

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2008

 EIGHTY-NINTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 11, 2008

The House of Representatives convened at 5:30 p.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Richard D. Buller, House Chaplain, New Hope, Minnesota.

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

The roll was called and the following members were present:

Abeler	Demmer	Hansen	Lesch	Norton	Simon
Anderson, B.	Dettmer	Hausman	Liebling	Olin	Simpson
Anderson, S.	Dill	Haws	Lieder	Olson	Slawik
Anzelc	Dittrich	Heidgerken	Lillie	Otremba	Slocum
Atkins	Dominguez	Hilty	Loeffler	Ozment	Solberg
Beard	Doty	Holberg	Madore	Paulsen	Swails
Benson	Drazkowski	Hoppe	Magnus	Paymar	Thao
Berns	Eken	Hornstein	Mahoney	Pelowski	Thissen
Bigham	Emmer	Hortman	Mariani	Peppin	Tillberry
Bly	Erhardt	Hosch	Marquart	Peterson, A.	Tingelstad
Brod	Erickson	Howes	Masin	Peterson, S.	Tschumper
Brown	Faust	Huntley	McFarlane	Poppe	Urdahl
Brynaert	Finstad	Johnson	McNamara	Rukavina	Wagenius
Buesgens	Fritz	Juhnke	Moe	Ruth	Ward
Bunn	Gardner	Kahn	Morgan	Ruud	Wardlow
Carlson	Garofalo	Kalin	Morrow	Sailer	Welti
Clark	Gottwalt	Knuth	Mullery	Scalze	Westrom
Cornish	Greiling	Koenen	Murphy, E.	Seifert	Wollschlager
Davnie	Gunther	Laine	Murphy, M.	Sertich	Zellers
Dean	Hackbarth	Lanning	Nelson	Severson	Spk. Kelliher
DeLaForest	Hamilton	Lenczewski	Nornes	Shimanski	

A quorum was present.

Eastlund; Hilstrom; Jaros; Kohls; Kranz; Peterson, N.; Smith; Walker and Winkler were excused.

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

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 7, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Kelliher:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House File:

H. F. No. 3201, relating to financing and operation of government in this state; making policy, technical, administrative, payment, enforcement, collection, proceeds distribution, refund, and other changes to income, franchise, property, state and local sales and use, motor vehicle sales, minerals, estate, cigarette and tobacco products, gasoline, liquor, insurance premiums, mortgage and deed, healthcare gross revenues, and wheelage taxes, and other taxes and tax-related provisions; conforming to certain changes in the Internal Revenue Code; changing accelerated sales tax payments; providing for licensure of assessors; changing provisions relating to the sustainable forest resource management incentive program; providing for aids to local governments; providing for state debt collection; changing border city allocation, tax increment financing, and economic development, provisions, powers, and incentives; authorizing purchase of forest lands; authorizing and validating trusts to pay certain public postemployment benefits; providing for iron range higher education programs; changing revenue recapture, local impact notes, and data practices provisions; providing penalties; appropriating money.

Sincerely,

TIM PAWLENTY
Governor

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

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2008 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2008</i>	<i>Date Filed 2008</i>
	3201	154	5:17 p.m. March 7	March 7

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 1218, A bill for an act relating to crimes; requiring defendant waiver of jury trial to be consented by the prosecutor; proposing coding for new law in Minnesota Statutes, chapter 631.

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

The report was adopted.

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 1394, A bill for an act relating to elections; providing for establishment of single-member school board election districts in Independent School District No. 271, Bloomington.

Reported the same back with the following amendments:

Page 2, line 1, delete everything before "after"

Page 2, line 3, before the period, insert "section 1 is effective for school district elections held in 2013 and thereafter"

Page 2, line 9, delete everything before the period and insert "for school district elections held in 2013 and thereafter"

With the recommendation that when so amended the bill pass.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1499, A bill for an act relating to commerce; enacting the Uniform Prudent Management of Institutional Funds Act approved and recommended by the National Conference of Commissioners on Uniform State Laws; proposing coding for new law in Minnesota Statutes, chapter 309; repealing Minnesota Statutes 2006, sections 309.62; 309.63; 309.64; 309.65; 309.66; 309.67; 309.68; 309.69; 309.70; 309.71.

Reported the same back with the following amendments:

Page 1, line 14, delete ", the promotion of a governmental purpose"

Page 1, line 15, after "other" insert "eleemosynary" and delete everything after "purpose" and insert a period

Page 5, delete lines 19 to 32 and insert:

"(b) The court, upon application of an institution, may modify a restriction contained in the gift instrument of an institutional fund pursuant to the procedure, and in accordance with the standards, set forth in section 501B.31, subdivision 2 or 4, whichever is applicable."

Page 5, line 33, delete "(d)" and insert "(c)"

Page 6, line 4, delete "\$25,000" and insert "\$50,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

Lieder from the Transportation Finance Division to which was referred:

H. F. No. 1822, A bill for an act relating to transportation; requiring that mobile telephones used in motor vehicles be hands-free; providing a defense; proposing coding for new law in Minnesota Statutes, chapter 169.

Reported the same back with the following amendments:

Page 1, line 6, delete "MOBILE TELEPHONES" and insert "CELLULAR PHONES"

Page 1, delete lines 8 to 9

Page 1, line 10, delete "(b)" and insert "(1)" and delete "mobile"

Page 1, line 11, delete "telephone" and insert "cellular phone"

Page 1, line 12, delete the period and insert "; and"

Page 1, line 13, delete "(c)" and insert "(2)" and after "talking" insert ", text messaging," and delete "mobile telephone" and insert "cellular phone"

Page 1, lines 14, 15, and 20, delete "mobile telephone" and insert "cellular phone"

Amend the title as follows:

Page 1, line 2, delete "mobile telephones" and insert "cellular phones"

With the recommendation that when so amended the bill be re-referred to the Committee on Public Safety and Civil Justice without further recommendation.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 2107, A bill for an act relating to telecommunications; setting certain goals; providing for a broadband policy director and advisory board; amending Minnesota Statutes 2006, sections 237.011; 237.082; 237.16, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 237.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[237.012] HIGH-SPEED BROADBAND TASK FORCE.**

(a) The High-Speed Broadband Task Force is established to make recommendations to the governor and the legislature regarding the creation of a state high-speed broadband goal and a plan to achieve it.

(b) The High-Speed Broadband Task Force consists of the following members, to be appointed by the governor, unless otherwise indicated:

(1) one member representing higher educational systems, and one member representing K-12 institutions or consortia;

(2) one member representing regional public libraries;

(3) one member representing the Communications Workers of America;

(4) one member representing health care institutions located in the metropolitan area, and one member representing health care institutions located in rural areas;

(5) three members representing telephone companies, one of whom shall represent telephone companies with 50,000 or fewer subscribers located outside the metropolitan area;

(6) one member representing cable communications systems providers located in the metropolitan area, and one member representing cable communications systems providers located in rural areas;

(7) one member representing wireless Internet service providers;

(8) one member representing Minnesota counties;

(9) two members representing Minnesota cities;

(10) four citizen-at-large members representing Internet users, equally divided between business and residential users in the metropolitan area and rural areas;

(11) the commissioner of commerce or the commissioner's designee;

(12) the commissioner of employment and economic development or the commissioner's designee;

(13) Office of Enterprise Technology or designee;

(14) two members of the senate, including one member from the majority party and one member from the second largest political party in the senate, one of whom is from the metropolitan area and one from outside the metropolitan area, appointed by the chair of the senate committee with primary jurisdiction over telecommunications policy; and

(15) two members of the house of representatives, including one member from the majority party and one member from the second largest political party in the house of representatives, one of whom is from the metropolitan area and one from outside the metropolitan area, appointed by the chair of the house committee with primary jurisdiction over telecommunications policy.

For purposes of this paragraph, "metropolitan area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

(c) The governor shall designate one of the citizen-at-large members to serve as chair of the task force. The Department of Commerce shall provide logistical and administrative support to the task force.

(d) By November 1, 2009, the task force shall submit a report to the governor and the chairs and ranking minority members of the senate and house committees with primary jurisdiction over telecommunications policy containing recommendations for the development of a comprehensive statewide broadband deployment goal and plan. The report must include, at a minimum:

(1) identification of the level of broadband service, including connection speeds for sending and receiving data, that is reasonably needed by all citizens by 2015;

(2) a description of the policies and actions necessary to achieve the goal, including the elimination of obstacles to investment and the identification of areas in the state that currently lack infrastructure necessary to support broadband service;

(3) a description of the opportunities for the public and private sectors to cooperate to achieve the goal;

(4) an evaluation of strategies, financing methods, and financial incentives used in other states and countries to support the deployment of high speed broadband;

(5) an evaluation and recommendation of the security, vulnerability, and redundancy actions necessary to ensure the reliability of high-speed broadband;

(6) an estimate of the costs of reaching the broadband goal, including capital costs, and identification of who will bear those costs;

(7) a description of economic development opportunities made possible by the wide dissemination of high-speed broadband; and

(8) an evaluation of how access to high-speed broadband can benefit educational institutions, healthcare institutions, community-based organizations, and government institutions.

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

Sec. 2. **EXPIRATION.**

Section 1 expires March 2, 2010."

Delete the title and insert:

"A bill for an act relating to telecommunications; establishing the High-Speed Broadband Task Force; proposing coding for new law in Minnesota Statutes, chapter 237."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 2779, A bill for an act relating to workforce development; establishing a lifelong learning account program; allowing tax credits to employees and employers for contributions to lifelong learning accounts; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 175; 290.

Reported the same back with the following amendments:

Page 1, line 7, delete "175.172" and insert "116L.85"

Page 1, line 9, delete "Labor and Industry" and insert "Employment and Economic Development"

Page 3, line 4, delete "labor and industry" and insert "employment and economic development"

Correct the title numbers accordingly

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

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 2787, A bill for an act relating to the interpretation of statutes; providing that certain private actions are in the public interest and benefit the public; amending Minnesota Statutes 2006, section 645.17.

Reported the same back with the following amendments:

Page 1, line 21, after the period, insert "Nothing in this section shall be construed to create a cause of action not available under chapter 72A."

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 2805, A bill for an act relating to occupations; modifying effective dates for restricted plumber licenses; amending Minnesota Statutes 2007 Supplement, section 326.402, subdivisions 1, 3.

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

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 2811, A bill for an act relating to occupations and professions; modifying provisions governing the Board of Accountancy; amending Minnesota Statutes 2006, sections 326A.01, subdivisions 2, 12, 17, by adding a subdivision; 326A.02, subdivisions 1, 3, 4, 5, 6, by adding a subdivision; 326A.03; 326A.04; 326A.05, subdivisions 1, 2, 3, 4; 326A.06; 326A.07; 326A.08, subdivisions 2, 4, 5, 6, 7, 8, 9; 326A.10; 326A.12; 326A.13; 326A.14; repealing Minnesota Statutes 2006, section 326A.05, subdivision 9.

Reported the same back with the following amendments:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 2006, section 13.411, is amended by adding a subdivision to read:

Subd. 9. **Board of Accountancy.** Data relating to disciplinary proceedings involving licensees of the Board of Accountancy are classified under section 326A.08, subdivision 2."

Page 15, after line 15, insert:

"Sec. 18. Minnesota Statutes 2006, section 326A.05, subdivision 5, is amended to read:

Subd. 5. **Fees.** The board shall charge a fee for each application for initial issuance or renewal of a permit under this section. A firm that is required to hold a permit under this section and has one or more offices located in another state shall pay an initial permit issuance fee of \$100 and an annual renewal fee of \$68 per year."

Page 16, delete lines 10 to 12 and insert "Hearings conducted under chapter 14 that relate to a disciplinary action must be closed to the public, except for individuals whose presence is necessary for conducting the proceeding or providing testimony or evidence. The hearing record and the findings, conclusions, report, and order or recommendation of the administrative law judge are private data on individuals, as defined in section 13.02, until the board issues its final order or the report or order of the administrative law judge becomes the final decision in the case."

Page 17, line 35, after "not" insert "a conviction was obtained or" and after "withheld" insert "and whether or not dishonesty or fraud was an element of the conduct"

Page 18, line 22, after the semicolon, insert "or"

Page 18, line 25, delete "; or" and insert a period

Page 18, delete lines 26 to 28

Page 28, line 11, delete "30" and insert "32"

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 2904, A bill for an act relating to state government operations; establishing procedures for state agencies to assist communities to recover from a natural disaster; proposing coding for new law as Minnesota Statutes, chapter 12A.

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

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 2955, A bill for an act relating to education; amending school background check requirements; amending Minnesota Statutes 2006, section 123B.03, subdivision 3, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 123B.03, subdivision 3, is amended to read:

Subd. 3. **Definitions.** For purposes of this section:

(a) "School" means a school as defined in section 120A.22, subdivision 4, except a home school, and includes a school receiving tribal contract or grant school aid under section 124D.83; school, for the purposes of this section, also means a service cooperative, a special education cooperative, or an education district under Minnesota Statutes 1997 Supplement, section 123.35, a charter school under section 124D.10, an intermediate school district under section 136D.01, and a joint powers district under section 471.59.

(b) "School hiring authority" means the school principal or other person having general control and supervision of the school.

(c) "Security violations" means failing to prevent or failing to institute safeguards to prevent the access, use, retention, or dissemination of information in violation of the security and management control outsourcing standard established by the state compact officer under section 299C.58, article I, paragraph (2)(B). A third-party contractor that has engaged in security violations is ineligible to participate under this section and a school hiring authority must not contract with such a contractor.

Sec. 2. Minnesota Statutes 2006, section 123B.03, is amended by adding a subdivision to read:

Subd. 4. **Third-party contractors; responsibility for criminal history record information.** (a) For purposes of this section, a school hiring authority may contract with an eligible third party to conduct the criminal history background check required under subdivision 1. Before entering into the contract, the school hiring authority must:

(1) provide the state compact officer with the name of the proposed third-party contractor and a copy of the proposed contract;

(2) determine from the state compact officer whether the proposed contractor has engaged in security violations; and

(3) request and receive permission from the state compact officer to enter into the contract with the proposed contractor.

(b) The contract must specify the purposes for which the background check information may be made available and shall incorporate into the contract by reference the management control outsourcing standard under subdivision 3, paragraph (c). A third-party contractor under this section is subject to section 13.05, subdivision 11.

(c) A school hiring authority must inform an individual who is the subject of a criminal history background check by a third-party contractor that the individual has the right to request and obtain from the school hiring authority a copy of the background check report. A school hiring authority may charge the individual for the actual cost of providing a copy of the report. An individual who is the subject of a criminal history background check by a third-party contractor has the right to challenge the accuracy and completeness of any information contained in the background check report, consistent with section 13.04, subdivision 4."

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

The report was adopted.

Lieder from the Transportation Finance Division to which was referred:

H. F. No. 2970, A bill for an act relating to traffic regulations; requiring motorists to move to far left of roadway before passing road maintenance workers; amending Minnesota Statutes 2006, section 169.18, subdivision 1, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 2, before "road" insert "freeway service patrol," and after "maintenance" insert a comma

Page 2, line 7, before "road" insert "freeway service patrol," and after "maintenance" insert a comma

Page 2, line 15, after "incident" insert a period

Page 2, delete lines 16 to 28

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 2972, A bill for an act relating to economic development; renaming Minnesota Technology, Inc. to Enterprise Minnesota, Inc.; updating provisions; making technical changes; amending Minnesota Statutes 2006, sections 116O.01; 116O.011; 116O.02, subdivision 6; 116O.03, subdivisions 1a, 7; 116O.04, subdivisions 1, 2; 116O.05, subdivisions 1, 2, 4; proposing coding for new law in Minnesota Statutes, chapter 116O; repealing Minnesota Statutes 2006, sections 116O.03, subdivision 11; 116O.06; 116O.07; 116O.071; 116O.072; 116O.08; 116O.09, subdivisions 1, 1a, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13; 116O.091, subdivisions 1, 4, 5, 6; 116O.10; 116O.11; 116O.12; 116O.122; 116O.13; Minnesota Statutes 2007 Supplement, section 116O.09, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 116O.01, is amended to read:

116O.01 CITATION.

Sections 116O.01 to ~~116O.10~~ 116O.061 may be cited as the "Minnesota Technology, Inc. Act ~~Enterprise Minnesota, Inc. Act.~~"

Sec. 2. Minnesota Statutes 2006, section 116O.011, is amended to read:

116O.011 NAME CHANGE.

~~The Greater Minnesota Corporation is renamed~~ Minnesota Technology, Inc., formerly known as the Greater Minnesota Corporation, is renamed Enterprise Minnesota, Inc.

Sec. 3. Minnesota Statutes 2006, section 116O.02, subdivision 6, is amended to read:

Subd. 6. **Technology-related assistance.** "Technology-related assistance" means the ~~transfer~~ application and utilization of technological information and technologies to assist in the development and production of new technology-related products or services or to increase the productivity or otherwise enhance the production or delivery of existing products or services. "Technology-related assistance" includes assistance in utilizing and developing processes and products that conserve energy.

Sec. 4. Minnesota Statutes 2006, section 116O.03, subdivision 1a, is amended to read:

Subd. 1a. **Purpose.** The purpose of the corporation is to foster long-term economic growth and job creation by stimulating innovation and the development of new products, services, and production processes through energy conservation, technology ~~transfer, applied research~~ application and utilization, and financial assistance. The corporation's purpose is not to create new programs or services but to build on the existing educational, business, and economic development infrastructure. The primary focus of the corporation's activities must be to benefit new or existing small and medium-sized businesses in greater Minnesota.

Sec. 5. Minnesota Statutes 2006, section 116O.03, subdivision 7, is amended to read:

Subd. 7. **Application and investigative data.** The following data is classified as private data with regard to data on individuals under section 13.02, subdivision 12, or as nonpublic data with regard to data not on individuals under section 13.02, subdivision 9, whichever is applicable:

(1) financial data, statistics, and information furnished in connection with assistance or proposed assistance under section ~~116O.06~~ 116O.061, including credit reports, financial statements, statements of net worth, income tax returns, either personal or corporate, and any other business and personal financial records; or

(2) security information, trade secret information, or labor relations information, as defined in section 13.37, subdivision 1, disclosed to members of the corporation board or employees of the corporation under section ~~116O.06~~ 116O.061.

Sec. 6. Minnesota Statutes 2006, section 116O.04, subdivision 1, is amended to read:

Subdivision 1. **Generally.** The board shall appoint and set the compensation for a president, who serves as chief executive officer of the corporation, and who may appoint subordinate officers. ~~The president's salary may not exceed 95 percent of the governor's salary.~~ The board may designate the president as its general agent. Subject to the control of the board, the president shall employ employees, consultants, and agents the president considers necessary. The staff of the corporation must include individuals with operational experience and knowledgeable in commercial and industrial financing, energy conservation, research and development, economic development, and general fiscal affairs. The board shall define the duties and designate the titles of the employees and agents.

Sec. 7. Minnesota Statutes 2006, section 116O.04, subdivision 2, is amended to read:

Subd. 2. **Status of employees.** ~~(a)~~ Employees, officers, and directors of the corporation and programs governed by this chapter are not state employees, but are covered by section 3.736 and, at the option of the board, may participate in the state retirement plan and the state deferred compensation plan for employees in the unclassified service and an insurance plan administered by the commissioner of employee relations.

~~(b) The board of Minnesota Project Innovation, Inc., may extend the health care insurance benefits and coverage referenced in paragraph (a) to all of its employees.~~

Sec. 8. Minnesota Statutes 2006, section 116O.05, subdivision 1, is amended to read:

Subdivision 1. **General corporate powers.** (a) The corporation has the powers granted to a business corporation by section 302A.161, subdivisions 3; 4; 5; 7; 8; 9; 11; 12; 13, except that the corporation may not act as a general partner in any partnership; 14; 15; 16; 17; 18; and 22.

(b) The state is not liable for the obligations of the corporation.

(c) Section 302A.041 applies to this chapter and the corporation in the same manner that it applies to business corporations established under chapter 302A.

~~(d) The corporation is a state agency for the purposes of the following accounting and budgeting requirements:~~

~~(1) financial reports and other requirements under section 16A.06;~~

~~(2) the state budget system under sections 16A.095, 16A.10, and 16A.11;~~

~~(3) the state allotment and encumbrance, and accounting systems under sections 16A.14, subdivisions 2, 3, 4, and 5; and 16A.15, subdivisions 2 and 3; and~~

~~(4) indirect costs under section 16A.127.~~

Sec. 9. Minnesota Statutes 2006, section 116O.05, subdivision 2, is amended to read:

Subd. 2. **Duties.** (a) The primary duties of the corporation shall include:

(1) applied research development of new products and processes for operational efficiency and excellence, enabling company growth; and

(2) technology transfer and early stage funding to small manufacturers business development services with technology utilization and application, primarily for small and medium-sized manufacturers.

(b) The corporation shall also:

(1) ~~establish programs, activities, and policies that provide technology transfer and applied research and development assistance to individuals, sole proprietorships, partnerships, corporations, other business entities, and nonprofit organizations in the state that are primarily new and existing small and medium-sized businesses in greater Minnesota;~~

~~(2) provide or provide for technology-related assistance to individuals, sole proprietorships, partnerships, corporations, other business entities, and nonprofit organizations; and~~

~~(3) provide financial assistance under section 116O.06 to assist the development of new products, services, or production processes, to assist in energy conservation, or to assist in bringing new products or services to the marketplace;~~

~~(4) provide or provide for research services including on-site research and testing of production techniques and product quality;~~

~~(5) establish and operate regional research institutes as provided for in section 116O.08;~~

~~(6) make matching research grants for applied research and development to public and private postsecondary education institutes as provided for in section 116O.11;~~

~~(7) enter into contracts for establishing formal relationships with public or private research institutes or facilities;~~

~~(8) establish the Agricultural Utilization Research Institute under section 116O.09; and~~

~~(9)~~ (2) not duplicate existing services or activities provided by other public and private organizations but shall build on the existing educational, business, and economic development infrastructure.

Sec. 10. Minnesota Statutes 2006, section 116O.05, subdivision 4, is amended to read:

Subd. 4. **Supporting organizations.** On making a determination that the public policies and purposes of this chapter will be carried out to a greater extent than what might otherwise occur, the board may cause to be created and may delegate, assign, or transfer to one or more entities, including without limitation a corporation, nonprofit corporation, limited liability company, partnership, or limited partnership, any or all rights and duties, assets and liabilities, powers or authority created, authorized, or allowed under this chapter, ~~including without limitation those pertaining to the seed capital fund under section 116O.122,~~ except to the extent specifically limited by the Constitution or by law.

Sec. 11. **[116O.061] FINANCIAL ASSISTANCE.**

(a) Financial assistance may be provided to sole proprietorships, corporations, other entities, or nonprofit organizations. Financial assistance includes, but is not limited to, assisting a qualified company or organization with business services and products that will enhance the operations of the entity.

(b) Preference and priority will be given to business entities that are expanding their operations in Minnesota. Priority will be assigned to:

(1) projects whose return, in economic benefits, are most substantial and clear;

(2) projects whose outcomes are best accelerated through internal resources of the corporation; and

(3) companies and organizations not typically able to leverage external assistance.

(c) The corporation may enter into agreements with, or solicit grants from, other organizations to jointly promote:

(1) business improvements;

(2) the application of technology, energy conservation, new product development, and other initiatives leading to economic development; and

(3) job creation.

Sec. 12. **[116V.01] DEFINITIONS.**

For purposes of this chapter:

(1) "board" means the board of directors of the Agricultural Utilization Research Institute; and

(2) "institute" means the Agricultural Utilization Research Institute established in section 116V.02.

Sec. 13. **[116V.02] AGRICULTURAL UTILIZATION RESEARCH INSTITUTE.**

Subdivision 1. **Establishment.** The Agricultural Utilization Research Institute is established as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The institute shall conduct onsite and applied research and promote the establishment of new products and product uses and the expansion of

existing markets for the state's agricultural commodities and products, including direct financial and technical assistance for Minnesota entrepreneurs. The institute must establish or maintain facilities and work with private and public entities to leverage the resources available to achieve maximum results for Minnesota agriculture.

Subd. 2. **Board of directors.** The board of directors of the institute is comprised of:

(1) the chairs of the senate and the house of representatives standing committees with jurisdiction over agriculture finance or the chair's designee;

(2) two representatives of statewide farm organizations;

(3) two representatives of agribusiness; and

(4) three representatives of the commodity promotion councils.

Subd. 3. **Duties.** (a) The institute shall:

(1) identify development opportunities for agricultural products;

(2) implement a program that identifies techniques to meet those opportunities;

(3) monitor and coordinate research among the public and private organizations and individuals specifically addressing procedures to transfer new technology to businesses, farmers, and individuals;

(4) provide research grants to public and private educational institutions and other organizations that are undertaking basic and applied research to promote the development of emerging agricultural industries;

(5) assist organizations and individuals with market analysis and product marketing implementations;

(6) to the extent possible, earn and receive revenue from contracts, patents, licenses, royalties, grants, fees-for-service, and memberships;

(7) work with the Department of Agriculture, the United States Department of Agriculture, the Department of Employment and Economic Development, and other agencies to maximize marketing opportunities locally, nationally, and internationally; and

(8) leverage available funds from federal, state, and private sources to develop new markets and value-added opportunities for Minnesota agricultural products.

(b) The board shall have the sole approval authority for establishing agricultural utilization research priorities and requests for proposals to meet those priorities, awarding of grants, hiring and direction of personnel, and other expenditures of funds consistent with the adopted and approved mission and goals of the institute. The actions and expenditures of the institute are subject to audit. By February 1, the institute shall annually report to the senate and house of representatives standing committees with jurisdiction over agricultural policy and funding. The report must list: projects initiated; progress on projects; and financial information relating to expenditures, income from other sources, and other information to allow the committees to evaluate the effectiveness of the institute's activities.

(c) The institute shall convene a renewable energy roundtable, the purpose of which shall be to further the state's leadership on bioenergy issues.

(i) The renewable energy roundtable shall consist of one representative appointed by the commissioner of the Minnesota Department of Agriculture, one appointed by the commissioner of the Minnesota Department of Commerce, one appointed by the chancellor of the Minnesota State Colleges and Universities, and one appointed by the president of the University of Minnesota. The appointees must have expertise relevant to bioenergy.

(ii) The board shall oversee the activities and shall provide staff to assist the renewable energy roundtable.

(iii) The renewable energy roundtable shall engage professionals and experts from private, government, academic, and nonprofit entities across the state to identify bioenergy opportunities and collaborate with a broad group of interested parties to identify future alternative courses of action the state can take to sustain a long-term competitive position in renewable energy through the year 2025. The renewable energy roundtable shall consult, advise, and review projects and initiatives funded by the state as directed by the governor and the legislature.

Subd. 4. **Staff.** The board shall hire staff for the institute. Persons employed by the institute are not state employees and may participate in state retirement, deferred compensation, insurance, or other plans that apply to state employees generally and are subject to regulation by the state Campaign Finance and Public Disclosure Board.

Subd. 5. **Agricultural research grants.** The institute may make matching grants for agricultural product utilization research to the University of Minnesota, the Minnesota State Colleges and Universities, a Minnesota private college or university, a private corporation, or a person. Grants may be matched from private sources, including farm commodity groups and farm organizations.

Subd. 6. **Research contracts.** The institute may enter into contracts with individuals, businesses, or organizations to provide research and development assistance at institute facilities or at other sites the board of directors determines appropriate.

Subd. 7. **Advisory board.** A 26-member advisory board may be established to identify priorities for the institute. Members of the advisory board are appointed by the board. The advisory board consists of: the chair of the house of representatives agricultural committee; the chair of the senate agricultural committee; a representative from each of the ten largest agricultural-related businesses in the state as determined by the board; a member from each of the appropriate trade organizations representing producers of beef cattle, dairy, corn, soybeans, pork, wheat, turkey, barley, wild rice, edible beans, eggs, and potatoes; a member of the Farmers Union; and a member of the Farm Bureau. Terms and removal of members must be set by the board and members of the advisory board serve without compensation but shall receive their necessary and actual expenses.

The advisory board shall annually provide a list of priorities and suggested research and marketing studies that should be performed by the institute.

Subd. 8. **Bylaws.** The board shall adopt bylaws necessary for the conduct of the business of the institute consistent with this section. The board must publish bylaws and amendments to the bylaws in the State Register.

Subd. 9. **Place of business.** The board shall locate and maintain the institute's place of business within the state.

Subd. 10. **Chair.** The board shall annually elect from among its members a chair and other officers necessary for the performance of its duties.

Subd. 11. **Meetings.** The board shall meet at least twice each year and may hold additional meetings upon giving notice in accordance with the bylaws of the institute. Board meetings are subject to chapter 13D, except as it pertains to financial information, business plans, income and expense projections, customer lists, market and feasibility studies, and trade secret information as defined by section 13.37, subdivision 1, paragraph (b).

Subd. 12. **Conflict of interest.** A director, employee, or officer of the institute may not participate in or vote on a decision of the board relating to an organization in which the director has either a direct or indirect financial interest.

Subd. 13. **No benefit to private individuals or corporations.** The institute shall not afford pecuniary gain, incidental or otherwise, to any private individual, firm, or corporation, except the payment of reasonable fees for goods and services provided and approved in accordance with the bylaws of the corporation. No part of the net income or net earnings of the institute shall, directly or indirectly, be distributable to or otherwise inure to the benefit of any individual.

Subd. 14. **Funds.** The institute may accept and use gifts, grants, or contributions from any source. Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of and invest or reinvest the money, securities, or other property given or bequested to it. The principal of these funds, the income from them, and all other revenues received by it from any nonstate source must be placed in the depositories the board determines and is subject to expenditure for the board's purposes. Expenditures of more than \$25,000 must be approved by the full board.

Subd. 15. **Accounts; audits.** The institute may establish funds and accounts that it finds convenient. The board shall provide for and pay the cost of an independent annual audit of its official books and records by the legislative auditor subject to sections 3.971 and 3.972. A copy of the audit shall be filed with the secretary of state.

Sec. 14. **[116V.03] AGRICULTURAL PROJECT UTILIZATION ACCOUNT.**

The agricultural project utilization account is an account in the special revenue fund. Money in the account is appropriated to the institute to be used for agricultural research grants as provided in section 116V.02, and for the institute.

Sec. 15. **REPEALER.**

Minnesota Statutes 2006, sections 116O.06; 116O.07; 116O.071; 116O.072; 116O.08; 116O.09, subdivisions 1, 1a, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13; 116O.091, subdivisions 1, 4, 5, and 6; 116O.10; 116O.11; 116O.12; 116O.122; and 116O.13, and Minnesota Statutes 2007 Supplement, section 116O.09, subdivision 2, are repealed.

Sec. 16. **EFFECTIVE DATE.**

Sections 1 to 15 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to economic development; renaming Minnesota Technology, Inc. to Enterprise Minnesota, Inc.; updating provisions; making technical changes; recodifying the Agricultural Utilization Research Institute provisions in a new chapter; amending Minnesota Statutes 2006, sections 116O.01; 116O.011; 116O.02, subdivision 6; 116O.03, subdivisions 1a, 7; 116O.04, subdivisions 1, 2; 116O.05, subdivisions 1, 2, 4; proposing coding for new law in Minnesota Statutes, chapter 116O; proposing coding for new law as Minnesota Statutes, chapter 116V; repealing Minnesota Statutes 2006, sections 116O.06; 116O.07; 116O.071; 116O.072; 116O.08; 116O.09, subdivisions 1, 1a, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13; 116O.091, subdivisions 1, 4, 5, 6; 116O.10; 116O.11; 116O.12; 116O.122; 116O.13; Minnesota Statutes 2007 Supplement, section 116O.09, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 2996, A bill for an act relating to corrections; authorizing deferral of judgment for certain drug offenses; repealing the sunset on early release of nonviolent controlled substance offenders; requiring the commissioner of corrections to develop a marketing plan for MINNCOR industries; defining long-term homelessness to include persons released from incarceration for purposes of receiving supportive services; granting the Department of Corrections access to DEED preincarceration data on inmates; providing a tax credit to employers that employ persons with criminal records; requiring the commissioner of corrections to study re-entry facilities and programming; increasing funding for chemical and mental health treatment for inmates and probationers; creating a certificate of rehabilitation; establishing a task force to study and recommend approaches for developing a re-entry court pilot program; establishing a controlled substance law working group; requiring the commissioner of corrections to conduct an internal review of parole and supervised release procedures and sanctions; appropriating money; amending Minnesota Statutes 2006, sections 152.18, subdivision 1; 241.27, by adding a subdivision; 256K.26, subdivision 3; 290.06, by adding a subdivision; 611A.06, subdivision 1a; Minnesota Statutes 2007 Supplement, section 268.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 364; repealing Minnesota Statutes 2006, section 244.055, subdivision 11.

