

## STATE OF MINNESOTA

## EIGHTY-SIXTH SESSION — 2009

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 FORTY-NINTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 7, 2009

The House of Representatives convened at 9:30 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

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

A quorum was present.

Magnus was excused.

Hoppe was excused until 11:25 a.m. Davids was excused until 1:35 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Brown 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**

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

H. F. No. 108, A bill for an act relating to traffic regulations; making seat belt violation a primary offense in all seating positions regardless of age; making technical changes; amending Minnesota Statutes 2008, sections 169.686, subdivisions 1, 2, by adding a subdivision; 171.05, subdivision 2b; 171.055, subdivision 2.

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

The report was adopted.

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

H. F. No. 696, A bill for an act relating to state lands; providing for certain private sales to resolve trespass issues; authorizing acquisition of certain easements; modifying management authority for tax-forfeited lands; adding to and deleting from certain state parks; removing land from the Minnesota wild and scenic rivers program; authorizing public and private sales of surplus state land; providing for certain leases; modifying previous sales authorization and land description; requiring location of sites for veterans cemetery; amending Minnesota Statutes 2008, sections 84.0273; 282.04, subdivision 1; Laws 2007, chapter 131, article 2, section 38; Laws 2008, chapter 368, article 1, sections 21, subdivisions 4, 5; 34; proposing coding for new law in Minnesota Statutes, chapter 84.

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

The report was adopted.

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

H. F. No. 927, A bill for an act relating to labor and industry; modifying construction codes and licensing; requiring rulemaking; amending Minnesota Statutes 2008, sections 326B.082, subdivision 12; 326B.084; 326B.121, by adding a subdivision; 326B.43, subdivision 1, by adding a subdivision; 326B.435, subdivisions 2, 6; 326B.475, subdivisions 1, 6; 326B.50, subdivision 3, by adding a subdivision; 326B.52; 326B.53; 326B.55; 326B.57; 326B.58; 326B.59; 326B.801; 326B.84; 326B.921, subdivision 1; 326B.974; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2008, section 326B.43, subdivision 5.

Reported the same back with the following amendments:

Page 7, delete section 11

Page 8, delete section 12

Page 14, line 6, delete "provide" and insert "allow to occur"

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1193, A bill for an act relating to claims against the state; providing for settlement of various claims; appropriating money.

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

The report was adopted.

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

H. F. No. 1218, A bill for an act relating to state government; ratifying state labor contracts.

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 1231, A bill for an act relating to state government; appropriating money from dedicated funds for natural resource and cultural heritage purposes.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

OUTDOOR HERITAGE FUND

Section 1. **OUTDOOR HERITAGE FUND APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the outdoor heritage fund and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011.

	<b><u>APPROPRIATIONS</u></b>	
	<b><u>Available for the Year</u></b>	
	<b><u>Ending June 30</u></b>	
	<b><u>2010</u></b>	<b><u>2011</u></b>
Sec. 2. <b><u>OUTDOOR HERITAGE</u></b>		
Subdivision 1. <b><u>Total Appropriation</u></b>	<b><u>\$69,230,000</u></b>	<b><u>\$-0-</u></b>

This appropriation is from the outdoor heritage fund.

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

**Subd. 2. Prairies**14,213,000-0-**(a) Accelerated Prairie and Grassland Management**

\$1,700,000 in fiscal year 2010 is to the commissioner of natural resources to accelerate the restoration and enhancement of native prairie vegetation on public lands, including roadsides. A list of proposed projects, describing the types and locations of restorations and enhancements, must be provided as part of the required accomplishment plan. To the extent possible, prairie restorations conducted with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination.

**(b) Green Corridor Legacy Program**

\$1,617,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with the Southwest Initiative Foundation or successor to acquire land for purposes allowed under the Minnesota Constitution, article XI, section 15, in Redwood County to be added to the state outdoor recreation system as defined in Minnesota Statutes, chapter 86A. A list of proposed fee title acquisitions must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each proposed acquisition. No more than five percent of this appropriation may be spent on professional services directly related to this appropriation's purposes.

**(c) Prairie Heritage Fund – Acquisition and Restoration**

\$3,000,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Pheasants Forever or successor to acquire and restore land to be added to the state wildlife management area system. A list of proposed fee title acquisitions and a list of proposed restoration projects, describing the types and locations of restorations, must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each proposed acquisition. To the extent possible, prairie restorations conducted with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination.

**(d) Accelerated Prairie Grassland Wildlife Management Area Acquisition**

\$3,913,000 in fiscal year 2010 is to the commissioner of natural resources to acquire land for wildlife management areas with native prairie or grassland habitats. A list of proposed fee title acquisitions must be provided as part of the required accomplishment plan.

**(e) Northern Tall Grass Prairie National Wildlife Refuge Protection**

\$1,583,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with the United States Fish and Wildlife Service to acquire land or permanent easements within the Northern Tall Grass Prairie Habitat Preservation Area in western Minnesota. The commissioner may advance funds to the United States Fish and Wildlife Service. A list of proposed fee title and permanent easement acquisitions must be provided as part of the required accomplishment plan. Land acquired for these purposes must remain in the possession of a state or local government or private party based in Minnesota; a permanent easement may be granted.

**(f) Bluffland Prairie Protection Initiative**

\$500,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with the Minnesota Land Trust or successor to acquire permanent easements protecting critical prairie and grassland habitats in the blufflands in southeastern Minnesota. A list of proposed fee title and permanent easement acquisitions must be provided as part of the required accomplishment plan.

**(g) Rum River – Cedar Creek Initiative**

\$1,900,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Anoka County to acquire land at the confluence of the Rum River and Cedar Creek in Anoka County. Acquired land must remain open to hunting and fishing, consistent with the capacity of the land, during the open season, as determined by the commissioner of natural resources. This is the first of two planned appropriations for this acquisition.

**Subd. 3. Forests**20,000,000-0-

\$20,000,000 in fiscal year 2010 is to the commissioner of natural resources to acquire land or permanent working forest easements on private forests in areas identified through the state forest for the future program. Priority must be given to acquiring land or interests in private lands within existing Minnesota state forest

boundaries. Any easements acquired must have a forest management plan as described in Minnesota Statutes, section 290C.02, subdivision 7. A list of proposed fee title and easement acquisitions must be provided as part of the required accomplishment plan. The appropriation is available for closings taking place after April 30, 2010. This is the first of two planned appropriations for this program. The commissioner shall, prior to acquiring land or interests under this provision, certify in writing that sound management of such land is assured, and sufficient assurance is contained in the legally binding language of any agreement. This written determination by the commissioner shall be published in the State Register.

Subd. 4. Wetlands

20,536,000

-0-

(a) Accelerated Wildlife Management Area Acquisition

\$2,900,000 in fiscal year 2010 is to the commissioner of natural resources to acquire land for wildlife management areas. A list of proposed fee title acquisitions must be provided as part of the required accomplishment plan.

(b) Accelerated Shallow Lake Restorations and Enhancements

\$2,528,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Ducks Unlimited, Inc. or successor to restore and enhance shallow lake habitats. Up to \$400,000 of this appropriation may be used for permanent easements related to shallow lake restorations and enhancements. A list of proposed easements and projects, describing the types and locations of easements, restorations, and enhancements, must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each easement, restoration, and enhancement.

(c) Accelerate the Waterfowl Production Area Program in Minnesota

\$5,600,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Pheasants Forever or successor to acquire and restore wetland and related upland habitats, in cooperation with the United States Fish and Wildlife Service and Ducks Unlimited, Inc. or successor to be managed as waterfowl production areas. A list of proposed acquisitions and a list of proposed projects, describing the types and locations of restorations, must be provided as part of the required accomplishment plan.

(d) Shallow Lake Critical Shoreland

\$450,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Ducks Unlimited, Inc. or successor to protect habitat by acquiring land associated with

shallow lakes. A list of proposed acquisitions must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each proposed acquisition.

**(e) Reinvest in Minnesota Wetlands Reserve Program Acquisition and Restoration**

\$9,058,000 in fiscal year 2010 is to the Board of Water and Soil Resources to acquire permanent easements and restore wetlands and associated uplands in cooperation with the United States Department of Agriculture Wetlands Reserve Program. A list of proposed acquisitions and a list of proposed projects, describing the types and locations of restorations, must be provided as part of the required accomplishment plan.

**Subd. 5. Fish, Game, and Wildlife Habitat**

13,903,000

-0-

**(a) Outdoor Heritage Conservation Partners Grant Program**

4,000,000 in fiscal year 2010 is to the commissioner of natural resources to provide competitive, matching grants of up to \$400,000 to local, regional, state, and national organizations, including government, for enhancement, restoration, or protection of forests, wetlands, prairies, and habitat for fish, game, or wildlife in Minnesota. Up to 2-1/2 percent of this appropriation may be used for administering the grant. The funds may be advanced in three equal sums, on or after November 1, 2009, February 1, 2010, and April 1, 2010. Grantees may protect land through acquisition of land or interests in land. Easements must be permanent. Land acquired in fee must be open to hunting and fishing during the open season unless otherwise provided by state law. The commissioner of natural resources must agree to each proposed acquisition of land or interest in land. The program shall require a match of at least \$1 nonstate funds to \$10 state funds. The nonstate dollars match may be in-kind. The criteria for evaluating grant applications must include amount of habitat restored, enhanced, or protected; local support; degree of collaboration; urgency; multiple benefits; habitat benefits provided; consistency with sound conservation science; adjacency to protected lands; full funding of the project; supplementing existing funding; public access for hunting and fishing during the open season; sustainability; and use of native plant materials. All projects must conform to the Minnesota statewide conservation and preservation plan. Wildlife habitat projects must also conform to the state wildlife action plan. Priority shall be given to projects acquiring land or easements associated with existing wildlife management areas. All restoration or enhancement projects must be on land permanently protected by conservation easement or public ownership. To the extent possible, prairie restorations conducted with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of

the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination. Subdivision 10 applies to grants awarded under this paragraph. This appropriation is available until June 30, 2013, at which time all grant projects must be completed and final products delivered, unless an earlier date is specified in the grant agreement. No less than 15 percent of the amount of each grant must be held back from reimbursement until the grant recipient has completed a grant accomplishment report in the form prescribed by and satisfactory to the Outdoor Heritage Council.

**(b) Aquatic Management Area Acquisition**

\$5,748,000 in fiscal year 2010 is to the commissioner of natural resources to acquire land in fee title and easement to be added to the state aquatic management area system. Acquired land must remain open to hunting and fishing, consistent with the capacity of the land, during the open season, as determined by the commissioner of natural resources. A list of proposed fee title and easement acquisitions must be provided as part of the required accomplishment plan.

**(c) Cold Water River and Stream Restoration, Protection, and Enhancement**

\$2,050,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Trout Unlimited or successor to restore, enhance, and protect cold water river and stream habitats in Minnesota. A list of proposed acquisitions and a list of proposed projects, describing the types and locations of restorations and enhancements, must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each proposed acquisition, restoration, and enhancement.

**(d) Dakota County Habitat Protection**

\$1,000,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Dakota County for acquisition of permanent easements. A list of proposed acquisitions must be provided as part of the required accomplishment plan.

**(e) Lake Rebecca Water Quality Improvement Project**

\$450,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with the Three Rivers Park District to improve the water quality in Lake Rebecca in Lake Rebecca Park Reserve in Hennepin County. A description of the activities to enhance fish habitat in Lake Rebecca must be provided as part of the required accomplishment plan.

**(f) Fountain Lake Fish Barriers**

\$655,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with the Shell Rock River Watershed District to construct fish barriers at three locations on Fountain Lake. Land acquisition necessary for fish barrier construction is permitted. A list of proposed projects, describing the types and locations of barriers, must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each proposed barrier.

**Subd. 6. Administration and Other**

578,000

-0-

**(a) Contract Management**

\$175,000 in fiscal year 2010 is to the commissioner of natural resources for contract management in fiscal years 2010 and 2011 for duties assigned in this section.

**(b) Legislative Coordinating Commission**

\$403,000 in fiscal year 2010 is to the Legislative Coordinating Commission for administrative expenses of the Outdoor Heritage Council and for compensation and expense reimbursement of council members. Up to \$100,000 may be transferred to the water recreation account as reimbursement for advances to the Outdoor Heritage Council made in fiscal year 2009. No more than 1.25 full-time equivalent staff positions may be created with these funds. Excess funds not required for the purposes of this section shall be returned by the Legislative Coordinating Commission.

**Subd. 7. Availability of Appropriation**

Unless otherwise provided, the amounts in this section are available until June 30, 2011, when projects must be completed and final accomplishments reported. For acquisition of an interest in real property, the amounts in this section are available until June 30, 2012. If a project receives federal funds, the time period of the appropriation is extended to equal the availability of federal funding.

**Subd. 8. Cash Advances**

When the project authorized under subdivision 3 would be impeded by projected cash deficiencies resulting from delays in the receipt of dedicated income, and when the deficiencies would be corrected within fiscal year 2010, the commissioner of finance may use fund-level cash reserves to meet cash demands of the project. If funds are transferred from the general fund to meet cash flow needs, the cash flow transfers must be returned to the general fund as soon as sufficient cash balances are available in the outdoor

heritage fund. Any interest earned on general fund cash flow transfers accrues to the general fund and not to the outdoor heritage fund.

**Subd. 9. Accomplishment Plans**

It is a condition of acceptance of the appropriations made by this section that the agency or entity using the appropriation shall submit to the council an accomplishment plan and periodic accomplishment reports in the form determined by the Outdoor Heritage Council. The accomplishment plan must account for the use of the appropriation and outcomes of the expenditure in measures of wetlands, prairies, forests, and fish, game, and wildlife habitat restored, protected, and enhanced. The plan must include evaluation of results. None of the money provided in this section may be expended unless the council has approved the pertinent accomplishment plan.

**Subd. 10. Project Requirements**

(a) As a condition of accepting an appropriation in this section, any agency or entity receiving an appropriation must, for any project funded in whole or in part with funds from the appropriation:

(1) plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination, to the extent possible if conducting prairie restorations is a component of the accomplishment plan;

(2) provide that all easements:

(i) are permanent;

(ii) specify the parties to an easement in the easement;

(iii) specify all of the provisions of an agreement that are permanent;

(iv) are sent to the office of the Outdoor Heritage Council; and

(v) include a long-term stewardship plan and funding for monitoring and enforcing the easement agreement;

(3) for all restorations, prepare an ecological restoration and management plan that, to the degree practicable, is consistent with the highest quality conservation and ecological goals for the restoration site. Consideration should be given to soil, geology, topography, and other relevant factors that would provide the best chance for long-term success of the restoration projects. The plan

shall include the proposed timetable for implementing the restoration, including, but not limited to, site preparation, establishment of diverse plant species, maintenance, and additional enhancement to establish the restoration; identify long-term maintenance and management needs of the restoration and how the maintenance, management, and enhancement will be financed; and use the best available science to achieve the best restoration;

(4) for new lands acquired, prepare a restoration and management plan in compliance with clause (3), including identification of sufficient funding for implementation;

(5) to ensure public accountability for the use of public funds, provide to the Outdoor Heritage Council documentation of the selection process used to identify parcels acquired and provide documentation of all related transaction costs, including, but not limited to, appraisals, legal fees, recording fees, commissions, other similar costs, and donations. This information must be provided for all parties involved in the transaction. The recipient shall also report to the Outdoor Heritage Council any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal. Acquisition data such as appraisals may remain private during negotiations but must ultimately be made public according to Minnesota Statutes, chapter 13;

(6) provide that all restoration and enhancement projects are on land permanently protected by conservation easement or public ownership;

(7) to the extent the appropriation is used to acquire an interest in real property, provide to the Outdoor Heritage Council and the commissioner of finance an analysis of increased operations and maintenance costs likely to be incurred by public entities as a result of the acquisition and of how these costs may be paid for; and

(8) give consideration to and make timely written contact with the Minnesota Conservation Corps for consideration of possible use of their services to contract for restoration and enhancement services.

**Subd. 11. Payment Conditions and Capital Equipment Expenditures**

All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis unless otherwise provided in this section. Payments for reimbursement may not be made before November 1, 2009. Notwithstanding Minnesota Statutes, section 16A.41, expenditures directly related to each appropriation's purpose made on or after July 1, 2009, are eligible for reimbursement unless otherwise provided in this section.

Periodic payment must be made upon receiving documentation that the deliverable items articulated in the approved accomplishment plan have been achieved, including partial achievements as evidenced by approved progress reports. Reasonable amounts may be advanced to projects to accommodate cash flow needs or to match federal share. The advances must be approved as part of the accomplishment plan. Capital equipment expenditures in excess of \$10,000 must be approved as part of the accomplishment plan.

**Subd. 12. Purchase of Recycled and Recyclable Materials**

A political subdivision, public or private corporation, or other entity that receives an appropriation in this section must use the appropriation in compliance with Minnesota Statutes, sections 16B.121, regarding purchase of recycled, repairable, and durable materials, and 16B.122, regarding purchase and use of paper stock and printing.

**Subd. 13. Accessibility**

Structural and nonstructural facilities must meet the design standards in the Americans with Disabilities Act (ADA) accessibility guidelines.

**Subd. 14. Land Acquisition Restrictions**

(a) An interest in real property, including but not limited to an easement or fee title, that is acquired with money appropriated under this section must be used in perpetuity or for the specific term of an easement interest for the purpose for which the appropriation was made.

(b) A recipient of funding who acquires an interest in real property subject to this subdivision may not alter the intended use of the interest in real property or convey any interest in the real property acquired with the appropriation without the prior review and approval of the Outdoor Heritage Council or its successor. The council shall establish procedures to review requests from recipients to alter the use of or convey an interest in real property. These procedures shall allow for the replacement of the interest in real property with another interest in real property meeting the following criteria:

(1) the interest is at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and

(2) the interest is in a reasonably equivalent location and has a reasonably equivalent useful conservation purpose compared to the interest being replaced.

(c) A recipient of funding who acquires an interest in real property under paragraph (a) must separately record a notice of funding restrictions in the appropriate local government office where the conveyance of the interest in real property is filed. The notice of funding agreement must contain:

(1) a legal description of the interest in real property covered by the funding agreement;

(2) a reference to the underlying funding agreement;

(3) a reference to this section; and

(4) the following statement: "This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Outdoor Heritage Council or its successor. If the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or work program, ownership of the interest in real property shall transfer to the state."

#### **Subd. 15. Real Property Interest Report**

By December 1 each year, a recipient of money appropriated under this section that is used for the acquisition of an interest in real property, including but not limited to an easement or fee title, must submit annual reports on the status of the real property to the Outdoor Heritage Council or its successor in a form determined by the council. The responsibility for reporting under this section may be transferred by the recipient of the appropriation to another person or entity that holds the interest in the real property. To complete the transfer of reporting responsibility, the recipient of the appropriation must:

(1) inform the person to whom the responsibility is transferred of that person's reporting responsibility;

(2) inform the person to whom the responsibility is transferred of the property restrictions under subdivision 14; and

(3) provide written notice to the council of the transfer of reporting responsibility, including contact information for the person to whom the responsibility is transferred. Before the transfer, the entity receiving the transfer of property must certify to the Outdoor Heritage Council, or its successor, acceptance of all obligations and responsibilities held by the prior owner.

After the transfer, the person or entity that holds the interest in the real property is responsible for reporting requirements under this section.

**Subd. 16. Reports to Finance**

All reports submitted to the Outdoor Heritage Council by recipients of money appropriated under this section must also submit the reports to the commissioner of finance. The commissioner must maintain a Web site with a searchable data base providing the public with information on expenditures from the outdoor heritage fund. To the extent practical the commissioner must use systems developed to track expenditure of federal money under the American Recovery and Reinvestment Act to track expenditures from the outdoor heritage fund.

**Sec. 3. LEGISLATURE.**

**\$117,000**

**\$165,000**

\$54,000 the first year and \$36,000 the second year are for the Legislative Coordinating Commission to fulfill the duties required under Minnesota Statutes, section 3.303, subdivision 10.

\$63,000 the first year and \$63,000 the second year are for the legislative auditor to conduct restoration audits under Minnesota Statutes, section 3.971, subdivision 9, and \$66,000 the second year is for program and financial audits.

**Sec. 4. REVISOR'S INSTRUCTION.**

The revisor shall remove all references to the "Lessard Outdoor Heritage Council" in Minnesota Statutes, and replace those references with "Outdoor Heritage Council."

ARTICLE 2

CLEAN WATER FUND

**Section 1. CLEAN WATER FUND APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the clean water fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal year ending June 30, 2009, are effective the day following final enactment. All appropriations in this article are onetime only.

**APPROPRIATIONS**  
**Available for the Year**  
**Ending June 30**

**2010**

**2011**

**Sec. 2. DEPARTMENT OF AGRICULTURE**

**\$3,414,000**

**\$5,850,000**

(a) \$339,000 the first year is to intensively monitor and analyze three sub-watersheds for changes in agricultural runoff related to land management practices and evaluate best management practices in sub-watersheds within the Root River Watershed in southeastern Minnesota. The commissioner shall submit a report on the use of this appropriation to the chairs of the house of representatives and senate committees with jurisdiction over agriculture, agriculture finance, environment and natural resources, and environment and natural resources finance by January 15, 2012. This appropriation is available until spent.

(b) \$325,000 the first year and \$350,000 the second year are to increase monitoring for pesticides and pesticide degradates in surface water and groundwater and to use data collected to assess pesticide use practices.

(c) \$375,000 the first year and \$750,000 the second year are to increase drinking water protection from agricultural chemicals, primarily nitrates.

(d) \$875,000 the first year and \$1,750,000 the second year are for research, pilot projects, and technical assistance related to ways agricultural practices can contribute to restoring impaired waters. Of this amount, \$330,000 the first year and \$330,000 the second year may be used for technical assistance and grants to establish a conservation drainage program in consultation with the Board of Water and Soil Resources and the drainage workgroup that consists of pilot projects to retrofit existing drainage systems with water quality improvement practices, evaluate outcomes, and provide outreach to landowners, public drainage authorities, drainage engineers and contractors, and others.

(e) \$1,000,000 the first year and \$2,500,000 the second year are for the agricultural best management practices loan program. At least \$965,000 the first year and at least \$2,400,000 the second year are for transfer to the agricultural best management practices loan account created pursuant to Minnesota Statutes, section 17.117, subdivision 5a, and are available for pass-through to local governments and lenders for low-interest loans. Loans under this paragraph are to be repaid to the clean water fund established under the Minnesota Constitution, article XI, section 15.

(f) \$500,000 the first year and \$500,000 the second year are for a transfer to the Board of Water and Soil Resources for feedlot water quality improvement grants to operations with 300 or fewer animal units and prioritized by pollution prevention potential. The board shall give priority consideration to projects that leverage federal or other nonstate funds or contributions and to projects that address high-priority needs identified in local water management plans. These amounts are in addition to any amount recommended by another committee for feedlot water quality improvement grants.

Sec. 3. **PUBLIC FACILITIES AUTHORITY**

**\$8,125,000**

**\$17,250,000**

(a) \$5,000,000 the first year and \$10,000,000 the second year are for the total maximum daily load grant program under Minnesota Statutes, section 446A.073. This appropriation is available until spent.

(b) \$2,500,000 the first year and \$5,000,000 the second year are for the clean water legacy phosphorus reduction grant program under Minnesota Statutes, section 446A.074. This appropriation is available until spent.

(c) \$125,000 the first year and \$250,000 the second year are for the small community wastewater treatment program for technical assistance grants under Minnesota Statutes, section 446A.075. This appropriation is available until spent.

(d) \$500,000 the first year and \$2,000,000 the second year are for the small community wastewater treatment program for reconstruction loans and grants under Minnesota Statutes, section 446A.075. This appropriation is available until spent.

Sec. 4. **POLLUTION CONTROL AGENCY**

**\$16,503,000**

**\$23,688,000**

(a) \$9,000,000 the first year and \$9,000,000 the second year are to develop total maximum daily load (TMDL) studies and TMDL implementation plans for waters listed on the United States Environmental Protection Agency approved impaired waters list in accordance with Minnesota Statutes, chapter 114D. The agency shall complete an average of ten percent of the TMDLs each year over the biennium.

(b) \$500,000 the first year and \$1,188,000 the second year are for development of an enhanced TMDL database to manage and track progress. Of this amount, \$63,000 the first year is to promulgate rules.

(c) \$1,500,000 the first year and \$3,500,000 the second year are for grants under Minnesota Statutes, section 116.195, to political subdivisions for up to 50 percent of the costs to predesign, design, and implement capital projects that use treated municipal wastewater instead of groundwater from drinking water aquifers, in order to demonstrate the beneficial use of wastewater, including the conservation and protection of water resources.

(d) \$750,000 the first year and \$1,500,000 the second year are for groundwater assessment and drinking water protection to include:

(1) the installation and sampling of at least 30 new monitoring wells;

(2) the analysis of samples from at least 40 shallow monitoring wells each year for the presence of endocrine disrupting compounds; and

(3) the completion of at least four to five groundwater models for TMDL and watershed plans.

(e) \$348,000 the first year is to retest the comprehensive assessment of the biological conditions of the lower Minnesota River and its tributaries within the Lower Minnesota River Major Watershed, as previously assessed from 1976 to 1992 under the Minnesota River Assessment Project (MRAP). The assessment must include the same fish species sampling at the same 116 locations and the same macroinvertebrate sampling at the same 41 locations as the MRAP assessment. The assessment must:

(1) include an analysis of the findings; and

(2) identify factors that limit aquatic life in the Minnesota River.

(f) \$2,500,000 the first year and \$7,500,000 the second year are for the clean water partnership program. Priority shall be given to projects preventing impairments and degradation of lakes, rivers, streams, and groundwater in accordance with Minnesota Statutes, section 114D.20, subdivision 2, clause (4). Any balance remaining in the first year does not cancel and is available for the second year.

(g) \$1,000,000 the first year is to establish a network of water monitoring sites in public waters adjacent to wastewater treatment facilities across the state to assess levels of endocrine-disrupting compounds, antibiotic compounds, and pharmaceuticals as required in this article.

(h) \$155,000 the first year is to provide notification of the potential for coal tar contamination, establish a storm water pond inventory schedule, and develop best management practices for treating and cleaning up contaminated sediments as required in this article. \$1,000,000 the second year is to develop a model ordinance for the restricted use of undiluted coal tar sealants and to provide grants to local units of government for up to 50 percent of the costs to implement best management practices to treat or clean up contaminated sediments in storm water ponds and other waters as defined under this article. Local governments must have adopted an ordinance for the restricted use of undiluted coal tar sealants in order to be eligible for a grant, unless a statewide restriction has been implemented. A grant awarded under this paragraph must not exceed \$100,000.

(i) \$750,000 in fiscal year 2010 is for a restoration project in the lower St. Louis River and Duluth harbor.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered on or before June 30, 2011, as grants or contracts in this subdivision are available until June 30, 2013.

Sec. 5. **DEPARTMENT OF NATURAL RESOURCES**

**\$5,208,000**

**\$9,566,000**

(a) \$1,050,000 the first year and \$1,665,000 the second year are for work assisting in water quality assessment, total maximum daily load study and implementation, and watershed restoration and protection.

(b) \$375,000 the first year and \$750,000 the second year are for drinking water planning and protection activities.

(c) \$950,000 the second year is for work assisting in water quality assessment, total maximum daily load study and implementation, and watershed restoration and protection in accordance with Minnesota Statutes, chapter 114D.

(d) \$1,058,000 the first year and \$1,601,000 the second year are for work assisting in water quality assessment, total maximum daily load study and implementation, and watershed restoration and protection in accordance with Minnesota Statutes, chapter 114D.

(e) \$2,500,000 the first year and \$2,500,000 the second year are to acquire and distribute high-resolution digital elevation data to be used to predict water and sediment flows, and for planning and installation measures to clean up impaired waters. The data will be collected for areas of the state that have not acquired such data prior to January 1, 2007, or to complete acquisition and distribution of the data for those areas of the state that have not previously received state funds for acquiring and distributing the data. The distribution of data acquired under this paragraph must be conducted under the auspices of the Land Management Information Center or its successor, which shall receive 2.5 percent of the appropriation in this paragraph to support coordination of data acquisition and distribution. Mapping and data set distribution under this paragraph must be completed within three years of funds availability. The commissioner shall utilize department staff whenever possible. The commissioner may contract for services only if they cannot otherwise be provided by the department. If the commissioner contracts for services with this appropriation and any of the work done under the contract will be done outside of the United States, the commissioner must report to the chairs of the house of representatives and senate finance committees on the proposed contract at least 30 days before entering into the contract. The report must include an analysis of why the contract with the selected contractor provides the state with "best value," as defined in Minnesota Statutes, section 16C.02; any alternatives to the selected contractor that were

considered; what data will be provided to the contractor, including the data that will be transmitted outside of the United States; what security measures will be taken to ensure that the data is treated in accordance with the Minnesota Government Data Practices Act; and what remedies will be available to the state if the data is not treated in accordance with the Minnesota Government Data Practices Act.

