$10.25
Enhanced Instruction Permit				\$25.25
Provisional License				\$13.25
Enhanced Provisional License				\$28.25
Duplicate License or duplicate identification card				\$11.75
Enhanced Duplicate License or enhanced duplicate identification card				\$26.75
Minnesota identification card or Under-21 Minnesota identification card, other than duplicate, except as otherwise provided in section 171.07, subdivisions 3 and 3a				\$16.25
Enhanced Minnesota identification card				\$31.25

In addition to each fee required in this paragraph, the commissioner shall collect a surcharge of \$1.75 until June 30, 2012. Surcharges collected under this paragraph must be credited to the driver and vehicle services technology account in the special revenue fund under section 299A.705.

(b) Notwithstanding paragraph (a), an individual who holds a provisional license and has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving violations, and (3) convictions for moving violations that are not crash related, shall have a \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation" has the meaning given it in section 171.04, subdivision 1.

(c) In addition to the driver's license fee required under paragraph (a), the commissioner shall collect an additional \$4 processing fee from each new applicant or individual renewing a license with a school bus endorsement to cover the costs for processing an applicant's initial and biennial physical examination certificate. The department shall not charge these applicants any other fee to receive or renew the endorsement.

(d) An application for a Minnesota identification card, instruction permit, provisional license, or driver's license, including an application for renewal, must contain a provision that allows the applicant to add to the fee under paragraph (a) a \$2 donation for the purposes of public information and education on anatomical gifts under section 171.075.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 10. Minnesota Statutes 2010, section 171.0701, is amended to read:

171.0701 DRIVER EDUCATION CONTENT.

Subdivision 1. **Driver education requirements.** (a) The commissioner shall adopt rules requiring a minimum of 30 minutes of instruction, beginning January 1, 2007, relating to organ and tissue donations and the provisions of section 171.07, subdivision 5, for persons enrolled in driver education programs offered at public schools, private schools, and commercial driver training schools.

(b) The commissioner shall adopt rules for persons enrolled in driver education programs offered at public schools, private schools, and commercial driver training schools, requiring inclusion in the course of instruction, by January 1, 2009, a section on awareness and safe interaction with commercial motor vehicle traffic. The rules must require classroom instruction and behind-the-wheel training that includes, but is not limited to, truck stopping distances, proper distances for following trucks, identification of truck blind spots, and avoidance of driving in truck blind spots.

(c) By January 1, 2012, the commissioner shall adopt rules for persons enrolled in driver education programs offered at public schools, private schools, and commercial driver training schools, requiring inclusion in the course of instruction of a section on carbon monoxide poisoning. The instruction must include but is not limited to: (1) a description of the characteristics of carbon monoxide; (2) a review of the risks and potential speed of death from carbon monoxide poisoning; and (3) specific suggestions regarding vehicle idling practices.

Subd. 2. **Rulemaking.** The rules adopted by the commissioner under ~~paragraph (b)~~ this section are exempt from the rulemaking provisions of chapter 14. The rules are subject to section 14.386, except that notwithstanding paragraph (b) of section 14.386, the rules continue in effect until repealed or superseded by other law or rule.

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

Sec. 11. [171.075] ANATOMICAL GIFTS.

Subdivision 1. **Anatomical gift account.** An anatomical gift account is established in the special revenue fund. The account consists of funds donated under sections 168.12, subdivision 5, and 171.06, subdivision 2, and any other money donated, allotted, transferred, or otherwise provided to the account. Money in the account is annually appropriated to the commissioner for: (1) grants under subdivision 2; and (2) administrative expenses in implementing the donation and grant program.

Subd. 2. **Anatomical gift education grants.** (a) The commissioner shall make grants to: (1) a Minnesota organ procurement organization that is certified by the federal Centers for Medicare and Medicaid Services; or (2) an entity that is a charitable entity under section 501(c)(3) of the Internal Revenue Code, as defined in section 289A.02, subdivision 7, and is dedicated to advocacy for organ, tissue, and eye donation.

(b) From a grant under this section, the recipient shall provide resources and implement programs designed to increase the number of Minnesotans who register to be organ, tissue, and eye donors.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 12. Minnesota Statutes 2010, section 171.13, subdivision 1, is amended to read:

Subdivision 1. Examination subjects and locations; provisions for color blindness, disabled veterans. (a) Except as otherwise provided in this section, the commissioner shall examine each applicant for a driver's license by such agency as the commissioner directs. This examination must include:

(1) a test of the applicant's eyesight;

(2) a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic;

(3) a test of the applicant's knowledge of (i) traffic laws; ~~knowledge of~~ (ii) the effects of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally, and of the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs; ~~knowledge of~~ (iii) railroad grade crossing safety; ~~knowledge of~~ (iv) slow-moving vehicle safety; ~~knowledge of~~ (v) laws relating to pupil transportation safety, including the significance of school bus lights, signals, stop arm, and passing a school bus; ~~knowledge of~~ (vi) traffic laws related to bicycles; and (vii) the circumstances and dangers of carbon monoxide poisoning;

(4) an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; and

(5) other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, ~~provided, further however,~~

(b) Notwithstanding paragraph (a), no driver's license shall may be denied an applicant on the exclusive grounds that the applicant's eyesight is deficient in color perception. ~~Provided, however, that~~ War veterans operating motor vehicles especially equipped for disabled persons, ~~shall,~~ if otherwise entitled to a license, must be granted such license.

(c) The commissioner shall make provision for giving ~~these~~ the examinations under this

subdivision either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 13. Minnesota Statutes 2010, section 171.13, is amended by adding a subdivision to read:

Subd. 11. **Driver's manual; carbon monoxide.** The commissioner shall include in each edition of the driver's manual published by the department after August 1, 2011, a section that includes up-to-date lifesaving information on carbon monoxide poisoning.

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

Sec. 14. Minnesota Statutes 2010, section 174.93, is amended to read:

174.93 GUIDEWAY INVESTMENT.

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

(1) "commissioner" means the commissioner of transportation; ~~and~~

(2) "guideway" means a form of transportation service provided to the public on a regular and ongoing basis, that operates on exclusive or controlled rights-of-way or rails in whole or in part, and includes each line for intercity passenger rail, commuter rail, light rail transit, streetcars, and bus rapid transit; and

(3) "local unit of government" means a county, statutory or home rule charter city, town, or other political subdivision including, but not limited to, a regional railroad authority or joint powers board.

(b) For purposes of this section, "sources of funds" includes, but is not limited to, money from federal aid, state appropriations, the Metropolitan Council, special taxing districts, local units of government, fare box recovery, and nonpublic sources.

(c) For purposes of this section, "budget activity" includes, but is not limited to, environmental analysis, land acquisition, easements, design, preliminary and final engineering, acquisition of vehicles and rolling stock, track improvement and rehabilitation, and construction.

Subd. 1a. **Capital project requests to legislature.** A state agency or local unit of government that submits a request to the legislature to obtain state funds for a guideway project shall, as part of the request, provide a summary financial plan for the project that presents the following information as reflected by the data and level of detail available in the latest phase of project development:

(1) capital expenditures and funding sources for the project, including expenditures to date and total projected or estimated expenditures, with a breakdown by committed and proposed sources of funds; and

(2) estimated annual operations and maintenance expenditures for the project, with a breakdown by committed and proposed sources of funds.

Subd. 2. **Legislative report.** (a) By November 15 in every odd-numbered year, the commissioner shall prepare, in collaboration with the Metropolitan Council, and submit a report electronically to the chairs and ranking minority members of the ~~house of representatives and~~

~~senate~~ legislative committees with jurisdiction over transportation policy and finance concerning the status of guideway projects (1) currently in study, planning, development, or construction; (2) identified in the transportation policy plan under section 473.146; or (3) identified in the comprehensive statewide freight and passenger rail plan under section 174.03, subdivision 1b.

