

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2002

 ONE HUNDRED EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 9, 2002

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

Prayer was offered by the Reverend Bruce Talso, Brooklyn Park, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Bradley, Mariani, McElroy, Ness, Nornes, Opatz and Wolf were excused.

Walker was excused until 1:30 p.m. Osthoff was excused until 2:00 p.m. Wagenius was excused until 3:00 p.m.

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

PETITIONS AND COMMUNICATIONS

The following communications were received:

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

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

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

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
3200		360	11:20 a.m. May 8	May 8
3026		361	11:30 a.m. May 8	May 8

Sincerely,

MARY KIFFMEYER
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 8, 2002

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

Dear Speaker Sviggum:

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

H. F. No. 3359, relating to health; modifying certain protocols for nurses; authorizing transfer of certain nursing facility beds; providing for the administration of epinephrine on emergency ambulance calls.

Sincerely,

JESSE VENTURA
Governor

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

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

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

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
	3359	362	11:25 a.m. May 8	May 8

Sincerely,

MARY KIFFMEYER
Secretary of State

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Vandevier introduced:

H. F. No. 3725, A bill for an act relating to local government; appropriating money for a consolidation aid grant.

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

Clark, K.; Skoglund; Kahn and Tuma introduced:

H. F. No. 3726, A bill for an act relating to driving while impaired; vehicle forfeiture; requiring notice of right to obtain judicial review of DWI-related vehicle forfeiture to be printed in Somali in addition to other languages; amending Minnesota Statutes 2000, section 169A.63, subdivision 8.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 2727.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2727

A bill for an act relating to natural resources; modifying land acquisition procedures; modifying certain local planning regulations; adding to and deleting from certain state parks and state recreation areas; establishing the Cuyuna Lakes state trail; restricting the taking of fish on certain waters; authorizing public and private sales, conveyances, and exchanges of certain state land; modifying provisions for sale of tax-forfeited land; appropriating money; amending Minnesota Statutes 2000, sections 84.0272; 85.015, by adding a subdivision; 97C.025; 282.018, subdivision 1; 394.36, by adding a subdivision; 462.357, by adding a subdivision.

May 1, 2002

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2727, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2727 be further amended as follows:

Delete everything after the enacting clause and insert:

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

84.0272 [PROCEDURE IN ACQUIRING LANDS.]

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

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

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

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

(b) The estimated market value is equal to:

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

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

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

(d) The commissioner shall periodically review the easement payment rates under this subdivision to determine whether the stream easement payments reflect current shoreland market values. If the commissioner determines that the easements do not reflect current shoreland market values, the commissioner shall report to the senate and house of representatives natural resources policy committees with recommendations for changes to this subdivision that are necessary for the stream easement payment rates to reflect current shoreland market values. The recommendations may include an adjustment to the dollar amount in paragraph (a), clause (1).

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

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

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

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

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

(b) The trail shall be developed as a multiuse, multiseasonal, dual treadway trail.

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

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

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

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

(d) Where the authority having jurisdiction over lands withdrawn from sale under this section is not the commissioner of natural resources, the authority may submit proposals for disposition of the lands to the commissioner. The commissioner of natural resources shall evaluate the lands and their public benefits and make recommendations on the proposed dispositions to the committees of the legislature with jurisdiction over natural resources. The commissioner shall include any recommendations of the commissioner for disposition of lands withdrawn from sale under this section over which the commissioner has jurisdiction. The commissioner's recommendations may include a public sale, sale to a private party, acquisition by the department of natural resources for public purposes, or a cooperative management agreement with, or transfer to, another unit of government.

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

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

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

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

Sec. 7. [ADDITIONS TO STATE PARKS.]

Subdivision 1. [85.012] [Subd. 14.] [CROW WING STATE PARK, CROW WING, CASS, AND MORRISON COUNTIES.] The following areas are added to Crow Wing state park, Crow Wing county:

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

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

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

Subd. 2. [85.012] [Subd. 27.] [MYRE-BIG ISLAND STATE PARK, FREEBORN COUNTY.] The following areas are added to Myre-Big Island state park, all in Township 102 North, Range 21 West, Freeborn county:

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

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

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

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

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

Sec. 9. [ADDITIONS TO STATE FORESTS.]