Reported the same back with the following amendments:

Page 3, line 3, delete "commissioner of corrections, in conjunction with" and insert "chief executive officer of MINNCOR, with assistance from"

Page 3, line 5, delete "inmate" and insert "released offenders"

Page 3, line 6, delete everything before the first period

Page 3, line 7, delete "July 1, 2008" and insert "December 1, 2008"

Page 3, delete sections 3 and 4

Page 10, line 5, delete "July 1, 2008" and insert "March 1, 2009"

Page 10, line 14, delete "two" and insert "three" and after "associations" insert ", including one sheriff, one chief of police, and one member of the Minnesota Police and Peace Officers Association"

Page 10, line 16, delete "two representatives" and insert "one representative" and delete "and" and insert "or"

Page 10, line 17, delete "two experts" and insert "one expert"

Page 10, line 18, delete "three individuals who are" and insert "one individual who is"

Page 10, line 19, delete "have" and insert "has"

Page 10, line 21, delete "two" and insert "four" and delete "that" and insert "who"

Page 10, line 25, delete "and" and insert a comma and before the period, insert ", and house and senate fiscal staff"

Page 11, line 8, delete "reducing" and insert "imposing"

Page 11, line 30, delete "2008" and insert "2009"

Page 12, line 1, delete "TASK FORCE" and insert "WORKING GROUP"

Page 12, line 2, delete "task force" and insert "working group"

Page 12, line 10, delete "task force" and insert "working group"

Page 12, line 24, delete "December 1, 2008, the task force" and insert "February 1, 2009, the working group"

Page 12, line 28, delete "task force" and insert "working group"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, delete "rehabilitation" and insert "good conduct"

Page 1, line 12, delete "task force" and insert "working group"

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 3032, A bill for an act relating to state lands; modifying Minnesota critical habitat private sector matching account; modifying outdoor recreation system; adding to and deleting from state parks, recreation areas, and forests; providing for public and private sales, conveyances, and exchanges of certain state land; amending Minnesota Statutes 2006, sections 84.943, subdivision 5; 86A.04; 86A.08, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 84.943, subdivision 5, is amended to read:

Subd. 5. **Pledges and contributions.** The commissioner of natural resources may accept contributions and pledges to the critical habitat private sector matching account. A pledge that is made contingent on an appropriation is acceptable and shall be reported with other pledges as required in this section. The commissioner may agree to match a contribution contingent on a future appropriation. In the budget request for each biennium, the commissioner shall report the balance of contributions in the account and the amount that has been pledged for payment in the succeeding two calendar years.

Money in the account is appropriated to the commissioner of natural resources only for the direct acquisition or improvement of land or interests in land as provided in section 84.944. To the extent of available appropriations other than bond proceeds, the money matched to the nongame wildlife management account may be used for the management of nongame wildlife projects as specified in section 290.431. Acquisition includes: (1) purchase of land or an interest in land by the commissioner; or (2) acceptance by the commissioner of gifts of land or interests in land as program projects.

Sec. 2. Minnesota Statutes 2006, section 86A.04, is amended to read:

86A.04 COMPOSITION OF SYSTEM.

The outdoor recreation system shall consist of all state parks; state recreation areas; state trails established pursuant to sections 84.029, subdivision 2, 85.015, 85.0155, and 85.0156; state scientific and natural areas; state wilderness areas; state forests; state wildlife management areas; state aquatic management areas; state water access sites, which include all lands and facilities established by the commissioner of natural resources or the commissioner of transportation to provide public access to water; state wild, scenic, and recreational rivers; state historic sites; state rest areas, which include all facilities established by the commissioner of transportation for the safety, rest, comfort and use of the highway traveler, and shall include all existing facilities designated as rest areas and waysides by the commissioner of transportation; and any other units not listed in this section that are classified under section 86A.05. Each individual state park, state recreation area, and so forth is called a "unit."

Sec. 3. Minnesota Statutes 2006, section 86A.08, subdivision 1, is amended to read:

Subdivision 1. **Secondary authorization; when permitted.** A unit of the outdoor recreation system may be authorized wholly or partially within the boundaries of another unit only when the authorization is consistent with the purposes and objectives of the respective units and only in the instances permitted below:

(a) The following units may be authorized wholly or partially within a state park: historic site, scientific and natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.

(b) The following units may be authorized wholly or partially within a state recreation area: historic site, scientific and natural area, wild, scenic, and recreational river, trail, rest area, aquatic management area, wildlife management area, and water access site.

(c) The following units may be authorized wholly or partially within a state forest: state park, state recreation area, historic site, wildlife management area, scientific and natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.

(d) The following units may be authorized wholly or partially within a state historic site: wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.

(e) The following units may be authorized wholly or partially within a state wildlife management area: state water access site and aquatic management area.

(f) The following units may be authorized wholly or partially within a state wild, scenic, or recreational river: state park, historic site, scientific and natural area, wilderness area, trail, rest area, aquatic management area, and water access site.

(g) The following units may be authorized wholly or partially within a state rest area: historic site, trail, wild, scenic, and recreational river, aquatic management area, and water access site.

(h) The following units may be authorized wholly or partially within an aquatic management area: historic site, scientific and natural area, wild, scenic, and recreational river, trail, rest area, and water access site.

Sec. 4. Laws 2006, chapter 236, article 1, section 43, is amended to read:

Sec. 43. **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 or lease of tax-forfeited land, Itasca County must apportion the first \$1,000,000 received from the sale or lease 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 or lease 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. 5. **ADDITIONS TO STATE PARKS.**

Subdivision 1. [85.012] [Subd. 9.] Buffalo River State Park, Clay County. The following area is added to Buffalo River State Park, all in Section 11, Township 139 North, Range 46, Clay County: That part of the Southeast Quarter of Section 11, described as follows: Beginning at the southwest corner of the Southeast Quarter of said Section 11; thence North 00 degrees 13 minutes 06 seconds East (assumed bearing), along the westerly line of the Southeast Quarter of said Section 11, for a distance of 503.33 feet; thence South 89 degrees 25 minutes 32 seconds East for a distance of 200.00 feet; thence North 00 degrees 13 minutes 06 seconds East, parallel to the westerly line of the Southeast Quarter of said Section 11, for a distance of 457.87 feet; thence South 89 degrees 44 minutes 18 seconds East for a distance of 323.00 feet; thence South 48 degrees 16 minutes 47 seconds East for a distance of 89.46 feet; thence South 29 degrees 17 minutes 10 seconds East for a distance of 1,035.56 feet to a point of intersection with the southerly line of the Southeast Quarter of said Section 11; thence North 89 degrees 44 minutes 18 seconds West, along the southerly line of the Southeast Quarter of said Section 11, for a distance of 1,100.00 feet to the point of beginning. Said tract of land contains 16.133 acres, more or less, and is subject to the following described ingress-egress easement: A 30.00-foot strip of land for purposes of ingress and egress centered along the following described line: Commencing at the southwest corner of the Southeast Quarter of Section 11, Township 139 North, Range 46 West, Fifth Principal Meridian, Clay County, Minnesota; thence North 00 degrees 13 minutes 06 seconds East (assumed bearing), along the westerly line of the Southeast Quarter of said Section 11, for a distance of 15.00 feet to the true point of beginning; thence South 89 degrees 44 minutes 18 seconds East, parallel to and 15.00 feet northerly of the southerly line of the Southeast Quarter of said Section 11, for a distance of 797.03 feet; thence North 22 degrees 07 minutes 20 seconds East for a distance of 327.76 feet and there terminating.

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

(1) all that part of Government Lot 4, and all that part of the Southwest Quarter of the Southeast Quarter and of the Southeast Quarter of the Southwest Quarter, all in Section 2, Township 112 North, Range 13 West, described as follows, to-wit: Beginning at the point of intersection of the east and west center line of said Section 2 with the line of the west shore of Lake Pepin, running thence West 6 chains; thence South 33 degrees 15 minutes West 9.60

chains; thence South 41 degrees West 5.54 chains; thence South 51 degrees 15 minutes West 4.32 chains; thence South 65 degrees 15 minutes West 4 chains; thence South 70 degrees 45 minutes West 11.27 chains to a rock in Glenway Street in the village of Frontenac; thence South 48 degrees 30 minutes East 4.72 chains to the north and south center line of said section; thence South 39 degrees 10 minutes East 11.14 chains; thence South 32 degrees 30 minutes East 8.15 chains to the north line of Waconia Avenue in said Frontenac; thence North 42 degrees 50 minutes East 5.15 chains; thence North 23 degrees 50 minutes East 2.75 chains; thence North 9 degrees 20 minutes East 7.90 chains; thence North 20 degrees 20 minutes East 4.64 chains; thence North 52 degrees West 3.80 chains; thence North 20 degrees 20 minutes East 18.40 chains to the east line of said Mill Street in said Frontenac; thence South along the east line of said Mill Street 3.76 chains to the north line of Lot 8 in Block 13 in said Frontenac; thence along said north line to the shore of Lake Pepin; thence along the shore of said lake 1.50 chains to the point of beginning, containing in all 35.67 acres of land, more or less. Excepting therefrom all that part of Government Lot 4, Section 2, Township 112 North, Range 13 West, described, as follows: Beginning on the shore of Lake Pepin at the northeast corner of Lot 8 in Block 13 of the town of Frontenac, running thence westerly along the north line of said lot to the northwest corner thereof; thence northerly along the easterly line of Mill Street in said town of Frontenac 215 feet, more or less, to its intersection with the north line of said Government Lot 4; thence East along the north line of said Government Lot 4 to low water mark on shore of Lake Pepin; thence southerly along the low water mark of Lake Pepin to the place of beginning. Also excepting that part of Government Lot 4, Section 2, Township 112 North, Range 12 West, which lies West of Undercliff Street in said village, North of the southerly line of said Lot 1, Block 14, prolonged westerly, and East of a line beginning 6 chains West of the intersection of the east and west center line of said Section 2 with the west shore of Lake Pepin, being the point of intersection of the west line of said Undercliff Street and said east and west center line; thence South 33 degrees 15 minutes West 9.60 chains, being a triangular piece of land; all of Block 14, except Lot 1 of said Block 14; Lots 11, 12, 13, 14, 15, 16, 17, 18, and 19 of Block 15, except so much of Lot 11 in said Block 15 (in a triangular form) as lies between the west end of Lots 2 and 3 of said Block 15 and the east line of Bluff Street, all in the town of Frontenac according to the accepted and recorded map of said town of Frontenac now on file and of record in the Office of the Register of Deeds in and for said County of Goodhue;

(2) that part of the West Half of the Northeast Quarter of Section 6, Township 112 North, Range 13 West, Goodhue County, Minnesota, described as follows: Commencing at the northeast corner of the West Half of the Northeast Quarter of said Section 6; thence South 01 degree 11 minutes 39 seconds East, assumed bearing, along the east line of said West Half of the Northeast Quarter of Section 6, a distance of 1,100.00 feet to the point of beginning of the land to be described; thence North 01 degree 11 minutes 39 seconds West, along said east line, a distance of 400.00 feet; thence South 89 degrees 01 minute 10 seconds West, a distance of 442.03 feet; thence southwesterly, a distance of 534.99 feet along a nontangential curve concave to the northwest having a radius of 954.93 feet, a central angle of 33 degrees 53 minutes 57 seconds, and a chord that bears South 42 degrees 45 minutes 42 seconds West; thence South 59 degrees 42 minutes 41 seconds West, tangent to said curve, a distance of 380.00 feet to the centerline of State Highway 61, as now located and established; thence southeasterly, along said centerline of State Highway 61, a distance of 160 feet, more or less, to the intersection with a line bearing South 73 degrees 00 minutes 00 seconds West from the point of beginning; thence North 73 degrees 00 minutes 00 seconds East, to the point of beginning. Together with a 50.00-foot wide driveway and utility easement, which lies northwesterly and adjoins the northwesterly line of the above described property; and

(3) that part of the West Half of the Northeast Quarter of Section 6, Township 112 North, Range 13 West, Goodhue County, described as follows: Commencing at the northeast corner of the West Half of the Northeast Quarter of said Section 6; thence South 01 degree 11 minutes 39 seconds East, assumed bearing, along the east line of said West Half of the Northeast Quarter of Section 6, a distance of 1,100.00 feet to the point of beginning of the land to be described; thence South 73 degrees 00 minutes 00 seconds West, to the centerline of State Highway 61, as now located and established; thence southeasterly, along said centerline of State Highway 61, to the south line of said West Half of the Northeast Quarter of Section 6; thence North 88 degrees 34 minutes 56 seconds East, along said south line, to the southeast corner of said West Half of the Northeast Quarter of Section 6; thence North 01 degree 11 minutes 39 seconds West, a distance of 1,902.46 feet to the point of beginning.

Subd. 3. [85.012] [Subd. 44.] Monson Lake State Park, Swift County. The following area is added to Monson Lake State Park, Swift County: the Northeast Quarter of Section 1, Township 121 North, Range 37 West.

Subd. 4. [85.012] [Subd. 51.] Savanna Portage State Park, Aitkin and St. Louis Counties. The following areas are added to Savanna Portage State Park: the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northwest Quarter, Government Lot 2, and Government Lot 3, all in Section 13, Township 50 North, Range 23 West, Aitkin County.

Subd. 5. [85.012] [Subd. 52.] Scenic State Park, Itasca County. The following areas are added to Scenic State Park: Government Lot 3, Government Lot 4, the Northeast Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter, all in Section 7, Township 60 North, Range 25 West, Itasca County.

Subd. 6. [85.012] [Subd. 53a.] Soudan Underground Mine State Park, St. Louis County. The following area is added to Soudan Underground Mine State Park: the Northeast Quarter of the Northeast Quarter, Section 29, Township 62 North, Range 15 West, St. Louis County.

Subd. 7. [85.012] [Subd. 60.] William O'Brien State Park, Washington County. The following areas are added to William O'Brien State Park, Washington County:

(1) Lot 1, Block 1, and Outlots A and B, Spring View Acres according to the plat on file and of record in the Office of the Recorder for Washington County;

(2) the South 200.00 feet of the North 1,326.20 feet of the West One-Half of the Southeast Quarter, Section 36, Township 32 North, Range 20 West; and

(3) that part of the Northeast Quarter of the Southwest Quarter lying west of Highway 95 (St. Croix Trail North) in Section 31, Township 32 North, Range 19 West.

Sec. 6. DELETIONS FROM STATE PARKS.

Subdivision 1. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County. The following areas are deleted from Frontenac State Park, all in Township 112 North, Range 13 West, Goodhue County:

(1) that part of the East Half, Section 11, and that part of the Southwest Quarter, Section 12, being described as BLOCK's O, F, H, G, and L, GARRARD'S SOUTH EXTENSION TO FRONTENAC according to the plat on file and of record in the Office of the Recorder for Goodhue County, Minnesota. Including all of those parts of vacated Birch Way and Birch Way South situated in GARRARD'S SOUTH EXTENSION TO FRONTENAC lying southerly of vacated Ludlow Avenue and northerly of Winona Avenue;

(2) that part of the Northeast Quarter, Section 11, being described as BLOCK 70, WESTERVELT (also known as the town of Frontenac) according to the plat on file and of record in the Office of the Recorder for Goodhue County, Minnesota;

(3) that part of the Northeast Quarter, Section 11, being described as Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, and 16, BLOCK 69, WESTERVELT (aka town of Frontenac) according to the plat on file and of record in the Office of the Recorder for Goodhue County, Minnesota;

(4) that part of the Northeast Quarter, Section 11, being described as BLOCK 67, WESTERVELT (aka town of Frontenac) according to the plat on file and of record in the Office of the Recorder for Goodhue County, Minnesota. Including the South 30 feet of Graham Street lying adjacent to and northerly of Lots 1 and 16, BLOCK 67 of said plat of WESTERVELT;

(5) that part of the Northeast Quarter, Section 11, being described as BLOCK 66, WESTERVELT (aka town of Frontenac) according to the plat on file and of record in the Office of the Recorder for Goodhue County, Minnesota; and

(6) that part of the Northeast Quarter, Section 11, being described as those parts of Lots 1 and 9 in BLOCK 65 of the town of Frontenac lying adjacent to and northerly of the southerly 50 feet of said Lots 1 and 9 according to the plat on file and of record in the Office of the Recorder for Goodhue County, Minnesota.

Subd. 2. [85.012][Subd. 30.] Jay Cooke State Park, Carlton County. Effective upon the commissioner of natural resources entering into an agreement with the commissioner of military affairs to transfer the property for use as a veterans cemetery, the following areas are deleted from Jay Cooke State Park:

(a) the Northeast Quarter of the Southeast Quarter lying southerly of the railroad right-of-way, Section 21, Township 48 North, Range 16 West;

(b) the Northwest Quarter of the Southwest Quarter lying southerly of the railroad right-of-way, Section 22, Township 48 North, Range 16 West; and

(c) the East 2 rods of the Southwest Quarter of the Southwest Quarter, Section 22, Township 48 North, Range 16 West.

Subd. 3. [85.012] [Subd. 35.] Lake Carlos State Park, Douglas County. The following area is deleted from Lake Carlos State Park: that part of Government Lot 2, being described as EHLERT'S ADDITION according to the plat on file and of record in the Office of the Recorder for Douglas County, Minnesota, Section 10, Township 129 North, Range 37 West, Douglas County.

Subd. 4. [85.012] [Subd. 38.] Lake Shetek State Park, Murray County. The following areas are deleted from Lake Shetek State Park:

(1) Blocks 3 and 4 of Forman Acres according to the plat on file and of record in the Office of the Recorder for Murray County;

(2) the Hudson Acres subdivision according to the plat on file and of record in the Office of the Recorder for Murray County; and

(3) that part of Government Lot 6 and that part of Government Lot 7 of Section 6, Township 107 North, Range 40 West, and that part of Government Lot 1 and that part of Government Lot 2 of Section 7, Township 107 North, Range 40 West, Murray County, Minnesota, described as follows: Commencing at the East Quarter Corner of said Section 6; thence on a bearing based on the 1983 Murray County Coordinate System (1996 Adjustment), of South 00 degrees 22 minutes 05 seconds East 1405.16 feet along the east line of said Section 6; thence North 89 degrees 07 minutes 01 second West 1942.39 feet; thence South 03 degrees 33 minutes 00 seconds West 94.92 feet to the northeast corner of Block 5 of FORMAN ACRES, according to the recorded plat thereof on file and of record in the Murray County Recorder's Office; thence South 14 degrees 34 minutes 00 seconds West 525.30 feet along the easterly line of said Block 5 and along the easterly line of the Private Roadway of FORMAN ACRES to the southeasterly corner of said Private Roadway and the POINT OF BEGINNING; thence North 82 degrees 15 minutes 00 seconds West 796.30 feet along the southerly line of said Private Roadway to an angle point on said line and an existing ½ inch diameter rebar; thence South 64 degrees 28 minutes 26 seconds West 100.06 feet along the southerly line of said Private Roadway to an angle point on said line and an existing ½ inch diameter rebar; thence South 33 degrees 01 minute 32 seconds West 279.60 feet along the southerly line of said Private Roadway to an angle point on said line; thence South 76 degrees 04 minutes 52 seconds West 766.53 feet along the southerly line of said Private Roadway to a ¾ inch diameter rebar with a plastic cap stamped "MN DNR LS 17003" (DNR MON);

thence South 16 degrees 24 minutes 50 seconds West 470.40 feet to a DNR MON; thence South 24 degrees 09 minutes 57 seconds West 262.69 feet to a DNR MON; thence South 08 degrees 07 minutes 09 seconds West 332.26 feet to a DNR MON; thence North 51 degrees 40 minutes 02 seconds West 341.79 feet to the east line of Lot A of Lot 1 of LOT A OF GOV. LOT 8, OF SEC. 6 AND LOT A OF GOV. LOT 1, OF SEC 7 TP. 107 RANGE 40, according to the recorded plat thereof on file and of record in the Murray County Recorder's Office and a DNR MON; thence South 14 degrees 28 minutes 55 seconds West 71.98 feet along the east line of said Lot A to the northerly most corner of Lot 36 of HUDSON ACRES, according to the recorded plat thereof on file and of record in the Murray County Recorder's Office and an existing steel fence post; thence South 51 degrees 37 minutes 05 seconds East 418.97 feet along the northeasterly line of said Lot 36 and along the northeasterly line of Lots 35,34,33,32 of HUDSON ACRES to an existing 1 inch inside diameter iron pipe marking the easterly most corner of Lot 32 and the most northerly corner of Lot 31A of HUDSONS ACRES; thence South 48 degrees 33 minutes 10 seconds East 298.26 feet along the northeasterly line of said Lot 31A to an existing 1½ inch inside diameter iron pipe marking the easterly most corner thereof and the most northerly corner of Lot 31 of HUDSONS ACRES; thence South 33 degrees 53 minutes 30 seconds East 224.96 feet along the northeasterly line of said Lot 31 and along the northeasterly line of Lots 30 and 29 of HUDSON ACRES to an existing 1½ inch inside diameter iron pipe marking the easterly most corner of said Lot 29 and the most northerly corner of Lot 28 of HUDSONS ACRES; thence South 45 degrees 23 minutes 54 seconds East 375.07 feet along the northeasterly line of said Lot 28 and along the northeasterly line of Lots 27,26,25,24 of HUDSON ACRES to an existing 1½ inch inside diameter iron pipe marking the easterly most corner of said Lot 24 and the most northerly corner of Lot 23 of HUDSON ACRES; thence South 64 degrees 39 minutes 53 seconds East 226.80 feet along the northeasterly line of said Lot 23 and along the northeasterly line of Lots 22 and 21 of HUDSON ACRES to an existing 1½ inch inside diameter iron pipe marking the easterly most corner of said Lot 21 and the most northerly corner of Lot 20 of HUDSON ACRES; thence South 39 degrees 49 minutes 49 seconds East 524.75 feet along the northeasterly line of said Lot 20 and along the northeasterly line of Lots 19,18,17,16,15,14 of HUDSON ACRES to an existing 1½ inch inside diameter iron pipe marking the easterly most corner of said Lot 14 and the most northerly corner of Lot 13 of HUDSON ACRES; thence South 55 degrees 31 minutes 43 seconds East 225.11 feet along the northeasterly line of said Lot 13 and along the northeasterly line of Lots 12 and 11 of HUDSON ACRES to an existing 1½ inch inside diameter iron pipe marking the easterly most corner of said Lot 11 and the northwest corner of Lot 10 of HUDSON ACRES; thence South 88 degrees 03 minutes 49 seconds East 224.90 feet along the north line of said Lot 10 and along the north line of Lots 9 and 8 of HUDSON ACRES to an existing 1½; inch inside diameter iron pipe marking the northeast corner of said Lot 8 and the northwest corner of Lot 7 of HUDSON ACRES; thence North 84 degree 07 minutes 37 seconds East 525.01 feet along the north line of said Lot 7 and along the north line of Lots 6,5,4,3,2,1 of HUDSON ACRES to an existing 1½; inch inside diameter iron pipe marking the northeast corner of said Lot 1 of HUDSON ACRES; thence southeasterly, easterly and northerly along a non-tangential curve concave to the north having a radius of 50.00 feet, central angle 138 degrees 41 minutes 58 seconds, a distance of 121.04 feet, chord bears North 63 degrees 30 minutes 12 seconds East; thence continuing northwesterly and westerly along the previously described curve concave to the south having a radius of 50.00 feet, central angle 138 degrees 42 minutes 00 seconds, a distance of 121.04 feet, chord bears North 75 degrees 11 minutes 47 seconds West and a DNR MON; thence South 84 degrees 09 minutes 13 seconds West not tangent to said curve 520.52 feet to a DNR MON; thence North 88 degrees 07 minutes 40 seconds West 201.13 feet to a DNR MON; thence North 55 degrees 32 minutes 12 seconds West 196.66 feet to a DNR MON; thence North 39 degrees 49 minutes 59 seconds West 530.34 feet to a DNR MON; thence North 64 degrees 41 minutes 41 seconds West 230.01 feet to a DNR MON; thence North 45 degrees 23 minutes 00 seconds West 357.33 feet to a DNR MON; thence North 33 degrees 53 minutes 32 seconds West 226.66 feet to a DNR MON; thence North 48 degrees 30 minutes 31 seconds West 341.45 feet to a DNR MON; thence North 08 degrees 07 minutes 09 seconds East 359.28 feet to a DNR MON; thence North 24 degrees 09 minutes 58 seconds East 257.86 feet to a DNR MON; thence North 16 degrees 24 minutes 50 seconds East 483.36 feet to a DNR MON; thence North 76 degrees 04 minutes 53 seconds East 715.53 feet to a DNR MON; thence North 33 degrees 01 minute 32 seconds East 282.54 feet to a DNR MON; thence North 64 degrees 28 minutes 25 seconds East 84.97 feet to a DNR MON; thence South 82 degrees 15 minutes 00 seconds East 788.53 feet to a DNR MON; thence North 07 degrees 45 minutes 07 seconds East 26.00 feet to the point of beginning; containing 7.55 acres.

Subd. 5. [85.012] [Subd. 44a.] Moose Lake State Park, Carlton County. The following areas are deleted from Moose Lake State Park, all in Township 46 North, Range 19 West, Carlton County:

(1) Parcel A: the West 660.00 feet of the Southwest Quarter of the Northeast Quarter of Section 28;

(2) Parcel B: the West 660.00 feet of the Northwest Quarter of the Southeast Quarter of Section 28 lying northerly of a line 75.00 feet northerly of and parallel with the centerline of State Trunk Highway 73, and subject to a taking for highway purposes of a 100.00-foot wide strip for access and also subject to highway and road easements;

(3) Parcel C: the West 660.00 feet of the Southwest Quarter of the Southeast Quarter of Section 28 lying northerly of a line 75.00 feet northerly of and parallel with the centerline of State Trunk Highway 73, and subject to taking for highway purposes of a road access under S.P. 0919 (311-311) 901 from State Trunk Highway 73 to old County Road 21, said access being 100.00 feet in width with triangular strips of land adjoining it at the northerly line of State Trunk Highway 73, and subject to highway and road easements;

(4) Parcel G: that part of Government Lot 1 of Section 28, which lies northerly of the westerly extension of the northerly line of the Southwest Quarter of the Northeast Quarter of said Section 28, and southerly of the westerly extension of the northerly line of the South 660.00 feet of the Northwest Quarter of the Northeast Quarter of said Section 28;

(5) Parcel H: the South 660.00 feet of the Northwest Quarter of the Northeast Quarter of Section 28;

(6) Parcel I: the Southwest Quarter of the Northeast Quarter of Section 28, except the West 660.00 feet of said Southwest Quarter; and

(7) Parcel J: that part of the North One-Half of the Southeast Quarter of Section 28, described as follows: Commencing at the northwest corner of said North One-Half of the Southeast Quarter; thence South 89 degrees 57 minutes 36 seconds East along the north line of said North One-Half of the Southeast Quarter a distance of 660.01 feet to the east line of the West 660.00 feet of said North One-Half of the Southeast Quarter and the actual point of beginning; thence continue South 89 degrees 57 minutes 36 seconds East along the north line of said North One-Half of the Southeast Quarter a distance of 657.40 feet to the southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 28; thence South 00 degrees 19 minutes 17 seconds West, parallel to the west line of said North One-Half of the Southeast Quarter a distance of 715.12 feet to the westerly right-of-way of US Interstate Highway 35; thence along said westerly right-of-way of US Interstate Highway 35 a distance of 457.86 feet on a nontangential curve, concave to the southeast, having a radius of 1,054.93 feet, a central angle of 24 degrees 52 minutes 03 seconds, and a chord bearing of South 39 degrees 00 minutes 37 seconds West; thence South 46 degrees 44 minutes 11 seconds West along said westerly right-of-way of US Interstate Highway 35 a distance of 295.30 feet to the northerly right-of-way of Minnesota Trunk Highway 73; thence 163.55 feet along said northerly right-of-way of Minnesota Trunk Highway 73 on a nontangential curve, concave to the south, having a radius of 1,984.88 feet, a central angle of 4 degrees 43 minutes 16 seconds, and a chord bearing of South 77 degrees 39 minutes 40 seconds West to the east line of the West 660.00 feet of said North One-Half of the Southeast Quarter; thence North 00 degrees 19 minutes 17 seconds East a distance of 1,305.90 feet, more or less, to the point of beginning and there terminating.

Sec. 7. ADDITIONS TO STATE RECREATION AREAS.

[85.013] [Subd. 11a.] Garden Island State Recreation Area, Lake of the Woods County. The following areas are added to Garden Island State Recreation Area, Lake of the Woods County:

(1) Bureau of Land Management Island County Control Number 013 (aka Bridges Island) within Lake of the Woods and located in Section 9, Township 165 North, Range 32 West;

(2) Bureau of Land Management Island County Control Number 014 (aka Knight Island) within Lake of the Woods and located in Section 22, Township 165 North, Range 32 West; and

(3) Bureau of Land Management Island County Control Number 015 (aka Babe Island) within Lake of the Woods and located in Section 17, Township 166 North, Range 32 West.

Sec. 8. **ADDITIONS TO BIRCH LAKES STATE FOREST.**

[89.021] [Subd. 7.] Birch Lakes State Forest. The following area is added to Birch Lakes State Forest: the East Half of the Northeast Quarter, Section 35, Township 127 North, Range 33 West, Stearns County.

Sec. 9. **PUBLIC OR PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND BORDERING PUBLIC WATER; AITKIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, and the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, the commissioner of natural resources may sell by public or private sale the consolidated conservation 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. The consideration for the conveyance must be for no less than the survey costs and appraised value of the land and timber. Proceeds shall be disposed of according to Minnesota Statutes, chapter 84A.

(c) The land that may be sold is located in Aitkin County and is described as: the East 132 feet of the West 396 feet, less the North 40 feet of Government Lot 8, Section 19, Township 50 North, Range 23 West, containing 3.74 acres, more or less.

(d) The land borders Aitkin Lake with privately owned land to the east and west. The land has been subject to continued trespasses by adjacent landowners. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 10. **PUBLIC OR PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND; AITKIN COUNTY.**

(a) Notwithstanding the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, Aitkin County may sell by public or private sale the consolidated conservation lands 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. The consideration for the conveyance must be for no less than the survey costs and appraised value of the land and timber. Proceeds shall be disposed of according to Minnesota Statutes, chapter 84A.

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

(1) that part of the Northwest Quarter of the Southeast Quarter, Section 31, Township 49 North, Range 22 West, lying east of County State-Aid Highway 6, containing 3 acres, more or less;

(2) that part of Government Lot 11, Section 3, Township 47 North, Range 26 West, lying north of County Road 54, containing 2 acres, more or less;

(3) that part of Government Lot 1, Section 19, Township 51 North, Range 25 West, lying southwest of the ditch, containing 20 acres, more or less;

(4) that part of the Southwest Quarter of the Southwest Quarter, Section 13, Township 51 North, Range 26 West, lying south of the ditch, containing 12 acres, more or less; and

(5) that part of the South Half of the Southeast Quarter, Section 13, Township 51 North, Range 26 West, lying south of the ditch, containing 40 acres, more or less.

(d) The lands are separated from management units by roads or ditches. The Department of Natural Resources has determined that the lands are not needed for natural resource purposes.

Sec. 11. **PRIVATE SALE OF SURPLUS STATE LAND; BELTRAMI COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, and upon completion of condemnation of the school trust land interest, the commissioner of natural resources may sell by private sale to Cormant Township the surplus land that is described in paragraph (c).

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

(c) The land that may be sold is located in Beltrami County and is described as: that part of the Northeast Quarter of the Southeast Quarter, Section 15, Township 151 North, Range 31 West, Beltrami County, Minnesota, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter; thence West along the north line of said Northeast Quarter of the Southeast Quarter to the northwest corner of said Northeast Quarter of the Southeast Quarter and the POINT OF BEGINNING of the property to be described; thence East a distance of 76 feet, along said north line; thence South a distance of 235 feet; thence West a distance of 76 feet to the west line of said Northeast Quarter of the Southeast Quarter; thence North a distance of 235 feet along said west line to the point of beginning. Containing 0.41 acre, more or less.

(d) Cormant Cemetery has inadvertently trespassed upon the land. The Department of Natural Resources has determined that the state's land management interests would best be served if the land was conveyed to Cormant Township and managed as part of the cemetery. Since the land is currently school trust land, the Department of Natural Resources shall first condemn the school trust interest prior to conveyance to Cormant Township.

Sec. 12. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; BELTRAMI COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Beltrami 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 changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Beltrami County and is described as: the easterly 350 feet of the following described parcel: Northland Addition to Bemidji Lots E, G, H, I, J, Section 8, Township 146 North, Range 33 West, and all that part of Unplatted Lot 1, Section 17, Township 146 North, Range 33 West and the Minneapolis, Red Lake, and Manitoba Railway right-of-way lying West of Park Avenue and within Lot 1 except that part of the MRL&M RY R/W lying north of the north boundary line of Lot E, Northland Addition to Bemidji.

(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. 13. PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; CARLTON COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Carlton 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. 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 Carlton County and is described as: the SE¹/₄ of the SE¹/₄ of Section 31, Township 47 North, Range 17 West, Blackhoof Township.

(d) The Carlton County Board of Commissioners has classified the parcel as nonconservation and has determined that the county's land management interests would best be served if the parcel was returned to private ownership.

Sec. 14. EXCHANGE OF STATE LAND WITHIN CARVER HIGHLANDS WILDLIFE MANAGEMENT AREA; CARVER COUNTY.

(a) 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 provisions of Minnesota Statutes, sections 94.343 to 94.347, exchange the lands described in paragraph (b).

