

STATE OF MINNESOTA

EIGHTY-SIXTH SESSION — 2010

 NINETY-SEVENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 5, 2010

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

Prayer was offered by the Reverend Pat Mahin, Minnetonka, 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 | Hayden | Lanning | Nelson | Sertich |
| Anderson, B. | Dettmer | Hilstrom | Lenczewski | Newton | Severson |
| Anderson, P. | Dill | Hilty | Lesch | Nornes | Shimanski |
| Anderson, S. | Dittrich | Holberg | Liebling | Norton | Simon |
| Anzelc | Doepke | Hoppe | Lieder | Obermueller | Slawik |
| Atkins | Doty | Hornstein | Lillie | Olin | Slocum |
| Beard | Downey | Hortman | Loeffler | Otremba | Smith |
| Benson | Drazkowski | Hosch | Loon | Paymar | Solberg |
| Bigham | Eastlund | Howes | Mack | Pelowski | Sterner |
| Bly | Eken | Huntley | Magnus | Peppin | Swails |
| Brod | Falk | Jackson | Mahoney | Persell | Thao |
| Brown | Faust | Johnson | Mariani | Peterson | Thissen |
| Brynaert | Fritz | Juhnke | Marquart | Poppe | Tillberry |
| Buesgens | Gardner | Kahn | Masin | Reinert | Torkelson |
| Bunn | Garofalo | Kalin | McFarlane | Rosenthal | Urdahl |
| Carlson | Gottwalt | Kath | McNamara | Rukavina | Wagenius |
| Champion | Greiling | Kelly | Morgan | Ruud | Ward |
| Clark | Gunther | Kiffmeyer | Morrow | Sailer | Welti |
| Cornish | Hamilton | Knuth | Mullery | Sanders | Westrom |
| Davids | Hansen | Koenen | Murdock | Scalze | Winkler |
| Davnie | Hausman | Kohls | Murphy, E. | Scott | Zellers |
| Dean | Haws | Laine | Murphy, M. | Seifert | |

A quorum was present.

Kelliher was excused.

Hackbarth was excused until 1:35 p.m. Emmer was excused until 2:05 p.m.

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

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Lenczewski from the Committee on Taxes to which was referred:

H. F. No. 2431, A bill for an act relating to education; providing for policy and funding for early childhood through grade 12 education including general education, education excellence, special programs, facilities and technology, accounting, state agencies, pupil transportation, education finance reform, forecast adjustments, early childhood education, prevention, self-sufficiency, and lifelong learning; authorizing rulemaking; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 3.303, by adding a subdivision; 11A.16, subdivision 5; 16A.125, subdivision 5; 120A.41; 120B.021, subdivision 1; 120B.07; 120B.15; 121A.16; 121A.17, subdivision 5; 122A.16; 122A.18, subdivisions 1, 2; 122A.23, subdivision 2; 123B.12; 123B.147, subdivision 3; 123B.53, subdivision 5; 123B.57, as amended; 123B.63, subdivision 3; 123B.75, subdivision 5, by adding a subdivision; 123B.88, subdivision 13; 123B.90, subdivision 3; 123B.92, subdivision 5; 124D.09, subdivision 20; 124D.141, subdivisions 1, 2; 124D.15, subdivision 12, by adding a subdivision; 124D.20, subdivision 8; 124D.4531, as amended; 124D.59, subdivision 2; 124D.65, subdivision 5; 125A.03; 125A.21, subdivisions 2, 3, 5, 7; 125A.515, by adding a subdivision; 125A.69, subdivision 1; 125A.76, subdivision 5; 125A.79, subdivisions 1, 7; 126C.01, by adding subdivisions; 126C.05, subdivisions 1, 3, 5, 6, 8, 16, 17; 126C.10, subdivisions 1, 2, 2a, 3, 4, 6, 13, 13a, 14, 18, by adding subdivisions; 126C.126; 126C.13, subdivisions 4, 5; 126C.17, subdivisions 1, 5, 6, by adding a subdivision; 126C.20; 126C.40, subdivision 1; 126C.54; 127A.30, subdivision 2; 127A.42, subdivision 2; 127A.43; 127A.441; 127A.45, subdivisions 2, 3, 13, by adding subdivisions; 127A.51; 169.447, subdivision 2a; 169.4503, by adding a subdivision; 171.321, subdivision 2; Minnesota Statutes 2009 Supplement, sections 16A.152, subdivision 2, as amended; 120B.023, subdivision 2; 120B.30, subdivisions 1, 1a, 3, 4, by adding a subdivision; 120B.35, subdivision 3; 120B.36, subdivision 1; 122A.09, subdivision 4; 122A.40, subdivision 8; 122A.41, subdivision 5; 123B.143, subdivision 1; 123B.54; 123B.92, subdivision 1; 124D.10, subdivisions 3, 4, 4a, 6a, 8, 11, 23; 124D.15, subdivision 3; 125A.02, subdivision 1; 125A.091, subdivision 7; 125A.63, subdivisions 2, 4, 5; 126C.41, subdivision 2; 126C.44; 171.02, subdivision 2b; 256B.0625, subdivision 26; Laws 2009, chapter 79, article 5, section 60; Laws 2009, chapter 96, article 2, sections 64; 67, subdivisions 14, 17; article 4, section 12, subdivision 3; article 5, section 13, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 122A; 123A; 123B; 124D; 125A; 126C; repealing Minnesota Statutes 2008, sections 122A.24; 123B.54; 123B.57, subdivisions 3, 4, 5; 123B.591; 125A.54; 125A.76, subdivision 4; 125A.79, subdivision 6; 126C.10, subdivisions 2b, 13a, 13b, 24, 25, 26, 27, 28, 29, 30, 31, 31a, 31b, 32, 33, 34, 35, 36; 126C.12; 126C.126; 127A.46; 127A.50.

Reported the same back with the following amendments:

Page 6, line 22, delete "\$10,915" and insert "\$10,961"

Page 6, line 23, delete "\$11,029" and insert "\$11,075"

Page 8, line 26, before "Notwithstanding" insert "(a)"

Page 8, after line 32, insert:

"(b) The resolution must be adopted by the school board by June 15 of any calendar year and becomes effective 60 days after its adoption unless a petition to revoke the referendum authority, signed by a number of qualified voters in excess of 30 percent of the registered voters of the district on the day of the petition, is filed with the board. A referendum revocation invoked by petition must be held on the first Tuesday after the first Monday in November of the calendar year the resolution is adopted.

(c) The board of directors of a school district where more than 60 percent of the district's enrollment is eligible for free or reduced price meals may renew a referendum that expired between January 1, 2004, and January 1, 2010, if that referendum has not yet been renewed, according to the provisions of this subdivision."

Page 9, line 1, delete "July 1, 2010" and insert "the day following final enactment"

Page 97, line 12, delete "\$18,983,000" and insert "\$18,583,000"

Page 131, delete section 43 and insert:

"Sec. 43. **REPEALER.**

(a) Minnesota Statutes 2008, sections 123B.57, subdivisions 3, 4, and 5; 123B.591; 125A.76, subdivision 4; 125A.79, subdivision 6; 126C.10, subdivisions 2b, 13a, 13b, 25, 26, 27, 28, 29, 30, 31, 31a, 31b, 32, 33, 35, and 36; 126C.12; 126C.126; 126C.17, subdivision 9a; and 127A.50, are repealed.

(b) Minnesota Statutes 2009 Supplement, sections 123B.54; and 126C.10, subdivisions 24 and 34, are repealed."

Correct the title numbers accordingly

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3051, A bill for an act relating to state lands; modifying method of determining value of acquired stream easements; providing for designation of certain state forest boundaries; providing for certain historic property exemption; modifying state forest acquisition provisions; permitting the exchange of riparian lands within the Boundary Waters Canoe Area Wilderness; establishing a moratorium on public access acquisition for public waters without a public access; providing for acquisition of Lake Vermilion State Park; adding to and deleting from state parks and state forests; authorizing and modifying public and private sales, conveyances, and exchanges of certain state land; amending Minnesota Statutes 2008, sections 84.0272, subdivision 2; 85.012, subdivision 40; 89.021, by adding a subdivision; 89.032, subdivision 2; 94.342, by adding a subdivision; 97A.141, subdivision 1; Laws 2009, chapter 176, article 4, section 9; proposing coding for new law in Minnesota Statutes, chapter 85.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 84.0272, subdivision 2, is amended to read:

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

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

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

(b) The estimated market value is equal to:

(1) ~~the total farm market value plus the timberlands value~~ agricultural market value plus the rural vacant market value plus the managed forest market value; divided by

(2) the acres of ~~deeded farmland plus the acres of timber~~ agricultural land plus the rural vacant land plus the managed forest land.

(c) ~~The total farm market value, timberlands value, acres of deeded farmland, and acres of timber~~ agricultural market value, rural vacant market value, and managed forest market value or equivalent are determined from data collected by the Department of Revenue during its annual spring mini abstract survey. If the Department of Revenue changes its property type groups for its annual spring mini abstract survey, the agricultural market value, the rural vacant market value, and the managed forest market value shall be determined by the commissioner from data collected by the Department of Revenue in a manner that provides the most reasonable substitute for the market values as presently reported. The commissioner must use the most recent available data for the city or township within which the easement corridor is located.

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

Sec. 2. Minnesota Statutes 2008, section 85.012, subdivision 40, is amended to read:

Subd. 40. McCarthy Beach State Park, St. Louis County and Itasca Counties, which is hereby renamed from McCarthy Beach Memorial State Park.

Sec. 3. Minnesota Statutes 2008, section 89.021, is amended by adding a subdivision to read:

Subd. 1a. **Boundaries designated.** The commissioner of natural resources may acquire by gift or purchase land or interests in land adjacent to or in the proximity of a state forest. The commissioner may change the boundaries of established state forests for the acquisition of land adjacent to or in the proximity of the state forests, provided that the lands meet the definition of forest land as defined in section 89.001, subdivision 4. The new boundaries shall be designated by the process provided for in section 86A.07, subdivision 3.

Sec. 4. Minnesota Statutes 2008, section 89.032, subdivision 2, is amended to read:

Subd. 2. **Acquisition for state forests.** The commissioner may acquire lands or interest in lands for state forest purposes. The land or interests in land may be subject to mineral reservations.

Sec. 5. Minnesota Statutes 2008, section 94.342, is amended by adding a subdivision to read:

Subd. 7. **Exception for riparian land in Boundary Waters Canoe Area Wilderness.** Notwithstanding subdivision 3, any state-owned riparian land within the Boundary Waters Canoe Area Wilderness may be given in exchange for nonriparian land outside the Boundary Waters Canoe Area Wilderness.

Sec. 6. Minnesota Statutes 2008, section 97A.141, subdivision 1, is amended to read:

Subdivision 1. **Acquisition; generally.** (a) Except as provided in paragraph (b), the commissioner shall acquire access sites adjacent to public waters and easements and rights-of-way necessary to connect the access sites with public highways. The land may be acquired by gift, lease, or purchase, or by condemnation with approval of the Executive Council.

(b) Until July 1, 2015, the commissioner shall not develop public access sites adjacent to public waters that do not have a public access site until the commissioner completes an aquatic invasive species prevention plan for the specific public water.

Sec. 7. Laws 2009, chapter 176, article 4, section 9, is amended to read:

Sec. 9. **PRIVATE SALE OF SURPLUS LAND; CLEARWATER COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell the land to the White Earth Band of Ojibwe for ~~less than the value of the land as determined by the commissioner, but the conveyance must provide that the land be used for the public and reverts to the state if the band fails to provide for public use or abandons the public use of the land \$26,500.~~ The conveyance may reserve an easement for ingress and egress.

(c) The land that may be sold is located in Clearwater County and is described as: the West 400 feet of the South 750 feet of Government Lot 3, Section 31, Township 145 North, Range 38 West, containing 6.89 acres, more or less.

(d) The Department of Natural Resources has determined that the land and building are no longer needed for natural resource purposes.

Sec. 8. **ADDITIONS TO STATE PARKS.**

Subdivision 1. **[85.012] [Subd. 19.] Forestville Mystery Cave State Park, Fillmore County.** The following areas are added to Forestville Mystery Cave State Park, all in Fillmore County:

(1) commencing at the northeast corner of Section 14, Township 102 North, Range 12 West; thence West 1,608.8 feet; thence South 2 degrees 50 minutes West 1,260.4 feet; thence North 89 degrees 57 minutes West 656 feet; thence South 0 degrees 39 minutes West 541.4 feet; thence North 89 degrees 57 minutes West 302.7 feet; thence South 0 degrees 39 minutes West 347.1 feet; thence South 89 degrees 58 minutes East 132 feet; thence South 0 degrees 39 minutes West 496 feet; thence South 89 degrees 58 minutes East 495 feet; thence South 54 degrees East 990 feet; thence South 39 degrees East 295 feet; thence South 84 degrees East 594 feet; thence South 64 degrees East 148.5 feet; thence South 66 degrees East 462 feet; thence North 0 degrees 45 minutes East 3763 feet to beginning;

(2) that part of the East Half of the Southeast Quarter of Section 14, Township 102 North, Range 12 West, lying North of the south bank of the North Branch Creek, also known as Forestville Creek. Said parcel of real estate being more fully described as follows: commencing at the northeast corner of Section 14, proceed West, a distance of 1,608.8 feet; thence South 2 degrees 50 minutes West a distance of 1,260.4 feet; thence North 89 degrees 57 minutes West, a distance of 656 feet; thence South 0 degrees 39 minutes West, a distance of 541.4 feet to the beginning corner. From the point of beginning, continue North 89 degrees 57 minutes West, a distance of 302.7 feet; thence South 0 degrees 39 minutes West a distance of 347.1 feet; thence South 89 degrees 58 minutes East, a distance of 132 feet; thence South 0 degrees 39 minutes West, a distance of 496 feet; thence South 89 degrees 58 minutes East a distance of 363 feet; thence South 54 degrees East 990 feet; thence South 39 degrees East 295 feet; thence South 84 degrees East 594 feet; thence South 64 degrees East 148.5 feet; thence South 66 degrees East 462 feet, to the section line; thence North on the section line, a distance of 1,783 feet; thence North 85 degrees 34 minutes West a distance of 2,340.2 feet to the beginning corner;

(3) the South Half of the Northeast Quarter of Section 23, Township 102, Range 12, Fillmore County, Minnesota, except the South Half of the Southeast Quarter of the Southeast Quarter of said Northeast Quarter, and also except that part thereof lying West of the center of County Road No. 12;

(4) that part of the North Half of the Southwest Quarter of Section 23, Township 102, Range 12, Fillmore County, Minnesota, lying northerly and easterly of the following described line: commencing at a point 288.4 feet North of the southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 23; thence North 132 feet, to the point of beginning of the line to be described; thence East 1,800 feet, to the center of river; thence South 6 degrees East 133 feet to intersect the hereinafter described Line X; thence easterly along said Line X to the hereinafter described Point A; thence South, parallel with the west line of said Southwest Quarter to the south line of said North Half of said Southwest Quarter and said line there terminating. Said Line X and Point A being described as follows: commencing at the southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 23; thence running North 4.37 chains; thence East, along a line referred to as Line X in the above description, a distance of 27.25 chains to a point referred to as Point A in the above description;

(5) the East Half of the Southeast Quarter of the Southwest Quarter of Section 23, Township 102, Range 12, Fillmore County, Minnesota; and

(6) the Southeast Quarter of Section 23, Township 102, Range 12, Fillmore County, Minnesota, except the North Half of the Northeast Quarter of the Northeast Quarter of said Southeast Quarter.

Subd. 2. [85.012] [Subd. 31.] Judge C. R. Magney State Park, Cook County. The following areas are added to Judge C. R. Magney State Park, all in Cook County: the Northwest Quarter of the Northwest Quarter, the Northeast Quarter of the Northwest Quarter, and the Northwest Quarter of the Northeast Quarter, all in Section 5, Township 62 North, Range 3 East.

Subd. 3. [85.012] [Subd. 54.] Split Rock Lighthouse State Park, Lake County. The following areas are added to Split Rock Lighthouse State Park, all in Lake County: the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter, all in Section 32, Township 55 North, Range 8 West.

Subd. 4. [85.012] [Subd. 55a.] Tettegouche State Park, Lake County. The following areas are added to Tettegouche State Park:

(1) that part of Government Lot 2, Section 15, Township 56, Range 7, Lake County, Minnesota, described as follows: commencing at the quarter corner between said Section 15 and Section 22, Township 56, Range 7; thence East, along the section line between said Sections 15 and 22, a distance of 503.0 feet; thence northeasterly, deflecting to the left 75 degrees 00 minutes a distance of 425.0 feet, to a point designated by a two-inch iron pipe, being the point of beginning; thence northwesterly, to a point on the west line of said Lot 2 distant approximately 970.0 feet North of said quarter corner between Sections 15 and 22; thence North along said west line to the northwest corner of said Lot 2; thence East, along the north line of said Lot 2, approximately 240.0 feet; thence in a southeasterly direction to a point on the east side of a point of rocks projecting into Lake Superior, being marked by an X; thence in a southwesterly direction, along the shore of said Lake Superior to the point of beginning. (X mark on rock being in line making a deflection angle of 45 degrees 51 minutes to the left with the east-west section line from a point on the section line 503.0 feet East of the quarter corner between said Sections 15 and 22 and being approximately 830 feet from said point on said section line.); and

(2) the Northeast Quarter of the Southwest Quarter of Section 15, Township 56, Range 7, Lake County, Minnesota.

Sec. 9. **DELETIONS FROM STATE PARKS.**

Subdivision 1. [85.012] [Subd. 1a.] Afton State Park, Washington County. The following area is deleted from Afton State Park: all that part of the Southwest Quarter of Section 3, Township 27, Range 20, Washington County, Minnesota, embraced within the recorded plat of ALPS ESTATES.

Subd. 2. [85.012] [Subd. 14.] Crow Wing State Park, Crow Wing, Cass, and Morrison Counties. The following areas are deleted from Crow Wing State Park:

(1) all that part of Government Lots 7 and 8, Section 24, Township 44, Range 32, Crow Wing County, Minnesota, embraced within the recorded plat of RED RIVER TRAIL; and

(2) all that part of Government Lot 7, Section 24, Township 44, Range 32, Crow Wing County, Minnesota, embraced within the recorded plat of LOGGER RUN.

Subd. 3. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County. The following area is deleted from Frontenac State Park: that part of the Southeast Quarter, Section 11, Township 112 North, Range 13 West, being described as BLOCK P, 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 any portions of vacated roadway which have attached thereto.

Subd. 4. [85.012] [Subd. 26.] Hayes Lake State Park, Roseau County. The following area is deleted from Hayes Lake State Park: the West 45.00 feet of the North 160.7 feet of the South 263.58 feet of the Southwest Quarter of the Northeast Quarter of Section 32, Township 160, Range 38, Roseau County, Minnesota.

Subd. 5. [85.012] [Subd. 40.] McCarthy Beach State Park, St. Louis and Itasca Counties. The following area is deleted from McCarthy Beach State Park in Itasca County: all that part of the Northeast Quarter of the Southeast Quarter, Section 1, Township 60 North, Range 22 West, embraced within the recorded plat of "TRUST," as depicted thereon.

Subd. 6. [85.012] [Subd. 41.] Maplewood State Park, Otter Tail County. The following areas are deleted from Maplewood State Park:

(1) that part of Government Lot 4, Section 9, Township 135, Range 42, Otter Tail County, Minnesota, embraced within the recorded plat of South Lida Shores, according to the recorded plat thereof;

(2) that part of Government Lot 4, Section 9, Township 135, Range 42, Otter Tail County, Minnesota, embraced within the recorded plat of Greens Isle View Addition, according to the recorded plat thereof;

(3) that part of Government Lot 4, Section 9, Township 135, Range 42, Otter Tail County, Minnesota, described as follows: beginning at a point located by running West 401 feet from the northeast corner of said Government Lot 4 in Section 9; thence South 47 degrees 10 minutes West 100 feet; thence South 52 degrees 19 minutes West along the lakeshore of Lake Lida a distance of 50 feet; thence South 42 degrees 50 minutes East 200 feet; thence North 52 degrees 19 minutes East 50 feet; thence North 42 degrees 50 minutes West 100 feet; thence North 47 degrees 10 minutes East 100 feet; thence North 42 degrees 50 minutes West, 100 feet to the point of beginning;

(4) that part of Government Lot 5, Section 9, Township 135, Range 42, Otter Tail County, Minnesota, described as follows: commencing at the northeast corner of Government Lot 4 in said Section 9; thence on an assumed bearing of West, along the north line of said Government Lot 4, a distance of 130 feet, to intersect the shore of South Lida Lake, said point of intersection being the point of beginning of the tract of land to be described; thence return on a bearing of East, a distance of 130 feet, to said northeast corner of Government Lot 4; thence North 03 degrees

46 minutes 00 seconds West 224.40 feet, along the centerline of a township road; thence North 08 degrees 31 minutes 00 seconds East 346.60 feet along said centerline; thence North 81 degrees 14 minutes 00 seconds West 34.00 feet to the westerly line of said township road; thence North 08 degrees 31 minutes 00 seconds East along said westerly line 125.00 feet; thence North 36 degrees 09 minutes 00 seconds West 230.00 feet; thence South 71 degrees 21 minutes 00 seconds West 93.00 feet, more or less to the easterly shoreline of South Lida Lake; thence southeasterly along said shoreline to the point of beginning; and

(5) that part of Government Lot 2, Section 33, Township 136, Range 42, Otter Tail County, Minnesota, described as follows: commencing at the East Quarter corner of said Section 33; thence on an assumed bearing of West, along the east-west quarter line of said Section 33, a distance of 3,994.0 feet; thence North 25 degrees East, a distance of 308.3 feet to the southwesterly right-of-way line of a public highway; thence North 40 degrees 00 minutes West, a distance of 169.0 feet, along said right-of-way; thence South 74 degrees 43 minutes West, a distance of 70.0 feet, more or less, to the shore of South Lida Lake; thence southwesterly, along said shoreline to the south line of said Government Lot 2; thence on a bearing of East, along the south line of said Government Lot 2, also being said east-west quarter line to the point of beginning.

Subd. 7. [85.012] [Subd. 54.] Split Rock Lighthouse State Park, Lake County. The following area is deleted from Split Rock Lighthouse State Park: the Southeast Quarter of the Southeast Quarter, Section 31, Township 55 North, Range 8 West, Lake County.

Sec. 10. **ADDITIONS TO STATE FORESTS.**

[89.021] [Subd. 32.] Lyons State Forest. The following area is added to the Lyons State Forest: Section 16, Township 135 North, Range 32 West, Cass County.

Sec. 11. **DEPOSIT OF PROCEEDS.**

Notwithstanding Minnesota Statutes, section 97A.055, subdivision 2, the proceeds resulting from the 2010 sale of a transportation road easement on the Lamprey Pass Wildlife Management Area to construct a road overpass on County Road 83 in Washington County shall be deposited in the land acquisition account established under Minnesota Statutes, section 94.165.

Sec. 12. **LAKE COUNTY LAND EXCHANGE.**

Notwithstanding Minnesota Statutes, section 85.012, subdivision 1, the commissioner of natural resources shall compensate Lake County or exchange state land of substantially equal value for any tax-forfeited land administered by Lake County encompassed by the boundary change effected under section 8, subdivision 3.

Sec. 13. **AQUATIC MANAGEMENT AREA DESIGNATION.**

(a) The commissioner of natural resources shall designate the following school trust land on Ada Lake in Cass County as an aquatic management area under Minnesota Statutes, section 86A.05, subdivision 14:

(1) parcel 32-027-0001, Ponto Lake Township, Cass County; and

(2) parcel 32-022-0001, Ponto Lake Township, Cass County.

(b) The commissioner shall allow revenue-generating activities on the designated lands, consistent with sound natural resource conservation and management principles and Minnesota Statutes, section 127A.31.

Sec. 14. **PUBLIC OR PRIVATE SALE OF SURPLUS STATE LAND; ANTICIPATED SAVINGS TO GENERAL FUND.**

Notwithstanding Minnesota Statutes, section 94.10, the commissioner of natural resources may sell surplus land at public or private sale for less than the estimated or appraised value of the land or for less than the minimum sale price prescribed in Minnesota Statutes, section 94.10, provided the land is being sold to meet the requirements of Laws 2005, chapter 156, article 2, section 45, as amended by Laws 2007, chapter 148, article 2, section 73, and Laws 2009, chapter 37, article 1, section 59.

EFFECTIVE DATE. This section expires June 30, 2011.

Sec. 15. **PUBLIC SALE OF SURPLUS STATE LAND; AITKIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell by public sale the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Aitkin County and is described as: Government Lot 2 and the Southeast Quarter of the Southwest Quarter, all in Section 19, Township 47 North, Range 24 West, containing 84.25 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 16. **PRIVATE SALE OF SURPLUS STATE LAND; ANOKA COUNTY.**

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

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

(c) The land that may be sold is located in Anoka County and is described as: the East Half of the Southeast Quarter of Section 25, Township 32 North, Range 22 West, Anoka County, Minnesota, containing 80 acres, more or less.

(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 a local unit of government. A local unit of government would like to use this parcel as a wetland mitigation site.

Sec. 17. **PUBLIC SALE OF SURPLUS STATE LAND; BECKER COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell by public sale the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Becker County and is described as: Government Lot 3, Section 1, Township 139 North, Range 37 West, containing 37.75 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 18. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; BELTRAMI COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The conveyance must include a reservation of perpetual road easements described in paragraph (c) to the state for ingress and egress for constructing, repairing, maintaining, and operating an adjacent northern pike spawning and rearing area.

(c) The land that may be sold is located in Beltrami County and is described as: All that part of the Southwest Quarter of the Southwest Quarter and Government Lot 1, Section 21, Township 146 North, Range 31 West, bounded by the water's edge of Cass Lake and the following described lines: Commencing at the southwest corner of said section, thence North 00 degrees 07 minutes West, 691.2 feet on and along the west line of said section to the point of beginning; thence South 58 degrees 27 minutes East, 177.64 feet; thence South 65 degrees 00 minutes East, 162.35 feet; thence North 52 degrees 07 minutes East, 175.70 feet; thence North 86 degrees 05 minutes East, 232.35 feet; thence South 41 degrees 50 minutes East, 186.35 feet; thence South 25 degrees 59 minutes East, 122.0 feet; thence South 33 degrees 47 minutes West, 176.13 feet; thence South 26 degrees 31 minutes West, 157.26 feet; thence South 50 degrees 19 minutes East, 142.34 feet; thence North 88 degrees 05 minutes East, 66.15 feet to point "A"; thence North 67 degrees 06 minutes East, 442.0 feet; thence North 76 degrees 24 minutes East, 113.86 feet; thence North 80 degrees 48 minutes East, 88.96 feet to point "B"; thence South 17 degrees 17 minutes East, 138 feet, more or less, to the water's edge of Cass Lake and there terminating. And from the point of beginning; thence North 00 degrees 07 minutes West, 630.92 feet on and along the west line of said Section 21; thence South 75 degrees 27 minutes East, 206.01 feet; thence South 35 degrees 36 minutes East, 210.68 feet; thence South 37 degrees 07 minutes East, 230.53 feet; thence South 51 degrees 18 minutes East, 124.95 feet; thence North 55 degrees 37 minutes East, 156.60 feet; thence South 48 degrees 10 minutes East, 120.58 feet; thence South 89 degrees 59 minutes East, 197.76 feet; thence South 68 degrees 28 minutes East, 195.0 feet; thence South 38 degrees 25 minutes East, 162.17 feet; thence South 56 degrees 38 minutes East, 410.58 feet; thence South 31 degrees 06 minutes West, 203.30 feet; thence South 80 degrees 48 minutes West, 14.84 feet; thence South 17 degrees 17 minutes East, 133 feet, more or less, to the water's edge of Cass Lake and there terminating. Including all riparian rights to the contained 18.0 acres, more or less and subject to all existing easements.

Subject to a perpetual road easement for ingress and egress over and across the following described land in Government Lot 1 of said section described as follows: Beginning at point "B," said point being on the southerly boundary of the above described tract; thence North 80 degrees 48 minutes East, 20.2 feet; thence South 17 degrees 17 minutes East, 33.33 feet; thence South 80 degrees 48 minutes West, 20.2 feet; thence North 17 degrees 17 minutes West, 33.33 feet to point "B" and the point of beginning.

Except that part of Government Lot 1 of Section 21, Township 146 North, Range 31 West, described as follows: Commencing at the southwest corner of said Section 21; thence North 00 degrees 07 minutes West, 1,322.12 feet along the west line of said Section 21; thence South 75 degrees 27 minutes East, 206.01 feet; thence South 35 degrees 36 minutes East, 210.68 feet; thence South 37 degrees 07 minutes East, 230.53 feet; thence South 51 degrees 18 minutes East, 124.95 feet; thence North 55 degrees 37 minutes East, 156.60 feet; thence South 48 degrees 10 minutes East, 120.58 feet; thence South 89 degrees 59 minutes East, 197.76 feet; thence South 68

degrees 28 minutes East, 195.0 feet; thence South 38 degrees 25 minutes East, 162.17 feet; thence South 56 degrees 38 minutes East, 383.52 feet, to the point of beginning; thence South 56 degrees 38 minutes East, 27.06 feet; thence South 31 degrees 06 minutes West, 203.30 feet; thence South 80 degrees 48 minutes West, 2.52 feet; thence North 15 degrees 31 minutes West, 46.80 feet; thence North 32 degrees 31 minutes East, 18.96 feet; thence North 59 degrees 39 minutes East, 58.56 feet; thence North 20 degrees 23 minutes East, 105.29 feet to the point of beginning; containing 0.1 acres.

Together with a perpetual road easement for ingress and egress over and across the Southwest Quarter of the Southwest Quarter of said section being a strip of land 33 feet wide, lying 16.5 feet on each side of the following described lines: Commencing at the southwest corner of said Section 21; thence North 00 degrees 07 minutes West, 656.4 feet on and along the west line of said section to the point of beginning; thence South 42 degrees 51 minutes East, 52.16 feet; thence South 70 degrees 04 minutes East, 214.3 feet; thence South 37 degrees 58 minutes East, 219.4 feet; thence South 49 degrees 02 minutes East, 252.6 feet; thence South 45 degrees 15 minutes East, 152.5 feet; thence South 50 degrees 19 minutes East, 119.9 feet, to the south line of Section 21 and there terminating.

Together with a perpetual road easement for ingress and egress over and across the northwesterly 16.5 feet of the following described land in Government Lot 1 and the Southwest Quarter of the Southwest Quarter of said section described as follows: Beginning at point "A," said point being on the southern boundary of the above described tract; thence North 67 degrees 06 minutes East, 442.0 feet; thence North 76 degrees 24 minutes East, 113.86 feet; thence North 80 degrees 48 minutes East, 88.96 feet; thence South 17 degrees 17 minutes East, 33.33 feet; thence South 80 degrees 48 minutes West, 92.38 feet; thence South 76 degrees 24 minutes West, 109.91 feet; thence South 67 degrees 06 minutes West, 353.28 feet; thence South 88 degrees 05 minutes West, 92.15 feet to point "A" and the point of beginning.

(d) The land borders Cass Lake. The land was acquired for a northern pike spawning area but has not been used for such purpose for 30 years. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 19. **PRIVATE SALE OF SURPLUS STATE LAND; CARLTON COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. 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 Carlton County and is described as: the Northeast Quarter of the Northwest Quarter of the Southeast Quarter, except state trunk highway right-of-way, Section 26, Township 49 North, Range 17 West, containing 9.324 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 20. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CARLTON COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Carlton 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 conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land descriptions to correct errors and ensure accuracy.

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

(1) part of Government Lot 1 commencing 42 rods 17 links East of the northwest corner of Section 6, Township 46, Range 18; thence South 82 rods 11 links; thence West to Bear Lake; thence West on the shoreline to the section line; thence North to the northwest corner; thence East to the beginning; except the highway right-of-way and except the part northwest of Highway 35, Docket 214412 and except commencing at the northwest corner of said Government Lot 1; thence South 0 degrees 5 minutes 51 seconds West on the west line thereof 1,176.49 feet to a point on the southeast right-of-way line of the Interstate Highway 35 frontage road; thence North 51 degrees 42 minutes 51 seconds East on said right-of-way line 209.76 feet; thence South 19 degrees 45 minutes East 120.0 feet to the point of beginning; thence North 19 degrees 45 minutes West 120.0 feet; thence North 51 degrees 42 minutes 51 seconds East 80.0 feet to the MNDOT right-of-way monument; thence South 71 degrees 36 minutes 52 seconds East 216.61 feet; thence South 3 degrees 30 minutes West 195 feet, more or less, to the shore of Bear Lake; thence westerly on said shore 215 feet, more or less, to a point which bears 2 degrees 55 minutes East from the point of beginning; thence North 2 degrees 55 minutes West 150 feet, more or less, to the point of beginning, on Docket 240622 and except commencing at the northwest corner of said Government Lot 1; thence East along the north line 704.22 feet; thence South parallel to the west line 1,360.26 feet to the actual point of beginning; thence North 739.16 feet, more or less, to the southeast right-of-way line of the I-35 frontage road; thence southwest along said right-of-way line 608.48 feet, more or less, to the MNDOT monument; thence South 71 degrees 36 minutes 52 seconds East 216.61 feet; thence South 3 degrees 30 minutes West 195 feet, more or less, to the shore of Bear Lake; thence East on said shore 285 feet, more or less, to a point which bears North 00 degrees West from the point of beginning; thence South 90 degrees East 15 feet, more or less, to the point of beginning, Docket 282721 (parcel identification number 39-010-0920); and

(2) that part of Government Lot 2 lying North of Moose Horn River, Docket 262968, 272524, and 272525, Section 11, Township 46, Range 19 (parcel identification number 39-030-1220).

(d) The county has determined that the county's land management interests would best be served if the land was sold to adjoining landowners.

Sec. 21. PUBLIC SALE OF TAX-FORFEITED LAND 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:

(1) the Northwest Quarter of the Southeast Quarter, Section 27, Township 48 North, Range 18 West (parcel number 33-010-6300);

(2) the Southwest Quarter of the Northeast Quarter, except that part East of the Kettle River, Section 26, Township 48 North, Range 20 West (parcel number 90-010-4630); and

(3) the Northwest Quarter of the Southeast Quarter or Government Lot 5, Section 12, Township 49 North, Range 19 West (parcel number 94-026-2020).

(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. 22. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CASS COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell the land to a school district 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 an educational unit managed forest and reverts to the state if the school district fails to provide for or abandons the educational unit managed forest use of the land.

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

(1) the Southwest Quarter of the Southwest Quarter of Section 27;

(2) the Southeast Quarter of the Southeast Quarter of Section 28;

(3) Government Lot 11 of Section 33; and

(4) Government Lot 14 of Section 34,

all in Township 141 North, Range 28 West, containing a total of 98.7 acres, more or less.

(d) The land borders Nellie Lake. Independent School District No. 118, Longville, has inadvertently trespassed upon the land for the establishment of an educational unit managed forest under Minnesota Statutes, section 89.41. The commissioner of natural resources has determined that the state's land management interests would best be served if the land was managed as an educational unit managed forest. Since the land is currently school trust land, the commissioner of natural resources shall first exchange the school trust land for acquired land prior to sale.

Sec. 23. **PUBLIC OR PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CASS COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by public or private sale the surplus land bordering public water that is described in paragraph (c). Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 a local unit of government for less than the value of the land, as determined by the commissioner, but the conveyance must provide that the land be used for the public and reverts to the state if the local unit of government fails to provide for public use or abandons the public use of the land.

(c) The land that may be sold is located in Cass County and is described as: Lot 7, Block 1, Dell's Sleepy Hollow, Cass County, Minnesota, according to the recorded plat thereof, containing 0.54 acres, more or less.

(d) The land borders Woman Lake. The Department of Natural Resources has determined that the state's land management interests would best be served if the land was conveyed to a local unit of government.

Sec. 24. **PUBLIC SALE OF SURPLUS STATE LAND; COOK COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell by public sale the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Cook County and is described as: the South Half of the Northwest Quarter, Section 32, Township 62 North, Range 1 East, containing 80 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 25. **PUBLIC SALE OF SURPLUS STATE LAND; DOUGLAS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell by public sale the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Douglas County and is described as: the southerly 499.7 feet of the easterly 466.7 feet of the following described tract:

Southwest Quarter of the Southeast Quarter of Section 6, Township 127 North, Range 37 West, excepting therefrom the right-of-way of the public road running on the south line of said tract, containing 5.00 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 26. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; GOODHUE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land bordering public water that is described in paragraph (c). Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 conveyance must include the easement specified in paragraph (c). The purpose of the easement is to:

(1) provide for the development of fish habitat, including tree planting, erosion control, installation of instream structures, posting of signs, and other improvements;

(2) permit angling by the public; and

(3) provide ingress and egress through the property sold to the easement area.

(c) The land that may be sold is located in Goodhue County and is described as: that part of the Southwest Quarter of the Northeast Quarter and that part of the Northwest Quarter of the Southeast Quarter of Section 7, Township 112, Range 15, Goodhue County, Minnesota, which lie westerly of the centerline of County State-Aid Highway No. 6, containing 2.6 acres, more or less.

Reserving an easement over, under, and across that part of the above described property located within a strip of land 132 feet in width, and centered on the centerline of Spring Creek, as the same meanders through said Southwest Quarter of the Northeast Quarter and said Northwest Quarter of the Southeast Quarter.

(d) The land borders Spring Creek. The Department of Natural Resources has determined that the land is not needed for natural resource purposes provided that an easement right is retained. The land is separated from the wildlife management area by a county road and has been subject to inadvertent trespass by the adjacent landowner.

Sec. 27. **PUBLIC SALE OF SURPLUS STATE LAND; GRANT COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell by public sale the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Grant County and is described as: that part of the East 690 feet of the West 870 feet of the Southwest Quarter of the Northeast Quarter of Section 13, Township 127 North, Range 41 West, which lies southwesterly of a line run parallel to and distant 225 feet southwesterly of the Soo Line Railroad Company (formerly Minneapolis, St. Paul, and Sault Ste Marie Railway Company) main track centerline as the same is now located and established over and across said Section 13, containing 4.00 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 28. **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 the surplus land that is described in paragraph (c). Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 a local unit of government for less than the value of the land, as determined by the commissioner, but the conveyance must provide that the land be used for the public and reverts to the state if the local unit of government 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: Outlot A, Block 1, Schendel Woods, Hennepin County, Minnesota, according to the recorded plat thereof, containing 13.92 acres, more or less.

(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 a local unit of government. A local unit of government would like to use this parcel for a storm water runoff project.

Sec. 29. **PUBLIC SALE OF SURPLUS STATE LAND; HUBBARD COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell by public sale the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Hubbard County and is described as: that part of the Northeast Quarter of the Northwest Quarter of Section 17, Township 143 North, Range 35 West, Minnesota lying easterly of MN Highway No. 200, containing 30 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 30. **CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATERS; 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 convey to the city of Cohasset for consideration as determined by Itasca County the land 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 and provide that the land reverts to the state if the city of Cohasset fails to provide for the public use described in paragraph (d) or abandons the public use of the land. As a condition of conveyance, the city of Cohasset must provide to Itasca County a survey of the property, at no cost to Itasca County. The conveyance is subject to easements, restrictions, and reservations of record. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be conveyed is located in Itasca County and is described as: that part of Government Lot 7, Section 23, Township 55 North, Range 26 West, described as follows:

Commencing at the southwest corner of the Northwest Quarter of the Southwest Quarter, Section 23, Township 55 North, Range 26 West; thence South 88 degrees 02 minutes 11 seconds East, along the south line of said Northwest Quarter of Southwest Quarter and the south line of Government Lot 7 according to the plat of HILLCREST PARK, 1,351.90 feet to the centerline of the Tioga Beach Road and the point of beginning; thence northerly along the centerline of the Tioga Beach Road 123.51 feet along a nontangential curve concave to the East, said curve having a central angle of 12 degrees 08 minutes 28 seconds, radius of 582.87 feet, a chord bearing of North 07 degrees 35 minutes 37 seconds West, chord distance 123.28 feet; thence North 01 degrees 31 minutes 24 seconds West, along the centerline of the Tioga Beach Road 167.83 feet; thence northerly along the centerline of the Tioga Beach Road 139.95 feet along a tangential curve concave to the West, said curve having a central angle of 11 degrees 26 minutes 28 seconds, radius of 700.85 feet; thence North 12 degrees 57 minutes 52 seconds West, along the centerline of the Tioga Beach Road 174.21 feet; thence northerly along the centerline of the Tioga Beach Road

70.93 feet, more or less, along a tangential curve concave to the East, said curve having a central angle of 08 degrees 46 minutes 30 seconds, radius of 463.14 feet to intersect the north line of the South 665.00 feet of Government Lot 7; thence South 88 degrees 02 minutes 11 seconds East along the north line of the South 665.00 feet of said Government Lot 7, a distance of 512.74 feet; thence South 65 degrees 39 minutes 08 seconds East, 184 feet, more or less, to the waters edge of Pokegama Lake; thence southwesterly along the waters edge of Pokegama Lake to intersect the south line of said Government Lot 7; thence North 88 degrees 02 minutes 11 seconds West, along the south line of Government Lot 7, 220 feet, more or less, to the point of the beginning and there terminating. Parcel contains approximately 690 front feet of shoreland on Pokegama Lake and 6.8 acres.

(d) The county has determined that the county's land management interests would be best served if the lands are managed for a public beach and other public recreational purposes by the city of Cohasset.

Sec. 31. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; MAHNOMEN COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Mahnomen 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. The conveyance must include a deed restriction that prohibits buildings, structures, tree cutting, removal of vegetation, and shoreland alterations within an area 75 feet from the ordinary high water level. A 15-foot strip for lake access and a dock is allowed.

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

Beginning at the northeast corner of Lot 1; thence 28 rods West to the point of beginning; thence West 7 rods; thence South to the shoreline of North Twin Lake 9 rods, more or less; thence southeast on the shoreline to a point South of the point of beginning; thence North 16 rods, more or less, to the point of beginning, all in Section 29, Township 144 North, Range 39 West (parcel number R16 029 0200).

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

Sec. 32. PUBLIC SALE OF SURPLUS STATE LAND; MARTIN COUNTY.

(a) Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell by public sale the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Martin County and is described as: all of Tract A described below:

Tract A:

That part of Government Lot 3 and the Northeast Quarter of the Southwest Quarter, both in Section 32, Township 103 North, Range 30 West, described as follows: Beginning at the point of intersection of a line run parallel with and distant 100 feet northerly of Line 1 described below with a line run parallel with and distant 50 feet southeasterly of Line 3, described below; thence run easterly on said 100 foot parallel line to its intersection

with a line run parallel with and distant 100 feet westerly of Line 2 described below; thence run northerly of the last described 100 foot parallel line to a point thereon, distant 100 feet southerly of its intersection with a line run parallel with and distant 50 feet southerly of said Line 3; thence run northwesterly to a point on said 50 foot parallel line distant 100 feet westerly of the last described intersection (when measured along said 50 foot parallel line), said point being hereinafter referred to as "Point B"; thence run southwesterly on said 50 foot parallel line to the point of beginning.

Line 1:

Beginning at a point on the east line of said Section 32, distant 516.9 feet South of the east quarter corner thereof; thence run westerly at an angle of 89 degrees 20 minutes 15 seconds from said east section line (measured from North to West) for 5,337.2 feet and there terminating.

Line 2:

Beginning at a point of Line 1, described above, distant 1,545 feet easterly of its point of termination; thence run northerly at right angles to said Line 1 for 590 feet and there terminating.

Line 3:

Beginning at the point of termination of Line 2 described above; thence run westerly at right angles to said Line 2 for 134.26 feet; thence deflect to the left on a 07 degree 00 minute 00 second curve (delta angle 35 degrees 00 minutes 00 seconds) for 500 feet; thence on a tangent to said curve for 280.6 feet; thence deflect to the right on a 07 degree 00 minute 00 second curve (delta angle 35 degrees 00 minutes 00 seconds) for 500 feet and there terminating.

Containing 5.75 acres, more or less. Subject to the following restriction:

No access shall be permitted to Trunk Highway 391 renumbered 90 or to County Road No. 59 from the lands herein conveyed; except that access shall be permitted along a line run parallel with and distant 50 feet southeasterly of Line 3 described above, between the point of beginning of Tract A hereinbefore described and "Point B" hereinbefore described.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 33. **PRIVATE SALE OF SURPLUS STATE LAND; MARTIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c). Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Martin County and is described as: the North 700 feet of a strip of land 100 feet in width extending over and across the West Half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 25, Township 101 North, Range 32 West, Martin County, Minnesota. The centerline of said strip being the centerline of the main track (now removed) of the Minnesota and Iowa Railway Company, as said centerline was originally located and established over and across said Section 25. This parcel contains 1.6 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land were conveyed to the adjacent landowner to improve access to the landowner's property.

Sec. 34. **EXCHANGE OF STATE LAND WITHIN LAKE MARIA WILDLIFE MANAGEMENT AREA; MURRAY 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 land described in paragraph (b).

(b) The land that may be exchanged is located in Murray County and is described as:

(1) the North 866 feet of the South 1555 feet of the Southwest Quarter of Section 7, Township 108, Range 41, lying West of the East 450 feet thereof;

(2) the South 689 feet of the Southwest Quarter of Section 7, Township 108, Range 41; and

(3) that part of the Northeast Quarter of Section 18, Township 108, Range 41, described as follows: Commencing at the northwest corner of said Section 7, Township 108, Range 41; thence running easterly along the north line of said Section 7 a distance of 2,769.50 feet to the intersection with the centerline of the township road; thence southerly along the centerline of said township road a distance of 2,653.75 feet; thence deflecting 00 degrees 31 minutes right and continuing along the centerline of said township road a distance of 2,051.75 feet; thence easterly and parallel to the south line of the Southwest Quarter of the Southeast Quarter of said Section 7, a distance of 464 feet; thence South and parallel to the west line of the Northeast Quarter of said Section 18, a distance of 3,198.00 feet, to the south line of the Northeast Quarter of said Section 18, and the point of beginning of the land to be described; thence return northerly, along the last described course, a distance of 2,635 feet to the north line of said Northeast Quarter; thence southwesterly, a distance of 999 feet, to a point on the west line of said Northeast Quarter, distant 421.5 feet South of the northwest corner of said Northeast Quarter, thence South along said west line, to the southwest corner of said Northeast Quarter; thence East, along the south line of said Northeast Quarter, a distance of 910 feet to the point of beginning.

(c) The land was acquired in part with bonding appropriations. The exchange with the adjacent landowner will provide additional wildlife acres and additional water frontage to the state.

Sec. 35. **CONVEYANCE OF SURPLUS STATE LAND; ACQUISITION; NICOLLET COUNTY.**

Subdivision 1. **Conveyance of surplus land.** (a) Notwithstanding Minnesota Statutes, sections 16B.281 to 16B.287, the commissioner of administration may upon recommendation of the commissioner of human services, convey to the city of St. Peter for no consideration the surplus land or any state interest in 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 changes to the land description to correct errors and ensure accuracy. The commissioner of administration may grant utility easements for no consideration in conjunction with the conveyances under this section.

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

(1) all that part of the following described parcel lying westerly of the westerly right-of-way of Freeman Drive, formerly the Saint Peter and Belgrade Road.

Said parcel described as follows:

That part of Government Lot 6 in Section 29, Township 110 North, Range 26 West, city of Saint Peter, Nicollet County, Minnesota, described as:

Commencing at the northeast corner of said Section 29; thence South 00 degrees 29 minutes 46 seconds East, an assumed bearing on the east line of said Northeast Quarter, a distance of 1317.06 feet to the southeast corner of the Northeast Quarter of said Northeast Quarter; thence South 89 degrees 30 minutes 18 seconds West, on the south line of said Northeast Quarter of the Northeast Quarter, a distance of 918.73 feet to the point of beginning; thence South 64 degrees 37 minutes 16 seconds East, a distance of 178.6 feet, more or less, to the centerline of Freeman Drive, formerly the Saint Peter and Belgrade Road; thence northeasterly, on said centerline, a distance of 98.3 feet, more or less, to the north line of said Government Lot 6; thence South 89 degrees 30 minutes 18 seconds West, on said north line; a distance of 220.5 feet, more or less, to the point of beginning;

(2) all that part of the following described parcel lying easterly of the westerly right-of-way of Freeman Drive, formerly the Saint Peter and Belgrade Road.

Said parcel described as follows:

That part of Government Lot 6 in Section 29, Township 110 North, Range 26 West, city of Saint Peter, Nicollet County, Minnesota, described as:

Commencing at the northeast corner of said Section 29; thence South 00 degrees 29 minutes 46 seconds East, an assumed bearing on the east line of said Northeast Quarter, a distance of 1317.06 feet to the southeast corner of the Northeast Quarter of said Northeast Quarter; thence South 89 degrees 30 minutes 18 seconds West, on the south line of said Northeast Quarter of the Northeast Quarter, a distance of 918.73 feet to the point of beginning; thence South 64 degrees 37 minutes 16 seconds East, a distance of 178.6 feet, more or less, to the centerline of Freeman Drive, formerly the Saint Peter and Belgrade Road; thence northeasterly, on said centerline, a distance of 98.3 feet, more or less, to the north line of said Government Lot 6; thence South 89 degrees 30 minutes 18 seconds West, on said north line; a distance of 220.5 feet, more or less, to the point of beginning; and

(3) that part of the East 25.00 of a 150.00 foot wide railroad right-of-way acquired in Book R page 338, in the Northeast Quarter of the Northeast Quarter of Section 29, Township 110 North, Range 26 West, city of Saint Peter, Nicollet County, Minnesota, lying South of the southerly right-of-way line of Minnesota Trunk Highway No. 99, per MN/DOT Right-of-Way Map 31-68 and North of the following described line:

Commencing at the northeast corner of said Section 29; thence South 00 degrees 29 minutes 46 seconds East, an assumed bearing on the east line of said Northeast Quarter, a distance of 1317.06 feet to the southeast corner of the Northeast Quarter of said Northeast Quarter; thence South 89 degrees 30 minutes 18 seconds West, on the south line of said Northeast Quarter of the Northeast Quarter, a distance of 918.73 feet; thence North 64 degrees 37 minutes 16 seconds West, a distance of 86.15 feet; thence northwesterly 127.21 feet on a tangential curve to the right, having a radius of 280.00 feet and a central angle of 26 degrees 01 minutes 59 seconds to the point of beginning of the line to be described; thence continuing northwesterly 31.24 feet on said tangential curve to the right, having a radius of 280.00 feet and a central angle of 06 degrees 23 minutes 34 seconds and there terminating.

(d) The commissioner has determined that the land is no longer needed for any state purpose and that the state's land management interests would best be served if the land was conveyed to and used by the city of St. Peter.

Subd. 2. **Acquisition authority.** (a) Notwithstanding any law to the contrary, the commissioner of administration, upon recommendation of the commissioner of human services, may acquire from the city of St. Peter, without monetary consideration, land located in Nicollet County, described as follows:

(1) that part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 110 North, Range 26 West, city of Saint Peter, Nicollet County, Minnesota:

Lying East of the east line of the 150.007 foot wide railroad right-of-way acquired in Book R page 338, in said Northeast Quarter of the Northeast Quarter of Section 29:

AND

Lying South of the following described line:

Commencing at the northeast corner of said Section 29; thence South 00 degrees 29 minutes 46 seconds East, an assumed bearing on the east line of said Northeast Quarter, a distance of 1317.06 feet to the southeast corner of the Northeast Quarter of said Northeast Quarter; thence South 89 degrees 30 minutes 18 seconds West, on the south line of said Northeast Quarter of the Northeast Quarter, a distance of 918.73 feet to the point of beginning; thence North 64 degrees 37 minutes 16 seconds West, a distance of 86.15 feet; thence northwesterly 127.21 feet on a tangential curve to the right, having a radius of 280.00 feet and a central angle of 26 degrees 01 minutes 51 seconds to the point of termination. Said point of termination being on the east line of the previously referenced railroad right-of-way and there terminating; and

(2) that part of Government Lot 6 in Section 29, Township 110 North, Range 26 West, city of Saint Peter, Nicollet County, Minnesota described as:

Commencing at the northeast corner of said Section 29; thence South 00 degrees 29 minutes 46 seconds East, an assumed bearing on the east line of said Northeast Quarter, a distance of 1317.06 feet to the southeast corner of the Northeast Quarter of said Northeast Quarter; thence South 89 degrees 30 minutes 18 seconds West, on the south line of said Northeast Quarter of the Northeast Quarter, a distance of 918.73 feet; thence South 64 degrees 37 minutes 16 seconds East, a distance of 179 feet, more or less, to the centerline of Freeman Drive, formerly the Saint Peter and Belgrade Road, and the point of beginning; thence continuing South 64 degrees 37 minutes 16 seconds East, a distance of 25.8 feet, more or less, to the existing right-of-way of U.S. Highway No. 169, per Map 14-80; thence southwesterly along said right-of-way a distance of 91.7 feet, more or less, to the northerly line of a parcel recorded as Document No. 274882, Nicollet County records; thence northwesterly along the northerly line of said parcel a distance of 27.5 feet, more or less, to the centerline of said Freeman Drive; thence northeasterly along said centerline a distance of 93.2 feet, more or less, to the point of beginning.

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

Sec. 36. **PUBLIC SALE OF SURPLUS STATE LAND; NOBLES COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell by public sale the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Nobles County and is described as:

(1) the North 500 feet of the West 450 feet of the East 1,650 feet of the North Half of the Northeast Quarter of Section 32, Township 102 North, Range 43 West, subject to the public road running on the north line of said North Half of the Northeast Quarter. Containing 4.83 acres, more or less; and

(2) the westerly 500 feet of the southerly 468.6 feet of the Southeast Quarter of the Southeast Quarter of Section 17, Township 101 North, Range 43 West, subject to the public road running on the south line of said Southeast Quarter of the Southeast Quarter, containing 5.00 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 37. **CONVEYANCE OF SURPLUS STATE LAND; OLMSTED COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of natural resources shall convey to the city of Oronoco for no consideration the surplus land that is described in paragraph (c).

(b) The conveyance shall occur upon the operation of the reversion clause contained in the deed for the land described in paragraph (c) in accordance with Minnesota Statutes 1965, section 85.188, and after the passage of resolutions by the Olmsted County Board and the Oronoco City Council, each acknowledging that the requirements set forth in the Agreement for Transfer of Oronoco Park in the City of Oronoco to the City of Oronoco by Olmsted County have been sufficiently met to proceed with the conveyance. The conveyance must be in a form approved by the attorney general, the Olmsted County Board, and the Oronoco City Council. The conveyance must provide that the land reverts to the state if the city of Oronoco fails to maintain and operate the land as a public park. 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 Olmsted County and is described as:

(1) the East Half of the West Half of the Southeast Quarter of the Southeast Quarter, Section 7, Township 108 North, Range 14 West, subject to flowage rights in favor of Olmsted County; and

(2) the East Half of the Southeast Quarter of the Southeast Quarter, Section 7, Township 108 North, Range 14 West.

(d) The land is currently owned by Olmsted County and used as a public park, having been conveyed by the state according to Laws 1965, chapter 810, section 9. The 1965 law and the corresponding conveyance document require reversion to the state if the county stops operating the land as a public park. Olmsted County no longer wishes to operate the public park, but the city of Oronoco has agreed to pay consideration to Olmsted County to continue the park operation. The commissioner has determined that the state's land management interests would best be served if, upon the land's reversion to the state, the land was conveyed to and used by the city of Oronoco as a public park.

Sec. 38. **PRIVATE SALE OF TAX-FORFEITED LAND; PINE COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, Pine 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 Pine County and is described as: the East 132 feet of the Northeast Quarter of the Southeast Quarter of Section 11, Township 42 North, Range 17 West, Wilma Township, Pine County, Minnesota, subject to a public road easement over, under, and across the West 66 feet thereof, and the East 132 feet of the Southeast Quarter of the Northeast Quarter of Section 11, Township 42 North, Range 17 West, Wilma Township, Pine County, Minnesota, subject to a public road easement over, under, and across the West 66 feet thereof.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership. The county will be able to access adjacent tax-forfeited property by the public road easement.

Sec. 39. **PUBLIC SALE OF SURPLUS STATE LAND; PIPESTONE COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell by public sale the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Pipestone County and is described as: that part of the South Half of the Northwest Quarter of Section 27, Township 107 North, Range 45 West, described as follows:

From the intersection of the east and west quarter line of said Section 27 with the southeasterly right-of-way line of Trunk Highway 39 as same is now located and established over and across said tract; run East along said east and west quarter line for a distance of 1,037 feet; thence deflect to the left at an angle of 90 degrees 00 minutes for a distance of 540 feet to the point of beginning; thence deflect to the right at an angle of 90 degrees 00 minutes for a distance of 125 feet; thence deflect to the left at an angle of 90 degrees 00 minutes for a distance of 249 feet; thence deflect to the left at an angle of 90 degrees 00 minutes for a distance of 350 feet; thence deflect to the left at an angle of 90 degrees 00 minutes for a distance of 249 feet; thence deflect to the left at an angle of 90 degrees 00 minutes for a distance of 225 feet to the point of beginning;

Together with all that part of the following described tract:

That part of the Southwest Quarter of the Northwest Quarter of Section 27, Township 107 North, Range 45 West, described as follows: Beginning at the intersection of the east and west quarter line of said Section 27 with the southeasterly right-of-way line of Trunk Highway 39, as same is now located and established over and across said tract; thence run East along said east and west quarter line for a distance of 1,037 feet; thence deflect to the left at an angle of 90 degrees 00 minutes for a distance of 540 feet; thence deflect to the left at an angle of 90 degrees 00 minutes for a distance of 577 feet to the southeasterly right-of-way line of said Trunk Highway 39; thence run southeasterly along said right-of-way line to the point of beginning.

Which lies southeasterly of a line run parallel with and distant 100 feet southeasterly of the following described line:

Beginning at a point on the west line of Section 33, Township 107 North, Range 45 West, distant 1,623.8 feet North of the southwest corner thereof; thence run northeasterly at an angle of 39 degrees 49 minutes with said section line for 2,631.4 feet; thence deflect to the right on a 0 degree 30 minute curve (delta angle 4 degrees 52 minutes) for 973.3 feet; thence on a tangent to said curve for 27.9 feet; thence deflect to the left on a 0 degree 30 minute curve (delta angle 4 degrees 52 minutes) for 973.3 feet; thence on a tangent to said curve for 6,129.0 feet and there terminating.

Containing 11.36 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 40. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; ROSEAU COUNTY.**

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

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

(c) The land that may be sold is located in Roseau County and is described as: Government Lot 9, Section 30, Township 163 North, Range 36 West, containing 0.15 acres, more or less.

(d) The land borders the Warroad River and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 41. **PUBLIC OR PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND; ROSEAU COUNTY.**

(a) Notwithstanding the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, Roseau 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 appraised value of the land and timber and survey costs. 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:

(1) that part of Government Lot 1, Section 4, Township 162 North, Range 36 West, lying southwesterly of the southwesterly right-of-way of the Canadian National Railway. Subject to the right-of-way of State Highway 11. Contains 0.75 acres, more or less; and

(2) the South Half of the South Half of the Southeast Quarter of the Northwest Quarter, Section 34, Township 159 North, Range 39 West, containing 10 acres, more or less.

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

Sec. 42. **PRIVATE SALE OF TAX-FORFEITED LAND; ROSEAU COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, Roseau 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 Roseau County and is described as: the Northwest Quarter of the Northeast Quarter and the Southeast Quarter of the Southeast Quarter, Section 20, Township 163, Range 36.