(b) At a minimum, the report must include, for each guideway project:

(1) a brief description of the project, including projected ridership;

(2) a summary of the overall status and current phase of the project;

(3) a timeline that includes (i) project phases or milestones; (ii) expected and known dates of commencement of each phase or milestone; and (iii) expected and known dates of completion of each phase or milestone;

(4) a brief progress update on specific project phases or milestones completed since the last previous submission of a report under this subdivision; and

(5) a summary financial plan that identifies, as reflected by the data and level of detail available in the latest phase of project development and to the extent available:

(i) capital expenditures, including expenditures to date and total projected expenditures, with a breakdown by committed and proposed sources of funds for the project; and

(ii) estimated annual operations and maintenance expenditures ~~reflecting the level of detail available in the current phase of the project development~~, with a breakdown by committed and proposed sources of funds for the ~~projects in the Metropolitan Council's transportation policy plan~~ project; and

(iii) if feasible, project expenditures by budget activity.

(c) The report must also include a systemwide capacity analysis for investment in guideway expansion and maintenance that:

(1) provides a funding projection, annually over the ensuing 20 years, and with a breakdown by committed and proposed sources of funds, of:

(i) total capital expenditures for guideways;

(ii) total operations and maintenance expenditures for guideways;

(iii) total funding available for guideways, including from projected or estimated farebox recovery; and

(iv) total funding available for transit service in the metropolitan area; and

(2) evaluates the availability of funds and distribution of sources of funds for guideway investments.

(d) The projection under paragraph (c), clause (1), must be for all guideway lines for which state funds are reasonably expected to be expended in planning, development, construction, or revenue operation during the ensuing 20 years.

(e) Local units of government shall provide assistance and information in a timely manner as

requested by the commissioner or council for completion of the report.

Sec. 15. REPORT ON VEHICLE CRIMES UNIT.

By February 1, 2015, the commissioner of public safety shall submit a report to the legislative committees having jurisdiction over transportation finance on the revenues generated by the Vehicle Crimes Unit. This report must be made available electronically and made available in print only upon request.

Sec. 16. REPORT ON ANATOMICAL GIFT ACCOUNT.

The commissioner of public safety shall report to the chairs of the legislative committees having jurisdiction over transportation policy and finance on the receipts and expenditures under Minnesota Statutes, section 171.075. The commissioner shall submit the report by February 1, 2013.

Sec. 17. REVISOR'S INSTRUCTION.

The revisor of statutes shall recodify Minnesota Statutes, section 171.13, subdivisions 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 1k, and 1l, as Minnesota Statutes, section 171.0705. The revisor shall correct any cross-references made necessary by this recodification.

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

Delete the title and insert:

"A bill for an act relating to government finance; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers, tort claims, and certain contingent appropriations; providing for use of revenues from metropolitan transportation area sales tax; reducing funding for 2011 state road construction; authorizing transfers from metropolitan livable communities fund accounts, right-of-way loan acquisition fund for transit operating deficits, and Metropolitan Council operating budget; establishing accounts; modifying various provisions related to transportation finance and policy; modifying provisions related to licensing drivers; mandating and amending legislative reports; making technical and clarifying changes; amending Minnesota Statutes 2010, sections 16A.11, subdivision 3a; 16A.86, subdivision 3a; 161.04, by adding a subdivision; 162.06, subdivision 1; 162.12, subdivision 1; 168.12, subdivision 5; 168.1253, subdivision 1; 169.86, subdivision 5; 171.06, subdivision 2; 171.0701; 171.13, subdivision 1, by adding a subdivision; 174.93; 297A.992, subdivision 5, by adding a subdivision; Laws 2009, chapter 36, article 1, section 3, subdivision 3, as amended; proposing coding for new law in Minnesota Statutes, chapter 171."

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

House Conferees: Michael Beard, Mark Murdock, Torrey Westrom, Rich Murray, Ernie Leidiger

Senate Conferees: Joe Gimse, John Sterling Howe, Al D. DeKruif, Benjamin A. Kruse, Ted H. Lillie

Senator Gimse moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1140 be now adopted, and that the bill be repassed as amended by the Conference Committee.

CALL OF THE SENATE

Senator Dibble imposed a call of the Senate for the balance of the proceedings on H.F. No. 1140. The Sergeant at Arms was instructed to bring in the absent members.

Senator Dibble moved that the recommendations and Conference Committee Report on H.F. No. 1140 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

The question was taken on the adoption of the Dibble motion.

The roll was called, and there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

Bakk	Harrington	Marty	Saxhaug	Torres Ray
Berglin	Higgins	McGuire	Sheran	Wiger
Bonoff	Kelash	Metzen	Sieben	
Cohen	Kubly	Pogemiller	Skoe	
Dibble	Langseth	Reinert	Sparks	
Goodwin	Lourey	Rest	Tomassoni	

Those who voted in the negative were:

Benson	Gazelka	Ingebrigtsen	Michel	Parry
Carlson	Gerlach	Jungbauer	Miller	Pederson
Chamberlain	Gimse	Koch	Nelson	Robling
Dahms	Hall	Kruse	Newman	Senjem
Daley	Hann	Lillie	Nienow	Thompson
DeKruif	Hoffman	Limmer	Olson	Vanderveer
Fischbach	Howe	Magnus	Ortman	Wolf

The motion did not prevail.

The question recurred on the adoption of the Gimse motion. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1140 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 36 and nays 26, as follows:

Those who voted in the affirmative were:

Benson	Gerlach	Koch	Newman	Senjem
Carlson	Gimse	Kruse	Nienow	Thompson
Chamberlain	Hall	Lillie	Olson	Vanderveer
Dahms	Hann	Limmer	Ortman	Wolf
Daley	Hoffman	Magnus	Parry	
DeKruif	Howe	Michel	Pederson	
Fischbach	Ingebrigtsen	Miller	Robling	
Gazelka	Jungbauer	Nelson	Rosen	

Those who voted in the negative were:

Bakk	Dibble	Kelash	Marty	Reinert
Berglin	Goodwin	Kubly	McGuire	Rest
Bonoff	Harrington	Langseth	Metzen	Saxhaug
Cohen	Higgins	Lourey	Pogemiller	Sheran

Sieben
Skoe

Sparks
Tomassoni

Torres Ray
Wiger

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

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 67 and 779.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 19, 2011

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 170, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 170: A bill for an act relating to education; requiring teacher candidates to pass basic skills exam; amending Minnesota Statutes 2010, sections 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.23, subdivision 2.

Senate File No. 170 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 19, 2011

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 387:

H.F. No. 387: A bill for an act relating to drivers' licenses; allowing counties to participate in driver's license reinstatement diversion pilot program; extending diversion pilot program; amending Laws 2009, chapter 59, article 3, section 4, as amended.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Kelly, Beard and Murdock have been appointed as such committee on the part of the House.

House File No. 387 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 May 19, 2011

Senator Newman moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 387, 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.

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 821:

H.F. No. 821: A bill for an act relating to higher education; changing eligibility for the senior citizen higher education program; amending Minnesota Statutes 2010, section 135A.51, subdivision 2.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Nornes, Daudt and Dettmer have been appointed as such committee on the part of the House.

House File No. 821 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 May 19, 2011

Senator Fischbach moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 821, 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.

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 650.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 19, 2011

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 650: A bill for an act relating to transportation; regulating driver education and driver examination related to carbon monoxide poisoning; making technical changes; amending Minnesota Statutes 2010, sections 171.0701; 171.13, subdivision 1, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1042,

now on General Orders.

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

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1101, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1101 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 17, 2011

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1101

A bill for an act relating to higher education; amending postsecondary education provisions; requiring reports; changing Minnesota college savings plan matching grants; making technical changes; modifying definitions; setting requirements for credit transfer; providing stable undergraduate tuition rates; modifying achieve scholarship program; modifying contract and salary provisions; prohibiting use of certain public funds to support human cloning; requiring a study of graduate education in for-profit sector; repealing certain provisions related to equipment and apparel; appropriating money; amending Minnesota Statutes 2010, sections 15A.081, subdivision 7c; 135A.51, subdivision 2; 136A.121, subdivision 6; 136F.40, subdivision 2; 136G.01; 136G.03, subdivisions 1, 18, 27; 136G.05, subdivisions 1, 6, 8; proposing coding for new law in Minnesota Statutes, chapters 136F; 137; 145; repealing Minnesota Statutes 2010, sections 135A.26; 136G.11, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; 181.986; Laws 2009, chapter 95, article 2, section 39.

