

## STATE OF MINNESOTA

## EIGHTY-FOURTH SESSION — 2006

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 EIGHTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 3, 2006

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by the Reverend Brenda Legred, Servant of Christ Lutheran Church, Champlin, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Mahoney 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 STANDING COMMITTEES

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 680, A bill for an act relating to landlord and tenant; clarifying provisions relating to utility metering and billing; amending Minnesota Statutes 2004, section 504B.215, subdivisions 1, 2, 2a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 504B.215, is amended by adding a subdivision to read:

Subd. 2b. **De minimis exception.** Any tariff approved by the Public Utilities Commission regarding a violation of subdivision 2 shall include a de minimis exception. The de minimis exception shall provide that electrical service in a common area that does not exceed an aggregate 1,752 kilowatt hours per year, which service is measured through a meter serving an individual residential unit, shall not cause a building to be a "single-metered residential building" as used in this section. The amount of common area usage may be determined by actual measurement or, when such measurement is not possible, it may be determined not likely to exceed 1,752 kilowatt hours per year by a licensed tradesperson or a housing inspector. The landlord shall bear the burden and cost associated with proving an exception.

If a tariff is not adopted this subdivision shall have no effect."

Delete the title and insert:

"A bill for an act relating to landlord and tenant; providing a clarification relating to certain utility metering and billing; amending Minnesota Statutes 2004, section 504B.215, by adding a subdivision."

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

The report was adopted.

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

H. F. No. 854, A bill for an act relating to health occupations; eliminating the prohibition against providing physical therapy after 30 days without a physician's order or without practicing for one year; amending Minnesota Statutes 2004, sections 148.75; 148.76, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 148.65, is amended by adding a subdivision to read:

Subd. 8. **Licensed health care professional.** "Licensed health care professional" means a person licensed in good standing in Minnesota to practice medicine, osteopathy, chiropractic, podiatry, dentistry, or advanced practice nursing.

Sec. 2. Minnesota Statutes 2005 Supplement, section 148.75, is amended to read:

**148.75 LICENSES; DENIAL, SUSPENSION, REVOCATION.**

(a) The state Board of Physical Therapy may refuse to grant a license to any physical therapist, or may suspend or revoke the license of any physical therapist for any of the following grounds:

- (1) using drugs or intoxicating liquors to an extent which affects professional competence;
- (2) conviction of a felony;
- (3) conviction for violating any state or federal narcotic law;
- (4) obtaining a license or attempting to obtain a license by fraud or deception;
- (5) conduct unbecoming a person licensed as a physical therapist or conduct detrimental to the best interests of the public;
- (6) gross negligence in the practice of physical therapy as a physical therapist;
- ~~(7) treating human ailments by physical therapy after an initial 30-day period of patient admittance to treatment has lapsed, except by the order or referral of a person licensed in this state in the practice of medicine as defined in section 147.081, the practice of chiropractic as defined in section 148.01, the practice of podiatry as defined in section 153.01, or the practice of dentistry as defined in section 150A.05 and whose license is in good standing; or when a previous diagnosis exists indicating an ongoing condition warranting physical therapy treatment, subject to periodic review defined by board of physical therapy rule;~~
- ~~(8) treating human ailments, without referral, by physical therapy treatment without first having practiced one year under a physician's orders as verified by the board's records;~~
- ~~(9) failing to consult with the patient's health care provider who prescribed the physical therapy treatment if the treatment is altered by the physical therapist from the original written order. The provision does not include written orders to "evaluate and treat";~~
- ~~(10) treating human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state;~~
- ~~(11) (8) inappropriate delegation to a physical therapist assistant or inappropriate task assignment to an aide or inadequate supervision of a student physical therapist, physical therapist assistant, student physical therapist assistant, or a physical therapy aide;~~
- ~~(12) (9) practicing as a physical therapist performing medical diagnosis, the practice of medicine as defined in section 147.081, or the practice of chiropractic as defined in section 148.01;~~
- ~~(13) (10) failing to comply with a reasonable request to obtain appropriate clearance for mental or physical conditions that would interfere with the ability to practice physical therapy, and that may be potentially harmful to patients;~~
- ~~(14) (11) dividing fees with, or paying or promising to pay a commission or part of the fee to, any person who contacts the physical therapist for consultation or sends patients to the physical therapist for treatment;~~

~~(15)~~ (12) engaging in an incentive payment arrangement, other than that prohibited by clause ~~(14)~~ (11), that tends to promote physical therapy overuse, that allows the referring person or person who controls the availability of physical therapy services to a client to profit unreasonably as a result of patient treatment;

~~(16)~~ (13) practicing physical therapy and failing to refer to a licensed health care professional a patient whose medical condition ~~at the time of evaluation~~ has been determined by the physical therapist to be beyond the scope of practice of a physical therapist;

~~(17)~~ (14) failing to report to the board other licensed physical therapists who violate this section; and

~~(18)~~ (15) practice of physical therapy under lapsed or nonrenewed credentials.

(b) A license to practice as a physical therapist is suspended if (1) a guardian of the physical therapist is appointed by order of a court pursuant to sections 524.5-101 to 524.5-502, for reasons other than the minority of the physical therapist; or (2) the physical therapist is committed by order of a court pursuant to chapter 253B. The license remains suspended until the physical therapist is restored to capacity by a court and, upon petition by the physical therapist, the suspension is terminated by the Board of Physical Therapy after a hearing.

(c) No physical therapist shall be subject to disciplinary action by the state Board of Physical Therapy for a patient's refusal to comply with a referral, as required under paragraph (a), clause (13), when the referral is documented in the physical therapy record.

Sec. 3. Minnesota Statutes 2004, section 148.76, subdivision 2, is amended to read:

Subd. 2. **Prohibitions.** No physical therapist may:

~~(1) treat human ailments by physical therapy after an initial 30-day period of patient admittance to treatment has lapsed, except by the order or referral of a person licensed in this state to practice medicine as defined in section 147.081, the practice of chiropractic as defined in section 148.01, the practice of podiatry as defined in section 153.01, the practice of dentistry as defined in section 150A.05, or the practice of advanced practice nursing as defined in section 62A.15, subdivision 3a, when orders or referrals are made in collaboration with a physician, chiropractor, podiatrist, or dentist, and whose license is in good standing; or when a previous diagnosis exists indicating an ongoing condition warranting physical therapy treatment, subject to periodic review defined by Board of Physical Therapy rule;~~

~~(2) treat human ailments by physical therapy treatment without first having practiced one year under a physician's orders as verified by the board's records;~~

~~(3) use any chiropractic manipulative technique whose end is the chiropractic adjustment of an abnormal articulation of the body; and~~

~~(4) (2) treat human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state.~~

Sec. 4. **REPEALER.**

Minnesota Rules, parts 5601.0100, subparts 5, 6, 7, and 8; 5601.1200; 5601.1800; 5601.1900; and 5601.2000, are repealed."

Delete the title and insert:

"A bill for an act relating to health occupations; adding a definition for licensed health care professional; modifying licensing provisions for physical therapy; amending Minnesota Statutes 2004, sections 148.65, by adding a subdivision; 148.76, subdivision 2; Minnesota Statutes 2005 Supplement, section 148.75; repealing Minnesota Rules, parts 5601.0100, subparts 5, 6, 7, 8; 5601.1200; 5601.1800; 5601.1900; 5601.2000."

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Public Safety Policy and Finance to which was referred:

H. F. No. 1443, A bill for an act relating to elections; requiring proof of citizenship as part of registration; requiring voters to provide picture identification; providing for the issuance of certain identification cards at no charge; amending Minnesota Statutes 2004, sections 201.061, subdivisions 1, 3; 204C.10; proposing coding for new law in Minnesota Statutes, chapter 204C.

Reported the same back with the following amendments:

Page 3, after line 27, insert:

"Sec. 5. Minnesota Statutes 2004, section 204C.13, is amended by adding a subdivision to read:

Subd. 6a. **Unverified ballots.** A voter who is unable to provide required photo identification may mark a ballot, which the election judges shall receive and mark as "unverified." The election judges must maintain a list of the names and addresses of voters who cast such ballots. The unverified ballots must be counted unless they equal ten percent or more of the ballots cast in the precinct. In that case, the election judges must not count the unverified ballots unless the eligibility of the voters can be determined as provided by this subdivision. Within two days after the election, the county auditor must notify each voter whose ballot was marked "unverified" that the voter's ballot shall be counted if the voter provides photo identification to the county auditor within three days."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "establishing a procedure for unverified ballots;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1466, A bill for an act relating to commerce; prohibiting tampering with clock-hour meters on farm tractors; prescribing a civil penalty and a private right of action; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

The report was adopted.

Westrom from the Committee on Regulated Industries to which was referred:

H. F. No. 1812, A bill for an act relating to horse racing; providing for agreements between racetrack licensees and horsepersons' organizations; modifying certain restrictions on simulcasting and operating a card club; amending Minnesota Statutes 2004, sections 240.06, subdivision 5a; 240.13, subdivision 6; 240.135; 240.30, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 240.06, subdivision 5a, is amended to read:

Subd. 5a. **Additional license; metropolitan area.** (a) Notwithstanding subdivision 5, the commission may issue one additional class A license within the seven-county metropolitan area, provided that the additional license may only be issued for a facility:

- (1) located more than 20 miles from any other racetrack in existence on January 1, 1987;
- (2) containing a track no larger than five-eighths of a mile in circumference;
- (3) ~~used exclusively at which~~ for standardbred racing is the only form of live horse racing conducted;
- (4) not owned or operated by a governmental entity or a nonprofit organization; and
- (5) that has a current road or highway system adequate to facilitate present and future vehicular traffic expeditiously to and from the facility.

The consideration of clause (5) shall prevail when two competing licensees are relatively equal regarding other considerations mandated by law or rule.

(b) An application for an additional class A license within the seven-county metropolitan area may not delay or adversely affect an application for a class A license for a facility to be located outside the seven-county metropolitan area.

Sec. 2. Minnesota Statutes 2004, section 240.06, is amended by adding a subdivision to read:

Subd. 5b. **Sharing of purse set-aside and breeders fund revenues.** Notwithstanding subdivision 5, a class A licensed racetrack operating within the seven-county metropolitan area may:

(a) enter into an agreement with a horsepersons' organization that represents a breed other than the breed racing at the licensee's racetrack under which the licensee agrees to pay a percentage of simulcasting or card club revenues to the purse set-aside account of another class A licensed racetrack operating within the seven-county metropolitan area. The licensee may only enter into such an agreement with a horsepersons' organization that represents a breed other than the breed racing at the licensee's racetrack. All amounts contributed to a class A racetrack under such an agreement must go to purses for races run at that racetrack; and

(b) conduct simulcasting on all breeds of horses if it:

(1) enters into an agreement with another class A licensed racetrack within the seven-county metropolitan area regarding simulcasting of any breed of horses raced at such other class A licensed racetrack that the class A racetrack elects to simulcast; and

(2) contributes to the purse set-aside account of another class A licensed racetrack operating within the seven-county metropolitan area, and to the breeders fund, an amount equal to the amount that would have been contributed to the set-aside account and the breeders fund, as required by statute, if the simulcast had been conducted at such other class A licensed racetrack. The percentages used to determine the amount of the simulcast contribution to the purse set-aside account and the breeders fund will be the percentages required under law. Contributions to the purse set-aside account shall be used by such other class A licensed racetrack for purses for races conducted by that racetrack in the same manner as if the simulcast had occurred at that racetrack.

Sec. 3. Minnesota Statutes 2004, section 240.13, subdivision 6, is amended to read:

Subd. 6. **Simulcasting.** (a) The commission may permit an authorized licensee to conduct simulcasting at the licensee's facility on any day authorized by the commission. All simulcasts must comply with the Interstate Horse Racing Act of 1978, United States Code, title 15, sections 3001 to 3007.

(b) The commission may not authorize any day for simulcasting at a class A facility during the racing season, and a licensee may not be allowed to transmit out-of-state telecasts of races the licensee conducts, unless the licensee has obtained the approval of the horsepersons' organization representing the majority of the horsepersons racing the breed involved at the licensed racetrack during the preceding 12 months. In the case of a class A facility licensed under section 240.06, subdivision 5a, the approval applicable to the first year of the racetrack's operation may be obtained from the horsepersons' organization that represents the majority of horsepersons who will race the breed involved at the licensed racetrack during the first year of the racetrack's operation.

(c) The licensee may pay fees and costs to an entity transmitting a telecast of a race to the licensee for purposes of conducting pari-mutuel wagering on the race. The licensee may deduct fees and costs related to the receipt of televised transmissions from a pari-mutuel pool on the televised race, provided that one-half of any amount recouped in this manner must be added to the amounts required to be set aside for purses.

(d) With the approval of the commission and subject to the provisions of this subdivision, a licensee may transmit telecasts of races it conducts, for wagering purposes, to locations outside the state, and the commission may allow this to be done on a commingled pool basis.

(e) Except as otherwise provided in this section, simulcasting may be conducted on a separate pool basis or, with the approval of the commission, on a commingled pool basis. All provisions of law governing pari-mutuel betting apply to simulcasting except as otherwise provided in this subdivision or in the commission's rules. If pools are commingled, wagering at the licensed facility must be on equipment electronically linked with the equipment at the licensee's class A facility or with the sending racetrack via the totalizator computer at the licensee's class A facility. Subject to the approval of the commission, the types of betting, takeout, and distribution of winnings on commingled pari-mutuel pools are those in effect at the sending racetrack. Breakage for pari-mutuel pools on a televised race must be calculated in accordance with the law or rules governing the sending racetrack for these pools, and must be distributed in a manner agreed to between the licensee and the sending racetrack. Notwithstanding subdivision 7 and section 240.15, subdivision 5, the commission may approve procedures governing the definition and disposition of unclaimed tickets that are consistent with the law and rules governing unclaimed tickets at the sending racetrack. For the purposes of this section, "sending racetrack" is either the racetrack outside of this state where the horse race is conducted or, with the consent of the racetrack, an alternative facility that serves as the racetrack for the purpose of commingling pools.

(f) Except as otherwise provided in section 240.06, subdivision 5b, paragraph (b), if there is more than one class B licensee conducting racing within the seven-county metropolitan area, simulcasting may be conducted only on races run by a breed that ran at the licensee's class A facility within the 12 months preceding the event.

Sec. 4. Minnesota Statutes 2004, section 240.135, is amended to read:

**240.135 CARD CLUB REVENUE.**

(a) From the amounts received from charges authorized under section 240.30, subdivision 4, the licensee shall set aside the amounts specified in this section to be used for purse payments. These amounts are in addition to the breeders fund and purse requirements set forth elsewhere in this chapter.

(1) For amounts between zero and \$6,000,000, the licensee shall set aside ten percent to be used as purses.

(2) For amounts in excess of \$6,000,000, the licensee shall set aside 14 percent to be used as purses.

(b) From all amounts set aside under paragraph (a), the licensee shall set aside ten percent to be deposited in the breeders fund.

(c) The licensee and the horseperson's organization representing the majority of horsepersons who have raced at the racetrack during the preceding 12 months, or, in the case of a racetrack licensed under section 240.06, subdivision 5a, will race at the racetrack during the first year of the racetrack's operation, may negotiate percentages different from those stated in this section if the agreement is in writing and filed with the Racing Commission.

~~(e)~~ (d) It is the intent of the legislature that the proceeds of the card playing activities authorized by this chapter be used to improve the horse racing industry by improving purses. The commission shall annually review the financial details of card playing activities and determine if the present use of card playing proceeds is consistent with the policy established by this paragraph. If the commission determines that the use of the proceeds does not comply with the policy set forth herein, then the commission shall direct the parties to make the changes necessary to ensure compliance. If these changes require legislation, the commission shall make the appropriate recommendations to the legislature.

Sec. 5. Minnesota Statutes 2004, section 240.30, subdivision 5, is amended to read:

Subd. 5. **Limitation.** (a) Except as provided in paragraph (b), the commission shall not authorize a licensee to operate a card club unless the licensee has conducted at least 50 days of live racing at a class A facility within the past 12 months or during the preceding calendar year.

(b) In the case of a racetrack licensed under section 240.06, subdivision 5a, during the first 12 months of the racetrack's operation, the commission may authorize the licensee to operate a card club when the licensee has been assigned dates by the commission for at least 50 days of live racing during those 12 months."

Delete the title and insert:

"A bill for an act relating to horse racing; providing for agreements between racetrack licensees and horsepersons' organizations; modifying certain restrictions on simulcasting and operating a card club; amending Minnesota Statutes 2004, sections 240.06, subdivision 5a, by adding a subdivision; 240.13, subdivision 6; 240.135; 240.30, subdivision 5."

With the recommendation that when so amended the bill pass.

The report was adopted.



Erhardt from the Committee on Transportation to which was referred:

H. F. No. 1838, A bill for an act relating to traffic regulations; authorizing local governments to permit low-speed neighborhood electric vehicles to be operated on residential roadways; making clarifying changes; amending Minnesota Statutes 2004, sections 168.011, subdivision 4; 168.012, subdivision 3a; 169.01, by adding a subdivision; 169.045.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2005 Supplement, section 168.011, subdivision 7, is amended to read:

Subd. 7. **Passenger automobile.** (a) "Passenger automobile" means any motor vehicle designed and used for carrying not more than 15 individuals, including the driver.

(b) "Passenger automobile" does not include motorcycles, motor scooters, buses, ~~or~~ school buses, or commuter vans as defined in section 168.126.

(c) "Passenger automobile" includes, but is not limited to:

(1) pickup trucks and vans, including those vans designed to carry passengers, with a manufacturer's nominal rated carrying capacity of one ton, ~~but does not include commuter vans as defined in section 168.126;~~ and

(2) neighborhood electric vehicles as defined in section 169.01, subdivision 91.

Sec. 2. Minnesota Statutes 2004, section 168.011, is amended by adding a subdivision to read:

Subd. 41. **Neighborhood electric vehicle.** "Neighborhood electric vehicle" has the meaning given in section 169.01, subdivision 91.

Sec. 3. Minnesota Statutes 2004, section 168A.05, is amended by adding a subdivision to read:

Subd. 9. **Neighborhood electric vehicle; certificate required.** Neighborhood electric vehicles, as defined in section 169.01, subdivision 91, must be titled as specified in section 168A.02. The department shall not issue a title for a neighborhood electric vehicle (1) that lacks a vehicle identification number, and (2) for which a manufacturer's certificate of origin clearly labeling the vehicle as a neighborhood electric vehicle or similar designation has not been issued. The department shall not issue a vehicle identification number to a homemade neighborhood electric or low-speed vehicle or retrofitted golf cart, and such vehicles do not qualify as neighborhood electric vehicles.

Sec. 4. Minnesota Statutes 2004, section 169.01, is amended by adding a subdivision to read:

Subd. 91. **Neighborhood electric vehicle.** "Neighborhood electric vehicle" means an electrically powered motor vehicle that has four wheels, and has a speed attainable in one mile of at least 20 miles per hour but not more than 25 miles per hour on a paved level surface.

Sec. 5. **[169.224] NEIGHBORHOOD ELECTRIC VEHICLES.**

Subdivision 1. **Definition.** For purposes of this section, "road authority" means the commissioner, as to trunk highways; the county board, as to county state-aid highways and county highways; the town board, as to town roads; and the governing body of a city, as to city streets.

Subd. 2. **Required equipment.** Notwithstanding any other law, a neighborhood electric vehicle may be operated on public streets and highways if it meets all equipment and vehicle safety requirements in Code of Federal Regulations, title 49, section 571.500, and successor requirements.

Subd. 3. **Operation.** A neighborhood electric vehicle may not be operated on a street or highway with a speed limit greater than 35 miles per hour, except to make a direct crossing of that street or highway.

Subd. 4. **Restrictions and prohibitions.** (a) A road authority, including the commissioner of transportation by order, may prohibit or further restrict the operation of neighborhood electric vehicles on any street or highway under the road authority's jurisdiction.

(b) A neighborhood electric vehicle may not be used to take any examination to demonstrate ability to exercise control in the operation of a motor vehicle as required under section 171.13."

Delete the title and insert:

"A bill for an act relating to traffic regulations; authorizing operation of neighborhood electric vehicles on streets and highways; amending Minnesota Statutes 2004, sections 168.011, by adding a subdivision; 168A.05, by adding a subdivision; 169.01, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 168.011, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 169."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1862, A bill for an act relating to health; establishing evidence-based practice standards; requiring a report on uncompensated care and reporting on acquired infections; authorizing a study on alternative and complimentary health care; permitting discounted health care payments under certain circumstances; modifying provisions in the public employees insurance program and Minnesota employees insurance program; modifying private sector health coverage provisions; allowing service cooperatives to contract for goods and services under certain conditions; adding a provision for medical liability; appropriating money; amending Minnesota Statutes 2004, sections 43A.316, subdivisions 1, 2, 3, 4, 5, 6, 6a, 7, 8, 10, by adding subdivisions; 43A.317; 62D.095, subdivisions 3, 4, by adding a subdivision; 72A.20, by adding a subdivision; 123A.21, subdivision 7; 144.698, by adding a subdivision; 151.214, subdivision 1; 471.61, by adding a subdivision; 471.617, subdivision 3, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 214.071; proposing coding for new law in Minnesota Statutes, chapters 62J; 62M; 62Q; 144; 214; 604; repealing Minnesota Statutes 2005 Supplement, section 62Q.251.

Reported the same back with the following amendments:

Page 17, after line 5, insert:

"Sec. 14. Minnesota Statutes 2004, section 43A.316, is amended by adding a subdivision to read:

Subd. 9b. **Loan authorization.** The commissioner may borrow up to \$2,000,000 from the reserve fund of the state employees group insurance program for purposes of the public employees insurance program. The funds must be used in any way appropriate to improve the stability and usefulness of the program. Any such loan must be repaid in regular installments over no more than ten years, with interest at three percent per year. The loans may be made on an as-needed basis, provided that such loans may never exceed a total of \$2,000,000 at any one time, and all loans must be repaid in full no later than June 30, 2016."

Pages 17 to 24, delete article 4

Renumber the articles in sequence and renumber the sections in sequence

Amend the title as follows:

Page 1, lines 6 to 7, delete "and Minnesota employees insurance program"

Page 1, line 9, delete "appropriating money;"

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 2567, A bill for an act relating to employment; requiring leaves of absence for employees to attend a send-off or homecoming ceremony for an immediate family member who, as a military member, has been mobilized for active military service in support of a war or other national emergency; amending Minnesota Statutes 2005 Supplement, section 192.502, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Page 1, after line 11, insert:

"(b) "Active service" has the meaning given in section 190.05, subdivision 5."

Page 1, line 12, delete "(b)" and insert "(c)" and delete ", independent contractor, or person working for an"

Page 1, line 13, delete "independent contractor"

Page 1, line 14, after the period, insert "Employee does not include an independent contractor."

Page 1, line 15, delete "(c)" and insert "(d)"

Page 1, line 18, delete "(d)" and insert "(e)"

Page 1, delete lines 20 to 25 and insert:

"**Subd. 2. Unpaid leave required.** (a) Unless the leave would unduly disrupt the operations of the employer, an employer shall grant a leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces, has been mobilized for active service in support of a war or other national emergency. The employer may limit the amount of leave provided under this subdivision to:

(i) one-day's duration in any calendar year, or the actual time necessary, for the employee to attend a send-off or homecoming ceremony for the mobilized service member; or

(ii) two-day's duration in any calendar year, for the employee to spend with the mobilized service member prior to or during the service member's military mobilization.

(b) Leave granted under this subdivision shall not exceed two days per calendar year."

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.

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

H. F. No. 2608, A bill for an act relating to elections; modifying certain requirements relating to voting systems for individuals with disabilities; amending Minnesota Statutes 2005 Supplement, section 206.57, subdivision 5.

Reported the same back with the following amendments:

Page 1, line 8, before "In" insert "(a)"

Page 1, line 10, delete "held in November of even-numbered years"

Page 1, line 11, before the semicolon, insert ", except as provided in this subdivision"

Page 1, line 15, delete "paragraph" and insert "subdivision"

Page 1, line 16, delete "or in November of odd-numbered years" and insert "if no other election is held concurrently with the town election"

Page 1, after line 16, insert:

"(b) Notwithstanding any contrary provision in this subdivision, if a resident of a township files a written request with the county auditor that a voting system as described in this subdivision be available at a town election held in March or in November of odd-numbered years, the town must make such a voting system available. A request under this paragraph must be submitted by the close of filings for the election."