(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. 43. **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 conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land descriptions to correct errors and ensure accuracy.

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

(1) Lot 90, Block 75, Duluth Proper Third Division, except the West six feet of the South 50 feet of the West Half, Section 28, Township 50 North, Range 14 West;

(2) the northerly 100 feet of the Southwest Quarter of the Southwest Quarter, except the westerly 233 feet, and except the easterly 1,037 feet, Section 14, Township 51 North, Range 13 West;

(3) the South 150 feet of the Northeast Quarter of the Southeast Quarter, Section 5, Township 55 North, Range 18 West;

(4) the West 33 feet of the North 208 feet of the South 1,040 feet of the Northwest Quarter of the Northeast Quarter, Section 7, Township 60 North, Range 13 West;

(5) the North 45.27 feet of the South 1,085.27 feet of the West 449 feet of the Northwest Quarter of the Northeast Quarter, Section 7, Township 60 North, Range 13 West;

(6) the West 33 feet of the North 208 feet of the South 832 feet of the Northwest Quarter of the Northeast Quarter, Section 7, Township 60 North, Range 13 West;

(7) the West 33 feet of the North 208 feet of the South 624 feet of the Northwest Quarter of the Northeast Quarter, Section 7, Township 60 North, Range 13 West;

(8) the West 33 feet of the South 416 feet of the Northwest Quarter of the Northeast Quarter, Section 7, Township 60 North, Range 13 West; and

(9) part of the South Half of the Southwest Quarter, Section 20, Township 58 North, Range 15 West.

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

Sec. 44. **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 conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land descriptions to correct errors and ensure accuracy.

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

(1) Lot 4, Block 4, Greenwood Beach, town of Duluth, Section 19, Township 51 North, Range 12 West;

(2) beginning at the southwest corner of Lot 4, running thence East 450 feet; thence North 200 feet; thence West 450 feet; thence South along the section line 200 feet to the point of beginning, except the northerly 40 feet, Section 7, Township 54 North, Range 19 West;

(3) the South 560 feet of the East 300 feet of the Northeast Quarter of the Southeast Quarter, except the highway right-of-way and except the North 315 feet, Section 22, Township 61 North, Range 20 West;

(4) an undivided 1/24 interest in the Southeast Quarter of the Northwest Quarter, Section 8, Township 50 North, Range 18 West;

(5) an undivided 2/15 interest in the Southwest Quarter of the Northwest Quarter, Section 20, Township 50 North, Range 18 West;

(6) an undivided 1/3 interest in the Southwest Quarter of the Southeast Quarter, Section 21, Township 50 North, Range 18 West;

(7) an undivided 1/45 interest in the Northeast Quarter of the Southeast Quarter, Section 29, Township 50 North, Range 18 West;

(8) an undivided 1/12 interest in the Northeast Quarter of the Northwest Quarter, Section 25, Township 50 North, Range 19 West;

(9) an undivided 1/12 interest in the Southeast Quarter of the Northwest Quarter, Section 25, Township 50 North, Range 19 West;

(10) an undivided 1369/68040 interest in Lot 8, except the railway right-of-way, Section 28, Township 51 North, Range 18 West; and

(11) that part of the Southeast Quarter of the Northeast Quarter of Section 10, Township 63 North, Range 18 West, St. Louis County, Minnesota, described as follows:

Assuming the northeast line of Lot 9 in the plat of MANNIKKO (PINE RIDGE) to bear North 54 degrees 11 minutes 00 seconds West, and COMMENCING from the most northerly corner of said Lot 9 run North 28 degrees 12 minutes 30 seconds East, a distance of 107.39 feet; thence South 28 degrees 12 minutes 30 seconds West, a distance of 28.19 feet; thence South 86 degrees 24 minutes 10 seconds West, a distance of 82.17 feet; thence South 77 degrees 07 minutes 31 seconds West, a distance of 77.70 feet; thence South 82 degrees 40 minutes 33 seconds West, a distance of 83.09 feet; thence South 71 degrees 26 minutes 45 seconds West, a distance of 190.55 feet; thence North 70 degrees 55 minutes 26 seconds West, a distance of 76.14 feet to a point on a nontangential curve, the center of which bears North 35 degrees 10 minutes 49 seconds West, being also a point on the east right-of-way of "Phillips Road" as it exists in January of 1995; thence northerly along said east right-of-way, on said nontangential curve, concave to the West, central angle of 88 degrees 57 minutes 37 seconds, radius of 90.00 feet, a distance of 139.74 feet; thence North 34 degrees 08 minutes 26 seconds west, along said east right-of-way, a distance of 105.00 feet to a tangential curve; thence northerly along said east right-of-way on said tangential curve, concave to the East, central angle 69 degrees 38 minutes 31 seconds, radius 68.00 feet, a distance of 82.65 feet to a point of reverse curve; thence northerly along said east right-of-way, on said reverse curve, concave to the West, central angle of 18 degrees, more or less, radius of 116.25 feet, a distance of 36.5 feet, more or less, to the south line of said Southeast Quarter of the Northeast Quarter and the POINT OF BEGINNING of the land being described; thence northerly, continuing along said curve, a distance of 96.2 feet; thence North 29 degrees 54 minutes 20 seconds West, tangent to said curve and along said east right-of-way, a distance of 16.32 feet; thence South 89 degrees 42 minutes 44 seconds East, a distance of 943.3 feet, more or less, to the east line of said Southeast Quarter of the Northeast Quarter; thence southerly, along said east line, a distance of 30 feet, more or less, to the shore of

Lake Vermilion; thence southerly, along said shore, a distance of 100 feet, more or less, to the south line of said Southeast Quarter of the Northeast Quarter; thence westerly, along said south line, a distance of 880 feet, more or less, to the POINT OF BEGINNING. Containing 2.5 acres, more or less.

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

Sec. 45. **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 conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land descriptions 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. The easements shall be up to 200 feet in width, lying 100 feet, to the extent possible given the location of property lines, on each side of the centerline of the designated trout stream to provide riparian protection and angler access.

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

(1) Lot 22, Block 1, Wonderland 1st Addition, town of Duluth, except the highway right-of-way and including part of the adjacent vacated road, Section 17, Township 51 North, Range 12 West; and

(2) that part of the southerly 135 feet of the northerly 543 feet of the Northwest Quarter of the Southwest Quarter lying East of the westerly 968 feet and West of the Sucker River, Section 30, Township 52 North, Range 12 West.

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

Sec. 46. **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 conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land descriptions to correct errors and ensure accuracy.

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

(1) the East Half of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter, Section 25, Township 51 North, Range 14 West, subject to an existing easement;

(2) the North 407 feet of that part of Lot 4 lying South of the east and west centerline of Section 20, Section 20, Township 51 North, Range 16 West;

(3) Lots 1, 2, and 3, Childs Birch Grove Tracts, Grand Lake, Section 20, Township 51 North, Range 16 West;

(4) Lots 28 and 29, Briar Lake Shores 3rd Addition, North Star, Section 15, Township 53 North, Range 13 West; and

(5) the East Half of the Southeast Quarter of the Northwest Quarter, Section 26, Township 60 North, Range 17 West.

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

Sec. 47. 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 conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land descriptions 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. The easements shall be up to 200 feet in width, lying 100 feet, to the extent possible given the location of property lines, on each side of the centerline of the designated trout stream to provide riparian protection and angler access. For the parcels described in paragraph (c), clauses (6) and (7), a 33-foot strip across the easement shall be allowed for road access and utilities.

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

(1) the Southwest Quarter of the Southeast Quarter, except 4.56 acres for a road and except that part lying South and West of Highway 2, Section 8, Township 50 North, Range 16 West;

(2) the East Half of the Northeast Quarter of the Northwest Quarter, except the railway right-of-way and except the highway right-of-way, Section 17, Township 51 North, Range 12 West;

(3) the West Half of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter, Section 25, Township 51 North, Range 14 West;

(4) the West Half of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter, Section 25, Township 51 North, Range 14 West;

(5) the West five acres of the South 15 acres of the North 30 acres of the Northeast Quarter of the Southeast Quarter, Section 27, Township 51 North, Range 14 West;

(6) the East Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter, Section 27, Township 51 North, Range 14 West; and

(7) the East Half of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter, except the West 25 feet, Section 27, Township 51 North, Range 14 West.

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

Sec. 48. **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 conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land descriptions 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. The easements shall be 150 feet in width, lying 75 feet on each side of the centerline of the stream to provide riparian protection and angler access. For the parcel described in paragraph (c), clause (4), a 33-foot strip across the easement shall be allowed for road access and utilities.

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

(1) the Northwest Quarter of the Southeast Quarter, except the North Half, Section 15, Township 50 North, Range 15 West;

(2) the Southeast Quarter of the Northeast Quarter, Section 19, Township 53 North, Range 20 West;

(3) the westerly 330 feet of the South Half of the Northwest Quarter of the Southwest Quarter, Section 11, Township 56 North, Range 20 West; and

(4) the Southwest Quarter of the Southwest Quarter, except the South Half of the Southwest Quarter of the Southwest Quarter and except the North ten acres, Section 34, Township 50 North, Range 15 West.

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

Sec. 49. **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 conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land descriptions 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. For the parcel described in paragraph (c), clause (1), the easement must be 100 feet in width from the centerline of the designated trout stream to provide riparian protection and angler access. For the parcel described in paragraph (c), clause (2), the easement must be 200 feet in width from the centerline of the stream to provide riparian protection and angler access.

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

(1) Lots 511 through 515, Homecroft Park, town of Rice Lake, Section 34, Township 51 North, Range 14 West; and

(2) that part of the Lot 2 lying East of a line parallel with and 150 feet East of the centerline of the Duluth, Missabe and Iron Range Railway, Section 17, Township 51 North, Range 17 West.

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

Sec. 50. 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 buildings, structures, tree cutting, removal of vegetation, and shoreland alterations within an area 100 feet in width, lying 50 feet on each side of the centerline of streams that are tributaries to the Sand River.

(c) The land to be sold is located in St. Louis County and is described as: the North 416 feet of the East 416 feet of the Southwest Quarter of the Southwest Quarter, Section 10, Township 59 North, Range 17 West.

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

Sec. 51. 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 adjacent to a parcel described as: that part of the Northeast Quarter of the Southwest Quarter beginning on the east line at the southerly road right-of-way; thence southerly along the east line 760.07 feet; thence South 89 degrees 3 minutes 23 seconds West 290 feet; thence North 1 degree 12 minutes 54 seconds East 764.79 feet; thence East along the southerly road right-of-way 290 feet to the point of beginning, Section 20, Township 58 North, Range 15 West. St. Louis County shall sell an adjoining amount of land, determined by the county to rectify an inadvertent trespass. The sale will ensure that the buildings causing the inadvertent trespass will meet all setback requirements.

(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. 52. PUBLIC SALE OF SURPLUS STATE LAND; WADENA COUNTY.

(a) Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell by public sale the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Wadena County and is described as: the Southwest Quarter of the Southeast Quarter of Section 28, Township 138 North, Range 33 West, containing 40 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 53. **PRIVATE SALE OF SURPLUS STATE LAND; WASHINGTON COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. 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 Washington County and is described as:

(1) that part of the Northwest Quarter of the Northwest Quarter of Section 19, Township 32, Range 21, lying South of the centerline of Highway 97; and

(2) that part of the Southwest Quarter of Section 19, Township 32 North, Range 21 West, Washington County, Minnesota, described as follows: beginning at the southwest corner of said Southwest Quarter; thence on an assumed bearing of South 89 degrees 50 minutes 33 seconds East along the south line of said Southwest Quarter 1555.59 feet; thence North 11 degrees 40 minutes 58 seconds East 720.70 feet; thence North 53 degrees 20 minutes 40 seconds West 436.77 feet; thence North 45 degrees 10 minutes 18 seconds West 222.72 feet to the southerly boundary of the recorded plat of BASSWOOD ESTATES, on file and of record in the Office of the County Recorder; thence westerly along the southerly boundary of said BASSWOOD ESTATES to the southwestern corner thereof; thence northerly along the westerly boundary of said BASSWOOD ESTATES to the most northerly corner of Lot 2 of Block 3 of said BASSWOOD ESTATES; thence westerly to a point on the west line of said Southwest Quarter 407.50 feet southerly of the northwest corner of said Southwest Quarter; thence South 00 degrees 23 minutes 19 seconds East along the west line of said Southwest Quarter 2238.63 feet to the point of beginning.

These parcels contain 57.2 acres, more or less.

(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 a local unit of government. A local unit of government would like to use these parcels as wetland mitigation sites.

Sec. 54. **PRIVATE SALE OF SURPLUS STATE LAND; WASHINGTON COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c). Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Washington County and is described as: the West 750 feet of the East 1,130.6 feet of the North 786.72 feet of the Northwest Quarter of the Northeast Quarter of Section 15, Township 29 North, Range 20 West, containing 13.5 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes. The state's land management interests would best be served if the land was sold to an adjacent landowner, as the property described in paragraph (c) does not have legal access to a public road.

Sec. 55. PRIVATE SALE 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 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 for the fair market value of the land. The attorney general may make changes to the land description to correct errors and ensure accuracy.

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

(1) Parcel A (PIN 29.031.19.22.0001): Section 29, Township 31, Range 19, Government Lot 5;

(2) Parcel B (PIN 20.031.19.22.0001): Section 20, Township 31, Range 19, Government Lot 5;

(3) Parcel C (PIN 17.031.19.32.0001): Section 17, Township 31, Range 19, Government Lot 4;

(4) Parcel D (PIN 18.032.19.11.0001): Section 18, Township 32, Range 19, Government Lot 2; and

(5) Parcel E (PIN 18.032.19.14.0001): Section 18, Township 32, Range 19, Government Lot 3.

(d) The county has determined that the county's land management interests would best be served if the lands were sold to the United States of America and managed by the National Park Service.

Sec. 56. PRIVATE SALE 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 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 Washington County and is described as: Parcel A (PIN 09.032.21.43.0070): Lot 8, Block 3, excepting therefrom the East 200 feet thereof of Skoglund's Park Addition, as surveyed and platted and now on file and of record in the Office of the Registrar of Titles of said County of Washington, State of Minnesota.

(d) The sale would be to an adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage. The county may split the parcel described in paragraph (c), as allowed in Minnesota Statutes, section 282.01, and sell the resulting parcels if the county finds a split to be advantageous for the purpose of sale.

Sec. 57. **PUBLIC SALE OF SURPLUS STATE LAND; WILKIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 86A.055, the commissioner of natural resources may sell by public sale the surplus land described in paragraph (c) and direct the net proceeds to the general fund.

(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 Wilkin County and is described as: that part of the West Half of the Northeast Quarter of Section 11, Township 136 North, Range 48 West, described as follows:

Beginning at a point on the north and south quarter line of said Section 11, distant 1,470 feet North of the center thereof; thence run southerly along said north and south quarter line for a distance of 700 feet; thence deflect to the left at an angle of 90 degrees 00 minutes for 150 feet; thence deflect to the left at an angle of 90 degrees 00 minutes for 700 feet; thence deflect to the left on an angle of 90 degrees 00 minutes for 150 feet to the point of beginning.

Together with the westerly 33 feet of the southerly 770 feet of the Southwest Quarter of the Northeast Quarter of said Section 11, to be used for road purposes.

Containing 3.00 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 58. **CONVEYANCE OF DRAINAGE DISTRICT LAND; WINONA COUNTY.**

The Rushford Area Drainage and Conservancy District, established by order of the Tenth Judicial District Court on February 20, 1953, was terminated on January 1, 1988, by Laws 1987, chapter 239, section 140. The land that was owned by the Rushford Area Drainage and Conservancy District in Winona County is now owned by the state of Minnesota and is hereby transferred to the commissioner of natural resources for administration and management for conservation purposes.

Sec. 59. **EFFECTIVE DATE.**

Sections 13 to 58 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state lands; modifying method of determining value of acquired stream easements; providing for designation of certain state forest boundaries; modifying state forest acquisition provisions; permitting the exchange of riparian lands within the Boundary Waters Canoe Area Wilderness; establishing a moratorium on public access development for public waters without a public access; adding to and deleting from state parks and state forests; providing for disposition of certain proceeds; requiring designation of certain school trust land as aquatic management area; authorizing and modifying public and private sales, conveyances, and exchanges of certain state land; amending Minnesota Statutes 2008, sections 84.0272, subdivision 2; 85.012, subdivision 40; 89.021, by adding a subdivision; 89.032, subdivision 2; 94.342, by adding a subdivision; 97A.141, subdivision 1; Laws 2009, chapter 176, article 4, section 9."

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3124, A bill for an act relating to game and fish; modifying aquaculture provisions; modifying provisions for taking, possessing, and transporting wild animals; modifying requirements for fish and wildlife management plans; modifying game and fish license provisions; amending Minnesota Statutes 2008, sections 17.4982, subdivision 12, by adding a subdivision; 17.4991, subdivision 3; 17.4994; 84.942, subdivision 1; 84D.03, subdivision 3; 97A.015, subdivision 52; 97A.101, subdivision 3; 97A.311, subdivision 5; 97A.405, subdivision 2; 97A.421, subdivision 4a; 97A.433, by adding a subdivision; 97A.435, subdivisions 1, 4; 97A.502; 97A.535, subdivision 2a; 97A.545, subdivision 5; 97B.022, subdivision 2; 97B.031, subdivision 5; 97B.075; 97B.106, subdivision 1; 97B.325; 97B.405; 97B.515, by adding a subdivision; 97B.911; 97B.915; 97B.921; 97B.925; 97C.005, subdivision 3; 97C.087, subdivision 2; 97C.205; 97C.315, subdivision 1; 97C.341; Minnesota Statutes 2009 Supplement, sections 84.95, subdivision 2; 97A.445, subdivision 1a; 97B.055, subdivision 3; 97B.811, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; 97B; 348; repealing Minnesota Statutes 2008, sections 84.942, subdivisions 2, 3, 4; 97A.435, subdivision 5; 97B.511; 97B.515, subdivision 3; 97B.811, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 17.4982, is amended by adding a subdivision to read:

Subd. 10a. **Fish collector.** "Fish collector" means an individual who has been certified under section 17.4989 to oversee the collection of fish samples from a facility or a water body for disease testing by a certified laboratory.

Sec. 2. Minnesota Statutes 2008, section 17.4982, subdivision 12, is amended to read:

Subd. 12. **Fish health inspection.** (a) "Fish health inspection" means an on-site, statistically based sampling, collection, and testing of fish in accordance with processes in the Fish Health Blue Book for all lots of fish in a facility or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE) to test for causative pathogens. The samples for inspection must be collected by a fish health inspector or a fish collector in cooperation with the producer. Testing of samples must be done by an approved laboratory.

(b) The inspection for viral hemorrhagic septicemia (VHS), infectious pancreatic necrosis (IPN), and infectious hematopoietic necrosis (IHN) in salmonids and for VHS in nonsalmonids must include at least a minimum viral testing of ovarian fluids at the 95 percent confidence level of detecting two percent incidence of disease (ovarian fluids must be sampled for certification of viral hemorrhagic septicemia and infectious hematopoietic necrosis). Bacterial diseases must be sampled at the 95 percent confidence level with a five percent incidence of disease. The inspection must be performed by a fish health inspector in cooperation with the producer with subsequent examination of the collected tissues and fluids for the detection of certifiable diseases.

(c) The inspection for certifiable diseases for wild fish must follow the guidelines of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases.

Sec. 3. [17.4989] FISH SAMPLE COLLECTING.

Subdivision 1. **Training.** Fish collector training may be offered by any organization or agency that has had its class and practicum syllabus approved by the commissioner. The class and practicum must include the following components:

(1) accurate identification of licensed water bodies listed according to section 17.4984 and ensuring that collection is taking place at the correct site;

(2) identification of fish internal organs;

(3) fish dissection and sample preparation as identified by the Department of Natural Resources based on specific testing requirements or as outlined in the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE);

(4) recording and reporting data;

(5) sample preparation and shipping;

(6) a field collection site test to demonstrate mastery of the necessary skills, overseen by a certified fish health inspector; and

(7) a certificate of successful completion signed by a certified fish health inspector on a form provided by the commissioner.

Subd. 2. **Certification time period.** Fish collector certification is valid for five years and is not transferable. A person may renew certification only by successfully completing certification training. Certification shall be revoked if the certified person is convicted of violating any of the statutes or rules governing testing for aquatic species diseases. Certification may be suspended during an investigation associated with misconduct or violations of fish health testing and collection. The commissioner shall notify the person that certification is being revoked or suspended.

Subd. 3. **Conflict of interest.** A fish collector may not oversee the collection of fish from a facility or a water body when the collector has a conflict of interest in connection with the outcome of the testing.

Sec. 4. Minnesota Statutes 2008, section 17.4991, subdivision 3, is amended to read:

Subd. 3. **Fish health inspection.** (a) An aquatic farm propagating ~~trout, salmon,~~ salmonids or catfish and having an effluent discharge from the aquatic farm into public waters must have a fish health inspection conducted at least once every 12 months by a certified fish health inspector. Testing must be conducted according to ~~approved~~ the Fish Health Blue Book laboratory methods.

(b) An aquatic farm propagating any species on the viral hemorrhagic septicemia (VHS) susceptible list and having an effluent discharge from the aquatic farm into public waters must test for VHS virus using the guidelines of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE). The commissioner may, by written order published in the State Register, prescribe alternative testing time periods and methods from those prescribed in the Fish Health Blue Book or the OIE Diagnostic Manual if the commissioner determines that biosecurity measures will not be compromised. These alternatives are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner must provide reasonable notice to affected parties of any changes in testing requirements.

(c) Results of fish health inspections must be provided to the commissioner for all fish that remain in the state. All data used to prepare and issue a fish health certificate must be maintained for three years by the issuing fish health inspector, approved laboratory, or accredited veterinarian.

~~(b)~~ (d) A health inspection fee must be charged based on each lot of fish sampled. The fee by check or money order payable to the Department of Natural Resources must be prepaid or paid at the time a bill or notice is received from the commissioner that the inspection and processing of samples is completed.

~~(e)~~ (e) Upon receipt of payment and completion of inspection, the commissioner shall notify the operator and issue a fish health certificate. The certification must be made according to the Fish Health Blue Book by a person certified as a fish health inspector.

~~(d)~~ (f) All aquatic life in transit or held at transfer stations within the state may be inspected by the commissioner. This inspection may include the collection of stock for purposes of pathological analysis. Sample size necessary for analysis will follow guidelines listed in the Fish Health Blue Book.

~~(e)~~ (g) Salmonids and catfish must have a fish health inspection before being transported from a containment facility, unless the fish are being transported directly to an outlet for processing or other food purposes or unless the commissioner determines that an inspection is not needed. A fish health inspection conducted for this purpose need only be done on the lot or lots of fish that will be transported. The commissioner must conduct a fish health inspection requested for this purpose within five working days of receiving written notice. Salmonids and catfish may be immediately transported from a containment facility to another containment facility once a sample has been obtained for a health inspection or once the five-day notice period has expired.

Sec. 5. Minnesota Statutes 2008, section 17.4994, is amended to read:

17.4994 SUCKER EGGS.

Sucker eggs may be taken from public waters with a sucker egg license endorsement, ~~which authorizes sucker eggs to be taken at a rate of one quart of eggs for each 1 1/2 acres of licensed surface waters except that for intensive culture systems, sucker eggs may be taken at a rate of two quarts per 1,000 muskellunge fry being reared for the fee prescribed in section 97A.475, subdivision 29.~~ The Taking of sucker eggs from public waters is subject to chapter 97C and may be supervised by the commissioner. The commissioner may limit the amount of sucker eggs that a person with a sucker egg license endorsement may take based on the number of sucker eggs taken historically by the licensee, new requests for eggs, and the condition of the spawning runs at those historical streams and rivers that have produced previous annual quotas.

Sec. 6. Minnesota Statutes 2008, section 84.942, subdivision 1, is amended to read:

Subdivision 1. **Preparation.** The commissioner of natural resources shall prepare ~~a comprehensive fish and wildlife management plan~~ plans designed to accomplish the policy of section 84.941. ~~The comprehensive fish and wildlife management plan shall include a strategic plan as outlined in subdivision 2. The strategic plan must be completed by July 1, 1986. The management plan must also include the long range and operational plans as described in subdivisions 3 and 4. The management plan must be completed by July 1, 1988.~~

Sec. 7. Minnesota Statutes 2009 Supplement, section 84.95, subdivision 2, is amended to read:

Subd. 2. **Purposes and expenditures.** Money from the reinvest in Minnesota resources fund may only be spent for the following fish and wildlife conservation enhancement purposes:

(1) development and implementation of the ~~comprehensive fish and wildlife management plan~~ plans under section 84.942;

(2) implementation of the reinvest in Minnesota reserve program established by section 103F.515;

(3) soil and water conservation practices to improve water quality, reduce soil erosion and crop surpluses;

(4) enhancement or restoration of fish and wildlife habitat on lakes, streams, wetlands, and public and private forest lands;

(5) acquisition and development of public access sites and recreation easements to lakes, streams, and rivers for fish and wildlife oriented recreation;

(6) matching funds with government agencies, federally recognized Indian tribes and bands, and the private sector for acquisition and improvement of fish and wildlife habitat;

(7) research and surveys of fish and wildlife species and habitat;

(8) enforcement of natural resource laws and rules;

(9) information and education;

(10) implementing the aspen recycling program under section 88.80 and for other forest wildlife management projects; and

(11) necessary support services to carry out these purposes.

Sec. 8. Minnesota Statutes 2008, section 84D.03, subdivision 3, is amended to read:

Subd. 3. **Bait harvest from infested waters.** (a) ~~The~~ Taking of wild animals from infested waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b) and section 97C.341.

(b) In waters that are designated as infested waters, except those designated because they contain prohibited invasive species of fish or certifiable diseases of fish as defined in section 17.4982, subdivision 6, the taking of wild animals may be permitted for:

(1) commercial taking of wild animals for bait and aquatic farm purposes according to a permit issued under section 84D.11, subject to rules adopted by the commissioner; and

(2) bait purposes for noncommercial personal use in waters that contain Eurasian water milfoil, when the infested waters are designated solely because they contain Eurasian water milfoil and if the equipment for taking is limited to cylindrical minnow traps not exceeding 16 inches in diameter and 32 inches in length.

(c) Equipment and gear authorized for minnow harvest in a designated infested water by permit issued under paragraph (b) may not be transported to, or used in, any waters other than waters specified in the permit.

Sec. 9. Minnesota Statutes 2008, section 84D.11, subdivision 2a, is amended to read:

Subd. 2a. **Harvest of bait from infested waters.** The commissioner may issue a permit to allow the harvest of bait:

(1) from waters that are designated as infested waters, except those designated because they contain prohibited invasive species of fish or certifiable diseases of fish as defined in section 17.4982, subdivision 6; and

(2) from infested waters as allowed under section 97C.341, paragraph (c).

The permit shall include conditions necessary to avoid spreading aquatic invasive species. Before receiving a permit, a person annually must satisfactorily complete aquatic invasive species-related training provided by the commissioner.

Sec. 10. Minnesota Statutes 2008, section 97A.015, subdivision 52, is amended to read:

Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, blackbird, starling, magpie, cormorant, common pigeon, Eurasian collared dove, chukar partridge, quail other than bobwhite quail, and mute swan.

Sec. 11. Minnesota Statutes 2008, section 97A.101, subdivision 3, is amended to read:

Subd. 3. **Fishing may not be restricted.** Seasons or methods of taking fish other than minnows may not be restricted under this section.

Sec. 12. Minnesota Statutes 2008, section 97A.311, subdivision 5, is amended to read:

Subd. 5. **Refunds.** (a) The commissioner may issue a refund on a license, not including any issuing fees paid under section 97A.485, subdivision 6, if the request is received within 90 days of the original license purchase and:

(1) the licensee dies before the opening of the licensed season. The original license and a copy of the death certificate must be provided to the commissioner;

(2) the licensee is unable to participate in the licensed activity because the licensee is called to active military duty or military leave is canceled during the entire open season of the licensed activity. The original license and a copy of the military orders or notice of cancellation of leave must be provided to the commissioner; ~~or~~

(3) the licensee purchased two licenses for the same license season in error; or

(4) the licensee was not legally required to purchase the license to participate in the activity.

(b) This subdivision does not apply to lifetime licenses.

Sec. 13. Minnesota Statutes 2008, section 97A.331, subdivision 4, is amended to read:

Subd. 4. **Taking and possessing big game out of season.** (a) A person that takes or illegally possesses big game during the closed season is guilty of a gross misdemeanor. The restitution value for a trophy deer taken or illegally possessed during the closed season is according to paragraphs (b) to (d).

(b) The restitution value for trophy deer shall be determined based on the animal's trophy score. The trophy score for deer shall be determined using the scoring system developed by the Boone and Crockett Club.

(c) For typical trophy deer, the following restitution values, based on the Boone and Crockett Club score, are:

(1) 135 or over and less than 160, \$2,000;

(2) 160 or over and less than 180, \$3,000;

(3) 180 or over and less than 200, \$4,000; and

(4) 200 or over, \$5,000.

(d) For nontypical trophy deer, the following restitution values, based on the Boone and Crockett Club score, are:

(1) 160 or over and less than 185, \$2,000;

(2) 185 or over and less than 205, \$3,000;

(3) 205 or over and less than 225, \$4,000; and

(4) 225 or over, \$5,000.

Sec. 14. Minnesota Statutes 2008, section 97A.345, is amended to read:

97A.345 RESTITUTION VALUE OF WILD ANIMALS.

(a) Except for trophy deer restitution values provided under section 97A.331, subdivision 4, the commissioner may, by rules adopted under chapter 14, prescribe the dollar value to the state of species of wild animals. The value may reflect the value to other persons to legally take the wild animal, the replacement cost, or the intrinsic value to the state of the wild animals. Species of wild animals with similar values may be grouped together.

(b) The value of a wild animal under the rules adopted by the commissioner is prima facie evidence of a wild animal's value under section 97A.341.

(c) The commissioner shall report annually to the legislature the amount of restitution collected under section 97A.341 and the manner in which the funds were expended.

Sec. 15. Minnesota Statutes 2008, section 97A.405, subdivision 2, is amended to read:

Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from an area where a licensed activity was performed must have in personal possession either: (1) the proper license, if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(b) If possession of a license or a license identification number is required, a person must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper license if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received. A person charged with violating the license possession requirement shall not be convicted if the person produces in court or the office of the arresting officer, the actual license previously issued to that person, which was valid at the time of arrest, or satisfactory proof that at the time of the arrest the person was validly licensed. Upon request of a conservation officer or peace officer, a licensee shall write the licensee's name in the presence of the officer to determine the identity of the licensee.

(c) If the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license. A pictorial migratory waterfowl, pheasant, trout and salmon, or walleye stamp shall be provided to the licensee after purchase of a stamp validation only if the licensee pays an additional \$2 fee that covers the costs of producing and mailing a pictorial stamp. A pictorial turkey stamp may be purchased for a \$2 fee that covers the costs of producing and mailing the pictorial stamp. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish fees for providing the pictorial stamps. The fees must be set in an amount that does not recover significantly more or less than the cost of producing and mailing the stamps. The fees are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply.

Sec. 16. Minnesota Statutes 2008, section 97A.421, subdivision 4a, is amended to read:

Subd. 4a. **Suspension for failure to appear in court or pay a fine or surcharge.** When a court reports to the commissioner that a person (1) has failed to appear in court ~~under the summons issued in response to a notice to appear or fails to comply with other orders of the court regarding the appearance or proceedings~~ for a violation of the game and fish laws or (2) has been convicted of violating a provision of the game and fish laws, has been sentenced to the payment of a fine or had a surcharge levied against them, and refused or failed to comply with that sentence or to pay the fine or surcharge, the commissioner shall suspend the game and fish license and permit privileges of the person until notified by the court that the person has appeared in court under clause (1) or that any fine or surcharge due the court has been paid under clause (2).

Sec. 17. Minnesota Statutes 2008, section 97A.433, is amended by adding a subdivision to read:

Subd. 5. **Mandatory separate selection.** The commissioner must conduct a separate selection for 20 percent of the elk licenses to be issued each year. Only individuals who have applied at least ten times for an elk license and who have never received a license are eligible for this separate selection.

Sec. 18. Minnesota Statutes 2008, section 97A.435, subdivision 1, is amended to read:

Subdivision 1. ~~Number of licenses to be issued~~ **License issuance.** The commissioner shall include in ~~a rule setting the dates for a turkey season the number of licenses to be issued~~ rules setting turkey seasons the methods for issuing licenses for those seasons.

Sec. 19. Minnesota Statutes 2008, section 97A.435, subdivision 4, is amended to read:

Subd. 4. **Separate selection of eligible licensees.** (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons who are owners or tenants of and who live on at least 40 acres of land in the area, and their immediate family members, are eligible applicants for turkey licenses for the separate selection. The qualifying land may be noncontiguous. Persons who are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season. A license issued under this subdivision is restricted to the permit area where the qualifying land is located.

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

Sec. 20. Minnesota Statutes 2009 Supplement, section 97A.445, subdivision 1a, is amended to read:

Subd. 1a. **Angling in a state park.** (a) A resident may take fish by angling without an angling license:

(1) when shore fishing or wading on state-owned land within a state park; ~~or~~

(2) when angling from a boat or float, ~~this subdivision applies only to those~~ or through the ice on water bodies completely encompassed within the statutory boundary of the state park.

(b) The exemption from an angling license does not apply to waters where a trout stamp is required.

Sec. 21. Minnesota Statutes 2008, section 97A.502, is amended to read:

97A.502 DEER KILLED BY MOTOR VEHICLES.

(a) Deer killed by a motor vehicle on a public road must be removed by the road authority, as defined by section 160.02, subdivision 25, unless the driver of the motor vehicle is allowed to possess the deer under paragraph (b). The commissioner of natural resources must provide to all road authorities standard forms for statistical purposes and the tracking of wild animals.

(b) The driver of a motor vehicle that has collided with and killed a deer on a public road has priority for a possession permit for the entire deer if the facts indicate that the deer was not taken illegally.

Sec. 22. Minnesota Statutes 2008, section 97A.535, subdivision 2a, is amended to read:

Subd. 2a. **Quartering of deer allowed.** A deer that has been tagged as required in subdivision 1 may be quartered at the site of the kill. The animal's head or genitalia must remain attached to one of the quarters for male deer taken in a lottery deer area or areas with antler point restrictions the animal's head must remain attached to one of the quarters. The quarters must be presented together for registration under subdivision 2 and must remain together until the deer is processed for storage.

Sec. 23. Minnesota Statutes 2008, section 97A.545, subdivision 5, is amended to read:

Subd. 5. **Birds must be in undressed condition; exceptions.** (a) Except as provided in paragraph (b), a person may ship or otherwise transport game birds in an undressed condition only.

(b) Paragraph (a) does not apply if the birds being shipped or otherwise transported:

(1) were taken on a shooting preserve and are marked or identified in accordance with section 97A.121, subdivision 5;

(2) were taken, dressed, and lawfully shipped or otherwise transported in another state; ~~or~~

(3) are migratory game birds that were lawfully tagged and packed by a federally permitted migratory bird preservation facility; ~~or~~

(4) are doves shipped or transported in accordance with federal law.

Sec. 24. Minnesota Statutes 2008, section 97B.015, subdivision 5a, is amended to read:

Subd. 5a. **Exemption for military personnel.** (a) Notwithstanding subdivision 5;

(1) a person who has successfully completed basic training in the United States armed forces is exempt from the range and shooting exercise portion of the required course of instruction for the firearms safety certificate; and

(2) a person who has successfully completed basic training and training as a sniper in the United States armed forces is exempt from both the classroom instruction and the range and shooting exercise portions of the required course of instruction for the firearms safety certificate.

(b) The commissioner may require written proof of the person's military training, as deemed appropriate for implementing this subdivision. The commissioner shall publicly announce ~~this exemption~~ these exemptions from the ~~range and shooting exercise requirement~~ respective requirements for the firearms safety certificate and the

availability of the department's online, remote study option for adults seeking firearms safety certification. Except as provided in paragraph (a), military personnel and veterans are not exempt from any other requirement the requirements of this section for obtaining a firearms safety certificate.

EFFECTIVE DATE. This section is effective July 1, 2010, for applications for firearms safety certificates received on or after that date.

Sec. 25. Minnesota Statutes 2008, section 97B.022, subdivision 2, is amended to read:

Subd. 2. **Apprentice hunter validation requirements.** A resident born after December 31, 1979, who is age ~~12~~ 13 or ~~older~~ over and who does not possess a hunter education firearms safety certificate may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only ~~one~~ two license ~~year~~ years in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game ~~and~~, deer, and bear only when accompanied by an adult licensed to hunt in Minnesota whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps.

Sec. 26. Minnesota Statutes 2008, section 97B.031, subdivision 5, is amended to read:

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

(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in writing by (1) a licensed physician; or a certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist; or (3) a licensed optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit.

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

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

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

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

Sec. 27. Minnesota Statutes 2009 Supplement, section 97B.055, subdivision 3, is amended to read:

Subd. 3. **Hunting from vehicle by disabled hunters.** (a) The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a person who obtains the required licenses and who has a permanent physical disability that is more substantial than discomfort from walking. The permit recipient must be:

(1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or other mechanical support or prosthetic device; or

(2) unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing.

(b) The permanent physical disability must be established by medical evidence verified in writing by a licensed physician ~~or~~, chiropractor, or certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician. The commissioner may request additional information from the physician or chiropractor if needed to verify the applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner may, in consultation with appropriate advocacy groups, establish reasonable minimum standards for permits to be issued under this section. In addition to providing the medical evidence of a permanent disability, the applicant must possess a valid disability parking certificate authorized by section 169.345 or license plates issued under section 168.021.

(c) A person issued a special permit under this subdivision and hunting deer may take a deer of either sex, except in those antlerless permit areas and seasons where no antlerless permits are offered. This subdivision does not authorize another member of a party to take an antlerless deer under section 97B.301, subdivision 3.

(d) A permit issued under this subdivision is valid for five years.

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

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this section is guilty of a misdemeanor. A physician, certified nurse practitioner, certified physician assistant, or chiropractor who fraudulently certifies to the commissioner that a person is permanently disabled as described in this section is guilty of a misdemeanor.

(g) Notwithstanding paragraph (d), the commissioner may issue a permit valid for the entire life of the applicant if the commissioner determines that there is no chance that an applicant will become ineligible for a permit under this section and the applicant requests a lifetime permit.

Sec. 28. Minnesota Statutes 2008, section 97B.075, is amended to read:

97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.

(a) A person may not take protected wild animals, except raccoon and fox, with a firearm between the evening and morning times established by commissioner's rule, except as provided in this section.

(b) Big game may be taken from one-half hour before sunrise until one-half hour after sunset.

(c) Except as otherwise prescribed by the commissioner on or before the Saturday nearest October 8, waterfowl may be taken from one-half hour before sunrise until sunset during the entire season prescribed by the commissioner. On the opening day of the duck season, shooting hours for migratory game birds, except woodcock and doves, begin at 9:00 a.m.

Sec. 29. Minnesota Statutes 2008, section 97B.106, subdivision 1, is amended to read:

Subdivision 1. **Qualifications for crossbow permits.** (a) The commissioner may issue a special permit, without a fee, to take big game, small game, or rough fish with a crossbow to a person that is unable to hunt or take rough fish by archery because of a permanent or temporary physical disability. A crossbow permit issued under this section also allows the permittee to use a bow with a mechanical device that draws, releases, or holds the bow at full draw as provided in section 97B.035, subdivision 1, paragraph (a).

(b) To qualify for a crossbow permit under this section, a temporary disability must render the person unable to hunt or fish by archery for a minimum of two years after application for the permit is made. The permanent or temporary disability must be established by medical evidence, and the inability to hunt or fish by archery for the required period of time must be verified in writing by (1) a licensed physician or a certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician; or (2) a licensed chiropractor. A person who has received a special permit under this section because of a permanent disability is eligible for subsequent special permits without providing medical evidence and verification of the disability.

(c) The person must obtain the appropriate license.

Sec. 30. Minnesota Statutes 2008, section 97B.325, is amended to read:

97B.325 DEER STAND RESTRICTIONS.

A person may not take deer from a constructed platform or other structure that is located within the right-of-way of an improved public highway ~~or is higher than 16 feet above the ground. The height restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.~~

Sec. 31. Minnesota Statutes 2008, section 97B.405, is amended to read:

97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.

(a) The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by rule, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.

(b) In the case of a drawing, the commissioner shall allow a person to apply for a permit in more than one area at the same time and rank the person's choice of area.

(c) A person selected through a drawing must purchase a license by the Friday closest to July 31. Any remaining available licenses not purchased shall be issued beginning the following Wednesday to those who applied unsuccessfully. Any remaining available licenses not purchased by unsuccessful applicants may then be issued the following week beginning on Wednesday to any eligible person as prescribed by the commissioner on a first-come, first-served basis.

Sec. 32. **97B.4251 BAITING BEAR; USE OF DRUM.**

Notwithstanding section 97B.425, a private landowner or person authorized by the private landowner may use a drum to bait bear on the person's private land. The drum must be securely chained or cabled to a tree so that it cannot be moved from the site by a bear and the drum may not include a mechanical device for dispensing feed. The drum must be marked with the name and address of the person who registered the bait site. For purposes of this section, "drum" means a 30 gallon or larger drum.

Sec. 33. Minnesota Statutes 2008, section 97B.515, is amended by adding a subdivision to read:

Subd. 4. **Taking elk causing damage or nuisance.** The commissioner may authorize the taking of elk that are causing damage or nuisance by licensed hunters from September 1 to March 1 under rules prescribed by the commissioner. The commissioner may select and issue licenses to hunters from lists of license applicants based on their interest, proximity, and availability to quickly respond to the damage or nuisance situation. A person receiving a license to hunt elk under this subdivision is not subject to the requirements of section 97A.433, subdivision 2, clause (2), and does not lose eligibility for future elk hunts.

Sec. 34. Minnesota Statutes 2009 Supplement, section 97B.811, subdivision 3, is amended to read:

Subd. 3. **Restrictions on leaving decoys unattended.** During the open season for waterfowl, a person may not leave decoys in public waters between sunset and two hours before lawful shooting hours or leave decoys unattended during other times for more than three consecutive hours unless:

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

~~(2) there is not natural vegetation growing in water sufficient to partially conceal a hunter and there is no public access to the water.~~

Sec. 35. Minnesota Statutes 2008, section 97B.911, is amended to read:

97B.911 MUSKRAT SEASONS.

(a) Except as provided in paragraph (b), the commissioner may establish open seasons and restrictions for taking muskrat.

(b) The fall open season for muskrat shall begin the third Saturday in October in the forest trapping zone.

Sec. 36. Minnesota Statutes 2008, section 97B.915, is amended to read:

97B.915 MINK SEASONS.

(a) Except as provided in paragraph (b), the commissioner may establish open seasons and restrictions for taking mink.

(b) The fall open season for mink shall begin the third Saturday in October in the forest trapping zone.

Sec. 37. Minnesota Statutes 2008, section 97B.921, is amended to read:

97B.921 OTTER SEASONS.

(a) Except as provided in paragraph (b), the commissioner may establish open seasons and restrictions for taking otter.

(b) The fall open season for otter shall begin the third Saturday in October in the forest trapping zone.

Sec. 38. Minnesota Statutes 2008, section 97B.925, is amended to read:

97B.925 BEAVER SEASONS.

(a) Except as provided in paragraph (b), the commissioner may establish open seasons and restrictions for taking beaver.

(b) The fall open season for beaver shall begin the third Saturday in October in the forest trapping zone.

Sec. 39. **[97B.927] INCIDENTAL TAKINGS.**

A person who incidentally takes a muskrat or otter in a beaver trap during the beaver season shall tag the animal with the person's name, license number, and the date, time, and place where the animal was taken. The person must notify a conservation officer no later than 24 hours after the taking. The person shall give the pelt of the animal to the Minnesota Trappers Association. All proceeds from the sale of the pelts must be used to support the association's education efforts.

Sec. 40. Minnesota Statutes 2008, section 97C.005, subdivision 3, is amended to read:

Subd. 3. **Seasons, limits, and other rules.** The commissioner may, in accordance with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on special management waters. The commissioner may, by written order published in the State Register, amend daily, possession, or size limits to make midseason adjustments that are necessary based on available harvest, angling pressure, and population data to manage the fisheries in the 1837 Ceded Territory in compliance with the court orders in Mille Lacs Band of Chippewa v. Minnesota, 119 S. Ct. 1187 (1999). The midseason adjustments in daily, possession, or size limits are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 41. Minnesota Statutes 2008, section 97C.087, subdivision 2, is amended to read:

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

Sec. 42. Minnesota Statutes 2008, section 97C.205, is amended to read:

97C.205 TRANSPORTING AND STOCKING FISH.

(a) Except on the water body where taken, a person may not transport a live fish in a quantity of water sufficient to keep the fish alive, unless the fish:

(1) is being transported under an aquaculture license as authorized under sections 17.4985 and 17.4986;

(2) is being transported for a fishing contest weigh-in under section 97C.081;

(3) is a minnow being transported under section 97C.505 or 97C.515;

(4) is being transported by a commercial fishing license holder under section 97C.821; or

(5) is being transported as otherwise authorized in this section or as prescribed for certifiable diseases under sections 17.46 to 17.4999.

(b) The commissioner may adopt rules to allow and regulate:

(1) the transportation of fish and fish eggs; and

(2) the stocking of waters with fish or fish eggs.

(c) The commissioner must allow the possession of fish on special management or experimental waters to be prepared as a meal on the ice or on the shore of that water body if the fish:

- (1) were lawfully taken;
- (2) have been packaged by a licensed fish packer; and
- (3) do not otherwise exceed the statewide possession limits.

(d) The commissioner shall prescribe rules designed to encourage local sporting organizations to propagate game fish by using rearing ponds. The rules must:

- (1) prescribe methods to acquire brood stock for the ponds by seining public waters;
- (2) allow the sporting organizations to own and use seines and other necessary equipment; and
- (3) prescribe methods for stocking the fish in public waters that give priority to the needs of the community where the fish are reared and the desires of the organization operating the rearing pond.

(e) A person age 16 or under may, for purposes of display in a home aquarium, transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie, white crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black, yellow, and brown bullheads taken by angling, except as otherwise ordered by the commissioner upon documentation of an emergency fish disease in Minnesota waters, as defined in section 17.4982, subdivision 9. No more than four of each species may be transported at any one time, and any individual fish can be no longer than ten inches in total length. The commissioner may, by written order published in the State Register, prohibit transportation of live fish under this paragraph to help prevent spread of an emergency fish disease documented to occur in Minnesota waters. The order is exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 43. Minnesota Statutes 2008, section 97C.315, subdivision 1, is amended to read:

Subdivision 1. **Lines.** An angler may not use more than one line except two lines may be used to take fish:

- (1) ~~two lines may be used to take fish through the ice; and or~~
- (2) ~~the commissioner may, by rule, authorize the use of two lines in areas designated by the commissioner in Lake Superior if the angler purchases a second line endorsement for \$10.~~

Sec. 44. Minnesota Statutes 2008, section 97C.341, is amended to read:

97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.

(a) A person may not use live minnows imported from outside of the state, game fish, goldfish, or carp for bait. The commissioner may authorize use of game fish eggs as bait and prescribe restrictions on their use.

(b) A person may not import or possess live, frozen, or processed bait from known waters where viral hemorrhagic septicemia has been identified as being present, except as provided in paragraph (c). For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians, invertebrates, and insects used for angling taking wild animals.

(c) Cisco and rainbow smelt taken under rules adopted by the commissioner may be used as:

(1) fresh or frozen bait on Lake Superior; or

(2) bait that has been processed to inactivate viral hemorrhagic septicemia in a manner prescribed by rules adopted by the commissioner.

Sec. 45. **[348.125] COYOTE CONFLICT MANAGEMENT OPTION.**

A county board may, by resolution, offer a bounty for the taking of coyotes (Canis latrans) by all legal methods. The resolution may be made applicable to the whole or any part of the county. The bounty must apply during the months specified in the resolution and be in an amount determined by the board.

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

Sec. 46. **LAKE FLORIDA FISHING RESTRICTIONS.**

The commissioner shall prohibit fishing on Lake Florida in the area surrounding the outlet and carp trap one month prior to the open season for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, as provided under Minnesota Statutes, section 97C.395, subdivision 1, paragraph (a), clause (1).

Sec. 47. **RULEMAKING; SPEARING ON CASS LAKE.**

The commissioner of natural resources shall amend Minnesota Rules, part 6264.0400, subpart 69, to allow a person to take fish by spearing on Cass Lake. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Sec. 48. **REPEALER.**

Minnesota Statutes 2008, sections 84.942, subdivisions 2, 3, and 4; 97A.435, subdivision 5; 97B.511; 97B.515, subdivision 3; and 97B.811, subdivision 4, are repealed."

Delete the title and insert:

"A bill for an act relating to game and fish; modifying aquaculture provisions; modifying provisions for taking, possessing, and transporting wild animals; modifying requirements for fish and wildlife management plans; modifying game and fish license provisions; amending Minnesota Statutes 2008, sections 17.4982, subdivision 12, by adding a subdivision; 17.4991, subdivision 3; 17.4994; 84.942, subdivision 1; 84D.03, subdivision 3; 84D.11, subdivision 2a; 97A.015, subdivision 52; 97A.101, subdivision 3; 97A.311, subdivision 5; 97A.331, subdivision 4; 97A.345; 97A.405, subdivision 2; 97A.421, subdivision 4a; 97A.433, by adding a subdivision; 97A.435, subdivisions 1, 4; 97A.502; 97A.535, subdivision 2a; 97A.545, subdivision 5; 97B.015, subdivision 5a; 97B.022, subdivision 2; 97B.031, subdivision 5; 97B.075; 97B.106, subdivision 1; 97B.325; 97B.405; 97B.515, by adding a subdivision; 97B.911; 97B.915; 97B.921; 97B.925; 97C.005, subdivision 3; 97C.087, subdivision 2; 97C.205; 97C.315, subdivision 1; 97C.341; Minnesota Statutes 2009 Supplement, sections 84.95, subdivision 2; 97A.445, subdivision 1a; 97B.055, subdivision 3; 97B.811, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; 97B; 348; repealing Minnesota Statutes 2008, sections 84.942, subdivisions 2, 3, 4; 97A.435, subdivision 5; 97B.511; 97B.515, subdivision 3; 97B.811, subdivision 4."

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

The report was adopted.

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

H. F. No. 3729, A bill for an act relating to the financing and operation of state and local government; making policy, technical, administrative, payment, enforcement, collection, refund, and other changes to individual income; corporate franchise, estate, sales and use, local taxes, gross receipts, gross revenues, cigarette, tobacco, insurance, property, minerals, petroleum, and other taxes and tax-related provisions; requiring sunset of new tax expenditures; property tax reform, accountability, value, and efficiency provisions; modifying certain payment schedules; making changes to tax-forfeited land, emergency debt certificate, local government aid, job opportunity building zone, special service district, agricultural preserve, tax increment financing, economic development authority, and special taxing district provisions; increasing and modifying certain borrowing authorities; modifying bond allocation provisions; specifying duties of assessors; requiring studies; providing appointments; appropriating money; amending Minnesota Statutes 2008, sections 60A.209, subdivision 1; 82B.035, subdivision 2; 103D.335, subdivision 17; 270.075, subdivisions 1, 2; 270.41, subdivision 5; 270C.11, subdivision 4; 270C.34, subdivision 1; 270C.52, subdivision 2; 270C.87; 270C.94, subdivision 3; 272.0213; 272.025, subdivisions 1, 3; 272.029, subdivisions 4, 7; 273.061, subdivisions 7, 8; 273.113, subdivision 3; 273.1231, subdivision 1; 273.1232, subdivision 1; 273.124, subdivisions 1, 8, 14; 273.13, subdivision 34; 273.1392; 275.71, subdivisions 4, 5; 276.02; 276.112; 279.01, subdivision 3; 279.025; 279.37, subdivision 1; 282.01, subdivisions 1, 1a, 1b, 1c, 1d, 2, 3, 4, 7, 7a, by adding subdivisions; 289A.08, subdivision 7; 289A.09, subdivision 2; 289A.10, subdivision 1; 289A.12, subdivision 14; 289A.30, subdivision 2; 289A.50, subdivisions 2, 4; 289A.60, subdivision 7, by adding a subdivision; 290.014, subdivision 2; 290.067, subdivision 1; 290.081; 290.0921, subdivision 3; 290.17, subdivision 2; 290.21, subdivision 4; 290B.03, by adding a subdivision; 290B.04, subdivisions 3, 4; 290B.05, subdivision 1; 291.03, by adding a subdivision; 295.55, subdivisions 2, 3; 297A.62, as amended; 297A.665; 297A.68, subdivision 39; 297A.70, subdivision 13; 297A.71, subdivisions 23, 39; 297A.995, subdivisions 10, 11; 297F.01, subdivision 22a; 297F.04, by adding a subdivision; 297F.07, subdivision 4; 297F.25, subdivision 1; 297I.01, subdivision 9; 297I.05, subdivision 7; 297I.30, subdivisions 1, 2, 7, 8; 297I.40, subdivisions 1, 5; 297I.65, by adding a subdivision; 298.282, subdivision 1; 428A.12; 428A.18, subdivision 2; 469.101, subdivision 1; 469.319, subdivision 5; 469.3193; 473.39, by adding a subdivision; 473H.05, subdivision 1; 474A.04, subdivision 6; 474A.091, subdivision 3; Minnesota Statutes 2009 Supplement, sections 134.34, subdivision 4; 137.025, subdivision 1; 273.114, subdivision 2; 273.124, subdivision 3a; 273.13, subdivisions 23, 25; 275.065, subdivision 3; 275.70, subdivision 5, as amended; 276.04, subdivision 2; 279.01, subdivision 1; 289A.18, subdivision 1; 289A.20, subdivision 4; 290.01, subdivisions 19a, 19b, as amended, 19d; 290.06, subdivision 2c; 290.0671, subdivision 1; 290.091, subdivision 2; 290B.03, subdivision 1; 291.005, subdivision 1, as amended; 297I.35, subdivision 2; 475.755; 477A.011, subdivision 36, as amended; 477A.013, subdivision 8; Laws 2001, First Special Session chapter 5, article 3, section 50, as amended; Laws 2002, chapter 377, article 3, section 25, as amended; Laws 2009, chapter 88, article 2, section 49; article 4, sections 5; 23, subdivision 4; Laws 2010, chapter 216, sections 3, subdivision 6; by adding subdivisions; 4, subdivisions 1, 2, 4, 6, 7, 8; proposing coding for new law in Minnesota Statutes, chapters 3; 6; 270C; 273; 296A; 524; 645; repealing Minnesota Statutes 2008, sections 282.01, subdivisions 9, 10, 11; 297I.30, subdivisions 4, 5, 6; 383A.76.

Reported the same back with the following amendments:

Page 93, after line 28, insert:

"Sec. 24. Laws 2010, chapter 216, section 2, subdivision 3, is amended to read:

Subd. 3. **Certification of qualified investors.** (a) Investors may apply to the commissioner for certification as a qualified investor for a taxable year. The application must be in the form and be made under the procedures specified by the commissioner, accompanied by an application fee of \$350. Application fees are deposited in the small business investment tax credit administration account in the special revenue fund. The application for certification for 2010 must be made available on the department's Web site by August 1, 2010. Applications for subsequent years' certification must be made available on the department's Web site by November 1 of the preceding year.

(b) Within 30 days of receiving an application for certification under this subdivision, the commissioner must either certify the investor as satisfying the conditions required of a qualified investor, request additional information from the investor, or reject the application for certification. If the commissioner requests additional information from the investor, the commissioner must either certify the investor or reject the application within 30 days of receiving the additional information. If the commissioner neither certifies the investor nor rejects the application within 30 days of receiving the original application or within 30 days of receiving the additional information requested, whichever is later, then the application is deemed rejected, and the commissioner must refund the \$350 application fee. An investor who applies for certification and is rejected may reapply.

(c) To receive certification, an investor must (1) be a natural person; and (2) certify to the commissioner that the investor will only invest in a transaction that is exempt under section 80A.46, clause (13) or (14), or in a security registered under section 80A.50, paragraph (b).

(d) In order for a qualified investment in a qualified small business to be eligible for tax credits, a qualified investor who makes the investment must have applied for and received certification for the calendar year prior to making the qualified investment, except in the case of an investor who is not an accredited investor, within the meaning of Regulation D of the Securities and Exchange Commission, Code of Federal Regulations, title 17, section 230.501, paragraph (a), application for certification may be made within 30 days after making the qualified investment.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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. 3786, A bill for an act relating to real property transfers; prohibiting private transfer fees; proposing coding for new law in Minnesota Statutes, chapter 513.

Reported the same back with the following amendments:

Page 5, after line 12, insert:

"Sec. 5. Laws 2010, chapter 238, section 7, is amended to read:

Sec. 7. **EFFECTIVE DATE; APPLICATION.**

Sections 2 to 6 are effective January 1, 2011. Sections 4 to 6 apply retroactively to child support judgments, including judgments by operation of law, that have not expired before January 1, 2011. Sections 2, 3, 5, and 6 are effective January 1, 2011. Sections 5 and 6 apply retroactively to child support judgments, including judgments by operation of law, that have not expired before January 1, 2011. Section 4 is effective July 1, 2011, and applies retroactively to child support judgments, including judgments by operation of law, that have not expired before July 1, 2011."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "real property transfers; prohibiting private transfer fees" and insert "state regulation; prohibiting real property private transfer fees; modifying effective date of certain child support provisions"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 3729 and 3786 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Hilstrom introduced:

H. F. No. 3828, A bill for an act relating to civil actions; establishing a cause of action for intentional interference with the expectation of inheritance; proposing coding for new law in Minnesota Statutes, chapter 604.

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

Winkler, Kelliher, Sertich, Garofalo and Hortman introduced:

H. F. No. 3829, A bill for an act relating to judicial selection; proposing an amendment to the Minnesota Constitution, article VI, sections 7 and 8; establishing retention elections for judges; creating a judicial performance commission; appropriating money; amending Minnesota Statutes 2008, sections 10A.01, subdivisions 7, 10, 15; 10A.14, subdivision 1; 10A.20, subdivisions 2, 4, by adding a subdivision; 204B.06, subdivision 6; 204B.11, by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 13; 204D; 480B; repealing Minnesota Statutes 2008, sections 204B.36, subdivision 5; 204D.14, subdivision 3.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3386, A bill for an act relating to real property; requiring performance guidelines for certain residential contracts; modifying statutory warranties; requiring notice and opportunity to repair; providing for dispute resolution procedures; requiring a report; amending Minnesota Statutes 2008, sections 302A.781, subdivision 4; 326B.809; 327A.01, by adding a subdivision; 327A.02, subdivision 4, by adding subdivisions; 327A.03; proposing coding for new law in Minnesota Statutes, chapter 327A.