(f) \$225,000 the first year and \$225,000 the second year are to adopt rules for the Mississippi River corridor critical area under Minnesota Statutes, section 116G.15. The commissioner shall begin rulemaking under chapter 14 no later than January 15, 2010. At least 30 days prior to beginning the rulemaking, the commissioner shall notify local units of government within the Mississippi River corridor critical area of the intent to adopt rules. The local units of government shall make reasonable efforts to notify the public of the contact information for the appropriate department staff. The commissioner shall maintain an e-mail list of interested parties to provide timely information about the proposed schedule for rulemaking, opportunities for public comment, and contact information for the appropriate department staff.

(g) \$1,875,000 the second year is to investigate physical and recharge characteristics as part of the collection and interpretation of subsurface geological information and acceleration of the county geologic atlas program. This appropriation represents a continuing effort to complete the county geologic atlases throughout the state in order to provide information and assist in planning for the sustainable use of ground and surface water that does not harm ecosystems, degrade water quality, or compromise the ability of future generations to meet their own needs. This appropriation is available until December 31, 2014.

Sec. 6. **BOARD OF WATER AND SOIL RESOURCES**

**\$7,000,000**

**\$18,424,000**

(a) \$1,500,000 the first year and \$5,000,000 the second year are to purchase and restore permanent conservation easements on riparian buffers of up to 100 feet adjacent to public waters, excluding wetlands, to keep water on the land in order to decrease sediment, pollutant and nutrient transport, reduce hydrologic impacts to surface waters, and increase infiltration for groundwater recharge. The riparian buffers must be at least 50 feet unless there is a natural impediment, a road, or other impediment beyond the control of the landowner. This appropriation may be used for restoration of riparian buffers protected by easements purchased with this appropriation and for stream bank restorations when the riparian buffers have been restored. Up to five percent may be used for administration of this program.

(b) \$1,500,000 the first year and \$4,424,000 the second year are for grants to watershed districts and watershed management organizations for: (i) structural or vegetative management practices that reduce storm water runoff from developed or disturbed lands to reduce the movement of sediment, nutrients, and pollutants or to leverage federal funds for restoration, protection, or enhancement of water quality in lakes, rivers, and streams and to protect groundwater and drinking water; and (ii) the installation of proven and effective water retention practices including, but not limited to, rain gardens and other vegetated infiltration basins and sediment control basins in order to keep water on the land. The projects must be of long-lasting public benefit, include a local match, and be consistent with TMDL implementation plans or local water management plans. Watershed district and watershed management organization staff and administration may be used for local match. Priority may be given to school projects that can be used to demonstrate water retention practices. Up to five percent may be used for administering the grants.

(c) \$1,500,000 the first year and \$4,500,000 the second year are for nonpoint source pollution reduction and restoration grants to watershed districts, watershed management organizations, and soil and water conservation districts for grants in addition to grants available under paragraphs (a) and (b) to keep water on the land and to protect, enhance, and restore water quality in lakes, rivers, and streams, and to protect groundwater and drinking water. The projects must be of long-lasting public benefit, include a local match, and be consistent with TMDL implementation plans or local water management plans. Up to five percent may be used for administering the grants.

(d) \$500,000 the first year and \$1,500,000 the second year are for permanent conservation easements on wellhead protection areas under Minnesota Statutes, section 103F.515, subdivision 2, paragraph (d). Priority must be placed on land that is located where the vulnerability of the drinking water supply management area, as defined under Minnesota Rules, part 4720.5100, subpart 13, is designated as high or very high by the commissioner of health.

(e) \$1,000,000 the first year and \$2,000,000 the second year are for feedlot water quality improvement grants for feedlots under 300 animal units on riparian land, to include water quality assessment to determine the effectiveness of the grants in protecting, enhancing, and restoring water quality in lakes, rivers, and streams, and in protecting groundwater from degradation.

(f) \$1,000,000 the first year and \$1,000,000 the second year are for grants to implement stream bank, stream channel, and lakeshore, line protection, and restoration projects to protect water quality.

The board shall contract for services with the Minnesota Conservation Corps for restoration, maintenance, and other activities under this section for at least \$500,000 the first year and \$500,000 the second year.

The board may shift grant or cost-share funds in this section and may adjust the technical and administrative assistance portion of the funds to leverage federal or other nonstate funds or to address oversight responsibilities or high-priority needs identified in local water management plans.

The board shall give priority consideration to projects and practices that complement, supplement, or exceed current state standards for protection, enhancement, and restoration of water quality in lakes, rivers, and streams or that protect groundwater from degradation.

To the extent possible, any restoration conducted with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination.

The board shall submit a report on the expenditure and use of money appropriated under this section to the chairs of the house of representatives and senate committees with jurisdiction over environment and natural resources and environment and natural resources finance by March 1 of each year. The report must provide detail on: the expenditure of funds, including maps; the effectiveness of the expenditures in protecting, enhancing, and restoring water quality in lakes, rivers, and streams and protecting groundwater from degradation; and the effectiveness of the expenditures in keeping water on the land.

Sec. 7. **DEPARTMENT OF HEALTH**

**\$1,250,000**

**\$2,500,000**

(a) \$805,000 the first year and \$1,610,000 the second year are for protection of drinking water sources, including assisting 30 or more communities in fiscal year 2010 and 60 or more communities in fiscal year 2011 with the development and implementation of community source water protection plans before new community wells are installed, and awarding ten or more communities in fiscal year 2010 and 20 or more communities in fiscal year 2011 with source water protection implementation grants.

(b) \$445,000 the first year and \$890,000 the second year are for addressing public health concerns related to contaminants found in Minnesota drinking water for which no health-based drinking water standard exists. The commissioner shall characterize and issue health-based guidance for three or more additional

unregulated drinking water contaminants in fiscal year 2010, and seven or more additional unregulated drinking water contaminants in fiscal year 2011.

Sec. 8. UNIVERSITY OF MINNESOTA

\$750,000

\$820,000

(a) \$820,000 the second year is for the geological survey to continue and to initiate the production of county geologic atlases. This appropriation represents a continuing effort to complete the county geologic atlases throughout the state in order to provide information and assist in planning for the sustainable use of ground and surface water that does not harm ecosystems, degrade water quality, or compromise the ability of future generations to meet their own needs. This appropriation is available until December 31, 2014.

(b) \$750,000 the first year is to develop the comprehensive statewide sustainable water resources ten-year plan and 25-year detailed framework in article 5.

Sec. 9. LEGISLATURE

\$117,000

\$165,000

(a) \$54,000 the first year and \$36,000 the second year are for the Legislative Coordinating Commission to fulfill the duties as required under Minnesota Statutes, section 3.303, subdivision 10.

(b) \$63,000 the first year and \$63,000 the second year are for the legislative auditor to conduct restoration audits under Minnesota Statutes, section 3.971, subdivision 9, and \$66,000 the second year is for program and financial audits.

Sec. 10. Minnesota Statutes 2008, section 17.117, subdivision 11a, is amended to read:

Subd. 11a. **Eligible projects.** All projects that remediate or mitigate adverse environmental impacts are eligible if:

(1) the project is eligible under the allocation agreement and funding sources designated by the local government unit to finance the project; and

(2) manure management projects remediate or mitigate impacts from facilities with less than 1,000 animal units as defined in Minnesota Rules, chapter 7020.

The purchase of variable rate fertilizer application machinery or equipment is an eligible project if the machinery or equipment is capable of precision-applying three or more products simultaneously and the person commits to using the machinery or equipment in this state for at least five years. The maximum loan amount for this purpose is \$100,000.

Sec. 11. Minnesota Statutes 2008, section 103F.515, subdivision 2, is amended to read:

Subd. 2. **Eligible land.** (a) Land may be placed in the ~~conservation~~ reinvest in Minnesota reserve program if the land meets the requirements of paragraphs (b) and (c) or paragraph (d).

(b) Land is eligible if the land:

(1) is marginal agricultural land;

(2) is adjacent to marginal agricultural land and is either beneficial to resource protection or necessary for efficient recording of the land description;

(3) consists of a drained wetland;

(4) is land that with a windbreak or water quality improvement practice would be beneficial to resource protection;

(5) is land in a sensitive groundwater area;

(6) is riparian land;

(7) is cropland or noncropland adjacent to restored wetlands to the extent of up to four acres of cropland or one acre of noncropland for each acre of wetland restored;

(8) is a woodlot on agricultural land;

(9) is abandoned building site on agricultural land, provided that funds are not used for compensation of the value of the buildings; or

(10) is land ~~on a hillside~~ used for pasture that is marginal in nature.

(c) Eligible land under paragraph (a) must:

(1) be owned by the landowner, or a parent or other blood relative of the landowner, for at least one year before the date of application;

(2) be at least five acres in size, except for a drained wetland area, riparian area, windbreak, woodlot, wellhead protection area, or abandoned building site, or be a whole field ~~as defined by the United States Agricultural Stabilization and Conservation Services~~;

(3) not be set aside, enrolled or diverted under another federal or state government program unless enrollment in the ~~conservation~~ reinvest in Minnesota reserve program would provide additional conservation benefits or a longer term of enrollment than under the current federal or state program; and

(4) have been in agricultural crop production for at least two of the last five years before the date of application except drained wetlands, riparian lands, woodlots, abandoned building sites, environmentally sensitive areas, wellhead protection areas, or land on a hillside used for pasture.

(d) ~~In selecting drained wetlands for enrollment in the program, the highest priority must be given to wetlands with a cropping history during the period 1976 to 1985. Land is eligible if the land is a wellhead protection area as defined under section 103I.005, subdivision 24, and has a wellhead protection plan approved by the commissioner of health.~~

(e) In selecting land for enrollment in the program, highest priority must be given to permanent easements that are consistent with the purposes stated in section 103F.505.

Sec. 12. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

Subd. 4. **Nature of property rights acquired.** (a) A conservation easement must prohibit:

(1) alteration of wildlife habitat and other natural features, unless specifically approved by the board;

(2) agricultural crop production and livestock grazing, unless specifically approved by the board for ~~wildlife conservation~~ management purposes; and

~~(3) grazing of livestock except, for agreements entered before the effective date of Laws 1990, chapter 391, grazing of livestock may be allowed only if approved by the board after consultation with the commissioner of natural resources, in the case of severe drought, or a local emergency declared under section 12.29; and~~

~~(4)~~ (3) spraying with chemicals or mowing, except:

(i) as necessary to comply with noxious weed control laws ~~or~~;

(ii) for emergency control of pests necessary to protect public health; or

(iii) as approved by the board for conservation management purposes.

(b) A conservation easement is subject to the terms of the agreement provided in subdivision 5.

(c) A conservation easement must allow repairs, improvements, and inspections necessary to maintain public drainage systems provided the easement area is restored to the condition required by the terms of the conservation easement.

(d) Notwithstanding paragraph (a), the board must permit the harvest of native grasses for use in seed production or bioenergy on wellhead protection lands eligible under subdivision 2, paragraph (d).

Sec. 13. **[116.201] COAL TAR.**

A state agency may not purchase undiluted coal tar sealant. For the purposes of this section, "undiluted coal tar sealant" means a sealant material containing coal tar that has not been mixed with asphalt and is for use on asphalt surfaces, including driveways and parking lots.

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

Sec. 14. Minnesota Statutes 2008, section 116G.15, is amended to read:

**116G.15 MISSISSIPPI RIVER CORRIDOR CRITICAL AREA.**

Subdivision 1. **Establishment; purpose.** (a) The federal Mississippi National River and Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of critical concern in accordance with this chapter. The governor shall review the existing Mississippi River critical area plan and specify any additional standards and guidelines to affected communities in accordance with section 116G.06, subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of the area pending the completion of the federal plan. The purpose of the designation is to:

(1) protect and preserve the Mississippi River and adjacent lands that the legislature finds to be unique, valuable, and dynamic and environmental state and regional resources for the benefit of the health, safety, and welfare of the citizens of the state, region, and nation;

(2) prevent and mitigate irreversible damages to the natural resources listed under clause (1);

(3) preserve and enhance the natural, aesthetic, cultural, recreational, and historical values of the Mississippi River and its corridor for public use and benefit;

(4) protect and preserve the Mississippi River and its corridor as an essential element in the national, state, and regional transportation, sewer and water, and recreational systems; and

(5) protect and preserve the biological and ecological functions of the Mississippi River and its corridor.

~~The results of an environmental impact statement prepared under chapter 116D begun before and completed after July 1, 1994, for a proposed project that is located in the Mississippi River critical area north of the United States Army Corps of Engineers Lock and Dam Number One must be submitted in a report to the chairs of the environment and natural resources policy and finance committees of the house of representatives and the senate prior to the issuance of any state or local permits and the authorization for an issuance of any bonds for the project. A report made under this paragraph shall be submitted by the responsible governmental unit that prepared the environmental impact statement, and must list alternatives to the project that are determined by the environmental impact statement to be economically less expensive and environmentally superior to the proposed project and identify any legislative actions that may assist in the implementation of environmentally superior alternatives. This paragraph does not apply to a proposed project to be carried out by the Metropolitan Council or a metropolitan agency as defined in section 473.121.~~

~~(b) If the results of an environmental impact statement required to be submitted by paragraph (a) indicate that there is an economically less expensive and environmentally superior alternative, then no member agency of the Environmental Quality Board shall issue a permit for the facility that is the subject of the environmental impact statement, other than an economically less expensive and environmentally superior alternative, nor shall any government bonds be issued for the facility, other than an economically less expensive and environmentally superior alternative, until after the legislature has adjourned its regular session sine die in 1996.~~

Subd. 2. **Administration; rules.** (a) The commissioner of natural resources may adopt rules under chapter 14 as necessary for the administration of the Mississippi River corridor critical area program. Duties of the Environmental Quality Council or the Environmental Quality Board referenced in this chapter and related rules and in the governor's executive order number 79-19, published in the State Register on March 12, 1979, related to the Mississippi River corridor critical area shall be the duties of the commissioner. All rules adopted by the board pursuant to these duties remain in effect and shall be enforced until amended or repealed by the commissioner in accordance with law. The commissioner shall work in consultation with the United States Army Corps of Engineers, the National Park Service, the Metropolitan Council, other agencies, local units of government, and other interested parties to ensure that the Mississippi River corridor critical area is managed in a way that:

(1) conserves the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor;

(2) maintains the river channel for transportation by providing and maintaining barging and fleeting areas in appropriate locations consistent with the character of the Mississippi River and riverfront;

(3) provides for the continuation and development of a variety of urban uses, including industrial and commercial uses, and residential uses, where appropriate, within the Mississippi River and its corridor;

(4) utilizes certain reaches of the river as a source of water supply and for receiving wastewater effluents and discharges that meet all applicable standards; and

(5) protects and preserves the biological and ecological functions of the Mississippi River and its corridor.

(b) The Metropolitan Council shall incorporate the standards developed under this section into its planning and shall work with local units of government and the commissioner to ensure the standards are being adopted and implemented appropriately.

Subd. 3. **Districts.** The commissioner shall establish districts within the Mississippi River corridor critical area. The commissioner must seek to minimize the number of districts within any one municipality and take into account existing ordinances. The commissioner shall consider the following when establishing the districts:

(1) the protection of the major features of the river in existence as of March 12, 1979;

(2) the protection of improvements such as parks, trails, natural areas, recreational areas, and interpretive centers;

(3) the use of the Mississippi River as a source of drinking water;

(4) the protection of resources identified in the Mississippi National River and Recreation Area Comprehensive Management Plan;

(5) the protection of resources identified in comprehensive plans developed by counties, cities, and towns within the Mississippi River corridor critical area;

(6) the intent of the Mississippi River corridor critical area land use districts from the governor's executive order number 79-19, published in the State Register on March 12, 1979; and

(7) identified scenic, geologic, and ecological resources.

Subd. 4. **Standards.** (a) The commissioner shall establish minimum guidelines and standards for the districts established in subdivision 3. The guidelines and standards for each district shall include the intent of each district, key resources, and features to be protected or enhanced based upon paragraph (b), permitted uses, and dimensional and performance standards for development. The commissioner must take into account existing ordinances when developing the guidelines and standards under this section. The commissioner may provide certain exceptions and criteria for standards, including, but not limited to, exceptions for river access facilities, water supply facilities, storm water facilities, wastewater treatment facilities, and hydropower facilities.

(b) The guidelines and standards must protect or enhance the following key resources and features:

(1) floodplains;

(2) wetlands;

(3) gorges;

(4) areas of confluence with key tributaries;

(5) natural drainage routes;

(6) shorelines and riverbanks;

(7) bluffs;

- (8) steep slopes and very steep slopes;
- (9) unstable soils and bedrock;
- (10) significant existing vegetative stands, tree canopies, and native plant communities;
- (11) scenic views and vistas;
- (12) publicly owned parks, trails, and open spaces;
- (13) cultural and historic sites and structures; and
- (14) water quality.

(c) The commissioner shall establish a map to define bluffs and bluff-related features within the Mississippi River corridor critical area. At the outset of the rulemaking process, the commissioner shall create a preliminary map of all the bluffs and bluff lines within the Mississippi River corridor critical area, based on the guidelines in paragraph (d). The rulemaking process shall provide an opportunity to refine the preliminary bluff map. The commissioner may add to or remove areas of demonstrably unique or atypical conditions that warrant special protection or exemption. At the end of the rulemaking process, the commissioner shall adopt a final bluff map that contains associated features, including bluff lines, bases of bluffs, steep slopes, and very steep slopes.

(d) The following guidelines shall be used by the commissioner to create a preliminary bluff map as part of the rulemaking process:

(1) "bluff face" or "bluff" means the area between the bluff line and the bluff base. A bluff is a high, steep, natural topographic feature such as a broad hill, cliff, or embankment with a slope of 18 percent or greater and a vertical rise of at least ten feet between the bluff base and the bluff line;

(2) "bluff line" means a line delineating the top of a slope connecting the points at which the slope becomes less than 18 percent. More than one bluff line may be encountered proceeding upslope from the river valley;

(3) "bluff base" means a line delineating the bottom of a slope connecting the points at which the slope becomes 18 percent or greater. More than one bluff base may be encountered proceeding landward from the water;

(4) "steep slopes" means 12 percent to 18 percent slopes. Steep slopes are natural topographic features with an average slope of 12 to 18 percent measured over a horizontal distance of 50 feet or more; and

(5) "very steep slopes" means slopes 18 percent or greater. Very steep slopes are natural topographic features with an average slope of 18 percent or greater, measured over a horizontal distance of 50 feet or more.

Subd. 5. **Application.** The standards established under this section shall be used:

- (1) by local units of government when preparing or updating plans or modifying regulations;
- (2) by state and regional agencies for permit regulation and in developing plans within their jurisdiction;
- (3) by the Metropolitan Council for reviewing plans and regulations; and
- (4) by the commissioner when approving plans and regulations, and reviewing development permit applications.

Subd. 6. **Notification; fees.** (a) A local unit of government or a regional or state agency shall notify the commissioner of natural resources of all developments in the corridor that require discretionary actions under their rules at least ten days before taking final action on the application. The commissioner may establish exemptions from the notification requirement for certain types of applications. For purposes of this section, a discretionary action includes all actions that require a public hearing, including variances, conditional use permits, and zoning amendments.

(b) The commissioner shall recover costs of reviewing information submitted under paragraph (a). Amounts collected under this paragraph must be credited to an account in the natural resources fund and are appropriated to the commissioner.

Subd. 7. **Rules.** The commissioner shall adopt rules to ensure compliance with this section. By January 15, 2010, the commissioner shall begin the rulemaking required by this section under chapter 14. Until the rules required under this section take effect, the commissioner shall administer the Mississippi River corridor critical area program in accordance with the governor's executive order number 79-19, published in the State Register on March 12, 1979.

**Sec. 15. COAL TAR; NOTIFICATION, INVENTORY, AND BEST MANAGEMENT PRACTICES.**

(a) By January 15, 2010, the commissioner of the Pollution Control Agency shall notify state agencies and local units of government of the potential for contamination of constructed storm water ponds and wetlands or natural ponds used for the collection of storm water via constructed conveyances with polycyclic aromatic hydrocarbons from the use of coal tar sealant products. For the purpose of this section, a storm water pond is a treatment pond constructed and operated for water quality treatment, storm water detention, and flood control. Storm water ponds do not include areas of temporary ponding, such as ponds that exist only during a construction project or short-term accumulations of water in road ditches.

(b) By January 15, 2010, the commissioner of the Pollution Control Agency shall establish a schedule and information requirements for state agencies and local units of government regulated under a national pollutant discharge elimination system or state disposal system permit for municipal separate storm sewer systems to report to the commissioner of the Pollution Control Agency on all storm water ponds and other waters defined in paragraph (a) located within their jurisdiction.

(c) The commissioner of the Pollution Control Agency shall develop best management practices for state agencies and local units of government regulated under a national pollutant discharge elimination system or state disposal system permit for municipal separate storm sewer systems treating or cleaning up contaminated sediments in storm water ponds and other waters defined under paragraph (a) and make the best management practices available on the agency's Web site. As part of the development of the best management practices, the commissioner shall:

(1) sample a set of storm water pond sediments in residential, commercial, and industrial areas for polycyclic aromatic hydrocarbons and other contaminants of potential concern;

(2) investigate the feasibility of screening methods to provide more cost-effective analytical results and to identify which kinds of ponds are likely to have the highest concentrations of polycyclic aromatic hydrocarbons; and

(3) develop guidance on testing, treatment, removal, and disposal of polycyclic aromatic hydrocarbon contaminated sediments.

(d) The commissioner of the Pollution Control Agency shall incorporate the requirements for inventory and best management practices specified in paragraphs (b) and (c) into the next permitting cycle for the national pollutant discharge elimination system or state disposal system permit for municipal separate storm sewer systems.

Sec. 16. **ENDOCRINE-DISRUPTOR MONITORING.**

(a) The commissioner of the Pollution Control Agency shall establish a network of water monitoring sites in public waters adjacent to wastewater treatment facilities across the state to assess levels of endocrine disrupting compounds, antibiotic compounds, and pharmaceuticals.

(b) Each of the monitoring sites must provide enhanced monitoring of the effluent at the discharge point of the wastewater treatment facility and monitoring of the public waters above and below the discharge point.

(c) The monitoring sites must be located throughout the state, represent a variety of wastewater treatment facility sizes based on the number of gallons of water discharged per day, and represent a variety of waste treatment systems used for primary, secondary, and tertiary disinfecting treatment and management of biosolids.

(d) In establishing the monitoring network, the commissioner of the Pollution Control Agency must consult with the commissioners of health and natural resources, the United States Geological Survey, the Metropolitan Council, local wastewater treatment facility operators, and the Water Resources Center at the University of Minnesota. Consideration may be given to monitoring sites at facilities identified as part of a total maximum daily load study and facilities located on a water body identified for enhanced protection. The initial monitoring network must include at least ten sites.

(e) Monitoring must include, but is not limited to, endocrine-disrupting compounds from natural and synthetic hormones, pharmaceuticals, personal care products, and a range of industrial products and by-products. At a minimum, concentrations of estrone, nonylphenol, bisphenol-A, 17-beta-estradiol, 17-alpha-ethynylestradiol, estriol, and antibacterial triclosan must be monitored. Additional compounds, antibacterial compounds, and pharmaceuticals potentially impacting human health and aquatic communities may be considered for identification and monitoring including, but not limited to, nonylphenol ethoxylates, octylphenol, and octylphenol ethoxylates; the hormones androstenedione, trenbelone, and diethylphthalate; antidepressant medications, including fluoxetine and fluvoxamine; carbamazepine; and triclocarban.

(f) The commissioner of the Pollution Control Agency shall begin the monitoring and testing required under this section no later than November 1, 2009. Information about requirements under this section and the results from the monitoring and testing must be available on the agency's Web site by June 1, 2010. The commissioner shall submit a preliminary report on the results of the monitoring and testing to the chairs of the legislative committees with jurisdiction over environment and natural resources policy and finance by April 15, 2010, and a final report no later than January 15, 2011.

ARTICLE 3

PARKS AND TRAILS FUND

Section 1. **PARKS AND TRAILS FUND APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the parks and trails fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal year ending June 30, 2009, are effective the day following final enactment. All appropriations in this article are onetime only.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2010</u>	<u>2011</u>
<u>\$10,399,000</u>	<u>\$21,257,000</u>

Sec. 2. NATURAL RESOURCES

(a) \$6,749,000 the first year and \$14,807,000 the second year are to:

(1) connect people to the outdoors by providing access, conservation education, and interpretative services with a goal of attracting 350,000 additional visitors to state parks, recreation areas, forest campgrounds, and trails by the end of the biennium, reaching 25 percent of all state parks and trails visitors through education programming, including conducting at least 500 conservation education programs, by:

(i) enhancing marketing and technology to target new audiences and provide new opportunities to engage citizens, including enhancements to the department's Web site, community assistance, and volunteer coordination and enhancement;

(ii) increasing the number of naturalist interns from 18 to 30 each year under the new Minnesota Naturalist Corps established under Minnesota Statutes, section 84.992;

(iii) adding eight new full-time equivalent naturalists to provide expanded programming, with a focus on families and children;

(iv) opening or reopening visitor centers at Lake Bronson, Blue Mounds, St. Croix, and Grand Portage State Parks and expanding visitor center hours at additional high profile parks;

(v) advancing new conservation education delivery methods reaching new and younger audiences with 50 new MP3 audio trail guides, educational touch screen computers, podcasts, and videocasts;

(vi) constructing information centers and kiosks in state parks, including: a pilot project to construct information centers that include self-registration equipment and touch screen displays; electronic information kiosks that include touch screen displays; and information kiosks near campgrounds and day use areas used to display maps, policies, and other information;

(vii) providing interpretive services for state trails, including at least five new kiosks, signage, updating five trail maps, and developing three new resource-oriented brochures;

(viii) producing a new state map integrating state parks, recreation areas, forest campgrounds, trails, and regional park and trail facilities; and

(ix) enhancing cross-country skiing in at least ten state parks, recreation areas, forest campgrounds, or trails;

(2) accelerate natural resource management, restoration, and protection activities at state parks, including:

(i) restoring at least 700 additional acres of state park land;

(ii) conducting invasive species detection, prevention, and response activities on at least 4,000 acres of state park lands and waters and reestablishing native plants, shrubs, and trees after invasive species removal;

(iii) providing rapid response to terrestrial and aquatic new invasive species detections and infestations on state park lands and waters and state trails;

(iv) conducting prescribed burns on an additional 6,000 acres; and

(v) restoring and managing native prairies and woodlands along at least six percent of the developed miles of state trails, including removing invasive species;

(3) accelerate facility maintenance and rehabilitation by:

(i) upgrading at least three percent of facilities in overnight and day use areas;

(ii) improving access to parks and trails systems for visitors of all ability levels at no fewer than 15 sites each year;

(iii) enhancing the trail surface of at least 100 miles of state trails, resurfacing 20 to 40 miles of state trails, repairing six to ten trail bridges, and replacing two to four bridges; and

(iv) rehabilitating and renewing trails in state parks, recreation areas, or forest campgrounds for hiking, biking, and horseback riding at the rate of at least four percent per year; and

(4) accelerate facility energy conservation by increasing energy conservation and operations, promoting new conservation-based energy sources, reducing energy costs and installing solar energy equipment, including solar thermal energy equipment, as part of the following projects:

(i) the design and installation of sustainable energy features, including the use of solar energy, at a new campground in Split Rock Lighthouse State Park;

(ii) the installation of solar energy equipment to power a new sanitation building and campsites in St. Croix State Park;

(iii) the installation of solar energy equipment to power sanitation buildings and campsites at the Pine Ridge Campground in Itasca State Park;

(iv) the installation of solar power equipment for educational demonstration projects and to offset the use of electricity at Jay Cooke, Bear Head Lake, Afton, Sibley, Lake Carlos, Glacial Lakes, Maplewood, William O'Brien, Wild River, and Lac Qui Parle State Parks;

(v) the installation of solar energy equipment at the Iron Range Off-Highway Vehicle Recreation Area in Gilbert;

(vi) the installation of solar energy equipment to power a sanitation building and lighting at the Silver Bay Marina;

(vii) the installation of solar energy equipment to power the rest area and visitor center at Grand Portage State Park; and

(viii) the installation of solar energy equipment to power sanitation buildings and campsites at the Lake Shetek State Park and additional solar energy projects if funding is available.