(b) The lands to be exchanged are located in Carver County and are described as:

(1) that part of the South Half of the Northwest Quarter and that part of the Northwest Quarter of the Southwest Quarter lying northwesterly of the following described line: Beginning on the north line of the South Half of the Northwest Quarter, 1,815 feet East of the northwest corner thereof; thence southwesterly 3,200 feet, more or less, to the southwest corner of the Northwest Quarter of the Southwest Quarter and there terminating, all in Section 30, Township 115 North, Range 23 West;

(2) the Southeast Quarter of the Northeast Quarter, the West Half of the Southeast Quarter of the Southeast Quarter, and that part of the North Half of the Southeast Quarter lying easterly of County State-Aid Highway 45, all in Section 25, Township 115 North, Range 24 West;

(3) the Northwest Quarter of the Northeast Quarter of the Northeast Quarter and the North Half of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter, all in Section 36, Township 115 North, Range 24 West; and

(4) the Northwest Quarter of the Northwest Quarter, Section 6, Township 114 North, Range 23 West.

(c) The lands were acquired in part with bonding appropriations. The exchange with the United States Fish and Wildlife Service will consolidate land holdings, facilitate management of the lands, and provide additional wildlife habitat acres to the state.

Sec. 15. PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CLEARWATER COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Clearwater 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. 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 Clearwater County and is described as: Parcel 11.300.0020.

(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. 16. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER OR WETLANDS; DAKOTA 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, Dakota County may convey to Dakota County for no consideration the tax-forfeited land bordering public water 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 Dakota County 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. The attorney general may make changes to the land description to correct errors and ensure accuracy.

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

That part of Government Lots 7 and 8, Section 26, Township 28, Range 22, lying southeasterly of Lot 2, AUDITORS SUBDIVISION NO. 23, according to the recorded plat thereof, and lying easterly of the railroad right-of-way and lying northwesterly of the following described line:

Commencing at the southwest corner of said Government Lot 7; thence North, assumed bearing, along the west line of said Government Lot 7, a distance of 178.00 feet; thence northeasterly along a nontangential curve concave to the southeast a distance of 290.00 feet, said curve having a radius of 764.50 feet, a central angle of 21 degrees 43 minutes 57 seconds, a chord of 288.24 feet and a chord bearing of North 24 degrees 29 minutes 20 seconds East; thence continuing northeasterly along a tangent curve concave to the southeast a distance of 350.00 feet, said curve having a radius of 708.80 feet, a central angle of 28 degrees 17 minutes 32 seconds, a chord of 346.46 feet and a chord bearing of North 49 degrees 30 minutes 04 seconds East; thence North 63 degrees 38 minutes 50 seconds East tangent to the last described curve a distance of 578.10 feet, to a point hereinafter referred to as Point B; thence continuing North 63 degrees 38 minutes 50 seconds East a distance of 278.68 feet, more or less, to the westerly right-of-way line of the Chicago, Rock Island and Pacific Railroad, said point being the point of beginning of the line to be described; thence North 63 degrees 38 minutes 50 seconds East a distance of 225.00 feet, more or less, to the shoreline of the Mississippi River and there terminating. (Dakota County tax identification number 36-02600-016-32).

(d) The county has determined that the land is needed as a trail corridor for the Mississippi River Regional Trail.

Sec. 17. **PRIVATE SALE OF SURPLUS STATE LAND; HENNEPIN COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell to the city of Wayzata, for less than the value of the land as determined by the commissioner, but the conveyance must provide that the land described in paragraph (c) be used for the public and reverts to the state if the city of Wayzata 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: Tract F, Registered Land Survey No. 1168.

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

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 provisions of Minnesota Statutes, chapter 282, Itasca County may sell to Itasca County the tax-forfeited land bordering public water that is described in paragraph (c), for the appraised value of the land.

(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 in Itasca County and is described as: the North 1,100 feet of Government Lot 1, Section 26, Township 56 North, Range 26 West.

(d) The county has determined that the county's land management interests would be best served if the land was under the direct ownership of Itasca County.

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

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Marshall 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. 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 Marshall County and is described as: that part of the westerly ten acres of the North Half of the Northeast Quarter lying southerly of the following described line: Commencing at the quarter section corner between Sections 2 and 11; thence South along the quarter section line a distance of 1,080 feet to the northern edge of County Ditch #25, the point of beginning; thence upstream along said ditch North 40 degrees East 95 feet; thence South 41 degrees East 500 feet to the intersection with State Ditch #83; thence along said state ditch North 52 degrees 50 minutes East 196 feet; thence East 2,092 feet to the section line between Sections 11 and 12.

(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. 20. **EXCHANGE OF STATE LAND WITHIN LAKE LOUISE STATE PARK; MOWER 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 94.347, 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 Mower County and is described as: that part of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 20, Township 101 North, Range 14 West, Mower County, Minnesota, described as follows: Beginning at a point on the south line of said Section 20 a distance of 1,039.50 feet (63 rods) East of the south quarter corner of said Section 20; thence North at right angles to said south line 462.00 feet (28 rods); thence West parallel to said south line 380.6 feet, more or less, to the west line of said Southeast Quarter of the Southwest Quarter of the Southeast Quarter; thence South along said west line 462 feet, more or less, to the south line of said Section 20; thence East along said south line 380.6 feet, more or less, to the point of beginning, containing 4.03 acres.

(d) The exchange would resolve an unintentional trespass by the Department of Natural Resources of a horse trail that is primarily located within Lake Louise State Park and provide for increased access to the state park.

Sec. 21. **PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail 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 changes to the land description to correct errors and ensure accuracy.

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

Section 19, Township 133, Range 42, River's Bend Reserve, Lot B.

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 22. **PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail 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 changes to the land description to correct errors and ensure accuracy.

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

Section 24, Township 136, Range 41, Crystal Beach, Lot 56, Block 1.

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 23. **PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail 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 changes to the land description to correct errors and ensure accuracy.

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

Section 9, Township 133, Range 43, South 212 feet of Sub Lot 6 and South 212 feet of Sub Lot 7, except tract and except platted (1.19) acres.

(d) The Department of Natural Resources has no objection to the sale of this land.

Sec. 24. **PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail 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 changes to the land description to correct errors and ensure accuracy.

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

Section 10, Township 134, Range 42, Heilberger Lake Estates, Reserve Lot A.

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 25. PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Otter Tail 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. 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 Otter Tail County and is described as:

Section 31, Township 137, Range 39, Government Lot 5 (37.20 acres).

(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. 26. PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Otter Tail 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. 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 Otter Tail County and is described as:

Section 29, Township 137, Range 40, Freedom Flyer Estates, Lot 26, Block 1.

(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. 27. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail 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 changes to the land description to correct errors and ensure accuracy.

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

Quiet Waters Development Outlot A.

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 28. **PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail 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 changes to the land description to correct errors and ensure accuracy.

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

Section 9, Township 136, Range 38, part of Government Lot 4 North and East of highway (Book 307, Page 31).

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 29. **PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail 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 changes to the land description to correct errors and ensure accuracy.

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

Section 9, Township 136, Range 38, Elm Rest, part of Lots 3, 4, 5, and 6 and of Reserve A lying North of road (Book 307, Page 31).

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 30. **PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail 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 changes to the land description to correct errors and ensure accuracy.

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

Section 27, Township 135, Range 39, Government Lot 7 (9.50 acres).

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 31. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Otter Tail 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 changes to the land description to correct errors and ensure accuracy.

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

Section 9, Township 135, Range 41, Government Lot 2, except tracts (7.77 acres).

(d) The sale would be to the adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 32. PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Otter Tail 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. 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 Otter Tail County and is described as:

38609 County Highway 41, Section 9, Township 135, Range 41, part of Government Lot 2 beginning 275 feet West, 1,021.36 feet southwesterly, 1,179 feet southeasterly, 132 feet South from northeast corner Section 9; East 33 feet, southerly 314 feet, West 33 feet, northerly on lake East 110 feet to beginning.

Sec. 33. PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Otter Tail 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. 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 Otter Tail County and is described as:

Section 27, Township 132, Range 41, Stalker View Acres, Lot 6, Block 1.

Sec. 34. **PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Otter Tail 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. 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 Otter Tail County and is described as:

Section 33, Township 135, Range 36, North Half of Sub Lot 5 of the Southwest Quarter (7.07 acres).

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

Sec. 35. **PUBLIC SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATER; OTTER TAIL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Otter Tail 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. 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 Otter Tail County and is described as:

Section 33, Township 135, Range 36, South Half of Sub Lot 5 of the Southwest Quarter (7.06 acres).

(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. 36. **PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND; ROSEAU COUNTY.**

(a) Notwithstanding the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, the commissioner of natural resources may sell by private sale the consolidated conservation land 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. The consideration for the conveyance must be for no less than the survey costs and the appraised value of the land and timber. Proceeds shall be disposed of according to Minnesota Statutes, chapter 84A.

(c) The land that may be sold is located in Roseau County and is described as: the North 75 feet of the East 290.4 feet of the West 489.85 feet of the East 1,321.15 feet of the Northeast Quarter, Section 35, Township 160 North, Range 38 West, containing 0.5 acres, more or less.

(d) The land would be sold to the current leaseholder who through an inadvertent trespass located a cabin, septic system, and personal property on the state land. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 37. **PRIVATE SALE OF SURPLUS STATE LAND; ST. LOUIS COUNTY.**

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

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

(c) The land that may be sold is located in St. Louis County and is described as: an undivided 1/12 interest in Government Lot 6, Section 6, Township 62 North, Range 13 West, containing 35.75 acres, more or less.

(d) The land was gifted to the state. The remaining 11/12 undivided interest in the land is owned by the state in trust for the taxing districts and administered by St. Louis County. The Department of Natural Resources has determined that the state's land management interests would best be served if the land was conveyed to St. Louis County.

Sec. 38. **CONVEYANCE 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 or convey to the state acting by and through its commissioner of natural resources, the tax-forfeited land bordering public water that is described in paragraph (c), under the provisions of Minnesota Statutes, section 282.01, subdivision 1a.

(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 St. Louis County and is described as: Lot 7, Klimek's Addition to Grand Lake, according to the plat thereof on file and of record in the Office of the County Recorder, St. Louis County.

(d) The county has determined that the land is not needed for county management purposes and the Department of Natural Resources would like to acquire the land for use as a public water access site to Little Grand Lake.

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 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 changes to the land description to correct errors and ensure accuracy. Prior to the sales, the commissioner of revenue shall grant permanent conservation easements according to Minnesota Statutes, section 282.37, to provide riparian protection and public access to shore fishing. The easements for land described in paragraph (c), clauses (1) to (3), shall be 450 feet in width from the centerline of the river. The easements for land described in paragraph (c), clauses (4) and (5), shall be 300 feet in width from the centerline of the river. The easements must be approved by the St. Louis County Board and the commissioner of natural resources.

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

(1) Lot 5 except railroad right-of-way 3.15 acres, Section 2, T50N, R18W (23.35 acres) (535-0010-00210);

(2) Lot 7 except railroad right-of-way 3.9 acres, Section 2, T50N, R18W (30.1 acres) (535-0010-00300);

(3) Lot 5 except railroad right-of-way 3 acres, Section 12, T50N, R18W (36 acres) (535-0010-01910);

(4) Lot 2 except railroad right-of-way, Section 35, T51N, R18W (22.5 acres) (310-0010-05650); and

(5) Lot 1 except GN railroad right-of-way, Section 35, T51N, R18W (34 acres) (110-0040-00160).

(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. 40. **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 (d) 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 changes to the land description to correct errors and ensure accuracy.

(c) Prior to the sales of the land described in paragraph (d), clauses (1), (2), and (10) to (12), the commissioner of revenue shall grant permanent conservation easements according to Minnesota Statutes, section 282.37, to provide riparian protection and public access for angling. The easements must be approved by the St. Louis County Board and the commissioner of natural resources. The easements shall be for lands described in paragraph (d):

(1) clause (1), 75 feet in width on each side of the centerline of the creek;

(2) clause (2), 200 feet in width on each side of the centerline of the river;

(3) clause (10), 100 feet in width on each side of the centerline of the river; and

(4) clauses (11) and (12), 50 feet in width on each side of the centerline of the stream.

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

(1) N 1/2 of NW 1/4 of NE 1/4 of SE 1/4, Section 22, T51N, R14W (5 acres) (520-0016-00590);

(2) SW 1/4 of SW 1/4, Section 8, T50N, R16W (40 acres) (530-0010-01510);

(3) undivided 1/6 and undivided 1/2 of Lot 9, Thompson Lake Addition, Section 12, T53N, R14W (375-0120-00091, 375-0120-00094);

(4) SLY 200 FT OF NLY 1,220 FT OF LOT 4, Section 20, T54N, R18W (9.5 acres) (405-0010-03394);

(5) PART OF SW 1/4 OF SE 1/4 LYING N OF SLY 433 FT, Section 36, T57N, R21W (25 acres) (141-0050-07345);

(6) PART OF SE 1/4 OF SW 1/4 LYING W OF DW & P RY AND N OF PLAT OF HALEY, Section 23, T63N, R19W (11 acres) (350-0020-03730);

(7) SE 1/4 of NW 1/4, Section 26, T58N, R19W (40 acres) (385-0010-02610);

(8) NE 1/4 of SW 1/4, Section 20, T59N, R20W (40 acres) (235-0030-03110);

(9) LOT 4, Section 2, T61N, R19W (40 acres) (200-0010-00230);

(10) SW 1/4 of SE 1/4, Section 19, T50N, R16W (40 acres) (530-0010-03570);

(11) LOTS 15, 16, 17, 18, 19, BLOCK 1, COLMANS 4th ACRE TRACT ADDITION TO DULUTH, Section 33, T51N, R14W (520-0090-00150, -00160, -00180); and

(12) BLOCKS 17, 18, and 20, PLAT OF VERMILION TRAIL LODGE, Section 13, T62N, R14W.

(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. 41. **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:

Lots 20 and 21, Plat of Twin Lakes, Government Lot 3, Section 32, T60N, R19W (1.1 acres) (385-0070-00200).

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

Sec. 42. **CONVEYANCE 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 convey to the state for no consideration the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be according to Minnesota Statutes, section 282.01, subdivision 2, and 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 conveyed is located in St. Louis County and is described as:

(1) lands in the city of Duluth, Section 23, Township 49 North, Range 15 West, that part of Government Lot 2 lying southeasterly of the southeasterly right-of-way of the St. Paul and Duluth and Northern Pacific Railway including riparian rights.

EXCEPT: that part of Government Lot 2 beginning at the intersection of the south line of Lot 2 and the southeasterly right-of-way of the St. Paul and Duluth and Northern Pacific Railway; thence easterly along the south line of said Lot 2 a distance of 150 feet to a point; thence deflect to the left and continue in a straight line to a point on the southeasterly line of said railway right-of-way said point distant 150 feet northeast of the point of beginning; thence deflect to the left and continue southwesterly along the southeasterly line of said railway right-of-way a distance of 150 feet to point of beginning and there terminating.

EXCEPT FURTHER: that part of Government Lot 2 commencing at the point of intersection of the south line of Lot 2 and the southeasterly right-of-way of the St. Paul and Duluth and Northern Pacific Railway; thence northeasterly along the southeasterly line of said railway right-of-way a distance of 1,064 feet to point of beginning; thence deflect 44 degrees, 12 minutes, 27 seconds to the right a distance of 105.44 feet to a point; thence deflect 85 degrees, 16 minutes, 07 seconds to the left a distance of 111.92 feet more or less to a point on the southeasterly line of said railway right-of-way; thence deflect to the left and continue northwesterly along the southeasterly line of said railway right-of-way a distance of 160 feet more or less to point of beginning and there terminating (010-2746-00290); and

(2) lands in the city of Duluth, Section 23, Township 49 North, Range 15 West, that part of Government Lot 1, including riparian rights, lying southerly of the Northern Pacific Short Line right-of-way except 5 18/100 acres for Northern Pacific Main Line and except a strip of land 75 feet wide and adjoining the Northern Pacific Main Line right-of-way and formerly used as right-of-way by Duluth Transfer Railway 2 67/100 acres, also except that part lying North of Grand Avenue 72/100 acres and except a strip of land adjacent to the Old Transfer Railway right-of-way containing 2 13/100 acres. Revised Description #40, Recorder of Deeds, Book 686, Page 440.

EXCEPT: that part of Government Lot 1 lying southerly of the Northern Pacific Short Line right-of-way and northerly of the Old Transfer Railway right-of-way.

EXCEPT FURTHER: that part of Government Lot 1 lying southerly of the Northern Pacific Main Line right-of-way and lying northerly of a line parallel to and lying 305 feet southerly of the north line of said Government Lot 1 (010-2746-00245).

Sec. 43. 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. The attorney general may make changes to the land description to correct errors and ensure accuracy. The conveyance must include a deed restriction that prohibits excavating, filling, dumping, tree cutting, burning, structures, and buildings within an area that is 75 feet in width along the shoreline. A 15-foot strip for landowner lake access is allowed.

(c) The land to be sold is located in St. Louis County and is described as: E 1/2 of W 1/2 of E 1/2 of SW 1/4 of NW 1/4, Section 27, T57N, R17W (5 acres).

(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. 44. 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. The attorney general may make changes to the land description to correct errors and ensure accuracy. The conveyance must include a deed restriction on buildings, structures, tree cutting, removal of vegetation, and shoreland alterations within an area that is 75 feet in width along the river. A 15-foot strip for landowner river access is allowed.

(c) The land to be sold is located in St. Louis County and is described as: that part of Lot 8 beginning at a point 200 feet East of the center of Section 5; thence South 300 feet; thence East 300 feet; thence North 263 feet to shoreline of Ash River; thence northwesterly along the river 325 feet; thence southerly to point of beginning, Section 5, T68N, R19W (2 acres) (731-0010-00845).

(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. 45. 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 (d) 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 changes to the land description to correct errors and ensure accuracy.

(c) Prior to the sales of the land described in paragraph (d), clauses (1) to (4), the commissioner of revenue shall grant permanent conservation easements according to Minnesota Statutes, section 282.37. The easements must be approved by the St. Louis County Board and the commissioner of natural resources. The easements shall be for lands described in paragraph (d):

(1) clause (1), 100 feet in width on each side of the centerline of the river. A 15-foot strip for landowner river access is allowed;

(2) clause (2), 125 feet in width on each side of the centerline of the river. A 15-foot strip for landowner river access is allowed;

(3) clause (3), 100 feet in width on each side of the centerline of the tributary; and

(4) clause (4), for access purposes.

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

(1) SW 1/4 of SW 1/4 except W 1/2, Section 14, T62N, R18W (20 acres);

(2) S 1/2 of SW 1/4 of SW 1/4, Section 16, T62N, R18W (20 acres);

(3) SW 1/4 of SE 1/4 except 5 acres at NW corner and except S 1/2 and except E 1/2 of NE 1/4, Section 10, T52N, R12W (10 acres);

(4) NW 1/4 of SE 1/4 except that part of the NE 1/4 lying N of the East Van Road and except S 1/2 of N 1/2 of S 1/2 and except S 1/2 of S 1/2, Section 5, T52N, R14W (18.3 acres);

(5) westerly 416 feet of SW 1/4 of SW 1/4 except westerly 208 feet of southerly 624 feet, Section 21, T56N, R18W (9.63 acres);

(6) Lot 3, Section 1, T55N, R21W (46.18 acres);

(7) SW 1/4 of NE 1/4, Section 18, T52N, R15W (40 acres); and

(8) Lots 23, 73, 95, 118, 119 of NE-NA MIK-KA-TA plat, town of Breitung, located in Government Lots 1 and 12 of Section 6, T62N, R15W.

(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. 46. **PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

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

(b) The 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:

(1) that part of the South 200 feet of the West 900 feet of Government Lot 4 lying east of State Highway 73, and that part of the North 300 feet of the West 900 feet of Government Lot 5 lying east of State Highway 73, all in Section 6, Township 52 North, Range 20 West;

(2) that part of the Southeast Quarter of the Northeast Quarter lying north of County Road 115 in Section 15, Township 62 North, Range 17 West; and

(3) that part of the Southwest Quarter of the Northeast Quarter of Section 26, Township 63 North, Range 12 West, lying west of the west right-of-way boundary of County Highway 88; EXCEPTING therefrom the following described tract of land: That part of the Southwest Quarter of the Northeast Quarter of Section 26, Township 63 North, Range 12 West, described as follows: Begin at a point located at the intersection of the north and south quarter line of said section and the north boundary line of the right-of-way of County Highway 88, said point being 494.44 feet North of the center of said section; thence North on said north and south quarter line a distance of 216.23 feet; thence at an angle of 90 degrees 0 minutes to the right a distance of 253.073 feet; thence at an angle of 90 degrees 0 minutes to the right a distance of 472.266 feet to a point on the north boundary line of the right-of-way of said County Highway 88; thence in a northwesterly direction along the north boundary line of the right-of-way of said County Highway 88, a distance of 360 feet to the point of beginning.

(d) The sales authorized under this section are needed for public utility substations.

Sec. 47. **PRIVATE SALE OF WILDLIFE MANAGEMENT AREA LAND; WABASHA COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09, 94.10, and 97A.135, subdivision 2a, the commissioner of natural resources shall sell by private sale the wildlife management area land 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. The commissioner may sell the land to Mazeppa Township for less than the value of the land as determined by the commissioner.

(c) The land that may be sold is located in Wabasha County and is described as follows: all of the following described tract: the southerly 300 feet of the westerly 350 feet of the Northwest Quarter of the Northwest Quarter of Section 10, Township 109 North, Range 14 West; together with the southerly 300 feet of the easterly 150 feet of the Northeast Quarter of the Northeast Quarter of Section 9, Township 109 North, Range 14 West; excepting therefrom the right-of-way of existing highway; containing 3.23 acres more or less.

(d) The land is located in Mazeppa Township and is not contiguous to other state lands. The Department of Natural Resources has determined that the state's land management interests would best be served if the lands were conveyed to a local unit of government.

Sec. 48. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; WADENA 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 Wadena County and are described as:

(1) Government Lot 3, Section 28, Township 135 North, Range 33 West, containing 0.01 acres, more or less;

(2) Government Lot 2, Section 34, Township 135 North, Range 33 West, containing 1.5 acres, more or less; and

(3) Government Lot 7, Section 30, Township 135 North, Range 35 West, containing 0.01 acres, more or less.

(d) The lands border the Leaf River and are not contiguous to other state lands. The Department of Natural Resources has determined that the lands are not needed for natural resource purposes.

Sec. 49. **CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Washington County may convey to the Comfort Lake-Forest Lake Watershed District for no consideration the tax-forfeited land bordering public water 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 Comfort Lake-Forest Lake Watershed District stops using the land for the public purpose described in paragraph (d). The attorney general may make changes to the land description to correct errors and ensure accuracy.

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

(1) Parcel A (PIN 05.032.21.12.0001): all that part of the Northwest Quarter of the Northeast Quarter, Section 5, Township 32, Range 21, Washington County, Minnesota, that lies East of Minnesota Highway 61 as relocated and South of Judicial Ditch No. 1, except the following described tracts:

Beginning at a point where the easterly right-of-way of Minnesota Highway 61 intersects the south line of the Northwest Quarter of the Northeast Quarter, Section 5, Township 32, Range 21, Washington County, Minnesota; thence East along said south line of the Northwest Quarter of the Northeast Quarter of Section 5 for 194.1 feet; thence North at right angles 435.3 feet; thence South 75 degrees 56 minutes West for 294.4 feet to said easterly right-of-way of Minnesota Highway 61; thence South 14 degrees 04 minutes East along said easterly right-of-way of Minnesota Highway 61 for 375.0 feet to the point of the beginning; and

That part of the Northwest Quarter of the Northeast Quarter, Section 5, Township 32 North, Range 21 West, Washington County, Minnesota, described as follows: commencing at the north quarter corner of Section 5; thence East along the north line of Section 5, a distance of 538.8 feet to the easterly right-of-way line of Trunk Highway 61; thence southeasterly deflection to the right 76 degrees 00 minutes 20 seconds, along said highway right-of-way line, 500.4 feet to the point of beginning; thence continuing southeasterly along said highway right-of-way line 293.7 feet to the northwest corner of the Philip F. and Maree la J. Turcott property, as described in Book 261 of Deeds on Page 69; thence northeasterly at right angles along the northerly line of said Turcott property in its northeasterly projection thereof, 318.4 feet, more or less, to the centerline of Sunrise River; thence northwesterly along said Sunrise River centerline, 358 feet, more or less, to the point of intersection with a line drawn northeasterly from the point of beginning and perpendicular to the easterly right-of-way line of Trunk Highway 61; thence southwesterly along said line, 154.3 feet, more or less, to the point of beginning; and

(2) Parcel B (PIN 05.032.21.12.0004): that part of the Northwest Quarter of the Northeast Quarter, Section 5, Township 32, Range 21, lying easterly of Highway 61 and North of Judicial Ditch No. 1.

(d) The county has determined that the land is needed by the watershed district for purposes of Minnesota Statutes, chapter 103D.

Sec. 50. **LEASE OF TAX-FORFEITED AND STATE LANDS.**

(a) Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary, St. Louis County may enter a 30-year lease of tax-forfeited land for a wind energy project.

(b) The commissioner of natural resources may enter a 30-year lease of land administered by the commissioner for a wind energy project.

Sec. 51. **EFFECTIVE DATE.**

Sections 1 to 50 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state lands; modifying Minnesota critical habitat private sector matching account; modifying outdoor recreation system; adding to and deleting from state parks, recreation areas, and forests; providing for public and private sales, conveyances, and exchanges of certain state land; authorizing 30-year leases of tax-forfeited and other state lands for wind energy projects; amending Minnesota Statutes 2006, sections 84.943, subdivision 5; 86A.04; 86A.08, subdivision 1; Laws 2006, chapter 236, article 1, section 43."

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

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 3034, A bill for an act relating to construction professions; modifying provisions relating to the electrical, plumbing, water conditioning, boiler, and high-pressure piping professions; amending Minnesota Statutes 2006, sections 299F.011, subdivision 3; 326.244, subdivision 1; Minnesota Statutes 2007 Supplement, sections 16B.64, subdivision 8; 183.60, subdivision 2; 326.01, subdivisions 4b, 5; 326.2415, subdivisions 2, 6; 326.242, subdivisions 2, 3d, 5, 12, by adding subdivisions; 326.244, subdivision 5; 326.37, subdivision 1a; 326.3705, subdivision 1; 326.40, subdivisions 1, 2, 3; 326.47, subdivision 2; 326.48, subdivisions 1, 2, 2a, 2b, 5; 326.50; 326.505, subdivisions 1, 2, 8; 326.62; 326.84, subdivision 1; 326.93, subdivision 4; 326.94, subdivision 2; 326B.082, subdivisions 8, 10, 11, 12, 13; 326B.083, subdivision 3; 326B.89, subdivisions 5, 6, 12, 14; 327B.04, subdivision 4; Laws 2007, chapter 140, article 4, section 12; repealing Minnesota Statutes 2006, section 16B.69; Minnesota Statutes 2007 Supplement, sections 326.2411; 326.372; 326.471; Laws 2007, chapter 9, section 1; Laws 2007, chapter 135, article 4, sections 2; 8; article 6, section 3; Laws 2007, chapter 140, article 12, section 9; Minnesota Rules, part 3800.3510.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 16B.64, subdivision 8, is amended to read:

Subd. 8. **Effective date of rules.** A rule to adopt or amend the state's building code is effective 180 days after the filing of the rule with the secretary of state under section 14.16 or 14.26. The rule may provide for a ~~different later~~ effective date. The rule may provide for an earlier effective date if the commissioner or board proposing the rule finds that ~~a different an earlier~~ effective date is necessary to protect public health and safety after considering, among other things, the need for time for training of individuals to comply with and enforce the rule.

Sec. 2. Minnesota Statutes 2007 Supplement, section 183.60, subdivision 2, is amended to read:

Subd. 2. **Repair violation.** ~~No~~ A person who repairs a boiler or pressure vessel by welding or riveting ~~so as not to~~ must meet the minimum requirements established by the current edition of the National Board of Boiler and Pressure Vessel Inspectors inspection code and the rules of the department.

Sec. 3. Minnesota Statutes 2006, section 299F.011, subdivision 3, is amended to read:

Subd. 3. **Rules for code administration and enforcement.** The commissioner of public safety shall adopt rules as may be necessary to administer and enforce the code, specifically including but not limited to rules for inspection of buildings and other structures covered by the code and conforming the code to the governmental organization of Minnesota state agencies, political subdivisions and local governments.

Sec. 4. Minnesota Statutes 2007 Supplement, section 326.01, subdivision 4b, is amended to read:

Subd. 4b. **Elevator contractor.** "Elevator contractor" means a licensed contractor whose responsible licensed individual is a licensed master elevator constructor. An elevator contractor license does not itself qualify its holder to perform or supervise the electrical or elevator work authorized by holding ~~any other~~ a personal license issued by the commissioner.

Sec. 5. Minnesota Statutes 2007 Supplement, section 326.01, subdivision 5, is amended to read:

Subd. 5. **Contractor.** "Contractor" means a person who performs or offers to perform any electrical work, with or without compensation, who is licensed as a contractor by the commissioner. A contractor's license does not of itself qualify its holder to perform or supervise the electrical work authorized by holding any class of electrician's or other personal ~~electrical~~ license. Contractor includes electrical contractors and technology system contractors.

Sec. 6. Minnesota Statutes 2007 Supplement, section 326.2415, subdivision 2, is amended to read:

Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the power to:

- (1) elect its chair, vice-chair, and secretary;
- (2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing such other provisions as may be useful and necessary for the efficient conduct of the business of the board;
- (3) adopt the Minnesota Electrical Code ~~shall, which must~~ be the most current edition of the National Electrical Code ~~upon its adoption by the board~~ and any amendments thereto ~~as adopted by the board~~. The board shall adopt the most current edition of the National Electrical Code and any amendments thereto pursuant to chapter 14 and as provided in subdivision 6, paragraphs (b) and (c);
- (4) review requests for final interpretations and issue final interpretations as provided in section 16B.63, subdivision 5;
- (5) adopt rules that regulate the licensure or registration of electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (d) and (e);
- (6) adopt rules that regulate continuing education for individuals licensed or registered as electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, ~~paragraph~~ paragraphs (d) and (e);
- (7) advise the commissioner regarding educational requirements for electrical inspectors;
- (8) refer complaints or other communications to the commissioner, whether oral or in writing, as provided in subdivision 8, that ~~alleges allege~~ or ~~implies imply~~ a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, registration, or an offering to perform or performance of unlicensed electrical services;
- (9) approve per diem and expenses deemed necessary for its members as provided in subdivision 3;
- (10) approve license reciprocity agreements;

- (11) select from its members individuals to serve on any other state advisory council, board, or committee; and
- (12) recommend the fees for licenses and certifications.

Except for the powers granted to the Plumbing Board, Board of Electricity, and the Board of High Pressure Piping Systems, the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated pursuant thereto.

(b) The board shall comply with section 15.0597, subdivisions 2 and 4.

(c) The commissioner shall coordinate the board's rulemaking and recommendations with the recommendations and rulemaking conducted by all of the other boards created pursuant to chapter 326B. The commissioner shall provide staff support to the board. The support includes professional, legal, technical, and clerical staff necessary to perform rulemaking and other duties assigned to the board. The commissioner of labor and industry shall supply necessary office space and supplies to assist the board in its duties.

Sec. 7. Minnesota Statutes 2007 Supplement, section 326.2415, subdivision 6, is amended to read:

Subd. 6. **Officers, quorum, voting.** (a) The board shall elect annually from its members a chair, vice-chair, and secretary. A quorum of the board shall consist of a majority of members of the board qualified to vote on the matter in question. All questions concerning the manner in which a meeting is conducted or called that is not covered by statute shall be determined by Robert's Rules of Order (revised) unless otherwise specified by the bylaws.

(b) Each electrical code amendment considered by the board that receives an affirmative two-thirds or more majority vote of all of the voting members of the board shall be included in the next electrical code rulemaking proceeding initiated by the board. If an electrical code amendment considered, or reconsidered, by the board receives less than a two-thirds majority vote of all of the voting members of the board, the electrical code amendment shall not be included in the next electrical code rulemaking proceeding initiated by the board.

(c) The board may reconsider electrical code amendments during an active electrical code rulemaking proceeding in which the amendment previously failed to receive a two-thirds majority vote or more of all of the voting members of the board only if new or updated information that affects the electrical code amendment is presented to the board. The board may also reconsider failed electrical code amendments in subsequent electrical code rulemaking proceedings.

(d) Each proposed rule and rule amendment considered by the board pursuant to the rulemaking authority specified in subdivision 2, paragraph (a), clauses (5) and (6), that receives an affirmative majority vote of all of the voting members of the board shall be included in the next rulemaking proceeding initiated by the board. If a proposed rule or rule amendment considered, or reconsidered, by the board receives less than an affirmative majority vote of all of the voting members of the board, the proposed rule or rule amendment shall not be included in the next rulemaking proceeding initiated by the board.

(e) The board may reconsider proposed rule rules or rule ~~amendment~~ amendments during an active rulemaking proceeding in which the amendment previously failed to receive an affirmative majority vote of all of the voting members of the board only if new or updated information that affects the proposed rule or rule amendment is presented to the board. The board may also reconsider failed proposed rule rules or rule ~~amendment~~ amendments in subsequent rulemaking proceedings.

Sec. 8. Minnesota Statutes 2007 Supplement, section 326.242, subdivision 2, is amended to read:

Subd. 2. **Journeyman electrician.** (a) Except as otherwise provided by law, no individual shall perform and supervise any electrical work except for planning or laying out of electrical work unless:

(1) the individual is licensed by the commissioner as a journeyman electrician; and

(2) the electrical work is:

(i) for a contractor and the individual is an employee, partner, or officer of the licensed contractor; or

(ii) performed under the supervision of a master electrician also employed by the individual's employer on electrical wiring, apparatus, equipment, or facilities that are owned or leased by the employer and that are located within the limits of property operated, maintained, and either owned or leased by the employer.