The Senate has appointed as such committee:

Senators Saltzman, Scheid and Limmer.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

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

H. F. No. 3589, A bill for an act relating to state government; reducing the reporting threshold for contracts for professional or technical services; amending Minnesota Statutes 2008, section 16C.08, subdivision 4.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kath moved that the House concur in the Senate amendments to H. F. No. 3589 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3589, A bill for an act relating to state government; reducing the reporting threshold for contracts for professional or technical services; amending Minnesota Statutes 2008, section 16C.08, subdivision 4.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|--------|--------|----------|----------|---------|
| Abeler | Anzelc | Bigham | Brynaert | Champion | Davnie |
| Anderson, B. | Atkins | Bly | Buesgens | Clark | Dean |
| Anderson, P. | Beard | Brod | Bunn | Cornish | Demmer |
| Anderson, S. | Benson | Brown | Carlson | Davids | Dettmer |

| | | | | | |
|------------|-----------|------------|-------------|-----------|-----------|
| Dill | Hausman | Kelly | Marquart | Pelowski | Slawik |
| Dittrich | Haws | Kiffmeyer | Masin | Peppin | Slocum |
| Doepke | Hayden | Knuth | McFarlane | Persell | Smith |
| Doty | Hilstrom | Koenen | McNamara | Peterson | Solberg |
| Downey | Hilty | Kohls | Morgan | Poppe | Sterner |
| Drazkowski | Holberg | Laine | Morrow | Reinert | Swails |
| Eastlund | Hoppe | Lanning | Mullery | Rosenthal | Thao |
| Eken | Hornstein | Lenczewski | Murdock | Rukavina | Thissen |
| Falk | Hortman | Lesch | Murphy, E. | Ruud | Tillberry |
| Faust | Hosch | Liebling | Murphy, M. | Sailer | Torkelson |
| Fritz | Howes | Lieder | Nelson | Sanders | Urdahl |
| Gardner | Huntley | Lillie | Newton | Scalze | Wagenius |
| Garofalo | Jackson | Loeffler | Nornes | Scott | Ward |
| Gottwalt | Johnson | Loon | Norton | Seifert | Welti |
| Greiling | Juhnke | Mack | Obermueller | Sertich | Westrom |
| Gunther | Kahn | Magnus | Olin | Severson | Winkler |
| Hamilton | Kalin | Mahoney | Otremba | Shimanski | Zellers |
| Hansen | Kath | Mariani | Paymar | Simon | |

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

Madam Speaker:

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

S. F. No. 2912.

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

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2912

A bill for an act relating to human services; amending children's mental health policy provisions; making a technical change to community health workers; amending Minnesota Statutes 2008, sections 256B.761; 260C.157, subdivision 3; Minnesota Statutes 2009 Supplement, sections 245.4885, subdivisions 1, 1a; 256B.0625, subdivision 49; 256B.0943, subdivision 9.

April 26, 2010

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2912 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: LINDA BERGLIN and ANN LYNCH.

House Conferees: LARRY HOSCH, PAUL GARDNER and TARA MACK.

Hosch moved that the report of the Conference Committee on S. F. No. 2912 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2912, A bill for an act relating to human services; amending children's mental health policy provisions; making a technical change to community health workers; amending Minnesota Statutes 2008, sections 256B.761; 260C.157, subdivision 3; Minnesota Statutes 2009 Supplement, sections 245.4885, subdivisions 1, 1a; 256B.0625, subdivision 49; 256B.0943, subdivision 9.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|-------------|-----------|
| Abeler | Demmer | Hayden | Lanning | Nelson | Sertich |
| Anderson, B. | Dettmer | Hilstrom | Lenczewski | Newton | Severson |
| Anderson, P. | Dill | Hilty | Lesch | Nornes | Shimanski |
| Anderson, S. | Dittrich | Holberg | Liebling | Norton | Simon |
| Anzelc | Doepke | Hoppe | Lieder | Obermueller | Slawik |
| Atkins | Doty | Hornstein | Lillie | Olin | Slocum |
| Beard | Downey | Hortman | Loeffler | Otremba | Smith |
| Benson | Drazkowski | Hosch | Loon | Paymar | Solberg |
| Bigham | Eastlund | Howes | Mack | Pelowski | Sterner |
| Bly | Eken | Huntley | Magnus | Peppin | Swails |
| Brod | Falk | Jackson | Mahoney | Persell | Thao |
| Brown | Faust | Johnson | Mariani | Peterson | Thissen |
| Brynaert | Fritz | Juhnke | Marquart | Poppe | Tillberry |
| Buesgens | Gardner | Kahn | Masin | Reinert | Torkelson |
| Bunn | Garofalo | Kalin | McFarlane | Rosenthal | Urdahl |
| Carlson | Gottwalt | Kath | McNamara | Rukavina | Wagenius |
| Champion | Greiling | Kelly | Morgan | Ruud | Ward |
| Clark | Gunther | Kiffmeyer | Morrow | Sailer | Welti |
| Cornish | Hamilton | Knuth | Mullery | Sanders | Westrom |
| Davids | Hansen | Koenen | Murdock | Scalze | Winkler |
| Davnie | Hausman | Kohls | Murphy, E. | Scott | Zellers |
| Dean | Haws | Laine | Murphy, M. | Seifert | |

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

Madam Speaker:

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

S. F. No. 2370.

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

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2370

A bill for an act relating to motor vehicles; prohibiting vehicle dealers from selling vehicles that do not comply with vehicle equipment and material requirements; prohibiting sale of illegally tinted motor vehicle windows; amending Minnesota Statutes 2008, sections 168.27, by adding a subdivision; 169.71, by adding a subdivision; repealing Minnesota Statutes 2008, section 168.27, subdivision 30.

April 27, 2010

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2370 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: SANDRA PAPPAS and STEVE MURPHY.

House Conferees: CARLOS MARIANI, FRANK HORNSTEIN and TONY CORNISH.

Mariani moved that the report of the Conference Committee on S. F. No. 2370 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2370, A bill for an act relating to motor vehicles; prohibiting vehicle dealers from selling vehicles that do not comply with vehicle equipment and material requirements; prohibiting sale of illegally tinted motor vehicle windows; amending Minnesota Statutes 2008, sections 168.27, by adding a subdivision; 169.71, by adding a subdivision; repealing Minnesota Statutes 2008, section 168.27, subdivision 30.

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

The question was taken on the repassage of the bill and the roll was called. There were 110 yeas and 21 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|--------|--------|----------|----------|--------|
| Abeler | Anzelc | Bigham | Brynaert | Champion | Dauids |
| Anderson, P. | Atkins | Bly | Bunn | Clark | Davnie |
| Anderson, S. | Benson | Brown | Carlson | Cornish | Demmer |

| | | | | | |
|----------|-----------|------------|-------------|-----------|-----------|
| Dettmer | Hayden | Knuth | Masin | Paymar | Sterner |
| Dill | Hilstrom | Koenen | McFarlane | Pelowski | Swails |
| Dittrich | Hilty | Laine | McNamara | Persell | Thao |
| Doepke | Hornstein | Lanning | Morgan | Peterson | Thissen |
| Doty | Hortman | Lenczewski | Morrow | Poppe | Tillberry |
| Eken | Hosch | Lesch | Mullery | Reinert | Torkelson |
| Falk | Howes | Liebling | Murdock | Rosenthal | Urdahl |
| Faust | Huntley | Lieder | Murphy, E. | Rukavina | Wagenius |
| Fritz | Jackson | Lillie | Murphy, M. | Ruud | Ward |
| Gardner | Johnson | Loeffler | Nelson | Sailer | Welti |
| Greiling | Juhnke | Loon | Newton | Scalze | Winkler |
| Gunther | Kahn | Mack | Nornes | Sertich | Zellers |
| Hamilton | Kalin | Magnus | Norton | Simon | |
| Hansen | Kath | Mahoney | Obermueller | Slawik | |
| Hausman | Kelly | Mariani | Olin | Slocum | |
| Haws | Kiffmeyer | Marquart | Otremba | Solberg | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|----------|---------|-----------|---------|
| Anderson, B. | Dean | Garofalo | Kohls | Seifert | Westrom |
| Beard | Downey | Gottwalt | Peppin | Severson | |
| Brod | Drazkowski | Holberg | Sanders | Shimanski | |
| Buesgens | Eastlund | Hoppe | Scott | Smith | |

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

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 655

A bill for an act relating to elections; requiring an affidavit of candidacy to state the candidate's residence address and telephone number; prohibiting placement of a candidate on the ballot if residency requirements are not met; amending Minnesota Statutes 2008, section 204B.06, subdivision 1.

May 3, 2010

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 655 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 655 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 13.607, is amended by adding a subdivision to read:

Subd. 8. **Candidates for office; address of residence.** The address of residence of certain candidates for office is classified as provided in section 204B.06, subdivision 1b.

Sec. 2. Minnesota Statutes 2008, section 204B.06, is amended by adding a subdivision to read:

Subd. 1b. **Address and telephone number.** (a) An affidavit of candidacy must state a telephone number where the candidate can be contacted. An affidavit must also state the candidate's address of residence as determined under section 200.031, or at the candidate's request in accordance with paragraph (c), the candidate's campaign contact address. The form for the affidavit of candidacy must allow the candidate to request, if eligible, that the candidate's address of residence be classified as private data, and to provide the certification required under paragraph (c) for classification of that address.

(b) For an office whose residency requirement must be satisfied by the close of the filing period, a registered voter in this state may request in writing that the filing officer receiving the affidavit of candidacy review the address as provided in this paragraph, at any time up to one day after the last day for filing for office. If requested, the filing officer must determine whether the address provided in the affidavit of candidacy is within the area represented by the office the candidate is seeking. If the filing officer determines that the address is not within the area represented by the office, the filing officer must immediately notify the candidate and the candidate's name must be removed from the ballot for that office. A determination made by a filing officer under this paragraph is subject to judicial review under section 204B.44.

(c) If the candidate requests that the candidate's address of residence be classified as private data, the candidate must list the candidate's address of residence on a separate form to be attached to the affidavit. The candidate must also certify on the affidavit that a police report has been submitted or an order for protection has been issued in regard to the safety of the candidate or the candidate's family. The address of residence provided by a candidate who makes a request for classification on the candidate's affidavit of candidacy and provides the certification required by this paragraph is classified as private data, as defined in section 13.02, subdivision 12, but may be reviewed by the filing officer as provided in this subdivision.

(d) The requirements of this subdivision do not apply to affidavits of candidacy for a candidate for: (1) judicial office; (2) the office of county attorney; or (3) county sheriff.

EFFECTIVE DATE. This section is effective on May 18, 2010.

Sec. 3. Minnesota Statutes 2008, section 211B.20, is amended to read:

211B.20 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS.

Subdivision 1. **Prohibition.** (a) It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways to a candidate who has filed for election to public office or to campaign workers accompanied by the candidate, if the candidate and workers seeking admittance to the facility do so solely for the purpose of campaigning. a candidate who has:

(1) organized a campaign committee under applicable federal or state law;

(2) filed a financial report as required by section 211A.02; or

(3) filed an affidavit of candidacy for elected office.

A candidate granted access under this section must be allowed to be accompanied by campaign volunteers.

(b) Access to a facility or area is only required if it is located within the district or territory that will be represented by the office to which the candidate seeks election, and the candidate and any accompanying campaign volunteers seek access exclusively for the purpose of campaigning for a candidate or registering voters. The candidate must be seeking election to office at the next general or special election to be held for that office.

(c) A candidate and any accompanying campaign volunteers granted access under this section must be permitted to leave campaign materials for residents at their doors, except that the manager of a nursing home may direct that the campaign materials be left at a central location within the facility. The campaign materials must be left in an orderly manner.

(d) If a facility or area contains multiple buildings, a candidate and accompanying volunteers must be permitted to access more than one building on a single visit, but access is limited to only one building at a time. If multiple candidates are traveling together, each candidate and that candidate's accompanying volunteers is limited to one building at a time, but all of the candidates and accompanying volunteers traveling together must not be restricted to accessing the same building at the same time.

(e) A violation of this section is a petty misdemeanor.

Subd. 2. **Exceptions.** Subdivision 1 does not prohibit:

(1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;

(2) requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;

(3) in the case of a nursing home or a registered housing with services establishment providing assisted living services meeting the requirements of section 144G.03, subdivision 2, denial of permission to visit certain persons for valid health reasons;

(4) limiting visits by candidates or ~~workers~~ volunteers accompanied by the candidate to a reasonable number of persons or reasonable hours;

(5) requiring a prior appointment to gain access to the facility; or

(6) denial of admittance to or expulsion from a multiple unit dwelling for good cause.

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

Sec. 4. Laws 2010, chapter 194, section 9, subdivision 2, is amended to read:

Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board shall take possession of all return envelopes delivered to them in accordance with section 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk, two or more members of the ballot board shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.

(b) The members of the ballot board shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if a majority of the members of the ballot board examining the envelope are satisfied that:

(1) the voter's name and address on the return envelope are the same as the information provided on the absentee ballot application;

(2) the voter signed the certification on the envelope;

(3) the voter's Minnesota driver's license, state identification number, or the last four digits of the voter's Social Security number are the same as the number provided on the voter's application for ballots. If the number does not match the number as submitted on the application, or if a number was not submitted on the application, the election judges must compare the signature provided by the applicant to determine whether the ballots were returned by the same person to whom they were transmitted;

(4) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the return envelope; ~~and~~

(5) the certificate has been completed as prescribed in the directions for casting an absentee ballot; and

(6) the voter has not already voted at that election, either in person or, if it is after the close of business on the fourth day before the election, by absentee ballot.

The return envelope from accepted ballots must be preserved and returned to the county auditor.

(c)(1) If a majority of the members of the ballot board examining a return envelope find that an absentee voter has failed to meet one of the requirements provided in paragraph (b), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," list the reason for the rejection on the envelope, and return it to the county auditor. There is no other reason for rejecting an absentee ballot beyond those permitted by this section. Failure to place the ballot within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

(2) If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the rejected ballot.

(3) If an envelope is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

(d) The official in charge of the absentee ballot board must mail the voter a written notice of absentee ballot rejection between six and ten weeks following the election. If the official determines that the voter has otherwise cast a ballot in the election, no notice is required. If an absentee ballot arrives after the deadline for submission provided by this chapter, the notice must be provided between six to ten weeks after receipt of the ballot. A notice of absentee ballot rejection must contain the following information:

(1) the date on which the absentee ballot was rejected or, if the ballot was received after the required deadline for submission, the date on which the ballot was received;

(2) the reason for rejection; and

(3) the name of the appropriate election official to whom the voter may direct further questions, along with appropriate contact information.

(e) An absentee ballot return envelope marked "Rejected" may not be opened or subject to further review except in an election contest filed pursuant to chapter 209.

EFFECTIVE DATE. This section is effective June 25, 2010."

Delete the title and insert:

"A bill for an act relating to elections; requiring an affidavit of candidacy to state the candidate's residence address or campaign contact address and telephone number; classifying certain information; prohibiting placement of a candidate on the ballot if residency requirements are not met; modifying candidate access to certain facilities; requiring completion of absentee ballot certificate as prescribed in directions before acceptance by ballot board; amending Minnesota Statutes 2008, sections 13.607, by adding a subdivision; 204B.06, by adding a subdivision; 211B.20; Laws 2010, chapter 194, section 9, subdivision 2."

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

House Conferees: PHYLLIS KAHN, NORA SLAWIK and MARY LIZ HOLBERG.

Senate Conferees: SANDRA PAPPAS, KATIE SIEBEN and CHRIS GERLACH.

Kahn moved that the report of the Conference Committee on H. F. No. 655 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 655, A bill for an act relating to elections; requiring an affidavit of candidacy to state the candidate's residence address and telephone number; prohibiting placement of a candidate on the ballot if residency requirements are not met; amending Minnesota Statutes 2008, section 204B.06, subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|-------------|-----------|
| Abeler | Demmer | Hayden | Lanning | Nelson | Sertich |
| Anderson, B. | Dettmer | Hilstrom | Lenczewski | Newton | Severson |
| Anderson, P. | Dill | Hilty | Lesch | Nornes | Shimanski |
| Anderson, S. | Dittrich | Holberg | Liebling | Norton | Simon |
| Anzelc | Doepke | Hoppe | Lieder | Obermueller | Slawik |
| Atkins | Doty | Hornstein | Lillie | Olin | Slocum |
| Beard | Downey | Hortman | Loeffler | Otremba | Smith |
| Benson | Drazkowski | Hosch | Loon | Paymar | Solberg |
| Bigham | Eastlund | Howes | Mack | Pelowski | Sterner |
| Bly | Eken | Huntley | Magnus | Peppin | Swails |
| Brod | Falk | Jackson | Mahoney | Persell | Thao |
| Brown | Faust | Johnson | Mariani | Peterson | Thissen |
| Brynaert | Fritz | Juhnke | Marquart | Poppe | Tillberry |
| Buesgens | Gardner | Kahn | Masin | Reinert | Torkelson |
| Bunn | Garofalo | Kalin | McFarlane | Rosenthal | Urdahl |
| Carlson | Gottwalt | Kath | McNamara | Rukavina | Wagenius |
| Champion | Greiling | Kelly | Morgan | Ruud | Ward |
| Clark | Gunther | Kiffmeyer | Morrow | Sailer | Walti |
| Cornish | Hamilton | Knuth | Mullery | Sanders | Westrom |
| Davids | Hansen | Koenen | Murdock | Scalze | Winkler |
| Davnie | Hausman | Kohls | Murphy, E. | Scott | Zellers |
| Dean | Haws | Laine | Murphy, M. | Seifert | |

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2668

A bill for an act relating to landlord and tenant; modifying certain procedures relating to expungement; providing procedures relating to the charging and recovery of various fees; providing certain rights to tenants of foreclosed properties; amending Minnesota Statutes 2008, sections 484.014, subdivision 3; 504B.111; 504B.173; 504B.178, subdivision 7; 504B.215, subdivision 4; 504B.271, subdivisions 1, 2; 504B.285, by adding subdivisions; 504B.291, subdivision 1; 504B.365, subdivision 4; Minnesota Statutes 2009 Supplement, section 504B.285, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 504B.

April 30, 2010

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 2668 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 2668 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 484.014, subdivision 3, is amended to read:

Subd. 3. **Mandatory expungement.** The court shall order expungement of an eviction case commenced solely on the grounds provided in section 504B.285, subdivision 1, clause (1), if the court finds that the defendant occupied real property that was subject to contract for deed cancellation or mortgage foreclosure and:

(1) the time for contract cancellation or foreclosure redemption has expired and the defendant vacated the property prior to commencement of the eviction action; or

(2) the defendant was a tenant during the contract cancellation or foreclosure redemption period and did not receive a notice under section 504B.285, subdivision 4 1a, 1b, or 1c, ~~clause (1)~~, to vacate on a date prior to commencement of the eviction case.

Sec. 2. **[504B.118] RECEIPT FOR RENT PAID IN CASH.**

A landlord receiving rent or other payments from a tenant in cash must provide a written receipt for payment immediately upon receipt if the payment is made in person, or within three business days if payment in cash is not made in person.

Sec. 3. **[504B.172] RECOVERY OF ATTORNEY FEES.**

If a residential lease specifies an action, circumstances, or an extent to which a landlord, directly, or through additional rent, may recover attorney fees in an action between the landlord and tenant, the tenant is entitled to attorney fees if the tenant prevails in the same type of action, under the same circumstances, and to the same extent as specified in the lease for the landlord.

EFFECTIVE DATE. This section is effective for leases entered into on or after August 1, 2011, and for leases renewed on or after August 1, 2012.

Sec. 4. Minnesota Statutes 2008, section 504B.173, is amended to read:

504B.173 APPLICANT SCREENING FEE.

Subdivision 1. ~~Limit on number of applicant screening fees~~ **Limitations.** A landlord ~~or the landlord's agent~~ may not:

(1) charge an applicant a screening fee when the landlord knows or should have known that no rental unit is available at that time or will be available within a reasonable future time;

(2) collect or hold an applicant screening fee without giving the applicant a written receipt for the fee, which may be incorporated into the application form, upon request of the applicant; or

(3) use, cash, or deposit an applicant screening fee until all prior applicants have either been screened and rejected, or offered the unit and declined to enter into a rental agreement.

Subd. 2. **Return of applicant screening fee.** ~~If the landlord or the landlord's agent does not perform a personal reference check or does not obtain a consumer credit report or tenant screening report, the landlord or the landlord's agent shall return any amount of the screening fee that is not used for those purposes.~~ (a) The landlord must return the applicant screening fee if:

(1) the applicant is rejected for any reason not listed in the disclosure required under subdivision 3; or

(2) a prior applicant is offered the unit and agrees to enter into a rental agreement.

(b) If the landlord does not perform a personal reference check or does not obtain a consumer credit report or tenant screening report, the landlord must return any amount of the applicant screening fee that is not used for those purposes.

(c) The applicant screening fee may be returned by mail, may be destroyed upon the applicant's request if paid by check, or may be made available for the applicant to retrieve.

Subd. 3. **Disclosures to applicant.** ~~If a landlord or the landlord's agent, prior to taking an application~~ accepts an applicant screening fee from a prospective tenant, the landlord must:

(1) disclose on the application form or orally in writing prior to accepting the applicant screening fee:

(i) the name, address, and telephone number of the tenant screening service the owner landlord will use, unless the owner landlord does not use a tenant screening service; and

(ii) the criteria on which the decision to rent to the prospective tenant will be based; and

(2) notify the applicant within 14 days of rejecting a rental application, identifying the criteria the applicant failed to meet.

Subd. 4. **Remedies.** (a) In addition to any other remedies, a landlord who violates this section is liable to the applicant for the application applicant screening fee plus a civil penalty of up to \$100, civil court filing costs, and reasonable attorney fees incurred to enforce this remedy.

(b) A prospective tenant who provides materially false information on the application or omits material information requested is liable to the landlord for damages, plus a civil penalty of up to \$500, civil court filing costs, and reasonable attorney fees.

Sec. 5. **[504B.177] LATE FEES.**

(a) A landlord of a residential building may not charge a late fee if the rent is paid after the due date, unless the tenant and landlord have agreed in writing that a late fee may be imposed. The agreement must specify when the late fee will be imposed. In no case may the late fee exceed eight percent of the overdue rent payment. Any late fee charged or collected is not considered to be either interest or liquidated damages. For purposes of this paragraph, the "due date" does not include a date, earlier than the date contained in the written or oral lease by which, if the rent is paid, the tenant earns a discount.

(b) If a federal statute, regulation, or handbook providing for late fees for a tenancy subsidized under a federal program conflicts with paragraph (a), then the landlord may continue to publish and implement a late payment fee schedule that complies with the federal statute, regulation, or handbook.

EFFECTIVE DATE. This section is effective January 1, 2011, for leases entered into or renewed on or after that date.

Sec. 6. Minnesota Statutes 2008, section 504B.178, subdivision 7, is amended to read:

Subd. 7. **Bad faith retention.** The bad faith retention by a landlord of a deposit, the interest thereon, or any portion thereof, in violation of this section shall subject the landlord to punitive damages not to exceed ~~\$200~~ \$500 for each deposit in addition to the damages provided in subdivision 4. If the landlord has failed to comply with the provisions of subdivision 3 or 5, retention of a deposit shall be presumed to be in bad faith unless the landlord returns the deposit within two weeks after the commencement of any action for the recovery of the deposit.

Sec. 7. Minnesota Statutes 2008, section 504B.215, subdivision 2a, is amended to read:

Subd. 2a. **Conditions of separate utility billing to tenant in single-meter buildings.** ~~If the (a) A~~ (a) A landlord of a single-metered residential building who bills for utility charges separate from the rent, ~~the following conditions apply:~~

(1) ~~must provide~~ prospective tenants ~~must be provided~~ notice of the total utility cost for the building for each month of the most recent calendar year; ~~and~~

(2) ~~must predetermine and put in writing for all leases~~ an equitable method of apportionment and the frequency of billing by the landlord ~~must be predetermined and put in writing for all leases.~~

(3) ~~must include in the lease must contain~~ a provision that, upon a tenant's request, ~~a~~ the landlord must provide a copy of the actual utility bill for the building along with each apportioned utility bill. Upon a tenant's request, a landlord must also provide past copies of actual utility bills for any period of the tenancy for which the tenant received an apportioned utility bill. Past copies of utility bills must be provided for the preceding two years or from the time the current landlord acquired the building, whichever is most recent; ~~and~~

~~The landlord of a single-metered residential building who bills separately for utilities~~ (4) may, if the landlord and tenant agree, provide tenants with a lease term of one year or more the option to pay those bills under an annualized budget plan providing for level monthly payments based on a good faith estimate of the annual bill.

(b) By September 30 of each year, a landlord of a single-metered residential building who bills for gas and electric utility charges separate from rent ~~shall~~ must inform tenants in writing of the possible availability of energy assistance from the low income home energy assistance program. The information must contain the toll-free telephone number of the administering agency.

(c) A failure by the landlord to comply with this subdivision is a violation of sections 504B.161, subdivision 1, clause (1), and 504B.221.

Sec. 8. Minnesota Statutes 2008, section 504B.271, subdivision 1, is amended to read:

Subdivision 1. **Abandoned property.** (a) If a tenant abandons rented premises, the landlord may take possession of the tenant's personal property remaining on the premises, and shall store and care for the property. The landlord has a claim against the tenant for reasonable costs and expenses incurred in removing the tenant's property and in storing and caring for the property.

(b) The landlord may sell or otherwise dispose of the property ~~60~~ 28 days after the landlord receives actual notice of the abandonment, or ~~60~~ 28 days after it reasonably appears to the landlord that the tenant has abandoned the premises, whichever occurs last, ~~and~~.

(c) ~~The landlord~~ may apply a reasonable amount of the proceeds of ~~the a~~ sale to the removal, care, and storage costs and expenses or to any claims authorized pursuant to section 504B.178, subdivision 3, paragraphs (a) and (b). Any remaining proceeds of any sale shall be paid to the tenant upon written demand.

(d) Prior to ~~the a~~ sale, the landlord shall make reasonable efforts to notify the tenant of the sale at least 14 days prior to the sale, by personal service in writing or sending written notification of the sale by first-class and certified mail, return receipt requested, to the tenant's last known address or usual place of abode, if known by the landlord, and by posting notice of the sale in a conspicuous place on the premises ~~for~~ at least two weeks ~~prior to the sale~~. If notification by mail is used, the 14-day period shall be deemed to start on the day the notices are deposited in the United States mail.

Sec. 9. Minnesota Statutes 2008, section 504B.271, subdivision 2, is amended to read:

Subd. 2. **Landlord's punitive damages.** If a landlord, an agent, or other person acting under the landlord's direction or control, in possession of a tenant's personal property, fails to allow the tenant to retake possession of the property within 24 hours after written demand by the tenant or the tenant's duly authorized representative or within 48 hours, exclusive of weekends and holidays, after written demand by the tenant or a duly authorized representative when the landlord, the landlord's agent or person acting under the landlord's direction or control has removed and stored the personal property in accordance with subdivision 1 in a location other than the premises, the tenant shall recover from the landlord punitive damages in an amount not to exceed \$300 twice the actual damages or \$1,000, whichever is greater, in addition to actual damages and reasonable attorney's fees.

In determining the amount of punitive damages the court shall consider (1) the nature and value of the property; (2) the effect the deprivation of the property has had on the tenant; (3) if the landlord, an agent, or other person acting under the landlord's direction or control unlawfully took possession of the tenant's property; and (4) if the landlord, an agent, or other person under the landlord's direction or control acted in bad faith in failing to allow the tenant to retake possession of the property.

The provisions of this subdivision do not apply to personal property which has been sold or otherwise disposed of by the landlord in accordance with subdivision 1, or to landlords who are housing authorities, created, or authorized to be created by sections 469.001 to 469.047, and their agents and employees, in possession of a tenant's personal property, except that housing authorities must allow the tenant to retake possession of the property in accordance with this subdivision.

Sec. 10. Minnesota Statutes 2009 Supplement, section 504B.285, subdivision 1, is amended to read:

Subdivision 1. **Grounds.** The person entitled to the premises may recover possession by eviction when:

(1) any person holds over real property:

(i) after a sale of the property on an execution or judgment; or

(ii) after the expiration of the time for redemption on foreclosure of a mortgage, or after termination of contract to convey the property; ~~provided that if the person holding the real property after the expiration of the time for redemption or termination was a tenant during the redemption or termination period under a lease of any duration and the lease began after the date the mortgage or contract for deed was executed but prior to the expiration of the time for redemption or termination, and the person has received:~~

~~(A) at least two months' written notice to vacate no sooner than one month after the expiration of the time for redemption or termination, provided that the tenant pays the rent and abides by all terms of the lease; or~~

~~(B) at least two months' written notice to vacate no later than the date of the expiration of the time for redemption or termination, which notice shall also state that the sender will hold the tenant harmless for breaching the lease by vacating the premises if the mortgage is redeemed or the contract is reinstated;~~

(2) any person holds over real property after termination of the time for which it is demised or leased to that person or to the persons under whom that person holds possession, contrary to the conditions or covenants of the lease or agreement under which that person holds, or after any rent becomes due according to the terms of such lease or agreement; or

(3) any tenant at will holds over after the termination of the tenancy by notice to quit.

Sec. 11. Minnesota Statutes 2008, section 504B.285, is amended by adding a subdivision to read:

Subd. 1a. **Grounds when the person holding over is a tenant in a foreclosed property.** (a) For any eviction action commenced on or before December 31, 2012, where the person holding the real property after the expiration of the time for redemption on foreclosure of a mortgage was a tenant during the redemption period under a lease of any duration, and the lease began after the date the mortgage was executed, but prior to the expiration of the time for redemption, the immediate successor in interest must provide at least 90 days' written notice to vacate, given no sooner than the date of the expiration of the time for redemption, and effective no sooner than 90 days after the date of the expiration of the time for redemption, provided that the tenant pays the rent and abides by all terms of the lease.

(b) For any eviction action commenced on or before December 31, 2012, where the term of a bona fide lease extends more than 90 days beyond the date of the expiration of the time for redemption, the immediate successor in interest must allow the tenant to occupy the premises until the end of the remaining term of the lease, and provide at least 90 days' written notice to vacate, effective no sooner than the date the lease expires, provided that the tenant pays the rent and abides by all terms of the lease, except if the immediate successor in interest or an immediate subsequent bona fide purchaser will occupy the unit as the primary residence, the immediate successor in interest must provide at least 90 days' written notice to vacate, given no sooner than the date of the expiration of the time for redemption, effective no sooner than 90 days after the date of the expiration of the time for redemption, provided that the tenant pays the rent and abides by all terms of the lease.

For purposes of this section, a "bona fide lease" means:

(1) the mortgagor or the child, spouse, or parent of the mortgagor is not the tenant;

(2) the lease or tenancy was the result of an arm's-length transaction; and

(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or the unit's rent is reduced or subsidized by a federal, state, or local subsidy.

(c) For any eviction action commenced on or before December 31, 2012, in the case of a tenancy subject to section 8 of the United States Housing Act of 1937, as amended, where the term of the lease extends more than 90 days beyond the date of the expiration of the time for redemption, the immediate successor in interest must allow the tenant to occupy the premises until the end of the remaining term of the lease and provide at least 90 days' written notice to vacate, effective no sooner than the date the lease expires, provided that the tenant pays the rent and abides by all terms of the lease, except if the immediate successor in interest will occupy the unit as the primary residence, the immediate successor in interest must provide at least 90 days' written notice to vacate, given no sooner than the date of the expiration of the time for redemption, effective no sooner than 90 days after the date of the expiration of the time for redemption, provided that the tenant pays the rent and abides by all terms of the lease.

Sec. 12. Minnesota Statutes 2008, section 504B.285, is amended by adding a subdivision to read:

Subd. 1b. Grounds when the person holding over is a tenant in a property subject to a contract for deed. For any eviction action commenced on or before December 31, 2012, the person entitled to the premises may recover possession by eviction when any person holds over real property after termination of contract to convey the property, provided that if the person holding the real property after the expiration of the time for termination was a tenant during the termination period under a lease of any duration and the lease began after the date the contract for deed was executed but prior to the expiration of the time for termination, and the person has received:

(1) at least two months' written notice to vacate no sooner than one month after the expiration of the time for termination, provided that the tenant pays the rent and abides by all terms of the lease; or

(2) at least two months' written notice to vacate no later than the date of the expiration of the time for termination, which notice shall also state that the sender will hold the tenant harmless for breaching the lease by vacating the premises if the contract is reinstated.

Sec. 13. Minnesota Statutes 2008, section 504B.285, is amended by adding a subdivision to read:

Subd. 1c. Grounds for evictions on or after January 1, 2013. For any eviction action commenced on or after January 1, 2013, the person entitled to the premises may recover possession by eviction when any person holds over real property after the expiration of the time for redemption on foreclosure of a mortgage, or after termination of contract to convey the property, provided that if the person holding the real property after the expiration of the time for redemption or termination was a tenant during the redemption or termination period under a lease of any duration, and the lease began after the date the mortgage or contract for deed was executed, but prior to the expiration of the time for redemption or termination and the person holding the premises has received:

(1) at least two months' written notice to vacate no sooner than one month after the expiration of the time for redemption or termination, provided that the tenant pays the rent and abides by all terms of the lease; or

(2) at least two months' written notice to vacate no later than the date of the expiration of the term for redemption or termination, which notice shall also state that the sender will hold the tenant harmless for breaching the lease by vacating the premise if the mortgage is redeemed or the contract is reinstated.

Sec. 14. Minnesota Statutes 2008, section 504B.291, subdivision 1, is amended to read:

Subdivision 1. **Action to recover.** (a) A landlord may bring an eviction action for nonpayment of rent irrespective of whether the lease contains a right of reentry clause. Such an eviction action is equivalent to a demand for the rent. There is a rebuttable presumption that the rent has been paid if the tenant produces a copy or copies of one or more money orders or produces one or more original receipt stubs evidencing the purchase of a money order, if the documents: (i) total the amount of the rent; (ii) include a date or dates approximately corresponding with the date rent was due; and (iii) in the case of copies of money orders, are made payable to the

landlord. This presumption is rebutted if the landlord produces a business record that shows that the tenant has not paid the rent. The landlord is not precluded from introducing other evidence that rebuts this presumption. In such an action, unless the landlord has also sought to evict the tenant by alleging a material violation of the lease under section 504B.285, subdivision 5, the tenant may, at any time before possession has been delivered, redeem the tenancy and be restored to possession by paying to the landlord or bringing to court the amount of the rent that is in arrears, with interest, costs of the action, and an attorney's fee not to exceed \$5, and by performing any other covenants of the lease.

(b) If the tenant has paid to the landlord or brought into court the amount of rent in arrears but is unable to pay the interest, costs of the action, and attorney's fees required by paragraph (a), the court may permit the tenant to pay these amounts into court and be restored to possession within the same period of time, if any, for which the court stays the issuance of the order to vacate under section 504B.345.

(c) Prior to or after commencement of an action to recover possession for nonpayment of rent, the parties may agree only in writing that partial payment of rent in arrears which is accepted by the landlord prior to issuance of the order granting restitution of the premises pursuant to section 504B.345 may be applied to the balance due and does not waive the landlord's action to recover possession of the premises for nonpayment of rent.

(d) Rental payments under this subdivision must first be applied to rent claimed as due in the complaint from prior rental periods before applying any payment toward rent claimed in the complaint for the current rental period, unless the court finds that under the circumstances the claim for rent from prior rental periods has been waived.

Sec. 15. Minnesota Statutes 2008, section 504B.365, subdivision 4, is amended to read:

Subd. 4. ~~Second and Fourth Judicial Districts~~ Motions concerning removal or storage of personal property. ~~In the Second and Fourth Judicial Districts, the housing calendar consolidation project~~ The court hearing the eviction action shall retain jurisdiction in matters relating to removal of personal property under this section. If the plaintiff refuses to return the property after proper demand is made as provided in section 504B.271, the court shall enter an order requiring the plaintiff to return the property to the defendant and awarding reasonable expenses including attorney fees to the defendant."

Delete the title and insert:

"A bill for an act relating to real property; landlord and tenant; requiring receipts for cash payments; providing for recovery of attorney fees under certain conditions; modifying procedures for tenant screening fees; providing for imposition of late fees; providing for eviction procedures for tenants of certain foreclosed property; making clarifying, conforming, technical, and other changes to landlord and tenant provisions; amending Minnesota Statutes 2008, sections 484.014, subdivision 3; 504B.173; 504B.178, subdivision 7; 504B.215, subdivision 2a; 504B.271, subdivisions 1, 2; 504B.285, by adding subdivisions; 504B.291, subdivision 1; 504B.365, subdivision 4; Minnesota Statutes 2009 Supplement, section 504B.285, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 504B."

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

House Conferees: JOE MULLERY, JEFF HAYDEN and BOB GUNTHER.

Senate Conferees: D. SCOTT DIBBLE, LINDA HIGGINS and DENNIS FREDERICKSON.

Mullery moved that the report of the Conference Committee on H. F. No. 2668 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2668, A bill for an act relating to landlord and tenant; modifying certain procedures relating to expungement; providing procedures relating to the charging and recovery of various fees; providing certain rights to tenants of foreclosed properties; amending Minnesota Statutes 2008, sections 484.014, subdivision 3; 504B.111; 504B.173; 504B.178, subdivision 7; 504B.215, subdivision 4; 504B.271, subdivisions 1, 2; 504B.285, by adding subdivisions; 504B.291, subdivision 1; 504B.365, subdivision 4; Minnesota Statutes 2009 Supplement, section 504B.285, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 504B.

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

The question was taken on the repassage of the bill and the roll was called. There were 100 yeas and 30 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|----------|-----------|------------|------------|-------------|-----------|
| Abeler | Doty | Hosch | Lillie | Norton | Simon |
| Anzelc | Downey | Howes | Loeffler | Obermueller | Slawik |
| Atkins | Eken | Huntley | Mack | Olin | Slocum |
| Beard | Falk | Jackson | Magnus | Otremba | Smith |
| Benson | Faust | Johnson | Mahoney | Paymar | Solberg |
| Bigham | Fritz | Juhnke | Mariani | Pelowski | Sterner |
| Bly | Gardner | Kahn | Marquart | Persell | Swails |
| Brown | Greiling | Kalin | Masin | Peterson | Thao |
| Brynaert | Hamilton | Kath | McFarlane | Poppe | Thissen |
| Bunn | Hansen | Knuth | McNamara | Reinert | Tillberry |
| Carlson | Hausman | Koenen | Morgan | Rosenthal | Torkelson |
| Champion | Haws | Laine | Morrow | Rukavina | Wagenius |
| Clark | Hayden | Lanning | Mullery | Ruud | Ward |
| Cornish | Hilstrom | Lenczewski | Murphy, E. | Sailer | Walti |
| Davnie | Hilty | Lesch | Murphy, M. | Sanders | Winkler |
| Dill | Hornstein | Liebling | Nelson | Scalze | |
| Dittrich | Hortman | Lieder | Newton | Sertich | |

Those who voted in the negative were:

| | | | | | |
|--------------|---------|------------|-----------|---------|-----------|
| Anderson, B. | Dauids | Drazkowski | Hoppe | Murdock | Severson |
| Anderson, P. | Dean | Eastlund | Kelly | Nornes | Shimanski |
| Anderson, S. | Demmer | Garofalo | Kiffmeyer | Peppin | Urdahl |
| Brod | Dettmer | Gunther | Kohls | Scott | Westrom |
| Buesgens | Doepke | Holberg | Loon | Seifert | Zellers |

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

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 2540.

S. F. No. 2540 was reported to the House.

Hornstein moved to amend S. F. No. 2540, the fifth engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2807, the second engrossment:

"ARTICLE 1

TRANSPORTATION TAX COMPLIANCE

Section 1. Laws 2009, chapter 36, article 1, section 1, is amended to read:

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

| | 2010 | 2011 | Total |
|---------------------------|------------------------|---|---|
| General | \$98,385,000 | \$ 95,885,000 <u>95,897,000</u> | \$ 194,270,000 <u>194,282,000</u> |
| Airports | 21,909,000 | 19,659,000 | 41,568,000 |
| C.S.A.H. | 496,786,000 | 524,478,000 | 1,021,264,000 |
| M.S.A.S. | 134,003,000 | 141,400,000 | 275,403,000 |
| Special Revenue | 49,038,000 | 49,038,000 <u>49,088,000</u> | 98,076,000 <u>98,126,000</u> |
| H.U.T.D. | 9,538,000 | 9,838,000 <u>9,945,000</u> | 19,376,000 <u>19,483,000</u> |
| Trunk Highway | 1,264,921,000 | 1,372,687,000 <u>1,372,496,000</u> | 2,637,608,000 <u>2,637,417,000</u> |
| <u>Transit Assistance</u> | <u>-0-</u> | <u>72,000</u> | <u>72,000</u> |
| Total | \$2,074,580,000 | \$ 2,212,985,000 <u>2,213,035,000</u> | \$ 4,287,565,000 <u>4,287,615,000</u> |

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 2. Laws 2009, chapter 36, article 1, section 5, subdivision 1, is amended to read:

| | | |
|---|----------------------|---|
| Subdivision 1. Total Appropriation | \$152,478,000 | \$ 152,578,000 <u>152,628,000</u> |
|---|----------------------|---|

Appropriations by Fund

| | 2010 | 2011 |
|---------|-----------|--|
| General | 7,959,000 | 7,959,000 <u>7,971,000</u> |

| | | |
|---------------------------|------------|--|
| Special Revenue | 49,038,000 | 49,038,000 <u>49,088,000</u> |
| H.U.T.D. | 9,413,000 | 9,713,000 <u>9,820,000</u> |
| Trunk Highway | 86,068,000 | 85,868,000 <u>85,677,000</u> |
| <u>Transit Assistance</u> | <u>-0-</u> | <u>72,000</u> |

The amounts that may be spent for each purpose are specified in the following subdivisions.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 3. Laws 2009, chapter 36, article 1, section 5, subdivision 3, is amended to read:

Subd. 3. **State Patrol**

| | | | |
|--------------------------------|------------------------|--|--|
| (a) Patrolling Highways | | 71,522,000 | 71,522,000 <u>71,331,000</u> |
| | Appropriations by Fund | | |
| General | 37,000 | 37,000 | |
| H.U.T.D. | 92,000 | 92,000 | |
| Trunk Highway | 71,393,000 | 71,393,000 <u>71,202,000</u> | |

The base appropriation from the trunk highway fund in fiscal years 2012 and 2013 is \$71,393,000 for each fiscal year.

| | | | |
|---|--|-----------|-----------|
| (b) Commercial Vehicle Enforcement | | 7,996,000 | 7,796,000 |
|---|--|-----------|-----------|

This appropriation is from the trunk highway fund.

\$800,000 the first year and \$600,000 the second year are for the Office of Pupil Transportation Safety.

| | | | |
|-----------------------------|--|-----------|-----------|
| (c) Capitol Security | | 3,113,000 | 3,113,000 |
|-----------------------------|--|-----------|-----------|

This appropriation is from the general fund.

The commissioner may not: (1) spend any money from the trunk highway fund for capitol security; or (2) permanently transfer any state trooper from the patrolling highways activity to capitol security.

The commissioner may not transfer any money: (1) appropriated for Department of Public Safety administration, the patrolling of highways, commercial vehicle enforcement, or driver and vehicle services to capitol security; or (2) from capitol security.

(d) Vehicle Crimes Unit -0- 191,000

Appropriations by Fund

| | | |
|---------------------------|------------|----------------|
| <u>General</u> | <u>-0-</u> | <u>12,000</u> |
| <u>Transit Assistance</u> | <u>-0-</u> | <u>72,000</u> |
| <u>H.U.T.D.</u> | <u>-0-</u> | <u>107,000</u> |

This appropriation is to investigate registration tax and motor vehicle sales tax liabilities from individuals and businesses that currently do not pay all taxes owed and illegal or improper activity related to sale, transfer, titling, and registration of motor vehicles. This initiative is expected to result in new revenues for the biennium as follows:

(1) \$114,000 for the highway user tax distribution fund;

(2) \$75,000 for the transit assistance fund; and

(3) \$13,000 for the general fund.

The general fund appropriation for fiscal year 2011 is a onetime appropriation.

Notwithstanding the appropriation under Minnesota Statutes, section 16A.88, subdivision 2, \$65,000 of the amount appropriated in fiscal year 2011 is from the metropolitan area transit account in the transit assistance fund. The base appropriation from the metropolitan area transit account in fiscal years 2012 and 2013 is \$250,000 for each fiscal year.

Notwithstanding the appropriation under Minnesota Statutes, section 16A.88, subdivision 1a, \$7,000 of the amount appropriated in fiscal year 2011 is from the greater Minnesota transit account in the transit assistance fund. The base appropriation from the greater Minnesota transit account in fiscal years 2012 and 2013 is \$27,000 for each fiscal year.

The base appropriation from the highway user tax distribution fund in fiscal years 2012 and 2013 is \$416,000 for each fiscal year.

By February 1, 2015, the commissioner shall submit a report to the house of representatives and senate committees having jurisdiction over transportation finance on the revenues generated by the Vehicle Crimes Unit.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 4. Laws 2009, chapter 36, article 1, section 5, subdivision 4, is amended to read:

Subd. 4. **Driver and Vehicle Services**

| | | |
|-----------------------------|------------|--|
| (a) Vehicle Services | 26,909,000 | 27,209,000 <u>27,259,000</u> |
|-----------------------------|------------|--|

Appropriations by Fund

| | | |
|-----------------|------------|--|
| Special Revenue | 18,973,000 | 18,973,000 <u>19,023,000</u> |
|-----------------|------------|--|

| | | |
|----------|-----------|-----------|
| H.U.T.D. | 7,936,000 | 8,236,000 |
|----------|-----------|-----------|

The special revenue fund appropriation is from the vehicle services operating account.

Of the appropriation for fiscal year 2011 from the special revenue fund, \$50,000 is for assistance to the Vehicle Crimes Unit in investigations as provided under subdivision 3, paragraph (d).

| | | |
|----------------------------|------------|------------|
| (b) Driver Services | 28,712,000 | 28,712,000 |
|----------------------------|------------|------------|

Appropriations by Fund

| | | |
|-----------------|------------|------------|
| Special Revenue | 28,711,000 | 28,711,000 |
|-----------------|------------|------------|

| | | |
|---------------|-------|-------|
| Trunk Highway | 1,000 | 1,000 |
|---------------|-------|-------|

The special revenue fund appropriation is from the driver services operating account.

EFFECTIVE DATE. This section is effective July 1, 2010.

ARTICLE 2

TRANSPORTATION POLICY

Section 1. Minnesota Statutes 2009 Supplement, section 160.165, is amended to read:

160.165 MITIGATING TRANSPORTATION CONSTRUCTION IMPACTS ON BUSINESS.

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

(1) "project" means construction work to maintain, construct, reconstruct, or improve a street or highway or for a rail transit project;

(2) "substantial business impacts" means impairment of road access, parking, or visibility for one or more business establishments as a result of a project, for a minimum period of one month; and

(3) "transportation authority" means the commissioner, as to trunk highways; the county board, as to county state-aid highways and county highways; the town board, as to town roads; ~~and~~ statutory or home rule charter cities, as to city streets; the Metropolitan Council, for rail transit projects located entirely within the metropolitan area as defined in section 473.121, subdivision 2; and the commissioner, for all other rail transit projects.

Subd. 2. **Business liaison.** (a) Before beginning construction work on a project, a transportation authority shall identify whether the project is anticipated to include substantial business impacts. For such projects, the transportation authority shall designate an individual to serve as business liaison between the transportation authority and affected businesses.

(b) The business liaison shall consult with affected businesses before and during construction to investigate means of mitigating project impacts to businesses. The mitigation considered must include signage. The business liaison shall provide information to the identified businesses before and during construction, concerning project duration and timetables, lane and road closures, detours, access impacts, customer parking impacts, visibility, noise, dust, vibration, and public participation opportunities.

Subd. 3. **Exception.** This section does not apply to construction work in connection with the Central Corridor light rail transit line that will connect downtown Minneapolis and downtown St. Paul.

EFFECTIVE DATE. Subdivision 1 is effective July 1, 2012. Subdivision 3 is effective July 1, 2010.

Sec. 2. **[160.2755] PROHIBITED ACTIVITIES AT REST AREAS.**

Subdivision 1. **Prohibited activities.** It is unlawful at rest areas to:

(1) dispose of travel-related trash and rubbish, except if depositing it in a designated receptacle;

(2) dump household or commercial trash and rubbish into containers or anywhere else on site; or

(3) drain or dump refuse or waste from any trailer, recreational vehicle, or other vehicle except where receptacles are provided and designated to receive the refuse or waste.

Subd. 2. **Penalty.** Violation of this section is a petty misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2010, and applies to acts committed on or after that date.

Sec. 3. Minnesota Statutes 2009 Supplement, section 161.14, subdivision 62, is amended to read:

Subd. 62. **Clearwater County Veterans Memorial Highway.** (a) The following described route is designated the "Clearwater County Veterans Memorial Highway": that portion of Legislative Route No. 168, marked on August 1, 2009, as Trunk Highway 200, from its intersection with Clearwater County State-Aid Highway ~~37~~ 39 to its intersection with Legislative Route No. 169, marked on August 1, 2009, as Trunk Highway 92; and that portion of Route No. 169 to its intersection with Clearwater County State-Aid Highway 5.

(b) The commissioner shall adopt a suitable marking design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 4. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision to read:

Subd. 64. **Veterans Memorial Highway.** Legislative Route No. 31, signed as Trunk Highway 200 as of the effective date of this section, from the border with North Dakota to the city of Mahnomen, is designated as the "Veterans Memorial Highway." The commissioner shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 5. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision to read:

Subd. 65. **Becker County Veterans Memorial Highway.** Marked Trunk Highway 34, from its intersection with Washington Avenue in Detroit Lakes to its intersection with County State-Aid Highway 39; and marked Trunk Highway 87, from its intersection with County State-Aid Highway 33 to its intersection with County State-Aid Highway 39, is named and designated the "Becker County Veterans Memorial Highway." Subject to section 161.139, the commissioner shall adopt a suitable marking design to mark this highway and erect appropriate signs.

Sec. 6. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision to read:

Subd. 66. **Granite City Crossing.** The bridge over the Mississippi River on marked Trunk Highway 23 in St. Cloud is designated "Granite City Crossing." The commissioner of transportation shall adopt a suitable design to mark this bridge and erect appropriate signs, subject to section 161.139.

Sec. 7. Minnesota Statutes 2008, section 165.14, subdivision 4, is amended to read:

Subd. 4. **Prioritization of bridge projects.** (a) The commissioner shall classify all bridges in the program into tier 1, 2, or 3 bridges, where tier 1 is the highest tier. Unless the commissioner identifies a reason for proceeding otherwise, before commencing bridge projects in a lower tier, all bridge projects within a higher tier must to the extent feasible be selected and funded in the approved state transportation improvement program, at any stage in the project development process, solicited for bids, in contract negotiation, under construction, or completed.

(b) The classification of each tier is as follows:

(1) tier 1 consists of any bridge in the program that (i) has an average daily traffic count that is above 1,000 and has a sufficiency rating that is at or below 50, or (ii) is identified by the commissioner as a priority project;

(2) tier 2 consists of any bridge that is not a tier 1 bridge, and (i) is classified as fracture-critical, or (ii) has a sufficiency rating that is at or below 80; and

(3) tier 3 consists of any other bridge in the program that is not a tier 1 or tier 2 bridge.

(c) By June 30, 2018, all tier 1 and tier 2 bridges originally included in the program must be under contract for repair or replacement with a new bridge that contains a load-path-redundant design, except that a specific bridge may remain in continued service if the reasons are documented in the report required under subdivision 5.

(d) All bridge projects funded under this section in fiscal year 2012 or later must include bicycle and pedestrian accommodations if both sides of the bridge are located in a city or the bridge links a pedestrian way, shared-use path, trail, or scenic bikeway.

Bicycle and pedestrian accommodations would not be required if:

(1) a comprehensive assessment demonstrates that there is an absence of need for bicycle and pedestrian accommodations for the life of the bridge; or

(2) there is a reasonable alternative bicycle and pedestrian crossing within one-quarter mile of the bridge project.

All bicycle and pedestrian accommodations should enable a connection to any existing bicycle and pedestrian infrastructure in close proximity to the bridge. All pedestrian facilities must meet or exceed federal accessibility requirements as outlined in Title II of the Americans with Disabilities Act, codified in United States Code, title 42, chapter 126, subchapter II, and Section 504 of the Rehabilitation Act of 1973, codified in United States Code, title 29, section 794.

(e) The commissioner shall establish criteria for determining the priority of bridge projects within each tier, and must include safety considerations as a criterion.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 8. Minnesota Statutes 2008, section 165.14, subdivision 5, is amended to read:

Subd. 5. **Statewide transportation planning report.** In conjunction with each update to the Minnesota statewide transportation plan, or at least every six years, the commissioner shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over transportation finance. The report must include:

- (1) an explanation of the criteria and decision-making processes used to prioritize bridge projects;
- (2) a historical and projected analysis of the extent to which all trunk highway bridges meet bridge performance targets and comply with the accessibility requirements of Title II of the Americans with Disabilities Act of 1990, Public Law 101-336;
- (3) a summary of bridge projects (i) completed in the previous six years or since the last update to the Minnesota statewide transportation plan, and (ii) currently in progress under the program;
- (4) a summary of bridge projects scheduled in the next four fiscal years and included in the state transportation improvement program;
- (5) a projection of annual needs over the next 20 years;
- (6) a calculation of funding necessary to meet the completion date under subdivision 4, paragraph (c), compared to the total amount of bridge-related funding available; and
- (7) for any tier 1 fracture-critical bridge that is repaired but not replaced, an explanation of the reasons for repair instead of replacement.

Sec. 9. Minnesota Statutes 2008, section 168.002, is amended by adding a subdivision to read:

Subd. 31a. **Special plates.** Unless otherwise specified, "special plates" or "special plate" means plates, or a single motorcycle plate, that are designed with wording or graphics that differ from a regular Minnesota passenger automobile plate or motorcycle plate.

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

Sec. 10. Minnesota Statutes 2008, section 168.123, is amended by adding a subdivision to read:

Subd. 2b. **Eligibility; combat wounded plate.** A member of the United States armed forces who is serving actively in the military and who is a recipient of the purple heart medal is also eligible for the license plate under subdivision 2, paragraph (e). The commissioner of public safety shall ensure that information regarding the required proof of eligibility for any applicant under this subdivision who has not yet been issued military discharge papers is distributed to the public officials responsible for administering this section.

EFFECTIVE DATE. This section is effective August 1, 2010.

Sec. 11. Minnesota Statutes 2008, section 168.1293, is amended to read:

168.1293 CERTAIN SPECIAL PLATES; AUTHORIZATION, DISCONTINUANCE.

Subdivision 1. **Definition.** For purposes of this section ~~and section 168.1297~~, the following terms have the meanings given them:

(1) "new special plate" or "proposed special plate" means a special plate authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129, to have wording and graphics that differ from a Minnesota passenger vehicle plate. that is not authorized under this chapter and for which legislation authorizing the plate, including but not limited to a bill or amendment, is introduced or presented to the legislature; and

(2) "proximate special plate" means a special plate (i) authorized under section 168.12, subdivisions 2b and 2e; 168.1235; or 168.129; or (ii) authorized in law on or after August 1, 2010.

Subd. 1a. **Establishment of plate.** The commissioner may only establish a special plate as authorized under this chapter. This requirement does not apply to alternative or additional designs for a special plate.

Subd. 2. **Submissions to commissioner.** (a) A person, legal entity, or other requester, however organized, that plans to seek legislation establishing a new special plate, or is a proponent of a new special plate, shall submit the following information and fee to the commissioner:

(1) The requester shall submit a request for the special plate being sought, describing the ~~proposed special~~ special plate in general terms, the purpose of the plate, and the proposed fee or minimum contribution required for the plate.

(2) The requester shall submit the results of a scientific sample survey of Minnesota motor vehicle owners that indicates that at least 10,000 motor vehicle owners intend to purchase the proposed plate with the proposed fee or minimum contribution. The requester's plan to undertake the survey must be reported to the commissioner before the survey is undertaken. The survey must be performed independently of the requester by another person or legal entity, however organized, that conducts similar sample surveys in the normal course of business.

(3) The requester shall submit an application fee of \$20,000, to cover the cost of reviewing the application for a new plate and developing the new special plate if authorized by law. State funds may not be used to pay the application fee. This requirement does not apply if legislation or a bill introduced to the legislature proposing the new special plate contains a mechanism by which all costs incurred by the commissioner for development and implementation of the plate are covered, provided that the application fee subsequently does apply if such a mechanism is not enacted in the law authorizing the new special plate.

(4) The requester shall submit a marketing strategy that contains (i) short-term and long-term marketing plans for the requested plate, and (ii) a financial analysis showing the anticipated revenues and the planned expenditures of any fee or contribution derived from the requested plate.

(b) The requester shall submit the information required under paragraph (a) to the commissioner at least 120 days before the convening of the next regular legislative session at which the requester will submit the proposal.

Subd. 2a. Information for legislature. (a) Within 15 days of the introduction of a bill proposing a new special plate, the commissioner shall submit a briefing to the chairs and ranking minority members of the house of representatives and senate committees to which the bill was referred. At a minimum, the briefing must:

(1) summarize the requirements for a special plate under this section; and

(2) identify which of the requirements have been met for the proposed special plate.

(b) If a proposed special plate is a topic of discussion at a legislative committee hearing, the commissioner shall make every reasonable effort to provide testimony. The testimony must include the information required in the briefing under paragraph (a).

(c) Notwithstanding section 3.195, the commissioner may submit the briefing under paragraph (a) by submitting an electronic version rather than a printed version.

Subd. 3. Design; redesign. (a) If the proposed ~~new~~ special plate sought by the requester is approved by law, the requester shall submit the proposed design for the plate to the commissioner as soon as practicable, but not later than 120 days after the effective date of the law authorizing issuance of the plate. The commissioner is responsible for selecting the final design for the special plate.

(b) The requester that originally requested a new special plate subsequently approved by law may not submit a new design for the plate within the five years following the date of first issuance of the plate unless the inventory of those plates has been exhausted. The requester may deplete the remaining inventory of the plates by reimbursing the commissioner for the cost of the plates.

Subd. 4. Refund of fee. If the special plate requested is not authorized in the legislative session at which authorization was sought, the commissioner shall, if applicable, refund \$17,500 of the application fee to the requester.

Subd. 5. Discontinuance of plate. (a) The commissioner shall discontinue the issuance or renewal of any proximate special plate ~~authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129~~, if (1) fewer than 1,000 sets of those plates are currently registered at the end of the first six years during which the plates are available, or (2) fewer than 1,000 sets of those plates are currently registered at the end of any subsequent two-year period following the first six years of availability.

(b) The commissioner shall discontinue the issuance or renewal of any proximate special plate ~~authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129~~, and distribution of any contributions resulting from that plate, if the commissioner determines that (1) the fund or requester receiving the contributions no longer exists, (2) the requester has stopped providing services that are authorized to be funded from the contribution proceeds, (3) the requester has requested discontinuance, or (4) contributions have been used in violation of subdivision 6.

(c) Nothing in this subdivision applies to plates issued under section 168.123, 168.124, 168.125, 168.1251, or 168.1255.

(d) Upon commencing discontinuance of a proximate special plate under this subdivision, the commissioner (1) shall not issue the plate, including as a duplicate; and (2) shall allow retention of any existing plate for the regular period. For purposes of this paragraph, "regular period" may be, as appropriate, the period specified under section 168.12, subdivision 1; the time until issuance of a duplicate plate for that vehicle; or as otherwise provided by law.

Subd. 6. **Use of contributions.** Contributions made as a condition of obtaining a proximate special plate ~~authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129,~~ and interest earned on the contributions, may not be spent for commercial or for-profit purposes.

Subd. 7. **Deposit of fee; appropriation.** The commissioner shall deposit the application fee under subdivision 2, paragraph (a), clause (3), in the vehicle services operating account of the special revenue fund under section 299A.705. An amount sufficient to pay the department's cost in implementing and administering this section, including payment of refunds under subdivision 4, is appropriated to the commissioner.

Sec. 12. Minnesota Statutes 2008, section 168.33, subdivision 2, is amended to read:

Subd. 2. **Deputy registrars.** (a) The commissioner may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau that issues motor vehicle licenses as provided in section 373.32.

