

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2005

 TWENTY-FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 9, 2005

The House of Representatives convened at 12:00 noon and was called to order by Gregory M. Davids, Speaker pro tempore.

Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

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

The roll was called and the following members were present:

Abeler	Dempsey	Heidgerken	Lenczewski	Ozment	Slawik
Abrams	Dill	Hilstrom	Lesch	Paulsen	Smith
Anderson, B.	Dittrich	Hilty	Liebling	Paymar	Soderstrom
Anderson, I.	Dorman	Hoppe	Lieder	Pelowski	Solberg
Atkins	Dorn	Hortman	Lillie	Penas	Sykora
Beard	Eastlund	Hosch	Loeffler	Peppin	Thao
Bernardy	Eken	Howes	Magnus	Peterson, A.	Thissen
Blaine	Ellison	Huntley	Mahoney	Peterson, N.	Tingelstad
Bradley	Emmer	Jaros	Mariani	Peterson, S.	Urdahl
Brod	Erhardt	Johnson, J.	Marquart	Poppe	Vandevveer
Buesgens	Erickson	Johnson, R.	McNamara	Powell	Wagenius
Carlson	Finstad	Johnson, S.	Meslow	Rukavina	Walker
Charron	Fritz	Juhnke	Moe	Ruth	Wardlow
Clark	Garofalo	Kahn	Mullery	Ruud	Welti
Cornish	Gazelka	Kelliher	Murphy	Sailor	Westerberg
Cox	Goodwin	Klinzing	Nelson, M.	Samuelson	Westrom
Cybart	Greiling	Knoblach	Nelson, P.	Scalze	Wilkin
Davids	Gunther	Koenen	Newman	Seifert	Zellers
Davnie	Hackbarth	Kohls	Nornes	Sertich	Spk. Sviggum
Dean	Hamilton	Lanning	Olson	Sieben	
DeLaForest	Hansen	Larson	Opatz	Simon	
Demmer	Hausman	Latz	Otremba	Simpson	

A quorum was present.

Entenza, Holberg, Hornstein, Krinkie and Severson were excused.

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

REPORTS OF CHIEF CLERK

S. F. No. 1031 and H. F. No. 1104, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Seifert moved that the rules be so far suspended that S. F. No. 1031 be substituted for H. F. No. 1104 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1116 and H. F. No. 590, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Samuelson moved that the rules be so far suspended that S. F. No. 1116 be substituted for H. F. No. 590 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 127, A bill for an act relating to health; establishing a cancer drug repository program; requiring rulemaking; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [144.707] [CANCER DRUG REPOSITORY PROGRAM.]

Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Cancer drug" means a prescription drug that is used to treat:

(1) cancer or the side effects of cancer; or

(2) the side effects of any prescription drug that is used to treat cancer or the side effects of cancer.

(c) "Cancer drug repository" means a medical facility or pharmacy that has notified the commissioner of its election to participate in the cancer drug repository program.

(d) "Cancer supply" or "supplies" means prescription and nonprescription cancer supplies needed to administer a cancer drug.

(e) "Commissioner" means the commissioner of health.

- (f) "Dispense" has the meaning given in section 151.01, subdivision 30.
- (g) "Distribute" means to deliver, other than by administering or dispensing.
- (h) "Medical facility" means an institution defined in section 144.50, subdivision 2.
- (i) "Medical supplies" means any prescription and nonprescription medical supply needed to administer a cancer drug.
- (j) "Pharmacist" has the meaning given in section 151.01, subdivision 3.
- (k) "Pharmacy" means any pharmacy registered with the Board of Pharmacy according to section 151.19, subdivision 1.
- (l) "Practitioner" has the meaning given in section 151.01, subdivision 23.
- (m) "Prescription drug" means a legend drug as defined in section 151.01, subdivision 17.
- (n) "Side effects of cancer" means symptoms of cancer.
- (o) "Single-unit-dose packaging" means a single-unit container for articles intended for administration as a single dose, direct from the container.
- (p) "Tamper-evident unit dose packaging" means a container within which a drug is sealed so that the contents cannot be opened without obvious destruction of the seal.

Subd. 2. [ESTABLISHMENT.] The commissioner shall establish and maintain a cancer drug repository program under which any person may donate a cancer drug or supply for use by an individual who meets the eligibility criteria specified under subdivision 4. Under the program, donations may be made on the premises of a medical facility or pharmacy that elects to participate in the program and meets the requirements specified under subdivision 3.

Subd. 3. [REQUIREMENTS FOR PARTICIPATION BY PHARMACIES AND MEDICAL FACILITIES.] (a) To be eligible for participation in the cancer drug repository program, a pharmacy or medical facility must be licensed and in compliance with all applicable federal and state laws and administrative rules.

(b) Participation in the cancer drug repository program is voluntary. A pharmacy or medical facility may elect to participate in the cancer drug repository program by submitting the following information to the commissioner, in a form provided by the commissioner:

- (1) the name, street address, and telephone number of the pharmacy or medical facility;
- (2) the name and telephone number of a pharmacist who is employed by or under contract with the pharmacy or medical facility, or other contact person who is familiar with the pharmacy's or medical facility's participation in the cancer drug repository program; and
- (3) a statement indicating that the pharmacy or medical facility meets the eligibility requirements under paragraph (a) and the chosen level of participation under paragraph (c).

(c) A pharmacy or medical facility may fully participate in the cancer drug repository program by accepting, storing, and dispensing donated drugs and supplies, or may limit its participation to only accepting and storing donated drugs and supplies. If a pharmacy or facility chooses to limit its participation, the pharmacy or facility shall distribute any donated drugs to a fully participating cancer drug repository in accordance with subdivision 8.

(d) A pharmacy or medical facility may withdraw from participation in the cancer drug repository program at any time upon notification to the commissioner. A notice to withdraw from participation may be given by telephone or regular mail.

Subd. 4. [INDIVIDUAL ELIGIBILITY REQUIREMENTS.] Any Minnesota resident who is diagnosed with cancer is eligible to receive drugs or supplies under the cancer drug repository program. Drugs and supplies shall be dispensed according to the priority given under subdivision 6.

Subd. 5. [DONATIONS OF CANCER DRUGS AND SUPPLIES.] (a) Any one of the following persons may donate legally obtained cancer drugs or supplies to a cancer drug repository if the drugs or supplies meet the requirements under paragraph (b) or (c) as determined by a pharmacist who is employed by or under contract with a cancer drug repository:

(1) an individual who is 18 years of age or older; or

(2) a pharmacy, medical facility, drug manufacturer, or wholesale drug distributor, if the donated drugs have not been previously dispensed.

(b) A cancer drug is eligible for donation under the cancer drug repository program only if the following requirements are met:

(1) the donation is accompanied by a cancer drug repository donor form described under paragraph (d) that is signed by the person making the donation or that person's authorized representative;

(2) the drug's expiration date is at least six months later than the date that the drug was donated;

(3) the drug is in its original, unopened, tamper-evident unit dose packaging that includes the drug's lot number and expiration date. Single-unit dose drugs may be accepted if the single-unit-dose packaging is unopened; and

(4) the drug is not adulterated or misbranded.

(c) Cancer supplies are eligible for donation under the cancer drug repository program only if the following requirements are met:

(1) the supplies are not adulterated or misbranded;

(2) the supplies are in their original, unopened, sealed packaging; and

(3) the donation is accompanied by a cancer drug repository donor form described under paragraph (d) that is signed by the person making the donation or that person's authorized representative.

(d) The cancer drug repository donor form must be provided by the commissioner and shall state that to the best of the donor's knowledge the donated drug or supply has been properly stored and that the drug or supply has never been opened, used, tampered with, adulterated, or misbranded. The commissioner shall make the cancer drug repository donor form available on the Department of Health's Web site.

(e) Controlled substances and drugs and supplies that do not meet the criteria under this subdivision are not eligible for donation or acceptance under the cancer drug repository program.

(f) Drugs and supplies may be donated on the premises of a cancer drug repository to a pharmacist designated by the repository. A drop box may not be used to deliver or accept donations.

(g) Cancer drugs and supplies donated under the cancer drug repository program must be stored in a secure storage area under environmental conditions appropriate for the drugs or supplies being stored. Donated drugs and supplies may not be stored with nondonated inventory.

Subd. 6. [DISPENSING REQUIREMENTS.] (a) Drugs and supplies must be dispensed by a licensed pharmacist pursuant to a prescription by a practitioner and in accordance with the requirements of chapter 151.

(b) Before being dispensed, cancer drugs and supplies shall be visually inspected by the pharmacist for adulteration, misbranding, and date of expiration. Drugs or supplies that have expired or appear upon visual inspection to be adulterated, misbranded, or tampered with in any way may not be dispensed.

(c) Before a cancer drug or supply may be dispensed to an individual, the individual must sign a cancer drug repository recipient form provided by the commissioner acknowledging that the individual understands the information stated on the form. The form shall include the following information:

(1) that the drug or supply being dispensed has been donated and may have been previously dispensed;

(2) that a visual inspection has been conducted by the pharmacist to ensure that the drug has not expired, has not been adulterated or misbranded, and is in its original, unopened packaging; and

(3) that the dispensing pharmacist, the cancer drug repository, the Department of Health, and any other participant in the cancer drug repository program cannot guarantee the safety of the drug or supply being dispensed and that the pharmacist has determined that the drug or supply is safe to dispense based on the accuracy of the donor's form submitted with the donated drug or supply and the visual inspection required to be performed by the pharmacist before dispensing.