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

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

- (1) Sections 1 to 36, inclusive, of Township 134 North, Range 30 West;
- (2) Section 36, Township 135 North, Range 30 West; and
- (3) the East half, the North Half of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 3 and the North Half of the Northeast Quarter of Section 10, all in Township 133 North, Range 30 West.

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

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

- (1) the Southeast Quarter of Section 35; and
- (2) the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southeast Quarter of Section 36.

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

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

Sec. 11. [DELETIONS FROM CUYUNA COUNTRY STATE RECREATION AREA.]

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

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

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

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

(c) The land to be sold is located in Big Stone county and is described as: That part of Government Lot 1, Section 13, Township 122 North, Range 47 West, Big Stone county, Minnesota, being a strip of land 80 feet in width lying northerly of the plat SECOND ADDITION TO SUNSET VIEW, according to the plat on file and of record in the office of the recorder for Big Stone county, Minnesota, the southerly line of said strip is coincident with the northerly lines of Lots 3 through 19, inclusive, of said plat, the westerly boundary of said strip being the northerly extension of the west line of Lot 19 of said plat. EXCEPTING therefrom the south 30 feet thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The above described tract contains 0.46 acres to be sold.

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

Sec. 16. [LAND EXCHANGE; LAKE OF THE WOODS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 94.342, the commissioner of natural resources may exchange, with the adjoining landowner, the acquired forest land bordering public waters described in paragraph (b).

(b) The land to be exchanged is located in Lake of the Woods county and is described as the West 450 feet of Government Lot 7, Section 5, Township 167 North, Range 33 West.

(c) The exchange will correct an inadvertent trespass on state land.

Sec. 17. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; MEEKER COUNTY.]

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

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

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

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

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

Sec. 18. [PRIVATE SALE OF SURPLUS STATE LAND; MORRISON COUNTY.]

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

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

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

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

Sec. 19. [PRIVATE SALE OF STATE WILDLIFE LAND; OTTER TAIL COUNTY.]

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

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

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

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

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

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

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

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

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

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

TRACT B: Commencing at the north quarter corner of Section 33, Township 133 North, Range 43 West; thence on an assumed bearing, based on the survey done by the city engineer for the city of Fergus Falls, of South 00 degrees 44 minutes 36 seconds West 300.03 feet to the point of beginning of the land to be described; thence North 89 degrees 59 minutes 01 seconds East 120.01 feet; thence North 00 degrees 44 minutes 36 seconds East 300.03 feet to the north line of said Section 33; thence North 00 degrees 51 minutes 17 seconds East 455.04 feet; thence North 89 degrees 59 minutes 19 seconds East 779.99 feet; thence South 28 degrees 08 minutes 03 seconds East 515.79 feet to the north line of said Section 33; thence North 89 degrees 59 minutes 01 seconds East 205.14 feet; thence South 01 degrees 08 minutes 08 seconds West 330.19 feet to the north line of the "Tower Road Industrial Park Addition;" thence South 89 degrees 59 minutes 19 seconds West 1352.88 feet; thence North 00 degrees 44 minutes 36 seconds East 30.00 feet to the point of beginning.

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

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

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

Sec. 20. [PRIVATE SALE OF TAX-FORFEITED LAND; RAMSEY COUNTY.]

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

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

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

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

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

Sec. 21. [CONVEYANCE OF STATE LAND BORDERING PUBLIC WATER; RAMSEY, STEVENS, AND CARLTON COUNTIES.]

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09 to 94.16, or any other law to the contrary, the commissioner of administration may convey to the University of Minnesota board of regents for no consideration the surplus land that is described in paragraph (c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 30, Township 49 North, Range 17 West, Carlton county, Minnesota.