The commissioner shall contract for services with the Minnesota Conservation Corps for restoration, maintenance, and other activities under this paragraph for at least \$600,000 the first year and \$1,000,000 the second year.

The commissioner shall leverage federal stimulus funding for these purposes to the extent possible.

To the extent possible, any prairie restoration conducted with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination.

(b) \$1,000,000 the first year and \$2,000,000 the second year are for grants for solar energy projects in metropolitan regional parks and trails that meet the requirements of Minnesota Statutes, section 473.147, or that is currently recognized as meeting the constitutional requirement of being a park or trail of regional or statewide significance, and parks and trails outside the metropolitan area that are currently recognized as meeting the constitutional requirement of being a park or trail of regional or statewide significance. Up to 2-1/2 percent of this appropriation may be used for administering the grants. Of this appropriation, at least \$1,000,000 shall be designated for projects utilizing solar thermal technology and equipment. The commissioner shall give priority to projects that:

(1) would be visible to park or trail visitors and that demonstrate the use of solar energy;

(2) would provide on-site information explaining the installation, its benefits, and the benefits of renewable energy;

(3) would reduce the use of energy from fossil fuels;

(4) incorporate designs that reflect the aesthetics of the installation site; or

(5) provide education to visitors on energy conservation or climate change.

(c) \$2,650,000 the first year and \$4,450,000 the second year are for grants under Minnesota Statutes, section 85.535, to metropolitan regional parks and trails that meet the requirements of Minnesota Statutes, section 473.147, or that is currently recognized as meeting the constitutional requirement of being a park or trail of regional or statewide significance, and parks and trails outside the metropolitan area that are currently recognized as meeting the constitutional requirement of being a park or trail of regional or statewide significance. Grants under this section must only be used for acquisition, restoration, maintenance, and development. Up to 2-1/2 percent of this appropriation may be used for administering the grants.

(d) The commissioner shall develop a ten-year strategic state parks and trails plan considering traditional funding and the funding available under the Minnesota Constitution, article XI, section 15.

(e) The commissioner, in consultation with the commissioner of the Pollution Control Agency, the Board of Water and Soil Resources, the Outdoor Heritage Council, the Minnesota Board of the Arts, and the Minnesota Historical Society, shall develop a logo to be used in signage required of projects and programs receiving funds from the outdoor heritage fund, clean water fund, parks and trails fund, and arts and cultural heritage fund.

(f) The commissioner shall submit a report on the expenditure and use of money appropriated under this section to the legislature by March 1 of each year. The report must relate the expenditure of funds by the categories established and detail the outcomes in terms of additional use of parks and trails resources, user satisfaction surveys, and other appropriate outcomes.

(g) Grant agreements entered into by the commissioner of natural resources and recipients of money appropriated under this section shall ensure that the funds are used to supplement and not substitute for traditional sources of funding.

Sec. 3. **METROPOLITAN COUNCIL****\$7,500,000****\$14,600,000**

(a) \$7,500,000 the first year and \$14,600,000 the second year are from the parks and trails fund to be distributed as required under Minnesota Statutes, section 85.53, subdivision 3, except that of this amount, \$40,000 the first year is for a grant to Hennepin County to plant trees along the Victory Memorial Parkway.

(b) The Metropolitan Council shall submit a report on the expenditure and use of money appropriated under this section to the legislature by March 10 of each year. The report must detail the outcomes in terms of additional use of parks and trails resources, user satisfaction surveys, and other appropriate outcomes.

(c) Grant agreements entered into by the Metropolitan Council and recipients of money appropriated under this section shall ensure that the funds are used to supplement and not substitute for traditional sources of funding.

Sec. 4. **LEGISLATURE****\$51,000****\$68,000**

(a) \$23,000 the first year and \$15,000 the second year are for the Legislative Coordinating Commission to fulfill the duties as required under Minnesota Statutes, section 3.303, subdivision 10.

(b) \$28,000 the first year and \$28,000 the second year are for the legislative auditor to conduct restoration audits under Minnesota Statutes, section 3.971, subdivision 9, and \$25,000 the second year is for program and financial audits.

Sec. 5. **AVAILABILITY OF APPROPRIATIONS.**

Unless otherwise provided, the amounts in this article are available until June 30, 2011, when projects must be completed and final accomplishments reported. Appropriations for 2011 are available for use until June 30, 2012. For acquisition of an interest in real property, the amounts in this section appropriated in fiscal year 2010 are available until June 30, 2012, and the amounts in this section appropriated in fiscal year 2011 are available until June 30, 2013. If a project receives federal funds, the time period of the appropriation is extended to equal the availability of federal funding.

Sec. 6. **[84.992] MINNESOTA NATURALIST CORPS.**

Subdivision 1. **Establishment.** The Minnesota Naturalist Corps is established under the direct control and supervision of the commissioner of natural resources.

Subd. 2. **Program.** The commissioner of natural resources shall develop a program for the Minnesota Naturalist Corps that supports state parks in providing interpretation of the natural and cultural features of state parks in order to enhance visitors' awareness, understanding, and appreciation of those features and encourages the wise and sustainable use of the environment.

Subd. 3. **Training and mentoring.** The commissioner must develop and implement a training program that adequately prepares Minnesota Naturalist Corps members for the tasks assigned. Each corps member shall be assigned a state park naturalist as a mentor.

Subd. 4. **Uniform patch.** Uniforms worn by members of the Minnesota Naturalist Corps must have a patch that includes the name of the Minnesota Naturalist Corps and information that the program is funded by the clean water, land, and legacy amendment to the Minnesota Constitution adopted by the voters in November 2008.

Subd. 5. **Eligibility.** A person is eligible to enroll in the Minnesota Naturalist Corps if the person:

(1) is a permanent resident of the state;

(2) is a participant in an approved college internship program or has a postsecondary degree in a natural resource or conservation related field; and

(3) has completed at least one year of postsecondary education.

Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not eligible for unemployment benefits if their services are excluded under section 268.035, subdivision 20, and are not eligible for other benefits except workers' compensation. The corps members are not employees of the state within the meaning of section 43A.02, subdivision 21.

Subd. 7. **Employee displacement.** The commissioner must certify that the assignment of Minnesota Naturalist Corps members will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. The department may not terminate, lay off, reduce the seasonal hours of, or reduce the working hours of any employee for the purpose of using a corps member with available funds.

Sec. 7. **[85.535] PARKS AND TRAILS GRANT PROGRAM.**

Subdivision 1. **Establishment.** The commissioner of natural resources shall administer a program to provide grants from the parks and trails fund to support parks and trails of regional or statewide significance.

Subd. 2. **Eligibility.** To be eligible for grants under this section, a park or trail must:

(1) be a metropolitan regional park or trail that meets the requirements of section 473.147 or that is currently recognized as meeting the constitutional requirement of being a park or trail of regional or statewide significance; or

(2) be a park or trail outside the metropolitan area, as defined in section 473.121, subdivision 2, that is currently recognized as meeting the constitutional requirement of being a park or trail of regional or statewide significance.

Subd. 3. **Priorities.** In awarding trails grants under this section, the commissioner shall give priority to trail projects that provide:

(1) connectivity;

(2) enhanced opportunities for commuters; and

(3) enhanced safety.

Subd. 4. **Match.** Recipients must provide a nonstate cash match of at least 25 percent of the total eligible project costs.

Subd. 5. **Rule exemption.** The commissioner is not subject to the rulemaking provisions of chapter 14 in implementing this section, and section 14.386 does not apply.

## ARTICLE 4

## ARTS AND CULTURAL HERITAGE FUND

Section 1. **ARTS AND CULTURAL HERITAGE FUND APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the arts and cultural heritage fund and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011.

<b><u>APPROPRIATIONS</u></b>	
<b><u>Available for the Year</u></b>	
<b><u>Ending June 30</u></b>	
<b><u>2010</u></b>	<b><u>2011</u></b>

Sec. 2. **ARTS AND CULTURAL HERITAGE**Subdivision 1. **Total Appropriation****\$44,633,000****\$44,556,000**

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

Subd. 2. **Minnesota Board of the Arts**

(a) The appropriations in this subdivision are to the Minnesota Board of the Arts from the arts and cultural heritage fund. Grants agreements entered into by the Board of the Arts and other recipients of appropriations in this section shall ensure that these funds are used to supplement and not supplant traditional sources of funding. Appropriations made directly to the Board of the Arts shall supplement, and shall not substitute for traditional sources of funding. Funds appropriated in the first year may be carried over to the second. These are onetime appropriations. No more than 2.5 percent of each appropriation may be used for administration by the Board of the Arts. The Board of the Arts with the assistance of recipients funded under this section shall report on all expenditures made from these funds to the legislature and governor by January 15 of each year. Each grant program established within this appropriation shall be separately administered from other state appropriations for program planning and outcome measurements, but may take into consideration other state resources awarded in the selection of applicants and grant award size. Distinctive goals and measurable outcomes shall be established and reported on.

(b) **Regional Arts Boards.** \$6,000,000 is appropriated on January 1, 2010, and \$6,000,000 in 2011 for grants programs to artists, arts programs, programs for the literary arts, and programs for arts education and access; such grants are to be made by

regional arts boards. Each regional arts council must ensure that a portion of the funds available under this paragraph is used for grants to artists using nontraditional or innovative materials or methods, or for grants to artists dealing with nontraditional subjects.

(c) **Statewide Arts Access.** \$1,000,000 on January 1, 2010, and \$1,000,000 in 2011 is appropriated for organizations and programs that provide access to the arts on a statewide basis.

(d) **Artists Economic Development Fund.** \$500,000 in 2010 and \$500,000 in 2011 are appropriated to provide individual grants to artists for the purposes of economic subvention or artistic development.

(e) \$150,000 in 2010 is appropriated to the Board of the Arts for the creation and conduct of a census of Minnesota artists and artistic organizations; this census must be conducted through a competitive grant to be administered by the arts board and conducted in partnership with the regional arts councils.

Subd. 3. **Minnesota Historical Society**

(a) The appropriations in this subdivision are to the Minnesota Historical Society from the arts and cultural heritage fund to preserve and enhance access to Minnesota's history and its cultural and historical resources. Grants agreements entered into by the Minnesota Historical Society and other recipients of appropriations in this section shall ensure that these funds are used to supplement and not substitute for traditional sources of funding. Funds directly appropriated to the Minnesota Historical Society shall be used to supplement, and not substitute for, traditional sources of funding. Funds appropriated in the first year may be carried over to the second. These are onetime appropriations. No more than 2.5 percent of each appropriation may be used for administration by the Minnesota Historical Society. The Minnesota Historical Society, with the assistance of recipients funded under this section, shall report on all expenditures made from these funds to the legislature and governor by January 15 of each year.

(b) Minnesota History Educational Network. \$2,000,000 in 2010 and \$1,000,000 in 2011 are appropriated for programs and projects of service to historical and cultural programs across the state. Among these may be funds for the operation of a Minnesota History Educational Network, to provide educational and programmatic content to schools, teachers, museums, historic sites, and libraries; funds for a history at home project, to provide historical content and materials to persons in their homes, places of work, schools, libraries, and on the Internet; and programs to provide hands on support to historical and cultural organizations, including the purveyance of information and expertise regarding

collections, preservation, and operation of local historic sites and societies. These programs and projects may be conducted in partnership with either local historical societies, schools, or libraries, as selected by the Minnesota Historical Society.

(c) **Statewide Historic and Cultural Grants.** (i) \$6,000,000 on January 1, 2010, and \$6,000,000 in 2011 are appropriated for history programs and projects operated or conducted by or through local, county, regional or other historical or cultural organizations; or for activities to preserve significant historic and cultural resources. Funds are to be distributed through a competitive grants process. The Minnesota Historical Society shall administer these funds using established grants mechanisms, and with assistance from the advisory committee created herein. The Preston grain elevator restoration and recreation project shall be eligible for grants under this program.

Also eligible for a grant under this section are projects previously approved by the Minnesota Historical Society that have had this approved funding refused by a public board or governing body, provided that these projects are now administered by a nonprofit organization.

(ii) The Minnesota Historical Society shall appoint a historic resources advisory committee, with members from each of the eight congressional districts, and representatives of local, county, and statewide historical and cultural organizations and programs, to provide policy and grant making guidance on expenditures of funds from this paragraph. This membership shall include, but is not limited to, members representing the interests of historic preservation, local history, archaeology, archival programs, and other cultural programs related to the history of Minnesota. A significant number of members on this advisory committee should represent local interests. This committee shall seek input from all interested parties, and shall make recommendations for expenditures from these funds to the executive council of the Minnesota Historical Society; all expenditures must meet the requirements of Minnesota Statutes, section 138.01.

(iii) \$500,000 in 2010 and \$500,000 in 2011 are appropriated to the Minnesota Historical Society for the creation of materials, training, and assistance to local historical societies and others receiving grants under this paragraph. These funds may not be used to hire permanent staff.

(d) **Collections.** \$250,000 in 2010 is appropriated to the Minnesota Historical Society for the purchase, acquisition, storage, and restoration of Minnesota's historical and cultural artifacts. These funds may be carried over until expended. None of these funds may be used for administration.

(e) \$2,000,000 in 2010 is appropriated from the arts and cultural heritage fund to the Minnesota Historical Society for HELP projects under Minnesota Statutes, section 138.0375, subdivision 3.

(f) \$150,000 in 2010 is appropriated to the Minnesota Historical Society for a competitive grant to be issued by the society for analysis of historical programs in the state. The analysis shall determine where public collections, museums, programs, and services relating to historical and cultural heritage exist; the depth of the collection or program as it relates to the geographic, topic focus, and time frames covered; and where such services do not exist. The analysis shall advise the state as to the best strategies to use existing financial resources to improve the delivery of history education and historical resources throughout Minnesota. The Minnesota Historical Society shall cooperate with the grant recipient, and shall provide full access to data and materials needed to complete this study. The study shall be reported to the Legislative Coordinating Commission by December 1, 2009.

(g) \$2,000,000 on January 1, 2010, and \$500,000 on January 1, 2011, are appropriated to the Minnesota Historical Society for an exhibit on the regional, local, and cultural diversity of Minnesota's history and cultural heritage. These funds are available until expended. These funds are for the creation of both traveling exhibits to be made available to local historical and cultural organizations and an exhibit to be housed at the Minnesota History Center. The Minnesota Historical Society shall raise funds from private sources to augment this appropriation, with a goal of \$1,500,000 in private funds to be raised. This is not a match requirement, but the Minnesota Historical Society shall certify that a good faith effort has been made.

**Subd. 4. Statewide Survey of Historical and Archaeological Sites**

\$500,000 in 2010 and \$500,000 in 2011 are appropriated to the Department of Administration, for a contract to be let on a competitive basis to conduct a general statewide survey of Minnesota's sites of historical, archaeological, and cultural significance. Results of this survey must be published in a searchable form, available to the public on a cost-free basis. The Minnesota Historical Society, the Office of the State Archaeologist, and the Board of Indian Affairs shall each appoint a representative to an oversight board, to select a contractor and direct the conduct of this survey. The oversight board shall consult with the Minnesota Departments of Transportation and Natural Resources. Funds appropriated for this purpose do not cancel and may be carried over from one year to the next.

**Subd. 5. Programs of Artistic, Educational, Historic, or Cultural Significance**

(a) Funds in this subdivision are appropriated to the commissioner of the Department of Administration for grants to the named organizations for the purposes specified in this subdivision. Grants made to public television or radio organizations are subject to Minnesota Statutes, section 129D.18, and are not subject to conditions in this paragraph.

(b) Grant agreements entered into by the commissioner and recipients of appropriations in this subdivision must ensure that money appropriated in this subdivision is used to supplement and not substitute for traditional sources of funding. No more than 2.5 percent of any grant may be used for administration. The Department of Administration may use up to one percent of appropriated funds for administration. These are onetime appropriations. A cultural grants advisory board may be established by the Department of Administration to provide advice and assistance in the making of grants under this subdivision. The board, if appointed, shall consist of seven members, to be appointed by the commissioner. One member shall represent public radio and television, one shall represent Minnesota zoos, one shall represent the Minnesota Center for the Humanities, and the remaining four shall be appointed by the commissioner to represent a diverse set of cultural interests. All recipients of funds under this subdivision shall report to the legislature by January 15 of each year on uses of those funds.

(c) **Public Television.** \$2,000,000 on January 1, 2010, and \$5,000,000 on January 1, 2011, are appropriated to public television, to the fund created under Minnesota Statutes, section 129D.18, for the development of educational materials, programs, and publicly available programming on the artistic, historical, and cultural heritage of the state and people of Minnesota. Acknowledgment of the funding sources must be included in all materials produced in this grant. None of these funds may be used for normal operations or infrastructure.

(d) **Public Television and Radio; Documentary.** \$500,000 in 2010 and \$500,000 in 2011 are appropriated, half each, to Minnesota public television and public radio organizations for the separate creation of radio and television documentaries regarding the uses and results of Minnesota's dedicated funding for outdoor resources, clean water, trails, arts, and cultural heritage. These documentaries shall be conducted according to the professional standards of these organizations, and shall be independent of and separate from any state control over content.

(e) **Minnesota Public Radio.** \$2,000,000 on January 1, 2010, and \$3,000,000 on January 1, 2011, are appropriated to public radio for the development of educational materials, programs, and publicly available programming on the artistic, historical, and cultural heritage of the state and people of Minnesota. None of these funds may be used for normal operations or infrastructure.

(f) **Association of Minnesota Public Educational Radio Stations.** \$1,000,000 in 2010 and \$2,000,000 in 2011 are appropriated to the Association of Minnesota Public Educational Radio Stations for the development of educational materials, programs, and publicly available programming on the artistic, historical, and cultural heritage of the state and people of Minnesota. None of these funds may be used for normal operations or infrastructure.

(g) **Civics Education.** \$1,000,000 in 2010 and \$1,000,000 in 2011 are appropriated to the Minnesota Center for the Humanities for grants to Kids Voting Minnesota, Learning Law and Democracy Foundation, and YMCA Youth in Government to conduct civics education programs for the civic and cultural development of Minnesota youth.

(h) **Children's Museums.** \$500,000 in 2010 and \$500,000 in 2011 are appropriated for grants to Minnesota's museums for children, for exhibits and programming on the artistic, historical, and cultural heritage of the state and people of Minnesota. None of these funds may be used for normal operations or infrastructure. Half of these funds are for a children's museum in Duluth, and the other half for a children's museum in St. Paul.

(i) **Minnesota Science Museum.** \$500,000 in 2010 and \$500,000 in 2011 are appropriated for the operation of and programmatic development of the Minnesota Science Museum, for exhibits and programming on the artistic, historical, and cultural heritage of the state and people of Minnesota. None of these funds may be used for normal operations or infrastructure. Funds shall be matched by the Science Museum at a ratio of one to one.

(j) **Minnesota Digital Library.** \$500,000 in 2010 and \$500,000 in 2011 are appropriated for the Minnesota digital library project, operated by the Minitex system, to preserve, digitize, and share Minnesota images, documents, and historic materials.

(k) **Minnesota Center for the Humanities.** \$500,000 in 2010 and \$500,000 in 2011 are appropriated to the Minnesota Center for the Humanities for programmatic development.

\$500,000 in 2010 and \$500,000 in 2011 are appropriated to the Minnesota Center for the Humanities for grants to museums and organizations celebrating the ethnic identities of Minnesotans. The

Minnesota Center for the Humanities shall develop a written plan for the competitive issuance of these grants, and shall submit that plan for review and approval by the Department of Administration.

(l) **Zoos.** \$2,000,000 in 2010 and \$2,000,000 in 2011 are appropriated for the programmatic development of Minnesota's zoos. Three-quarters of this fund in any year shall be reserved in equal portions each for the Minnesota Zoo, the Como Zoo, and the Duluth Zoo. The remainder may be apportioned through a competitive grants process or may be allocated by the commissioner to zoos that are accredited by the Association of Zoos and Aquariums or that demonstrate to the commissioner a plan for working toward that accreditation during the biennium ending June 30, 2011.

(m) **Councils of Color.** \$125,000 in 2010 and \$125,000 in 2011 are for the Council on Asian-Pacific Minnesotans, for community events and to celebrate and preserve the culture of Asian-Pacific Minnesotans. \$125,000 in 2010 and \$125,000 in 2011 are for the Council on Black Minnesotans for community events, technical projects, and an affirmative action baseline study. \$125,000 in 2010 and \$125,000 in 2011 are for the Indian Affairs Council for the preservation of Indian Cultural sites and the burial and handling of remains. \$125,000 in 2010 and \$125,000 in 2011 are to the Council on Affairs of Chicano/Latino people for community events and initiatives that preserve the culture of Latinos in Minnesota and for research on community needs.

(n) **Film and TV Board.** \$50,000 is appropriated to the Film and TV Board for a grant to plan for future uses of a revolving loan fund or other financial mechanism to stabilize future film rebates and job creation. This appropriation may also be used for film festival planning.

**Subd. 6. Minnesota State Capitol**

The Department of Administration, the Capitol Area Architecture and Planning Board, and the Minnesota Historical Society shall consider and report to the legislature on possible uses of funds created under the Minnesota Constitution, article XI, section 15, for the restoration, renovation, and repair of the State Capitol.

**Sec. 3. DEPARTMENT OF EDUCATION.**

**Subdivision 1. Arts education**

**\$2,000,000**

**\$2,000,000**

(a) This appropriation is for grants to school districts to provide materials or resources to teachers, students, and parents to promote achievement of K-12 academic standards in the arts. The commissioner must ensure these grants are distributed equitably among districts in all regions of the state. No more than 2.5 percent of grants under this section may be used for administration.

(b) The commissioner may award a grant under this subdivision only if a district demonstrates that the money will supplement traditional sources of funding and will not be used as a substitute.

(c) An applicant for a grant under this subdivision must state the outcomes to be achieved with the grant money, and must report to the commissioner within 90 days after the grant funds have been spent on achievement of the proposed outcomes.

(d) Of these funds, \$150,000 in 2010 is appropriated to the commissioner for the creation and conduct of a census of public school-based arts education offerings during the school day and in after-school noncompetitive activities, and of arts education opportunities for persons of all ages through community education and in nonprofit community-based programs.

Subd. 2. Arts access

4,000,000

4,000,000

(a) This appropriation is for grants to provide access to arts and arts education for all ages. The commissioner may award grants to school districts, community education programs, libraries, or to other community organizations. No more than 2.5 percent of any grant may be used by the department for administration. The commissioner must ensure these grants are distributed equitably among all regions of the state. Grants under this subdivision may be used for either or both of these purposes:

(1) to pay attendance fees and travel costs for youth to visit art museums, arts performances, or other arts activities; or

(2) to bring artists to schools, libraries, or other community centers or organizations for teaching, training, or performance purposes.

(b) The commissioner may award a grant under this subdivision only if the recipient demonstrates that the money will supplement traditional sources of funding and will not be used as a substitute.

(c) An applicant for a grant under this subdivision must state the outcomes to be achieved with the grant money, and must report to the commissioner within 90 days after the grant funds have been spent on achievement of the proposed outcomes.

Subd. 3. Libraries

5,000,000

5,000,000

\$5,000,000 in 2010 and \$5,000,000 in 2011 are appropriated to the Department of Education for grants allocated using existing formulas under Minnesota Statutes, section 134.355, to the 12 Minnesota Regional Library Systems, to provide educational opportunities in the arts, history, literary arts, and cultural heritage of Minnesota. No more than 2.5 percent of funds may be used for administration by regional library systems. This is a onetime

appropriation. These funds may be used to sponsor programs provided by regional libraries, or to provide grants to local arts and cultural heritage programs for programs in partnership with regional libraries. None of these funds may be used for maintenance of effort requirements. Counties are not subject to maintenance of effort requirements pertaining to these funds.

**Subd. 4. Reporting of outcomes**

The commissioner must report to the legislature by January 15, 2010, and January 15, 2011, on grants made for arts education and on grants made for arts access under this section. Each report must include the recipient, the amount, and the purpose of each grant. Each report must also summarize the expected and actual outcomes of the grant funding.

Sec. 4. <b><u>LEGISLATURE</u></b>	<b><u>\$33,000</u></b>	<b><u>\$56,000</u></b>
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(a) \$33,000 the first year and \$21,000 the second year are for the Legislative Coordinating Commission to fulfill the duties as required under Minnesota Statutes, section 3.303, subdivision 10.

(b) \$35,000 the second year is for the legislative auditor to conduct program and financial audits.

**Sec. 5. INDIAN LANGUAGE PRESERVATION.**

(a) \$150,000 is appropriated in fiscal year 2010 from the arts and cultural heritage fund to the Indian Affairs Council for the working group on Dakota and Ojibwe Language Revitalization and Preservation created under article 7, section 7. Any balance in fiscal year 2010 is available in fiscal year 2011.

(b) \$600,000 in 2010 and \$750,000 in 2011 are appropriated jointly to the Department of Education and the Office of Higher Education to issue grants for programs to preserve Native Indian languages and to foster educational programs in Native languages.

**Sec. 6. APPROPRIATIONS.**

Subdivision 1. **Commissioner.** The sums indicated in this section are appropriated from the arts and cultural heritage fund to the Indian Affairs Council for the fiscal years designated.

Subd. 2. **Dakota and Ojibwe immersion programs.** For a grant to the Niigaane Ojibwe Immersion School and the Wicoie Nandagikendan Urban Immersion Project:

<u>\$250,000</u>	<u>.....</u>	<u>2010</u>
<u>\$250,000</u>	<u>.....</u>	<u>2011</u>

Of this amount, \$125,000 each year is available for Niigaane Ojibwe Immersion School and \$125,000 each year is available for Wicoie Nandagikendan Urban Immersion Project to:

- (1) develop and expand K-12 curriculum;

- (2) provide fluent speakers in the classroom;
- (3) develop appropriate testing and evaluation procedures; and
- (4) develop community-based training and engagement.

This is a onetime appropriation.

## ARTICLE 5

### GOVERNANCE

#### Section 1. [3.3004] PRINCIPLES FOR SPENDING LEGACY FUNDS.

Subdivision 1. **Application.** The principles in this section are intended to guide the legislature in making appropriations from the dedicated funds created under the Minnesota Constitution, article XI, section 15. To the extent practicable, the Outdoor Heritage Council shall refer to these principles in their planning and project consideration.

Subd. 2. **Legal principles.** Appropriations from the dedicated funds must meet all requirements of the Minnesota Constitution, article XI, section 15, and all other legal requirements.

Subd. 3. **Governance, process, and administrative principles.** In making appropriations from the dedicated funds, the legislature must attempt to:

- (1) use existing systems, agencies, and entities to distribute funds, rather than create new bureaucracies;
- (2) be in accordance with plans for each fund, based on current science and on public engagement, and with outcomes that are achieved in a reasonable amount of time;
- (3) develop and use indicators of success and accountability that meet the public's demands for open and transparent processes;
- (4) increase outreach and encourage participation in the legislative and grant-making process so that a wider variety of Minnesotans receive funds; and
- (5) develop innovative uses of funds that work across traditional boundaries and encourage cooperation among multiple interest groups.

Subd. 4. **Outcome principles.** In making appropriations from the dedicated funds, the legislature must attempt to:

- (1) increase the percentage of Minnesotans who participate in the enjoyment, use, and maintenance of our cultural and outdoor resources;
- (2) provide every Minnesotan greater access to arts, history, and cultural activities, arts education opportunities, clean water, including quality drinking water, a fully restored outdoors environment with hunting and fishing opportunities, outdoor recreation, public broadcasting signals, and engagement in Minnesota's traditions and history;
- (3) prevent pollution and restore impaired waters;

(4) strive toward meeting statewide priorities and values, emphasizing geographical and regional fairness within each fund;

(5) give priority to projects that improve the state or a regional economy, creating jobs and leveraging nonstate money; and

(6) communicate through visible identification the direct results of investments made with money from the constitutionally dedicated funds.