May 16, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 1101 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. 1101 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

HIGHER EDUCATION APPROPRIATIONS

Section 1. **SUMMARY OF APPROPRIATIONS.**

Subdivision 1. **Summary By Fund.** The amounts shown in this subdivision summarize direct appropriations, by fund, made in this article.

	SUMMARY BY FUND		
	2012	2013	Total
<u>General</u>	\$ 1,252,883,000	\$ 1,252,634,000	2,505,517,000
<u>Health Care Access</u>	2,157,000	2,157,000	4,314,000
Total	\$ 1,255,040,000	\$ 1,254,791,000	2,509,831,000

Subd. 2. **Summary By Agency - All Funds.** The amounts shown in this subdivision summarize direct appropriations, by agency, made in this article.

	SUMMARY BY AGENCY - ALL FUNDS		
	2012	2013	Total
<u>Minnesota Office of Higher Education</u>	\$ 190,694,000	\$ 190,445,000	381,139,000
<u>Mayo Medical Foundation</u>	1,351,000	1,351,000	2,702,000
<u>Board of Trustees of the Minnesota State Colleges and Universities</u>	540,494,000	540,494,000	1,080,988,000
<u>Board of Regents of the University of Minnesota</u>	522,501,000	522,501,000	1,045,002,000
Total	\$ 1,255,040,000	\$ 1,254,791,000	2,509,831,000

Sec. 2. **HIGHER EDUCATION APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013.

APPROPRIATIONS
Available for the Year
Ending June 30

	<u>2012</u>	<u>2013</u>
Sec. 3. <u>MINNESOTA OFFICE OF HIGHER EDUCATION</u>		
Subdivision 1. <u>Total Appropriation</u>	\$ <u>190,694,000</u>	\$ <u>190,445,000</u>
<u>The amounts that may be spent for each purpose are specified in the following subdivisions.</u>		
Subd. 2. <u>State Grants</u>	<u>154,624,000</u>	<u>154,625,000</u>
<u>(a) If the appropriation in this subdivision for either year is insufficient, the appropriation for the other year is available for it.</u>		
<u>(b) For the biennium, the tuition maximum is \$10,488 in each year for students in four-year programs, and \$5,808 for students in two-year programs.</u>		
<u>(c) This appropriation sets the living and miscellaneous expense allowance at \$7,000 each year.</u>		
Subd. 3. <u>Safety Officers' Survivors</u>	<u>100,000</u>	<u>100,000</u>
<u>This appropriation is to provide educational benefits under Minnesota Statutes, section 299A.45, to eligible dependent children and to the spouses of public safety officers killed in the line of duty.</u>		
<u>If the appropriation in this subdivision for either year is insufficient, the appropriation for the other year is available for it.</u>		
Subd. 4. <u>Child Care Grants</u>	<u>6,684,000</u>	<u>6,684,000</u>
Subd. 5. <u>State Work-Study</u>	<u>14,502,000</u>	<u>14,502,000</u>
Subd. 6. <u>Indian Scholarships</u>	<u>1,850,000</u>	<u>1,850,000</u>
<u>This appropriation includes funding each year to administer the Indian scholarship program.</u>		
Subd. 7. <u>Intervention for College Attendance Program Grants</u>	<u>671,000</u>	<u>671,000</u>

For grants under Minnesota Statutes, section 136A.861. Up to \$50,000 of this appropriation each year may be used for administrative expenses.

<u>Subd. 8. Midwest Higher Education Compact</u>	<u>95,000</u>	<u>95,000</u>
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<u>Subd. 9. United Family Medicine Residency Program</u>	<u>351,000</u>	<u>351,000</u>
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For a grant to the United Family Medicine residency program. This appropriation shall be used to support up to 18 resident physicians each year in family practice at United Family Medicine residency programs and shall prepare doctors to practice family care medicine in underserved rural and urban areas of the state. It is intended that this program will improve health care in underserved communities, provide affordable access to appropriate medical care, and manage the treatment of patients in a cost-effective manner.

<u>Subd. 10. Interstate Tuition Reciprocity</u>	<u>3,150,000</u>	<u>3,250,000</u>
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If the appropriation in this subdivision for either year is insufficient, the appropriation for the other year is available to meet reciprocity contract obligations.

<u>Subd. 11. Minnesota College Savings Plan</u>	<u>350,000</u>	<u>-0-</u>
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<u>Subd. 12. MnLINK Gateway and Minitex</u>	<u>5,605,000</u>	<u>5,605,000</u>
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<u>Subd. 13. Student and Parent Information</u>	<u>122,000</u>	<u>122,000</u>
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<u>Subd. 14. Get Ready</u>	<u>180,000</u>	<u>180,000</u>
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<u>Subd. 15. Minnesota Minority Partnership</u>	<u>45,000</u>	<u>45,000</u>
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<u>Subd. 16. Agency Administration</u>	<u>2,365,000</u>	<u>2,365,000</u>
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Subd. 17. **Balances Forward**

A balance in the first year under this section does not cancel, but is available for the second year.

Subd. 18. Transfers

The Minnesota Office of Higher Education may transfer unencumbered balances from the appropriations in this section to the state grant appropriation, the interstate tuition reciprocity appropriation, the child care grant appropriation, the Indian scholarship appropriation, the state work-study appropriation, the achieve scholarship appropriation, the public safety officers' survivors appropriation, and the Minnesota college savings plan appropriation. Transfers from the child care or state work-study appropriations may only be made to the extent there is a projected surplus in the appropriation. A transfer may be made only with prior written notice to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over higher education finance.

Sec. 4. BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES

Subdivision 1. <u>Total Appropriation</u>	\$	<u>540,494,000</u>	\$	<u>540,494,000</u>
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Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>540,494,000</u>	<u>540,494,000</u>

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

Subd. 2. <u>Central Office and Shared Services Unit</u>	<u>33,074,000</u>	<u>33,074,000</u>
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For the Office of the Chancellor and the Shared Services Division. The reduction in the appropriation made by this subdivision from the net appropriation made for the central office and shared services unit in the biennium ending June 30, 2011, must not be allocated to any institution nor charged back to any campus or institution.

Subd. 3. Operations and Maintenance503,305,000503,305,000

\$102,000 each year is for the Cook County Higher Education Board to provide educational programs and academic support services. The base appropriation under this paragraph is \$102,000.

One percent of the fiscal year 2013 appropriation in this subdivision is available in fiscal year 2013 after the Board of Trustees of the Minnesota State Colleges and Universities demonstrates to the commissioner of management and budget that the board has achieved at least three of the following five performance goals:

(1) increase by at least seven percent, compared to fiscal year 2009, graduates or degrees, diplomas and certificates conferred;

(2) increase by at least ten percent, compared to fiscal year 2010, the number of students of color;

(3) increase by at least fifteen percent, compared to fiscal year 2010, the full year equivalent enrollment of students taking online or blended courses or the number of online and blended sections;

(4) increase by at least one percent the fall 2011 persistence and completion rate for fall 2010 entering students compared to the fall 2010 rate for fall 2009 entering students; and

(5) decrease by at least two percent, compared to calendar year 2009, total energy consumption per square foot.

By October 1, 2011, the Board of Trustees and the Minnesota Office of Higher Education must agree on specific numerical indicators and definitions for each of the five goals that will be used to demonstrate the Minnesota State Colleges and Universities' attainment of each goal.

On or before April 1, 2012, the Board

of Trustees must report to the legislative committees with primary jurisdiction over higher education finance and policy the progress of the Minnesota State Colleges and Universities toward attaining the goals.

Subd. 4. Learning Network of Minnesota 4,115,000 4,115,000

Subd. 5. Education Priorities

The Board of Trustees, in fulfilling the requirements of Minnesota Statutes, section 136F.06, by making reductions, approving programs of study, establishing requirements for completion of programs, and approving course offerings and requirements for credentials, must place the highest priority on meeting the needs of Minnesota employers for a skilled workforce. The board must focus on the efficient delivery of higher education, eliminate duplication throughout the system, and streamline the operation of the system to provide an education that prepares students for the workforce needs of Minnesota.