(b) An applicant for a Class A journeyman electrician license shall have had at least four years of experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment, provided however, that ~~the commissioner may by rule allow~~ one year of experience credit for the successful completion of a two-year post high school electrical course approved by the commissioner may be allowed.

(c) As of August 1, 1985, no new Class B journeyman electrician licenses shall be issued. An individual who holds a Class B journeyman electrician license as of August 1, 1985, may retain and renew the license and exercise the privileges it grants, which include electrical work limited to single phase systems, not over 200 amperes in capacity, on farmsteads or on single-family dwellings located in towns or municipalities with fewer than 2,500 inhabitants.

Sec. 9. Minnesota Statutes 2007 Supplement, section 326.242, subdivision 3d, is amended to read:

Subd. 3d. **Power limited technician.** (a) Except as otherwise provided by law, no individual shall install, alter, repair, plan, lay out, or supervise the installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for technology circuits or systems unless:

(1) the individual is licensed by the commissioner as a power limited technician; and

(2) the electrical work is:

(i) for a licensed contractor and the individual is an employee, partner, or officer of, or is the licensed contractor; or

(ii) performed under the direct supervision of a master electrician or power limited technician also employed by the individual's employer on technology circuits, systems, apparatus, equipment, or facilities that are owned or leased by the employer and that are located within the limits of property operated, maintained, and either owned or leased by the employer.

(b) An applicant for a power limited technician's license shall (1) be a graduate of a four-year electrical course offered by an accredited college or university; or (2) have had at least 36 months' experience, acceptable to the ~~board~~ commissioner, in planning for, laying out, supervising, installing, altering, and repairing wiring, apparatus, or equipment for power limited systems, provided however, that ~~the board may by rule provide for the allowance of up to 12 months (2,000 hours) of experience credit for successful completion of a two-year post high school electrical course or other technical training approved by the board~~ commissioner may be allowed.

(c) Licensees must attain 16 hours of continuing education acceptable to the board every renewal period.

(d) A company holding an alarm and communication license as of June 30, 2003, may designate one individual who may obtain a power limited technician license without passing an examination administered by the commissioner by submitting an application and license fee of \$30.

(e) A person who has submitted an application by December 30, 2007, to take the power limited technician examination administered by the department is not required to meet the qualifications set forth in paragraph (b).

Sec. 10. Minnesota Statutes 2007 Supplement, section 326.242, is amended by adding a subdivision to read:

Subd. 3e. **Elevator constructor.** (a) An individual licensed as an elevator constructor may install, maintain, and repair electrical wiring, apparatus, and equipment for elevators and escalators while in the employ of an elevator contractor or Class A electrical contractor.

(b) An applicant for an elevator constructor's license shall have at least 36 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment for elevators and escalators, provided, however, that the board may by rule allow one year of experience credit for the completion of a two-year post-high school electrical course approved by the commissioner.

Sec. 11. Minnesota Statutes 2007 Supplement, section 326.242, is amended by adding a subdivision to read:

Subd. 3f. **Lineman.** (a) An individual licensed as a lineman may install, maintain, and repair transmission and distribution systems that are or will be owned or leased by an electric utility.

(b) An applicant for a lineman's license shall have at least 48 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment for an electrical utility.

Sec. 12. Minnesota Statutes 2007 Supplement, section 326.242, is amended by adding a subdivision to read:

Subd. 3g. **Maintenance electrician.** (a) An individual licensed as a maintenance electrician may maintain and repair electrical wiring, apparatus, and equipment while in the employ of a contractor, or as a full-time employee of a single employer while engaged in the maintenance and repair of electrical wiring, apparatus, and equipment owned or leased by the employer and located within the limits of property owned or leased by the employer.

(b) An applicant for a maintenance electrician's license shall have at least 48 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment, provided, however, that the board may by rule allow one year of experience credit for the completion of a two-year post-high school electrical course approved by the commissioner.

Sec. 13. Minnesota Statutes 2007 Supplement, section 326.242, is amended by adding a subdivision to read:

Subd. 3h. **Master elevator constructor.** (a) An individual licensed as a master elevator constructor may, while licensed as an elevator electrical contractor or while in the employ of an elevator contractor or Class A electrical contractor, plan, lay out, supervise and install, maintain, and repair wiring, apparatus, and equipment for elevators and escalators.

(b) An applicant for a master elevator constructor's license shall have at least 60 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment for elevators and escalators, provided, however, that the board may by rule allow one year of experience credit for the completion of a two-year post-high school electrical course approved by the commissioner.

Sec. 14. Minnesota Statutes 2007 Supplement, section 326.242, subdivision 5, is amended to read:

Subd. 5. **Unlicensed individuals.** (a) An unlicensed individual means an individual who has not been licensed by the department to perform specific electrical work. An unlicensed individual shall not perform electrical work required to be performed by a licensed individual unless the individual has first registered with the department as an unlicensed individual. Thereafter, an unlicensed individual shall not perform electrical work required to be performed by a licensed individual unless the work is performed under the direct supervision of an individual actually licensed to perform such work. The licensed individual and unlicensed individual must be employed by the same employer. Licensed individuals shall not permit unlicensed individuals to perform electrical work except under the direct supervision of an individual actually licensed to perform such work. Unlicensed individuals shall not supervise the performance of electrical work or make assignments of electrical work to unlicensed individuals. Except for technology ~~electrical~~ circuit ~~circuits~~ or ~~system~~ systems work, licensed individuals shall supervise no more than two unlicensed individuals. For technology ~~electrical~~ circuit ~~circuits~~ or ~~system~~ systems work, licensed individuals shall supervise no more than three unlicensed individuals.

(b) Notwithstanding any other provision of this section, no individual other than a master electrician or power limited technician shall plan or lay out electrical wiring, apparatus, or equipment for light, heat, power, or other purposes, except circuits or systems exempted from personal licensing by subdivision 12, paragraph (b).

(c) Contractors employing unlicensed individuals to perform electrical work shall maintain records establishing compliance with this subdivision that shall identify all unlicensed individuals performing electrical work, except for individuals working on circuits or systems exempted from personal licensing by subdivision 12, paragraph (b), and shall permit the department to examine and copy all such records.

(d) When a licensed individual supervises the electrical work of an unlicensed individual, the licensed individual is responsible for ensuring that the electrical work complies with the Minnesota Electrical Act and all rules adopted under the act.

Sec. 15. Minnesota Statutes 2007 Supplement, section 326.242, subdivision 12, is amended to read:

Subd. 12. **Exemptions from licensing.** (a) An individual who is a maintenance electrician is not required to hold or obtain a license under sections 326B.31 to 326B.399 if:

(1) the individual is engaged in the maintenance and repair of electrical equipment, apparatus, and facilities that are owned or leased by the individual's employer and that are located within the limits of property operated, maintained, and either owned or leased by the individual's employer;

(2) the individual is supervised by:

(i) the responsible master electrician for a contractor who has contracted with the individual's employer to provide services for which a contractor's license is required; or

(ii) a licensed master electrician, a licensed maintenance electrician, an electrical engineer, or, if the maintenance and repair work is limited to technology ~~circuit and system~~ circuits or systems work, a licensed power limited technician; and

(3) the individual's employer has filed with the commissioner a certificate of responsible person, signed by the responsible master electrician of the contractor, the licensed master electrician, the licensed maintenance electrician, the electrical engineer, or the licensed power limited technician, and stating that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the employer's employees complies with the Minnesota Electrical Act and the rules adopted under that act.

(b) Employees of a licensed electrical or technology systems contractor or other employer where provided with supervision by a master electrician in accordance with subdivision 1, or power limited technician in accordance with subdivision 3d, paragraph (a), clause (1), are not required to hold a license under sections 326B.31 to 326B.399 for the planning, laying out, installing, altering, and repairing of technology circuits or systems except planning, laying out, or installing:

(1) in other than residential dwellings, class 2 or class 3 remote control circuits that control circuits or systems other than class 2 or class 3, except circuits that interconnect these systems through communication, alarm, and security systems are exempted from this paragraph;

(2) class 2 or class 3 circuits in electrical cabinets, enclosures, or devices containing physically unprotected circuits other than class 2 or class 3; or

(3) technology circuits ~~and~~ or systems in hazardous classified locations as covered by chapter 5 of the National Electrical Code.

(c) Companies and their employees that plan, lay out, install, alter, or repair class 2 and class 3 remote control wiring associated with plug or cord and plug connected appliances other than security or fire alarm systems installed in a residential dwelling are not required to hold a license under sections 326B.31 to 326B.399.

(d) Heating, ventilating, air conditioning, and refrigeration contractors and their employees are not required to hold or obtain a license under sections 326B.31 to 326B.399 when performing heating, ventilating, air conditioning, or refrigeration work as described in section 326.245.

(e) Employees of any electrical, communications, or railway utility, cable communications company as defined in section 238.02, or a telephone company as defined under section 237.01 or its employees, or of any independent contractor performing work on behalf of any such utility, cable communications company, or telephone company, shall not be required to hold a license under sections 326B.31 to 326B.399:

(1) while performing work on installations, materials, or equipment which are owned or leased, and operated and maintained by such utility, cable communications company, or telephone company in the exercise of its utility, antenna, or telephone function, and which

(i) are used exclusively for the generation, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence and do not have as a principal function the consumption or use of electric current or provided service by or for the benefit of any person other than such utility, cable communications company, or telephone company, and

(ii) are generally accessible only to employees of such utility, cable communications company, or telephone company or persons acting under its control or direction, and

(iii) are not on the load side of the service point or point of entrance for communication systems;

(2) while performing work on installations, materials, or equipment which are a part of the street lighting operations of such utility; or

(3) while installing or performing work on outdoor area lights which are directly connected to a utility's distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction.

(f) An owner shall not be required to hold or obtain a license under sections 326B.31 to 326B.399.

Sec. 16. Minnesota Statutes 2006, section 326.244, subdivision 1, is amended to read:

Subdivision 1. **Required inspection.** Except where any political subdivision has by ordinance provided for electrical inspection similar to that herein provided, every new electrical installation in any construction, remodeling, replacement, or repair, except minor repair work as the same is defined by the board by rule, shall be inspected by the ~~board~~ commissioner for compliance with accepted standards of construction for safety to life and property.

Sec. 17. Minnesota Statutes 2007 Supplement, section 326.244, subdivision 5, is amended to read:

Subd. 5. **Exemptions from inspections.** Installations, materials, or equipment shall not be subject to inspection under sections 326B.31 to 326B.399:

(1) when owned or leased, operated and maintained by any employer whose maintenance electricians are exempt from licensing under sections 326B.31 to 326B.399, while performing electrical maintenance work only as defined by ~~board~~ rule;

(2) when owned or leased, and operated and maintained by any electrical, communications, or railway utility, cable communications company as defined in section 238.02, or telephone company as defined under section 237.01, in the exercise of its utility, antenna, or telephone function; and

(i) are used exclusively for the generations, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence, and do not have as a principal function the consumption or use of electric current by or for the benefit of any person other than such utility, cable communications company, or telephone company; and

(ii) are generally accessible only to employees of such utility, cable communications company, or telephone company or persons acting under its control or direction; and

(iii) are not on the load side of the service point or point of entrance for communication systems;

(3) when used in the street lighting operations of an electrical utility;

(4) when used as outdoor area lights which are owned and operated by an electrical utility and which are connected directly to its distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction;

(5) when the installation, material, and equipment are in facilities subject to the jurisdiction of the federal Mine Safety and Health Act; or

(6) when the installation, material, and equipment is part of an elevator installation for which the elevator contractor, licensed under section 326.242, is required to obtain a permit from the authority having jurisdiction as provided by section 16B.747, and the inspection has been or will be performed by an elevator inspector certified and licensed by the department. This exemption shall apply only to installations, material, and equipment permitted or required to be connected on the load side of the disconnecting means required for elevator equipment under National Electrical Code Article 620, and elevator communications and alarm systems within the machine room, car, hoistway, or elevator lobby.

Sec. 18. Minnesota Statutes 2007 Supplement, section 326.37, subdivision 1a, is amended to read:

Subd. 1a. **Agreements with municipalities.** The commissioner may enter into an agreement with a municipality, in which the municipality agrees to perform plan and specification reviews required to be performed by the commissioner under Minnesota Rules, part 4715.3130, if:

(a) the municipality has adopted:

(1) the plumbing code;

(2) an ordinance that requires plumbing plans and specifications to be submitted to, reviewed, and approved by the municipality, except as provided in paragraph ~~(h)~~ (n);

(3) an ordinance that authorizes the municipality to perform inspections required by the plumbing code; and

(4) an ordinance that authorizes the municipality to enforce the plumbing code in its entirety, except as provided in paragraph (p);

(b) the municipality agrees to review plumbing plans and specifications for all construction for which the plumbing code requires the review of plumbing plans and specifications, except as provided in paragraph (n);

(c) the municipality agrees that, when it reviews plumbing plans and specifications under paragraph (b), the review will:

(1) reflect the degree to which the plans and specifications affect the public health and conform to the provisions of the plumbing code;

(2) ensure that there is no physical connection between water supply systems that are safe for domestic use and those that are unsafe for domestic use; and

(3) ensure that there is no apparatus through which unsafe water may be discharged or drawn into a safe water supply system;

(d) the municipality agrees to perform all inspections required by the plumbing code in connection with projects for which the municipality reviews plumbing plans and specifications under paragraph (b);

(e) the commissioner determines that the individuals who will conduct the inspections and the plumbing plan and specification reviews for the municipality do not have any conflict of interest in conducting the inspections and the plan and specification reviews;

(f) individuals who will conduct the plumbing plan and specification reviews for the municipality are:

(1) licensed master plumbers;

(2) licensed professional engineers; or

(3) individuals who are working under the supervision of a licensed professional engineer or licensed master plumber and who are licensed master or journeyman plumbers or hold a postsecondary degree in engineering;

(g) individuals who will conduct the plumbing plan and specification reviews for the municipality have passed a competency assessment required by the commissioner to assess the individual's competency at reviewing plumbing plans and specifications;

(h) individuals who will conduct the plumbing inspections for the municipality are licensed master or journeyman plumbers, or inspectors meeting the competency requirements established in rules adopted under section 16B.655;

(i) the municipality agrees to enforce in its entirety the plumbing code on all projects, except as provided in paragraph (p);

(j) the municipality agrees to keep official records of all documents received, including plans, specifications, surveys, and plot plans, and of all plan reviews, permits and certificates issued, reports of inspections, and notices issued in connection with plumbing inspections and the review of plumbing plans and specifications;

(k) the municipality agrees to maintain the records described in paragraph (j) in the official records of the municipality for the period required for the retention of public records under section 138.17, and shall make these records readily available for review at the request of the commissioner;

(l) the municipality and the commissioner agree that if at any time during the agreement the municipality does not have in effect the plumbing code or any of ordinances described in ~~item paragraph~~ (a), or if the commissioner determines that the municipality is not properly administering and enforcing the plumbing code or is otherwise not complying with the agreement:

(1) the commissioner may, effective 14 days after the municipality's receipt of written notice, terminate the agreement;

(2) the municipality may challenge the termination in a contested case before the commissioner pursuant to the Administrative Procedure Act; and

(3) while any challenge is pending under ~~item clause~~ (2), the commissioner shall perform plan and specification reviews within the municipality under Minnesota Rules, part 4715.3130;

(m) the municipality and the commissioner agree that the municipality may terminate the agreement with or without cause on 90 days' written notice to the commissioner;

(n) the municipality and the commissioner agree that the municipality shall forward to the state for review all plumbing plans and specifications for the following types of projects within the municipality:

(1) hospitals, nursing homes, supervised living facilities, and similar health-care-related facilities regulated by the Minnesota Department of Health;

(2) buildings owned by the federal or state government; and

(3) projects of a special nature for which department review is requested by either the municipality or the state;

(o) where the municipality forwards to the state for review plumbing plans and specifications, as provided in paragraph (n), the municipality shall not collect any fee for plan review, and the commissioner shall collect all applicable fees for plan review; and

(p) no municipality shall revoke, suspend, or place restrictions on any plumbing license issued by the state.

Sec. 19. Minnesota Statutes 2007 Supplement, section 326.3705, subdivision 1, is amended to read:

Subdivision 1. **Composition.** (a) The Plumbing Board shall consist of 14 members. Twelve members shall be appointed by the governor with the advice and consent of the senate and shall be voting members. Appointments of members by the governor shall be made in accordance with section 15.066. If the senate votes to refuse to consent to an appointment of a member made by the governor, the governor shall appoint a new member with the advice and consent of the senate. One member shall be the commissioner of labor and industry or the commissioner of labor and industry's designee, who shall be a voting member. One member shall be the commissioner of health or the commissioner of health's designee, who shall not be a voting member. Of the 12 appointed members, the composition shall be as follows:

(1) two members shall be municipal plumbing inspectors, one from the metropolitan area and one from greater Minnesota;

(2) one member shall be a licensed professional engineer specializing in plumbing designs or systems;

(3) two members shall be commercial/industrial plumbing contractors, one from the metropolitan area and one from greater Minnesota;

(4) one member shall be a residential plumbing contractor;

(5) two members shall be commercial/industrial journeymen, one from the metropolitan area and one from greater Minnesota;

(6) one member shall be a residential plumbing journeyman;

(7) one member shall be a water conditioning contractor;

(8) one member shall be a municipal public water supply system operator or superintendent; and

(9) one member shall be a public member as defined by section 214.02.

One of the municipal plumbing inspectors shall be appointed for an initial term to end on December 31, 2010. The other municipal plumbing inspector shall be appointed for an initial term to end on December 31, 2011. The professional engineer shall be appointed for an initial term to end on December 31, 2011. One of the commercial/industrial plumbing contractors shall be appointed for an initial term to end on December 31, 2010. The other commercial/industrial plumbing contractor shall be appointed for an initial term to end on December 31, 2011. The residential plumbing contractor shall be appointed for an initial term to end on December 31, 2010. One of the commercial/industrial plumbing journeymen shall be appointed for an initial term to end on December 31, 2011. The other commercial/industrial plumbing journeyman shall be appointed for an initial term to end on December 31, 2010. The residential plumbing journeyman shall be appointed for an initial term to end on December 31, 2011. The water conditioning contractor shall be appointed for an initial term to end on December 31, 2011. The municipal public water supply system operator or superintendent shall be appointed for an initial term to end on December 31, 2010. The public member shall be appointed for a term to end December 31, 2010.

(b) The licensed professional engineer must possess a current Minnesota professional engineering license and maintain the license for the duration of their term. All other appointed members, except for the water conditioning contractor, the public member, and the municipal public water supply system operator or superintendent, must possess a current plumbing license issued by the Department of Labor and Industry and maintain that license for the duration of their term. The water conditioning contractor must be licensed as a water conditioning contractor by the Department of Labor and Industry and maintain the license for the duration of the term on the board. All appointed

members must be residents of Minnesota at the time of and throughout the member's appointment. The term of any appointed member that does not maintain membership qualification status shall end on the date of the status change and the governor shall appoint a new member. It is the responsibility of the member to notify the board of the member's status change.

(c) For appointed members, except the initial terms designated in paragraph (a), each term shall be three years with the terms ending on December 31. Members appointed by the governor shall be limited to three consecutive terms. The governor shall, all or in part, reappoint the current members or appoint replacement members with the advice and consent of the senate. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Members may serve until their successors are appointed but in no case later than July 1 in a year in which the term expires unless reappointed.

Sec. 20. Minnesota Statutes 2007 Supplement, section 326.40, subdivision 2, is amended to read:

Subd. 2. **Bond; insurance.** Any person contracting to do plumbing work must give bond to the state in the amount of \$25,000 for all work entered into within the state. The bond shall be for the benefit of persons injured or suffering financial loss by reason of failure to comply with the requirements of the State Plumbing Code. The bond shall be filed with the commissioner and shall be written by a corporate surety licensed to do business in the state.

In addition, each applicant for a master plumber license or restricted master plumber license, or renewal thereof, shall provide evidence of public liability insurance, including products liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. The insurance shall be written by an insurer licensed to do business in the state of Minnesota and each licensed master plumber shall maintain on file with the commissioner a certificate evidencing the insurance providing that the insurance shall not be canceled without the insurer first giving 15 days written notice to the commissioner. The term of the insurance shall be concurrent with the term of the license.

Sec. 21. Minnesota Statutes 2007 Supplement, section 326.40, subdivision 3, is amended to read:

Subd. 3. **Bond and insurance exemption.** If a master plumber or restricted master plumber who is in compliance with the bond and insurance requirements of subdivision 2, employs ~~another master~~ a licensed plumber, the employee ~~master plumber~~ shall not be required to meet the bond and insurance requirements of subdivision 2. ~~A master plumber~~ An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by ~~their~~ the individual's employer and which is within the limits of property owned or leased, and operated or maintained by ~~their~~ the individual's employer, shall not be required to meet the bond and insurance requirements of subdivision 2.

Sec. 22. Minnesota Statutes 2007 Supplement, section 326.40, is amended by adding a subdivision to read:

Subd. 6. **Exterior connections.** Persons licensed as manufactured home installers under chapter 327B are not required to be licensed under sections 326B.42 to 326B.49 when connecting the exterior building drain sewer outlets to the above ground building sewer system and when connecting the exterior water line to the above ground water system to the manufactured home as described in National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, title 42, section 5401 et seq. No additional licensure, bond, or insurance related to the scope of work permitted under this subdivision may be required of a licensed manufactured home installer by any unit of government.

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

Sec. 23. Minnesota Statutes 2007 Supplement, section 326.47, subdivision 2, is amended to read:

Subd. 2. **Permissive municipal regulation.** The commissioner may enter into an agreement with a municipality, in which the municipality agrees to perform inspections and issue permits for the construction and installation of high pressure piping systems within the municipality's geographical area of jurisdiction, if:

(a) The municipality has adopted:

(1) the code for power piping systems, Minnesota Rules, parts 5230.0250 to 5230.6200;

(2) an ordinance that authorizes the municipality to issue permits to persons holding a high pressure piping business license issued by the department and only for construction or installation that would, if performed properly, fully comply with all Minnesota Statutes and Minnesota Rules;

(3) an ordinance that authorizes the municipality to perform the inspections that are required under Minnesota Statutes or Minnesota Rules ~~of governing~~ the construction and installation of high pressure piping systems; and

(4) an ordinance that authorizes the municipality to enforce the code for power piping systems in its entirety.

(b) The municipality agrees to issue permits only to persons holding a high pressure piping business license as required by law at the time of the permit issuance, and only for construction or installation that would, if performed properly, comply with all Minnesota Statutes and Minnesota Rules governing the construction or installation of high pressure piping systems.

(c) The municipality agrees to issue permits only on forms approved by the department.

(d) The municipality agrees that, for each permit issued by the municipality, the municipality shall perform one or more inspections of the construction or installation to determine whether the construction or installation complies with all Minnesota Statutes and Minnesota Rules governing the construction or installation of high pressure piping systems, and shall prepare a written report of each inspection.

(e) The municipality agrees to notify the commissioner within 24 hours after the municipality discovers any violation of the licensing laws related to high pressure piping.

(f) The municipality agrees to notify the commissioner immediately if the municipality discovers that any entity has failed to meet a deadline set by the municipality for correction of a violation of the high pressure piping laws.

(g) The commissioner determines that the individuals who will conduct the inspections for the municipality do not have any conflict of interest in conducting the inspections.

(h) Individuals who will conduct the inspections for the municipality are permanent employees of the municipality and are licensed contracting high pressure pipefitters or licensed journeyman high pressure pipefitters.

(i) The municipality agrees to notify the commissioner within ten days of any changes in the names or qualifications of the individuals who conduct the inspections for the municipality.

(j) The municipality agrees to enforce in its entirety the code for power piping systems on all projects.

(k) The municipality shall not approve any piping installation unless the installation conforms to all applicable provisions of the high pressure piping laws in effect at the time of the installation.

(l) The municipality agrees to promptly require compliance or revoke a permit that it has issued if there is noncompliance with any of the applicable provisions of the high pressure piping laws in connection with the work covered by the permit. The municipality agrees to revoke the permit if any laws regulating the licensing of pipefitters have been violated.

(m) The municipality agrees to keep official records of all documents received, including permit applications, and of all permits issued, reports of inspections, and notices issued in connection with inspections.

(n) The municipality agrees to maintain the records described in paragraph (m) in the official records of the municipality for the period required for the retention of public records under section 138.17, and shall make these records readily available for review according to section 13.37.

(o) Not later than the tenth day of each month, the municipality shall submit to the commissioner a report of all high pressure piping permits issued by the municipality during the preceding month. This report shall be in a format approved by the commissioner and shall include:

- (1) the name of the contractor;
- (2) the license number of the contractor's license issued by the commissioner;
- (3) the permit number;
- (4) the address of the job;
- (5) the date the permit was issued;
- (6) a brief description of the work; and
- (7) the amount of the inspection fee.

(p) Not later than the 31st day of January of each year, the municipality shall submit a summary report to the commissioner identifying the status of each high pressure piping project for which the municipality issued a permit during the preceding year, and the status of high pressure piping projects for which the municipality issued a permit during a prior year where no final inspection had occurred by the first day of the preceding year. This summary report shall include:

- (1) the permit number;
- (2) the date of any final inspection; and
- (3) identification of any violation of high pressure piping laws related to work covered by the permit.

(q) The municipality and the commissioner agree that if at any time during the agreement the municipality does not have in effect the code for high pressure piping systems or any of the ordinances described in paragraph (a), or if the commissioner determines that the municipality is not properly administering and enforcing the code for high pressure piping or is otherwise not complying with the agreement:

(1) the commissioner may, effective 14 days after the municipality's receipt of written notice, terminate the agreement and have the administration and enforcement of the high pressure piping code in the involved municipality undertaken by the department;

(2) the municipality may challenge the termination in a contested case before the commissioner pursuant to the Administrative Procedure Act; and

(3) while any challenge under clause (2) is pending, the commissioner may exercise oversight of the municipality to the extent needed to ensure that high pressure piping inspections are performed and permits are issued in accordance with the high pressure piping laws.

(r) The municipality and the commissioner agree that the municipality may terminate the agreement with or without cause on 90 days' written notice to the commissioner.

(s) The municipality and the commissioner agree that no municipality shall revoke, suspend, or place restrictions on any high pressure piping license issued by the commissioner. If the municipality identifies during an inspection any violation that may warrant revocation, suspension, or placement of restrictions on a high pressure piping license issued by the commissioner, the municipality shall promptly notify the commissioner of the violation and the commissioner shall determine whether revocation, suspension, or placement of restrictions on any high pressure piping license issued by the commissioner is appropriate.

Sec. 24. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 1, is amended to read:

Subdivision 1. **License required; rules; time credit.** No individual shall engage in or work at the business of a contracting high pressure pipefitter unless issued ~~an individual a~~ contracting high pressure pipefitter license to do so by the department under rules adopted by the board. No license shall be required for repairs on existing installations. No individual shall engage in or work at the business of journeyman high pressure pipefitter unless issued ~~an individual a~~ journeyman high pressure pipefitter competency license to do so by the department under rules adopted by the board. ~~A person~~ An individual possessing ~~an individual a~~ contracting high pressure pipefitter competency license may also work as a journeyman high pressure pipefitter.

No person shall construct or install high pressure piping, nor install high pressure piping in connection with the dealing in and selling of high pressure pipe material and supplies, unless, at all times, an individual possessing a contracting high pressure pipefitter ~~individual~~ competency license or a journeyman high pressure pipefitter ~~individual~~ competency license is responsible for ensuring that the high pressure pipefitting work is in conformity with Minnesota Statutes and Minnesota Rules.

The board shall prescribe rules, not inconsistent herewith, for the examination and ~~individual~~ competency licensing of contracting high pressure pipefitters and journeyman high pressure pipefitters and for issuance of permits by the department and municipalities for the installation of high pressure piping.

An employee performing the duties of inspector for the department in regulating pipefitting shall not receive time credit for the inspection duties when making an application for a license required by this section.

Sec. 25. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 2, is amended to read:

Subd. 2. **High pressure pipefitting business license.** Before obtaining a permit for high pressure piping work, a person must obtain or utilize a business with a high pressure piping business license.

A person must have at all times as a full-time employee at least one individual holding ~~an individual a~~ contracting high pressure pipefitter competency license. Only full-time employees who hold ~~individual~~ contracting high pressure pipefitter licenses are authorized to obtain high pressure piping permits in the name of the business. The ~~individual~~ contracting high pressure pipefitter competency license holder can be the employee of only one high pressure piping business at a time.

To retain its business license without reapplication, a person holding a high pressure piping business license that ceases to employ an individual holding ~~an individual~~ a contracting high pressure pipefitter competency license shall have 60 days from the last day of employment of its previous ~~individual~~ contracting pipefitter competency license holder to employ another license holder. The department must be notified no later than five days after the last day of employment of the previous license holder.

No high pressure pipefitting work may be performed during any period when the high pressure pipefitting business does not have ~~an individual~~ a contracting high pressure pipefitter competency license holder on staff. If a license holder is not employed within 60 days after the last day of employment of the previous license holder, the pipefitting business license shall lapse.

The board shall prescribe by rule procedures for application for and issuance of business licenses.

Sec. 26. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 2a, is amended to read:

Subd. 2a. **Registration requirement.** All unlicensed individuals, other than pipefitter apprentices, must be registered under subdivision 2b. No licensed high pressure piping business shall employ an unlicensed individual to assist in the practical construction and installation of high pressure piping and appurtenances unless the unlicensed individual is registered with the department. A pipefitter apprentice or registered unlicensed individual employed by a high pressure piping business may assist in the practical construction and installation of high pressure piping and appurtenances only while under direct supervision of a licensed ~~individual~~ contracting high pressure pipefitter or licensed journeyman high pressure pipefitter employed by the same high pressure piping business. The licensed ~~individual~~ contracting high pressure pipefitter or licensed journeyman high pressure pipefitter shall supervise no more than two pipefitter apprentices or registered unlicensed individuals. The licensed ~~individual~~ contracting high pressure pipefitter or journeyman high pressure pipefitter is responsible for ensuring that all high pressure piping work performed by the pipefitter apprentice or registered unlicensed individual complies with Minnesota Statutes and Minnesota Rules.

The board shall make recommendations by October 1, 2008, to the chairs of the standing committees of the senate and house of representatives having jurisdiction over high pressure piping regulation on the ratio of licensed ~~individual~~ contracting high pressure pipefitters or licensed journeyman high pressure pipefitters to pipefitter apprentices or registered unlicensed individuals for purposes of supervision.

Sec. 27. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 2b, is amended to read:

Subd. 2b. **Registration with commissioner.** An unlicensed individual may register to assist in the practical construction and installation of high pressure piping and appurtenances while in the employ of a licensed high pressure piping business by completing and submitting to the commissioner a registration form provided by the commissioner. The board of ~~High Pressure Piping Systems~~ may prescribe rules, not inconsistent with this section, for the registration of unlicensed individuals.

An unlicensed individual applying for initial registration shall pay the department an application fee of \$50. Applications for initial registration may be submitted at any time. Registration must be renewed annually and shall be valid for one calendar year beginning January 1. Applications for renewal registration must be submitted to the commissioner before December 31 of each registration period on forms provided by the commissioner, and must be accompanied by a fee of \$50. There shall be no refund of fees paid.

Sec. 28. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 5, is amended to read:

Subd. 5. **License fee.** The department shall charge the following license fees:

- (a) application for journeyman high pressure ~~pipng~~ pipefitter competency license, \$120;
- (b) renewal of journeyman high pressure ~~pipng~~ pipefitter competency license, \$80;
- (c) application for contracting high pressure ~~pipng~~ pipefitter competency license, \$270;
- (d) renewal of contracting high pressure ~~pipng~~ pipefitter competency license, \$240;
- (e) application for high pressure piping business license, \$450;
- (f) application to inactivate a contracting high pressure ~~pipng~~ pipefitter competency license or inactivate a journeyman high pressure ~~pipng~~ pipefitter competency license, \$40; and
- (g) renewal of an inactive contracting high pressure ~~pipng~~ pipefitter competency license or inactive journeyman high pressure ~~pipng~~ pipefitter competency license, \$40.

If an application for renewal of an active or inactive journeyman high pressure ~~pipng~~ pipefitter competency license or active or inactive contracting high pressure ~~pipng pipefitter~~ competency license is received by the department after the date of expiration of the license, a \$30 late renewal fee shall be added to the license renewal fee.

Payment must accompany the application for a license or renewal of a license. There shall be no refund of fees paid.

Sec. 29. Minnesota Statutes 2007 Supplement, section 326.50, is amended to read:

326.50 LICENSE APPLICATION AND RENEWAL.

Application for ~~an individual~~ a contracting high pressure pipefitter competency or ~~an individual~~ a journeyman high pressure pipefitter competency license shall be made to the department, with fees. The applicant shall be licensed only after passing an examination developed and administered by the department in accordance with rules adopted by the board. A competency license issued by the department shall expire on December 31 of each year. A renewal application must be received by the department within one year after expiration of the competency license. A license that has been expired for more than one year cannot be renewed, and can only be reissued if the applicant submits a new application for the competency license, pays a new application fee, and retakes and passes the applicable license examination.