Sec. 2. Minnesota Statutes 2008, section 3.303, is amended by adding a subdivision to read:

**Subd. 10. Constitutionally dedicated funding accountability.** (a) The Legislative Coordinating Commission shall develop and maintain a user-friendly, public-oriented Web site that informs, educates, and demonstrates to the public how the constitutionally dedicated funds in the arts and cultural heritage fund, outdoor heritage fund, clean water fund, parks and trails fund, and environment and natural resources trust fund are being expended to meet the requirements established for each fund in the state constitution. Information provided on the Web site must include, but is not limited to:

(1) information on all project proposals received by the Outdoor Heritage Council and the Legislative-Citizen Commission on Minnesota Resources;

(2) information on all projects receiving funding, including proposed measurable outcomes and the plan for measuring and evaluating the results;

(3) measured outcomes and evaluation of projects as required under sections 85.53, subdivision 2; 97A.056, subdivision 9; 114D.50, subdivision 2; and 129D.17, subdivision 2;

(4) education about the areas and issues the projects address, including, when feasible, maps of where projects have been undertaken;

(5) all frameworks developed for future uses of each fund; and

(6) methods by which members of the public may apply for project funds under any of the constitutionally dedicated funds.

(b) All information for proposed and funded projects, including the proposed measurable outcomes, must be made available on the Web site as soon as practicable. Information on the measured outcomes and evaluation must be posted as soon as it becomes available. The costs of these activities shall be paid out of the arts and cultural heritage fund, outdoor heritage fund, clean water fund, parks and trails fund, and the environment and natural resources trust fund proportionately. For purposes of this section, "measurable outcomes" means outcomes, indicators, or other performance measures that may be quantified or otherwise measured in order to measure the effectiveness of a project or program in meeting its intended goal or purpose.

(c) The Legislative Coordinating Commission shall be responsible for receiving all ten-year plans and 25-year frameworks for each of the constitutionally dedicated funds. To the extent practicable, staff for the commission shall provide assistance and oversight to these planning efforts and shall coordinate public access to hearings and public meetings for all planning efforts.

Sec. 3. **[3.358] LEGISLATIVE GUIDE.**

A legislative guide shall be created stating principles for the use and expected outcomes of all funds from dedicated sales taxes pursuant to the Minnesota Constitution, article XI, section 15. This guide shall be created jointly by the Cultural and Outdoor Resources Division of the house of representatives, and by the appropriate senate committee as designated by the majority leader of the senate.

The legislative guide required by this section shall be for the years 2010 to 2015 and shall include the following provisions:

- (1) principles by which to guide future expenditures for each fund;
- (2) desired outcomes for such expenditures;
- (3) a general statement applicable to later years for these funds; and
- (4) consideration of financial methods such as revolving loan funds that may be used in future appropriations.

The legislative guide shall be completed by the legislative committees by December 15, 2009, and shall be considered and discussed by all committees with jurisdiction over these funds at public hearings.

To the extent practicable, the legislative guide shall be used to direct future appropriations of the legislature.

Sec. 4. Minnesota Statutes 2008, section 3.971, is amended by adding a subdivision to read:

Subd. 9. **Restoration audits.** The legislative auditor shall conduct restoration audits on a portion of land restorations funded in whole or in part with state funds, to determine whether the activities and programs funded with state funds, including the outdoor heritage fund, the parks and trails fund, the clean water fund, the environment and natural resources trust fund, and state-issued bonds, are accomplishing their restoration goals. The audit must include a critical analysis of the restoration goals and objectives, scientific evaluation of the results, and the effectiveness of the restorations in meeting applicable restoration requirements. The legislative auditor shall hire or contract with scientists and other appropriate persons to meet this requirement. Restoration audits shall be funded out of the fund that funded the restoration, when possible. For the purposes of this section, a "restoration audit" is a scientific evaluation of an area of land that has been restored in order to determine whether the restoration meets applicable requirements for the restoration.

Sec. 5. Minnesota Statutes 2008, section 85.53, is amended to read:

#### **85.53 PARKS AND TRAILS FUND.**

Subdivision 1. **Establishment.** The parks and trails fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the parks and trails fund must be credited to the fund.

Subd. 2. **Expenditures; accountability.** (a) A project or program receiving funding from the parks and trails fund must meet or exceed the constitutional requirement to support parks and trails of regional or statewide significance. A project or program receiving funding from the parks and trails fund must include measurable outcomes, as defined in section 3.303, subdivision 10, and a plan for measuring and evaluating the results. A project or program must be consistent with current science when appropriate and incorporate state-of-the-art technology when appropriate.

(b) Funding from the parks and trails fund must be requested and granted for an entire project, even if the project will take multiple years to complete. For the purposes of this requirement, a project that is part of a larger project and that could also be considered a single project is a single project.

(c) Biennially, money from the parks and trails fund shall be expended to balance the benefits across all regions and residents of the state.

(d) All information for funded projects, including the proposed measurable outcomes, must be made available on the Web site required under section 3.303, subdivision 10, as soon as practicable. Information on the measured outcomes and evaluation must be posted as soon as it becomes available.

(e) Grants funded by the parks and trails fund must be implemented according to section 16B.98. Proposals must specify all organizations, including contact information, that will receive any portion of a grant and specify a process for any regranting envisioned. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

(f) A recipient of money from the parks and trails fund must display a sign on lands and capital improvements purchased, restored, or protected with money from the parks and trails fund that includes the logo developed by the commissioner of natural resources to identify it as a project funded with money from the vote of the people of Minnesota on November 4, 2008.

(g) Money from the parks and trails fund may only be spent on projects located in Minnesota.

Subd. 3. **Metropolitan area distribution formula.** Money appropriated from the parks and trails fund to the Metropolitan Council shall be distributed to implementing agencies, as defined in section 473.351, subdivision 1, paragraph (a), as grants according to the following formula:

(1) 45 percent of the money must be disbursed according to the allocation formula in section 473.351, subdivision 3, to each implementing agency;

(2) 31.5 percent of the money must be distributed based on each implementing agency's relative share of the most recent estimate of the population of the metropolitan area;

(3) 13.5 percent of the money must be distributed based on each implementing agency's relative share of nonlocal visits based on the most recent user visitation survey conducted by the Metropolitan Council; and

(4) ten percent of the money must be distributed as grants to implementing agencies for land acquisition within Metropolitan Council approved regional parks and trails master plan boundaries under the council's park acquisition opportunity grant program. The Metropolitan Council must provide a match of \$2 of the council's park bonds for every \$3 of state funds for the park acquisition opportunity grant program.

Subd. 4. **Data availability.** Data collected by the projects funded with money from the parks and trails fund that have value for planning and management of natural resources, emergency preparedness, and infrastructure investments must conform to the enterprise information architecture developed by the Office of Enterprise Technology. Spatial data must conform to geographic information system guidelines and standards outlined in that architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land Management Information Center. A description of these data that adheres to the Office of Enterprise Technology geographic metadata standards must be submitted to the Land Management Information Center to be made available online through the clearinghouse and the data must be accessible and free to the public unless made private under chapter 13. To the extent practicable, summary data and results of projects and programs funded with money from the parks and trails fund should be readily accessible on the Internet and identified as a parks and trails fund project.

Subd. 5. **Special review.** A project receiving an appropriation or appropriations from the parks and trails fund totaling \$10,000,000 or more in a biennium is subject to the following requirements:

(1) the attorney general must review and approve all contracts and real estate transactions, including conservation easements, and make a determination of whether they are in the best interest of the state and whether they meet all applicable requirements; and

(2) a second appraisal, meeting the state appraisal requirements for land acquisitions under section 84.0272, must be conducted and approved by the commissioner of natural resources for all real estate transactions, including conservation easements.

Sec. 6. Minnesota Statutes 2008, section 97A.056, subdivision 2, is amended to read:

Subd. 2. **Lessard Outdoor Heritage Council.** (a) The ~~Lessard~~ Outdoor Heritage Council of 12 members is created in the legislative branch, consisting of:

(1) two public members appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(2) two public members appointed by the speaker of the house;

(3) four public members appointed by the governor;

(4) two members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration; and

(5) two members of the house of representatives appointed by the speaker of the house.

(b) Members appointed under paragraph (a) must not be registered lobbyists. In making appointments, the governor, senate Subcommittee on Committees of the Committee on Rules and Administration, and the speaker of the house shall consider geographic balance, gender, age, ethnicity, and varying interests including hunting and fishing. The governor's appointments to the council are subject to the advice and consent of the senate.

(c) Public members appointed under paragraph (a) shall have practical experience or expertise or demonstrated knowledge in the science, policy, or practice of restoring, protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife.

(d) Legislative members appointed under paragraph (a) shall include the chairs of the legislative committees with jurisdiction over environment and natural resources finance or their designee, one member from the minority party of the senate, and one member from the minority party of the house of representatives.

(e) Members serve four-year terms and shall be initially appointed according to the following schedule of terms:

(1) two public members appointed by the governor for a term ending the first Monday in January 2011;

(2) one public member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2011;

(3) one public member appointed by the speaker of the house for a term ending the first Monday in January 2011;

(4) two public members appointed by the governor for a term ending the first Monday in January 2013;

(5) one public member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2013;

(6) one public member appointed by the speaker of the house for a term ending the first Monday in January 2013; and

(7) two members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2013, and two members of the house of representatives appointed by the speaker of the house for a term ending the first Monday in January 2013.

(f) Compensation and removal of public members are as provided in section 15.0575. A vacancy on the council may be filled by the appointing authority for the remainder of the unexpired term.

(g) The first meeting of the council shall be convened by the chair of the Legislative Coordinating Commission no later than December 1, 2008. Members shall elect a chair, vice-chair, secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

(h) ~~The Department of Natural Resources~~ Legislative Coordinating Commission shall provide administrative support for the council. Up to one percent of the money appropriated from the fund may be used to cover the ~~staffing and related administrative expenses of the department and to cover the compensation and travel~~ council; office expenses; and per diem and expenses of council members pursuant to this subdivision; the staffing and related administrative expenses of the legislative auditor under section 3.971, subdivision 9; and the staffing and related expenses of the Legislative Coordinating Commission under section 3.303, subdivision 10.

Sec. 7. Minnesota Statutes 2008, section 97A.056, subdivision 3, is amended to read:

Subd. 3. **Council recommendations.** (a) The council shall make recommendations to the legislature on appropriations of money from the outdoor heritage fund that are consistent with the Constitution and state law and ~~that take into consideration will achieve~~ the outcomes of existing natural resource plans, including, but not limited to, the Minnesota Statewide Conservation and Preservation Plan, that directly relate to the restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, and that prevent forest fragmentation, encourage forest consolidation, and expand restored native prairie. The council shall submit its initial recommendations to the legislature no later than April 1, 2009. Subsequent recommendations shall be submitted no later than January 15 each year. The council shall present its recommendations to the senate and house of representatives committees with jurisdiction over the environment and natural resources budget by February 15 in odd-numbered years, and within the first four weeks of the legislative session in even-numbered years. The council's budget recommendations to the legislature shall be separate from the Department of Natural Resource's budget recommendations.

(b) To encourage and support local conservation efforts, the council shall establish a conservation partners program. Local, regional, state, or national organizations may apply for matching grants for restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, prevention of forest fragmentation, encouragement of forest consolidation, and expansion of restored native prairie.

(c) The council may work with the Clean Water Council to identify projects that are consistent with both the purpose of the outdoor heritage fund and the purpose of the clean water fund.

(d) The council may make recommendations to the Legislative-Citizen Commission on Minnesota Resources on scientific research that will assist in restoring, protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife, preventing forest fragmentation, encouraging forest consolidation, and expanding restored native prairie.

(e) Recommendations of the council, including approval of recommendations for the outdoor heritage fund, require an affirmative vote of at least nine members of the council.

(f) The council may work with the Clean Water Council, the Legislative-Citizen Commission on Minnesota Resources, the Board of Water and Soil Resources, soil and water conservation districts, and experts from Minnesota State Colleges and Universities and the University of Minnesota in developing the council's recommendations.

(g) The council shall develop and implement a process that ensures that citizens and potential recipients of funds are included throughout the process, including the development and finalization of the council's recommendations. The process must include a fair, equitable, and thorough process for reviewing requests for funding and a clear and easily understood process for ranking projects.

(h) The council shall use the regions of the state based upon the ecological regions and subregions developed by the Department of Natural Resources and establish objectives for each region and subregion to achieve the purposes of the fund outlined in the state constitution.

(i) The council shall develop and submit to the Legislative Coordinating Commission plans for the first ten years of funding, and a framework for 25 years of funding, consistent with statutory and constitutional requirements. The council may use existing plans from other legislative, state, and federal sources, as applicable.

Sec. 8. Minnesota Statutes 2008, section 97A.056, subdivision 6, is amended to read:

Subd. 6. **Audit.** ~~The council shall select an independent auditor to~~ legislative auditor shall audit the outdoor heritage fund expenditures, including administrative and staffing expenditures, every two years to ensure that the money is spent to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

Sec. 9. Minnesota Statutes 2008, section 97A.056, subdivision 7, is amended to read:

Subd. 7. **Legislative oversight.** ~~(a) The senate and house of representatives chairs of the committees with jurisdiction over the environment and natural resources budget shall convene a joint hearing to review the activities and evaluate the effectiveness of the council and evaluate the effectiveness and efficiency of the department's administration and staffing of the council after five years but~~ to receive reports on the council from the legislative auditor no later than June 30, 2014.

~~(b) By January 15, 2013, a professional outside review authority shall be chosen by the chairs of the house of representatives and senate committees with jurisdiction over environment and natural resources to evaluate the effectiveness and efficiency of the department's administration and staffing of the council. A report shall be submitted to the chairs by January 15, 2014.~~

Sec. 10. Minnesota Statutes 2008, section 97A.056, is amended by adding a subdivision to read:

**Subd. 8. Priorities and expenditure requirements.** (a) A project receiving funding from the outdoor heritage fund must meet or exceed the constitutional requirements to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife. Priority must be given to projects that meet more than one of these requirements. A project must be consistent with current science when appropriate and incorporate state of the art technology when appropriate. The council may establish funding priorities to direct funding toward the highest priorities. Priority may be given to projects that are time sensitive or have a sense of urgency.

(b) Funding from the outdoor heritage fund must be requested and granted for an entire project, even if the project will take multiple years to complete. For the purposes of this requirement, a project that is part of a larger project and that could also be considered a single project is a single project.

(c) Biennially, money from the outdoor heritage fund shall be expended to balance the benefits across all regions and residents of the state.

(d) Grants funded by the outdoor heritage fund must be implemented according to section 16B.98. Proposals must specify all organizations, including contact information, that will receive any portion of a grant and specify a process for any regranteeing envisioned. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

(e) Money from the outdoor heritage fund may only be spent on projects located in Minnesota.

Sec. 11. Minnesota Statutes 2008, section 97A.056, is amended by adding a subdivision to read:

Subd. 9. **Proposal and project requirements.** (a) A request for funding from the outdoor heritage fund shall:

(1) include a list of measurable outcomes, as defined in section 3.303, subdivision 10, and a plan for measuring and evaluating the results;

(2) to the extent practicable, include a list of any lands to be acquired, protected, or restored; and

(3) identify the entity that will hold the title or easement of any lands to be acquired or protected.

(b) Lands acquired by fee with funds from the outdoor heritage fund must be open to the public taking of game and fish during the open season unless otherwise provided by law.

(c) Lands acquired by fee, restored, or protected by easements with money from the outdoor heritage fund should ensure the viability of Minnesota's forests, prairies, wetlands, and habitats by supporting native biological diversity and their ecological complexes and provide protection against invasive species, and must meet one or more of the following criteria:

(1) are identified as an area of biodiversity significance by the county biological survey;

(2) maintain or enhance native plant, fish, or wildlife species designated as endangered or threatened under section 84.0895;

(3) maintain a native ecological community;

(4) possess a unique quality that is of value to the biodiversity of the region;

(5) are adjacent to lands meeting one or more of the requirements under clauses (1) to (4) and that, when restored or protected, enhance those adjacent lands;

(6) are degraded lands that, when restored, would provide or contribute to critical habitat for native plants, fish, and wildlife; or

(7) enhance native plant, fish, or wildlife species.

(d) Lands acquired by fee or easement purchased in whole or in part with money from the outdoor heritage fund must be perpetually protected and have an ecological restoration plan with sufficient funding for implementation. The ecological restoration plan must meet the statutory definitions of restore, protect, and enhance in section 84.02. Consideration should be given to relevant factors that would provide the best chance for long-term success of the restoration. The plan shall:

(1) include the proposed timetable for implementing the restoration, including site preparation, establishment of diverse plant species, maintenance, and additional enhancement to establish the restoration;

(2) identify long-term maintenance and management needs of the restoration and how the maintenance, management, and enhancement will be financed; and

(3) take advantage of the most current science and include innovative techniques to achieve the best restoration.

(e) To the extent possible, lands restored with money from the outdoor heritage fund must use vegetation only of Minnesota's native ecotypes, using a high diversity of species originating from as close to the restoration site as possible, and must protect existing native prairies from genetic contamination.

(f) Lands purchased, restored, or protected by easements with money from the outdoor heritage fund are not eligible for wetland replacement or mitigation credits.

(g) A recipient of money from the outdoor heritage fund must display a sign on lands purchased, restored, or protected by easements with money from the outdoor heritage fund that identifies it as a project funded with money from the vote of the people of Minnesota on November 4, 2008.

(h) To ensure public accountability for the use of public funds, a recipient of money from the outdoor heritage fund must provide documentation to the council of the selection process used to identify parcels acquired and provide documentation of all related transaction costs, including but not limited to appraisals, legal fees, recording fees, commissions, other similar costs, and donations. This information must be provided for all parties involved in the transaction. The recipient shall also report to the council any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal. Acquisition data such as appraisals may remain private during negotiations but must ultimately be made public according to chapter 13.

(i) The owner of an interest in real property acquired with money from the outdoor heritage fund may not alter the intended use of the interest in real property or convey any interest in the real property acquired with the appropriation without notifying the council in writing. For the purposes of this section, "interest in real property" includes, but is not limited to, an easement or fee title to property.

(j) A recipient of money from the outdoor heritage fund shall not use the funds to cover any organizational or operational expenses not related to the project being funded.

(k) All information for proposed and funded projects, including the proposed measurable outcomes, must be made available on the Web site required under section 3.303, subdivision 10, as soon as practicable. Information on the measured outcomes and evaluation must be posted as it becomes available.

Sec. 12. Minnesota Statutes 2008, section 97A.056, is amended by adding a subdivision to read:

Subd. 10. **Data availability.** Data collected by the projects funded with money from the outdoor heritage fund that have value for planning and management of natural resources, emergency preparedness, and infrastructure investments must conform to the enterprise information architecture developed by the Office of Enterprise Technology. Spatial data must conform to geographic information system guidelines and standards outlined in that architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land Management Information Center. A description of these data that adheres to the Office of Enterprise Technology geographic metadata standards must be submitted to the Land Management Information Center to be made available online through the clearinghouse and the data must be accessible and free to the public unless made private under chapter 13. To the extent practicable, summary data and results of projects funded with money from the outdoor heritage fund should be readily accessible on the Internet and identified as an outdoor heritage fund project.

Sec. 13. Minnesota Statutes 2008, section 97A.056, is amended by adding a subdivision to read:

Subd. 11. **Report required.** The council shall, by January 15 of each year, submit a report to the governor, the chairs of the house of representatives appropriations and senate finance committees, and the chairs of the house of representatives and senate committees on environment and natural resources and the committees with jurisdiction over the outdoor heritage fund. The report must be available to the public and posted on the Web site required under section 3.303, subdivision 10. The report must include:

(1) the source and amount of all revenues collected and distributed by the council, including all administrative and other expenses;

(2) a description of the assets and liabilities of the outdoor heritage fund;

(3) any findings or recommendations that are deemed proper to assist the legislature in formulating legislation;

(4) a list of all gifts and donations with a value over \$1,000; and

(5) a copy of the most recent audit required under subdivision 6 and any restoration audits required under section 3.971, subdivision 9, completed during the preceding biennium.

Sec. 14. Minnesota Statutes 2008, section 97A.056, is amended by adding a subdivision to read:

Subd. 12. **Special review.** A project receiving an appropriation or appropriations from the outdoor heritage fund totaling \$10,000,000 or more in a biennium is subject to the following requirements:

(1) the attorney general must review and approve all contracts and real estate transactions, including conservation easements, and make a determination of whether they are in the best interest of the state and whether they meet all applicable requirements; and

(2) a second appraisal, meeting the state appraisal requirements for land acquisitions under section 84.0272, must be conducted and approved by the commissioner of natural resources for all real estate transactions, including conservation easements.

Sec. 15. Minnesota Statutes 2008, section 114D.50, is amended to read:

#### **114D.50 CLEAN WATER FUND.**

Subdivision 1. **Establishment.** The clean water fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the fund must be credited to the fund.

Subd. 2. **Sustainable drinking water account.** The sustainable drinking water account is established as an account in the clean water fund.

Subd. 3. **Purpose.** (a) The clean water fund may be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams, to protect groundwater from degradation, and to protect drinking water sources by:

(1) providing additional grants, loans, and technical assistance to public agencies and others who are participating in the process of testing waters, identifying impaired waters, developing total maximum daily loads, implementing restoration plans for impaired waters, and evaluating the effectiveness of restoration;

(2) supporting additional measures to prevent surface waters from becoming impaired and to improve the quality of waters that are listed as impaired, but do not have an approved total maximum daily load addressing the impairment;

(3) providing additional grants and loans for wastewater and storm water treatment projects through the Public Facilities Authority;

(4) supporting additional measures to prevent the degradation of groundwater in accordance with the groundwater degradation prevention goal under section 103H.001; and

(5) providing additional funds to state agencies to carry out their responsibilities, including enhanced compliance and enforcement, under this chapter.

(b) Funds from the clean water fund must supplement traditional sources of funding for these purposes and may not be used as a substitute.

Subd. 4. **Expenditures; accountability.** (a) A project receiving funding from the clean water fund must meet or exceed the constitutional requirements to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation. Priority must be given to projects that meet more than one of these requirements. A project receiving funding from the clean water fund shall include measurable outcomes, as defined in section 3.303, subdivision 10, and a plan for measuring and evaluating the results. A project must be consistent with current science when appropriate and incorporate state-of-the-art technology when appropriate.

(b) Biennially, money from the clean water fund shall be expended to balance the benefits across all regions and residents of the state.

(c) All information for proposed and funded projects, including the proposed measurable outcomes, must be made available on the Web site required under section 3.303, subdivision 10, as soon as practicable. Information on the measured outcomes and evaluation must be posted as it becomes available. Information classified as not public under section 13D.05, subdivision 3, paragraph (d), is not required to be placed on the Web site.

(d) Grants funded by the clean water fund must be implemented according to section 16B.98. Proposals must specify all organizations, including contact information, that will receive any portion of a grant and specify a process for any regranteeing envisioned. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

(e) A recipient of money from the clean water fund must display a sign on lands and capital improvements purchased, restored, or protected with money from the clean water fund that identifies it as a project funded with money from the vote of the people of Minnesota on November 4, 2008.

(f) Money from the clean water fund may only be spent on projects located in Minnesota.

Subd. 5. **Data availability.** Data collected by the projects funded with money from the clean water fund that have value for planning and management of natural resources, emergency preparedness, and infrastructure investments must conform to the enterprise information architecture developed by the Office of Enterprise Technology. Spatial data must conform to geographic information system guidelines and standards outlined in that architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land Management Information Center. A description of these data that adheres to the Office of Enterprise Technology geographic metadata standards must be submitted to the Land Management Information Center to be made available online through the clearinghouse and the data must be accessible and free to the public unless made private under chapter 13. To the extent practicable, summary data and results of projects funded with money from the clean water fund should be readily accessible on the Internet and identified as a clean water fund project.

Subd. 6. **Special review.** A project receiving an appropriation or appropriations from the clean water fund totaling \$10,000,000 or more in a biennium is subject to the following requirements:

(1) the attorney general must review and approve all contracts and real estate transactions, including conservation easements, and make a determination of whether they are in the best interest of the state and whether they meet all applicable requirements; and

(2) a second appraisal, meeting the state appraisal requirements for land acquisitions under section 84.0272, must be conducted and approved by the commissioner of natural resources for all real estate transactions, including conservation easements.

Sec. 16. Minnesota Statutes 2008, section 116P.05, subdivision 2, is amended to read:

Subd. 2. **Duties.** (a) The commission shall recommend an annual legislative bill for appropriations from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08. Approval of the recommended legislative bill requires an affirmative vote of at least 12 members of the commission.

(b) The commission shall recommend expenditures to the legislature from the state land and water conservation account in the natural resources fund.

(c) It is a condition of acceptance of the appropriations made from the Minnesota environment and natural resources trust fund, and oil overcharge money under section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work program and semiannual progress reports in the form determined by the Legislative-Citizen Commission on Minnesota Resources, and comply with applicable reporting requirements under section 116P.16. The work program and semiannual progress reports must include a list of measurable outcomes and a plan for measuring and evaluating the results. A list of any lands to be restored, or acquired in fee title or through easements, and the entity that will hold the title or easement must be identified in the work program. None of the money provided may be spent unless the commission has approved the pertinent work program.

(d) The peer review panel created under section 116P.08 must also review, comment, and report to the commission on research proposals applying for an appropriation from the oil overcharge money under section 4.071, subdivision 2.

(e) The commission may adopt operating procedures to fulfill its duties under this chapter.

(f) As part of the operating procedures, the commission shall:

(1) ensure that members' expectations are to participate in all meetings related to funding decision recommendations;

(2) recommend adequate funding for increased citizen outreach and communications for trust fund expenditure planning;

(3) allow administrative expenses as part of individual project expenditures based on need;

(4) provide for project outcome evaluation;

(5) keep the grant application, administration, and review process as simple as possible; and

(6) define and emphasize the leveraging of additional sources of money that project proposers should consider when making trust fund proposals.

Sec. 17. Minnesota Statutes 2008, section 129D.17, is amended to read:

#### **129D.17 ARTS AND CULTURAL HERITAGE FUND.**

Subdivision 1. **Establishment.** The arts and cultural heritage fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the fund must be credited to the fund.

Subd. 2. **Expenditures; accountability.** (a) Funding from the arts and cultural heritage fund may be spent only for arts, arts education, and arts access and to preserve Minnesota's history and cultural heritage. A project or program receiving funding from the arts and cultural heritage fund must include measurable outcomes, as defined in

section 3.303, subdivision 10, and a plan for measuring and evaluating the results. A project or program must be consistent with current scholarship, or best practices, when appropriate and incorporate state-of-the-art technology when appropriate.

(b) Funding from the arts and cultural heritage fund may be granted for an entire project or for part of a project so long as the recipient provides a description and cost for the entire project and can demonstrate that it has adequate resources to ensure that the entire project will be completed.

(c) Biennially, money from the arts and cultural heritage fund shall be expended to balance the benefits across all regions and residents of the state.

(d) All information for funded projects, including the proposed measurable outcomes, must be made available on the Web site required under section 3.303, subdivision 10, as soon as practicable. Information on the measured outcomes and evaluation must be posted as soon as it becomes available.

(e) Grants funded by the arts and cultural heritage fund must be implemented according to section 16B.98. Proposals must specify all organizations, including contact information, that will receive any portion of a grant and specify a process for any regranting envisioned. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

(f) A recipient of money from the arts and cultural heritage fund must display a sign on capital projects and an acknowledgment in a printed program or other material funded with money from the arts and cultural heritage fund that identifies it as a project funded with money from the vote of the people of Minnesota on November 4, 2008.

(g) All money from the arts and cultural heritage fund must be for projects located in Minnesota.

Subd. 3. **Special review.** A project receiving an appropriation or appropriations from the arts and cultural heritage fund totaling \$10,000,000 or more in a biennium is subject to the following requirements:

(1) the attorney general must review and approve all contracts and real estate transactions and make a determination of whether they are in the best interest of the state and whether they meet all applicable requirements; and

(2) a second appraisal, meeting the state appraisal requirements for land acquisitions, must be conducted.