The commissioner shall make the cancer drug repository form available on the Department of Health's Web site.

(d) Drugs and supplies shall only be dispensed to individuals who meet the eligibility requirements in subdivision 4 and in the following order of priority:

(1) individuals who are uninsured;

(2) individuals who are enrolled in medical assistance, general assistance medical care, MinnesotaCare, Medicare, or other public assistance health care; and

(3) all other individuals who are otherwise eligible under subdivision 4 to receive drugs or supplies from a cancer drug repository.

Subd. 7. [HANDLING FEES.] A cancer drug repository may charge the individual receiving a drug or supply a handling fee of no more than 250 percent of the medical assistance program dispensing fee for each cancer drug or supply dispensed.

Subd. 8. [DISTRIBUTION OF DONATED CANCER DRUGS AND SUPPLIES.] (a) Cancer drug repositories may distribute drugs and supplies donated under the cancer drug repository program to other repositories if requested by a participating repository.

(b) A cancer drug repository that has elected not to dispense donated drugs or supplies shall distribute any donated drugs and supplies to a participating repository upon request of the repository.

(c) If a cancer drug repository distributes drugs or supplies under paragraph (a) or (b), the repository shall complete a cancer drug repository donor form provided by the commissioner. The completed form and a copy of the donor form that was completed by the original donor under subdivision 5 shall be provided to the fully participating cancer drug repository at the time of distribution.

Subd. 9. [RESALE OF DONATED DRUGS OR SUPPLIES.] Donated drugs and supplies may not be resold.

Subd. 10. [RECORD-KEEPING REQUIREMENTS.] (a) Cancer drug repository donor and recipient forms shall be maintained for at least five years.

(b) A record of destruction of donated drugs and supplies that are not dispensed under subdivision 6 shall be maintained by the dispensing repository for at least five years. For each drug or supply destroyed, the record shall include the following information:

- (1) the date of destruction;
- (2) the name, strength, and quantity of the cancer drug destroyed;
- (3) the name of the person or firm that destroyed the drug; and
- (4) the source of the drugs or supplies destroyed.

Subd. 11. [LIABILITY.] (a) Unless a manufacturer of a drug or supply exercises bad faith, the manufacturer is not subject to criminal or civil liability for injury, death, or loss to a person or property for matters related to the donation, acceptance, or dispensing of a cancer drug or supply manufactured by the manufacturer that is donated by any individual under this section, including liability for failure to transfer or communicate product or consumer information or the expiration date of the donated cancer drug or supply.

(b) A medical facility, pharmacy, pharmacist, practitioner, or donor participating in the program is immune from civil liability for injury to or for the death of an individual to whom the cancer drug or supply is dispensed and no disciplinary action shall be taken for unprofessional conduct for acts or omissions related to donating, accepting, distributing, or dispensing a cancer drug or supply under this section, unless the act or omission involves reckless, wanton, or intentional misconduct."

Amend the title as follows:

Page 1, line 3, delete "requiring rulemaking;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law and Elections.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 226, A bill for an act relating to health; requiring reporting on notification that is required before an abortion is performed on a minor or certain other women; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2004, section 13.3806, is amended by adding a subdivision to read:

Subd. 21. [ABORTION NOTIFICATION DATA.] Classification of data in abortion notification reports is governed by section 144.3431."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "amending Minnesota Statutes 2004, section 13.3806, by adding a subdivision;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety Policy and Finance.

The report was adopted.

Seifert from the Committee on State Government Finance to which was referred:

H. F. No. 229, A bill for an act relating to taxation; individual income; providing an income tax checkoff to fund grants to members of the National Guard and reserves who have incurred financial need as the result of being ordered to federal active service since 9/11; authorizing administration by the adjutant general; appropriating money; amending Minnesota Statutes 2004, section 190.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 290.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 423, A bill for an act relating to health; exempting hot tubs on rental houseboats from regulation as public pools; amending Minnesota Statutes 2004, section 144.1222, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 9, before "A" insert "(a)"

Page 1, after line 14, insert:

"(b) A hot water pool under this subdivision must be conspicuously posted with the following notice to renters:

"NOTICE

This spa is exempt from state and local sanitary requirements that prevent disease transmission.

USE AT YOUR OWN RISK

This notice is required under Minnesota Statutes, section 144.1222, subdivision 2c."

With the recommendation that when so amended the bill pass.

The report was adopted.

Gunther from the Committee on Jobs and Economic Opportunity Policy and Finance to which was referred:

H. F. No. 434, A bill for an act relating to economic development; appropriating money for the joint partnership between the University of Minnesota and the Mayo Clinic for research in biotechnology and medical genomics.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Commerce and Financial Institutions.

The report was adopted.

Seifert from the Committee on State Government Finance to which was referred:

H. F. No. 455, A bill for an act relating to the military; extending the time period for adjutant general of the Minnesota National Guard to make tuition reimbursement grants to members who have served in active military service; amending Minnesota Statutes 2004, section 192.501, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Olson from the Committee on Local Government to which was referred:

H. F. No. 547, A bill for an act relating to Washington County; making the library board advisory to the county board.

Reported the same back with the following amendments:

Page 1, after line 20, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after the governing body of Washington County complies with Minnesota Statutes, section 645.021, subdivision 3."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 572, A bill for an act relating to public safety; scheduling ephedrine and pseudoephedrine products as Schedule V controlled substances; regulating the sale of methamphetamine precursor drugs; authorizing reporting of suspicious transactions involving these drugs and providing civil immunity for so doing; further regulating while recodifying activities involving anhydrous ammonia; requiring courts to order restitution in certain situations involving controlled substances; imposing property restrictions in certain situations involving controlled substances; increasing the criminal penalties for possessing certain substances with the intent to manufacture methamphetamine and recodifying this crime; establishing new methamphetamine-related crimes; clarifying the definition of "narcotic drug"; expanding the definition of "violent crime" for mandatory sentencing purposes; requiring that vehicles and other property used to manufacture methamphetamine indicate this in the title or by an affidavit; requiring notice to schools when children are taken into protective custody after being found at a methamphetamine laboratory; establishing a methamphetamine laboratory cleanup revolving fund and authorizing loans to assist counties and cities in conducting methamphetamine cleanup; imposing criminal penalties; providing for ten new Bureau of Criminal Apprehension agents dedicated to methamphetamine enforcement; appropriating money; amending Minnesota Statutes 2004, sections 152.01, subdivision 10; 152.02, subdivision 6; 152.021, subdivisions 2a, 3; 152.027, subdivisions 1, 2; 152.135, subdivision 2; 168A.05, subdivision 3; 260B.171, by adding a subdivision; 609.1095, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 152; 446A; repealing Minnesota Statutes 2004, sections 18C.005, subdivisions 1a, 35a; 18C.201, subdivisions 6, 7; 18D.331, subdivision 5.

Reported the same back with the following amendments:

Pages 8 to 12, delete section 7 and insert:

"Sec. 7. [152.0275] [CERTAIN CONTROLLED SUBSTANCE OFFENSES; RESTITUTION; PROHIBITIONS ON PROPERTY USE; NOTICE PROVISIONS.]

Subdivision 1. [RESTITUTION.] (a) As used in this subdivision:

(1) "clandestine lab site" means any structure or conveyance or outdoor location occupied or affected by conditions or chemicals typically associated with the manufacturing of methamphetamine;

(2) "emergency response" includes, but is not limited to, removing and collecting evidence, securing the site, removal, remediation, and hazardous chemical assessment or inspection of the site where the relevant offense or offenses took place, regardless of whether these actions are performed by the public entities themselves or by private contractors paid by the public entities, or the property owner;

(3) "remediation" means proper cleanup, treatment, or containment of hazardous substances or methamphetamine at or in a clandestine lab site, and may include demolition or disposal of structures or other property when an assessment so indicates; and

(4) "removal" means the removal from the clandestine lab site of precursor or waste chemicals, chemical containers, or equipment associated with the manufacture, packaging, or storage of illegal drugs.

(b) A court shall require a person convicted of manufacturing or attempting to manufacture a controlled substance or of an illegal activity involving a precursor substance, where the response to the crime involved an emergency response, to pay restitution to all public entities that participated in the response. The restitution ordered must cover the reasonable costs of their participation in the response.

(c) In addition to the restitution required in paragraph (b), a court shall require a person convicted of manufacturing or attempting to manufacture a controlled substance or of illegal activity involving a precursor substance to pay restitution to a property owner who incurred removal or remediation costs because of the crime.

(d) Notwithstanding paragraphs (b) and (c), if the court finds that the convicted person is indigent or that payment of the restitution would create undue hardship for the convicted person's immediate family, the court may reduce the amount of restitution to an appropriate level.

Subd. 2. [PROPERTY-RELATED PROHIBITIONS; NOTICE; WEB SITE.] (a) As used in this subdivision:

(1) "clandestine lab site" has the meaning given in subdivision 1, paragraph (a);

(2) "property" means publicly or privately owned real property including buildings and other structures, motor vehicles as defined in section 609.487, subdivision 2a, public waters, and public rights-of-way;

(3) "remediation" has the meaning given in subdivision 1, paragraph (a); and

(4) "removal" has the meaning given in subdivision 1, paragraph (a).