(b) The commissioner may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau that issues motor vehicle licenses as provided in section 373.32. The individual appointed by the commissioner as a deputy registrar for any statutory or home rule charter city must be a resident of the county in which the city is situated.

(c) The commissioner may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar.

(d) Despite any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any statutory or home rule charter city, may continue to serve as deputy registrar and may be discontinued for cause only by the commissioner. The county auditor who appointed the deputy registrars is responsible for the acts of deputy registrars appointed by the auditor.

(e) Each deputy, before entering upon the discharge of duties, shall take and subscribe an oath to faithfully discharge the duties and to uphold the laws of the state.

(f) If a deputy registrar appointed under this subdivision is not an officer or employee of a county or statutory or home rule charter city, the deputy shall in addition give bond to the state in the sum of \$10,000, or a larger sum as may be required by the commissioner, conditioned upon the faithful discharge of duties as deputy registrar.

(g) ~~Until January 1, 2012,~~ A corporation governed by chapter 302A or 317A may be appointed a deputy registrar. Upon application by an individual serving as a deputy registrar and the giving of the requisite bond as provided in this subdivision, personally assured by the individual or another individual approved by the commissioner, a corporation named in an application then becomes the duly appointed and qualified successor to the deputy registrar. ~~The appointment of any corporation as a deputy registrar expires January 1, 2012. The commissioner shall appoint an individual as successor to the corporation as a deputy registrar. The commissioner shall appoint as the successor agent to a corporation whose appointment expires under this paragraph an officer of the corporation if the officer applies for appointment before July 1, 2012.~~

(h) Each deputy registrar appointed under this subdivision shall keep and maintain office locations approved by the commissioner for the registration of vehicles and the collection of taxes and fees on vehicles.

(i) The deputy registrar shall keep records and make reports to the commissioner as the commissioner requires. The records must be maintained at the offices of the deputy registrar. The records and offices of the deputy registrar must at all times be open to the inspection of the commissioner or the commissioner's agents. The deputy registrar shall report to the commissioner by the next working day following receipt all registrations made and taxes and fees collected by the deputy registrar.

(j) The filing fee imposed under subdivision 7 must be deposited in the treasury of the place for which appointed or, if not a public official, a deputy shall retain the filing fee, but the registration tax and any additional fees for delayed registration the deputy registrar has collected the deputy registrar shall deposit by the next working day following receipt in an approved state depository to the credit of the state through the commissioner of management and budget. The place for which the deputy registrar is appointed through its governing body must provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if the deputy is a public official. In all other cases, the deputy shall maintain a suitable facility for serving the public.

Sec. 13. Minnesota Statutes 2008, section 168B.06, subdivision 1, is amended to read:

Subdivision 1. **Written notice of impound.** (a) When an impounded vehicle is taken into custody, the unit of government or impound lot operator taking it into custody shall give written notice of the taking within five days to the registered vehicle owner and any lienholders.

(b) The notice must:

- (1) set forth the date and place of the taking;
- (2) provide the year, make, model, and serial number of the impounded motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held;
- (3) inform the owner and any lienholders of their right to reclaim the vehicle under section 168B.07;
- (4) state that failure of the owner or lienholders to:
 - (i) exercise their right to reclaim the vehicle within the appropriate time allowed under section 168B.051, subdivision 1, 1a, or 2, and under the conditions set forth in section 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle pursuant to section 168B.08; or
 - (ii) exercise their right to reclaim the contents of the vehicle within the appropriate time allowed and under the conditions set forth in section 168B.07, subdivision 3, constitutes a waiver by them of all right, title, and interest in the contents and consent to sell or dispose of the contents under section 168B.08; and
- (5) state that a vehicle owner who provides to the impound lot operator documentation from a government or nonprofit agency or legal aid office that the owner is homeless, receives relief based on need, or is eligible for legal aid services, ~~or has a household income at or below 50 percent of state median income~~ has the unencumbered right to retrieve any and all contents without charge.

Sec. 14. Minnesota Statutes 2008, section 168B.07, subdivision 3, is amended to read:

Subd. 3. **Retrieval of contents.** (a) For purposes of this subdivision:

- (1) "contents" does not include any permanently affixed mechanical or nonmechanical automobile parts; automobile body parts; or automobile accessories, including audio or video players; and

(2) "relief based on need" includes, but is not limited to, receipt of MFIP and Diversionary Work Program, medical assistance, general assistance, general assistance medical care, emergency general assistance, Minnesota supplemental aid, MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy assistance, emergency assistance, food stamps, earned income tax credit, or Minnesota working family tax credit.

(b) A unit of government or impound lot operator shall establish reasonable procedures for retrieval of vehicle contents, and may establish reasonable procedures to protect the safety and security of the impound lot and its personnel.

(c) At any time before the expiration of the waiting periods provided in section 168B.051, a registered owner who provides documentation from a government or nonprofit agency or legal aid office that the registered owner is homeless, receives relief based on need, or is eligible for legal aid services, or has a household income at or below 50 percent of state median income has the unencumbered right to retrieve any and all contents without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle.

Sec. 15. Minnesota Statutes 2008, section 169.041, subdivision 5, is amended to read:

Subd. 5. **Towing prohibited.** ~~Unless the vehicle is described in subdivision 4, (a)~~ A towing authority may not tow a motor vehicle because:

(1) the vehicle has expired registration tabs that have been expired for less than 90 days; or

(2) the vehicle is at a parking meter on which the time has expired and the vehicle has fewer than five unpaid parking tickets;

(b) A towing authority may tow a motor vehicle, notwithstanding paragraph (a), if:

(1) the vehicle is parked in violation of snow emergency regulations;

(2) the vehicle is parked in a rush-hour restricted parking area;

(3) the vehicle is blocking a driveway, alley, or fire hydrant;

(4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;

(5) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;

(6) the vehicle is parked in a disability transfer zone or disability parking space without a disability parking certificate or disability license plates;

(7) the vehicle is parked in an area that has been posted for temporary restricted parking (A) at least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or (B) at least 24 hours in advance in another political subdivision;

(8) the vehicle is parked within the right-of-way of a controlled-access highway or within the traveled portion of a public street when travel is allowed there;

(9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;

(10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the Metropolitan Airports Commission;

(11) a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;

(12) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;

(13) a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;

(14) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;

(15) the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;

(16) the vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or

(17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section 168B.011, and subject to immediate removal under chapter 168B.

Sec. 16. Minnesota Statutes 2008, section 169.15, is amended to read:

169.15 IMPEDING TRAFFIC; INTERSECTION GRIDLOCK.

Subdivision 1. **Impeding traffic; drive at slow speed.** No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law or except when the vehicle is temporarily unable to maintain a greater speed due to a combination of the weight of the vehicle and the grade of the highway.

Subd. 2. **Intersection gridlock; stop or block traffic.** (a) Except as provided in paragraph (b), a driver of a vehicle shall not enter an intersection controlled by a traffic-control signal until the driver is able to move the vehicle immediately, continuously, and completely through the intersection without impeding or blocking the subsequent movement of cross traffic.

(b) Paragraph (a) does not apply to movement of a vehicle made:

(1) at the direction of a city-authorized traffic-control agent or a peace officer;

(2) to facilitate passage of an authorized emergency vehicle with its emergency lights activated; or

(3) to make a turn, as permitted under section 169.19, that allows the vehicle to safely leave the intersection.

(c) A violation of this subdivision does not constitute grounds for suspension or revocation of the violator's driver's license.

EFFECTIVE DATE. This section is effective January 1, 2011, and applies to acts committed on or after that date.

Sec. 17. Minnesota Statutes 2008, section 169.306, is amended to read:

169.306 USE OF SHOULDERS BY BUSES.

(a) The commissioner of transportation ~~may~~ **is authorized to** permit the use by transit buses and Metro Mobility buses of a shoulder, as designated by the commissioner, of a freeway or expressway, as defined in section 160.02, ~~in~~ the seven county metropolitan area in Minnesota.

(b) If the commissioner permits the use of a freeway or expressway shoulder by transit buses, the commissioner shall ~~also~~ permit the use on that shoulder of a bus (1) with a seating capacity of 40 passengers or more operated by a motor carrier of passengers, as defined in section 221.012, subdivision 26, while operating in intrastate commerce or (2) providing regular route transit service, as defined in section 174.22, subdivision 8, or Metro Mobility services, and operated by or under contract with the Metropolitan Council, a local transit authority, or a transit authority created by the legislature. Drivers of these buses must have adequate training in the requirements of paragraph (c), as determined by the commissioner.

(c) Buses authorized to use the shoulder under this section may be operated on the shoulder only when main-line traffic speeds are less than 35 miles per hour. Drivers of buses being operated on the shoulder may not exceed the speed of main-line traffic by more than 15 miles per hour and may never exceed 35 miles per hour. Drivers of buses being operated on the shoulder must yield to merging, entering, and exiting traffic and must yield to other vehicles on the shoulder. Buses operated on the shoulder must be registered with the Department of Transportation.

(d) For the purposes of this section, the term "Metro Mobility bus" means a motor vehicle of not less than 20 feet in length engaged in providing special transportation services under section 473.386 that is:

(1) operated by ~~the Metropolitan Council, or operated by~~ or under contract with a public or private entity receiving financial assistance to provide transit services from the Metropolitan Council or the commissioner of transportation; and

(2) authorized by the ~~council~~ commissioner to use freeway or expressway shoulders.

(e) This section does not apply to the operation of buses on dynamic shoulder lanes.

Sec. 18. Minnesota Statutes 2009 Supplement, section 169.71, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions generally; exceptions.** (a) A person shall not drive or operate any motor vehicle with:

(1) a windshield cracked or discolored to an extent to limit or obstruct proper vision;

(2) any objects suspended between the driver and the windshield, other than:

(i) sun visors;

(ii) rearview mirrors;

(iii) driver feedback and safety-monitoring equipment when mounted immediately behind, slightly above, or slightly below the rearview mirror;

~~(iii)~~ (iv) global positioning systems or navigation systems when mounted or located near the bottommost portion of the windshield; and

~~(iv)~~ (v) electronic toll collection devices; or

(3) any sign, poster, or other nontransparent material upon the front windshield, sidewings, or side or rear windows of the vehicle, other than a certificate or other paper required to be so displayed by law or authorized by the state director of the Division of Emergency Management or the commissioner of public safety.

(b) Paragraph (a), clauses (2) and (3), do not apply to law enforcement vehicles.

(c) Paragraph (a), clause (2), does not apply to authorized emergency vehicles.

Sec. 19. Minnesota Statutes 2009 Supplement, section 169.865, subdivision 1, is amended to read:

Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of six or more axles to haul raw or unprocessed agricultural products and be operated with a gross vehicle weight of up to:

(1) 90,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Notwithstanding subdivision 4 ~~3~~, paragraph (a), clause (4), a vehicle or combination of vehicles operated under this subdivision and transporting only sealed intermodal containers may be operated on an interstate highway if allowed by the United States Department of Transportation.

(c) The fee for a permit issued under this subdivision is \$300.

EFFECTIVE DATE. This section is effective retroactively from July 1, 2008.

Sec. 20. Minnesota Statutes 2008, section 169.87, is amended by adding a subdivision to read:

Subd. 7. **Cargo tank vehicles.** (a) Weight restrictions imposed by the commissioner under subdivisions 1 and 2 do not apply to cargo tank vehicles with two or three permanent axles when delivering propane for heating or dyed fuel oil on seasonally weight-restricted roads if the vehicle is loaded at no more than 50 percent capacity of the cargo tank.

(b) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle used for propane must have an operating gauge on the cargo tank that shows the amount of propane as a percent of capacity of the cargo tank. Documentation of the capacity of the cargo tank must be available on the cargo tank or in the cab of the vehicle. For purposes of this subdivision, propane weighs 4.2 pounds per gallon.

(c) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle used for dyed fuel oil must utilize the forward two tank compartments and must carry documentation of the empty weight of the cargo tank vehicle from a certified scale in the cab of the vehicle. For purposes of this subdivision, dyed fuel oil weighs seven pounds per gallon.

(d) To the extent practicable, cargo tank vehicles that are exempt from weight restrictions under paragraph (a) shall complete deliveries on seasonally weight restricted roads by 12:00 p.m. and before the last week of April.

Sec. 21. Minnesota Statutes 2008, section 174.01, subdivision 1, is amended to read:

Subdivision 1. **Department created.** In order to provide ~~a balanced~~ an integrated transportation system, ~~including~~ including of aeronautics, highways, motor carriers, ports, public transit, railroads, and pipelines, and including facilities for walking and bicycling, a Department of Transportation is created. The department is the principal agency of the state for development, implementation, administration, consolidation, and coordination of state transportation policies, plans, and programs.

Sec. 22. Minnesota Statutes 2008, section 174.01, subdivision 2, is amended to read:

Subd. 2. **Transportation goals.** The goals of the state transportation system are as follows:

(1) to ~~provide safe transportation~~ minimize fatalities and injuries for transportation users throughout the state;

(2) to provide multimodal and intermodal transportation ~~that enhances mobility and economic development and provides access to all persons and businesses in Minnesota while ensuring that there is no~~ facilities and services to increase access for all persons and businesses and to ensure economic well-being and quality of life without undue burden placed on any community;

(3) to provide a reasonable travel time for commuters;

(4) to enhance economic development and provide for the economical, efficient, and safe movement of goods to and from markets by rail, highway, and waterway;

(5) to encourage tourism by providing appropriate transportation to Minnesota facilities designed to attract tourists and to enhance the appeal, through transportation investments, of tourist destinations across the state;

(6) to provide transit services ~~throughout~~ to all counties in the state to meet the needs of transit users;

(7) to promote ~~productivity~~ accountability through ~~system~~ systematic management of system performance and productivity through the utilization of technological advancements;

(8) to maximize the long-term benefits received for each state transportation investment;

(9) to provide for and prioritize funding ~~for~~ of transportation investments that, ~~at a minimum, preserves the transportation infrastructure~~ ensures that the state's transportation infrastructure is maintained in a state of good repair;

(10) to ensure that the planning and implementation of all modes of transportation are consistent with the environmental and energy goals of the state;

(11) to promote and increase the use of high-occupancy vehicles and low-emission vehicles;

(12) to provide an air transportation system sufficient to encourage economic growth and allow all regions of the state the ability to participate in the global economy;

(13) to increase ~~transit~~ use of transit as a percentage of all trips statewide by giving highest priority to the transportation modes with the greatest people-moving capacity and lowest long-term economic and environmental cost;

(14) to promote and increase bicycling and walking as a percentage of all trips as ~~an~~ energy-efficient, nonpolluting, and ~~healthful form~~ healthy forms of transportation;

(15) to reduce greenhouse gas emissions from the state's transportation sector; and

(16) to accomplish these goals with minimal impact on the environment.

Sec. 23. Minnesota Statutes 2008, section 174.02, subdivision 1a, is amended to read:

Subd. 1a. **Mission; efficiency; legislative report, recommendations.** It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

(1) prevent the waste or unnecessary spending of public money;

(2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) minimize the degradation of air ~~and~~, water quality, and the climate, including reduction in greenhouse gas emissions;

(4) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

(5) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;

(6) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

(7) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and

(8) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

Sec. 24. **[174.285] MINNESOTA COUNCIL ON TRANSPORTATION ACCESS.**

Subdivision 1. **Council established.** A Minnesota Council on Transportation Access is established to study, evaluate, oversee, and make recommendations to improve the coordination, availability, accessibility, efficiency, cost-effectiveness, and safety of transportation services provided to the transit public. "Transit public" means those persons who utilize public transit and those who, because of mental or physical disability, income status, or age are unable to transport themselves and are dependent upon others for transportation services.

Subd. 2. **Duties of council.** In order to accomplish the purposes in subdivision 1, the council, following consultation with the legislative committees or divisions with jurisdiction over transportation policy and budget, or with appropriate legislative transportation subcommittees, shall adopt a biennial work plan that must incorporate the following activities:

(1) compile information on existing transportation alternatives for the transit public, and serve as a clearinghouse for information on services, funding sources, innovations, and coordination efforts;

(2) identify best practices and strategies that have been successful in Minnesota and in other states for coordination of local, regional, state, and federal funding and services;

(3) recommend statewide objectives for providing public transportation services for the transit public;

(4) identify barriers prohibiting coordination and accessibility of public transportation services and aggressively pursue the elimination of those barriers;

(5) recommend policies and procedures for coordinating local, regional, state, and federal funding and services for the transit public;

(6) identify stakeholders in providing services for the transit public, and seek input from them concerning barriers and appropriate strategies;

(7) recommend guidelines for developing transportation coordination plans throughout the state;

(8) encourage all state agencies participating in the council to purchase trips within the coordinated system;

(9) facilitate the creation and operation of transportation brokerages to match riders to the appropriate service, promote shared dispatching, compile and disseminate information on transportation options, and promote regional communication;

(10) encourage volunteer driver programs and recommend legislation to address liability and insurance issues;

(11) recommend minimum performance standards for delivery of services;

(12) identify methods to eliminate fraud and abuse in special transportation services;

(13) develop a standard method for addressing liability insurance requirements for transportation services purchased, provided, or coordinated;

(14) design and develop a contracting template for providing coordinated transportation services;

(15) recommend an interagency uniform contracting and billing and accounting system for providing coordinated transportation services;

(16) encourage the design and development of training programs for coordinated transportation services;

(17) encourage the use of public school transportation vehicles for the transit public;

(18) develop an allocation methodology that equitably distributes transportation funds to compensate units of government and all entities that provide coordinated transportation services;

(19) identify policies and necessary legislation to facilitate vehicle sharing; and

(20) advocate aggressively for eliminating barriers to coordination, implementing coordination strategies, enacting necessary legislation, and appropriating resources to achieve the council's objectives.

Subd. 3. **Coordination with legislative committees.** The council shall coordinate its meeting schedule and activities pursuant to its work plan, to the extent practicable, with legislative committees and divisions with jurisdiction over transportation budget and policy, or with appropriate subcommittees. The chairperson of the council shall act as a liaison with the chairs and ranking minority members of the legislative transportation committees, divisions, and appropriate subcommittees, in carrying out these duties.

Subd. 4. **Membership.** (a) The council is composed of the following 13 members:

(1) one representative from the Office of the Governor;

(2) one representative from the Council on Disability;

(3) one representative from the Minnesota Public Transit Association;

(4) the commissioner of transportation or a designee;

(5) the commissioner of human services or a designee;

(6) the commissioner of health or a designee;

(7) the chair of the Metropolitan Council or a designee;

(8) the commissioner of education or a designee;

(9) the commissioner of veterans affairs or a designee;

(10) one representative from the Board on Aging;

(11) the commissioner of employment and economic development or a designee;

(12) the commissioner of commerce or a designee; and

(13) the commissioner of management and budget or a designee.

(b) All appointments required by paragraph (a) must be completed by August 1, 2010.

(c) The commissioner of transportation or a designee shall convene the first meeting of the council within two weeks after the members have been appointed to the council. The members shall elect a chairperson from their membership at the first meeting.

(d) The Department of Transportation and the Department of Human Services shall provide necessary staff support for the council.

Subd. 5. **Report.** By January 15 of each year, beginning in 2012, the council shall report its findings, recommendations, and activities to the governor's office and to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation, health, and human services, and to the legislature as provided under section 3.195.

Subd. 6. **Reimbursement.** Members of the council shall receive reimbursement of expenses as provided in section 15.059, subdivision 3.

Subd. 7. **Expiration.** This section expires June 30, 2014.

Sec. 25. Minnesota Statutes 2008, section 174.86, subdivision 5, is amended to read:

Subd. 5. **Commuter Rail Corridor Coordinating Committee.** (a) A Commuter Rail Corridor Coordinating Committee ~~shall be~~ is established to advise the commissioner on issues relating to the alternatives analysis, environmental review, advanced corridor planning, preliminary engineering, final design, implementation method, construction of commuter rail, public involvement, land use, service, and safety. The Commuter Rail Corridor Coordinating Committee shall consist of:

(1) one member representing each significant funding partner in whose jurisdiction the line or lines are located;

(2) one member appointed by each county in which the corridors are located;

(3) one member appointed by each city in which advanced corridor plans indicate that a station may be located;

(4) two members appointed by the commissioner, one of whom shall be designated by the commissioner as the chair of the committee;

(5) one member appointed by each metropolitan planning organization through which the commuter rail line may pass; ~~and~~

(6) one member appointed by the president of the University of Minnesota, if a designated corridor provides direct service to the university; and

(7) two ex-officio members who are members of labor organizations operating in, and with authority for, trains or rail yards or stations junctioning with freight and commuter rail lines on corridors, with one member appointed by the speaker of the house and the other member appointed by the senate Rules and Administration Subcommittee on Committees.

(b) A joint powers board existing on April 1, 1999, consisting of local governments along a commuter rail corridor, shall perform the functions set forth in paragraph (a) in place of the committee.

(c) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

Sec. 26. Minnesota Statutes 2008, section 219.01, is amended to read:

219.01 TRACK SAFETY STANDARDS; SAFETY TECHNOLOGY GRANTS.

(a) The track safety standards of the United States Department of Transportation and Federal Railroad Administration apply to railroad trackage and are the standards for the determination of unsafe trackage within the state.

(b) The commissioner of transportation shall apply to the Federal Railroad Administration under Public Law 110-432, the Railroad Safety Enhancement Act of 2008 (the act), for (1) railroad safety technology grant funding available under section 105 of the act and (2) development and installation of rail safety technology, including provision for switch position indicator signals in nonsignalized main track territory, under section 406 of the act. The commissioner shall respond and make application to the Federal Railroad Administration notice of funds availability under the Rail Safety Assurance Act in a timely manner and before the date of the program deadline to assure full consideration of the application. The commissioner shall (i) prioritize grant requests for the installation of switch indicator signals on all segments of nonsignalized track where posted speeds are in excess of 20 miles per hour and (ii) apply for grant funding in each year after 2010 until all nonsignalized track territory in the state has switch indicator signals installed and in operation.

(c) Prior to applying for funds under paragraph (b), the commissioner shall solicit grant requests from all eligible railroads. The commissioner shall submit written notice to the chairs of the legislative committees with jurisdiction over transportation policy and finance of an acceptance by a class I or class II railroad of federal grant program funding for switch point indicator monitor systems.

(d) Participating railroads shall provide the 20 percent nonfederal match. Railroads shall provide all technical documentation requested by the commissioner and required by the Federal Railroad Administration for the applications under paragraph (b). Railroads are responsible for developing, acquiring, and installing all rail safety technology obtained under this section in accordance with requirements established by the Federal Railroad Administration.

Sec. 27. Minnesota Statutes 2008, section 221.012, is amended by adding a subdivision to read:

Subd. 27a. **Motor carrier of railroad employees.** "Motor carrier of railroad employees" means a motor carrier engaged in the for-hire transportation of railroad employees of a class I or II common carrier, as defined in Code of Federal Regulations, title 49, part 1201, general instruction 1-1, under the terms of a contractual agreement with a common carrier, as defined in section 218.011, subdivision 10.

Sec. 28. Minnesota Statutes 2008, section 221.012, subdivision 38, is amended to read:

Subd. 38. **Small vehicle passenger service.** (a) "Small vehicle passenger service" means a service provided by a person engaged in the for-hire transportation of passengers in a vehicle designed to transport seven or fewer persons, including the driver.

(b) In the metropolitan area as defined in section 473.121, subdivision 2, "small vehicle passenger service" also includes for-hire transportation of persons who are certified by the Metropolitan Council to use special transportation service provided under section 473.386, in a vehicle designed to transport not more than 15 persons including the driver, that is equipped with a wheelchair lift and at least three wheelchair securement positions.

(c) Small vehicle passenger service does not include a motor carrier of railroad employees.

Sec. 29. **[221.0255] MOTOR CARRIER OF RAILROAD EMPLOYEES.**

(a) A motor carrier of railroad employees must meet the requirements specified in this section, is subject to section 221.291, and is otherwise exempt from the provisions of this chapter.

(b) A vehicle operator for a motor carrier of railroad employees who transports passengers must:

(1) have a valid driver's license under chapter 171; and

(2) submit to a physical examination.

(c) The carrier must implement a policy that provides for annual training and certification of the operator in:

(1) safe operation of the vehicle transporting railroad employees;

(2) knowing and understanding relevant laws, rules of the road, and safety policies;

(3) handling emergency situations;

(4) proper use of seat belts;

(5) performance of pretrip and posttrip vehicle inspections, and inspection record keeping; and

(6) proper maintenance of required records.

(d) The carrier must:

(1) perform a background check or background investigation of the operator;

(2) annually verify the operator's driver's license;

(3) document meeting the requirements in this subdivision, and maintain the file at the carrier's business location;

(4) maintain liability insurance in a minimum amount of \$5,000,000 regardless of the seating capacity of the vehicle; and

(5) maintain uninsured and underinsured coverage in a minimum amount of \$1,000,000.

If a party contracts with the motor carrier on behalf of the railroad to transport the railroad employees, then the insurance requirements may be satisfied by either that party or the motor carrier, so long as the motor carrier is a named insured or additional insured under any policy.

(e) A person who sustains a conviction 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, may not operate a vehicle under this subdivision for five years from the date of conviction. A person who sustains a conviction of a moving offense in violation of chapter 169 within three years of the first of three other moving offenses may not operate a vehicle under this subdivision for one year from the date of the last conviction. 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 vehicle under this subdivision.

(f) An operator who sustains a conviction as described in paragraph (e) while employed by the carrier shall report the conviction to the carrier within ten days of the date of the conviction.

(g) A carrier must implement a mandatory alcohol and controlled substance testing program as provided under sections 181.950 to 181.957 that consists of preemployment testing, postaccident testing, random testing, reasonable suspicion testing, return-to-duty testing, and follow-up testing.

(h) A motor carrier of railroad employees shall not allow or require a driver to drive or remain on duty for more than: ten hours after eight consecutive hours off duty; 15 hours of combined on-duty time and drive time since last obtaining eight consecutive hours of off-duty time; or 70 hours of on-duty and drive time in any period of eight consecutive days. After 24 hours off duty, a driver begins a new seven consecutive day period and on-duty time is reset to zero.

(i) An operator who encounters an emergency and cannot, because of that emergency, safely complete a transportation assignment within the ten-hour maximum driving time permitted under paragraph (h), may drive for not more than two additional hours in order to complete that transportation assignment or to reach a place offering safety for the occupants of the vehicle and security for the transport motor vehicle, if the transportation assignment reasonably could have been completed within the ten-hour period absent the emergency.

(j) A carrier shall maintain and retain for a period of six months accurate time records that show the time the driver reports for duty each day; the total number of hours of on-duty time for each driver for each day; the time the driver is released from duty each day; and the total number of hours driven each day.

(k) For purposes of this subdivision, the following terms have the meanings given:

(1) "conviction" has the meaning given in section 609.02; and

(2) "on-duty time" means all time at a terminal, facility, or other property of a contract carrier or on any public property waiting to be dispatched. On-duty time includes time spent inspecting, servicing, or conditioning the vehicle.

EFFECTIVE DATE. Paragraph (d), clause (5), is effective July 1, 2011.

Sec. 30. Minnesota Statutes 2008, section 360.061, subdivision 3, is amended to read:

Subd. 3. **Municipality.** "Municipality" does not include a county unless the county owns or controls an airport, in which case such county may exercise all the powers granted by said sections to other municipalities. It specifically includes a town, an airport authority, the Metropolitan Airports Commission established and operated pursuant to chapter 473, and the state of Minnesota.

Sec. 31. Minnesota Statutes 2008, section 473.167, subdivision 2a, is amended to read:

Subd. 2a. **Hardship Loans for acquisition and relocation.** (a) The council may make ~~hardship~~ loans to acquiring authorities within the metropolitan area to purchase homestead property located in a proposed state trunk highway right-of-way or project, and to provide relocation assistance. Acquiring authorities are authorized to accept the loans and to acquire the property. Except as provided in this subdivision, the loans shall be made as provided in subdivision 2. Loans shall be in the amount of the fair market value of the homestead property plus relocation costs and less salvage value. Before construction of the highway begins, the acquiring authority shall convey the property to the commissioner of transportation at the same price it paid, plus relocation costs and less its salvage value. Acquisition and assistance under this subdivision must conform to sections 117.50 to 117.56.

(b) The council may make ~~hardship~~ loans only when:

(1) the owner of affected homestead property requests acquisition and relocation assistance from an acquiring authority;

(2) federal or state financial participation is not available;

(3) the owner is unable to sell the homestead property at its appraised market value because the property is located in a proposed state trunk highway right-of-way or project as indicated on an official map or plat adopted under section 160.085, 394.361, or 462.359; and

(4) the council agrees to and approves the fair market value of the homestead property, which approval shall not be unreasonably withheld; ~~and,~~

~~(5) the owner of the homestead property is burdened by circumstances that constitute a hardship, such as catastrophic medical expenses; a transfer of the homestead owner by the owner's employer to a distant site of employment; or inability of the owner to maintain the property due to physical or mental disability or the permanent departure of children from the homestead.~~

(c) For purposes of this subdivision, the following terms have the meanings given them.

(1) "Acquiring authority" means counties, towns, and statutory and home rule charter cities in the metropolitan area.

(2) "Homestead property" means (i) a single-family dwelling occupied by the owner, and the surrounding land, not exceeding a total of ten acres; or (ii) a manufactured home, as defined in section 327B.01, subdivision 13.

(3) "Salvage value" means the probable sale price of the dwelling and other property that is severable from the land if offered for sale on the condition that it be removed from the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge of the possible uses of the property, including separate use of serviceable components and scrap when there is no other reasonable prospect of sale.

Sec. 32. Minnesota Statutes 2008, section 473.411, subdivision 5, is amended to read:

Subd. 5. **Use of public roadways and appurtenances.** The council may use for the purposes of sections 473.405 to 473.449 upon the conditions stated in this subdivision any state highway or other public roadway, parkway, or lane, or any bridge or tunnel or other appurtenance of a roadway, without payment of any compensation, provided the use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entail any substantial additional costs for maintenance. The provisions of this subdivision do not apply to the property of any common carrier railroad or common carrier railroads. The consent of the public agency in charge of such state highway or other public highway or roadway or appurtenance is not required; except that if

the council seeks to use a designated parkway for regular route service in the city of Minneapolis, it must obtain permission from and is subject to reasonable limitations imposed by a joint board consisting of two representatives from the council, two members of the board of park commissioners, and a fifth member jointly selected by the ~~representatives of the council and the park~~ other members of the board. If the use is a designated Minneapolis parkway for regular route service adjacent to the city of Minneapolis, it must obtain permission from and is subject to reasonable limitations imposed by a joint board consisting of two representatives from the council, two members of the board of park commissioners, and a fifth member jointly selected by other members of the board. The joint board must include a nonvoting member appointed by the council of the city in which the parkway is located.

The board of park commissioners and the council may designate persons to sit on the joint board. In considering a request by the council to use designated parkways for additional routes or trips, the joint board consisting of the council or their designees, the board of park commissioners or their designees, and the fifth member, shall base its decision to grant or deny the request based on the criteria to be established by the joint board. The decision to grant or deny the request must be made within 45 days of the date of the request. The park board must be notified immediately by the council of any temporary route detours. If the park board objects to the temporary route detours within five days of being notified, the joint board must convene and decide whether to grant the request, otherwise the request is deemed granted. If the agency objects to the proposed use or claims reimbursement from the council for additional cost of maintenance, it may commence an action against the council in the district court of the county wherein the highway, roadway, or appurtenance, or major portion thereof, is located. The proceedings in the action must conform to the Rules of Civil Procedure applicable to the district courts. The court shall sit without jury. If the court determines that the use in question interferes unreasonably with the public use or maintenance of the roadway or appurtenance, it shall enjoin the use by the council. If the court determines that the use in question does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance, but that it entails substantial additional maintenance costs, the court shall award judgment to the agency for the amount of the additional costs. Otherwise the court shall award judgment to the council. An aggrieved party may appeal from the judgment of the district court in the same manner as is provided for such appeals in other civil actions. The council may also use land within the right-of-way of any state highway or other public roadway for the erection of traffic control devices, other signs, and passenger shelters upon the conditions stated in this subdivision and subject only to the approval of the commissioner of transportation where required by statute, and subject to the express provisions of other applicable statutes and to federal requirements where necessary to qualify for federal aid.

Sec. 33. Minnesota Statutes 2008, section 514.18, subdivision 1a, is amended to read:

Subd. 1a. **Towed motor vehicles.** A person who tows and stores a motor vehicle at the request of a law enforcement officer shall have a lien on the motor vehicle for the value of the storage and towing and the right to retain possession of the motor vehicle until the lien is lawfully discharged. This section does not apply to tows ~~authorized in section 169.041, subdivision 4, clause (1) of vehicles parked in violation of snow emergency regulations.~~

Sec. 34. Laws 2008, chapter 287, article 1, section 122, is amended to read:

Sec. 122. **NULLIFICATION OF EXPEDITED TOWN ROAD EXTINGUISHMENT.**

(a) Any extinguishment of town interest in a town road under Minnesota Statutes, section 164.06, subdivision 2, is hereby nullified if:

(1) the interest was not recorded or filed with the county recorder but was recorded or filed with the county auditor prior to 1972;

(2) the state or a political subdivision has constructed or funded a road or bridge improvement on a right-of-way affected by the interest;

(3) the affected road was the only means of access to a property;

(4) the extinguishment took place within the last ten years; and

(5) a person whose only access to property was lost because of the extinguishment files a petition of a nullification with the town board stating that the person's property became landlocked because of the extinguishment and that the road satisfies all of the requirements of paragraph (a), clauses (1) to (4). A copy of the road order found filed or recorded with the county auditor must be attached to the petition. The town shall file the petition with the county auditor and record it with the county recorder.

(b) Notwithstanding Minnesota Statutes, sections 164.08, subdivision 1, and 541.023, for any nullification under paragraph (a), the affected road is hereby deemed to be a cartway. No additional damages or other payments may be required other than those paid at the time the fee interest was originally acquired and the order filed with the county auditor. A cartway created by this paragraph may be converted to a private driveway under Minnesota Statutes, section 164.08, subdivision 2.

(c) For purposes of this section, "affected road" means the road in which the town board extinguished its interest.

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

Sec. 35. **ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES FOR CITY OF FARMINGTON.**

Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the commissioner of public safety, limiting sites for the office of deputy registrar based on either the distance to an existing deputy registrar office or the annual volume of transactions processed by any deputy registrar, the commissioner of public safety shall appoint a municipal deputy registrar of motor vehicles for the city of Farmington to operate a new full-service Office of Deputy Registrar, with full authority to function as a registration and motor vehicle tax collection bureau, at the city hall in the city of Farmington. All other provisions regarding the appointment and operation of a deputy registrar of motor vehicles under Minnesota Statutes, section 168.33, and Minnesota Rules, chapter 7406, apply to the office.

EFFECTIVE DATE; LOCAL APPROVAL. This section is effective the day after the governing body of the city of Farmington and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 36. **REPEALER.**

Minnesota Statutes 2008, section 169.041, subdivisions 3 and 4, are repealed.

Sec. 37. **EFFECTIVE DATE.**

Except as otherwise provided, this article is effective August 1, 2010."

Delete the title and insert:

"A bill for an act relating to transportation; modifying or adding provisions relating to transportation tax compliance and appropriations, transportation construction impacts on business, rest areas, highways, bridges, special license plates, deputy registrars, vehicles, impounds, towing, intersection gridlock, bus operation, various traffic regulations, cargo tank vehicle weight exemptions, transportation department goals and mission, a Minnesota Council of Transportation Access, a Commuter Rail Corridor Coordinating Committee, railroad track safety, motor carriers of railroad employees, airport authorities, property acquisition for highways, transit, and town road interest extinguishment nullification; requiring a report; making technical and clarifying changes; appropriating money;

amending Minnesota Statutes 2008, sections 161.14, by adding subdivisions; 165.14, subdivisions 4, 5; 168.002, by adding a subdivision; 168.123, by adding a subdivision; 168.1293; 168.33, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision 3; 169.041, subdivision 5; 169.15; 169.306; 169.87, by adding a subdivision; 174.01, subdivisions 1, 2; 174.02, subdivision 1a; 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision; 360.061, subdivision 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18, subdivision 1a; Minnesota Statutes 2009 Supplement, sections 160.165; 161.14, subdivision 62; 169.71, subdivision 1; 169.865, subdivision 1; Laws 2008, chapter 287, article 1, section 122; Laws 2009, chapter 36, article 1, sections 1; 5, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes, chapters 160; 174; 221; repealing Minnesota Statutes 2008, section 169.041, subdivisions 3, 4."

The motion prevailed and the amendment was adopted.

Hornstein moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 33, after line 16, insert:

"Sec. 36. Laws 2008, chapter 350, article 1, section 5, the effective date, is amended to read:

EFFECTIVE DATE. Paragraph (b) and paragraph (c), clause (1), are effective the day following final enactment and apply to any additional tax for a registration period that starts on or after March 1, ~~2011~~ 2012."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Morrow moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 22, after line 23, insert:

"Sec. 25. Minnesota Statutes 2008, section 174.22, is amended by adding a subdivision to read:

Subd. 14a. **State sources of funds.** "State sources of funds" means funding for the public transit participation program appropriated from (1) the general fund, and (2) the greater Minnesota transit account.

Sec. 26. Minnesota Statutes 2008, section 174.23, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) The commissioner shall have all powers necessary and convenient to carry out the provisions of sections 174.21 to 174.27 including the power to:

(1) review applications for financial assistance, execute contracts, and obligate and expend program funds, upon conditions and limitations as the commissioner deems necessary for purposes of program and project implementation, operation, and evaluation;

(2) accept and disburse federal funds available for the purposes of sections 174.21 to 174.27, and such funds are appropriated to the commissioner; and

(3) act upon request as the designated agent of any eligible person for the receipt and disbursal of federal funds.

(b) The commissioner shall perform the duties and exercise the powers under sections 174.21 to 174.27 in coordination with and in furtherance of statewide, regional, and local transportation plans and transportation development programs. ~~The commissioner shall set guidelines for financial assistance under the public transit subsidy program. The commissioner shall present any proposed guidelines regarding public transit financial assistance to a legislative committee composed of equal numbers appointed by the house of representatives local and urban affairs and senate transportation committees. The commissioner shall not implement any new guidelines regarding public transit financial assistance, between the period January 1, 1981 to April 15, 1982, without the prior approval of that committee.~~

Sec. 27. Minnesota Statutes 2008, section 174.23, subdivision 2, is amended to read:

Subd. 2. **Financial assistance; application, approval.** (a) The commissioner shall seek out and select eligible recipients of financial assistance under sections 174.21 to 174.27.

(b) The commissioner shall establish by rule the procedures and standards for review and approval of applications for financial assistance submitted to the commissioner pursuant to sections 174.21 to 174.27. Any applicant shall provide to the commissioner any financial or other information required by the commissioner to carry out the commissioner's duties. The commissioner may require local contributions from applicants as a condition for receiving financial assistance.

(c) Before the commissioner approves any grant, the application for the grant ~~shall~~ may be reviewed ~~and approved~~ by the appropriate regional development commission only for consistency with regional transportation plans and development guides. If an applicant proposes a project within the jurisdiction of a transit authority or commission or a transit system assisted or operated by a city or county, the application shall also be reviewed by that commission, authority, or political subdivision for consistency with its transit programs, policies, and plans. ~~Any regional development commission that has not adopted a transportation plan may review but may not approve or disapprove of any application.~~

Sec. 28. Minnesota Statutes 2009 Supplement, section 174.24, subdivision 1a, is amended to read:

Subd. 1a. ~~Transit service needs implementation~~ **Greater Minnesota transit investment plan.** (a) The commissioner shall develop a greater Minnesota transit service needs implementation investment plan that contains a goal of meeting at least 80 percent of ~~unmet total~~ transit service needs in greater Minnesota by July 1, 2015, and meeting at least 90 percent of ~~unmet total~~ transit service needs in greater Minnesota by July 1, 2025.

(b) The plan must include, but is not limited to, the following:

(1) an analysis of ridership and total transit service needs throughout greater Minnesota;

(2) a calculation of ~~unmet needs; an assessment~~ of the level and type of service required to meet ~~unmet total~~ transit service needs, for the transit system classifications as provided under subdivision 3b, paragraph (c), of urbanized area, small urban area, rural area, and elderly and disabled service;

(3) an analysis of costs and revenue options; ~~and,~~

(4) a plan to reduce ~~unmet total~~ transit service needs as specified in this subdivision; and

(5) identification of the operating and capital costs necessary to meet 100 percent of the greater Minnesota transit targeted and projected bus service hours, as identified in the greater Minnesota transit plan, for 2010, 2015, 2020, 2025, and 2030.

(c) The plan must specifically address special transportation service ridership and needs. The plan must also provide that recipients of operating assistance under this section provide fixed route public transit service without charge for disabled veterans in accordance with subdivision 7. ~~The commissioner may amend the plan as necessary, and may use all or part of the 2001 greater Minnesota public transportation plan created by the Minnesota Department of Transportation.~~

Sec. 29. Minnesota Statutes 2008, section 174.24, subdivision 2, is amended to read:

Subd. 2. **Eligibility; application.** Any legislatively established public transit commission or authority, any county or statutory or home rule charter city providing financial assistance to or operating public transit, any private operator of public transit, or any combination thereof is eligible to receive financial assistance through the public transit participation program. Except as provided in subdivision 2b for assistance provided from federal funds, eligible recipients must be located outside of the metropolitan area.

Sec. 30. Minnesota Statutes 2008, section 174.24, is amended by adding a subdivision to read:

Subd. 2b. **Federal aid.** (a) The commissioner may accept and disburse federal funds received and appropriated under section 174.23, subdivision 1, as an additional source of funds for implementing the public transit participation program established in this section. This authority includes, but is not limited to:

(1) adopting administrative rules to establish financial assistance allocation priorities, identify factors to consider in reviewing an applicant's management plan, evaluate a request for financial assistance, and determine the amount of financial assistance to be provided; and

(2) establishing project selection criteria under the United States Code, title 49, section 5311, state management plan as approved by the Federal Transit Administration, United States Department of Transportation.

(b) If the commissioner accepts and disburses federal funds as provided in paragraph (a), the commissioner shall:

(1) maintain separate accounts for (i) state sources of funds, and (ii) federal sources of funding; and

(2) ensure that all state sources of funds are only used for assistance to eligible recipients as provided in subdivision 2.

Sec. 31. Minnesota Statutes 2008, section 174.24, subdivision 3b, is amended to read:

Subd. 3b. **Operating assistance; recipient classifications.** (a) The commissioner shall determine the total operating cost of any public transit system receiving or applying for assistance in accordance with generally accepted accounting principles. To be eligible for financial assistance, an applicant or recipient shall provide to the commissioner all financial records and other information and shall permit any inspection reasonably necessary to determine total operating cost and correspondingly the amount of assistance that may be paid to the applicant or recipient. Where more than one county or municipality contributes assistance to the operation of a public transit system, the commissioner shall identify one as lead agency for the purpose of receiving money under this section.

(b) Prior to distributing operating assistance to eligible recipients for any contract period, the commissioner shall place all recipients into one of the following classifications: urbanized area service, small urban area service, rural area service, and elderly and disabled service.

(c) The commissioner shall distribute funds under this section so that the percentage of total contracted operating cost paid by any recipient from local sources will not exceed the percentage for that recipient's classification, except as provided in ~~an undue hardship case~~ this subdivision. The percentages must be:

- (1) for urbanized area service and small urban area service, 20 percent;
- (2) for rural area service, 15 percent; and
- (3) for elderly and disabled service, 15 percent.

Except as provided in a United States Department of Transportation program allowing or requiring a lower percentage to be paid from local sources, the remainder of the recipient's total contracted operating cost will be paid from state sources of funds less any assistance received by the recipient from any federal source the United States Department of Transportation.

(d) For purposes of this subdivision, "local sources" means all local sources of funds and includes all operating revenue, tax levies, and contributions from public funds, except that the commissioner may exclude from the total assistance contract revenues derived from operations the cost of which is excluded from the computation of total operating cost. ~~Total operating costs of the Duluth Transit Authority or a successor agency does not include costs related to the Superior, Wisconsin service contract and the Independent School District No. 709 service contract.~~

~~(e)~~ (e) If a recipient informs the commissioner in writing after the establishment of these percentages but prior to the distribution of financial assistance for any year that paying its designated percentage of total operating cost from local sources will cause undue hardship, the commissioner may reduce the percentage to be paid from local sources by the recipient and increase the percentage to be paid from local sources by one or more other recipients inside or outside the classification. However, the commissioner may not reduce or increase any recipient's percentage under this paragraph for more than two years successively. If for any year the funds appropriated to the commissioner to carry out the purposes of this section are insufficient to allow the commissioner to pay the state share of total operating cost as provided in this paragraph, the commissioner shall reduce the state share in each classification to the extent necessary.

Sec. 32. Minnesota Statutes 2009 Supplement, section 174.24, subdivision 5, is amended to read:

Subd. 5. **Method of payment, operating assistance.** Payments for operating assistance under this section from state sources of funds must be made in the following manner:

- (a) For payments made from the general fund:
 - (1) 50 percent of the total contract amount in or before the first month of operation;
 - (2) 40 percent of the total contract amount in or before the seventh month of operation;
 - (3) 9 percent of the total contract amount in or before the 12th month of operation; and
 - (4) 1 percent of the total contract amount after the final audit.
- (b) For payments made from the greater Minnesota transit account:
 - (1) 50 percent of the total contract amount in or before the seventh month of operation; and
 - (2) 50 percent of the total contract amount in or before the 11th month of operation.

Sec. 33. Minnesota Statutes 2008, section 174.247, is amended to read:

174.247 ANNUAL TRANSIT REPORT.

(a) By February 15 annually, the commissioner shall submit a report to the legislature on transit services outside the metropolitan area. The Metropolitan Council and any public transit system receiving assistance under section 174.24 shall provide assistance in creating the report, as requested by the commissioner.

(b) The report must include, at a minimum, the following:

(1) a descriptive overview of public transit in Minnesota;

(2) a descriptive summary of funding sources and assistance programs;

(3) a summary of each public transit system receiving assistance under section 174.24;

(4) data that identifies use of volunteers in providing transit service;

(5) financial data that identifies ~~operating and capital costs, and funding sources~~, for each public transit system and for each transit system classification under section 174.24, subdivision 3b:

(i) the operating and capital costs;

(ii) each of the funding sources used to provide financial assistance; and

(iii) for federal funds, the amount from each specific federal program under which funding is provided;

(6) a summary of the differences in program implementation requirements and aid recipient eligibility between federal aid and state sources of funds;

(7) in each odd-numbered year, an analysis of public transit system needs and operating expenditures on an annual basis, which must include a methodology for identifying monetary needs, and calculations of:

(i) the total monetary needs for all public transit systems, for the year of the report and the ensuing five years;

(ii) the total expenditures from local sources for each transit system classification;

(iii) the comprehensive transit assistance percentage for each transit system classification, which equals (A) the expenditures identified under clause (7), item (ii), for a transit system classification, divided by (B) the amounts identified under subitem (A), plus the sum of state sources of funds plus federal funds provided to all transit systems in that classification; and

(iv) in each odd-numbered year, beginning in 2009, a calculation of the amounts the amount of surplus or insufficient funds available for (i) paying the state share of transit operating costs under section 174.24, subdivision 3b, and (ii) paying capital and operating costs to fully implement the transit service needs implementation greater Minnesota transit investment plan under section 174.24, subdivision 1a."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Thissen was excused between the hours of 1:25 p.m. and 3:35 p.m.

Brown was excused between the hours of 1:30 p.m. and 3:50 p.m.

Nornes and Westrom moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 18, after line 9, insert:

"Sec. 17. **[169.2245] MINI TRUCKS.**

Subdivision 1. Definition. For purposes of this section, "local road authority" means the county board, as to county state-aid highways and county highways; the town board, as to town roads; and the governing body of a statutory or home rule charter city, as to city streets.

Subd. 2. Required equipment. Notwithstanding sections 169.48 to 169.68, or any other law, a mini truck may be operated on public streets and highways as provided in this section if it is equipped with:

(1) at least two headlamps;

(2) at least two taillamps;

(3) front and rear turn-signal lamps;

(4) an exterior mirror mounted on the driver's side of the vehicle and either (i) an exterior mirror mounted on the passenger's side of the vehicle or (ii) an interior mirror;

(5) a windshield;

(6) a seat belt for the driver and front passenger; and

(7) a parking brake.

Subd. 3. Operation. (a) A person operating a mini truck on public streets and highways under this section has all the rights and duties applicable to the driver of any other vehicle under this chapter.

(b) A person may not operate a mini truck on a trunk highway.

(c) A person operating a mini truck as allowed under this section may cross any street or highway, including a trunk highway, intersecting the road upon which the vehicle is being operated.

(d) The provisions of chapter 171 concerning driver licensing are applicable to a person operating a mini truck.

Subd. 4. Restrictions and prohibitions. (a) A local road authority may by ordinance prohibit the operation of a mini truck on streets or highways under the local road authority's jurisdiction.

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

EFFECTIVE DATE. This section is effective August 1, 2010."

Page 33, after line 1, insert:

"Sec. 35. Laws 2009, chapter 158, section 10, is amended to read:

Sec. 10. **EFFECTIVE DATE.**

Sections 2 and 3 are effective August 1, 2009, ~~and the amendments made in sections 2 and 3 to Minnesota Statutes, sections 169.011 and 169.045, expire July 31, 2012.~~

EFFECTIVE DATE. This section is effective August 1, 2010."

Page 33, line 18, before "Minnesota" insert "(a)"

Page 33, after line 18, insert:

"(b) Laws 2009, chapter 158, section 3, is repealed.

EFFECTIVE DATE. Paragraph (b) is effective August 1, 2010."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Nornes and Westrom amendment and the roll was called. There were 60 yeas and 67 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|----------|-----------|-----------|-----------|
| Abeler | Demmer | Fritz | Juhnke | Magnus | Scott |
| Anderson, B. | Dettmer | Garofalo | Kath | Marquart | Seifert |
| Anderson, P. | Doepke | Gottwalt | Kelly | McFarlane | Severson |
| Anderson, S. | Doty | Gunther | Kiffmeyer | McNamara | Shimanski |
| Beard | Downey | Hamilton | Knuth | Murdock | Smith |
| Brod | Drazkowski | Haws | Koenen | Nornes | Torkelson |
| Buesgens | Eastlund | Holberg | Kohls | Otremba | Urdahl |
| Cornish | Eken | Hoppe | Lanning | Peppin | Ward |
| Davids | Falk | Howes | Loon | Rosenthal | Westrom |
| Dean | Faust | Jackson | Mack | Sanders | Zellers |

Those who voted in the negative were:

| | | | | | |
|----------|----------|-----------|------------|------------|-------------|
| Anzelc | Champion | Hausman | Johnson | Loeffler | Nelson |
| Atkins | Clark | Hayden | Kahn | Mahoney | Newton |
| Benson | Davnie | Hilstrom | Kalin | Mariani | Norton |
| Bigham | Dill | Hilty | Laine | Masin | Obermueller |
| Bly | Dittrich | Hornstein | Lenczewski | Morgan | Olin |
| Brynaert | Gardner | Hortman | Liebling | Morrow | Paymar |
| Bunn | Greiling | Hosch | Lieder | Mullery | Pelowski |
| Carlson | Hansen | Huntley | Lillie | Murphy, M. | Persell |

| | | | | |
|----------|---------|---------|-----------|----------|
| Peterson | Ruud | Simon | Sterner | Wagenius |
| Poppe | Sailer | Slawik | Swails | Walti |
| Reinert | Scalze | Slocum | Thao | Winkler |
| Rukavina | Sertich | Solberg | Tillberry | |

The motion did not prevail and the amendment was not adopted.

Abeler was excused between the hours of 1:35 p.m. and 2:15 p.m.

Shimanski moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 33, after line 1, insert:

"Sec. 35. **ROUNDABOUTS DESIGN.**

(a) The commissioner of transportation shall, as part of the next regular update of appropriate design and highway construction manuals, develop specifications or standards on the design of roundabouts. The specifications or standards must include consideration of the suitability of roundabout designs for commercial motor vehicles, as defined in Minnesota Statutes, section 169.011, subdivision 16, and disabled persons as defined by Minnesota Statutes, section 256.481.

(b) In developing the specifications or standards, the commissioner shall consult with:

(1) the Minnesota Trucking Association;

(2) representatives, as identified by the commissioner, of persons who regularly obtain oversize or overweight permits under Minnesota Statutes, chapter 169, and are reasonably likely to travel on routes that would include a roundabout; and

(3) the Council on Disability established under Minnesota Statutes, section 256.482.

(c) The commissioner shall distribute the specifications or standards, or a similar advisory guidance document, to local road authorities.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Urdahl and Rukavina moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 20, after line 25, insert:

"Sec. 21. Minnesota Statutes 2008, section 171.12, subdivision 6, is amended to read:

Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph (b), the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 55 or 60 miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of ~~a 55 miles per hour the speed limit, or more than five miles per hour in excess of a 60 miles per hour speed limit.~~

(b) This subdivision does not apply to (1) a violation that occurs in a commercial motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial driver's license, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hortman moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 29, after line 14, insert:

"Sec. 30. Minnesota Statutes 2009 Supplement, section 299D.03, subdivision 5, is amended to read:

Subd. 5. **Traffic fines and forfeited bail money.** (a) All fines and forfeited bail money collected from persons apprehended or arrested by officers of the State Patrol shall be transmitted by the person or officer collecting the fines, forfeited bail money, or installments thereof, on or before the tenth day after the last day of the month in which these moneys were collected, to the commissioner of management and budget. Except where a different disposition is required in this subdivision or section 387.213, or otherwise provided by law, three-eighths of these receipts must be deposited in the state treasury and credited to the state general fund. The other five-eighths of these receipts must be deposited in the state treasury and credited as follows: (1) the first ~~\$600,000~~ \$1,000,000 in each fiscal year must be credited to the Minnesota grade crossing safety account in the special revenue fund, and (2) remaining receipts must be credited to the state trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be deposited in the state treasury and credited to the state general fund, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be deposited in the state treasury and credited to the Minnesota grade crossing safety account or the state trunk highway fund as provided in this paragraph. When section 387.213 also is applicable to the fine, section 387.213 shall be applied before this paragraph is applied. All costs of participation in a nationwide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by these employees, shall be transmitted by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the commissioner of management and budget. Five-eighths of these receipts shall be deposited in the state treasury and credited to the state highway user tax distribution fund. Three-eighths of these receipts shall be deposited in the state treasury and credited to the state general fund."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Beard and Lieder moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 33, after line 1, insert:

"Sec. 35. **TIFIA PILOT PROGRAM.**

(a) The commissioner of transportation may conduct a pilot program to apply for and receive financial assistance under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA), United States Code, title 23, chapter 6, or through other federal transportation loan, grant, or credit assistance programs. The assistance may include but is not limited to loans, loan guarantees, and lines of credit. The commissioner may enter into agreements to repay the financial assistance subject to the availability of state money or other dedicated revenue or resources, with the approval of Minnesota Management and Budget.

(b) The pilot program under this section is available for one transportation project identified by the commissioner.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holberg moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 30, after line 26, insert:

"Sec. 32. Minnesota Statutes 2008, section 473.408, is amended by adding a subdivision to read:

Subd. 5a. **Free service.** The council may not provide regular route transit, as defined in section 174.22, subdivision 8, that is free of charge to the general public, except if:

(1) the council provides none of the funds necessary to cover costs of the free service attributable to forgone farebox revenue, and such costs are provided by a local unit of government or other nonstate sources; or

(2) as provided in subdivisions 9 or 10."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Holberg amendment and the roll was called. There were 58 yeas and 70 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|-------------|-----------|
| Anderson, B. | Demmer | Gottwalt | Kohls | Obermueller | Smith |
| Anderson, P. | Dettmer | Gunther | Lanning | Olin | Sterner |
| Anderson, S. | Dittrich | Hackbarth | Lenczewski | Peppin | Swails |
| Beard | Doepke | Hamilton | Loon | Rosenthal | Torkelson |
| Brod | Downey | Holberg | Mack | Ruud | Urdahl |
| Buesgens | Drazkowski | Hoppe | Magnus | Sanders | Welti |
| Bunn | Eastlund | Howes | McFarlane | Scott | Westrom |
| Cornish | Emmer | Kath | McNamara | Seifert | Zellers |
| Davids | Faust | Kelly | Murdock | Severson | |
| Dean | Garofalo | Kiffmeyer | Nornes | Shimanski | |

Those who voted in the negative were:

| | | | | | |
|----------|-----------|---------|------------|----------|-----------|
| Anzelc | Eken | Hosch | Lillie | Newton | Sertich |
| Atkins | Falk | Huntley | Loeffler | Norton | Simon |
| Benson | Fritz | Jackson | Mahoney | Otremba | Slawik |
| Bigham | Gardner | Johnson | Mariani | Paymar | Slocum |
| Bly | Greiling | Juhnke | Marquart | Pelowski | Solberg |
| Brynaert | Hansen | Kahn | Masin | Persell | Thao |
| Carlson | Hausman | Kalin | Morgan | Peterson | Tillberry |
| Champion | Haws | Knuth | Morrow | Poppe | Wagenius |
| Clark | Hilstrom | Koenen | Mullery | Reinert | Ward |
| Davnie | Hilty | Laine | Murphy, E. | Rukavina | Winkler |
| Dill | Hornstein | Lesch | Murphy, M. | Sailer | |
| Doty | Hortman | Lieder | Nelson | Scalze | |

The motion did not prevail and the amendment was not adopted.

Buesgens moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 33, after line 1, insert:

"Sec. 35. **TRANSIT STOP FREQUENCY.**

By July 1, 2010, the council shall reduce motor fuel consumption and increase regular route transit service efficiency by adjusting bus stop locations in cities of the first class, so that no bus stop is placed within one and a half blocks of the next stop for that route.

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

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 49 yeas and 82 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|-----------|-----------|
| Anderson, B. | Demmer | Gottwalt | Kohls | Nornes | Torkelson |
| Anderson, P. | Dettmer | Gunther | Lanning | Peppin | Urdahl |
| Anderson, S. | Doepke | Hackbarth | Lenczewski | Rosenthal | Westrom |
| Beard | Downey | Hamilton | Loon | Sanders | Zellers |
| Brod | Drazkowski | Holberg | Mack | Scott | |
| Buesgens | Eastlund | Hoppe | Magnus | Seifert | |
| Cornish | Emmer | Howes | McNamara | Severson | |
| Davids | Faust | Kelly | Murdock | Shimanski | |
| Dean | Garofalo | Kiffmeyer | Newton | Smith | |

Those who voted in the negative were:

| | | | | | |
|----------|-----------|----------|------------|-------------|-----------|
| Abeler | Doty | Hosch | Lillie | Obermueller | Simon |
| Anzelc | Eken | Huntley | Loeffler | Olin | Slawik |
| Atkins | Falk | Jackson | Mahoney | Otremba | Slocum |
| Benson | Fritz | Johnson | Mariani | Paymar | Solberg |
| Bigham | Gardner | Juhnke | Marquart | Pelowski | Sterner |
| Bly | Greiling | Kahn | Masin | Persell | Swails |
| Brynaert | Hansen | Kalin | McFarlane | Peterson | Thao |
| Bunn | Hausman | Kath | Morgan | Poppe | Tillberry |
| Carlson | Haws | Knuth | Morrow | Reinert | Wagenius |
| Champion | Hayden | Koenen | Mullery | Rukavina | Ward |
| Clark | Hilstrom | Laine | Murphy, E. | Ruud | Welti |
| Davnie | Hilty | Lesch | Murphy, M. | Sailer | Winkler |
| Dill | Hornstein | Liebling | Nelson | Scalze | |
| Dittrich | Hortman | Lieder | Norton | Sertich | |

The motion did not prevail and the amendment was not adopted.