Sec. 18. **STATE AND REGIONAL PARKS AND TRAILS FRAMEWORK.**

(a) \$250,000 in fiscal year 2010 is appropriated from the parks and trails fund to the commissioner of natural resources for a collaborative project to develop a 25-year framework for the use of the money available in the parks and trails fund under the Minnesota Constitution, article XI, section 15, and other traditional sources of funding. The collaborative project shall consist of a joint effort between representatives of the commissioner of natural resources, the Metropolitan Council and its implementing agencies, the Central Minnesota Regional Parks and Trails Coordinating Board, and regional parks and trails organizations outside the metropolitan area. The members shall prepare a ten-year strategic parks and trails coordination plan and develop a 25-year framework for use of the funding that includes goals and measurable outcomes and includes a vision for Minnesotans of what the state and regional parks will look like in 25 years.

(b) In developing the coordination plan and framework, the members shall utilize a process, including Web site survey tools and regional listening sessions, to be staffed by the commissioner, that ensures that citizens are included in development and finalization of the final plan and framework. The commissioner, council, and board shall provide for input from user groups and local and regional park and trail organizations.

(c) The plan and framework must include:

(1) a proposed definition of "parks and trails of regional significance";

(2) a plan to increase the number of visitors to state and regional parks;

(3) assessment of the need for new or expanded regional outdoor recreation systems to preserve and connect high-quality, diverse natural resources in areas with concentrated and increasing populations;

(4) budgeting for ongoing maintenance;

(5) decommissions;

(6) a plan for trails that takes into account connectivity and the potential for use by commuters;

(7) requirements for local contribution; and

(8) benchmarks, beginning no later than July 1, 2014.

(d) The commissioner shall submit the ten-year plan and 25-year framework in November 15, 2009.

Sec. 19. **ARTS AND CULTURAL HERITAGE FRAMEWORK.**

(a) By February 1, 2010, a joint subcommittee of the house of representatives and senate committees with jurisdiction over the arts and cultural heritage fund shall conduct public meetings to gather additional public stakeholder input and provide recommendations to their respective bodies for a one-year plan establishing criteria, priorities, and parameters for awarding grants and resources. The joint subcommittee shall select representatives to participate in the collaborative project created under paragraph (b). The Legislative Coordinating Commission may use resources allocated to it under this section to provide the research and analysis necessary for the subcommittee to complete their work.

(b) \$250,000 in fiscal year 2010 is appropriated from the arts and cultural heritage fund to the Legislative Coordinating Commission for a collaborative project to develop a ten-year plan and a 25-year framework for the use of the money available in the arts and cultural heritage fund under the Minnesota Constitution, article XI, section 15, and other traditional sources of funding. The collaborative project shall consist of a joint effort between representatives nominated by various listed organizations as follows, and approved by the director: an arts education organization serving youth, an arts education organization serving adults, a civics education organization, the Minnesota Historical Society, local and regional historical organizations, Minnesota Board of the Arts, selected Minnesota zoos, children's museums, and libraries, Minnesota public television and radio, the Minnesota Center for the Humanities, and the Science Museum of Minnesota. The speaker of the house and the senate Subcommittee on Committees of the Committee on Rules and Administration shall each appoint three public members with expertise in the arts and cultural heritage, who have no connection to existing arts and cultural heritage organizations, and who come from diverse areas of the state, to provide public perspective on future frameworks for funding. The commission shall ensure that public hearings are conducted by those creating plans and frameworks under this section. The members shall prepare a ten-year plan and a 25-year framework for use of the funding that includes goals and measurable outcomes and includes a vision for Minnesotans of what arts, history, and cultural heritage will look like in 25 years. The Legislative Coordinating Commission may choose to issue a contract to the University of Minnesota to conduct and coordinate this collaborative project, or may let a competitive grant to another organization for such a contract.

(c) In developing the coordination plan and framework, the members shall utilize a process, including Web site survey tools and regional listening sessions, to be staffed by the Legislative Coordinating Commission, that ensures that citizens are included in development and finalization of the final plan and framework. The Legislative Coordinating Commission shall provide for input from user groups and local and regional arts and cultural heritage organizations.

(d) The plan and framework must include:

(1) a proposed definition of "arts, history, and cultural heritage";

(2) a plan to increase participation in arts, history, and cultural activities;

(3) plans to enhance services to persons, programs, artists, and communities not traditionally served by existing programs, including plans to develop and change existing program priorities to meet these goals;

(4) a plan for serving areas with limited access to arts, historical, and cultural heritage organizations;

(5) parameters for ongoing budgeting;

(6) requirements for local contribution;

(7) standards for measuring outcomes;

(8) leveraging private and nonstate dollars and examining the economic impact of new and expanded programs;

(9) consideration and feasibility of a revolving loan fund for capital projects; and

(10) consideration of ways to best limit funding to Minnesota-only projects.

(e) The director of the Legislative Coordinating Commission shall submit the ten-year plan and a 25-year framework in a report to the legislature no later than October 1, 2010, and shall submit a preliminary report no later than December 15, 2009.

**Sec. 20. COMPREHENSIVE STATEWIDE SUSTAINABLE WATER RESOURCES DETAILED FRAMEWORK.**

(a) The University of Minnesota shall develop a comprehensive statewide sustainable water resources detailed framework to protect, conserve, and enhance the quantity and quality of the state's ground and surface waters. The detailed framework shall be a long-range, 25-year detailed framework, with an implementation schedule and associated benchmarks, for policy, research, monitoring, and evaluation in order to achieve sustainable ground and surface water use, including the ecological benefits provided by water resources to humans and fish and wildlife habitat. For the purposes of the detailed framework, water use is sustainable when the use does not harm ecosystems, degrade water quality, or compromise the ability of future generations to meet their own needs.

(b) The detailed framework shall be developed by the University of Minnesota Water Resources Center in cooperation with federal, state, and local government and private nonprofits with expertise in water resources. In developing the detailed framework, the water resources plans of organizations with water resources expertise shall be considered. The detailed framework must include, but is not limited to, identification of infrastructure needs, drinking water, ground and surface waters, storm water, agricultural and industrial needs, the interfaces of climate change, development and land use, and demographics. The detailed framework must identify best practices and methods for determining the effectiveness of those practices for wastewater treatment, drinking water source protection, pollution prevention, conservation, and water valuation.

(c) The University of Minnesota shall also develop a ten-year plan for sustainable water resources. In developing this plan, the University of Minnesota Water Resources Center shall examine existing plans, as available and appropriate, from the Environmental Quality Board and Clean Water Council.

(d) The University of Minnesota shall submit the detailed framework to the chairs of the legislative committees with jurisdiction over agriculture policy and finance and environment and natural resources policy and finance by January 1, 2011.

(e) It is a condition of acceptance of this appropriation that the University of Minnesota must submit a work plan, a timeline, a budget, and periodic progress reports to the Legislative Coordinating Commission. After review, the work plan, progress reports, and any comments on the plan must be submitted to the house of representatives and senate environment finance and policy committees, and to the Legislative Coordinating Commission.

Sec. 21. **LIMITS ON APPROPRIATIONS.**

All appropriations from any fund created under the Minnesota Constitution, article XI, section 15, shall be onetime only, for the 2010-2011 biennium, and shall not carry forward past 2011 unless otherwise stated. No appropriations may be carried forward as part of a budget base. The legislature shall reconsider all funding before the beginning of the 2011 legislative session, and shall construct new appropriations without regard to past funding decisions.

ARTICLE 6

MANAGEMENT

Section 1. **[84C.021] CONSERVATION EASEMENT PURPOSE STATEMENT.**

A conservation easement purchased in whole or in part with state funds appropriated on or after July 1, 2009, must include a statement of the conservation purposes of the easement including the conservation attributes associated with the real property and the benefit to the general public intended to be served by the restriction on uses of the real property subject to the conservation easement.

Sec. 2. **[84C.06] LONG-TERM LAND MANAGEMENT ACCOUNT.**

Subdivision 1. **Account established.** A long-term land management account is established in the special revenue fund. The commissioner of finance shall credit to the long-term land management account the contributions required under subdivision 2 and any gifts and donations made to the account. The State Board of Investment shall invest the principle of the account. All earnings on the investment shall accrue to the account. For the purposes of this section, land management includes monitoring and enforcement. The commissioner of finance shall report to the legislature by January 15 of each odd-numbered year on contributions and investment earnings of the account and, effective in 2019, on expenditures from the account. "Monitoring" for purposes of this section means review of actual practices of land management as they occur. "Enforcement" for purposes of this section means actions taken to ensure compliance with laws and stated agreements.

Subd. 2. **Contributions required.** (a) A holder of a permanent conservation easement purchased in whole or in part with state funds appropriated on or after July 1, 2009, shall contribute the greater of \$10,000 or five percent of the appraised value of the land to the long-term land management account established in subdivision 1 within 30 days of purchasing the easement.

(b) A holder of a permanent conservation easement that transfers the conservation easement to the state on or after July 1, 2009, shall contribute the greater of \$10,000 or five percent of the appraised value of the land to the long-term land management account established in subdivision 1 within 30 days of transferring the easement unless the contribution requirement has been met by the state.

(c) The owner of land acquired in fee title purchased in whole or in part with state funds appropriated on or after July 1, 2009, for natural resource purposes, including lands acquired by the commissioner of natural resources and lands acquired to restore, protect, and enhance wetlands, prairies, forests, habitat, water quality, and other natural resources, shall contribute the greater of \$10,000 or five percent of the appraised value of the land to the long-term land management account established in subdivision 1 within 30 days of purchasing the land.

(d) The owner of land acquired in fee title purchased in whole or in part with state funds for natural resource purposes, including lands acquired by the commissioner of natural resources or lands acquired to restore, protect, and enhance wetlands, prairies, forests, habitat, water quality, and other natural resources, that transfers land to the state on or after July 1, 2009, shall contribute the greater of \$10,000 or five percent of the appraised value of the land to the long-term land management account established in subdivision 1 within 30 days of transferring the land unless the contribution requirement has been met by the state. This paragraph does not apply to a unit of local government for land acquired for park purposes, trails, open space, conservation, and agricultural preservation, if the commissioner of natural resources determines that the governing body of the unit of local government has approved a plan to manage the land for as long as the unit of local government owns the land.

(e) Nothing in this section prohibits a holder of an easement or the owner of land in fee title from accepting gifts or other funds to be used in meeting the contribution requirements of this section or prohibits a contribution from being made on behalf of a holder of an easement or owner of land in fee title to meet the requirements of this section.

(f) For the purposes of this section, "appraised value" is the most recent assessor's estimated market value under section 273.11, subdivision 1, the most recent purchase price, or the most recent appraised value of the land, whichever is greater.

(g) For conservation easements acquired under chapters 103B to 103H, or when federal funds contribute to the purchase of an easement, the state's easement cost as determined by rates established by the Board of Water and Soil Resources, will be the basis for determining the five percent in this section.

Subd. 3. **Exemption.** The commissioner of natural resources and the Board of Water and Soil Resources may waive the contribution requirement under subdivision 2 for a holder of a conservation easement or owner of land in fee title, upon request, provided the following conditions are met:

(1) for the holder of a conservation easement, the holder must:

(i) demonstrate a history of providing long-term management, monitoring, and enforcement of conservation easements;

(ii) demonstrate the ability to fund long-term management, monitoring, and enforcement of conservation easements; and

(iii) have or soon will set aside funds for the management, monitoring, and enforcement of the conservation easement subject to the requirement under subdivision 2, such as administration of an account similar to the long-term land management account established under this section.

(2) for the owner of land in fee title, the owner must:

(i) demonstrate a history of providing land management in accordance with applicable requirements and natural resource purposes;

(ii) demonstrate the ability to fund the applicable land management requirements and purposes; and

(iii) have or soon will set aside funds for the management of the land subject to the requirement under subdivision 2, such as administration of an account similar to the long-term land management account established under this section.

Subd. 4. **Expenditures.** Money appropriated from the long-term land management account must only be spent on the management, monitoring, and enforcement of conservation easements to ensure that the purposes for conservation easements according to section 84C.021 are met and on the management of lands purchased with state funds for natural resource purposes. Funds must be appropriated by law and shall not be appropriated until July 1, 2017.

Sec. 3. Minnesota Statutes 2008, section 477A.12, subdivision 2, is amended to read:

Subd. 2. **Procedure.** Lands for which payments in lieu are made pursuant to section 97A.061, subdivision 3, and Laws 1973, chapter 567, or lands for which a onetime payment has been made under section 477A.121 shall not be eligible for payments under this section. Each county auditor shall certify to the Department of Natural Resources during July of each year prior to the payment year the number of acres of county-administered other natural resources land within the county. The Department of Natural Resources may, in addition to the certification of acreage, require descriptive lists of land so certified. The commissioner of natural resources shall determine and certify to the commissioner of revenue by March 1 of the payment year:

- (1) the number of acres and most recent appraised value of acquired natural resources land within each county;
- (2) the number of acres of commissioner-administered natural resources land within each county;
- (3) the number of acres of county-administered other natural resources land within each county, based on the reports filed by each county auditor with the commissioner of natural resources; and
- (4) the number of acres of land utilization project land within each county.

The commissioner of transportation shall determine and certify to the commissioner of revenue by March 1 of the payment year the number of acres of land and the appraised value of the land described in subdivision 1, paragraph (b), but only if it exceeds 500 acres.

The commissioner of revenue shall determine the distributions provided for in this section using the number of acres and appraised values certified by the commissioner of natural resources and the commissioner of transportation by March 1 of the payment year.

Sec. 4. **[477A.121] NATURAL RESOURCES LAND ONETIME PAYMENT.**

Subdivision 1. **Onetime payments.** (a) A onetime payment shall be made under this section on any acquired natural resources land purchased with funds from the outdoor heritage fund appropriated on or after July 1, 2009, to the county in which the land is located. The payment is equal to 25 percent of the appraised value of the acquired natural resources land.

(b) Each year, the commissioner of natural resources shall determine the total amount of payments for each county on acquired natural resources lands located in the county that were acquired in the previous calendar year and certify that amount to the commissioner of revenue by March 1.

(c) Land receiving a onetime payment under this section is not eligible for payments under section 97A.061 or 477A.12.

Subd. 2. **Determination of appraised value.** For the purposes of this section, the appraised value of acquired natural resources land is the purchase price. If the acquisition involves a donation, the appraised value of acquired natural resources land is the value determined for the commissioner of natural resources by a licensed appraiser, or the county assessor's estimated market value if the county assessor's estimated market value is less than \$100,000 and no appraisal has been done.

Subd. 3. **Transfer; source of funds.** An amount necessary to make the payments required under this section is annually appropriated to the commissioner of natural resources from the outdoor heritage fund for transfer to the commissioner of revenue. The commissioner of revenue shall make the payments required under this section to the counties at the same time that the first half of aid payments under sections 477A.011 to 477A.014 are made.

Subd. 4. **Investment and use of funds.** (a) Upon receipt of a onetime payment, the county shall disburse to each town an equivalent percentage of the onetime payment as would have been distributed to the town under section 477A.14 of funds paid under section 477A.12.

(b) The onetime payment remaining after disbursement under paragraph (a) shall be invested and only the interest may be expended, except that the board may approve by unanimous vote the use of principal for authorized purposes when it is determined that the interest payment is insufficient for a required expenditure. The interest or authorized principal may only be used for the purposes under section 97A.061 or 477A.12.

**Sec. 5. EFFECTIVE DATE.**

(a) Sections 1 to 4 are effective July 1, 2009, except that sections 1 to 4 do not apply to the Board of Water and Soil Resources until September 30, 2010; and

(b) Sections 1 to 4 do not apply to any project or appropriation contained in this act.

ARTICLE 7

MISCELLANEOUS

Section 1. **[3.3006] APPLICATION.**

The definitions of "enhance," "protect," and "restore" in section 84.02 apply to all funds appropriated and purposes authorized under the clean water fund, parks and trails fund, and outdoor heritage fund.

Sec. 2. Minnesota Statutes 2008, section 84.02, is amended by adding a subdivision to read:

Subd. 4a. **Enhance.** "Enhance" means to improve in value, quality, and desirability in order to increase the ecological value of the land or water.

Sec. 3. Minnesota Statutes 2008, section 84.02, is amended by adding a subdivision to read:

Subd. 6a. **Protect.** "Protect" means actions taken to preserve the structure and functions of ecological systems to maintain active and healthy ecosystems and prevent future degradation.

Sec. 4. Minnesota Statutes 2008, section 84.02, is amended by adding a subdivision to read:

Subd. 6b. **Restore.** "Restore" means renewing degraded, damaged, or destroyed ecosystems through active human intervention to achieve high-quality ecosystems that provide the structure, function, biological diversity, and dynamics of the specific ecosystem.

**Sec. 5. [129D.18] PUBLIC TELEVISION AND RADIO CULTURAL AND HERITAGE PRODUCTION AND ACQUISITION GRANTS.**

Subdivision 1. **Use of grant funds.** Money appropriated from the Minnesota arts and cultural heritage fund may be designated to make grants to public stations, as defined in section 129D.12, subdivision 2, and public educational radio stations. Grants received under this section must be used to create, produce, acquire, or distribute programs that educate, enhance, or promote local, regional, or statewide items of artistic, cultural, or historic significance. Grant funds may be used to cover any expenses associated with the creation, production, acquisition, or distribution of public television or radio programs through broadcast or online, including the creation and distribution of educational materials.

Subd. 2. **Administration.** Money appropriated under this section must be used by the commissioner of administration to make grants based upon the recommendations of the Minnesota Public Television Association or the Association of Minnesota Public Educational Radio Stations.

Subd. 3. **Conditions.** (a) A public station or public educational radio station receiving funds appropriated under this section must:

(1) make programs produced with these funds available for broadcast to all other public stations or public educational radio stations eligible to receive grants under this section;

(2) offer free public performance rights for public educational institutions;

(3) archive programs produced with these funds and make the programs available for future use through encore broadcast or other distribution, including online; and

(4) ensure that underwriting credit is given to the Minnesota arts and cultural heritage fund.

(b) Programs produced in partnership with other mission-centered nonprofit organizations may be used by the partnering organization for its own educational or promotional purposes.

Subd. 4. **Reporting.** A public station or public educational radio station receiving funds appropriated under this section must report annually by August 1 to the commissioner and the chairs of the senate and house of representatives committees and divisions having jurisdiction over arts and cultural heritage policy and budget regarding how the previous year's grant funds were expended. This report must contain specific information regarding the details for each program produced and broadcast, including the cost of production, the number of stations broadcasting the program, estimated viewership or number of listeners, the number of Web site downloads, and other related measures. If the programs produced include educational material, the public station or public educational radio station must report to the commissioner on these efforts.

**Sec. 6. [138.0375] HISTORY EDUCATION LEARNING PROGRAM.**

Subdivision 1. **History education learning program established.** The history education learning program (HELP) is established to augment the preservation of historic sites and museums in Minnesota with funding from the arts and cultural heritage fund created by the Minnesota Constitution, article XI, section 15.

Subd. 2. **Eligible projects.** (a) HELP funding must be for one or more of the following purposes:

(1) code compliance at a historic site or museum, including, but not limited to, health and safety, Americans with Disabilities Act requirements, hazardous material abatement, access improvement, air quality improvement, energy conservation measures, or sustainable energy systems;

(2) building, grounds, or infrastructure repairs or maintenance necessary to preserve or protect the historic site or museum; or

(3) improvements or modernization for interactive, interpretive, or cultural purposes at a historic site or museum.

(b) Up to 15 percent of an appropriation under this section may be used for design, project management, and administrative costs.

Subd. 3. **State-owned or state-operated historic sites and museums.** Money appropriated for purposes of this subdivision is for state-owned or state-operated historic sites and museums and must be used for the purposes described in subdivision 2.

Subd. 4. **Project priorities; report to legislature.** (a) The Minnesota Historical Society shall establish criteria for prioritizing HELP projects.

(b) By January 15 of each year, the Minnesota Historical Society shall submit a prioritization plan to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over arts and cultural heritage finance. The prioritization plan must include, without limitation, a list of the projects that have been paid for during the preceding calendar year with HELP funding, a prioritized list of projects for which HELP funding will be sought during the next six fiscal years, and a summary of the need and estimated costs for each project.

Sec. 7. **VOLUNTEER WORKING GROUP ON DAKOTA AND OJIBWE LANGUAGE REVITALIZATION AND PRESERVATION.**

Subdivision 1. **Establishment.** A volunteer working group is established to develop a unified strategy to revitalize and preserve indigenous languages of the 11 federally recognized American Indian tribes in Minnesota. As the federal government recognized through passage of the Esther Martinez Native American Languages Preservation Act of 2006, the revitalization and preservation of American Indian languages is of vital importance to preserving the American Indian culture. There have been recent efforts in Minnesota to develop programs to teach the Dakota and Ojibwe languages to students and to create fluent speakers at both the kindergarten through grade 12 level and at the postsecondary level. The volunteer working group shall, among other duties, inventory these efforts and make recommendations regarding how to further revitalize and preserve Dakota and Ojibwe languages.

Subd. 2. **Membership.** The executive director of the Minnesota Indian Affairs Council shall invite each of the 11 federally recognized tribes under Minnesota Statutes, section 3.922, subdivision 1, clause (1), to participate by appointing one member of each tribe to the working group. Three additional members shall be appointed by the Indian Affairs Council. Two of these members must represent the American Indian population in the Minneapolis-St. Paul area and one member must represent the American Indian population in Duluth. Other working group members may include, at their discretion, the commissioner of education or the commissioner's appointee, the director of the Office of Higher Education or the director's appointee, the director of the Minnesota Historical Society or the director's appointee, one member of the Board of Teaching, one member of the senate appointed by its Subcommittee on Committees, and one member of the house of representatives appointed by the speaker of the house. The working group may add other members as deemed appropriate by a majority vote of the existing members. The executive director of the Indian Affairs Council must convene the first meeting no later than September 1, 2009. At the first meeting, the members shall elect from amongst themselves a chair and vice chair of the working group.

Subd. 3. **Duties.** The working group must develop strategies for the 11 federally recognized American Indian tribes and the state to work together to revitalize and preserve the Dakota and Ojibwe languages in Minnesota. The duties of the working group include, but are not limited to:

(1) creating an inventory of existing programs designed to preserve Dakota and Ojibwe languages in the state, including postsecondary programs, programs in tribal schools, and other schools throughout the state;

(2) creating an inventory of available resources for Dakota and Ojibwe language revitalization and immersion programs, including curriculum, educational materials, and trained teachers;

(3) identifying curriculum needs to train teachers to teach the Dakota and Ojibwe languages in immersion programs and barriers to training teachers to teach the Dakota and Ojibwe language;

(4) identifying classroom curriculum needs for teaching students in Dakota and Ojibwe languages;

(5) determining how the identified curriculum needs should be met;

(6) determining if there is a need for a central repository of resources, and if there is a need, where the repository should be located, how it should be structured, and who should have responsibility for maintaining the repository;

(7) determining what technical assistance the state could offer to further Dakota and Ojibwe language immersion programs;

(8) identifying both existing state and national financial resources available to further Dakota and Ojibwe language revitalization and preservation efforts;

(9) identifying current state and federal law, rules, regulations, and policy that should be repealed, modified, or waived, in order to further Dakota and Ojibwe language immersion programs; and

(10) assessing the level of interest in the community for Dakota and Ojibwe language immersion programs.

Subd. 4. **Report.** The working group must report its findings and recommendations to the Indian Affairs Council and the committees of the legislature having jurisdiction over early childhood through grade 12 education and higher education by February 15, 2011. The committee expires on February 16, 2011.

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

## ARTICLE 8

### INVASIVE SPECIES

#### Section 1. **APPROPRIATION; FOREST PROTECTION RESERVE.**

\$2,000,000 is appropriated in fiscal year 2010 from the outdoor heritage fund to the commissioner of agriculture to identify, prevent, and in consultation with the forest resources council, protect Minnesota forests by rapidly and effectively responding to the threat or presence of plant pests. At the commissioner's discretion, the commissioner may access this appropriation if sufficient resources are not available from state, federal, or other sources or if the commissioner determines that sufficient state, federal, or other resources will not be available to the commissioner in time to effectively prevent the introduction or spread of tree pests and avert environmental or economic harm. Up to \$125,000 is available immediately to the commissioner of agriculture to update the state's invasive and exotic tree pest plans by addressing the role of all stakeholders in preventing the introduction or spread of, responding to, and containing outbreaks and in remediation. The commissioner shall work in consultation with the commissioner of natural resources, the Forest Resources Council, and the Forest Protection Task Force and shall report findings and recommendations to the governor and the appropriate legislative committees. The report must include recommendations to ensure that a coordinated and effective response network is in place to protect our forests. The

commissioner of agriculture may transfer all or part of this appropriation to the commissioner of natural resources and may award grants to local units of government or other entities. Any unencumbered balance does not cancel at the end of fiscal year 2010 and is available in fiscal year 2011.

Sec. 2. **STATE EXTERNAL FIREWOOD QUARANTINE.**

As authorized under Minnesota Statutes, section 18G.06, the commissioner of agriculture must immediately issue and enforce an emergency state exterior quarantine to prevent the entry of firewood into this state unless the person possessing the firewood demonstrates to the satisfaction of the commissioner or the commissioner's agent that the firewood:

(1) was aged at least two years;

(2) has been heated sufficiently to kill pests and disease; or

(3) is either transported or will be received by a person who has entered into a compliance agreement with the commissioner.

The quarantine may be modified or repealed at the discretion of the commissioner of agriculture, as provided under Minnesota Statutes, section 18G.06, subdivision 6."

Delete the title and insert:

"A bill for an act relating to state government; appropriating money from constitutionally dedicated funds and providing for policy and governance of outdoor heritage, clean water, parks and trails, and arts and cultural heritage purposes; establishing and modifying grants and funding programs; providing for advisory groups; providing appointments; requiring reports; requiring rulemaking; amending Minnesota Statutes 2008, sections 3.303, by adding a subdivision; 3.971, by adding a subdivision; 17.117, subdivision 11a; 18G.11, by adding a subdivision; 84.02, by adding subdivisions; 85.53; 97A.056, subdivisions 2, 3, 6, 7, by adding subdivisions; 103F.515, subdivisions 2, 4; 114D.50; 116G.15; 116P.05, subdivision 2; 129D.17; 477A.12, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; 84; 84C; 85; 116; 129D; 138; 477A."

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

The report was adopted.

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

H. F. No. 1298, A bill for an act relating to public finance; providing terms and conditions relating to issuance of obligations and financing of public improvements; modifying restrictions on mail elections; providing tax credit and interest subsidy bonds; providing emergency debt certificates; authorizing the issuance of local bonds; authorizing the cities of Chisago City and Lindstrom to establish a joint venture, issue debt for use outside of the jurisdiction, and share revenues; providing for the additional financing of metropolitan area transit and paratransit capital expenditures; authorizing the issuance of certain obligations; authorizing counties to make joint purchases of energy and energy generation projects; authorizing Mountain Iron economic development and Winona County economic authorities to form limited liability companies; eliminating the maximum limit on state agricultural society's bonded debt and the sunset on the authority to issue bonds and modifying its authorized investments of debt service funds; extending sunset for special service and housing improvement districts; modifying authority of municipalities to

issue bonds for certain postemployment benefits; appropriating money; amending Minnesota Statutes 2008, sections 37.31, subdivisions 1, 7; 37.33, subdivision 3; 37.34; 126C.55, subdivision 4; 204B.46; 275.065, subdivision 6; 360.036, subdivision 2; 366.095, subdivision 1; 373.01, subdivision 3; 373.40, subdivision 1; 373.47, subdivision 1; 373.48, subdivision 1, by adding a subdivision; 383B.117, subdivision 2; 410.32; 412.301; 428A.03, subdivision 1; 428A.08; 428A.09; 428A.10; 428A.101; 428A.21; 446A.086, by adding a subdivision; 469.005, subdivision 1; 469.034, subdivision 2; 469.153, subdivision 2; 471.191, subdivision 1; 473.1293, by adding a subdivision; 473.39, by adding a subdivision; 474A.02, subdivisions 2, 14; 475.51, subdivision 4; 475.52, subdivision 6; 475.58, subdivision 1; 475.67, subdivision 8; Laws 1971, chapter 773, sections 1, subdivision 2, as amended; 4, as amended; Laws 2008, chapter 366, article 6, section 46, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapters 16A; 475; repealing Minnesota Statutes 2008, section 37.31, subdivision 8; Laws 1998, chapter 407, article 8, section 12, subdivision 4.