(b) A peace officer who arrests a person at a clandestine lab site shall notify the appropriate county or local health department, state duty officer, and child protection services of the arrest and the location of the site.

(c) A county or local health department or sheriff shall order that any property or portion of a property that has been found to be a clandestine lab site and contaminated by substances, chemicals, or items of any kind used in the manufacture of methamphetamine or any part of the manufacturing process, or the by-products or degradates of manufacturing methamphetamine be prohibited from being occupied or used until it has been assessed and remediated as provided in the Department of Health's clandestine drug labs general cleanup guidelines. The remediation shall be accomplished by a contractor who will make the verification required under paragraph (e).

(d) Unless clearly inapplicable, the procedures specified in chapter 145A and any related rules adopted under that chapter addressing the enforcement of public health laws, the removal and abatement of public health nuisances, and the remedies available to property owners or occupants apply to this subdivision.

(e) Upon the proper removal and remediation of any property used as a clandestine lab site, the contractor shall verify to the property owner and the applicable authority that issued the order under paragraph (c) that the work was completed according to the Department of Health's clandestine drug labs general cleanup guidelines and best practices and that levels of contamination have been reduced to levels set forth in the guidelines. The contractor shall provide the verification to the property owner and the applicable authority within five days from the completion of the remediation. Following this, the applicable authority shall vacate its order.

If a contractor issues a verification and the property was not remediated according to the Department of Health's clandestine drug labs general cleanup guidelines or the levels of contamination were not reduced to levels set forth in the guidelines, the contractor is liable to the property owner for the additional costs relating to the proper

remediation of the property according to the guidelines and reducing the levels of contamination to levels set in the guidelines and for reasonable attorney fees for collection of costs by the property owner. An action under this paragraph must be commenced within six years from the date on which the verification was issued by the contractor.

(f) If the applicable authority determines under paragraph (c) that a motor vehicle has been contaminated by substances, chemicals, or items of any kind used in the manufacture of methamphetamine or any part of the manufacturing process, or the by-products or degradates of manufacturing methamphetamine and if the authority is able to obtain the certificate of title for the motor vehicle, the authority shall notify the registrar of motor vehicles of this fact and in addition, forward the certificate of title to the registrar. The authority shall also notify the registrar when it vacates its order under paragraph (e).

(g) The applicable authority issuing an order under paragraph (c) shall record with the county recorder or registrar of titles of the county where the clandestine lab is located an affidavit containing the name of the owner, a legal description of the property where the clandestine lab was located, and a map drawn from available information showing the boundary of the property and the location of the contaminated area on the property that is prohibited from being occupied or used that discloses to any potential transferee:

(1) that the property, or portion of the property, was the site of a clandestine lab;

(2) the location, condition, and circumstances of the clandestine lab, to the full extent known or reasonably ascertainable; and

(3) that the use of the property or some portion of it may be restricted as provided by paragraph (c).

If an inaccurate drawing or description is filed, the authority, on request of the owner or another interested person, shall file a supplemental affidavit with a corrected drawing or description.

If the authority vacates its order under paragraph (e), the authority shall record an affidavit that contains the recording information of the above affidavit and states that the order is vacated. Upon filing the affidavit vacating the order, the affidavit and the affidavit filed under this paragraph, together with the information set forth in the affidavits, cease to constitute either actual or constructive notice.

(h) If proper removal and remediation has occurred on the property, an interested party may record an affidavit indicating that this has occurred. Upon filing the affidavit described in this paragraph, the affidavit and the affidavit filed under paragraph (g), together with the information set forth in the affidavits, cease to constitute either actual or constructive notice. Failure to record an affidavit under this section does not affect or prevent any transfer of ownership of the property.

(i) The county recorder or registrar of titles must record all affidavits presented under paragraph (g) or (h) in a manner that assures their disclosure in the ordinary course of a title search of the subject property.

(j) The commissioner of health shall post on the Internet contact information for each local community health services administrator.

(k) Each local community health services administrator shall maintain information related to property within the administrator's jurisdiction that is currently or was previously subject to an order issued under paragraph (c). The information maintained must include the name of the owner, the location of the property, the extent of the contamination, the status of the removal and remediation work on the property, and whether the order has been vacated. The administrator shall make this information available to the public either upon request or by other means.

(1) Before signing an agreement to sell or transfer real property, the seller or transferor must disclose in writing to the buyer or transferee if, to the seller's or transferor's knowledge, methamphetamine production has or has not occurred on the property. In the event that methamphetamine production has occurred on the property, the disclosure shall include a statement to the buyer or transferee that:

(1) there is or is not an order issued on the property as described in paragraph (c);

(2) whether or not any orders issued against the property as described in paragraph (c) have been vacated as described in paragraph (i); or

(3) if there was no order issued against the property and the seller or transferor is aware that methamphetamine production has occurred on the property, the seller or transferor shall disclose the status of removal and remediation on the property.

Unless the buyer or transferee and seller or transferor agree to the contrary in writing before the closing of the sale, a seller or transferor who fails to disclose, to the best of their knowledge, at the time of the sale any of the facts required above, and who knew or had reason to know of methamphetamine production on the property, is liable to the buyer or transferee for costs relating to remediation of the property according to the Department of Health's clandestine drug labs general cleanup guidelines and best practices and that levels of contamination have been reduced to levels set forth in the guidelines and for reasonable attorney fees for collection of costs from the seller or transferor. An action under this subdivision must be commenced within two years after the date on which the buyer or transferee closed the purchase or transfer of the real property where the methamphetamine production occurred.

[EFFECTIVE DATE.] This section is effective January 1, 2006, and applies to crimes committed on or after that date."

Page 19, after line 21, insert:

"(c) A mortgagee is not responsible for cleanup costs under this section solely because the mortgagee becomes an owner of real property through foreclosure of the mortgage or by receipt of the deed to the mortgaged property in lieu of foreclosure."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Commerce and Financial Institutions.

The report was adopted.

Dauids from the Committee on Agriculture and Rural Development to which was referred:

H. F. No. 719, A bill for an act relating to taxation; providing an individual income and corporate franchise tax credit for qualifying investments in dairy operations; amending Minnesota Statutes 2004, section 290.06, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, delete the first "the" and insert "an eligible"

Page 1, line 13, after the comma, insert "or a reduced amount as determined by the commissioner under paragraphs (e) to (g)."

Page 2, line 22, delete "pumping" and insert "handling equipment"

Page 2, line 23, delete "and"

Page 2, line 24, before the period insert ":

(13) pastures; and

(14) on-farm processing"

Page 3, after line 5, insert:

"(e) To be eligible for the dairy investment credit in this subdivision, a taxpayer must, not later than January 31 of the year following the taxable year, provide to the commissioner on forms provided by the commissioner a statement of the qualifying expenditures that the taxpayer intends to claim for the taxable year.

(f) The commissioner shall determine if the credit intended to be claimed by all taxpayers under paragraph (e) exceeds the maximum amount available for dairy investment credits in that tax year as determined in paragraph (g). If the intended claims are less than the maximum amount available for credits, the commissioner shall notify eligible taxpayers that they may file returns using the full credit calculated under the table in paragraph (a). If intended claims exceed the maximum amount available for credits, the commissioner shall determine for each taxpayer a prorated credit amount and, not later than February 15, inform the taxpayer of that amount.

(g) The following amounts are available for dairy investment credit claims in the fiscal years indicated:

(1) fiscal year 2006, \$2,900,000;

(2) fiscal year 2007, \$3,500,000; and

(3) fiscal year 2008 and thereafter, \$4,000,000."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

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

H. F. No. 820, A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article IV to provide for initiative and referendum; providing procedures for initiative and referendum; providing penalties; amending Minnesota Statutes 2004, sections 204C.33, subdivisions 1, 3; 204D.11, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 3B.

Reported the same back with the following amendments:

Page 3, line 29, before "3B.52" insert "and subdivision 2,"

Page 11, line 16, delete "3B.53" and insert "3B.51"

Page 11, line 28, delete "\$300" and insert "\$500"

Page 11, line 30, delete "14" and insert "seven"

Page 12, line 4, delete "issue" and insert "measure"

Page 13, line 34, delete "3B.49" and insert "3B.47"

Page 14, line 16, delete "3.41" and insert "3B.41"

Page 16, line 27, delete "3B.44" and insert "3B.43"

With the recommendation that when so amended the bill pass.

The report was adopted.