Speaker pro tempore Juhnke called Pelowski to the Chair.

Scott moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 10, after line 7, insert:

"Sec. 10. Minnesota Statutes 2008, section 168.12, subdivision 2b, is amended to read:

Subd. 2b. **Firefighters; special plates, rules.** (a) The commissioner shall issue special plates, or a single license plate in the case of a motorcycle plate, to any applicant who:

(1) is a member of, or has retired after at least 15 years of service as a member of, a fire department receiving state aid under chapter 69, and has a letter from the fire chief,~~and;~~

(2) is an owner of a passenger automobile, a truck with a manufacturer's nominal rated capacity of one ton and resembling a pickup truck, or a motorcycle;

(2) (3) pays a fee of \$10 and any other fees required by this chapter;

(3) (4) pays the registration tax required by this chapter for the motor vehicle; and

(4) (5) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) In lieu of the identification required under subdivision 1, the special plates must bear an emblem of a Maltese Cross together with any numbers or characters prescribed by the commissioner.

(c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of a fire department as specified in this subdivision. When the individual to whom the special plates were issued is no longer a member of a fire department or when the motor vehicle ownership is transferred, the owner shall remove the special plates from the motor vehicle. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. Upon removal or invalidation of the special plates, or special motorcycle plate, either the owner or purchaser of the motor vehicle shall obtain regular plates or a regular motorcycle plate for the proper registration classification for the motor vehicle.

(d) A special motorcycle license plate issued under this subdivision must be the same size as a standard motorcycle license plate.

(e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger automobile or truck may be transferred to another passenger automobile or truck owned or jointly owned by the person to whom the plates were issued. On payment of a fee of \$5, a plate issued under this subdivision for a motorcycle may be transferred to another motorcycle owned or jointly owned by the person to whom the plate was issued.

(f) The commissioner may adopt rules under the Administrative Procedure Act, sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized in this subdivision."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Scott amendment and the roll was called. There were 75 yeas and 55 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|-----------|-------------|
| Abeler | Davids | Emmer | Hoppe | Lillie | Murphy, M. |
| Anderson, B. | Dean | Fritz | Howes | Loon | Nornes |
| Anderson, P. | Demmer | Garofalo | Jackson | Mack | Obermueller |
| Anderson, S. | Dettmer | Gottwalt | Kath | Magnus | Olin |
| Atkins | Dittrich | Gunther | Kelly | Marquart | Peppin |
| Beard | Doepke | Hackbarth | Kiffmeyer | McFarlane | Persell |
| Bigham | Doty | Hamilton | Knuth | McNamara | Peterson |
| Brod | Downey | Hansen | Kohls | Morgan | Rosenthal |
| Buesgens | Drazkowski | Hilstrom | Lanning | Morrow | Ruud |
| Bunn | Eastlund | Holberg | Lenczewski | Murdock | Sailer |

| | | | | |
|---------|-----------|----------|-----------|---------|
| Sanders | Seifert | Smith | Torkelson | Welti |
| Scalze | Severson | Sternier | Urdahl | Westrom |
| Scott | Shimanski | Swails | Ward | Zellers |

Those who voted in the negative were:

| | | | | | |
|----------|-----------|----------|------------|----------|-----------|
| Anzelc | Falk | Hosch | Lieder | Otremba | Solberg |
| Benson | Faust | Huntley | Loeffler | Paymar | Thao |
| Bly | Gardner | Johnson | Mahoney | Pelowski | Tillberry |
| Brynaert | Greiling | Juhnke | Mariani | Poppe | Wagenius |
| Carlson | Hausman | Kahn | Masin | Reinert | Winkler |
| Champion | Haws | Kalin | Mullery | Rukavina | |
| Clark | Hayden | Koenen | Murphy, E. | Sertich | |
| Davnie | Hilty | Laine | Nelson | Simon | |
| Dill | Hornstein | Lesch | Newton | Slawik | |
| Eken | Hortman | Liebling | Norton | Slocum | |

The motion prevailed and the amendment was adopted.

Juhnke moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 8, after line 11, insert:

"Sec. 7. Minnesota Statutes 2008, section 161.32, is amended by adding a subdivision to read:

Subd. 8. Alternative bidding; paving materials. (a) For purposes of this subdivision, the terms defined in section 174.185, subdivision 1, have the meanings given them.

(b) For all contracts for an applicable project entered into on or after January 31, 2011, the commissioner shall use the standard for life-cycle cost analysis developed under section 174.185, subdivision 1a, as the basis for alternative bidding in which bidders may select alternative project designs that use alternative paving materials.

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

Page 22, after line 23, insert:

"Sec. 24. Minnesota Statutes 2008, section 174.185, is amended to read:

174.185 PAVEMENT LIFE-CYCLE COST ANALYSIS.

Subdivision 1. **Definitions.** For the purposes of this section, the following definitions apply.

(a) "Applicable project" means a trunk highway project in the statewide transportation improvement program categorized for construction, reconstruction, resurfacing, reconditioning, or road repair. Applicable project does not include (1) on a two-lane road, a main-line project in which there is less than two miles of length of roadway within the construction limits; and (2) on a multilane road, a main-line project in which there is less than 30,000 square yards of paving within the construction limits.

(b) "Life-cycle cost" is the sum of the cost of the initial pavement project and all anticipated costs for maintenance, repair, and resurfacing over the life of the pavement. Anticipated costs must be based on Minnesota's actual or reasonably projected maintenance, repair, and resurfacing schedules, and costs determined by the Department of Transportation district personnel based upon recently awarded local projects and experience with local material costs.

~~(b)~~ (c) "Life-cycle cost analysis" is a comparison of life-cycle costs among competing paving materials using equal design lives and equal comparison periods.

Subd. 1a. **Uniform standard.** By January 15, 2011, the commissioner shall develop a statewide uniform standard for life-cycle cost analysis based on the net present value method of comparative analysis of alternate paving materials from the Federal Highway Administration, United States Department of Transportation.

Subd. 2. **Required analysis.** For each applicable project ~~in the reconditioning, resurfacing, and road repair funding categories~~, the commissioner shall perform a life-cycle cost analysis and shall document the lowest life-cycle costs and all alternatives considered. The commissioner shall document the chosen pavement strategy and, if the lowest life cycle is not selected, document the justification for the chosen strategy. A life-cycle cost analysis is required for projects to be constructed after ~~July 1~~ January 31, 2011. For projects to be constructed ~~prior to July~~ before February 1, 2011, when feasible, the department will use its best efforts to perform life-cycle cost analyses.

Subd. 3. **Report.** By January 15, 2012, and annually by January 15 thereafter, the commissioner shall report ~~annually~~ to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation finance ~~beginning on January 1, 2012, on:~~

(1) the results of the analyses required in subdivision 2; and

(2) the results of alternative bidding under section 161.32, subdivision 8, including a listing of projects awarded using alternative bidding and projects identified as unsuitable for alternative bidding.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Beard moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 22, delete section 23

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Juhnke moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 19, delete section 18

The motion prevailed and the amendment was adopted.

Holberg moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 4, line 5, after the period, insert "The commissioner shall staff the Vehicle Crimes Unit in a manner that minimizes overall personnel costs, and assigns all duties and functions as reasonable and appropriate to employees who are not peace officers, as provided in Minnesota Statutes, section 299D.06."

The motion prevailed and the amendment was adopted.

Peppin moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 19, after line 5, insert:

"Sec. 18. Minnesota Statutes 2008, section 169.345, subdivision 1, is amended to read:

Subdivision 1. **Scope of privilege.** (a) A motor vehicle that prominently displays the certificate authorized by this section or that bears disability plates issued under section 168.021 may be parked by or solely for the benefit of a physically disabled person:

(1) in a designated parking space for disabled persons, as provided in section 169.346;

(2) in a metered parking space without obligation to pay the meter fee and without time restrictions unless time restrictions are separately posted on official signs; and

(3) without time restrictions in a nonmetered space where parking is otherwise allowed for passenger vehicles but restricted to a maximum period of time and that does not specifically prohibit the exercise of disabled parking privileges in that space.

A person may park a motor vehicle for a physically disabled person in a parking space described in clause (1) or (2) only when actually transporting the physically disabled person for the sole benefit of that person and when the parking space is within a reasonable distance from the drop-off point.

(b) For purposes of this subdivision, a certificate is prominently displayed if:

(1) it is displayed:

~~(i) so that it may be viewed from the front and rear of the motor vehicle~~ by hanging it from the rearview mirror attached to the front windshield of the motor vehicle; so that it may be viewed from the front and rear of the motor vehicle;

~~(ii) by securing it in a holder or display device located on the dashboard at the center or driver's side of the vehicle, so that it may be viewed from the front of the motor vehicle; or~~

~~(iii) if there is no rearview mirror or if the certificate holder's disability precludes placing the certificate on the mirror, the certificate must be displayed by placing it on the dashboard on the driver's side of the vehicle; and~~

~~(2) no part of the symbols, lettering, or other information shown on the certificate may be~~ are obscured.

(c) Notwithstanding paragraph (a), clauses (1), (2), and (3), this section does not permit parking in areas prohibited by sections 169.32 and 169.34, in designated no parking spaces, or in parking spaces reserved for specified purposes or vehicles. A local governmental unit may, by ordinance, prohibit parking on any street or highway to create a fire lane, or to accommodate heavy traffic during morning and afternoon rush hours and these ordinances also apply to physically disabled persons."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Drazkowski moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 33, after line 16, insert:

"Sec. 36. **BUS STOP STUDY.**

The Metropolitan Council shall study how the placement of bus stops impedes traffic flow and operational costs in the cities of Minneapolis and St. Paul. The study shall be reported to the committees with jurisdiction over transportation in the House of Representatives and Senate by January 15, 2014."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Hortman and Holberg moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 17, after line 22, insert:

"Sec. 16. Minnesota Statutes 2008, section 169.041, is amended by adding a subdivision to read:

Subd. 5a. **Quick clearance.** (a) For purposes of this subdivision:

(1) "road" includes the roadway, a lane for vehicular traffic, shoulder, on-ramp, and off-ramp of a street or highway, including a parkway; and

(2) "obstructions" includes motor vehicles, debris, personal property, and cargo.

(b) Within the Department of Transportation's eight-county metropolitan district, the department may move, remove, or cause to remove obstructions from a road if:

(1) there has been a traffic incident involving a collision, accident, or spilled load;

(2) the obstructions block a road or aggravate an emergency on a road; and

(3) the department cooperates with the State Patrol and private towing or recovery companies authorized by the state concerning towing of the vehicle and removal of other obstructions.

(c) The State Patrol shall make a reasonable effort to contact a motor carrier who owns the motor vehicle or other obstructions before undertaking an action under this subdivision.

(d) The department shall make a reasonable effort to allow the owner of the motor vehicle to arrange for its removal and shall give due consideration to having the vehicle towed by a licensed towing service capable of safely moving the vehicle.

(e) Towing charges accrued by the owner or owners of the vehicle must be reasonable and consistent with customary market prices for the type of vehicle removed and the circumstances giving rise to its removal."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Abeler was excused between the hours of 3:10 p.m. and 6:10 p.m.

Scalze moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 16, after line 13, insert:

"Sec. 15. Minnesota Statutes 2008, section 169.04, is amended to read:

169.04 LOCAL AUTHORITY.

(a) The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction, and with the consent of the commissioner, with respect to state trunk highways, within the corporate limits of a municipality, or within the limits of a town in a county in this state now having or which may hereafter have, a population of 500,000 or more, and a land area of not more than 600 square miles, and within the reasonable exercise of the police power from:

- (1) regulating the standing or parking of vehicles;
- (2) regulating traffic by means of police officers or traffic-control signals;
- (3) regulating or prohibiting processions or assemblages on the highways;
- (4) designating particular highways as one-way roadways and requiring that all vehicles, except emergency vehicles, when on an emergency run, thereon be moved in one specific direction;
- (5) designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same, or designating any intersection as a stop intersection, and requiring all vehicles to stop at one or more entrances to such intersections;

(6) restricting the use of highways as authorized in sections 169.80 to 169.88.

(b) No ordinance or regulation enacted under paragraph (a), clause (4), (5), or (6), shall be effective until signs giving notice of such local traffic regulations are posted upon and kept posted upon or at the entrance to the highway or part thereof affected as may be most appropriate.

(c) No ordinance or regulation enacted under paragraph (a), clause (3), or any other provision of law shall prohibit:

(1) the use of motorcycles or vehicles utilizing flashing red lights for the purpose of escorting funeral processions, oversize buildings, heavy equipment, parades or similar processions or assemblages on the highways; or

(2) the use of motorcycles or vehicles that are owned by the funeral home and that utilize flashing red lights for the purpose of escorting funeral processions.

(d) No ordinance or regulation enacted under paragraph (a), clause (1), or enacted by any other local authority, may hold an owner of a vehicle liable for parking violations committed before the person became the owner of the vehicle. If a vehicle is towed or impounded for failure of a former owner to pay parking fines accrued for parking violations committed by another before the present owner acquired the vehicle, the vehicle must be returned to the present owner, without charge, upon the present owner's submission of documentation showing that the person became the owner after the parking violations were committed. Local authorities must attempt to recover parking fines from the owner of the vehicle at the time the violation occurred. This paragraph does not apply to (1) a co-owner or joint owner of a vehicle also presently owned by another co-owner or joint owner who was an owner when the violations were committed or (2) to a present owner who committed parking violations while operating the subject vehicle before acquiring the vehicle."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Zellers moved to amend S. F. No. 2540, the fifth engrossment, as amended, as follows:

Page 6, after line 2, insert:

"Section 1. Minnesota Statutes 2008, section 117.225, is amended to read:

117.225 EASEMENT DISCHARGE.

Whenever claiming that an easement or portion of an easement acquired by condemnation is not being used for the purposes for which it was acquired, the underlying fee owner may apply to the district court of the county in which the land is situated for an order discharging the easement or portion of the easement, upon such terms as are just and equitable. Due notice of said application shall be given to all interested parties. Provided, however, this section shall not apply to easements or portions of easements acquired by condemnation by a public service corporation now or hereafter doing business in the state of Minnesota."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2540, A bill for an act relating to transportation; modifying or adding provisions relating to truck insurance, school bus transportation, transportation construction impacts on business, rest areas, highways, bridges, transportation contracts, variances from rules and engineering standards for local streets and highways, the state park road account, tax-exempt vehicles, license plates, deputy registrars, vehicles and drivers, impounds, towing, pedestrians, intersection gridlock, bus and type III vehicle operation, various traffic regulations, cargo tank vehicle weight exemptions, drivers' licenses, transportation department goals and mission, the Disadvantaged Business Enterprise Collaborative, a Minnesota Council of Transportation Access, complete streets, a Commuter Rail Corridor Coordinating Committee, railroad track safety, motor carriers, allocation of traffic fines, airport authorities, property acquisition for highways, transit, town road interest extinguishment nullification, Northstar commuter rail, and roundabouts design; providing for State Patrol tax compliance and vehicle crimes investigations; providing for issuance and sale of trunk highway bonds; requiring reports; making technical and clarifying changes; appropriating money; amending Minnesota Statutes 2008, sections 65B.43, subdivision 2; 161.14, by adding subdivisions; 161.3426, subdivision 3, by adding a subdivision; 162.02, subdivision 3a; 162.09, subdivision 3a; 165.14, subdivisions 4, 5; 168.12, subdivisions 2a, 2b, by adding a subdivision; 168.123, subdivisions 1, 2; 168.1255, subdivision 1; 168.1291, subdivisions 1, 2; 168.33, subdivision 2; 168B.04, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision 3; 169.041, subdivision 5; 169.09, subdivision 5a; 169.15; 169.26, by adding a subdivision; 169.306; 169.79, subdivision 3; 169.87, by adding a subdivision; 169.92, subdivision 4; 171.321, subdivision 2; 174.01, subdivisions 1, 2; 174.02, subdivision 1a; 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision; 221.0252, subdivision 7; 221.036, subdivisions 1, 3; 221.221, subdivision 3; 221.251, subdivision 1; 360.061, subdivision 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18, subdivision 1a; Minnesota Statutes 2009 Supplement, sections 123B.92, subdivision 1; 160.165; 161.14, subdivision 62; 162.06, subdivision 5; 168.012, subdivision 1; 168.12, subdivision 5; 169.71, subdivision 1; 169.865, subdivision 1; 171.02, subdivision 2b; 174.66; 221.026, subdivision 2; 221.031, subdivision 1; 221.122, subdivision 1; 299D.03, subdivision 5; Laws 2008, chapter 287, article 1, section 122; Laws 2009, chapter 36, article 1, sections 1, 3, subdivisions 1, 2, 3, 5, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 174; 221; 383D; repealing Minnesota Statutes 2008, sections 169.041, subdivisions 3, 4; 221.161, subdivisions 2, 3; 221.291, subdivision 5; Minnesota Statutes 2009 Supplement, sections 221.161, subdivisions 1, 4; 221.171; Minnesota Rules, parts 7805.0300; 7805.0400.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 13 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|----------|-----------|------------|------------|-------------|
| Anderson, P. | Dean | Hamilton | Juhnke | Loon | Newton |
| Anderson, S. | Demmer | Hansen | Kahn | Mack | Nornes |
| Anzelc | Dettmer | Hausman | Kalin | Magnus | Norton |
| Atkins | Dill | Haws | Kath | Mahoney | Obermueller |
| Beard | Dittrich | Hayden | Kelly | Mariani | Olin |
| Benson | Doty | Hilstrom | Kiffmeyer | Marquart | Otremba |
| Bigham | Downey | Hilty | Knuth | Masin | Paymar |
| Bly | Eken | Holberg | Koenen | McFarlane | Pelowski |
| Brynaert | Falk | Hoppe | Laine | McNamara | Persell |
| Bunn | Faust | Hornstein | Lanning | Morgan | Peterson |
| Carlson | Fritz | Hortman | Lenczewski | Morrow | Poppe |
| Champion | Gardner | Hosch | Lesch | Mullery | Reinert |
| Clark | Garofalo | Howes | Liebling | Murdock | Rosenthal |
| Cornish | Gottwalt | Huntley | Lieder | Murphy, E. | Rukavina |
| Davids | Greiling | Jackson | Lillie | Murphy, M. | Ruud |
| Davnie | Gunther | Johnson | Loeffler | Nelson | Sailer |

| | | | | | |
|-----------|--------|---------|-----------|---------|---------|
| Scalze | Simon | Solberg | Tillberry | Ward | Zellers |
| Seifert | Slawik | Sterner | Torkelson | Welti | |
| Sertich | Slocum | Swails | Urdahl | Westrom | |
| Shimanski | Smith | Thao | Wagenius | Winkler | |

Those who voted in the negative were:

| | | | | |
|--------------|------------|-----------|---------|----------|
| Anderson, B. | Doepke | Emmer | Peppin | Severson |
| Brod | Drazkowski | Hackbarth | Sanders | |
| Buesgens | Eastlund | Kohls | Scott | |

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

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

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 2505.

S. F. No. 2505 was reported to the House.

Downey moved to amend S. F. No. 2505, the second unofficial engrossment, as follows:

Page 3, after line 29, insert:

"Sec. 4. Minnesota Statutes 2008, section 124D.13, subdivision 1, is amended to read:

Subdivision 1. **Establishment; purpose.** A district that provides a community education program under sections 124D.18 and 124D.19 may establish an early childhood family education program. Two or more districts, each of which provides a community education program, may cooperate to jointly provide an early childhood family education program. The purpose of the early childhood family education program is to provide parenting education to support children's learning and development, with state funding focused on the most at-risk children in low-income families with priority given to teaching and developing children with their own family setting."

Page 7, after line 2, insert:

"Sec. 6. Minnesota Statutes 2008, section 124D.15, subdivision 1, is amended to read:

Subdivision 1. **Establishment; purpose.** A district or a group of districts may establish a school readiness program for children age three to kindergarten entrance. The purpose of a school readiness program is to prepare children with the cognitive and participation skills necessary to enter kindergarten, with state funding focused on the most at-risk children in low-income families with priority given to preparing children within their own family setting."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Downey amendment and the roll was called. There were 46 yeas and 84 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|-----------|----------|-----------|
| Anderson, B. | Dean | Garofalo | Kelly | McNamara | Shimanski |
| Anderson, P. | Demmer | Gottwalt | Kiffmeyer | Murdock | Smith |
| Anderson, S. | Dettmer | Gunther | Kohls | Nornes | Torkelson |
| Beard | Doepke | Hackbarth | Lanning | Peppin | Urdahl |
| Brod | Downey | Hamilton | Loon | Sanders | Westrom |
| Buesgens | Drazkowski | Holberg | Mack | Scott | Zellers |
| Cornish | Eastlund | Howes | Magnus | Seifert | |
| Davids | Emmer | Kath | McFarlane | Severson | |

Those who voted in the negative were:

| | | | | | |
|----------|-----------|------------|------------|-------------|-----------|
| Anzelc | Eken | Hosch | Lillie | Obermueller | Sertich |
| Atkins | Falk | Huntley | Loeffler | Olin | Simon |
| Benson | Faust | Jackson | Mahoney | Otremba | Slawik |
| Bigham | Fritz | Johnson | Mariani | Paymar | Slocum |
| Bly | Gardner | Juhnke | Marquart | Pelowski | Solberg |
| Brynaert | Greiling | Kahn | Masin | Persell | Sterner |
| Bunn | Hansen | Kalin | Morgan | Peterson | Swails |
| Carlson | Hausman | Knuth | Morrow | Poppe | Thao |
| Champion | Haws | Koenen | Mullery | Reinert | Thissen |
| Clark | Hayden | Laine | Murphy, E. | Rosenthal | Tillberry |
| Davnie | Hilstrom | Lenczewski | Murphy, M. | Rukavina | Wagenius |
| Dill | Hilty | Lesch | Nelson | Ruud | Ward |
| Dittrich | Hornstein | Liebling | Newton | Sailer | Welti |
| Doty | Hortman | Lieder | Norton | Scalze | Winkler |

The motion did not prevail and the amendment was not adopted.

Nornes moved to amend S. F. No. 2505, the second unofficial engrossment, as follows:

Page 4, line 9, after "on" insert "whether or"

Page 4, line 18, delete "how to:" and insert "whether or how a state Office of Early Learning would"

Page 4, line 19, delete "(i)" and after "coordinate" insert "state"

Page 4, line 20, delete everything after "care" and insert a period

Page 4, delete lines 21 to 35

Page 5, delete lines 1 to 24

A roll call was requested and properly seconded.

The question was taken on the Nornes amendment and the roll was called. There were 45 yeas and 86 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|-----------|-----------|-----------|
| Anderson, B. | Dean | Gottwalt | Kiffmeyer | Murdock | Smith |
| Anderson, P. | Dettmer | Greiling | Kohls | Nornes | Torkelson |
| Anderson, S. | Doepke | Gunther | Lanning | Peppin | Urdahl |
| Beard | Downey | Hackbarth | Loon | Sanders | Westrom |
| Brod | Drazkowski | Hamilton | Mack | Scott | Zellers |
| Buesgens | Eastlund | Holberg | Magnus | Seifert | |
| Cornish | Emmer | Howes | McFarlane | Severson | |
| Davids | Garofalo | Kelly | McNamara | Shimanski | |

Those who voted in the negative were:

| | | | | | |
|----------|-----------|------------|-------------|-----------|-----------|
| Anzelc | Doty | Huntley | Loeffler | Otremba | Slocum |
| Atkins | Eken | Jackson | Mahoney | Paymar | Solberg |
| Benson | Falk | Johnson | Mariani | Pelowski | Sterner |
| Bigham | Faust | Juhnke | Marquart | Persell | Swails |
| Bly | Fritz | Kahn | Masin | Peterson | Thao |
| Brown | Gardner | Kalin | Morgan | Poppe | Thissen |
| Brynaert | Hansen | Kath | Morrow | Reinert | Tillberry |
| Bunn | Hausman | Knuth | Mullery | Rosenthal | Wagenius |
| Carlson | Haws | Koenen | Murphy, E. | Rukavina | Ward |
| Champion | Hayden | Laine | Murphy, M. | Ruud | Welti |
| Clark | Hilstrom | Lenczewski | Nelson | Sailer | Winkler |
| Davnie | Hilty | Lesch | Newton | Scalze | |
| Demmer | Hornstein | Liebling | Norton | Sertich | |
| Dill | Hortman | Lieder | Obermueller | Simon | |
| Dittrich | Hosch | Lillie | Olin | Slawik | |

The motion did not prevail and the amendment was not adopted.

Buesgens moved to amend S. F. No. 2505, the second unofficial engrossment, as follows:

Page 5, line 26, reinstate the stricken "and"

Page 5, line 30, reinstate the stricken period and delete the semicolon

Page 5, delete lines 31 to 36

Page 6, delete lines 1 to 36

Page 7, delete lines 1 and 2

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 43 yeas and 88 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|-----------|-----------|---------|
| Anderson, B. | Dean | Garofalo | Kiffmeyer | Peppin | Urdahl |
| Anderson, P. | Demmer | Gottwalt | Kohls | Sanders | Westrom |
| Anderson, S. | Dettmer | Gunther | Lanning | Scott | Zellers |
| Beard | Doepke | Hackbarth | Loon | Seifert | |
| Brod | Downey | Hamilton | Mack | Severson | |
| Buesgens | Drazkowski | Holberg | Magnus | Shimanski | |
| Cornish | Eastlund | Howes | Murdock | Smith | |
| Davids | Emmer | Kelly | Nornes | Torkelson | |

Those who voted in the negative were:

| | | | | | |
|----------|-----------|------------|------------|-------------|-----------|
| Anzelc | Eken | Huntley | Loeffler | Obermueller | Simon |
| Atkins | Falk | Jackson | Mahoney | Olin | Slawik |
| Benson | Faust | Johnson | Mariani | Otremba | Slocum |
| Bigham | Fritz | Juhnke | Marquart | Paymar | Solberg |
| Bly | Gardner | Kahn | Masin | Pelowski | Sterner |
| Brown | Greiling | Kalin | McFarlane | Persell | Swails |
| Brynaert | Hansen | Kath | McNamara | Peterson | Thao |
| Bunn | Hausman | Knuth | Morgan | Poppe | Thissen |
| Carlson | Haws | Koenen | Morrow | Reinert | Tillberry |
| Champion | Hayden | Laine | Mullery | Rosenthal | Wagenius |
| Clark | Hilstrom | Lenczewski | Murphy, E. | Rukavina | Ward |
| Davnie | Hilty | Lesch | Murphy, M. | Ruud | Welti |
| Dill | Hornstein | Liebling | Nelson | Sailer | Winkler |
| Dittrich | Hortman | Lieder | Newton | Scalze | |
| Doty | Hosch | Lillie | Norton | Sertich | |

The motion did not prevail and the amendment was not adopted.

Mack moved to amend S. F. No. 2505, the second unofficial engrossment, as follows:

Page 10, delete section 3

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

S. F. No. 2505, A bill for an act relating to child care; appropriating money to provide statewide child care provider training, coaching, consultation, and supports to prepare for the voluntary Minnesota quality rating system.

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

The question was taken on the passage of the bill and the roll was called. There were 104 yeas and 27 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|-----------|------------|------------|-------------|-----------|
| Anderson, P. | Doty | Howes | Loon | Obermueller | Smith |
| Anzelc | Eken | Huntley | Magnus | Olin | Solberg |
| Atkins | Falk | Jackson | Mahoney | Otremba | Sterner |
| Benson | Faust | Johnson | Mariani | Paymar | Swails |
| Bigham | Fritz | Juhnke | Marquart | Pelowski | Thao |
| Bly | Gardner | Kahn | Masin | Persell | Thissen |
| Brown | Greiling | Kalin | McFarlane | Peterson | Tillberry |
| Brynaert | Gunther | Kath | McNamara | Poppe | Torkelson |
| Bunn | Hamilton | Knuth | Morgan | Reinert | Urdahl |
| Carlson | Hansen | Koenen | Morrow | Rosenthal | Wagenius |
| Champion | Hausman | Laine | Mullery | Rukavina | Ward |
| Clark | Haws | Lanning | Murdock | Ruud | Welti |
| Cornish | Hayden | Lenczewski | Murphy, E. | Sailer | Westrom |
| Davnie | Hilstrom | Lesch | Murphy, M. | Scalze | Winkler |
| Demmer | Hilty | Liebling | Nelson | Sertich | |
| Dill | Hornstein | Lieder | Newton | Simon | |
| Dittrich | Hortman | Lillie | Nornes | Slawik | |
| Doepke | Hosch | Loeffler | Norton | Slocum | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|-----------|-----------|----------|-----------|
| Anderson, B. | Davids | Eastlund | Holberg | Peppin | Shimanski |
| Anderson, S. | Dean | Emmer | Kelly | Sanders | Zellers |
| Beard | Dettmer | Garofalo | Kiffmeyer | Scott | |
| Brod | Downey | Gottwalt | Kohls | Seifert | |
| Buesgens | Drazkowski | Hackbarth | Mack | Severson | |

The bill was passed and its title agreed to.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following change in membership of the Conference Committee on S. F. No. 184:

Delete the name of Brynaert and add the name of Reinert.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Thursday, May 6, 2010:

S. F. No. 1886; H. F. No. 2600; S. F. Nos. 2642, 251 and 341; H. F. Nos. 3133, 2859, 2610, 2965 and 3122; S. F. Nos. 2933, 3145, 2773 and 2663; H. F. No. 3033; and S. F. Nos. 3081, 3080, 3046 and 1537.

CALENDAR FOR THE DAY

S. F. No. 2510 was reported to the House.

Obermueller moved to amend S. F. No. 2510, the third engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2781, the third engrossment:

"Section 1. Minnesota Statutes 2008, section 116J.437, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purpose of this section, the following terms have the meanings given.

(b) "Green economy" means products, processes, methods, technologies, or services intended to do one or more of the following:

(1) increase the use of energy from renewable sources, including through achieving the renewable energy standard established in section 216B.1691;

(2) achieve the statewide energy-savings goal established in section 216B.2401, including energy savings achieved by the conservation investment program under section 216B.241;

(3) achieve the greenhouse gas emission reduction goals of section 216H.02, subdivision 1, including through reduction of greenhouse gas emissions, as defined in section 216H.01, subdivision 2, or mitigation of the greenhouse gas emissions through, but not limited to, carbon capture, storage, or sequestration;

(4) monitor, protect, restore, and preserve the quality of surface waters, including actions to further the purposes of the Clean Water Legacy Act as provided in section 114D.10, subdivision 1; ~~or~~

(5) expand the use of biofuels, including by expanding the feasibility or reducing the cost of producing biofuels or the types of equipment, machinery, and vehicles that can use biofuels, including activities to achieve the biofuels 25 by 2025 initiative in sections 41A.10, subdivision 2, and 41A.11; or

(6) increase the use of green chemistry, as defined in section 116.9401.

For the purpose of clause (3), "green economy" includes strategies that reduce carbon emissions, such as utilizing existing buildings and other infrastructure, and utilizing mass transit or otherwise reducing commuting for employees.

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

Sec. 2. Minnesota Statutes 2008, section 116J.8731, subdivision 1, is amended to read:

Subdivision 1. **Purpose.** The Minnesota investment fund is created to provide financial and technical assistance, through partnership with communities, for the creation of new employment or to maintain existing employment, and for business start-up, expansions, and retention. It shall accomplish these goals by the following means:

(1) creation or retention of permanent private-sector jobs in order to create above-average economic growth consistent with environmental protection, which includes investments in technology and equipment that increase productivity and provide for a higher wage;

(2) stimulation or leverage of private investment to ensure economic renewal and competitiveness;

(3) increasing the local tax base, based on demonstrated measurable outcomes, to guarantee a diversified industry mix;

(4) improving the quality of existing jobs, based on increases in wages or improvements in the job duties, training, or education associated with those jobs;

(5) improvement of employment and economic opportunity for citizens in the region to create a reasonable standard of living, consistent with federal and state guidelines on low- to moderate-income persons; and

(6) stimulation of productivity growth through improved manufacturing or new technologies, including cold weather testing.

Sec. 3. Minnesota Statutes 2009 Supplement, section 116J.8731, subdivision 3, is amended to read:

Subd. 3. **Eligible expenditures.** The money appropriated for this section may be used to ~~fund~~:

(1) fund grants for infrastructure, loans, loan guarantees, interest buy-downs, and other forms of participation with private sources of financing, provided that a loan to a private enterprise must be for a principal amount not to exceed one-half of the cost of the project for which financing is sought; ~~and~~

(2) fund strategic investments in renewable energy market development, such as low interest loans for renewable energy equipment manufacturing, training grants to support renewable energy workforce, development of a renewable energy supply chain that represents and strengthens the industry throughout the state, and external marketing to garner more national and international investment into Minnesota's renewable sector. Expenditures in external marketing for renewable energy market development are not subject to the limitations in clause (1)-; and

(3) provide private entrepreneurs with training, other technical assistance, and financial assistance as provided in the small cities development block grant program.

Sec. 4. Minnesota Statutes 2008, section 116J.8731, subdivision 4, is amended to read:

Subd. 4. **Eligible projects.** Assistance must be evaluated on the existence of the following conditions:

(1) creation of new jobs, retention of existing jobs, or improvements in the quality of existing jobs as measured by the wages, skills, or education associated with those jobs;

(2) increase in the tax base;

(3) the project can demonstrate that investment of public dollars induces private funds;

(4) the project can demonstrate an excessive public infrastructure or improvement cost beyond the means of the affected community and private participants in the project;

(5) the project provides higher wage levels to the community or will add value to current workforce skills;

(6) the project supports the development of microenterprises, as defined by federal statutes, through financial assistance, technical assistance, advice, or business services;

~~(6)~~ (7) whether assistance is necessary to retain existing business;

~~(7)~~ (8) whether assistance is necessary to attract out-of-state business; and

~~(8)~~ (9) the project promotes or advances the green economy as defined in section 116J.437.

A grant or loan cannot be made based solely on a finding that the conditions in clause ~~(6)~~ (7) or ~~(7)~~ (8) exist. A finding must be made that a condition in clause (1), (2), (3), (4), ~~(5)~~, or (6) also exists.

Applications recommended for funding shall be submitted to the commissioner.

Sec. 5. Minnesota Statutes 2008, section 116J.996, is amended to read:

116J.996 MILITARY RESERVIST ECONOMIC INJURY AND VETERAN-OWNED SMALL BUSINESS LOANS.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

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

(c) "Commissioner" means the commissioner of employment and economic development.

(d) "Eligible business" means a small business, as defined in section 645.445, that was operating in Minnesota on the date a military reservist received orders for active service.

(e) "Essential employee" means a military reservist who is an owner or employee of an eligible business and whose managerial or technical expertise is critical to the day-to-day operation of the eligible business.

(f) "Military reservist" means a member of the reserve component of the armed forces.

(g) "Reserve component of the armed forces" has the meaning given it in United States Code, title 10, section 101(c).

(h) "Substantial economic injury" means an economic harm to an eligible business that results in the inability of the eligible business to:

(1) meet its obligations as they mature;

(2) pay its ordinary and necessary operating expenses; or

(3) manufacture, produce, market, or provide a product or service ordinarily manufactured, produced, marketed, or provided by the eligible business.

(i) "Veteran-owned small business" means a small business, as defined in section 645.445, that is majority-owned and operated by a recently separated veteran.

Subd. 2. **Loan program.** The commissioner may make onetime, interest-free loans of up to \$20,000 per borrower to:

(1) eligible businesses that have sustained or are likely to sustain substantial economic injury as a result of the call to active service for 180 days or more of an essential employee; or

(2) recently separated veterans who are veterans as defined in section 197.447, and have served in active military service, at any time on or after September 11, 2001, to start a veteran-owned small business.

Loans for economic injury must be made for the purpose of preventing, remedying, or ameliorating the substantial economic injury.

Subd. 3. **Revolving loan account.** The commissioner shall use money appropriated for the purpose to establish a revolving loan account. All repayments of loans made under this section must be deposited into this account. Interest earned on money in the account accrues to the account. Money in the account is appropriated to the commissioner for purposes of the loan program created in this section, including costs incurred by the commissioner to establish and administer the program.

Subd. 4. **Rules.** Using the expedited rulemaking procedures of section 14.389, the commissioner shall develop and publish expedited rules for loan applications, use of funds, needed collateral, terms of loans, and other details of military reservist economic injury and veteran-owned small business loans.

Sec. 6. Minnesota Statutes 2008, section 116L.665, subdivision 3, is amended to read:

Subd. 3. **Purpose; duties.** The governor's Workforce Development Council shall replace the governor's Job Training Council and assume all of its requirements, duties, and responsibilities under the Workforce Investment Act. Additionally, the Workforce Development Council shall assume the following duties and responsibilities:

(a) Review the provision of services and the use of funds and resources under applicable federal human resource programs and advise the governor on methods of coordinating the provision of services and the use of funds and resources consistent with the laws and regulations governing the programs. For purposes of this section, applicable federal and state human resource programs mean the:

(1) Workforce Investment Act, United States Code, title 29, section 2911, et seq.;

(2) Carl D. Perkins Vocational and Applied Technology Education Act, United States Code, title 20, section 2301, et seq.;

(3) Adult Education Act, United States Code, title 20, section 1201, et seq.;

(4) Wagner-Peyser Act, United States Code, title 29, section 49;

(5) Personal Responsibility and Work Opportunities Act of 1996 (TANF);

(6) Food Stamp Act of 1977, United States Code, title 7, section 6(d)(4), Food Stamp Employment and Training Program, United States Code, title 7, section 2015(d)(4); and

(7) programs defined in section 116L.19, subdivision 5.

Additional federal and state programs and resources can be included within the scope of the council's duties if recommended by the governor after consultation with the council.

(b) Review federal, state, and local education, postsecondary, job skills training, and youth employment programs, and make recommendations to the governor and the legislature for establishing an integrated seamless system for providing education and work skills development services to learners and workers of all ages.

(c) Advise the governor on the development and implementation of statewide and local performance standards and measures relating to applicable federal human resource programs and the coordination of performance standards and measures among programs.

(d) Promote education and employment transitions programs and knowledge and skills of entrepreneurship among employers, workers, youth, and educators, and encourage employers to provide meaningful work-based learning opportunities;

(e) Evaluate and identify exemplary education and employment transitions programs and provide technical assistance to local partnerships to replicate the programs throughout the state.

(f) Advise the governor on methods to evaluate applicable federal human resource programs.

(g) Sponsor appropriate studies to identify human investment needs in Minnesota and recommend to the governor goals and methods for meeting those needs.

(h) Recommend to the governor goals and methods for the development and coordination of a human resource system in Minnesota.

(i) Examine federal and state laws, rules, and regulations to assess whether they present barriers to achieving the development of a coordinated human resource system.

(j) Recommend to the governor and to the federal government changes in state or federal laws, rules, or regulations concerning employment and training programs that present barriers to achieving the development of a coordinated human resource system.

(k) Recommend to the governor and to the federal government waivers of laws and regulations to promote coordinated service delivery.

(l) Sponsor appropriate studies and prepare and recommend to the governor a strategic plan which details methods for meeting Minnesota's human investment needs and for developing and coordinating a state human resource system.

(m) Provide the commissioner of employment and economic development and the committees of the legislature with responsibility for economic development with recommendations provided to the governor under this subdivision.

(n) In consultation with local workforce councils and the Department of Employment and Economic Development, develop an ongoing process to identify and address local gaps in workforce services.

Sec. 7. Minnesota Statutes 2008, section 116L.665, subdivision 6, is amended to read:

Subd. 6. **Staffing.** The Department of Employment and Economic Development must provide staff ~~support, including but not limited to professional, technical, and clerical staff necessary to perform the duties assigned to the Minnesota Workforce Development Council. The support includes professional, technical, and clerical staff necessary to perform the duties assigned to the Workforce Development Council.~~ All staff report to the commissioner. The council may ask for assistance from other units of state government as it requires in order to fulfill its duties and responsibilities.

Sec. 8. Minnesota Statutes 2008, section 116L.665, is amended by adding a subdivision to read:

Subd. 8. **Funding.** The commissioner shall develop recommendations on a funding formula for allocating Workforce Investment Act funds to the council with a minimum allocation of \$350,000 per year. The commissioner shall report the funding formula recommendations to the legislature by January 15, 2011.

Sec. 9. **[116L.98] WORKFORCE PROGRAM OUTCOMES.**

The commissioner shall develop and implement a set of standard approaches for assessing the outcomes of workforce programs under this chapter. The outcomes assessed must include, but are not limited to, periodic comparisons of workforce program participants and nonparticipants.

The commissioner shall also monitor the activities and outcomes of programs and services funded by legislative appropriations and administered by the department on a pass-through basis and develop a consistent and equitable method of assessing recipients for the costs of its monitoring activities.

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

Sec. 10. **[116W.01] MINNESOTA SCIENCE AND TECHNOLOGY AUTHORITY ACT.**

This chapter may be cited as the "Minnesota Science and Technology Authority Act."

Sec. 11. **[116W.02] DEFINITIONS.**

Subdivision 1. **Applicability.** For the purposes of this chapter, the terms in this section have the meanings given them.

Subd. 2. **Authority.** "Authority" means the Minnesota Science and Technology Authority.

Subd. 3. **Eligible recipient.** "Eligible recipient" means an entity primarily operating to create and retain jobs in the state's industrial base and maximize the economic growth of the state through:

(1) high-technology research and development capabilities;

(2) product and process innovation and commercialization;

(3) high-technology manufacturing capabilities;

(4) science and technology business environment; or

(5) science and technology workforce preparation.

Subd. 4. **Advisory commission.** "Advisory commission" means the advisory commission under section 116W.051.

Sec. 12. **[116W.03] MINNESOTA SCIENCE AND TECHNOLOGY AUTHORITY.**

Subdivision 1. **Membership.** The Minnesota Science and Technology Authority consists of the state chief information officer, the commissioner of employment and economic development, the commissioner of management and budget, the commissioner of revenue, the commissioner of commerce, and the commissioner of agriculture.

Subd. 2. **Chair; other officers.** The commissioner of employment and economic development shall serve as the chair and chief executive officer of the authority. The authority shall rotate the position of vice chair annually among its members. The commissioner of employment and economic development shall convene the first meeting of the authority no later than July 1, 2010. In the absence of the chair or vice chair at meetings of the authority members may elect a chair for the meeting, and may elect other officers as necessary from its members.

Subd. 3. **Delegation.** In addition to any powers to delegate that members of the authority have as commissioners, they may delegate to the chair, vice chair, or executive director their responsibilities as members of the authority for reviewing and approving financing of eligible projects, projects that have been authorized by law, or programs specifically authorized by resolution of the authority.

Subd. 4. **Actions.** (a) A majority of the authority, excluding vacancies, constitutes a quorum to conduct its business, to exercise its powers, and for all other purposes.

(b) The authority may conduct its business by any technological means available, including teleconference calls or interactive video, that allows for an interaction between members. If a meeting is conducted under this paragraph, a specific location must be available for the public to attend the meeting and at least one member must be present at that location.

Subd. 5. **Executive director; staffing.** The authority shall employ an executive director in the unclassified service. The initial executive director must be the individual in the position of director of the Office of Science and Technology as of January 1, 2010, under section 116J.657. The executive director is responsible for hiring staff necessary to assist the executive director to carry out the duties and responsibilities of the authority. The executive director shall perform duties that the authority may require in carrying out its responsibilities to manage and implement the funds and programs in this chapter, and comply with all state and federal program requirements, and state and federal securities and tax laws and regulations. The executive director shall assist the advisory board in fulfilling its duties under this chapter.

Subd. 6. **Administrative services.** The authority shall enter into agreements for administrative and professional services and technical support.

Subd. 7. **Expiration.** The authority is permanent and the provisions of section 15.059, subdivision 5, do not apply.

Sec. 13. **[116W.04] POWERS AND DUTIES.**

Subdivision 1. **Duties.** The Science and Technology Authority shall:

(1) coordinate public and private efforts to procure federal funding for collaborative research and development projects of primary benefit to small-sized and medium-sized businesses;

(2) promote contractual relationships between Minnesota businesses that are recipients of federal grants and prime contractors, and Minnesota-based subcontractors;

(3) work with Minnesota nonprofit institutions including the University of Minnesota, Minnesota State Colleges and Universities, and the Mayo Clinic in promoting collaborative efforts to respond to federal funding opportunities;

(4) develop a framework for Minnesota companies to establish sole-source relationships with federal agencies;

(5) provide grants or other forms of financial assistance to eligible recipients for purposes of this chapter;

(6) coordinate workshops, assistance with business proposals, licensing, intellectual property protection, commercialization, and government auditing with the University of Minnesota and Minnesota State Colleges and Universities; and

(7) develop and implement a comprehensive science and technology economic development strategy for the state.

Subd. 2. **Technology matchmaking.** The authority must assist businesses in identifying qualified suppliers and vendors through a program to serve as a conduit for Minnesota-based companies to network with firms able to support their success. Firms outside Minnesota can participate in the technology matchmaking network if one of the participating companies is located in Minnesota.

Subd. 3. **Commercialization assistance.** The authority must provide commercialization assistance to Minnesota firms that have received a Phase I Small Business Innovation Research (SBIR) or a Phase I Small Business Technology Transfer (STTR) award and are submitting a Phase II proposal. Local service providers must assist the applicant with developing and reviewing the required commercialization plan prior to Phase II submission. The authority may provide SBIR Phase I proposal technical review.

Subd. 4. **Power to sue; enter contracts.** The authority may sue and be sued. The authority may make and enter into contracts, leases, and agreements necessary to perform its duties and exercise its powers.

Subd. 5. **Gifts; grants.** The authority may apply for, accept, and disburse gifts, grants, loans, or other property from the United States, the state, private sources, or any other source for any of its purposes. Money received by the authority under this subdivision must be deposited in the state treasury and is appropriated to the authority to carry out its duties.

Subd. 6. **Contract for services.** The authority may retain or contract for the services of accountants, financial advisors, and other consultants or agents needed to perform its duties and exercise its powers.

Subd. 7. **Fees.** The authority may set and collect fees for costs incurred by the authority, the Department of Employment and Economic Development, the Department of Management and Budget, the Department of Revenue, the Department of Commerce, the Department of Labor and Industry, and the Department of Agriculture, including costs for personnel, professional, and administrative services.

Subd. 8. **Reports.** (a) The authority shall report by February 1 each year to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over finance and economic development on its progress to design, coordinate, and administer a strategic science and technology program for the state to promote the welfare of the people of the state, maximize the economic growth of the state, and create and retain jobs in the state's industrial base through enhancement of Minnesota's:

(1) high-technology research and development capabilities;

(2) product and process innovation and commercialization;

(3) high-technology manufacturing capabilities;

(4) science and technology business environment; and

(5) science and technology workforce preparation.

(b) The report must include a complete operating and financial statement covering the authority's operations during the year, including amounts of income from all sources. Books and records of the authority are subject to audit by the legislative auditor in the manner prescribed for state agencies.

Subd. 9. **Consultative and technical services.** The authority may provide general consultative and technical services to assist eligible projects and enter into agreements or other transactions concerning the receipt or provision of those services.

Subd. 10. **Financial information.** Financial information, including credit reports, financial statements, and net worth calculations, received or prepared by the authority regarding financial assistance, is private data with regard to data on individuals as defined in section 13.02, subdivision 12, and nonpublic data with regard to data not on individuals as defined in section 13.02, subdivision 9.

Subd. 11. **General.** The authority shall have all powers necessary and appropriate to fulfill its responsibilities under this chapter.

Sec. 14. **[116W.05] PROJECT FINANCIAL ASSISTANCE.**

Subdivision 1. **Determination of financial assistance.** The authority shall assist eligible recipients in identifying grants or other sources of financial assistance available to finance projects and may assist eligible recipients in applying for and obtaining grants and other forms of assistance.

Subd. 2. **Financial feasibility review.** (a) The authority shall review the proposed financing for each project submitted to the authority to determine whether: (1) the proposed project and financing plan is an eligible use of the money; and (2) the proposal is in compliance with applicable state and federal tax and securities laws and regulations. Grants in excess of \$50,000 must be approved by the authority. Grants of \$50,000 or less may be authorized by the executive director. All grant approvals or disapprovals must be completed within 30 days of submission to the authority. Grants approved by the executive director must be reviewed by the authority each month.

(b) Unless a project is specifically authorized by law, the authority may reject the proposed financing for a project meeting the requirements in paragraph (a) if there are not sufficient funds available or if a majority of members believe the financing of the project would not be in the best interests of the state or would be detrimental to the authority's funds or programs. A determination to reject a proposed project must not be made in an arbitrary and capricious manner and must be supported by substantive evidence and documented by a resolution of the authority stating its findings.

Sec. 15. **[116W.051] ADVISORY COMMISSION.**

Subdivision 1. **Advisory commission membership.** A Science and Technology Initiative Advisory Commission of 17 members is established and is comprised of:

(1) two representatives of the University of Minnesota, selected by the president of the university, including a faculty member actively involved in science and technology research;

(2) a representative of Minnesota State Colleges and Universities, selected by the chancellor;

(3) the chief executive officer of the Mayo Clinic or a designee;

(4) six chief executive officers or designees from science-oriented or technology-oriented companies;

(5) four representatives from science-oriented and technology-oriented organizations;

(6) one representative of organized labor;

(7) a venture capital representative; and

(8) a representative of angel investors.

A member must have experience in science or technology in order to serve on the commission.

Members of the commission listed in clauses (4) to (8) shall be appointed by the authority.

Subd. 2. **Advisory commission duties.** The advisory commission must assist the authority in developing a comprehensive science and technology economic development plan to be presented to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over economic development by January 15, 2011. The plan must include recommendations in strategic areas for science and technology investments, recommendations on additional programs to support science and technology focused economic development activities in the state, selection of specific programs and grantees for support from program funds authorized by the advisory commission and ongoing assessment of the effectiveness of programmatic elements according to metrics to be developed by the authority in consultation with the advisory commission. The advisory commission may also advise and assist the authority in fulfilling its duties under section 116W.04.

Subd. 3. **Membership terms; vacancies; compensation.** The membership terms, removal of members, and filling of vacancies are as provided under section 15.059. The executive director may provide compensation to members if funds are available.

Subd. 4. **Expiration.** The advisory commission expires June 30, 2013.

Subd. 5. **Convening of meetings; staffing.** The executive director of the authority must convene the first meeting of the commission by August 1, 2010. The executive director must provide administrative support and staff to the commission.

Sec. 16. **[116W.20] MONEY OF THE AUTHORITY.**

Subdivision 1. **Functions of commissioner of management and budget.** Except as otherwise provided in this section, money of the authority must be paid to the commissioner of management and budget as agent of the authority and the commissioner shall not commingle the money with other money. The money in the accounts of the authority must be paid out only on warrants drawn by the commissioner of management and budget on requisition of the executive director of the authority or of another officer or employee as the authority authorizes. Deposits of the authority's money must, if required by the commissioner or the authority, be secured by obligations of the United States or of the state of a market value equal at all times to the amount of the deposit and all banks and trust companies are authorized to give security for the deposits. All money paid to the commissioner as agent of the authority is appropriated to the authority. The commissioner must annually report to the committees of the legislature with responsibility for economic development and management and budget on the use of appropriations under this section.

Subd. 2. **System of accounts.** The commissioner of management and budget shall prescribe a system of accounts.

Sec. 17. **[116W.21] NONLIABILITY.**

Subdivision 1. **Nonliability of individuals.** No member of the authority, staff of the authority, or other person executing other agreements or contracts of the authority is liable personally or is subject to any personal liability or accountability by reason of their issuance, execution, delivery, or performance.

Subd. 2. **Nonliability of state.** The state is not liable on loans or other agreements or contracts of the authority issued or entered into under this chapter and the loans or other agreements or contracts of the authority are not a debt of the state. The loans or other agreements or contracts of the authority must contain on their face a statement to that effect.

Sec. 18. **[116W.23] STATE PLEDGE AGAINST IMPAIRMENT OF CONTRACTS.**

The state pledges and agrees with parties to any loans or other agreements or contracts of the authority that the state will not: (1) limit or alter the rights vested in the authority to fulfill the terms of any agreements made with the parties to any loans or other agreements or contracts of the authority; or (2) in any way impair the rights and remedies of the parties to any loans or other agreements or contracts of the authority. The authority may include this pledge and agreement of the state in any agreement with the parties in any loans or other agreements or contracts of the authority.

Sec. 19. **[116W.24] RESERVES; FUNDS; ACCOUNTS.**

The authority may establish reserves, funds, or accounts necessary to carry out the purposes of the authority or to comply with any agreement made by or any resolution passed by the authority.

Sec. 20. Minnesota Statutes 2008, section 136F.06, is amended by adding a subdivision to read:

Subd. 4. **Workforce focus.** The board must identify colleges offering flexible academic programs that accommodate the needs of laid-off workers and assist its other institutions in determining whether to offer similar programs. Colleges must increase the number of certificate programs available to meet the needs of unemployed Minnesotans.

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

Sec. 21. Minnesota Statutes 2008, section 268.035, is amended by adding a subdivision to read:

Subd. 21b. **Staffing service.** A "staffing service" is an employer whose business involves employing individuals directly for the purpose of furnishing temporary assignment workers to clients of the staffing service.

Sec. 22. Minnesota Statutes 2009 Supplement, section 268.035, subdivision 23a, is amended to read:

Subd. 23a. Suitable employment. (a) Suitable employment means employment in the applicant's labor market area that is reasonably related to the applicant's qualifications. In determining whether any employment is suitable for an applicant, the degree of risk involved to the health and safety, physical fitness, prior training, experience, length of unemployment, prospects for securing employment in the applicant's customary occupation, and the distance of the employment from the applicant's residence is considered.

(b) In determining what is suitable employment, primary consideration is given to the temporary or permanent nature of the applicant's separation from employment and whether the applicant has favorable prospects of finding employment in the applicant's usual or customary occupation at the applicant's past wage level within a reasonable period of time.

If prospects are unfavorable, employment at lower skill or wage levels is suitable if the applicant is reasonably suited for the employment considering the applicant's education, training, work experience, and current physical and mental ability.

The total compensation must be considered, including the wage rate, hours of employment, method of payment, overtime practices, bonuses, incentive payments, and fringe benefits.

(c) When potential employment is at a rate of pay lower than the applicant's former rate, consideration must be given to the length of the applicant's unemployment and the proportion of difference in the rates. Employment that may not be suitable because of lower wages during the early weeks of the applicant's unemployment may become suitable as the duration of unemployment lengthens.

(d) For an applicant seasonally unemployed, suitable employment includes temporary work in a lower skilled occupation that pays average gross weekly wages equal to or more than 150 percent of the applicant's weekly unemployment benefit amount.

(e) If a majority of the applicant's weeks of employment in the base period includes part-time employment, part-time employment in a position with comparable skills and comparable hours that pays comparable wages is considered suitable employment.

Full-time employment is not considered suitable employment for an applicant if a majority of the applicant's weeks of employment in the base period includes part-time employment.

(f) To determine suitability of employment in terms of shifts, the arrangement of hours in addition to the total number of hours is to be considered. Employment on a second, third, rotating, or split shift is suitable employment if it is customary in the occupation in the labor market area.

(g) Employment is not considered suitable if:

(1) the position offered is vacant because of a labor dispute;

(2) the wages, hours, or other conditions of employment are substantially less favorable than those prevailing for similar employment in the labor market area; ~~or~~

(3) as a condition of becoming employed, the applicant would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; or

(4) the employment is with a staffing service and less than 75 percent of the applicant's wage credits are from a job assignment with the client of a staffing service.

(h) A job assignment with a staffing service is considered suitable only if 75 percent or more of the applicant's wage credits are from job assignments with clients of a staffing service and the job assignment meets the definition of suitable employment under paragraph (a).

Sec. 23. Minnesota Statutes 2008, section 268.085, subdivision 16, is amended to read:

Subd. 16. **Actively seeking suitable employment defined.** (a) "Actively seeking suitable employment" means those reasonable, diligent efforts an individual in similar circumstances would make if genuinely interested in obtaining suitable employment under the existing conditions in the labor market area. Limiting the search to positions that are not available or are above the applicant's training, experience, and qualifications is not "actively seeking suitable employment."

(b) To be considered "actively seeking suitable employment" an applicant must, when reasonable, contact those employers from whom the applicant was laid off because of lack of work and request suitable employment.

(c) If reasonable prospects of suitable employment in the applicant's usual or customary occupation do not exist, the applicant must actively seek other suitable employment to be considered "actively seeking suitable employment." This applies to an applicant who is seasonally unemployed.

(d) Actively seeking a suitable job assignment or other employment with a staffing service is considered actively seeking suitable employment.

(e) An applicant who is seeking employment only through a union is considered actively seeking suitable employment if the applicant is in an occupation where hiring in that locality is done through the union. If the applicant is a union member who is restricted to obtaining employment among signatory contractors in the construction industry, seeking employment only with those signatory contractors is considered actively seeking employment. The applicant must be a union member in good standing, registered with the union for employment, and in compliance with other union rules to be considered "actively seeking suitable employment."

Sec. 24. Minnesota Statutes 2009 Supplement, section 268.095, subdivision 2, is amended to read:

Subd. 2. **Quit defined.** (a) A quit from employment occurs when the decision to end the employment was, at the time the employment ended, the employee's.

(b) An employee who has been notified that the employee will be discharged in the future, who chooses to end the employment while employment in any capacity is still available, is considered to have quit the employment.

(c) An employee who seeks to withdraw a previously submitted notice of quitting is considered to have quit the employment if the employer does not agree that the notice may be withdrawn.

(d) An applicant who, within five calendar days after completion of a suitable ~~temporary~~ job assignment from a staffing service ~~employer~~, (1) fails without good cause to affirmatively request an additional suitable job assignment, (2) refuses without good cause an additional suitable job assignment offered, or (3) accepts employment with the client of the staffing service, is considered to have quit employment with the staffing service. Accepting employment with the client of the staffing service meets the requirements of the exception to ineligibility under subdivision 1, clause (2).

This paragraph applies only if, at the time of beginning of employment with the staffing service ~~employer~~, the applicant signed and was provided a copy of a separate document written in clear and concise language that informed the applicant of this paragraph and that unemployment benefits may be affected.

For purposes of this paragraph, "good cause" is a reason that is significant and would compel an average, reasonable worker, who would otherwise want an additional ~~temporary~~ suitable job assignment with the staffing service ~~employer~~, (1) to fail to contact the staffing service ~~employer~~, or (2) to refuse an offered assignment.

~~For purposes of this paragraph, a "staffing service employer" is an employer whose business involves employing individuals directly for the purpose of furnishing temporary job assignment workers to clients of the staffing service.~~

Sec. 25. Minnesota Statutes 2008, section 268.095, subdivision 5, is amended to read:

Subd. 5. **Discharge defined.** (a) A discharge from employment occurs when any words or actions by an employer would lead a reasonable employee to believe that the employer will no longer allow the employee to work for the employer in any capacity. A layoff because of lack of work is considered a discharge. A suspension from employment without pay of more than 30 calendar days is considered a discharge.

(b) An employee who gives notice of intention to quit the employment and is not allowed by the employer to work the entire notice period is considered discharged from the employment as of the date the employer will no longer allow the employee to work. If the discharge occurs within 30 calendar days before the intended date of quitting, then, as of the intended date of quitting, the separation from employment is considered a quit from employment subject to subdivision 1.