(d) Conveyance of land in Stevens county under this section is subject to Minnesota Statutes, section 137.16. Land conveyed under this section retains any bonding obligations on the buildings located thereon that exist at the time of conveyance.

Sec. 22. [PUBLIC SALE OF SCHOOL TRUST LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.]

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

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

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

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

Sec. 23. [PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATERS; ST. LOUIS COUNTY.]

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

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

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

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

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

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

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

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

Sec. 24. [PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATERS; ST. LOUIS COUNTY.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 25. [PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.]

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

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

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

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

Sec. 26. [PUBLIC SALE OF STATE WILDLIFE MANAGEMENT AREA LAND BORDERING PUBLIC WATERS; SCOTT COUNTY.]

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

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

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

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

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

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

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

Sec. 27. [PRIVATE SALE OF SURPLUS STATE LAND; SHERBURNE COUNTY.]

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

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

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

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

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

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

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

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

Sec. 28. [PRIVATE SALE OF TAX-FORFEITED LAND; WASHINGTON COUNTY.]

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

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

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

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

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

Sec. 29. [PRIVATE SALE OF SURPLUS STATE LAND; WINONA COUNTY.]

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

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

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

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

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

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

Sec. 30. [CONVEYANCE TO CITY OF BIG FORK.]

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

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

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

Sec. 31. [CONVEYANCE TO WISCONSIN.]

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

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

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

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

(3) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point 72.6 feet North of the southwest corner of the Northeast Quarter of the Northwest Quarter of Section 13, Township 22 North, Range 14 West; thence South 30 degrees West, 350 feet to the north bank of the Mississippi river, containing 1.6 acres and being a part of Government Lot 5 in said Section, Township, and Range; and

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

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

Sec. 32. [LAND CONVEYANCE; CITY OF WABASHA.]

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, 94.10, 161.43, 161.44, or any law to the contrary, the commissioner of transportation shall convey, for no consideration, to the city of Wabasha the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the land is not used for public purposes.

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

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

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

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

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

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

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

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

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

Sec. 33. [FLOOD HAZARD MITIGATION PROJECT GRANT; COTTON TOWNSHIP.]

Notwithstanding Minnesota Statutes, section 103F.161, subdivision 2, a grant for implementation of a flood hazard mitigation project in Cotton Township may not exceed 95 percent of the total cost of the proposed mitigation measures.

Sec. 34. [PUBLIC ACCESS; CHIPPEWA COUNTY.]

The commissioner of natural resources shall maintain the existing public access to Lac qui Parle lake adjacent to state highway 40, including direct access for the adjoining landowner.

Sec. 35. [RULE AMENDMENT.]

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

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

Sec. 36. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public lands; modifying land acquisition procedures; modifying and creating certain state trails; modifying provisions for certain lands withdrawn from sale; modifying certain local planning regulations; adding to and deleting from certain state parks, state forests, and state recreation areas; authorizing public and private sales, conveyances, and exchanges of certain state land; modifying certain grant requirements for flood hazard mitigation; requiring maintenance of a certain public access in Chippewa county; requiring a rule amendment; appropriating money; amending Minnesota Statutes 2000, sections 84.0272; 85.015, subdivision 2, by adding a subdivision; 282.018, subdivision 1; 394.36, by adding a subdivision; 462.357, by adding a subdivision."

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

Senate Conferees: DON SAMUELSON, JANE KRENTZ AND DAVID L. KNUTSON.

House Conferees: DOUG PETERSON, DENNIS OZMENT AND BUD NORNES.