Sec. 30. Minnesota Statutes 2007 Supplement, section 326.505, subdivision 1, is amended to read:

Subdivision 1. **Composition.** (a) The Board of High Pressure Piping Systems shall consist of 13 members. Twelve members shall be appointed by the governor with the advice and consent of the senate and shall be voting members. Appointments of members by the governor shall be made in accordance with section 15.066. If the senate votes to refuse to consent to an appointment of a member made by the governor, the governor shall appoint a new member with the advice and consent of the senate. One member shall be the commissioner of labor and industry or the commissioner of labor and industry's designee, who shall be a voting member. Of the 12 appointed members, the composition shall be as follows:

- (1) one member shall be a high pressure piping inspector;
- (2) one member shall be a licensed mechanical engineer;
- (3) one member shall be a representative of the high pressure piping industry;
- (4) four members shall be contracting high pressure ~~piping contractors~~ pipefitters engaged in the ~~scope~~ business of high pressure piping, two from the metropolitan area and two from greater Minnesota;
- (5) two members shall be journeyman high pressure ~~piping journeymen~~ pipefitters engaged in the ~~scope~~ business of high pressure piping systems installation, one from the metropolitan area and one from greater Minnesota;
- (6) one member shall be a representative of industrial companies that use high pressure piping systems in their industrial process;
- (7) one member shall be a representative from utility companies in Minnesota; and
- (8) one member shall be a public member as defined by section 214.02.

The high pressure piping inspector shall be appointed for a term to end December 31, 2011. The professional mechanical engineer shall be appointed for a term to end December 31, 2010. The representative of the high pressure piping industry shall be appointed for a term to end December 31, 2011. Two of the contracting high pressure ~~piping contractors~~ pipefitters shall be appointed for a term to end December 31, 2011. The other two contracting high pressure ~~piping contractors~~ pipefitters shall be appointed for a term to end December 31, 2010. One of the journeyman high pressure ~~piping journeymen~~ pipefitters shall be appointed for a term to end December 31, 2011. The other journeyman high pressure ~~piping journeyman~~ pipefitter shall be appointed for a term to end December 31, 2010. The one representative of industrial companies that use high pressure piping systems in their industrial process shall be appointed for a term to end December 31, 2010. The one representative of a utility company in Minnesota shall be appointed for a term to end December 31, 2010. The public member shall be appointed for a term to end December 31, 2010.

(b) The licensed professional mechanical engineer must possess a current Minnesota professional engineering license and maintain the license for the duration of their term. All other appointed members, except for the representative of the piping industry, the representative of industrial companies that use high pressure piping systems, the public member, and the representative of public utility companies in Minnesota, must possess a current high pressure piping license issued by the Department of Labor and Industry and maintain that license for the duration of their term. All appointed members must be residents of Minnesota at the time of and throughout the member's appointment. The term of any appointed member that does not maintain membership qualification status shall end on the date of status change and the governor shall appoint a new member. It is the responsibility of the member to notify the board of the member's status change.

(c) For appointed members, except the initial terms designated in paragraph (a), each term shall be three years with the terms ending on December 31. Members appointed by the governor shall be limited to three consecutive terms. The governor shall, all or in part, reappoint the current members or appoint replacement members with the advice and consent of the senate. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Members may serve until their successors are appointed but in no case later than July 1 in a year in which the term expires unless reappointed.

Sec. 31. Minnesota Statutes 2007 Supplement, section 326.505, subdivision 2, is amended to read:

Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the power to:

- (1) elect its chair, vice-chair, and secretary;
- (2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing such other provisions as may be useful and necessary for the efficient conduct of the business of the board;
- (3) adopt the high pressure piping code that must be followed in this state and any high pressure piping code amendments thereto. The board shall adopt the high pressure piping code and any amendments thereto pursuant to chapter 14, and as provided in subdivision 6, paragraphs (b), (c), and (d);
- (4) review requests for final interpretations and issue final interpretations as provided in section 16B.63, subdivision 5;
- (5) except for rules regulating continuing education, adopt rules that regulate the licensure or registration of high pressure piping contractors, journeymen, and other persons engaged in the design, installation, and alteration of high pressure piping systems, except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f);
- (6) advise the commissioner regarding educational requirements for high pressure piping inspectors;
- (7) refer complaints or other communications to the commissioner, whether oral or written, as provided in subdivision 7 ~~8~~ that ~~alleges~~ allege or ~~implies~~ imply a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, or an offering to perform or performance of unlicensed high pressure piping services;
- (8) approve per diem and expenses deemed necessary for its members as provided in subdivision 3;
- (9) select from its members individuals to serve on any other state advisory council, board, or committee;
- (10) recommend the fees for licenses and ~~certifications~~ registrations; and
- (11) approve license reciprocity agreements.

Except for the powers granted to the Plumbing Board, Board of Electricity, and the Board of High Pressure Piping Systems, the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated pursuant thereto.

(b) The board shall comply with section 15.0597, subdivisions 2 and 4.

(c) The commissioner shall coordinate the board's rulemaking and recommendations with the recommendations and rulemaking conducted by the other boards created pursuant to chapter 326B. The commissioner shall provide staff support to the board. The support includes professional, legal, technical, and clerical staff necessary to perform rulemaking and other duties assigned to the board. The commissioner of labor and industry shall supply necessary office space and supplies to assist the board in its duties.

Sec. 32. Minnesota Statutes 2007 Supplement, section 326.505, subdivision 8, is amended to read:

Subd. 8. **Complaints.** (a) The board shall promptly forward to the commissioner the substance of any complaint or communication it receives, whether written or oral, that alleges or implies a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to the license or registration of any person authorized by the department to provide high pressure piping services, the performance or offering to perform high pressure piping services requiring licensure by an unlicensed person, or high pressure piping code compliance. Each complaint or communication that is forwarded to the commissioner shall be submitted on a form provided by the commissioner.

(b) The commissioner shall advise the board of the status of the complaint within 90 days after the board's written submission is received, or within 90 days after the board is provided with a written request for additional information or documentation from the commissioner or the commissioner's designee, whichever is later. The commissioner shall advise the board of the disposition of a complaint referred by the board within 180 days after the board's written submission is received. The commissioner shall annually report to the board a summary of the actions taken in response to complaints referred by the board.

Sec. 33. Minnesota Statutes 2007 Supplement, section 326.62, is amended to read:

326.62 FEES.

~~Unless examination fees have been set by a contract under section 326B.05,~~ Examination fees for both water conditioning contractors and water conditioning installers shall be \$50 for each examination. Each water conditioning contractor and installer license shall expire on December 31 of the year for which it was issued. The license fee for each initial water conditioning contractor's license shall be \$70, except that the license fee shall be \$35 if the application is submitted during the last three months of the calendar year. The license fee for each renewal water conditioning contractor's license shall be \$70. The license fee for each initial water conditioning installer license shall be \$35, except that the license fee shall be \$17.50 if the application is submitted during the last three months of the calendar year. The license fee for each renewal water conditioning installer license shall be \$35. The commissioner may by rule prescribe for the expiration and renewal of licenses. Any licensee who does not renew a license within two years after the license expires is no longer eligible for renewal. Such an individual must retake and pass the examination before a new license will be issued. A water conditioning contractor or water conditioning installer who submits a license renewal application after the time specified in rule but within two years after the license expired must pay all past due renewal fees plus a late fee of \$25.

Sec. 34. Minnesota Statutes 2007 Supplement, section 326.84, subdivision 1, is amended to read:

Subdivision 1. **Persons required to be licensed.** A person who meets the definition of a residential building contractor as defined in section 326.83, subdivision 15, must be licensed as a residential building contractor by the commissioner. A person who meets the definition of a residential remodeler as defined in section 326.83, subdivision 16, must be licensed by the commissioner as a residential remodeler or residential building contractor. A person who meets the definition of a residential roofer as defined in section 326.83, subdivision 18, must be licensed by the commissioner as a residential roofer, residential building contractor, or residential remodeler. A person who meets the definition of a manufactured home installer as defined in section 327.31, subdivision ~~6~~11, must be licensed as a manufactured home installer by the commissioner.

Sec. 35. Minnesota Statutes 2007 Supplement, section 326.841, is amended to read:

326.841 MANUFACTURED HOME INSTALLERS.

(a) Manufactured home installers are subject to all of the requirements of sections 326.83 to 326.98, except for the following:

(1) manufactured home installers are not subject to the continuing education requirements of section 326.87, but are subject to the continuing education requirements established in rules adopted under section 327B.10 and must satisfy the continuing education requirement under section 327B.10 related to plumbing issues prior to issuance of a license by the commissioner;

(2) the examination requirement of section 326.89, subdivision 3, for manufactured home installers shall be satisfied by successful completion of a written examination administered and developed specifically for the examination of manufactured home installers. The examination must be administered and developed by the commissioner. The commissioner and the state building official shall seek advice on the grading, monitoring, and updating of examinations from the Minnesota Manufactured Housing Association;

(3) a local government unit may not place a surcharge on a license fee, and may not charge a separate fee to installers;

(4) a dealer or distributor who does not install or repair manufactured homes is exempt from licensure under sections 326.83 to 326.98;

(5) the exemption under section 326.84, subdivision 3, clause (5), does not apply; and

(6) manufactured home installers are not subject to the contractor recovery fund in section 326.975.

(b) The commissioner may waive all or part of the requirements for licensure as a manufactured home installer for any individual who holds an unexpired license or certificate issued by any other state or other United States jurisdiction if the licensing requirements of that jurisdiction meet or exceed the corresponding licensing requirements of the department.

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

Sec. 36. Minnesota Statutes 2007 Supplement, section 326.86, subdivision 1, is amended to read:

Subdivision 1. **Licensing fee.** The licensing fee for persons licensed pursuant to sections 326.83 to 326.98, except for manufactured home installers, is \$100 per year. The licensing fee for manufactured home installers under section 326.841 is \$300 for a three-year period.

Sec. 37. Minnesota Statutes 2007 Supplement, section 326.87, subdivision 5, is amended to read:

Subd. 5. **Content.** (a) Continuing education consists of approved courses that impart appropriate and related knowledge in the regulated industries pursuant to sections 326.83 to 326.98. Courses may include relevant materials that are included in licensing exams subject to the limitations imposed in paragraph (e). The burden of demonstrating that courses impart appropriate and related knowledge is upon the person seeking approval or credit.

(b) Course examinations will not be required for continuing education courses unless they are required by the sponsor.

(c) Textbooks are not required to be used for continuing education courses. If textbooks are not used, the coordinator must provide students with a syllabus containing, at a minimum, the course title, the times and dates of the course offering, the names and addresses or telephone numbers of the course coordinator and instructor, and a detailed outline of the subject materials to be covered. Any written or printed material given to students must be of readable quality and contain accurate and current information.

(d) Upon completion of an approved course, licensees shall earn one hour of continuing education credit for each hour approved by the commissioner. Each continuing education course must be attended in its entirety in order to receive credit for the number of approved hours. Courses may be approved for full or partial credit, and for more than one regulated industry.

Continuing education credit in an approved course shall be awarded to presenting instructors on the basis of one credit for each hour of preparation for the initial presentation, which may not exceed three hours total credit for each approved course. Continuing education credit may not be earned if the licensee has previously obtained credit for the same course as a licensee or as an instructor within the three years immediately prior.

(e) The following courses will not be approved for credit:

- (1) courses designed solely to prepare students for a license examination;
- (2) courses in mechanical office or business skills, including typing, speed reading, or other machines or equipment. Computer courses are allowed, if appropriate and related to the regulated industry of the licensee;
- (3) courses in sales promotion, including meetings held in conjunction with the general business of the licensee;
- (4) courses in motivation, salesmanship, psychology, time management, or communication; or
- (5) courses that are primarily intended to impart knowledge of specific products of specific companies, if the use of the product or products relates to the sales promotion or marketing of one or more of the products discussed.

EFFECTIVE DATE. This section is effective September 1, 2008.

Sec. 38. Minnesota Statutes 2007 Supplement, section 326.93, subdivision 4, is amended to read:

Subd. 4. **Service on commissioner.** (a) When a person, including any nonresident of this state, engages in conduct prohibited or made actionable by sections 326.83 to 326.98, or any rule or order under those sections, and the person has not consented to service of process under subdivision 3, that conduct is equivalent to an appointment of the commissioner and successors in office as the person's agent to receive service of process in any noncriminal suit, action, or proceeding against the person that is based on that conduct and is brought under sections 326.83 to 326.98, or any rule or order under those sections, with the same force and validity as if served personally on the person consenting to the appointment of the commissioner and successors in office. Service under this section shall be made in compliance with subdivision 5.

(b) Subdivision 5 applies in all other cases in which a person, including a nonresident of this state, has filed a consent to service of process. This paragraph supersedes any inconsistent provision of law.

(c) Subdivision 5 applies in all cases in which service of process is allowed to be made on the commissioner.

~~(d) Subdivision 5 applies to any document served by the commissioner or the department under section 326B.08.~~

Sec. 39. Minnesota Statutes 2007 Supplement, section 326.94, subdivision 2, is amended to read:

Subd. 2. **Insurance.** ~~Licensees must have public liability insurance with limits of at least \$300,000 per occurrence, which must include at least \$10,000 property damage coverage. Each licensee shall have and maintain in effect commercial general liability insurance, which includes premises and operations insurance and products and completed operations insurance, with limits of at least \$100,000 per occurrence, \$300,000 aggregate limit for bodily injury, and property damage insurance with limits of at least \$25,000 or a policy with a single limit for bodily injury and property damage of \$300,000 per occurrence and \$300,000 aggregate limits. The insurance must be written by an insurer licensed to do business in this state. Each licensee shall maintain on file with the commissioner a certificate evidencing the insurance which provides that the insurance shall not be canceled without the insurer first giving 15 days' written notice of cancellation to the commissioner. The commissioner may increase the minimum amount of insurance required for any licensee or class of licensees if the commissioner considers it to be in the public interest and necessary to protect the interests of Minnesota consumers.~~

EFFECTIVE DATE. This section is effective August 1, 2008.

Sec. 40. Minnesota Statutes 2007 Supplement, section 326.97, subdivision 1a, is amended to read:

Subd. 1a. **Annual renewal.** Any license issued or renewed after August 1, 1993, must be renewed annually except for a manufactured home installer's license which shall have a renewal period of three years, effective for all renewals and new licenses issued after December 31, 2008.

Sec. 41. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 8, is amended to read:

Subd. 8. **Hearings related to administrative orders.** (a) Within 30 days after the commissioner issues an administrative order or within 20 days after the commissioner issues the notice under section 326B.083, subdivision 3, paragraph (b), clause (3), the person to whom the administrative order or notice is issued may request an expedited hearing to review the commissioner's order or notice. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order or notice. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner by the 30th day after the commissioner issues the administrative order or the 20th day after the commissioner issues the notice under section 326B.083, subdivision 3, paragraph (b), clause (3), the order will become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. The hearing request must specifically state the reasons for seeking review of the order or notice. The person to whom the order or notice is issued and the commissioner are the parties to the expedited hearing. The commissioner must notify the person to whom the order or notice is issued of the time and place of the hearing at least 15 days before the hearing. The expedited hearing must be held within 45 days after a request for hearing has been ~~served on~~ received by the commissioner unless the parties agree to a later date.

(b) Parties may submit written arguments if permitted by the administrative law judge. All written arguments must be submitted within ten days following the close completion of the hearing or the receipt of any late-filed exhibits that the parties and the administrative law judge have agreed should be received into the record, whichever is later. The hearing shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this subdivision. The Office of Administrative Hearings may, in consultation with the agency, adopt rules specifically applicable to cases under this section.

(c) The administrative law judge shall issue a report making findings of fact, conclusions of law, and a recommended order to the commissioner within 30 days following the ~~close of the record~~ completion of the hearing, the receipt of late-filed exhibits, or the submission of written arguments, whichever is later.

(d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner may add to the amount of the penalty the costs charged to the department by the Office of Administrative Hearings for the hearing.

(e) If a hearing has been held, the commissioner shall not issue a final order until at least five days after the date of the administrative law judge's report. Any person aggrieved by the administrative law judge's report may, within those five days, serve written comments to the commissioner on the report and the commissioner shall consider and enter the comments in the record. The commissioner's final order shall comply with sections 14.61, subdivision 2, and 14.62, subdivisions 1 and 2, may be appealed in the manner provided in sections 14.63 to 14.69.

Sec. 42. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 10, is amended to read:

Subd. 10. **Stop orders.** (a) If the commissioner determines based on an inspection or investigation that a person has violated or is about to violate the applicable law, the commissioner may issue to the person a stop order requiring the person to cease and desist from committing the violation.

(b) If the commissioner determines that a condition exists on real property that violates the applicable law, the commissioner may issue a stop order to the owner or lessee of the real property to cease and desist from committing the violation and to correct the condition that is in violation.

(c) The commissioner shall issue the stop work order by:

- (1) serving the order on the person who has committed or is about to commit the violation;
- (2) posting the order at the location where the violation was committed or is about to be committed or at the location where the violating condition exists; or
- (3) serving the order on any owner or lessee of the real property where the violating condition exists.

(d) A stop order shall:

- (1) describe the act, conduct, or practice committed or about to be committed, or the condition, and include a reference to the applicable law that the act, conduct, practice, or condition violates or would violate; and
- (2) provide notice that any person aggrieved by the stop order may request a hearing as provided in paragraph (e).

(e) Within 30 days after the commissioner issues a stop order, any person aggrieved by the order may request an expedited hearing to review the commissioner's action. The request for hearing must be made in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner on or before the 30th day after the commissioner issued the stop order, the order will become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail is the postmark date on the envelope in which the request for hearing is mailed. The hearing request must specifically state the reasons for seeking review of the order. The person who requested the hearing and the commissioner are the parties to the expedited hearing. The hearing shall be commenced within ten days after the commissioner receives the request for hearing. The hearing shall be conducted under Minnesota Rules, parts

1400.8510 to 1400.8612, as modified by this subdivision. The administrative law judge shall issue a report containing findings of fact, conclusions of law, and a recommended order within ten days after the ~~conclusion~~ completion of the hearing, the receipt of late-filed exhibits, or the submission of written arguments, whichever is later. Any party aggrieved by the administrative law judge's report shall have five days after the date of the administrative law judge's report to submit written exceptions and argument to the commissioner that the commissioner shall consider and enter in the record. Within 15 days after receiving the administrative law judge's report, the commissioner shall issue an order vacating, modifying, or making permanent the stop order. The commissioner and the person requesting the hearing may by agreement lengthen any time periods described in this paragraph. The Office of Administrative Hearings may, in consultation with the agency, adopt rules specifically applicable to cases under this subdivision.

(f) A stop order issued under this subdivision shall be in effect until it is modified or vacated by the commissioner or an appellate court. The administrative hearing provided by this subdivision and any appellate judicial review as provided in chapter 14 shall constitute the exclusive remedy for any person aggrieved by a stop order.

(g) Upon the application of the commissioner, a district court shall find the failure of any person to comply with a final stop order lawfully issued by the commissioner under this subdivision as a contempt of court.

Sec. 43. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 11, is amended to read:

Subd. 11. **Licensing orders; grounds; reapplication.** (a) The commissioner may deny an application for a permit, license, registration, or certificate if the applicant does not meet or fails to maintain the minimum qualifications for holding the permit, license, registration, or certificate, or has any unresolved violations or unpaid fees or monetary penalties related to the activity for which the permit, license, registration, or certificate has been applied for or was issued.

(b) The commissioner may deny, suspend, limit, place conditions on, or revoke a person's permit, license, registration, or certificate, or censure the person holding the permit, license, registration, or certificate, if the commissioner finds that the person:

- (1) committed one or more violations of the applicable law;
- (2) submitted false or misleading information to the state in connection with activities for which the permit, license, registration, or certificate was issued, or in connection with the application for the permit, license, registration, or certificate;
- (3) allowed the alteration or use of the person's own permit, license, registration, or certificate by another person;
- (4) within the previous five years, was convicted of a crime in connection with activities for which the permit, license, registration, or certificate was issued;
- (5) violated a final administrative order issued under subdivision 7 or a final stop order issued under subdivision 10, or injunctive relief issued under subdivision 9;
- (6) failed to cooperate with a commissioner's request to give testimony, to produce documents, things, apparatus, devices, equipment, or materials, or to access property under subdivision 2;
- (7) retaliated in any manner against any employee or person who is questioned by, cooperates with, or provides information to the commissioner or an employee or agent authorized by the commissioner who seeks access to property or things under subdivision 2;

(8) engaged in any fraudulent, deceptive, or dishonest act or practice; or

(9) performed work in connection with the permit, license, registration, or certificate or conducted the person's affairs in a manner that demonstrates incompetence, untrustworthiness, or financial irresponsibility.

(c) If the commissioner revokes or denies a person's permit, license, registration, or certificate under paragraph (b), the person is prohibited from reapplying for the same type of permit, license, registration, or certificate for at least two years after the effective date of the revocation or denial. The commissioner may, as a condition of reapplication, require the person to obtain a bond or comply with additional reasonable conditions the commissioner considers necessary to protect the public.

(d) If a permit, license, registration, or certificate expires, or is surrendered, withdrawn, or terminated, or otherwise becomes ineffective, the commissioner may institute a proceeding under this subdivision within two years after the permit, license, registration, or certificate was last effective and enter a revocation or suspension order as of the last date on which the permit, license, registration, or certificate was in effect.

Sec. 44. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 12, is amended to read:

Subd. 12. **Issuance of licensing orders; hearings related to licensing orders.** (a) If the commissioner determines that a permit, license, registration, or certificate should be conditioned, limited, suspended, revoked, or denied under subdivision 11, or that the permit holder, licensee, registrant, or certificate holder should be censured under subdivision 11, then the commissioner shall issue to the person an order denying, conditioning, limiting, suspending, or revoking the person's permit, license, registration, or certificate, or censuring the permit holder, licensee, registrant, or certificate holder.

(b) Any order issued under paragraph (a) may include an assessment of monetary penalties and may require the person to cease and desist from committing the violation or committing the act, conduct, or practice set out in subdivision 11, paragraph (b). The monetary penalty may be up to \$10,000 for each violation or act, conduct, or practice committed by the person. The procedures in section 326B.083 must be followed when issuing orders under paragraph (a).

(c) The permit holder, licensee, registrant, certificate holder, or applicant to whom the commissioner issues an order under paragraph (a) shall have 30 days after service of the order to request a hearing. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order by the 30th day after service of the order. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner by the 30th day after service of the order, the order shall become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. If the person submits to the commissioner a timely request for hearing, the order is stayed unless the commissioner summarily suspends the license, registration, certificate, or permit under subdivision 13, and a contested case hearing shall be held in accordance with chapter 14.

~~(d) Paragraph (c) does not apply to summary suspension under subdivision 13.~~

Sec. 45. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 13, is amended to read:

Subd. 13. **Summary suspension.** In any case where the commissioner has issued an order to revoke, ~~or suspend, or deny~~ a license, registration, certificate, or permit under ~~subdivision~~ subdivisions 11, paragraph (b), and 12, the commissioner may summarily suspend the person's permit, license, registration, or certificate before the order becomes final. The commissioner shall issue a summary suspension order when the safety of life or property is threatened or to prevent the commission of fraudulent, deceptive, untrustworthy, or dishonest acts against the

public. The summary suspension shall not affect the deadline for submitting a request for hearing under subdivision 12. If the commissioner summarily suspends a person's permit, license, registration, or certificate, a timely request for hearing submitted under subdivision 12 shall also be considered a timely request for hearing on continuation of the summary suspension. If the commissioner summarily suspends a person's permit, license, registration, or certificate under this subdivision and the person submits a timely request for a hearing, then a hearing on continuation of the summary suspension must be held within ten days after the commissioner receives the request for hearing unless the parties agree to a later date.

Sec. 46. Minnesota Statutes 2007 Supplement, section 326B.083, subdivision 3, is amended to read:

Subd. 3. **Penalty.** (a) If an administrative order includes a penalty assessment, then the penalty is due and payable on the date the administrative order becomes final unless some or all of the penalty is forgivable. If a licensing order includes a penalty assessment, then the penalty is due and payable on the date the licensing order becomes final.

(b) This paragraph applies if an administrative order includes a penalty assessment and all or a portion of the penalty is forgivable.

(1) If any portion of the penalty is not forgivable, that portion of the penalty is due and payable ten days after the date the administrative order becomes final.

(2) The commissioner shall forgive the forgivable portion of the penalty if the commissioner determines that the violation has been corrected within the time set by the order or the person to whom the order was issued has developed a correction plan acceptable to the commissioner within the time set by the order.

(3) If the commissioner determines that the person to whom the order was issued has failed to correct the violation within the time set by the order or has failed to develop a correction plan acceptable to the commissioner within the time set by the order, then the forgivable portion of the penalty is due and payable ~~ten~~ 20 days after the commissioner serves notice of the determination on the person or on the date the administrative order becomes final, whichever is later.

(c) This paragraph applies if an administrative order or a licensing order includes a penalty assessment and if the person subject to the order has requested a hearing. The administrative law judge may not recommend a change in the amount of the penalty if the penalty was assessed in accordance with a plan prepared under section 326B.082, subdivision 14. If the commissioner has not prepared a plan under section 326B.082, subdivision 14, then the administrative law judge may not recommend a change in the amount of the penalty unless the administrative law judge determines that, based on the factors in section 14.045, subdivision 3, the amount of the penalty is unreasonable.

(d) The assessment of a penalty does not preclude the use of other enforcement provisions, under which penalties are not assessed, in connection with the violation for which the penalty was assessed.

Sec. 47. Minnesota Statutes 2007 Supplement, section 326B.42, is amended by adding a subdivision to read:

Subd. 7. **Plumber's apprentice.** A "plumber's apprentice" is any individual, other than a master, restricted master, journeyman, or restricted journeyman plumber who, as a principal occupation, is engaged in working as an employee of a plumbing contractor under the direct supervision of a master, restricted master, journeyman, or restricted journeyman plumber and is learning and assisting in the installation of plumbing.

Sec. 48. Minnesota Statutes 2007 Supplement, section 326B.89, subdivision 5, is amended to read:

Subd. 5. **Payment limitations.** Except as otherwise provided in this section, the commissioner shall not pay compensation from the fund to an owner or a lessee in an amount greater than \$75,000. Except as otherwise provided in this section, the commissioner shall not pay compensation from the fund to owners and lessees in an amount that totals more than \$150,000 per licensee. The commissioner shall not pay compensation from the fund for a final judgment based on a cause of action that arose before the commissioner's receipt of the licensee's fee required by subdivision 3. The commissioner shall only pay compensation from the fund for a final judgment that is based on a contract directly between the licensee and the homeowner or lessee that was entered into prior to the cause of action and that requires licensure as a residential building contractor or residential remodeler.

Sec. 49. Minnesota Statutes 2007 Supplement, section 326B.89, subdivision 6, is amended to read:

Subd. 6. **Verified application.** To be eligible for compensation from the fund, an owner or lessee shall serve on the commissioner a verified application for compensation on a form approved by the commissioner. The application shall verify the following information:

- (1) the specific grounds upon which the owner or lessee seeks to recover from the fund;
- (2) that the owner or the lessee has obtained a final judgment in a court of competent jurisdiction against a licensee licensed under section 326B.803;
- (3) that the final judgment was obtained against the licensee on the grounds of fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance that arose directly out of a ~~transaction~~ contract directly between the licensee and the homeowner or lessee that was entered into prior to the cause of action and that occurred when the licensee was licensed and performing any of the special skills enumerated under section 326B.802, subdivision 19;
- (4) the amount of the owner's or the lessee's actual and direct out-of-pocket loss on the owner's residential real estate, on residential real estate leased by the lessee, or on new residential real estate that has never been occupied or that was occupied by the licensee for less than one year prior to purchase by the owner;
- (5) that the residential real estate is located in Minnesota;
- (6) that the owner or the lessee is not the spouse of the licensee or the personal representative of the licensee;
- (7) the amount of the final judgment, any amount paid in satisfaction of the final judgment, and the amount owing on the final judgment as of the date of the verified application; ~~and~~
- (8) that the owner or lessee has diligently pursued remedies against all the judgment debtors and all other persons liable to the judgment debtor in the contract for which the owner or lessee seeks recovery from the fund; and
- ~~(8)~~ (9) that the verified application is being served within two years after the judgment became final.

The owner's and the lessee's actual and direct out-of-pocket loss shall not include attorney fees, litigation costs or fees, interest on the loss, and interest on the final judgment obtained as a result of the loss. Any amount paid in satisfaction of the final judgment shall be applied to the owner's or lessee's actual and direct out-of-pocket loss. An owner or lessee may serve a verified application regardless of whether the final judgment has been discharged by a bankruptcy court. A judgment issued by a court is final if all proceedings on the judgment have either been pursued and concluded or been forgone, including all reviews and appeals. For purposes of this section, owners who are

joint tenants or tenants in common are deemed to be a single owner. For purposes of this section, owners and lessees eligible for payment of compensation from the fund shall not include government agencies, political subdivisions, financial institutions, and any other entity that purchases, guarantees, or insures a loan secured by real estate.

Sec. 50. Minnesota Statutes 2007 Supplement, section 326B.89, subdivision 12, is amended to read:

Subd. 12. **Limitation.** Notwithstanding subdivision 5, nothing may obligate the fund to compensate for claims brought by:

(1) insurers or sureties under subrogation or similar theories; or

(2) ~~an owner~~ owners of residential property for final judgments against a prior owner of the residential property where the contracting activity complained of was the result of a contract entered into with a prior owner, unless the claim is brought and judgment is rendered for breach of the statutory warranty set forth in chapter 327A.

Sec. 51. Minnesota Statutes 2007 Supplement, section 326B.89, subdivision 14, is amended to read:

Subd. 14. **Accelerated compensation.** (a) Payments made from the fund to compensate owners and lessees that do not exceed the jurisdiction limits for conciliation court matters as specified in section 491A.01 may be paid on an accelerated basis if all of the following requirements in paragraphs (b) and (c) have been satisfied.

(b) The owner or the lessee has served upon the commissioner a verified application for compensation that complies with the requirements set out in subdivision 6 and the commissioner determines based on review of the application that compensation should be paid from the fund. The commissioner shall calculate the actual and direct out-of-pocket loss in the transaction, minus attorney fees, litigation costs or fees, interest on the loss and on the judgment obtained as a result of the loss, and any satisfaction of the judgment, and make payment to the owner or the lessee up to the conciliation court jurisdiction limits within ~~15~~ 45 days after the owner or lessee serves the verified application.

(c) The commissioner may pay compensation to owners or lessees that totals not more than \$50,000 per licensee per fiscal year under this accelerated process. The commissioner may prorate the amount of compensation paid to owners or lessees under this subdivision if applications submitted by owners and lessees seek compensation in excess of \$50,000 against a licensee. Any unpaid portion of a verified application that has been prorated under this subdivision shall be satisfied in the manner set forth in subdivision 9.

Sec. 52. Minnesota Statutes 2006, section 327.32, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** No person shall sell, or offer for sale, in this state, any manufactured home manufactured after July 1, 1972, manufacture any manufactured home in this state or ~~park~~ install for occupancy any manufactured home manufactured after July 1, 1972, in any manufactured home park in this state unless the manufactured home complies with the Manufactured Home Building Code and:

(a) Bears a seal issued by the commissioner, and is, whenever possible, accompanied by a certificate by the manufacturer or dealer, both evidencing that it complies with the Manufactured Home Building Code; or

(b) If manufactured after June 14, 1976, bears a label as required by the secretary.

Sec. 53. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision to read:

Subd. 2a. **Construction seal fees.** Replacement manufactured home or accessory structure construction seal fees, including certificates, are \$30 per seal.

Sec. 54. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision to read:

Subd. 2b. **Installation seal fees.** Manufactured home installation seal fees, including anchoring and support and including certificates, are \$80.

Sec. 55. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision to read:

Subd. 2c. **Temporary installation certificate fees.** A temporary certificate fee is \$2 per certificate.

Sec. 56. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision to read:

Subd. 2d. **Label fee.** The United States Department of Housing and Urban Development label fee shall be paid by the manufacturer to the secretary.

Sec. 57. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision to read:

Subd. 2e. **Seal order shipping and handling fee.** The shipping and handling fee for each order of seals is the current postage rate plus a \$3 handling fee.

Sec. 58. Minnesota Statutes 2006, section 327A.04, subdivision 2, is amended to read:

Subd. 2. **Modification.** At any time after a contract for the sale of a dwelling is entered into by and between a vendor and a vendee or a contract for home improvement work is entered into by and between a home improvement contractor and an owner, any of the statutory warranties provided for in section 327A.02 may be excluded or modified only by a written instrument, printed in boldface type of a minimum size of ten points, which is signed by the vendee or the owner and which sets forth in detail the warranty involved, the consent of the vendee or the owner, and the terms of the new agreement contained in the writing. No exclusion or modification shall be effective unless the vendor or the home improvement contractor provides substitute express warranties offering substantially the same protections to the vendee or the owner as the statutory warranties set forth in section 327A.02. Any modification or exclusion agreed to by vendee and vendor or the owner and home improvement contractor pursuant to this subdivision shall not require the approval of the commissioner of ~~administration~~ labor and industry pursuant to section 327A.07.