With the recommendation that when so amended the bill be re-referred to the Committee on State Government Finance without further recommendation.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 2722, A bill for an act relating to homeowner's insurance; regulating coverage for home-based adult foster care services; proposing coding for new law in Minnesota Statutes, chapter 65A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[65A.301] ADULT FOSTER CARE SERVICES; COVERAGE.**

Subdivision 1. **No coverage.** There shall be no coverage under a foster care for adults provider's homeowner's insurance policy for losses or damages arising out of the operation of foster care for adults services unless:

(1) specifically covered in a policy; or

(2) covered by a rider for business coverage attached to a policy.

For purposes of this section, "foster care for adults" has the meaning given in section 245A.02, subdivision 6c.

Subd. 2. **Prohibited underwriting practices.** No insurer shall refuse to renew, or decline to offer or write, homeowner's insurance coverage solely because the property to be covered houses foster care for adults services for five or fewer adult residents.

**EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2006, and applies to policies issued or renewed on or after that date."

With the recommendation that when so amended the bill pass.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 2788, A bill for an act relating to employment; requiring employers to allow unpaid leave for employees to perform volunteer firefighter duties; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **EMERGENCY PERSONNEL RECRUITMENT AND RETENTION STUDY.**

The commissioner of public safety must coordinate the formation of a task force to study issues surrounding recruitment and retention of volunteer firefighters, volunteer ambulance personnel, and volunteer emergency responders. Task force membership is open to all stakeholders demonstrating an interest. The commissioner may limit the number of individuals representing organizations. The task force, once convened, is responsible for any costs, selecting a chair, and reporting back to the commissioner its findings and recommendations, if any, by December 15, 2006."

Delete the title and insert:

"A bill for an act relating to employment; forming a task force to study recruitment and retention of volunteer emergency personnel."

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

The report was adopted.

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

H. F. No. 2810, A bill for an act relating to health; removing the expiration date for radiation therapy facility construction limitations; amending Minnesota Statutes 2004, section 144.5509.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 144.5509, is amended to read:

**144.5509 RADIATION THERAPY FACILITY CONSTRUCTION.**

(a) A radiation therapy facility may be constructed only by an entity owned, operated, or controlled by a hospital licensed according to sections 144.50 to 144.56 either alone or in cooperation with another entity.

(b) This section expires August 1, ~~2008~~ 2013."

Amend the title as follows:

Page 1, line 2, delete "removing" and insert "changing"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 2876, A bill for an act relating to town mutual insurance companies; clarifying an exception to restriction on insuring property in second class cities; amending Minnesota Statutes 2004, section 67A.14, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 67A.14, subdivision 5, is amended to read:

Subd. 5. **What may not be insured; property outside designated territory; exceptions.** (a) No township mutual insurance company shall insure any property in cities of the first or second class.

(b) If by annexation or other growth in population a city, town, township or unorganized territory or any portion thereof is reclassified into a city of the second class, a township mutual insurance company may ~~continue to~~ do business in that portion of the city in which it was authorized to do business prior to the reclassification.

(c) A township mutual insurance company may insure any real or personal property, including qualified or secondary property, subject to the limitations in subdivision 1, paragraph (b), located outside of the limits of the territory in which the company is authorized by its certificate or articles of incorporation to transact business, if the company is already covering qualified property belonging to the insured, inside the limits of the company's territory.

(d) A township mutual fire insurance company may insure property temporarily outside of the authorized territory of the township mutual insurance company.

(e) Except as otherwise provided in paragraph (b) or elsewhere in this chapter, a company may operate in adjoining cities of the second class if approval has been granted by the commissioner."

Delete the title and insert:

"A bill for an act relating to town mutual insurance companies; modifying the exception to the restriction on insuring property in certain cities; amending Minnesota Statutes 2004, section 67A.14, subdivision 5."

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

The report was adopted.

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

H. F. No. 3095, A bill for an act relating to local government; permitting the Minneapolis Park and Recreation Board and the Minneapolis City Council to impose a park dedication fee on new housing units.

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

The report was adopted.

Ozment from the Committee on Agriculture, Environment and Natural Resources Finance to which was referred:

H. F. No. 3116, A bill for an act relating to game and fish; modifying critical habitat private sector matching account provisions; providing definitions; providing for and modifying disposition of certain revenue; modifying restrictions on motorized watercraft and recreational vehicles in wildlife management areas; providing for inspection of equipment used to take wild animals; modifying certain penalty and fee amounts; modifying certain game and fish license provisions; modifying firearms possession provisions for persons under 16; providing for collecting antler sheds; modifying firearms safety course requirements; modifying certain provisions for taking and possessing game and fish; modifying restrictions on using lights to locate animals; modifying provisions for fishing contests; providing for a moratorium on use of public waters for aquaculture; modifying regulation of all-terrain vehicles; creating two classes of all-terrain vehicles; requiring rulemaking; amending Minnesota Statutes 2004, sections 84.92, subdivision 8, by adding subdivisions; 84.928, by adding a subdivision; 84.943, subdivision 3; 97A.015, by adding subdivisions; 97A.055, subdivision 2; 97A.065, subdivision 2; 97A.075, subdivision 1; 97A.101, subdivision 4; 97A.251, subdivision 1; 97A.321; 97A.475, subdivision 2; 97A.535, subdivision 1; 97B.015, by adding a subdivision; 97B.021, subdivision 1, by adding a subdivision; 97B.081, subdivision 1; 97B.301, subdivision 7; 97B.311; 97C.025; 97C.081, subdivisions 4, 6, 8, 9; 97C.205; 97C.315, subdivision 2; 97C.355, subdivision 7; 97C.371, subdivisions 3, 4; Minnesota Statutes 2005 Supplement, sections 84.9256, subdivision 1; 84.9257; 84.926, subdivision 4; 84.928, subdivision 1; 97A.405, subdivision 4; 97A.475, subdivision 3; 97A.551, subdivision 6; 197.65; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, section 97C.355, subdivision 6.

Reported the same back with the following amendments:

Page 3, line 1, delete "16" and insert "15"

Page 9, line 5, after the period, insert "When the commissioner intends to permanently prohibit the use of motorized watercraft, the commissioner must give notice and hold a public hearing. The hearing must be held in the county where the major portion of the lake is located. Notice of the hearing must be published in a legal newspaper within the county where the lake is located at least thirty days before the hearing."

Page 15, after line 6, insert:

"Sec. 35. **[97B.327] REPORT; DEER OTHER THAN WHITE-TAILED OR MULE.**

A hunter legally taking a deer that is not a white-tailed or mule deer must report the type of deer taken to the commissioner of natural resources within seven days of taking."

Page 22, after line 10, insert:

"Sec. 49. **SPRING TURKEY SEASON.**

The commissioner of natural resources must amend Minnesota Rules so that the taking of turkey in the spring season ends at sunset each day. The commissioner of natural resources may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend rules to conform to this section. 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."

Page 22, line 14, delete "44" and insert "45"

Renumber the sections in sequence

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

The report was adopted.

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

H. F. No. 3139, A bill for an act relating to state government; establishing a climate neutral policy for state building projects funded with state bonds; amending Minnesota Statutes 2004, section 16B.325.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 16B.325, is amended to read:

**16B.325 SUSTAINABLE BUILDING GUIDELINES.**

Subdivision 1. **Energy, lighting, air quality, and other guidelines.** The Department of Administration and the Department of Commerce, with the assistance of other agencies, shall develop sustainable building design guidelines for all new state buildings by January 15, 2003. The primary objectives of these guidelines are to ensure



that all new state buildings initially exceed existing energy code, as established in Minnesota Rules, chapter 7676, by at least 30 percent. The guidelines must focus on achieving the lowest possible lifetime cost for new buildings and allow for changes in the guidelines that encourage continual energy conservation improvements in new buildings. The design guidelines must establish sustainability guidelines that include air quality and lighting standards and that create and maintain a healthy environment and facilitate productivity improvements; specify ways to reduce material costs; and must consider the long-term operating costs of the building, including the use of renewable energy sources and distributed electric energy generation that uses a renewable source or natural gas or a fuel that is as clean or cleaner than natural gas. In developing the guidelines, the departments shall use an open process, including providing the opportunity for public comment. The guidelines established under this ~~section~~ subdivision are mandatory for all new buildings receiving funding from the bond proceeds fund after January 1, 2004.

Subd. 2. **Greenhouse gases.** The Department of Administration and the Department of Commerce, with the assistance of other agencies, shall report to the legislature by March 15, 2007, on guidelines and procedures for a requirement that no net increases in greenhouse gases are allowed as a result of new building projects. The legislature will determine if guidelines established under this subdivision will be mandatory for all new buildings receiving funding from the bond proceeds fund after January 1, 2008.

Sec. 2. Minnesota Statutes 2005 Supplement, section 216C.052, subdivision 3, is amended to read:

Subd. 3. **Assessment and appropriation.** In addition to the amount noted in subdivision 2, the commission may assess utilities, using the mechanism specified in that subdivision, up to an additional \$500,000 annually through June 30, ~~2006~~ 2008. The amounts assessed under this subdivision are appropriated to the commission, and some or all of the amounts assessed may be transferred to the commissioner of administration, for the purposes specified in section 16B.325 and Laws 2001, chapter 212, article 1, section 3, as needed to implement those sections.

Sec. 3. Minnesota Statutes 2005 Supplement, section 216C.052, subdivision 4, is amended to read:

Subd. 4. **Expiration.** ~~This section expires~~ Subdivisions 1 and 2 expire June 30, 2007. Subdivision 3 expires June 30, 2008, provided that after June 30, 2006, only up to \$500,000 assessment authorized by subdivision 3 may be made under the authority of subdivision 3."

Delete the title and insert:

"A bill for an act relating to state government; requiring a report on greenhouse gases for new building projects; amending Minnesota Statutes 2004, section 16B.325; Minnesota Statutes 2005 Supplement, section 216C.052, subdivisions 3, 4."

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

The report was adopted.

Holberg from the Committee on Transportation Finance to which was referred:

H. F. No. 3202, A bill for an act relating to state lands; conveying land; removing route from state highway system; repealing Minnesota Statutes 2004, section 161.115, subdivision 173.

Reported the same back with the following amendments:

Page 3, delete section 3 and insert:

"Sec. 3. **TRUNK HIGHWAY 60 CONSTRUCTION.**

Notwithstanding Minnesota Statutes, section 161.261, or any other law, the commissioner of transportation may enter into an agreement with an adjoining state to construct a connector highway with a length not to exceed four miles and to erect detour signs at appropriate locations, for the construction of marked Trunk Highway 60 to include the Bigelow Bypass.

Sec. 4. **REPEALERS; REMOVAL OF LEGISLATIVE ROUTES; REVISOR INSTRUCTIONS.**

Subdivision 1. **Legislative Route No. 242 removed.** (a) Minnesota Statutes 2004, section 161.115, subdivision 173, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the Anoka County Board transferring jurisdiction of Legislative Route No. 242 and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor in writing that the conditions required to transfer the route are satisfied.

Subd. 2. **Legislative Route No. 294 removed.** (a) Minnesota Statutes 2004, section 161.115, subdivision 225, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the Willmar City Council transferring jurisdiction of Legislative Route No. 294 and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor in writing that the conditions required to transfer the route are satisfied."

Amend the title as follows:

Page 1, line 2, delete "removing route from" and insert "modifying"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3244, A bill for an act relating to public safety; directing the commissioner of public safety to analyze and use trafficking data to address trafficking problems in Minnesota; directing the commissioner of public safety to establish policies to provide assistance to trafficking victims; creating a human trafficking task force; creating the unclassified service position of trafficking coordinator; enhancing penalties for trafficking crimes; appropriating money; amending Minnesota Statutes 2005 Supplement, sections 299A.78; 609.282; 609.283; proposing coding for new law in Minnesota Statutes, chapter 299A.

Reported the same back with the following amendments:

Page 2, line 24, delete "(a)"

Page 4, line 18, delete "21-member" and insert "22-member"

Page 4, line 35, before "the" insert "a representative of"

Page 5, line 6, delete "and"

Page 5, after line 6, insert:

"(14) a representative of the United States Attorney's Office; and"

Page 5, line 7, delete "(14)" and insert "(15)"

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.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 3265, A bill for an act relating to highways; authorizing cities of the first class to allow advertising on trash and recycling receptacles placed in rights-of-way of streets and highways; amending Minnesota Statutes 2004, section 160.27, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 160.27, is amended by adding a subdivision to read:

Subd. 7a. **Trash and recycling receptacles.** (a) Trash and recycling receptacles may be placed and maintained within the limits of any street or highway when a license, permit, or franchise therefor is first obtained from the road authority. Within cities with a population of 50,000 or greater, the owners may place advertisements on trash and recycling receptacles if authorized by the license, permit, or franchise. Trash and recycling receptacles, including trash and recycling receptacles with advertisements placed on them, may not be attached to a bench or shelter placed under subdivision 2. The receptacles shall not be placed or maintained on the portion of the highway or street prepared and maintained for vehicle traffic.

(b) The council of any city with a population of 50,000 or greater may, by public negotiation or bid, grant franchises for the placement, operation, or maintenance of trash and recycling receptacles on streets and highways within the city. The franchises shall be granted subject to terms and conditions as the city may prescribe, including the payment of compensation to the city. This provision does not supersede or preclude any requirements for obtaining permits from the appropriate road authority having jurisdiction for construction, reconstruction, or maintenance of the right-of-way of any trunk highway, county highway, or county state-aid highway.

(c) On streets and highways outside of cities, the road authority may, by public negotiation or bid, grant franchises for the placement, operation, or maintenance of trash and recycling receptacles on streets and highways within the road authority's jurisdiction. The franchises shall be granted subject to terms and conditions as the road authority may prescribe, including the payment of compensation to the road authority.

(d) For purposes of this subdivision, city means a statutory or home rule charter city."

Delete the title and insert:

"A bill for an act relating to highways; authorizing larger cities and certain road authorities to allow advertising on trash and recycling receptacles placed in rights-of-way of streets and highways; amending Minnesota Statutes 2004, section 160.27, by adding a subdivision."

With the recommendation that when so amended the bill be re-referred to the Committee on Local Government without further recommendation.

The report was adopted.

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

H. F. No. 3268, A bill for an act relating to economic development; establishing the Minnesota Biomedical Sciences Research Facilities Authority and the biomedical sciences research project funding program; providing for the University of Minnesota to apply for facility program funds; authorizing sale of state bonds to fund program; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the recommendation that 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. 3391, A bill for an act relating to state agencies; establishing timelines for agency action on certain environmental permits; amending Minnesota Statutes 2004, section 15.99.

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

The report was adopted.

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

H. F. No. 3397, A bill for an act relating to state lands; adding to and deleting from state parks and recreation areas; providing for public and private sales and exchanges of certain state lands.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1999, chapter 161, section 31, subdivision 5, as amended by Laws 2004, chapter 262, article 3, section 2, is amended to read:

Subd. 5. **Survey.** (a) Itasca county shall cause each lot to be surveyed by a licensed surveyor, except that a survey is not required for Lots 11 and 12, Plat of Third River, according to the plat of record in the Office of the Recorder for Itasca County.

(b) The costs of survey shall be allocated by the county to the lots offered for sale and the successful purchaser on each lot shall reimburse the county for the survey costs allocated to the lot purchased. If no one purchases the lot, the county is responsible for the survey costs. All surveying must be conducted by a licensed surveyor.

Sec. 2. Laws 2005, chapter 161, section 19, is amended to read:

Sec. 19. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

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

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

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

(1) the westerly 400 feet of the easterly 800 feet of Lot 4, Section 13, Township 54 North, Range 17 West; and

(2) the West Half of the Northwest Quarter of the Southwest Quarter, Section 33, Township 51 North, Range 16 West.

(d) Except as provided in clause (6), the conveyances of land under this paragraph must retain for the state a 150-foot trout stream easement lying 75 feet on each side of the centerline of the stream. The land to be sold is located in St. Louis County and is described as:

(1) the Northeast Quarter of the Northeast Quarter, Section 7, Township 50 North, Range 18 West;

(2) the North Half of the Northeast Quarter and the North Half of the Northwest Quarter, Section 8, Township 50 North, Range 18 West;

(3) the Northwest Quarter of the Northeast Quarter, except the North Half, and that part of the West 10 acres of the Northeast Quarter of the Northeast Quarter lying south of Lester River and the West 10 acres of the Northeast Quarter of the Northeast Quarter lying north of Lester River, except the North 5 acres, Section 17, Township 51 North, Range 13 West;

(4) the Northwest Quarter of the Southeast Quarter, except the West Half, and the East 165 feet of the West Half of the Northwest Quarter of the Southeast Quarter, Section 5, Township 51 North, Range 13 West;

(5) the East Half of the Southeast Quarter of the Southeast Quarter, Section 34, Township 58 North, Range 20 West; and

(6) Government Lot 2, Section 17, Township 51 North, Range 12 West, Wonderland 1st Addition to the town of Duluth, Lot 22, Block 1 subject to a trout stream easement 75 feet in width on the southwest side from the centerline of the stream.

(e) The conveyance of land under this paragraph must contain a deed restriction that is 75 feet in width along the shoreline, excluding a 15-foot access strip. The land to be sold is located in St. Louis County and is described as: Lot 6, Lot 7, and Lot 8, except the easterly 50 feet, Erickson's Beach, town of Fayal, Section 27, Township 57 North, Range 17 West.

(f) The conveyance of land under this paragraph must contain a deed restriction that is 75 feet in width along the shoreline. The land to be sold is located in St. Louis County and is described as: Lots 64 and 65, Vermilion Dells, 1st Addition Greenwood, Section 2, Township 62 North, Range 16 West.

(g) The conveyances of land under this paragraph must retain for the state a 150-foot conservation easement lying 75 feet on each side of the centerline of the stream. The land to be sold is located in St. Louis County and is described as:

(1) the Northeast Quarter of the Southeast Quarter, Section 31, Township 52 North, Range 14 West;

(2) the Northeast Quarter of the Southwest Quarter, Section 31, Township 52 North, Range 14 West; and

(3) the South Half of the Southwest Quarter of the Southwest Quarter, except the westerly 15 acres, Section 31, Township 52 North, Range 14 West.

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

### Sec. 3. **ADDITIONS TO STATE PARKS.**

Subdivision 1. [85.012] [Subd. 14.] **Crow Wing State Park, Crow Wing, Cass, and Morrison Counties.** The following areas are added to Crow Wing State Park, Cass County:

(1) Government Lots 3, 4, and 5, the Southeast Quarter of the Northeast Quarter, and the Northeast Quarter of the Southeast Quarter, all in Section 24, Township 133 North, Range 30 West;

(2) that part of Government Lot 4 lying southerly of Cass County State-Aid Highway 36 and that part of the Southeast Quarter of the Southwest Quarter lying southerly and westerly of Cass County State-Aid Highway 36 and also lying westerly of the Gull River, all in Section 19, Township 133 North, Range 29 West; and

(3) that part of Government Lot 2 lying westerly of the Gull River, Section 30, Township 133 North, Range 29 West.

Subd. 2. [85.012] [Subd. 21.] **Frontenac State Park, Goodhue County.** The following areas are added to Frontenac State Park, Goodhue County:

(1) beginning at the corners of Sections 11, 12, 13, and 14, in Township 112 North, Range 13 West; thence running South along the east line of said Section 14, 660 feet; thence at right angles East 2,220 feet; thence at right angles North 1,522 feet; thence West 900 feet to the center of the Lake City and Frontenac public highway; thence South 860 feet, more or less, along the centerline of said public highway to the north line of said Section 12; thence West 1,320 feet, more or less, along said north line to the point of beginning;

(2) that part of Government Lot 3 of Section 12 and Government Lot 1 and the Northeast Quarter of the Northwest Quarter of Section 13, all in Township 112 North, Range 13 West, described as follows: Beginning at a point 600 feet North of the southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 13; thence run due North 60 feet, more or less, to south line of Convent property; thence due East 900 feet to the southeast corner of Convent property; thence due North 1,062 feet to a point which is 460 feet due South of a stone monument at corner of Convent property; thence due East 150 feet; thence South 16 degrees East 1,104 feet, more or less, to a point which is 450 feet due East of the southeast corner of Convent property above described; thence due East 407 feet; thence due South 660 feet, more or less, to south line of Government Lot 1 of said Section 13, which point is 1,757 feet East of southwest corner of Northeast Quarter of the Northwest Quarter of said Section 13; thence West along said south line of Government Lot 1, 1,167 feet, more or less, to center of Wells Creek; thence northwesterly along center of Wells Creek 800 feet, more or less, to a point which is due East of the place of beginning; thence due West 100 feet to place of beginning. Also right-of-way 60 feet wide adjoining on the North of this tract is given, which runs East and West 150 feet; and

(3) commencing at the northeast corner of the Ursuline Convent Lands (where a stone is set) in the Southwest Quarter of Section 12, Township 112 North, Range 13 West; thence East on the line of continuation of the north line, which runs East and West of said "Convent Lands," a distance of 20 feet for a place of beginning; thence South and parallel with the east line of said "Convent Lands," a distance of 400 feet; thence East to the line of low water mark of Lake Pepin a distance of 750 feet, be the same more or less; thence in a northwesterly direction and following said line of low water mark of said Lake Pepin to a point where the same intersects the said continuation of said north line of said "Ursuline Convent Lands" if continued to said line of low water mark of said Lake Pepin; thence West and on said continued north line to the place of beginning, said premises being a part of Lot 3, Section 12.

Subd. 3. [85.012] [Subd. 27a.] **Grand Portage State Park, Cook County.** The following area is added to Grand Portage State Park, all in Section 30, Township 64 North, Range 7 East, Cook County: All of the Southwest Quarter of the Northeast Quarter lying northerly of the center line of Minnesota Trunk Highway 61.

Subd. 4. [85.012] [Subd. 42.] **Mille Lacs Kathio State Park, Mille Lacs County.** The following area is added to Mille Lacs Kathio State Park, Mille Lacs County: That part of Government Lot 1, Section 26, Township 42 North, Range 27 West, described as follows: Beginning at the northeast corner of said Government Lot 1; thence North 89 degrees 09 minutes 54 seconds West, bearing based on Mille Lacs County Coordinate System, along the north line of said Government Lot 1 a distance of 665.82 feet to a 3/4-inch iron rod with survey cap stamped "MN DNR LS 16098" (DNR monument); thence South 00 degrees 00 minutes 00 seconds West a distance of 241.73 feet to a DNR monument, thence continuing South 00 degrees 00 minutes 00 seconds West a distance of 42.18 feet to a P.K. nail in the centerline of County Road 26; thence southeasterly along the centerline of County Road 26 a distance of 860 feet, more or less, to the east line of said Government Lot 1; thence North 00 degrees 22 minutes 38 seconds East along the east line of said Government Lot 1 a distance of 763 feet, more or less, to the point of beginning.

Subd. 5. [85.012] [Subd. 53b.] **Split Rock Creek State Park, Pipestone County.** The following areas are added to Split Rock Creek State Park, all in Township 105 North, Range 46 West, Pipestone County:

(1) the Northeast Quarter; the Southwest Quarter; and the Southeast Quarter, except that part beginning at a point on the east line of said Southeast Quarter, 1,112 feet North of the southeast corner of said Southeast Quarter; thence West 561 feet to a point; thence North 529 feet to a point; thence East 561 feet to a point on the east line of said Southeast Quarter; thence South along the east line of said Southeast Quarter 528 feet to the point of beginning, all in Section 22; and

(2) the North 105 acres, more or less, of the North Half of Section 27, lying North and West of the southeasterly right-of-way line of the former Chicago, Rock Island and Pacific Railway Company, now abandoned, as it was originally located on and across said Section 27 and that part of the North Half of Section 27 beginning at

the northeast corner of said Section 27; thence South 89 degrees 40 minutes 00 seconds West, a distance of 1,608.29 feet; thence South 46 degrees 05 minutes 00 seconds West, a distance of 155.63 feet; thence deflect left along a curve having a delta angle of 11 degrees 46 minutes, a radius of 844.28 feet, for a distance of 173.39 feet; thence South 34 degrees 18 minutes 00 seconds West, a distance of 909.30 feet; thence South 89 degrees 57 minutes 00 seconds East, a distance of 1,718.36 feet; thence North 01 degree 03 minutes 00 seconds East, a distance of 120.70 feet; thence South 89 degrees 44 minutes 00 seconds East, a distance of 623.70 feet to the east line of said Section 27; thence North 00 degrees 00 minutes 00 seconds East, along said east line, a distance of 882.95 feet, to the point of beginning.