Hackbarth from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 847, A bill for an act relating to game and fish; modifying certain definitions; providing for disposition and use of certain revenue; providing for special fish management tags; modifying authority to take animals causing damage; modifying use of scopes by visually impaired hunters; modifying certain license requirements; modifying restrictions on taking waterfowl; authorizing rulemaking; modifying requirements for field training hunting dogs; modifying trapping provisions; modifying period for treeing raccoons; modifying restrictions on decoys; modifying disposition of state hatchery products; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue certain orders; appropriating money; amending Minnesota Statutes 2004, sections 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045, subdivision 1; 97A.071, subdivision 2; 97A.075; 97A.401, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.441, subdivision 7; 97A.451, subdivisions 3, 5; 97A.475, subdivision 7; 97A.551, by adding a subdivision; 97B.005, subdivisions 1, 3; 97B.031, subdivision 5; 97B.621, subdivision 2; 97B.655, subdivision 2; 97B.805, subdivision 1; 97B.811, subdivisions 3, 4a; 97C.085; 97C.203; 97C.327; 97C.401, subdivision 2; 97C.825, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 97C; repealing Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 84.027, subdivision 13, is amended to read:

Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game and fish, to prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife disease, and to prohibit or allow importation, transportation, or possession of a wild animal;

(2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and

(3) section 84D.12 to designate prohibited invasive species, regulated invasive species, unregulated nonnative species, and infested waters.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

Sec. 2. Minnesota Statutes 2004, section 97A.015, subdivision 29, is amended to read:

Subd. 29. [MINNOWS.] "Minnows" means: (1) members of the minnow family, Cyprinidae, except carp and goldfish; (2) members of the mudminnow family, Umbridae; (3) members of the sucker family, Catostomidae, not over 12 inches in length; (4) bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not over seven inches long; ~~and~~ (5) leeches; and (6) tadpole madtoms (willow cats) and stonecats.

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

Sec. 3. Minnesota Statutes 2004, section 97A.015, subdivision 49, is amended to read:

Subd. 49. [UNDRESSED BIRD.] "Undressed bird" means:

(1) a bird, excluding migratory waterfowl, pheasant, Hungarian partridge, turkey, or grouse, with feet and feathered head intact;

(2) a migratory waterfowl, excluding geese, with a fully feathered wing and head attached;

(3) a pheasant, Hungarian partridge, turkey, or grouse with one leg and foot or the fully feathered head or wing intact; or

(4) a goose with a fully feathered wing attached.

Sec. 4. Minnesota Statutes 2004, section 97A.045, subdivision 1, is amended to read:

Subdivision 1. [DUTIES; GENERALLY.] The commissioner shall do all things the commissioner determines are necessary to preserve, protect, and propagate desirable species of wild animals. The commissioner shall make special provisions for the management of fish and wildlife to ensure recreational opportunities for anglers and hunters. The commissioner shall acquire wild animals for breeding or stocking and may dispose of or destroy undesirable or predatory wild animals and their dens, nests, houses, or dams.

Sec. 5. Minnesota Statutes 2004, section 97A.071, subdivision 2, is amended to read:

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

Sec. 6. Minnesota Statutes 2004, section 97A.075, is amended to read:

97A.075 [USE OF LICENSE REVENUES.]

Subdivision 1. [DEER, BEAR, AND LIFETIME LICENSES.] (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4), (5), (9), (11), (13), and (14), and 3, clauses (2), (3), and (7), and licenses issued under section 97B.301, subdivision 4.

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

(c) ~~At least~~ \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, ~~shall be used~~ is annually appropriated to the commissioner for deer and bear management programs, including a computerized licensing system. Fifty cents from each deer license is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first time, \$750,000 is canceled to the unappropriated balance of the game and fish fund. The commissioner must inform the legislative chairs of the natural resources finance committees every two years on how the money for emergency deer feeding and wild cervidae health management has been spent.

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

Subd. 2. [MINNESOTA MIGRATORY WATERFOWL STAMP.] (a) Ninety percent of the revenue from the Minnesota migratory waterfowl stamps must be credited to the waterfowl habitat improvement account. Money in the account ~~may be used~~ is annually appropriated to the commissioner only for:

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

(2) management of migratory waterfowl;

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

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

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

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), clause (1), (3), (4), or (5), or to specific management activities under paragraph (a), clause (2).

Subd. 3. [TROUT AND SALMON STAMP.] (a) Ninety percent of the revenue from trout and salmon stamps must be credited to the trout and salmon management account. Money in the account ~~may be used~~ is annually appropriated to the commissioner only for:

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

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

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

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

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

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

Subd. 4. [PHEASANT STAMP.] (a) Ninety percent of the revenue from pheasant stamps must be credited to the pheasant habitat improvement account. Money in the account ~~may be used~~ is annually appropriated to the commissioner only for:

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

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

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

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

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

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

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

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

Subd. 5. [TURKEY STAMPS.] (a) Ninety percent of the revenue from turkey stamps must be credited to the wild turkey management account. Money in the account ~~may be used~~ is annually appropriated to the commissioner only for:

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

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

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

(4) trapping and transplantation of wild turkeys; and

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

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

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

(2) any permanent personnel costs.

Sec. 7. Minnesota Statutes 2004, section 97A.401, subdivision 5, is amended to read:

Subd. 5. [WILD ANIMALS DAMAGING PROPERTY.] Special permits may be issued with or without a fee to take protected wild animals that are damaging property or to remove or destroy their dens, nests, houses, or dams. A special permit issued under this subdivision to take beaver must state the number to be taken.

Sec. 8. Minnesota Statutes 2004, section 97A.405, subdivision 4, is amended to read:

Subd. 4. [REPLACEMENT LICENSES.] (a) The commissioner may permit licensed ~~firearms~~ deer hunters to change zone, license, or season options before the regular ~~firearms~~ deer season begins. The commissioner may issue a replacement license if the applicant submits the original ~~firearms~~ deer license and unused tags that is are being replaced and the applicant pays any increase in cost between the original and the replacement license. When a person submits both an archery and a firearms license for replacement, the commissioner may apply the value of both licenses towards the replacement license fee.

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

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

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

(2) when the person is upgrading from a regular firearms or archery deer license to a deer license that is valid in multiple zones.

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

Sec. 9. Minnesota Statutes 2004, section 97A.405, is amended by adding a subdivision to read:

Subd. 5. [RESIDENT LICENSES.] To obtain a resident license, a resident 21 years of age or older must:

(1) possess a current Minnesota driver's license;

(2) possess a current identification card issued by the commissioner of public safety; or

(3) present evidence showing proof of residency in cases when clause (1) or (2) would violate the Religious Freedom Restoration Act of 1993, Public Law 103-141.

Sec. 10. Minnesota Statutes 2004, section 97A.435, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] Persons eligible for a turkey license shall be determined by this section and commissioner's rule. A person is eligible for a turkey license only if the person is at least age 16 before the season opens ~~or~~, possesses a firearms safety certificate, or, if under age 12, is accompanied by a parent or guardian. Persons under age 12 must be within arm's reach of their parent or guardian while hunting.

Sec. 11. Minnesota Statutes 2004, section 97A.435, subdivision 4, is amended to read:

Subd. 4. [SEPARATE SELECTION OF ELIGIBLE LICENSEES.] (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons who are owners or tenants of and who live on at least 40 acres of land in the area, and their family members, are eligible applicants for turkey licenses for the separate selection. The qualifying land may be noncontiguous. Persons who are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain

a license in a separate selection must allow public turkey hunting on their land during that turkey season. A license issued under this subdivision is restricted to ~~the land owned or leased by the holder of the license within~~ the permit area where the qualifying land is located.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

Sec. 12. Minnesota Statutes 2004, section 97A.441, subdivision 7, is amended to read:

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

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

Sec. 13. Minnesota Statutes 2004, section 97A.451, subdivision 3, is amended to read:

Subd. 3. [RESIDENTS UNDER AGE 16; SMALL GAME.] (a) A resident under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the resident is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
- (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian; or
- (3) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license, but may not trap fisher, otter, bobcat, or pine marten unless the resident is at least age 8.

(c) A resident under age 12 may apply for a turkey license and may take a turkey without a firearms safety certificate if they are supervised by an adult parent or guardian who has a firearms safety certificate and who is within arm's reach at all times while hunting.

Sec. 14. Minnesota Statutes 2004, section 97A.451, subdivision 5, is amended to read:

Subd. 5. [NONRESIDENTS UNDER AGE 16.] (a) A nonresident under the age of 16 may take fish by angling without a license if accompanied by a parent or guardian who has a fishing license. ~~Fish taken by a nonresident under the age of 16 without a license must be included in the limit of the parent or guardian.~~

(b) A nonresident under age 16 may purchase a nonresident fishing license, take fish by angling, and possess a limit of fish.

[EFFECTIVE DATE.] This section is effective March 1, 2006.

Sec. 15. Minnesota Statutes 2004, section 97A.475, subdivision 7, is amended to read:

Subd. 7. [NONRESIDENT FISHING.] Fees for the following licenses, to be issued to nonresidents, are:

(1) to take fish by angling, \$34;

(2) to take fish by angling limited to seven consecutive days selected by the licensee, \$24;

(3) to take fish by angling for a 72-hour period selected by the licensee, \$20;

(4) to take fish by angling for a combined license for a ~~family~~ married couple, \$46;

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

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$35.

[EFFECTIVE DATE.] This section is effective March 1, 2006.

Sec. 16. Minnesota Statutes 2004, section 97A.551, is amended by adding a subdivision to read:

Subd. 6. [TAGGING AND REGISTRATION.] The commissioner may, by rule, require persons taking, possessing, and transporting certain species of fish to tag the fish with a special fish management tag and may require registration of tagged fish. A person may not possess or transport a fish species taken in the state for which a special fish management tag is required unless a tag is attached to the fish in a manner prescribed by the commissioner. The commissioner shall prescribe the manner of issuance and the type of tag as authorized under section 97C.087. The tag must be attached to the fish as prescribed by the commissioner immediately upon reducing the fish to possession and must remain attached to the fish until the fish is processed or consumed. Species for which a special fish management tag is required must be transported undressed.