Sec. 59. Minnesota Statutes 2006, section 327A.07, is amended to read:

327A.07 VARIATIONS.

The commissioner of ~~administration~~ labor and industry may approve pursuant to sections 14.05 to 14.28, variations from the provisions of sections 327A.02 and 327A.03 if the warranty program of the vendor or the home improvement contractor requesting the variation offers at least substantially the same protections to the vendee or owner as provided by the statutory warranties set forth in section 327A.02.

Sec. 60. Minnesota Statutes 2007 Supplement, section 327B.04, subdivision 4, is amended to read:

Subd. 4. **License prerequisites.** No application shall be granted nor license issued until the applicant proves to the commissioner that:

(a) the applicant has a permanent, established place of business at each licensed location. An "established place of business" means a permanent enclosed building other than a residence, or a commercial office space, either owned by the applicant or leased by the applicant for a term of at least one year, located in an area where zoning regulations allow commercial activity, and where the books, records and files necessary to conduct the business are kept and maintained. The owner of a licensed manufactured home park who resides in or adjacent to the park may use the residence as the established place of business required by this subdivision, unless prohibited by local zoning ordinance.

If a license is granted, the licensee may use unimproved lots and premises for sale, storage, and display of manufactured homes, if the licensee first notifies the commissioner in writing;

(b) if the applicant desires to sell, solicit or advertise the sale of new manufactured homes, it has a bona fide contract or franchise in effect with a manufacturer or distributor of the new manufactured home it proposes to deal in;

(c) the applicant has secured: (1) a surety bond in the amount of \$20,000 for ~~the each~~ agency and each subagency location that bears the applicant's name and the name under which the applicant will be licensed and do business in this state. Each bond is for the protection of consumer customers, and must be executed by the applicant as principal and issued by a surety company admitted to do business in this state. Each bond shall be exclusively for the purpose of reimbursing consumer customers and shall be conditioned upon the faithful compliance by the applicant with all of the laws and rules of this state pertaining to the applicant's business as a dealer or manufacturer, including sections 325D.44, 325F.67 and 325F.69, and upon the applicant's faithful performance of all its legal obligations to consumer customers; and (2) a certificate of liability insurance in the amount of \$1,000,000 that provides aggregate coverage for the agency and each subagency location;

(d) the applicant has established a trust account as required by section 327B.08, subdivision 3, unless the applicant states in writing its intention to limit its business to selling, offering for sale, soliciting or advertising the sale of new manufactured homes; and

(e) the applicant has provided evidence of having had at least two years' prior experience in the sale of manufactured homes, working for a licensed dealer.

Sec. 61. Minnesota Statutes 2006, section 327B.06, subdivision 1, is amended to read:

Subdivision 1. **Retention.** A dealer shall retain for ~~three~~ five years copies of all listings, deposit receipts, credit applications, contracts, disclosure forms, canceled checks, trust account records and other documents reasonably related to carrying on the business of a dealer. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated.

Sec. 62. Laws 2007, chapter 140, article 4, section 12, is amended to read:

Sec. 12. Minnesota Statutes 2006, section 16B.65, is amended to read:

16B.65 BUILDING OFFICIALS.

Subdivision 1. **Designation.** Each municipality shall designate a building official to administer the code. A municipality may designate no more than one building official responsible for code administration defined by each certification category established in rule. Two or more municipalities may combine in the designation of a building official for the purpose of administering the provisions of the code within their communities. In those municipalities for which no building officials have been designated, the state building official may use whichever state employees are necessary to perform the duties of the building official until the municipality makes a temporary or permanent designation. All costs incurred by virtue of these services rendered by state employees must be borne by the involved municipality and receipts arising from these services must be paid to the commissioner.

Subd. 2. **Qualifications.** A building official, to be eligible for designation, must be certified and have the experience in design, construction, and supervision which the commissioner deems necessary and must be generally informed on the quality and strength of building materials, accepted building construction requirements, and the nature of equipment and needs conducive to the safety, comfort, and convenience of building occupants. No person may be designated as a building official for a municipality unless the commissioner determines that the official is qualified as provided in subdivision 3.

Subd. 3. **Certification.** The commissioner shall by rule establish certification criteria as proof of qualification pursuant to subdivision 2. The commissioner may:

(1) develop and administer written and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official;

(2) accept documentation of successful completion of testing programs developed and administered by nationally recognized testing agencies, as proof of qualification pursuant to subdivision 2; or

(3) determine qualifications by satisfactory completion of clause (2) and a mandatory training program developed or approved by the commissioner.

Upon a determination of qualification under clause (1), (2), or (3), the commissioner shall issue a certificate to the building official stating that the official is certified. Each person applying for examination and certification pursuant to this section shall pay a nonrefundable fee of \$70. The commissioner or a designee may establish categories of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. The commissioner shall provide educational programs designed to train and assist building officials in carrying out their responsibilities.

Subd. 4. **Duties.** Building officials shall, in the municipality for which they are designated, be responsible for all aspects of code administration for which they are certified, including the issuance of all building permits and the inspection of all manufactured home installations. The commissioner may direct a municipality with a building official to perform services for another municipality, and in that event the municipality being served shall pay the municipality rendering the services the reasonable costs of the services. The costs may be subject to approval by the commissioner.

~~Subd. 5. **Oversight committee.** (a) The commissioner shall establish a Code Administration Oversight Committee that will, at the commissioner's request, recommend to the commissioner appropriate action pursuant to section 326B.82, in response to information received or obtained by the commissioner that supports a finding that: (1) an individual has engaged in, or is about to engage in, the unauthorized performance of the duties of a certified building official or the unauthorized use of the certified building official title; or (2) a certified building official has violated a statute, rule, stipulation, agreement, settlement, compliance agreement, cease and desist agreement, or order that the commissioner has adopted, issued, or has the authority to enforce and that is related to the duties of a certified building official.~~

~~(b) The committee shall consist of six members. One member shall be the commissioner's designee and five members shall be certified building officials who are appointed by the commissioner. At least two of the appointed certified building officials must be from nonmetropolitan counties. For the committee members who are not state officials or employees, their compensation and removal from the oversight committee is governed by section 15.059. The commissioner's designee shall serve as the chair of the oversight committee and shall not vote. The terms of the appointed members of the oversight committee shall be four years. The terms of three of the appointed members shall be coterminous with the governor and the terms of the remaining two appointed members shall end on the first Monday in January one year after the terms of the other appointed members expire. An appointed member may be reappointed. The committee is not subject to the expiration provisions of section 15.059, subdivision 5.~~

~~(c) If the commissioner determines that an individual has engaged in the unauthorized performance of the duties of a certified building official or the unauthorized use of the certified building official title, or that a certified building official has violated a statute, rule, stipulation, agreement, settlement, compliance agreement, cease and desist agreement, or order that the commissioner has adopted, issued, or is authorized to enforce that is related to the duties of a certified building official, the commissioner may take administrative actions against the individual pursuant to section 326B.082, subdivisions 7 and 11.~~

Subd. 5b. **Grounds.** In addition to the grounds set forth in section 326B.082, subdivision 11, the commissioner may deny, suspend, limit, place conditions on, or revoke a certificate, or may censure an applicant or individual holding a certificate, if the applicant or individual:

- (1) violates a provision of sections 16B.59 to 16B.75 or a rule adopted under those sections; or
- (2) engages in fraud, deceit, or misrepresentation while performing the duties of a certified building official.

Nothing in this subdivision limits or otherwise affects the authority of a municipality to dismiss or suspend a building official at its discretion, except as otherwise provided for by law.

Subd. 5c. **Action against unlicensed persons.** The commissioner may take any administrative action provided under section 326B.082, against an individual required to be certified under subdivision 3, based upon conduct that would provide grounds for action against a certificate holder under this section.

Subd. 6. **Vacancies.** In the event that a designated building official position is vacant within a municipality, that municipality shall designate a certified building official to fill the vacancy as soon as possible. The commissioner must be notified of any vacancy or designation in writing within 15 days. If the municipality fails to designate a certified building official within 15 days of the occurrence of the vacancy, the state building official may provide state employees to serve that function as provided in subdivision 1 until the municipality makes a temporary or permanent designation. Municipalities must not issue permits without a designated certified building official.

Subd. 7. **Continuing education.** Subject to sections 16B.59 to 16B.75, the commissioner may by rule establish or approve continuing education programs for certified building officials dealing with matters of building code administration, inspection, and enforcement.

Each person certified as a building official for the state must satisfactorily complete applicable educational programs established or approved by the commissioner to retain certification.

Subd. 8. **Renewal.** (a) Subject to sections 16B.59 to 16B.76, the commissioner of labor and industry may by rule adopt standards dealing with renewal requirements.

(b) If the commissioner has not issued a notice of denial of application for a certificate holder and if the certificate holder has properly and timely filed a fully completed renewal application, then the certificate holder may continue to engage in building official activities whether or not the renewed certificate has been received. Applications must be made on a form approved by the commissioner. Each application for renewal must be fully completed, and be accompanied by proof of the satisfactory completion of minimum continuing education requirements and the certification renewal fee established by the commissioner. Applications are timely if received prior to the expiration of the most recently issued certificate. An application for renewal that does not contain all of the information requested is an incomplete application and will not be accepted.

Subd. 9. **Expiration.** All certificates expire at 11:59:59 p.m. central time on the date of expiration if not properly renewed in accordance with subdivision 8, paragraph (b).

Subd. 10. **Failure to renew.** An individual who has failed to make a timely application for renewal of a certificate is not certified and must not serve as the designated building official for any municipality until a renewed certificate has been issued by the commissioner.

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

Sec. 63. **REVISOR'S INSTRUCTION.**

(a) The revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>16B.655</u>	<u>326B.135</u>
<u>326.01, subdivision 4a</u>	<u>326B.31, subdivision 4a</u>
<u>326.01, subdivision 4b</u>	<u>326B.31, subdivision 4b</u>
<u>326.01, subdivision 4c</u>	<u>326B.31, subdivision 4c</u>
<u>326.01, subdivision 4d</u>	<u>326B.31, subdivision 4d</u>
<u>326.01, subdivision 4e</u>	<u>326B.31, subdivision 4e</u>
<u>326.01, subdivision 7</u>	<u>326B.42, subdivision 5</u>
<u>326.01, subdivision 8</u>	<u>326B.42, subdivision 6</u>
<u>326.3705</u>	<u>326B.435</u>
<u>326.371</u>	<u>326B.439</u>
<u>326.401</u>	<u>326B.474</u>
<u>326.402</u>	<u>326B.475</u>
<u>326.505</u>	<u>326B.925</u>

(b) Notwithstanding the repeal of Minnesota Statutes 2006, section 16B.76, in Laws 2007, chapter 133, article 2, section 13, the revisor shall give effect to the revisor's instruction in Laws 2007, chapter 140, article 4, section 61, to renumber Minnesota Statutes, section 16B.76, as section 326B.07, by including the language of Minnesota Statutes, section 16B.76, as amended by Laws 2007, chapter 140, article 4, section 27, in Minnesota Statutes, section 326B.07.

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

Sec. 64. **REPEALER.**

Minnesota Statutes 2006, section 16B.69; Minnesota Statutes 2007 Supplement, sections 326.2411; 326.372; and 326.471; Laws 2007, chapter 9, section 1; Laws 2007, chapter 135, article 4, sections 2; 8; Laws 2007, chapter 135, article 6, section 3; Laws 2007, chapter 140, article 12, section 9; and Minnesota Rules, part 3800.3510, are repealed."

Delete the title and insert:

"A bill for an act relating to construction professions; modifying provisions relating to the electrical, plumbing, water conditioning, boiler, and high-pressure piping professions; amending Minnesota Statutes 2006, sections 299F.011, subdivision 3; 326.244, subdivision 1; 327.32, subdivision 1; 327.33, by adding subdivisions; 327A.04, subdivision 2; 327A.07; 327B.06, subdivision 1; Minnesota Statutes 2007 Supplement, sections 16B.64, subdivision 8; 183.60, subdivision 2; 326.01, subdivisions 4b, 5; 326.2415, subdivisions 2, 6; 326.242, subdivisions 2, 3d, 5, 12, by adding subdivisions; 326.244, subdivision 5; 326.37, subdivision 1a; 326.3705, subdivision 1; 326.40, subdivisions 2, 3, by adding a subdivision; 326.47, subdivision 2; 326.48, subdivisions 1, 2, 2a, 2b, 5; 326.50;

326.505, subdivisions 1, 2, 8; 326.62; 326.84, subdivision 1; 326.841; 326.86, subdivision 1; 326.87, subdivision 5; 326.93, subdivision 4; 326.94, subdivision 2; 326.97, subdivision 1a; 326B.082, subdivisions 8, 10, 11, 12, 13; 326B.083, subdivision 3; 326B.42, by adding a subdivision; 326B.89, subdivisions 5, 6, 12, 14; 327B.04, subdivision 4; Laws 2007, chapter 140, article 4, section 12; repealing Minnesota Statutes 2006, section 16B.69; Minnesota Statutes 2007 Supplement, sections 326.2411; 326.372; 326.471; Laws 2007, chapter 9, section 1; Laws 2007, chapter 135, article 4, sections 2; 8; article 6, section 3; Laws 2007, chapter 140, article 12, section 9; Minnesota Rules, part 3800.3510."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Lieder from the Transportation Finance Division to which was referred:

H. F. No. 3089, A bill for an act relating to motor vehicles; allowing use of temporary permit while awaiting delivery of license plates; amending Minnesota Statutes 2006, section 168.09, subdivision 7.

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

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3114, A bill for an act relating to park districts; providing that a park district may acquire property within a city in accordance with the adopted comprehensive plan of the city; amending Minnesota Statutes 2006, section 398.09.

Reported the same back with the following amendments:

Page 2, line 10, strike "an incorporated" and insert "a" and after "statutory" insert "or home rule charter" and strike "or city" and strike "such" and insert "the"

Page 2, line 11, strike "statutory city or"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3143, A bill for an act relating to state government finance; allowing an individual income and corporate franchise credit for investment in Minnesota high technology businesses; reducing an appropriation; amending Minnesota Statutes 2006, section 290.06, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, delete section 2

Amend the title as follows:

Page 1, line 4, delete "reducing an appropriation;"

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3167, A bill for an act relating to human services; clarifying senior nutrition appropriations; amending Laws 2007, chapter 147, article 19, section 3, subdivision 8.

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

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3220, A bill for an act relating to local government; authorizing political subdivisions to make grants to nonprofit organizations; proposing coding for new law in Minnesota Statutes, chapter 471.

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

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 3224, A bill for an act relating to boiler operations; making changes to licensing procedures; authorizing rulemaking; amending Minnesota Statutes 2006, section 183.545, subdivision 4; Minnesota Statutes 2007 Supplement, sections 183.501; 183.51.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 183.411, subdivision 3, is amended to read:

Subd. 3. **Licenses.** A license to operate steam farm traction engines, portable and stationary show engines, and portable and stationary show boilers shall be issued to an applicant who:

(1) is ~~18~~ 16 years of age or older;

(2) has a licensed second class grade A or higher class engineer or steam traction (hobby) engineer sign ~~the~~ an affidavit attesting to the applicant's competence in operating ~~said~~ these devices and that the applicant has demonstrated the ability to perform each task on the list, approved by the chief boiler inspector, of tasks associated with the operation of the devices;

(3) has at least 50 hours of operating experience on the devices, eight hours of which must be operating the boiler under load, and up to 16 hours of which may be satisfied by attendance at a school of instruction in operating the devices;

(4) passes a written test for competence in operating ~~said~~ the devices; and

~~(4) has at least 25 hours of actual operating experience on said devices; and~~

(5) pays the required fee.

A license ~~shall be~~ is valid for the lifetime of the licensee unless revoked for cause. A onetime fee pursuant to section 183.545, subdivision 4, shall be charged for the license.

Sec. 2. Minnesota Statutes 2007 Supplement, section 183.501, is amended to read:

183.501 LICENSE REQUIREMENT.

(a) ~~No individual shall be entrusted with the operation of or~~ Except as provided in paragraph (d), to operate any a boiler, steam engine, or turbine who has not an individual must have received a license of for the grade covering that boiler, steam engine or turbine. The license shall must be renewed annually, except as provided in section 183.411 and except for provisional licenses described in paragraph (d).

(b) For purposes of this chapter, "operation" ~~shall~~ does not include monitoring of an automatic boiler, either through on premises inspection of the boiler or by remote electronic surveillance, provided that no operations are performed upon the boiler other than emergency shut down in alarm situations.

(c) No individual under the influence of illegal drugs or alcohol ~~shall be entrusted with the operation of or shall~~ may operate any a boiler, steam engine, or turbine; or shall be entrusted with the monitoring of or shall monitor an automatic boiler.

(d) The commissioner may issue a provisional license to allow an employee of a high pressure boiler plant to operate boilers greater than 500 horsepower at only that boiler plant if:

(1) the boiler plant employee submits an application to the commissioner on a form prescribed by the commissioner to elicit information on whether the requirements of this paragraph have been met;

(2) the boiler plant employee holds a valid license as a second-class engineer, Grade A or B;

(3) the boiler plant has a designated chief engineer in accordance with Minnesota Rules, part 5225.0410;

(4) the boiler plant employee applying for the provisional license, the chief engineer in charge of the boiler plant, and an authorized representative of the owner of the boiler plant all sign the application for the provisional license;

(5) the owner of the boiler plant has a documented training program with examination for boilers and equipment at the boiler plant to train and test the boiler plant employee; and

(6) if the application were to be granted, the total number of provisional licenses for employees of the boiler plant would not exceed the total number of properly licensed first-class engineers and chief engineers responsible for the safe operation of the boilers at the boiler plant.

(e) Each provisional license expires 36 months after the date of issuance unless revoked less than 36 months after the date of issuance. A provisional license may not be renewed.

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

Sec. 3. Minnesota Statutes 2007 Supplement, section 183.51, is amended to read:

183.51 EXAMINATIONS; CLASSIFICATIONS; QUALIFICATIONS.

Subdivision 1. **Engineers, classes.** Engineers shall be divided into four classes:

- (1) Chief engineers; Grade A, Grade B, and Grade C.
- (2) First class engineers; Grade A, Grade B, and Grade C.
- (3) Second class engineers; Grade A, Grade B, and Grade C.
- (4) Special engineers.

Subd. 2. **Applications.** Any individual who desires an engineer's license shall submit an application on a written or electronic form prescribed by the commissioner, at least 15 days before the requested exam date. ~~The application permits~~ If the commissioner approves the applicant for examination, the applicant ~~to~~ may take the examination on one occasion within one year from the date the commissioner receives the application.

Subd. 2a. **Examinations.** Each applicant for a license must pass an examination developed and administered by the commissioner. The examinations shall be of sufficient scope to establish the competency of the applicant to operate a boiler of the applicable license class and grade.

Subd. 2b. **Continuing education.** The commissioner may require continuing education prior to the renewal of any license. Before requiring continuing education, the commissioner shall adopt rules that specify the continuing education requirements.

Subd. 3. **High and low pressure boilers.** For the purposes of this section and section 183.50, high pressure boilers shall mean boilers operating at a steam or other vapor pressure in excess of 15 p.s.i.g., or a water or other liquid boiler in which the pressure exceeds 160 p.s.i.g. or a temperature of 250 degrees Fahrenheit.

Low pressure boilers shall mean boilers operating at a steam or other vapor pressure of 15 p.s.i.g. or less, or a water or other liquid boiler in which the pressure does not exceed 160 p.s.i.g. or a temperature of 250 degrees Fahrenheit.

Subd. 4. **Chief engineer, Grade A.** An individual seeking licensure as a chief engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers, steam engines, and turbines and their appurtenances; and, before receiving a license, the applicant shall take and subscribe an oath attesting to at least five years actual experience in operating such boilers except as provided in subdivision 16, including at least two years experience in operating such engines or turbines except as provided in subdivision 16.

Subd. 5. **Chief engineer, Grade B.** An individual seeking licensure as a chief engineer, Grade B, shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers and their appurtenances; and, before receiving a license, the applicant shall take and subscribe an oath attesting to at least five years actual experience in operating those boilers except as provided in subdivision 16.

Subd. 6. **Chief engineer, Grade C.** An individual seeking licensure as a chief engineer, Grade C, shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of low pressure boilers and their appurtenances, and before receiving a license, the applicant shall take and subscribe an oath attesting to at least five years of actual experience in operating such boilers except as provided in subdivision 16.

Subd. 7. **First-class engineer, Grade A.** An individual seeking licensure as a first-class engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers, engines, and turbines and their appurtenances of not more than ~~300~~ 500 horsepower or to operate as a shift engineer in a plant of unlimited horsepower. Before receiving a license, the applicant shall take and subscribe an oath attesting to at least three years actual experience in operating such boilers, including at least two years experience in operating such engines or turbines except as provided in subdivision 16.

Subd. 8. **First-class engineer, Grade B.** An individual seeking licensure as a first-class engineer, Grade B, shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers of not more than ~~300~~ 500 horsepower or to operate as a shift engineer in a plant of unlimited horsepower. Before receiving a license the applicant shall take and subscribe an oath attesting to at least three years actual experience in operating such boilers except as provided in subdivision 16.

Subd. 9. **First-class engineer, Grade C.** An individual seeking licensure as a first-class engineer, Grade C, shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of low pressure boilers and their appurtenances of not more than ~~300~~ 500 horsepower or to operate as a shift engineer in a low pressure plant of unlimited horsepower. Before receiving a license, the applicant shall take and subscribe an oath attesting to at least three years actual experience in operating such boilers except as provided in subdivision 16.

Subd. 10. **Second-class engineer, Grade A.** An individual seeking licensure as a second-class engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers, engines, and turbines and their appurtenances of not more than 100 horsepower or to operate as a shift engineer in a plant of not more than ~~300~~ 500 horsepower, or to assist the shift engineer, under direct supervision, in a plant of unlimited horsepower. Before receiving a license the applicant shall take and subscribe an oath attesting to at least one year of actual experience in operating such boilers, including at least one year of experience in operating such engines or turbines except as provided in subdivision 16.

Subd. 11. **Second-class engineer, Grade B.** An individual seeking licensure as a second-class engineer, Grade B, shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers of not more than 100 horsepower or to operate as a shift engineer in a plant of not more than ~~300~~ 500 horsepower or to assist the shift engineer, under direct supervision, in a plant of unlimited horsepower. Before receiving a license the applicant shall take and subscribe an oath attesting to at least one year of actual experience in operating such boilers except as provided in subdivision 16.

Subd. 12. **Second-class engineer, Grade C.** An individual seeking licensure as a second-class engineer, Grade C, shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of low pressure boilers and their appurtenances of not more than 100 horsepower or to operate as a shift engineer in a low pressure plant of not more than ~~300~~ 500 horsepower, or to assist the shift engineer, under direct supervision, in a low pressure plant of unlimited horsepower. Before receiving a license, the applicant shall take and subscribe an oath attesting to at least one year of actual experience in operating such boilers except as provided in subdivision 16.

Subd. 13. **Special engineer.** (a) An individual seeking licensure as a special engineer shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers and their appurtenances of not more than ~~30~~ 50 horsepower or to operate as a shift engineer in a plant of not more than 100 horsepower, or to serve as an apprentice in any plant under the direct supervision of the properly licensed engineer.

(b) An individual seeking licensure as a special engineer who is at least 16 years of age but less than 18 years of age must be enrolled in a course approved by the commissioner, and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers and their appurtenances of not more than 50 horsepower or to operate as a shift engineer in a plant of not more than 100 horsepower, or to serve as an apprentice in any plant under the direct supervision of the properly licensed engineer.

Subd. 14. **Current boiler operators.** Any individual operating a boiler other than a steam boiler on or before April 15, 1982, shall be qualified for application for the applicable class license upon presentation of an affidavit furnished by an inspector and sworn to by the individual's employer or a chief engineer. Except as provided in subdivision 16, the applicant must have at least the number of years of actual experience specified for the class of license requested and pass the appropriate examination.

Subd. 15. **Rating horsepower.** For the purpose of rating boiler horsepower for engineer license classifications only: ten square feet of heating surface shall be considered equivalent to one boiler horsepower for conventional boilers and five square feet of heating surface equivalent to one boiler horsepower for steam coil type generators.

Subd. 16. **Educational offset.** Notwithstanding the experience requirements in subdivisions 4 to 14, the commissioner may by rule establish educational equivalencies that an applicant may meet instead of all or any portion of the specified operating experience.

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

Sec. 4. Minnesota Statutes 2006, section 183.545, subdivision 4, is amended to read:

Subd. 4. **Boiler engineer license fees.** For the following licenses, the nonrefundable license and application fee is:

- (1) chief engineer's license, \$50;
- (2) first class engineer's license, \$50;
- (3) second class engineer's license, \$50;
- (4) special engineer's license, \$20; ~~and~~
- (5) traction or hobby boiler engineer's license, \$50; and
- (6) provisional license, \$50.

An engineer's license, except a provisional license, may be renewed upon application and payment of an annual renewal fee of \$20. The annual renewal, if paid later than 30 days after expiration, is \$35. The fee for replacement of a current, valid license is \$20.

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

Delete the title and insert:

"A bill for an act relating to boiler operations; making changes to licensing procedures; authorizing rulemaking; amending Minnesota Statutes 2006, sections 183.411, subdivision 3; 183.545, subdivision 4; Minnesota Statutes 2007 Supplement, sections 183.501; 183.51."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3295, A bill for an act relating to economic development; clarifying conflict of interest rules for local economic development authorities; providing criminal penalties; amending Minnesota Statutes 2006, section 469.098.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 3333, A bill for an act relating to health; establishing a standard of protection for the risk of cancer and requiring modification of rules; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[144.673] CANCER RISK ASSESSMENT.**

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

(b) "Known carcinogen" means a substance categorized as a known human carcinogen by at least one of the following agencies: United States Environmental Protection Agency; United States Department of Health and Human Services, National Toxicology Program; or World Health Organization International Agency for Research on Cancer.

(c) "Probable carcinogen" means a substance categorized as a probable human carcinogen or a likely human carcinogen by at least one of the following agencies: United States Environmental Protection Agency; United States Department of Health and Human Services, National Toxicology Program; or World Health Organization International Agency for Research on Cancer.

Subd. 2. **Risk level.** The commissioner of health shall assess the risk of human cancer from known and probable carcinogens in the air, water, or soil using the following formula: a lifetime risk level of 10^{-6} , so that no more than one out of every 1,000,000 people exposed to a substance or chemical over a lifetime would be estimated to develop cancer from that exposure.

Subd. 3. **Implementation.** The risk level established in this section shall apply to permits and licenses issued on or after August 1, 2009. Any permits or licenses issued prior to August 1, 2009, that are affected by this section, shall remain valid until the permit or license is renewed, revised, or reissued.

EFFECTIVE DATE. This section is effective August 1, 2008."

Delete the title and insert:

"A bill for an act relating to health; establishing a standard of protection for the risk of cancer; proposing coding for new law in Minnesota Statutes, chapter 144."

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3346, A bill for an act relating to housing; providing assistance to prevent mortgage foreclosure; increasing the maximum amount of financial assistance; amending Minnesota Statutes 2006, section 462A.209, subdivision 7.

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

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 3380, A bill for an act relating to human services; revising requirements for county-based purchasing for state health care programs; amending Minnesota Statutes 2007 Supplement, section 256B.69, subdivision 4; Laws 2005, First Special Session chapter 4, article 8, section 84, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 13.461, is amended by adding a subdivision to read:

Subd. 24a. **Managed care plans.** Data provided to the commissioner of human services by managed care plans relating to contracts and provider payment rates are classified under section 256B.69, subdivision 9b.

Sec. 2. Minnesota Statutes 2007 Supplement, section 256B.69, subdivision 4, is amended to read:

Subd. 4. **Limitation of choice.** (a) The commissioner shall develop criteria to determine when limitation of choice may be implemented in the experimental counties. The criteria shall ensure that all eligible individuals in the county have continuing access to the full range of medical assistance services as specified in subdivision 6.

(b) The commissioner shall exempt the following persons from participation in the project, in addition to those who do not meet the criteria for limitation of choice:

(1) persons eligible for medical assistance according to section 256B.055, subdivision 1;

(2) persons eligible for medical assistance due to blindness or disability as determined by the Social Security Administration or the state medical review team, unless:

(i) they are 65 years of age or older; or

(ii) they reside in Itasca County or they reside in a county in which the commissioner conducts a pilot project under a waiver granted pursuant to section 1115 of the Social Security Act;

(3) recipients who currently have private coverage through a health maintenance organization;

(4) recipients who are eligible for medical assistance by spending down excess income for medical expenses other than the nursing facility per diem expense;

(5) recipients who receive benefits under the Refugee Assistance Program, established under United States Code, title 8, section 1522(e);

(6) children who are both determined to be severely emotionally disturbed and receiving case management services according to section 256B.0625, subdivision 20, except children who are eligible for and who decline enrollment in an approved preferred integrated network under section 245.4682;

(7) adults who are both determined to be seriously and persistently mentally ill and received case management services according to section 256B.0625, subdivision 20;

(8) persons eligible for medical assistance according to section 256B.057, subdivision 10; and

(9) persons with access to cost-effective employer-sponsored private health insurance or persons enrolled in a non-Medicare individual health plan determined to be cost-effective according to section 256B.0625, subdivision 15.

Children under age 21 who are in foster placement may enroll in the project on an elective basis. Individuals excluded under clauses (1), (6), and (7) may choose to enroll on an elective basis. The commissioner may enroll recipients in the prepaid medical assistance program for seniors who are (1) age 65 and over, and (2) eligible for medical assistance by spending down excess income.

(c) The commissioner may allow persons with a one-month spenddown who are otherwise eligible to enroll to voluntarily enroll or remain enrolled, if they elect to prepay their monthly spenddown to the state.

(d) The commissioner may require those individuals to enroll in the prepaid medical assistance program who otherwise would have been excluded under paragraph (b), clauses (1), (3), and (8), and under Minnesota Rules, part 9500.1452, subpart 2, items H, K, and L.

(e) Before limitation of choice is implemented, eligible individuals shall be notified and after notification, shall be allowed to choose only among demonstration providers. The commissioner may assign an individual with private coverage through a health maintenance organization, to the same health maintenance organization for medical assistance coverage, if the health maintenance organization is under contract for medical assistance in the individual's county of residence. After initially choosing a provider, the recipient is allowed to change that choice only at specified times as allowed by the commissioner. If a demonstration provider ends participation in the project for any reason, a recipient enrolled with that provider must select a new provider but may change providers without cause once more within the first 60 days after enrollment with the second provider.

(f) An infant born to a woman who is eligible for and receiving medical assistance and who is enrolled in the prepaid medical assistance program shall be retroactively enrolled to the month of birth in the same managed care plan as the mother once the child is enrolled in medical assistance unless the child is determined to be excluded from enrollment in a prepaid plan under this section.

(g) The commissioner shall assign an eligible individual, in the absence of a specific managed care plan choice by the individual, to the county-based purchasing health plan in counties having an approved county-based purchasing health plan.

Sec. 3. Minnesota Statutes 2006, section 256B.69, subdivision 5a, is amended to read:

Subd. 5a. **Managed care contracts.** (a) Managed care contracts under this section and sections 256L.12 and 256D.03, shall be entered into or renewed on a calendar year basis beginning January 1, 1996. Managed care contracts which were in effect on June 30, 1995, and set to renew on July 1, 1995, shall be renewed for the period July 1, 1995 through December 31, 1995 at the same terms that were in effect on June 30, 1995. The commissioner may issue separate contracts with requirements specific to services to medical assistance recipients age 65 and older.

(b) A prepaid health plan providing covered health services for eligible persons pursuant to chapters 256B, 256D, and 256L, is responsible for complying with the terms of its contract with the commissioner. Requirements applicable to managed care programs under chapters 256B, 256D, and 256L, established after the effective date of a contract with the commissioner take effect when the contract is next issued or renewed.

(c) Effective for services rendered on or after January 1, 2003, the commissioner shall withhold five percent of managed care plan payments under this section for the prepaid medical assistance and general assistance medical care programs pending completion of performance targets. Each performance target must be quantifiable, objective, measurable, and reasonably attainable, except in the case of a performance target based on a federal or state law or rule. Criteria for assessment of each performance target must be outlined in writing prior to the contract effective date. The managed care plan must demonstrate, to the commissioner's satisfaction, that the data submitted regarding attainment of the performance target is accurate. The commissioner shall periodically change the administrative measures used as performance targets in order to improve plan performance across a broader range of administrative services. The performance targets must include measurement of plan efforts to contain spending on health care services and administrative activities. The commissioner may adopt plan-specific performance targets that take into account factors affecting only one plan, including characteristics of the plan's enrollee population. The withheld funds must be returned no sooner than July of the following year if performance targets in the contract are achieved. The commissioner may exclude special demonstration projects under subdivision 23. A managed care plan or a county-based purchasing plan under section 256B.692 may include as admitted assets under section 62D.044 any amount withheld under this paragraph that is reasonably expected to be returned.

Sec. 4. Minnesota Statutes 2006, section 256B.69, is amended by adding a subdivision to read:

Subd. 5i. **Administrative expenses.** (a) Managed care plan and county-based purchasing plan administrative costs for a prepaid health plan provided under this section or section 256B.692 must not exceed by more than five percent that prepaid health plan's or county-based purchasing plan's actual calculated administrative spending for the previous calendar year as a percentage of total revenue. The penalty for exceeding this limit must be the amount of administrative spending in excess of 105 percent of the actual calculated amount. The commissioner may waive this penalty if the excess administrative spending is the result of unexpected shifts in enrollment or member needs or new program requirements.