(c) The end of a job assignment with the client of a staffing service is considered a discharge from employment with the staffing service unless section 268.095, subdivision 2, paragraph (d), applies.

Sec. 26. Minnesota Statutes 2009 Supplement, section 268.095, subdivision 6, is amended to read:

Subd. 6. **Employment misconduct defined.** (a) Employment misconduct means any ~~intentional, negligent, or indifferent~~ conduct, on the job or off the job that ~~displays clearly:~~

~~(1) a serious is an egregious~~ violation of the standards of behavior the employer has the right to reasonably expect of the employee; ~~or and displays clearly~~

~~(2) a substantial lack of concern for the employment. The term "egregious," as used in this subdivision, sets a high threshold, and application of the term must take into consideration section 268.031, subdivision 2.~~

(b) Regardless of paragraph (a), the following is not employment misconduct:

(1) conduct that was a consequence of the applicant's mental illness or impairment;

(2) conduct that was a consequence of the applicant's inefficiency or inadvertence;

(3) simple unsatisfactory conduct;

(4) conduct an average reasonable employee would have engaged in under the circumstances;

(5) ~~poor performance because of~~ conduct that was a consequence of the applicant's inability or incapacity;

(6) good faith errors in judgment if judgment was required;

(7) absence because of illness or injury of the applicant, with proper notice to the employer;

(8) absence, with proper notice to the employer, in order to provide necessary care because of the illness, injury, or disability of an immediate family member of the applicant;

(9) conduct that was a ~~direct result~~ consequence of the applicant's chemical dependency, unless the applicant was previously diagnosed chemically dependent or had treatment for chemical dependency, and since that diagnosis or treatment has failed to make consistent efforts to control the chemical dependency; or

(10) conduct that was a ~~result~~ consequence of the applicant, or an immediate family member of the applicant, being a victim of domestic abuse as defined under section 518B.01. Domestic abuse must be shown as provided for in subdivision 1, clause (9).

(c) Regardless of paragraph (b), clause (9), conduct in violation of sections 169A.20, 169A.31, or 169A.50 to 169A.53 that interferes with or adversely affects the employment is employment misconduct.

(d) If the conduct for which the applicant was discharged involved only a single incident, that is an important fact that must be considered in deciding whether the conduct rises to the level of employment misconduct under paragraph (a).

(e) The definition of employment misconduct provided by this subdivision is exclusive and no other definition applies.

EFFECTIVE DATE. This section is effective for determinations under section 268.101, subdivision 2, and appeal decisions under section 268.105, subdivision 1, issued on and after the Sunday following final enactment.

Sec. 27. Minnesota Statutes 2008, section 268.101, is amended by adding a subdivision to read:

Subd. 2a. Telephone number. Every determination issued under subdivision 2 must include a prominently displayed telephone number that an applicant or involved employer can call to speak with an unemployment insurance specialist and obtain further explanation about the determination and have any questions answered. The specialist must, when appropriate, issue an amended determination as provided for in subdivision 4. The listed telephone number must be unique to a specialized call group trained to handle calls involving determinations.

EFFECTIVE DATE. This section is effective October 3, 2010, and expires September 30, 2012.

Sec. 28. Minnesota Statutes 2009 Supplement, section 268.105, subdivision 1, is amended to read:

Subdivision 1. **Evidentiary hearing by unemployment law judge.** (a) Upon a timely appeal having been filed, the department must send, by mail or electronic transmission, a notice of appeal to all involved parties that an appeal has been filed, and that a de novo due process evidentiary hearing will be scheduled. The notice must set out the parties' rights and responsibilities regarding the hearing. The notice must explain that the facts will be determined by the unemployment law judge based upon a preponderance of the evidence. The notice must explain in clear and simple language the meaning of the term "preponderance of the evidence." The department must set a time and place for a de novo due process evidentiary hearing and send notice to any involved applicant and any involved employer, by mail or electronic transmission, not less than ten calendar days before the date of the hearing.

(b) The evidentiary hearing is conducted by an unemployment law judge as an evidence gathering inquiry. At the beginning of the hearing the unemployment law judge must fully explain how the hearing will be conducted, that the applicant has the right to request that the hearing be rescheduled so that documents or witnesses can be subpoenaed, that the facts will be determined based on a preponderance of the evidence, and, in clear and simple language, the meaning of the term "preponderance of the evidence." The unemployment law judge must ensure that all relevant facts are clearly and fully developed. The department may adopt rules on evidentiary hearings. The rules need not conform to common law or statutory rules of evidence and other technical rules of procedure. The department has discretion regarding the method by which the evidentiary hearing is conducted. A report of any employee of the department, except a determination, made in the regular course of the employee's duties, is competent evidence of the facts contained in it. An affidavit or written statement based on personal knowledge and signed under penalty of perjury is competent evidence of the facts contained in it; however, the veracity of statements contained within the document or the credibility of the witness making the statement may be disputed with other documents or testimony and production of such documents or testimony may be compelled by subpoena.

(c) After the conclusion of the hearing, upon the evidence obtained, the unemployment law judge must make findings of fact and decision and send those, by mail or electronic transmission, to all involved parties. When the credibility of an involved party or witness testifying in an evidentiary hearing has a significant effect on the outcome of a decision, the unemployment law judge must set out the reason for crediting or discrediting that testimony. The unemployment law judge's decision is final unless a request for reconsideration is filed under subdivision 2.

(d) Regardless of paragraph (c), if the appealing party fails to participate in the evidentiary hearing, the unemployment law judge has the discretion to dismiss the appeal by summary order. By failing to participate, the appealing party is considered to have failed to exhaust available administrative remedies unless the appealing party files a request for reconsideration under subdivision 2 and establishes good cause for failing to participate in the evidentiary hearing under subdivision 2, paragraph (d). Submission of a written statement does not constitute participation. The applicant must participate personally and appearance solely by a representative does not constitute participation.

(e) Only employees of the department who are attorneys licensed to practice law in Minnesota may serve as the chief unemployment law judge, senior unemployment law judges who are supervisors, or unemployment law judges. The commissioner must designate a chief unemployment law judge. The chief unemployment law judge may transfer to another unemployment law judge any proceedings pending before an unemployment law judge.

(f) A full-time unemployment law judge must be paid a salary of a minimum of 55 percent and a maximum of 75 percent of the salary set under section 15A.083, subdivision 7, for a workers' compensation judge. The salary paid within that range to any single unemployment law judge is based on experience and performance.

EFFECTIVE DATE. This section is effective July 1, 2010, and applies to all new unemployment law judges hired on or after that date.

Sec. 29. Minnesota Statutes 2008, section 268.184, subdivision 1, is amended to read:

Subdivision 1. **Administrative penalties.** (a) The commissioner shall penalize an employer if that employer or any employee, officer, or agent of that employer, is in collusion with any applicant for the purpose of assisting the applicant to receive unemployment benefits fraudulently. The penalty is \$500 or the amount of unemployment benefits determined to be overpaid, whichever is greater.

(b) The commissioner shall penalize an employer if that employer or any employee, officer, or agent of that employer (1) made a false statement or representation knowing it to be false, (2) made a false statement or representation without a good faith belief as to correctness of the statement or representation, ~~or~~ (3) knowingly failed to disclose a material fact, or (4) made an offer of employment to an applicant when, in fact, the employer had no employment available, but only if the employer's action:

- (i) was taken to prevent or reduce the payment of unemployment benefits to any applicant;
- (ii) was taken to reduce or avoid any payment required from an employer under this chapter or section 116L.20; or
- (iii) caused an overpayment of unemployment benefits to an applicant.

The penalty is \$500, or 50 percent of the overpaid or reduced unemployment benefits or payment required, whichever is greater.

(c) The commissioner shall penalize an employer if that employer failed or refused to honor a subpoena issued under section 268.105, subdivision 4, or section 268.188. The penalty is \$500 and any costs of enforcing the subpoena, including attorney fees.

(d) Penalties under this subdivision are in addition to any other penalties and subject to the same collection procedures that apply to past due taxes. Penalties must be paid within 30 calendar days of assessment and credited to the contingent account.

(e) The assessment of the penalty is final unless the employer files an appeal within 20 calendar days after the sending of notice of the penalty to the employer by mail or electronic transmission. Proceedings on the appeal are conducted in accordance with section 268.105.

Sec. 30. **[326B.091] DEFINITIONS.**

Subdivision 1. **Applicability.** For purposes of sections 326B.091 to 326B.098, the terms defined in this section have the meanings given them.

Subd. 2. **Applicant.** "Applicant" means a person who has submitted to the department an application for a license.

Subd. 3. **License.** "License" means any registration, certification, or other form of approval authorized by chapters 326B and 327B to be issued by the commissioner or department as a condition of doing business or conducting a trade, profession, or occupation in Minnesota. License includes specifically but not exclusively an

authorization issued by the commissioner or department: to perform electrical work, plumbing or water conditioning work, high pressure piping work, or residential building work of a residential contractor, residential remodeler, or residential roofer; to install manufactured housing; to serve as a building official; or to operate a boiler or boat.

Subd. 4. **Licensee.** "Licensee" means the person named on the license as the person authorized to do business or conduct the trade, profession, or occupation in Minnesota.

Subd. 5. **Notification date.** "Notification date" means the date of the written notification from the department to an applicant that the applicant is qualified to take the examination required for licensure.

Subd. 6. **Renewal deadline.** "Renewal deadline," when used with respect to a license, means 30 days before the date that the license expires.

Sec. 31. **[326B.092] FEES.**

Subdivision 1. **Licenses requiring examination administered by commissioner.** (a) If the applicant for a license must pass an examination administered by the commissioner in order to obtain the license, then the application for the initial license must be accompanied by an application and examination fee of \$50, which is separate from the license fee. The license fee is due after the applicant passes the examination and before the license is issued.

(b) If the applicant for a Minnesota license holds a license in another state and is seeking Minnesota licensure without examination based on reciprocity, then the application for the Minnesota license must be accompanied by the application and examination fee of \$50, which is separate from the license fee. If the commissioner approves the application, then the license fee is due before the license is issued.

Subd. 2. **Licenses not requiring examination administered by commissioner.** If the applicant for a license is not required to pass an examination in order to obtain the license, or is required to pass an examination that is not administered by the commissioner, then the license fee must accompany the application for the license. If the application is for a license issued under sections 326B.802 to 326B.885 and is not an application for license renewal, then the contractor recovery fund fee required under section 326B.89, subdivision 3, is due after the department has determined that the applicant meets the qualifications for licensing and before the license is issued.

Subd. 3. **Late fee.** The department must receive a complete application for license renewal by the renewal deadline but not more than 90 days before the renewal deadline. If the department receives a renewal application after the expiration of the license, then the renewal application must be accompanied by a late fee equal to one-half of the license renewal fee; except that, for the purpose of calculating the late fee only, the license renewal fee shall not include any contractor recovery fund fee required by section 326B.89, subdivision 3.

Subd. 4. **Lapsed licensed fee.** If the department receives a renewal application within two years after expiration of the license, the renewal application must be accompanied by all license renewal fees to cover the period that the license was expired, plus the late fee described in subdivision 3 and the license renewal fee for the current renewal period.

Subd. 5. **Insufficient fees.** If the applicant does not include all required fees with the application, then the application will be incomplete and the department will notify the applicant of the amount of the deficiency.

Subd. 6. **Fees nonrefundable.** Application and examination fees, license fees, license renewal fees, and late fees are nonrefundable except for:

(1) license renewal fees received more than two years after expiration of the license, as described in section 326B.094, subdivision 2;

(2) any overpayment of fees; and

(3) if the license is not renewed, the contractor recovery fund fee and any additional assessment paid under subdivision 7, paragraph (e).

Subd. 7. License fees and license renewal fees. (a) The license fee for each license except a renewed license shall be the base license fee plus any applicable board fee, as set forth in this subdivision. The license renewal fee for each renewed license is the base license fee plus any applicable board fee, continuing education fee, and contractor recovery fund fee and additional assessment, as set forth in this subdivision.

(b) For purposes of this section, "license duration" means the number of years for which the license is issued except that:

(1) if the initial license is not issued for a whole number of years, the license duration shall be rounded up to the next whole number; and

(2) if the department receives an application for license renewal after the renewal deadline, license duration means the number of years for which the renewed license would have been issued if the renewal application had been submitted on time and all other requirements for renewal had been met.

(c) The base license fee shall depend on whether the license is classified as an entry level, master, journeyman, or business license, and on the license duration. The base license fee shall be:

| <u>License Classification</u> | <u>License Duration</u> | | |
|-------------------------------|-------------------------|----------------|----------------|
| | <u>1 Year</u> | <u>2 Years</u> | <u>3 Years</u> |
| <u>Entry level</u> | <u>\$10</u> | <u>\$20</u> | <u>\$30</u> |
| <u>Journeyman</u> | <u>\$20</u> | <u>\$40</u> | <u>\$60</u> |
| <u>Master</u> | <u>\$40</u> | <u>\$80</u> | <u>\$120</u> |
| <u>Business</u> | <u>\$90</u> | <u>\$180</u> | <u>\$270</u> |

(d) If there is a continuing education requirement for renewal of the license, then a continuing education fee must be included in the renewal license fee. The continuing education fee for all license classifications shall be: \$10 if the renewal license duration is one year; \$20 if the renewal license duration is two years; and \$30 if the renewal license duration is three years.

(e) If the license is issued under sections 326B.31 to 326B.59 or 326B.90 to 326B.93, then a board fee must be included in the license fee and the renewal license fee. The board fee for all license classifications shall be: \$4 if the license duration is one year; \$8 if the license duration is two years; and \$12 if the license duration is three years.

(f) If the application is for the renewal of a license issued under sections 326B.802 to 326B.885, then the contractor recovery fund fee required under section 326B.89, subdivision 3, and any additional assessment required under section 326B.89, subdivision 16, must be included in the license renewal fee.

Sec. 32. **[326B.093] LICENSES REQUIRING EXAMINATION ADMINISTERED BY COMMISSIONER.**

Subdivision 1. **Qualifications for examination.** If the applicant for a license must pass an examination administered by the commissioner in order to obtain the license, then the applicant's complete application must demonstrate that the applicant is qualified to take the examination. The applicant is qualified to take the examination if the applicant meets all requirements for the license except for passing the examination.

Subd. 2. **Not qualified for examination.** If the applicant is not qualified to take the examination, then the commissioner must deny the application. The applicant may subsequently submit another application, accompanied by the required fee.

Subd. 3. **Taking the examination.** If the applicant is qualified to take the examination, then the department must notify the applicant, and the applicant may schedule a time to take the examination within one year after the notification date. If the applicant does not take the examination at the scheduled time, the applicant may, one time only, reschedule a time to take the examination on a date within one year after the notification date. If the applicant fails to take the examination within one year after the notification date, the commissioner must deny the application and the applicant forfeits the application/examination fee. The applicant may subsequently submit another application, accompanied by the required application/examination fee.

Subd. 4. **Examination results.** If the applicant receives a passing score on the examination and meets all other requirements for licensure, the commissioner must approve the application and notify the applicant of the approval within 60 days of the date of the passing score. The applicant must, within 90 days after the notification of approval, pay the license fee. Upon receipt of the license fee, the commissioner must issue the license. If the applicant does not pay the license fee within 90 days after the notification of approval, the commissioner will rescind the approval and must deny the application. If the applicant does not receive a passing score on the examination, the commissioner must deny the application. If the application is denied because of the applicant's failure to receive a passing score on the examination, then the applicant cannot submit a new application for the license until at least 30 days after the notification of denial.

Sec. 33. **[326B.094] RENEWAL OF LICENSES.**

Subdivision 1. **Expiration of licenses.** Unless and until the department or commissioner issues a renewal of a license, the license expires on the expiration date printed on the license. While the license is expired, the licensee cannot perform the activities authorized by the license.

Subd. 2. **Availability of renewal.** A licensee may apply to renew a license no later than two years after the expiration of the license. If the department receives a complete renewal application no later than two years after the expiration of the license, then the department must approve or deny the renewal application within 60 days of receiving the complete renewal application. If the department receives a renewal application more than two years after the expiration of the license, the department must return the renewal license fee to the applicant without approving or denying the application. If the licensee wishes to obtain a valid license more than two years after expiration of the license, the licensee must apply for a new license.

Subd. 3. **Deadline for avoiding license expiration.** The department must receive a complete application to renew a license no later than the renewal deadline. If the department does not receive a complete application by the renewal deadline, the license may expire before the department has either approved or denied the renewal application.

Sec. 34. **[326B.095] INCOMPLETE LICENSE APPLICATIONS.**

This section applies to both applications for initial licenses and license renewal applications. If the department determines that an application is incomplete, the department must notify the applicant of the deficiencies that must be corrected in order to complete the application. If the applicant wishes to complete the application, the department must receive the completed application within 90 days after the date the department mailed or delivered the incomplete application to the applicant. If the department does not receive the completed application by this deadline, the commissioner must deny the application and the applicant will forfeit all fees except as provided in section 326B.092, subdivision 6. If the application is for license renewal and the department receives the corrected application after the license has expired, then the corrected application must be accompanied by the late fee.

Sec. 35. **[326B.096] REINSTATEMENT OF LICENSES.**

Subdivision 1. **Reinstatement after revocation.** (a) If a license is revoked under this chapter and if an applicant for a license needs to pass an examination administered by the commissioner before becoming licensed, then, in order to have the license reinstated, the person who holds the revoked license must:

(1) retake the examination and achieve a passing score; and

(2) meet all other requirements for an initial license, including payment of the application and examination fee and the license fee. The person holding the revoked license is not eligible for Minnesota licensure without examination based on reciprocity.

(b) If a license is revoked under a chapter other than this chapter, then, in order to have the license reinstated, the person who holds the revoked license must:

(1) apply for reinstatement to the commissioner no later than two years after the effective date of the revocation;

(2) pay a \$100 reinstatement application fee and any applicable renewal license fee; and

(3) meet all applicable requirements for licensure, except that, unless required by the order revoking the license, the applicant does not need to retake any examination and does not need to repay a license fee that was paid before the revocation.

Subd. 2. **Reinstatement after suspension.** If a license is suspended, then, in order to have the license reinstated, the person who holds the suspended license must:

(1) apply for reinstatement to the commissioner no later than two years after the completion of the suspension period;

(2) pay a \$100 reinstatement application fee and any applicable renewal license fee; and

(3) meet all applicable requirements for licensure, except that, unless required by the order suspending the license, the applicant does not need to retake any examination and does not need to repay a license fee that was paid before the suspension.

Subd. 3. **Reinstatement after voluntary termination.** A licensee who is not an individual may voluntarily terminate a license issued to the person under this chapter. If a licensee has voluntarily terminated a license under this subdivision, then, in order to have the license reinstated, the person who holds the terminated license must:

(1) apply for reinstatement to the commissioner no later than the date that the license would have expired if it had not been terminated;

(2) pay a \$100 reinstatement application fee and any applicable renewal license fee; and

(3) meet all applicable requirements for licensure, except that the applicant does not need to repay a license fee that was paid before the termination.

Sec. 36. **[326B.097] PROHIBITION OF TRANSFER.**

A licensee shall not transfer or sell any license.

Sec. 37. **[326B.098] CONTINUING EDUCATION.**

Subdivision 1. **Applicability.** This section applies to seminars offered by the department for the purpose of allowing licensees to meet continuing education requirements for license renewal.

Subd. 2. **Rescheduling.** An individual who is registered with the department to attend a seminar may reschedule one time only, to attend the same seminar on a date within one year after the date of the seminar the individual was registered to attend.

Subd. 3. **Fees nonrefundable.** All seminar fees paid to the department are nonrefundable except for any overpayment of fees.

Sec. 38. Minnesota Statutes 2008, section 326B.133, subdivision 1, is amended to read:

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~~ created by statute or 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.

Sec. 39. Minnesota Statutes 2008, section 326B.133, is amended by adding a subdivision to read:

Subd. 2a. **Application; renewal; fees; expiration.** (a) An applicant for certification shall submit a completed application on a form approved by the commissioner to the department. The commissioner shall review applications for compliance with the requirements established by rule.

(b) Application for initial certification or renewal certification as a building official, building official-limited, or accessibility specialist shall be according to this section and sections 326B.092 to 326B.095.

(c) Fees shall be paid to the department according to section 326B.092.

(d) Unless revoked or suspended under this chapter, all certifications issued or renewed under this section expire two years from the date of original issuance and every two years thereafter.

Sec. 40. Minnesota Statutes 2008, section 326B.133, subdivision 3, is amended to read:

Subd. 3. **Certification criteria.** 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.

Sec. 41. Minnesota Statutes 2008, section 326B.133, is amended by adding a subdivision to read:

Subd. 3a. **Certification categories.** (a) If a municipality has adopted or adopts the State Building Code, the responsibilities for code administration and enforcement are under the authority of its designated building official or the certified building official-limited.

(b) Certified building official. This certification is identified as "certified building official" on the certificate card. This certification is granted to an individual who has met the certified building official requirements established by rule and passed the written examination prepared by the state. A person with this certification may serve as the designated building official for any municipality. For the purposes of calculating fees under section 326B.092, certification as a building official is a master license.

(c) Certified building official-limited. This certification is identified as "certified building official-limited" on the certification card. This certification is granted to an individual who has met the certified building official-limited requirements established by rule and passed the written examination prepared by the state. An individual with this certification may perform code administration for one- and two-family dwellings, their accessory structures, and "exempt classes of buildings" as provided in Minnesota Rules, part 1800.5000, of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design, and "facilities for persons with physical disabilities" that are governed by the State Building Code. Subject to the limitations of the building official-limited certification, an individual with this certification may serve as the designated building official for any municipality. Code administration for all other buildings must be performed by a certified building official as defined in paragraph (a). A certified building official-limited may conduct inspections for other structures regulated by the State Building Code under the direction of a designated certified building official or the state building official.

Subject to all other certification requirements, as of January 1, 2012, valid Class I certifications shall be included in the certified building official-limited category upon the next immediate renewal. For the purposes of calculating fees under section 326B.092, certification as a building official-limited is a journeyman license.

(d) Accessibility specialist. This certification is identified as accessibility specialist on the certification card. This certification is granted to an individual who has met the "accessibility specialist" requirements established by rule and passed the written examination prepared by the state. An individual with this classification is limited to the administration of those provisions of the State Building Code that provide access for persons with disabilities. For the purposes of calculating fees under section 326B.092, certification as an accessibility specialist is a journeyman license.

Sec. 42. Minnesota Statutes 2008, section 326B.133, subdivision 8, is amended to read:

Subd. 8. **Continuing education requirements; extension of time.** (a) This subdivision establishes the number of continuing education units required within each two-year certification period.

A certified building official shall accumulate 16 continuing education units in any education program that is approved under Minnesota Rules, part 1301.1000.

A certified building official-limited shall, in each year of the initial two-year certification period, accumulate eight continuing education units in any education program that is approved under Minnesota Rules, part 1301.1000. Continuing education units shall be reported annually during the initial two-year certification period by the method established in rule. A certified building official-limited shall accumulate 16 continuing education units for each two-year certification period thereafter in any education program that is approved under Minnesota Rules, part 1301.1000.

An accessibility specialist must accumulate four continuing education units in any of the programs described in Minnesota Rules, part 1301.1000, subpart 1 or 2. The four units must be for courses relating to building accessibility, plan review, field inspection, or building code administration.

Continuing education programs may be approved as established in rule.

(b) Subject to sections 326B.101 to 326B.194, 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~~ renew certification.

(c) The state building official may grant an extension of time to comply with continuing education requirements if the certificate holder requesting the extension of time shows cause for the extension. The request for the extension must be in writing. For purposes of this section, the certificate holder's current certification effective dates shall remain the same. The extension does not relieve the certificate holder from complying with the continuing education requirements for the next two-year period.

Sec. 43. Minnesota Statutes 2008, section 326B.133, subdivision 11, is amended to read:

Subd. 11. **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, or a certified building official, a certified building official-limited, or an accessibility specialist until a renewed certificate has been issued by the commissioner.

Sec. 44. Minnesota Statutes 2008, section 326B.197, is amended to read:

326B.197 BOND REQUIRED FOR CERTAIN CONTRACTORS.

(a) A person contracting to do gas, heating, ventilation, cooling, air conditioning, fuel burning, or refrigeration work must give and maintain bond to the state in the amount of \$25,000 for all work entered into within the state. The bond must be for the benefit of persons suffering financial loss by reason of the contractor's failure to comply

with the requirements of the State Mechanical Code. A bond given to the state must be filed with the commissioner of labor and industry and is in lieu of all other bonds to any political subdivision required for work covered by this section. The bond must be written by a corporate surety licensed to do business in the state.

(b) The commissioner of labor and industry may charge each person giving bond under this section ~~an annual~~ a biennial bond filing fee of ~~\$15~~ \$100.

Sec. 45. Minnesota Statutes 2008, section 326B.33, subdivision 18, is amended to read:

Subd. 18. **Examination.** In addition to the other requirements described in this section and sections 326B.091 to 326B.098, and except as provided in subdivision 20, as a precondition to issuance of a personal license, each applicant must pass a written or oral examination developed and administered by the commissioner to ensure the competence of each applicant for license. An oral examination shall be administered only to an applicant who furnishes a written statement from a certified teacher or other professional, trained in the area of reading disabilities stating that the applicant has a specific reading disability which would prevent the applicant from performing satisfactorily on a written test. The oral examination shall be structured so that an applicant who passes the examination will not impair the applicant's own safety or that of others while acting as a licensed individual. ~~No individual failing an examination may retake it for six months thereafter, but within such six months the individual may take an examination for a lesser grade of license. Any individual failing to renew a personal license for two years or more after its expiration, and any licensee whose personal license is revoked under this chapter, shall be required to retake the examination before being issued a new license. An individual whose personal license is revoked under any other chapter is not required to retake the examination before being issued a new license, unless the personal license was revoked two years or more before the commissioner received the completed application for a new license. A licensee whose personal license is suspended for any reason is not required to retake the examination before the personal license is reinstated, unless the personal license has not been reinstated within two years after the suspension began.~~

~~An applicant for a personal license shall submit to the commissioner an application and examination fee at the time of application. Upon approval of the application, the commissioner shall schedule the applicant for the next available examination, which shall be held within 60 days. The applicant shall be allowed one opportunity to reschedule an examination without being required to submit another application and examination fee. Additionally, an applicant who fails an examination, or whose application was not approved, shall submit another application and examination fee.~~

Sec. 46. Minnesota Statutes 2009 Supplement, section 326B.33, subdivision 19, is amended to read:

Subd. 19. **License, registration, and renewal fees; expiration.** (a) Unless revoked or suspended under this chapter, all licenses issued or renewed under this section expire on the date specified in this subdivision. Master licenses expire March 1 of each odd-numbered year after issuance or renewal. Electrical contractor licenses expire March 1 of each even-numbered year after issuance or renewal. Technology system contractor licenses expire August 1 of each even-numbered year after issuance or renewal. All other personal licenses expire two years from the date of original issuance and every two years thereafter. Registrations of unlicensed individuals expire one year from the date of original issuance and every year thereafter.

~~(b) Fees for application and examination, and for the original issuance and each subsequent renewal, are:~~

~~(1) For each personal license application and examination: \$35;~~

~~(2) For original issuance and each subsequent renewal of:~~

~~Class A Master or master special electrician, including master elevator constructor: \$40 per year;~~

~~Class B Master: \$25 per year;~~

~~Power Limited Technician: \$15 per year;~~

~~Class A Journeyman, Class B Journeyman, Installer, Elevator Constructor, Lineman, or Maintenance Electrician other than master special electrician: \$15 per year;~~

~~Contractor: \$100 per year;~~

~~Unlicensed individual registration: \$15 per year.~~

~~(c) If any new license is issued in accordance with this subdivision for less than two years, the fee for the license shall be prorated on an annual basis.~~

~~(d) A license fee may not be refunded after a license is issued or renewed. However, if the fee paid for a license was not prorated in accordance with this subdivision, the amount of the overpayment shall be refunded.~~

~~(e) Any contractor who seeks reissuance of a license after it has been revoked or suspended under this chapter shall submit a reissuance fee of \$100 before the license is reinstated.~~

~~(f) An individual or contractor who fails to renew a license before 30 days after the expiration or registration of the license must submit a late fee equal to one year's license fee in addition to the full renewal fee. Fees for renewed licenses or registrations are not prorated. An individual or contractor that fails to renew a license or registration by the expiration date is unlicensed until the license or registration is renewed.~~

(b) For purposes of calculating license fees and renewal license fees required under section 326B.092:

(1) the registration of an unlicensed individual under subdivision 12 shall be considered an entry level license;

(2) the following licenses shall be considered journeyman licenses: Class A journeyman electrician, Class B journeyman electrician, Class A installer, Class B installer, elevator constructor, lineman, maintenance electrician, and power limited technician;

(3) the following licenses shall be considered master licenses: Class A master electrician, Class B master electrician, and master elevator constructor; and

(4) the following licenses shall be considered business licenses: Class A electrical contractor, Class B electrical contractor, elevator contractor, and technology systems contractor.

(c) For each filing of a certificate of responsible person by an employer, the fee is \$100.

Sec. 47. Minnesota Statutes 2008, section 326B.33, subdivision 20, is amended to read:

Subd. 20. **Reciprocity.** The commissioner may enter into reciprocity agreements for personal licenses with another state if approved by the board. Once approved by the board, the commissioner may issue a personal license without requiring the applicant to pass an examination provided the applicant:

(a) submits an application under this section;

(b) pays the application and examination fee and license fee required under ~~this~~ section 326B.092; and

(c) holds a valid comparable license in the state participating in the agreement.

Agreements are subject to the following:

(1) The parties to the agreement must administer a statewide licensing program that includes examination and qualifying experience or training comparable to Minnesota's.

(2) The experience and training requirements under which an individual applicant qualified for examination in the qualifying state must be deemed equal to or greater than required for an applicant making application in Minnesota at the time the applicant acquired the license in the qualifying state.

(3) The applicant must have acquired the license in the qualifying state through an examination deemed equivalent to the same class of license examination in Minnesota. A lesser class of license may be granted where the applicant has acquired a greater class of license in the qualifying state and the applicant otherwise meets the conditions of this subdivision.

(4) At the time of application, the applicant must hold a valid license in the qualifying state and have held the license continuously for at least one year before making application in Minnesota.

(5) An applicant is not eligible for a license under this subdivision if the applicant has failed the same or greater class of license examination in Minnesota, or if the applicant's license of the same or greater class has been revoked or suspended.

(6) An applicant who has failed to renew a personal license for two years or more after its expiration is not eligible for a license under this subdivision.

Sec. 48. Minnesota Statutes 2008, section 326B.33, subdivision 21, is amended to read:

Subd. 21. **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 circuits or systems work, a licensed power limited technician; and

(3) the individual's employer has ~~filed on file~~ with the commissioner a current 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. The employer must pay a filing fee to file a certificate of responsible person with the commissioner. The certificate shall expire two years from the date of filing. In order to maintain a current certificate of responsible person, the employer must resubmit a certificate of responsible person, with a filing fee, no later than two years from the date of the previous submittal.

(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 7, 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 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 326B.38.

(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. 49. Minnesota Statutes 2008, section 326B.42, is amended by adding a subdivision to read:

Subd. 1a. **Contractor.** "Contractor" means a person who performs or offers to perform any plumbing work, with or without compensation, who is licensed as a contractor by the commissioner. Contractor includes plumbing contractors and restricted plumbing contractors.

Sec. 50. Minnesota Statutes 2008, section 326B.42, is amended by adding a subdivision to read:

Subd. 8. **Plumbing contractor.** "Plumbing contractor" means a licensed contractor whose responsible licensed plumber is a licensed master plumber.

Sec. 51. Minnesota Statutes 2008, section 326B.42, is amended by adding a subdivision to read:

Subd. 9. **Responsible licensed plumber.** A contractor's "responsible licensed plumber" means the licensed master plumber or licensed restricted master plumber designated in writing by the contractor in the contractor's license application, or in another manner acceptable to the commissioner, as the individual responsible for the contractor's compliance with sections 326B.41 to 326B.49, all rules adopted under these sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082.

Sec. 52. Minnesota Statutes 2008, section 326B.42, is amended by adding a subdivision to read:

Subd. 10. **Restricted plumbing contractor.** "Restricted plumbing contractor" means a licensed contractor whose responsible licensed plumber is a licensed restricted master plumber.

Sec. 53. Minnesota Statutes 2008, section 326B.44, is amended to read:

326B.44 LOCAL REGULATIONS.

Any of the following entities may, by ordinance, adopt local regulations providing for plumbing permits, approval of plans and specifications, and inspections of plumbing, which regulations are not in conflict with the plumbing code: any city having a system of waterworks or sewerage, regardless of population; any town having a population of 5,000 or more according to the last federal census, exclusive of any statutory cities located therein; and the Metropolitan Airports Commission. No such entity shall prohibit ~~plumbers~~ plumbing contractors licensed by the commissioner from engaging in or working at the business of plumbing, except cities and statutory cities which, prior to April 21, 1933, by ordinance required the licensing of plumbers. No such entity shall require any person who engages in the business of plumbing to post a bond as a prerequisite for engaging in the business of plumbing, except the bond to the state required under section 326B.46 and except any performance bond required under a contract with the person for the performance of plumbing work for the entity. No such entity shall require any person who engages in the business of plumbing to maintain public liability insurance as a prerequisite for engaging in the business of plumbing, except the insurance required under section 326B.46 and except any public liability insurance required under a contract with the person for the performance of plumbing work for the entity. No city or town may require a license for persons performing building sewer or water service installation who have completed pipe laying training as prescribed by the commissioner of labor and industry. Any city by ordinance may prescribe regulations, reasonable standards, and inspections and grant permits to any person engaged in the business of installing water softeners, who is not licensed as a ~~master plumber or journeyman plumber~~ plumber contractor by the commissioner, to connect water softening and water filtering equipment to private residence water distribution systems, where provision has been previously made therefor and openings left for that purpose or by use of cold water connections to a domestic water heater; where it is not necessary to rearrange, make any extension or alteration of, or addition to any pipe, fixture or plumbing connected with the water system except to connect the water softener, and provided the connections so made comply with minimum standards prescribed by the Plumbing Board.

Sec. 54. Minnesota Statutes 2008, section 326B.46, as amended by Laws 2009, chapter 78, article 5, section 14, and chapter 109, section 13, is amended to read:

326B.46 LICENSING, BOND AND INSURANCE.

Subdivision 1. **License required.** (a) No ~~person~~ individual shall engage in or work at the business of a master plumber, restricted master plumber, journeyman plumber, and restricted journeyman plumber unless licensed to do so by the ~~state~~ commissioner. A license is not required for individuals performing building sewer or water service installation who have completed pipe laying training as prescribed by the commissioner ~~of labor and industry~~. A master plumber may also work as a journeyman plumber, a restricted journeyman plumber, and a restricted master plumber. A journeyman plumber may also work as a restricted journeyman plumber. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standards prescribed by the Plumbing Board on premises or that part of premises owned and actually occupied by the worker as a residence, unless otherwise forbidden to do so by a local ordinance.

(b) No person shall engage in the business of planning, superintending, or installing plumbing or shall install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, or in cities and towns with a population of fewer than 5,000 according to the last federal census, a restricted master plumber, who shall be responsible for proper installation, is in charge of the plumbing work of the person, ~~firm, or corporation~~.

(c) Except as provided in subdivision 2, no person shall perform or offer to perform plumbing work with or without compensation unless the person obtains a contractor's license. A contractor's license does not of itself qualify its holder to perform the plumbing work authorized by holding a master, journeyman, restricted master, or restricted journeyman license.

Subd. 1a. **Exemptions from licensing.** (a) An individual without a contractor license may do plumbing work on the individual's residence in accordance with subdivision 1, paragraph (a).

(b) An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by the individual's employer and which is within the limits of property owned or leased, and operated or maintained by the individual's employer, shall not be required to maintain a contractor license as long as the employer has on file with the commissioner a current certificate of responsible person. The certificate must be signed by the responsible master plumber or, in an area of the state that is not a city or town with a population of more than 5,000 according to the last federal census, restricted master plumber, and must state that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the employer's employees comply with sections 326B.41 to 326B.49, all rules adopted under those sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082. The employer must pay a filing fee to file a certificate of responsible person with the commissioner. The certificate shall expire two years from the date of filing. In order to maintain a current certificate of responsible person, the employer must resubmit a certificate of responsible person, with a filing fee, no later than two years from the date of the previous submittal. The filing of the certificate of responsible person does not exempt any employee of the employer from the requirements of this chapter regarding individual licensing as a plumber or registration as a plumber's apprentice.

(c) If a contractor employs a licensed plumber, the licensed plumber does not need a separate contractor license to perform plumbing work on behalf of the employer within the scope of the licensed plumber's license.

Subd. 1b. **Employment of master plumber or restricted master plumber.** (a) Each contractor must designate a responsible licensed plumber, who shall be responsible for the performance of all plumbing work in accordance with sections 326B.41 to 326B.49, all rules adopted under these sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082. A plumbing contractor's responsible licensed plumber must be a master

plumber. A restricted plumbing contractor's responsible licensed plumber must be a master plumber or a restricted master plumber. A plumbing contractor license authorizes the contractor to offer to perform and, through licensed and registered individuals, to perform plumbing work in all areas of the state. A restricted plumbing contractor license authorizes the contractor to offer to perform and, through licensed and registered individuals, to perform plumbing work in all areas of the state except in cities and towns with a population of more than 5,000 according to the last federal census.

(b) If the contractor is an individual or sole proprietorship, the responsible licensed plumber must be the individual, proprietor, or managing employee. If the contractor is a partnership, the responsible licensed plumber must be a general partner or managing employee. If the contractor is a limited liability company, the responsible licensed plumber must be a chief manager or managing employee. If the contractor is a corporation, the responsible licensed plumber must be an officer or managing employee. If the responsible licensed plumber is a managing employee, the responsible licensed plumber must be actively engaged in performing plumbing work on behalf of the contractor, and cannot be employed in any capacity as a plumber for any other contractor. An individual may be the responsible licensed plumber for only one contractor.

(c) All applications and renewals for contractor licenses shall include a verified statement that the applicant or licensee has complied with this subdivision.

Subd. 2. **Bond; insurance.** ~~Any person contracting to do plumbing work must give~~ As a condition of licensing, each contractor shall give and maintain bond to the state in the amount of at least \$25,000 for (1) all plumbing work entered into within the state or (2) all plumbing work and subsurface sewage treatment work entered into within the state. If the bond is for both plumbing work and subsurface sewage treatment work, the bond must comply with the requirements of this section and section 115.56, subdivision 2, paragraph (e). 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 and, if the bond is for both plumbing work and subsurface sewage treatment work, financial loss by reason of failure to comply with the requirements of sections 115.55 and 115.56. 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 as a condition of licensing, each contractor shall have and maintain in effect 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.~~

~~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 a licensed plumber, the employee plumber shall not be required to meet the bond and insurance requirements of subdivision 2. An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by the individual's employer and which is within the limits of property owned or leased, and operated or maintained by the individual's employer, shall not be required to meet the bond and insurance requirements of subdivision 2.~~

Subd. 4. **Fee.** (a) ~~Each person giving bond to the state under subdivision 2 shall pay the department a bond registration fee of \$40 for one year or \$80 for two years.~~

~~(b) The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the bond registration from one year to two years so that the expiration of bond registration corresponds with the expiration of the license issued under section 326B.475 or 326B.49, subdivision 1.~~

Subd. 5. **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 aboveground building sewer system and when connecting the exterior water line to the aboveground 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.

Sec. 55. Minnesota Statutes 2008, section 326B.47, is amended to read:

326B.47 PLUMBER'S APPRENTICES.

Subdivision 1. **Registration; supervision; records.** (a) All plumber's apprentices must be registered. To be a registered plumber's apprentice, an individual must either:

(1) be an individual employed in the trade of plumbing under an apprenticeship agreement approved by the department under Minnesota Rules, part 5200.0300; or

(2) be an unlicensed individual registered with the commissioner under subdivision 3.

(b) A plumber's apprentice is authorized to assist in the installation of plumbing only while under the direct supervision of a master, restricted master, journeyman, or restricted journeyman plumber. The master, restricted master, journeyman, or restricted journeyman plumber is responsible for ensuring that all plumbing work performed by the plumber's apprentice complies with the plumbing code. The supervising master, restricted master, journeyman, or restricted journeyman must be licensed and must be employed by the same employer as the plumber's apprentice. Licensed individuals shall not permit plumber's apprentices to perform plumbing work except under the direct supervision of an individual actually licensed to perform such work. Plumber's apprentices shall not supervise the performance of plumbing work or make assignments of plumbing work to unlicensed individuals.

(c) Contractors employing plumber's apprentices to perform plumbing work shall maintain records establishing compliance with this subdivision that shall identify all plumber's apprentices performing plumbing work, and shall permit the department to examine and copy all such records.

Subd. 2. **Journeyman exam.** A plumber's apprentice who has completed four years of practical plumbing experience is eligible to take the journeyman plumbing examination. Up to 24 months of practical plumbing experience prior to becoming a plumber's apprentice may be applied to the four-year experience requirement. However, none of this practical plumbing experience may be applied if the individual did not have any practical plumbing experience in the 12-month period immediately prior to becoming a plumber's apprentice. The Plumbing Board may adopt rules to evaluate whether the individual's past practical plumbing experience is applicable in preparing for the journeyman's examination. If two years after completing the training the individual has not taken the examination, the four years of experience shall be forfeited.

The commissioner may allow an extension of the two-year period for taking the exam for cases of hardship or other appropriate circumstances.

Subd. 3. **Registration, rules, applications, renewals, and fees.** An unlicensed individual may register by completing and submitting to the commissioner a ~~registration~~ an application form provided by the commissioner, with all fees required by section 326B.092. A completed ~~registration~~ application form must state the date the individual began training, the individual's age, schooling, previous experience, and employer, and other information required by the commissioner. The board may prescribe rules, not inconsistent with this section, for the registration of unlicensed individuals. ~~Each applicant for initial registration as a plumber's apprentice shall pay the department~~

~~an application fee of \$25. Applications for initial registration may be submitted at any time. Registration must be renewed annually and shall be for the period from July 1 of each year to June 30 of the following year. Applications for renewal registration must be received by the commissioner by June 30 of each registration period on forms provided by the commissioner, and must be accompanied by a fee of \$25. An application for renewal registration received on or after July 1 in any year but no more than three months after expiration of the previously issued registration must pay the past due renewal fee plus a late fee of \$25. No applications for renewal registration will be accepted more than three months after expiration of the previously issued registration.~~

Sec. 56. Minnesota Statutes 2008, section 326B.475, subdivision 2, is amended to read:

Subd. 2. **Use of license.** A restricted master plumber and restricted journeyman plumber may engage in the plumbing trade in all areas of the state except in cities and towns with a population of more than 5,000 according to the last federal census.

Sec. 57. Minnesota Statutes 2009 Supplement, section 326B.475, subdivision 4, is amended to read:

Subd. 4. **Renewal; use period for license.** (a) A restricted master plumber and restricted journeyman plumber license must be renewed for as long as that licensee engages in the plumbing trade. Notwithstanding section 326B.094, failure to renew a restricted master plumber and restricted journeyman plumber license within 12 months after the expiration date will result in permanent forfeiture of the restricted master plumber and restricted journeyman plumber license.

(b) The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of restricted master plumber and restricted journeyman plumber licenses from one year to two years. By June 30, 2011, all restricted master plumber and restricted journeyman plumber licenses shall be two-year licenses.

Sec. 58. Minnesota Statutes 2009 Supplement, section 326B.49, subdivision 1, is amended to read:

Subdivision 1. **Application, examination, and license fees.** (a) Applications for master and journeyman plumber's license licenses shall be made to the commissioner, with fee all fees required by section 326B.092. Unless the applicant is entitled to a renewal, the applicant shall be licensed by the commissioner only after passing a satisfactory examination developed and administered by the commissioner, based upon rules adopted by the Plumbing Board, showing fitness. Examination fees for both journeyman and master plumbers shall be \$50 for each examination. Upon being notified of having successfully passed the examination for original license the applicant shall submit an application, with the license fee herein provided. The license fee for each initial master plumber's license shall be \$240. The license fee for each initial journeyman plumber's license shall be \$110.

(b) All initial ~~master and~~ journeyman plumber's licenses shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made. The license fee for each renewal master plumber's license shall be \$120 for one year or \$240 for two years. The license fee for each renewal journeyman plumber's license shall be \$55 for one year or \$110 for two years. All master plumber's licenses shall expire on December 31 of each even-numbered year after issuance or renewal. The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of master and journeyman plumber's licenses from one year to two years. By June 30, 2011, all renewed master and journeyman plumber's licenses shall be two-year licenses.

(c) ~~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 journeyman or master plumber 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. Applications for contractor licenses shall be made to the commissioner, with all fees required by section 326B.092. All contractor licenses shall expire on December 31 of each odd-numbered year after issuance or renewal.~~

(d) For purposes of calculating license fees and renewal license fees required under section 326B.092:

(1) the following licenses shall be considered business licenses: plumbing contractor and restricted plumbing contractor;

(2) the following licenses shall be considered master licenses: master plumber and restricted master plumber;

(3) the following licenses shall be considered journeyman licenses: journeyman plumber and restricted journeyman plumber; and

(4) the registration of a plumber's apprentice under section 326B.47, subdivision 3, shall be considered an entry level license.

(e) For each filing of a certificate of responsible person by an employer, the fee is \$100.

Sec. 59. Minnesota Statutes 2008, section 326B.50, is amended by adding a subdivision to read:

Subd. 1a. **Responsible licensed master.** "Responsible licensed master" means the licensed water conditioning master or licensed master plumber designated in writing by the water conditioning contractor in the water conditioning contractor's license application, or in another manner acceptable to the commissioner, as the individual responsible for the water conditioning contractor's compliance with sections 326B.50 to 326B.59, all rules adopted under these sections, the Minnesota Plumbing Code, and all orders issued under section 326B.082.

Sec. 60. Minnesota Statutes 2008, section 326B.50, is amended by adding a subdivision to read:

Subd. 2a. **Water conditioning contractor.** "Water conditioning contractor" means a person who performs or offers to perform any water conditioning installation or water conditioning servicing, with or without compensation, who is licensed as a water conditioning contractor by the commissioner.

Sec. 61. Minnesota Statutes 2008, section 326B.50, is amended by adding a subdivision to read:

Subd. 3a. **Water conditioning journeyman.** "Water conditioning journeyman" means an individual, other than a water conditioning master, who has demonstrated practical knowledge of water conditioning installation and servicing, and who is licensed by the commissioner as a water conditioning journeyman.

Sec. 62. Minnesota Statutes 2008, section 326B.50, is amended by adding a subdivision to read:

Subd. 3b. **Water conditioning master.** "Water conditioning master" means an individual who has demonstrated skill in planning, superintending, installing, and servicing water conditioning installations, and who is licensed by the commissioner as a water conditioning master.

Sec. 63. Minnesota Statutes 2008, section 326B.54, is amended to read:

326B.54 VIOLATIONS TO BE REPORTED TO COMMISSIONER.

Such local authority as may be designated by any such ordinance for the issuance of such water conditioning installation and servicing permits and approval of such plans shall report to the commissioner persistent or willful violations of the same and any incompetence of a licensed water conditioning contractor, licensed water conditioning master, or licensed water conditioning ~~installer~~ journeyman observed by the local authority.

Sec. 64. Minnesota Statutes 2008, section 326B.55, as amended by Laws 2010, chapter 183, section 13, is amended to read:

326B.55 LICENSING IN CERTAIN CITIES; QUALIFICATIONS; RULES.

Subdivision 1. **Licensing.** (a) Except as provided in paragraph (d), no individual shall perform water conditioning installation or water conditioning servicing unless licensed by the commissioner as a master plumber, journeyman plumber, water conditioning master, or water conditioning journeyman, or, in all areas of the state except in cities and towns with a population of more than 5,000 according to the last federal census, as a restricted master plumber or restricted journeyman plumber.

(b) Except as provided in paragraph (e), no person shall perform or offer to perform water conditioning installation or water conditioning servicing with or without compensation unless the person obtains a water conditioning contractor's license. A water conditioning contractor's license does not of itself qualify its holder to perform the water conditioning installation or water conditioning servicing authorized by holding a water conditioning master or water conditioning journeyman license.

(c) Except as provided in paragraph (d), no person shall engage in or work at the business of water conditioning installation or servicing anywhere in the state unless (1) at all times an individual licensed as a master plumber or water conditioning contractor master by the commissioner shall be, who is responsible for the proper installation and servicing, is in charge of the water conditioning installation and servicing work of such person, and (2) all installations, other than,

If a water conditioning contractor employs a licensed master, restricted master, journeyman or restricted journeyman plumber, or a licensed water conditioning master or journeyman, then the licensed individual does not need a separate water conditioning contractor license to perform water conditioning installation or servicing on behalf of the employer within the scope of the individual's plumber license.

(d) No water conditioning contractor, water conditioning master, or water conditioning journeyman license is required:

(1) for exchanges of portable water conditioning equipment, are performed by a licensed water conditioning contractor or licensed water conditioning installer. Any individual not so licensed may; or

(2) for an individual to perform water conditioning work that complies with the minimum standards prescribed by the Plumbing Board on premises or that part of premises owned and occupied by the worker individual as a residence, unless otherwise prohibited by a local ordinance. The scope of work that a master plumber, restricted master plumber, journeyman plumber, or restricted journeyman plumber is authorized to perform as an employee of a licensed water conditioning contractor shall be limited to the scope of work that the licensed water conditioning contractor is licensed to perform.

Subd. 2. **Qualifications for licensing.** (a) A water conditioning contractor master license shall be issued only to an individual who has demonstrated skill in planning, superintending, and servicing water conditioning installations, and has successfully passed the examination for water conditioning contractors masters. A water conditioning installer journeyman license shall only be issued to an individual other than a water conditioning contractor master who has demonstrated practical knowledge of water conditioning installation, and has successfully passed the examination for water conditioning installers journeymen. A water conditioning installer journeyman must successfully pass the examination for water conditioning contractors masters before being licensed as a water conditioning contractor master.

(b) Each water conditioning contractor must designate a responsible licensed master plumber or a responsible licensed water conditioning master, who shall be responsible for the performance of all water conditioning installation and servicing in accordance with the requirements of sections 326B.50 to 326B.59, all rules adopted under sections 326B.50 to 326B.59, the Minnesota Plumbing Code, and all orders issued under section 326B.082. If the water conditioning contractor is an individual or sole proprietorship, the responsible licensed master must be the individual, proprietor, or managing employee. If the water conditioning contractor is a partnership, the responsible licensed master must be a general partner or managing employee. If the water conditioning contractor is a limited liability company, the responsible licensed master must be a chief manager or managing employee. If the water conditioning contractor is a corporation, the responsible licensed master must be an officer or managing employee. If the responsible licensed master is a managing employee, the responsible licensed master must be actively engaged in performing water conditioning work on behalf of the water conditioning contractor and cannot be employed in any capacity as a water conditioning master or water conditioning journeyman for any other water conditioning contractor. An individual must not be the responsible licensed master for more than one water conditioning contractor.

(c) All applications and renewals for water conditioning contractor licenses shall include a verified statement that the applicant or licensee has complied with paragraph (b).

(d) Each application and renewal for a water conditioning master license, water conditioning journeyman license, or a water conditioning contractor license shall be accompanied by all fees required by section 326B.092.

Subd. 3. **Commissioner.** The commissioner shall:

(1) license water conditioning contractors, water conditioning masters, and installers water conditioning journeymen; and

(2) collect ~~an examination fee from each examinee for a license as a water conditioning contractor and an examination fee from each examinee for a license as a water conditioning installer in an amount set forth in section 326B.58~~ the fees required by section 326B.092.

Sec. 65. Minnesota Statutes 2008, section 326B.56, as amended by Laws 2009, chapter 78, article 5, section 18, is amended to read:

326B.56 ALTERNATIVE STATE BONDING AND INSURANCE REGULATION.

Subdivision 1. **Bonds.** (a) ~~An applicant for a water conditioning contractor or installer license or renewal thereof who is required by any political subdivision to give a bond to obtain or maintain the license, may comply with any political subdivision bonding requirement by giving~~ As a condition of licensing, each water conditioning contractor shall give and maintain a bond to the state as described in paragraph (b). No applicant for a water conditioning contractor or installer license who maintains the bond under paragraph (b) shall be otherwise required to meet the bond requirements of any political subdivision.

(b) Each bond given to the state under this subdivision shall be in the total sum of \$3,000 conditioned upon the faithful and lawful performance of all water conditioning ~~contracting or installing work~~ installation or servicing done within the state. The bond shall be for the benefit of persons suffering injuries or damages due to the work. The bond shall be filed with the commissioner and shall be written by a corporate surety licensed to do business in this state. The bond must remain in effect at all times while the application is pending and while the license is in effect.

Subd. 2. **Insurance.** (a) ~~Each applicant for a water conditioning contractor or installer license or renewal thereof who is required by any political subdivision to maintain insurance to obtain or maintain the license may comply with any political subdivision's insurance requirement by maintaining~~ As a condition of licensing, each

water conditioning contractor shall have and maintain in effect the insurance described in paragraph (b). No applicant for a water conditioning contractor ~~or installer~~ license who maintains the insurance described in paragraph (b) shall be otherwise required to meet the insurance requirements of any political subdivision.

(b) The insurance shall provide coverage, including products liability coverage, for all damages in connection with licensed work for which the licensee is liable, with personal damage 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 this state and a certificate evidencing the insurance shall be filed with the commissioner. The insurance must remain in effect at all times while the application is pending and while the license is in effect. The insurance shall not be canceled without the insurer first giving 15 days' written notice to the commissioner.

Subd. 3. **Bond and insurance exemption.** A water conditioning contractor or installer who is an employee of a water conditioning contractor or installer, including an employee engaged in the maintenance and repair of water conditioning equipment, apparatus, or facilities owned, leased and operated, or maintained by the employer, is not required to meet the bond and insurance requirements of subdivisions 1 and 2 or of any political subdivision.

Subd. 4. **Fee.** (a) The commissioner shall collect a \$40 bond registration fee for one year or \$80 for two years from each applicant for issuance or renewal of a water conditioning contractor or installer license who elects to proceed under subdivisions 1 and 2.

(b) The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the bond registration from one year to two years so that the expiration of bond registration corresponds with the expiration of the license issued under section 326B.55.

Sec. 66. Minnesota Statutes 2009 Supplement, section 326B.58, is amended to read:

326B.58 FEES; RENEWAL.

(a) ~~Examination fees for both water conditioning contractors and water conditioning installers shall be \$50 for each examination.—~~Each initial water conditioning ~~contractor and installer~~ master and journeyman license shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made. ~~The license fee for each initial water conditioning contractor's license shall be \$140, except that the license fee shall be \$105 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 for one year or \$140 for two years. The license fee for each initial water conditioning installer license shall be \$70, except that the license fee shall be \$52.50 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 for one year or \$70 for two years.~~

(b) The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of water conditioning ~~contractor and installer~~ master and journeyman licenses from one year to two years. By June 30, 2011, all renewed water conditioning contractor and installer licenses shall be two-year licenses. ~~The commissioner~~ Plumbing Board may by rule prescribe for the expiration and renewal of licenses.

(c) ~~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~~ All water conditioning contractor licenses shall expire on December 31 of the year after issuance or renewal.

(d) For purposes of calculating license fees and renewal fees required under section 326B.092:

(1) a water conditioning journeyman license shall be considered a journeyman license;

(2) a water conditioning master license shall be considered a master license; and

(3) a water conditioning contractor license shall be considered a business license.

Sec. 67. Minnesota Statutes 2008, section 326B.805, subdivision 6, is amended to read:

Subd. 6. **Exemptions.** The license requirement does not apply to:

(1) an employee of a licensee performing work for the licensee;

(2) a material person, manufacturer, or retailer furnishing finished products, materials, or articles of merchandise who does not install or attach the items;

(3) an owner of residential real estate who builds or improves any structure on residential real estate, if the building or improving is performed by the owner's bona fide employees or by individual owners personally. This exemption does not apply to an owner who constructs or improves property for purposes of speculation if the building or improving is performed by the owner's bona fide employees or by individual owners personally. A residential building contractor or residential remodeler will be presumed to be building or improving for purposes of speculation if the contractor or remodeler constructs or improves more than one property within any 24-month period;

(4) an architect or professional engineer engaging in professional practice as defined by section 326.02, subdivisions 2 and 3;

(5) a person whose total gross annual receipts for performing specialty skills for which licensure would be required under this section do not exceed \$15,000;

(6) a mechanical contractor;

(7) a plumber, electrician, or other person whose profession is otherwise subject to statewide licensing, when engaged in the activity which is the subject of that licensure;

(8) specialty contractors who provide only one special skill as defined in section 326B.802;

(9) a school district, or a technical college governed under chapter 136F; and

(10) Habitat for Humanity and Builders Outreach Foundation, and their individual volunteers when engaged in activities on their behalf.

To qualify for the exemption in clause (5), a person must obtain a certificate of exemption from licensure from the commissioner. A certificate of exemption will be issued upon the applicant's filing with the commissioner, an affidavit stating that the applicant does not expect to exceed \$15,000 in gross annual receipts derived from performing services which require licensure under this section during the calendar year in which the affidavit is received. For the purposes of calculating fees under section 326B.092, a certificate of exemption is an entry level license. To renew the exemption in clause (5), the applicant must file an affidavit stating that the applicant did not exceed \$15,000 in gross annual receipts during the past calendar year. If a person, operating under the exemption in clause (5), exceeds \$15,000 in gross receipts during any calendar year, the person must immediately surrender the

~~exemption~~ certificate of exemption and apply for the appropriate license. The person must remain licensed until such time as the person's gross annual receipts during a calendar year fall below \$15,000. The person may then apply for an exemption for the next calendar year.

Sec. 68. Minnesota Statutes 2009 Supplement, section 326B.815, subdivision 1, is amended to read:

Subdivision 1. **Licensing fee Fees.** (a) ~~The licensing fee for persons licensed pursuant to sections 326B.802 to 326B.885, except for manufactured home installers, is \$200 for a two year period. The~~ For the purposes of calculating fees under section 326B.092, an initial or renewed residential contractor, residential remodeler, or residential roofer license is a business license. Notwithstanding section 326B.092, the licensing fee for manufactured home installers under section 327B.041 is \$300 for a three-year period.

(b) All initial and renewal licenses, except for manufactured home installer licenses, shall be effective for two years and shall expire on March 31 of the year after the year in which the application is made. ~~The license fee for each renewal of a residential contractor, residential remodeler, or residential roofer license shall be \$100 for one year and \$200 for two years.~~

(c) The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of residential contractor, residential remodeler, and residential roofer licenses from one year to two years. By June 30, 2011, all renewed residential contractor, residential remodeler, and residential roofer licenses shall be two-year licenses.

Sec. 69. Minnesota Statutes 2008, section 326B.83, subdivision 1, is amended to read:

Subdivision 1. **Form.** (a) An applicant for a license under sections 326B.802 to 326B.885 must submit an application, under oath and accompanied by the ~~license fee~~ fees required by section ~~326B.815~~ 326B.092, on a form prescribed by the commissioner. ~~Within 30 business days of receiving all required information, the commissioner must act on the license request.~~

(b) If one of the categories in the application does not apply, the applicant must identify the category and state the reason the category does not apply. The commissioner may refuse to issue a license if the application is not complete or contains unsatisfactory information.

Sec. 70. Minnesota Statutes 2008, section 326B.83, subdivision 3, is amended to read:

Subd. 3. **Examination.** (a) Each qualifying person must ~~satisfactorily complete~~ pass a written examination for the type of license requested. The commissioner may establish the examination qualifications, including related education experience and education, the examination procedure, and the examination for each licensing group. The examination must include at a minimum the following areas:

(1) appropriate knowledge of technical terms commonly used and the knowledge of reference materials and code books to be used for technical information; and

(2) understanding of the general principles of business management and other pertinent state laws.