Sec. 5. BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA

Subdivision 1. Total Appropriation **\$ 522,501,000 \$ 522,501,000**

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>520,344,000</u>	<u>520,344,000</u>
<u>Health Care Access</u>	<u>2,157,000</u>	<u>2,157,000</u>

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

Subd. 2. Operations and Maintenance 458,881,000 458,881,000

(a) This appropriation includes funding for operation and maintenance of the system.

(b) This appropriation includes money for the Veterinary Diagnostic Laboratory to preserve accreditation.

(c) During the biennium, the Board of Regents is encouraged to at least proportionally reduce spending for administration relative to spending reductions in other budget areas.

(d) One percent of the fiscal year 2013 appropriation in this subdivision is available in fiscal year 2013 when the Board of Regents of the University of Minnesota demonstrates to the commissioner of management and budget that the board has met at least three of the following five performance goals:

(1) increase the amount of institutional financial aid so that it is greater in fiscal year 2012 than in fiscal year 2010, excluding federal stimulus funding. Institutional financial aid includes funds from the University of Minnesota Foundation and the Minnesota Medical Foundation;

(2) produce at least 13,500 total degrees on all campuses in fiscal year 2012;

(3) increase the undergraduate four- and six-year graduation rates on the Twin Cities campus for 2011-2012, as reported in the federal completions survey, over the numbers for 2009-2010, as reported in the federal completion survey;

(4) produce total research and development expenditures, as reported to the National Science Foundation (NSF) for the University of Minnesota system so that the amount in the 2012 NSF report is not less than the amount in the 2010 NSF report; and

(5) produce sponsored funding from business and industry so that funding in fiscal year 2012, as reported to the Board of Regents in December of that year, is not less than funding in fiscal year 2010.

By October 1, 2011, the Board of Regents and the Minnesota Office of Higher Education must agree on specific numerical indicators and definitions for each of the five goals that will be used to demonstrate the University of

Minnesota's attainment of each goal.

On or before April 1, 2012, the Board of Regents must report to the legislative committees with primary jurisdiction over higher education finance and policy the progress of the University of Minnesota toward attaining the goals.

Subd. 3. Education Priorities

The Board of Regents, in fulfilling their governance responsibilities for the University of Minnesota by making reductions, approving programs of study, establishing requirements for completion of programs, approving course offerings and requirements for credentials, and authorizing and funding research are encouraged to place the highest priority on meeting the needs of Minnesota employers for a skilled workforce. The board must focus on the efficient delivery of higher education, eliminate duplication and redundancy, streamline administration, and focus on providing an education that prepares students for the workforce needs of Minnesota.

Subd. 4. Primary Care Education Initiatives

2,157,000

2,157,000

This appropriation is from the health care access fund.

Subd. 5. Special Appropriations

(a) Agriculture and Extension Service

42,922,000

42,922,000

For the Agricultural Experiment Station and the Minnesota Extension Service:

(1) the agricultural experiment stations and Minnesota Extension Service must convene agricultural advisory groups to focus research, education, and extension activities on producer needs and implement an outreach strategy that more effectively and rapidly transfers research results and best practices to producers throughout the state;

(2) this appropriation includes funding for research and outreach on the production of renewable energy from Minnesota biomass resources, including agronomic crops, plant and animal wastes, and native plants or trees. The following areas should be prioritized and carried out in consultation with Minnesota producers, renewable energy, and bioenergy organizations:

(i) biofuel and other energy production from perennial crops, small grains, row crops, and forestry products in conjunction with the Natural Resources Research Institute (NRRI);

(ii) alternative bioenergy crops and cropping systems; and

(iii) biofuel coproducts used for livestock feed;

(3) this appropriation includes funding for the College of Food, Agricultural, and Natural Resources Sciences to establish and provide leadership for organic agronomic, horticultural, livestock, and food systems research, education, and outreach and for the purchase of state-of-the-art laboratory, planting, tilling, harvesting, and processing equipment necessary for this project;

(4) this appropriation includes funding for research efforts that demonstrate a renewed emphasis on the needs of the state's agriculture community. The following areas should be prioritized and carried out in consultation with Minnesota farm organizations:

(i) vegetable crop research with priority for extending the Minnesota vegetable growing season;

(ii) fertilizer and soil fertility research and development;

(iii) soil, groundwater, and surface water conservation practices and contaminant reduction research;

(iv) discovering and developing plant varieties that use nutrients more efficiently;

(v) breeding and development of turf seed and other biomass resources in all three Minnesota biomes;

(vi) development of new disease-resistant and pest-resistant varieties of turf and agronomic crops;

(vii) utilizing plant and livestock cells to treat and cure human diseases;

(viii) the development of dairy coproducts;

(ix) a rapid agricultural response fund for current or emerging animal, plant, and insect problems affecting production or food safety;

(x) crop pest and animal disease research;

(xi) developing animal agriculture that is capable of sustainably feeding the world;

(xii) consumer food safety education and outreach;

(xiii) programs to meet the research and outreach needs of organic livestock and crop farmers; and

(xiv) alternative bioenergy crops and cropping systems; and growing, harvesting, and transporting biomass plant material; and

(5) by February 1, 2013, the Board of Regents must submit a report to the legislative committees with responsibility for agriculture and higher education finance on the status and outcomes of research and initiatives funded in this section.

(b) Health Sciences

4,854,000

4,854,000

\$346,000 each year is to support up to 12 resident physicians in the St. Cloud Hospital family practice residency program. The program must prepare doctors to practice primary care medicine in the rural areas of the state. The legislature intends this program

to improve health care in rural communities, provide affordable access to appropriate medical care, and manage the treatment of patients in a more cost-effective manner.

The remainder of this appropriation is for the rural physicians associates program, the Veterinary Diagnostic Laboratory, health sciences research, dental care, and the Biomedical Engineering Center.

<u>(c) Institute of Technology</u>	<u>1,140,000</u>	<u>1,140,000</u>
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For the Geological Survey and the talented youth mathematics program.

<u>(d) System Special</u>	<u>5,056,000</u>	<u>5,056,000</u>
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For general research, industrial relations education, Natural Resources Research Institute, Center for Urban and Regional Affairs, Bell Museum of Natural History, and the Humphrey exhibit.

<u>(e) University of Minnesota and Mayo Foundation Partnership</u>	<u>7,491,000</u>	<u>7,491,000</u>
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For the direct and indirect expenses of the collaborative research partnership between the University of Minnesota and the Mayo Foundation for research in biotechnology and medical genomics. This appropriation is available until expended. An annual report on the expenditure of these funds must be submitted to the governor and the chairs of the senate and house of representatives committees responsible for higher education and economic development by June 30 of each fiscal year.

Subd. 6. Academic Health Center

The appropriation for Academic Health Center funding under Minnesota Statutes, section 297F.10, is estimated to be \$22,250,000 each year.

Sec. 6. MAYO MEDICAL FOUNDATION

Subdivision 1. Total Appropriation	\$	1,351,000	\$	1,351,000
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The amounts that may be spent for the purposes are specified in the following subdivisions.

Subd. 2. Medical School		<u>665,000</u>		<u>665,000</u>
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The state of Minnesota must pay a capitation each year for each student who is a resident of Minnesota. The appropriation may be transferred between years of the biennium to accommodate enrollment fluctuations.

It is intended that during the biennium the Mayo Clinic use the capitation money to increase the number of doctors practicing in rural areas in need of doctors.

Subd. 3. Family Practice and Graduate Residency Program		<u>686,000</u>		<u>686,000</u>
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The state of Minnesota must pay stipend support for up to 27 residents each year.

Sec. 7. TUITION LIMITATION AT MINNESOTA STATE COLLEGES AND UNIVERSITIES.

During the biennium ending June 30, 2013, the maximum tuition rate increase for all tuition rates at a Minnesota State Colleges and Universities institution or campus to a Minnesota resident undergraduate student may not exceed:

- (1) three percent per academic year at a state college; and
- (2) five percent in the first academic year and four percent in the second academic year at a state university.

The Board of Trustees of the Minnesota State Colleges and Universities must limit the rate of increase for any mandatory fee charged to a student at a university or college to four percent per year in the biennium ending June 30, 2013, unless a higher increase is approved by a public majority vote by the recognized campus student association.