Sec. 17. Minnesota Statutes 2004, section 97B.005, subdivision 1, is amended to read:

~~Subdivision 1. [FIELD TRAINING; PERMIT REQUIRED FOR CERTAIN PERIOD.] A person may not train hunting dogs afield on public lands from April 16 to July 14 except by special permit. The commissioner may issue a special permit, without a fee, to train hunting dogs afield on land owned by the trainer or on land that the owner provides written permission. The written permission must be carried in personal possession of the trainer while training the dogs.~~

Sec. 18. Minnesota Statutes 2004, section 97B.005, subdivision 3, is amended to read:

Subd. 3. [PERMITS FOR ORGANIZATIONS AND INDIVIDUALS TO USE GAME BIRDS AND FIREARMS.] (a) The commissioner may issue special permits, without a fee, to organizations and individuals to use firearms and live ammunition on domesticated birds or banded game birds from game farms,

(b) Permits for holding field trials and may be issued to organizations. The permit shall specify the dates and locations of the field trial. The commissioner may limit the number of dates approved for any organization.

(c) Permits for training hunting dogs may be issued to an individual.

(d) Domesticated birds, other than pigeons, and game farm birds used for trials or training under this section must be clearly marked with dye or a streamer attached to a leg in a manner that makes them visually identifiable prior to being taken.

Sec. 19. Minnesota Statutes 2004, section 97B.025, is amended to read:

97B.025 [HUNTER AND TRAPPER EDUCATION.]

(a) The commissioner may establish education courses for hunters ~~and trappers~~. The commissioner shall collect a fee from each person attending a course. A fee shall be collected for issuing a duplicate certificate. The commissioner shall establish the fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner may establish the fees notwithstanding section 16A.1283. The fees shall be deposited in the game and fish fund and the amount thereof is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the program. In addition to the fee established by the commissioner for each course, instructors may charge each person up to the established fee amount for class materials and expenses. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

(b) The commissioner shall enter into an agreement with a statewide nonprofit trappers association to conduct a trapper education program. At a minimum, the program must include at least six hours of classroom and in the field training. The program must include a review of state trapping laws and regulations, trapping ethics, the setting and tending of traps and snares, tagging and registration requirements, and the preparation of pelts. The association shall issue a certificate to persons who complete the program. The association shall be responsible for all costs of conducting the education program, and shall not charge any fee for attending the course.

Sec. 20. [97B.026] [TRAPPER EDUCATION CERTIFICATE REQUIREMENT.]

Beginning March 1, 2006, a person who has not been issued a trapping license in a previous license year may not obtain a trapping license unless the person has been issued a trapper education certificate under section 97B.025, paragraph (b).

Sec. 21. Minnesota Statutes 2004, section 97B.031, subdivision 1, is amended to read:

Subdivision 1. [FIREARMS AND AMMUNITION THAT MAY BE USED TO TAKE BIG GAME.] (a) A person may take big game with a firearm only if:

- (1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;
- (2) the firearm is loaded only with single projectile ammunition;
- (3) a projectile used is a caliber of at least .23 inches and has a soft point or is an expanding bullet type;
- (4) the ammunition has a case length of at least 1.285 inches;
- (5) the muzzle-loader used is incapable of being loaded at the breech;
- (6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and
- (7) the rifled muzzle-loader used is a caliber of at least .40 inches.

(b) ~~A person may not take big game with a .30 caliber M-1 carbine cartridge.~~

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

Sec. 22. Minnesota Statutes 2004, section 97B.031, subdivision 5, is amended to read:

Subd. 5. [SCOPES; VISUALLY IMPAIRED HUNTERS.] (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who obtains the required licenses and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be such that the applicant is unable to identify targets and the rifle sights at the same time without a scope. ~~The visual impairment and specific conditions must be~~ established by medical evidence verified in writing by a licensed physician, ophthalmologist, or optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit. ~~Notwithstanding section 97A.418, the commissioner may, in consultation with appropriate advocacy groups, establish reasonable minimum standards for permits to be issued under this subdivision.~~

(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.

(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(~~e~~) (f) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

Sec. 23. Minnesota Statutes 2004, section 97B.111, subdivision 2, is amended to read:

Subd. 2. [PERMIT FOR ORGANIZATION.] (a) The commissioner may issue a special permit without a fee to a nonprofit organization to provide an assisted hunting opportunity to physically disabled hunters. The assisted hunting opportunity may take place:

(1) in areas designated by the commissioner under subdivision 1; or

(2) on private property or a licensed shooting preserve.

(b) The sponsoring organization shall provide a physically capable person to assist each disabled hunter with safety-related aspects of hunting and, notwithstanding section 97B.081, a person with a physical disability who is totally blind may use laser sights.

(c) The commissioner may impose reasonable permit conditions.

Sec. 24. Minnesota Statutes 2004, section 97B.621, subdivision 2, is amended to read:

Subd. 2. [PERIOD FOR TREEING RACCOONS.] Notwithstanding subdivision 1 and section 97B.005, subdivision 1, a person may use dogs to pursue and tree raccoons without killing or capturing the raccoons:

~~(1) from January 1 to April 15 and from July 15 to October 14; and~~

~~(2) from April 16 to July 14 in raccoon dog field trials under special permit issued by the commissioner under section 97B.005, subdivision 1 during the closed season and a license is not required.~~

Sec. 25. Minnesota Statutes 2004, section 97B.655, subdivision 2, is amended to read:

Subd. 2. [SPECIAL PERMIT FOR TAKING PROTECTED WILD ANIMALS.] The commissioner may issue special permits under section 97A.401, subdivision 5, to take protected wild animals that are damaging property or to remove or destroy their dens, nests, houses, or dams.

Sec. 26. Minnesota Statutes 2004, section 97B.711, subdivision 1, is amended to read:

Subdivision 1. [SEASONS FOR CERTAIN UPLAND GAME BIRDS.] (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and December 31 for:

~~(1) pheasant;~~

~~(2) ruffed grouse;~~

~~(3) (2) sharp tailed grouse;~~

~~(4) (3) Canada spruce grouse;~~

~~(5) (4) prairie chicken;~~

~~(6) (5) gray partridge;~~

~~(7) (6) bob-white quail; and~~

~~(8) (7) turkey.~~

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

(c) The commissioner may, by rule, prescribe an open season for pheasant in designated areas between September 16 and January 3.

Sec. 27. Minnesota Statutes 2004, section 97B.803, is amended to read:

97B.803 [MIGRATORY WATERFOWL SEASONS AND LIMITS.]

(a) The commissioner shall prescribe seasons, limits, and areas for taking migratory waterfowl in accordance with federal law.

(b) The migratory waterfowl season may not open before the Saturday closest to October 1.

Sec. 28. Minnesota Statutes 2004, section 97B.805, subdivision 1, is amended to read:

Subdivision 1. [HUNTER MUST BE CONCEALED.] (a) A person may not take migratory waterfowl, coots, or rails in open water unless the person is:

(1) within a natural growth of vegetation sufficient to partially conceal the person or boat; ~~or~~

(2) on a river or stream that is not more than 100 yards in width; or

(3) pursuing or shooting wounded birds.

(b) A person may not take migratory waterfowl, coots, or rails in public waters from a permanent artificial blind or sink box.

Sec. 29. Minnesota Statutes 2004, section 97B.811, subdivision 3, is amended to read:

Subd. 3. [RESTRICTIONS ON LEAVING DECOYS ~~OVERNIGHT UNATTENDED.~~] During the open season for waterfowl, a person may not leave decoys in public waters between sunset and one hour before lawful shooting hours or leave decoys unattended during other times for more than two consecutive hours unless:

(1) the decoys are in waters adjacent to private land under the control of the hunter; and

(2) there is not natural vegetation growing in water sufficient to partially conceal a hunter.

Sec. 30. Minnesota Statutes 2004, section 97B.811, subdivision 4a, is amended to read:

Subd. 4a. [RESTRICTIONS ON CERTAIN MOTORIZED DECOYS.] From the opening day of the duck season through the Saturday nearest October 8, a person may not use a motorized decoy ~~on public waters with visible, moving parts that are above the water surface, or other motorized device designed to attract migratory birds,~~ to take migratory waterfowl, ~~other than geese.~~ During the remainder of the duck season, the commissioner may, by rule, designate all or any portion of a wetland or lake closed to the use of motorized decoys or motorized devices designed to attract migratory birds. On water bodies and lands fully contained within wildlife management area boundaries, a person may not use motorized decoys or motorized devices designed to attract migratory birds at any time during the duck season.

Sec. 31. Minnesota Statutes 2004, section 97C.085, is amended to read:

97C.085 [PERMIT REQUIRED FOR TAGGING FISH.]

A person may not tag or otherwise mark a live fish for identification without a permit from the commissioner, except for special fish management tags as authorized under section 97A.551.

Sec. 32. [97C.087] [SPECIAL FISH MANAGEMENT TAGS.]

Subdivision 1. [TAGS TO BE ISSUED.] If the commissioner determines it is necessary to require that a species of fish be tagged with a special fish management tag, the commissioner shall prescribe, by rule, the species to be tagged, tagging procedures, and eligibility requirements.