Subd. 6. [85.012] [Subd. 60.] **William O'Brien State Park, Washington County.** The following areas are added to William O'Brien State Park, all in Township 32 North, Range 20 West, Washington County:

(1) the South 165.0 feet of the North 495.0 feet of the West Half of the Southeast Quarter of Section 36;

(2) the South 165.0 feet of the North 660.0 feet of the West Half of the Southeast Quarter of Section 36; and

(3) that part of the Northwest Quarter of the Southeast Quarter of Section 36 lying South of the North 660 feet thereof and lying North of the South 200 feet of the North 1,326.20 feet of the West Half of the Southeast Quarter of said Section 36, except that part thereof conveyed to the Minneapolis, St. Paul and Sault Ste. Marie Railway Company by deed recorded in Book 74 of Deeds, page 491 in the Office of the Washington County Recorder.

#### Sec. 4. **DELETIONS FROM STATE PARKS.**

Subdivision 1. [85.012] [Subd. 2.] **Banning State Park, Pine County.** The following area is deleted from Banning State Park, Pine County: the West Half of the Northwest Quarter, Section 26, Township 43 North, Range 20 West.

Subd. 2. [85.012] [Subd. 52a.] **Schoolcraft State Park, Cass and Itasca Counties.** The following areas are deleted from Schoolcraft State Park, Itasca County, all in Township 143 North, Range 25 West:

(1) Government Lots 5, 6, 9, and 12 of Section 2; and

(2) Government Lot 4 of Section 11.

Subd. 3. [85.012] [Subd. 60.] **William O'Brien State Park, Washington County.** The following area is deleted from William O'Brien State Park, all in Section 26, Township 32 North, Range 20 West, Washington County: that part of the South Half of the Northeast Quarter lying east of Oxboro Avenue.

#### Sec. 5. **DELETIONS FROM STATE RECREATION AREAS.**

Subdivision 1. [85.013] [Subd. 12a.] **Iron Range Off-Highway Vehicle Recreation Area, St. Louis County.** The following areas are deleted from the Iron Range Off-Highway Vehicle Recreation Area, St. Louis County:

(1) the Southeast Quarter of the Southeast Quarter, Section 4, Township 58 North, Range 17 West;

(2) the East Half of the Northeast Quarter and the East Half of the Southeast Quarter, Section 8, Township 58 North, Range 17 West; and

(3) Section 9, Township 58 North, Range 17 West.



Subd. 2. [85.013] [Subd. 17a.] **Minnesota Valley State Recreation Area, Hennepin, Dakota, Scott, Carver, Sibley, and Le Sueur Counties.** The following area is deleted from the Minnesota Valley State Recreation Area, Sibley County: the Rush River Wayside.

Sec. 6. **ADDITIONS TO RUM RIVER STATE FOREST.**

[89.021] [Subd. 43.] **Rum River State Forest.** The following areas are added to Rum River State Forest:

(1) the South Half of the Southwest Quarter of Section 8, Township 39 North, Range 25 West, Kanabec County;

(2) the North Half of the Northeast Quarter of Section 25, Township 39 North, Range 26 West, Mille Lacs County;

(3) Sections 7, 8, 9, and 10; the West Half of Section 11; the Northwest Quarter, North Half of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter of Section 14; the North Half of the South Half and the North Half of Section 15; the Southwest Quarter of the Southwest Quarter, the North Half of the South Half, and the North Half of Section 16; the North Half of Section 17; the North Half of Section 18; the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 24; the West Half of the Northeast Quarter and the East Half of the Northwest Quarter of Section 25; and the South Half of the Southeast Quarter of Section 26; all in Township 40 North, Range 27 West, Mille Lacs County;

(4) the East Half of the Southwest Quarter and the Southeast Quarter of Section 36, Township 41 North, Range 27 West, Mille Lacs County;

(5) the Southeast Quarter of the Southeast Quarter of Section 19, Township 42 North, Range 27 West, Mille Lacs County; and

(6) Section 36, Township 41 North, Range 28 West, Morrison County.

Sec. 7. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; ANOKA COUNTY.**

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

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

(c) The land that may be sold is located in Anoka County and is described as follows:

That part of Government Lot 1 in Section 17, Township 33 North, Range 22 West, commencing at a point on the southeasterly right-of-way line of County Aid Road No. 4, as the road was laid out and constructed across said Government Lot 1 as of January 31, 1948, which is 99 feet northeasterly from the point of the intersection of said right-of-way line and the west line of said Section 17, running thence southwesterly a distance of 99 feet to the said intersection of the right-of-way line and the west line of Section 17; thence South along the west line of said Section 17 to the shoreline of Linwood Lake; thence northeasterly along the shoreline of Linwood Lake a distance of 126 feet; and thence northwesterly in a straight line to the point of beginning, all according to the United States government survey thereof.

(d) The land was formerly used as a water access site on Linwood Lake and is no longer needed for natural resource purposes.

Sec. 8. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CHISAGO COUNTY.**

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

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

(c) The land to be sold is located in Chisago County and is described as:

(1) Lot 18 of Mauritz Shores, parcel number 2-1522; and

(2) Lot 19 of Mauritz Shores, parcel number 2-1523.

(d) The parcels shall be subject to a "no-impact zone" in which all vegetation is to be left in an unaltered state and in which no docks or permanent structures of any kind shall be placed. The "no-impact zone" shall extend from the ordinary high water level of Green Lake to the bluff impact zone as defined in the local shoreland ordinance.

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

Sec. 9. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CLEARWATER COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale requirements in Minnesota Statutes, chapter 282, Clearwater County may sell the tax-forfeited land bordering public water described in paragraph (c) to the city of Bagley, under the remaining provisions of Minnesota Statutes, chapter 282. The conveyance must provide that the land described in paragraph (c) be used for the public, and revert to the state in trust for the taxing districts, if the city of Bagley fails to provide for public use or abandons the public use of the land.

(b) The conveyance must be in a form approved by the attorney general for the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Clearwater County and is described as:

(1) all that part of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) and the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), Section Thirty (30), Township One Hundred Forty-seven (147) North, Range Thirty-seven (37), West of the Fifth Principal Meridian, described as follows:

Commencing at the southwest corner of Lot One (1) of Block One (1) of Pleasant Addition of Bagley at its intersection with Highway #2 right-of-way as the point of beginning; thence North on the West boundary line of said Lot One to the northern boundary line of the alley North of and adjacent to Block One; thence westerly on said north boundary line if produced to the east boundary line of Block Eight; thence South on said east boundary line to the intersection with U.S. Highway #2 right-of-way; thence easterly and following the northern boundary line of the U.S. Highway #2 right-of-way to the point of beginning;

(2) Lot Eight (8), Block One (1), Lake Lamond Addition, according to the plat thereof on file and of record in the Office of the County Recorder, Clearwater County, Minnesota;

(3) Block Eight (8), Auditor's 2nd Subdivision of Bagley, according to the plat thereof on file and of record in the Office of the County Recorder, Clearwater County, Minnesota; and

(4) Lots One (1), Two (2), Three (3), and Four (4), Block Thirteen (13), Auditor's 2nd Subdivision of Bagley, according to the plat thereof on file and of record in the Office of the County Recorder, Clearwater County, Minnesota.

(d) The county has determined that the county's land management interests would be best served if the lands were sold to the city of Bagley.

Sec. 10. **PRIVATE SALE OF SURPLUS LAND; GOODHUE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 85.012, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is located within the boundaries of Frontenac State Park and described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The conveyance shall reserve an easement to ensure public access to Frontenac State Park. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Goodhue County and is described as follows: That part of the East Half of the East Half of the Northwest Quarter of Section 4, Township 112 North, Range 13 West, Goodhue County, Minnesota, described as follows:

Commencing at the south quarter corner of said Section 4; thence on an assumed bearing of North, along the north-south quarter line of said Section 4, to the centerline of Hill Avenue, as now located and established; thence on a bearing of North, along said north-south quarter line of said Section 4, a distance of 450.00 feet; thence on a bearing of West, a distance of 500.00 feet to the POINT OF BEGINNING; thence continuing on a bearing of West, a distance of 61.00 feet; thence on a bearing of South, a distance of 548 feet, more or less, to the centerline of Hill Avenue; thence northeasterly along said centerline a distance of 65 feet, more or less, to a line which bears South from the point of beginning; thence on a bearing of North, a distance of 526 feet, more or less to the point of beginning. Said parcel contains 0.75 acres, more or less.

(d) The sale resolves an unintentional trespass that occurred when a pole barn was constructed on state park land.

Sec. 11. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell to a governmental subdivision of the state the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and may be conveyed for less than the value of the land as determined by the commissioner. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The conveyance must provide that the land described in paragraph (c) be used for the public and reverts to the state if the governmental subdivision fails to provide for public use or abandons the public use of the land.

(c) The land that may be sold is located in Hennepin County and is described as follows:

A strip of land 130 feet wide in the S1/2-NW1/4 of Section 20, Township 117 North, Range 21 West, the center line of which strip has its beginning in the center of Minnehaha Creek on the southeasterly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company across the SW1/4-NW1/4 of said Section 20, which point is distant 806 feet northeasterly along said railroad right-of-way line from the west line of said Section 20; thence South 50 degrees 5 minutes East a distance of 239 feet to a point which is 818.8 feet North of the south boundary line of the SW1/4-NW1/4 and 412 feet West from the east boundary line of said SW1/4-NW1/4, and thence continuing South 50 degrees 5 minutes East 100 feet; thence East on a line parallel with and 753.8 feet distant from the south boundary line of said SW1/4-NW1/4, to the east boundary line of said SW1/4-NW1/4. Excepting the bed of Minnehaha Creek.

(d) The sale to a local unit of government for management for public use would allow continued recreational use of the land while reducing cost to state government.

**Sec. 12. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER OR WETLANDS; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin County may sell or convey for no consideration to the city of Brooklyn Park the tax-forfeited land bordering public water or wetlands that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Brooklyn Park stops using the land for the public purposes described in paragraph (d). The conveyance is subject to restrictions imposed by the commissioner of natural resources.

(c) The land to be conveyed is located in Hennepin County and is described as: Unplatted, Section 30, Township 119, Range 21, the East 187.1 feet of the West 1,182.6 feet of the South 597 feet of the Southwest 1/4 of the Northeast 1/4. Also that part of the Southwest 1/4 of the Northeast 1/4 lying East of the West 1,182.6 feet thereof and lying southwesterly of Registered Land Survey No. 304 (Hennepin County tax identification no. 30-119-21 13 0006).

(d) The county has determined that the land is needed by the city of Brooklyn Park for storm water retention and drainage, street and roadway, and bridge and utility improvement purposes.

**Sec. 13. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER OR WETLANDS; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin County may sell or convey for no consideration to the city of St. Bonifacius the tax-forfeited land bordering public water or wetlands that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of St. Bonifacius stops using the land for the public purpose described in paragraph (d). The conveyance is subject to restrictions imposed by the commissioner of natural resources.

(c) The land to be conveyed is located in Hennepin County and is described as: Outlot A, West Minnetonka Commercial and Industrial Park (Hennepin County tax identification no. 32-117-24 24 0011).

(d) The county has determined that the land is needed by the city of St. Bonifacius for a natural water drainage area.

Sec. 14. **CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER OR WETLANDS; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, and 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin County may sell or convey to the city of Minnetrista the tax-forfeited land bordering public water or wetlands that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Minnetrista stops using the land for the public purpose described in paragraph (d). The conveyance is subject to restrictions imposed by the commissioner of natural resources.

(c) The land to be conveyed is located in Hennepin County and is described as:

(1) Block 10, "Minnetonka Centre" (Hennepin County tax identification no. 27-117-24 32 0032);

(2) Block 11, "Minnetonka Centre" (Hennepin County tax identification no. 27-117-24 32 0033);

(3) Block 12, "Minnetonka Centre" (Hennepin County tax identification no. 27-117-24 32 0034);

(4) Block 13, "Minnetrista Centre" (Hennepin County tax identification no. 27-117-24 32 0035);

(5) Block 14, "Minnetonka Centre" (Hennepin County tax identification no. 27-117-24 32 0036); and

(6) Block 15, "Minnetonka Centre" (Hennepin County tax identification no. 27-117-24 32 0037).

(d) The county has determined that the land is needed by the city of Minnetrista for wetland purposes.

Sec. 15. **CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER OR WETLANDS; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin County may sell or convey to the city of Shorewood the tax-forfeited land bordering public water or wetlands that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Shorewood stops using the land for the public purpose described in paragraph (d). The conveyance is subject to restrictions imposed by the commissioner of natural resources.

(c) The land to be conveyed is located in Hennepin County and is described as:

(1) that part of the Southwest Quarter of the Southeast Quarter of Section 31, Township 117, Range 23, described as follows: beginning at the intersection of the east line of said Southwest Quarter of the Southeast Quarter and the north line of the South 789.36 feet of said Southwest Quarter of the Southeast Quarter; thence West along said north line to the center line of Smithtown Road; thence northerly and northeasterly along said center line to its intersection with the westerly extension of the south line of Lot 5, Auditors Subdivision No 247, Hennepin County, Minnesota; thence easterly along said extension and along the south line of said Lot 5 to the southeast corner of said Lot 5; thence South along the east line of said Southwest Quarter of the Southeast Quarter to the point of beginning, subject to road (Hennepin County tax identification no. 31-117-23-43 0001); and

(2) Lot 5, Auditor's Subdivision No. 247, Hennepin County, Minnesota (Hennepin County tax identification no. 31-117-23 43 0004).

(d) The county has determined that the land is needed by the city of Shorewood for drainage and wetland conservation purposes.

**Sec. 16. PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ITASCA COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Itasca County may sell the tax-forfeited land described in paragraph (c) by public sale, under the remaining provisions of Minnesota Statutes, chapter 282.

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

(c) The land to be sold is located in Itasca County and is described as: Lot 8, Block 1, Anderson Addition, according to the plat on file and of record in the office of the recorder for Itasca County.

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

**Sec. 17. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ITASCA COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale requirements in Minnesota Statutes, chapter 282, Itasca County may sell the tax-forfeited land described in paragraph (c) by private sale, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general for the appraised value of the land.

(c) The land to be sold is located in Itasca County and is described as: Government Lot 3, Section 27, Township 55 North, Range 26 West.

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

**Sec. 18. EXCHANGE OF TAX-FORFEITED LAND; PRIVATE SALE; ITASCA COUNTY.**

(a) For the purpose of a land exchange for use in connection with a proposed steel mill in Itasca County referenced in Laws 1999, chapter 240, article 1, section 8, subdivision 3, title examination and approval of the land described in paragraph (b) shall be undertaken as a condition of exchange of the land for class B land, and shall be governed by Minnesota Statutes, section 94.344, subdivisions 9 and 10, and the provisions of this section. Notwithstanding the evidence of title requirements in Minnesota Statutes, section 94.344, subdivisions 9 and 10, the county attorney shall examine one or more title reports or title insurance commitments prepared or underwritten by a title insurer licensed to conduct title insurance business in this state, regardless of whether abstracts were created or updated in the preparation of the title reports or commitments. The opinion of the county attorney, and approval by the attorney general, shall be based on those title reports or commitments.

(b) The land subject to this section is located in Itasca County and is described as:

(1) Sections 3, 4, 7, 10, 14, 15, 16, 17, 18, 20, 21, 22, 23, 26, 28, and 29, Township 56 North, Range 22 West;

(2) Sections 3, 4, 9, 10, 13, and 14, Township 56 North, Range 23 West;

(3) Section 30, Township 57 North, Range 22 West; and

(4) Sections 25, 26, 34, 35, and 36, Township 57 North, Range 23 West.

(c) Riparian land given in exchange by Itasca County for the purpose of the steel mill referenced in paragraph (a), is exempt from the restrictions imposed by Minnesota Statutes, section 94.342, subdivision 3.

(d) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Itasca County may sell, by private sale, any land received in exchange for the purpose of the steel mill referenced in paragraph (a), under the remaining provisions of Minnesota Statutes, chapter 282. The sale must be in a form approved by the attorney general.

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

**Sec. 19. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; LAKE OF THE WOODS COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land bordering public water that is described in paragraph (c).

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

(c) The land that may be sold is located in Lake of the Woods County and is described as follows:

That part of Government Lot 7, Section 23, Township 168 North, Range 35 West, described as follows:

Commencing at the northwest corner of said Government Lot 7, being a 3/4-inch by 24 rebar with plastic cap stamped "MN DNR LS 17005"; thence on a bearing based on the 1983 Lake of the Woods County Coordinate System (1996 Adjustment) of North 89 degrees 35 minutes 54 seconds East along the north line of said Government Lot 7 a distance of 640.21 feet to a 3/4-inch by 24 rebar with plastic cap stamped "MN DNR LS 17005," and the point of beginning of the land to be described; thence South 00 degrees 24 minutes 6 seconds East 40.00 feet to an in-place iron rod; thence North 89 degrees 35 minutes 54 seconds East, parallel with said north line of Government Lot 7, a distance of 142.59 feet to an in-place iron rod; thence North 46 degrees 18 minutes 16 seconds East 58.26 feet to an in-place iron rod on the north line of said Government Lot 7; thence South 89 degrees 35 minutes 54 seconds East, along the north line of said Government Lot 7, a distance of 184.99 feet to the point of beginning, containing 0.15 acres.

(d) The sale would resolve an unintentional trespass when a portion of a cabin and shed were constructed on state land.

**Sec. 20. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; MARSHALL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale requirements of Minnesota Statutes, chapter 282, Marshall County may convey to the city of Warren for no consideration the tax-forfeited lands bordering public water that are described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Warren stops using the land for a public purpose.

(c) The lands to be conveyed are located in Marshall County and are described as:

(1) Parcel 59.0259.001;

(2) Parcel 59.0292.000;

(3) Parcel 59.0363.000;

(4) Parcel 59.0393.000; and

(5) Parcel 59.8400.007.

(d) The county has determined that the county's land management interests would best be served if the lands were conveyed to the city of Warren for a public purpose.

**Sec. 21. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; MARSHALL COUNTY.**

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

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

(c) The land to be sold is located in Marshall County and is described as:

Parcel 11.0019.001.

(d) The county has determined that the county's land management interests would best be served if the land was sold to the Department of Natural Resources.

**Sec. 22. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER; MILLE LACS COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The conveyance may include any personal property owned by the state and deposited in Mille Lacs Lake as part of the breakwater under water permits numbered P.A. 59-735 and P.A. 61-230. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Mille Lacs County and is described as follows: That part of Government Lot 1, Section 4, Township 42 North, Range 27 West, lying between the water's edge of Mille Lacs Lake and the following described lines:

Commencing at the intersection of the east line of said Government Lot 1 and the southerly right-of-way line of County State-Aid Highway 35, formerly Highway 169, which point is 72.6 feet South of the meander corner on said east line; thence in a northwesterly direction along said southerly right-of-way line angle measured from said east line 75 degrees 10 minutes a distance of 267.0 feet to the actual point of beginning of the first line to be described and Point "A"; thence deflect 89 degrees 55 minutes to the right in a northeasterly direction a distance of 178 feet, more or less, to the water's edge of Mille Lacs Lake and there terminating.



The second line begins at Point "A"; thence continuing northwesterly on said southerly right-of-way line a distance of 17.5 feet; thence deflecting 90 degrees to the right in a northeasterly direction a distance of 90 feet, more or less, to the water's edge of Mille Lacs Lake and there terminating.

(d) The sale resolves an unintentional trespass that occurred when two docks were constructed on state land.

Sec. 23. **PUBLIC SALE OF SURPLUS LAND BORDERING PUBLIC WATER; MORRISON COUNTY.**

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

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

(c) The land to be sold is located in Morrison County and is described as follows: the Northwest Quarter of the Southwest Quarter, Section 30, Township 41 North, Range 28 West.

(d) The state has determined that the school trust land management interests would best be served if the land was sold, as the land has no access to a public road and minimal timber value.

Sec. 24. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; OTTER TAIL COUNTY.**

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

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

(c) The land that may be sold is located in Otter Tail County and is described as follows:

That part of the E1/2-SW1/4 of Section 24, Township 136 North, Range 39 West, described as follows: Beginning at Right-of-Way Monument B12 as shown on State Highway Right-of-Way Plat No. 56-7 on file and of record in the Office of the Register of Deeds in and for said county; thence run North 40 degrees 42 minutes 47 seconds West (bearings oriented to Minnesota State Plane Grid, 00 degrees 00 minutes 00 seconds being grid north) for 651.92 feet to Right-of-Way Monument B13; thence South 82 degrees 38 minutes 47 seconds East for 304.14 feet; thence South 73 degrees 11 minutes 03 seconds East for 266.02 feet; thence South 16 degrees 18 minutes 57 seconds West for 67.63 feet; thence southerly along a tangential curve concave to East having a radius of 393.31 feet and a central angle of 78 degrees 00 minutes 00 seconds for 495.04 feet; thence North 64 degrees 11 minutes 28 seconds West for 335.11 feet to Right-of-Way Monument B12 and the point of beginning; containing 3.35 acres, more or less.

(d) The land was transferred by the Department of Transportation to the Department of Natural Resources upon completion of a road project in 1974 and the Department of Natural Resources has determined the land is no longer needed for natural resource purposes.

Sec. 25. **CONVEYANCE OF SURPLUS STATE LAND; OTTER TAIL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of natural resources may convey to Independent School District No. 544, Fergus Falls, the surplus land that is described in paragraph (c).

(b) The conveyance must be at market value and in a form approved by the attorney general. The conveyance must provide that the land reverts to the state if the school district does not use the land for a school facility.

(c) The land to be conveyed is located in Otter Tail County and is described as:

(1) the West Half of the Northeast Quarter of Section 27, Township 133 North, Range 43 West, excepting the area designated for the State Hospital Cemetery located in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of said section and that part of the Southwest Quarter of the Northeast Quarter previously conveyed to Donald Stevens pursuant to Minnesota Laws 1973, chapter 80, and described as follows:

That part of the SW1/4 of the NE1/4 of Section 27 described as follows: Beginning at the SE corner of said SW1/4 of the NE1/4; thence on an assumed bearing of North 00 degrees 00 minutes 36 seconds West on the easterly line thereof for a distance of 660.00 feet; thence North 89 degrees 40 minutes 12 seconds West parallel to the southerly line thereof for a distance of 7.90 feet; thence South 00 degrees 19 minutes 48 seconds West 660.00 feet to the southerly line of said SW1/4 of the NE1/4; thence South 89 degrees 40 minutes 12 seconds East on last said southerly line for a distance of 11.91 feet to point of beginning; also that part of the SW1/4 of the NE1/4 of Section 27 described as follows: Commencing at the SE corner of said SW1/4 of the NE1/4; thence on an assumed bearing of North 89 degrees 40 minutes 12 seconds West on the southerly line of the SW1/4 of the NE1/4 for a distance of 11.91 feet to point of beginning of tract to be described; thence North 00 degrees 19 minutes 48 seconds East 660.00 feet; thence North 89 degrees 40 minutes 12 seconds West parallel to the southerly line of the SW1/4 of the NE1/4 for a distance of 25.00 feet; thence South 00 degrees 21 minutes 50 seconds East 660.05 feet to the southerly line of the SW1/4 of said NE1/4 ; thence South 89 degrees 40 minutes 12 seconds East on said southerly line for a distance of 17.00 feet to point of beginning. Containing 73.5 acres, more or less; and

(2) the Southeast Quarter of the Northwest Quarter of Section 27, Township 133 North, Range 43 West. Containing 40 acres.

(d) The land is no longer needed for any natural resource purpose and the state's land management interests would best be served if the land was conveyed to Independent School District No. 544, Fergus Falls, for a new school facility.