(b) Each examination must be designed for the specified type of license requested.

~~(c) An individual's passing examination results expire two years from the examination date. An individual who passes the examination but does not choose to apply to act as a qualifying person for a licensee within two years from the examination date, must, upon application provide:~~

- ~~(1) passing examination results within two years from the date of application; or~~
- ~~(2) proof that the person has fulfilled the continuing education requirements in section 326B.821 in the manner required for a qualifying person of a licensee for each license period after the expiration of the examination results.~~

Sec. 71. Minnesota Statutes 2008, section 326B.83, subdivision 6, is amended to read:

Subd. 6. **License.** A nonresident of Minnesota may be licensed as a residential building contractor, residential remodeler, residential roofer, or manufactured home installer upon compliance with all the provisions of sections 326B.092 to 326B.098 and 326B.802 to 326B.885.

Sec. 72. Minnesota Statutes 2009 Supplement, section 326B.86, subdivision 1, is amended to read:

Subdivision 1. **Bond.** (a) Licensed manufactured home installers and licensed residential roofers must post a biennial surety bond in the name of the licensee with the commissioner, conditioned that the applicant shall faithfully perform the duties and in all things comply with all laws, ordinances, and rules pertaining to the license or permit applied for and all contracts entered into. The biennial bond must be continuous and maintained for so long as the licensee remains licensed. The aggregate liability of the surety on the bond to any and all persons, regardless of the number of claims made against the bond, may not exceed the amount of the bond. The bond may be canceled as to future liability by the surety upon 30 days' written notice mailed to the commissioner by regular mail.

(b) A licensed residential roofer must post a bond of at least \$15,000.

(c) A licensed manufactured home installer must post a bond of at least \$2,500.

Bonds issued under sections 326B.802 to 326B.885 are not state bonds or contracts for purposes of sections 8.05 and 16C.05, subdivision 2.

Sec. 73. Minnesota Statutes 2008, section 326B.865, is amended to read:

326B.865 SIGN CONTRACTOR; BOND.

(a) A sign contractor may post a compliance bond with the commissioner, conditioned that the sign contractor shall faithfully perform duties and comply with laws, ordinances, rules, and contracts entered into for the installation of signs. The bond must be renewed ~~annually~~ biennially and maintained for so long as determined by the commissioner. The aggregate liability of the surety on the bond to any and all persons, regardless of the number of claims made against the bond, may not exceed the annual amount of the bond. The bond may be canceled as to future liability by the surety upon 30 days' written notice mailed to the commissioner by United States mail.

(b) The amount of the bond shall be \$8,000. The bond may be drawn upon only by a local unit of government that requires sign contractors to post a compliance bond. The bond is in lieu of any compliance bond required by a local unit of government.

(c) For purposes of this section, "sign" means a device, structure, fixture, or placard using graphics, symbols, or written copy that is erected on the premises of an establishment including the name of the establishment or identifying the merchandise, services, activities, or entertainment available on the premises.

Sec. 74. Minnesota Statutes 2008, section 326B.921, 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 a contracting high pressure pipefitter competency license. Only full-time employees who hold contracting high pressure pipefitter licenses are authorized to obtain high pressure piping permits in the name of the business. The contracting high pressure pipefitter competency license holder can be the employee of only one high pressure piping business at a time. An application for a high pressure piping business license shall include a verified statement that the applicant or licensee has complied with this subdivision.

To retain its business license without reapplication, a person holding a high pressure piping business license that ceases to employ an individual holding a contracting high pressure pipefitter competency license shall have 60 days from the last day of employment of its previous 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 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. 75. Minnesota Statutes 2008, section 326B.921, subdivision 4, is amended to read:

Subd. 4. **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, with all fees required by section 326B.092. The board 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. 76. Minnesota Statutes 2008, section 326B.921, subdivision 7, is amended to read:

Subd. 7. **License fee, registration, and renewal fees.** ~~The department shall charge the following license fees:~~

~~(a) application for journeyman high pressure pipefitter competency license, \$120;~~

~~(b) renewal of journeyman high pressure pipefitter competency license, \$80;~~

~~(c) application for contracting high pressure pipefitter competency license, \$270;~~

~~(d) renewal of contracting high pressure pipefitter competency license, \$240;~~

~~(e) application for high pressure piping business license, \$450;~~

~~(f) application to inactivate a contracting high pressure pipefitter competency license or inactivate a journeyman high pressure pipefitter competency license, \$40; and~~

~~(g) renewal of an inactive contracting high pressure pipefitter competency license or inactive journeyman high pressure pipefitter competency license, \$40.~~

~~If an application for renewal of an active or inactive journeyman high pressure pipefitter competency license or active or inactive contracting high pressure 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.~~

For purposes of calculating license, registration, and renewal fees required under section 326B.092:

(1) the registration of an unlicensed individual under subdivision 4 is an entry level license;

(2) a journeyman high pressure pipefitter license is a journeyman license;

(3) a contracting high pressure pipefitter license is a master license; and

(4) a high pressure piping business license is a business license.

Sec. 77. Minnesota Statutes 2008, section 326B.922, is amended to read:

326B.922 LICENSE APPLICATION AND RENEWAL.

(a) Application for a contracting high pressure pipefitter ~~competency or~~ a journeyman high pressure pipefitter ~~competency~~, or a high pressure piping business license shall be made to the department, with all fees required by section 326B.092.

(b) The applicant for a contracting high pressure pipefitter or a journeyman high pressure pipefitter license 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.~~

(c) All initial contracting high pressure pipefitter licenses, journeyman high pressure pipefitter licenses, and high pressure piping business licenses are effective for more than one calendar year and expire on December 31 of the year after the year in which the application is made. The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of contracting high pressure pipefitter, journeyman high pressure pipefitter, and high pressure piping business licenses from one year to two years. By June 30, 2012, all such licenses shall be two-year licenses.

Sec. 78. Minnesota Statutes 2009 Supplement, section 326B.94, subdivision 4, is amended to read:

Subd. 4. **Examinations, licensing.** Every individual that operates a boat must hold a current master's license issued by the commissioner, unless the individual holds a valid, current charter boat captain's license issued by the United States Coast Guard. The commissioner shall develop and administer an examination for all masters of boats carrying passengers for hire on the inland waters of the state as to their qualifications and fitness. If found qualified and competent to perform their duties as a master of a boat carrying passengers for hire, they shall be issued a license authorizing them to act as such on the inland waters of the state. All initial master's licenses shall be for two

years. The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of master's licenses from one year to two years. By June 30, 2011, all renewed master's licenses shall be two-year licenses. Fees for the original issue and renewal of the license authorized under this section shall be pursuant to section ~~326B.986, subdivision 2~~ 326B.092.

Sec. 79. Minnesota Statutes 2008, section 326B.978, subdivision 2, is amended to read:

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. If the commissioner approves the applicant for examination, the applicant may take the examination on one occasion within one year from the date the commissioner receives the application~~ with all fees required by section 326B.092.

Sec. 80. Minnesota Statutes 2008, section 326B.978, is amended by adding a subdivision to read:

Subd. 19. **Applicability.** This section shall not apply to traction or hobby boiler engineer's licenses or provisional licenses.

Sec. 81. Minnesota Statutes 2009 Supplement, section 326B.986, subdivision 5, is amended to read:

Subd. 5. **Boiler engineer license fees.** ~~(a) For the following licenses, the nonrefundable license and application fee is:~~

- ~~(1) chief engineer's license, \$70;~~
- ~~(2) first class engineer's license, \$70;~~
- ~~(3) second class engineer's license, \$70;~~
- ~~(4) special engineer's license, \$40;~~
- ~~(5) traction or hobby boiler engineer's license, \$50; and~~
- ~~(6) provisional license, \$50.~~

~~(b) An engineer's license, except a provisional license, may be renewed upon application and payment of a renewal fee of \$20 for one year or \$40 for two years. If the renewal fee is paid later than 30 days after expiration, then a late fee of \$15 will be added to the renewal fee.~~

(a) For purposes of calculating license fees and renewal license fees required under section 326B.092:

- (1) the boiler special engineer license is an entry level license;
- (2) the following licenses are journeyman licenses: first class engineer, Grade A; first class engineer, Grade B; first class engineer, Grade C; second class engineer, Grade A; second class engineer, Grade B; second class engineer, Grade C; and provisional license; and
- (3) the following licenses are master licenses: boiler chief engineer, Grade A; boiler chief engineer, Grade B; boiler chief engineer, Grade C; boiler commissioner inspector; or traction or hobby boiler engineer.

(b) Notwithstanding section 326B.092, subdivision 7, paragraph (a), the license duration for steam traction and hobby engineer licenses are one year only for the purpose of calculating license fees under section 326B.092, subdivision 7, paragraph (b).

Sec. 82. Minnesota Statutes 2008, section 327.31, subdivision 17, is amended to read:

Subd. 17. **Installation.** "Installation" of a manufactured home means ~~assembly~~ installation or reinstallation, at the site of occupancy, of all portions of a manufactured home, connection of the manufactured home to existing utility connections and installation of support and/or anchoring systems.

Sec. 83. Minnesota Statutes 2008, section 327.31, is amended by adding a subdivision to read:

Subd. 21. **Used manufactured home.** "Used manufactured home" means a home being offered for sale not less than 24 months after the first purchaser took legal ownership or possession of the home.

Sec. 84. Minnesota Statutes 2008, section 327.31, is amended by adding a subdivision to read:

Subd. 22. **Seller.** "Seller" means either the homeowner, manufactured home retailer or dealer, broker, or limited dealer or retailer.

Sec. 85. Minnesota Statutes 2008, section 327.32, subdivision 1, is amended to read:

Subdivision 1. **Requirement; new manufactured homes.** No person shall sell, or offer for sale, in this state, any new manufactured home ~~manufactured after July 1, 1972, or~~ manufacture any manufactured home in this state ~~or 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 ~~—~~ bears a label as required by the secretary.

~~(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. 86. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision to read:

Subd. 1a. **Requirement; used manufactured homes.** No person shall sell or offer for sale in this state any used manufactured home manufactured after June 14, 1976, or install for occupancy any used manufactured home manufactured after June 14, 1976, unless the used manufactured home complies with the Notice of Compliance Form as provided in this subdivision. If manufactured after June 14, 1976, the home must bear a label as required by the secretary. The Notice of Compliance Form shall be signed by the seller and purchaser indicating which party is responsible for either making or paying for any necessary corrections prior to the sale and transferring ownership of the manufactured home.

The Notice of Compliance Form shall be substantially in the following form:

**"Notice of Compliance Form as required in
Minnesota Statutes, section 327.32, subdivision 1.**

This notice must be completed and signed by the purchaser(s) and the seller(s) of the used manufactured home described in the purchase agreement and on the bottom of this notice before the parties transfer ownership of a used manufactured home constructed after June 14, 1976.

Electric ranges and clothes dryers must have required four-conductor cords and plugs.

Complies

Correction required

Initialed by Responsible Party: Buyer

Seller

Solid fuel-burning fireplaces or stoves must be listed for use in manufactured homes, Code of Federal Regulations, title 24, section 3280.709(g), and installed correctly in accordance with their listing or standards (i.e., chimney, doors, hearth, combustion, or intake, etc., Code of Federal Regulations, title 24, section 3280.709(g)).

Complies

Correction required

Initialed by Responsible Party: Buyer

Seller

Gas water heaters and furnaces must be listed for manufactured home use, Code of Federal Regulations, title 24, section 3280.709(a) and (d)(1) and (2), and installed correctly, in accordance with their listing or standards.

Complies

Correction required

Initialed by Responsible Party: Buyer

Seller

Smoke alarms are required to be installed and operational in accordance with Code of Federal Regulations, title 24, section 3280.208.

Complies

Correction required

Initialed by Responsible Party: Buyer

Seller

Carbon monoxide alarms or CO detectors that are approved and operational are required to be installed within ten feet of each room lawfully used for sleeping purposes.

Complies

Correction required

Initialed by Responsible Party: Buyer

Seller

Egress windows are required in every bedroom with at least one operable window with a net clear opening of 20 inches wide and 24 inches high, five square feet in area, with the bottom of windows opening no more than 36 inches above the floor. Locks, latches, operating handles, tabs, or other operational devices shall not be located more than 54 inches above the finished floor.

Complies

Correction required

Initialed by Responsible Party: Buyer

Seller

The furnace compartment of the home is required to have interior finish with a flame spread rating not exceeding 25 feet, as specified in the 1976 United States Department of Housing and Urban Development Code governing manufactured housing construction.

Complies

Correction required

Initialed by Responsible Party: Buyer

Seller

The water heater enclosure in this home is required to have interior finish with a flame spread rating not exceeding 25 feet, as specified in the 1976 United States Department of Housing and Urban Development Code governing manufactured housing construction.

Complies

Correction required

Initialed by Responsible Party: Buyer

Seller

The home complies with the snowload and heat zone requirements for the state of Minnesota as indicated by the data plate.

Complies

Correction required

Initialed by Responsible Party: Buyer

Seller

The parties to this agreement have initialed all required sections and agree by their signature to complete any necessary corrections prior to the sale or transfer of ownership of the home described below as listed in the purchase agreement. The state of Minnesota or a local building official has the authority to inspect the home in the manner described in Minnesota Statutes, section 327.33, prior to or after the sale to ensure compliance was properly executed as provided under the Manufactured Home Building Code.

Signature of Purchaser(s) of Home

.....date.....

.....date.....

.....
Print name as appears on purchase agreement

.....
Print name as appears on purchase agreement

Signature of Seller(s) of Home

.....date.....

.....date.....

.....
Print name and license number, if applicable

.....
Print name and license number, if applicable

(Street address of home at time of sale)

.....

(City/State/Zip)

Name of manufacturer of home.....

Model and Year

Serial Number"

Sec. 87. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision to read:

Subd. 1b. **Alternative design plan.** An alternative frost-free design slab that is submitted to the department, stamped by a licensed professional engineer or architect, and is in compliance with either the federal installation standards in effect at the date of manufacture or the Minnesota State Building Code, when applicable, shall be issued a permit by the department within ten days.

Sec. 88. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision to read:

Subd. 1c. **Manufacturer's installation instructions; new home.** All new single-section manufactured homes and new multisection manufactured homes shall be installed in compliance with either the manufacturer's installation instructions in effect at the date of manufacture or, when applicable, the Minnesota State Building Code.

Sec. 89. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision to read:

Subd. 1d. **Manufacturer's installation instructions; used multisection homes.** All used multisection manufactured homes shall be installed in compliance with the manufacturer's installation instructions in effect at the date of manufacture, approved addenda or, when applicable, the Minnesota State Building Code.

Sec. 90. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision to read:

Subd. 1e. **Reinstallation requirements for single-section used manufactured homes.** (a) All single-section used manufactured homes reinstalled less than 24 months from the date of installation by the first purchaser must be reinstalled in compliance with subdivision 1c. All single-section used manufactured homes reinstalled more than 24 months from the date of installation by the first purchaser may be reinstalled without a frost-protected foundation if the home is reinstalled in compliance with Minnesota Rules, chapter 1350, for above frost-line installations and the notice requirement of subdivision 1f is complied with by the seller and the purchaser of the single-section used manufactured home.

(b) The installer shall affix an installation seal issued by the department to the outside of the home as required by the Minnesota State Building Code. The certificate of installation issued by the installer of record shall clearly state that the home has been reinstalled with an above frost-line foundation. Fees for inspection of a reinstallation and for issuance of reinstallation seals shall follow the requirements of sections 326B.802 to 326B.885. Fees for review of plans, specifications, and on-site inspections shall be those as specified in section 326B.153, subdivision 1, paragraph (c). Whenever an installation certificate for an above frost-line installation is issued to a single-section used manufactured home being listed for sale, the purchase agreement must disclose that the home is installed on a nonfrost-protected foundation and recommend that the purchaser have the home inspected to determine the effects of frost on the home.

Sec. 91. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision to read:

Subd. 1f. **Notice requirement.** The seller of the single-section used manufactured home being reinstalled under subdivision 1e shall provide the following notice to the purchaser and secure signatures of all parties to the purchase agreement on or before signing a purchase agreement prior to submitting an application for an installation certificate. Whenever a current owner of a manufactured home reinstalls the manufactured home under subdivision 1e, the current owner is not required to comply with the notice requirement under this subdivision. The notice shall be in at least 14-point font, except the heading, "WHICH MAY VOID WARRANTY," must be in capital letters, in 20-point font. The notice must be printed on a separate sheet of paper in a color different than the paper on which the purchase agreement is printed. The notice becomes a part of the purchase agreement and shall be substantially in the following form:

"Notice of Reinstalling of a Single-Section Used Manufactured Home Above Frost-Line;

WHICH MAY VOID WARRANTY

It is recommended that the single-section used manufactured home being reinstalled follow the instructions in the manufacturer's installation manual. By signing this notice, the purchaser(s) are acknowledging they have elected to use footings placed above the local frost line in accordance with the Minnesota State Building Code.

The seller has explained the differences between the manufacturer's installation instructions and the installation system selected by the purchaser(s) with respect to possible effects of frost on the manufactured home.

The purchaser(s) acknowledge by signing this notice that there is no manufacturer's original warranty remaining on the home and recognize that any other extended or ancillary warranty could be adversely affected if any applicable warranty stipulates that the home be installed in accordance with the manufacturer's installation manual to remain effective.

After the reinstallation of the manufactured home, it is highly recommended that the purchaser(s) have a licensed manufactured home installer recheck the home's installation for any releveling needs or anchoring system adjustments each freeze-thaw cycle.

The purchaser(s) of the used manufactured home described below that is being reinstalled acknowledge they have read this notice and have been advised to contact the manufacturer of the home and/or the Department of Labor and Industry if they desire additional information before signing this notice. It is the intent of this notice to inform the purchaser(s) that the purchaser(s) elected not to use a frost-protected foundation system for the reinstallation of the manufactured home as originally required by the home's installation manual.

Plain language notice.

I understand that because this home will be installed with footings placed above the local frost line, this home may be subject to adverse effects from frost heave that may damage this home. Purchaser(s) initials:

I understand that the installation of this home with footings placed above the local frost line could affect my ability to obtain a mortgage or mortgage insurance on this home. Purchaser(s) initials:

I understand that the installation of this home with footings placed above the local frost line could void my warranty on the home if any warranty is still in place on this home. Purchaser(s) initials:

Signature of Purchaser(s)

.....date.....

.....date.....

Print name

Print name

(Street address of location where manufactured home is being reinstalled)

.....

(City/State/Zip)

Name of manufacturer of home.....

Model and Year

Serial Number"

Name of licensed installer and license number or homeowner responsible for the installation of the home as described above.

Installer name:

License number:"

Sec. 92. Minnesota Statutes 2008, section 327.34, subdivision 1, is amended to read:

Subdivision 1. **Generally.** It shall be a misdemeanor for any person,

(a) to sell, lease, or offer to sell or lease, any manufactured home manufactured after ~~July 1, 1972~~ June 14, 1976, which does not comply with the Manufactured Home Building Code or which does not bear a seal or label as required by sections 327.31 to 327.34, unless the action is subject to the provisions of section 327.35;

(b) to affix a seal or label, or cause a seal or label to be affixed, to any manufactured home which does not comply with the Manufactured Home Building Code unless the action is subject to the provisions of section 327.35;

(c) to alter a manufactured home manufactured after ~~July 1, 1972~~ June 14, 1976, in a manner prohibited by sections 327.31 to 327.34; or

(d) to fail to correct a Manufactured Home Building Code violation in a manufactured home manufactured after ~~July 1, 1972~~ June 14, 1976, which is owned, manufactured, or sold by that person, within 40 days of being ordered to do so in writing by an authorized representative of the commissioner, unless the correction is subject to the provisions of section 327.35; ~~or~~.

~~(e) to interfere with, obstruct, or hinder any authorized representative of the commissioner in the performance of duties relating to manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976.~~

Sec. 93. Minnesota Statutes 2008, section 327B.04, subdivision 2, is amended to read:

Subd. 2. **Subagency licenses.** Any dealer who has a place of business at more than one location shall designate one location as its principal place of business, one name as its principal name, and all other established places of business as subagencies. A subagency license shall be required for each subagency. Subagency license renewal must coincide with the principal license date. No dealer shall do business as a dealer under any other name than the name on its license.

Sec. 94. Minnesota Statutes 2009 Supplement, section 327B.04, subdivision 7, is amended to read:

Subd. 7. **Licenses; when granted renewal.** In addition to the requirements of this section, each application for a license or license renewal must be accompanied by ~~a fee in an amount established by subdivision 7a~~ all applicable fees required by section 326B.092. The fees shall be set in an amount which over the fiscal biennium will produce revenues approximately equal to the expenses which the commissioner expects to incur during that fiscal biennium while administering and enforcing sections 327B.01 to 327B.12. ~~The commissioner shall grant or deny a license application or a renewal application within 60 days of its filing.~~ If the license is granted, the commissioner shall license the applicant as a dealer or manufacturer for the remainder of the licensure period. Upon application by the licensee, the commissioner shall renew the license for a two-year period, if:

- (1) the renewal application satisfies the requirements of subdivisions 3 and 4;
- (2) the renewal applicant has made all listings, registrations, notices and reports required by the commissioner during the preceding licensure period; and
- (3) the renewal applicant has paid all fees owed pursuant to sections 327B.01 to 327B.12 and all taxes, arrearages, and penalties owed to the state.

Sec. 95. Minnesota Statutes 2009 Supplement, section 327B.04, subdivision 7a, is amended to read:

Subd. 7a. **Fees.** (a) Fees for licenses issued pursuant to this section ~~are as follows:~~ shall be calculated pursuant to section 326B.092.

- ~~(1) initial dealer license for principal location, \$400. Fee is not refundable;~~
- ~~(2) initial dealer license for subagency location, \$80;~~

~~(3) dealer license biennial renewal, principal location, \$400; dealer subagency location biennial renewal, \$160. Subagency license renewal must coincide with the principal license date;~~

~~(4) initial limited dealer license, \$200;~~

~~(5) change of bonding company, \$10;~~

~~(6) reinstatement of bond after cancellation notice has been received, \$10;~~

~~(7) checks returned without payment, \$15; and~~

~~(8) change of address, \$10.~~

(b) All initial limited dealer licenses shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made.

~~(c) The license fee for each renewed limited dealer license shall be \$100 for one year and \$200 for two years. For the purposes of calculating fees under section 326B.092, any license issued under this section is a business license, except that a subagency license is a master license.~~ The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of limited dealer licenses from one year to two years. By June 30, 2011, all renewed limited dealer licenses shall be two-year licenses.

~~(d) All fees are not refundable.~~

Sec. 96. Minnesota Statutes 2009 Supplement, section 327B.04, subdivision 8, is amended to read:

Subd. 8. **Limited dealer's license.** The commissioner shall issue a limited dealer's license to an owner of a manufactured home park authorizing the licensee as principal only to engage in the sale, offering for sale, soliciting, or advertising the sale of used manufactured homes located in the owned manufactured home park. The licensee must be the title holder of the homes and may engage in no more than ten sales during each year of the two-year licensure period. An owner may, upon payment of the applicable fee and compliance with this subdivision, obtain a separate license for each owned manufactured home park and is entitled to sell up to 20 homes per license period provided that only one limited dealer license may be issued for each park. The license shall be issued after:

(1) receipt of an application on forms provided by the commissioner containing the following information:

(i) the identity of the applicant;

(ii) the name under which the applicant will be licensed and do business in this state;

(iii) the name and address of the owned manufactured home park, including a copy of the park license, serving as the basis for the issuance of the license;

(iv) the name, home, and business address of the applicant;

(v) the name, address, and telephone number of one individual that is designated by the applicant to receive all communications and cooperate with all inspections and investigations of the commissioner pertaining to the sale of manufactured homes in the manufactured home park owned by the applicant;

(vi) whether the applicant or its designated individual has been convicted of a crime within the previous ten years that is either related directly to the business for which the license is sought or involved fraud, misrepresentation or misuse of funds, or has suffered a judgment in a civil action involving fraud, misrepresentation,

or conversion within the previous five years or has had any government license or permit suspended or revoked as a result of an action brought by a federal or state governmental agency in this or any other state within the last five years; and

(vii) the applicant's qualifications and business history, including whether the applicant or its designated individual has ever been adjudged bankrupt or insolvent, or has any unsatisfied court judgments outstanding against it or them;

(2) payment of the license fee established by subdivision 7a; and

(3) provision of a surety bond in the amount of \$5,000. A separate surety bond must be provided for each limited license.

The applicant need not comply with section 327B.04, subdivision 4, paragraph (e). The holding of a limited dealer's license does not satisfy the requirement contained in section 327B.04, subdivision 4, paragraph (e), for the licensee or salespersons with respect to obtaining a dealer license. The commissioner may, upon application for a renewal of a license, require only a verification that copies of sales documents have been retained and payment of the renewal ~~fee~~ fees established by ~~subdivision 7a~~ section 326B.092. "Sales documents" mean only the safety feature disclosure form defined in section 327C.07, subdivision 3a, title of the home, financing agreements, and purchase agreements.

The license holder shall, upon request of the commissioner, make available for inspection during business hours sales documents required to be retained under this subdivision.

Sec. 97. Minnesota Statutes 2009 Supplement, section 327B.041, is amended to read:

327B.041 MANUFACTURED HOME INSTALLERS.

(a) Manufactured home installers are subject to all of the fees in section 326B.092 and the requirements of sections 326B.802 to 326B.885, except for the following:

(1) manufactured home installers are not subject to the continuing education requirements of section 326B.821, but are subject to the continuing education requirements established in rules adopted under section 327B.10;

(2) the examination requirement of section 326B.83, 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 326B.802 to 326B.885;

(5) the exemption under section 326B.805, subdivision 6, clause (5), does not apply; and

(6) manufactured home installers are not subject to the contractor recovery fund in section 326B.89.

(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 and the individual complies with section 326B.092, subdivisions 1 and 3 to 7. For the purposes of calculating fees under section 326B.092, licensure as a manufactured home installer is a business license.

Sec. 98. Minnesota Statutes 2008, section 471.59, subdivision 10, is amended to read:

Subd. 10. **Services performed by governmental units; commonality of powers.** Notwithstanding the provisions of subdivision 1 requiring commonality of powers between parties to any agreement, the governing body of any governmental unit as defined in subdivision 1 may enter into agreements with any other governmental unit to perform on behalf of that unit any service or function which the governmental unit providing the service or function is authorized to provide for itself. If the agreement has the effect of eliminating or replacing a public employee who is part of a collective bargaining agreement represented by an exclusive representative, and there is no provision in the collective bargaining agreement detailing the effect of the action on the affected public employee, negotiations on the effects to the employee of the job elimination or restructuring must be conducted between the exclusive representative and the employer.

Sec. 99. Laws 2009, chapter 78, article 1, section 3, subdivision 2, is amended to read:

| | | |
|--|-----------|--|
| Subd. 2. Business and Community Development | 8,980,000 | 8,980,000 <u>8,873,000</u> |
| Appropriations by Fund | | |
| General | 7,941,000 | 7,941,000 <u>7,834,000</u> |
| Remediation | 700,000 | 700,000 |
| Workforce Development | 339,000 | 339,000 |

(a) \$700,000 the first year and \$700,000 the second year are from the remediation fund for contaminated site cleanup and development grants under Minnesota Statutes, section 116J.554. This appropriation is available until expended.

(b) \$200,000 each year is from the general fund for a grant to WomenVenture for women's business development programs and for programs that encourage and assist women to enter nontraditional careers in the trades; manual and technical occupations; science, technology, engineering, and mathematics-related occupations; and green jobs. This appropriation may be matched dollar for dollar with any resources available from the federal government for these purposes with priority given to initiatives that have a goal of increasing by at least ten percent the number of women in occupations where women currently comprise less than 25 percent of the workforce. The appropriation is available until expended.

(c) \$105,000 each year is from the general fund and \$50,000 each year is from the workforce development fund for a grant to the Metropolitan Economic Development Association for continuing minority business development programs in the metropolitan area. This appropriation must be used for the sole purpose of providing free or reduced fee business consulting services to minority entrepreneurs and contractors.

(d)(1) \$500,000 each year is from the general fund for a grant to BioBusiness Alliance of Minnesota for bioscience business development programs to promote and position the state as a global leader in bioscience business activities. This appropriation is added to the department's base. These funds may be used to create, recruit, retain, and expand biobusiness activity in Minnesota; implement the destination 2025 statewide plan; update a statewide assessment of the bioscience industry and the competitive position of Minnesota-based bioscience businesses relative to other states and other nations; and develop and implement business and scenario-planning models to create, recruit, retain, and expand biobusiness activity in Minnesota.

(2) The BioBusiness Alliance must report each year by February 15 to the committees of the house of representatives and the senate having jurisdiction over bioscience industry activity in Minnesota on the use of funds; the number of bioscience businesses and jobs created, recruited, retained, or expanded in the state since the last reporting period; the competitive position of the biobusiness industry; and utilization rates and results of the business and scenario-planning models and outcomes resulting from utilization of the business and scenario-planning models.

(e)(1) Of the money available in the Minnesota Investment Fund, Minnesota Statutes, section 116J.8731, to the commissioner of the Department of Employment and Economic Development, up to \$3,000,000 is appropriated in fiscal year 2010 for a loan to an aircraft manufacturing and assembly company, associated with the aerospace industry, for equipment utilized to establish an aircraft completion center at the Minneapolis-St. Paul International Airport. The finishing center must use the state's vocational training programs designed specifically for aircraft maintenance training, and to the extent possible, work to recruit employees from these programs. The center must create at least 200 new manufacturing jobs within 24 months of receiving the loan, and create not less than 500 new manufacturing jobs over a five-year period in Minnesota.

(2) This loan is not subject to loan limitations under Minnesota Statutes, section 116J.8731, subdivision 5. Any match requirements under Minnesota Statutes, section 116J.8731, subdivision 3, may be made from current resources. This is a onetime appropriation and is effective the day following final enactment.

(f) \$65,000 each year is from the general fund for a grant to the Minnesota Inventors Congress, of which at least \$6,500 must be used for youth inventors.

(g) \$200,000 the first year and \$200,000 the second year are for the Office of Science and Technology. This is a onetime appropriation.

(h) \$500,000 the first year and \$500,000 the second year are for a grant to Enterprise Minnesota, Inc., for the small business growth acceleration program under Minnesota Statutes, section 116O.115. This is a onetime appropriation and is available until expended.

(i)(1) \$100,000 each year is from the workforce development fund for a grant under Minnesota Statutes, section 116J.421, to the Rural Policy and Development Center at St. Peter, Minnesota. The grant shall be used for research and policy analysis on emerging economic and social issues in rural Minnesota, to serve as a policy resource center for rural Minnesota communities, to encourage collaboration across higher education institutions, to provide interdisciplinary team approaches to research and problem-solving in rural communities, and to administer overall operations of the center.

(2) The grant shall be provided upon the condition that each state-appropriated dollar be matched with a nonstate dollar. Acceptable matching funds are nonstate contributions that the center has received and have not been used to match previous state grants. Any funds not spent the first year are available the second year.

(j) Notwithstanding Minnesota Statutes, section 268.18, subdivision 2, \$414,000 of funds collected for unemployment insurance administration under this subdivision is appropriated as follows: \$250,000 to Lake County for ice storm damage; \$64,000 is for the city of Green Isle for reimbursement of fire relief efforts and other expenses incurred as a result of the fire in the city of Green Isle; and \$100,000 is to develop the construction mitigation pilot program to make grants ~~for up to five projects statewide available~~ to local government units to mitigate the impacts of transportation construction on local small business. These are onetime appropriations and are available until expended.

(k) Up to \$10,000,000 is appropriated from the Minnesota minerals 21st century fund to the commissioner of Iron Range resources and rehabilitation to make ~~a grant~~ grants or forgivable ~~loan to a manufacturer~~ loans to manufacturers of windmill blades ~~at a facility~~, other renewable energy manufacturing, or biomass products at facilities to be located within the taconite tax relief area defined in Minnesota Statutes, section 273.134. No match is required for the renewable energy manufacturing or biomass projects.

(l) \$1,000,000 is appropriated from the Minnesota minerals 21st century fund to the Board of Trustees of the Minnesota State Colleges and Universities for a grant to the Northeast Higher Education District for planning, design, and construction of classrooms and housing facilities for upper division students in the engineering program.

(m)(1) \$189,000 each year is appropriated from the workforce development fund for grants of \$63,000 to eligible organizations each year to assist in the development of entrepreneurs and small businesses. Each state grant dollar must be matched with \$1 of nonstate funds. Any balance in the first year does not cancel but is available in the second year.

(2) Three grants must be awarded to continue or to develop a program. One grant must be awarded to the Riverbend Center for Entrepreneurial Facilitation in Blue Earth County, and two to other organizations serving Faribault and Martin Counties. Grant recipients must report to the commissioner by February 1 of each year that the organization receives a grant with the number of customers served; the number of businesses started, stabilized, or expanded; the number of jobs created and retained; and business success rates. The commissioner must report to the house of representatives and senate committees with jurisdiction over economic development finance on the effectiveness of these programs for assisting in the development of entrepreneurs and small businesses.

Sec. 100. Laws 2010, chapter 216, section 58, is amended to read:

Sec. 58. 2010 DISTRIBUTIONS ONLY.

For distributions in 2010 only, a special fund is established to receive 28.757 cents per ton that otherwise would be allocated under Minnesota Statutes, section 298.28, subdivision 6. The following amounts are allocated to St. Louis County acting as the fiscal agent for the recipients for the specific purposes:

(1) 0.764 cent per ton must be paid to Northern Minnesota Dental to provide incentives for at least two dentists to establish dental practices in high-need areas of the taconite tax relief area;

(2) 0.955 cent per ton must be paid to the city of Virginia for repairs and geothermal heat at the Olcott Park Greenhouse/Virginia Commons project;

(3) 0.796 cent per ton must be paid to the city of Virginia for health and safety repairs at the Miners Memorial;

(4) 1.114 cents per ton must be paid to the city of Eveleth for the reconstruction of Highway 142/Grant and Park Avenues;

(5) 0.478 cent per ton must be paid to the Greenway Joint Recreation Board for upgrades and capital improvements to the public arena in Coleraine;

(6) 0.796 cent per ton must be paid to the city of Calumet for water treatment and pumphouse modifications;

- (7) 0.159 cent per ton must be paid to the city of Bovey for residential and commercial claims for water damage due to water and flood-related damage caused by the Canisteo Pit;
- (8) 0.637 cent per ton must be paid to the city of Nashwauk for a community and child care center;
- (9) 0.637 cent per ton must be paid to the city of Keewatin for water and sewer upgrades;
- (10) 0.637 cent per ton must be paid to the city of Marble for the city hall and library project;
- (11) 0.955 cent per ton must be paid to the city of Grand Rapids for extension of water and sewer services for Lakewood Housing;
- (12) 0.159 cent per ton must be paid to the city of Grand Rapids for exhibits at the Children's Museum;
- (13) 0.637 cent per ton must be paid to the city of Grand Rapids for Block 20/21 soil corrections. This amount must be matched by local sources;
- (14) 0.605 cent per ton must be paid to the city of Aitkin for three water loops;
- (15) 0.048 cent per ton must be paid to the city of Aitkin for signage;
- (16) 0.159 cent per ton must be paid to Aitkin County for a trail;
- (17) 0.637 cent per ton must be paid to the city of Cohasset for the Beiers Road railroad crossing;
- (18) 0.088 cent per ton must be paid to the town of Clinton for expansion and striping of the community center parking lot;
- (19) 0.398 cent per ton must be paid to the city of Kinney for water line replacement;
- (20) 0.796 cent per ton must be paid to the city of Gilbert for infrastructure improvements, milling, and overlay for Summit Street between Alaska Avenue and Highway 135;
- (21) 0.318 cent per ton must be paid to the city of Gilbert for sanitary sewer main replacements and improvements in the Northeast Lower Alley area;
- (22) 0.637 cent per ton must be paid to the town of White for replacement of the Stepetz Road culvert;
- (23) 0.796 cent per ton must be paid to the city of Buhl for reconstruction of Sharon Street and associated infrastructure;
- (24) 0.796 cent per ton must be paid to the city of Mountain Iron for site improvements at the Park Ridge development;
- (25) 0.796 cent per ton must be paid to the city of Mountain Iron for infrastructure and site preparation for its renewable and sustainable energy park;
- (26) 0.637 cent per ton must be paid to the city of Biwabik for sanitary sewer improvements;
- (27) 0.796 cent per ton must be paid to the city of Aurora for alley and road rebuilding for the Summit Addition;

- (28) 0.955 cent per ton must be paid to the city of Silver Bay for bioenergy facility improvements;
- (29) 0.318 cent per ton must be paid to the city of Grand Marais for water and sewer infrastructure improvements;
- (30) 0.318 cent per ton must be paid to the city of Orr for airport, water, and sewer improvements;
- (31) 0.716 cent per ton must be paid to the city of Cook for street and bridge improvements;
- (32) 0.955 cent per ton must be paid to the city of Ely for street, water, and sewer improvements;
- (33) 0.318 cent per ton must be paid to the city of Tower for water and sewer improvements;
- (34) 0.955 cent per ton must be paid to the city of Two Harbors for water and sewer improvements;
- (35) 0.637 cent per ton must be paid to the city of Babbitt for water and sewer improvements;
- (36) 0.096 cent per ton must be paid to the township of Duluth for infrastructure improvements;
- (37) 0.096 cent per ton must be paid to the township of Tofte for infrastructure improvements;
- (38) 3.184 cents per ton must be paid to the city of Hibbing for sewer improvements;
- (39) 1.273 cents per ton must be paid to the city of Chisholm for NW Area Project infrastructure improvements;
- (40) 0.318 cent per ton must be paid to the city of Chisholm for health and safety improvements at the athletic facility;
- (41) 0.796 cent per ton must be paid to the city of Hoyt Lakes for residential street improvements;
- (42) 0.796 cent per ton must be paid to the Bois Forte Indian Reservation for infrastructure related to a housing development;
- (43) 0.159 cent per ton must be paid to Balkan Township for building improvements;
- (44) 0.159 cent per ton must be paid to the city of Grand Rapids for a grant to a nonprofit for a signage kiosk;
- (45) 0.318 cent per ton must be paid to the city of Crane Lake for sanitary sewer lines and adjacent development near County State-Aid Highway 24; and
- (46) 0.159 cent per ton must be paid to the city of Chisholm to rehabilitate historic wall infrastructure around the athletic complex.

EFFECTIVE DATE. This section is effective ~~for the 2010 distribution, all of which must be made in the August 2010 payment~~ retroactively from the day following final enactment.

EFFECTIVE DATE. This section is effective retroactively from April 2, 2010.

Sec. 101. CUSTOMER SERVICE.

(a) The commissioner of employment and economic development, in consultation with workforce service area staff, must, as soon as practical, develop and implement processes and procedures to ensure that unemployed Minnesotans who go to a workforce center are provided, to the fullest extent possible, seamless assistance in applying for unemployment benefits, accessing resource room resources, searching for jobs, accessing training and other services available to unemployed workers, and receiving answers to questions about unemployment insurance.

(b) The actions taken to comply with paragraph (a) must include, at a minimum, the implementation of a procedure by which unemployed Minnesotans may receive, at their option, face-to-face consultation and assistance in their local workforce center on applying for unemployment benefits, accessing resource room resources, searching for jobs, accessing training and other services available to unemployed workers, and receiving answers to questions about unemployment insurance.

(c) The commissioner is authorized and encouraged to maximize the use of existing employees and federal dollars to accomplish paragraph (a), including, but not limited to, paying portions of existing employees' salaries from more than one source of funding, ensuring that employees are cross-trained to perform functions beyond that required by paragraph (b) when such employees are stationed in workforce centers, and implementing need-based scheduling of employees to ensure that each workforce center is adequately staffed during peak demand hours for the services contemplated by paragraph (a).

(d) By September 1, 2010, the commissioner must provide an initial written report to the chairs and ranking minority members of the standing committees of the senate and house of representatives having jurisdiction over economic and workforce development issues on the actions taken under paragraph (a) and the result of those actions. The report must include detailed information on new additional resources provided by the department to ensure that the issues in paragraph (a) are addressed. A second report with updated information must be provided to the chairs and ranking minority members of the standing committees of the senate and house of representatives having jurisdiction over economic and workforce development issues by January 15, 2011.

EFFECTIVE DATE. This section is effective the day following final enactment and expires August 31, 2011.

Sec. 102. WORKFORCE SERVICES REPORT AND RECOMMENDATIONS.

By January 15, 2011, the governor's Workforce Development Council executive committee shall submit a report to the senate and house of representatives committees with jurisdiction over workforce development programs on the performance and outcomes of the workforce centers, as required by Minnesota Statutes, section 116L.665, subdivision 4. This report must contain recommendations for an ongoing process to identify local gaps in workforce services and ways to fill the gaps. The Department of Employment and Economic Development and the workforce councils should be included in the process for identifying service gaps. The governor's Workforce Development Council executive committee must submit draft-guiding principles to the legislature for review and feedback by August 12, 2010.

Sec. 103. DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT BLOCK GRANT REPORT.

The commissioner of employment and economic development shall study and report to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over economic development and workforce issues on the use of block grant funding to be administered by the Workforce Development Division and the Business and Community Development Division. The report must include recommendations for the use of block grant funding including goals, grant award criteria, RFP procedures, priorities for target populations and the services to be provided, and inclusion of all pass-through grants administered by the

department including those receiving direct state appropriations. The recommendations must contain specific proposals on providing grant oversight, evaluation, and administration of allocated funds in order to maximize services to target populations.

Sec. 104. **STUDY OF DIVISION OF STATE DEPOSITORY ACCOUNTS AND GENERAL FUND REVENUE ACCOUNT.**

(a) The Carlson School of Management at the University of Minnesota is requested to study:

(1) the feasibility of dividing the state's general fund revenue account among community financial institutions and transferring the state's major and minor accounts to community financial institutions in order to ensure that state money benefits Minnesota residents;

(2) the potential economic benefit of transferring all major and minor accounts to community financial institutions; and

(3) the potential economic benefit to governmental entities as defined by Minnesota Statutes, section 118A.01, subdivision 2, from an increase in their use of community financial institutions as defined in clause (1).

(b) The results of the study must be reported to the legislature by December 1, 2010.

For purposes of this section, "community financial institution" means a federally insured bank or credit union, chartered as a bank or credit union by the state of Minnesota or the United States, that is headquartered in Minnesota and has no more than \$2,500,000,000 in assets.

Sec. 105. **APPROPRIATION.**

\$107,000 is appropriated from the general fund in fiscal year 2011 to the Minnesota Science and Technology Authority for the purposes of Minnesota Statutes, chapter 116W.

Sec. 106. **TRANSFER.**

The commissioner of management and budget must transfer any remaining balance of the appropriation made in Laws 2009, chapter 78, article 1, section 3, subdivision 2, paragraph (g), to the Minnesota Science and Technology Authority.

Sec. 107. **REVISOR'S INSTRUCTION.**

In Minnesota Rules, the revisor of statutes shall change all references to Minnesota Rules, part 1350.8300, to Minnesota Statutes, section 327B.04.

Sec. 108. **REPEALER.**

(a) Minnesota Statutes 2008, sections 326B.133, subdivisions 9 and 10; 326B.37, subdivision 13; 326B.475, subdivisions 5 and 6; 326B.56, subdivision 3; 326B.885, subdivisions 3 and 4; 326B.976; 327.32, subdivision 4; and 327C.07, subdivisions 3a and 8, are repealed.

(b) Minnesota Statutes 2009 Supplement, section 326B.56, subdivision 4, is repealed.

(c) Minnesota Rules, parts 1301.0500; 1301.0900; 1301.1100, subparts 2, 3, and 4; 1350.7200, subpart 3; and 1350.8000, subpart 2, are repealed.

(d) Minnesota Statutes 2008, section 116J.657, is repealed.

EFFECTIVE DATE. Paragraphs (a) to (c) are effective January 1, 2012, except that the repeal of Minnesota Statutes, sections 327.32, subdivision 4, and 327C.07, subdivisions 3a and 8, are effective August 1, 2010. Paragraph (d) is effective July 1, 2010.

Sec. 109. **EFFECTIVE DATE.**

(a) Sections 30 to 81 and 93 to 97 are effective January 1, 2012.

(b) Sections 10 to 19, 99, and 105 are effective July 1, 2010."

Delete the title and insert:

"A bill for an act relating to economic development, labor, and industry; modifying grant and loan programs; modifying duties; making technical changes; defining terms; creating the Minnesota Science and Technology Authority; modifying licensing provisions; imposing and modifying fees; modifying construction codes; requesting a study; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 116J.437, subdivision 1; 116J.8731, subdivisions 1, 4; 116J.996; 116L.665, subdivisions 3, 6, by adding a subdivision; 136F.06, by adding a subdivision; 268.035, by adding a subdivision; 268.085, subdivision 16; 268.095, subdivision 5; 268.101, by adding a subdivision; 268.184, subdivision 1; 326B.133, subdivisions 1, 3, 8, 11, by adding subdivisions; 326B.197; 326B.33, subdivisions 18, 20, 21; 326B.42, by adding subdivisions; 326B.44; 326B.46, as amended; 326B.47; 326B.475, subdivision 2; 326B.50, by adding subdivisions; 326B.54; 326B.55, as amended; 326B.56, as amended; 326B.805, subdivision 6; 326B.83, subdivisions 1, 3, 6; 326B.865; 326B.921, subdivisions 2, 4, 7; 326B.922; 326B.978, subdivision 2, by adding a subdivision; 327.31, subdivision 17, by adding subdivisions; 327.32, subdivision 1, by adding subdivisions; 327.34, subdivision 1; 327B.04, subdivision 2; 471.59, subdivision 10; Minnesota Statutes 2009 Supplement, sections 116J.8731, subdivision 3; 268.035, subdivision 23a; 268.095, subdivisions 2, 6; 268.105, subdivision 1; 326B.33, subdivision 19; 326B.475, subdivision 4; 326B.49, subdivision 1; 326B.58; 326B.815, subdivision 1; 326B.86, subdivision 1; 326B.94, subdivision 4; 326B.986, subdivision 5; 327B.04, subdivisions 7, 7a, 8; 327B.041; Laws 2009, chapter 78, article 1, section 3, subdivision 2; Laws 2010, chapter 216, section 58; proposing coding for new law in Minnesota Statutes, chapters 116L; 326B; proposing coding for new law as Minnesota Statutes, chapter 116W; repealing Minnesota Statutes 2008, sections 116J.657; 326B.133, subdivisions 9, 10; 326B.37, subdivision 13; 326B.475, subdivisions 5, 6; 326B.56, subdivision 3; 326B.885, subdivisions 3, 4; 326B.976; 327.32, subdivision 4; 327C.07, subdivisions 3a, 8; Minnesota Statutes 2009 Supplement, section 326B.56, subdivision 4; Minnesota Rules, parts 1301.0500; 1301.0900; 1301.1100, subparts 2, 3, 4; 1350.7200, subpart 3; 1350.8000, subpart 2."

The motion prevailed and the amendment was adopted.

Obermueller moved to amend S. F. No. 2510, the third engrossment, as amended, as follows:

Page 11, line 2, after "authority." insert "the Office of Enterprise Technology."

Page 59, line 4, delete "or" and insert "and"

Page 81, line 12, delete "section 326B.56, subdivision 4, is" and insert "sections 326B.56, subdivision 4; and 326B.986, subdivision 2, are"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina moved to amend S. F. No. 2510, the third engrossment, as amended, as follows:

Page 75, line 31, strike "28.757" and insert "31.941"

Page 78, line 16, strike the second "and"

Page 78, line 18, strike the period and insert "; and"

Page 78, after line 18, insert:

"(47) 2.706 cents per ton must be paid to the Virginia Regional Medical Center for operating room equipment and renovations."

The motion prevailed and the amendment was adopted.

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

Rukavina, Dill, Anzenc, Sertich and Solberg moved to amend S. F. No. 2510, the third engrossment, as amended, as follows:

Page 80, after line 29, insert:

"Sec. 105. **VACATION PAY AND UNEMPLOYMENT BENEFITS.**

An individual who received unemployment benefits in 2009 shall not be determined overpaid under Minnesota Statutes, section 268.18, subdivision 1, because of receipt of vacation pay in 2009 which was earned in 2008 under a collective bargaining agreement with an employer that had layoffs in May 2009 of over 400 workers.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina moved to amend S. F. No. 2510, the third engrossment, as amended, as follows:

Page 80, after line 29, insert:

"Sec. 105. **GRANT AGREEMENT.**

The 2008 Producer Grant and Loan Fund Grant Agreement between the state of Minnesota acting through the office of the commissioner of Iron Range resources and rehabilitation and St. Louis County for "The Pike River Road Project" and "St. Louis County Maintenance Garage Project" shall remain in effect until the project is completed and all obligations set forth in the agreement have been satisfactorily fulfilled.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Shimanski moved to amend S. F. No. 2510, the third engrossment, as amended, as follows:

Page 69, after line 19, insert:

"Sec. 98. Minnesota Statutes 2008, section 469.1082, subdivision 5, is amended to read:

Subd. 5. **Area of operation.** The area of operation of a county economic development service provider created under this section shall include all cities and townships within a county that have adopted resolutions electing to participate. A city or township may adopt a resolution electing to withdraw participation. The withdrawal election may be made every fifth year following adoption of the resolution electing participation. The withdrawal election is effective on the anniversary date of the original resolution provided notice is given to the county economic development authority not less than 90 nor more than 180 days prior to that anniversary date. The city or township electing to withdraw retains any rights, obligations, and liabilities it obtained or incurred during its participation. Any city or township within the county shall have the option to adopt a resolution to prohibit the county economic development service provider created under this section from operating within its boundaries and (1) within an agreed upon urban service area, or (2) within the distance approved in the committee report referenced in subdivision 3. If a city or township prohibits a county economic development service provider created under this section from operating within its boundaries, the city's or township's property taxpayers shall not be subject to the property tax levied for the county economic development service provider."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Norton moved to amend S. F. No. 2510, the third engrossment, as amended, as follows:

Page 80, after line 29, insert:

"Sec. 105. **COMPARATIVE STUDY OF STATE REGULATION AFFECTING SMALL BUSINESS START-UPS.**

(a) The Legislative Coordinating Commission must apply to the University of Minnesota Carlson School of Business or another grant-making organization for a grant to fund or conduct a comparative study of the effects of state regulation on the cost and delay required to start a typical small business in Minnesota and Wisconsin.

(b) The study must examine the typical cost and delay required by state regulation in the two states to start a typical small services business, small retail business, and small manufacturing business. Within each of those three categories, the study must choose a specific type of business and follow the start-up process in the two states from

beginning to end, including formation, financing, licensing, permits, reporting requirements, employment laws, and state and local taxes, including special tax provisions that affect the business' ability to start operations. The study must result in a written report submitted to the Legislative Coordinating Commission no later than December 1, 2011.

(c) The Legislative Coordinating Commission shall request proposals and choose the recipient of the grant from among higher education institutions that have a graduate program in business, business administration, or a similar field. The Legislative Coordinating Commission shall periodically monitor the recipient's progress on the study and written report. The Legislative Coordinating Commission shall submit the written report as a report to the legislature in compliance with Minnesota Statutes, sections 3.195 and 3.197.

(d) If a grant is not received for the comparative study, the Legislative Coordinating Commission is not responsible for any of the tasks under this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Howes moved to amend S. F. No. 2510, the third engrossment, as amended, as follows:

Page 42, after line 21, insert:

"Subd. 6. **Well contractor exempt from licensing and bond; conditions.** No license, registration, or bond under sections 326B.42 to 326B.49 is required of a well contractor or a limited well/boring contractor who is licensed and bonded under section 103I.525 or 103I.531 and is engaged in the work or business of installing (1) water service pipe from a well to a pressure tank or a frost free water hydrant with an antisiphon device, or (2) a temporary shut-off valve on a well water service pipe."

The motion prevailed and the amendment was adopted.

Beard, Emmer and Holberg were excused for the remainder of today's session.

Dettmer was excused between the hours of 5:25 p.m. and 6:00 p.m.

Loon moved to amend S. F. No. 2510, the third engrossment, as amended, as follows:

Page 81, line 15, delete "section" and insert "sections" and delete ", is" and insert "; and 181.986, are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Loon amendment and the roll was called. There were 46 yeas and 78 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|-----------|-----------|
| Anderson, B. | Dean | Gunther | Lanning | Murdock | Shimanski |
| Anderson, P. | Dittrich | Hackbarth | Lenczewski | Norton | Swails |
| Anderson, S. | Doepke | Hamilton | Liebling | Peppin | Torkelson |
| Brod | Downey | Kath | Loon | Rosenthal | Urdahl |
| Buesgens | Drazkowski | Kelly | Mack | Ruud | Welti |
| Bunn | Eastlund | Kiffmeyer | Magnus | Sanders | Zellers |
| Cornish | Garofalo | Knuth | McFarlane | Scott | |
| Davids | Gottwalt | Kohls | McNamara | Seifert | |

Those who voted in the negative were:

| | | | | | |
|----------|-----------|---------|------------|-------------|-----------|
| Anzenc | Eken | Hortman | Lillie | Nornes | Sertich |
| Atkins | Falk | Hosch | Loeffler | Obermueller | Simon |
| Benson | Faust | Howes | Mahoney | Olin | Slawik |
| Bigham | Fritz | Huntley | Mariani | Otremba | Slocum |
| Bly | Gardner | Jackson | Marquart | Paymar | Smith |
| Brown | Greiling | Johnson | Masin | Pelowski | Solberg |
| Brynaert | Hansen | Juhnke | Morgan | Persell | Sterner |
| Carlson | Hausman | Kahn | Morrow | Peterson | Thao |
| Champion | Haws | Kalin | Mullery | Poppe | Thissen |
| Clark | Hayden | Koenen | Murphy, E. | Reinert | Tillberry |
| Davnie | Hilstrom | Laine | Murphy, M. | Rukavina | Wagenius |
| Dill | Hilty | Lesch | Nelson | Sailer | Ward |
| Doty | Hornstein | Lieder | Newton | Scalze | Westrom |

The motion did not prevail and the amendment was not adopted.

Dill, Rukavina and Sertich moved to amend S. F. No. 2510, the third engrossment, as amended, as follows:

Page 75, line 31, strike "28.75" and insert "31.941"

Page 78, line 16, strike the second "and"

Page 78, line 18, strike the period and insert "; and

(47) 0.478 cent per ton must be paid to St. Louis County for a study of the future feasibility and operation of Independent School District No. 2142. Funds must be paid upon execution of a contract to conduct the study."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Swails and Winkler were excused for the remainder of today's session.

Eastlund moved to amend S. F. No. 2510, the third engrossment, as amended, as follows:

Page 15, after line 3, insert:

"Sec. 22. Minnesota Statutes 2009 Supplement, section 181.986, is amended to read:

181.986 REQUIRED EQUIPMENT AND APPAREL.

(a) Notwithstanding any other law or rule to the contrary, a public employer is prohibited from knowingly purchasing or acquiring, furnishing, or requiring an employee to purchase or acquire for wear or use while on duty, any of the following items if the item is not manufactured in the United States of America:

(1) any uniform or other item of wearing apparel over which an employee has no discretion in selecting except for selecting the proper size; or

(2) safety equipment or protective accessories.

(b) Preference must be given to purchases from manufacturers who pay an average annual income, including wages and benefits, equal to at least 150 percent of the federal poverty guideline adjusted for a family size of four. For purposes of this section, "public employer" means a county, home rule charter or statutory city, town, school district, metropolitan or regional agency, public corporation, political subdivision, special district as defined in section 6.465, subdivision 3, municipal fire department, independent nonprofit firefighting corporation, the University of Minnesota, the Minnesota State Colleges and Universities, and the state of Minnesota and its agencies.

(c) Notwithstanding paragraph (a), a public employer may purchase or acquire, furnish, or require an employee to purchase or acquire items listed in paragraph (a) manufactured outside of the United States if similar the items manufactured in the United States of America are not manufactured or available for purchase in the United States cost at least ten percent more than similar items manufactured outside the United States of America."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

S. F. No. 2510, A bill for an act relating to economic development; amending the definition of green economy to include the concept of green chemistry; creating a fast-action economic response team; expanding the Minnesota investment fund; removing a grant program restriction; expanding loan program to veteran-owned small businesses; creating the Minnesota Science and Technology Authority; providing for a comparative study of state laws affecting small business start-ups; modifying certain unemployment insurance administrative, benefit, and tax provisions; protecting customers from injuries resulting from use of inflatable play equipment; modifying labor and industry licensing and certain license fee provisions; modifying enforcement requirements of the State Building Code; modifying the requirements of the Manufactured Home Building Code; allowing expedited rulemaking; providing for licensing and regulation of individuals engaged in mortgage loan origination or mortgage loan business; providing for licensing and regulation of appraisal management companies; providing for property acquisition from petroleum tank fund proceeds; clarifying requirements for granting additional cable franchises; regulating cadmium in children's jewelry; regulating the sale and termination of portable electronics insurance; authorizing amendments to a municipal comprehensive plan for affordable housing; amending Iron Range resources provisions; requiring certain reports; appropriating money; amending Minnesota Statutes 2008, sections 58.04, subdivision 1; 58.08, by

adding a subdivision; 58.09; 58.10, subdivision 1; 58.11; 60K.36, subdivision 2; 60K.38, subdivision 1; 82B.05, subdivision 5, by adding a subdivision; 82B.06; 115C.08, subdivision 1; 116J.437, subdivision 1; 116J.8731, subdivisions 1, 4; 116J.996; 181.723, subdivision 5; 238.08, subdivision 1; 268.035, subdivision 20; 268.046, subdivision 1; 268.051, subdivisions 2, 5, 7; 268.07, as amended; 268.085, subdivision 9; 326B.106, subdivision 9; 326B.133, subdivisions 1, 3, 8, 11, by adding subdivisions; 326B.16; 326B.197; 326B.33, subdivisions 18, 20, 21; 326B.42, by adding subdivisions; 326B.44; 326B.46, as amended; 326B.47; 326B.475, subdivision 2; 326B.50, by adding subdivisions; 326B.54; 326B.55, as amended if enacted; 326B.56, as amended; 326B.805, subdivision 6; 326B.83, subdivisions 1, 3, 6; 326B.865; 326B.921, subdivisions 2, 4, 7; 326B.922; 326B.978, subdivision 2, by adding a subdivision; 327.31, subdivision 17, by adding subdivisions; 327.32, subdivision 1, by adding subdivisions; 327B.04, subdivision 2; 462.355, subdivision 3; Minnesota Statutes 2009 Supplement, sections 58.06, subdivision 2; 60K.55, subdivision 2; 82B.05, subdivision 1; 115C.08, subdivision 4; 116J.8731, subdivision 3; 116L.20, subdivision 1; 268.035, subdivision 19a; 268.052, subdivision 2; 268.053, subdivision 1; 268.085, subdivision 1; 268.136, subdivision 1; 326B.33, subdivision 19; 326B.475, subdivision 4; 326B.49, subdivision 1; 326B.58; 326B.815, subdivision 1; 326B.86, subdivision 1; 326B.94, subdivision 4; 326B.986, subdivision 5; 327B.04, subdivisions 7, 7a, 8; 327B.041; Laws 2009, chapter 78, article 1, section 3, subdivision 2; Laws 2010, chapter 216, section 58; proposing coding for new law in Minnesota Statutes, chapters 60K; 116J; 184B; 325E; 326B; proposing coding for new law as Minnesota Statutes, chapters 58A; 82C; 116W; repealing Minnesota Statutes 2008, sections 116J.657; 326B.133, subdivisions 9, 10; 326B.37, subdivision 13; 326B.475, subdivisions 5, 6; 326B.56, subdivision 3; 326B.885, subdivisions 3, 4; 326B.976; 327.32, subdivision 4; 327C.07, subdivisions 3, 3a, 8; Minnesota Statutes 2009 Supplement, sections 58.126; 326B.56, subdivision 4; Laws 2010, chapter 215, article 9, section 3; Minnesota Rules, parts 1301.0500; 1301.0900; 1301.1100, subparts 2, 3, 4; 1350.7200, subpart 3; 1350.8000, subpart 2.