Subd. 2. [APPLICATION FOR TAG.] Application for special fish management tags must be accompanied by a \$5, nonrefundable application fee for each tag. A person may not make more than one tag application each year. If a person makes more than one application, the person is ineligible for a special fish management tag for that season after determination by the commissioner, without a hearing.

Sec. 33. Minnesota Statutes 2004, section 97C.203, is amended to read:

97C.203 [DISPOSAL OF STATE HATCHERY EGGS OR FRY PRODUCTS.]

The commissioner shall dispose of ~~game fish eggs and fry~~ fish hatchery products according to the following order of priorities:

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

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

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

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

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

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

Sec. 34. Minnesota Statutes 2004, section 97C.327, is amended to read:

97C.327 [MEASUREMENT OF FISH LENGTH.]

For the purpose of determining compliance with size limits for fish in this chapter or in rules of the commissioner, the length of a fish must be measured from the tip of the nose or jaw, whichever is longer, to the farthest tip of the tail when fully extended.

Sec. 35. Minnesota Statutes 2004, section 97C.395, subdivision 1, is amended to read:

Subdivision 1. [DATES FOR CERTAIN SPECIES.] (a) The open seasons to take fish by angling are as follows:

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

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

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

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

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

Sec. 36. Minnesota Statutes 2004, section 97C.401, subdivision 2, is amended to read:

Subd. 2. [WALLEYE; NORTHERN PIKE.] (a) Except as provided in ~~paragraphs~~ paragraph (b) ~~and (e)~~, a person may take no more than one walleye larger than ~~24~~ 20 inches and one northern pike larger than 30 inches daily.

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

~~(c) On Lake of the Woods, a person may take no more than one walleye larger than 19.5 inches and one northern pike larger than 36 inches daily.~~

[EFFECTIVE DATE.] This section is effective March 1, 2006.

Sec. 37. Minnesota Statutes 2004, section 97C.825, subdivision 5, is amended to read:

Subd. 5. [NET LIMITS FOR LAKE OF THE WOODS AND RAINY LAKE.] (a) The maximum amount of nets permitted to be licensed shall be:

~~(a) (1) in Lake of the Woods, 50-pound nets, 80,000 feet of gill nets or 160 submerged trap nets, and 80 fyke or staked trap nets. Licenses for submerged trap nets may be issued instead of licenses for gill nets in the ratio of not more than one submerged trap net per 500 feet of gill net, and the maximum permissible amount of gill nets shall be reduced by 500 feet for each submerged trap net licensed; and~~

~~(b) (2) in Rainy Lake, 20-pound nets and 20,000 feet of gill nets.~~

~~(c) When a licensee has had a license revoked or surrendered, the commissioner shall not be required to issue licenses for the amount of netting previously authorized under the revoked or surrendered license.~~

~~(d) (b) Commercial fishing may be prohibited in the Minnesota portions of international waters when it is prohibited in the international waters by Canadian authorities.~~

~~(e) The commissioner may adopt rules to limit the total amount of game fish taken by commercial fishing operators in Lake of the Woods in any one season and shall apportion the amount to each licensee in accordance with the number and length of nets licensed.~~

Sec. 38. Minnesota Statutes 2004, section 609.66, subdivision 1h, is amended to read:

Subd. 1h. [SILENCERS; AUTHORIZED FOR LAW ENFORCEMENT AND NATURAL RESOURCE WILDLIFE CONTROL PURPOSES.] Notwithstanding subdivision 1a, paragraph (a), clause (1), licensed peace officers may use devices designed to silence or muffle the discharge of a firearm for wildlife control operations under subdivision 2 or for tactical emergency response operations. Tactical emergency response operations include execution of high risk search and arrest warrants, incidents of terrorism, hostage rescue, and any other tactical deployments involving high risk circumstances. The chief law enforcement officer of a law enforcement agency that has the need to use silencing devices must establish and enforce a written policy governing the use of the devices.

Sec. 39. Minnesota Statutes 2004, section 609.66, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] Nothing in this section prohibits:

(1) the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition; and

(2) the possession, use, and transportation of a silencer by a federal, state, local, or tribal government agency for the purpose of wildlife control. The chief enforcement officer of each government agency that has a need to use silencing devices must establish and enforce a written policy governing the use of the devices.

Sec. 40. [CONFORMING CHANGES; RULES.]

The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend rules to conform to section 34. Minnesota Statutes, section 14.386, does not apply to the rulemaking under this section except to the extent provided under Minnesota Statutes, section 14.388.

Sec. 41. [REPEALER.]

Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; and 97C.825, subdivisions 6, 7, 8, and 9, are repealed."

Delete the title and insert:

"A bill for an act relating to game and fish; modifying certain definitions; providing for disposition and use of certain revenue; providing for special fish management tags; modifying authority to take animals causing damage; modifying use of scopes and laser sights by visually impaired hunters; modifying certain license requirements; modifying restrictions on taking waterfowl and big game; authorizing rulemaking; modifying requirements for field training hunting dogs; modifying certain seasons; modifying trapping provisions; modifying period for treeing raccoons; modifying restrictions on decoys; modifying disposition of state hatchery products; permitting use of silencers for wildlife control; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue certain orders; appropriating money; amending Minnesota Statutes 2004, sections 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045, subdivision 1; 97A.071, subdivision 2; 97A.075; 97A.401, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.435, subdivisions 2, 4; 97A.441, subdivision 7; 97A.451, subdivisions 3, 5; 97A.475, subdivision 7; 97A.551, by adding a subdivision; 97B.005, subdivisions 1, 3; 97B.025; 97B.031, subdivisions 1, 5; 97B.111, subdivision 2; 97B.621, subdivision 2; 97B.655, subdivision 2; 97B.711, subdivision 1; 97B.803; 97B.805, subdivision 1; 97B.811, subdivisions 3, 4a; 97C.085; 97C.203; 97C.327; 97C.395, subdivision 1; 97C.401, subdivision 2; 97C.825, subdivision 5; 609.66, subdivisions 1h, 2; proposing coding for new law in Minnesota Statutes, chapters 97B; 97C; repealing Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Agriculture, Environment and Natural Resources Finance.

The report was adopted.

Tingelstad from the Committee on Governmental Operations and Veterans Affairs to which was referred:

H. F. No. 858, A bill for an act relating to state government; renaming the State Office Building as the Edward A. Burdick State Office Building.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Hackbarth from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 900, A bill for an act relating to state lands; modifying landowner's bill of rights for sales to the state; modifying provisions for sale of internal improvement land; modifying land exchange provisions; appropriating money; amending Minnesota Statutes 2004, sections 84.0274, by adding subdivisions; 84.157; 92.03, subdivision 4; 94.342, subdivisions 1, 3, 4, 5; 94.343, subdivisions 1, 3, 7, 8, 10, by adding subdivisions; 94.344, subdivisions 1, 3, 5, 8, 10, by adding a subdivision; 97A.135, subdivision 2a; 103F.535, subdivision 1; repealing Minnesota Statutes 2004, sections 94.343, subdivision 6; 94.344, subdivision 6; 94.348; 94.349.

Reported the same back with the following amendments:

Page 2, delete section 3

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "84.157;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs.

The report was adopted.

Tingelstad from the Committee on Governmental Operations and Veterans Affairs to which was referred:

H. F. No. 1044, A bill for an act relating to the Metropolitan Council; requiring the Metropolitan Council to carry out metropolitan area water supply planning activities; establishing an advisory committee to assist the council in carrying out the planning activities; abolishing the housing bond credit enhancement program; providing for continued debt reserve and levy authority for bonds issued under the program before its abolishment; providing for the use of available funds from the abolished housing bond credit enhancement program for the council's metropolitan area water supply planning activities; amending Minnesota Statutes 2004, section 473.197, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2004, sections 473.156; 473.197, subdivisions 1, 2, 3, 5.

Reported the same back with the following amendments:

Page 2, line 35, delete "six" and insert "five"

Page 3, after line 3, insert:

"A local government unit in each of the seven counties in the metropolitan area must be represented in the seven appointments made under clauses (5) and (6)."

Page 3, lines 5 and 6, delete "and their terms end with the term of the governor"

Page 3, lines 9 and 10, delete "does not expire until repealed by law" and insert "expires December 31, 2007"

Page 3, after line 10, insert:

"(c) The council must consider the work and recommendations of the advisory committee when the council is preparing its regional development framework."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

Olson from the Committee on Local Government to which was referred:

H. F. No. 1172, A bill for an act relating to local government; providing for local governments to opt out of state mandates; proposing coding for new law as Minnesota Statutes, chapter 471B.

Reported the same back with the following amendments:

Page 2, line 33, before "recommend" insert "may"

Page 3, line 21, delete "those" and insert "any" and delete "and" and insert "or"

Page 5, line 7, delete "forbid implementing of" and insert "specifically address"

Page 5, line 8, delete "or amending the mandates to which they refer"

Page 5, delete line 15

Page 5, line 16, delete "(3) ..." and insert "(2) 25"

Page 5, line 17, delete "(4) ..." and insert "(3) 50"

Page 5, line 18, delete "(5)" and insert "(4)"

Page 5, line 19, delete "(6)" and insert "(5)"

Page 5, line 20, delete "(7)" and insert "(6)"

Page 5, line 21, delete "(8) 38" and insert "(7) 50"

Page 5, line 22, delete "(9) 45" and insert "(8) 75"

Page 5, line 23, delete "(10)" and insert "(9)"

Page 6, lines 2, 5, 10, 17, and 21, after "not" insert "propose to"

Page 6, after line 24, insert:

"Subd. 7. [DATA PRACTICES; OPEN MEETING LAW; RECORDS RETENTION.] A local government may not propose to opt out of chapter 13 or 13D or section 15.17.