Reported the same back with the following amendments:

Page 29, delete section 44

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Lenczewski from the Committee on Taxes to which was referred:

H. F. No. 2367, A bill for an act relating to property taxation; providing a property tax abatement for newly-constructed residential structures in flood-damaged areas; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **TAX ABATEMENT; NEWLY CONSTRUCTED RESIDENTIAL STRUCTURES IN FLOOD-DAMAGED CITIES.**

**Subdivision 1. Eligibility.** (a) A residential structure qualifies for a tax abatement under this section, if:

(1) the structure is located in a city that is eligible to designate a development zone under Minnesota Statutes, section 469.1731;

(2) the structure is located in a county designated as an emergency area under presidential declaration FEMA-3304-EM;

(3) the structure is located on property classified as class 1a, 1b, 2a, 4a, 4b, 4bb, or 4d under Minnesota Statutes, section 273.13;

(4) no part of the structure was in existence prior to January 1, 2009; and

(5) construction of the structure is commenced prior to December 31, 2010. For the purposes of this clause, construction is deemed to have been commenced if a proper building permit has been issued and the mandatory footing or foundation inspection has been completed.

Subd. 2. **Application.** Application for the abatement authorized under this section must be filed by January 2 of the year following the year in which construction began. The application must be filed with the assessor of the county in which the property is located on a form prescribed by the commissioner of revenue.

Subd. 3. **Tax abated.** (a) For a property qualifying under subdivision 1 and classified as either 1a, 1b, 2a, 4b, or 4bb, the tax attributable to (1) \$150,000 of market value, or (2) the entire market value of the structure, whichever is less, shall be abated. For a property qualifying under subdivision 1 and classified as class 4a or 4d, the tax attributable to (1) \$20,000 of market value per residential unit, or (2) the entire market value of the structure, whichever is less, shall be abated.

(b) The abatement under paragraph (a) shall be in effect for two taxes payable years, corresponding to the two assessment years after construction has begun. The abatement shall not apply to any special assessments that have been levied against the property.

Subd. 4. **Reimbursement.** By May 1 of each taxes payable year in which an abatement has been authorized under this section, the auditor shall report the amount of taxes abated for each jurisdiction within the county to the commissioner of revenue, on a form prescribed by the commissioner. On or before September 1 of each taxes payable year in which an abatement has been authorized under this section, the commissioner of revenue shall reimburse each local jurisdiction for the amount of taxes abated for the year under this section.

Subd. 5. **Appropriation.** The amount necessary to make the reimbursements required under this section is annually appropriated to the commissioner of revenue from the general fund.

**EFFECTIVE DATE.** This section is effective for assessment years 2010 to 2012, for taxes payable in 2011 to 2013."

Delete the title and insert:

"A bill for an act relating to property taxation; providing a property tax abatement for newly constructed residential structures in flood-damaged areas; appropriating money."

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.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 108, 696, 927, 1193, 1218 and 1298 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Davnie introduced:

H. F. No. 2372, A bill for an act relating to the city of Minneapolis; repealing special street light provisions; repealing Laws 1959, chapter 577.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Brod introduced:

H. F. No. 2373, A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, by adding a section; providing authority to the Minnesota Public Utilities Commission, or its successor, to issue a certificate of need for the construction of a nuclear electric generating plant.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Olin introduced:

H. F. No. 2374, A bill for an act relating to higher education; establishing a student loan forgiveness program for dentists to increase enrollment in the University of Minnesota School of Dentistry; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Hayden, Clark and Champion introduced:

H. F. No. 2375, A bill for an act relating to state government; modifying provisions governing observance of Juneteenth; amending Minnesota Statutes 2008, section 10.55.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Emmer and Buesgens introduced:

H. F. No. 2376, A bill for an act relating to commerce; exempting from federal regulation under the commerce clause of the Constitution of the United States a firearm, a firearm accessory, or ammunition manufactured and retained in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 624.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

There being no objection, the order of business advanced to Motions and Resolutions.

## MOTIONS AND RESOLUTIONS

Sertich introduced:

House Concurrent Resolution No. 1, A House concurrent resolution relating to deadlines; deleting the fifth deadline.

The house concurrent resolution was referred to the Committee on Rules and Legislative Administration.

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

## RECESS

## RECONVENED

The House reconvened and was called to order by the Speaker.

Champion was excused between the hours of 11:00 a.m. and 11:30 a.m.

## CALENDAR FOR THE DAY

H. F. No. 885 was reported to the House.

Nornes, Westrom and Murdock moved to amend H. F. No. 885, the first engrossment, as follows:

Page 7, after line 25, insert:

"Sec. 9. Minnesota Statutes 2008, section 469.312, subdivision 5, is amended to read:

Subd. 5. **Duration limit.** (a) The maximum duration of a zone is 12 years. The applicant may request a shorter duration. The commissioner may specify a shorter duration, regardless of the requested duration.

(b) The duration limit under this subdivision and the duration of the zone for purposes of allowance of tax incentives described in section 469.315 is extended by three calendar years for each parcel of property that meets the following requirements:

(1) the qualified business operates an ethanol plant, as defined in section 41A.09, on the site that includes the parcel; and

(2) the business subsidy agreement was executed after April 30, 2006.

(c) Notwithstanding the 12-year zone limitation, any qualified business that signs a business subsidy agreement, as required under sections 469.310, subdivision 11, and 469.313, before December 31, 2015, is entitled to claim the tax benefits for which it qualifies under section 469.315 for the year in which the business subsidy agreement is signed and ten additional years, if the following requirements are met:

(1) a business closed or ceased its operations during calendar year 2008 or 2009, resulting in the loss of one or more jobs, within the jurisdiction of the local government unit entering the business subsidy agreement; and

(2) the local government designates the qualified business as the replacement for the business that ceased its operations, regardless of whether the qualified business is operating in the same or similar line of business or at the same location. This authority applies only to allow designation of one qualified business as a replacement for a business that closed or ceased operations.

**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 Nornes et al amendment and the roll was called. There were 48 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Falk	Kath	Murdock	Shimanski
Anderson, B.	Demmer	Fritz	Kelly	Nornes	Smith
Anderson, P.	Dettmer	Garofalo	Kiffmeyer	Otremba	Sterner
Anderson, S.	Doepke	Gottwalt	Kohls	Peppin	Torkelson
Beard	Downey	Gunther	Lanning	Sanders	Urdahl
Brod	Drazkowski	Hackbarth	Loon	Scott	Ward
Buesgens	Eastlund	Hamilton	Mack	Seifert	Westrom
Cornish	Emmer	Holberg	McFarlane	Severson	Zellers

Those who voted in the negative were:

Anzelc	Eken	Jackson	Mahoney	Paymar	Slocum
Atkins	Faust	Johnson	Mariani	Pelowski	Solberg
Benson	Gardner	Juhnke	Marquart	Persell	Swails
Bigham	Greiling	Kahn	Masin	Peterson	Thao
Bly	Hansen	Kalin	Morgan	Poppe	Thissen
Brown	Hausman	Knuth	Morrow	Reinert	Tillberry
Brynaert	Haws	Koenen	Mullery	Rosenthal	Wagenius
Bunn	Hayden	Laine	Murphy, E.	Rukavina	Welti
Carlson	Hilstrom	Lenczewski	Murphy, M.	Ruud	Winkler
Clark	Hilty	Lesch	Nelson	Sailer	Spk. Kelliher
Davnie	Hornstein	Liebling	Newton	Scalze	
Dill	Hortman	Lieder	Norton	Sertich	
Dittrich	Hosch	Lillie	Obermueller	Simon	
Doty	Huntley	Loeffler	Olin	Slawik	

The motion did not prevail and the amendment was not adopted.

Loon and Brod moved to amend H. F. No. 885, the first engrossment, as follows:

Page 2, after line 2, insert:

"Section 1. Minnesota Statutes 2008, section 289A.08, subdivision 1, is amended to read:

Subdivision 1. **Generally; individuals.** (a) A taxpayer must file a return for each taxable year the taxpayer is required to file a return under section 6012 of the Internal Revenue Code, except that:

(1) an individual who is not a Minnesota resident for any part of the year is not required to file a Minnesota income tax return if the individual's gross income derived from Minnesota sources as determined under sections 290.081, paragraph (a), and 290.17, is less than the filing requirements for a single individual who is a full year resident of Minnesota; ~~and~~

(2) an individual who is a Minnesota resident is not required to file a Minnesota income tax return if the individual's gross income derived from Minnesota sources as determined under section 290.17, less the amount of the individual's gross income that consists of compensation paid to members of the armed forces of the United States or United Nations for active duty performed outside Minnesota, is less than the filing requirements for a single individual who is a full-year resident of Minnesota; and

(3) an individual who filed an original return for a taxable year is not required to file an amended return if (i) the amended return is required as a result of state adoption of changes to the Internal Revenue Code in a law enacted after March 1 after the close of the taxable year, and (ii) the amount of additional tax that would be due on the amended return as a result of adoption of the changes to the Internal Revenue Code is less than \$100.

(b) The decedent's final income tax return, and other income tax returns for prior years where the decedent had gross income in excess of the minimum amount at which an individual is required to file and did not file, must be filed by the decedent's personal representative, if any. If there is no personal representative, the return or returns must be filed by the transferees, as defined in section 270C.58, subdivision 3, who receive property of the decedent.

(c) The term "gross income," as it is used in this section, has the same meaning given it in section 290.01, subdivision 20.

**EFFECTIVE DATE.** This section is effective for taxable years beginning after December 31, 2008."

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.

Dettmer; Swails; Bunn; Eastlund; Anderson, B.; Shimanski; Dean; Emmer and Drazkowski moved to amend H. F. No. 885, the first engrossment, as follows:

Page 28, delete line 29 and insert "~~raising or cultivating agricultural products as defined in clause (1)~~ one or more of the following activities, for which fees must be charged: training, riding instruction, or other equestrian activities;"

A roll call was requested and properly seconded.

The question was taken on the Dettmer et al amendment and the roll was called. There were 51 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Garofalo	Kiffmeyer	Otremba	Sterner
Anderson, B.	Demmer	Gottwalt	Kohls	Peppin	Swails
Anderson, P.	Dettmer	Gunther	Lanning	Sanders	Torkelson
Anderson, S.	Doepke	Hackbarth	Loon	Scott	Urdahl
Beard	Downey	Hamilton	Mack	Seifert	Westrom
Bigham	Drazkowski	Holberg	McFarlane	Severson	Zellers
Brod	Eastlund	Howes	McNamara	Shimanski	
Buesgens	Emmer	Kath	Murdock	Slawik	
Bunn	Fritz	Kelly	Nornes	Smith	

Those who voted in the negative were:

Anzelc	Falk	Jackson	Mahoney	Paymar	Solberg
Atkins	Faust	Johnson	Mariani	Pelowski	Thao
Benson	Gardner	Juhnke	Marquart	Persell	Thissen
Bly	Greiling	Kahn	Masin	Peterson	Tillberry
Brown	Hansen	Kalin	Morgan	Poppe	Wagenius
Brynaert	Hausman	Knuth	Morrow	Reinert	Ward
Carlson	Haws	Koenen	Mullery	Rosenthal	Walti
Clark	Hayden	Laine	Murphy, E.	Rukavina	Winkler
Cornish	Hilstrom	Lenczewski	Murphy, M.	Ruud	Spk. Kelliher
Davnie	Hilty	Lesch	Nelson	Sailer	
Dill	Hornstein	Liebling	Newton	Scalze	
Dittrich	Hortman	Lieder	Norton	Sertich	
Doty	Hosch	Lillie	Obermueller	Simon	
Eken	Huntley	Loeffler	Olin	Slocum	

The motion did not prevail and the amendment was not adopted.

Emmer moved to amend H. F. No. 885, the first engrossment, as follows:

Page 22, after line 30, insert:

"Section 1. **[17.459] HORSES.**

**Subdivision 1. Classification as livestock.** Horses and other equines raised for the purposes of riding, driving, farm or ranch work, competition, racing, recreation, sale, or as breeding stock are livestock. Horses may be used for meat, hides, and animal by-products. Horses and their products are livestock and farm products for purposes of financial transactions and collateral.

**Subd. 2. Agricultural pursuit.** Raising horses and other equines is agricultural production and an agricultural pursuit. Horse breeding farms, horse training farms, horse boarding farms, or farms combining those purposes, are an intensive agricultural use that may be accomplished on limited acreage. These intensive agricultural uses are necessary for horses in order to control the feeding, safety, and overall condition of the animals.

**Subd. 3. Applicability for property tax laws.** This section applies to the treatment of land used for raising horses under section 273.13, subdivision 23, paragraph (i), clause (1)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Westrom moved to amend the Emmer amendment to H. F. No. 885, the first engrossment, as follows:

Page 1, after line 16, insert:

"Subd. 4. Expiration. This section expires June 30, 2010."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called.

Pursuant to rule 2.05, Brown was excused from voting on the Westrom amendment to the Emmer amendment to H. F. No. 885, the first engrossment.

There were 65 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Garofalo	Kath	Murdock	Seifert
Anderson, B.	Dittrich	Gottwalt	Kelly	Nornes	Severson
Anderson, P.	Doepke	Gunther	Kiffmeyer	Norton	Shimanski
Anderson, S.	Doty	Hackbarth	Kohls	Obermueller	Smith
Beard	Downey	Hamilton	Lanning	Otremba	Sterner
Bly	Drazkowski	Haws	Lesch	Peppin	Swails
Brod	Eastlund	Holberg	Loon	Peterson	Torkelson
Buesgens	Emmer	Hosch	Mack	Poppe	Urdahl
Bunn	Falk	Howes	McFarlane	Rosenthal	Westrom
Dean	Faust	Jackson	McNamara	Sanders	Zellers
Demmer	Fritz	Juhnke	Morrow	Scott	

Those who voted in the negative were:

Anzelc	Eken	Johnson	Mahoney	Paymar	Slocum
Atkins	Gardner	Kahn	Mariani	Pelowski	Solberg
Benson	Greiling	Kalin	Marquart	Persell	Thao
Bigham	Hansen	Knuth	Masin	Reinert	Thissen
Brynaert	Hausman	Koenen	Morgan	Rukavina	Tillberry
Carlson	Hayden	Laine	Mullery	Ruud	Wagenius
Champion	Hilstrom	Lenczewski	Murphy, E.	Sailer	Ward
Clark	Hilty	Liebling	Murphy, M.	Scalze	Welti
Cornish	Hornstein	Lieder	Nelson	Sertich	Winkler
Davnie	Hortman	Lillie	Newton	Simon	Spk. Kelliher
Dill	Huntley	Loeffler	Olin	Slawik	

The motion did not prevail and the amendment to the amendment was not adopted.

## CALL OF THE HOUSE

On the motion of Sertich and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Demmer	Haws	Lenczewski	Olin	Smith
Anderson, B.	Dettmer	Hayden	Lesch	Otremba	Solberg
Anderson, P.	Dittrich	Hilstrom	Liebling	Pelowski	Sterner
Anderson, S.	Doepke	Holberg	Lieder	Peppin	Thao
Anzelc	Doty	Hornstein	Lillie	Persell	Thissen
Atkins	Drazkowski	Hortman	Loeffler	Peterson	Tillberry
Beard	Eastlund	Hosch	Mack	Poppe	Torkelson
Benson	Eken	Jackson	Mahoney	Reinert	Urdahl
Bigham	Emmer	Johnson	Marquart	Rosenthal	Wagenius
Bly	Falk	Juhnke	Morgan	Ruud	Welti
Brown	Faust	Kalin	Morrow	Sanders	Westrom
Brynaert	Fritz	Kath	Mullery	Scalze	Winkler
Buesgens	Gardner	Kelly	Murdock	Scott	Zellers
Bunn	Gottwalt	Kiffmeyer	Murphy, E.	Seifert	Spk. Kelliher
Carlson	Gunther	Knuth	Nelson	Sertich	
Clark	Hackbarth	Koenen	Newton	Severson	
Cornish	Hamilton	Kohls	Nornes	Shimanski	
Davnie	Hansen	Laine	Norton	Simon	
Dean	Hausman	Lanning	Obermueller	Slocum	

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Emmer amendment and the roll was called.

Pursuant to rule 2.05, Brown was excused from voting on the Emmer amendment to H. F. No. 885, the first engrossment.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 59 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Faust	Howes	Mack	Seifert
Anderson, B.	Dettmer	Fritz	Juhnke	McFarlane	Severson
Anderson, P.	Dittrich	Garofalo	Kalin	Morrow	Shimanski
Anderson, S.	Doepke	Gottwalt	Kath	Murdock	Smith
Beard	Doty	Gunther	Kelly	Nornes	Swails
Bly	Downey	Hackbarth	Kiffmeyer	Otremba	Torkelson
Brod	Drazkowski	Hamilton	Kohls	Peppin	Urdahl
Buesgens	Eastlund	Haws	Lanning	Poppe	Westrom
Bunn	Emmer	Holberg	Lesch	Sanders	Zellers
Dean	Falk	Hosch	Loon	Scott	

Those who voted in the negative were:

Anzelc	Bigham	Champion	Dill	Hansen	Hilstrom
Atkins	Brynaert	Cornish	Eken	Hausman	Hilty
Benson	Carlson	Davnie	Gardner	Hayden	Hornstein

Hortman	Lenczewski	Masin	Obermueller	Ruud	Thao
Huntley	Liebling	Morgan	Olin	Scalze	Thissen
Jackson	Lieder	Mullery	Paymar	Sertich	Tillberry
Johnson	Lillie	Murphy, E.	Pelowski	Simon	Wagenius
Kahn	Loeffler	Murphy, M.	Persell	Slawik	Ward
Knuth	Mahoney	Nelson	Peterson	Slocum	Welti
Koenen	Mariani	Newton	Reinert	Solberg	Winkler
Laine	Marquart	Norton	Rosenthal	Sterner	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

Zellers; Anderson, S; Sanders; Loon; Brod; Seifert; Downey; Emmer; Buesgens and Kohls moved to amend H. F. No. 885, the first engrossment, as follows:

Page 51, after line 32, insert:

"Sec. 2. Minnesota Statutes 2008, section 270C.02, subdivision 1, is amended to read:

Subdivision 1. **Commissioner; supervision of department and appointment.** The Department of Revenue is under the supervision and control of the commissioner. The commissioner shall be appointed by the governor under the provisions of section 15.06. The commissioner shall be selected on the basis of ability and experience in the field of tax administration and without regard to political affiliations. The governor may not appoint as commissioner an individual who has been convicted of a criminal violation of a federal or state tax or revenue law, who has failed to file a required original individual income tax return within one year of its due date, or who has unpaid federal, state, or local taxes for a prior taxable year when the appointment is announced to the public."

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 Zellers et al amendment and the roll was called. There were 76 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Gunther	Kohls	Olin	Severson
Anderson, B.	Dittrich	Hackbarth	Lanning	Otremba	Shimanski
Anderson, P.	Doepke	Hamilton	Loon	Pelowski	Smith
Anderson, S.	Doty	Hansen	Mack	Peppin	Sterner
Beard	Downey	Haws	Masin	Peterson	Swails
Bigham	Drazkowski	Hilstrom	McFarlane	Poppe	Torkelson
Brod	Eastlund	Holberg	McNamara	Reinert	Urdahl
Brown	Emmer	Hosch	Morgan	Rosenthal	Ward
Buesgens	Falk	Howes	Morrow	Ruud	Welti
Bunn	Faust	Kalin	Murdock	Sanders	Westrom
Cornish	Fritz	Kath	Nornes	Scalze	Zellers
Dean	Garofalo	Kelly	Norton	Scott	
Demmer	Gottwalt	Kiffmeyer	Obermueller	Seifert	

Those who voted in the negative were:

Anzelc	Eken	Johnson	Lillie	Paymar	Thissen
Atkins	Gardner	Juhnke	Loeffler	Persell	Tillberry
Benson	Greiling	Kahn	Mahoney	Rukavina	Wagenius
Bly	Hausman	Knuth	Mariani	Sailer	Winkler
Brynaert	Hayden	Koenen	Marquart	Sertich	Spk. Kelliher
Carlson	Hilty	Laine	Mullery	Simon	
Champion	Hornstein	Lenczewski	Murphy, E.	Slawik	
Clark	Hortman	Lesch	Murphy, M.	Slocum	
Davnie	Huntley	Liebling	Nelson	Solberg	
Dill	Jackson	Lieder	Newton	Thao	

The motion prevailed and the amendment was adopted.

Buesgens, Emmer and Zellers moved to amend H. F. No. 885, the first engrossment, as amended, as follows:

Page 5, after line 11, insert:

"Sec. 6. Minnesota Statutes 2008, section 290.06, subdivision 23, is amended to read:

Subd. 23. **Refund of contributions to political parties and candidates.** (a) A taxpayer may claim a refund equal to the amount of the taxpayer's contributions made in the calendar year to candidates and to a political party. The maximum refund for an individual must not exceed \$50 and for a married couple, filing jointly, must not exceed \$100. A refund of a contribution is allowed only if the taxpayer files a form required by the commissioner and attaches to the form a copy of an official refund receipt form issued by the candidate or party and signed by the candidate, the treasurer of the candidate's principal campaign committee, or the chair or treasurer of the party unit, after the contribution was received. The receipt forms must be numbered, and the data on the receipt that are not public must be made available to the campaign finance and public disclosure board upon its request. A claim must be filed with the commissioner no sooner than January 1 of the calendar year in which the contribution was made and no later than April 15 of the calendar year following the calendar year in which the contribution was made. A taxpayer may file only one claim per calendar year. Amounts paid by the commissioner after June 15 of the calendar year following the calendar year in which the contribution was made must include interest at the rate specified in section 270C.405.

(b) No refund is allowed under this subdivision for a contribution to a candidate unless the candidate:

- (1) has signed an agreement to limit campaign expenditures as provided in section 10A.322;
- (2) is seeking an office for which voluntary spending limits are specified in section 10A.25; and
- (3) has designated a principal campaign committee.

This subdivision does not limit the campaign expenditures of a candidate who does not sign an agreement but accepts a contribution for which the contributor improperly claims a refund.

(c) No refund is allowed under this section for contributions made in calendar year 2009 by taxpayers who at any time during the calendar year were owners or employees of an organization that received federal assistance under the Troubled Assets Relief Program enacted in Public Law 110-343, Division A, Title 1, excluding assistance provided to homeowners under sections 109 and 110.

~~(e)~~ (d) For purposes of this subdivision, "political party" means a major political party as defined in section 200.02, subdivision 7, or a minor political party qualifying for inclusion on the income tax or property tax refund form under section 10A.31, subdivision 3a.

A "major party" or "minor party" includes the aggregate of that party's organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts.

"Candidate" means a candidate as defined in section 10A.01, subdivision 10, except a candidate for judicial office.

"Contribution" means a gift of money.

~~(d)~~ (e) The commissioner shall make copies of the form available to the public and candidates upon request.

~~(e)~~ (f) The following data collected or maintained by the commissioner under this subdivision are private: the identities of individuals claiming a refund, the identities of candidates to whom those individuals have made contributions, and the amount of each contribution.

~~(f)~~ (g) The commissioner shall report to the campaign finance and public disclosure board by each August 1 a summary showing the total number and aggregate amount of political contribution refunds made on behalf of each candidate and each political party. These data are public.

~~(g)~~ (h) The amount necessary to pay claims for the refund provided in this section is appropriated from the general fund to the commissioner of revenue.

~~(h)~~ (i) For a taxpayer who files a claim for refund via the Internet or other electronic means, the commissioner may accept the number on the official receipt as documentation that a contribution was made rather than the actual receipt as required by paragraph (a).

**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 et al amendment and the roll was called. There were 43 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Doepke	Hackbarth	Loon	Scott	Welti
Anderson, P.	Downey	Hamilton	Mack	Seifert	Westrom
Anderson, S.	Drazkowski	Holberg	McFarlane	Severson	Zellers
Brod	Eastlund	Kath	McNamara	Shimanski	
Buesgens	Emmer	Kelly	Murdock	Smith	
Dean	Garofalo	Kiffmeyer	Nornes	Sterner	
Demmer	Gottwalt	Kohls	Peppin	Torkelson	
Dettmer	Gunther	Lanning	Sanders	Urdahl	

Those who voted in the negative were:

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

The motion did not prevail and the amendment was not adopted.

Emmer moved to amend H. F. No. 885, the first engrossment, as amended, as follows:

Page 28, line 28, strike everything after "horses"

Page 28, strike line 29 and insert "that generates at least \$500 in annual revenue and uses pasture to graze the horses, whether or not the horses are trained on the property, used for riding instruction, or used for other equestrian activities for hire;"

Page 31, line 6, before the second period, insert ", except that the changes to paragraph (i), clause (3), are effective for property taxes payable in 2010 and thereafter"

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 Emmer amendment and the roll was called.

Pursuant to rule 2.05, Brown was excused from voting on the Emmer amendment to H. F. No. 885, the first engrossment, as amended.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 58 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Brod	Cornish	Dettmer	Doty
Anderson, B.	Beard	Buesgens	Dean	Dittrich	Downey
Anderson, P.	Bly	Bunn	Demmer	Doepke	Drazkowski

Eastlund	Gunther	Kelly	McFarlane	Scott	Swails
Emmer	Hackbarth	Kiffmeyer	McNamara	Seifert	Torkelson
Falk	Hamilton	Kohls	Murdock	Severson	Urdahl
Faust	Holberg	Lanning	Nornes	Shimanski	Westrom
Fritz	Jackson	Lesch	Otremba	Slawik	Zellers
Garofalo	Kalin	Loon	Peppin	Smith	
Gottwalt	Kath	Mack	Sanders	Sterner	

Those who voted in the negative were:

Anzelc	Greiling	Juhnke	Marquart	Paymar	Simon
Atkins	Hansen	Kahn	Masin	Pelowski	Slocum
Benson	Hausman	Knuth	Morgan	Persell	Solberg
Bigham	Haws	Koene	Morrow	Peterson	Thao
Brynaert	Hayden	Laine	Mullery	Poppe	Thissen
Carlson	Hilstrom	Lenczewski	Murphy, E.	Reinert	Tillberry
Champion	Hilty	Liebling	Murphy, M.	Rosenthal	Wagenius
Clark	Hornstein	Lieder	Nelson	Rukavina	Ward
Davnie	Hortman	Lillie	Newton	Ruud	Welti
Dill	Hosch	Loeffler	Norton	Sailer	Winkler
Eken	Huntley	Mahoney	Obermueller	Scalze	Spk. Kelliher
Gardner	Johnson	Mariani	Olin	Sertich	

The motion did not prevail and the amendment was not adopted.

Eastlund and Dettmer moved to amend H. F. No. 885, the first engrossment, as amended, as follows:

Page 22, after line 30, insert:

"Section 1. Minnesota Statutes 2008, section 272.02, is amended by adding a subdivision to read:

Subd. 90. **Electric generation facility; personal property.** Notwithstanding subdivision 9, clause (a), attached machinery and other personal property which is part of an electric generation facility that exceeds 150 megawatts of installed capacity, does not exceed 780 megawatts of summer capacity, and that meets the requirements of this subdivision is exempt. At the time of construction, the facility must:

(1) be designed to utilize natural gas as a primary fuel;

(2) not be owned by a public utility as defined in section 216B.02, subdivision 4;

(3) be located within five miles of at least two interstate natural gas pipelines;

(4) be located within one mile of an existing electrical transmission substation with operating alternating current voltages including each of 115 kV, 345 kV, and 500 kV;

(5) be designed to provide electrical capacity, energy, and ancillary services and have satisfied all of the requirements under section 216B.243; and

(6) have executed an interconnection agreement with the Midwest Independent System Operator that does not require the acquisition of more than one mile of new electric transmission right-of-way within the county where the property is located.

Construction of the facility must be commenced after March 1, 2010, and before March 1, 2014. Property eligible for this exemption does not include electric transmission lines and interconnections or gas pipelines and interconnections appurtenant to the property or the facility.

**EFFECTIVE DATE.** This section is effective for assessment year 2009 and thereafter, for taxes payable in 2010 and thereafter."

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.