Peterson moved that the report of the Conference Committee on S. F. No. 2727 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

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

The question was taken on the repassage of the bill and the roll was called. There were 104 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Hilty	Larson	Pelowski	Swapinski
Anderson, I.	Entenza	Holsten	Leighton	Penas	Swenson
Bakk	Erhardt	Howes	Lenczewski	Peterson	Sykora
Bernardy	Evans	Huntley	Leppik	Pugh	Thompson
Biernat	Finseth	Jacobson	Lieder	Rhodes	Tingelstad
Bishop	Folliard	Jaros	Lipman	Rifenberg	Tuma
Blaine	Fuller	Jennings	Mahoney	Rukavina	Vandever
Boudreau	Gleason	Johnson, R.	Mares	Ruth	Walz
Carlson	Goodno	Johnson, S.	Marko	Schumacher	Wasiluk
Cassell	Goodwin	Jordan	Marquart	Seagren	Westerberg
Clark, J.	Gray	Juhnke	McGuire	Sertich	Westrom
Daggett	Greiling	Kahn	Milbert	Skoe	Winter
Davids	Gunther	Kalis	Mullery	Skoglund	Workman
Davnie	Haas	Kelliher	Murphy	Slawik	Spk. Sviggum
Dawkins	Hackbarth	Knoblach	Osskopp	Smith	
Dempsey	Harder	Koskinen	Otremba	Solberg	
Dibble	Hausman	Kubly	Ozment	Stanek	
Dorman	Hilstrom	Kuisle	Paulsen	Stang	

Those who voted in the negative were:

Anderson, B.	Erickson	Johnson, J.	Lindner	Olson	Seifert
Buesgens	Gerlach	Kielkucki	Molnau	Pawlenty	Wilkin
Eastlund	Holberg	Krinkie	Mulder	Paymar	

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

Mr. Speaker:

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

S. F. No. 3246.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3246

A bill for an act relating to trade practices; limiting unsolicited telephone calls to certain individuals; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 325E.

April 23, 2002

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3246, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 3246 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [325E.311] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 325E.311 to 325E.316, the terms in subdivisions 2 to 6 have the meanings given them.

Subd. 2. [CALLER.] "Caller" means a person, corporation, firm, partnership, association, or legal or commercial entity that attempts to contact, or that contacts, a residential subscriber in this state by using a telephone or a telephone line.

Subd. 3. [CALLER IDENTIFICATION SERVICE.] "Caller identification service" means a telephone service that permits telephone subscribers to see the telephone number of incoming telephone calls.

Subd. 4. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.

Subd. 5. [RESIDENTIAL SUBSCRIBER.] "Residential subscriber" means a person who has subscribed to residential telephone services from a telephone company or the other persons living or residing with the subscribing person.

Subd. 6. [TELEPHONE SOLICITATION.] "Telephone solicitation" means any voice communication over a telephone line for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, whether the communication is made by a live operator, through the use of an automatic dialing-announcing device as defined in section 325E.26, subdivision 2, or by other means. Telephone solicitation does not include communications:

- (1) to any residential subscriber with that subscriber's prior express invitation or permission;
- (2) by or on behalf of any person or entity with whom a residential subscriber has a prior or current business or personal relationship;
- (3) by or on behalf of an organization that is identified as a nonprofit organization under state or federal law; or
- (4) by a person soliciting without the intent to complete, and who does not in fact complete, the sales presentation during the call, but who will complete the sales presentation at a later face-to-face meeting between the solicitor who makes the call and the prospective purchaser.

Sec. 2. [325E.312] [TELEPHONE SOLICITATIONS.]

Subdivision 1. [PERSONS INCLUDED IN NO-CALL LIST.] No caller shall make or cause to be made any telephone solicitation to the telephone line of any residential subscriber in this state who is on the no-call list established and maintained under section 325E.313.

Subd. 2. [IDENTIFICATION OF CALLER.] Any caller who makes a telephone solicitation to a residential subscriber in this state shall state the caller's identity clearly at the beginning of the call and, if requested, the caller's telephone number.

Subd. 3. [INTERFERENCE WITH CALLER IDENTIFICATION.] No caller who makes a telephone solicitation to a residential subscriber in this state shall knowingly use any method to block or otherwise deliberately circumvent the subscriber's use of a caller identification service.

Sec. 3. [325E.313] [NO-CALL LIST.]