Sec. 8. TUITION LIMITATION; UNIVERSITY OF MINNESOTA.

The legislature expects that during the biennium ending June 30, 2013, the maximum tuition rate increase to a Minnesota resident undergraduate student enrolled at the University of Minnesota shall not exceed five percent the first academic year and four percent the second academic year.

The legislature expects that the rate of increase for any mandatory fee charged to a student at the University of Minnesota will be limited to a maximum of four percent per year in the biennium ending June 30, 2013, unless a higher increase is approved by a majority vote of the campus student

association.

ARTICLE 2

RELATED HIGHER EDUCATION PROVISIONS

Section 1. [136A.051] STUDENT RECORDS AND DATA.

When a nonpublic institution of higher education provides the Office of Higher Education student data or records pursuant to section 136A.05, subdivision 1; 136A.121, subdivision 18; or 136A.1701, subdivision 11, the institution of higher education is not liable for a breach of confidentiality, disclosure, use, retention, or destruction of the student data or records, if the breach, disclosure, use, retention, or destruction results from actions or omissions of:

- (1) the Office of Higher Education; or
- (2) persons provided access to the data or records by the Office of Higher Education.

Sec. 2. Minnesota Statutes 2010, section 135A.51, subdivision 2, is amended to read:

Subd. 2. **Senior citizen.** "Senior citizen" means a person who has reached ~~66~~ 62 years of age before the beginning of any term, semester or quarter, in which a course of study is pursued, or a person receiving a railroad retirement annuity who has reached 60 years of age before the beginning of the term.

EFFECTIVE DATE. This section is effective the day after final enactment for terms beginning after July 1, 2011.

Sec. 3. Minnesota Statutes 2010, section 136A.121, subdivision 6, is amended to read:

Subd. 6. **Cost of attendance.** (a) The recognized cost of attendance consists of ~~allowances:~~ (1) an allowance specified in law for living and miscellaneous expenses, and (2) an allowance for tuition and fees equal to the lesser of the average tuition and fees charged by the institution, or ~~the a~~ a tuition and fee ~~maximums~~ maximum if one is established in law. If no tuition and fee maximum is established in law, the allowance for tuition and fees is equal to the lesser of: (1) the average tuition and fees charged by the institution, and (2) for two-year programs, an amount equal to the highest tuition and fees charged at a public two-year institution, or for four-year programs, an amount equal to the highest tuition and fees charged at a public university.

(b) For a student registering for less than full time, the office shall prorate the cost of attendance to the actual number of credits for which the student is enrolled.

(c) The recognized cost of attendance for a student who is confined to a Minnesota correctional institution shall consist of the tuition and fee component in paragraph (a), with no allowance for living and miscellaneous expenses.

(d) For the purpose of this subdivision, "fees" include only those fees that are mandatory and charged to full-time resident students attending the institution. Fees do not include charges for tools, equipment, computers, or other similar materials where the student retains ownership. Fees include charges for these materials if the institution retains ownership. Fees do not include optional or punitive fees.

Sec. 4. Minnesota Statutes 2010, section 136A.1787, is amended to read:

136A.1787 SELF LOAN REVENUE BONDS ANNUAL CERTIFICATE OF NEED.

(a) In order to ensure the payment of the principal of and interest on bonds and notes of the office and the continued maintenance of the loan capital fund under section 136A.1785, the office shall annually determine and certify to the governor, on or before December 1, the amount, if any:

(1) needed to restore the loan capital fund to the minimum amount required by a resolution or indenture relating to any bonds or notes of the office, not exceeding the maximum amount of principal and interest to become due and payable in any subsequent year on all bonds or notes which are then outstanding;

(2) determined by the office to be needed in the current or immediately ensuing following fiscal year, with other funds pledged and estimated to be received during that year, for the payment of the principal and interest due and payable in that year on all outstanding bonds and notes; and

(3) needed to restore any debt service reserve fund securing any outstanding bonds or notes of the office to the amount required in a resolution or indenture relating to such outstanding bonds or notes.

(b) If the office determines the need under paragraph (a), clause (2), to be for the immediately following fiscal year, the governor shall include and submit the amounts certified by the office in accordance with this section to the legislature in the governor's budget for the immediately following fiscal year. ~~or.~~ If the office determines the need under paragraph (a), clause (1), (2), or (3), to be for the current fiscal year, the governor shall include and submit the amounts certified in a governor's supplemental budget if the regular budget for that year has previously been approved enacted.

Sec. 5. [136F.705] UNDERGRADUATE TUITION GUARANTEE PLAN.

(a) The board of trustees is encouraged to offer entering students a plan providing stable tuition for students pursuing two-year or four-year degrees that can provide students a tuition option designed to meet the goals in this section.

(b) A Minnesota resident student who first enrolls in a degree program at a state college or university beginning in the fall of 2011 or later is guaranteed a stable tuition for up to four consecutive academic years.

(c) For an undergraduate student enrolled in a baccalaureate degree program at a state university, the tuition charged to the student for each semester of enrollment during a four-year period, beginning with the first semester of enrollment, must not exceed the amount of tuition that the student was charged for the first semester of enrollment. For a student who continues to be enrolled after four consecutive academic years, the tuition rate for each semester in excess of four years is equal to the tuition rate paid by new enrollees at the state university.

(d) For an undergraduate student enrolled in an associate degree program at a college, the tuition charged to the student for each semester of enrollment during a two-year period, beginning with the first semester of enrollment, must not exceed the amount of tuition that the student was charged for the first semester of enrollment. For a student who continues to be enrolled after two consecutive academic years, the tuition rate for each semester in excess of two years is equal to the tuition rate for new enrollees at the college.

(e) Time limits for the stable tuition plan under this section do not apply to a student in the military while the student is on active military duty.

Sec. 6. Minnesota Statutes 2010, section 136G.01, is amended to read:

136G.01 PLAN ESTABLISHED.

A college savings plan known as the Minnesota college savings plan is established. In establishing this plan, the legislature seeks to encourage individuals to save for postsecondary education by:

(1) providing a qualified tuition plan under federal tax law; and

~~(2) providing matching grants for contributions to the program by low- and middle-income families; and~~

~~(3)~~ (2) encouraging individuals, foundations, and businesses to provide additional grants to participating students.

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 7. Minnesota Statutes 2010, section 136G.03, subdivision 1, is amended to read:

Subdivision 1. **General.** For purposes of sections 136G.01 to ~~136G.13~~ 136G.14, the following terms have the meanings given.

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 8. Minnesota Statutes 2010, section 136G.03, subdivision 18, is amended to read:

Subd. 18. **Matching grant.** "Matching grant" means an amount added to a matching grant account under section 136G.11 for eligible account beneficiaries for account contributions in calendar years 2001 to 2010.

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 9. Minnesota Statutes 2010, section 136G.03, subdivision 27, is amended to read:

Subd. 27. **Plan.** "Plan" refers to the plan established under sections 136G.01 to ~~136G.13~~ 136G.14.

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 10. Minnesota Statutes 2010, section 136G.05, subdivision 1, is amended to read:

Subdivision 1. **Responsibilities.** (a) The director shall establish the rules, terms, and conditions for the plan, subject to the requirements of sections 136G.01 to ~~136G.13~~ 136G.14.

(b) The director shall prescribe the application forms, procedures, and other requirements that apply to the plan.

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 11. Minnesota Statutes 2010, section 136G.05, subdivision 6, is amended to read:

Subd. 6. **Three-year period for withdrawal of grants.** A matching grant deposited in ~~the a~~ matching grant account based on account owner contributions during calendar years 2001 to 2010 under section 136G.11 may not be withdrawn within three years of the establishment of the account of the beneficiary. In calculating the three-year period, the period held in another account is included, if the account includes a rollover from another account under section 529(c)(3)(C) of the Internal Revenue Code.

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 12. Minnesota Statutes 2010, section 136G.05, subdivision 8, is amended to read:

Subd. 8. **Administration.** The director shall administer the program, including accepting and processing applications, maintaining account records, making payments, ~~making matching grants under section 136G.11,~~ and undertaking any other necessary tasks to administer the program. The office may contract with one or more third parties to carry out some or all of these administrative duties, including providing incentives and marketing the program. The office and the board may jointly contract with third-party providers, if the office and board determine that it is desirable to contract with the same entity or entities for administration and investment management.