(b) Capitated rate payments for administrative costs must be reduced to exclude onetime or sporadic expenditures in the prior year unless the managed care plan certifies that the expenditure will recur during the contract year. The commissioner shall verify these certifications on an annual basis and recoup any payments made for onetime or sporadic expenditures that did not occur in the prior year.

(c) Expenses listed under section 62D.12, subdivision 9a, clause (4), are not allowable administrative expenses for rate-setting purposes under this section, unless approved by the commissioner.

Sec. 5. Minnesota Statutes 2006, section 256B.69, is amended by adding a subdivision to read:

Subd. 5j. **Treatment of investment earnings.** Capitation rates shall treat investment income and interest earnings as income to the same extent that investment-related expenses are treated as administrative expenditures.

Sec. 6. Minnesota Statutes 2006, section 256B.69, is amended by adding a subdivision to read:

Subd. 9a. **Administrative expense reporting.** Each managed care plan and county-based purchasing plan must provide to the commissioner detailed information on administrative spending, including:

- (1) itemized lists of costs for claims processing and provider network management;
- (2) detailed reports of costs for contracts with providers and third-party administrators;
- (3) a detailed analysis of administrative spending for each Minnesota health care program;
- (4) a detailed analysis of the provider's allocation of administrative expenses among its public and commercial lines of business;
- (5) a detailed analysis of administrative costs by service category; and
- (6) a detailed analysis of onetime and sporadic expenditures included in the administrative spending category.

Sec. 7. Minnesota Statutes 2006, section 256B.69, is amended by adding a subdivision to read:

Subd. 9b. **Reporting of subcontracts and provider payment rates.** (a) Each managed care plan and county-based purchasing plan must provide to the commissioner:

- (1) detailed information on contracts with health care providers; and
- (2) detailed information on reimbursement rates paid by the managed care plan to providers under contract with the plan.

(b) Data provided to the commissioner under this subdivision are nonpublic data as defined in section 13.02.

Sec. 8. Minnesota Statutes 2006, section 256B.692, subdivision 2, is amended to read:

Subd. 2. **Duties of commissioner of health.** (a) Notwithstanding chapters 62D and 62N, a county that elects to purchase medical assistance and general assistance medical care in return for a fixed sum without regard to the frequency or extent of services furnished to any particular enrollee is not required to obtain a certificate of authority under chapter 62D or 62N. The county board of commissioners is the governing body of a county-based purchasing program. In a multicounty arrangement, the governing body is a joint powers board established under section 471.59.

(b) A county that elects to purchase medical assistance and general assistance medical care services under this section must satisfy the commissioner of health that the requirements for assurance of consumer protection, provider protection, and, effective January 1, 2010, fiscal solvency of chapter 62D, applicable to health maintenance organizations, or chapter 62N, applicable to community integrated service networks, will be met according to the following schedule:

(1) for a county-based purchasing plan approved on or before June 30, 2008, the plan must have in reserve:

(i) at least 50 percent of the minimum amount required under chapter 62D as of January 1, 2010;

(ii) at least 75 percent of the minimum amount required under chapter 62D as of January 1, 2011;

(iii) at least 87.5 percent of the minimum amount required under chapter 62D as of January 1, 2012; and

(iv) at least 100 percent of the minimum amount required under chapter 62D as of January 1, 2013; and

(2) for a county-based purchasing plan first approved after June 30, 2008, the plan must have in reserve:

(i) at least 50 percent of the minimum amount required under chapter 62D at the time the plan begins enrolling enrollees;

(ii) at least 75 percent of the minimum amount required under chapter 62D after the first full calendar year;

(iii) at least 87.5 percent of the minimum amount required under chapter 62D after the second full calendar year;
and

(iv) at least 100 percent of the minimum amount required under chapter 62D after the third full calendar year.

(c) Until a plan is required to have reserves equaling at least 100 percent of the minimum amount required under chapter 62D, the plan may demonstrate its ability to cover any losses by satisfying the requirements of chapter 62N. A county county-based purchasing plan must also assure the commissioner of health that the requirements of sections 62J.041; 62J.48; 62J.71 to 62J.73; 62M.01 to 62M.16; all applicable provisions of chapter 62Q, including sections 62Q.075; 62Q.1055; 62Q.106; 62Q.12; 62Q.135; 62Q.14; 62Q.145; 62Q.19; 62Q.23, paragraph (c); 62Q.43; 62Q.47; 62Q.50; 62Q.52 to 62Q.56; 62Q.58; 62Q.68 to 62Q.72; and 72A.201 will be met.

(d) All enforcement and rulemaking powers available under chapters 62D, 62J, 62M, 62N, and 62Q are hereby granted to the commissioner of health with respect to counties that purchase medical assistance and general assistance medical care services under this section.

(e) The commissioner, in consultation with county government, shall develop administrative and financial reporting requirements for county-based purchasing programs relating to sections 62D.041, 62D.042, 62D.045, 62D.08, 62N.28, 62N.29, and 62N.31, and other sections as necessary, that are specific to county administrative, accounting, and reporting systems and consistent with other statutory requirements of counties.

Sec. 9. Minnesota Statutes 2006, section 256B.692, is amended by adding a subdivision to read:

Subd. 4a. **Expenditure of revenues.** (a) A county that has elected to participate in a county-based purchasing plan under this section shall use any excess revenues over expenses that are received by the county and are not needed for capital reserves under subdivision 2, to increase payments to providers, or to repay county investments or contributions to the county-based purchasing plan, for prevention, early intervention, and health care programs, services, or activities.

(b) A county-based purchasing plan under this section is subject to the unreasonable expense provisions of section 62D.19.

Sec. 10. Minnesota Statutes 2006, section 256L.12, subdivision 9, is amended to read:

Subd. 9. Rate setting; performance withholds. (a) Rates will be prospective, per capita, where possible. The commissioner may allow health plans to arrange for inpatient hospital services on a risk or nonrisk basis. The commissioner shall consult with an independent actuary to determine appropriate rates.

(b) For services rendered on or after January 1, 2003, to December 31, 2003, the commissioner shall withhold .5 percent of managed care plan payments under this section pending completion of performance targets. The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following year if performance targets in the contract are achieved. A managed care plan may include as admitted assets under section 62D.044 any amount withheld under this paragraph that is reasonably expected to be returned.

(c) For services rendered on or after January 1, 2004, the commissioner shall withhold five percent of managed care plan payments under this section pending completion of performance targets. Each performance target must be quantifiable, objective, measurable, and reasonably attainable, except in the case of a performance target based on a federal or state law or rule. Criteria for assessment of each performance target must be outlined in writing prior to the contract effective date. The managed care plan must demonstrate, to the commissioner's satisfaction, that the data submitted regarding attainment of the performance target is accurate. The commissioner shall periodically change the administrative measures used as performance targets in order to improve plan performance across a broader range of administrative services. The performance targets must include measurement of plan efforts to contain spending on health care services and administrative activities. The commissioner may adopt plan-specific performance targets that take into account factors affecting only one plan, such as characteristics of the plan's enrollee population. The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following calendar year if performance targets in the contract are achieved. A managed care plan or a county-based purchasing plan under section 256B.692 may include as admitted assets under section 62D.044 any amount withheld under this paragraph that is reasonably expected to be returned.

Sec. 11. Laws 2005, First Special Session chapter 4, article 8, section 84, as amended by Laws 2006, chapter 264, section 15, is amended to read:

Sec. 84. **SOLE-SOURCE OR SINGLE-PLAN MANAGED CARE CONTRACT.**

(a) Notwithstanding Minnesota Statutes, section 256B.692, subdivision 6, clause (1), paragraph (c), the commissioner of human services shall approve a county-based purchasing health plan proposal, submitted on behalf of Cass, Crow Wing, Morrison, Todd, and Wadena Counties, that requires county-based purchasing on a single-plan

basis contract if the implementation of the single-plan purchasing proposal does not limit an enrollee's provider choice or access to services and all other requirements applicable to health plan purchasing are satisfied. The commissioner shall continue, until January 1, 2010, single health plan purchasing arrangements with county-based purchasing entities in the service areas in existence on May 1, 2006, including arrangements for which a proposal was submitted by May 1, 2006, on behalf of Cass, Crow Wing, Morrison, Todd, and Wadena Counties, in response to a request for proposals issued by the commissioner.

(b) Notwithstanding Minnesota Statutes, section 256B.692, subdivision 6, clause (1), paragraph (c), the commissioner of human services shall approve a county-based purchasing health plan proposal submitted on behalf of Winona, Houston, Fillmore, and Mower Counties for medical assistance, MinnesotaCare, general assistance medical care, and other prepaid health care programs administered by the commissioner of human services that requires county-based purchasing in a single-plan basis contract if the implementation of the single-plan purchasing proposal does not limit an enrollee's provider choice or access to services, and all other requirements applicable to health plan purchasing are satisfied.

(c) The commissioner shall reopen all counties for competitive reprocurement every five years, beginning 2011.

~~(d) The commissioner shall consider, and may approve, contracting on a single-health plan basis with county-based purchasing plans, or with other qualified health plans that have coordination arrangements with counties, to serve persons with a disability who voluntarily enroll, in order to promote better coordination or integration of health care services, social services and other community-based services, provided that all requirements applicable to health plan purchasing, including those in Minnesota Statutes, section 256B.69, subdivision 23, are satisfied. By January 15, 2007, the commissioner shall report to the chairs of the appropriate legislative committees in the house and senate an analysis of the advantages and disadvantages of using single health plan purchasing to serve persons with a disability who are eligible for health care programs. The report shall include consideration of the impact of federal health care programs and policies for persons who are eligible for both federal and state health care programs and shall consider strategies to improve coordination between federal and state health care programs for those persons.~~

Sec. 12. **REPORT ON FINANCIAL MANAGEMENT OF HEALTH CARE PROGRAMS.**

The commissioner of human services shall report to the legislature under Minnesota Statutes, section 3.195, by January 15, 2009, with the following information regarding financial management of health care programs:

(1) a status report on implementation of the cost containment strategies identified in the 2005 "Strategies for Savings" report. The report must include:

(i) information on progress made towards implementation of cost-saving strategies;

(ii) an explanation of why certain strategies were not implemented; and

(iii) where appropriate, alternative strategies to those recommended in 2005 for containing public health care program costs;

(2) a description of and, to the extent possible, an explanation of recent differences between the health plan net revenue targets established by the commissioner for health plans participating in public health care programs and the actual net revenue realized by the plans from public programs;

(3) the adequacy of public health care program for fee-for-service rates, including an identification of service areas or geographical regions where enrollees have difficulty accessing providers as the result of inadequate provider payments. This report must include recommendations to increase rates as needed to eliminate identified access problems; and

(4) a progress report on implementation of Minnesota Statutes, section 256B.76, paragraph (e), requiring payments for physician and professional services to be based on Medicare relative value units, and an estimated completion date for implementation of this payment system.

Sec. 13. **HEALTH PLAN AND COUNTY-BASED PURCHASING PLAN REQUIREMENTS.**

(a) The commissioner of health shall develop and report to the legislature under Minnesota Statutes, section 3.195, by January 15, 2009, guidelines to ensure that health plans, and county-based purchasing plans where applicable, have consistent procedures for allocating administrative expenses and investment income across their commercial and public lines of business and across individual public programs. The guidelines shall be consistent with generally accepted accounting principles and principles from the National Association of Insurance Commissioners. The guidelines shall not have the effect of changing allocation for Medicare-related programs as permitted by federal law and the Centers for Medicare and Medicaid Services.

(b) The commissioner of health, in cooperation with the commissioners of commerce and human services, shall develop and report to the legislature under Minnesota Statutes, section 3.195, by January 15, 2009, detailed standards and procedures for examining the reasonableness of health plan and county-based purchasing plan administrative expenditures for publicly funded programs. These standards and procedures must include a process for detailed examinations of individual programs and functional areas.

(c) The commissioner of health shall develop and report to the legislature under Minnesota Statutes, section 3.195, by January 15, 2009, a more efficient method for a health plan, and a county-based purchasing plan where appropriate, to demonstrate to the commissioner that providers in the plan's network have appropriate credentials. The commissioner shall review issues regarding:

(1) the duplicate review of credentials at a health care provider by multiple health plans;

(2) the review of the credentials of all staff of a health care provider when only limited staff will be in the plan network; and

(3) other duplicative credentialing issues.

Sec. 14. **OMBUDSMAN FOR MANAGED CARE STUDY.**

The commissioner of human services, in cooperation with the ombudsman for managed care, shall study and report to the legislature under Minnesota Statutes, section 3.195, by January 15, 2009, with recommendations on whether the duties of the ombudsman should be expanded to include advocating on behalf of public health care program fee-for-service enrollees. The report must include:

(1) a comparison of the recourse available to managed care clients versus fee-for-service clients when service problems occur; and

(2) an estimate of any net cost increase from this change in the ombudsman's duties, taking into account any reduction in the commissioner's duties.

Sec. 15. **REPORTING MANAGED CARE PERFORMANCE DATA.**

The commissioner of human services, in cooperation with the commissioner of health, shall report to the legislature under Minnesota Statutes, section 3.195, by January 15, 2009, with recommendations on the adoption of a single method to compute and publicly report managed health care performance measures in order to avoid confusion about the plans' performance levels. The study must include recommendations regarding coordinated use by the two agencies of the following data sources:

- (1) Healthcare Effectiveness Data and Information Set (HEDIS) from managed care organizations;
- (2) data that health plans submit to claim reimbursement for health care procedures; and
- (3) data collected from medical record reviews of randomly selected individuals."

Delete the title and insert:

"A bill for an act relating to human services; revising requirements for county-based purchasing for state health care programs; amending Minnesota Statutes 2006, sections 13.461, by adding a subdivision; 256B.69, subdivision 5a, by adding subdivisions; 256B.692, subdivision 2, by adding a subdivision; 256L.12, subdivision 9; Minnesota Statutes 2007 Supplement, section 256B.69, subdivision 4; Laws 2005, First Special Session chapter 4, article 8, section 84, as amended."

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

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3399, A bill for an act relating to the city of Mankato; authorizing extension of sales and use tax and modification of use of revenues; authorizing imposition of other local taxes; amending Laws 1991, chapter 291, article 8, section 27, subdivisions 3, as amended, 4, as amended; repealing Laws 2005, First Special Session chapter 3, article 5, section 24.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3402, A bill for an act relating to taxes; authorizing the city of Lanesboro to impose a local sales tax.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 3403, A bill for an act relating to education; providing for an earth and space, life, and physical sciences assessment in grades 10 through 12; amending Minnesota Statutes 2007 Supplement, section 120B.30, subdivision 1a.

Reported the same back with the following amendments:

Page 1, line 18, delete "an"

Page 1, line 19, delete "assessment" and insert "assessments"

Page 1, line 20, after the period, insert "Each assessment given in the 10 through 12 grade span must be administered at the end of the course for which science standards instruction is completed in each content area of earth and space, life, and physical science."

Amend the title as follows:

Page 1, line 2, delete "an"

Page 1, line 3, delete "assessment" and insert "assessments"

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

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3420, A bill for an act relating to local government; revising procedures and fees charged by county registrars of title for registering supplemental declarations of common interest communities; amending Minnesota Statutes 2006, sections 508.82, subdivision 1; 515B.1-116.

Reported the same back with the following amendments:

Page 2, line 24, after "plat" insert ", other than a CIC plat complying with section 515B.2-110, paragraph (c)."

Page 2, strike line 31

Page 2, line 32, delete the new language and strike the old language

Page 2, strike line 33

Page 2, line 34, strike "515." and insert "(13) for filing any document affecting two or more units in a condominium governed by chapter 515, \$46 for the first certificate upon which the document is registered, and for multiple certificate entries, \$20 for each additional certificate upon which the document is registered. For purposes of this paragraph, an amendment to the declaration of a condominium governed by chapter 515 and a related amendment to the condominium floor plans shall be considered a single document, and the filing fee shall be \$56 for the first certificate upon which the document is registered, and for multiple certificate entries, \$20 for each additional certificate upon which the document is registered."

Page 3, strike lines 8 to 10

Page 3, line 11, delete the new language and strike the old language

Page 3, line 12, strike the old language

Page 3, line 13, before "Pursuant" insert "(15) for filing a common interest community declaration and a CIC plat complying with section 515B.2-110, paragraph (c); an amendment to a common interest community declaration and a related amendment to a CIC plat complying with section 515B.2-110, paragraph (c); or a supplemental declaration and a related supplemental CIC plat complying with section 515B.2-110, paragraph (c), each of which related documents shall be considered a single document, the filing fee shall be \$56 for the first certificate upon which the document is registered, and for multiple certificate entries, \$20 for each additional certificate upon which the document is registered. For filing any other document affecting two or more units in a common interest community, the filing fee shall be \$46 for the first certificate upon which the document is registered, and for multiple certificate entries, \$20 for each additional certificate upon which the document is registered. The same fees shall apply to filing any document affecting two or more units or other parcels subject to a master declaration."

Page 4, delete line 6

Page 5, lines 1 to 5, strike the old language

Page 5, delete line 19

With the recommendation that when so amended the bill pass.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3456, A bill for an act relating to emergency management; authorizing interstate assistance by local governments; proposing coding for new law in Minnesota Statutes, chapter 192.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 3500, A bill for an act relating to business organizations; proposing technical amendments to the Business Corporations Act, the Limited Liability Company Act, and the Uniform Limited Partnership Act of 2001; authorizing the formation of nonprofit limited liability companies; amending Minnesota Statutes 2006, sections 302A.011, subdivisions 17, 50; 302A.111, subdivisions 2, 3, 4; 302A.115, subdivision 1, by adding a subdivision; 302A.231, subdivisions 2, 3; 302A.237; 302A.241, subdivision 1; 302A.255, subdivision 1; 302A.449, subdivision 3; 302A.471, subdivision 3; 302A.521, subdivision 1; 302A.553, subdivision 1; 302A.701; 302A.721; 321.1206; 322B.03, subdivisions 20, 32, by adding a subdivision; 322B.10; 322B.11; 322B.12, subdivision 1, by adding a

subdivision; 322B.35, subdivision 3; 322B.363, subdivision 3; 322B.643, subdivisions 2, 3; 322B.66, subdivision 1; 322B.666, subdivision 1; 322B.699, subdivision 1; 322B.78; 322B.80, subdivision 1; 322B.806; 322B.90, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 322B.

Reported the same back with the following amendments:

Page 26, line 4, after "(a)" insert "Section 317A.161, subdivision 11, applies to a nonprofit limited liability company as if it were a nonprofit corporation governed by chapter 317A."

Page 26, line 21, before the period, insert ", including but not limited to sections 317A.811 and 317A.813"

With the recommendation that when so amended the bill pass.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 3507, A bill for an act relating to agriculture; authorizing waiver of certain fees and expedited food handler plan review in certain declared disaster areas; changing certain embargo and condemnation provisions; changing certain food sanitary provisions; changing certain fee provisions; defining certain terms; regulating egg sales and handling; amending Minnesota Statutes 2006, sections 28A.03, by adding a subdivision; 28A.08; 28A.082, by adding a subdivision; 28A.09, subdivision 1; 29.23; 31.05; 31.171; Minnesota Statutes 2007 Supplement, section 31.175.

Reported the same back with the following amendments:

Page 11, after line 14, insert:

"Sec. 9. **[32.416] SOMATIC CELL COUNT, GOAT MILK.**

Notwithstanding any federal standard incorporated by reference in this chapter, the maximum allowable somatic cell count for raw goat milk is 1,500,000 cells per milliliter."

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

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

H. F. No. 3550, A bill for an act relating to natural resources; providing for viral hemorrhagic septicemia control; authorizing rulemaking; amending Minnesota Statutes 2006, sections 17.4985, subdivisions 2, 3, 5; 17.4986, subdivisions 1, 2, 4; 17.4987; 17.4992, subdivision 2; 17.4993; 84D.03, subdivision 4; 97C.203; 97C.205; 97C.341; 97C.391, by adding a subdivision; 97C.505, subdivision 1; 97C.515, subdivisions 2, 4, 5; 97C.821; repealing Minnesota Statutes 2006, section 97C.515, subdivision 3.

Reported the same back with the following amendments:

Page 9, delete section 14

Page 9, line 15, delete "84.03" and insert "84D.03"

Page 11, line 4, delete "20" and insert "19"

Renumber the sections in sequence and correct internal references

Amend the title as follows:

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

Correct the title numbers accordingly

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

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 3566, A bill for an act relating to workers' compensation; adopting recommendations of the Workers' Compensation Advisory Council; amending Minnesota Statutes 2006, sections 176.011, subdivision 9; 176.041, subdivision 1; 176.101, subdivision 1; 176.102, subdivisions 2, 11; 176.135, by adding a subdivision; 176.136, subdivisions 1a, 1b; 176.1812, subdivision 1; 176.183, subdivision 1; 176.185, subdivision 8a; 176.231, subdivision 10; 176.245; 176.275, subdivision 1; 176.285; 176.83, subdivision 7; repealing Minnesota Statutes 2006, sections 176.1041; 176.669.

Reported the same back with the following amendments:

Page 23, after line 4, insert:

"Sec. 17. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall recode Minnesota Statutes, section 176.181, subdivision 2b, as Minnesota Statutes, section 79A.04, subdivision 3a."

Renumber the sections in sequence

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3574, A bill for an act relating to the State Building Code; regulating the application and enforcement of the State Building Code; amending Minnesota Statutes 2006, sections 16B.616, subdivision 4; 16B.62; 16B.71; Minnesota Statutes 2007 Supplement, section 16B.735; repealing Minnesota Statutes 2007 Supplement, sections 16B.72; 16B.73.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 16B.61, subdivision 3, is amended to read:

Subd. 3. **Special requirements.** (a) **Space for commuter vans.** The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) **Smoke detection devices.** The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) **Doors in nursing homes and hospitals.** The State Building Code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

(d) **Child care facilities in churches; ground level exit.** A licensed day care center serving fewer than 30 preschool age persons and which is located in a belowground space in a church building is exempt from the State Building Code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) **Family and group family day care.** Until the legislature enacts legislation specifying appropriate standards, the definition of dwellings constructed in accordance with the International Residential Code as adopted as part of the State Building Code applies to family and group family day care homes licensed by the Department of Human Services under Minnesota Rules, chapter 9502.

(f) **Enclosed stairways.** No provision of the code or any appendix chapter of the code may require stairways of existing multiple dwelling buildings of two stories or less to be enclosed.

(g) **Double cylinder dead bolt locks.** No provision of the code or appendix chapter of the code may prohibit double cylinder dead bolt locks in existing single-family homes, townhouses, and first floor duplexes used exclusively as a residential dwelling. Any recommendation or promotion of double cylinder dead bolt locks must include a warning about their potential fire danger and procedures to minimize the danger.

(h) **Relocated residential buildings.** A residential building relocated within or into a political subdivision of the state need not comply with the State Energy Code or section 326.371 provided that, where available, an energy audit is conducted on the relocated building.

(i) **Automatic garage door opening systems.** The code must require all residential buildings as defined in section 325F.82 to comply with the provisions of sections 325F.82 and 325F.83.

(j) **Exit sign illumination.** For a new building on which construction is begun on or after October 1, 1993, or an existing building on which remodeling affecting 50 percent or more of the enclosed space is begun on or after October 1, 1993, the code must prohibit the use of internally illuminated exit signs whose electrical consumption during nonemergency operation exceeds 20 watts of resistive power. All other requirements in the code for exit signs must be complied with.

(k) **Exterior wood decks, patios, and balconies.** The code must permit the decking surface and upper portions of exterior wood decks, patios, and balconies to be constructed of (1) heartwood from species of wood having natural resistance to decay or termites, including redwood and cedars, (2) grades of lumber which contain sapwood from species of wood having natural resistance to decay or termites, including redwood and cedars, or (3) treated wood. The species and grades of wood products used to construct the decking surface and upper portions of exterior decks, patios, and balconies must be made available to the building official on request before final construction approval.

(l) **Bioprocess piping and equipment.** No permit fee for bioprocess piping may be imposed by municipalities under the State Building Code, except as required under section 326.47, subdivision 1. Permits for bioprocess piping shall be according to section 326.47 administered by the Department of Labor and Industry. All data regarding the material production processes, including the bioprocess system's structural design and layout, are nonpublic data as provided by section 13.7911.

(m) Use of ungraded lumber. The code must permit lumber mills to offer for sale ungraded dimension lumber for use in construction regulated by the State Building Code in all areas of the state under the following conditions:

(1) the producing mill shall sell or provide the ungraded dimension lumber directly to the end-use consumer or the consumer's licensed builder; and

(2) the producing lumber mill shall certify in writing to the end-use consumer or licensed builder on a form to be provided by the commissioner that the quality and safe working stresses of the species of dimension lumber are equal to or exceed stud grade for wall studs and wall plates and are equal to or exceed No. 2 grade for all other uses in accordance with national lumber grading standards and that the lumber does not exceed 22 percent moisture content at the time of sale. The certification shall be filed with the application for a building permit where applicable."

Page 3, line 27, delete "2007" and insert "2008"

Page 3, line 32, before the period, insert "that are located outside of a metropolitan county, as defined in section 473.121, subdivision 4"

Page 4, line 29, delete everything after "municipality" and insert "may enforce the State Building Code"

Page 4, line 30, delete "enforce it"

Page 4, line 34, delete everything before "no" and after "municipality" insert "or other municipalities or qualified individuals"

Page 4, line 36, delete "on a fee basis" and after the period, insert "The commissioner may be reimbursed for the inspection by retention or remission of some or all of the building permit fee collected or by other means."

Page 5, line 7, delete "law" and insert "subdivision 1b"

Page 5, line 27, delete "has adopted" and insert "is enforcing"

Renumber the sections in sequence

Correct the title numbers accordingly

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

The report was adopted.

Lieder from the Transportation Finance Division to which was referred:

H. F. No. 3575, A bill for an act relating to pupil transportation; establishing qualifications for type III school bus drivers; providing criminal penalties; authorizing rulemaking; amending Minnesota Statutes 2006, sections 169.454, subdivision 13; 169A.31; 171.02, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 169.01, subdivision 75, is amended to read:

Subd. 75. **Commercial motor vehicle.** (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) has a gross vehicle weight of more than 26,000 pounds;

(2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;

(3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials that are required to be placarded under Code of Federal Regulations, title 49, parts 100-185; or

(5) is outwardly equipped and identified as a school bus, except for ~~type A-I~~ and type III school buses as defined in subdivision 6.

(b) For purposes of chapter 169A:

(1) a commercial motor vehicle does not include a farm truck, an authorized emergency vehicle, or a recreational vehicle being operated by a person within the scope of section 171.02, subdivision 2, paragraph (b); and

(2) a commercial motor vehicle includes a vehicle capable of or designed to meet the standards described in paragraph (a), clause (2), whether or not the towed unit is attached to the truck-tractor at the time of the violation or stop.

Sec. 2. Minnesota Statutes 2007 Supplement, section 169.443, subdivision 9, is amended to read:

Subd. 9. **Personal cellular phone call prohibition.** (a) As used in this subdivision, "school bus" has the meaning given in section 169.01, subdivision 6. In addition, the term includes type III school buses as described in section 169.01, subdivision 6, clause (5), when driven by employees or agents of school districts for transportation.

(b) A school bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2006, section 169.448, subdivision 1, is amended to read:

Subdivision 1. **Restrictions on appearance; misdemeanor.** (a) A bus that is not used as a school bus may not be operated on a street or highway unless it is painted a color significantly different than national school bus glossy yellow.

(b) A bus that is not used as a school bus or Head Start bus may not be operated if it is equipped with school bus or Head Start bus-related equipment and printing.

(c) A violation of this subdivision is a misdemeanor.

(d) This subdivision does not apply to a school bus owned by or under contract to a school district operated as a charter or leased bus.

(e) This subdivision does not apply to a school bus operated by a licensed child care provider if:

(1) the stop arm is removed;

(2) the eight-light system is deactivated;

(3) the school bus is identified as a "child care bus" in letters at least eight inches high on the front and rear top of the bus; and

(4) the name, address, and telephone number of the owner or operator of the bus is identified on each front door of the bus in letters not less than three inches high; ~~and.~~

~~(5) the conditions under section 171.02, subdivision 2a, paragraph (b), clauses (1) through (10), (12), and (14), have been met.~~

Sec. 4. Minnesota Statutes 2006, section 169A.03, subdivision 23, is amended to read:

Subd. 23. **School bus.** "School bus" has the meaning given in section 169.01, subdivision 6. In addition, the term includes type III school buses as described in section 169.01, subdivision 6, clause (5), when driven by employees or agents of school districts for transportation.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2, is amended to read:

Subd. 2. **Driver's license classifications, endorsements, exemptions.** (a) Drivers' licenses are classified according to the types of vehicles that may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly.

(b) Except as provided in paragraph (c), clauses (1) and (2), ~~and subdivision 2a,~~ no class of license is valid to operate a motorcycle, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed. There are four general classes of licenses as described in paragraphs (c) through (f).

(c) Class D drivers' licenses are valid for:

(1) operating all farm trucks if the farm truck is:

(i) controlled and operated by a farmer, including operation by an immediate family member or an employee of the farmer;

(ii) used to transport agricultural products, farm machinery, or farm supplies, including hazardous materials, to or from a farm;

(iii) not used in the operations of a common or contract motor carrier as governed by Code of Federal Regulations, title 49, part 365; and

(iv) used within 150 miles of the farm;

(2) notwithstanding paragraph (b), operating an authorized emergency vehicle, as defined in section 169.01, subdivision 5, whether or not in excess of 26,000 pounds gross vehicle weight;

(3) operating a recreational vehicle as defined in section 168.011, subdivision 25, that is operated for personal use;

(4) operating all single-unit vehicles except vehicles with a gross vehicle weight of more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials;

~~(5) notwithstanding paragraph (d), operating a type A school bus or a multifunctional school activity bus without a school bus endorsement if:~~

~~(i) the bus has a gross vehicle weight of 10,000 pounds or less;~~

~~(ii) the bus is designed to transport 15 or fewer passengers, including the driver; and~~

~~(iii) the requirements of subdivision 2a are satisfied, as determined by the commissioner;~~

~~(6) operating any vehicle or combination of vehicles when operated by a licensed peace officer while on duty; and~~

~~(7) (6) towing vehicles if:~~

(i) the towed vehicles have a gross vehicle weight of 10,000 pounds or less; or

(ii) the towed vehicles have a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a gross vehicle weight of 26,000 pounds or less.

(d) Class C drivers' licenses are valid for:

- (1) operating class D motor vehicles;
- (2) with a hazardous materials endorsement, transporting hazardous materials in class D vehicles; and
- (3) with a school bus endorsement, operating school buses designed to transport 15 or fewer passengers, including the driver.

(e) Class B drivers' licenses are valid for:

- (1) operating all class C motor vehicles, class D motor vehicles, and all other single-unit motor vehicles including, with a passenger endorsement, buses; and
- (2) towing only vehicles with a gross vehicle weight of 10,000 pounds or less.

(f) Class A drivers' licenses are valid for operating any vehicle or combination of vehicles.

Sec. 6. Minnesota Statutes 2006, section 171.02, is amended by adding a subdivision to read:

Subd. 2b. **Exception for type III school bus drivers.** (a) Notwithstanding subdivision 2, paragraph (c), the holder of a class D driver's license, without a school bus endorsement, may operate a type III school bus described in section 169.01, subdivision 6, clause (5), under the conditions in paragraphs (b) through (n).

(b) The operator is an employee of the entity that owns, leases, or contracts for the school bus.

(c) The operator's employer has adopted and implemented a policy that provides for annual training and certification of the operator in:

- (1) safe operation of a type III school bus;
- (2) understanding student behavior, including issues relating to students with disabilities;
- (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
- (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
- (5) handling emergency situations;
- (6) proper use of seat belts and child safety restraints;
- (7) performance of pretrip vehicle inspections; and
- (8) safe loading and unloading of students, including, but not limited to:
 - (i) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;

(ii) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;

(iii) avoiding a loading or unloading location that would require a pupil to cross a road, or ensuring that the driver or an aide personally escort the pupil across the road if it is not reasonably feasible to avoid such a location; and

(iv) placing the type III school bus in "park" during loading and unloading.

(d) A background check or background investigation of the operator has been conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for school district employees; section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision 3, for all other persons operating a type A or type III school bus under this subdivision.

(e) Operators shall submit to a physical examination as required by section 171.321, subdivision 2.

(f) The operator's employer has adopted and implemented a policy that provides for mandatory drug and alcohol testing of applicants for operator positions and current operators, in accordance with section 181.951, subdivisions 2, 4, and 5.

(g) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.

(h) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of or has their driver's license revoked under a similar statute or ordinance of another state, is precluded from operating a type III school bus for five years from the date of conviction.

(i) A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may not operate a type III school bus under this subdivision.

(j) A person who sustains a conviction, as defined under section 609.02, of a moving offense in violation of chapter 169 within three years of the first of three other moving offenses is precluded from operating a type III school bus for one year from the date of the last conviction.

(k) An operator who sustains a conviction as described in paragraph (h), (i), or (j) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the employer within ten days of the date of the conviction.

(l) Students riding the type III school bus must have training required under section 123B.90, subdivision 2.