Subdivision 1. [ESTABLISHMENT OF LIST.] The commissioner shall establish and maintain a list of telephone numbers of residential subscribers who object to receiving telephone solicitations. The commissioner may fulfill the requirements of this subdivision by contracting with an agent for the establishment and maintenance of the list. The list must be established by January 1, 2003.

Subd. 2. [OPERATION AND MAINTENANCE OF LIST.] (a) Each local exchange company must inform its residential subscribers of the opportunity to provide notification to the commissioner or its contractor that the subscriber objects to receiving telephone solicitations. The notification must be made in the manner prescribed by the commissioner.

(b) Any residential subscriber may contact the commissioner or the commissioner's agent and give notice, in the manner prescribed by the commissioner, that the subscriber objects to receiving telephone solicitations. The commissioner shall add the telephone number of any subscriber who gives notice of objection to the list maintained pursuant to subdivision 1 within 90 days of the date the notice is received.

(c) Any notice given by a subscriber under this subdivision shall be effective for four years unless revoked by the subscriber. Any subsequent notices given by the same subscriber related to a different telephone number are separate from the original notice.

(d) The commissioner shall allow consumers to give notice under this subdivision by mail or electronically.

(e) The commissioner shall establish the procedures by which a person wishing to make telephone solicitations may obtain access to the list. Those procedures shall, to the extent practicable, allow for access to paper or electronic copies of the list.

Subd. 3. [USE OF FEDERAL LIST.] If, pursuant to United States Code, title 15, section 6102(a), the Federal Trade Commission establishes a national list of telephone numbers of subscribers who object to receiving telephone solicitations, the commissioner shall include subscribers who live in Minnesota and are included in the national list in the list established under this section. The commissioner shall also transmit to the Federal Trade Commission the telephone numbers included on the no-call list established under this section and shall request that they be included in the national list.

Sec. 4. [325E.314] [FEES; ACQUISITION AND USE OF LIST.]

(a) A person or entity desiring to make telephone solicitations shall pay a fee, payable to the commissioner, for access to, or for paper or electronic copies of, the list established under section 325E.313. The fee shall not exceed \$125 for each acquisition of the list. The fee shall not exceed \$90 in fiscal year 2004, and the fee shall not exceed \$75 in fiscal year 2005 and thereafter.

(b) A caller who makes a telephone solicitation to the telephone line of any residential subscriber must, at the time of the call, have obtained access to a current version of the list at least once in the 90 days prior to the call. A caller who complies with this requirement is not liable for any violation of section 325E.312 relating to a solicitation made to a subscriber during the first 30 days after the caller first obtained a copy of the list including that subscriber's telephone number that has not been superseded by a later list obtained by the caller that does not include the subscriber's telephone number.

(c) If the Federal Trade Commission establishes a national do-not-call list as described in section 325E.313, subdivision 3, a person or entity who is required by law to obtain a copy of the national list is not required to purchase or retain a copy of the list established by the commissioner, unless the Federal Trade Commission fails to incorporate the Minnesota names transmitted by the commissioner.

Sec. 5. [325E.315] [RELEASE OF INFORMATION.]

Information contained in the list established under section 325E.313 shall be used only for the purposes of compliance with sections 325E.311 to 325E.316 or in a proceeding or action under section 325E.316. The information contained in the list is private data on individuals or nonpublic data as defined in section 13.02.

Sec. 6. [325E.316] [PENALTIES.]

Subdivision 1. [ENFORCEMENT BY COMMISSIONER.] In enforcing sections 325E.311 to 325E.316, the commissioner has all powers provided by section 45.027, including, but not limited to, the power to impose a civil penalty to a maximum of \$1,000 for each solicitation that violates section 325E.312.

Subd. 2. [DEFENSES.] (a) In any action or proceeding against a person under this section, it shall be a defense that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of section 325E.312.

(b) No provider of caller identification service shall be held liable for violations of section 325E.312 committed by other persons or entities.