Zellers moved to amend H. F. No. 885, the first engrossment, as amended, as follows:

Page 5, after line 11, insert:

"Sec. 6. Minnesota Statutes 2008, section 290.01, subdivision 19b, is amended to read:

Subd. 19b. **Subtractions from federal taxable income.** For individuals, estates, and trusts, there shall be subtracted from federal taxable income:

(1) net interest income on obligations of any authority, commission, or instrumentality of the United States to the extent includable in taxable income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) if included in federal taxable income, the amount of any overpayment of income tax to Minnesota or to any other state, for any previous taxable year, whether the amount is received as a refund or as a credit to another taxable year's income tax liability;

(3) the amount paid to others, less the amount used to claim the credit allowed under section 290.0674, not to exceed \$1,625 for each qualifying child in grades kindergarten to 6 and \$2,500 for each qualifying child in grades 7 to 12, for tuition, textbooks, and transportation of each qualifying child in attending an elementary or secondary school situated in Minnesota, North Dakota, South Dakota, Iowa, or Wisconsin, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, which is not operated for profit, and which adheres to the provisions of the Civil Rights Act of 1964 and chapter 363A. For the purposes of this clause, "tuition" includes fees or tuition as defined in section 290.0674, subdivision 1, clause (1). As used in this clause, "textbooks" includes books and other instructional materials and equipment purchased or leased for use in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state. Equipment expenses qualifying for deduction includes expenses as defined and limited in section 290.0674, subdivision 1, clause (3). "Textbooks" does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to instill such tenets, doctrines, or worship, nor does it include books or materials for, or transportation to, extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or similar programs. For purposes of the subtraction provided by this clause, "qualifying child" has the meaning given in section 32(c)(3) of the Internal Revenue Code. For taxable years beginning after December 31, 2008, the commissioner shall adjust the dollar amount of the maximum subtraction for children in grades kindergarten to 6 and grades 7 to 12 allowed in this clause by the percentage determined pursuant to the provisions of section 1(f) of the Internal Revenue Code, except that in section 1(f)(3)(B) the word "2007" shall be substituted for the word "1992." For 2009, the commissioner shall then determine the percent change from the 12 months ending on August 31, 2007, to the 12 months ending on

August 31, 2008, and in each subsequent year, from the 12 months ending on August 31, 2007, to the 12 months ending on August 31 of the year preceding the taxable year. The determination of the commissioner pursuant to this subdivision must not be considered a "rule" and is not subject to the Administrative Procedure Act contained in chapter 14. The maximum subtraction amounts as adjusted must be rounded to the nearest \$10 amount. If the amount ends in \$5 the amount is rounded up to the nearest \$10 amount;

(4) income as provided under section 290.0802;

(5) to the extent included in federal adjusted gross income, income realized on disposition of property exempt from tax under section 290.491;

(6) to the extent not deducted or not deductible pursuant to section 408(d)(8)(E) of the Internal Revenue Code in determining federal taxable income by an individual who does not itemize deductions for federal income tax purposes for the taxable year, an amount equal to 50 percent of the excess of charitable contributions over \$500 allowable as a deduction for the taxable year under section 170(a) of the Internal Revenue Code and under the provisions of Public Law 109-1;

(7) for taxable years beginning before January 1, 2008, the amount of the federal small ethanol producer credit allowed under section 40(a)(3) of the Internal Revenue Code which is included in gross income under section 87 of the Internal Revenue Code;

(8) for individuals who are allowed a federal foreign tax credit for taxes that do not qualify for a credit under section 290.06, subdivision 22, an amount equal to the carryover of subnational foreign taxes for the taxable year, but not to exceed the total subnational foreign taxes reported in claiming the foreign tax credit. For purposes of this clause, "federal foreign tax credit" means the credit allowed under section 27 of the Internal Revenue Code, and "carryover of subnational foreign taxes" equals the carryover allowed under section 904(c) of the Internal Revenue Code minus national level foreign taxes to the extent they exceed the federal foreign tax credit;

(9) in each of the five tax years immediately following the tax year in which an addition is required under subdivision 19a, clause (7), or 19c, clause (15), in the case of a shareholder of a corporation that is an S corporation, an amount equal to one-fifth of the delayed depreciation. For purposes of this clause, "delayed depreciation" means the amount of the addition made by the taxpayer under subdivision 19a, clause (7), or subdivision 19c, clause (15), in the case of a shareholder of an S corporation, minus the positive value of any net operating loss under section 172 of the Internal Revenue Code generated for the tax year of the addition. The resulting delayed depreciation cannot be less than zero;

(10) job opportunity building zone income as provided under section 469.316;

(11) to the extent included in federal taxable income, the amount of compensation paid to members of the Minnesota National Guard or other reserve components of the United States military for active service performed in Minnesota, excluding compensation for services performed under the Active Guard Reserve (AGR) program. For purposes of this clause, "active service" means (i) state active service as defined in section 190.05, subdivision 5a, clause (1); (ii) federally funded state active service as defined in section 190.05, subdivision 5b; or (iii) federal active service as defined in section 190.05, subdivision 5c, but "active service" excludes service performed in accordance with section 190.08, subdivision 3;

(12) to the extent included in federal taxable income, the amount of compensation paid to Minnesota residents who are members of the armed forces of the United States or United Nations for active duty performed outside Minnesota under United States Code, title 10, section 101(d); United States Code, title 32, section 101(12); or the authority of the United Nations;

(13) an amount, not to exceed \$10,000, equal to qualified expenses related to a qualified donor's donation, while living, of one or more of the qualified donor's organs to another person for human organ transplantation. For purposes of this clause, "organ" means all or part of an individual's liver, pancreas, kidney, intestine, lung, or bone marrow; "human organ transplantation" means the medical procedure by which transfer of a human organ is made from the body of one person to the body of another person; "qualified expenses" means unreimbursed expenses for both the individual and the qualified donor for (i) travel, (ii) lodging, and (iii) lost wages net of sick pay, except that such expenses may be subtracted under this clause only once; and "qualified donor" means the individual or the individual's dependent, as defined in section 152 of the Internal Revenue Code. An individual may claim the subtraction in this clause for each instance of organ donation for transplantation during the taxable year in which the qualified expenses occur;

(14) in each of the five tax years immediately following the tax year in which an addition is required under subdivision 19a, clause (8), or 19c, clause (16), in the case of a shareholder of a corporation that is an S corporation, an amount equal to one-fifth of the addition made by the taxpayer under subdivision 19a, clause (8), or 19c, clause (16), in the case of a shareholder of a corporation that is an S corporation, minus the positive value of any net operating loss under section 172 of the Internal Revenue Code generated for the tax year of the addition. If the net operating loss exceeds the addition for the tax year, a subtraction is not allowed under this clause;

(15) to the extent included in federal taxable income, compensation paid to a service member as defined in United States Code, title 10, section 101(a)(5), for military service as defined in the Servicemembers Civil Relief Act, Public Law 108-189, section 101(2);

(16) international economic development zone income as provided under section 469.325; and

(17) to the extent included in federal taxable income, the amount of national service educational awards received from the National Service Trust under United States Code, title 42, sections 12601 to 12604, for service in an approved Americorps National Service program.

**EFFECTIVE DATE.** This section is effective for taxable years beginning after December 31, 2008."

Page 6, after line 34, insert:

"Sec. 8. Minnesota Statutes 2008, section 290.0674, is amended by adding a subdivision to read:

Subd. 6. **Inflation adjustment.** For taxable years beginning after December 31, 2008, the commissioner shall adjust the dollar amount of the maximum credit allowed in subdivision 2 and the maximum expense for personal computer hardware and educational software in subdivision 1 by the percentage determined pursuant to the provisions of section 1(f) of the Internal Revenue Code, except that in section 1(f)(3)(B) the word "2007" shall be substituted for the word "1992." For 2009, the commissioner shall then determine the percent change from the 12 months ending on August 31, 2007, to the 12 months ending on August 31, 2008, and in each subsequent year, from the 12 months ending on August 31, 2007, to the 12 months ending on August 31 of the year preceding the taxable year. The determination of the commissioner pursuant to this subdivision must not be considered a "rule" and is not subject to the Administrative Procedure Act contained in chapter 14. The maximum credit amount and the maximum expense for personal computer hardware and educational software as adjusted must be rounded to the nearest \$10 amount. If the amount ends in \$5 the amount is rounded up to the nearest \$10 amount.

**EFFECTIVE DATE.** This section is effective for taxable years beginning after December 31, 2008."

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 Zellers amendment and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 49 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gottwalt	Lanning	Peppin	Torkelson
Anderson, B.	Dettmer	Gunther	Loon	Rosenthal	Urdahl
Anderson, P.	Doepke	Hackbarth	Mack	Sanders	Westrom
Anderson, S.	Doty	Hamilton	McFarlane	Scott	Zellers
Beard	Downey	Holberg	McNamara	Seifert	
Brod	Drazkowski	Kath	Murdock	Severson	
Buesgens	Eastlund	Kelly	Nornes	Shimanski	
Cornish	Emmer	Kiffmeyer	Obermueller	Smith	
Dean	Garofalo	Kohls	Otremba	Sterner	

Those who voted in the negative were:

Anzelc	Eken	Hosch	Lillie	Olin	Slocum
Atkins	Falk	Huntley	Loeffler	Paymar	Solberg
Benson	Faust	Jackson	Mahoney	Pelowski	Swails
Bigham	Fritz	Johnson	Mariani	Persell	Thao
Bly	Gardner	Juhnke	Marquart	Peterson	Thissen
Brown	Greiling	Kahn	Masin	Poppe	Tillberry
Brynaert	Hansen	Kalin	Morgan	Reinert	Ward
Bunn	Hausman	Knuth	Morrow	Rukavina	Welti
Carlson	Haws	Koenen	Mullery	Ruud	Winkler
Champion	Hayden	Laine	Murphy, E.	Sailer	Spk. Kelliher
Clark	Hilstrom	Lenczewski	Murphy, M.	Scalze	
Davnie	Hilty	Lesch	Nelson	Sertich	
Dill	Hornstein	Liebling	Newton	Simon	
Dittrich	Hortman	Lieder	Norton	Slawik	

The motion did not prevail and the amendment was not adopted.

Downey moved to amend H. F. No. 885, the first engrossment, as amended, as follows:

Page 2, after line 2, insert:

"Section 1. **[116J.8737] JOB GROWTH INVESTMENT TAX CREDIT.**

**Subdivision 1. Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Qualifying small business" means a business that:

(1) is engaged in, or is committed to engage in, biotechnology, technology, manufacturing, agriculture, processing or assembling products, conducting research and development, or developing a new product or business process;

(2) is not engaged in real estate development, insurance, banking, lobbying, political consulting, wholesale or retail trade, leisure, hospitality, construction, or professional services provided by attorneys, accountants, business consultants, physicians, or health care consultants;

(3) has its headquarters in Minnesota;

(4) employs at least 51 percent of the business's employees in Minnesota;

(5) has less than 100 employees;

(6) has less than \$2,000,000 in annual gross sales receipts for the previous year;

(7) is not a subsidiary or an affiliate of a business which employs more than 100 employees or has total gross sales receipts for the previous year of more than \$2,000,000, computed by aggregating all of the employees and gross sales receipts of the business entities affiliated with the business;

(8) has not previously received more than \$2,000,000 in private equity investments;

(9) has not previously received more than \$500,000 in investments that have qualified for and received tax credits under this section; and

(10) for a business with five or more employees, measured on a full-time equivalent basis:

(i) provides wages and benefits to at least 75 percent of its employees in excess of the first five employees, equal to or greater than 175 percent of the federal poverty level for a family of four; and

(ii) provides wages and benefits to its employees in excess of the first five employees, equal to or greater than 110 percent of the federal poverty level for a family of four.

(c) "Qualifying green job small business" means a business that satisfies all of the requirements of paragraph (b), except clause (1), and is predominantly engaged in one or more of the following industry sectors:

(1) green products: businesses related to the manufacture of products used by the building, transport, consumer products, and industrial products sectors, that reduce environmental impact and increase the efficiency of the use of resources such as energy, water, and materials;

(2) renewable energy: businesses related to the production of energy from natural resources such as solar, wind, hydropower, geothermal, biomass (including but not limited to animal waste and crop waste), and biofuels (including but not limited to ethanol and biodiesel), as well as from waste heat recovery and from the use of biomass for energy production including cogeneration;

(3) green services: businesses that provide services that help other businesses or consumers utilize green products and technologies, build energy infrastructure, recycle, and manage waste; or

(4) environmental conservation: businesses related to the conservation of energy, air, water, and land, including air emissions control, environmental monitoring and compliance, water conservation, wastewater treatment, land management (including but not limited to prairie), natural pesticides, aquaculture, and organic farming.

(d) "Regional investment fund" means a pooled investment fund that:

(1) invests in qualifying small businesses;

(2) invests in qualifying green job small businesses;

(3) is organized as a limited liability company or other pass-through entity; and

(4) has no fewer than five separate investors, each of whom is a qualified taxpayer, as defined in paragraph (e), and owns no more than 20 percent of the outstanding ownership interests in the fund.

For purposes of determining the number of investors and the ownership interests of an investor under this clause, the ownership interests of an investor include those of the investor's spouse, children, or siblings, and any corporation, limited liability company, partnership, or trust in which the investor has a controlling equity interest or in which the investor exercises management control.

(e) "Qualified taxpayer" means:

(1) an accredited investor, within the meaning of Regulation D of the Securities and Exchange Commission, Code of Federal Regulations, title 17, section 230.501(a), whether part of a pass-through entity or not, who:

(i) does not own, control, or hold power to vote 20 percent or more of the outstanding securities of the qualifying small business or the qualifying green job small business in which the eligible investment is proposed; or

(ii) does not receive more than 50 percent of the gross annual income from the qualifying small business or the qualifying green job small business in which the eligible investment is proposed.

(2) A member of the immediate family of a taxpayer disqualified by this subdivision is not eligible for a credit under this section. For purposes of this subdivision, "immediate family" means the taxpayer's spouse, parent, sibling, or child, or the spouse of any person listed in this paragraph.

**Subd. 2. Credit allowed, holding period, limitations, and carryover.** (a) A qualified taxpayer is allowed a credit against the tax imposed under chapter 290 for investments made in a qualified regional investment fund, a qualifying small business, or a qualifying green job small business. The credit equals 25 percent of the qualified taxpayer's investment in the business, but not to exceed the lesser of:

(1) the liability for tax under chapter 290, including the applicable alternative minimum tax, but excluding the minimum fee under section 290.0922, and;

(2)(i) the amount of the certificate provided to the taxpayer under subdivision 4, paragraph (c); or

(ii) the amount of the certificate provided to the qualified individual investor under subdivision 6, paragraph (d).

(b) No taxpayer may receive more than \$100,000 in provisional credits under this section in any one year.

(c) A qualified taxpayer must claim the credit in the third tax year after which the investment in the qualified regional investment fund, the qualifying small business, or the qualifying green job small business was made. The credit is allowed only for investments made in:

(1) a qualified regional investment fund that remains invested for at least three years and that are made after the fund has been certified by the commissioner under subdivision 4;

(2) a qualifying small business that remains invested for at least three years and that are made after the qualified individual investor has been certified by the commissioner under subdivision 6; or

(3) a qualifying green job small business that remains invested for at least three years and that are made after the qualified individual investor has been certified by the commissioner under subdivision 6.

(d) The three-year investment holding period required by paragraph (c) does not apply if:

(1) the investment by the qualified regional investment fund or the qualified individual investor becomes worthless before the end of the three-year period; or

(2) the qualifying small business or qualifying green job small business is sold before the end of the three-year period.

(e) If the amount of the credit under this subdivision for any taxable year exceeds the limitations under paragraph (a), the excess is a credit carryover to each of the ten succeeding taxable years. The entire amount of the excess unused credit for the taxable year must be carried first to the earliest of the taxable years to which the credit may be carried. The amount of the unused credit that may be added under this paragraph may not exceed the taxpayer's liability for tax less the credit for the taxable year.

Subd. 3. **Qualified regional investment fund; requirements.** (a) To be certified as a qualified regional investment fund for the purposes of this section, a regional investment fund must:

(1) have a minimum of two-thirds of the regional investment fund's members, shareholders, or partners be residents of the region that is the focus of the fund;

(2) allocate at least 60 percent of the funds it invests to qualifying small businesses or to qualifying green job small businesses within its region of focus; and

(3) allocate at least 50 percent of the funds it invests to qualifying green job small businesses.

(b) The allocations in paragraph (a), clauses (2) and (3), need not be exclusive.

(c) Investments from other qualified regional investment funds into the qualifying small businesses or qualifying green job small businesses that are the recipients of the qualified regional investment fund's investment shall count toward the allocations in paragraph (a), clauses (2) and (3).

(d) Investments in the fund may consist of equity investments or notes that pay interest or other fixed amounts, or any combination of both, as the fund's governing body determines appropriate.

Subd. 4. **Certification of funds.** (a) Regional investment funds may apply to the commissioner for certification as a qualified regional investment fund. The application must be in the form and be made under the procedures specified by the commissioner, accompanied by an application fee of \$1,250. Fees are appropriated to the commissioner for personnel and administrative expenses related to administering the program.

(b) The commissioner may certify up to 20 regional investment funds per year. Certifications shall be awarded in the order of the qualifying applications received, subject to the following limitations:

(1) the commissioner may certify no more than three regional investment funds per year that seek business investment opportunities that may qualify for and receive tax credits under this section in more than 15 Minnesota counties; and

(2) the commissioner may certify no more than five regional investment funds per year that seek business investment opportunities that may qualify for and receive tax credits under this section in the metropolitan area, as defined in section 473.121, subdivision 2.

(c) The commissioner shall provide provisional credit certificates to investors in a qualified regional fund to credits under this section, in proportion to the investment of the investor in the fund and upon a showing by the fund of an investment in a qualifying small business or qualifying green job small business, of no more than \$500,000 per fund per year. The commissioner may not issue a total of more than \$2,000,000 per year in provisional credit certificates to fund investors in fiscal years 2010, 2011, 2012, and 2013.

(d) The commissioner shall provide a final credit certificate to investors in the fund upon a showing by the fund that the holding requirements of subdivision 2, paragraph (b), have been met and that the investors in the fund are otherwise eligible for the credit.

Subd. 5. **Fund requirements.** The commissioner shall enter into an agreement with each of the qualified regional investment funds certified under subdivision 4. Each agreement must include a provision requiring the qualified regional investment fund to annually report on the employment figures and wages and benefits paid by the businesses in which investments are made and a provision stating the specific manner in which the qualified regional investment fund will comply or is complying with the allocation requirements under subdivision 3, paragraph (a), clauses (2) and (3).

Subd. 6. **Certification of individual investors.** (a) Qualified taxpayers may apply to the commissioner of employment and economic development for certification as a qualified individual investor. The application must be in the form and be made under the procedures specified by the commissioner, accompanied by an application fee of \$250. Fees are appropriated to the commissioner for personnel and administrative expenses related to administering the program.

(b) The commissioner may certify up to 40 qualified individual investors per year. Certifications shall be awarded in the order of qualifying applications received, however the commissioner may certify no more than ten qualified individual investors per year that seek business investment opportunities that may qualify for and receive tax credits under this section in the metropolitan area, as defined in section 473.121, subdivision 2.

(c) The commissioner shall provide provisional credit certificates to qualified individual investors, upon a showing by the qualified individual investor of investments of at least \$25,000 in qualifying small businesses or qualifying green job small businesses; at least one-half of the investments made by the investor must be in qualifying green job businesses. The commissioner may not issue more than \$100,000 in provisional credit certificates per qualified individual investor per year. The commissioner may not issue a total of more than \$1,000,000 per year in provisional credit certificates to qualified individual investors in fiscal years 2010, 2011, 2012, and 2013.

(d) The commissioner shall provide a final credit certificate to the qualified individual investor upon a showing by the investor that the holding requirements of subdivision 2, paragraph (c), have been met and that the investor is otherwise eligible for the credit.

Subd. 7. **Qualified individual investor requirements.** The commissioner shall enter into an agreement with each qualified individual investor certified under subdivision 6. Each agreement must include a provision requiring the qualified individual investor to annually report on the employment figures and wages and benefits paid by the businesses in which investments are made and a provision stating the specific manner in which the qualified individual investor will comply or is complying with the allocation requirements under subdivision 6, paragraph (c).

Subd. 8. **Rulemaking.** The commissioner's actions in establishing procedures and requirements and in making determinations and certifications to administer this section are not a rule for purposes of chapter 14, are not subject to the Administrative Procedures Act contained in chapter 14, and are not subject to section 14.386.

**EFFECTIVE DATE.** This section is effective July 1, 2009, for taxable years beginning after December 31, 2008, and only applies to investments made after the qualified regional investment fund or qualified individual investor has been certified by the commissioner of economic development.

Sec. 2. Minnesota Statutes 2008, section 270A.03, subdivision 7, is amended to read:

Subd. 7. **Refund.** "Refund" means an individual income tax refund ~~or political contribution refund~~, pursuant to chapter 290, or a property tax credit or refund, pursuant to chapter 290A, or a sustainable forest tax payment to a claimant under chapter 290C.

For purposes of this chapter, lottery prizes, as set forth in section 349A.08, subdivision 8, and amounts granted to persons by the legislature on the recommendation of the joint senate-house of representatives Subcommittee on Claims shall be treated as refunds.

In the case of a joint property tax refund payable to spouses under chapter 290A, the refund shall be considered as belonging to each spouse in the proportion of the total refund that equals each spouse's proportion of the total income determined under section 290A.03, subdivision 3. In the case of a joint income tax refund under chapter 289A, the refund shall be considered as belonging to each spouse in the proportion of the total refund that equals each spouse's proportion of the total taxable income determined under section 290.01, subdivision 29. The commissioner shall remit the entire refund to the claimant agency, which shall, upon the request of the spouse who does not owe the debt, determine the amount of the refund belonging to that spouse and refund the amount to that spouse. For court fines, fees, and surcharges and court-ordered restitution under section 611A.04, subdivision 2, the notice provided by the commissioner of revenue under section 270A.07, subdivision 2, paragraph (b), serves as the appropriate legal notice to the spouse who does not owe the debt.

**EFFECTIVE DATE.** This section is effective for political contribution refund claims based on contributions made on or after July 1, 2011."

Page 5, after line 11, insert:

"Sec. 8. Minnesota Statutes 2008, section 289A.50, subdivision 1, is amended to read:

Subdivision 1. **General right to refund.** (a) Subject to the requirements of this section and section 289A.40, a taxpayer who has paid a tax in excess of the taxes lawfully due and who files a written claim for refund will be refunded or credited the overpayment of the tax determined by the commissioner to be erroneously paid.

(b) The claim must specify the name of the taxpayer, the date when and the period for which the tax was paid, the kind of tax paid, the amount of the tax that the taxpayer claims was erroneously paid, the grounds on which a refund is claimed, and other information relative to the payment and in the form required by the commissioner. An income tax, estate tax, or corporate franchise tax return, or amended return claiming an overpayment constitutes a claim for refund.

(c) When, in the course of an examination, and within the time for requesting a refund, the commissioner determines that there has been an overpayment of tax, the commissioner shall refund or credit the overpayment to the taxpayer and no demand is necessary. If the overpayment exceeds \$1, the amount of the overpayment must be refunded to the taxpayer. If the amount of the overpayment is less than \$1, the commissioner is not required to refund. In these situations, the commissioner does not have to make written findings or serve notice by mail to the taxpayer.

(d) If the amount allowable as a credit for withholding, estimated taxes, or dependent care exceeds the tax against which the credit is allowable, the amount of the excess is considered an overpayment. ~~The refund allowed by section 290.06, subdivision 23, is also considered an overpayment.~~ The requirements of section 270C.33 do not apply to the refunding of such an overpayment shown on the original return filed by a taxpayer.

(e) If the entertainment tax withheld at the source exceeds by \$1 or more the taxes, penalties, and interest reported in the return of the entertainment entity or imposed by section 290.9201, the excess must be refunded to the entertainment entity. If the excess is less than \$1, the commissioner need not refund that amount.

(f) If the surety deposit required for a construction contract exceeds the liability of the out-of-state contractor, the commissioner shall refund the difference to the contractor.

(g) An action of the commissioner in refunding the amount of the overpayment does not constitute a determination of the correctness of the return of the taxpayer.

(h) There is appropriated from the general fund to the commissioner of revenue the amount necessary to pay refunds allowed under this section.

**EFFECTIVE DATE.** This section is effective for political contribution refund claims based on contributions made on or after July 1, 2011.

Sec. 9. Minnesota Statutes 2008, section 290.01, subdivision 6, is amended to read:

Subd. 6. **Taxpayer.** The term "taxpayer" means any person or corporation subject to a tax imposed by this chapter. ~~For purposes of section 290.06, subdivision 23, the term "taxpayer" means an individual eligible to vote in Minnesota under section 201.014.~~

**EFFECTIVE DATE.** This section is effective for political contribution refund claims based on contributions made on or after July 1, 2011.

Sec. 10. Minnesota Statutes 2008, section 290.06, is amended by adding a subdivision to read:

Subd. 36. **Job growth investment tax credit.** A taxpayer is allowed a credit as determined under section 116J.8737 against the tax imposed by this chapter. Notwithstanding the certification eligibility issued by the commissioner of the Department of Employment and Economic Development under section 116J.8737, the commissioner may utilize any audit and examination powers under chapters 270C or 289A to the extent necessary to verify that the taxpayer is eligible for the credit and to assess for the amount of any improperly claimed credit.

**EFFECTIVE DATE.** This section is effective July 1, 2009, for taxable years beginning after December 31, 2008, and only applies to investments made after the qualified regional investment fund or qualified individual investor has been certified by the commissioner of employment and economic development."

Page 7, after line 25, insert:

"Sec. 14. **REPEALER.**

Minnesota Statutes 2008, sections 10A.322, subdivision 4; and 290.06, subdivision 23, are repealed effective for contributions made after June 30, 2011."

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 61 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gunther	Lanning	Pelowski	Swails
Anderson, B.	Dettmer	Hackbarth	Loon	Peppin	Torkelson
Anderson, P.	Dittrich	Hamilton	Mack	Poppe	Urdahl
Anderson, S.	Doepke	Holberg	Mahoney	Rosenthal	Welti
Beard	Downey	Hoppe	Masin	Sanders	Westrom
Brod	Drazkowski	Howes	McFarlane	Scott	Zellers
Buesgens	Eastlund	Kalin	McNamara	Seifert	
Bunn	Emmer	Kath	Murdock	Severson	
Cornish	Falk	Kelly	Nornes	Shimanski	
Davnie	Garofalo	Kiffmeyer	Obermueller	Smith	
Dean	Gottwalt	Kohls	Otremba	Sterner	

Those who voted in the negative were:

Anzelc	Eken	Hortman	Liebling	Newton	Simon
Atkins	Faust	Hosch	Lieder	Norton	Slawik
Benson	Fritz	Huntley	Lillie	Olin	Slocum
Bigham	Gardner	Jackson	Loeffler	Paymar	Solberg
Bly	Greiling	Johnson	Mariani	Persell	Thao
Brown	Hansen	Juhnke	Marquart	Peterson	Thissen
Brynaert	Hausman	Kahn	Morgan	Reinert	Tillberry
Carlson	Haws	Knuth	Morrow	Rukavina	Wagenius
Champion	Hayden	Koenen	Mullery	Ruud	Ward
Clark	Hilstrom	Laine	Murphy, E.	Sailer	Winkler
Dill	Hilty	Lenczewski	Murphy, M.	Scalze	Spk. Kelliher
Doty	Hornstein	Lesch	Nelson	Sertich	

The motion did not prevail and the amendment was not adopted.