(m) Documentation of meeting the requirements listed in this subdivision must be maintained under separate file at the business location for each type III school bus operator. The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the type III school bus operating under this subdivision is responsible for maintaining these files for inspection.

(n) The type III school bus must bear a current certificate of inspection issued under section 169.451.

(o) An operator employed by a school or school district, whose normal duties do not include operating a type III school bus, who holds a class D driver's license without a school bus endorsement, may operate a type III school bus and is exempt from paragraphs (d), (e), (f), (g), and (k).

EFFECTIVE DATE. This section is effective September 1, 2008.

Sec. 7. Minnesota Statutes 2006, section 171.02, is amended by adding a subdivision to read:

Subd. 2c. **Rulemaking.** The commissioner may adopt rules regarding the qualifications and requirements for drivers of type III school buses.

EFFECTIVE DATE. This section is effective August 1, 2008.

Sec. 8. **REPEALER.**

Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2a, is repealed."

Delete the title and insert:

"A bill for an act relating to pupil transportation; establishing qualifications for type III school bus drivers; providing criminal penalties; authorizing rulemaking; amending Minnesota Statutes 2006, sections 169.01, subdivision 75; 169.448, subdivision 1; 169A.03, subdivision 23; 171.02, by adding subdivisions; Minnesota Statutes 2007 Supplement, sections 169.443, subdivision 9; 171.02, subdivision 2; repealing Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2a."

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

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 3633, A bill for an act relating to education; establishing course preparation and continuing education requirements for school administrators and teachers working with gifted and talented students; amending Minnesota Statutes 2006, sections 122A.14, by adding subdivisions; 122A.18, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 122A.14, is amended by adding a subdivision to read:

Subd. 2a. **Gifted and talented preparation.** A university approved by the board to prepare candidates for administrative licensure must provide candidates, as part of the traditional and alternative preparation programs, the opportunity to acquire competency in administering gifted and talented services.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to candidates who enroll in either a traditional or an alternative preparation administrator licensure program after August 15, 2009.

Sec. 2. Minnesota Statutes 2006, section 122A.14, is amended by adding a subdivision to read:

Subd. 2b. **Gifted and talented preparation; board review.** (a) The board must periodically review and approve traditional and alternative preparation sequences for school administrators and the sequence of competencies in administering gifted and talented student programs and services.

(b) The board also may advise a university on developing and implementing continuing education programs focused on building competencies for administering gifted and talented programs and other gifted services.

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

Sec. 3. Minnesota Statutes 2006, section 122A.18, is amended by adding a subdivision to read:

Subd. 10. **Gifted and talented preparation; board review.** (a) A college or university with a teacher preparation program approved by the board must provide teacher candidates with the opportunity to acquire competency in recognizing gifted students and in providing classroom instruction to gifted and talented students.

(b) The board must periodically review and approve traditional and alternative sequences for teacher candidates in recognizing gifted students and in providing classroom instruction to gifted and talented students.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to teacher candidates who enroll in either a traditional or an alternative preparation teacher licensure program after September 1, 2009.

Sec. 4. Minnesota Statutes 2006, section 122A.75, subdivision 1, is amended to read:

Subdivision 1. **Services.** An Administrators Academy is established. The academy shall provide at least the following services:

- (1) an administrator assessment that results in an individual professional development plan;
- (2) research and development assistance that provides current research and data of interest to administrators; ~~and~~
- (3) brokerage assistance to provide services and resources to help administrators with needs identified in their individual professional development plan; and
- (4) the opportunity for administrators to acquire competency in administering gifted and talented services, consistent with section 122A.14, subdivision 2c.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to administrators participating in an administrators academy program after August 1, 2009."

Correct the title numbers accordingly

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

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 3721, A bill for an act relating to insurance; requiring certain health insurers to offer small employers the option to purchase certain flexible benefits plans; amending Minnesota Statutes 2006, section 62L.056.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 62L.05, is amended by adding a subdivision to read:

Subd. 13. **Notice of plan availability.** Each health carrier in the small employer market must provide information to small employers regarding the availability of the plans described in subdivisions 2 and 3. At a minimum, each health carrier must provide information describing the plans and their availability:

(1) displayed with other small employer product information on the health carrier's public Web site; and

(2) delivered to each small employer currently insured by the health carrier at the time of the small employer's renewal, at the same time and in the same manner as the small employer's renewal information."

Delete the title and insert:

"A bill for an act relating to insurance; regulating small employer insurance; requiring notice of certain plan availability; amending Minnesota Statutes 2006, section 62L.05, by adding a subdivision."

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

The report was adopted.

Hilty from the Energy Finance and Policy Division to which was referred:

H. F. No. 3729, A bill for an act relating to energy; establishing Legislative Energy Commission; abolishing Legislative Electric Energy Task Force; making conforming correction; amending Minnesota Statutes 2006, section 216B.2424, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 2006, section 216C.051, subdivisions 3, 4a, 6, 7, 8; Minnesota Statutes 2007 Supplement, section 216C.051, subdivisions 2, 8a, 9.

Reported the same back with the following amendments:

Page 1, lines 11 and 14, delete "." and insert "six"

Page 1, lines 12 and 15, delete "." and insert "four"

Page 2, line 31, delete "\$....." and insert "\$250,000"

Amend the title as follows:

Page 1, line 3, after the second semicolon, insert "appropriating money;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 3733, A bill for an act relating to education; clarifying alternative teacher professional pay system provisions and establishing oversight; amending Minnesota Statutes 2006, section 122A.414, subdivisions 1, 2.

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

The report was adopted.

Lieder from the Transportation Finance Division to which was referred:

H. F. No. 3866, A bill for an act relating to drivers' licenses; halting cumulative suspensions; amending Minnesota Statutes 2006, section 171.18, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

S. F. No. 1436, A bill for an act relating to state government; defining political subdivision for the purposes of the chapter governing the state auditor; applying provisions for the state auditor to all political subdivisions; amending Minnesota Statutes 2006, sections 6.47; 6.51; 6.54; 6.55; 6.551; 6.57; 6.59; 6.60; 6.62, subdivision 2; 6.63; 6.64; 6.65; 6.66; 6.67; 6.68; 6.70; 6.71; 6.76; 103D.355; proposing coding for new law in Minnesota Statutes, chapter 6; repealing Minnesota Statutes 2006, section 6.56, subdivision 1.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1394, 1499, 2904, 2972, 3089, 3114, 3167, 3220, 3346, 3420 and 3500 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 1436 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Thissen, Huntley and Brod introduced:

H. F. No. 3955, A bill for an act relating to human services; promoting community-based care for older adults through the establishment of a community consortium demonstration project; establishing a community consortium account in the general fund to distribute pooled resources; requiring an evaluation of the demonstration project.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Moe introduced:

H. F. No. 3956, A bill for an act relating to education; establishing an American Indian education liaison position within the Department of Education.

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

Welti introduced:

H. F. No. 3957, A bill for an act relating to education; requiring districts to make data available to the public; amending Minnesota Statutes 2007 Supplement, section 120B.15.

The bill was read for the first time and referred to the Committee on E-12 Education.

Swails introduced:

H. F. No. 3958, A bill for an act relating to education; establishing teacher licensure via portfolio; amending Minnesota Statutes 2006, section 122A.21.

The bill was read for the first time and referred to the Committee on E-12 Education.

Ward and Doty introduced:

H. F. No. 3959, A bill for an act relating to domestic abuse; designating October as domestic violence awareness month in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 10.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Morrow introduced:

H. F. No. 3960, A bill for an act relating to transportation; requiring driver education instruction relating to interaction with commercial motor vehicles; requiring modification to driver's manual; providing for rulemaking; amending Minnesota Statutes 2006, sections 171.0701; 171.13, by adding a subdivision.

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

Atkins introduced:

H. F. No. 3961, A bill for an act relating to drivers' licenses; requiring consultation regarding new design for license for persons under 21 years of age.

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

Morrow introduced:

H. F. No. 3962, A bill for an act relating to transportation; regulating spotter trucks; amending Minnesota Statutes 2006, sections 168.012, by adding a subdivision; 168A.03, subdivision 1; 169.01, by adding a subdivision; 169.781, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Morrow introduced:

H. F. No. 3963, A bill for an act relating to motor carriers; modifying provision relating to hours of service of drivers transporting anhydrous ammonia; amending Minnesota Statutes 2006, section 221.0314, subdivision 9a.

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

Magnus introduced:

H. F. No. 3964, A bill for an act relating to transportation; appropriating money and reducing appropriations for transportation purposes; deleting surcharge; making technical change relating to driver examination requirements; amending Minnesota Statutes 2006, section 171.29, subdivision 1; repealing Minnesota Statutes 2006, section 168.123, subdivision 2a.

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

Slocum and Winkler introduced:

H. F. No. 3965, A bill for an act relating to veterans; authorizing commissioner of public safety to dispose of unused special veterans' license plates; proposing coding for new law in Minnesota Statutes, chapter 168.

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

Sailer introduced:

H. F. No. 3966, A bill for an act relating to economic development; modifying loan repayment provision; amending Laws 1999, chapter 223, article 2, section 72.

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

Simpson, Brod and Zellers introduced:

H. F. No. 3967, A bill for an act relating to taxation; changing accelerated sales tax, cigarette and tobacco tax, and liquor tax liability; creating Surplus Lines Association of Minnesota; changing the rent percentage for purposes of property tax refund; abolishing political contribution refund; creating a tax debtor matching system; requiring certain tax withholding by contractors; changing income apportionment; providing income tax subtractions for certain retirement pay for service in the armed forces and for certain compensation for active duty performed in the state; modifying taxation of foreign operating corporations; providing a regional investment credit; providing a direct sales tax exemption for small businesses; providing income tax additions; changing the computation of unrefunded gas tax on all-terrain vehicles; reducing the general sales and use tax rate; modifying definition of retail sale and other sales and use tax definitions; modifying job opportunity building zone duration limits; imposing levy limits; providing tax base adjustments; providing transition aid for certain local governments; conforming to certain changes in the Internal Revenue Code; appropriating money; amending Minnesota Statutes 2006, sections 60A.196; 116J.03, by adding a subdivision; 270A.03, subdivision 7; 270B.085, by adding a subdivision; 275.70, subdivision 5, by adding a subdivision; 275.71, subdivisions 1, 2, 4, 5; 289A.02, subdivision 7; 289A.20, subdivision 4; 289A.50, subdivision 1; 289A.60, subdivision 15; 290.01, subdivisions 6, 6b, 19a, 19c, 19d; 290.06, subdivision 2c, by adding a subdivision; 290.091, subdivision 2; 290.191, subdivisions 5, 6; 290.92, by adding a subdivision; 290A.03, subdivisions 11, 13; 291.005, subdivision 1; 296A.18, subdivision 4; 297A.61, subdivision 4, by adding subdivisions; 297A.63, subdivision 1; 297A.67, subdivision 8; 297B.02, subdivision 1; 297F.09, subdivision 10; 297G.09, subdivision 9; 469.312, subdivision 5; Minnesota Statutes 2007 Supplement, sections 290.01, subdivisions 19, 19b, 31; 290A.03, subdivision 15; 297A.62, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 13B; 60A; 116J; repealing Minnesota Statutes 2006, sections 10A.322, subdivision 4; 290.06, subdivision 23; 295.60.

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

Sailer and Moe introduced:

H. F. No. 3968, A bill for an act relating to taxation; providing additional county program aid to meet the cost of out-of-home placement programs; amending Minnesota Statutes 2006, section 477A.0124, by adding a subdivision.

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

Kahn introduced:

H. F. No. 3969, A bill for an act relating to state government; authorizing the secretary of state to transfer funds.

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

Hornstein introduced:

H. F. No. 3970, A bill for an act relating to metropolitan government; requiring carbon emission planning in local comprehensive plans; amending Minnesota Statutes 2006, section 473.25; Minnesota Statutes 2007 Supplement, section 473.859, subdivision 3.

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

Simon introduced:

H. F. No. 3971, A bill for an act relating to Hennepin County; authorizing the electronic exchange of certain medical data; amending Minnesota Statutes 2006, section 383B.917, subdivision 1.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Gunther introduced:

H. F. No. 3972, A bill for an act relating to state government; appropriating money for jobs, economic development, and housing; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; changing codes and licensing provisions; providing penalties; amending Minnesota Statutes 2006, sections 115C.07, subdivision 3; 116J.03, by adding a subdivision; 116J.656; 116J.66; 116J.68; 116L.02; 116L.04, by adding a subdivision; 446A.12, subdivision 1; 462A.21, by adding a subdivision; 462A.22, subdivision 1; 609.531, subdivision 1; Minnesota Statutes 2007 Supplement, sections 10A.01, subdivision 35; 80A.28, subdivision 1; 116L.17, subdivision 1; 268.047, subdivision 2; 341.321; 446A.072, subdivisions 3, 5a; 446A.086; Laws 2007, chapter 135, article 1, section 3, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 116J; 116L; 446A; 462A; repealing Laws 2004, chapter 188, section 2.

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

Dill introduced:

H. F. No. 3973, A bill for an act relating to taxation; authorizing St. Louis County to impose a levy within a certain territory for the support of a provider of first responder services; proposing coding for new law in Minnesota Statutes, chapter 383C.

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

Dominguez and Paymar introduced:

H. F. No. 3974, A bill for an act relating to public safety; authorizing the continuation of the domestic fatality review team; amending Laws 1999, chapter 216, article 2, section 27, subdivisions 1, as amended, 4; repealing Laws 2002, chapter 266, section 1, as amended.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Smith, Atkins, Davnie and Simon introduced:

H. F. No. 3975, A bill for an act relating to insurance; providing recovery of damages and attorney fees for breach of an insurance policy; amending Minnesota Statutes 2006, section 471.982, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

Huntley introduced:

H. F. No. 3976, A bill for an act relating to state government; making changes to continuing care; agency management; state-operated services; children and family services; health care programs; Department of Health provisions; appropriating money; amending Minnesota Statutes 2006, sections 144.1222, subdivision 1a, by adding subdivisions; 157.16, as amended; 256.741, subdivisions 2, 2a, 3; 256.969, subdivisions 2b, 20; 256B.0571, subdivisions 8, 9; 256B.0621, subdivisions 2, 6, 10; 256B.0625, subdivisions 3c, 13e; 256B.0924, subdivisions 4, 6; 256B.19, subdivision 1d; 256B.431, subdivision 23; 256B.434, by adding a subdivision; 256B.441, by adding a subdivision; 256B.69, subdivisions 5a, 6; 256D.44, subdivisions 2, 5; 256L.12, subdivision 9; 518A.50; 518A.53, subdivision 5; Minnesota Statutes 2007 Supplement, sections 16A.724, subdivision 2; 256.01, subdivision 2; 256.741, subdivision 1; 256B.0625, subdivision 20; 256B.0631, subdivisions 1, 3; 256B.199; 256J.621; 256L.04, subdivisions 1, 7; 256L.07, subdivision 1; Laws 2006, chapter 282, article 20, section 37, as amended; Laws 2007, chapter 147, article 2, section 21; article 19, sections 3, subdivisions 1, 4, 6; 4, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapters 246B; 256B; repealing Minnesota Statutes 2006, sections 62J.58; 256.741, subdivision 15; 256B.441, subdivision 25; Minnesota Statutes 2007 Supplement, sections 256.962, subdivision 5; 256.969, subdivision 27; 256B.057, subdivision 2c; 256B.441, subdivisions 1, 14a, 30, 31, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58; 256L.07, subdivision 7.

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

Brynaert and Johnson introduced:

H. F. No. 3977, A bill for an act relating to energy; modifying provisions relating to power transmission lines, renewable energy obligations, and related activities and costs; amending Minnesota Statutes 2006, sections 216B.16, subdivision 7b; 216B.1645, subdivisions 1, 2; 216B.2425, subdivisions 2, 3; 216B.243, subdivision 8; Minnesota Statutes 2007 Supplement, section 216B.1645, subdivision 2a.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Hornstein introduced:

H. F. No. 3978, A bill for an act relating to environment; providing for planning for greenhouse gas reductions; establishing a working group; providing appointments; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116C.

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

Thao introduced:

H. F. No. 3979, A bill for an act relating to access to criminal justice information; modifying provisions governing public access to criminal history data; amending Minnesota Statutes 2007 Supplement, section 13.87, subdivision 1.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Buesgens, Erickson, Hackbarth, Brod, Zellers and Dean introduced:

H. F. No. 3980, A bill for an act relating to the state lottery; authorizing the director of the state lottery to establish lottery gaming machines and enter into a contract for the management and placement of the machines; providing powers and duties to the director; providing for gaming machine revenue; amending Minnesota Statutes 2006, sections 240.13, by adding a subdivision; 240.35, subdivision 1; 297A.94; 299L.02, subdivision 1; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.04; 349A.10, subdivisions 3, 6; 349A.13; 541.20; 541.21; 609.651, subdivision 1; 609.75, subdivisions 3, 4; 609.761, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 297A; 349A.

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

Juhnke, Kahn, Finstad and DeLaForest introduced:

H. F. No. 3981, A bill for an act relating to appropriations; appropriating money for veterans affairs, military affairs, and the Board of Animal Health; reducing and adjusting appropriations for agriculture; authorizing issuance of special veteran contribution plate for motorcycles; providing for disposition of certain funds; removing a limit on certain grants; eliminating a sunset date; amending Minnesota Statutes 2006, sections 168.1255, subdivisions 1, 3, by adding subdivisions; 190.19, subdivision 1, by adding a subdivision; 190.25, subdivision 3, by adding a subdivision; 192.501, by adding subdivisions; 197.585, subdivision 5; Minnesota Statutes 2007 Supplement, sections 35.244; 190.19, subdivision 2; Laws 2007, chapter 45, article 2, section 1; proposing coding for new law in Minnesota Statutes, chapter 192.

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

Thao and Mullery introduced:

H. F. No. 3982, A bill for an act relating to public safety; requiring the collection and analysis of data and the adoption of policies on racial profiling; requiring that certain information be provided to motorists involved in a traffic stop; requiring law enforcement training in eliminating racial profiling; requiring reports; requiring improvement plans; appropriating money; amending Minnesota Statutes 2006, sections 13.871, subdivision 6; 626.9517, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 626; repealing Minnesota Statutes 2006, section 626.951.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Hilstrom and Lillie introduced:

H. F. No. 3983, A bill for an act relating to data practices; classifying metropolitan airport parking space customer data; amending Minnesota Statutes 2006, section 13.202, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 473.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Moe, Atkins and Madore introduced:

H. F. No. 3984, A bill for an act relating to insurance; regulating use of credit scoring in cases of death of a spouse or divorce; amending Minnesota Statutes 2006, section 72A.20, subdivision 36.

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

Zellers; Hilstrom; Simon; Kahn; Holberg; Swails; Simpson; Buesgens; Berns; DeLaForest; Dettmer; Emmer; Lanning; Erickson; McFarlane; Dean; Bigham; Tillberry; Thao; Atkins; Lillie; Davnie; Peppin; Garofalo; Anderson, S.; Demmer; Brod; Hamilton; Paulsen; Magnus; Kohls and Drazkowski introduced:

H. F. No. 3985, A bill for an act relating to state government; prohibiting the use of Social Security numbers on the face of certain mailings; amending Minnesota Statutes 2006, section 325E.59, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Zellers, Atkins and DeLaForest introduced:

H. F. No. 3986, A bill for an act relating to alcohol; allowing a later closing time for on-sale establishments during the 2008 Republican National Convention.

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

DeLaForest and Kahn introduced:

H. F. No. 3987, A bill for an act relating to state government; modifying appropriations in Laws 2007, chapter 148, article 1; establishing a budget reserve escrow account for Republican National Convention; amending Minnesota Statutes 2006, section 16C.16, subdivision 5; repealing Minnesota Statutes 2006, section 240A.08.

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

Benson, Madore, Slocum, Laine, Kranz and Ruud introduced:

H. F. No. 3988, A bill for an act relating to human services; appropriating money for food and nutrition assistance.

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

Eastlund, Erickson, Severson and Emmer introduced:

H. F. No. 3989, A bill for an act relating to marriage; modifying the grounds for marriage dissolution; requiring a dissolution prevention notice and waiting period as a prerequisite to commencing a marriage dissolution; amending Minnesota Statutes 2006, sections 518.06, subdivision 1; 518.10; proposing coding for new law in Minnesota Statutes, chapter 518.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Winkler introduced:

H. F. No. 3990, A bill for an act relating to education; allowing charter schools that serve as online learning providers and provide more than 50 percent of courses online to conduct board meetings by telephone or other electronic means; amending Minnesota Statutes 2006, section 124D.10, by adding a subdivision.

The bill was read for the first time and referred to the Committee on E-12 Education.

Olin introduced:

H. F. No. 3991, A resolution relating to Lake of the Woods.

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

Ozment and Hackbarth introduced:

H. F. No. 3992, A bill for an act relating to appropriations; appropriating money for environment and natural resources; providing for control of fish diseases; providing for disposition of proceeds from sale of administrative sites; modifying certain assessment requirements; amending Minnesota Statutes 2006, sections 17.4985, subdivisions 2, 3, 5; 17.4986, subdivisions 1, 2, 4; 17.4987; 17.4988, subdivision 3; 17.4992, subdivision 2; 17.4993; 84.0857; 84D.03, subdivision 4; 94.16, subdivision 3; 97C.203; 97C.205; 97C.341; 97C.391, by adding a subdivision; 97C.505, subdivision 1; 97C.515, subdivisions 2, 4, 5; 97C.821; 103A.43; Laws 2007, chapter 57, article 1, section 4, subdivisions 3, 4, 6; repealing Minnesota Statutes 2006, section 97C.515, subdivision 3.

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

Haws introduced:

H. F. No. 3993, A bill for an act relating to higher education; amending duties of the Board of Trustees of the Minnesota State Colleges and Universities; permitting bonding for colleges; amending Minnesota Statutes 2006, section 136F.90, subdivision 1.

The bill was read for the first time and referred to the Higher Education and Work Force Development Policy and Finance Division.

Urdahl introduced:

H. F. No. 3994, A bill for an act relating to taxation; providing exemption for sales to lake improvement associations; amending Minnesota Statutes 2006, section 297A.70, subdivision 4.

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

Mullery introduced:

H. F. No. 3995, A bill for an act relating to public safety; creating a gross misdemeanor for assaulting a utility employee or contractor; amending Minnesota Statutes 2006, section 609.2231, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Eken introduced:

H. F. No. 3996, A bill for an act relating to natural resources; modifying definitions related to native prairie restorations; amending Minnesota Statutes 2007 Supplement, section 84.02, subdivisions 2, 7.

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

Bunn and Wagenius introduced:

H. F. No. 3997, A bill for an act relating to environment; prohibiting siting of land disposal facilities in certain areas; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

Davnie, Kalin, Knuth, Ozment and Kelliher introduced:

H. F. No. 3998, A bill for an act relating to economic development; creating a task force to analyze and plan for an economy that advances the environmental and energy policies of the state; appropriating money.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Davnie, Kalin and Knuth introduced:

H. F. No. 3999, A bill for an act relating to economic development; providing direction to conform the state's economic development policies with the state's environmental policy; requiring a report; amending Minnesota Statutes 2006, sections 116J.431, by adding a subdivision; 116J.8731, subdivision 4; Minnesota Statutes 2007 Supplement, section 116J.575, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Madore introduced:

H. F. No. 4000, A bill for an act relating to human services; modifying Medicare special needs plans; amending Minnesota Statutes 2006, section 256B.69, subdivision 28.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Norton introduced:

H. F. No. 4001, A bill for an act relating to insurance; providing state-funded reinsurance for small employer health coverage; appropriating money; amending Minnesota Statutes 2006, section 62L.08, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Thissen, Walker and Murphy, E., introduced:

H. F. No. 4002, A bill for an act relating to health; establishing an HIV transmission awareness program; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Hornstein introduced:

H. F. No. 4003, A bill for an act relating to real estate appraisers; prohibiting actions to improperly influence the integrity of a real estate appraisal; prescribing a criminal penalty; proposing coding for new law in Minnesota Statutes, chapter 82B.

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

Carlson and Peterson, S., introduced:

H. F. No. 4004, A bill for an act relating to the city of Crystal; authorizing creation of a housing development account.

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

Bly and Morrow introduced:

H. F. No. 4005, A bill for an act relating to energy; authorizing school boards to form business entity solely for wind energy project; providing exemption from production tax; amending Minnesota Statutes 2006, sections 123B.02, subdivision 21; 272.029, subdivision 7.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Olin and Hilstrom introduced:

H. F. No. 4006, A bill for an act relating to local government; providing that entities created under the joint powers act are subject to open meeting law; amending Minnesota Statutes 2006, section 471.59, by adding a subdivision.

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

Atkins, Zellers and Gardner introduced:

H. F. No. 4007, A bill for an act relating to commerce; regulating the purchase and receipt of beer kegs by scrap metal dealers; amending Minnesota Statutes 2007 Supplement, section 325E.21, by adding a subdivision.

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

Morrow introduced:

H. F. No. 4008, A bill for an act relating to transportation; regulating driving records; requiring notification of alcohol and drug testing results for certain commercial driver's license holders; amending Minnesota Statutes 2006, section 171.12, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 171.

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

Peterson, A., introduced:

H. F. No. 4009, A bill for an act relating to game and fish; establishing a walleye fishing stamp for the purpose of increased walleye stocking; amending Minnesota Statutes 2006, sections 97A.045, subdivision 7; 97A.055, subdivision 4b; 97A.075, by adding a subdivision; 97A.473, subdivision 2; 97A.474, subdivision 2; 97A.475, by adding a subdivision; 97A.485, subdivision 6; Minnesota Statutes 2007 Supplement, sections 97A.055, subdivision 4; 97A.405, subdivision 2; 97A.473, subdivision 5.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

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

H. F. No. 3055, A bill for an act relating to state government; providing deficiency funding for certain state agencies; appropriating money.

PATRICE DWORAK, First Assistant Secretary of the Senate

Madam Speaker:

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

S. F. No. 2500.

PATRICE DWORAK, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2500, A bill for an act relating to horse racing; providing for sharing of purse set-aside and breeder's fund revenue; modifying certain restrictions on simulcasting; amending Minnesota Statutes 2006, sections 240.06, subdivision 5a, by adding a subdivision; 240.13, subdivision 6.

The bill was read for the first time.

Hilstrom moved that S. F. No. 2500 and H. F. No. 2964, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

CALENDAR FOR THE DAY

Sertich moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Severson moved that the name of Gottwalt be added as an author on H. F. No. 30. The motion prevailed.

Fritz moved that the names of Bigham, Paulsen, Brod, Gottwalt and Jaros be added as authors on H. F. No. 313. The motion prevailed.

Faust moved that the name of Dettmer be added as an author on H. F. No. 893. The motion prevailed.

Davnie moved that the name of Lenczewski be added as an author on H. F. No. 1097. The motion prevailed.

Mahoney moved that the name of Shimanski be added as an author on H. F. No. 1262. The motion prevailed.

Simon moved that the name of Hansen be added as an author on H. F. No. 1546. The motion prevailed.

Kelliher moved that the name of Hornstein added as chief author on H. F. No. 2423. The motion prevailed.

Slawik moved that the name of Kahn be added as an author on H. F. No. 2555. The motion prevailed.

Slawik moved that the name of Kahn be added as an author on H. F. No. 2561. The motion prevailed.

Norton moved that the name of Bly be added as an author on H. F. No. 2628. The motion prevailed.

Slawik moved that the name of Kahn be added as an author on H. F. No. 2637. The motion prevailed.

Slawik moved that the name of Kahn be added as an author on H. F. No. 2689. The motion prevailed.

Welti moved that the name of Norton be added as an author on H. F. No. 2827. The motion prevailed.

Madore moved that the names of Haws and Jaros be added as authors on H. F. No. 2943. The motion prevailed.

Johnson moved that the name of Loeffler be added as an author on H. F. No. 2959. The motion prevailed.

Kalin moved that his name be stricken as an author on H. F. No. 3115. The motion prevailed.

Murphy, E., moved that the name of Kahn be added as an author on H. F. No. 3130. The motion prevailed.

Bigham moved that the name of Kalin be added as an author on H. F. No. 3138. The motion prevailed.

Winkler moved that the name of Kalin be added as an author on H. F. No. 3143. The motion prevailed.

Winkler moved that the name of Kalin be added as an author on H. F. No. 3144. The motion prevailed.

Lenczewski moved that the name of Kalin be added as an author on H. F. No. 3171. The motion prevailed.

Fritz moved that the name of Kahn be added as an author on H. F. No. 3197. The motion prevailed.

Lanning moved that the name of Swails be added as an author on H. F. No. 3208. The motion prevailed.

Severson moved that the name of Gottwalt be added as an author on H. F. No. 3214. The motion prevailed.

Nelson moved that the name of Olson be added as an author on H. F. No. 3229. The motion prevailed.

Anzalc moved that the name of Moe be added as an author on H. F. No. 3328. The motion prevailed.

Murphy, E., moved that the name of Loeffler be added as an author on H. F. No. 3333. The motion prevailed.

Moe moved that the name of Loeffler be added as an author on H. F. No. 3347. The motion prevailed.

Tingelstad moved that the name of Abeler be added as an author on H. F. No. 3371. The motion prevailed.

Tingelstad moved that the name of Swails be added as an author on H. F. No. 3448. The motion prevailed.

Tingelstad moved that the name of Swails be added as an author on H. F. No. 3449. The motion prevailed.

Winkler moved that the name of Kalin be added as an author on H. F. No. 3470. The motion prevailed.

Mariani moved that the name of Loeffler be added as an author on H. F. No. 3472. The motion prevailed.

Kahn moved that the name of Lillie be added as an author on H. F. No. 3495. The motion prevailed.

Davnie moved that the name of Loeffler be added as an author on H. F. No. 3533. The motion prevailed.

Otremba moved that the name of Sailer be added as an author on H. F. No. 3573. The motion prevailed.

Tingelstad moved that the name of Swails be added as an author on H. F. No. 3591. The motion prevailed.

Mullery moved that the name of Loeffler be added as an author on H. F. No. 3598. The motion prevailed.

Dill moved that the name of Ozment be added as an author on H. F. No. 3627. The motion prevailed.

Eastlund moved that the name of Kalin be added as an author on H. F. No. 3628. The motion prevailed.

Hosch moved that the name of Kalin be added as an author on H. F. No. 3636. The motion prevailed.

Zellers moved that the names of Kalin and Anderson, S., be added as authors on H. F. No. 3650. The motion prevailed.

Winkler moved that the name of Lillie be added as an author on H. F. No. 3653. The motion prevailed.

Winkler moved that the name of Kalin be added as an author on H. F. No. 3654. The motion prevailed.

Liebling moved that the name of Kalin be added as an author on H. F. No. 3655. The motion prevailed.

Tingelstad moved that the name of Kalin be added as an author on H. F. No. 3686. The motion prevailed.

Bunn moved that the name of Kalin be added as an author on H. F. No. 3704. The motion prevailed.

Nelson moved that the name of Lillie be added as an author on H. F. No. 3713. The motion prevailed.

Nelson moved that the name of Kalin be added as an author on H. F. No. 3715. The motion prevailed.

Hornstein moved that the name of Loeffler be added as an author on H. F. No. 3726. The motion prevailed.

Hilty moved that the names of Kalin and Ozment be added as authors on H. F. No. 3729. The motion prevailed.

Thissen moved that the name of Loeffler be added as an author on H. F. No. 3779. The motion prevailed.

Hornstein moved that the name of Swails be added as an author on H. F. No. 3780. The motion prevailed.

Thissen moved that the name of Lillie be added as an author on H. F. No. 3812. The motion prevailed.

Howes moved that the name of Heidgerken be added as an author on H. F. No. 3818. The motion prevailed.

Laine moved that the name of Peterson, N., be added as an author on H. F. No. 3830. The motion prevailed.

Tschumper moved that the name of Davnie be added as chief author on H. F. No. 3835. The motion prevailed.

Sailer moved that the name of Kalin be added as an author on H. F. No. 3857. The motion prevailed.

Thissen moved that the name of Loeffler be added as an author on H. F. No. 3872. The motion prevailed.

Swails moved that the name of Hansen be added as an author on H. F. No. 3875. The motion prevailed.

Thissen moved that the names of Kranz, Ruud, Fritz, Benson, Ward and Lanning be added as authors on H. F. No. 3926. The motion prevailed.

Moe moved that the name of Morgan be added as an author on H. F. No. 3935. The motion prevailed.

Holberg moved that the names of Zellers, Atkins, Nelson, Hornstein and Kahn be added as authors on H. F. No. 3936. The motion prevailed.

Shimanski moved that the name of Doty be added as an author on H. F. No. 3941. The motion prevailed.

Greiling moved that the name of Erickson be added as an author on H. F. No. 3951. The motion prevailed.

Loeffler moved that H. F. No. 765, now on the Calendar for the Day, be re-referred to the Committee on Finance. The motion prevailed.

Carlson moved that H. F. No. 2554 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Ways and Means. The motion prevailed.

Huntley moved that H. F. No. 3809 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Finance. The motion prevailed.

Moe, Clark, Urdahl, Sailer and Hilty introduced:

House Resolution No. 9, A House resolution relating to the sovereign status of federally recognized American Indian tribes and bands.

The resolution was referred to the Committee on Governmental Operations, Reform, Technology and Elections.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, March 13, 2008. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Thursday, March 13, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