Subd. 3. [TIME LIMITATIONS.] No action or proceeding may be brought under this section:

(1) more than two years after the person bringing the action knew or should have known of the alleged violation;
or

(2) more than two years after the termination of any proceeding or action by the state of Minnesota, whichever is later.

Subd. 4. [JURISDICTION.] A court of this state may exercise personal jurisdiction over any nonresident or the nonresident's executor or administrator as to an action or proceeding authorized by this section according to the provisions of section 543.19.

Subd. 5. [OTHER REMEDIES.] The remedies, duties, prohibitions, and penalties of this section are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.

Sec. 7. [APPROPRIATION.]

\$482,000 is appropriated from the general fund in fiscal year 2003 to the commissioner of commerce for purposes of this act. The general fund base in fiscal year 2004 is \$349,000, and in fiscal year 2005 is \$299,000.

Sec. 8. [EFFECTIVE DATE.]

Sections 2 and 4 are effective 30 days after the commissioner complies with the requirements of section 3, subdivision 1."

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

Senate Conferees: RICHARD J. COHEN AND DAVID L. KNUTSON.

House Conferees: MATT ENTENZA, GREGORY M. DAVIDS AND ROXANN DAGGETT.

Entenza moved that the report of the Conference Committee on S. F. No. 3246 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3246, A bill for an act relating to trade practices; limiting unsolicited telephone calls to certain individuals; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

The question was taken on the repassage of the bill and the roll was called. There were 114 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Goodwin	Johnson, J.	Lipman	Paymar
Abrams	Dempsey	Gray	Johnson, R.	Mahoney	Pelowski
Anderson, I.	Dibble	Greiling	Johnson, S.	Mares	Penas
Bakk	Dorman	Gunther	Jordan	Marko	Peterson
Bernardy	Dorn	Haas	Juhnke	Marquart	Pugh
Biernat	Eastlund	Hackbarth	Kahn	McGuire	Rhodes
Bishop	Entenza	Hausman	Kalis	Milbert	Rifenberg
Blaine	Erhardt	Hilstrom	Kelliher	Molnau	Rukavina
Boudreau	Erickson	Hilty	Koskinen	Mullery	Ruth
Carlson	Evans	Holberg	Kubly	Murphy	Schumacher
Cassell	Finseth	Holsten	Kuisle	Olson	Seagren
Clark, J.	Folliard	Howes	Larson	Osskopp	Seifert
Clark, K.	Fuller	Huntley	Leighton	Otremba	Sertich
Daggett	Gerlach	Jacobson	Lenczewski	Ozment	Skoe
Dauids	Gleason	Jaros	Leppik	Paulsen	Skoglund
Davnie	Goodno	Jennings	Lieder	Pawlenty	Slawik

Smith	Stang	Sykora	Tuma	Westerberg	Winter
Solberg	Swapinski	Thompson	Walz	Westrom	Workman
Stanek	Swenson	Tingelstad	Wasiluk	Wilkin	Spk. Sviggum

Those who voted in the negative were:

Anderson, B.	Dehler	Krinkie	Mulder
Buesgens	Kielkucki	Lindner	Vandev eer

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

Mr. Speaker:

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

S. F. No. 2448.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2448

A bill for an act relating to government data practices; providing for disclosure by the department of public safety of personal data related to operation of a motor vehicle; amending Minnesota Statutes 2000, section 168.346.

April 26, 2002

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2448, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 2448 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 168.346, is amended to read:

168.346 [PRIVACY OF NAME OR RESIDENCE ADDRESS.]

(a) The registered owner of a motor vehicle may request in writing that the owner's residence address or name and residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the owner that the classification

is required for the safety of the owner or the owner's family, if the statement also provides a valid, existing address where the owner consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the motor vehicle. The residence address or name and residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

(b) An individual registered owner of a motor vehicle must be informed in a clear and conspicuous manner on the forms for issuance or renewal of titles and registrations, that the owner's personal information may be disclosed to any person who makes a request for the personal information, and that, except for uses permitted by United States Code, title 18, section 2721, subsection (b), the registered owner may prohibit disclosure of the personal information by so indicating on the form. For purposes of this paragraph, access by requesters making requests described in section 168.345, subdivision 4, is deemed to be related to public safety.