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 13. **[137.105] UNDERGRADUATE TUITION GUARANTEE PLAN.**

The Board of Regents is encouraged to offer students a guaranteed tuition plan that can provide students a tuition option designed to meet the goals in this section. A Minnesota resident student who first enrolls in a degree program at the University of Minnesota beginning in the fall of 2011 or later may be offered guaranteed stable tuition for up to four consecutive academic years. Under the guaranteed plan, for an undergraduate student enrolled in a baccalaureate degree program, the tuition charged to the student for each semester of enrollment during a four-year period, beginning with the first semester of enrollment, must not exceed the amount of tuition that the student was charged for the first semester of enrollment. For a student who continues to be enrolled after four consecutive academic years, the tuition rate for each semester in excess of four years is equal to the tuition rate paid by new enrollees at the University of Minnesota. Time limits for the stable tuition plan under this section do not apply to a student in the military while the student is on active military duty.

Sec. 14. **[145.4221] STATE FUNDS; PROHIBITED USE FOR HUMAN CLONING.**

Subdivision 1. **Prohibited use of state funds.** No state funds or federal funds the state receives for state programs may be used to either support human cloning or to pay for any expenses incidental to human cloning. For purposes of this section, "cloning" means generating a genetically identical copy of an organism at any stage of development by combining an enucleated egg and the nucleus of a somatic cell to make an embryo.

Subd. 2. **Scientific research.** Nothing in this section shall affect areas of scientific research not specifically addressed by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans. In addition, notwithstanding section 145.422, nothing in this section shall affect the scientific field of stem cell research, unless explicitly prohibited.

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

Sec. 15. STUDY OF GRADUATE EDUCATION IN FOR-PROFIT SECTOR.

The Minnesota Office of Higher Education must study graduate education in for-profit institutions with a physical presence in the state. The study must examine the rights and responsibilities of graduate students attending those institutions. At a minimum, the study must include an analysis of graduate student disciplinary processes; processes and policies adopted for the protection of graduate students' intellectual property rights; policies and guidelines addressing academic freedom of inquiry for students; and administrative processes in place to address disputes. The office must report on the findings of this study by January 15, 2013, to the committees of the legislature with responsibility for higher education finance. The report must include recommendations for any changes to improve graduate education in the for-profit sector.

Sec. 16. CREDIT TRANSFER WITHIN MINNESOTA STATE COLLEGES AND UNIVERSITIES.

When providing the report required by Laws 2010, chapter 364, section 38, the Board of Trustees of the Minnesota State Colleges and Universities shall provide information about progress made toward achieving the goals described in the system's smart transfer plan, and shall provide information about the number of students transferring between and among the system's two- and four-year institutions during the previous fiscal year. In addition, the Board of Trustees shall include a system study of mechanisms for effective transfer in other states.

Sec. 17. REPEALER.

(a) Minnesota Statutes 2010, sections 135A.26; and 181.986, are repealed.

(b) Minnesota Statutes 2010, section 136G.11, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, are repealed effective July 2, 2012.

(c) Laws 2009, chapter 95, article 2, section 39, is repealed effective July 1, 2011."

Delete the title and insert:

"A bill for an act relating to higher education; amending postsecondary education provisions; prohibiting use of certain funds to support human cloning; requiring a study; requiring reports; making technical changes; appropriating money; amending Minnesota Statutes 2010, sections 135A.51, subdivision 2; 136A.121, subdivision 6; 136A.1787; 136G.01; 136G.03, subdivisions 1, 18, 27; 136G.05, subdivisions 1, 6, 8; proposing coding for new law in Minnesota Statutes, chapters 136A; 136F; 137; 145; repealing Minnesota Statutes 2010, sections 135A.26; 136G.11, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; 181.986; Laws 2009, chapter 95, article 2, section 39."

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

House Conferees: Bud Nornes, Bob Dettmer, Kurt Daudt, Pat Mazorol, David Hancock

Senate Conferees: Michelle L. Fischbach, John J. Carlson, David M. Brown, Claire A. Robling, David H. Senjem

Senator Fischbach moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1101 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. 1101 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 35 and nays 31, as follows:

Those who voted in the affirmative were:

Benson	Fischbach	Howe	Magnus	Parry
Brown	Gazelka	Ingebrigtsen	Michel	Robling
Carlson	Gerlach	Jungbauer	Nelson	Rosen
Chamberlain	Gimse	Koch	Newman	Senjem
Dahms	Hall	Kruse	Nienow	Thompson
Daley	Hann	Lillie	Olson	Vanderveer
DeKruif	Hoffman	Limmer	Ortman	Wolf

Those who voted in the negative were:

Bakk	Higgins	McGuire	Rest	Tomassoni
Berglin	Kelash	Metzen	Saxhaug	Torres Ray
Bonoff	Kubly	Miller	Sheran	Wiger
Cohen	Langseth	Pappas	Sieben	
Dibble	Latz	Pederson	Skoe	
Goodwin	Lourey	Pogemiller	Sparks	
Harrington	Marty	Reinert	Stumpf	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Hann moved that S.F. No. 55 be taken from the table. The motion prevailed.

S.F. No. 55: A bill for an act relating to education; modifying charter authorizer approval deadline; amending Minnesota Statutes 2010, section 124D.10, subdivision 3.

Senator Hann moved that the Senate do not concur in the amendments by the House to S.F. No. 55, 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.

RECESS

Senator Koch 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.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Koch, Chair of the Committee on Rules and Administration, designated H.F. No. 247 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 247: A bill for an act relating to taxation; providing for voluntary contributions to the state on the income tax form; proposing coding for new law in Minnesota Statutes, chapter 290.

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 9, as follows:

Those who voted in the affirmative were:

Benson	Gimse	Kruse	Nienow	Skoe
Bonoff	Hall	Kubly	Olson	Sparks
Brown	Hann	Langseth	Ortman	Stumpf
Carlson	Harrington	Latz	Parry	Tomassoni
Chamberlain	Higgins	Lillie	Pederson	Vandever
Cohen	Hoffman	Limmer	Robling	Wiger
Dahms	Howe	Metzen	Rosen	Wolf
Daley	Ingebrigtsen	Michel	Saxhaug	
DeKruif	Jungbauer	Miller	Senjem	
Fischbach	Kelash	Nelson	Sheran	
Gazelka	Koch	Newman	Sieben	

Those who voted in the negative were:

Bakk	Dibble	Lourey	Pogemiller	Torres Ray
Berglin	Goodwin	Marty	Rest	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Koch moved that H.F. No. 1234 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Koch, Chair of the Committee on Rules and Administration, designated H.F. No. 1234 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1234: A bill for an act relating to state government; requiring the commissioner of administration to issue a request for proposals and enter into a contract for strategic sourcing consulting services; appropriating money.

Senator Carlson moved to amend H.F. No. 1234 as follows:

Delete everything after the enacting clause and insert:

"Section 1. SELECTION OF QUALIFIED COMPANIES TO PROVIDE STRATEGIC SOURCING SERVICES.

Subdivision 1. Prioritization. The commissioner of administration shall prioritize the potential selection of a limited number of qualified companies to provide strategic sourcing services from the responses provided to the request for proposals for the enterprise data analytics program dated April 11, 2011.

Subd. 2. Reporting. By July 1, 2011, the commissioner shall provide a report describing the progress made under this section to the governor and the chairs and ranking minority members of the legislative committees with jurisdiction over the Department of Administration. The report shall provide a general description of the strategic sourcing proposals received in response to the request for proposals, the nature of the master contract program called for in the request for proposals as it relates to strategic sourcing, and the potential application of data analytics services to strategic sourcing as described by the responses received by the commissioner.

Subd. 3. Effect on request for proposals process. This section does not obligate the state or the commissioner of administration to award a contract or complete the proposed program described in the April 11, 2011, request for proposals. This section does not limit or alter the terms and conditions of the request for proposals.