Subd. 8. [FIRE CODE.] A local government may not propose to opt out of Fire Code laws that are mandatory under chapter 299F.

Subd. 9. [PEACE OFFICERS, FIREFIGHTERS; CONTINUATION OF BENEFITS.] A local government may not propose to opt out of section 299A.465."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs.

The report was adopted.

Tingelstad from the Committee on Governmental Operations and Veterans Affairs to which was referred:

H. F. No. 1340, A bill for an act relating to state government; adding an ex officio member to the Indian Affairs Council; amending Minnesota Statutes 2004, section 3.922, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Tingelstad from the Committee on Governmental Operations and Veterans Affairs to which was referred:

H. F. No. 1394, A bill for an act relating to veterans; authorizing the placement of a plaque in the court of honor on the capitol grounds to honor the veterans of the Persian Gulf War.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Gunther from the Committee on Jobs and Economic Opportunity Policy and Finance to which was referred:

H. F. No. 1548, A bill for an act relating to economic development; appropriating money to the Board of Regents of the University of Minnesota for biotechnology and medical genomics research.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [APPROPRIATION.]

\$15,000,000 is appropriated in fiscal year 2006 from the general fund to the commissioner of employment and economic development for the direct and indirect expenses of the collaborative research partnership between the University of Minnesota and the Mayo Foundation for research in biotechnology and medical genomics. This is a onetime appropriation. An annual report on the expenditure of these funds must be submitted to the governor and the chairs of the senate Higher Education Budget Division and the house Higher Education Finance Committee by June 30 of each fiscal year until the appropriation is expended. This appropriation is available until expended."

Amend the title as follows:

Page 1, line 3, delete "Board of Regents of the University of Minnesota" and insert "commissioner of employment and economic development"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Commerce and Financial Institutions.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 423, 547, 820 and 1340 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1031 and 1116 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Seifert introduced:

H. F. No. 1628, A bill for an act relating to state government; revising provisions relating to proceeds from sales of state surplus property; amending Minnesota Statutes 2004, section 16C.23, subdivisions 4, 6.

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

Seifert introduced:

H. F. No. 1629, A bill for an act relating to state government; providing for revenue from legislative public information publications and from legislative media productions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Thissen; Nelson, M., and Larson introduced:

H. F. No. 1630, A bill for an act relating to debtor creditor relations; increasing the amount of the homestead exemption; amending Minnesota Statutes 2004, section 510.02.

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

Sykora introduced:

H. F. No. 1631, A bill for an act relating to human services; allowing the \$20 general income disregard in certain circumstances; amending Minnesota Statutes 2004, section 256B.056, subdivision 1b.

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

Larson, Beard, Thissen, Lenczewski, Knobloch and Wagenius introduced:

H. F. No. 1632, A bill for an act relating to metropolitan government; requiring the Metropolitan Council and the Metropolitan Airports Commission to submit proposed budgets to the legislative committees; amending Minnesota Statutes 2004, sections 473.13, by adding a subdivision; 473.661, by adding a subdivision.

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

Larson, Beard, Thissen, Lenczewski, Krinkie and Wagenius introduced:

H. F. No. 1633, A bill for an act relating to metropolitan government; providing for transition to fiscal year budgets for the Metropolitan Airports Commission and the Metropolitan Council; requiring legislative approval of the commission's and the council's budgets; amending Minnesota Statutes 2004, sections 473.13, subdivision 1; 473.661, subdivision 1.

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

Clark and Walker introduced:

H. F. No. 1634, A bill for an act relating to human services; appropriating money for the new chance program.

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

Huntley; Hortman; Liebling; Mahoney; Kelliher; Lillie; Sertich; Peterson, A.; Lesch; Loeffler; Nelson, M.; Thao; Sieben; Juhnke; Entenza; Fritz; Koenen; Otremba; Poppe; Johnson, R.; Atkins; Latz; Sailer; Goodwin; Simon; Eken; Solberg; Scalze; Peterson, S.; Mariani; Ruud; Dittrich; Lieder; Welti and Moe introduced:

H. F. No. 1635, A bill for an act relating to human services; allowing individuals and small employers to elect to purchase state health coverage at their own expense; allowing individuals and small employers to purchase MinnesotaCare coverage at full cost; amending Minnesota Statutes 2004, sections 43A.27, subdivision 2, by adding a subdivision; 256L.02, by adding a subdivision; 256L.04, subdivisions 1, 7a, by adding subdivisions; 256L.05, subdivisions 1, 3a; 256L.07; 256L.09, by adding a subdivision; 256L.15, subdivision 3, by adding a subdivision; 256L.17, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Hornstein and Murphy introduced:

H. F. No. 1636, A bill for an act relating to retirement; Minnesota State Retirement System; modifying the definition of allowable service to include time on strike; amending Minnesota Statutes 2004, section 352.01, subdivision 11.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Liebling; Abrams; Pelowski; Olson; Heidgerken; Johnson, R.; Sailer and Poppe introduced:

H. F. No. 1637, A bill for an act relating to the legislature; requiring legislative fiscal notes for nonbinding resolutions; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Peppin and Zellers introduced:

H. F. No. 1638, A bill for an act relating to capital improvements; appropriating money for constructing interchange on marked Interstate Highway 94 and Hennepin County Highway 101.

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

Hoppe, Westrom, Thissen, Westerberg, Atkins and Juhnke introduced:

H. F. No. 1639, A bill for an act relating to telecommunications; providing for basic services regulation of telephone companies; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Magnus, Simpson, Lenczewski, Marquart and Gunther introduced:

H. F. No. 1640, A bill for an act relating to economic development; modifying provisions relating to job opportunity building zones and biotechnology and health sciences industry zone; amending Minnesota Statutes 2004, sections 272.02, subdivision 64; 289A.56, by adding a subdivision; 297A.68, subdivisions 37, 38; 469.310, subdivision 11, by adding a subdivision; 469.316; 469.317; 469.319, subdivision 1, by adding a subdivision; 469.320, subdivision 3; 469.330, subdivision 11; 469.337; 469.340, subdivision 1; repealing Minnesota Statutes 2004, sections 272.02, subdivision 65; 477A.08.

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

Olson introduced:

H. F. No. 1641, A bill for an act relating to local government; authorizing local bonding for personal rapid transit; amending Minnesota Statutes 2004, sections 475.51, by adding a subdivision; 475.52, by adding a subdivision.

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

Finstad, Otremba, Bradley, Huntley and Penas introduced:

H. F. No. 1642, A bill for an act relating to health; providing for rural pharmacy preservation; establishing a rural pharmacy grant program; modifying the rural loan forgiveness program; appropriating money; amending Minnesota Statutes 2004, section 144.1501, subdivisions 1, 2, 3; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Sieben, Pelowski, Cox, Abeler, Murphy, Kahn, Ruud, Gunther and Cybart introduced:

H. F. No. 1643, A bill for an act relating to commerce; prohibiting certain marketing practices related to credit cards marketed to certain students; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Knoblach introduced:

H. F. No. 1644, A bill for an act relating to real estate appraisers; modifying oversight, licensing, and certification provisions; amending Minnesota Statutes 2004, sections 82B.05, subdivisions 1, 5; 82B.06.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Simpson; Westrom; Juhnke; Peterson, A., and Gunther introduced:

H. F. No. 1645, A bill for an act relating to energy; reducing the length of state permitting processes for electric transmission lines; allowing for automatic cost recovery for certain electric transmission facilities; providing options for easement payments for electric transmission lines; amending Minnesota Statutes 2004, sections 116C.63, subdivision 3; 116D.04, by adding a subdivision; 216B.16, by adding a subdivision; 216B.2411, subdivision 1; 216B.243, subdivision 8, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 116C; 216C.

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

Ruud, Dittrich, Greiling and Lenczewski introduced:

H. F. No. 1646, A bill for an act relating to education; requiring school districts to comply with the schools interoperability framework specifications; establishing a working group.

The bill was read for the first time and referred to the Committee on Education Policy and Reform.

Charron introduced:

H. F. No. 1647, A bill for an act relating to transportation; appropriating money and authorizing issuance of state bonds for highway 5 safety improvements.

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

Abeler and Dittrich introduced:

H. F. No. 1648, A bill for an act relating to retirement; authorizing purchase of service credit in the Teachers Retirement Association.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Hosch introduced:

H. F. No. 1649, A bill for an act relating to education; authorizing a fund transfer for Independent School District No. 750, Rocori.