(c) At the time of registration or renewal, the individual registered owner of a motor vehicle must also be informed in a clear and conspicuous manner on forms that the owner's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes including surveys, marketing, and solicitation. The commissioner shall implement methods and procedures that enable the registered owner to request that bulk surveys, marketing, or solicitation not be directed to the owner. If the registered owner so requests, the commissioner shall implement the request in a timely manner and the personal information may not be so used.

(d) The commissioner shall disclose personal information when the use is related to the operation of a motor vehicle or public safety. The use of personal information is related to public safety if it concerns the physical safety or security of drivers, vehicles, pedestrians, or property. The commissioner may refuse to disclose data under this paragraph when the commissioner concludes that the requester is likely to use the data for illegal, improper, or noninvestigative purposes.

(e) To the extent permitted by United States Code, title 18, section 2721, data on individuals provided to register a motor vehicle is public data on individuals and shall be disclosed as permitted by United States Code, title 18, section 2721, subsection (b).

Sec. 2. Minnesota Statutes 2000, section 171.12, subdivision 7a, is amended to read:

Subd. 7a. [DISCLOSURE OF PERSONAL INFORMATION.] The commissioner shall disclose personal information where the use is related to the operation of a motor vehicle or to public safety, ~~including public dissemination~~. The use of personal information is related to public safety if it concerns the physical safety or security of drivers, vehicles, pedestrians, or property. The commissioner may refuse to disclose data under this subdivision when the commissioner concludes that the requester is likely to use the data for illegal, improper, or noninvestigative purposes."

Amend the title as follows:

Page 1, line 5, delete everything after the comma and insert "sections 168.346; 171.12, subdivision 7a."

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

Senate Conferees: DON BETZOLD AND SHEILA M. KISCADEN.

House Conferees: STEVE SMITH, JAMES T. CLARK AND TIM MAHONEY.

Smith moved that the report of the Conference Committee on S. F. No. 2448 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2448, A bill for an act relating to government data practices; providing for disclosure by the department of public safety of personal data related to operation of a motor vehicle; amending Minnesota Statutes 2000, section 168.346.

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

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

S. F. No. 1755, A bill for an act relating to public employees; establishing a committee to gather information and make recommendations for the design of a school employee health insurance plan; appropriating money.

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

Senators Stumpf, Sams and Robertson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Davids moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1755. The motion prevailed.

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

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

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Milbert and Paymar were excused for the remainder of today's session.

Clark, K., was excused between the hours of 2:40 p.m. and 3:15 p.m.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bill to be placed on the Calendar for the Day, immediately preceding the remaining bills on the Calendar for the Day, for Thursday, May 9, 2002:

S. F. No. 3463.

The Speaker called Boudreau to the Chair.

CALENDAR FOR THE DAY

S. F. No. 3463, A bill for an act relating to agriculture; clarifying the prohibition on certain application of pesticides; amending Minnesota Statutes 2000, section 18B.07, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Blaine	Cassell	Davnie	Dibble
Abrams	Bernardy	Boudreau	Clark, J.	Dawkins	Dorman
Anderson, B.	Biernat	Buesgens	Daggett	Dehler	Dorn
Anderson, I.	Bishop	Carlson	Davids	Dempsey	Eastlund

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

Those who voted in the negative were:

Greiling

The bill was passed and its title agreed to.

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1755:

Davids, Haas and Entenza.

The Speaker announced the following change in membership of the Conference Committee on H. F. No. 2598:

Delete the name of Anderson, B., and add the name of Johnson, J.

MOTIONS AND RESOLUTIONS

Osskopp moved that the name of Dibble be added as an author on H. F. No. 567. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, May 13, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and Speaker pro tempore Boudreau declared the House stands adjourned until 1:00 p.m., Monday, May 13, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