**Sec. 26. PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; PINE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Pine County may sell the tax-forfeited land described in paragraph (c) by public sale, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general for not less than the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Pine County and is described as:

(1) Property ID Numbers 03.0074.000, 03.0075.000, and 03.0076.000, all in Section 9, Township 41 North, Range 20 West;

(2) Property ID Numbers 03.0089.000 and 03.0090.000, all in Section 10, Township 41 North, Range 20 West;

(3) Property ID Number 06.0086.000 in Section 14, Township 40 North, Range 22 West;

(4) Property ID Numbers 13.0053.000 and 13.0054.000, all in Section 4, Township 43 North, Range 20 West;

(5) Property ID Number 13.0059.000 in Section 5, Township 43 North, Range 20 West;

(6) Property ID Numbers 16.0198.000 and 16.0201.000, all in Section 19, Township 45 North, Range 18 West;

(7) Property ID Number 20.0164.000 in Section 23, Township 43 North, Range 16 West; and

(8) Property ID Number 45.5567.000 in Section 16, Township 42 North, Range 20 West.

(d) The conveyance of land described in paragraph (c), clauses (4) and (5), shall be combined and sold as a single parcel.

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

Sec. 27. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; PINE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale requirements in Minnesota Statutes, chapter 282, Pine County may sell by private sale the tax-forfeited land bordering public water described in paragraph (c), under Minnesota Statutes, section 282.01, subdivision 7a.

(b) The conveyance must be in a form approved by the attorney general for the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Pine County and is described as:

(1) Property ID Number 28.1133.000 in Section 36, Township 39 North, Range 22 West;

(2) Property ID Number 12.0300.000 in Section 20, Township 42 North, Range 21 West;

(3) Property ID Number 25.0107.000 in Section 9, Township 43 North, Range 19 West;

(4) Property ID Number 16.0190.000 in Section 18, Township 45 North, Range 18 West;

(5) Property ID Number 31.0174.000 in Section 23, Township 45 North, Range 20 West; and

(6) Property ID Number 33.5487.000 in Section 16, Township 45 North, Range 19 West.

(d) The conveyance of land described in paragraph (c), clause (6), must contain a deed restriction on development that is 75 feet in width along the shoreline, excluding a 15-foot access strip.

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

Sec. 28. **PUBLIC OR PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; PINE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Pine County may sell the tax-forfeited land bordering public water described in paragraph (c), by public sale or as provided in Minnesota Statutes, section 282.01, subdivision 7a, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general for the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Pine County and is described as:

Property ID Numbers 17.0225.000 and 17.0226.000 in Section 17, Township 44 North, Range 20 West.

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

Sec. 29. **EXCHANGE OF STATE LAND WITHIN NERSTRAND BIG WOODS STATE PARK; RICE COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 94.342, subdivision 4, the commissioner of natural resources may, with the approval of the Land Exchange Board as required under the Minnesota Constitution, article XI, section 10, and according to the remaining provisions of Minnesota Statutes, sections 94.342 to 94.346, exchange the land located within state park boundaries that is described in paragraph (c).

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

(c) The state land that may be exchanged is located in Rice County and will be a portion of the southerly one acre of the following described land:

All that part of the East 10 acres of the Northwest Quarter of the Southwest Quarter, Section 3, Township 110 North, Range 19 West, lying South and West of County State-Aid Highway 29, except the South one-half acre thereof.

The exact area to be exchanged will be determined by completion of a further site analysis.

(d) The exchange would resolve an unintentional trespass of a driveway the location of which was not determined until after the state's acquisition of the land.

Sec. 30. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. Conveyances of the lands described in paragraph (c), clauses (4), (7), and (9), must retain for the state the easements indicated. The attorney general may make changes to the land descriptions to correct errors and ensure accuracy.

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

(1) the North Half of the Northeast Quarter of the Southwest Quarter, Section 26, Township 60 North, Range 16 West;

(2) the northerly 400 feet of the southerly 600 feet of the Northeast Quarter of the Southeast Quarter, Section 21, Township 56 North, Range 18 West;

(3) Lot 3, except the North 900 feet and except the South 100 feet of the North 1,000 feet of the West 600 feet and except the West 633 feet of the South 80 feet of the North 1,080 feet and except that part lying southerly of the North 1,080 feet, Section 6, Township 56 North, Range 20 West;

(4) the northerly 330 feet of the Northwest Quarter of the Southwest Quarter, Section 12, Township 55 North, Range 20 West;

(5) the South Half of the South Half of the Southwest Quarter of the Southwest Quarter, Section 8, Township 55 North, Range 19 West;

(6) the Southeast Quarter and the Northeast Quarter, Section 28, Township 51 North, Range 15 West.

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

Sec. 31. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

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

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

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

(1) that part of the Southwest Quarter of the Northwest Quarter beginning 511 feet East of the northwest corner; running thence southwesterly to a point 511 feet South of the northwest corner; thence North to said northwest corner; thence East to the point of beginning and Lot 4 lying westerly of the county road, Section 3, Township 57 North, Range 15 West;

(2) Lot 14, Michael's Beach Town of Ellsburg, Section 6, Township 55 North, Range 17 West;

(3) an undivided 1/4 interest, Northeast Quarter of the Northeast Quarter, Section 22, Township 63 North, Range 12 West; and

(4) an undivided 1/4 interest, Northwest Quarter of the Northwest Quarter, Section 23, Township 63 North, Range 12 West.

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

Sec. 32. **PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

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

That part of the Southeast Quarter of the Northeast Quarter of Section 21, Township 56 North, Range 18 West, lying East of the East right-of-way line of Fermoy Road as located on this day of recording. This parcel contains 4.23 acres, more or less.

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

Sec. 33. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale requirements in Minnesota Statutes, chapter 282, St. Louis County may sell the tax-forfeited land bordering public water described in paragraph (c) to the city of Chisholm, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general for the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

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

The East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 27, Township 58 North, Range 20 West.

(d) The county has determined that the county's land management interests would be best served if the lands were sold to the city of Chisholm.

Sec. 34. **PRIVATE SALE OF TAX-FORFEITED LAND; STEVENS COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general for the fair market value of the land. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Stevens County and is described as: a strip of land 66 feet wide, the center line of which follows the following measurements and directions: the point of beginning being a point which is on the east right-of-way line of T.H. 59 and 626 feet South of said north line of the Southwest Quarter of Section 18, Township 125 North, Range 41 West; thence due East and parallel with the north line of said Southwest Quarter of Section 18, Township 125 North, Range 41 West, a distance of 1,310 feet, subject to easements.

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

**Sec. 35. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus lands bordering public water that are described in paragraph (c).

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

(c) The lands that may be sold are located in Washington County and are described as follows:

(1) all that part of the NE1/4-SW1/4 of Section 3, Township 29 North, Range 20 West, described as follows: Beginning at a point on the north line of said tract 26 rods West of the center of said Section 3; and running thence West along the quarter section line to the northwest corner of said tract; thence South along the west line of said tract 80 rods to the southwest corner of the same; thence East along the south line of said tract to a point which is 26 rods West of the southeast corner thereof; thence North parallel with the east line of said tract 80 rods to the point of beginning;

(2) the W1/2-SW1/4 of Section 3, Township 29 North, Range 20 West, except that part lying westerly of the following described line: Beginning at a point on the south line of said Section 3, distant 430 feet West of the southeast corner of the SW1/4-SW1/4 of said Section 3; thence northeasterly to the northeast corner of the SW1/4-SW1/4 of Section 3; thence northwesterly to a point on the north line of the SW1/4 of Section 3, distance 430 feet West of the northeast corner of the NW1/4-SW1/4 of said Section 3; and

(3) all that part of the SE1/4-SW1/4 of Section 3, Township 29 North, Range 20 West, lying westerly of County State-Aid Highway 21.

(d) The Department of Corrections transferred the land to the Department of Natural Resources in 1973 and the Department of Natural Resources has determined that the land is no longer needed for natural resource purposes.

**Sec. 36. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; WRIGHT COUNTY.**

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

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

(c) The land that may be sold is located in Wright County and is described as follows:

All that part of the North 300 feet of Government Lot 2, Section 17, Township 120 North, Range 26 West, lying West of the following described line: Beginning at a point on the north line of said lot, 134.23 feet East of the center line of Wright County Aid Road No. 4, thence South 19 degrees, 1 minute West, 317.32 feet, and there terminating. Subject to existing road easements. Said parcel contains 1.2 acres, more or less.

(d) The land was formerly used as a water access site on Ramsey Lake and is no longer needed for natural resource purposes as the water access site has been relocated to other land.

Sec. 37. **LAND REPLACEMENT TRUST FUND; ITASCA COUNTY.**

Notwithstanding the provisions of Minnesota Statutes, chapter 282, and any other law relating to the apportionment of proceeds from the sale of tax-forfeited land, Itasca County must apportion the first \$1,000,000 received from the sale of tax-forfeited lands within Minnesota Steel Industries permit to mine area near Nashwauk, Minnesota, as provided in Laws 1965, chapter 326, section 1, as amended. Any remaining proceeds received from the sale must be deposited into a tax-forfeited land replacement trust fund established by Itasca County under this section. The principal and interest from this fund may be spent only on the purchase of lands to replace the tax-forfeited lands sold to Minnesota Steel Industries. Lands purchased with the land replacement fund must:

(1) become subject to trust in favor of the governmental subdivision wherein they lie and all laws related to tax-forfeited lands; and

(2) be for forest management purposes and dedicated as memorial forest under Minnesota Statutes, section 459.06, subdivision 2.

**EFFECTIVE DATE.** This section is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Itasca County.

Sec. 38. **SUSTAINABLE FOREST INCENTIVE ACT; PARCEL REPLACEMENT; ITASCA COUNTY.**

(a) The commissioner of revenue shall allow a claimant participating in the Sustainable Forest Incentive Act, under Minnesota Statutes, chapter 290C, to remove parcels from the sustainable forest incentive program without penalty and enroll replacement parcels, if the claimant:

(1) has at least 50,000 acres of land currently enrolled in the program;

(2) agrees to have at least 5,000 acres of land but not more than 8,000 acres of land removed from the program for use in connection with a proposed steel mill in Itasca County referenced in Laws 1999, chapter 240, article 1, section 8, subdivision 3; and

(3) makes application on or before December 31, 2010, under the Sustainable Forest Incentive Act and this section to remove from the program and to simultaneously add to the program parcels of like value.

(b) The application must be accompanied by a cover letter that makes reference to this section, identifies the parcels to be removed, and identifies the parcels to be added. For purposes of incentive payments and subsequent removals from the program, the parcels added to the program under this section will be treated as if they were included on the claimant's original application for the parcels removed from the program under this section. Within 90 days of approving the application, the commissioner shall execute and mail to the claimant a document in recordable form that releases the removed parcels from the covenant required for parcels enrolled under the Sustainable Forest Incentive Act.

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

Sec. 39. **EFFECTIVE DATE.**

Sections 12 to 15 are effective the day following final enactment."



Delete the title and insert:

"A bill for an act relating to state lands; adding to and deleting from state parks, forests, and recreation areas; providing for public and private sales, conveyances, and exchanges of certain state lands; authorizing removal of certain land from the sustainable forest incentive program; providing for disposition of certain proceeds from tax-forfeited land sales in Itasca County; modifying prior sale provisions; amending Laws 1999, chapter 161, section 31, subdivision 5, as amended; Laws 2005, chapter 161, section 19."

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.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 3438, A bill for an act relating to drivers' licenses; authorizing suspension of driver's license for attempting to pay vehicle taxes or fees with insufficient funds; amending Minnesota Statutes 2005 Supplement, section 171.18, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 12, after "168" insert ", 168A,"

Page 2, line 14, after "168" insert ", 168A,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 3472, A bill for an act relating to transportation; amending definition of recreational vehicle combination; amending Minnesota Statutes 2005 Supplement, sections 169.01, subdivision 78; 169.81, subdivision 3c.

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

The report was adopted.

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

H. F. No. 3483, A bill for an act relating to human services; removing the limit on certain nursing facility planned closure rate adjustments; amending Minnesota Statutes 2004, section 256B.437, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 144A.161, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** The definitions in this subdivision apply to subdivisions 2 to 10.

(a) "Closure" means the cessation of operations of a facility and the delicensure and decertification of all beds within the facility.

(b) "Curtailement," "reduction," or "change" refers to any change in operations which would result in or encourage the relocation of residents.

(c) "Facility" means a nursing home licensed pursuant to this chapter, or a certified boarding care home licensed pursuant to sections 144.50 to 144.56.

(d) "Licensee" means the owner of the facility or the owner's designee or the commissioner of health for a facility in receivership.

(e) "~~Local agency~~" "County social services agency" means the county or multicounty social service agency authorized under sections 393.01 and 393.07, as the agency responsible for providing social services for the county in which the nursing home is located.

(f) "Plan" means a process developed under subdivision 3, paragraph (b), for the closure, curtailement, reduction, or change in operations in a facility and the subsequent relocation of residents.

(g) "Relocation" means the discharge of a resident and movement of the resident to another facility or living arrangement as a result of the closing, curtailement, reduction, or change in operations of a nursing home or boarding care home.

Sec. 2. Minnesota Statutes 2004, section 144A.161, is amended by adding a subdivision to read:

Subd. 1a. **Scope.** Where a facility is undertaking closure, curtailement, reduction, or change in operations, the facility and the county social services agency must comply with the requirements of this section.

Sec. 3. Minnesota Statutes 2004, section 144A.161, subdivision 2, is amended to read:

Subd. 2. **Initial notice from licensee.** (a) A licensee shall notify the following parties in writing when there is an intent to close or curtail, reduce, or change operations which would result in or encourage the relocation of residents:

- (1) the commissioner of health;
- (2) the commissioner of human services;
- (3) the ~~local~~ county social services agency;
- (4) the Office of the Ombudsman for Older Minnesotans; and
- (5) the Office of the Ombudsman for Mental Health and Mental Retardation.

(b) The written notice shall include the names, telephone numbers, facsimile numbers, and e-mail addresses of the persons in the facility responsible for coordinating the licensee's efforts in the planning process, and the number of residents potentially affected by the closure or curtailment, reduction, or change in operations.

(c) After providing written notice under this section, and prior to admission, the facility must fully inform prospective residents and their families of the intent to close or curtail, reduce, or change operations, and the relocation plan.

Sec. 4. Minnesota Statutes 2004, section 144A.161, subdivision 3, is amended to read:

Subd. 3. **Planning process.** (a) The ~~local~~ county social services agency shall, within five working days of receiving initial notice of the licensee's intent to close or curtail, reduce, or change operations, provide the licensee and all parties identified in subdivision 2, paragraph (a), with the names, telephone numbers, facsimile numbers, and e-mail addresses of those persons responsible for coordinating ~~local~~ county social services agency efforts in the planning process.

(b) Within ten working days of receipt of the notice under paragraph (a), the ~~local~~ county social services agency and licensee shall meet to develop the relocation plan. The ~~local~~ county social services agency shall inform the Departments of Health and Human Services, the Office of the Ombudsman for Older Minnesotans, and the Office of the Ombudsman for Mental Health and Mental Retardation of the date, time, and location of the meeting so that their representatives may attend. The relocation plan must be completed within 45 days of receipt of the initial notice. However, the plan may be finalized on an earlier schedule agreed to by all parties. To the extent practicable, consistent with requirements to protect the safety and health of residents, the commissioner may authorize the planning process under this subdivision to occur concurrent with the 60-day notice required under subdivision 5a. The plan shall:

- (1) identify the expected date of closure, curtailment, reduction, or change in operations;
- (2) outline the process for public notification of the closure, curtailment, reduction, or change in operations;
- (3) identify efforts that will be made to include other stakeholders in the relocation process;
- (4) outline the process to ensure 60-day advance written notice to residents, family members, and designated representatives;
- (5) present an aggregate description of the resident population remaining to be relocated and the population's needs;
- (6) outline the individual resident assessment process to be utilized;
- (7) identify an inventory of available relocation options, including home and community-based services;
- (8) identify a timeline for submission of the list identified in subdivision 5c, paragraph (b); ~~and~~
- (9) identify a schedule for the timely completion of each element of the plan; and
- (10) identify the steps the licensee and the county social services agency will take to address the relocation needs of individual residents who may be difficult to place due to specialized care needs such as behavioral health problems.

(c) All parties to the plan shall refrain from any public notification of the intent to close or curtail, reduce, or change operations until a relocation plan has been established. If the planning process occurs concurrently with the 60-day notice period, this requirement does not apply once 60-day notice is given.

Sec. 5. Minnesota Statutes 2004, section 144A.161, subdivision 4, is amended to read:

Subd. 4. **Responsibilities of licensee for resident relocations.** The licensee shall provide for the safe, orderly, and appropriate relocation of residents. The licensee and facility staff shall cooperate with representatives from the ~~local~~ county social services agency, the Department of Health, the Department of Human Services, the Office of Ombudsman for Older Minnesotans, and ombudsman for mental health and mental retardation in planning for and implementing the relocation of residents.

Sec. 6. Minnesota Statutes 2004, section 144A.161, subdivision 5, is amended to read:

Subd. 5. **Licensee responsibilities prior to relocation.** (a) The licensee shall establish an interdisciplinary team responsible for coordinating and implementing the plan. The interdisciplinary team shall include representatives from the ~~local~~ county social services agency, the Office of Ombudsman for Older Minnesotans, facility staff that provide direct care services to the residents, and facility administration.

(b) The licensee shall provide a ~~list~~ summary document to the ~~local~~ county social services agency that includes the following information on each resident to be relocated:

(1) name;

(2) date of birth;

(3) Social Security number;

(4) payment source and medical assistance identification number, if applicable;

(5) county of financial responsibility;

(6) date of admission to the facility;

~~(5)~~ (7) all diagnoses; and

(8) the name of and contact information for the resident's physician;

~~(6)~~ (9) the name and contact information for the resident's family or other designated representative;

(10) the names of and contact information for any case managers, if known; and

(11) the information on the resident's status related to commitment and probation.

(c) The licensee shall consult with the ~~local~~ county social services agency on the availability and development of available resources and on the resident relocation process.

Sec. 7. Minnesota Statutes 2004, section 144A.161, subdivision 5a, is amended to read:

Subd. 5a. **Licensee responsibilities to provide notice.** At least 60 days before the proposed date of closing, curtailment, reduction, or change in operations as agreed to in the plan, the licensee shall send a written notice of closure or curtailment, reduction, or change in operations to each resident being relocated, the resident's family member or designated representative, and the resident's attending physician. The notice must include the following:

- (1) the date of the proposed closure, curtailment, reduction, or change in operations;
- (2) the name, address, telephone number, facsimile number, and e-mail address of the individual or individuals in the facility responsible for providing assistance and information;
- (3) notification of upcoming meetings for residents, families and designated representatives, and resident and family councils to discuss the relocation of residents;
- (4) the name, address, and telephone number of the ~~local~~ county social services agency contact person; and
- (5) the name, address, and telephone number of the Office of Ombudsman for Older Minnesotans and the ombudsman for mental health and mental retardation.

The notice must comply with all applicable state and federal requirements for notice of transfer or discharge of nursing home residents.

Sec. 8. Minnesota Statutes 2004, section 144A.161, subdivision 5c, is amended to read:

Subd. 5c. **Licensee responsibility regarding placement information.** (a) The licensee shall provide sufficient preparation to residents to ensure safe, orderly, and appropriate discharge and relocation. The licensee shall assist residents in finding placements that respond to personal preferences, such as desired geographic location.

(b) The licensee shall prepare a resource list with several relocation options for each resident. The list must contain the following information for each relocation option, when applicable:

- (1) the name, address, and telephone and facsimile numbers of each facility with appropriate, available beds or services;
- (2) the certification level of the available beds;
- (3) the types of services available; and
- (4) the name, address, and telephone and facsimile numbers of appropriate available home and community-based placements, services, and settings or other options for individuals with special needs.

The list shall be made available to residents and their families or designated representatives, and upon request to the Office of Ombudsman for Older Minnesotans, the ombudsman for mental health and Mental Retardation, and the ~~local~~ county social services agency.

(c) The Senior LinkAge line may make available via a Web site the name, address, and telephone and facsimile numbers of each facility with available beds, the certification level of the available beds, the types of services available, and the number of beds that are available as updated daily by the listed facilities. The licensee must provide residents, their families or designated representatives, the Office of the Ombudsman for Older Minnesotans, the Office of the Ombudsman for Mental Health and Mental Retardation, and the ~~local~~ county social services agency with the toll-free number and Web site address for the Senior LinkAge line.

Sec. 9. Minnesota Statutes 2004, section 144A.161, subdivision 6, is amended to read:

Subd. 6. **Responsibilities of the licensee during relocation.** (a) The licensee shall make arrangements or provide for the transportation of residents to the new facility or placement within a 50-mile radius, or within a larger radius if no suitable options are available within 50 miles. The licensee shall provide a staff person to accompany the resident during transportation, upon request of the resident, the resident's family, or designated representative. The discharge and relocation of residents must comply with all applicable state and federal requirements and must be conducted in a safe, orderly, and appropriate manner. The licensee must ensure that there is no disruption in providing meals, medications, or treatments of a resident during the relocation process.

(b) Beginning the week following development of the initial relocation plan, the licensee shall submit ~~biweekly~~ weekly status reports to the commissioners of health and human services or their designees and to the ~~local~~ county social services agency. The initial status report must identify:

- (1) the relocation plan developed;
  - (2) the interdisciplinary team members; and
  - (3) the number of residents to be relocated.
- (c) Subsequent status reports must identify:
- (1) any modifications to the plan;
  - (2) any change of interdisciplinary team members;
  - (3) the number of residents relocated;
  - (4) the destination to which residents have been relocated;
  - (5) the number of residents remaining to be relocated; and
  - (6) issues or problems encountered during the process and resolution of these issues.

Sec. 10. Minnesota Statutes 2004, section 144A.161, subdivision 8, is amended to read:

Subd. 8. **Responsibilities of ~~local~~ county social services agency.** (a) The ~~local~~ county social services agency shall participate in the meeting as outlined in subdivision 3, paragraph (b), to develop a relocation plan.

(b) The ~~local~~ county social services agency shall designate a representative to the interdisciplinary team established by the licensee responsible for coordinating the relocation efforts.

(c) The ~~local~~ county social services agency shall serve as a resource in the relocation process.

(d) Concurrent with the notice sent to residents from the licensee as provided in subdivision 5a, the ~~local~~ county social services agency shall provide written notice to residents, family, or designated representatives describing:

- (1) the county's role in the relocation process and in the follow-up to relocations;
- (2) a ~~local~~ county social services agency contact name, address, and telephone number; and

(3) the name, address, and telephone number of the Office of Ombudsman for Older Minnesotans and the ombudsman for mental health and mental retardation.

(e) The ~~local~~ county social services agency designee shall meet with appropriate facility staff to coordinate any assistance in the relocation process. This coordination shall include participating in group meetings with residents, families, and designated representatives to explain the relocation process.

(f) The ~~local~~ county social services agency shall monitor compliance with all components of the plan. If the licensee is not in compliance, the ~~local~~ county social services agency shall notify the commissioners of the Departments of Health and Human Services.

(g) Except as requested by the resident, family member, or designated representative and within the parameters of the Vulnerable Adults Act, the ~~local~~ county social services agency may halt a relocation that it deems inappropriate or dangerous to the health or safety of a resident. The ~~local~~ county social services agency shall pursue remedies to protect the resident during the relocation process, including, but not limited to, assisting the resident with filing an appeal of transfer or discharge, notification of all appropriate licensing boards and agencies, and other remedies available to the county under section 626.557, subdivision 10.

(h) A member of the ~~local~~ county social services agency staff shall visit residents relocated within 100 miles of the county within 30 days after the relocation. ~~Local~~ This requirement does not apply to changes in operation where the facility moved to a new location and residents chose to move to that new location. The requirement also does not apply to residents admitted after the notice of closure and discharged prior to the actual closure. County social services agency staff shall interview the resident and family or designated representative, observe the resident on site, and review and discuss pertinent medical or social records with appropriate facility staff to:

- (1) assess the adjustment of the resident to the new placement;
- (2) recommend services or methods to meet any special needs of the resident; and
- (3) identify residents at risk.

(i) The ~~local~~ county social services agency may conduct subsequent follow-up visits in cases where the adjustment of the resident to the new placement is in question.

(j) Within 60 days of the completion of the follow-up visits, the ~~local~~ county social services agency shall submit a written summary of the follow-up work to the Departments of Health and Human Services in a manner approved by the commissioners.

(k) The ~~local~~ county social services agency shall submit to the Departments of Health and Human Services a report of any issues that may require further review or monitoring.

(l) The ~~local~~ county social services agency shall be responsible for the safe and orderly relocation of residents in cases where an emergent need arises or when the licensee has abrogated its responsibilities under the plan.

Sec. 11. Minnesota Statutes 2004, section 256B.437, subdivision 3, is amended to read:

Subd. 3. **Applications for planned closure of nursing facilities.** (a) By August 15, 2001, the commissioner of human services shall implement and announce a program for closure or partial closure of nursing facilities. Names and identifying information provided in response to the announcement shall remain private unless approved, according to the timelines established in the plan. The announcement must specify:

- (1) the criteria in subdivision 4 that will be used by the commissioner to approve or reject applications;
- (2) the information that must accompany an application; and
- (3) that applications may combine planned closure rate adjustments with moratorium exception funding, in which case a single application may serve both purposes.

Between August 1, 2001, and June 30, 2003, the commissioner may approve planned closures of up to 5,140 nursing facility beds, less the number of beds delicensed in facilities during the same time period without approved closure plans or that have notified the commissioner of health of their intent to close without an approved closure plan. Beginning July 1, 2004, the commissioner may negotiate a planned closure rate adjustment for nursing facilities providing the proposal has no cost to the state. For planned closure rate adjustments negotiated after March 1, 2006, the limit of \$2,080 in subdivision 6, paragraph (a), clause (1), shall not apply. The removal of the limit in subdivision 6, paragraph (a), clause (1), shall not constitute an increase to the amount specified in subdivision 6, paragraph (a), clause (1), for the purposes of subdivision 6, paragraph (f).

(b) A facility or facilities reimbursed under section 256B.431 or 256B.434 with a closure plan approved by the commissioner under subdivision 5 may assign a planned closure rate adjustment to another facility or facilities that are not closing or in the case of a partial closure, to the facility undertaking the partial closure. A facility may also elect to have a planned closure rate adjustment shared equally by the five nursing facilities with the lowest total operating payment rates in the state development region designated under section 462.385, in which the facility that is closing is located. The planned closure rate adjustment must be calculated under subdivision 6. Facilities that delicense beds without a closure plan, or whose closure plan is not approved by the commissioner, are not eligible to assign a planned closure rate adjustment under subdivision 6, unless they are delicensing five or fewer beds, or less than six percent of their total licensed bed capacity, whichever is greater, are located in a county in the top three quartiles of beds per 1,000 persons aged 65 or older, and have not delicensed beds in the prior three months. Facilities meeting these criteria are eligible to assign the amount calculated under subdivision 6 to themselves. If a facility is delicensing the greater of six or more beds, or six percent or more of its total licensed bed capacity, and does not have an approved closure plan or is not eligible for the adjustment under subdivision 6, the commissioner shall calculate the amount the facility would have been eligible to assign under subdivision 6, and shall use this amount to provide equal rate adjustments to the five nursing facilities with the lowest total operating payment rates in the state development region designated under section 462.385, in which the facility that delicensed beds is located.

(c) To be considered for approval, an application must include:

- (1) a description of the proposed closure plan, which must include identification of the facility or facilities to receive a planned closure rate adjustment;
- (2) the proposed timetable for any proposed closure, including the proposed dates for announcement to residents, commencement of closure, and completion of closure;
- (3) if available, the proposed relocation plan for current residents of any facility designated for closure. If a relocation plan is not available, the application must include a statement agreeing to develop a relocation plan designed to comply with section 144A.161;
- (4) a description of the relationship between the nursing facility that is proposed for closure and the nursing facility or facilities proposed to receive the planned closure rate adjustment. If these facilities are not under common ownership, copies of any contracts, purchase agreements, or other documents establishing a relationship or proposed relationship must be provided;



(5) documentation, in a format approved by the commissioner, that all the nursing facilities receiving a planned closure rate adjustment under the plan have accepted joint and several liability for recovery of overpayments under section 256B.0641, subdivision 2, for the facilities designated for closure under the plan; and

(6) an explanation of how the application coordinates with planning efforts under subdivision 2. If the planning group does not support a level of nursing facility closures that the commissioner considers to be reasonable, the commissioner may approve a planned closure proposal without its support.

(d) The application must address the criteria listed in subdivision 4.

**EFFECTIVE DATE.** This section is effective retroactively from March 1, 2006."

Delete the title and insert:

"A bill for an act relating to human services; modifying nursing home relocation requirements; removing the limit on certain nursing facility planned closure rate adjustments; amending Minnesota Statutes 2004, sections 144A.161, subdivisions 1, 2, 3, 4, 5, 5a, 5c, 6, 8, by adding a subdivision; 256B.437, subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 3487, A bill for an act relating to government data practices; classifying data; providing civil remedies; providing penalties; amending Minnesota Statutes 2004, sections 13.7905, subdivision 2; 13.791, subdivision 1; 175.10; 175.16, by adding a subdivision; 176.138; 176.181, subdivision 8; 176.186; 176.231, subdivision 9; 176.391, subdivision 3; Minnesota Statutes 2005 Supplement, sections 168.346, subdivision 1; 171.12, subdivision 7; 325E.59, subdivisions 1, 3, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 168; 171; 175; 325F; repealing Minnesota Statutes 2004, sections 13.7905, subdivision 3; 176.231, subdivision 8; 176.401; 176.421, subdivision 7; Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2005 Supplement, section 168.346, subdivision 1, is amended to read:

Subdivision 1. **Vehicle registration data; federal compliance.** (a) ~~Data on an individual~~ Personal information and highly restrictive personal information, as defined in United States Code, title 18, section 2725, clauses (3) and (4), provided to register a vehicle is private data on individuals and shall be treated as provided by United States Code, title 18, section 2721, as in effect on ~~May 23, 2005~~ March 9, 2006, and shall be disclosed as required by paragraph (b) of United States Code, title 18, section 2721 or as permitted by paragraph (b), clauses (1), (2) to (7), (9), and (14) of that section.

(b) The registered owner of a vehicle who is an individual may consent in writing to the commissioner to disclose the individual's personal information exempted by United States Code, title 18, section 2721, to any person who makes a written request for the personal information. If the registered owner is an individual and so authorizes disclosure, the commissioner shall implement the request.

(c) If authorized by the registered owner as indicated in paragraph (b), the registered owner's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes including surveys, marketing, or solicitation. A recipient of data from the commissioner under this subdivision may use the data only for the purpose for which it was obtained and the recipient must not resell or redisclose the data. Resale or redisclosure of data pursuant to a contract that was the purpose of a request for data under this subdivision is not prohibited by this paragraph.

(d) A person who requests disclosure of data under paragraph (a) must identify the data elements requested and the reason each element is needed and may receive only those data elements needed to accomplish the purpose of the request. A person requesting data on 500 or more individuals must document compliance with data security measures as required by the commissioner. The commissioner shall implement a system for tracking the sale or disclosure of personal information described in paragraph (a) by those who receive personal information from the commissioner. The commissioner shall audit activities of recipients of personal information under paragraph (a) with regard to that information. Persons who receive personal information from the commissioner must cooperate with all compliance activities.

(e) An individual who registers a vehicle may request that the individual's residence address not appear on the registration and that a substitute address be used. The commissioner shall grant the substitution on receipt of a signed statement by the individual that the substitute address is required for the safety of the individual or the individual's family, if the statement also provides a valid, existing, substitute address where the individual consents to receive service of process. The commissioner shall use the substitute address in place of the residence address in all documents and notices pertaining to the registration. Any information provided in the substitution request are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

## Sec. 2. [168.348] PENALTIES.

Subdivision 1. **Receipt.** A person who knowingly receives personal information in violation of section 168.346, subdivision 1, is guilty of a misdemeanor.

Subd. 2. **Resale or redisclosure.** A person who knowingly resells or rediscloses personal information in violation of section 168.346, subdivision 1, is guilty of a misdemeanor.

Subd. 3. **Multiple violations.** A person who knowingly violates the provisions of section 168.346, subdivision 1, two or more times is guilty of a gross misdemeanor.

Subd. 4. **Civil penalty.** A person who knowingly violates the provisions of section 168.346, subdivision 1, is subject to a civil penalty of \$5,000 per violation.

Sec. 3. Minnesota Statutes 2005 Supplement, section 171.12, subdivision 7, is amended to read:

Subd. 7. **Privacy of data.** (a) ~~Data on individuals~~ Personal information and highly restrictive personal information, as defined in United States Code, title 18, section 2725, clauses (3) and (4), provided to obtain a driver's license, instruction permit, or Minnesota identification card ~~is private data on individuals and~~ shall be treated as provided by United States Code, title 18, section 2721, as in effect on ~~May 23, 2005~~ March 9, 2006, and shall be disclosed as required by paragraph (b) of United States code, title 18, section 2721 or as permitted by paragraph (b), clauses (1), (2) to (7), (9), and (14) of that section.

(b) The commissioner may disclose an applicant's personal information to a federally certified or designated nonprofit organ procurement organization for use in connection with the organization's authorized activities.

(c) An applicant for a driver's license or a Minnesota identification card may consent, in writing, to the commissioner to disclose the applicant's personal information exempted by United States Code, title 18, section 2721, to any person who makes a request for the personal information. If the applicant so authorizes disclosures, the commissioner shall implement the request and the information may be used.

~~(e) If authorized by an applicant for a driver's license or a Minnesota identification card, as indicated in paragraph (b), the applicant's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes, including surveys, marketing, or solicitation.~~

(d) An applicant for a driver's license, instruction permit, or Minnesota identification card may request that the applicant's residence address be classified as "private data on individuals," as defined in section 13.02, subdivision 12, not appear in the driver's license, instruction permit, or Minnesota identification card and that a substitute address be used. The commissioner shall grant the classification request for a substitute address on receipt of a signed statement by the individual applicant that the classification substitute address is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing substitute address where the applicant consents to receive service of process. The commissioner shall use the service for process mailing substitute address in place of the residence address in all documents and notices pertaining to the driver's license, instruction permit, or Minnesota identification card. The residence address and any information provided in the classification substitute address request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

(e) A recipient of data from the commissioner under this subdivision may use the data only for the purpose for which it was obtained and the recipient must not resell or redisclose the data. Resale or redisclosure of data pursuant to a contract that was the purpose of a request for data under this subdivision is not prohibited by this paragraph.

(f) A person who requests disclosure of data under paragraph (a) must identify the data elements requested and the reason each element is needed and may receive only those data elements needed to accomplish the purpose of the request. A person requesting data on 500 or more individuals must document compliance with data security measures as required by the commissioner. The commissioner may implement a system for tracking the sale or disclosure of personal information described in paragraph (a) both from the commissioner and by those who receive personal information from the commissioner. The commissioner may audit activities of recipients of personal information under paragraph (a) with regard to that information. Persons who receive personal information from the commissioner must cooperate with all compliance activities.

#### Sec. 4. [171.125] PENALTIES.

Subdivision 1. **Receipt.** A person who receives personal information in violation of section 171.12, subdivision 7, is guilty of a misdemeanor.

Subd. 2. **Resale or redisclosure.** A person who knowingly resells or rediscloses personal information in violation of section 171.12, subdivision 7, is guilty of a misdemeanor.

Subd. 3. **Multiple violations.** A person who knowingly violates the provisions of section 171.12, subdivision 7, two or more times is guilty of a gross misdemeanor.

Subd. 4. **Additional penalty.** A person who knowingly violates the provisions of section 171.12, subdivision 7, is subject to a civil penalty of \$5,000 per violation.

Sec. 5. Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) A person or entity, not including a government entity, may not do any of the following:

(1) publicly post or publicly display in any manner an individual's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public;

(2) print an individual's Social Security number on any card required for the individual to access products or services provided by the person or entity;

(3) require an individual to transmit the individual's Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted;

(4) require an individual to use the individual's Social Security number to access an Internet Web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet Web site; ~~or~~

(5) print a number that the person or entity knows to be an individual's Social Security number on any materials that are mailed to the individual, unless state or federal law requires the Social Security number to be on the document to be mailed. If, in connection with a transaction involving or otherwise relating to an individual, a person or entity receives a number from a third party, that person or entity is under no duty to inquire or otherwise determine whether the number is or includes that individual's Social Security number and may print that number on materials mailed to the individual, unless the person or entity receiving the number has actual knowledge that the number is or includes the individual's Social Security number;

(6) assign or use a number as an account identifier that is identical to or incorporates an individual's complete Social Security number; or

(7) sell Social Security numbers obtained from individuals in the course of business.

~~Notwithstanding clauses (1) to (5), Social Security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process, or to establish, amend, or terminate an account, contract, or policy, or to confirm the accuracy of the Social Security number. Nothing in this paragraph authorizes inclusion of a Social Security number on the outside of a mailing.~~

(b) A person or entity, not including a government entity, must restrict access to individual Social Security numbers it holds so that only employees who require the numbers in order to perform their job duties have access to the numbers.

~~Except as provided in subdivision 2,~~ (c) This section applies only to the use of Social Security numbers on or after July 1, 2007.

Sec. 6. Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 3, is amended to read:

Subd. 3. **Coordination with other law.** This section does not prevent:

(1) the collection, use, or release of a Social Security number as required by state or federal law ~~or~~;

(2) the use of a Social Security number for internal verification or administrative purposes;

(3) the use of a Social Security number to access a credit report for purposes allowed by the federal Fair Credit Reporting Act, United States Code, title 15, section 1681a, if a Social Security number is required in order to access the credit report; or

(4) the use of a Social Security number to access or report information to a person who maintains a database of information used in connection with the prevention or detection of fraud.

Sec. 7. Minnesota Statutes 2005 Supplement, section 325E.59, is amended by adding a subdivision to read:

Subd. 6. **Penalties.** (a) A violation of this section is a gross misdemeanor punishable by a sentence of up to one year, a fine of \$3,000, or both.

(b) Each subsequent violation is a felony punishable by a sentence of up to five years, a fine of \$5,000, or both.

(c) A violation of this section is subject to a \$5,000 civil penalty.

(d) A violation of this section is a deceptive trade practice under section 325D.44.

(e) An individual aggrieved by a violation of this section may bring a civil action to recover damages, costs, and reasonable attorney fees.

Sec. 8. **[325F.696] CUSTOMER SALES OR SERVICE CALL CENTER REQUIREMENTS.**

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

(1) "customer sales and service call center" means an entity whose primary purpose includes the initiating or receiving of telephonic communications on behalf of any person for the purpose of initiating telephone solicitations as defined in section 325E.311, subdivision 6;

(2) "customer service call center" means an entity whose primary purpose includes the initiating or receiving of telephonic communications on behalf of any person for the purposes of providing or receiving services or information necessary in connection with the providing of services or other benefits; and

(3) "customer service employee" means a person employed by or working on behalf of a customer sales call center or a customer service call center.

Subd. 2. **Customer's right to customer sales or customer service call center information.** (a) Any person who receives a telephone call from, or places a telephone call to, a customer sales call center or a customer service call center, upon request, has the right to know the identification of the state or country where the customer service employee is located.

(b) A person who receives a telephone solicitation from, or places a telephone call to, a customer sales call center or a customer service call center located in a foreign country, which requests the person's financial, credit, or identifying information, shall have the right to request an alternative option to contact a customer sales and service center located in the United States before the information is given if the alternative option is available.

Subd. 3. **Violation.** It is fraud under section 325F.69 for a person to willfully violate this section.

Subd. 4. **Application to other remedies.** Nothing in this section changes the remedies currently available under state or federal law or creates additional or new remedies.

**EFFECTIVE DATE.** This section is effective August 1, 2006.

Sec. 9. **REPORT TO LEGISLATURE.**

The commissioner of administration must conduct a comprehensive review of chapter 13. The commissioner must evaluate the current law in terms of its three competing purposes: (a) to protect the privacy of individuals; (b) permit government to function; and (c) promote transparency in government; and make recommendations whether the current balance in these purposes should be changed. In addition, the report must identify any changes to chapter 13 that are needed to respond to emerging technologies, including new methodologies for data storage, retention, and dissemination and whether any of the recommendations in the 1999 report of the Information Policy Task Force that have not been adopted should be considered. The report must be submitted to the chair of the House Civil Law and Elections Committee and the chair of the Senate Judiciary Committee and the ranking minority members of those committees. The report is due by January 15, 2007.

Sec. 10. **REPEALER.**

Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 2, is repealed."

Delete the title and insert:

"A bill for an act relating to data practices; classifying data; regulating data use; requiring a report to the legislature; providing civil remedies; providing criminal penalties; amending Minnesota Statutes 2005 Supplement, sections 168.346, subdivision 1; 171.12, subdivision 7; 325E.59, subdivisions 1, 3, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 168; 171; 325F; repealing Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3585, A bill for an act relating to family law; changing certain child support and maintenance provisions; amending Minnesota Statutes 2004, section 518.551, subdivision 6, by adding a subdivision; Laws 2005, chapter 164, sections 4; 5, subdivisions 4a, 8, 15, 18; 8; 10; 14; 15; 16; 18; 20; 21; 22, subdivisions 2, 4, 16, 17, 18; 24; 25; 31; 32; repealing Minnesota Statutes 2004, section 518.54, subdivision 2; Minnesota Statutes 2005 Supplement, section 518.54, subdivision 4a; Laws 2005, chapter 164, section 12.

Reported the same back with the following amendments:

Page 3, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 2005 Supplement, section 518.54, subdivision 4a, is amended to read:

Subd. 4a. **Support order.** (a) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or administrative agency of competent jurisdiction:

(1) for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state;

(2) for a child and the parent with whom the child is living, that provides for monetary support, child care, medical support including expenses for confinement and pregnancy, arrearages, or reimbursement; or

(3) for the maintenance of a spouse or former spouse.

(b) The support order may include related costs and fees, interest and penalties, income withholding, and other relief. This definition applies to orders issued under this chapter and chapters 256, 257, and 518C."

Page 4, delete lines 24 to 26 and insert:

~~"(2) Social Security or veterans' benefit payments received on behalf of the child under section 518.718; plus the amount of any Social Security benefits or veterans' benefits payments provided to a joint child pursuant to section 518.718;"~~

Page 4, after line 33, insert:

"Sec. 8. Laws 2005, chapter 164, section 5, subdivision 25, is amended to read:

Subd. 25. **Social Security benefits.** "Social Security benefits" means the monthly ~~amount~~ Retirement, Survivors or Disability Insurance benefits that the Social Security Administration pays to provides to a parent for that parent's own benefit or for the benefit of a joint child ~~or the child's representative payee due solely to the disability or retirement of either parent. Benefits paid "Social Security benefits" do not include Supplemental Security Income benefits that the Social Security Administration provides to a parent for the parent's own benefit or to a parent due to the disability of a child are excluded from this definition.~~

Page 9, line 28, delete "received on the recipient's"

Page 9, line 29, delete "own behalf" and insert "provided for the recipient's own benefit"

Page 12, line 26, strike "due to the other parent's disability or retirement" and insert "based on the other parent's eligibility"

Page 14, line 23, strike "received by the child or on behalf of the child" and insert "provided for a joint child"

Page 14, line 24, strike "for whom the"

Page 14, line 25, strike "benefit was paid" and insert "on whose eligibility the benefits are based"

Page 14, line 28, strike "received by the child or on behalf of the child" and insert "provided for a joint child"

Page 14, line 29, strike "for whom the"

Page 14, line 30, strike "benefit was paid" and insert "on whose eligibility the benefits are based"

Page 14, line 32, strike the first "the" and strike everything after "are"

Page 14, line 33, strike "obligor" and insert "provided for a joint child based on the eligibility of the obligor"

Page 14, line 34, strike "may" and insert "shall"

Page 15, line 2, strike the first "the" and strike everything after "is"

Page 15, line 3, strike "obligor" and insert "provided for a joint child based on the eligibility of the obligor"

Page 16, after line 3, insert:

"Sec. 19. Laws 2005, chapter 164, section 22, subdivision 3, is amended to read:

Subd. 3. **Determining appropriate health care coverage.** (a) In determining whether a party has appropriate health care coverage for the joint child, the court must evaluate the health plan using the following factors:

(1) accessible coverage. Dependent health care coverage is accessible if the covered joint child can obtain services from a health plan provider with reasonable effort by the parent with whom the joint child resides. Health care coverage is presumed accessible if:

(i) primary care coverage is available within 30 minutes or 30 miles of the joint child's residence and specialty care coverage is available within 60 minutes or 60 miles of the joint child's residence;

(ii) the coverage is available through an employer and the employee can be expected to remain employed for a reasonable amount of time; and

(iii) no preexisting conditions exist to delay coverage unduly;

(2) comprehensive coverage. Dependent health care coverage is presumed comprehensive if it includes, ~~at a minimum,~~ medical and hospital coverage and provides for preventive, emergency, acute, and chronic care. If both parties have health care coverage that meets the minimum requirements, the court must determine which health care coverage is more comprehensive by considering whether the coverage includes:

(i) basic dental coverage;

(ii) orthodontia;

(iii) eyeglasses;

(iv) contact lenses;

(v) mental health services; or

(vi) substance abuse treatment;

(3) affordable coverage. Dependent health care coverage is affordable if it is reasonable in cost; and

(4) the joint child's special medical needs, if any.

(b) If both parties have health care coverage available for a joint child, and the court determines under paragraph (a), clauses (1) and (2), that the available coverage is comparable with regard to accessibility and comprehensiveness, the least costly health care coverage is the presumed appropriate health care coverage for the joint child."



Page 19, line 7, strike "for reimbursement of unreimbursed and"

Page 19, line 8, strike everything before "within"

Page 24, delete lines 7 to 9

Page 25, line 6, delete "monthly self-support reserve" and insert "minimum basic support"

Page 25, line 7, after "amount" insert "from clause (8)" and delete "it" and insert "the obligor's support obligation"

Page 25, line 8, delete "if" and insert "until"

Page 25, line 23, strike "self-support reserve" and insert "minimum basic support amount"

Page 26, delete lines 13 to 21 and insert "Except as otherwise ~~provided~~ indicated, this act is effective January 1, 2007, ~~and applies to orders adopted or modified after that date.~~ The provisions of this act apply to all support orders in effect prior to January 1, 2007, except that the provisions used to calculate parties' support obligations apply to actions or motions filed after January 1, 2007. The provisions of this act used to calculate parties' support obligations apply to actions or motions for past support or reimbursement filed after January 1, 2007. Sections 1 to 3 of this act are effective July 1, 2005."

Page 26, delete section 26 and insert:

"Sec. 29. **REPEALER.**

Laws 2005, chapter 164, section 12, is repealed."

Renumber the sections in sequence and correct internal references

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3618, A bill for an act relating to human services; making technical changes; modifying commissioner's duties, county board duties, education programs, safety requirements, licensing requirements, disqualification provisions, chemical dependency care, agency appeals and hearings, day treatment services, alternative care funding, clinical infrastructures, property costs, co-payments and coinsurance, adoption provisions, children in need of protection; amending Minnesota Statutes 2004, sections 144.225, subdivision 2b; 245A.04, subdivision 11; 254A.03, subdivision 3; 254A.16, subdivision 2; 254B.02, subdivisions 1, 5; 254B.03, subdivisions 1, 3; 254B.06, subdivision 3; 256.0451, subdivisions 1, 3, 11, 19; 256B.0625, subdivision 23; 256B.0913, subdivision 1; 256B.0943, subdivisions 9, 11; 256B.431, subdivisions 1, 3f, 17e; 260B.157, subdivision 1; Minnesota Statutes 2005 Supplement, sections 245.4874; 245A.14, subdivision 12; 245A.18, subdivision 2; 245C.07; 245C.13, subdivision 2; 245C.15, subdivisions 2, 3; 245C.22, subdivision 7; 245C.24, subdivision 3;

256.046, subdivision 1; 256B.0625, subdivision 13c; 256B.0913, subdivision 4; 256B.0943, subdivisions 6, 12; 256L.03, subdivision 5; 259.67, subdivision 4; 260.012; 626.556, subdivision 2; Laws 2005, chapter 98, article 3, section 25; repealing Minnesota Statutes 2004, sections 252.21; 252.22; 252.23; 252.24, subdivisions 1, 2, 3, 4; 252.25; 252.261; 254A.02, subdivisions 7, 9, 12, 14, 15, 16; 254A.085; 254A.086; 254A.12; 254A.14, subdivisions 1, 2, 3; 254A.15; 254A.16, subdivision 5; 254A.175; 254A.18; Minnesota Statutes 2005 Supplement, section 252.24, subdivision 5; Minnesota Rules, part 9503.0035, subpart 2.

Reported the same back with the following amendments:

Page 5, after line 15, insert:

"Sec. 5. Minnesota Statutes 2005 Supplement, section 245A.146, subdivision 4, is amended to read:

Subd. 4. **Crib safety standards and inspection.** (a) On at least a monthly basis, the license holder shall perform safety inspections of every crib used by or that is accessible to any child in care, and must document the following:

- (1) no corner posts extend more than 1/16 of an inch;
- (2) no spaces between side slats exceed 2.375 inches;
- (3) no mattress supports can be easily dislodged from any point of the crib;
- (4) no cutout designs are present on end panels;
- (5) no heights of the rail and end panel are less than 26 inches when measured from the top of the rail or panel in the highest position to the top of the mattress support in its lowest position;
- (6) no heights of the rail and end panel are less than nine inches when measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position;
- (7) no screws, bolts, or hardware are loose or not secured, and there is no use of woodscrews in components that are designed to be assembled and disassembled by the crib owner;
- (8) no sharp edges, points, or rough surfaces are present;
- (9) no wood surfaces are rough, splintered, split, or cracked;
- (10) no tears in mesh of fabric sides in non-full-size cribs;
- (11) no mattress pads in non-full-size mesh or fabric cribs exceed one inch; and
- (12) no unacceptable gaps between the mattress and any sides of the crib are present as follows:
  - (i) when the noncompressed mattress is centered in the non-full-size crib, at any of the adjustable mattress support positions, the gap between the perimeter of the mattress and the perimeter of the crib cannot be greater than 1/2 inch at any point. When the mattress is placed against the perimeter of the crib, the resulting gap cannot be greater than one inch at any point; and

(ii) when the noncompressed mattress is centered in the full-size crib, at any of the adjustable mattress support positions, the gap between the perimeter of the mattress and the perimeter of the crib cannot be greater than 11/16 inch at any point. When the mattress is placed against the perimeter of the crib, the resulting gap cannot be greater than 1-3/8 inch at any point.

(b) Upon discovery of any unsafe condition identified by the license holder during the safety inspection required under paragraph (a), the license holder shall immediately remove the crib from use and ensure that the crib is not accessible to children in care, and as soon as practicable, but not more than two business days after the inspection, remove the crib from the area where child care services are routinely provided for necessary repairs or to destroy the crib.

(c) Documentation of the inspections and actions taken with unsafe cribs required in paragraphs (a) and (b) shall be maintained on site by the license holder and made available to parents of children in care and the commissioner."

Page 5, after line 30, insert:

"For all providers licensed prior to July 1, 2006, the training required in this subdivision must be obtained by December 31, 2007."

Page 6, delete lines 5 to 7

Page 16, after line 11, insert:

"Sec. 20. Minnesota Statutes 2004, section 256.045, subdivision 3b, is amended to read:

Subd. 3b. **Standard of evidence for maltreatment and disqualification hearings.** (a) The state human services referee shall determine that maltreatment has occurred if a preponderance of evidence exists to support the final disposition under sections 626.556 and 626.557. For purposes of hearings regarding disqualification, the state human services referee shall affirm the proposed disqualification in an appeal under subdivision 3, paragraph (a), clause (9), if a preponderance of the evidence shows the individual has:

- (1) committed maltreatment under section 626.556 or 626.557, which is serious or recurring;
- (2) committed an act or acts meeting the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or
- (3) failed to make required reports under section 626.556 or 626.557, for incidents in which the final disposition under section 626.556 or 626.557 was substantiated maltreatment that was serious or recurring.

(b) If the disqualification is affirmed, the state human services referee shall determine whether the individual poses a risk of harm in accordance with the requirements of section 245C.16, and whether the disqualification should be set aside or not set aside. In determining whether the disqualification should be set aside, the human services referee shall consider all of the characteristics that cause the individual to be disqualified, including those characteristics that were not subject to review under paragraph (a), in order to determine whether the individual poses a risk of harm. A decision to set aside a disqualification that is the subject of the hearing constitutes a determination that the individual does not pose a risk of harm and that the individual may provide direct contact services in the individual program specified in the set aside. If a determination that the information relied upon to disqualify an individual was correct and is conclusive under section 245C.29, and the individual is subsequently disqualified under section 245C.14, the individual has a right to again request reconsideration on the risk of harm under section 245C.21. Subsequent determinations regarding risk of harm are not subject to another hearing under this section.

(c) The state human services referee shall recommend an order to the commissioner of health, education, corrections, or human services, as applicable, who shall issue a final order. The commissioner shall affirm, reverse, or modify the final disposition. Any order of the commissioner issued in accordance with this subdivision is conclusive upon the parties unless appeal is taken in the manner provided in subdivision 7. In any licensing appeal under chapters 245A and 245C and sections 144.50 to 144.58 and 144A.02 to 144A.46, the commissioner's determination as to maltreatment is conclusive, as provided under section 245C.29."

Pages 19 to 21, delete sections 26 and 27

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "alternative care funding" and insert "crib safety standards, maltreatment hearings"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3620, A bill for an act relating to human services; modifying policies for secured treatment facilities; providing for criminal penalties for possession of contraband; allowing for the entering of service contracts; modifying escape from custody provisions; providing sentencing provisions; amending Minnesota Statutes 2004, sections 243.55, subdivision 1; 246.014; Minnesota Statutes 2005 Supplement, section 609.485, subdivisions 2, 4.

Reported the same back with the following amendments:

Page 2, line 34, delete "medical" and insert "physician"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 3688, A bill for an act relating to financial institutions; regulating electronic financial terminals, and the expenses of organizing and incorporating banks; amending Minnesota Statutes 2004, section 47.62, subdivision 1; repealing Minnesota Statutes 2004, sections 46.043; 47.62, subdivision 5.

Reported the same back with the following amendments:

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 2005 Supplement, section 47.75, subdivision 1, is amended to read:

Subdivision 1. **Retirement, health savings, and medical savings accounts.** (a) A commercial bank, savings bank, savings association, credit union, or industrial loan and thrift company may act as trustee or custodian:

(1) under the Federal Self-Employed Individual Tax Retirement Act of 1962, as amended;

(2) of a medical savings account under the Federal Health Insurance Portability and Accountability Act of 1996, as amended;

(3) of a health savings account under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, as amended; and

(4) under the Federal Employee Retirement Income Security Act of 1974, as amended.

(b) The trustee or custodian may accept the trust funds if the funds are invested only in savings accounts or time deposits in the commercial bank, savings bank, savings association, credit union, or industrial loan and thrift company, except that health savings accounts may also be invested in transaction accounts, as defined in section 48.512, subdivision 1. Health savings accounts invested in transaction accounts shall not be subject to the restrictions in section 48.512, subdivision 3. All funds held in the fiduciary capacity may be commingled by the financial institution in the conduct of its business, but individual records shall be maintained by the fiduciary for each participant and shall show in detail all transactions engaged under authority of this subdivision.

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

Sec. 3. Minnesota Statutes 2005 Supplement, section 48.15, subdivision 4, is amended to read:

Subd. 4. **Retirement, health savings, and medical savings accounts.** (a) A state bank may act as trustee or custodian:

(1) of a self-employed retirement plan under the Federal Self-Employed Individual Tax Retirement Act of 1962, as amended;

(2) of a medical savings account under the Federal Health Insurance Portability and Accountability Act of 1996, as amended;

(3) of a health savings account under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, as amended; and

(4) of an individual retirement account under the Federal Employee Retirement Income Security Act of 1974, as amended,

if the bank's duties as trustee or custodian are essentially ministerial or custodial in nature and the funds are invested only (i) in the bank's own savings or time deposits, except that health savings accounts may also be invested in transaction accounts, as defined in section 48.512, subdivision 1. Health savings accounts invested in transaction accounts shall not be subject to the restrictions in section 48.512, subdivision 3; or (ii) in any other assets at the direction of the customer if the bank does not exercise any investment discretion, invest the funds in collective investment funds administered by it, or provide any investment advice with respect to those account assets.

(b) Affiliated discount brokers may be utilized by the bank acting as trustee or custodian for self-directed IRAs, if specifically authorized and directed in appropriate documents. The relationship between the affiliated broker and the bank must be fully disclosed. Brokerage commissions to be charged to the IRA by the affiliated broker should be accurately disclosed. Provisions should be made for disclosure of any changes in commission rates prior to their becoming effective. The affiliated broker may not provide investment advice to the customer.

(c) All funds held in the fiduciary capacity may be commingled by the financial institution in the conduct of its business, but individual records shall be maintained by the fiduciary for each participant and shall show in detail all transactions engaged under authority of this subdivision.

(d) The authority granted by this section is in addition to, and not limited by, section 47.75.

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing the investment of health savings accounts in transaction accounts;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3692, A bill for an act relating to human services; changing health care provisions; modifying medical assistance-related transportation costs, state agency claim provisions, alternative services, commissioner's authorities, transitioned adults provisions, medical assistance liens, commissioner's duties, and managed care contract provisions; amending Minnesota Statutes 2004, sections 256B.15, subdivision 1c; 256B.692, subdivision 6; 514.982, subdivision 1; Minnesota Statutes 2005 Supplement, sections 256B.0625, subdivisions 3f, 17; 256B.69, subdivision 23; 256L.05, subdivision 2; 256L.15, subdivision 4; Laws 2005, First Special Session chapter 4, article 8, section 84; repealing Minnesota Statutes 2004, section 256B.692, subdivision 10.

Reported the same back with the following amendments:

Page 6, line 31, delete "for each" and insert "beginning the"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3718, A bill for an act relating to transportation; requiring language that the state will purchase plug-in hybrid electric vehicles when commercially available to be inserted in certain bid documents; appropriating money for the retrofitting of flexible fuel vehicles to operate as plug-in hybrid electric vehicles.

Reported the same back with the following amendments:

Page 1, line 13, delete "a two-way" and insert "an" and delete "and"

Page 1, line 14, delete everything before the period

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

The report was adopted.

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

H. F. No. 3722, A bill for an act relating to the environment; requiring a report by the Pollution Control Agency on new public wastewater treatment facilities that do not meet water quality discharge standards; requiring bids for new wastewater treatment facilities to include information on operating costs during the first five years of operation; amending Minnesota Statutes 2004, section 115.447; proposing coding for new law in Minnesota Statutes, chapter 115.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 115.447, is amended to read:

**115.447 TRACKING REPORT FOR NEW WASTEWATER FACILITIES.**

Subdivision 1. **Annual report required.** The Pollution Control Agency shall annually prepare a report tracking the location and capacity of each new wastewater treatment system requiring a National Pollutant Discharge Elimination System or State Disposal System permit built after May 1, 2000. The report shall also include the name of the owner, primary engineering firm that designed the facilities, the primary contractor that constructed the facilities, and any management company, other than the owner, that manages the facilities.

The annual report must also provide the total number of new systems built after that date. The commissioner shall submit the report to ~~the chairs~~ of the legislative committees with jurisdiction over environmental policy and finance, and publish the report on the agency's Web site, by February 1 of each year.

Subd. 2. **New facilities not meeting permit requirements.** (a) The report required under subdivision 1 shall include the information required in paragraphs (b) and (c) for the first five years of operation of a new facility.

(b) For National Pollutant Discharge Elimination System permitted facilities, provide a list of reported effluent violations that occurred during each calendar year. This list should include the effluent parameter violated; the violation date; and, if available, any known information regarding the causes of the reported limit violations.

(c) For State Disposal System permitted facilities, provide a summary of conditions at the facilities which pose an imminent threat to public health and safety as defined in rules of the Pollution Control Agency, or a list of reported limit violations that occurred during each calendar year. This list should include the parameter violated; violation date; and, if available, any known information regarding the causes of the reported public health risk or limit violations.

Sec. 2. **[115.449] PUBLIC WASTEWATER TREATMENT FACILITIES PROPOSAL REQUIREMENTS.**

A proposal for design services for a public wastewater treatment facility requiring a National Pollutant Discharge Elimination System or State Disposal System permit shall include a description of the treatment alternatives the engineer will evaluate and provide a range of all annual operation and maintenance costs of operating the facility for the first five years of operation."

Amend the title as follows:

Page 1, line 4, delete "bids" and insert "proposals"

Page 1, line 5, after "operating" insert "and maintenance"

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. 3739, A bill for an act relating to natural resources; modifying areas marked as canoe and boating routes; appropriating money; amending Minnesota Statutes 2004, section 85.32, subdivision 1.

Reported the same back with the recommendation that 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. 3743, A bill for an act relating to state government; establishing an expiration date for the State Designer Selection Board; requiring a report; repealing Minnesota Statutes 2004, section 16B.33, subdivisions 2, 3, 3a; Minnesota Statutes 2005 Supplement, section 16B.33, subdivisions 1, 4.

Reported the same back with the following amendments:

Page 1, line 8, after "shall" insert "consult with organizations listed in Minnesota Statutes, section 16B.33, subdivision 2, and"

Page 1, delete section 2



Amend the title as follows:

Page 1, line 3, delete everything after "report" and insert a period

Page 1, delete lines 4 and 5

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

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 3759, A bill for an act relating to pupil transportation; updating school bus equipment standards; clarifying school bus discipline policies for charter school and nonpublic pupils being transported on school district buses; modifying certain school bus license standards; clarifying certain pupil transportation cost data; amending Minnesota Statutes 2004, sections 123B.90, subdivision 2; 123B.91, by adding a subdivision; 169.01, subdivision 6; 169.447, subdivision 2; 169.4501, subdivisions 1, 2; 169.4502, subdivision 5; 169.4503, subdivision 20; 171.321, subdivisions 4, 5; 171.3215, subdivision 2; 631.40, subdivision 1a; Minnesota Statutes 2005 Supplement, sections 123B.92, subdivisions 1, 5; 171.02, subdivision 2a; repealing Minnesota Statutes 2004, sections 169.4502, subdivision 15; 169.4503, subdivisions 17, 18, 26.

Reported the same back with the following amendments:

Page 10, delete section 11

Pages 13 to 15, delete sections 14 and 15

Renumber the sections in sequence

Correct the title numbers accordingly

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

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 3760, A bill for an act relating to insurance; regulating certain form approvals, coverages, filings, utilization reviews, and claims; amending Minnesota Statutes 2004, sections 60C.02, subdivision 1; 61A.02, subdivision 3; 61A.092, subdivisions 1, 3; 62A.095, subdivision 1; 62A.17, subdivisions 1, 2, 5; 62A.27; 62A.3093; 62C.14, subdivisions 9, 10; 62L.02, subdivision 24; 62M.01, subdivision 2; 62M.09, subdivision 9; 72C.10, subdivision 1; 79.01, by adding subdivisions; 79.251, by adding a subdivision; 79.252, by adding subdivisions; 79A.23, subdivision 3; Minnesota Statutes 2005 Supplement, sections 59B.01; 62A.316; 62Q.75, subdivision 3; 65B.49, subdivision 5a; 79A.04, subdivision 2; repealing Minnesota Statutes 2004, section 79.251, subdivision 2; Minnesota Rules, parts 2781.0400; 2781.0500; 2781.0600.

Reported the same back with the following amendments:

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 2005 Supplement, section 45.22, is amended to read:

#### **45.22 LICENSE EDUCATION APPROVAL.**

(a) License education courses must be approved in advance by the commissioner. Each sponsor who offers a license education course must ~~have at least one coordinator, approved by the commissioner, be approved by the commissioner.~~ Each approved sponsor must have at least one coordinator who meets the criteria specified in Minnesota Rules, chapter 2809, and who is responsible for supervising the educational program and assuring compliance with all laws and rules. "Sponsor" means any person or entity offering approved education.

~~(b) For coordinators with an initial approval date before August 1, 2005, approval will expire on December 31, 2005. For courses with an initial approval date on or before December 31, 2000, approval will expire on April 30, 2006. For courses with an initial approval date after January 1, 2001, but before August 1, 2005, approval will expire on April 30, 2007.~~

Sec. 2. Minnesota Statutes 2005 Supplement, section 45.23, is amended to read:

#### **45.23 LICENSE EDUCATION FEES.**

The following fees must be paid to the commissioner:

(1) initial course approval, \$10 for each hour or fraction of one hour of education course approval sought. Initial course approval expires on the last day of the 24th month after the course is approved;

(2) renewal of course approval, \$10 per course. Renewal of course approval expires on the last day of the 24th month after the course is renewed;

(3) ~~initial coordinator approval, \$100. Initial coordinator approval expires on the last day of the 24th month after the coordinator is approved;~~ initial sponsor approval, \$100. Initial sponsor approval issued under this section is valid for a period not to exceed 24 months and expires on January 31 of the renewal year assigned by the commissioner. Active sponsors who have at least one approved coordinator as of the effective date of this section are deemed to be approved sponsors and are not required to submit an initial application for sponsor approval; and

(4) ~~renewal of coordinator approval, \$10. Renewal of coordinator approval expires on the last day of the 24th month after the coordinator is renewed.~~ renewal of sponsor approval, \$10. Each renewal of sponsor approval is valid for a period of 24 months. Active sponsors who have at least one approved coordinator as of the effective date of this section will have an expiration date of January 31, 2008.

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

Page 2, line 8, after "warranties" insert "not subject to chapter 327A, 515, 515A, or 515B"

Page 2, line 9, before "The" insert "Except for the agreements covered by paragraph (b), clause (9),"

Page 4, after line 23, insert:

"Sec. 8. Minnesota Statutes 2004, section 62A.02, subdivision 3, is amended to read:

Subd. 3. **Standards for disapproval.** (a) The commissioner shall, within 60 days after the filing of any form or rate, disapprove the form or rate:

(1) if the benefits provided are not reasonable in relation to the premium charged;

(2) if it contains a provision or provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of the health plan form, or otherwise does not comply with this chapter, chapter 62L, or chapter 72A;

(3) if the proposed premium rate is excessive or not adequate; or

(4) the actuarial reasons and data submitted do not justify the rate.

The party proposing a rate has the burden of proving by a preponderance of the evidence that it does not violate this subdivision.

In determining the reasonableness of a rate, the commissioner shall also review all administrative contracts, service contracts, and other agreements to determine the reasonableness of the cost of the contracts or agreement and effect of the contracts on the rate. If the commissioner determines that a contract or agreement is not reasonable, the commissioner shall disapprove any rate that reflects any unreasonable cost arising out of the contract or agreement. The commissioner may require any information that the commissioner deems necessary to determine the reasonableness of the cost.

For the purposes of this subdivision, the commissioner shall establish by rule a schedule of minimum anticipated loss ratios which shall be based on (i) the type or types of coverage provided, (ii) whether the policy is for group or individual coverage, and (iii) the size of the group for group policies. Except for individual policies of disability or income protection insurance, the minimum anticipated loss ratio shall not be less than 50 percent after the first year that a policy is in force. All applicants for a policy shall be informed in writing at the time of application of the anticipated loss ratio of the policy. "Anticipated loss ratio" means the ratio at the time of filing, at the time of notice of withdrawal under subdivision 4a, or at the time of subsequent rate revision of the present value of all expected future benefits, excluding dividends, to the present value of all expected future premiums.

If the commissioner notifies a health carrier that has filed any form or rate that it does not comply with this chapter, chapter 62L, or chapter 72A, it shall be unlawful for the health carrier to issue or use the form or rate. In the notice the commissioner shall specify the reasons for disapproval and state that a hearing will be granted within 20 days after request in writing by the health carrier.

The 60-day period within which the commissioner is to approve or disapprove the form or rate does not begin to run until a complete filing of all data and materials required by statute or requested by the commissioner has been submitted.

However, if the supporting data is not filed within 30 days after a request by the commissioner, the rate is not effective and is presumed to be an excessive rate.

(b) When an insurer or the Minnesota Comprehensive Health Association fails to respond to an objection or inquiry within 60 days, the filing is automatically disapproved. A resubmission is required if action by the Department of Commerce is subsequently requested. An additional filing fee is required for the resubmission."

Page 7, line 31, after "covered" insert "for that person"

Page 8, delete section 12 and insert:

**"Sec. 15. [62A.3161] MEDICARE SUPPLEMENT PLAN WITH 50 PERCENT COVERAGE.**

The Medicare supplement plan with 50 percent coverage must have a level of coverage that will provide:

(1) 100 percent of Medicare Part A hospitalization coinsurance plus coverage for 365 days after Medicare benefits end;

(2) coverage for 50 percent of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in clause (8);

(3) coverage for 50 percent of the coinsurance amount for each day used from the 21st through the 100th day in a Medicare benefit period for posthospital skilled nursing care eligible under Medicare Part A until the out-of-pocket limitation is met as described in clause (8);

(4) coverage for 50 percent of cost sharing for all Medicare Part A eligible expenses and respite care until the out-of-pocket limitation is met as described in clause (8);

(5) coverage for 50 percent, under Medicare Part A or B, of the reasonable cost of the first three pints of blood, or equivalent quantities of packed red blood cells, as defined under federal regulations, unless replaced according to federal regulations, until the out-of-pocket limitation is met as described in clause (8);

(6) except for coverage provided in this clause, coverage for 50 percent of the cost sharing otherwise applicable under Medicare Part B, after the policyholder pays the Medicare Part B deductible, until the out-of-pocket limitation is met as described in clause (8);

(7) coverage of 100 percent of the cost sharing for Medicare Part B preventive services and diagnostic procedures for cancer screening described in section 62A.30 after the policyholder pays the Medicare Part B deductible; and

(8) coverage of 100 percent of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of \$4,000 in 2006, indexed each year by the appropriate inflation adjustment by the secretary of the United States Department of Health and Human Services.

**Sec. 16. [62A.3162] MEDICARE SUPPLEMENT PLAN WITH 75 PERCENT COVERAGE.**

The basic Medicare supplement plan with 75 percent coverage must have a level of coverage that will provide:

(1) 100 percent of Medicare Part A hospitalization coinsurance plus coverage for 365 days after Medicare benefits end;

(2) coverage for 75 percent of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in clause (8);

(3) coverage for 75 percent of the coinsurance amount for each day used from the 21st through the 100th day in a Medicare benefit period for posthospital skilled nursing care eligible under Medicare Part A until the out-of-pocket limitation is met as described in clause (8);

(4) coverage for 75 percent of cost sharing for all Medicare Part A eligible expenses and respite care until the out-of-pocket limitation is met as described in clause (8);

(5) coverage for 75 percent, under Medicare Part A or B, of the reasonable cost of the first three pints of blood, or equivalent quantities of packed red blood cells, as defined under federal regulations, unless replaced according to federal regulations until the out-of-pocket limitation is met as described in clause (8);

(6) except for coverage provided in this clause, coverage for 75 percent of the cost sharing otherwise applicable under Medicare Part B after the policyholder pays the Medicare Part B deductible until the out-of-pocket limitation is met as described in clause (8);

(7) coverage of 100 percent of the cost sharing for Medicare Part B preventive services and diagnostic procedures for cancer screening described in section 62A.30 after the policyholder pays the Medicare Part B deductible; and

(8) coverage of 100 percent of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of \$2,000 in 2006, indexed each year by the appropriate inflation adjustment by the Secretary of the United States Department of Health and Human Services."

Page 12, after line 14, insert:

"Sec. 19. Minnesota Statutes 2004, section 62E.13, subdivision 3, is amended to read:

Subd. 3. **Duties of writing carrier.** The writing carrier shall perform all administrative and claims payment functions required by this section. The writing carrier shall provide these services for a period of ~~three~~ five years, unless a request to terminate is approved by the commissioner. The commissioner shall approve or deny a request to terminate within 90 days of its receipt. A failure to make a final decision on a request to terminate within the specified period shall be deemed to be an approval. Six months prior to the expiration of each ~~three-year~~ five-year period, the association shall invite submissions of policy forms from members of the association, including the writing carrier. The association shall follow the provisions of subdivision 2 in selecting a writing carrier for the subsequent ~~three-year~~ five-year period.

Sec. 20. Minnesota Statutes 2004, section 62E.14, subdivision 5, is amended to read:

Subd. 5. **Terminated employees.** An employee who is voluntarily or involuntarily terminated or laid off from employment and unable to exercise the option to continue coverage under section 62A.17, and who is a Minnesota resident and who is otherwise eligible, may enroll in the comprehensive health insurance plan, by submitting an application that is received by the writing carrier no later than 90 days after termination or layoff, with a waiver of the preexisting condition limitation set forth in subdivision 3 and a waiver of the evidence of rejection set forth in subdivision 1, paragraph (c).

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

Page 17, after line 13, insert:

"Sec. 26. Minnesota Statutes 2004, section 70A.07, is amended to read:

**70A.07 RATES AND FORMS OPEN TO INSPECTION.**

All rates, supplementary rate information, and forms furnished to the commissioner under this chapter shall, ~~as soon as the commissioner's review has been completed~~ within ten days of their effective date, be open to public inspection at any reasonable time.

Sec. 27. Minnesota Statutes 2005 Supplement, section 72A.201, subdivision 6, is amended to read:

Subd. 6. **Standards for automobile insurance claims handling, settlement offers, and agreements.** In addition to the acts specified in subdivisions 4, 5, 7, 8, and 9, the following acts by an insurer, adjuster, or a self-insured or self-insurance administrator constitute unfair settlement practices:

(1) if an automobile insurance policy provides for the adjustment and settlement of an automobile total loss on the basis of actual cash value or replacement with like kind and quality and the insured is not an automobile dealer, failing to offer one of the following methods of settlement:

(a) comparable and available replacement automobile, with all applicable taxes, license fees, at least pro rata for the unexpired term of the replaced automobile's license, and other fees incident to the transfer or evidence of ownership of the automobile paid, at no cost to the insured other than the deductible amount as provided in the policy;

(b) a cash settlement based upon the actual cost of purchase of a comparable automobile, including all applicable taxes, license fees, at least pro rata for the unexpired term of the replaced automobile's license, and other fees incident to transfer of evidence of ownership, less the deductible amount as provided in the policy. The costs must be determined by:

(i) the cost of a comparable automobile, adjusted for mileage, condition, and options, in the local market area of the insured, if such an automobile is available in that area; or

(ii) one of two or more quotations obtained from two or more qualified sources located within the local market area when a comparable automobile is not available in the local market area. The insured shall be provided the information contained in all quotations prior to settlement; or

(iii) any settlement or offer of settlement which deviates from the procedure above must be documented and justified in detail. The basis for the settlement or offer of settlement must be explained to the insured;

(2) if an automobile insurance policy provides for the adjustment and settlement of an automobile partial loss on the basis of repair or replacement with like kind and quality and the insured is not an automobile dealer, failing to offer one of the following methods of settlement:

(a) to assume all costs, including reasonable towing costs, for the satisfactory repair of the motor vehicle. Satisfactory repair includes repair of both obvious and hidden damage as caused by the claim incident. This assumption of cost may be reduced by applicable policy provision; or

(b) to offer a cash settlement sufficient to pay for satisfactory repair of the vehicle. Satisfactory repair includes repair of obvious and hidden damage caused by the claim incident, and includes reasonable towing costs;

(3) regardless of whether the loss was total or partial, in the event that a damaged vehicle of an insured cannot be safely driven, failing to exercise the right to inspect automobile damage prior to repair within five business days following receipt of notification of claim. In other cases the inspection must be made in 15 days;

(4) regardless of whether the loss was total or partial, requiring unreasonable travel of a claimant or insured to inspect a replacement automobile, to obtain a repair estimate, to allow an insurer to inspect a repair estimate, to allow an insurer to inspect repairs made pursuant to policy requirements, or to have the automobile repaired;

(5) regardless of whether the loss was total or partial, if loss of use coverage exists under the insurance policy, failing to notify an insured at the time of the insurer's acknowledgment of claim, or sooner if inquiry is made, of the fact of the coverage, including the policy terms and conditions affecting the coverage and the manner in which the insured can apply for this coverage;

(6) regardless of whether the loss was total or partial, failing to include the insured's deductible in the insurer's demands under its subrogation rights. Subrogation recovery must be shared at least on a proportionate basis with the insured, unless the deductible amount has been otherwise recovered by the insured, except that when an insurer is recovering directly from an uninsured third party by means of installments, the insured must receive the full deductible share as soon as that amount is collected and before any part of the total recovery is applied to any other use. No deduction for expenses may be made from the deductible recovery unless an attorney is retained to collect the recovery, in which case deduction may be made only for a pro rata share of the cost of retaining the attorney. An insured is not bound by any settlement of its insurer's subrogation claim with respect to the deductible amount, unless the insured receives, as a result of the subrogation settlement, the full amount of the deductible. Recovery by the insurer and receipt by the insured of less than all of the insured's deductible amount does not affect the insured's rights to recover any unreimbursed portion of the deductible from parties liable for the loss;

(7) requiring as a condition of payment of a claim that repairs to any damaged vehicle must be made by a particular contractor or repair shop or that parts, other than window glass, must be replaced with parts other than original equipment parts or engaging in any act or practice of intimidation, coercion, threat, incentive, or inducement for or against an insured to use a particular contractor or repair shop. Consumer benefits included within preferred vendor programs must not be considered an incentive or inducement. At the time a claim is reported, the insurer must provide the following advisory to the insured or claimant:

~~"Minnesota law gives~~ You have the right to choose a repair shop to fix your vehicle. Your policy will cover the reasonable costs of repairing your vehicle to its pre-accident condition no matter where you have repairs made. Have you selected a repair shop or would you like a referral?"

After an insured has indicated that the insured has selected a repair shop, the insurer must cease all efforts to influence the insured's or claimant's choice of repair shop;

(8) where liability is reasonably clear, failing to inform the claimant in an automobile property damage liability claim that the claimant may have a claim for loss of use of the vehicle;

(9) failing to make a good faith assignment of comparative negligence percentages in ascertaining the issue of liability;

(10) failing to pay any interest required by statute on overdue payment for an automobile personal injury protection claim;

(11) if an automobile insurance policy contains either or both of the time limitation provisions as permitted by section 65B.55, subdivisions 1 and 2, failing to notify the insured in writing of those limitations at least 60 days prior to the expiration of that time limitation;

(12) if an insurer chooses to have an insured examined as permitted by section 65B.56, subdivision 1, failing to notify the insured of all of the insured's rights and obligations under that statute, including the right to request, in writing, and to receive a copy of the report of the examination;

(13) failing to provide, to an insured who has submitted a claim for benefits described in section 65B.44, a complete copy of the insurer's claim file on the insured, excluding internal company memoranda, all materials that relate to any insurance fraud investigation, materials that constitute attorney work-product or that qualify for the attorney-client privilege, and medical reviews that are subject to section 145.64, within ten business days of receiving a written request from the insured. The insurer may charge the insured a reasonable copying fee. This clause supersedes any inconsistent provisions of sections 72A.49 to 72A.505;

(14) if an automobile policy provides for the adjustment or settlement of an automobile loss due to damaged window glass, failing to provide payment to the insured's chosen vendor based on a competitive price that is fair and reasonable within the local industry at large.

Where facts establish that a different rate in a specific geographic area actually served by the vendor is required by that market, that geographic area must be considered. This clause does not prohibit an insurer from recommending a vendor to the insured or from agreeing with a vendor to perform work at an agreed-upon price, provided, however, that before recommending a vendor, the insurer shall offer its insured the opportunity to choose the vendor. If the insurer recommends a vendor, the insurer must also provide the following advisory:

"Minnesota law gives you the right to go to any glass vendor you choose, and prohibits me from pressuring you to choose a particular vendor.";

(15) requiring that the repair or replacement of motor vehicle glass and related products and services be made in a particular place or shop or by a particular entity, or by otherwise limiting the ability of the insured to select the place, shop, or entity to repair or replace the motor vehicle glass and related products and services; or

(16) engaging in any act or practice of intimidation, coercion, threat, incentive, or inducement for or against an insured to use a particular company or location to provide the motor vehicle glass repair or replacement services or products. For purposes of this section, a warranty shall not be considered an inducement or incentive."

Page 18, delete section 23 and insert:

"Sec. 31. Minnesota Statutes 2004, section 79.251, subdivision 1, is amended to read:

Subdivision 1. **General duties of commissioner.** (a)(1) The commissioner shall have all the usual powers and authorities necessary for the discharge of the commissioner's duties under this section and may contract with individuals in discharge of those duties. The commissioner shall audit the reserves established (a) for individual cases arising under policies and contracts of coverage issued under subdivision 4 and (b) for the total book of business issued under subdivision 4. If the commissioner determines on the basis of an audit that there is an excess surplus in the assigned risk plan, the commissioner must notify the commissioner of finance who shall transfer assets of the plan equal to the excess surplus to the budget reserve account in the general fund.

(2) The commissioner shall monitor the operations of section 79.252 and this section and shall periodically make recommendations to the governor and legislature when appropriate, for improvement in the operation of those sections.



(3) All insurers and self-insurance administrators issuing policies or contracts under subdivision 4 shall pay to the commissioner a .25 percent assessment on premiums for policies and contracts of coverage issued under subdivision 4 for the purpose of defraying the costs of performing the duties under clauses (1) and (2). Proceeds of the assessment shall be deposited in the state treasury and credited to the general fund.

(4) The assigned risk plan shall not be deemed a state agency.

(5) The commissioner shall monitor and have jurisdiction over all reserves maintained for assigned risk plan losses.

(b) As used in this subdivision, "excess surplus" means the amount of assigned risk plan assets in excess of the amount needed to pay all current liabilities of the plan, including, but not limited to:

(1) administrative expenses;

(2) benefit claims; and

(3) if the assigned risk plan is dissolved under subdivision 8, the amounts that would be due insurers who have paid assessments to the plan.

Sec. 32. Minnesota Statutes 2004, section 79.251, is amended by adding a subdivision to read:

Subd. 2a. **Assigned risk rating plan.** (a) Employers insured through the assigned risk plan are subject to paragraphs (b) and (c).

(b) Classifications must be assigned according to a uniform classification system approved by the commissioner.

(c) Rates must be modified according to an experience rating plan approved by the commissioner. Any experience rating plan is subject to Minnesota Rules, parts 2700.2800 and 2700.2900."

Page 19, line 18, delete "30" and insert "60"

Page 19, delete line 19 and insert "notice to the employer pursuant to section 176.185, subdivision 1."

Page 22, after line 12, insert:

"Sec. 38. Minnesota Statutes 2004, section 79A.32, is amended to read:

**79A.32 REPORTING TO MINNESOTA WORKERS' COMPENSATION INSURERS' ASSOCIATION LICENSED DATA SERVICE ORGANIZATIONS.**

~~Subdivision 1. **Required activity.** Each self-insurer shall perform the following activities:~~

~~(1) maintain membership in and report loss experience data to the Minnesota Workers' Compensation Insurers Association, or a licensed data service organization, in accordance with the statistical plan and rules of the organization as approved by the commissioner;~~

~~(2) establish a plan for merit rating which shall be consistently applied to all insureds, provided that members of a data service organization may use merit rating plans developed by that data service organization;~~

~~(3) provide an annual report to the commissioner containing the information and prepared in the form required by the commissioner; and~~

~~(4) keep a record of the losses paid by the self insurers and premiums for the group self insurers.~~

Subd. 2. **Permitted activity.** ~~In addition to any other activities not prohibited by this chapter, self insurers may~~  
Through data service organizations licensed under chapter 79, self-insurers may:

~~(1) through licensed data service organizations, individually, or with self-insurers commonly owned, managed, or controlled, conduct research and collect statistics to investigate, identify, and classify information relating to causes or prevention of losses; and~~

~~(2) develop and use classification plans and rates based upon any reasonable factors; and at the request of a private self-insurer or self-insurer group, submit and collect data, including payroll and loss data; and perform calculations, including calculations of experience modifications of individual self-insured employers.~~

~~(3) develop rules for the assignment of risks to classifications.~~

Subd. 3. **Delayed reporting.** ~~Private self insurers established under sections 79A.01 to 79A.18 prior to August 1, 1995, need not begin filing the reports required under subdivision 1 until January 1, 1998."~~

Page 22, delete section 29 and insert:

"Sec. 39. **REPEALER.**

Minnesota Rules, parts 2781.0100; 2781.0200; 2781.0300; 2781.0400; 2781.0500; and 2781.0600, are repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 2, and insert "relating to commerce; regulating licensee education; regulating certain insurance forms and rates, coverages, filings and reportings,"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 3805, A bill for an act relating to highways; designating the Shawn Silvera Memorial Highway; amending Minnesota Statutes 2004, section 161.14, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 9, delete everything after "35W" and insert a comma

Page 1, delete line 10

Page 1, line 11, delete "Highway 96;"

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

The report was adopted.

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

H. F. No. 3925, A bill for an act relating to local government; modifying municipal boundary adjustment provisions; establishing the municipal boundary adjustment task force; appropriating money; amending Minnesota Statutes 2004, sections 414.01, subdivision 1a; 414.02, by adding a subdivision; 414.031, subdivisions 1, 4, by adding a subdivision; 414.0325, subdivision 1, by adding a subdivision; 414.033, subdivision 2; 414.061, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 414.

Reported the same back with the following amendments:

Page 1, line 21, after "representatives" insert ", one from the majority caucus and one from the minority caucus."

Page 3, line 4, after "among" insert "counties." and after "cities" insert a comma and delete "are necessary" and insert "should be encouraged"

Page 7, after line 21, insert:

"Sec. 10. Minnesota Statutes 2004, section 414.033, subdivision 12, is amended to read:

Subd. 12. **Property taxes.** When a municipality annexes land under subdivision 2, clause (2), (3), or (4), property taxes payable on the annexed land shall continue to be paid to the affected town or towns for the year in which the annexation becomes effective. If the annexation becomes effective on or before August 1 of a levy year, the municipality may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the municipality may not levy on the annexed area until the following levy year. ~~In the first year following the year when the municipality could first levy on the annexed area under this subdivision, and thereafter, property taxes on the annexed land shall be paid to the municipality. In the first year following the year the municipality could first levy on the annexed area, the municipality shall make a cash payment to the affected town or towns in an amount equal to 90 percent of the property taxes distributed to the town in regard to the annexed area in the last year the property taxes from the annexed area were payable to the town; in the second year, an amount equal to 70 percent; in the third year, an amount equal to 50 percent; in the fourth year, an amount equal to 30 percent; and in the fifth year, an amount equal to ten percent. The municipality and the affected township may agree to a different payment.~~"

Page 7, line 26, delete the first comma and insert "or" and delete ", or 414.033" and after the period, insert "For an annexation under section 414.031, the joint information meeting must be held after the final mediation meeting held pursuant to section 414.01, subdivision 16, if any, and before the hearing on the matter is held. If no mediation meetings are held, the joint informational meeting must be held after the initiating documents have been filed and"

before the hearing on the matter. For an annexation agreement under section 414.0325, the joint information meeting must be held after the parties to the orderly annexation agreement have provided notice of intent to designate an area under section 414.0325, subdivision 1b, and before filing the joint resolution with the director under section 414.0325."

Page 8, line 9, after "meeting" insert "for a proceeding under section 414.031"

Page 8, after line 11, insert:

"Sec. 12. Minnesota Statutes 2004, section 414.036, is amended to read:

**414.036 CITY REIMBURSEMENT TO TOWN TO ANNEX TAXABLE PROPERTY.**

Unless otherwise agreed to by the annexing municipality and the affected town, when an order or other approval under section 414.0325 this chapter annexes part of a town to a municipality, the ~~orderly annexation agreement between the town and municipality may order or other approval must~~ provide a reimbursement from the municipality to the town for all or part of the taxable property annexed as part of the order. The reimbursement shall be completed in substantially equal payments over not less than two nor more than ~~six~~ eight years from the time of annexation. The municipality must reimburse the township for all special assessments assigned by the township to the annexed property, and any portion of debt incurred by the town prior to the annexation and attributable to the property to be annexed but for which no special assessments are outstanding, in substantially equal payments over not less than two or more than eight years."

Renumber the sections in sequence

Correct the title numbers accordingly

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

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

S. F. No. 1604, A resolution memorializing the President and Congress to support Amtrak funding.

Reported the same back with the following amendments:

Page 1, line 22, delete "2006" and insert "2007"

Page 1, line 23, delete "2005" and insert "2006"

Page 2, line 4, delete "2006" and insert "2007"

With the recommendation that when so amended the bill pass.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 680, 854, 1443, 1466, 1812, 1838, 2722, 2788, 2810, 2876, 3095, 3202, 3391, 3438, 3472, 3483, 3487, 3585, 3618, 3620, 3688, 3692, 3722, 3743 and 3760 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. No. 1604 was read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Abrams; Sviggum; Simpson; Hausman; Larson; Hornstein; McNamara; Nelson, P.; Erhardt; Juhnke; Kelliher; Nelson, M.; Tingelstad and Powell introduced:

H. F. No. 4068, A bill for an act relating to transportation; amending the allocation of revenue from a tax on sale of motor vehicles; making technical correction; amending Minnesota Statutes 2004, section 297B.09, subdivision 1; Laws 2005, chapter 88, article 3, section 10.

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

Erickson introduced:

H. F. No. 4069, A bill for an act relating to state government; appropriating money for Assistive Technology of Minnesota.

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

Ruth, Walker, Gunther, Clark and Sertich introduced:

H. F. No. 4070, A bill for an act relating to occupations; registration required for hair braiding; proposing coding for new law in Minnesota Statutes, chapter 155A.

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

Sykora introduced:

H. F. No. 4071, A bill for an act relating to education finance; eliminating reserve accounts; requiring a report; amending Minnesota Statutes 2004, section 123B.79, by adding a subdivision.

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

Abeler introduced:

H. F. No. 4072, A bill for an act relating to health occupations; allowing limited part-time practice authority for retired dentists; amending Minnesota Statutes 2004, section 150A.06, by adding a subdivision.

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

Abeler, Tingelstad and Dittrich introduced:

H. F. No. 4073, A bill for an act relating to tax increment financing; authorizing the city of Ramsey to establish a tax increment financing district subject to special rules.

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

Johnson, S., introduced:

H. F. No. 4074, A bill for an act relating to data practices; requiring written advisory opinions upon request of an individual; amending Minnesota Statutes 2004, section 13.072, subdivision 1.

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

Simon, Buesgens and Carlson introduced:

H. F. No. 4075, A bill for an act relating to education; requiring school districts to maintain a separate account to identify expenditures for nonpublic school pupil special education instruction and services; amending Minnesota Statutes 2005 Supplement, section 123B.76, subdivision 3.

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

Marquart, Lanning, Lenczewski, Dittrich and Ruud introduced:

H. F. No. 4076, A bill for an act relating to veterans; appropriating money to the commissioner of veterans affairs to make grants to counties for the operation of county veteran service offices.

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

Greiling and Hausman introduced:

H. F. No. 4077, A bill for an act relating to education finance; authorizing secondary sparsity funding for certain schools that primarily serve students who have been assessed as chemically dependent; amending Minnesota Statutes 2004, section 126C.10, subdivision 7.

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

Anderson, I., introduced:

H. F. No. 4078, A bill for an act relating to watercraft; modifying inspection requirements of the Department of Labor and Industry for boats used to carry passengers for hire; amending Minnesota Statutes 2005 Supplement, section 183.41, subdivision 4.

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

Sieben, Ruud, Wagenius, Fritz and Hansen introduced:

H. F. No. 4079, A bill for an act relating to health; establishing a children's environmental health officer within the Department of Health; appropriating money; 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.

Ellison introduced:

H. F. No. 4080, A bill for an act relating to insurance; clarifying that child health supervision for services for children under age six includes federally recommended blood lead tests and follow-up treatment; amending Minnesota Statutes 2004, section 62A.047.

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

Ruud introduced:

H. F. No. 4081, A bill for an act relating to taxation; individual income; allowing a subtraction for military pensions; amending Minnesota Statutes 2005 Supplement, sections 290.01, subdivision 19b; 290.091, subdivision 2.

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

Koenen, Seifert, Poppe, Mahoney, Haws, Lieder, Eken and Davnie introduced:

H. F. No. 4082, A bill for an act relating to education finance; replacing federal comprehensive school reform funds that have been reduced; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124D.

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

Ruud introduced:

H. F. No. 4083, A bill for an act relating to health; requiring those performing mercury level analysis in humans to report the results and epidemiological information to the commissioner of health; 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.

Brod introduced:

H. F. No. 4084, A bill for an act relating to education finance; authorizing a grant to the New Prague Library; authorizing the sale of bonds; 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. 2734.

PATRICK E. FLAHAVEN, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 2734, A bill for an act relating to natural and cultural resources; proposing an amendment to the Minnesota Constitution, article XI; increasing the sales tax rate by three-eighths of one percent and dedicating the receipts for natural and cultural resource purposes; creating an arts, humanities, museum, and public broadcasting fund; creating a heritage enhancement fund; creating a parks and trails fund; creating a clean water fund; establishing a Heritage Enhancement Council; establishing a Clean Water Council; amending Minnesota Statutes 2004, sections 297A.62, subdivision 1; 297A.94; 297B.02, subdivision 1; Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F; 129D.

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



### CONSENT CALENDAR

H. F. No. 2721, A bill for an act relating to environment; extending the individual sewage treatment system pilot program; modifying application of storm water rules; amending Laws 2003, chapter 128, article 1, section 165.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.

The bill was passed and its title agreed to.

H. F. No. 2806 was reported to the House.

Abeler, Bradley and Huntley moved to amend H. F. No. 2806, the first engrossment, as follows:

Page 1, line 8, before "shall" insert ", in conjunction with the mental health licensing boards."

The motion prevailed and the amendment was adopted.

H. F. No. 2806, A bill for an act relating to human services; requiring a study and report on the qualifications of all licensed mental health practitioners and licensed mental health professionals to receive medical assistance reimbursement.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	DeLaForest	Hoppe	Olson	Zellers
Buesgens	Holberg	Krinkie	Peppin	

The bill was passed, as amended, and its title agreed to.

H. F. No. 3488, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2004, sections 3.736, subdivision 8; 13.322, subdivision 3, by adding a subdivision; 13.6905, by adding a subdivision; 16B.85, subdivision 5; 45.011, subdivision 1; 62D.03, subdivision 4; 62D.30, subdivision 8; 62Q.19, subdivision 2; 82.50, subdivision 7; 97A.445, subdivision 3; 103F.205, subdivision 1; 103G.293; 115A.0716, subdivision 3; 145A.09, subdivision 4; 168.187, subdivision 12; 169.781, subdivision 1; 253B.045, subdivision 2; 256.9831, subdivision 1; 256B.0917, subdivision 13; 256B.093, subdivision 3a; 256J.88; 260C.007, subdivision 6; 273.03, subdivision 3; 273.111, subdivision 3; 290.48, subdivision 10; 295.50, subdivision 10b; 297E.01, subdivision 8; 299A.292, subdivision 2; 299A.80, subdivision 1; 299C.091, subdivision 2; 349.12, subdivision 21; 353.27, subdivision 9; 353.33, subdivision 1; 353.656, subdivision 8; 354.05, subdivision 13; 466.06; 581.02; 609.652, subdivision 2; 609.671, subdivision 1;

626.5572, subdivision 2; Minnesota Statutes 2005 Supplement, sections 16C.33, subdivision 3; 116J.575, subdivision 1; 138.17, subdivision 10; 144.225, subdivision 7; 144.335, subdivision 1; 144.602, subdivision 1; 148B.60, subdivision 3; 148D.240, subdivision 5; 168.128, subdivision 2; 168.33, subdivision 2; 169.18, subdivision 11; 216B.1612, subdivision 2; 237.763; 245C.15, subdivision 3; 256B.441, subdivision 13; 270C.96; 289A.42, subdivision 1; 296A.22, subdivision 9; 325E.61, subdivision 5; 349.153; 357.021, subdivision 1a; 604A.33, subdivision 1; Laws 2005, chapter 20, article 2, section 1; Laws 2005, chapter 88, article 3, section 10; Laws 2005, First Special Session chapter 6, article 3, section 95; repealing Minnesota Statutes 2004, sections 155A.03, subdivision 11; 299J.061; 309.50, subdivision 8; 326.991, subdivision 2; Laws 2001, First Special Session chapter 5, article 12, sections 31; 32; Laws 2005, chapter 156, article 5, section 20; Laws 2005, First Special Session chapter 4, article 5, section 14.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Buesgens	Krinkie	Wilkin
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The bill was passed and its title agreed to.

H. F. No. 3747, A bill for an act relating to commerce; regulating motor fuel franchises; providing an exemption from certain regulation; amending Minnesota Statutes 2004, section 80C.01, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 80C.

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

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2749, A bill for an act relating to counties; removing limit in county expenditures for soldiers' rest; amending Minnesota Statutes 2004, section 375.36, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Dempsey	Erickson	Hausman	Huntley
Abrams	Charron	Dill	Finstad	Haws	Jaros
Anderson, B.	Clark	Dittrich	Fritz	Heidgerken	Johnson, J.
Anderson, I.	Cornish	Dorman	Garofalo	Hilstrom	Johnson, R.
Atkins	Cox	Dorn	Gazelka	Hilty	Johnson, S.
Beard	Cybart	Eastlund	Goodwin	Holberg	Juhnke
Bernardy	Davids	Eken	Greiling	Hoppe	Kahn
Blaine	Davnie	Ellison	Gunther	Hornstein	Kelliher
Bradley	Dean	Emmer	Hackbarth	Hortman	Klinzing
Brod	DeLaForest	Entenza	Hamilton	Hosch	Knoblach
Buesgens	Demmer	Erhardt	Hansen	Howes	Koenen

Kohls	Mahoney	Olson	Powell	Simpson	Walker
Krinkie	Mariani	Otremba	Rukavina	Slawik	Wardlow
Lanning	Marquart	Ozment	Ruth	Smith	Welti
Larson	McNamara	Paulsen	Ruud	Soderstrom	Westerberg
Latz	Meslow	Paymar	Sailer	Solberg	Westrom
Lenczewski	Moe	Pelowski	Samuelson	Sykora	Wilkin
Lesch	Mullery	Penas	Scalze	Thao	Zellers
Liebling	Murphy	Peppin	Seifert	Thissen	Spk. Sviggum
Lieder	Nelson, M.	Peterson, A.	Sertich	Tingelstad	
Lillie	Nelson, P.	Peterson, N.	Severson	Urdahl	
Loeffler	Newman	Peterson, S.	Sieben	Vandev eer	
Magnus	Nornes	Poppe	Simon	Wagenius	

The bill was passed and its title agreed to.

H. F. No. 3771, A bill for an act relating to health occupations; modifying Board of Medical Practice examination provision; amending Minnesota Statutes 2004, section 147.02, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Monday, April 3, 2006:

H. F. Nos. 3712, 3169 and 3464.

**CALENDAR FOR THE DAY**

H. F. No. 3076, A bill for an act relating to business organizations; regulating business corporations; clarifying terms; updating terminology to include new forms of business activity; including references to limited liability companies and their governance attributes where appropriate; regulating limited liability companies; clarifying terms; amending Minnesota Statutes 2004, sections 302A.011, subdivisions 7, 8, 12, 21, 25, 28, 31, 41, 45, 46, 58, by adding subdivisions; 302A.111, subdivision 3, by adding a subdivision; 302A.115, subdivisions 1, 5; 302A.135, by adding a subdivision; 302A.241, by adding a subdivision; 302A.401, subdivision 3; 302A.417, subdivision 7; 302A.441, subdivision 1; 302A.447, subdivision 1; 302A.461, subdivision 2; 302A.471, subdivisions 1, 3, 4; 302A.553, subdivision 1; 302A.601, subdivisions 1, 2; 302A.611, subdivision 1; 302A.613, subdivisions 1, 2; 302A.621, subdivisions 1, 2, 3, 5, 6, by adding a subdivision; 302A.626, subdivision 1; 302A.661, subdivisions 1, 4; 322B.03, subdivisions 6, 12, 19a, 20, 23, 28, 36a, 45a; 322B.115, subdivision 3, by adding a subdivision; 322B.12, subdivision 1; 322B.15, by adding a subdivision; 322B.23; 322B.31, subdivision 2; 322B.35, subdivision 1; 322B.63, subdivision 1; 322B.66, by adding a subdivision; 322B.686, subdivision 2; 322B.70, subdivisions 1, 2; 322B.71, subdivision 1; 322B.72; 322B.74; 322B.75, subdivisions 2, 3; 322B.755, subdivision 3; 322B.76; 322B.77, subdivisions 1, 4; 322B.80, subdivision 1; Minnesota Statutes 2005 Supplement, sections 302A.011, subdivision 4; 322B.02; proposing coding for new law in Minnesota Statutes, chapters 302A; 322B; repealing Minnesota Statutes 2004, section 302A.011, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dean	Gazelka	Huntley	Liebling	Otremba
Abrams	DeLaForest	Goodwin	Jaros	Lieder	Ozment
Anderson, B.	Demmer	Greiling	Johnson, J.	Lillie	Paulsen
Anderson, I.	Dempsey	Gunther	Johnson, R.	Loeffler	Paymar
Atkins	Dill	Hackbarth	Johnson, S.	Magnus	Pelowski
Beard	Dittrich	Hamilton	Juhnke	Mahoney	Penas
Bernardy	Dorman	Hansen	Kahn	Mariani	Peppin
Blaine	Dorn	Hausman	Kelliher	Marquart	Peterson, A.
Bradley	Eastlund	Haws	Klinzing	McNamara	Peterson, N.
Brod	Eken	Heidgerken	Knoblach	Meslow	Peterson, S.
Carlson	Ellison	Hilstrom	Koenen	Moe	Poppe
Charron	Emmer	Hilty	Kohls	Mullery	Powell
Clark	Entenza	Holberg	Krinkie	Murphy	Rukavina
Cornish	Erhardt	Hoppe	Lanning	Nelson, M.	Ruth
Cox	Erickson	Hornstein	Larson	Nelson, P.	Ruud
Cybart	Finstad	Hortman	Latz	Newman	Sailer
Davids	Fritz	Hosch	Lenczewski	Nornes	Samuelson
Davnie	Garofalo	Howes	Lesch	Olson	Scalze

Seifert	Simpson	Sykora	Vandevveer	Westerberg
Sertich	Slawik	Thao	Wagenius	Westrom
Severson	Smith	Thissen	Walker	Wilkin
Sieben	Soderstrom	Tingelstad	Wardlow	Zellers
Simon	Solberg	Urdahl	Welti	Spk. Sviggum

Those who voted in the negative were:

Buesgens

The bill was passed and its title agreed to.

H. F. No. 2514, A bill for an act relating to securities; enacting and modifying the 2002 Uniform Securities Act of the National Conference of Commissioners on Uniform State Laws; prescribing criminal penalties; amending Minnesota Statutes 2004, sections 60A.077, subdivision 9; 82.23; 82.43, subdivision 7; 144A.01, subdivision 4; 245A.02, subdivision 5a; 302A.011, subdivision 26; 302A.251, subdivision 4; 308A.505; 308B.465, subdivision 2; 322B.03, subdivision 43; 322B.663, subdivision 4; 356A.06, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 80A; repealing Minnesota Statutes 2004, sections 80A.01; 80A.02; 80A.03; 80A.04; 80A.041; 80A.05; 80A.06; 80A.07; 80A.08; 80A.09; 80A.10; 80A.11; 80A.115; 80A.12; 80A.122; 80A.125; 80A.13; 80A.14; 80A.15; 80A.16; 80A.17; 80A.18; 80A.19; 80A.22; 80A.23; 80A.24; 80A.25; 80A.26; 80A.27; 80A.28; 80A.29; 80A.30; 80A.31.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens                      Krinkie

The bill was passed and its title agreed to.

H. F. No. 3169, A bill for an act relating to local government; prohibiting units of local government from imposing certain fees related to students at postsecondary institutions; proposing coding for new law in Minnesota Statutes, chapter 471.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

The Speaker called Abrams to the Chair.

H. F. No. 3712 was reported to the House.



Kelliher moved to amend H. F. No. 3712, the second engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. **TITLE.**

This act may be cited as the Mercury Emissions Reduction Act of 2006.

Sec. 2. Minnesota Statutes 2004, section 116.92, is amended by adding a subdivision to read:

Subd. 7a. **Fluorescent lamps; residential applications.** Any information regarding fluorescent lamps containing mercury that is sent by a utility to a customer, present on a utility's Web site or contained in a utility's print, radio, or video advertisement, must state that the lamps contain mercury that is harmful to the environment and that it is illegal to place them in garbage and must provide a toll-free telephone number or Web site that customers can access to learn how to lawfully dispose of the lamps.

**EFFECTIVE DATE.** This section is effective October 1, 2006.

Sec. 3. Minnesota Statutes 2004, section 216B.1692, subdivision 8, is amended to read:

Subd. 8. **Sunset.** This section is effective until ~~June 30, 2006~~ June 30, 2012, and applies to projects and riders approved prior to that date.

Sec. 4. **[216B.68] DEFINITIONS, MERCURY EMISSIONS REDUCTIONS.**

Subdivision 1. **Scope.** Terms used in sections 216B.68 to 216B.688 have the meanings given them in this section and section 216B.02.

Subd. 2. **Qualifying facility.** "Qualifying facility" means an electric generating power plant in Minnesota that, as of January 1, 2006, had a total net dependable capacity in excess of 750 megawatts from all coal-fired electric generating units at the power plant.

Subd. 3. **Targeted unit.** "Targeted unit" means a coal-fired electric generation unit greater than 300 megawatts at a qualifying facility.

Subd. 4. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subd. 5. **Federal mercury regulations.** "Federal mercury regulations" means the federal clean air mercury rule as of January 1, 2006, published in Code of Federal Regulations, title 40, parts 60, 63, 70, and 72.

Subd. 6. **Reduction.** "Reduction" means the capture of total mercury emissions from a qualifying facility relative to the emissions baseline from that facility established under section 216B.681, expressed as a percentage.

Subd. 7. **Dry scrubbed units.** "Dry scrubbed units" means a targeted unit at which pollution control technology that uses a spray dryer and fabric filter system to remove pollutants from air emissions is installed.

Subd. 8. **Wet scrubbed units.** "Web scrubbed units" means a targeted unit at which pollution control technology that uses water or solutions to remove pollutants from air emissions is installed.

Subd. 9. **Startup period.** "Startup period" means a period of one year after the date of compliance set forth in section 216B.682, paragraph (a), or such longer period as the commission may approve after consultation with the Pollution Control Agency.

**Sec. 5. [216B.681] MONITORING MERCURY EMISSIONS.**

By July 1, 2007, a public utility that owns or operates a qualifying facility shall install, maintain, and operate continuous mercury emissions monitoring systems on coal-fired electric generation units that the utility may include in a mercury emissions reduction plan under section 216B.682. The monitoring systems must use methods set forth in federal mercury regulations or other methods as may be approved by the agency. The data from monitoring systems or other methods of measurement approved by the agency associated with a utility's qualifying facilities must be used to establish a baseline for mercury emissions reductions under section 216B.682. The public utility shall report to the agency the quality assured and controlled data produced from the systems implemented pursuant to this section on a quarterly basis thereafter.

**Sec. 6. [216B.682] MERCURY EMISSIONS REDUCTION PLANS.**

(a) By December 31, 2007, for dry scrubbed units and by December 31, 2009, for wet scrubbed units, a public utility that owns or operates a qualifying facility shall develop and submit to the Pollution Control Agency and the Public Utilities Commission plans to reduce mercury emissions in this state. A public utility filing a plan for a wet scrubbed unit on or before December 31, 2007, may file a plan for any other wet scrubbed unit at its qualifying facility by July 1, 2011. Mercury emissions reduction initiatives must be implemented by December 31, 2010, at dry scrubbed units, and by December 31, 2013, at wet scrubbed units.

(b) A public utility must file a set of plans under paragraph (a) that, taken together, are designed to achieve total mercury reductions among the utility's Minnesota facilities equivalent to a goal of 90 percent reduction of mercury emissions at the utility's targeted units by December 31, 2013.

(c) The utility may also submit one or more alternatives to the plans required under paragraph (b). The alternatives must be designed to achieve mercury emissions reductions at its qualifying facilities greater and earlier than required under federal mercury regulations. The utility shall also provide information as to how the utility would have planned to meet federal mercury reduction requirements in the absence of this legislation and the estimated cost and timing of meeting federal mercury reduction requirements.

(d) For each required and alternative plan submitted pursuant to this subdivision, the utility shall present information assessing that plan's ability to optimize human health benefits and achieve cost efficiencies. The utility shall assess how each plan balances environmental benefits with the associated costs, considering the impact of the resulting electricity costs on both the utility's customers and the state's economy. Plans must provide the cost, technical feasibility, and mercury emissions reduction expected for each option. Plans may also provide measures to reduce the cost and maximize the flexibility of each option, including, but not limited to, mercury emissions reductions achieved through pretreatment of the coal burned at the facility, averaging mercury emissions reductions among different generating units at the same plant and achieving equivalent mercury emissions reductions on other plants in the public utility's electric system in Minnesota. The plans may specify permit targets or conditions proposed by the public utility for each mercury emissions control option, including, but not limited to, numeric emission targets, percent removal expectations, emission control technology installation and operative requirements, or work practice standards.

(e) Mercury emissions reductions under a plan approved by the commission under section 216B.1692 before January 1, 2006, may not be counted toward total mercury emissions reductions of a plan under this section.

Sec. 7. **[216B.683] OTHER ENVIRONMENTAL IMPROVEMENT PLANS.**

In order to encourage a utility to address multiple pollutants, a utility required to submit mercury reduction plans under sections 216B.68 to 216B.688 may also propose plans and associated emission reduction riders addressing investments in additional pollution control equipment and related expenses needed to comply with state or federal statute or regulation that became effective after December 31, 2004. The plans must propose to implement emission control initiatives that exceed or are implemented in advance of state or federal requirements. The utility must show that plans submitted under this subdivision and any related riders are the least-cost alternative for complying with state and federal regulations.

Sec. 8. **[216B.684] EMISSIONS REDUCTION RIDERS.**

A public utility required to file a mercury emissions reduction plan under section 216B.682 may also file for approval of an emissions reduction rate rider pursuant to section 216B.1692, subdivision 3, for its mercury control and other environmental improvement initiatives under sections 216B.68 to 216B.688. The emissions reduction rate rider may include recovery of costs associated with the installation of continuous mercury emission monitoring systems, ongoing operation and maintenance costs associated with the utility's mercury control initiatives, and any studies undertaken by the utility in support of the mercury emissions reduction plan required under section 216B.682, in addition to the cost recovery provided by section 216B.1692, subdivision 3. The utility may propose to phase in the emissions reduction riders to recover these costs over the development and life of the projects.

Sec. 9. **[216B.685] ENVIRONMENTAL ASSESSMENT.**

The Pollution Control Agency shall evaluate a utility's mercury emissions reduction plans and alternatives filed under section 216B.68 to 216B.688, and submit its evaluation to the Public Utilities Commission within 180 days of the date the plan is filed with the agency and commission under subdivision 3. In its review, the agency shall:

(1) assess whether the utility's plan under section 216B.682, paragraph (b), meets the requirements of that paragraph;

(2) evaluate the environmental and public health benefits of each plan submitted under section 216B.682, including benefits associated with reductions in pollutants other than mercury;

(3) assess the technical feasibility and cost-effectiveness of technologies proposed for achieving mercury emissions reduction in each plan submitted; and

(4) advise the commission of the appropriateness of each plan.

Sec. 10. **[216B.686] COMMISSION APPROVAL.**

(a) The Public Utilities Commission shall review and evaluate a utility's mercury emissions reduction plans submitted under this section. In its review, the commission shall consider the environmental and public health benefits, the agency's determination of a technology's technical feasibility, competitiveness of customer rates and power supply costs, and cost-effectiveness of the utility's proposed mercury control initiatives in light of the agency's report under section 216B.685. The commission shall rely on the expertise of the agency on issues regarding technical feasibility of emissions control technology. For multi-emissions reduction plans, the commission shall consider the overall environmental and public health benefits, total costs, and competitiveness of customer rates and power supply costs.

(b) Within 180 days of receiving the agency's report, the commission shall approve a utility's mercury or multi-emissions reduction plans provided under section 216B.682, paragraph (b), if the commission reasonably expects that set of plans will be technically able to achieve, by December 31, 2013, total mercury reductions among the utility's Minnesota facilities equivalent to a goal of 90 percent reduction of mercury emissions at the utility's targeted units in a manner that does not impose excessive consumer and power supply costs.

(c) If the commission is unable to approve the utility's 90 percent reduction plan under paragraph (b), the commission shall, in consultation with the agency, order the utility to implement the most stringent mercury control alternatives proposed by the utility under section 216B.682, paragraph (c), that will achieve the maximum mercury emissions reductions technically feasible and protective of the public health and environment without imposing excessive consumer and power supply costs. The commission shall attempt to achieve the greatest level of mercury reduction that can be obtained without imposing excessive consumer costs.

(d) Section 216B.1692 applies to plans and emissions control riders proposed under sections 216B.68 to 216B.688, except that projects included in a plan approved under those sections are deemed to be qualifying projects for the purposes of section 216B.1692; and section 216B.1692, subdivision 5, paragraph (c), and subdivision 6, do not apply to plans or riders submitted under sections 216B.68 to 216B.688. Commission approval of an emissions reduction plan under sections 216B.68 to 216B.688 includes approval of an emissions reduction rider associated with that plan, if one was submitted by the utility. Nothing in sections 216B.68 to 216B.688 requires a utility to convert a wet scrubbed unit into a dry scrubbed unit as part of an emissions reduction plan.

Sec. 11. **[216B.687] IMPLEMENTATION AND OPERATION.**

(a) A public utility required to file a mercury emissions reduction plan under section 216B.682 shall implement the plan as approved by the commission under section 216B.685.

(b) During the startup period, except as required by federal regulation, any mercury emission or reduction limit incorporated into a qualifying facility's permit as established under the plan is a state-only condition of the permit and is not subject to enforcement by the agency. If, after the startup period ends, it is determined that the qualifying facility is able to comply with the applicable emission or reduction limit, the agency shall incorporate the mercury limit into the facility's permit as an enforceable state-only limit. If, after the startup period, despite the utility's reasonable best efforts consistent with the approved plan, the equipment installed at a unit under an approved plan fails to achieve the mercury reduction expected in the approved plan, the agency shall revise the mercury limit for the qualifying facility to reflect the actual mercury emissions expected from the unit and incorporate that limit as an enforceable state-only limit in the facility's permit. The utility shall report periodically to the agency of its efforts to optimize the operation of installed equipment, and the agency shall revise the unit's air permit within five years of initial operation, to ensure optimal operation of equipment installed under a plan approved pursuant to sections 216B.68 to 216B.688, in light of technical and operational advances made since the date of plan approval.

(c) For qualifying facilities using both dry scrubbed and wet scrubbed units, the agency may establish permit limits as set forth in paragraph (b) for each individual unit. After the startup periods for all units at the qualifying facility have concluded and the actual mercury emissions for the units expected under the approved plan have been determined, the agency may establish a single enforceable state-only mercury emission limit for the qualifying facility covering all units at that facility.

Sec. 12. **[216B.688] RELATIONSHIP TO STATE AND FEDERAL REGULATIONS.**

Mercury emissions reduction equipment installed under this section must fulfill all applicable requirements related to mercury emissions from a qualifying facility, including but not limited to any mercury-related requirements related to total maximum daily loads under the federal Clean Water Act. Except as otherwise provided in this section, a public utility implementing a mercury emissions reduction plan under sections 216B.68 to 216B.688 shall not be required to undertake additional investments to reduce mercury by state law or regulation."

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

Hackbarth moved that H. F. No. 3712 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 3063 was reported to the House.

Buesgens moved that H. F. No. 3063 be continued on the Calendar for the Day. The motion prevailed.

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

### **MOTIONS AND RESOLUTIONS**

Abrams moved that the name of McNamara be added as an author on H. F. No. 263. The motion prevailed.

Eken moved that the name of Greiling be added as an author on H. F. No. 2345. The motion prevailed.

Ellison moved that the name of Bernardy be added as an author on H. F. No. 2430. The motion prevailed.

Powell moved that the name of Moe be added as an author on H. F. No. 2810. The motion prevailed.

Demmer moved that the name of Poppe be added as an author on H. F. No. 2818. The motion prevailed.

Severson moved that the name of Soderstrom be added as an author on H. F. No. 2921. The motion prevailed.

Klinzing moved that the name of Bernardy be added as an author on H. F. No. 3151. The motion prevailed.

Seifert moved that the name of Carlson be added as an author on H. F. No. 3169. The motion prevailed.

Abeler moved that the name of Dittrich be added as an author on H. F. No. 3222. The motion prevailed.

Hoppe moved that the name of Mullery be added as an author on H. F. No. 3272. The motion prevailed.

Abeler moved that the name of Soderstrom be added as an author on H. F. No. 3283. The motion prevailed.

Huntley moved that the name of Loeffler be added as an author on H. F. No. 3301. The motion prevailed.

Paymar moved that the name of Soderstrom be added as an author on H. F. No. 3320. The motion prevailed.

Bradley moved that the name of Moe be added as an author on H. F. No. 3340. The motion prevailed.

Demmer moved that the name of McNamara be added as an author on H. F. No. 3411. The motion prevailed.

Anderson, I., moved that his name be stricken and the name of Eken be added as chief author on H. F. No. 3512. The motion prevailed.

Powell moved that the name of Cybart be added as an author on H. F. No. 3556. The motion prevailed.

Meslow moved that the name of Sieben be added as an author on H. F. No. 3623. The motion prevailed.

Peppin moved that the name of Davids be added as an author on H. F. No. 3625. The motion prevailed.

Emmer moved that the name of Moe be added as an author on H. F. No. 3630. The motion prevailed.

Nelson, M., moved that the name of Goodwin be added as an author on H. F. No. 3736. The motion prevailed.

Howes moved that the name of Moe be added as an author on H. F. No. 3754. The motion prevailed.

Urdahl moved that the name of Moe be added as an author on H. F. No. 3782. The motion prevailed.

Cox moved that the name of Loeffler be added as an author on H. F. No. 3911. The motion prevailed.

Urdahl moved that the name of Hansen be added as an author on H. F. No. 4032. The motion prevailed.

Ruud moved that the name of Lenczewski be added as an author on H. F. No. 4047. The motion prevailed.

Simon moved that the names of Clark and Kahn be added as authors on H. F. No. 4057. The motion prevailed.

Juhnke moved that the name of Hansen be added as an author on H. F. No. 4058. The motion prevailed.

Seifert moved that the name of Wardlow be added as an author on H. F. No. 4060. The motion prevailed.

Davids moved that the names of Peterson, A., and Westrom be added as authors on H. F. No. 4067. The motion prevailed.

Peppin moved that H. F. No. 3235 be recalled from the Committee on Public Safety Policy and Finance and be re-referred to the Committee on Health Policy and Finance. The motion prevailed.

Erickson moved that H. F. No. 3307, now on the General Register, be re-referred to the Committee on Education Finance. The motion prevailed.

Peppin moved that H. F. No. 3625 be recalled from the Committee on Health Policy and Finance and be re-referred to the Committee on State Government Finance. The motion prevailed.

Bradley moved that H. F. No. 3658 be recalled from the Committee on Taxes and be re-referred to the Committee on Health Policy and Finance. The motion prevailed.

Hornstein moved that H. F. No. 3718 be recalled from the Committee on Higher Education Finance and be re-referred to the Committee on Agriculture, Environment and Natural Resources Finance. The motion prevailed.

Scalze moved that H. F. No. 3730 be recalled from the Committee on Regulated Industries and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance. The motion prevailed.

Howes moved that H. F. No. 3776, now on the General Register, be re-referred to the Committee on Public Safety Policy and Finance. The motion prevailed.

Mullery moved that H. F. No. 3887 be recalled from the Committee on Governmental Operations and Veterans Affairs and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance. The motion prevailed.

Newman introduced:

House Resolution No. 22, A House resolution relating to the separation of powers; authorizing the House of Representatives' intervention in a lawsuit challenging expenditure of money out of the state treasury without an appropriation by law.

The resolution was referred to the Committee on Rules and Legislative Administration.

#### ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, April 4, 2006. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Tuesday, April 4, 2006.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