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1234 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Fischbach	Kelash	Miller	Saxhaug
Benson	Gazelka	Koch	Nelson	Senjem
Berglin	Gimse	Kruse	Newman	Sheran
Bonoff	Goodwin	Kubly	Nienow	Sieben
Brown	Hall	Langseth	Olson	Skoe
Carlson	Hann	Latz	Ortman	Sparks
Chamberlain	Harrington	Lillie	Parry	Stumpf
Cohen	Higgins	Limmer	Pederson	Tomassoni
Dahms	Hoffman	Lourey	Pogemiller	Torres Ray
Daley	Howe	Marty	Rest	Vandever
DeKruif	Ingebrigtsen	Metzen	Robling	Wiger
Dibble	Jungbauer	Michel	Rosen	Wolf

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

Pursuant to Rule 26, Senator Koch, Chair of the Committee on Rules and Administration, designated H.F. No. 1011 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1011: A bill for an act relating to natural resources; providing for disposition of trout and salmon management account; appropriating money; amending Minnesota Statutes 2010, section 97A.075, subdivision 3.

Senator Ingebrigtsen moved to amend H.F. No. 1011 as follows:

Page 2, line 3, delete "2011" and insert "2013"

The motion prevailed. So the amendment was adopted.

H.F. No. 1011 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 18, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Koch	Miller	Robling
Berglin	Gimse	Kruse	Nelson	Rosen
Bonoff	Hall	Kubly	Newman	Saxhaug
Brown	Hann	Langseth	Olson	Sieben
Carlson	Harrington	Lillie	Ortman	Stumpf
Cohen	Higgins	Limmer	Parry	Thompson
Dahms	Hoffman	Lourey	Pederson	Wolf
DeKruif	Howe	Marty	Pogemiller	
Fischbach	Ingebrigtsen	Michel	Rest	

Those who voted in the negative were:

Bakk	Goodwin	Metzen	Skoe	Vandevveer
Chamberlain	Jungbauer	Nienow	Sparks	Wiger
Daley	Kelash	Senjem	Tomassoni	
Dibble	Latz	Sheran	Torres Ray	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Koch moved that H.F. No. 874 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Koch, Chair of the Committee on Rules and Administration, designated H.F. No. 874 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 874: A bill for an act relating to education finance; removing obsolete language; amending Minnesota Statutes 2010, section 126C.10, subdivision 2.

Senator Olson moved to amend H.F. No. 874 as follows:

Page 1, after line 9, insert:

"Sec. 2. Minnesota Statutes 2010, section 126C.10, subdivision 13a, is amended to read:

Subd. 13a. **Operating capital levy.** To obtain operating capital revenue for ~~fiscal year 2007 and later~~, a district may levy an amount not more than the product of its operating capital revenue for the fiscal year times the lesser of one or the ratio of its adjusted net tax capacity per adjusted marginal cost pupil unit to the operating capital equalizing factor. The operating capital equalizing factor equals ~~\$22,222 for fiscal year 2006, and \$10,700 for fiscal year 2007 and later.~~

EFFECTIVE DATE. This section is effective July 1, 2011."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 874 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 1, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Koch	Newman	Sieben
Benson	Gerlach	Kruse	Nienow	Skoe
Berglin	Gimse	Kubly	Olson	Sparks
Bonoff	Goodwin	Langseth	Ortman	Stumpf
Brown	Hall	Latz	Parry	Thompson
Carlson	Hann	Lillie	Pederson	Tomassoni
Chamberlain	Harrington	Limmer	Pogemiller	Torres Ray
Cohen	Higgins	Lourey	Rest	Wiger
Dahms	Hoffman	Marty	Robling	Wolf
Daley	Howe	Metzen	Rosen	
DeKruif	Ingebrigtsen	Michel	Saxhaug	
Dibble	Jungbauer	Miller	Senjem	
Fischbach	Kelash	Nelson	Sheran	

Those who voted in the negative were:

Vanderveer

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

Pursuant to Rule 26, Senator Koch, Chair of the Committee on Rules and Administration, designated H.F. No. 895 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 895: A bill for an act relating to commerce; modifying certain insurance notices and authorizations to collect information; regulating certain insurance appraisers; amending Minnesota Statutes 2010, sections 60C.21, subdivision 1; 65A.12, subdivision 2; 72A.491, by adding a subdivision; 72A.501, subdivision 1, by adding a subdivision; 72A.502, subdivision 1.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Koch	Newman	Sieben
Benson	Gerlach	Kruse	Nienow	Skoe
Berglin	Gimse	Kubly	Olson	Sparks
Bonoff	Goodwin	Langseth	Ortman	Stumpf
Brown	Hall	Latz	Parry	Thompson
Carlson	Hann	Lillie	Pederson	Tomassoni
Chamberlain	Harrington	Limmer	Pogemiller	Torres Ray
Cohen	Higgins	Lourey	Rest	Vandever
Dahms	Hoffman	Marty	Robling	Wiger
Daley	Howe	Metzen	Rosen	Wolf
DeKruif	Ingebrigtsen	Michel	Saxhaug	
Dibble	Jungbauer	Miller	Senjem	
Fischbach	Kelash	Nelson	Sheran	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of the Calendar.

CALENDAR

S.F. No. 172: A bill for an act relating to natural resources; modifying certain requirements for titling watercraft; amending Minnesota Statutes 2010, sections 86B.825, subdivision 3; 86B.830, subdivision 2; 86B.850, subdivision 1; 86B.885; repealing Minnesota Statutes 2010, section 86B.850, subdivision 2.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Koch	Newman	Sieben
Benson	Gerlach	Kruse	Nienow	Skoe
Berglin	Gimse	Kubly	Olson	Sparks
Bonoff	Goodwin	Langseth	Ortman	Stumpf
Brown	Hall	Latz	Parry	Thompson
Carlson	Hann	Lillie	Pederson	Tomassoni
Chamberlain	Harrington	Limmer	Pogemiller	Torres Ray
Cohen	Higgins	Lourey	Rest	Vandever
Dahms	Hoffman	Marty	Robling	Wiger
Daley	Howe	Metzen	Rosen	Wolf
DeKruif	Ingebrigtsen	Michel	Saxhaug	
Dibble	Jungbauer	Miller	Senjem	
Fischbach	Kelash	Nelson	Sheran	

So the bill passed and its title was agreed to.

H.F. No. 1105: A bill for an act relating to motor vehicles; modifying provisions related to pickup trucks; amending Minnesota Statutes 2010, sections 168.002, subdivisions 24, 26, 40, by adding subdivisions; 168.021, subdivision 1; 168.12, subdivisions 1, 2b; 168.123, subdivision 1; Laws 2008, chapter 350, article 1, section 5, as amended.

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 60 and nays 1, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Koch	Miller	Saxhaug
Benson	Gerlach	Kruse	Nelson	Senjem
Berglin	Gimse	Kubly	Newman	Sheran
Bonoff	Goodwin	Langseth	Nienow	Sieben
Brown	Hall	Latz	Olson	Skoe
Carlson	Harrington	Lillie	Ortman	Sparks
Chamberlain	Higgins	Limmer	Parry	Stumpf
Dahms	Hoffman	Lourey	Pederson	Thompson
Daley	Howe	Magnus	Pogemiller	Tomassoni
DeKruif	Ingebrigtsen	Marty	Rest	Torres Ray
Dibble	Jungbauer	Metzen	Robling	Wiger
Fischbach	Kelash	Michel	Rosen	Wolf

Those who voted in the negative were:

Vandev eer

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senators Koch and Bakk introduced –

Senate Resolution No. 90: A Senate resolution relating to conduct of Senate business during the interim between Sessions.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The powers, duties and procedures set forth in this resolution apply during the interim between the adjournment of the 87th Legislature, 2011 session and the convening of the 87th Legislature, 2012 session.

The Subcommittee on Committees of the Committee on Rules and Administration shall appoint persons as necessary to fill any vacancies that may occur in commissions and other bodies whose members are to be appointed by the Senate authorized by rule, statute, resolution, or otherwise.

The Committee on Rules and Administration shall establish positions, set compensation and benefits, appoint employees and authorize expense reimbursement as it deems proper to carry out the work of the Senate.

The Secretary of the Senate shall classify as eligible for benefits under Minnesota Statutes, sections 3.095 and 43A.24, those Senate employees heretofore or hereafter certified as eligible for benefits by the Committee on Rules and Administration.