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

Ruth, Gunther, Gazelka and Mahoney introduced:

H. F. No. 1650, A bill for an act relating to cosmetology; providing for the transfer of regulatory oversight; modifying regulatory provisions; providing conforming changes; amending Minnesota Statutes 2004, sections 154.18; 154.22; 155A.03, subdivision 4a; 155A.04; 155A.045, subdivision 1; 155A.08, subdivision 1; 155A.135; repealing Minnesota Statutes 2004, sections 155A.03, subdivision 13; 155A.06; Minnesota Rules, part 2100.9300, subpart 1.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Seifert and Koenen introduced:

H. F. No. 1651, A bill for an act relating to economic development; appropriating money for grants to the Minnesota Inventors Congress.

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

Peterson, S.; Dittrich; Sailer; Carlson; Nelson, M.; Ruud; Lenczewski; Larson; Loeffler; Welti and Lillie introduced:

H. F. No. 1652, A bill for an act relating to education; changing the learning year record system from a pupil unit basis to a credit basis; amending Minnesota Statutes 2004, sections 124D.128, subdivision 2; 126C.05, subdivision 8; 126C.10, subdivision 2a.

The bill was read for the first time and referred to the Committee on Education Policy and Reform.

Johnson, R.; Davids; Peterson, A.; Koenen; Otremba and Fritz introduced:

H. F. No. 1653, A bill for an act relating to agriculture; appropriating money for the Minnesota Institute for Sustainable Agriculture information exchange program.

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

Johnson, R.; Juhnke; Brod; Gunther and Welti introduced:

H. F. No. 1654, A bill for an act relating to the environment; amending Minnesota Statutes 2004, section 103E.701, by adding a subdivision.

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

Kohls, Sviggum, Lenczewski, Brod, DeLaForest and Zellers introduced:

H. F. No. 1655, A bill for an act relating to campaign finance; broadening the definition of "corporation"; amending Minnesota Statutes 2004, section 211B.15, subdivision 1.

The bill was read for the first time and referred to the Committee on Civil Law and Elections.

Solberg; Anderson, I., and Moe introduced:

H. F. No. 1656, A bill for an act relating to education; providing for regional education districts; amending Minnesota Statutes 2004, sections 123A.24, subdivision 2; 275.066; proposing coding for new law in Minnesota Statutes, chapter 123A.

The bill was read for the first time and referred to the Committee on Education Policy and Reform.

Mullery; Peterson, S., and Moe introduced:

H. F. No. 1657, A bill for an act relating to taxation; individual income; allowing a subtraction for health insurance premiums; amending Minnesota Statutes 2004, section 290.01, subdivision 19b.

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

Mullery introduced:

H. F. No. 1658, A bill for an act relating to insurance; prohibiting discrimination in auto insurance based upon geographic location within the Twin Cities metropolitan area; amending Minnesota Statutes 2004, section 72A.20, subdivision 23.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Mullery introduced:

H. F. No. 1659, A bill for an act relating to drivers' licenses; repealing authority for the commissioner to suspend driver's licenses as a result of mailed demands for proof of motor vehicle insurance; providing for remedial measures for victims; appropriating money; repealing Minnesota Statutes 2004, section 169.796, subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Krinkie introduced:

H. F. No. 1660, A bill for an act relating to taxation; property tax; modifying the truth in taxation provisions; adding a taxpayer satisfaction survey; eliminating certain required public hearings and newspaper advertisements; amending Minnesota Statutes 2004, sections 275.065, subdivisions 1c, 3, 4, 7, by adding subdivisions; 275.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 275; repealing Minnesota Statutes 2004, section 275.065, subdivisions 5a, 6, 6b, 8.

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

Olson; Otremba; Abeler; Anderson, B.; Westerberg; Sykora; Vandever; Cornish; Ozment; Soderstrom; Peppin; Severson; Marquart; Eken; Koenen; Beard; Eastlund; Erickson; Knobloch; Meslow; Paulsen; Urdahl; Seifert; Demmer and Peterson, N., introduced:

H. F. No. 1661, A bill for an act relating to education; promoting character development education; amending Minnesota Statutes 2004, sections 120B.23; 121A.03, subdivision 1; 121A.47, subdivision 14; 121A.55; 123A.06, subdivision 1; 126C.44; proposing coding for new law in Minnesota Statutes, chapter 120B.

The bill was read for the first time and referred to the Committee on Education Policy and Reform.

Sailer introduced:

H. F. No. 1662, A bill for an act relating to higher education; appropriating money to the Board of Regents of the University of Minnesota for student outreach.

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

Bernardy, Latz and Simon introduced:

H. F. No. 1663, A bill for an act relating to education; providing for a pilot program for paying the additional cost of school breakfast and lunch special diets based on religious beliefs of students; appropriating money.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 532.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 532, A bill for an act relating to Washington County; making the library board advisory to the county board.

The bill was read for the first time.

Charron moved that S. F. No. 532 and H. F. No. 547, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

Paulsen moved that the Consent Calendar be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Lenczewski moved that the name of Carlson be added as an author on H. F. No. 10. The motion prevailed.

Kahn moved that the name of Peterson, A., be added as an author on H. F. No. 87. The motion prevailed.

Greiling moved that the name of Kahn be added as an author on H. F. No. 148. The motion prevailed.

Lanning moved that the name of Peterson, S., be added as an author on H. F. No. 214. The motion prevailed.

Bernardy moved that the name of Westerberg be added as an author on H. F. No. 310. The motion prevailed.

Demmer moved that the name of Ruth be added as an author on H. F. No. 434. The motion prevailed.

Cox moved that the name of Magnus be added as an author on H. F. No. 490. The motion prevailed.

Bradley moved that the name of Hoppe be added as an author on H. F. No. 619. The motion prevailed.

Sieben moved that the name of Poppe be added as an author on H. F. No. 646. The motion prevailed.

Abeler moved that the name of Dempsey be added as an author on H. F. No. 670. The motion prevailed.

Bernardy moved that the name of Westerberg be added as an author on H. F. No. 726. The motion prevailed.

Abrams moved that the name of Loeffler be added as an author on H. F. No. 727. The motion prevailed.

Beard moved that the name of Paulsen be added as an author on H. F. No. 914. The motion prevailed.

Clark moved that the name of Hilstrom be added as an author on H. F. No. 949. The motion prevailed.

Smith moved that the name of Nornes be added as an author on H. F. No. 963. The motion prevailed.

Fritz moved that the name of Bernardy be added as an author on H. F. No. 1123. The motion prevailed.

Meslow moved that the names of Johnson, R., and Erhardt be added as authors on H. F. No. 1183. The motion prevailed.

Westerberg moved that the name of Peterson, A., be added as an author on H. F. No. 1197. The motion prevailed.

Hoppe moved that his name be stricken as an author on H. F. No. 1319. The motion prevailed.

Dittrich moved that the name of Lenczewski be added as an author on H. F. No. 1424. The motion prevailed.

Demmer moved that the names of Hansen, Westerberg, Penas, Tingelstad, Liebling and Ruth be added as authors on H. F. No. 1474. The motion prevailed.

Hilty moved that the name of Loeffler be added as an author on H. F. No. 1478. The motion prevailed.

Brod moved that the names of Powell and Greiling be added as authors on H. F. No. 1505. The motion prevailed.

Liebling moved that the name of Lenczewski be added as an author on H. F. No. 1512. The motion prevailed.

Gazelka moved that the name of Johnson, R., be added as an author on H. F. No. 1536. The motion prevailed.

Klinzing moved that the name of Charron be added as an author on H. F. No. 1544. The motion prevailed.

Magnus moved that the name of Hamilton be added as an author on H. F. No. 1552. The motion prevailed.

Peterson, A., moved that the names of Kahn and Latz be added as authors on H. F. No. 1561. The motion prevailed.

Vandever moved that the names of Charron and Klinzing be added as authors on H. F. No. 1563. The motion prevailed.

Meslow moved that the name of Dittrich be added as an author on H. F. No. 1572. The motion prevailed.

Samuelson moved that the names of Ruud and Sieben be added as authors on H. F. No. 1574. The motion prevailed.

Buesgens moved that the name of Dittrich be added as an author on H. F. No. 1587. The motion prevailed.

Scalze moved that the names of Latz and Mullery be added as authors on H. F. No. 1589. The motion prevailed.

Hoppe moved that the name of Kohls be added as an author on H. F. No. 1604. The motion prevailed.

Goodwin moved that the name of Smith be added as an author on H. F. No. 1610. The motion prevailed.

Olson moved that the names of Johnson, R.; Eastlund and Otremba be added as authors on H. F. No. 1614. The motion prevailed.

Knoblach moved that H. F. No. 820, now on the General Register, be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Hoppe moved that H. F. No. 847 be recalled from the Committee on Agriculture, Environment and Natural Resources Finance and be re-referred to the Committee on Governmental Operations and Veterans Affairs. The motion prevailed.

Westerberg moved that H. F. No. 950 be recalled from the Committee on Jobs and Economic Opportunity Policy and Finance and be re-referred to the Committee on Public Safety Policy and Finance. The motion prevailed.

Heidgerken moved that H. F. No. 991 be recalled from the Committee on Taxes and be re-referred to the Committee on Agriculture and Rural Development. The motion prevailed.

Gunther moved that H. F. No. 1213 be recalled from the Committee on Jobs and Economic Opportunity Policy and Finance and be re-referred to the Committee on Taxes. The motion prevailed.

Peterson, N., moved that H. F. No. 1341 be returned to its author. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, March 10, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Davids declared the House stands adjourned until 3:00 p.m., Thursday, March 10, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives