

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2006

 ONE HUNDRED TENTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 19, 2006

The House of Representatives convened at 11:00 a.m. and was called to order by Ron Abrams, Speaker pro tempore.

Prayer was offered by Deacon Nathan Allen, St. Paul Cathedral, St. Paul, 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:

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

A quorum was present.

Anderson, I., was excused.

Ellison and Walker were excused until 11:30 a.m. Abeler was excused until 12:30 p.m. Clark was excused until 1:15 p.m. Mariani was excused until 1:40 p.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 2723 and H. F. No. 3722, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Howes moved that S. F. No. 2723 be substituted for H. F. No. 3722 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2814 and H. F. No. 2972, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Tingelstad moved that the rules be so far suspended that S. F. No. 2814 be substituted for H. F. No. 2972 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3132 and H. F. No. 3378, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Holberg moved that the rules be so far suspended that S. F. No. 3132 be substituted for H. F. No. 3378 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3480 and H. F. No. 3760, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wilkin moved that the rules be so far suspended that S. F. No. 3480 be substituted for H. F. No. 3760 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 4112, A bill for an act relating to public safety; establishing an address confidentiality program for victims of domestic violence, sexual assault, or stalking; providing program participants with a method of voting; establishing a mail forwarding system for program participants; prescribing criminal penalties; providing rulemaking; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 5B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[5B.01] FINDINGS; PURPOSE.**

The legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for data without disclosing the location of a victim of domestic violence, sexual assault, or stalking; to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, sexual assault, or stalking; and to enable program participants to use an address designated by the secretary of state as a substitute mailing address for all purposes.

EFFECTIVE DATE. This section is effective September 1, 2007.

Sec. 2. **[5B.02] DEFINITIONS.**

(a) For purposes of this chapter and unless the context clearly requires otherwise, the definitions in this section have the meanings given them.

(b) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

(c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person, as defined in section 524.5-102.

(d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2, paragraph (a), and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in section 524.5-102, for whom there is good reason to believe (1) that the eligible person is a victim of domestic violence, sexual assault, or stalking, or (2) that the eligible person fears for his or her safety or the safety of persons on whose behalf the application is made.

(f) "Program participant" means a person certified as a program participant under section 5B.03.

(g) "Stalking" means acts criminalized under section 609.749 and includes a threat of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.

EFFECTIVE DATE. This section is effective September 1, 2007.

Sec. 3. **[5B.03] ADDRESS CONFIDENTIALITY PROGRAM.**

Subdivision 1. **Application.** The secretary of state shall certify an eligible person as a program participant when the secretary receives an application that must contain:

(1) a statement by the applicant that the applicant has good reason to believe that the eligible person (i) listed on the application is a victim of domestic violence, sexual assault, or stalking, (ii) fears for the person's safety or the safety of persons on whose behalf the application is made, and (iii) is not applying for certification as a program participant in order to avoid prosecution for a crime;

(2) a designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(3) the mailing address where the eligible person can be contacted by the secretary of state and the telephone number or numbers where the applicant or eligible person can be called by the secretary of state;

(4) the physical address or addresses of the eligible person, disclosure of which will increase the risk of domestic violence, sexual assault, or stalking;

(5) a statement whether the eligible person would like information on becoming an ongoing absentee ballot recipient pursuant to section 5B.06; and

(6) the signature of the applicant, an indicator of the applicant's authority to act on behalf of the eligible person, if appropriate, the name and signature of any individual or representative of any person who assisted in the preparation of the application, and the date on which the application was signed.

Subd. 2. **Filing.** Applications must be filed with the secretary of state and are subject to the provisions of section 5.15.

Subd. 3. **Certification.** Upon filing a completed application, the secretary of state shall certify the eligible person as a program participant. Program participants shall be certified for four years following the date of filing unless the certification is cancelled, withdrawn, or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

Subd. 4. **Changes in information.** Program participants or applicants must inform the secretary of state of any changes in the information submitted on the application.

Subd. 5. **Designated address.** The secretary of state must designate a mailing address to which all mail for program participants is to be sent.

Subd. 6. **Attaining age of majority.** A person who became a program participant as a minor assumes responsibility for changes in information and renewal when the person reaches age 18.

EFFECTIVE DATE. This section is effective September 1, 2007.

Sec. 4. **[5B.04] CERTIFICATION CANCELLATION.**

(a) If the program participant obtains a legal change of identity, the participant loses certification as a program participant.

(b) The secretary of state may cancel a program participant's certification if there is a change in the mailing address, unless the program participant or the person who signed as the applicant on behalf of an eligible person provides the secretary of state with at least two days' prior notice in writing of the change of address.

(c) The secretary of state may cancel certification of a program participant if mail forwarded by the secretary to the program participant's address is returned as nondeliverable.

(d) The secretary of state shall cancel certification of a program participant who applies using false information.

EFFECTIVE DATE. This section is effective September 1, 2007.

Sec. 5. **[5B.05] USE OF DESIGNATED ADDRESS.**

(a) When a program participant presents the address designated by the secretary of state to any person, that address must be accepted as the address of the program participant.

(b) A program participant may use the address designated by the secretary of state as the program participant's work address.

(c) The Office of the Secretary of State shall forward all mail sent to the designated address to the proper program participants.

EFFECTIVE DATE. This section is effective September 1, 2007.

Sec. 6. **[5B.06] VOTING BY PROGRAM PARTICIPANT; USE OF DESIGNATED ADDRESS BY COUNTY AUDITOR.**

A program participant who is otherwise qualified to vote may register with the secretary of state as an ongoing absentee voter. The secretary of state shall determine the precinct in which the residential address of the program participant is located and shall request from and receive from the county auditor or other election official the ballot for that precinct and shall forward the absentee ballot to the program participant with the other materials for absentee balloting as required by Minnesota law. The program participant shall complete the ballot and return it to the secretary of state, who shall review the ballot in the manner provided by section 203B.24. If the ballot and ballot materials comply with the requirements of that section, the ballot must be certified by the secretary of state as the ballot of a program participant and must be forwarded to the appropriate electoral jurisdiction for tabulation along with all other ballots. The name and address of a program participant must not be listed in the statewide voter registration system.

EFFECTIVE DATE. This section is effective September 1, 2007.

Sec. 7. **[5B.07] DATA CLASSIFICATION.**

All data related to applicants, eligible persons, and program participants is private data as defined by section 13.02, subdivision 12. A consent for release of information from an applicant is not effective.

EFFECTIVE DATE. This section is effective September 1, 2007.

Sec. 8. **[5B.08] ADOPTION OF RULES.**

Enactment of this section satisfies the requirements of section 14.388, subdivision 1, for the enactment of rules to facilitate the administration of this chapter by state and local agencies.

EFFECTIVE DATE. This section is effective September 1, 2007."

Amend the title as follows:

Page 1, line 5, delete "prescribing criminal penalties;" and delete "rulemaking" and insert "for adoption of rules"

Page 1, line 6, delete "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 1057, A bill for an act relating to retirement; statewide and major local retirement plans; providing for various member and employer contribution rate increases; restructuring the statewide Teachers Retirement Association fund and benefit plan; providing a special postretirement adjustment to certain pre-1969 teachers; changing deferred annuities augmentation for new retirement plan members; creating a public pension plan default insurance pool; increasing the maximum retirement plan covered salary figure; providing certain early retirement incentives; creating a task force to study creation of a statewide volunteer firefighter retirement plan; appropriating money; amending Minnesota Statutes 2004, sections 352.01, subdivision 13; 352.04, subdivisions 2, 3, 12; 352.116, subdivision 1a; 352.72, subdivision 2; 352.911, subdivision 5; 352.92, subdivisions 1, 2; 352B.01, subdivision 11; 352B.02, subdivisions 1a, 1c, 1d; 352B.30, subdivision 2; 352D.04, subdivision 2; 352D.09, subdivision 7; 353.01, subdivision 10; 353.27, subdivisions 1, 2, 3, 3a, by adding a subdivision; 353.30, subdivision 5; 353.65, subdivisions 2, 3, 6; 353.71, subdivision 2; 353B.02, subdivision 10; 353E.01, subdivision 5; 353E.05; 354.05, subdivisions 2, 13, 35; 354.42, subdivisions 2, 3, by adding a subdivision; 354.44, subdivision 6; 354.55, subdivision 11; 354A.011, subdivisions 15a, 24, 27; 354A.021, subdivisions 1, 4; 354A.092; 354A.093, subdivision 1; 354A.095; 354A.096; 354A.12, subdivisions 1, 2, 2a, 3a, 3b, 3c, 3d; 354A.30; 354A.31, subdivisions 4, 7; 354A.32, subdivision 1; 354A.37, subdivision 2; 354A.39; 354A.40, subdivision 1; 354A.41; 356.20, subdivision 2; 356.214, subdivision 1; 356.215, subdivision 8; 356.30, subdivisions 1, 3; 356.302, subdivision 7; 356.303, subdivision 4; 356.315, by adding a subdivision; 356.42, subdivision 3; 356.465, subdivision 3; 356.611, subdivision 1; 422A.01, by adding a subdivision; 423A.02, subdivision 1b; 423B.01, by adding a subdivision; 423C.01, by adding a subdivision; 490.121, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 128D; 354; 356; repealing Minnesota Statutes 2004, sections 354A.051; 354A.105; 354A.23, subdivision 1; 354A.28.

Reported the same back with the following amendments to the unofficial engrossment:

Page 63, line 13, delete "(a)"

Page 63, delete line 14

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 2239, A bill for an act relating to retirement; Minneapolis Teachers Retirement Fund Association and expanded list plans; clarifying mutual fund authority; revising investment authority to exclude below-investment grade bonds; authorizing service credit purchase; allowing transfers of certain deferred compensation contributions; providing an early retirement incentive; appropriating money; amending Minnesota Statutes 2004, sections 3A.01, subdivisions 1, 2, 6, 8, by adding subdivisions; 3A.011; 3A.02, subdivisions 1, 1b, 3, 4, 5; 3A.03, subdivisions 1, 2; 3A.04, subdivisions 1, 2, 3, 4, by adding a subdivision; 3A.05; 3A.07; 3A.10, subdivision 1; 3A.12; 3A.13; 6.72; 69.77, subdivision 9; 136F.45, subdivision 1a; 352.04, subdivisions 2, 3; 352.113, subdivision 7a; 352.116, subdivisions 3a, 3b; 352.90; 352.91, subdivisions 1, 2, 3c, 3d, 3e, 3f, 3g, by adding subdivisions; 352.92, subdivisions 1, 2; 352B.02, subdivisions 1a, 1c; 352C.091, subdivision 1; 352C.10; 352D.02, subdivision 1; 352D.04, subdivision 2; 352F.04; 353.01, subdivisions 2a, 11a, 11b, 12, 16, by adding a subdivision; 353.03, subdivisions 1, 1a, by adding a subdivision; 353.27, subdivisions 7, 7a, 7b; 353.29, subdivision 8; 353.30, subdivisions 3a, 3b; 353.32, subdivisions 1a, 1b; 353.33, subdivisions 1, 9; 353.34, subdivision 1; 353.656, subdivisions 3, 4, 6a; 353D.01, subdivision 2; 353D.02, subdivision 3, by adding subdivisions; 353D.03, by adding

subdivisions; 353E.02, subdivision 3; 353F.04; 354.45, subdivision 1a; 354A.08; 354A.28, subdivision 5; 354A.32, subdivision 1a; 354D.05; 355.01, subdivision 3g; 355.02, subdivisions 1, 3, by adding subdivisions; 356.219, subdivisions 3, 6; 356.24, subdivision 1; 356.50; 422A.05, subdivision 2c; 422A.06, subdivisions 3, 5, 8; 422A.101, subdivision 3; 423B.07; 424A.001, by adding a subdivision; 424A.02, subdivision 8b; 424A.05, subdivision 3; 424A.10; 490.121, subdivisions 1, 6, 7, 13, 14, 15, 22, by adding subdivisions; 490.122; 490.123, subdivisions 1, 1a, 1b, 1c, 2, 3; 490.124, subdivisions 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13; 490.125, subdivisions 1, 2; 490.126, as amended; 490.133; 525.05; Minnesota Statutes 2005 Supplement, sections 353.01, subdivision 2d; 353.028, subdivision 3; 353.28, subdivision 6; 353.656, subdivision 1; 353F.02, subdivision 4; 356A.06, subdivision 7; 422A.06, subdivision 7; 423B.09, subdivision 1; 490.121, subdivision 4; Laws 2004, chapter 267, article 8, section 41; proposing coding for new law in Minnesota Statutes, chapters 352; 352C; 353; 355; proposing coding for new law as Minnesota Statutes, chapter 490A; repealing Minnesota Statutes 2004, sections 3A.01, subdivisions 3, 4, 6a, 7; 3A.02, subdivision 2; 3A.04, subdivision 1a; 3A.09; 43A.34, subdivision 1; 352C.01; 352C.011; 352C.021, subdivisions 1, 2, 3, 4, 5, 6, 7; 352C.031, subdivisions 1, 2, 4, 5, 6; 352C.033; 352C.04; 352C.051; 352C.09; 352C.091, subdivisions 2, 3; 422A.101, subdivision 4; 490.021; 490.025; 490.101; 490.102; 490.103; 490.105; 490.106; 490.107; 490.108; 490.109; 490.1091; 490.12; 490.121, subdivisions 2, 3, 5, 8, 9, 10, 11, 12, 16, 17, 18, 19; 490.124, subdivision 6; 490.132; 490.15; 490.16; 490.18; Minnesota Statutes 2005 Supplement, sections 352C.021, subdivision 1a; 490.121, subdivision 20.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 4112 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2723, 2814, 3132, 3480, 1057 and 2239 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Dittrich, Magnus, Lenczewski, Heidgerken, Greiling, Dorn and Scalze introduced:

H. F. No. 4219, A bill for an act relating to education; incorporating a financial literacy curriculum into the economics course required for high school graduation; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2004, section 120B.024.

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

CALENDAR FOR THE DAY

S. F. No. 2302, A bill for an act relating to state government; designating the state fruit; proposing coding for new law in Minnesota Statutes, chapter 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 101 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dorman	Holberg	Liebling	Ozment	Simon
Atkins	Dorn	Hornstein	Lieder	Paulsen	Simpson
Beard	Eastlund	Hortman	Lillie	Paymar	Slawik
Bradley	Eken	Howes	Magnus	Penas	Smith
Brod	Entenza	Johnson, J.	Mahoney	Peterson, A.	Soderstrom
Buesgens	Erhardt	Johnson, R.	Marquart	Peterson, N.	Solberg
Carlson	Erickson	Juhnke	McNamara	Peterson, S.	Sykora
Charron	Finstad	Kahn	Meslow	Poppe	Thao
Cornish	Fritz	Kelliher	Moe	Rukavina	Urdahl
Cox	Gazelka	Klinzing	Mullery	Ruth	Wagenius
Cybart	Gunther	Knoblach	Murphy	Ruud	Wardlow
Davids	Hackbarth	Koenen	Nelson, M.	Sailer	Westerberg
Davnie	Hamilton	Kohls	Nelson, P.	Samuelson	Westrom
Demmer	Hausman	Lanning	Newman	Scalze	Wilkin
Dempsey	Haws	Larson	Nornes	Sertich	Zellers
Dill	Hilstrom	Latz	Olson	Severson	Spk. Sviggum
Dittrich	Hilty	Lenczewski	Otremba	Sieben	

Those who voted in the negative were:

Abrams	DeLaForest	Greiling	Jaros	Loeffler	Seifert
Bernardy	Emmer	Hansen	Johnson, S.	Pelowski	Thissen
Blaine	Garofalo	Heidgerken	Krinkie	Peppin	Welti
Dean	Goodwin	Hosch	Lesch	Powell	

The bill was passed and its title agreed to.

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

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Davids.

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 3781, A bill for an act relating to state government; requiring the Legislative Coordinating Commission to oversee legislative training forums; establishing a schedule for consideration of legislation; limiting the content of budget bills; specifying conference committee procedures; appropriating money for expenses of a governor-elect, and for 2007 legislative forums; proposing coding for new law in Minnesota Statutes, chapters 3; 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[3.051] LEGISLATIVE TRAINING FORUMS.**

(a) The Legislative Coordinating Commission shall oversee two legislative training forums each year. The commission shall:

(1) create an annual gathering of legislators to be held within the first two weeks of January each year, and one other legislative training forum each February;

(2) select speakers, including nonpartisan legislative or executive staff, who will provide an oversight of the issues affecting Minnesota, including demographic, environmental, sociological, and economic perspectives on Minnesota, background on key policy issues the legislature is expected to address that year, and training to improve legislative skills in running effective meetings and other issues;

(3) invite current executive branch officials in order to provide opportunities for legislators and invited executive branch officials to interact and work to form cooperative solutions to Minnesota issues, problems, and challenges.

(b) The joint rules of the house of representatives and senate must prohibit any official gathering of legislators that might conflict with the legislative forums provided for in this section.

(c) The Legislative Coordinating Commission may select a partner or partners from Minnesota's institutions of higher education and nonprofit communities, and if such a choice is made, must give all interested institutions an opportunity to submit a proposal to run the training, schedule activities, and create meeting agendas. The commission may accept donations from foundations, corporations, and individuals to defray costs of the forums, and shall publish those donations on the legislature's Web site. No registered lobbyist or principal shall contribute for this purpose. Donations received are appropriated to the Legislative Coordinating Commission for purposes of this section.

Sec. 2. **[3.052] SCHEDULE FOR CONSIDERATION OF LEGISLATION.**

Subdivision 1. **Agency bills.** An executive department or agency intending to urge the legislature to adopt a bill shall deliver the bill to the revisor of statutes by November 1 before the regular session at which adoption will be urged. This deadline does not apply: (1) to bills necessary to implement the governor's budget proposals; (2) to other bills that are initiatives of the governor, as opposed to administrative initiatives of a department or agency; or (3) as otherwise provided in section 3C.035.

Subd. 2. **Resolution for structure of budget bills.** By January 15 of each odd-numbered year, the legislature must adopt a concurrent resolution designating the major budget bills to be considered that legislative session, and allocating all state programs and budget accounts for consideration in one of the major budget bills.

Subd. 3. **Deadline resolution.** By January 31 of each odd-numbered year, the legislature must adopt a concurrent resolution establishing deadlines for committee consideration of policy and budget bills.

Subd. 4. **State of the State.** The governor is encouraged to submit a State of the State address in January of each odd-numbered year and within the first ten days after the start of the legislative session in an even-numbered year. Before or during this address, the governor is encouraged to announce major legislative policy initiatives that the governor intends to promote that year.

Subd. 5. **Executive submission of budget bills.** The governor must submit bills necessary to implement the governor's operating budget to the legislature within ten days after the date specified in section 16A.11 for the governor to submit the detailed operating budget to the legislature. The bills must be provided to the speaker of the house of representatives and the majority leader of the senate in a manner ready for formal introduction and final consideration.

Subd. 6. **Price of government resolution.** By March 15 of each odd-numbered year, the legislature must adopt the price of government resolution required by section 16A.102, subdivision 2.

Subd. 7. **Individual budget resolutions.** By April 1 of each odd-numbered year, the house of representatives and the senate must each adopt a budget resolution that applies to that house. Each house's resolution must establish overall expenditure targets for the upcoming biennium, and separate expenditure targets for each major budget bill designated in the concurrent resolution adopted under subdivision 2.

Sec. 3. **[3.053] BILL CONSIDERATION TIME FRAME.**

Subdivision 1. **Body not to act on day bill received.** A bill or a conference committee report may not be considered for final passage during the same legislative day on which it was reported to the body, except by the affirmative vote of two-thirds of the members of the body receiving the bill or report. On the final legislative day before a constitutionally required adjournment, this requirement may be waived by the affirmative vote of 40 members of the senate for senate consideration or the affirmative vote of 80 members of the house of representatives for house consideration. If this requirement is waived, the body must not act on final passage before a minimum of one hour has passed from the time the bill or committee report is available for review by members.

Subd. 2. **Amendments.** Amending substantially equivalent provisions from a noncomplying bill or conference committee report onto a complying bill for the purpose of evading the requirements of subdivision 1 is also a violation of subdivision 1.

Sec. 4. **[3.054] CONFERENCE COMMITTEE; OBJECTION PROCEDURE.**

Subdivision 1. **Applicability.** The rules of each house and the joint rules of the legislature must conform to the provisions of this section.

Subd. 2. **Conference committees; content.** A conference committee report must not contain significant changes to current policies or statutes if those changes have not been contained substantially in a bill or resolution that has been passed by one of the two bodies. Any member may object to a conference committee report on these grounds, and if such an objection is received and sustained by a majority of the members of one house, the conference committee report must be referred to a joint meeting of the Rules Committees of both houses for review. This joint committee must meet within three calendar days of receiving such a referral, and shall either:

(1) determine that one body has passed a substantially similar policy in bill or resolution form, and therefore refer the conference committee report back to the floor of both bodies with a statement to that effect, including in the statement the time, date, and details of the passage; or

(2) shall report the conference committee report back to the floors with a notation that the policy in question has not been passed in a substantially similar form by either body, and therefore shall make a recommendation that the report be rejected.

Sec. 5. **[3.0541] CONFERENCE COMMITTEE; SUBJECT MATTER.**

(a) A conference committee report on a bill containing one or more items of appropriation may contain only subject matter contained in the house or senate versions of the bill for which the conference committee was appointed. If a compromise proposal emerges in conference committee that would change a policy or program or its administration in a manner substantially and in a major way different from that proposed in either the house or senate bill, the conference committee must delay final action for at least 12 hours and then allow for input from persons impacted by the change before the final vote.

(b) The legislature must adopt joint rules to implement and enforce this section. Remedies provided by these joint rules are exclusive. No court or administrative agency has jurisdiction to enforce an alleged violation of this section, to invalidate any provision of law because of a violation of this section, or to otherwise interpret this section.

Sec. 6. **[3.0542] APPOINTMENT OF GROUPS DURING SPECIAL SESSION.**

During special sessions, all formally established legislative groups, working groups, conference committees, task forces, or other formally established subgroups of legislative members recommended by legislative leadership to resolve the issues for which the special session was called must be formally appointed by a majority vote of each house, and must serve for a period of time specified when appointed, after which they must either disband or make a joint recommendation to each house. The rules of each house and the joint rules of the legislature must be amended to reflect these requirements.

Sec. 7. **[4.51] EXPENSES OF GOVERNOR-ELECT.**

This section applies after a state general election in which a person who is not the current governor is elected to take office as the next governor. There is appropriated from the general fund to the commissioner of administration an amount equal to ... percent of the amount appropriated for operation of the Office of the Governor and Lieutenant Governor for the current fiscal year. The commissioner of administration must make this amount available to the governor-elect to immediately hire staff and provide other support to the governor-elect before he or she takes office. The commissioner must provide office space for the governor-elect and for any employees the governor-elect hires with funds appropriated in this section."

Delete the title and insert:

"A bill for an act relating to state government; requiring the Legislative Coordinating Commission to oversee legislative training forums; establishing a schedule for consideration of legislation; specifying conference committee procedures and limits on contents of conference committee reports; appropriating money for expenses of a governor-elect; proposing coding for new law in Minnesota Statutes, chapters 3; 4."

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

The report was adopted.

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

S. F. No. 1298, A bill for an act relating to environment; enacting the Minnesota Electronics Recycling Act of 2005; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 116H.

Reported the same back with the following amendments to the unofficial engrossment:

Delete everything after the enacting clause and insert:

"Section 1. **[115A.1310] DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 115A.1310 to 115A.1330, the following terms have the meanings given.

Subd. 2. **Cathode-ray tube or CRT.** "Cathode-ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electronic signal into a visual image.

Subd. 3. **Collection.** "Collection" means the aggregation of covered electronic devices from households and includes all the activities up to the time the covered electronic devices are delivered to a recycler.

Subd. 4. **Collector.** "Collector" means a public or private entity that receives covered electronic devices from households and arranges for the delivery of the devices to a recycler.

Subd. 5. **Computer.** "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, but does not include an automated typewriter or typesetter, a portable hand-held calculator or device, or other similar device.

Subd. 6. **Computer monitor.** "Computer monitor" means an electronic device that is a cathode-ray tube or flat panel display primarily intended to display information from a central processing unit or the Internet. Computer monitor includes a laptop computer.

Subd. 7. **Covered electronic device.** "Covered electronic device" means computers, peripherals, facsimile machines, scanners, DVD players, video cassette recorders, and video display devices that are sold to a household by means of retail, wholesale, or electronic commerce.

Subd. 8. **Department.** "Department" means the Department of Revenue.

Subd. 9. **Dwelling unit.** "Dwelling unit" has the meaning given in section 238.02, subdivision 21a.

Subd. 10. **Household.** "Household" means an occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit located in this state who has used a video display device at a dwelling unit primarily for personal use.

Subd. 11. **Manufacturer.** "Manufacturer" means a person who:

(1) manufactures video display devices to be sold under its own brand as identified by its own brand label; or

(2) sells video display devices manufactured by others under its own brand as identified by its own brand label.

Subd. 12. **Peripherals.** "Peripherals" means a keyboard, computer mouse, printer, or any device external to a computer that provides input or output into or from a computer.

Subd. 13. **Program year.** "Program year" means the period from July 1 through June 30.

Subd. 14. **Recycler.** "Recycler" means a public or private individual or entity who accepts covered electronic devices from households and collectors for the purpose of recycling.

Subd. 15. **Recycling.** "Recycling" means the processing of waste video display devices or their component materials for recovery of usable products. Recycling does not include reuse, repair, refurbishment, or any other process through which video display devices are returned to use.

Subd. 16. **Recycling credits.** "Recycling credits" means the number of pounds of covered electronic devices recycled by a manufacturer from households during a program year, less the product of the number of pounds of video display devices sold to households during the same program year, multiplied by the proportion of sales a manufacturer is required to recycle. The calculation and uses of recycling credits are as specified in section 115A.1314, subdivision 1.

Subd. 17. **Retailer.** "Retailer" means a person who sells, rents, or leases, through sales outlets, catalogs, or the Internet, a video display device to a household and not for resale in any form.

Subd. 18. **Sell or sale.** "Sell" or "sale" means any transfer for consideration of title or of the right to use, by lease or sales contract, including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet, or any other similar electronic means either inside or outside of the state, by a person who conducts the transaction and controls the delivery of a video display device to a consumer in the state, but does not include a manufacturer's or distributor's wholesale transaction with a distributor or a retailer.

Subd. 19. **Television.** "Television" means an electronic device that is a cathode-ray tube or flat panel display primarily intended to receive video programming via broadcast, cable, or satellite transmission or video from surveillance or other similar cameras.

Subd. 20. **Video display device.** "Video display device" means a television or computer monitor, including a laptop computer, that contains a cathode-ray tube or a flat panel screen with a screen size that is greater than nine inches in size measured diagonally and that is marketed by manufacturers for use by households. Video display device does not include any of the following:

(1) a video display device that is a part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

(2) a video display device, including a touch-screen display, that is functionally or physically a part of a larger piece of equipment or is designed and intended for use in an industrial; commercial; library checkout; traffic control; security other than household security; border control; or medical setting, including diagnostic, monitoring, or control equipment;

(3) a video display device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or

(4) a telephone of any type unless it contains a video display area greater than nine inches measured diagonally.

Sec. 2. **[115A.1312] REGISTRATION PROGRAM.**

Subdivision 1. **Requirements for sale.** (a) On and after August 1, 2006, a retailer or manufacturer must not sell or offer for sale a new video display device to any household unless:

(1) the video display device is labeled with the manufacturer's brand, which label is permanently affixed and readily visible; and

(2) the manufacturer has filed a registration with the agency, as specified in subdivision 2.

(b) A retailer or manufacturer who sells or offers for sale a new video display device to a household must, before the initial offer for sale, review the agency Web site specified in subdivision 2, paragraph (g), and determine that all new video display devices that the retailer or manufacturer is offering for sale are labeled with manufacturer's brands that are registered with the agency.

(c) A retailer is not responsible for an unlawful sale under this subdivision if the manufacturer's registration expired or was revoked and the retailer took possession of the video display device prior to the expiration or revocation of the manufacturer's registration and the unlawful sale occurred within six months after the expiration or revocation.

Subd. 2. Manufacturer's registration. (a) By August 1, 2006, and each year thereafter, a manufacturer of video display devices sold to a household must submit a registration to the agency that includes:

(1) a list of the manufacturer's brands of video display devices offered for sale in this state;

(2) the name, address, and contact information of a person responsible for ensuring compliance with this chapter; and

(3) a certification that the manufacturer has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318.

(b) By August 1, 2008, and each year thereafter, a manufacturer of video display devices sold or offered for sale to a household must include in the registration submitted under paragraph (a), a statement disclosing whether any video display devices sold to households exceed the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEs) under the RoHS (restricting the use of certain hazardous substances in electrical and electronic equipment) Directive 2002/95/EC of the European Parliament and Council and any amendments thereto.

(c) A manufacturer who begins to sell or offer for sale video display devices to households after August 1, 2006, and has not filed a registration under this subdivision must submit a registration to the agency within ten days of beginning to sell or offer for sale video display devices to households.

(d) A registration must be updated within ten days after a change in the manufacturer's brands of video display devices sold or offered for sale to households.

(e) A registration is effective upon receipt by the agency and is valid until August 1 of each year.

(f) The agency must review each registration and notify the manufacturer of any information required by this section that is omitted from the registration. Within 30 days of receipt of a notification from the agency, the manufacturer must submit a revised registration providing the information noted by the agency.

(g) The agency must maintain on its Web site the names of manufacturers and the manufacturers' brands listed in registrations filed with the agency. The agency must update the Web site information promptly upon receipt of a new or updated registration.

Subd. 3. **Collector's registration.** After August 1, 2006, no person may operate as a collector of covered electronic devices from households unless that person has submitted a registration with the agency on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location of the business and a certification that the collector has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318. A registration is effective upon receipt by the agency and is valid until July 1 of each year.

Subd. 4. **Recycler's registration.** After August 1, 2006, no person may recycle video display devices generated by households unless that person has submitted a registration with the agency on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location of all recycling facilities under the direct control of the recycler that may receive video display devices from households and a certification that the recycler has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318. A registered recycler may conduct recycling activities that are consistent with this chapter. A registration is effective upon receipt by the agency and is valid until July 1 of each year.

Sec. 3. [115A.1314] MANUFACTURER'S REGISTRATION FEE; CREATION OF ACCOUNT.

Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section 115A.1312 must, by August 1, 2006, and each year thereafter, pay to the commissioner of revenue an annual registration fee. The commissioner of revenue must deposit the fee in the account established in subdivision 2.

(b) The registration fee for the initial program year during which a manufacturer sells or offers for sale video display devices to households is \$5,000. Each year thereafter, the registration fee is equal to a base fee of \$5,000, plus a variable recycling fee calculated according to the formula:

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

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

(2) B = the proportion of sales of video display devices required to be recycled, initially set at 1.00;

(3) C = the number of pounds of covered electronic devices recycled by a manufacturer from households during the previous program year, as reported to the department under section 115A.1316, subdivision 2;

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

(5) E = the estimated per-pound cost of recycling, initially set at \$.50 per pound.

(c) If, as specified in paragraph (b), the term $C - (A \times B)$ equals a positive number of pounds, that amount is defined as the manufacturer's recycling credits. A manufacturer may retain recycling credits to be added, in whole or in part, to the actual value of C, as reported under section 115A.1316, subdivision 2, during any of the three succeeding program years. A manufacturer may sell any portion or all of its recycling credits to another manufacturer, at a price negotiated by the parties, who may use the credits in the same manner.

(d) For the purpose of calculating a manufacturer's variable recycling fee under paragraph (b), the weight of covered electronic devices collected from households located in counties other than Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Kanabec, Le Sueur, McLeod, Meeker, Pine, Ramsey, Renville, Rice, Scott, Sherburne, Sibley, Washington, and Wright is calculated at 1.3 times their actual weight.

(e) The registration fee for the initial program year and the base registration fee thereafter for a manufacturer who sells fewer than 1,000 video display devices annually to households is \$2,500.

Subd. 2. **Creation of account; appropriations.** (a) The electronic waste account is established in the environmental fund. The commissioner of revenue must deposit receipts from the fee established in subdivision 2 in the account. Any interest earned on the account must remain in the account. Money from other sources may be credited to the account.

(b) The legislature shall appropriate money from the account:

(1) to the commissioner of the Pollution Control Agency and the commissioner of revenue for the purpose of implementing sections 115A.1312 to 115A.1330; and

(2) to the commissioner of the Pollution Control Agency to be distributed on a competitive basis through contracts with counties outside the 11-county metropolitan area, as defined in paragraph (c), and with private entities that collect for recycling covered electronic devices in counties outside the 11-county metropolitan area, for the purpose of carrying out the activities of sections 115A.1312 to 115A.1330.

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

Sec. 4. **[115A.1316] REPORTING REQUIREMENTS.**

Subdivision 1. **Manufacturer's reporting requirements.** (a) By August 1 of each year, beginning in 2009, each manufacturer must report to the department the weight of each specific model of video display device sold to households during the previous program year. The department will use this information to verify a manufacturer's annual registration fee as specified in section 115A.1314, subdivision 1.

(b) By August 1 of each year, beginning in 2007, each manufacturer must report to the department the total weight of covered electronic devices collected from households and recycled during the preceding program year. A manufacturer must report separately the total weight of covered electronic devices collected from households located in counties specified in section 115A.1314, subdivision 1, paragraph (d), and those collected from households located outside those counties.

(c) By August 1 of each year, beginning in 2007, each manufacturer must report to the department:

(1) the number of recycling credits the manufacturer has purchased and sold during the preceding program year;

(2) the number of recycling credits possessed by the manufacturer that the manufacturer elects to use in the calculation of its variable recycling fee under section 115A.1314, subdivision 1; and

(3) the number of recycling credits the manufacturer retains at the beginning of the current program year.

Subd. 2. **Recycler's reporting requirements.** By August 1 of each year, beginning in 2007, a recycler of covered electronic devices must report to the agency and the department the total weight of covered electronic devices recycled during the preceding program year and must certify that the recycler has complied with section 115A.1318, subdivision 2.

Subd. 3. **Collector's reporting requirements.** By August 1 of each year, beginning in 2007, a collector must report separately to the agency the total pounds of covered electronic devices collected in the counties specified in section 115A.1314, subdivision 1, paragraph (d), and all other Minnesota counties, and a list of all recyclers to whom collectors delivered covered electronic devices.

Sec. 5. **[115A.1318] RESPONSIBILITIES.**

Subdivision 1. **Manufacturer's responsibilities.** (a) In addition to fulfilling the requirements of sections 115A.1311 to 115A.1330, a manufacturer must comply with paragraphs (b) to (d).

(b) A manufacturer must annually recycle or arrange for the collection and recycling of an amount of covered electronic devices equal to the total weight of video display devices sold by the manufacturer during the preceding program year, multiplied by the proportion of sales of video display devices required to be recycled, as established by the agency under section 115A.1320, subdivision 1, paragraph (c).

(c) The obligations of a manufacturer apply only to video display devices received from households and do not apply to video display devices received from sources other than households.

(d) A manufacturer must conduct and document due diligence assessments of collectors and recyclers it contracts with to ensure that all recyclers comply with the requirements of subdivision 2. A manufacturer is responsible for maintaining, for a period of three years, documentation that all video display devices recycled, partially recycled, or sent to downstream recycling operations comply with the requirements of subdivision 2.

Subd. 2. **Recycler's responsibilities.** (a) As part of the report submitted under section 115A.1316, subdivision 2, a recycler must certify, except as provided in paragraph (b), that facilities that recycle video display devices, including all downstream recycling operations:

(1) comply with all applicable health, environmental, safety, and financial responsibility regulations;

(2) are licensed by all applicable governmental authorities;

(3) use no prison labor to recycle video display devices; and

(4) possess liability insurance of not less than \$1,000,000 for environmental releases, accidents, and other emergencies.

(b) A nonprofit corporation that contracts with a correctional institution to refurbish and reuse donated computers in schools is exempt from paragraph (a), clauses (3) and (4).

(c) Except to the extent otherwise required by law, a recycler has no responsibility for any data that may be contained in a covered electronic device if an information storage device is included in the covered electronic device.

Subd. 3. **Retailer's responsibilities.** (a) By July 1 of each year, a retailer must report to a manufacturer the number of video display devices labeled with the manufacturer's brand sold to households during the previous program year.

(b) A retailer who sells new video display devices shall provide information to households describing where and how they may recycle video display devices and advising them of opportunities and locations for the convenient collection of video display devices for the purpose of recycling. This requirement may be met by providing to households the agency's toll-free number and Web site address. Retailers selling through catalogs or the Internet may meet this requirement by including the information in a prominent location on the retailer's Web site.

Sec. 6. **[115A.1320] AGENCY AND DEPARTMENT DUTIES.**

Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections 115A.1310 to 115A.1330.

(b) The agency shall establish procedures for:

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

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

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

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

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

(3) the base registration fee; and

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

(d) The agency shall annually calculate estimated sales of video display devices sold to households by each manufacturer during the preceding program year based on national sales data and forward the estimates to the department.

(e) The agency shall manage the account established in section 115A.1314, subdivision 2.

(f) On or before December 1, 2010, and each year thereafter, the agency shall provide a report to the governor and the legislature on the implementation of sections 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight of covered electronic devices recycled and a summary of information in the reports submitted by manufacturers and recyclers under section 115A.1316. The report must also discuss the various collection programs used by manufacturers to collect covered electronic devices; information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers; and information about covered electronic devices, if any, being disposed of in landfills in this state. The report must include a description of enforcement actions under sections 115A.1310 to 115A.1330. The agency may include in its report other information received by the agency regarding the implementation of sections 115A.1312 to 115A.1330.

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

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

Subd. 2. Duties of the department. (a) The department must collect the data submitted to it annually by each manufacturer on the weight of each specific model of video display device sold to households, the weight of covered electronic devices collected from households that is recycled, and data on recycling credits, as required under section 115A.1316. The department must use this data to review each manufacturer's annual registration fee submitted to the department to ensure that the fee was calculated accurately according to the formula in section 115A.1314, subdivision 1.

(b) The department must estimate, for each registered manufacturer, the sales of video display devices to households during the previous program year, based on:

(1) data provided by a manufacturer on sales of video display devices to households, including documentation describing how that amount was calculated and certification that the amount is accurate; or

(2) if a manufacturer does not provide the data specified in clause (1), national data on sales of video display devices.

The department must use the data specified in this subdivision to review each manufacturer's annual registration fee submitted to the department to ensure that the fee was calculated accurately according to the formula in section 115A.1314, subdivision 1.

(c) The department must enforce section 115A.1314, subdivision 1. The audit, assessment, appeal, collection, enforcement, disclosure, and other administrative provisions of chapters 270B, 270C, and 289A that apply to the taxes imposed under chapter 297A apply to the fee imposed under section 115A.1314, subdivision 1. To enforce this subdivision, the commissioner of revenue may grant extensions to pay, and impose and abate penalties and interest on, the fee due under section 115A.1314, subdivision 1, in the manner provided in chapters 270C and 289A as if the fee were a tax imposed under chapter 297A.

(d) The department may disclose nonpublic data to the agency only when necessary for the efficient and effective administration of the activities regulated under sections 115A.1312 to 115A.1330. Any data disclosed by the department to the agency retains the classification it had when in the possession of the department.

Sec. 7. **[115A.1322] OTHER RECYCLING PROGRAMS.**

A city, county, or other public agency may not require households to use public facilities to recycle their covered electronic devices to the exclusion of other lawful programs available. Nothing in sections 115A.1310 to 115A.1330 prohibits or restricts the operation of any program recycling covered electronic devices in addition to those provided by manufacturers or prohibits or restricts any persons from receiving, collecting, transporting, or recycling covered electronic devices, provided that those persons are registered under section 115A.1312.

Sec. 8. **[115A.1324] REQUIREMENTS FOR PURCHASES BY STATE AGENCIES.**

(a) The Department of Administration must ensure that acquisitions of video display devices under chapter 16C are certified by the vendor to be in compliance with sections 115A.1312 to 115A.1318.

(b) The bid solicitation documents must specify that the prospective bidder is required to cooperate fully in providing reasonable access to its records and documents that evidence compliance with paragraph (a) and sections 115A.1312 to 115A.1318.

(c) Any person awarded a contract under chapter 16C for purchase or lease of video display devices that is found to be in violation of paragraph (a) or sections 115A.1312 to 115A.1318 is subject to the following sanctions:

(1) the contract must be voided;

(2) the contractor is ineligible to bid on any state contract for a period of three years; and

(3) if the attorney general establishes that any money, property, or benefit was obtained by a contractor as a result of violating paragraph (a) or sections 115A.1312 to 115A.1318, the court may, in addition to any other remedy, order the disgorgement of the unlawfully obtained money, property, or benefit.

Sec. 9. **[115A.1326] REGULATION OF VIDEO DISPLAY DEVICES.**

If the United States Environmental Protection Agency adopts regulations under the Resource Conservation and Recovery Act regarding the handling, storage, or treatment of any type of video display device being recycled, those regulations are automatically effective in this state on the same date and supersede any rules previously adopted by the agency regarding the handling, storage, or treatment of all video display devices being recycled.

Sec. 10. **[115A.1328] MULTISTATE IMPLEMENTATION.**

The agency and department are authorized to participate in the establishment and implementation of a regional multistate organization or compact to assist in carrying out the requirements of this chapter.

Sec. 11. **[115A.1330] LIMITATIONS.**

Sections 115A.1310 to 115A.1330 expire if a federal law, or combination of federal laws, take effect that is applicable to all video display devices sold in the United States and establish a program for the collection and recycling or reuse of video display devices that is applicable to all video display devices discarded by households.

Sec. 12. **EFFECTIVE DATE.**

Sections 1 to 11 are effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. No. 1298 was read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 2576, A bill for an act relating to commerce; regulating the purchase and lease of new ambulances; establishing a manufacturer's duty to repair, refund, or replace; amending Minnesota Statutes 2004, section 325F.665, subdivision 1.

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

Senators Sparks, Berglin and Larson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Howes moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2576. The motion prevailed.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 11, A Senate concurrent resolution relating to the delivery of bills to the Governor after final adjournment.

PATRICK E. FLAHAVEN, Secretary of the Senate

SUSPENSION OF RULES

Paulsen moved that the rules be so far suspended that Senate Concurrent Resolution No. 11 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 11

A Senate concurrent resolution relating to the delivery of bills to the Governor after final adjournment.

Whereas, the Minnesota Constitution, Article IV, Section 23, authorizes the presentation to the Governor after sine die adjournment of bills that passed in the last three days of the Session; *Now, Therefore*,

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring, that upon adjournment sine die of the 84th regular session of the Legislature, bills must be presented to the Governor as follows:

(a) The Speaker of the House of Representatives, the Chief Clerk of the House of Representatives, the President of the Senate, and the Secretary of the Senate shall certify and sign each bill in the same manner and upon the same certification as each bill is signed for presentation to the Governor before adjournment sine die, and each of those officers shall continue in his designated capacity during the three days following the date of final adjournment.

(b) The Chief Clerk of the House of Representatives and the Secretary of the Senate, in accordance with the rules of the respective bodies and under the supervision and direction of the standing Committee on Rules and Legislative Administration and the standing Committee on Rules and Administration, shall carefully enroll each bill and present it to the Governor in the same manner as each bill is enrolled and presented to the Governor before adjournment of the Legislature sine die.

(c) The Revisor of Statutes shall continue to assist in all of the functions relating to enrollment of bills of the House of Representatives and of the Senate under the supervision of the Chief Clerk of the House of Representatives and the Secretary of the Senate in the same manner that the assistance was rendered before adjournment of the Legislature sine die.

Be It Further Resolved that the Secretary of the Senate is directed to deliver copies of this resolution to the Governor and the Secretary of State.

Paulsen moved that Senate Concurrent Resolution No. 11 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 11 was adopted.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3079, A bill for an act relating to civil actions; limiting liability on tort claims brought against the state or a municipality; limiting liability on claims brought against a governmental unit participating in a joint venture or enterprise; amending Minnesota Statutes 2004, sections 3.736, subdivision 4; 466.04, subdivision 1; 471.59, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Abrams moved that the House concur in the Senate amendments to H. F. No. 3079 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3079, A bill for an act relating to civil actions; limiting liability on tort claims brought against the state or a municipality; limiting liability on claims brought against a governmental unit participating in a joint venture or enterprise; amending Minnesota Statutes 2004, sections 3.736, subdivision 4; 466.04, subdivision 1; 471.59, by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens Krinkie

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

Mr. Speaker:

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

S. F. No. 785, A bill for an act relating to crime prevention; prohibiting children under the age of 17 from renting or purchasing certain video games; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Senators Pappas, Limmer and Robling.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Johnson, J., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 785. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 785:

Johnson, J.; Newman and Mahoney.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2576:

Dauids, Howes and Moe.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2892

A bill for an act relating to higher education; authorizing the Minnesota State Colleges and Universities Board of Trustees to construct an academic building in Mankato.

May 17, 2006

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 2892 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: JOHN DORN, BUD NORNES AND GENE PELOWSKI, JR.

Senate Conferees: JOHN C. HOTTINGER, JULIE ROSEN AND DAN SPARKS.

Dorn moved that the report of the Conference Committee on H. F. No. 2892 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2892, A bill for an act relating to higher education; authorizing the Minnesota State Colleges and Universities Board of Trustees to construct an academic building in Mankato.

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

The question was taken on the repassage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hilstrom	Latz	Paulsen	Smith
Abrams	Dorman	Hilty	Lenczewski	Paymar	Soderstrom
Anderson, B.	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	
Dill	Heidgerken	Larson	Ozment	Slawik	

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

CALENDAR FOR THE DAY

S. F. No. 3213 was reported to the House.

Westerberg moved that S. F. No. 3213 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 3551 was reported to the House.

Brod, Vandever, Soderstrom and Juhnke moved to amend S. F. No. 3551 as follows:

Page 1, line 15, before "On" insert "(a)"

Page 1, after line 17, insert:

"(b) Qualifications for all levels of licensing must conform to the Real Property Qualification Criteria established by the Appraisal Qualifications Board for implementation effective January 1, 2008."

The motion prevailed and the amendment was adopted.

S. F. No. 3551, A bill for an act relating to real estate appraisers; regulating trainees; modifying appraiser education, experience, and examination requirements; amending Minnesota Statutes 2004, section 82B.11, subdivisions 2, 3; Minnesota Statutes 2005 Supplement, sections 82B.095; 82B.13, subdivisions 1, 4, 5, by adding subdivisions; 82B.14.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hilstrom	Latz	Paulsen	Smith
Abrams	Dorman	Hilty	Lenczewski	Paymar	Soderstrom
Anderson, B.	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	
Dill	Heidgerken	Larson	Ozment	Slawik	

The bill was passed, as amended, and its title agreed to.

The Speaker assumed the Chair.

S. F. No. 3199 was reported to the House.

Smith moved to amend S. F. No. 3199 as follows:

Delete everything after the enacting clause and insert:

"Section 1. **[257.026] NOTIFICATION OF RESIDENCE WITH CERTAIN CONVICTED PERSONS.**

A person who is granted or exercises custody of a child or parenting time with a child under this chapter or chapter 518 must notify the child's other parent, if any, the county social services agency, and the court that granted the custody or parenting time, if the person knowingly marries or lives in the same residence with a person who has been convicted of a crime listed in section 518.179, subdivision 2.

Sec. 2. Minnesota Statutes 2004, section 257.55, subdivision 1, is amended to read:

Subdivision 1. **Presumption.** A man is presumed to be the biological father of a child if:

(a) He and the child's biological mother are or have been married to each other and the child is born during the marriage, or within 280 days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution, or divorce, or after a decree of legal separation is entered by a court. The presumption in this paragraph does not apply if the man has joined in a recognition of parentage recognizing another man as the biological father under section 257.75, subdivision 1a;

(b) Before the child's birth, he and the child's biological mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) if the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 280 days after its termination by death, annulment, declaration of invalidity, dissolution or divorce; or

(2) if the attempted marriage is invalid without a court order, the child is born within 280 days after the termination of cohabitation;

(c) After the child's birth, he and the child's biological mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) he has acknowledged his paternity of the child in writing filed with the state registrar of vital statistics;

(2) with his consent, he is named as the child's father on the child's birth record; or

(3) he is obligated to support the child under a written voluntary promise or by court order;

(d) ~~While the child is under the age of majority, he receives the child into his home~~ During the first two years of the child's life, he resided in the same household with the child for at least 12 months and openly holds-held out the child as his biological child-own;

(e) He and the child's biological mother acknowledge his paternity of the child in a writing signed by both of them under section 257.34 and filed with the state registrar of vital statistics. If another man is presumed under this paragraph to be the child's father, acknowledgment may be effected only with the written consent of the presumed father or after the presumption has been rebutted;

~~(f) Evidence of statistical probability of paternity based on blood or genetic testing establishes the likelihood that he is the father of the child, calculated with a prior probability of no more than 0.5 (50 percent), is 99 percent or greater;~~

~~(g)~~ He and the child's biological mother have executed a recognition of parentage in accordance with section 257.75 and another man is presumed to be the father under this subdivision;

~~(h)~~~~(g)~~ He and the child's biological mother have executed a recognition of parentage in accordance with section 257.75 and another man and the child's mother have executed a recognition of parentage in accordance with section 257.75; or

~~(i)~~~~(h)~~ He and the child's biological mother executed a recognition of parentage in accordance with section 257.75 when either or both of the signatories were less than 18 years of age.

Sec. 3. Minnesota Statutes 2004, section 257.57, subdivision 2, is amended to read:

Subd. 2. **Actions under other paragraphs of section 257.55, subdivision 1.** The child, the mother, or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor may bring an action:

(1) at any time for the purpose of declaring the existence of the father and child relationship presumed under ~~section~~sections 257.55, subdivision 1, paragraph (d), (e), ~~(f)~~, (g), or (h), and 257.62, subdivision 5, paragraph (b), or the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, clause (d) of that subdivision;

(2) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (e) or (g), only if the action is brought within six months after the person bringing the action obtains the results of blood or genetic tests that indicate that the presumed father is not the father of the child;

(3) for the purpose of declaring the nonexistence of the father and child relationship presumed under ~~section 257.55, subdivision 1, paragraph (f)~~257.62, subdivision 5, paragraph (b), only if the action is brought within three years after the party bringing the action, or the party's attorney of record, has been provided the blood or genetic test results; or

(4) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.75, subdivision 9, only if the action is brought by the minor signatory within six months after the minor signatory reaches the age of 18. In the case of a recognition of parentage executed by two minor signatories, the action to declare the nonexistence of the father and child relationship must be brought within six months after the youngest signatory reaches the age of 18.

Sec. 4. Minnesota Statutes 2004, section 257.62, subdivision 5, is amended to read:

Subd. 5. **Positive test results.** (a) If the results of blood or genetic tests completed in a laboratory accredited by the American Association of Blood Banks indicate that the likelihood of the alleged father's paternity, calculated with a prior probability of no more than 0.5 (50 percent), is 92 percent or greater, upon motion the court shall order the alleged father to pay temporary child support determined according to chapter 518. The alleged father shall pay the support money to the public authority if the public authority is a party and is providing services to the parties or, if not, into court pursuant to the Rules of Civil Procedure to await the results of the paternity proceedings.

(b) If the results of blood or genetic tests completed in a laboratory accredited by the American Association of Blood Banks indicate that likelihood of the alleged father's paternity, calculated with a prior probability of no more than 0.5 (50 percent), is 99 percent or greater, there is an evidentiary presumption that the alleged father is presumed to be the parent biological father and the party opposing the establishment of the alleged father's paternity has the burden of proving by clear and convincing evidence that the alleged father is not the father of the child.

(c) A determination under this subdivision that the alleged father is the biological father does not preclude the adjudication of another man as the legal father under section 257.55, subdivision 2, nor does it allow the donor of genetic material for assisted reproduction for the benefit of a recipient parent, whether sperm or ovum (egg), to claim to be the child's biological or legal parent.

Sec. 5. Minnesota Statutes 2004, section 257C.03, subdivision 7, is amended to read:

Subd. 7. **Interested third party; burden of proof; factors.** (a) To establish that an individual is an interested third party, the individual must:

(1) show by clear and convincing evidence that one of the following factors exist:

(i) the parent has abandoned, neglected, or otherwise exhibited disregard for the child's well-being to the extent that the child will be harmed by living with the parent;

(ii) placement of the child with the individual takes priority over preserving the day-to-day parent-child relationship because of the presence of physical or emotional danger to the child, or both; or

(iii) other extraordinary circumstances; ~~and~~

(2) prove by a preponderance of the evidence that it is in the best interests of the child to be in the custody of the interested third party; and

(3) show by clear and convincing evidence that granting the petition would not violate section 518.179, subdivision 1a.

(b) The following factors must be considered by the court in determining an interested third party's petition:

(1) the amount of involvement the interested third party had with the child during the parent's absence or during the child's lifetime;

(2) the amount of involvement the parent had with the child during the parent's absence;

(3) the presence or involvement of other interested third parties;

(4) the facts and circumstances of the parent's absence;

(5) the parent's refusal to comply with conditions for retaining custody set forth in previous court orders;

(6) whether the parent now seeking custody was previously prevented from doing so as a result of domestic violence;

(7) whether a sibling of the child is already in the care of the interested third party; and

(8) the existence of a standby custody designation under chapter 257B.

(c) In determining the best interests of the child, the court must apply the standards in section 257C.04.

Sec. 6. Minnesota Statutes 2005 Supplement, section 259.24, subdivision 6a, is amended to read:

Subd. 6a. **Withdrawal of consent.** Except for consents executed under section 260C.201, subdivision 11, a parent's consent to adoption may be withdrawn for any reason within ten working days after the consent is executed and acknowledged. Written notification of withdrawal of consent must be received by the agency to which the child was surrendered no later than the tenth working day after the consent is executed and acknowledged. On the day following the tenth working day after execution and acknowledgment, the consent shall become irrevocable, except upon order of a court of competent jurisdiction after written findings that consent was obtained by fraud. A consent to adopt executed under section 260C.201, subdivision 11, is irrevocable upon proper notice to both parents of the effect of a consent to adopt and acceptance by the court, except upon order of the same court after written findings that the consent was obtained by fraud. A consent to adopt executed under section 260C.201, subdivision 11, is irrevocable upon proper notice to both parents of the effect of a consent to adopt and acceptance by the court, except upon order of the same court after written findings that the consent was obtained by fraud. In proceedings to determine the existence of fraud, the adoptive parents and the child shall be made parties. The proceedings shall be conducted to preserve the confidentiality of the adoption process. There shall be no presumption in the proceedings favoring the birth parents over the adoptive parents.

Sec. 7. Minnesota Statutes 2004, section 259.58, is amended to read:

259.58 COMMUNICATION OR CONTACT AGREEMENTS.

Adoptive parents and a birth relative or foster parents may enter an agreement regarding communication with or contact between an adopted minor, adoptive parents, and a birth relative or foster parents under this section. An agreement may be entered between:

(1) adoptive parents and a birth parent;

(2) adoptive parents and any other birth relative or foster parent with whom the child resided before being adopted; or

(3) adoptive parents and any other birth relative if the child is adopted by a birth relative upon the death of both birth parents.

For purposes of this section, "birth relative" means a parent, stepparent, grandparent, brother, sister, uncle, or aunt of a minor adoptee. This relationship may be by blood, adoption, or marriage. For an Indian child, birth relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of laws or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act, United States Code, title 25, section 1903.

(a) An agreement regarding communication with or contact between minor adoptees, adoptive parents, and a birth relative is not legally enforceable unless the terms of the agreement are contained in a written court order entered in accordance with this section. An order may be sought at any time before a decree of adoption is granted. The order must be issued within 30 days of being submitted to the court or by the granting of the decree of adoption, whichever is earlier. The court shall not enter a proposed order unless the terms of the order have been approved in writing by the prospective adoptive parents, a birth relative or foster parent who desires to be a party to the agreement, and, if the child is in the custody of or under the guardianship of an agency, a representative of the agency. A birth parent must approve in writing of an agreement between adoptive parents and any other birth relative or foster parent, unless an action has been filed against the birth parent by a county under chapter 260. An agreement under this section need not disclose the identity of the parties to be legally enforceable. The court shall not enter a proposed order unless the court finds that the communication or contact between the minor adoptee, the adoptive parents, and a birth relative as agreed upon and contained in the proposed order would be in the minor adoptee's best interests. The court shall mail a certified copy of the order to the parties to the agreement or their representatives at the addresses provided by the petitioners.

(b) Failure to comply with the terms of an agreed order regarding communication or contact that has been entered by the court under this section is not grounds for:

- (1) setting aside an adoption decree; or
- (2) revocation of a written consent to an adoption after that consent has become irrevocable.

(c) An agreed order entered under this section may be enforced by filing a petition or motion with the family court that includes a certified copy of the order granting the communication, contact, or visitation, but only if the petition or motion is accompanied by an affidavit that the parties have mediated or attempted to mediate any dispute under the agreement or that the parties agree to a proposed modification. The prevailing party may be awarded reasonable attorney's fees and costs. The court shall not modify an agreed order under this section unless it finds that the modification is necessary to serve the best interests of the minor adoptee, and:

- (1) the modification is agreed to by the parties to the agreement; or
- (2) exceptional circumstances have arisen since the agreed order was entered that justify modification of the order.

(d) For children under state guardianship when there is a written communication or contact agreement between prospective adoptive parents and birth relatives other than birth parents it must be included in the final adoption decree unless all the parties agree to omit it. If the adoptive parents or birth relatives do not comply with the communication or contact agreement, the court shall determine the terms of the communication and contact agreement.

Sec. 8. Minnesota Statutes 2004, section 484.65, subdivision 9, is amended to read:

Subd. 9. **Referees; review appeal.** All recommended orders and findings of a referee shall be subject to confirmation by said district court judge. ~~Review of any recommended order or finding of a referee by the district court judge may be had by notice served and filed within ten days of effective notice of such recommended order or finding. The notice of review shall specify the grounds for such review and the specific provisions of the recommended findings or orders disputed, and said district court judge, upon receipt of such notice of review, shall set a time and place for such review hearing.~~ Fourth Judicial District Family Court referee orders and decrees may be appealed directly to the Court of Appeals in the same manner as judicial orders and decrees. The time for appealing an appealable referee order runs from service by any party of written notice of the filing of the confirmed order.

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

Sec. 9. Minnesota Statutes 2004, section 518.1705, subdivision 7, is amended to read:

Subd. 7. **Moving the child to another state.** Parents may agree, ~~but the court must not require, that in a parenting plan the factors in section 518.17 or 257.025, as applicable, upon the legal standard that~~ will govern a decision concerning removal of a child's residence from this state, provided that:

- (1) both parents were represented by counsel when the parenting plan was approved; or
- (2) the court found the parents were fully informed, the agreement was voluntary, and the parents were aware of its implications.

Sec. 10. Minnesota Statutes 2004, section 518.175, subdivision 3, is amended to read:

Subd. 3. **Move to another state.** (a) The parent with whom the child resides shall not move the residence of the child to another state except upon order of the court or with the consent of the other parent, if the other parent has been given parenting time by the decree. If the purpose of the move is to interfere with parenting time given to the other parent by the decree, the court shall not permit the child's residence to be moved to another state.

(b) The court shall apply a best interests standard when considering the request of the parent with whom the child resides to move the child's residence to another state. The factors the court must consider in determining the child's best interests include, but are not limited to:

(1) the nature, quality, extent of involvement, and duration of the child's relationship with the person proposing to relocate and with the nonrelocating person, siblings, and other significant persons in the child's life;

(2) the age, developmental stage, needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development, taking into consideration special needs of the child;

(3) the feasibility of preserving the relationship between the nonrelocating person and the child through suitable parenting time arrangements, considering the logistics and financial circumstances of the parties;

(4) the child's preference, taking into consideration the age and maturity of the child;

(5) whether there is an established pattern of conduct of the person seeking the relocation either to promote or thwart the relationship of the child and the nonrelocating person;

(6) whether the relocation of the child will enhance the general quality of the life for both the custodial parent seeking the relocation and the child including, but not limited to, financial or emotional benefit or educational opportunity;

(7) the reasons of each person for seeking or opposing the relocation; and

(8) the effect on the safety and welfare of the child, or of the parent requesting to move the child's residence, of domestic abuse, as defined in section 518B.01.

(c) The burden of proof is upon the parent requesting to move the residence of the child to another state, except that if the court finds that the person requesting permission to move has been a victim of domestic abuse by the other parent, the burden of proof is upon the parent opposing the move. The court must consider all of the factors in this subdivision in determining the best interests of the child.

Sec. 11. Minnesota Statutes 2004, section 518.179, is amended by adding a subdivision to read:

Subd. 1a. **Custody of nonbiological child.** A person convicted of a crime described in subdivision 2 may not be considered for custody of a child unless the child is the person's child by birth or adoption.

Sec. 12. Minnesota Statutes 2004, section 518.18, is amended to read:

518.18 MODIFICATION OF ORDER.

(a) Unless agreed to in writing by the parties, no motion to modify a custody order or parenting plan may be made earlier than one year after the date of the entry of a decree of dissolution or legal separation containing a provision dealing with custody, except in accordance with paragraph (c).

(b) If a motion for modification has been heard, whether or not it was granted, unless agreed to in writing by the parties no subsequent motion may be filed within two years after disposition of the prior motion on its merits, except in accordance with paragraph (c).

(c) The time limitations prescribed in paragraphs (a) and (b) shall not prohibit a motion to modify a custody order or parenting plan if the court finds that there is persistent and willful denial or interference with parenting time, or has reason to believe that the child's present environment may endanger the child's physical or emotional health or impair the child's emotional development.

(d) If the court has jurisdiction to determine child custody matters, the court shall not modify a prior custody order or a parenting plan provision which specifies the child's primary residence unless it finds, upon the basis of facts, including unwarranted denial of, or interference with, a duly established parenting time schedule, that have arisen since the prior order or that were unknown to the court at the time of the prior order, that a change has occurred in the circumstances of the child or the parties and that the modification is necessary to serve the best interests of the child. In applying these standards the court shall retain the custody arrangement or the parenting plan provision specifying the child's primary residence that was established by the prior order unless:

(i) the court finds that a change in the custody arrangement or primary residence is in the best interests of the child and the parties previously agreed, in a writing approved by a court, to apply the best interests standard in section 518.17 or 257.025, as applicable; and, with respect to agreements approved by a court on or after April 28, 2000, both parties were represented by counsel when the agreement was approved or the court found the parties were fully informed, the agreement was voluntary, and the parties were aware of its implications;

(ii) both parties agree to the modification;

(iii) the child has been integrated into the family of the petitioner with the consent of the other party; ~~or~~

(iv) the child's present environment endangers the child's physical or emotional health or impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(v) the court has denied a request of the primary custodial parent to move the residence of the child to another state, and the primary custodial parent has relocated to another state despite the court's order.

In addition, a court may modify a custody order or parenting plan under section 631.52.

(e) In deciding whether to modify a prior joint custody order, the court shall apply the standards set forth in paragraph (d) unless: (1) the parties agree in writing to the application of a different standard, or (2) the party seeking the modification is asking the court for permission to move the residence of the child to another state.

(f) If a parent has been granted sole physical custody of a minor and the child subsequently lives with the other parent, and temporary sole physical custody has been approved by the court or by a court-appointed referee, the court may suspend the obligor's child support obligation pending the final custody determination. The court's order denying the suspension of child support must include a written explanation of the reasons why continuation of the child support obligation would be in the best interests of the child.

Sec. 13. Minnesota Statutes 2004, section 518.191, subdivision 2, is amended to read:

Subd. 2. **Required information.** A summary real estate disposition judgment must contain the following information: (1) the full caption and file number of the case and the title "Summary Real Estate Disposition Judgment"; (2) the dates of the parties' marriage and of the entry of the judgment and decree of dissolution; (3) the names of the parties' attorneys or if either or both appeared pro se; (4) the name of the judge and referee, if any, who signed the order for judgment and decree; (5) whether the judgment and decree resulted from a stipulation, a default, or a trial and the appearances at the default or trial; (6) if the judgment and decree resulted from a stipulation, whether disposition of the property was stipulated to by legal description; (7) if the judgment and decree resulted from a default, whether the petition contained the legal description of the property and disposition was made in accordance with the request for relief, and service of the summons and petition was made personally pursuant to the Rules of Civil Procedure, Rule 4.03(a), or section 543.19; (8) whether either party changed the party's name through the judgment and decree; ~~(7)-(9)~~ the legal description of each parcel of real estate; ~~(8)-(10)~~ the name or names of the persons awarded an interest in each parcel of real estate and a description of the interest awarded; ~~(9)-(11)~~ liens, mortgages, encumbrances, or other interests in the real estate described in the judgment and decree; and ~~(10)-(12)~~ triggering or contingent events set forth in the judgment and decree affecting the disposition of each parcel of real estate.

Sec. 14. Minnesota Statutes 2004, section 518.551, is amended by adding a subdivision to read:

Subd. 1a. **Scope; payment to public agency.** (a) This section applies to all proceedings involving a support order, including, but not limited to, a support order establishing an order for past support or reimbursement of public assistance.

(b) The court shall direct that all payments ordered for maintenance or support be made to the public agency responsible for child support enforcement so long as the obligee is receiving or has applied for public assistance, or has applied for child support or maintenance collection services. Public authorities responsible for child support enforcement may act on behalf of other public authorities responsible for child support enforcement, including the authority to represent the legal interests of or execute documents on behalf of the other public authority in connection with the establishment, enforcement, and collection of child support, maintenance, or medical support, and collection on judgments.

(c) Payments made to the public authority other than payments under section 518.6111 must be credited as of the date the payment is received by the central collections unit.

(d) Amounts received by the public agency responsible for child support enforcement greater than the amount granted to the obligee must be remitted to the obligee.

Sec. 15. Minnesota Statutes 2004, section 518.551, subdivision 6, is amended to read:

Subd. 6. **Failure of notice.** If the court in a dissolution, legal separation or determination of parentage proceeding, finds before issuing the order for judgment and decree, that notification has not been given to the public authority, the court shall set child support ~~according to the guidelines in subdivision 5 as provided in section 518.725.~~ In those proceedings in which no notification has been made pursuant to this section and in which the public authority determines that the judgment is lower than the child support required by the guidelines in subdivision 5, it shall move the court for a redetermination of the support payments ordered so that the support payments comply with the guidelines.

Sec. 16. Minnesota Statutes 2004, section 518.58, subdivision 4, is amended to read:

Subd. 4. **Pension plans.** (a) The division of marital property that represents pension plan benefits or rights in the form of future pension plan payments:

(1) is payable only to the extent of the amount of the pension plan benefit payable under the terms of the plan;

(2) is not payable for a period that exceeds the time that pension plan benefits are payable to the pension plan benefit recipient;

(3) is not payable in a lump sum amount from defined benefit pension plan assets attributable in any fashion to a spouse with the status of an active member, deferred retiree, or benefit recipient of a pension plan;

(4) if the former spouse to whom the payments are to be made dies prior to the end of the specified payment period with the right to any remaining payments accruing to an estate or to more than one survivor, is payable only to a trustee on behalf of the estate or the group of survivors for subsequent apportionment by the trustee; and

(5) in the case of defined benefit public pension plan benefits or rights, may not commence until the public plan member submits a valid application for a public pension plan benefit and the benefit becomes payable.

(b) The individual retirement account plans established under chapter 354B may provide in its plan document, if published and made generally available, for an alternative marital property division or distribution of individual retirement account plan assets. If an alternative division or distribution procedure is provided, it applies in place of paragraph (a), clause (5).

Sec. 17. Laws 2005, chapter 164, section 4, is amended to read:

Sec. 4. [518.1781] **SIX-MONTH REVIEW.**

(a) A request for a six-month review hearing form must be attached to a decree of dissolution or legal separation or an order that initially establishes child custody, parenting time, or support rights and obligations of parents. The state court administrator is requested to prepare the request for review hearing form. The form must include information regarding the procedures for requesting a hearing, the purpose of the hearing, and any other information regarding a hearing under this section that the state court administrator deems necessary.

(b) The six-month review hearing shall be held if any party submits a written request for a hearing within six months after entry of a decree of dissolution or legal separation or order that establishes child custody, parenting time, or support.

(c) Upon receipt of a completed request for hearing form, the court administrator shall provide notice of the hearing to all other parties and the public authority. The court administrator shall schedule the six-month review hearing as soon as practicable following the receipt of the hearing request form.

(d) At the six-month hearing, the court must review:

(1) whether child support is current; and

(2) whether both parties are complying with the parenting time provisions of the order.

(e) At the six-month hearing, the obligor has the burden to present evidence to establish that child support payments are current. A party may request that the public authority provide information to the parties and court regarding child support payments. A party must request the information from the public authority at least 14 days before the hearing. The commissioner of human services must develop a form to be used by the public authority to submit child support payment information to the parties and court.

(f) Contempt of court and all statutory remedies for child support and parenting time enforcement may be imposed by the court at the six-month hearing for noncompliance by either party pursuant to chapters 517C and 588 and the Minnesota Court Rules.

(g) A request for a six-month review hearing form must be attached to a decree or order signed on or after January 1, 2007, that initially establishes child support rights and obligations ~~according to section 517A.29.~~

Sec. 18. 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.

Sec. 19. Laws 2005, chapter 164, section 5, subdivision 8, is amended to read:

Subd. 8. **Obligor.** "Obligor" means a person obligated to pay maintenance or support. A person who is designated as the sole physical custodian of a child is presumed not to be an obligor for purposes of calculating current support under section ~~518.551~~ 518.713 unless the court makes specific written findings to overcome this presumption. For purposes of ordering medical support under section 518.719, a custodial parent may be an obligor subject to ~~a cost of living adjustment under section 518.641 and~~ a payment agreement under section 518.553.

Sec. 20. Laws 2005, chapter 164, section 5, subdivision 15, is amended to read:

Subd. 15. **Parental income for child support (PICS).** "Parental income for child support," or "PICS," means the modified gross income under subdivision 18 minus deductions for nonjoint children as allowed by section 518.717.

Sec. 21. Laws 2005, chapter 164, section 5, subdivision 18, is amended to read:

Subd. 18. **Gross income; modified gross income.** (a) "Gross income" means:

~~(4)~~ the gross income of the parent calculated under section 518.7123.

(b) "Modified gross income" means:

(1) the gross income of the parent; plus

(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;

~~(3) the potential income of the parent, if any, as determined in subdivision 23; minus~~

~~(4)~~ (3) spousal maintenance that any party the parent has been ordered to pay; minus

~~(5)~~ (4) the amount of any existing child support order for other nonjoint children.

Sec. 22. 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.

Sec. 23. Laws 2005, chapter 164, section 8, is amended to read:

Sec. 8. Minnesota Statutes 2004, section 518.551, subdivision 5b, is amended to read:

Subd. 5b. **Providing income information.** (a) In any case where the parties have joint children for which a child support order must be determined, the parties shall serve and file with their initial pleadings or motion documents, a financial affidavit, disclosing all sources of gross income, as calculated under section 518.7123. The financial affidavit shall include relevant supporting documentation necessary to calculate the parental income for child support under section 518.54, subdivision 15, including, but not limited to, pay stubs for the most recent three months, employer statements, or statements of receipts and expenses if self-employed. Documentation of earnings and income also include relevant copies of each parent's most recent federal tax returns, including W-2 forms, 1099 forms, unemployment benefit statements, workers' compensation statements, and all other documents evidencing earnings or income as received that provide verification for the financial affidavit.

(b) In addition to the requirements of paragraph (a), at any time after an action seeking child support has been commenced or when a child support order is in effect, a party or the public authority may require the other party to give them a copy of the party's most recent federal tax returns that were filed with the Internal Revenue Service. The party shall provide a copy of the tax returns within 30 days of receipt of the request unless the request is not made in good faith. A request under this paragraph may not be made more than once every two years, in the absence of good cause.

(c) If a parent under the jurisdiction of the court does not serve and file the financial affidavit with the parent's initial pleading, the court shall set income for that parent based on credible evidence before the court or in accordance with section 518.54, subdivision 23. Credible evidence may include documentation of current or recent income, testimony of the other parent concerning recent earnings and income levels, and the parent's wage reports filed with the Minnesota Department of Employment and Economic Development under section 268.044.

Sec. 24. Laws 2005, chapter 164, section 10, is amended to read:

Sec. 10. Minnesota Statutes 2004, section 518.64, subdivision 2, is amended to read:

Subd. 2. **Modification.** (a) The terms of an order respecting maintenance or support may be modified upon a showing of one or more of the following: (1) substantially increased or decreased gross income of an obligor or obligee; (2) substantially increased or decreased need of an obligor or obligee or the child or children that are the subject of these proceedings; (3) receipt of assistance under the AFDC program formerly codified under sections 256.72 to 256.87 or 256B.01 to 256B.40, or chapter 256J or 256K; (4) a change in the cost of living for either party as measured by the Federal Bureau of Labor Statistics, any of which makes the terms unreasonable and unfair; (5) extraordinary medical expenses of the child not provided for under section ~~518.171~~ 518.719; (6) the addition of work-related or education-related child care expenses of the obligee or a substantial increase or decrease in existing work-related or education-related child care expenses; or (7) upon the emancipation of the child, as provided in section 518.64, subdivision 4a.

(b) It is presumed that there has been a substantial change in circumstances under paragraph (a) and the terms of a current support order shall be rebuttably presumed to be unreasonable and unfair if:

(1) the application of the child support guidelines in section ~~518.551~~ 518.725, subdivision 5, to the current circumstances of the parties results in a calculated court order that is at least 20 percent and at least \$75 per month higher or lower than the current support order, except that if the current support order is less than \$75, the current circumstances of the parties results in a calculated court order that is at least 20 percent per month higher or lower than the current support order;

(2) the medical support provisions of the order established under section 518.719 are not enforceable by the public authority or the obligee;

(3) health coverage ordered under section 518.719 is not available to the child for whom the order is established by the parent ordered to provide;

(4) the existing support obligation is in the form of a statement of percentage and not a specific dollar amount; or

(5) the gross income of an obligor or obligee has decreased by at least 20 percent through no fault or choice of the party.

(c) A child support order is not presumptively modifiable solely because an obligor or obligee becomes responsible for the support of an additional nonjoint child, which is born after an existing order. Section 518.717 shall be considered if other grounds are alleged which allow a modification of support.

(d) On a motion for modification of maintenance, including a motion for the extension of the duration of a maintenance award, the court shall apply, in addition to all other relevant factors, the factors for an award of maintenance under section 518.552 that exist at the time of the motion. On a motion for modification of support, the court:

(1) shall apply section 518.725, and shall not consider the financial circumstances of each party's spouse, if any; and

(2) shall not consider compensation received by a party for employment in excess of a 40-hour work week, provided that the party demonstrates, and the court finds, that:

(i) the excess employment began after entry of the existing support order;

(ii) the excess employment is voluntary and not a condition of employment;

(iii) the excess employment is in the nature of additional, part-time employment, or overtime employment compensable by the hour or fractions of an hour;

(iv) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation;

(v) in the case of an obligor, current child support payments are at least equal to the guidelines amount based on income not excluded under this clause; and

(vi) in the case of an obligor who is in arrears in child support payments to the obligee, any net income from excess employment must be used to pay the arrearages until the arrearages are paid in full.

(e) A modification of support or maintenance, including interest that accrued pursuant to section 548.091, may be made retroactive only with respect to any period during which the petitioning party has pending a motion for modification but only from the date of service of notice of the motion on the responding party and on the public authority if public assistance is being furnished or the county attorney is the attorney of record.

(f) Except for an award of the right of occupancy of the homestead, provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state, including motions under section 518.145, subdivision 2. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

(g) The court need not hold an evidentiary hearing on a motion for modification of maintenance or support.

(h) Section 518.14 shall govern the award of attorney fees for motions brought under this subdivision.

(i) Except as expressly provided, an enactment, amendment, or repeal of law does not constitute a substantial change in the circumstances for purposes of modifying a child support order.

(j) (i) There may be no modification of an existing child support order during the first year following the effective date of sections 518.7123 to 518.729 except as follows:

(1) there is at least a 20 percent change in the gross income, as determined under section 518.7123, of the obligor;

(2) there is a change in the number of joint children for whom the obligor is legally responsible and actually supporting;

(3) the receipt of public assistance, as defined in section 256.741, by a parent or by another caregiver of the child supported by the existing support order;

(4) the addition of work-related or education-related child care expenses of the obligee or a substantial increase or decrease in existing work-related or education-related child care expenses;

(5) there is a change in the availability of health care coverage, as defined in section 518.719, subdivision 1, paragraph (a), or a substantial increase or decrease in the cost of existing health care coverage;

(6) the child supported by the existing child support order becomes disabled; or

~~(4)~~ (7) both parents consent to modification of the existing order in compliance with the new income shares guidelines.

(ii) A modification under clause (i)(4), may be granted only with respect to child care support. A modification under clause (i)(5) may be granted only with respect to medical support.

(iii) This paragraph expires January 1, 2008.

(k) On the first modification under the income shares method of calculation, the modification of basic support may be limited if the amount of the full variance would create hardship for either the obligor or the obligee.

~~Paragraph (j) expires January 1, 2008.~~

Sec. 25. Laws 2005, chapter 164, section 14, is amended to read:

Sec. 14. **[518.7123] CALCULATION OF GROSS INCOME.**

(a) Except as excluded below, gross income includes income from any source, including, but not limited to: salaries; wages; commissions; advances; bonuses; dividends; severance pay; pensions; interest; honoraria; royalties; trust income; annuities; return on capital; rent; Social Security benefits; provided for the recipient's own benefit; workers' compensation benefits; unemployment insurance benefits; disability insurance benefits; gifts; prizes, including lottery winnings; alimony; spousal maintenance payments; and income from self-employment or operation of a business, as determined under section 518.7125. All salary, wages, commissions, or other compensation paid by third parties shall be based upon Medicare gross income. No deductions shall be allowed for contributions to pensions, 401-K, IRA, or other retirement benefits plans.

(b) Excluded and not counted in gross income is compensation received by a party for employment in excess of a 40-hour work week, provided that:

(1) child support is nonetheless ordered in an amount at least equal to the guideline amount based on gross income not excluded under this clause; and

(2) the party demonstrates, and the court finds, that:

(i) the excess employment began after the filing of the petition for dissolution;

(ii) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;

(iii) the excess employment is voluntary and not a condition of employment;

(iv) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(v) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

(c) Expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business shall be counted as income if they reduce personal living expenses.

(d) Gross income includes potential income, as determined under section 518.54, subdivision 23.

(e) Gross income may be calculated on either an annual or monthly basis. Weekly income shall be translated to monthly income by multiplying the weekly income by 4.33.

~~(f)~~ (f) Excluded and not counted as income is any child support payment received by a party. It is a rebuttable presumption that adoption assistance payments, guardianship assistance payments, and foster care subsidies are excluded and not counted as income.

~~(g)~~ (g) Excluded and not counted as income is the income of the obligor's spouse and the obligee's spouse.

Sec. 26. Laws 2005, chapter 164, section 15, is amended to read:

Sec. 15. [518.7125] INCOME FROM SELF-EMPLOYMENT OR OPERATION OF A BUSINESS.

For purposes of section 518.7123, paragraph (a), income from self-employment, ~~rent, royalties, proprietorship or operation of a business, or including joint ownership of a partnership or closely held corporation,~~ gross income is defined as gross receipts minus costs of goods sold minus ordinary and necessary expenses required for self-employment or business operation. Specifically excluded from ordinary and necessary expenses are amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses, investment tax credits, or any other business expenses determined by the court to be inappropriate or excessive for determining gross income for purposes of calculating child support.

Sec. 27. Laws 2005, chapter 164, section 16, is amended to read:

Sec. 16. [518.713] COMPUTATION OF CHILD SUPPORT OBLIGATIONS.

To determine the presumptive amount of support owed by a parent, follow the procedure set forth in this section:

(1) determine the gross income of each parent under section 518.7123;

(2) determine the modified gross income of each parent using the definition in section 518.54, subdivision 18;

~~(3)~~ (3) calculate the parental income for child support (PICS) of each parent under section 518.54, subdivision 15, by subtracting from the modified gross income the credit, if any, for each parent's nonjoint children under section 518.717;

~~(3)~~ (4) determine the percentage contribution of each parent to the combined PICS by dividing the combined PICS into each parent's PICS;

~~(4)~~ (5) determine the combined basic support obligation by application of the schedule in section 518.725;

~~(5)~~ (6) determine each parent's share of the basic support obligation by multiplying the percentage figure from clause ~~(3)~~ (4) by the combined basic support obligation in clause ~~(4)~~ (5);

~~(6)~~ (7) determine the parenting expense adjustment, if any, as provided in section 518.722, and adjust that parent's basic support obligation accordingly;

~~(7)~~ (8) determine the child care support obligation for each parent as provided in section 518.72;

~~(8)~~ (9) determine the health care coverage obligation for each parent as provided in section 518.719. Unreimbursed and uninsured medical expenses are not included in the presumptive amount of support owed by a parent and are calculated and collected as described in section ~~518.722~~ 518.719;

~~(9)~~ (10) determine each parent's total child support obligation by adding together each parent's basic support, child care support, and health care coverage obligations as provided in clauses (1) to ~~(8)~~ (9);

~~(10) reduce or increase each parent's total child support obligation by the amount of the health care coverage contribution paid by or on behalf of the other parent, as provided in section 518.719, subdivision 5;~~

(11) if Social Security benefits or veterans' benefits are received by one parent as a representative payee for a joint child ~~due to the other parent's disability or retirement~~ based on the other parent's eligibility, subtract the amount of benefits from the other parent's net child support obligation, if any;

(12) apply the self-support adjustment and minimum support obligation provisions as provided in section 518.724; and

(13) the final child support order shall separately designate the amount owed for basic support, child care support, and medical support.

Sec. 28. Laws 2005, chapter 164, section 18, is amended to read:

Sec. 18. **[518.715] WRITTEN FINDINGS.**

Subdivision 1. **No deviation.** If the court does not deviate from the guidelines, the court must make written findings concerning ~~the amount of the parties' gross income used as the basis for the guidelines calculation and;~~

(1) each parent's gross income;

(2) each parent's modified gross income;

(3) each parent's PICS; and

(4) any other significant evidentiary factors affecting the child support determination.

Subd. 2. **Deviation.** ~~(a)~~ If the court deviates from the guidelines by agreement of the parties or pursuant to section 518.714, the court must make written findings giving concerning:

- (1) each parent's gross income;
- (2) each parent's modified gross income;
- (3) each parent's PICS;
- (4) the amount of support calculated under the guidelines;
- (5) the reasons for the deviation; ~~and must specifically address~~
- (6) how the deviation serves the best interests of the child; ~~and~~
- (b) ~~determine each parent's gross income and PICS.~~

Subd. 3. **Written findings required in every case.** The provisions of this section apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court must review stipulations presented to it for conformity to the guidelines. The court is not required to conduct a hearing, but the parties must provide sufficient documentation to verify the child support determination, and justify any deviation from the guidelines.

Sec. 29. Laws 2005, chapter 164, section 20, is amended to read:

Sec. 20. **[518.717] NONJOINT CHILDREN.**

(a) When either or both parents of the joint child subject to this determination are legally responsible for a nonjoint child who resides in that parent's household, a credit for this obligation shall be calculated under this section.

(b) Determine the modified gross income for each parent under section 518.54, subdivision 18.

(c) Using the guideline as established in section 518.725, determine the basic child support obligation for the nonjoint child or children who actually reside in the parent's household, by using the modified gross income, under section 518.54, subdivision 18, of the parent for whom the credit is being calculated, and using the number of nonjoint children actually in the parent's immediate household. If the number of nonjoint children to be used for the determination is greater than two, the determination shall be made using the number two instead of the greater number.

(d) The credit for nonjoint children shall be 50 percent of the guideline amount from paragraph (c).

Sec. 30. Laws 2005, chapter 164, section 21, is amended to read:

Sec. 21. **[518.718] SOCIAL SECURITY OR VETERANS' BENEFIT PAYMENTS RECEIVED ON BEHALF OF THE CHILD.**

(a) The amount of the monthly Social Security benefits or apportioned veterans' benefits ~~received by the child or on behalf of the child~~ provided for a joint child shall be added to the modified gross income, determined under section 518.54, subdivision 18, of the parent ~~for whom the disability or retirement benefit was paid~~ on whose eligibility the benefits are based.

(b) The amount of the monthly survivors' and dependents' educational assistance ~~received by the child or on behalf of the child~~ provided for a joint child shall be added to the modified gross income under section 518.54, subdivision 18, of the parent ~~for whom the disability or retirement benefit was paid~~ on whose eligibility the benefits are based.

(c) If ~~the~~ Social Security or apportioned veterans' benefits are ~~paid on behalf of the obligor~~ provided for a joint child based on the eligibility of the obligor, and are received by the obligee as a representative payee for the child or by the child attending school, then the amount of the benefits ~~may~~ shall also be subtracted from the obligor's net child support obligation as calculated pursuant to section 518.713.

(d) If ~~the~~ survivors' and dependents' educational assistance is ~~paid on behalf of the obligor~~ provided for a joint child based on the eligibility of the obligor, and is received by the obligee as a representative payee for the child or by the child attending school, then the amount of the assistance shall also be subtracted from the obligor's net child support obligation as calculated ~~pursuant to~~ under section 518.713.

Sec. 31. Laws 2005, chapter 164, section 22, subdivision 2, is amended to read:

Subd. 2. **Order.** (a) A completed national medical support notice issued by the public authority or a court order that complies with this section is a qualified medical child support order under the federal Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, section 1169(a).

(b) Every order addressing child support must state:

(1) the names, last known addresses, and Social Security numbers of the parents and the joint child that is a subject of the order unless the court prohibits the inclusion of an address or Social Security number and orders the parents to provide the address and Social Security number to the administrator of the health plan;

(2) whether appropriate health care coverage for the joint child is available and, if so, state:

(i) which party must carry health care coverage;

(ii) the cost of premiums and how the cost is allocated between the parties;

(iii) how unreimbursed expenses will be allocated and collected by the parties; and

(iv) the circumstances, if any, under which the obligation to provide health care coverage for the joint child will shift from one party to the other; and

(3) if appropriate health care coverage is not available for the joint child, whether a contribution for medical support is required; ~~and~~

~~(4) whether the amount ordered for medical support is subject to a cost of living adjustment under section 518.641.~~

Sec. 32. 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.

Sec. 33. Laws 2005, chapter 164, section 22, subdivision 4, is amended to read:

Subd. 4. **Ordering health care coverage.** (a) If a joint child is presently enrolled in health care coverage, the court must order that the parent who currently has the joint child enrolled continue that enrollment unless the parties agree otherwise or a party requests a change in coverage and the court determines that other health care coverage is more appropriate.

(b) If a joint child is not presently enrolled in health care coverage, upon motion of a party or the public authority, the court must determine whether one or both parties have appropriate health care coverage for the joint child and order the party with appropriate health care coverage available to carry the coverage for the joint child.

(c) If only one party has appropriate health care coverage available, the court must order that party to carry the coverage for the joint child.

(d) If both parties have appropriate health care coverage available, the court must order the parent with whom the joint child resides to carry the coverage for the joint child, unless:

(1) either party expresses a preference for coverage available through the parent with whom the joint child does not reside;

(2) the parent with whom the joint child does not reside is already carrying dependent health care coverage for other children and the cost of contributing to the premiums of the other parent's coverage would cause the parent with whom the joint child does not reside extreme hardship; or

(3) the parents agree to provide coverage and agree on the allocation of costs.

(e) If the exception in paragraph (d), clause (1) or (2), applies, the court must determine which party has the most appropriate coverage available and order that party to carry coverage for the joint child. If the court determines under subdivision 3, paragraph (a), clauses (1) and (2), that the parties' health care coverage for the joint child is comparable with regard to accessibility and comprehensiveness, the court must presume that the party with the least costly health care coverage to carry coverage for the joint child.

(f) If neither party has appropriate health care coverage available, the court must order the parents to:

(1) contribute toward the actual health care costs of the joint children based on a pro rata share; or

(2) if the joint child is receiving any form of medical assistance under chapter 256B or MinnesotaCare under chapter 256L, the parent with whom the joint child does not reside shall contribute a monthly amount toward the actual cost of medical assistance under chapter 256B or MinnesotaCare under chapter 256L. The amount of contribution of the noncustodial parent is the amount the noncustodial parent would pay for the child's premiums if the noncustodial parent's income meets the eligibility requirements for public coverage. For purposes of determining the premium amount, the noncustodial parent's household size is equal to one parent plus the child or children who are the subject of the child support order. If the noncustodial parent's income exceeds the eligibility requirements for public coverage, the court must order the noncustodial parent's contribution toward the full premium cost of the child's or children's coverage. The custodial parent's obligation is determined under the requirements for public coverage as set forth in chapter 256B or 256L. The court may order the parent with whom the child resides to apply for public coverage for the child.

~~(g) A presumption of no less than \$50 per month must be applied to the actual health care costs of the joint children or to the cost of health care coverage.~~

~~(h)~~ (g) The commissioner of human services must publish a table with the premium schedule for public coverage and update the chart for changes to the schedule by July 1 of each year.

Sec. 34. Laws 2005, chapter 164, section 22, subdivision 16, is amended to read:

Subd. 16. **Income withholding; Offset.** (a) If a party ~~owes no joint child support obligation for a child is the~~ parent with primary physical custody as defined in section 518.54, subdivision 24, and is an obligor ordered to contribute to the other party's cost for carrying health care coverage for the joint child, the ~~obligor other party's child support obligation~~ is subject to an offset under subdivision 5 ~~or income withholding under section 518.6111.~~

~~(b) If a party's court ordered health care coverage for the joint child terminates and the joint child is not enrolled in other health care coverage or public coverage, and a modification motion is not pending, the public authority may remove the offset to a party's child support obligation or terminate income withholding instituted against a party under section 518.6111. The public authority must provide notice to the parties of the action.~~

(b) The public authority, if the public authority provides services, may remove the offset to a party's child support obligation when:

(1) the party's court-ordered health care coverage for the joint child terminates;

(2) the party does not enroll the joint child in other health care coverage; and

(3) a modification motion is not pending.

The public authority must provide notice to the parties of the action.

(c) A party may contest the public authority's action to remove the offset to the child support obligation ~~or terminate income withholding~~ if the party makes a written request for a hearing within 30 days after receiving written notice. If a party makes a timely request for a hearing, the public authority must schedule a hearing and send written notice of the hearing to the parties by mail to the parties' last known addresses at least 14 days before the hearing. The hearing must be conducted in district court or in the expedited child support process if section 484.702 applies. The district court or child support magistrate must determine whether removing the offset ~~or terminating income withholding~~ is appropriate and, if appropriate, the effective date for the removal ~~or termination~~.

(d) If the party does not request a hearing, the ~~district court or child support magistrate must order the offset or income withholding termination~~ public authority will remove the offset effective the first day of the month following termination of the joint child's health care coverage.

Sec. 35. Laws 2005, chapter 164, section 22, subdivision 17, is amended to read:

Subd. 17. **Collecting unreimbursed ~~and or~~ uninsured medical expenses.** (a) This subdivision and subdivision 18 apply when a court order has determined and ordered the parties' proportionate share and responsibility to contribute to unreimbursed or uninsured medical expenses.

(b) A party requesting reimbursement of unreimbursed or uninsured medical expenses must initiate a request for reimbursement of unreimbursed and uninsured medical expenses to the other party within two years of the date that the requesting party incurred the unreimbursed or uninsured medical expenses. The time period in this paragraph does not apply if the location of the other party is unknown. If a court order has been signed ordering the contribution towards unreimbursed or uninsured expenses, a two-year limitations provision must be applied to any requests made on or after January 1, 2007. The provisions of this section must be applied retroactively to court orders signed prior to January 1, 2007. Any requests for unreimbursed or uninsured expenses made on or after January 1, 2007, may include expenses incurred prior to January 1, 2007, but going back no further than January 1, 2005.

~~(b) (c)~~ (c) A requesting party seeking reimbursement of unreimbursed and uninsured medical expenses must mail a written notice of intent to collect the unreimbursed or uninsured medical expenses and a copy of an affidavit of health care expenses to the other party at the other party's last known address.

~~(c) (d)~~ (d) The written notice must include a statement that the other party has 30 days from the date the notice was mailed to (1) pay in full; (2) ~~enter~~ agree to a payment agreement schedule; or (3) file a motion requesting a hearing ~~contesting the matter~~ to contest the amount due or to set a court-ordered monthly payment amount. If the public authority provides ~~support enforcement~~ services, the written notice also must include a statement that, if the other party does not respond within the 30 days, the requesting party ~~must~~ may submit the amount due to the public authority for collection.

~~(d)~~ (e) The affidavit of health care expenses must itemize and document the joint child's unreimbursed or uninsured medical expenses and include copies of all bills, receipts, and insurance company explanations of benefits.

(f) If the other party does not respond to the request for reimbursement within 30 days, the requesting party may commence enforcement against the other party under subdivision 18; file a motion for a court-ordered monthly payment amount under paragraph (h); or notify the public authority, if the public authority provides services, that the other party has not responded.

~~(e)~~ (g) The notice to the public authority ~~provides support enforcement services, the party seeking reimbursement must send to the public authority must include:~~ a copy of the written notice, a copy of the original affidavit of health care expenses, and copies of all bills, receipts, and insurance company explanations of benefits.

~~(f)~~ If the party does not respond to the request for reimbursement within 30 days, the party seeking reimbursement or public authority, if the public authority provides support enforcement services, must commence an enforcement action against the party under subdivision 18.

~~(g)~~ (h) If noticed under paragraph (f), the public authority must serve the other party with a notice of intent to enforce unreimbursed and uninsured medical expenses and file an affidavit of service by mail with the district court administrator. The notice must state that, unless the other party has 14 days to (1) pay in full; or (2) enter into a payment agreement; or (3) file a motion contesting to contest the matter within 14 days of service of the notice, amount due or to set a court-ordered monthly payment amount. The notice must also state that if there is no response within 14 days, the public authority will commence enforcement of the expenses as medical support arrears under subdivision 18.

~~(h)~~ (i) To contest the amount due or set a court-ordered monthly payment amount, a party files must file a timely motion for a hearing contesting the requested reimbursement, the contesting party must and schedule a hearing in district court or in the expedited child support process if section 484.702 applies. The contesting moving party must provide the other party seeking reimbursement and the public authority, if the public authority provides support enforcement services, with written notice of the hearing at least 14 days before the hearing by mailing notice of the hearing to the public authority and to the requesting party at the requesting party's last known address. The moving party seeking reimbursement must file the original affidavit of health care expenses with the court at least five days before the hearing. Based upon the evidence presented, The district court or child support magistrate must determine liability for the expenses and order that the liable party is subject to enforcement of the expenses as medical support arrears under subdivision 18 or set a court-ordered monthly payment amount.

Sec. 36. Laws 2005, chapter 164, section 22, subdivision 18, is amended to read:

Subd. 18. **Enforcing an order for unreimbursed or uninsured medical support expenses as arrears.** (a) ~~If a party liable for Unreimbursed and or uninsured medical expenses owes a child support obligation to the party seeking reimbursement of the expenses, the expenses must be enforced under this subdivision are~~ collected as medical support arrears.

~~(b) If a party liable for unreimbursed and uninsured medical expenses does not owe a child support obligation to the party seeking reimbursement, and the party seeking reimbursement owes the liable party basic support arrears, the liable party's medical support arrears must be deducted from the amount of the basic support arrears.~~

~~(c) If a liable party owes medical support arrears after deducting the amount owed from the amount of the child support arrears owed by the party seeking reimbursement, it must be collected as follows:~~

~~(1) if the party seeking reimbursement owes a child support obligation to the liable party, the child support obligation must be reduced by 20 percent until the medical support arrears are satisfied;~~

~~(2) if the party seeking reimbursement does not owe a child support obligation to the liable party, the liable party's income must be subject to income withholding under section 518.6111 for an amount required under section 518.553 until the medical support arrears are satisfied; or~~

~~(3) if the party seeking reimbursement does not owe a child support obligation, and income withholding under section 518.6111 is not available, payment of the medical support arrears must be required under a payment agreement under section 518.553.~~

~~(d) If a liable party fails to enter into or comply with a payment agreement, the party seeking reimbursement or the public authority, if it provides support enforcement services, may schedule a hearing to have a court order payment. The party seeking reimbursement or the public authority must provide the liable party with written notice of the hearing at least 14 days before the hearing.~~

(b) If the liable party is the parent with primary physical custody as defined in section 518.54, subdivision 24, the unreimbursed or uninsured medical expenses must be deducted from any arrears the requesting party owes the liable party. If unreimbursed or uninsured expenses remain after the deduction, the expenses must be collected as follows:

(1) If the requesting party owes a current child support obligation to the liable party, 20 percent of each payment received from the requesting party must be returned to the requesting party. The total amount returned to the requesting party each month must not exceed 20 percent of the current monthly support obligation.

(2) If the requesting party does not owe current child support or arrears, a payment agreement under section 518.553 is required. If the liable party fails to enter into or comply with a payment agreement, the requesting party or the public authority, if the public authority provides services, may schedule a hearing to set a court-ordered payment. The requesting party or the public authority must provide the liable party with written notice of the hearing at least 14 days before the hearing.

(c) If the liable party is not the parent with primary physical custody as defined in section 518.54, subdivision 24, the unreimbursed or uninsured medical expenses must be deducted from any arrears the requesting party owes the liable party. If unreimbursed or uninsured expenses remain after the deduction, the expenses must be added and collected as arrears owed by the liable party.

Sec. 37. Laws 2005, chapter 164, section 24, is amended to read:

Sec. 24. **[518.722] PARENTING EXPENSE ADJUSTMENT.**

(a) This section shall apply when the amount of parenting time granted to an obligor is ten percent or greater. Every child support order shall specify the total percent of parenting time granted to each parent.

(b) The obligor shall be entitled to a parenting expense adjustment calculated as follows:

(1) find the adjustment percentage corresponding to the percentage of parenting time allowed to the obligor below:

	Percentage Range of Parenting Time	Adjustment Percentage
(i)	less than 10 percent	no adjustment
(ii)	10 percent to 45 percent	12 percent
(iii)	45.1 percent to 50 percent	presume parenting time is equal

(2) multiply the adjustment percentage by the obligor's basic child support obligation to arrive at the parenting expense adjustment.

(c) Subtract the parenting expense adjustment from the obligor's basic child support obligation. The result is the obligor's obligation after parenting expense adjustment.

(d) If the parenting time is equal, ~~the expenses for the children are equally shared,~~ and the parental incomes for determining child support of the parents also are equal, no basic support shall be paid unless the court determines that the expenses for the child are not equally shared.

(e) If the parenting time is equal but the parents' parental incomes for determining child support are not equal, the parent having the greater parental income for determining child support shall be obligated for basic child support, calculated as follows:

(1) multiply the parents' combined basic support obligation calculated under section 518.713 by 1.5;

(2) prorate the ~~basic child support obligation~~ resulting amount between the parents; based on each parent's proportionate share of the combined parental income for determining child support;

(3) subtract the lower amount from the higher amount; and

(4) divide the balance in half;~~and.~~

(3) The resulting figure is the obligation after parenting expense adjustment for the parent with the greater ~~adjusted gross~~ parental income for determining child support.

(f) This parenting expense adjustment reflects the presumption that while exercising parenting time, a parent is responsible for and incurs costs of caring for the child, including, but not limited to, food, transportation, recreation, and household expenses.

(g) In the absence of other evidence, there is a rebuttable presumption that each parent has 25 percent of the parenting time for each joint child.

Sec. 38. Laws 2005, chapter 164, section 25, is amended to read:

Sec. 25. [518.724] ABILITY TO PAY; SELF-SUPPORT ADJUSTMENT.

It is a rebuttable presumption that a child support order should not exceed the obligor's ability to pay. To determine the amount of child support the obligor has the ability to pay, follow the procedure set out in this section:

(1) calculate the obligor's ~~income available for support~~ ability to pay by subtracting a monthly self-support reserve equal to 120 percent of the federal poverty guidelines for one person from the obligor's gross income;

(2) compare the ~~obligor's income available for support~~ the amount from clause (1) to the amount of support calculated as per section 518.713, clauses (1) to (15). ~~The amount of child support that is presumed to be correct, as defined in section 518.713, is the lesser of these two amounts~~ (11);

(3) ~~this section does not apply to an incarcerated obligor;~~

(4) ~~if the obligor's child support is reduced under clause (2), then the court must apply the reduction to the child support obligation in the following order:~~

~~(i) medical support obligation;~~

~~(ii) child support care obligation; and~~

~~(iii) basic support obligation; and~~

~~(5) **Minimum basic support amount.** (3) if the amount from clause (1) is equal to or greater than the obligation calculated under section 518.713, then the obligor's support obligation calculated under section 518.713 is the presumptive support amount;~~

~~(4) if the amount from clause (1) is equal to or less than the minimum basic support amount in clause (8), the provisions of clause (8) apply;~~

~~(5) if the amount from clause (1) is more than the minimum basic support amount from clause (8) but less than the support obligation calculated under section 518.713, then the obligor's support obligation must be reduced until it equals the amount from clause (1);~~

~~(6) if the obligor's child support is reduced under clause (5), then the court must apply the reduction to the child support obligation in the following order:~~

~~(i) medical support obligation;~~

~~(ii) child care support obligation; and~~

~~(iii) basic support obligation;~~

~~(7) this section does not apply to an incarcerated obligor; and~~

~~(8) (i) If the obligor's gross income is less than the self-support reserve, then the court must order minimum support as follows:~~

~~(A) for one or two children, the obligor's basic support obligation is \$50 per month;~~

~~(B) for three or four children, the obligor's basic support obligation is \$75 per month; and~~

~~(C) for five or more children, the obligor's basic support obligation is \$100 per month.~~

~~(ii) If the obligor's income available for support amount from clause (1) is equal to or less than the self support reserve minimum basic support amount, then the court must order minimum support as follows:~~

~~(i) (A) for one or two children, the obligor's basic support obligation is \$50 per month;~~

~~(ii) (B) for three or four children, the obligor's basic support obligation is \$75 per month; and~~

~~(iii) (C) for five or more children, the obligor's basic support obligation is \$100 per month.~~

~~(iii) If the court orders the obligor to pay the minimum basic support amount under this ~~paragraph~~ section, the obligor is presumed unable to pay child care support and medical support.~~

~~(iv) If the court finds the obligor receives no income and completely lacks the ability to earn income, the minimum basic support ~~amount~~ amounts under this ~~paragraph~~ ~~does~~ section do not apply.~~

Sec. 39. Laws 2005, chapter 164, section 31, is amended to read:

Sec. 31. **REPEALER.**

Minnesota Statutes 2004, sections 518.171; ~~518.54, subdivisions 2, 4, and 4a;~~ and 518.551, subdivisions 1, 5a, 5c, and 5f, are repealed.

Sec. 40. Laws 2005, chapter 164, section 32, the effective date, is amended to read:

Sec. 32. **EFFECTIVE DATE.**

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.

Sec. 41. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall correct internal cross-references to sections that are affected by section 28, the repealer section in this bill. The revisor may make changes necessary to correct the punctuation, grammar, or structure of the remaining text and preserve its meaning.

Sec. 42. **REPEALER.**

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

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Davids to the Chair.

Mahoney, Hausman and Eastlund moved to amend S. F. No. 3199, as amended, as follows:

Page 7, after line 26, insert:

"Sec. 10. Minnesota Statutes 2004, section 518.175, is amended by adding a subdivision to read:

Subd. 1b. **REBUTTABLE PRESUMPTION.** There is a rebuttable presumption that the parent not granted physical custody shall be granted at least 30 percent parenting time. This presumption may be overcome if the court makes specific findings that this is not in the best interests of the child under section 518.17, subdivision 1."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Meslow, Simon and Smith moved to amend S. F. No. 3199, as amended, as follows:

Page 2, lines 10 to 12, delete the new language and reinstate the old language

The motion prevailed and the amendment was adopted.

Wardlow, Mahoney and Scalze moved to amend S. F. No. 3199, as amended, as follows:

Page 13, after line 20, insert:

"Sec. 19. Minnesota Statutes 2004, section 518.6111, subdivision 4, is amended to read:

Subd. 4. **Collection services.** (a) The commissioner of human services shall prepare and make available to the courts a notice of services that explains child support and maintenance collection services available through the public authority, including income withholding, and the fees for such services. Upon receiving a petition for dissolution of marriage ~~or~~, legal separation, or other legal action in which income withholding or other child support collection services may be ordered, the court administrator ~~shall~~ must promptly send the notice of services to the petitioner and respondent at the addresses stated in the petition. The commissioner of human services shall periodically monitor compliance with this notice requirement by court administrators.

(b) Either the obligee or obligor may at any time apply to the public authority for either full IV-D services or for income withholding only services.

(c) For those persons applying for income withholding only services, a monthly service fee of \$15 must be charged to the obligor. This fee is in addition to the amount of the support order and shall be withheld through income withholding. The public authority shall explain the service options in this section to the affected parties and encourage the application for full child support collection services.

(d) If the obligee is not a current recipient of public assistance as defined in section 256.741, the person who applied for services may at any time choose to terminate either full IV-D services or income withholding only services regardless of whether income withholding is currently in place. The obligee or obligor may reapply for either full IV-D services or income withholding only services at any time. Unless the applicant is a recipient of public assistance as defined in section 256.741, a \$25 application fee shall be charged at the time of each application.

(e) When a person terminates IV-D services, if an arrearage for public assistance as defined in section 256.741 exists, the public authority may continue income withholding, as well as use any other enforcement remedy for the collection of child support, until all public assistance arrears are paid in full. Income withholding shall be in an amount equal to 20 percent of the support order in effect at the time the services terminated."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 3199, A bill for an act relating to family law; changing certain child support and maintenance provisions; amending Minnesota Statutes 2004, sections 518.175, subdivision 1; 518.551, subdivision 6, by adding a subdivision; 518.5513, subdivision 3; Minnesota Statutes 2005 Supplement, section 518.005, subdivision 6; Laws 2005, chapter 164, sections 4; 5; 8; 9; 10; 11; 14; 15; 16; 17, subdivision 1; 18; 20; 21; 22, subdivisions 2, 3, 4, 16, 17, 18; 23, subdivisions 1, 2; 24; 25; 26, subdivision 2, as amended; 31; 32; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 2004, section 518.54, subdivision 6; Laws 2005, chapter 164, section 12.

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 122 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Clark	Hornstein	Loeffler	Slawik	Tingelstad
Hilstrom	Kelliher	Paymar	Thissen	Wagenius

The bill was passed, as amended, and its title agreed to.

S. F. No. 3213, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Ruth, Lieder and Hausman moved to amend S. F. No. 3213 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2004, section 162.07, subdivision 5, is amended to read:

Subd. 5. **Screening board.** (a) On or before September 1 of each year the county engineer of each county shall forward to the commissioner, on forms prepared by the commissioner, all information relating to the mileage, in lane-miles, of the county state-aid highway system in the county, and the money needs of the county that the commissioner deems necessary in order to apportion the county state-aid highway fund in accordance with the formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board consisting of the following county engineers:

- (1) two county engineers from the metropolitan highway construction district;
- (2) one county engineer from each nonmetropolitan highway district; and
- (3) one additional county engineer from each county with a population of 175,000 or more.

No county engineer shall be appointed under clause (1) or (2) so as to serve consecutively for more than four years. The board shall investigate and review the information submitted by each county and shall on or before the first day of November of each year submit its findings and recommendations in writing as to each county's lane-mileage and money needs to the commissioner on a form prepared by the commissioner. Final determination of the lane-mileage of each system and the money needs of each county shall be made by the commissioner.

(b) Notwithstanding section 15.059, subdivision 5, the committee ~~expires June 30, 2006~~ does not expire.

Sec. 2. Minnesota Statutes 2004, section 221.033, is amended by adding a subdivision to read:

Subd. 2d. **Age of driver under federal materials-of-trade regulation.** A driver of a self-propelled or towed motor vehicle transporting no hazardous material other than materials of trade, as defined in Code of Federal Regulations, title 49, section 171.8, must be at least 18 years of age. This subdivision does not apply unless the transportation conforms to the requirements of Code of Federal Regulations, title 49, section 173.6."

Page 4, after line 33, insert:

"Sec. 8. **REPEALER.**

Minnesota Statutes 2004, section 360.015, subdivision 16, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 3213, as amended, was read for the third time.

MOTION FOR RECONSIDERATION

Westerberg moved that the action whereby S. F. No. 3213, as amended, was given its third reading be now reconsidered. The motion prevailed.

Westerberg moved that S. F. No. 3213, as amended, be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2851 was reported to the House.

Cornish moved to amend S. F. No. 2851 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3397, the second engrossment:

"ARTICLE 1

STATE LANDS

Section 1. **[15,995] HISTORIC PUBLICLY OWNED BUILDINGS.**

A city located within 150 miles of the Minnesota State Capitol that has a population, according to the 2000 census, of more than 7,000 and less than 8,000 and is located in a county that has a population according to that census of more than 31,000 and less than 32,000 must not sell, lease, or contract property it owns that is listed on the National Register of Historic Places, unless the political subdivision first:

(1) notifies the Minnesota Historical Society and waits at least two years, during which the political subdivision must request of and receive from the Historical Society a study of the best use of the property in order to ascertain and preserve the historical value of the property and ensure public use; and

(2) requests of and receives from the Department of Administration an inventory and appraisal of the affected real and personal property to determine its value.

The Department of Administration and the Minnesota Historical Society must jointly report their findings to the chairs and ranking minority members of legislative committees with jurisdiction over state government finance. The requesting political subdivision must pay the Minnesota Historical Society and the Department of Administration for services provided under this section.

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

Sec. 2. 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. 3. 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. 4. **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. 5. **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. 6. **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. 7. **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. 8. **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. 9. **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. 10. 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. 11. 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. 12. 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. 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 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. 14. 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. 15. 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. 16. **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. 17. **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. 18. **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. 19. **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. 20. **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. 21. 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 59.8408.007.

(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. 22. 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. 23. 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. 24. 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. 25. **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. 26. **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. 27. 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. 28. **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. 29. **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. 30. **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. 31. **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. 32. 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. 33. 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. 34. **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. 35. **CONSERVATION EASEMENTS FOR WETLAND RESTORATION; ST. LOUIS COUNTY.**

The commissioner of revenue, upon recommendation of the Board of County Commissioners for St. Louis County and the commissioner of natural resources, is authorized to convey a conservation easement on tax-forfeited lands for the purpose of restoration of wetlands to be utilized for mitigation of wetlands displaced by mining operations in St. Louis County. If the commissioner of revenue issues a conservation easement, it shall be held by the Board of Water and Soil Resources.

Sec. 36. **PUBLIC SALE OR EXCHANGE OF SURPLUS LAND CONTAINING PEAT; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.461, the commissioner of natural resources may sell by public sale or may exchange the surplus land containing commercial quantities of peat that is described in paragraph (c). A public sale shall be under the provisions of Minnesota Statutes, sections 92.03 to 92.16. A land exchange shall be under the provisions of Minnesota Statutes, sections 94.341 to 94.346.

(b) The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold or exchanged is located in St. Louis County and is described as follows: all of Section 36, Township 53 North, Range 20 West.

(d) If the adjoining tax-forfeited lands are made subject to a conservation easement to mitigate wetlands displaced by mining operations, the state has determined that the school trust land management interests would best be served if the land was sold or exchanged.

Sec. 37. **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. 38. **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. 39. **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. 40. **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. 41. **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. 42. **GRAND MOUND STATE HISTORIC SITE STUDY.**

Subdivision 1. Study. The Minnesota Historical Society, in consultation with Koochiching County, the Minnesota Indian Affairs Council, interested Indian tribes, and other interested groups and individuals, shall study the future of the Grand Mound State Historic Site.

Subd. 2. Report to legislature. The Minnesota Historical Society shall report its findings and recommendations to the appropriate legislative committees by January 30, 2007.

Sec. 43. **CONVEYANCE OF SURPLUS STATE LAND AT BRAINERD REGIONAL TREATMENT CENTER.**

(a) Notwithstanding Minnesota Statutes, sections 16B.281 to 16B.287, or any other law, administrative rule, or commissioner's order to the contrary, the commissioner of administration may convey to a local unit of government for no consideration all or part of the real property at the Brainerd Regional Treatment Center for public purposes consistent with the master plan and reuse study. The conveyance must be in a form approved by the attorney general and subject to Minnesota Statutes, section 16A.695.

(b) The commissioner may require the local unit of government to reimburse the state for all or part of any campus redevelopment funded and completed by the state.

(c) Notwithstanding Minnesota Statutes, section 16C.23, the commissioner of administration may convey to one or more local units of government for no consideration all or part of the personal property determined by the commissioner of human services to be no longer needed for human services operations.

(d) If a local unit of government sells any property conveyed under this section to a private entity, the sale must be at fair market value, and the proceeds of the sale must be remitted to the state.

Sec. 44. **EFFECTIVE DATE.**

Sections 13 to 16 are effective the day following final enactment.

ARTICLE 2

SUSTAINABLE FOREST RESOURCE INCENTIVE PROGRAM

Section 1. Minnesota Statutes 2004, section 290C.02, subdivision 3, is amended to read:

Subd. 3. **Claimant.** (a) "Claimant" means a person, as that term is defined in section 290.01, subdivision 2, who owns forest land in Minnesota and files an application authorized by the Sustainable Forest Incentive Act. Claimant includes a purchaser or grantee if property enrolled in the program was sold or transferred after the original application was filed and prior to the annual incentive payment being made. The purchaser or grantee must notify the commissioner in writing of the sale or transfer of the property. For purposes of section 290C.11, claimant also includes any person bound by the covenant required in section 290C.04.

(b) No more than one claimant is entitled to a payment under this chapter with respect to any tract, parcel, or piece of land enrolled under this chapter that has been assigned the same parcel identification number. When enrolled forest land is owned by two or more persons, the owners must determine between them which person ~~may claim~~ is eligible to claim the payments provided under sections 290C.01 to 290C.11. In the case of property sold or transferred, the former owner and the purchaser or grantee must determine between them which person is eligible to claim the payments provided under sections 290C.01 to 290C.11. The owners, transferees, or grantees must notify the commissioner in writing which person is eligible to claim the payments.

Sec. 2. Minnesota Statutes 2004, section 290C.02, subdivision 7, is amended to read:

Subd. 7. **Forest management plan.** "Forest management plan" means a written document providing a framework for site-specific healthy, productive, and sustainable forest resources. A forest management plan must include at least the following: (i) ~~owner-specific~~ forest management goals for the land; (ii) a reliable field inventory of the individual forest cover types, their age, and density; (iii) a description of the soil type and quality; (iv) an aerial photo and/or map of the vegetation and other natural features of the land clearly indicating the boundaries of the land and of the forest land; (v) the proposed future conditions of the land; (vi) prescriptions to meet proposed future conditions of the land; (vii) a recommended timetable for implementing the prescribed activities; and (viii) a legal description of the land encompassing the parcels included in the plan. All management activities prescribed in a plan must be in accordance with the recommended timber harvesting and forest management guidelines. The commissioner of natural resources shall provide a framework for plan content and updating and revising plans.

Sec. 3. Minnesota Statutes 2004, section 290C.02, subdivision 8, is amended to read:

Subd. 8. **Timber harvesting and forest management guidelines.** "Timber harvesting and forest management guidelines" means guidelines developed under section 89A.05 and adopted by the Minnesota Forest Resources Council in ~~1998~~ effect at the time the tract, parcel, or piece of land is enrolled in the sustainable forest incentive program.

Sec. 4. Minnesota Statutes 2004, section 290C.04, is amended to read:

290C.04 APPLICATIONS.

(a) A landowner may apply to enroll forest land for the sustainable forest incentive program under this chapter. The claimant must complete, sign, and submit an application to the commissioner by September 30 in order for the land to become eligible beginning in the next year. The application shall be on a form prescribed by the commissioner and must include the information the commissioner deems necessary. At a minimum, the application must show the following information for the land and the claimant: (i) the claimant's Social Security number or state or federal business tax registration number and date of birth, (ii) the claimant's address, (iii) the claimant's signature, (iv) the county's parcel identification numbers for the tax parcels that completely contain the claimant's forest land that is sought to be enrolled, (v) the number of acres eligible for enrollment in the program, (vi) the approved plan writer's signature and identification number, and (vii) proof, in a form specified by the commissioner, that the claimant has executed and acknowledged in the manner required by law for a deed, and recorded, a covenant that the land is not and shall not be developed in a manner inconsistent with the requirements and conditions of this chapter. The covenant shall state in writing that the covenant is binding on the claimant and the claimant's successor or assignee, and that it runs with the land for a period of not less than eight years. The commissioner shall specify the form of the covenant and provide copies upon request. The covenant must include a legal description that encompasses all the forest land that the claimant wishes to enroll under this section or the certificate of title number for that land if it is registered land.

(b) In all cases, the commissioner shall notify the claimant within 90 days after receipt of a completed application that either the land has or has not been approved for enrollment. A claimant whose application is denied may appeal the denial as provided in section 290C.11, paragraph (a).

(c) Within 90 days after the denial of an application, or within 90 days after the final resolution of any appeal related to the denial, the commissioner shall execute and acknowledge a document releasing the land from the covenant required under this chapter. The document must be mailed to the claimant and is entitled to be recorded.

(d) The Social Security numbers collected from individuals under this section are private data as provided in section 13.355. The ~~state or~~ federal business tax registration number and date of birth data collected under this section are also private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9 and 12, but may be shared with county assessors for purposes of tax administration and with county treasurers for purposes of the revenue recapture under chapter 270A.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 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; providing a certain conservation easement for wetlands restoration; regulating the sale, lease, or contracting of certain historic publicly owned buildings; providing for a Grand Mound State Historic site study; providing for the classification of certain waters; authorizing removal of certain land from, and modifying certain provisions of, the sustainable forest incentive program; providing for disposition of certain proceeds from tax-forfeited land sales in Itasca County; modifying prior sale provisions; amending Minnesota Statutes 2004, sections 290C.02, subdivisions 3, 7, 8; 290C.04; Laws 1999, chapter 161, section 31, subdivision 5, as amended; Laws 2005, chapter 161, section 19; proposing coding for new law in Minnesota Statutes, chapter 15."

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Solberg, Cornish and Rukavina moved to amend S. F. No. 2851, as amended, as follows:

Page 2, after line 8, insert:

"Sec. 2. Minnesota Statutes 2004, section 85.053, is amended by adding a subdivision to read:

Subd. 8. Military personnel on leave; exemption. (a) A one-day permit, under subdivision 4, shall be issued without a fee for a motor vehicle being used by a person who is serving in active military service in any branch or unit of the United States armed forces and who is stationed outside Minnesota, during the period of active service and for 90 days immediately thereafter, if the person presents the person's current military orders to the park attendant on duty or other designee of the commissioner.

(b) For purposes of this section, "active service" has the meaning given under section 190.05, subdivision 5c, when performed outside Minnesota.

Sec. 3. **[435.37] EASEMENT FOR CARTWAY.**

Subdivision 1. Mandatory establishment; conditions. (a) Upon petition presented to the city council by the owner of a tract of land containing at least five acres, who has no access thereto except over a navigable waterway or over the lands of others, or whose access thereto is less than two rods in width, the city council by resolution shall establish a cartway at least two rods wide connecting the petitioner's land with a public road.

(b) The city council may select an alternative route other than that petitioned for if the alternative is deemed by the city council to be less disruptive and damaging to the affected landowners and in the public's best interest.

(c) The amount of damages must be paid by the petitioner to the city before the cartway is opened. For the purposes of this subdivision, damages means the compensation, if any, awarded to the owner of the land upon which the cartway is established together with the cost of professional and other services, hearing costs, administrative costs, recording costs, and other costs and expenses that the city may incur in connection with the proceedings for the establishment of the cartway. The city council may by resolution require the petitioner to post a bond or other security acceptable to the city council for the total estimated damages before the city council takes action on the petition.

(d) The city may not expend street or bridge funds on the cartway unless the city council, by resolution, determines that an expenditure is in the public interest. If no resolution is adopted to that effect, the grading or other construction work and the maintenance of the cartway is the responsibility of the petitioner.

(e) After the cartway has been constructed, the city council may by resolution designate the cartway as a private driveway with the written consent of the affected landowner, in which case from the effective date of the resolution no town road and bridge funds may be expended for maintenance of the driveway.

Subd. 2. **Maintenance costs.** When a cartway is not maintained by the city, one or more of the private property owners who own land adjacent to a cartway, or one or more of the private property owners who has no access to the owner's land except by way of the cartway, may maintain the cartway. The cost of maintenance must be equitably divided among all of the private property owners who own land adjacent to the cartway and all of the private property owners who have no access to their land except by way of the cartway. The following factors may be taken into consideration when determining an equitable share of maintenance expenses: the frequency of use, the type and weight of the vehicles or equipment, and the distance traveled on the cartway to the individual's property. The city council may determine the maintenance costs to be apportioned to each private property owner if the private property owners cannot agree on the division of the costs. The city council's decision may be appealed within 30 days to the district court of the county in which the cartway is located. Private property owners who pay the cost of maintenance have a civil cause of action against any of the private property owners who refuse to pay their share of the maintenance cost.

Subd. 3. **City defined.** For purposes of this section, "city" includes statutory and home rule charter cities."

Page 26, after line 14, insert:

"Sec. 39. **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 the St. Louis River 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 St. Louis County and is described as Government Lot 4, Section 27, T51N, R20W.

(d) Sale of the parcel shall be subject to the establishment of a permanent easement and associated land management plan approved by the St. Louis County Land Commissioner and the commissioner of natural resources, issued in accordance with Minnesota Statutes, section 282.37.

(e) The purpose and intent of the easement shall be to create and enhance fish habitat; to allow angling by the public from the shore, provided that access by the public to the shore is from the river only; and to prohibit the uncontrolled development of structures, including buildings, docks, and septic systems within an area near the shore.

(f) The area to be covered by the easement shall be the most restrictive of the following:

(1) the area between the ordinary high water (OHW) level of the east bank of the St. Louis River to a line running parallel to the river a distance of 450 feet in a landward direction from the east bank;

(2) the distance necessary to meet the setback and zoning requirements included in the "St. Louis River Management Plan" (produced by the St. Louis River Board, dated February 7, 1994); or

(3) the distance needed to meet any applicable county requirements.

(g) The county has determined that the county's land management interests would best be served if the land was sold."

Page 30, delete line 14 and insert:

"Unless otherwise specified, this article is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "modifying state park permit provisions; providing for easements for cartways;"

Correct the title numbers accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2851, A bill for an act relating to state lands; adding to and deleting from state parks, state forests, and recreation areas; providing an exemption to obtaining a state park permit to military personnel under certain circumstances; modifying sustainable forest resource management incentive program; providing for public and private sales 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; authorizing a conservation easement for wetland restoration; amending Minnesota Statutes 2004, sections 85.053, by adding a subdivision; 290C.02, subdivisions 3, 7, 8; 290C.04; Laws 1999, chapter 161, section 31, subdivision 5, as amended; Laws 2005, chapter 161, section 19.

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 131 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Heidgerken Olson

The bill was passed, as amended, and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

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 House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3116, A bill for an act relating to game and fish; restricting the use of four by four trucks on certain public lands; modifying critical habitat private sector matching account provisions; providing definitions; providing for and modifying disposition of certain revenue; modifying provisions for designating game refuges; 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; authorizing the marking of canoe and boating routes; 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; authorizing county bounties on coyotes; 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; removing a spearing restriction; appropriating money; amending Minnesota Statutes 2004, sections 84.803, subdivision 2; 84.92, subdivision 8, by adding subdivisions; 84.928, by adding a subdivision; 84.943, subdivision 3; 85.32, subdivision 1; 97A.015, by adding subdivisions; 97A.055, subdivision 2; 97A.065, subdivision 2; 97A.075, subdivision 1; 97A.085, subdivision 4; 97A.101, subdivision 4; 97A.251, subdivision 1; 97A.321; 97A.465, by adding a subdivision; 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, chapters 84; 97B; 348; repealing Minnesota Statutes 2004, section 97C.355, subdivision 6; Minnesota Rules, part 6264.0400, subpart 8, item H.

PATRICK E. FLAHAVEN, Secretary of the Senate

McNamara moved that the House refuse to concur in the Senate amendments to H. F. No. 3116, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3116:

McNamara, Hackbarth and Dill.

CALENDAR FOR THE DAY

H. F. No. 3066 was reported to the House.

McNamara moved to amend H. F. No. 3066 as follows:

Delete everything after the enacting clause and insert:

"Section 1. **COMMISSIONER TO EVALUATE AND REPORT.**

By April 1, 2007, the commissioner of agriculture shall evaluate the potential hazards posed by plants to retail consumers and livestock and report the findings to the standing committee of the senate and the house of representatives with jurisdiction over agriculture policy."

Amend the title accordingly

Wagenius moved to amend the McNamara amendment to H. F. No. 3066 as follows:

Page 1, line 4, delete "commissioner" and insert "commissioners" and after "agriculture" insert "and health"

The motion prevailed and the amendment to the amendment was adopted.

Pelowski moved to amend the McNamara amendment, as amended, to H. F. No. 3066 as follows:

Page 1, line 4, delete "April" and insert "March"

The motion prevailed and the amendment to the amendment, as amended, was adopted.

The question recurred on the McNamara amendment, as amended, to H. F. No. 3066. The motion prevailed and the amendment, as amended, was adopted.

H. F. No. 3066, A bill for an act relating to nursery stock; requiring plant hazards evaluation and a report to the legislature.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hilstrom	Latz	Paulsen	Smith
Abrams	Dorman	Hilty	Lenczewski	Paymar	Soderstrom
Anderson, B.	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	
Dill	Heidgerken	Larson	Ozment	Slawik	

The bill was passed, as amended, and its title agreed to.

S. F. No. 2002 was reported to the House.

Kohls and Davnie moved to amend S. F. No. 2002 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 13.05, subdivision 5, is amended to read:

Subd. 5. **Data protection.** (a) The responsible authority shall (1) establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes for which it was collected; and (2) establish appropriate security safeguards for all records containing data on individuals.

(b) When not public data is being disposed of, the data must be destroyed in a way that prevents its contents from being determined.

Sec. 2. **[13C.016] CONSUMER SECURITY FREEZE.**

Subdivision 1. **Definitions.** (a) For purposes of this section and sections 13C.017 to 13C.019, the terms defined in this section have the meanings given.

(b) "Security freeze" means a notice placed in a consumer's consumer report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the consumer report or any information from it, in connection with the extension of credit or the opening of a new account, without the express authorization of the consumer. If a security freeze is in place, information from a consumer's consumer report may not be released to a third party, in connection with the extension of credit or the opening of an account, without prior express authorization from the consumer. This paragraph does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer report.

(c) "Victim of identity theft" means a consumer who has a copy of a valid police report evidencing that the consumer has alleged to be a victim of identity theft as defined in section 609.527.

Subd. 2. **Right to obtain security freeze.** A consumer may elect to place a security freeze on the consumer's consumer report by making a request to a consumer reporting agency. The consumer may make the request:

(1) by certified mail;

(2) by telephone by providing certain personal identification required by the consumer reporting agency; or

(3) directly to the consumer reporting agency through a secure electronic mail connection if the connection is made available by the consumer reporting agency.

Subd. 3. **Response of consumer reporting agency.** (a) A consumer reporting agency shall place a security freeze on a consumer's consumer report no later than three business days after receiving a request under subdivision 2 from the consumer.

(b) The consumer reporting agency, within ten business days after receiving the request, shall send a written confirmation of the security freeze to the consumer and provide the consumer with a unique personal identification number or password to be used by the consumer when providing authorization for the release of the consumer's consumer report for a specific party or period of time.

(c) When a consumer requests a security freeze, the consumer reporting agency shall disclose the process of placing and temporarily lifting a freeze, including the process for allowing access to information from the consumer's consumer report for a specific party or period of time while the freeze is in place.

Subd. 4. Temporary lifting or permanent removal of the freeze. (a) If the consumer wishes to allow the consumer's consumer report to be accessed for a specific party or period of time while a freeze is in place, the consumer shall contact the consumer reporting agency, request that the freeze be temporarily lifted, and provide the following:

(1) proper identification, which means that information generally deemed sufficient to identify a person. Only if the consumer is unable to sufficiently provide self-identifying information may a consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify the consumer's identity;

(2) the unique personal identification number or password provided by the credit reporting agency under subdivision 3, paragraph (b); and

(3) the proper information regarding the third party who is to receive the consumer report or the time period for which the report is to be available to users of the consumer report.

(b) A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a consumer report under paragraph (a) shall comply with the request no later than three business days after receiving the request.

(c) A consumer reporting agency may develop procedures involving the use of telephone, fax, the Internet, or other electronic media to receive and process a request from a consumer to temporarily lift a freeze on a consumer report under paragraph (a) in an expedited manner, with the goal of processing a request within 15 minutes after the request.

(d) A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer report only in the following cases:

(1) upon consumer request under paragraph (a) or (e); or

(2) when the consumer report was frozen due to a material misrepresentation of fact by the consumer. When a consumer reporting agency intends to remove a freeze on a consumer report under this clause, the consumer reporting agency shall notify the consumer in writing three business days prior to removing the freeze on the consumer report.

(e) A security freeze remains in place until the consumer requests that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides both of the following:

(1) proper identification, as defined in paragraph (a), clause (1); and

(2) the unique personal identification number or password referenced in paragraph (a), clause (2).

Subd. 5. Response by third party to denial of access. When a third party requests access to a consumer report on which a security freeze is in effect, and this request is in connection with an application for credit or the opening of an account and the consumer does not allow the consumer's consumer report to be accessed for that specific party or period of time, the third party may treat the application as incomplete.

Subd. 6. **Nonapplicability.** This section does not apply to the use of a consumer report by any of the following:

(1) a person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this clause, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

(2) a subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subdivision 4 for purposes of facilitating the extension of credit or other permissible use;

(3) any federal, state, or local governmental entity, including but not limited to a law enforcement agency, court, or its agents or assigns;

(4) a private collection agency acting under a court order, warrant, or subpoena;

(5) any person or entity for the purposes of prescreening as provided for by the federal Fair Credit Reporting Act;

(6) any person or entity administering a credit file monitoring subscription service to which the consumer has subscribed; and

(7) any person or entity for the purpose of providing a consumer with a copy of the consumer's consumer report upon the consumer's request.

Subd. 7. **Information to government agencies not affected.** This section does not prohibit a consumer reporting agency from furnishing to a governmental agency a consumer's name, address, former address, places of employment, or former places of employment.

Subd. 8. **Fees.** (a) A consumer reporting agency may charge a fee of \$5 for placing, temporarily lifting, or removing a security freeze unless:

(1) the consumer is a victim of identity theft as defined in subdivision 1, paragraph (c); and

(2) the consumer provides the consumer reporting agency with a valid copy of a police report or a police case number documenting the identity theft.

(b) In addition to the charge, if any, permitted under paragraph (a), a consumer may be charged no more than \$5 if the consumer fails to retain the original personal identification number given to the consumer by the agency, but the consumer may not be charged for a one-time reissue of the same or a new personal identification number. The consumer may be charged no more than \$5 for subsequent instances of loss of the personal identification number.

Sec. 3. **[13C.017] SECURITY FREEZE; CHANGES TO INFORMATION; WRITTEN CONFIRMATION REQUIRED.**

If a security freeze is in place, a consumer reporting agency may not change any of the following official information in a consumer report without sending a written confirmation of the change to the consumer within 30 days of the change being posted to the consumer's file: name, date of birth, Social Security number, and address.

Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

Sec. 4. **[13C.018] SECURITY FREEZE; NOT APPLICABLE TO CERTAIN CONSUMER REPORTING AGENCIES.**

A consumer reporting agency is not required to place a security freeze in a consumer report under section 13C.016 if it acts only as a reseller of credit information by assembling and merging information contained in the data base of another consumer reporting agency or multiple consumer reporting agencies, and does not maintain a permanent data base of credit information from which new consumer reports are produced. However, a consumer reporting agency must honor any security freeze placed on a consumer report by another consumer reporting agency.

Sec. 5. **[13C.019] SECURITY FREEZE; EXEMPT ENTITIES.**

The following entities are not required to place a security freeze on a consumer report under section 13C.016:

(1) a check services or fraud prevention services company that issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments; and

(2) a deposit account information service company that issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

Sec. 6. Minnesota Statutes 2004, section 138.17, subdivision 7, is amended to read:

Subd. 7. **Records management program.** A records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of official records shall be administered by the commissioner of administration with assistance from the director of the historical society. The State Records Center which stores and services state records not in state archives shall be administered by the commissioner of administration. The commissioner of administration is empowered to (1) establish standards, procedures, and techniques for effective management of government records, (2) make continuing surveys of paper work operations, and (3) recommend improvements in current records management practices including the use of space, equipment, and supplies employed in creating, maintaining, preserving and disposing of government records. It shall be the duty of the head of each state agency and the governing body of each county, municipality, and other subdivision of government to cooperate with the commissioner in conducting surveys and to establish and maintain an active, continuing program for the economical and efficient management of the records of each agency, county, municipality, or other subdivision of government. When requested by the commissioner, public officials shall assist in the preparation of an inclusive inventory of records in their custody, to which shall be attached a schedule, approved by the head of the governmental unit or agency having custody of the records and the commissioner, establishing a time period for the retention or disposal of each series of records. When the schedule is unanimously approved by the records disposition panel, the head of the governmental unit or agency having custody of the records may dispose of the type of records listed in the schedule at a time and in a manner prescribed in the schedule for particular records which were created after the approval. A list of records disposed of pursuant to this subdivision shall be maintained by the governmental unit or agency. When records containing not public data as defined in section 13.02, subdivision 8a, are being disposed of under this subdivision, the records must be destroyed in a way that prevents their contents from being determined.

Sec. 7. Minnesota Statutes 2005 Supplement, section 325E.61, subdivision 1, is amended to read:

Subdivision 1. **Disclosure of personal information; notice required.** (a) Any person or business that conducts business in this state, and that owns or licenses data that includes personal information, shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of this state whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in paragraph (c), or with any measures necessary to determine the scope of the breach, identify the individuals affected, and restore the reasonable integrity of the data system.

(b) Any person or business that maintains data that includes personal information that the person or business does not own shall notify the owner or licensee of the information of any breach of the security of the data immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

(c) The notification required by this section may be delayed to a date certain if a law enforcement agency affirmatively determines that the notification will impede a criminal investigation.

(d) For purposes of this section, "breach of the security of the system" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the person or business. Good faith acquisition of personal information by an employee or agent of the person or business for the purposes of the person or business is not a breach of the security system, provided that the personal information is not used or subject to further unauthorized disclosure.

(e) For purposes of this section, "personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when ~~either the name or the data elements~~ element is not encrypted secured by encryption or another method of technology that makes electronic data unreadable or unusable, or was secured and the encryption key, password, or other means necessary for reading or using the data was also acquired:

(1) Social Security number;

(2) driver's license number or Minnesota identification card number; or

(3) account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

(f) For purposes of this section, "personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

(g) For purposes of this section, "notice" may be provided by one of the following methods:

(1) written notice to the most recent available address the person or business has in its records;

(2) electronic notice, if the ~~notice provided~~ person's primary method of communication with the individual is by electronic means, or if the notice provided is consistent with the provisions regarding electronic records and signatures in United States Code, title 15, section 7001; or

(3) substitute notice, if the person or business demonstrates that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000, or the person or business does not have sufficient contact information. Substitute notice must consist of all of the following:

(i) e-mail notice when the person or business has an e-mail address for the subject persons;

(ii) conspicuous posting of the notice on the Web site page of the person or business, if the person or business maintains one; and

(iii) notification to major statewide media.

(h) Notwithstanding paragraph (g), a person or business that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this section, shall be deemed to be in compliance with the notification requirements of this section if the person or business notifies subject persons in accordance with its policies in the event of a breach of security of the system.

Sec. 8. Minnesota Statutes 2005 Supplement, section 325E.61, subdivision 4, is amended to read:

Subd. 4. **Exemption.** This section does not apply to any "financial institution" as defined by United States Code, title 15, section 6809(3), ~~and to entities subject to the federal privacy and security regulations adopted under the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.~~

Sec. 9. **[325E.63] CREDIT ISSUED TO MINORS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Credit" means the right granted to a borrower to defer payment of a debt, to incur debt and defer its payment, or to purchase property or services and defer payment. Credit does not include an overdraft from a person's deposit account, whether through a check, ATM withdrawal, debit card, or otherwise, that is not pursuant to a written agreement to pay overdrafts with the right to defer payment of them.

(c) "Creditor" means a person or entity doing business in this state.

(d) "Guardian" means a guardian as defined under section 524.5-102, subdivision 5.

(e) "Minor" means an individual under the age of 18 years.

(f) "Parent" means a person who has legal and physical custody of a child.

Subd. 2. **Prohibition on offering credit to minors.** No creditor shall knowingly offer or provide credit to a minor except at the request of the parent or guardian of the minor, until the minor reaches the age of 18 years.

Sec. 10. **[325G.052] CREDIT CARD OFFERS AND SOLICITATIONS; ADDRESS VERIFICATIONS.**

(a) A credit card issuer that mails an offer or solicitation to receive a credit card and, in response, receives a completed application for a credit card that lists an address that is different from the address on the offer or solicitation shall verify the change of address before issuing a credit card.

(b) Notwithstanding any other provision of law, a person to whom an offer or solicitation to receive a credit card is made is not liable for the unauthorized use of a credit card issued in response to that offer or solicitation if the credit card issuer does not verify the change of address pursuant to paragraph (a) before the issuance of the credit card, unless the credit card issuer proves that this person actually incurred the charge on the credit card.

(c) When a credit card issuer receives a written or oral request for a change of the cardholder's billing address and then receives a written or oral request for an additional credit card within ten days after the requested address change, the credit card issuer shall not mail the requested additional credit card to the new address or, alternatively, shall not activate the requested additional credit card, unless the credit card issuer has verified the change of address.

Sec. 11. **ADMISSIBILITY OF EVIDENCE OF IDENTITY THEFT; REQUEST TO SUPREME COURT.**

The Minnesota Supreme Court is requested to consider amending its rules of evidence to permit admission of business records, at least in civil and criminal cases alleging identity theft, based upon an authenticating affidavit of the custodian of the business records, rather than requiring the in-person authentication testimony of the custodian of the business records. One model for such a rule is California Evidence Code, sections 1560 to 1567."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

Atkins offered an amendment to S. F. No. 2002, as amended.

POINT OF ORDER

Kohls raised a point of order pursuant to rule 3.21 that the Atkins amendment was not in order. Speaker pro tempore Abrams ruled the point of order well taken and the Atkins amendment out of order.

Atkins appealed the decision of Speaker pro tempore Abrams.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Abrams stand as the judgment of the House?" and the roll was called. There were 70 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeler	Bradley	Cox	Demmer	Erhardt	Gunther
Abrams	Brod	Cybart	Dempsey	Erickson	Hackbarth
Anderson, B.	Buesgens	Davids	Dorman	Finstad	Hamilton
Beard	Charron	Dean	Eastlund	Garofalo	Heidgerken
Blaine	Cornish	DeLaForest	Emmer	Gazelka	Holberg

Hoppe	Lanning	Olson	Powell	Soderstrom	Westerberg
Howes	Magnus	Otremba	Ruth	Sykora	Westrom
Johnson, J.	McNamara	Ozment	Samuelson	Thao	Wilkin
Klinzing	Meslow	Paulsen	Seifert	Tingelstad	Zellers
Knoblach	Nelson, P.	Penas	Severson	Urdahl	Spk. Sviggum
Kohls	Newman	Peppin	Simpson	Vandever	
Krinkie	Nornes	Peterson, N.	Smith	Wardlow	

Those who voted in the negative were:

Atkins	Entenza	Hortman	Latz	Moe	Sertich
Bernardy	Fritz	Hosch	Lenczewski	Paymar	Sieben
Carlson	Goodwin	Huntley	Lesch	Pelowski	Simon
Clark	Greiling	Jaros	Liebling	Peterson, A.	Slawik
Davnie	Hansen	Johnson, R.	Lieder	Peterson, S.	Solberg
Dill	Hausman	Johnson, S.	Lillie	Poppe	Thissen
Dittrich	Haws	Juhnke	Loeffler	Rukavina	Wagenius
Dorn	Hilstrom	Kelliher	Mahoney	Ruud	Walker
Eken	Hilty	Koenen	Mariani	Sailer	Welti
Ellison	Hornstein	Larson	Marquart	Scalze	

So it was the judgment of the House that the decision of Speaker pro tempore Abrams should stand.

The Speaker resumed the Chair.

S. F. No. 2002, A bill for an act relating to consumer protection; regulating identity theft; authorizing credit blocks in cases of identity theft; authorizing a consumer to place a security freeze on the consumer's credit report; providing notice of this right; providing protections against identity theft; providing Social Security number protections; providing credit monitoring; providing for the adequate destruction of personal records; providing civil and criminal penalties; regulating data warehouses; modifying notice requirements; amending Minnesota Statutes 2004, section 13.6905, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 325E.61, subdivisions 1, 4, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 13C; 325E; 325G.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Charron	Dill	Finstad	Haws	Jaros
Abrams	Clark	Dittrich	Fritz	Heidgerken	Johnson, J.
Anderson, B.	Cornish	Dorman	Garofalo	Hilstrom	Johnson, R.
Atkins	Cox	Dorn	Gazelka	Hilty	Johnson, S.
Beard	Cybart	Eastlund	Goodwin	Holberg	Juhnke
Bernardy	Dauids	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
Carlson	Dempsey	Erickson	Hausman	Huntley	Kohls

Krinkie	Mariani	Otremba	Rukavina	Slawik	Wardlow
Lanning	Marquart	Ozment	Ruth	Smith	Walti
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	Vandever	
Magnus	Nornes	Poppe	Simon	Wagenius	
Mahoney	Olson	Powell	Simpson	Walker	

The bill was passed, as amended, and its title agreed to.

The Speaker called Davids to the Chair.

S. F. No. 3213, as amended, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Tingelstad moved to amend S. F. No. 3213, as amended, as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2004, section 3.922, subdivision 1, is amended to read:

Subdivision 1. **Creation, membership.** The state Indian Affairs Council is created to consist of the following ex officio members:

the governor or a member of the governor's official staff designated by the governor,

the commissioner of education,

the commissioner of human services,

the commissioner of natural resources,

the commissioner of human rights,

the commissioner of employment and economic development,

the commissioner of corrections,

the commissioner of the Minnesota Housing Finance Agency,

the commissioner of Iron Range resources and rehabilitation,

the commissioner of health,

the commissioner of transportation,

the commissioner of administration,

each of whom may designate a staff member to serve instead, and

three members of the house of representatives appointed by the speaker, and three members of the senate appointed by its Subcommittee on Committees.

Voting members of the council are the elected tribal chair of:

the Fond du Lac Reservation Business Committee;

the Grand Portage Reservation Business Committee;

the Mille Lacs Reservation Business Committee;

the White Earth Reservation Business Committee;

the Bois Forte (Nett Lake) Reservation Business Committee;

the Leech Lake Reservation Business Committee;

the Red Lake Tribal Council;

the Upper Sioux board of trustees;

the Lower Sioux Tribal Council;

the Shakopee-Mdewankanton General Council;

the Prairie Island Tribal Council; and

two members to be selected under subdivision 2.

The chairs of the Indian committees, trusts, or councils may designate in writing a member who has been elected at large to an office in the committee, trust, or council, to serve instead. Members appointed to represent the house of representatives, the senate or tribal governments shall no longer serve on the council when they are no longer members of the bodies which they represent and their offices shall be vacant. A member who is a designee of a tribal chair shall cease to be a member at the end of the term of the designating tribal chair. Ex officio members or their designees on the council shall not vote."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 3213, A bill for an act relating to state lands; conveying land; authorizing an agreement related to Trunk Highway 60 construction; removing routes from state highway system; repealing Minnesota Statutes 2004, section 161.115, subdivisions 173, 225.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hilstrom	Latz	Paulsen	Smith
Abrams	Dorman	Hilty	Lenczewski	Paymar	Soderstrom
Anderson, B.	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	
Dill	Heidgerken	Larson	Ozment	Slawik	

The bill was passed, as amended, and its title agreed to.

REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen for the Committee on Rules and Legislative Administration offered the following resolution and moved its adoption:

RESOLUTION ON FACILITIES

Be It Resolved, by the House of Representatives of the State of Minnesota, that during the time between adjournment sine die in 2006 and the convening of the House of Representatives in 2007, the Chief Clerk and Chief Sergeant at Arms under the direction of the Speaker shall maintain House facilities in the Capitol Complex. The House chamber, retiring room, hearing and conference rooms, and offices shall be set up and made ready for legislative use and reserved for the House and its committees. Those rooms may be reserved for use by others that are not in conflict with use by the House.

The motion prevailed and the resolution was adopted.

Paulsen for the Committee on Rules and Legislative Administration offered the following resolution and moved its adoption:

RESOLUTION ON PARKING

Be It Resolved, by the House of Representatives of the State of Minnesota, that it retains the use of the Speaker's parking place in front of the capitol building just east of the porte-cochère and parking lots B, C, D, N, O and the state office building parking ramp for members and employees of the House of Representatives during the time between adjournment sine die in 2006 and the convening of the House of Representatives in 2007. The Sergeant at Arms is directed to manage the use of the lots and ramp while the House of Representatives is adjourned. The Controller of the House may continue to deduct from the check of any legislator or legislative employee a sum adequate to cover the exercise of the parking privilege.

The motion prevailed and the resolution was adopted.

Paulsen for the Committee on Rules and Legislative Administration offered the following resolution and moved its adoption:

JOURNAL RESOLUTION

Be It Resolved, by the House of Representatives of the State of Minnesota, that the Chief Clerk is directed to correct and approve the Journal of the House for the last day of the 84th Regular Session.

Be It Further Resolved that the Chief Clerk is authorized to include in the Journal for the last day of the 84th Regular Session any proceedings, including subsequent proceedings and any legislative interim committees or commissions created or appointments made to them by legislative action or by law.

The motion prevailed and the resolution was adopted.

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

RECESS

RECONVENED

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

CALENDAR FOR THE DAY, Continued

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

MOTIONS AND RESOLUTIONS

Cox moved that the name of Loeffler be added as an author on H. F. No. 1391. The motion prevailed.

Kohls moved that the names of Cybart, Kelliher, Entenza, Scalze, Welti, Liebling, Ruud, Fritz, Dittrich, Hortman, Haws, Hosch, Sailer, Lillie, Latz, Sieben, Hilstrom, Brod, Hamilton, Magnus, Finstad, Zellers and Holberg be added as authors on H. F. No. 2843. The motion prevailed.

Abeler moved that the names of Mariani and Loeffler be added as authors on H. F. No. 4152. The motion prevailed.

Dittrich moved that the name of Ruud be added as an author on H. F. No. 4219. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 11:00 a.m., Saturday, May 20, 2006. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Saturday, May 20, 2006.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