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

The question was taken on the passage of the bill and the roll was called. There were 83 yeas and 39 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|----------|-----------|------------|------------|-------------|-----------|
| Anzelc | Doty | Hosch | Lillie | Norton | Scalze |
| Atkins | Eken | Howes | Loeffler | Obermueller | Sertich |
| Benson | Falk | Huntley | Mahoney | Olin | Simon |
| Bigham | Faust | Jackson | Mariani | Otremba | Slawik |
| Bly | Fritz | Johnson | Marquart | Paymar | Slocum |
| Brown | Gardner | Juhnke | Masin | Pelowski | Smith |
| Brynaert | Greiling | Kahn | Morgan | Persell | Solberg |
| Carlson | Hansen | Kalin | Morrow | Peterson | Sterner |
| Champion | Hausman | Knuth | Mullery | Poppe | Thao |
| Clark | Haws | Koenen | Murdock | Reinert | Thissen |
| Cornish | Hilstrom | Laine | Murphy, E. | Rosenthal | Tillberry |
| Davnie | Hilty | Lenczewski | Murphy, M. | Rukavina | Wagenius |
| Dill | Hornstein | Lesch | Nelson | Ruud | Ward |
| Dittrich | Hortman | Lieder | Newton | Sailer | |

Those who voted in the negative were:

| | | | | | |
|--------------|----------|------------|----------|-----------|-----------|
| Anderson, B. | Buesgens | Demmer | Eastlund | Hackbarth | Kiffmeyer |
| Anderson, P. | Bunn | Doepke | Garofalo | Hamilton | Kohls |
| Anderson, S. | Dauids | Downey | Gottwalt | Kath | Lanning |
| Brod | Dean | Drazkowski | Gunther | Kelly | Loon |

| | | | | |
|-----------|----------|---------|-----------|---------|
| Mack | McNamara | Sanders | Shimanski | Welti |
| Magnus | Nornes | Scott | Torkelson | Westrom |
| McFarlane | Peppin | Seifert | Urdahl | Zellers |

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

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 3055.

S. F. No. 3055, A bill for an act relating to tobacco; tobacco control and preventing tobacco use; modernizing definitions of tobacco, tobacco products, and tobacco-related devices; modifying promotional and self-service distribution rules; subjecting sale of tobacco related devices to municipal licensing; prescribing criminal penalties; amending Minnesota Statutes 2008, sections 297F.01, subdivision 19; 325F.77, subdivision 4; 461.12, subdivisions 1, as amended, 2, 3, 4, 5, 6; 461.18, subdivision 1; 609.685, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 5 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|-------------|-----------|
| Anderson, P. | Dill | Hayden | Lanning | Murphy, M. | Scalze |
| Anderson, S. | Dittrich | Hilstrom | Lenczewski | Nelson | Scott |
| Anzelc | Doepke | Hilty | Lesch | Newton | Seifert |
| Atkins | Doty | Hornstein | Lieder | Nornes | Sertich |
| Benson | Downey | Hortman | Lillie | Norton | Simon |
| Bigham | Drazkowski | Hosch | Loeffler | Obermueller | Slawik |
| Bly | Eastlund | Howes | Loon | Olin | Slocum |
| Brod | Eken | Huntley | Mack | Otremba | Solberg |
| Brown | Falk | Jackson | Magnus | Paymar | Sterner |
| Brynaert | Faust | Johnson | Mahoney | Pelowski | Thao |
| Bunn | Fritz | Juhnke | Mariani | Peppin | Thissen |
| Carlson | Gardner | Kahn | Marquart | Persell | Tillberry |
| Champion | Garofalo | Kalin | Masin | Peterson | Torkelson |
| Clark | Gottwalt | Kath | McFarlane | Poppe | Urdahl |
| Cornish | Greiling | Kelly | McNamara | Reinert | Wagenius |
| Davids | Gunther | Kiffmeyer | Morgan | Rosenthal | Ward |
| Davnie | Hamilton | Knuth | Morrow | Rukavina | Welti |
| Dean | Hansen | Koenen | Mullery | Ruud | Westrom |
| Demmer | Hausman | Kohls | Murdock | Sailer | |
| Dettmer | Haws | Laine | Murphy, E. | Sanders | |

Those who voted in the negative were:

| | | | | |
|--------------|----------|-----------|-----------|-------|
| Anderson, B. | Buesgens | Hackbarth | Shimanski | Smith |
|--------------|----------|-----------|-----------|-------|

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 3660.

H. F. No. 3660, A bill for an act relating to claims against the state; providing for settlement of certain claims; appropriating money.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 2 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|------------|------------|-------------|-----------|
| Abeler | Dill | Hilstrom | Lesch | Newton | Sertich |
| Anderson, B. | Dittrich | Hilty | Liebling | Nornes | Shimanski |
| Anderson, P. | Doepke | Hornstein | Lieder | Norton | Simon |
| Anderson, S. | Doty | Hortman | Lillie | Obermueller | Slawik |
| Anzelc | Downey | Hosch | Loeffler | Olin | Slocum |
| Atkins | Drazkowski | Howes | Loon | Otremba | Smith |
| Benson | Eastlund | Huntley | Mack | Paymar | Solberg |
| Bigham | Eken | Jackson | Magnus | Pelowski | Sterner |
| Bly | Falk | Johnson | Mahoney | Peppin | Thao |
| Brown | Faust | Juhnke | Mariani | Persell | Thissen |
| Brynaert | Fritz | Kahn | Marquart | Peterson | Tillberry |
| Bunn | Gardner | Kalin | Masin | Poppe | Torkelson |
| Carlson | Garofalo | Kath | McFarlane | Reinert | Urdahl |
| Champion | Gottwalt | Kelly | McNamara | Rosenthal | Wagenius |
| Clark | Greiling | Kiffmeyer | Morgan | Rukavina | Ward |
| Cornish | Gunther | Knuth | Morrow | Ruud | Welti |
| Davids | Hamilton | Koenen | Mullery | Sailer | Westrom |
| Davnie | Hansen | Kohls | Murdock | Sanders | |
| Dean | Hausman | Laine | Murphy, E. | Scalze | |
| Demmer | Haws | Lanning | Murphy, M. | Scott | |
| Dettmer | Hayden | Lenczewski | Nelson | Seifert | |

Those who voted in the negative were:

Buesgens Hackbarth

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 3325.

S. F. No. 3325, A bill for an act relating to local government; authorizing chairs and ranking minority members of the Committees on Finance and Ways and Means to request local impact notes; amending Minnesota Statutes 2008, section 3.987, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|-------------|-----------|
| Abeler | Dettmer | Haws | Lanning | Murphy, M. | Seifert |
| Anderson, B. | Dill | Hayden | Lenczewski | Nelson | Sertich |
| Anderson, P. | Dittrich | Hilstrom | Lesch | Newton | Shimanski |
| Anderson, S. | Doepke | Hilty | Liebling | Nornes | Simon |
| Anzelc | Doty | Hornstein | Lieder | Norton | Slawik |
| Atkins | Downey | Hortman | Lillie | Obermueller | Slocum |
| Benson | Drazkowski | Hosch | Loeffler | Olin | Smith |
| Bigham | Eastlund | Howes | Loon | Otremba | Solberg |
| Bly | Eken | Huntley | Mack | Paymar | Sterner |
| Brown | Falk | Jackson | Magnus | Pelowski | Thao |
| Brynaert | Faust | Johnson | Mahoney | Peppin | Thissen |
| Buesgens | Fritz | Juhnke | Mariani | Persell | Tillberry |
| Bunn | Gardner | Kahn | Marquart | Peterson | Torkelson |
| Carlson | Garofalo | Kalin | Masin | Poppe | Urdahl |
| Champion | Gottwalt | Kath | McFarlane | Reinert | Wagenius |
| Clark | Greiling | Kelly | McNamara | Rosenthal | Ward |
| Cornish | Gunther | Kiffmeyer | Morgan | Rukavina | Walti |
| Davids | Hackbarth | Knuth | Morrow | Ruud | Westrom |
| Davnie | Hamilton | Koenen | Mullery | Sailer | |
| Dean | Hansen | Kohls | Murdock | Sanders | |
| Demmer | Hausman | Laine | Murphy, E. | Scalze | |

The bill was passed and its title agreed to.

CALENDAR FOR THE DAY, Continued

H. F. No. 2116, A bill for an act relating to motor vehicles; increasing fees on certain transactions; amending Minnesota Statutes 2009 Supplement, section 168.33, subdivision 7.

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

The question was taken on the passage of the bill and the roll was called. There were 103 yeas and 21 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|----------|----------|-----------|------------|-----------|
| Abeler | Champion | Falk | Hayden | Kahn | Lillie |
| Anderson, P. | Clark | Faust | Hilstrom | Kath | Loeffler |
| Anzelc | Cornish | Fritz | Hilty | Kelly | Magnus |
| Atkins | Davids | Gardner | Hornstein | Knuth | Mahoney |
| Benson | Davnie | Garofalo | Hortman | Koenen | Mariani |
| Bigham | Demmer | Greiling | Hosch | Laine | Marquart |
| Bly | Dill | Gunther | Howes | Lanning | Masin |
| Brown | Dittrich | Hamilton | Huntley | Lenczewski | McFarlane |
| Brynaert | Doty | Hansen | Jackson | Lesch | McNamara |
| Bunn | Eastlund | Hausman | Johnson | Liebling | Morgan |
| Carlson | Eken | Haws | Juhnke | Lieder | Morrow |

| | | | | | |
|------------|-------------|-----------|---------|-----------|---------|
| Mullery | Obermueller | Poppe | Scalze | Thao | Wolti |
| Murdock | Olin | Reinert | Sertich | Thissen | Westrom |
| Murphy, E. | Otremba | Rosenthal | Simon | Tillberry | |
| Murphy, M. | Paymar | Rukavina | Slawik | Torkelson | |
| Nelson | Pelowski | Ruud | Slocum | Urdahl | |
| Newton | Persell | Sailer | Solberg | Wagenius | |
| Nornes | Peterson | Sanders | Sterner | Ward | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|-----------|--------|-----------|-------|
| Anderson, B. | Dettmer | Gottwalt | Kohls | Peppin | Smith |
| Anderson, S. | Doepke | Hackbarth | Loon | Scott | |
| Buesgens | Downey | Kalin | Mack | Seifert | |
| Dean | Drazkowski | Kiffmeyer | Norton | Shimanski | |

The bill was passed and its title agreed to.

H. F. No. 2037 was reported to the House.

Solberg moved to amend H. F. No. 2037, the second engrossment, as follows:

Page 7, after line 27, insert:

"Sec. 16. Minnesota Statutes 2008, section 518.165, subdivision 3, is amended to read:

Subd. 3. **Fees.** (a) A guardian ad litem appointed under either subdivision 1 or 2 may be appointed either as a volunteer or on a fee basis. If a guardian ad litem is appointed on a fee basis, the court shall enter an order for costs, fees, and disbursements in favor of the child's guardian ad litem. The order may be made against either or both parties, except that any part of the costs, fees, or disbursements which the court finds the parties are incapable of paying shall be borne by the state courts. The costs of court-appointed counsel to the guardian ad litem shall be paid by the county in which the proceeding is being held if a party is incapable of paying for them. Until the recommendations of the task force created in Laws 1999, chapter 216, article 7, section 42, are implemented, the costs of court-appointed counsel to a guardian ad litem in the Eighth Judicial District shall be paid by the state courts if a party is incapable of paying for them. In no event may the court order that costs, fees, or disbursements be paid by a party receiving public assistance or legal assistance or by a party whose annual income falls below the poverty line as established under United States Code, title 42, section 9902(2).

(b) In each fiscal year, the commissioner of management and budget shall deposit guardian ad litem reimbursements in the ~~general~~ special revenue fund and credit them to a separate account with the trial courts. The balance of this account is appropriated to the trial courts and does not cancel but is available until expended. Expenditures by the state court administrator's office from this account must be based on the amount of the guardian ad litem reimbursements received by the state from the courts in each judicial district."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2037, A bill for an act relating to state government; moving appropriations of general fund dedicated revenues to other funds; amending Minnesota Statutes 2008, sections 3.9741, subdivision 2; 8.15, subdivision 3; 13.03, subdivision 10; 16C.23, subdivision 6; 103B.101, subdivision 9; 103I.681, subdivision 11; 116J.551, subdivision 1; 190.32; 257.69, subdivision 2; 260C.331, subdivision 6; 299C.48; 299E.02; 446A.086, subdivision 2; 469.177, subdivision 11; 518.165, subdivision 3; 609.3241; 611.20, subdivision 3; Minnesota Statutes 2009 Supplement, section 270.97; Laws 1994, chapter 531, section 1.

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

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

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|-------------|-----------|
| Abeler | Dettmer | Haws | Lanning | Murphy, M. | Scott |
| Anderson, B. | Dill | Hayden | Lenczewski | Nelson | Seifert |
| Anderson, P. | Dittrich | Hilstrom | Lesch | Newton | Sertich |
| Anderson, S. | Doepke | Hilty | Liebling | Nornes | Shimanski |
| Anzenc | Doty | Hornstein | Lieder | Norton | Simon |
| Atkins | Downey | Hortman | Lillie | Obermueller | Slawik |
| Benson | Drazkowski | Hosch | Loeffler | Olin | Slocum |
| Bigham | Eastlund | Howes | Loon | Otremba | Smith |
| Bly | Eken | Huntley | Mack | Paymar | Solberg |
| Brown | Falk | Jackson | Magnus | Pelowski | Sterner |
| Brynaert | Faust | Johnson | Mahoney | Peppin | Thao |
| Buesgens | Fritz | Juhnke | Mariani | Persell | Thissen |
| Bunn | Gardner | Kahn | Marquart | Peterson | Tillberry |
| Carlson | Garofalo | Kalin | Masin | Poppe | Torkelson |
| Champion | Gottwalt | Kath | McFarlane | Reinert | Urdahl |
| Clark | Greiling | Kelly | McNamara | Rosenthal | Wagenius |
| Cornish | Gunther | Kiffmeyer | Morgan | Rukavina | Ward |
| Davids | Hackbarth | Knuth | Morrow | Ruud | Welti |
| Davnie | Hamilton | Koenen | Mullery | Sailer | Westrom |
| Dean | Hansen | Kohls | Murdock | Sanders | |
| Demmer | Hausman | Laine | Murphy, E. | Scalze | |

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

S. F. No. 2386 was reported to the House.

Peppin and Downey moved to amend S. F. No. 2386 as follows:

Page 3, after line 16, insert:

"Sec. 2. Minnesota Statutes 2008, section 43A.18, is amended by adding a subdivision to read:

Subd. 9. **Summary information on Web site.** Before the commissioner submits a proposed collective bargaining agreement, arbitration award or compensation plan to the Legislative Coordinating Commission for review under section 3.855, the commissioner must post on a state Web site a summary of the proposed agreement,

award, or plan. The summary must include the amount of and nature of proposed changes in employee compensation, the estimated cost to the state of proposed changes in employee compensation, and a description of proposed significant changes in policy. After approval of an agreement, award, or plan by the Legislative Coordinating Commission, the commissioner must provide a link from the commissioner's summary to the full text of the agreement, award, or plan. The summary must remain on the Web site at least until the full legislature has approved the agreement, award, or plan. This section also applies to agreements, awards, and plans covering employees of the Minnesota State Colleges and Universities and to compensation plans that must be submitted to the Legislative Coordinating Commission by other executive appointing authorities. The Minnesota State Colleges and Universities and other executive appointing authorities must submit information to the commissioner, at a time and in a manner specified by the commissioner, so the commissioner can post information relating to these appointing authorities on the Web as required by this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2386, A bill for an act relating to state government; ratifying labor agreements and compensation plans.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 5 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|----------|-----------|------------|-------------|-----------|
| Abeler | Dill | Hilstrom | Lenczewski | Murphy, M. | Seifert |
| Anderson, B. | Dittrich | Hilty | Lesch | Nelson | Sertich |
| Anderson, P. | Doepke | Hornstein | Liebling | Newton | Shimanski |
| Anderson, S. | Doty | Hortman | Lieder | Nornes | Simon |
| Anzelc | Downey | Hosch | Lillie | Norton | Slawik |
| Atkins | Eastlund | Howes | Loeffler | Obermueller | Slocum |
| Benson | Eken | Huntley | Loon | Olin | Smith |
| Bigham | Falk | Jackson | Mack | Otremba | Solberg |
| Bly | Faust | Johnson | Magnus | Paymar | Sterner |
| Brown | Fritz | Juhnke | Mahoney | Pelowski | Thao |
| Brynaert | Gardner | Kahn | Mariani | Persell | Thissen |
| Bunn | Garofalo | Kalin | Marquart | Peterson | Tillberry |
| Carlson | Gottwalt | Kath | Masin | Poppe | Torkelson |
| Champion | Greiling | Kelly | McFarlane | Reinert | Urdahl |
| Clark | Gunther | Kiffmeyer | McNamara | Rosenthal | Wagenius |
| Cornish | Hamilton | Knuth | Morgan | Rukavina | Ward |
| Davids | Hansen | Koenen | Morrow | Ruud | Welti |
| Davnie | Hausman | Kohls | Mullery | Sailer | Westrom |
| Demmer | Haws | Laine | Murdock | Sanders | |
| Dettmer | Hayden | Lanning | Murphy, E. | Scalze | |

Those who voted in the negative were:

| | | | | |
|----------|------------|-----------|--------|-------|
| Buesgens | Drazkowski | Hackbarth | Peppin | Scott |
|----------|------------|-----------|--------|-------|

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

S. F. No. 271 was reported to the House.

Loeffler moved to amend S. F. No. 271, the first engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1531, the second engrossment:

"Section 1. **[43A.015] DUTIES AND RIGHTS OF CLASSIFIED EMPLOYEES.**

State employees in the classified service are expected during their work hours to be nonpartisan resources to all decision makers, and to provide timely, professional assistance to both executive and legislative decision makers and their staff in understanding the current service and finance system and the potential impact of changes on these systems. Workload concerns related to these requests shall be mediated, if necessary, by management staff in a manner that does not advantage any particular set of decision makers, but allows for balanced support and adequate attention to the ongoing responsibilities of the agency. This section does not authorize or require an employee to disclose data otherwise protected by law.

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

Sec. 2. Minnesota Statutes 2008, section 181.932, subdivision 1, is amended to read:

Subdivision 1. **Prohibited action.** An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:

(1) the employee, or a person acting on behalf of an employee, in good faith, reports a violation or suspected violation of any federal or state law or rule adopted pursuant to law to an employer or to any governmental body or law enforcement official;

(2) the employee is requested by a public body or office to participate in an investigation, hearing, inquiry;

(3) the employee refuses an employer's order to perform an action that the employee has an objective basis in fact to believe violates any state or federal law or rule or regulation adopted pursuant to law, and the employee informs the employer that the order is being refused for that reason;

(4) the employee, in good faith, reports a situation in which the quality of health care services provided by a health care facility, organization, or health care provider violates a standard established by federal or state law or a professionally recognized national clinical or ethical standard and potentially places the public at risk of harm; ~~or~~

(5) a public employee communicates the findings of a scientific or technical study that the employee, in good faith, believes to be truthful and accurate, including reports to a governmental body or law enforcement official; or

(6) an employee in the classified service of state government communicates information that the employee, in good faith, believes to be truthful and accurate, and that relates to state services, including the financing of state services to:

(i) a legislator or the legislative auditor; or

(ii) a constitutional officer.

The disclosures protected pursuant to this section do not authorize the disclosure of data otherwise protected by law.

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

Delete the title and insert:

"A bill for an act relating to state government; establishing expectations for classified employees as nonpartisan resources to all decision makers; providing additional whistleblower protection to state employees; amending Minnesota Statutes 2008, section 181.932, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A."

The motion prevailed and the amendment was adopted.

S. F. No. 271, A bill for an act relating to state government; providing additional whistleblower protection to state employees; amending Minnesota Statutes 2008, section 181.932, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 86 yeas and 36 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|----------|-----------|------------|------------|-------------|-----------|
| Anzelc | Doty | Hortman | Lesch | Newton | Simon |
| Atkins | Eken | Hosch | Liebling | Norton | Slawik |
| Benson | Falk | Howes | Lieder | Obermueller | Slocum |
| Bigham | Faust | Huntley | Lillie | Olin | Solberg |
| Bly | Fritz | Jackson | Loeffler | Paymar | Sterner |
| Brown | Gardner | Johnson | Mahoney | Pelowski | Thao |
| Brynaert | Greiling | Juhnke | Mariani | Persell | Thissen |
| Bunn | Gunther | Kahn | Marquart | Peterson | Tillberry |
| Carlson | Hansen | Kalin | Masin | Reinert | Wagenius |
| Champion | Hausman | Kath | Morgan | Rosenthal | Ward |
| Clark | Haws | Knuth | Morrow | Rukavina | Welti |
| Cornish | Hayden | Koenen | Mullery | Ruud | |
| Davnie | Hilstrom | Laine | Murphy, E. | Sailer | |
| Dill | Hilty | Lanning | Murphy, M. | Scalze | |
| Dittrich | Hornstein | Lenczewski | Nelson | Sertich | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|-----------|-----------|----------|-----------|
| Abeler | Dean | Eastlund | Kiffmeyer | McNamara | Seifert |
| Anderson, B. | Demmer | Garofalo | Kohls | Murdock | Shimanski |
| Anderson, P. | Dettmer | Gottwalt | Loon | Nornes | Smith |
| Anderson, S. | Doepke | Hackbarth | Mack | Peppin | Torkelson |
| Buesgens | Downey | Hamilton | Magnus | Sanders | Urdahl |
| Davids | Drazkowski | Kelly | McFarlane | Scott | Westrom |

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

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

S. F. No. 2709 was reported to the House.

Kelly, Olin, Pelowski and Draskowski moved to amend S. F. No. 2709, the first engrossment, as follows:

Page 1, after line 5, insert:

"Section 1. **[641.035] OUT-OF-STATE PRISONERS.**

(a) A county or regional jail board may authorize the sheriff or regional jail superintendent to enter into agreements to house offenders from other states.

(b) The extradition requirements of chapter 629 do not apply to offenders accepted from another state under this section. The sheriff or regional jail superintendent responsible for housing an out-of-state offender has the express authority to return the offender to the offender's state of origin upon request from the appropriate authority in the offender's state of origin.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2709, A bill for an act relating to corrections; modifying inmate payment of room and board to include any time credited for time served; amending Minnesota Statutes 2008, section 641.12, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|-----------|------------|-------------|
| Abeler | Clark | Falk | Hilty | Koenen | Masin |
| Anderson, B. | Cornish | Faust | Hornstein | Laine | McFarlane |
| Anderson, P. | Davids | Fritz | Hortman | Lanning | McNamara |
| Anderson, S. | Davnie | Gardner | Hosch | Lenczewski | Morgan |
| Anzelc | Dean | Garofalo | Howes | Lesch | Morrow |
| Atkins | Demmer | Gottwalt | Huntley | Liebling | Mullery |
| Benson | Dettmer | Greiling | Jackson | Lieder | Murdock |
| Bigham | Dill | Gunther | Johnson | Lillie | Murphy, E. |
| Bly | Dittrich | Hackbarth | Juhnke | Loeffler | Murphy, M. |
| Brown | Doepke | Hamilton | Kahn | Loon | Nelson |
| Brynaert | Doty | Hansen | Kalin | Mack | Newton |
| Buesgens | Downey | Hausman | Kath | Magnus | Nornes |
| Bunn | Draskowski | Haws | Kelly | Mahoney | Norton |
| Carlson | Eastlund | Hayden | Kiffmeyer | Mariani | Obermueller |
| Champion | Eken | Hilstrom | Knuth | Marquart | Olin |

| | | | | | |
|----------|----------|-----------|---------|-----------|---------|
| Otremba | Poppe | Scalze | Slawik | Thissen | Welti |
| Paymar | Reinert | Scott | Slocum | Tillberry | Westrom |
| Pelowski | Rukavina | Seifert | Smith | Torkelson | |
| Peppin | Ruud | Sertich | Solberg | Urdahl | |
| Persell | Sailer | Shimanski | Sterner | Wagenius | |
| Peterson | Sanders | Simon | Thao | Ward | |

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

S. F. No. 2695 was reported to the House.

Ruud moved to amend S. F. No. 2695, the first engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3059, the first engrossment:

"Section 1. Minnesota Statutes 2008, section 626.5561, subdivision 1, is amended to read:

Subdivision 1. **Reports required.** (a) Except as provided in paragraph (b), a person mandated to report under section 626.556, subdivision 3, shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.

(b) A health care professional or a social service professional who is mandated to report under section 626.556, subdivision 3, is exempt from reporting under paragraph (a) a woman's use or consumption of tetrahydrocannabinol or alcoholic beverages during pregnancy if the professional is providing the woman with prenatal care.

(c) Any person may make a voluntary report if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive. An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required to report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the local welfare agency. Any report shall be of sufficient content to identify the pregnant woman, the nature and extent of the use, if known, and the name and address of the reporter.

(d) For purposes of this section, "prenatal care" means the comprehensive package of medical and psychological support provided throughout the pregnancy."

The motion prevailed and the amendment was adopted.

S. F. No. 2695, A bill for an act relating to health; modifying mandatory reporting requirements related to pregnant women; amending Minnesota Statutes 2008, section 626.5561, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|-------------|-----------|
| Abeler | Demmer | Hansen | Laine | Murphy, E. | Sanders |
| Anderson, B. | Dettmer | Hausman | Lanning | Murphy, M. | Scalze |
| Anderson, P. | Dill | Haws | Lenczewski | Nelson | Scott |
| Anderson, S. | Dittrich | Hayden | Lesch | Newton | Seifert |
| Anzelc | Doepke | Hilstrom | Liebling | Nornes | Sertich |
| Atkins | Doty | Hornstein | Lieder | Norton | Shimanski |
| Benson | Downey | Hortman | Lillie | Obermueller | Simon |
| Bigham | Drazkowski | Hosch | Loeffler | Olin | Slawik |
| Bly | Eastlund | Howes | Loon | Otremba | Slocum |
| Brown | Eken | Huntley | Mack | Paymar | Smith |
| Brynaert | Falk | Jackson | Magnus | Pelowski | Solberg |
| Buesgens | Faust | Johnson | Mahoney | Peppin | Sterner |
| Bunn | Fritz | Juhnke | Mariani | Persell | Thao |
| Carlson | Gardner | Kahn | Marquart | Peterson | Thissen |
| Champion | Garofalo | Kalin | Masin | Poppe | Torkelson |
| Clark | Gottwalt | Kath | McFarlane | Reinert | Urdahl |
| Cornish | Greiling | Kelly | McNamara | Rosenthal | Wagenius |
| Davids | Gunther | Kiffmeyer | Morgan | Rukavina | Ward |
| Davnie | Hackbarth | Knuth | Morrow | Ruud | Walti |
| Dean | Hamilton | Koenen | Murdock | Sailer | Westrom |

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

S. F. No. 1905 was reported to the House.

Loeffler moved to amend S. F. No. 1905, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2163, the second engrossment:

"Section 1. Minnesota Statutes 2009 Supplement, section 62L.02, subdivision 26, is amended to read:

Subd. 26. **Small employer.** (a) "Small employer" means, with respect to a calendar year and a plan year, a person, firm, corporation, partnership, association, or other entity actively engaged in business in Minnesota, including a political subdivision of the state, that employed an average of no fewer than two nor more than ~~50~~ 75 current employees on business days during the preceding calendar year and that employs at least two current employees on the first day of the plan year. If an employer has only one eligible employee who has not waived coverage, the sale of a health plan to or for that eligible employee is not a sale to a small employer and is not subject to this chapter and may be treated as the sale of an individual health plan. A small employer plan may be offered through a domiciled association to self-employed individuals and small employers who are members of the association, even if the self-employed individual or small employer has fewer than two current employees. Entities that are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the federal Internal Revenue Code are considered a single employer for purposes of determining the number of current employees. Small employer status must be determined on an annual basis as of the renewal date of the health benefit plan. The provisions of this chapter continue to apply to an employer who no longer meets the requirements of this definition until the annual renewal date of the employer's health benefit plan. If an employer was not in existence throughout

the preceding calendar year, the determination of whether the employer is a small employer is based upon the average number of current employees that it is reasonably expected that the employer will employ on business days in the current calendar year. For purposes of this definition, the term employer includes any predecessor of the employer. An employer that has more than ~~50~~ 75 current employees but has ~~50~~ 75 or fewer employees, as "employee" is defined under United States Code, title 29, section 1002(6), is a small employer under this subdivision.

(b) Where an association, as defined in section 62L.045, comprised of employers contracts with a health carrier to provide coverage to its members who are small employers, the association and health benefit plans it provides to small employers, are subject to section 62L.045, with respect to small employers in the association, even though the association also provides coverage to its members that do not qualify as small employers.

(c) If an employer has employees covered under a trust specified in a collective bargaining agreement under the federal Labor-Management Relations Act of 1947, United States Code, title 29, section 141, et seq., as amended, or employees whose health coverage is determined by a collective bargaining agreement and, as a result of the collective bargaining agreement, is purchased separately from the health plan provided to other employees, those employees are excluded in determining whether the employer qualifies as a small employer. Those employees are considered to be a separate small employer if they constitute a group that would qualify as a small employer in the absence of the employees who are not subject to the collective bargaining agreement.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 2. **CREATION OF UNIFORM HEALTH COVERAGE APPLICATION FORM.**

The commissioner of commerce, in consultation with the commissioner of health, employers, and health plan companies, shall develop and recommend to the legislature a uniform health coverage application form for consideration for adoption by the 2011 legislature as the form required for use in this state in applying for coverage in the small employer market.

EFFECTIVE DATE. This section is effective July 1, 2010."

Delete the title and insert:

"A bill for an act relating to insurance; expanding the small employer health insurance market; creating a process for developing a standard application form for small employer health coverage; amending Minnesota Statutes 2009 Supplement, section 62L.02, subdivision 26."

The motion prevailed and the amendment was adopted.

S. F. No. 1905, A bill for an act relating to insurance; establishing a small group market working group; requiring a report.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|--------------|--------|----------|----------|---------|
| Abeler | Anderson, S. | Benson | Brown | Bunn | Clark |
| Anderson, B. | Anzelc | Bigham | Brynaert | Carlson | Cornish |
| Anderson, P. | Atkins | Bly | Buesgens | Champion | Daids |

| | | | | | |
|------------|-----------|------------|-------------|-----------|-----------|
| Davnie | Greiling | Kahn | Mahoney | Otremba | Simon |
| Dean | Gunther | Kalin | Mariani | Paymar | Slawik |
| Demmer | Hackbarth | Kath | Marquart | Pelowski | Slocum |
| Dettmer | Hamilton | Kelly | Masin | Peppin | Smith |
| Dill | Hansen | Kiffmeyer | McFarlane | Persell | Solberg |
| Dittrich | Hausman | Knuth | McNamara | Peterson | Sterner |
| Doepke | Haws | Koenen | Morgan | Poppe | Thao |
| Doty | Hayden | Laine | Morrow | Reinert | Thissen |
| Downey | Hilstrom | Lanning | Mullery | Rosenthal | Tillberry |
| Drazkowski | Hilty | Lenczewski | Murdock | Rukavina | Torkelson |
| Eastlund | Hornstein | Lesch | Murphy, E. | Ruud | Urdahl |
| Eken | Hortman | Liebling | Murphy, M. | Sailer | Wagenius |
| Falk | Hosch | Lieder | Nelson | Sanders | Ward |
| Faust | Howes | Lillie | Newton | Scalze | Welti |
| Fritz | Huntley | Loeffler | Nornes | Scott | Westrom |
| Gardner | Jackson | Loon | Norton | Seifert | |
| Garofalo | Johnson | Mack | Obermueller | Sertich | |
| Gottwalt | Juhnke | Magnus | Olin | Shimanski | |

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

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

S. F. No. 525 was reported to the House.

Bunn moved to amend S. F. No. 525, the unofficial engrossment, as follows:

Page 5, delete subdivision 7, and insert:

"Subd. 7. **Establishments located in a private residence.** If the body art establishment is located within a private residence, the space where the body art procedures are performed must:

(1) be completely partitioned off;

(2) be exclusively used for body art procedures, except for licensed practices under chapter 155A which must be performed in compliance with the health and safety standards in this chapter;

(3) be separate from the residential living, eating, and bathroom areas;

(4) have a separate and secure entrance accessible without entering the residential living, eating, and bathroom areas;

(5) meet the standards of this chapter; and

(6) be made available for inspection upon the request of the commissioner."

Page 10, delete lines 29 to 30 and insert:

"(g) All walls and floors must be free of open holes or cracks and be washable and no carpeting may be in areas used for body art procedures unless the carpeting is entirely covered with a rigid, nonporous, easily cleanable material."

Page 13, after line 30, insert:

"(c) The form must include a statement informing the client that the technician shall not perform a body art procedure if the client fails to complete or sign the disclosure and authorization form, and the technician may decline to perform a body art procedure if the client has any identified health conditions."

Page 13, line 31, delete "(c)" and insert "(d)"

Page 13, line 33, delete "(d)" and insert "(e)"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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

S. F. No. 525, A bill for an act relating to health occupations; establishing a regulation system for technicians performing body art procedures and for body art establishments; adopting penalty fees; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 146B.

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

The question was taken on the passage of the bill and the roll was called. There were 84 yeas and 37 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|----------|-----------|------------|------------|-----------|-----------|
| Abeler | Doty | Hosch | Lieder | Newton | Scalze |
| Atkins | Eken | Huntley | Loeffler | Norton | Scott |
| Benson | Faust | Jackson | Loon | Olin | Sertich |
| Bigham | Fritz | Johnson | Mahoney | Otremba | Simon |
| Bly | Gardner | Juhnke | Mariani | Paymar | Slawik |
| Brown | Greiling | Kahn | Marquart | Pelowski | Slocum |
| Brynaert | Hansen | Kalin | Masin | Persell | Solberg |
| Bunn | Hausman | Knuth | McFarlane | Peterson | Thao |
| Carlson | Haws | Koenen | McNamara | Poppe | Thissen |
| Champion | Hayden | Laine | Morgan | Reinert | Tillberry |
| Clark | Hilstrom | Lanning | Mullery | Rosenthal | Urdahl |
| Davnie | Hilty | Lenczewski | Murphy, E. | Rukavina | Wagenius |
| Demmer | Hornstein | Lesch | Murphy, M. | Ruud | Ward |
| Dittrich | Hortman | Liebling | Nelson | Sailer | Welti |

Those who voted in the negative were:

| | | | | | |
|--------------|----------|---------|------------|----------|-----------|
| Anderson, B. | Anzelc | Dauids | Dill | Eastlund | Gottwalt |
| Anderson, P. | Buesgens | Dean | Downey | Falk | Hackbarth |
| Anderson, S. | Cornish | Dettmer | Drazkowski | Garofalo | Hamilton |

| | | | | |
|-----------|--------|-------------|-----------|-----------|
| Howes | Lillie | Murdock | Sanders | Sterner |
| Kath | Mack | Nornes | Seifert | Torkelson |
| Kelly | Magnus | Obermueller | Shimanski | Westrom |
| Kiffmeyer | Morrow | Peppin | Smith | |

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

Speaker pro tempore Pelowski called Hortman to the Chair.

H. F. No. 890 was reported to the House.

Buesgens moved to amend H. F. No. 890, the second engrossment, as follows:

Page 3, after line 31, insert:

"Sec. 5. **[257.86] PROHIBITION ON ABORTION.**

Any agreement made under this chapter, relating to an unborn child, between the mother and presumptive father of such child prior to the child's birth, shall not include an option to abort the child."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 56 yeas and 65 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|------------|-----------|
| Abeler | Dill | Hackbarth | Lanning | Murphy, M. | Solberg |
| Anderson, B. | Doty | Hamilton | Lenczewski | Nornes | Sterner |
| Anderson, P. | Downey | Haws | Lieder | Olin | Torkelson |
| Anderson, S. | Drazkowski | Hosch | Loon | Otremba | Urdahl |
| Buesgens | Eastlund | Howes | Mack | Peppin | Ward |
| Cornish | Eken | Juhnke | Magnus | Sanders | Westrom |
| Davids | Faust | Kath | Marquart | Scott | |
| Dean | Fritz | Kelly | McFarlane | Seifert | |
| Demmer | Garofalo | Kiffmeyer | McNamara | Shimanski | |
| Dettmer | Gottwalt | Koenen | Murdock | Smith | |

Those who voted in the negative were:

| | | | | | |
|--------|--------|----------|----------|----------|----------|
| Anzelc | Bigham | Brynaert | Champion | Dittrich | Greiling |
| Atkins | Bly | Bunn | Clark | Falk | Hansen |
| Benson | Brown | Carlson | Davnie | Gardner | Hausman |

| | | | | | |
|-----------|----------|------------|-------------|-----------|-----------|
| Hayden | Kahn | Mahoney | Newton | Reinert | Slawik |
| Hilstrom | Kalin | Mariani | Norton | Rosenthal | Slocum |
| Hilty | Knuth | Masin | Obermueller | Rukavina | Thao |
| Hornstein | Laine | Morgan | Paymar | Ruud | Thissen |
| Hortman | Lesch | Morrow | Pelowski | Sailer | Tillberry |
| Huntley | Liebling | Mullery | Persell | Scalze | Wagenius |
| Jackson | Lillie | Murphy, E. | Peterson | Sertich | Welti |
| Johnson | Loeffler | Nelson | Poppe | Simon | |

The motion did not prevail and the amendment was not adopted.

Buesgens moved to amend H. F. No. 890, the second engrossment, as follows:

Page 3, line 31, after the period, insert "If a paternity test establishes that the individual who is a party to the order or judgment under this paragraph is not the biological father of the unborn child, then the order or judgment issued shall be voidable."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 47 yeas and 72 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|------------|-----------|-------------|-----------|
| Abeler | Dettmer | Hamilton | Loon | Murdock | Shimanski |
| Anderson, B. | Doty | Haws | Mack | Nornes | Smith |
| Anderson, P. | Downey | Hosch | Magnus | Obermueller | Serner |
| Anderson, S. | Drazkowski | Howes | Mahoney | Olin | Torkelson |
| Buesgens | Eastlund | Jackson | Marquart | Peppin | Urdahl |
| Davids | Garofalo | Kiffmeyer | Masin | Sanders | Ward |
| Dean | Gottwalt | Lanning | McFarlane | Scott | Westrom |
| Demmer | Hackbarth | Lenczewski | McNamara | Seifert | |

Those who voted in the negative were:

| | | | | | |
|----------|----------|-----------|------------|-----------|-----------|
| Anzelc | Dill | Hilty | Laine | Newton | Sailer |
| Atkins | Dittrich | Hornstein | Lesch | Norton | Scalze |
| Benson | Eken | Hortman | Liebling | Otremba | Sertich |
| Bigham | Falk | Huntley | Lieder | Paymar | Simon |
| Bly | Faust | Johnson | Lillie | Pelowski | Slawik |
| Brown | Fritz | Juhnke | Loeffler | Persell | Slocum |
| Brynaert | Gardner | Kahn | Mariani | Peterson | Solberg |
| Bunn | Greiling | Kalin | Morgan | Poppe | Thao |
| Carlson | Hansen | Kath | Morrow | Reinert | Thissen |
| Champion | Hausman | Kelly | Mullery | Rosenthal | Tillberry |
| Clark | Hayden | Knuth | Murphy, E. | Rukavina | Wagenius |
| Davnie | Hilstrom | Koenen | Nelson | Ruud | Welti |

The motion did not prevail and the amendment was not adopted.

Eastlund moved to amend H. F. No. 890, the second engrossment, as follows:

Page 3, after line 31, insert:

"Sec. 5. **[257.86] LIMITATION ON COMPENSATION.**

When a pregnancy is initiated by means other than sexual intercourse, the surrogate mother shall not receive compensation above the amount expended by the surrogate mother to initiate the pregnancy and any costs incurred by her related to the child's birth."

Page 3, line 33, delete "4" and insert "5"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Eastlund amendment and the roll was called. There were 34 yeas and 82 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|-----------|-----------|
| Anderson, B. | Dettmer | Hamilton | Mack | Nornes | Smith |
| Anderson, S. | Downey | Howes | Magnus | Peppin | Sterner |
| Buesgens | Drazkowski | Kelly | McFarlane | Reinert | Torkelson |
| Cornish | Eastlund | Kiffmeyer | McNamara | Scott | Westrom |
| Davids | Gottwalt | Lanning | Murdock | Seifert | |
| Demmer | Hackbarth | Loon | Murphy, M. | Shimanski | |

Those who voted in the negative were:

| | | | | | |
|----------|----------|------------|------------|-------------|-----------|
| Anzelc | Doty | Hornstein | Lesch | Newton | Scalze |
| Atkins | Eken | Hortman | Liebling | Norton | Sertich |
| Benson | Falk | Hosch | Lieder | Obermueller | Simon |
| Bigham | Faust | Huntley | Lillie | Olin | Slawik |
| Bly | Fritz | Jackson | Loeffler | Otremba | Slocum |
| Brown | Gardner | Johnson | Mahoney | Paymar | Solberg |
| Brynaert | Garofalo | Juhnke | Mariani | Pelowski | Thao |
| Bunn | Greiling | Kahn | Marquart | Persell | Thissen |
| Carlson | Hansen | Kalin | Masin | Peterson | Tillberry |
| Champion | Hausman | Kath | Morgan | Poppe | Wagenius |
| Clark | Haws | Knuth | Morrow | Rosenthal | Ward |
| Davnie | Hayden | Koenen | Mullery | Rukavina | Walti |
| Dill | Hilstrom | Laine | Murphy, E. | Ruud | |
| Dittrich | Hilty | Lenczewski | Nelson | Sailer | |

The motion did not prevail and the amendment was not adopted.

H. F. No. 890, A bill for an act relating to children; modifying and clarifying provisions governing parentage presumptions and right to custody; providing for prebirth parentage orders or judgments in certain cases; amending Minnesota Statutes 2008, sections 257.54; 257.541, subdivision 1; 257.55, subdivision 1; 257.57, subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 86 yeas and 35 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|----------|-----------|------------|------------|-------------|-----------|
| Anzelc | Eken | Huntley | Lillie | Obermueller | Simon |
| Atkins | Falk | Jackson | Loeffler | Olin | Slawik |
| Benson | Faust | Johnson | Loon | Otremba | Slocum |
| Bigham | Fritz | Juhnke | Mahoney | Paymar | Solberg |
| Bly | Gardner | Kahn | Mariani | Pelowski | Sterner |
| Brown | Greiling | Kalin | Marquart | Persell | Thao |
| Brynaert | Hansen | Kath | Masin | Peterson | Thissen |
| Bunn | Hausman | Kelly | McFarlane | Poppe | Tillberry |
| Carlson | Haws | Knuth | Morgan | Reinert | Wagenius |
| Champion | Hayden | Koenen | Morrow | Rosenthal | Ward |
| Clark | Hilstrom | Laine | Mullery | Rukavina | Welti |
| Cornish | Hilty | Lenczewski | Murphy, E. | Ruud | |
| Davnie | Hornstein | Lesch | Nelson | Sailer | |
| Dittrich | Hortman | Liebling | Newton | Scalze | |
| Doty | Hosch | Lieder | Norton | Sertich | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|-----------|-----------|------------|-----------|
| Abeler | Dean | Eastlund | Kiffmeyer | Murphy, M. | Shimanski |
| Anderson, B. | Demmer | Garofalo | Lanning | Nornes | Smith |
| Anderson, P. | Dettmer | Gottwalt | Mack | Peppin | Torkelson |
| Anderson, S. | Dill | Hackbarth | Magnus | Sanders | Urdahl |
| Buesgens | Downey | Hamilton | McNamara | Scott | Westrom |
| Davids | Drazkowski | Howes | Murdock | Seifert | |

The bill was passed and its title agreed to.

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 1761.

S. F. No. 1761, A bill for an act relating to insurance; requiring health plans to limit out-of-pocket costs for oral anticancer medication; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 20 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|----------|------------|------------|-------------|-----------|
| Abeler | Demmer | Hilstrom | Lesch | Murphy, M. | Scalze |
| Anderson, P. | Dill | Hilty | Liebling | Nelson | Seifert |
| Anderson, S. | Dittrich | Hornstein | Lieder | Newton | Sertich |
| Anzelc | Doty | Hortman | Lillie | Norton | Simon |
| Atkins | Eken | Hosch | Loeffler | Obermueller | Slawik |
| Benson | Falk | Howes | Loon | Olin | Slocum |
| Bigham | Faust | Huntley | Magnus | Otremba | Solberg |
| Bly | Fritz | Jackson | Mahoney | Paymar | Sterner |
| Brown | Gardner | Johnson | Mariani | Pelowski | Thao |
| Brynaert | Garofalo | Juhnke | Marquart | Persell | Thissen |
| Bunn | Gottwalt | Kahn | Masin | Peterson | Tillberry |
| Carlson | Greiling | Kalin | McFarlane | Poppe | Torkelson |
| Champion | Hamilton | Kath | Morgan | Reinert | Urdahl |
| Clark | Hansen | Knuth | Morrow | Rosenthal | Wagenius |
| Cornish | Hausman | Koenen | Mullery | Rukavina | Ward |
| Davids | Haws | Laine | Murdock | Ruud | Welti |
| Davnie | Hayden | Lenczewski | Murphy, E. | Sailer | |

Those who voted in the negative were:

| | | | | |
|--------------|------------|-----------|----------|-----------|
| Anderson, B. | Downey | Kelly | McNamara | Scott |
| Buesgens | Drazkowski | Kiffmeyer | Nornes | Shimanski |
| Dean | Eastlund | Lanning | Peppin | Smith |
| Dettmer | Hackbarth | Mack | Sanders | Westrom |

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 345.

S. F. No. 345 was reported to the House.

Reinert moved to amend S. F. No. 345, the fifth engrossment, as follows:

Page 8, after line 3, insert:

"Sec. 15. **[171.122] ENHANCED DRIVERS' LICENSES AND IDENTIFICATION CARDS; LIMITATION.**

Provisions of chapter 171 that relate expressly to enhanced drivers' licenses or enhanced identification cards apply only to drivers' licenses within the meaning of section 171.01, subdivision 37a, and identification cards within the meaning of section 171.01, subdivision 37b, unless otherwise expressly provided in statute."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 345, A bill for an act relating to drivers' licenses; creating enhanced driver's license and enhanced identification card; providing for selective service system registration; providing for fees, eligibility requirements, employment use, application requirements, issuance, security, and appearance relating to drivers' licenses and identification cards; directing commissioner of public safety to seek approval of card by Homeland Security secretary for proof of identity and citizenship and for use in entering United States; amending Minnesota Statutes 2008, sections 171.01, by adding subdivisions; 171.04, by adding subdivisions; 171.06, subdivisions 1, 2, 6; 171.07, subdivision 3, by adding subdivisions; 171.071, by adding a subdivision; 171.12, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 171.06, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 9 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|------------|-----------|-----------|
| Anderson, P. | Dill | Hilty | Lesch | Newton | Sertich |
| Anderson, S. | Dittrich | Hornstein | Liebling | Nornes | Simon |
| Anzelc | Doty | Hortman | Lieder | Norton | Slawik |
| Atkins | Downey | Hosch | Lillie | Olin | Slocum |
| Benson | Drazkowski | Howes | Loeffler | Otremba | Smith |
| Bigham | Eken | Huntley | Loon | Paymar | Solberg |
| Bly | Falk | Jackson | Mack | Pelowski | Sterner |
| Brown | Faust | Johnson | Magnus | Persell | Thao |
| Brynaert | Fritz | Juhnke | Mahoney | Peterson | Thissen |
| Bunn | Gardner | Kahn | Marquart | Poppe | Tillberry |
| Carlson | Garofalo | Kalin | McFarlane | Reinert | Torkelson |
| Champion | Gottwalt | Kath | McNamara | Rosenthal | Urdahl |
| Clark | Greiling | Kelly | Morgan | Rukavina | Wagenius |
| Cornish | Hamilton | Kiffmeyer | Morrow | Ruud | Ward |
| Davids | Hansen | Knuth | Mullery | Sailer | Welti |
| Davnie | Hausman | Koenen | Murdock | Sanders | Westrom |
| Dean | Haws | Laine | Murphy, E. | Scalze | |
| Demmer | Hayden | Lanning | Murphy, M. | Scott | |
| Dettmer | Hilstrom | Lenzewski | Nelson | Seifert | |

Those who voted in the negative were:

| | | | | |
|--------------|----------|-----------|-------------|-----------|
| Abeler | Buesgens | Hackbarth | Obermueller | Shimanski |
| Anderson, B. | Eastlund | Masin | Peppin | |

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

CALENDAR FOR THE DAY, Continued

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

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

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

S. F. No. 1060, A bill for an act relating to transportation; modifying management, priorities, research, and planning provisions related to Department of Transportation; requiring reports; amending Minnesota Statutes 2008, sections 161.53; 165.03, by adding a subdivision; 174.02, subdivision 1a; 174.03, subdivision 1a, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 167.

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

Senators Dibble, Saltzman and Gimse.

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

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Sertich moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1060. The motion prevailed.

Madam Speaker:

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

S. F. No. 2974, A bill for an act relating to health; amending provisions for electronic health record technology; providing for administrative penalties; appropriating money; amending Minnesota Statutes 2009 Supplement, sections 62J.495, subdivisions 1a, 3, by adding a subdivision; 62J.497, subdivisions 4, 5; proposing coding for new law in Minnesota Statutes, chapter 62J.

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

Senators Lourey, Prettnner Solon and Rosen.

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

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Huntley moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2974. The motion prevailed.

Madam Speaker:

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

S. F. No. 2918.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2918, A bill for an act relating to retirement; various retirement plans; increasing certain contribution rates; suspending certain postretirement adjustments; reducing certain postretirement adjustment increase rates; reducing interest rates on refunds; reducing deferred annuity augmentation rates; eliminating interest on reemployed annuitant earnings limitation deferred accounts; increasing certain vesting requirements; increasing certain early retirement reduction rates; reducing certain benefit accrual rates; extending certain amortization periods; making changes of an administrative nature for retirement plans administered by the Minnesota State Retirement Association; revising insurance withholding for certain retired public employees; authorizing state patrol plan service credit for leave procedures; addressing plan coverage errors and omitted contributions; revising unlawful discharge annuity repayment requirements; requiring employment unit accommodation of daily valuation of investment accounts; eliminating administrative fee maximum for the unclassified state employees retirement program; making changes of an administrative nature in the general employees retirement plan of the Public Employees Retirement Association, the public employees police and fire retirement plan, and the defined contribution retirement plan; making various administrative modifications in the voluntary statewide lump-sum volunteer firefighter retirement plan of the Public Employees Retirement Association; revising purchase of salary credit procedures in certain partial salary situations; adding new partial salary credit purchase authority for partial paid medical leaves and budgetary leaves; redefining TRA allowable service credit; defining annual base salary; requiring base salary reporting by TRA-covered employing units; making changes of an administrative nature in the Minnesota State Colleges and Universities System individual retirement account plan; setting deadline dates for actuarial reporting; extending and revising an early retirement incentive program; permitting the court-ordered revocation of an optional annuity election in certain marriage dissolutions; transfer of the administrative functions of the Minneapolis Employees Retirement Fund to the Public Employees Retirement Association; creation of MERF consolidation account within the Public Employees Retirement Association; making various technical corrections relating to volunteer fire relief associations; revising break-in-service return to firefighting authorizations; authorizing Minnesota deferred compensation plan service pension transfers; revising payout defaults in survivor benefits; authorizing corrections of certain special fund deposits; requiring a retirement fund investment authority study; authorizing certain bylaw amendments; making technical changes; appropriating money; amending Minnesota Statutes 2008, sections 3A.02, subdivision 4; 11A.04; 11A.23, subdivision 4; 13D.01, subdivision 1; 43A.17, subdivision 9; 43A.316, subdivision 8; 69.021, subdivision 10; 69.051, subdivision 3; 126C.41, subdivision 3; 256D.21; 352.01, subdivision 2a; 352.03, subdivision 4; 352.04, subdivision 9; 352.113, subdivision 1; 352.115, subdivisions 1, 10; 352.12, subdivision 2; 352.22, subdivisions 2, 3; 352.72, subdivisions 1, 2; 352.91, by adding a subdivision; 352.93, subdivisions 1, 2a, 3a; 352.931, subdivision 1; 352.965, subdivisions 1, 2, 6; 352B.02, as amended; 352B.08, subdivisions 1, 2a; 352B.11, subdivision 2b; 352B.30, subdivisions 1, 2; 352D.015, subdivisions 4, 9, by adding a subdivision; 352D.02, subdivisions 1c, 2, 3; 352D.03; 352D.04, subdivisions 1, 2; 352D.05, subdivisions 3, 4; 352D.06, subdivision 3; 352D.065, subdivision 3; 352D.09, subdivisions 3, 7; 352F.07; 353.01, subdivisions 2b, 2d, by adding subdivisions; 353.0161, subdivision 2; 353.03, subdivision 1; 353.05; 353.27, as amended; 353.29, subdivision 1; 353.30, subdivision 1c; 353.32, subdivisions 1, 1a; 353.34, subdivisions 1, 2, 3, 6; 353.37, subdivisions 1, 2, 3, 3a, 4, 5; 353.46, subdivisions 2, 6; 353.64, subdivision 7; 353.651, subdivisions 1, 4; 353.657, subdivisions 1, 2a; 353.71, subdivisions 1, 2, 4; 353.86, subdivisions 1, 2; 353.87, subdivisions 1, 2; 353.88; 353D.01, subdivision 2; 353D.03, subdivision 1; 353D.04, subdivisions 1, 2; 353E.04, subdivisions 1, 4; 353E.07, subdivisions 1, 2; 353F.025, subdivisions 1, 2; 353F.03; 354.05, by adding a subdivision; 354.07, subdivision 5; 354.091; 354.42, subdivisions 3, 7, by adding subdivisions; 354.52, subdivision 6, by adding a subdivision; 354.66, subdivision 3; 354.71; 354A.011, subdivision 27; 354A.12, subdivisions 1, 3c, by adding a subdivision; 354A.27, subdivisions 5, 6, by adding a subdivision; 354A.31, subdivision 1; 354A.35, subdivision 1; 354A.37, subdivisions 2, 3, 4; 354A.39; 354B.25, subdivisions 1, 3; 354C.14; 355.095, subdivision 1; 356.214, subdivision 1; 356.215, subdivisions 3, 8; 356.216; 356.24, subdivision 1; 356.30, subdivisions 1, 3; 356.302, subdivisions 1, 3, 4, 5, 7; 356.303, subdivisions 2, 4; 356.315, subdivision 5; 356.351, subdivision 1; 356.407, subdivision 2; 356.431, subdivision 1; 356.465, subdivision 3; 356.47, subdivision 3; 356.50, subdivision 4; 356.64; 356.65, subdivision 2; 356.91; 356.96, subdivisions 2, 3, 7, 8; 356A.06, subdivision 8; 422A.101, subdivision 3;

422A.26; 473.511, subdivision 3; 473.606, subdivision 5; 475.52, subdivision 6; 490.123, by adding a subdivision; 518.58, subdivisions 3, 4; Minnesota Statutes 2009 Supplement, sections 6.67; 69.011, subdivision 1; 69.031, subdivision 5; 69.772, subdivision 6; 69.773, subdivision 6; 352.01, subdivision 2b; 352.75, subdivision 4; 352.95, subdivision 2; 352B.011, subdivision 3; 353.01, subdivisions 2, 2a, 16; 353.06; 353.27, subdivisions 2, 3, 7; 353.33, subdivision 1; 353.371, subdivision 4; 353.65, subdivisions 2, 3; 353F.02, subdivision 4; 353G.05, subdivision 2; 353G.06, subdivision 1; 353G.08; 353G.09, subdivision 3; 353G.11, subdivision 1, by adding a subdivision; 354.42, subdivision 2; 354.47, subdivision 1; 354.49, subdivision 2; 354.52, subdivision 4b; 354.55, subdivision 11; 354A.12, subdivision 2a; 356.20, subdivision 2; 356.215, subdivision 11; 356.32, subdivision 2; 356.351, subdivision 2; 356.401, subdivision 3; 356.415, subdivisions 1, 2, by adding subdivisions; 356.96, subdivisions 1, 5; 423A.02, subdivision 3; 424A.01, subdivisions 1, 6; 424A.015, by adding a subdivision; 424A.016, subdivisions 4, 7; 424A.02, subdivisions 9, 10; 424A.05, subdivision 3, by adding a subdivision; 424A.08; 480.181, subdivision 2; Laws 2006, chapter 271, article 3, section 43, as amended; Laws 2009, chapter 169, article 4, section 49; article 5, section 2; article 7, section 4; proposing coding for new law in Minnesota Statutes, chapters 352B; 353; 353G; 356; repealing Minnesota Statutes 2008, sections 13.63, subdivision 1; 69.011, subdivision 2a; 352.91, subdivision 5; 353.01, subdivision 40; 353.46, subdivision 1a; 353.88; 353D.03, subdivision 2; 353D.12; 354A.27, subdivision 1; 354C.15; 356.43; 422A.01, subdivisions 1, 2, 3, 4, 4a, 5, 6, 7, 8, 9, 10, 11, 12, 13a, 17, 18; 422A.02; 422A.03; 422A.04; 422A.05, subdivisions 1, 2a, 2b, 2c, 2d, 2e, 2f, 5, 6, 8; 422A.06, subdivisions 1, 2, 3, 5, 6, 7; 422A.08, subdivision 1; 422A.09; 422A.10; 422A.101, subdivisions 1, 1a, 2, 2a; 422A.11; 422A.12; 422A.13; 422A.14, subdivision 1; 422A.15; 422A.151; 422A.155; 422A.156; 422A.16, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; 422A.17; 422A.18, subdivisions 1, 2, 3, 4, 5, 7; 422A.19; 422A.20; 422A.21; 422A.22, subdivisions 1, 3, 4, 6; 422A.23, subdivisions 1, 2, 5, 6, 7, 8, 9, 10, 11, 12; 422A.231; 422A.24; 422A.25; Minnesota Statutes 2009 Supplement, sections 422A.06, subdivision 8; 422A.08, subdivision 5; 424A.001, subdivision 6; Laws 2009, chapter 169, article 10, section 32.

The bill was read for the first time.

Murphy, M., moved that S. F. No. 2918 and H. F. No. 3281, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1060:

Hortman, Hornstein and McFarlane.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2974:

Huntley, Ruud and Abeler.

MOTIONS AND RESOLUTIONS

Juhnke moved that the name of Hosch be added as an author on H. F. No. 3399. The motion prevailed.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place H. F. Nos. 3571 and 3790; S. F. No. 3275; and H. F. Nos. 3046 and 3786 on the Fiscal Calendar for Thursday, May 6, 2010.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:00 noon, Thursday, May 6, 2010. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and Speaker pro tempore Hortman declared the House stands adjourned until 12:00 noon, Thursday, May 6, 2010.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