The Secretary of the Senate may employ after the close of the session the employees necessary to finish the business of the Senate at the salaries paid under the rules of the Senate for the 2011 regular session. The Secretary of the Senate may employ the necessary employees to prepare for

the 2012 session at the salaries in effect at that time.

The Secretary of the Senate, as authorized and directed by the Committee on Rules and Administration, shall furnish each member of the Senate with postage and supplies and, upon proper verification of the expenses incurred, shall reimburse each member for expenses as authorized from time to time by the Committee on Rules and Administration.

The Secretary of the Senate shall correct and approve the Journal of the Senate for those days that have not been corrected and approved by the Senate, and shall correct printing errors found in the Journal of the Senate for the 2011 session. The Secretary of the Senate may include in the Senate Journal proceedings of the last day, appointments by the Subcommittee on Committees to interim commissions created by legislative action, permanent commissions or committees established by statute, standing committees, official communications and other matters of record received on or after May 23, 2011.

The Secretary of the Senate may pay election and litigation costs as authorized by the Committee on Rules and Administration.

The Secretary of the Senate, with the approval of the Committee on Rules and Administration, shall secure bids and enter into contracts for remodeling and improvement of Senate office space, and shall purchase all supplies, equipment, and other goods and services necessary to carry out the work of the Senate. Contracts in excess of \$10,000 must be approved by the Chair of the Committee on Rules and Administration and another member designated by the Chair.

The Secretary of the Senate shall draw warrants from the legislative expense fund in payment of the accounts referred to in this resolution.

All Senate records, including committee books, are subject to the direction of the Committee on Rules and Administration.

The Senate Chamber, retiring room, committee rooms, all conference rooms, storage rooms, Secretary of the Senate's office, Rules and Administration office, and any and all other space assigned to the Senate, are reserved for use by the Senate and its standing committees only and must not be released or used for any other purpose except upon the authorization of the Secretary of the Senate with the approval of the Committee on Rules and Administration or its Chair.

The Custodian of the Capitol shall continue to provide parking space for members and staff of the Legislature under Senate Concurrent Resolution No. 2.

Senator Koch moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Bakk	Dahms	Gimse	Howe	Langseth
Benson	Daley	Goodwin	Ingebrigtsen	Latz
Bonoff	DeKruif	Hall	Jungbauer	Lillie
Brown	Dibble	Hann	Kelash	Limmer
Carlson	Fischbach	Harrington	Koch	Lourey
Chamberlain	Gazelka	Higgins	Kruse	Magnus
Cohen	Gerlach	Hoffman	Kubly	Marty

McGuire	Nienow	Rest	Skoe	Wiger
Metzen	Olson	Robling	Sparks	Wolf
Michel	Ortman	Rosen	Stumpf	
Miller	Parry	Senjem	Thompson	
Nelson	Pederson	Sheran	Tomassoni	
Newman	Pogemiller	Sieben	Torres Ray	

Those who voted in the negative were:

Vandevveer

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Senators Koch and Bakk introduced –

Senate Concurrent Resolution No. 8: A Senate concurrent resolution relating to adjournment of the Senate and House of Representatives until 2012.

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon their adjournments on May 23, 2011, the Senate may set its next day of meeting for Tuesday, January 24, 2012, at 12:00 noon and the House of Representatives may set its next day of meeting for Tuesday, January 24, 2012, at 12:00 noon.

2. By the adoption of this resolution, each house consents to adjournment of the other house for more than three days.

Senator Koch moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Madam 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. 943: A bill for an act relating to game and fish; modifying aquaculture provisions; modifying compensation and assistance provisions for crop damage by elk; modifying requirements for fish and wildlife management plans; modifying provisions for taking, possessing, and

transporting wild animals; modifying penalty and license provisions; modifying duties of the Board of Water and Soil Resources; limiting landowner liability for state walk-in access program; requiring rulemaking; providing criminal penalties; amending Minnesota Statutes 2010, sections 3.7371; 16C.055, subdivision 2; 17.4982, subdivisions 8, 12, 13, by adding a subdivision; 17.4991, subdivision 3; 17.4992, subdivision 4; 17.4994; 84.942, subdivision 1; 84.95, subdivision 2; 84D.11, subdivision 2a; 97A.015, subdivisions 24, 45, 49, 52, 55; 97A.028, subdivision 3; 97A.075, subdivision 6; 97A.101, subdivision 3; 97A.311, subdivision 5; 97A.321, subdivision 1; 97A.331, by adding a subdivision; 97A.405, subdivision 2; 97A.415, subdivision 2; 97A.425, subdivision 3; 97A.433, by adding a subdivision; 97A.435, subdivision 1; 97A.445, subdivision 1a; 97A.465, subdivision 5; 97A.475, subdivision 7; 97A.505, subdivision 2; 97A.545, subdivision 5; 97B.022, subdivision 2; 97B.041; 97B.055, subdivision 3; 97B.075; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.425; 97B.515, by adding a subdivision; 97B.645, subdivision 9; 97B.711, by adding a subdivision; 97B.803; 97C.005, subdivision 3; 97C.081, subdivisions 3, 4, by adding a subdivision; 97C.087, subdivision 2; 97C.205; 97C.211, subdivision 5; 97C.341; 103B.101, subdivision 9; 604A.24; proposing coding for new law in Minnesota Statutes, chapters 17; 97B; 348; repealing Minnesota Statutes 2010, sections 84.942, subdivisions 2, 3, 4; 97A.015, subdivisions 26b, 27b, 27c; 97A.435, subdivision 5; 97C.081, subdivision 2.

Senate File No. 943 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 19, 2011

Senator Ingebrigtsen moved that the Senate do not concur in the amendments by the House to S.F. No. 943, 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.

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1144.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 19, 2011

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 1144: A bill for an act relating to state government; providing for limited reinstatement of coverage in state employee group insurance program.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 849.

REPORTS OF COMMITTEES

Senator Koch moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to appointments. The motion prevailed.

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

S.F. No. 1420: A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2010, section 171.306, subdivision 5.

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

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

S.F. No. 1340: A bill for an act relating to counties; giving counties authority to provide for the general welfare; establishing an alternative service delivery pilot program for waivers; amending Minnesota Statutes 2010, section 375.18, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 402A.

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

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

S.F. No. 1428: A bill for an act relating to public safety; appropriating money to match federal disaster assistance made available through FEMA Public Assistance Program.

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

Senator Vandever from the Committee on Local Government and Elections, to which were referred the following appointments:

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
Andrew Luger
Deanna Wiener

Reports the same back with the recommendation that the appointments be confirmed.

Senator Koch moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1420, 1340 and 1428 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 988.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 19, 2011

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 988: A bill for an act relating to public defenders; modifying provisions providing for representation by a public defender; amending Minnesota Statutes 2010, sections 609.131, subdivision 1; 611.16; 611.17; 611.18; 611.20, subdivisions 3, 4; 611.27, subdivisions 1, 5; repealing Minnesota Statutes 2010, section 611.20, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 952, now on General Orders.

MEMBERS EXCUSED

Senator Scheid was excused from the Session of today. Senator Brown was excused from the Session of today from 2:30 to 5:45 p.m. Senator Latz was excused from the Session of today from 3:30 to 6:00 p.m. Senator Jungbauer was excused from the Session of today from 4:00 to 4:30 p.m. Senator Pappas was excused from the Session of today from 4:30 to 5:45 p.m. Senator Stumpf was excused from the Session of today from 4:45 to 6:15 p.m. Senator Rosen was excused from the Session of today from 5:10 to 5:25 p.m. Senator Gerlach was excused from the Session of today from 8:15 to 9:00 p.m. Senator Magnus was excused from the Session of today from 8:15 to 9:10 p.m. Senator McGuire was excused from the Session of today from 8:15 to 9:15 p.m. Senators Pappas and Reinert were excused from the Session of today from 8:15 to 9:20 p.m. Senator Thompson was excused from the Session of today from 8:30 to 8:45 p.m.

ADJOURNMENT

Senator Koch moved that the Senate do now adjourn until 10:00 a.m., Friday, May 20, 2011. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