H. F. No. 885, A bill for an act relating to taxation; making policy, technical, administrative, and clarifying changes to income, corporate franchise, estate, sales, use, minerals, mortgage, property, gross receipts, gambling, cigarette, tobacco, liquor, insurance, and various taxes and tax-related provisions; modifying local government aid and tax data provision; appropriating money; amending Minnesota Statutes 2008, sections 126C.21, subdivision 4; 126C.48, subdivision 8; 270B.14, subdivision 16; 270C.02, subdivision 1; 270C.12, by adding a subdivision; 270C.446, subdivisions 2, 5; 270C.56, subdivision 1; 273.11, subdivision 23; 273.111, subdivision 4; 273.1115, subdivision 2; 273.113, subdivisions 1, 2; 273.1231, subdivision 8; 273.124, subdivision 21; 273.13, subdivisions 23, 25, 33; 273.33, subdivision 2; 273.37, subdivision 2; 274.13, subdivision 2; 274.135, subdivision 3; 274.14; 274.175; 275.70, subdivision 5; 275.71, subdivision 4; 287.04; 287.05, by adding a subdivision; 287.22; 287.25; 289A.08, subdivision 3; 289A.12, by adding a subdivision; 289A.18, subdivision 1; 289A.19, subdivision 4; 289A.38, subdivision 7; 289A.41; 290.0671, subdivision 1; 290A.10; 290A.14; 290C.06; 290C.07; 295.56; 295.57, subdivision 5; 296A.21, subdivision 1; 297A.70, subdivisions 2, 4; 297A.992, subdivision 2; 297A.993, subdivision 1; 297E.02, subdivision 4; 297E.06, by adding a subdivision; 297E.11, subdivision 1; 297F.09, subdivision 7; 297G.09, subdivision 6; 297I.30, by adding a subdivision; 297I.35, subdivision 2; 298.28, subdivisions 4, 11; 423A.02, subdivisions 1b, 3, by adding a subdivision; 473.843, subdivision 3; 477A.011, subdivisions 34, 42; 477A.013, subdivision 8; repealing Minnesota Statutes 2008, sections 287.26; 287.27, subdivision 1; 297A.67, subdivision 24; 298.28, subdivisions 11a, 13; Minnesota Rules, parts 8115.0200; 8115.0300; 8115.0400; 8115.0500; 8115.0600; 8115.1000; 8115.1100; 8115.1200; 8115.1300; 8115.1400; 8115.1500; 8115.1600; 8115.1700; 8115.1800; 8115.1900; 8115.2000; 8115.2100; 8115.2200; 8115.2300; 8115.2400; 8115.2500; 8115.2600;

8115.2700; 8115.2800; 8115.2900; 8115.3000; 8115.4000; 8115.4100; 8115.4200; 8115.4300; 8115.4400; 8115.4500; 8115.4600; 8115.4700; 8115.4800; 8115.4900; 8115.5000; 8115.5100; 8115.5200; 8115.5300; 8115.5400; 8115.5500; 8115.5600; 8115.5700; 8115.5800; 8115.5900; 8115.6000; 8115.6100; 8115.6200; 8115.6300; 8115.6400; 8115.9900.

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.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 120 yeas and 11 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dean	Draskowski	Emmer	Peppin	Shimanski
Buesgens	Dettmer	Eastlund	Hackbarth	Severson	

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

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

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

**CALL OF THE HOUSE LIFTED**

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Abeler was excused between the hours of 1:45 p.m. and 3:00 p.m.

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

**REPORTS OF STANDING COMMITTEES AND DIVISIONS**

Sertich from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1231, A bill for an act relating to state government; appropriating money from constitutionally dedicated funds and providing for policy and governance of outdoor heritage, clean water, parks and trails, and arts and cultural heritage purposes; establishing and modifying grants and funding programs; providing for advisory groups; providing appointments; requiring reports; requiring rulemaking; amending Minnesota Statutes 2008, sections 3.303, by adding a subdivision; 3.971, by adding a subdivision; 17.117, subdivision 11a; 18G.11, by adding a subdivision; 84.02, by adding subdivisions; 85.53; 97A.056, subdivisions 2, 3, 6, 7, by adding subdivisions; 103F.515, subdivisions 2, 4; 114D.50; 116G.15; 116P.05, subdivision 2; 129D.17; 477A.12, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; 84; 84C; 85; 116; 129D; 138; 477A.

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

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Sertich from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1825, A resolution memorializing the President and Congress to repeal the federal legislation of 1863 ordering the removal of Dakota people from Minnesota and the Dakotas.

Reported the same back with the following amendments:

Amend the title as follows:

Page 1, line 3, delete "and the Dakotas"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sertich from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2279, A bill for an act relating to housing; creating a pilot program to stabilize market values of residential real estate in certain areas; providing a five-year guarantee against depreciation in value of certain properties; providing incentives to restructure mortgage loans; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Sertich from the Committee on Rules and Legislative Administration to which was referred:

House Concurrent Resolution No. 1, A House concurrent resolution relating to deadlines; deleting the fifth deadline.

Reported the same back with the recommendation that the house concurrent resolution be adopted.

The report was adopted.

House Concurrent Resolution No. 1 was reported to the House.

#### HOUSE CONCURRENT RESOLUTION NO. 1

A House concurrent resolution relating to deadlines; deleting the fifth deadline.

*Be It Resolved*, by the House of Representatives of the State of Minnesota, the Senate concurring, that Senate Concurrent Resolution No. 5, adopted by the House February 5, 2009, and by the Senate February 9, 2009, is amended as follows:

Page 1, delete lines 16 and 17

Sertich moved that House Concurrent Resolution No. 1 be now adopted.

Seifert; Anderson, P.; Doepke; Urdahl; Peppin; Anderson, S.; Murdock; Sanders; Scott; Demmer; Loon; Hamilton; Severson; Beard; Mack; Torkelson; Lanning; McFarlane; Gunther; Emmer; Brod; Buesgens; Smith; Anderson, B.; Zellers; Dean; Draskowski; Kelly; Dettmer; Shimanski; Eastlund and Garofalo moved to amend House Concurrent Resolution No. 1 as follows:

Page 1, delete line 6 and insert:

"Page 1, line 16, delete "7" and insert "12""

A roll call was requested and properly seconded.

The question was taken on the Seifert et al amendment and the roll was called. There were 48 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Davids	Emmer	Howes	McNamara	Severson
Anderson, P.	Dean	Garofalo	Kelly	Murdock	Shimanski
Anderson, S.	Demmer	Gottwalt	Kiffmeyer	Nornes	Smith
Beard	Dettmer	Gunther	Kohls	Peppin	Swails
Brod	Doepke	Hackbarth	Lanning	Rosenthal	Torkelson
Buesgens	Downey	Hamilton	Loon	Sanders	Urdahl
Bunn	Draskowski	Holberg	Mack	Scott	Westrom
Cornish	Eastlund	Hoppe	McFarlane	Seifert	Zellers

Those who voted in the negative were:

Anzelc	Eken	Hosch	Lieder	Norton	Sertich
Atkins	Falk	Huntley	Lillie	Obermueller	Simon
Benson	Faust	Jackson	Loeffler	Olin	Slawik
Bigham	Fritz	Johnson	Mahoney	Otremba	Slocum
Bly	Gardner	Juhnke	Mariani	Paymar	Solberg
Brown	Greiling	Kahn	Marquart	Pelowski	Sterner
Brynaert	Hansen	Kalin	Masin	Persell	Thao
Carlson	Hausman	Kath	Morgan	Peterson	Thissen
Champion	Haws	Knuth	Morrow	Poppe	Tillberry
Clark	Hayden	Koenen	Mullery	Reinert	Wagenius
Davnie	Hilstrom	Laine	Murphy, E.	Rukavina	Ward
Dill	Hilty	Lenczewski	Murphy, M.	Ruud	Wolti
Dittrich	Hornstein	Lesch	Nelson	Sailer	Winkler
Doty	Hortman	Liebling	Newton	Scalze	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

The question recurred on the adoption of House Concurrent Resolution No. 1. The motion prevailed and House Concurrent Resolution No. 1 was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 1825 was read for the second time.

## CALENDAR FOR THE DAY

The Speaker called Liebling to the chair.

S. F. No. 1476 was reported to the House.

Holberg and Nelson moved to amend S. F. No. 1476 as follows:

Page 11, line 25, reinstate the stricken language

Page 11, line 26, reinstate everything before the stricken "and" and insert a period

The motion prevailed and the amendment was adopted.

S. F. No. 1476, A bill for an act relating to labor and employment; modifying workers' compensation provisions; amending Minnesota Statutes 2008, sections 176.101, subdivision 2a; 176.102, subdivisions 3, 3a, by adding a subdivision; 176.103, subdivision 3; 176.135, subdivisions 6, 7, by adding a subdivision; 176.155, subdivision 1; 176.179; 176.181, subdivision 8; 176.183, subdivision 2; 176.186; 176.231, subdivision 1; 176.341, subdivision 1; 176.351, subdivision 2a; repealing Minnesota Statutes 2008, section 176.1021.

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 116 yeas and 16 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dean	Eastlund	Holberg	Peppin	Zellers
Brod	Dettmer	Emmer	Hoppe	Severson	
Buesgens	Draskowski	Hackbarth	Kohls	Shimanski	

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

S. F. No. 1810, A bill for an act relating to property; enacting the Uniform Disclaimer of Property Interests Act; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 2008, sections 501B.86; 525.532.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1425 was reported to the House.

Mahoney, Hamilton and Juhnke moved to amend S. F. No. 1425, the first engrossment, as follows:

Page 1, line 13, delete "or"

Page 1, line 15, strike the period and insert "; or"

Page 1, after line 15, insert:

"(3) platform wheelchair lifts and elevators in churches.

**EFFECTIVE DATE.** This section is effective the day following final enactment. Subdivision 5, clauses (2) and (3), expire on July 1, 2010."

Page 1, line 16, delete "MANLIFTS IN GRAIN"

Page 1, line 18, after "to" insert ";" and after the second comma, insert "platform wheelchair lifts and elevators in churches."

Page 1, line 22, before "or" insert "platform wheelchair lifts and elevators in churches."

Page 1, after line 23, insert:

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

Page 2, delete section 3

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. 1425, A bill for an act relating to construction codes; providing for regulation of elevators in grain elevators and similar structures; amending Minnesota Statutes 2008, section 326B.163, subdivision 5.

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 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens                  Emmer                  Zellers

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

S. F. No. 806, A bill for an act relating to financial institutions; regulating payday lending; providing penalties and remedies; amending Minnesota Statutes 2008, sections 47.60, subdivisions 4, 6; 53.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 47.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1431, A bill for an act relating to employment; regulating the deduction from wages of unreimbursed expenses; amending Minnesota Statutes 2008, section 177.24, subdivisions 4, 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 105 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Anderson, P.	Bly	Clark	Dittrich	Fritz	Hansen
Anzelc	Brown	Davids	Doty	Gardner	Hausman
Atkins	Brynaert	Davnie	Downey	Gottwalt	Haws
Beard	Bunn	Dean	Eken	Greiling	Hayden
Benson	Carlson	Demmer	Falk	Gunther	Hilstrom
Bigham	Champion	Dill	Faust	Hackbarth	Hilty

Hornstein	Knuth	Mariani	Obermueller	Sailer	Tillberry
Hortman	Koenen	Marquart	Olin	Sanders	Urdahl
Hosch	Laine	Masin	Otremba	Scalze	Wagenius
Howes	Lanning	Morgan	Paymar	Sertich	Ward
Huntley	Lenczewski	Morrow	Pelowski	Simon	Welti
Jackson	Lesch	Mullery	Persell	Slawik	Westrom
Johnson	Liebling	Murphy, E.	Peterson	Slocum	Winkler
Juhnke	Lieder	Murphy, M.	Poppe	Smith	Zellers
Kahn	Lillie	Nelson	Reinert	Solberg	Spk. Kelliher
Kalin	Loeffler	Newton	Rosenthal	Swails	
Kath	Loon	Nornes	Rukavina	Thao	
Kiffmeyer	Mahoney	Norton	Ruud	Thissen	

Those who voted in the negative were:

Anderson, B.	Dettmer	Garofalo	Kohls	Peppin	Sterner
Anderson, S.	Doepke	Hamilton	Mack	Scott	Torkelson
Brod	Drazkowski	Holberg	McFarlane	Seifert	
Buesgens	Eastlund	Hoppe	McNamara	Severson	
Cornish	Emmer	Kelly	Murdock	Shimanski	

The bill was passed and its title agreed to.

S. F. No. 1408, A bill for an act relating to public safety; securing aircraft cockpits against lasers; 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 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Solberg	Thao	Torkelson	Ward	Winkler
Sterner	Thissen	Urdahl	Welti	Zellers
Swails	Tillberry	Wagenius	Westrom	Spk. Kelliher

Those who voted in the negative were:

Buesgens	Emmer	Hackbarth
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The bill was passed and its title agreed to.

S. F. No. 675, A bill for an act relating to health; making technical changes for emergency medical services; amending Minnesota Statutes 2008, section 144E.101, subdivisions 6, 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 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Holberg

The bill was passed and its title agreed to.

S. F. No. 1217 was reported to the House.

Loeffler moved to amend S. F. No. 1217, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1293, the first engrossment:

"Section 1. Minnesota Statutes 2008, section 144.604, subdivision 1, is amended to read:

Subdivision 1. **Transport requirement.** Unless the Emergency Medical Services Regulatory Board has approved a licensed ambulance service's deviation from the guidelines under section 144E.101, subdivision 14, the ambulance service must transport major trauma patients from the scene ~~to the highest state designated trauma hospital within 30 minutes' transport time~~ according to subdivision 2.

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

Sec. 2. Minnesota Statutes 2008, section 144.604, subdivision 2, is amended to read:

Subd. 2. **Ground ambulance ~~exceptions~~ transportation.** ~~Notwithstanding subdivision 1, ground ambulances must comply with the following:~~

~~(1) patients with compromised airways must be transported immediately to the nearest designated trauma hospital; and~~

~~(2) level II trauma hospitals capable of providing definitive trauma care must not be bypassed to reach a level I trauma hospital. Ground ambulances must immediately transport patients with compromised airways to the nearest designated trauma hospital. If no designated trauma hospital exists within 30 minutes transport time, the patient must be transported to the closest hospital. In cases where a patient does not have a compromised airway, the ground ambulance must transport major trauma patients:~~

~~(1) to a level I or level II trauma hospital within thirty minutes transport time;~~

~~(2) if no level I or level II trauma hospital exists within 30 minutes transport time, the patient must be transported to the closest designated trauma hospital within 30 minutes transport time or to a more appropriate higher designated trauma hospital if predetermined by the ambulance service medical director; or~~

~~(3) if no designated trauma hospital exists within 30 minutes transport time, the patient must be transported to the closest hospital.~~

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

Sec. 3. Minnesota Statutes 2008, section 144.608, subdivision 3, is amended to read:

Subd. 3. **Regional trauma advisory councils.** (a) Up to eight regional trauma advisory councils may be formed as needed.

(b) Regional trauma advisory councils shall advise, consult with, and make recommendation to the state Trauma Advisory Council on suggested regional modifications to the statewide trauma criteria that will improve patient care and accommodate specific regional needs. The commissioner, in consultation with the Emergency Medical Services Regulatory Board and the emergency medical services and trauma hospitals in each region, shall provide quarterly data updates on major trauma scene ground ambulance transports to each regional trauma advisory council.

(c) Each regional advisory council must have no more than 15 members. The commissioner, in consultation with the Emergency Medical Services Regulatory Board, shall name the council members.

(d) Regional council members may receive expenses in the same manner and amount as authorized by the plan adopted under section 43A.18, subdivision 2.

Sec. 4. **REPEALER.**

Minnesota Statutes 2008, section 144.604, subdivision 3, is repealed the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; modifying emergency medical transport provisions; amending Minnesota Statutes 2008, sections 144.604, subdivisions 1, 2; 144.608, subdivision 3; repealing Minnesota Statutes 2008, section 144.604, subdivision 3."

The motion prevailed and the amendment was adopted.

S. F. No. 1217, A bill for an act relating to health; modifying emergency medical transport provisions; providing for licensure, supervision, and discipline of physician assistants; providing for licensure, supervision, and discipline of dental assistants; changing anesthesia/sedation certificate fees; providing for dentist credential review and limited general licenses in certain instances; requiring that certain information be provided to regional trauma advisory councils; imposing civil and criminal penalties; amending Minnesota Statutes 2008, sections 144.1501, subdivision 1; 144.604, subdivisions 1, 2; 144.608, subdivision 3; 144E.001, subdivisions 3a, 9c; 147.09; 147A.01; 147A.02; 147A.03; 147A.04; 147A.05; 147A.06; 147A.07; 147A.08; 147A.09; 147A.11; 147A.13; 147A.16; 147A.18; 147A.19; 147A.20; 147A.21; 147A.23; 147A.24; 147A.26; 147A.27; 150A.01, subdivision 8; 150A.02, subdivision 1; 150A.05, subdivisions 1, 2; 150A.06, subdivisions 2a, 2b, 2c, 2d, 4a, 5, 7, 8; 150A.08, subdivisions 1, 3, 3a, 5, 6, 8; 150A.081; 150A.09, subdivisions 1, 3; 150A.091, subdivisions 2, 3, 5, 7, 8, 9, 10, 11, 12, 14, 15, by adding subdivisions; 150A.10, subdivisions 1a, 2, 4; 150A.12; 150A.13; 169.345, subdivision 2; 253B.02, subdivision 7; 253B.05, subdivision 2; 256B.0625, subdivision 28a; 256B.0751, subdivision 1; repealing Minnesota Statutes 2008, sections 144.604, subdivision 3; 147A.22; 150A.09, subdivision 6.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Buesgens	Dittrich	Garofalo	Holberg	Kath
Anderson, P.	Bunn	Doepke	Gottwalt	Hoppe	Kelly
Anderson, S.	Carlson	Doty	Greiling	Hornstein	Kiffmeyer
Anzelc	Champion	Downey	Gunther	Hortman	Knuth
Atkins	Clark	Drazkowski	Hackbarth	Hosch	Koenen
Beard	Cornish	Eastlund	Hamilton	Howes	Kohls
Benson	Davids	Eken	Hansen	Huntley	Laine
Bigham	Davnie	Emmer	Hausman	Jackson	Lanning
Bly	Dean	Falk	Haws	Johnson	Lenczewski
Brod	Demmer	Faust	Hayden	Juhnke	Lesch
Brown	Dettmer	Fritz	Hilstrom	Kahn	Liebling
Brynaert	Dill	Gardner	Hilty	Kalin	Lieder

Lillie	Morgan	Obermueller	Rosenthal	Shimanski	Tillberry
Loeffler	Morrow	Olin	Rukavina	Simon	Torkelson
Loon	Mullery	Otremba	Ruud	Slawik	Urdahl
Mack	Murdock	Paymar	Sailer	Slocum	Wagenius
Mahoney	Murphy, E.	Pelowski	Sanders	Smith	Ward
Mariani	Murphy, M.	Peppin	Scalze	Solberg	Welti
Marquart	Nelson	Persell	Scott	Sterner	Westrom
Masin	Newton	Peterson	Seifert	Swails	Winkler
McFarlane	Nornes	Poppe	Sertich	Thao	Zellers
McNamara	Norton	Reinert	Severson	Thissen	Spk. Kelliher

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

S. F. No. 532, A bill for an act relating to rulemaking; authorizing notice by electronic mail; amending Minnesota Statutes 2008, sections 14.07, subdivision 6; 14.14, subdivision 1a; 14.22, subdivision 1; 14.389, subdivision 2; 14.3895, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 457, A bill for an act relating to health; modifying provisions for volunteer health practitioners; amending Minnesota Statutes 2008, section 145A.06, subdivision 8.

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 127 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Buesgens	Emmer	Hackbarth	Holberg
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The bill was passed and its title agreed to.

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

#### RECESS

#### RECONVENED

The House reconvened and was called to order by the Speaker.

Dittrich, Norton, Peppin, Severson and Welti were excused for the remainder of today's session.

Kelly was excused between the hours of 5:55 p.m. and 7:00 p.m.

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

H. F. No. 1056, A bill for an act relating to construction; requiring prompt payment to construction subcontractors; regulating progress payments and retainages; amending Minnesota Statutes 2008, section 337.10, subdivisions 3, 4.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

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

H. F. No. 819, A bill for an act relating to commerce; prohibiting certain unfair Internet ticket sales by original sellers and resellers; proposing coding for new law in Minnesota Statutes, chapter 609.

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

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

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

H. F. No. 936, A bill for an act relating to human services; specifying criteria for communities for a lifetime; requiring the Minnesota Board on Aging to study and report on communities for a lifetime; amending Minnesota Statutes 2008, section 256.975, by adding a subdivision.

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

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

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

H. F. No. 1301, A bill for an act relating to public safety; providing for public safety, courts, and corrections including requirements for predatory offenders regarding registration, computer access, electronic solicitation, and special license plates; crime victims of criminal sexual conduct and domestic abuse; domestic fatality review teams;

public defenders eligibility for representation, appointment, and reimbursement; courts regarding judges' evidence from recording equipment in a law enforcement vehicle; driver's license reinstatement diversion pilot program; driver's license records; corrections regarding probation, pretrial release, and correctional officers, sentencing, and evidence-based practices for community supervision; sentencing guidelines; emergency response team; controlled substances; financial crimes; unsafe recalled toys; animal fighting; public employer consideration of criminal records in hiring; peace officer and public safety dispatcher employment; assault on public utility workers; trespass in police cordoned-off areas; peace officer education; communications regarding criminal history, background checks, warrant information, CIBRS data, criminal justice data, and Statewide Radio Board; authorizing requests for proposals to replace alcohol concentration breath testing devices; providing for boards, task forces, and programs; providing for reports; providing for penalties; amending Minnesota Statutes 2008, sections 12.03, by adding a subdivision; 13.87, subdivision 1; 122A.18, subdivision 8; 123B.03, subdivision 1; 152.02, subdivisions 6, 12; 152.027, by adding a subdivision; 169.71, subdivision 1; 243.166, subdivisions 1a, 4, 4b, 6; 244.05, subdivision 6; 244.052, subdivision 1; 246.13, subdivision 2; 253B.141, subdivision 1; 299A.681; 299C.115; 299C.17; 299C.21; 299C.40, subdivisions 1, 2; 299C.46, subdivision 1; 299C.52, subdivisions 1, 3, 4; 299C.53, subdivision 1; 299C.62, subdivision 1; 299C.65, subdivisions 1, 5; 299C.68, subdivision 2; 343.31, subdivision 1; 357.021, subdivision 6; 388.24, subdivision 4; 401.025, subdivision 1; 401.065, subdivision 3a; 403.36, subdivision 2, by adding a subdivision; 471.59, by adding subdivisions; 480.23; 484.91, subdivision 1; 491A.03, subdivision 1; 518.165, subdivision 5; 518B.01, subdivisions 2, 20; 524.5-118, subdivision 2; 609.131, subdivision 1; 609.2231, by adding a subdivision; 609.352, subdivision 2a; 609.605, subdivision 1; 611.17; 611.18; 611.20, subdivision 3; 611.21; 611.272; 611A.0315, subdivision 1; 626.843, subdivisions 1, 3; 626.845, subdivision 1; 626.863; 628.69, subdivision 6; 629.34, subdivision 1; 629.341, subdivision 1; Laws 1999, chapter 216, article 2, section 27, subdivisions 1, as amended, 3c, as added, 4; proposing coding for new law in Minnesota Statutes, chapters 12; 168; 169A; 244; 260B; 325F; 364; 634; repealing Minnesota Statutes 2008, sections 260B.199, subdivision 2; 260B.201, subdivision 3; 299C.61, subdivision 8; 299C.67, subdivision 3; 383B.65, subdivision 2; 403.36, subdivision 1f; Laws 2002, chapter 266, section 1, as amended.

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

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

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

House Concurrent Resolution No. 1, A House concurrent resolution relating to deadlines; deleting the fifth deadline.

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. 885, A bill for an act relating to taxation; making policy, technical, administrative, and clarifying changes to income, corporate franchise, estate, sales, use, minerals, mortgage, property, gross receipts, gambling, cigarette, tobacco, liquor, insurance, and various taxes and tax-related provisions; modifying local government aid and tax data provision; appropriating money; amending Minnesota Statutes 2008, sections 126C.21, subdivision 4; 126C.48, subdivision 8; 270B.14, subdivision 16; 270C.02, subdivision 1; 270C.12, by adding a subdivision; 270C.446, subdivisions 2, 5; 270C.56, subdivision 1; 273.11, subdivision 23; 273.111, subdivision 4; 273.1115, subdivision 2; 273.113, subdivisions 1, 2; 273.1231, subdivision 8; 273.124, subdivision 21; 273.13, subdivisions

23, 25, 33; 273.33, subdivision 2; 273.37, subdivision 2; 274.13, subdivision 2; 274.135, subdivision 3; 274.14; 274.175; 275.70, subdivision 5; 275.71, subdivision 4; 287.04; 287.05, by adding a subdivision; 287.22; 287.25; 289A.08, subdivision 3; 289A.12, by adding a subdivision; 289A.18, subdivision 1; 289A.19, subdivision 4; 289A.38, subdivision 7; 289A.41; 290.0671, subdivision 1; 290A.10; 290A.14; 290C.06; 290C.07; 295.56; 295.57, subdivision 5; 296A.21, subdivision 1; 297A.70, subdivisions 2, 4; 297A.992, subdivision 2; 297A.993, subdivision 1; 297E.02, subdivision 4; 297E.06, by adding a subdivision; 297E.11, subdivision 1; 297F.09, subdivision 7; 297G.09, subdivision 6; 297I.30, by adding a subdivision; 297I.35, subdivision 2; 298.28, subdivisions 4, 11; 423A.02, subdivisions 1b, 3, by adding a subdivision; 473.843, subdivision 3; 477A.011, subdivisions 34, 42; 477A.013, subdivision 8; repealing Minnesota Statutes 2008, sections 287.26; 287.27, subdivision 1; 297A.67, subdivision 24; 298.28, subdivisions 11a, 13; Minnesota Rules, parts 8115.0200; 8115.0300; 8115.0400; 8115.0500; 8115.0600; 8115.1000; 8115.1100; 8115.1200; 8115.1300; 8115.1400; 8115.1500; 8115.1600; 8115.1700; 8115.1800; 8115.1900; 8115.2000; 8115.2100; 8115.2200; 8115.2300; 8115.2400; 8115.2500; 8115.2600; 8115.2700; 8115.2800; 8115.2900; 8115.3000; 8115.4000; 8115.4100; 8115.4200; 8115.4300; 8115.4400; 8115.4500; 8115.4600; 8115.4700; 8115.4800; 8115.4900; 8115.5000; 8115.5100; 8115.5200; 8115.5300; 8115.5400; 8115.5500; 8115.5600; 8115.5700; 8115.5800; 8115.5900; 8115.6000; 8115.6100; 8115.6200; 8115.6300; 8115.6400; 8115.9900.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Lenczewski moved that the House refuse to concur in the Senate amendments to H. F. No. 885, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

#### MOTION TO LAY ON THE TABLE

Seifert moved that the Message from the Senate relating to H. F. No. 885, as amended by the Senate, be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Seifert motion and the roll was called. There were 41 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Downey	Hamilton	Mack	Seifert
Anderson, B.	Davids	Draskowski	Hoppe	McFarlane	Shimanski
Anderson, P.	Dean	Eastlund	Howes	McNamara	Smith
Anderson, S.	Demmer	Garofalo	Kiffmeyer	Murdock	Torkelson
Beard	Dettmer	Gottwalt	Kohls	Nornes	Urdahl
Brod	Dill	Gunther	Lanning	Sanders	Westrom
Buesgens	Doepke	Hackbarth	Loon	Scott	

Those who voted in the negative were:

Anzenc	Bly	Carlson	Doty	Faust	Hansen
Atkins	Brown	Champion	Eken	Fritz	Hausman
Benson	Brynaert	Clark	Emmer	Gardner	Haws
Bigham	Bunn	Davnie	Falk	Greiling	Hayden

Hilstrom	Kalin	Mahoney	Obermueller	Ruud	Thissen
Hilty	Kath	Mariani	Olin	Sailer	Tillberry
Holberg	Knuth	Marquart	Otremba	Scalze	Wagenius
Hornstein	Koenen	Masin	Paymar	Sertich	Ward
Hortman	Laine	Morgan	Pelowski	Simon	Winkler
Hosch	Lenczewski	Morrow	Persell	Slawik	Zellers
Huntley	Lesch	Mullery	Peterson	Slocum	Spk. Kelliher
Jackson	Liebling	Murphy, E.	Poppe	Solberg	
Johnson	Lieder	Murphy, M.	Reinert	Sterner	
Juhnke	Lillie	Nelson	Rosenthal	Swails	
Kahn	Loeffler	Newton	Rukavina	Thao	

The motion did not prevail.

#### POINT OF ORDER

Emmer raised a point of order pursuant to section 766, paragraphs 2 and 3, of "Mason's Manual of Legislative Procedure," relating to Concurrence in Amendments. The Speaker ruled the point of order not well taken.

Emmer appealed the decision of the Speaker.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Emmer and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

All members answered to the call and it was so ordered.

The question recurred on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 84 yeas and 44 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Davids	Emmer	Howes	McNamara	Torkelson
Anderson, B.	Dean	Garofalo	Kelly	Murdock	Urdahl
Anderson, P.	Demmer	Gottwalt	Kiffmeyer	Nornes	Westrom
Anderson, S.	Dettmer	Gunther	Kohls	Sanders	Zellers
Beard	Doepke	Hackbarth	Lanning	Scott	
Brod	Downey	Hamilton	Loon	Seifert	
Buesgens	Drazkowski	Holberg	Mack	Shimanski	
Cornish	Eastlund	Hoppe	McFarlane	Smith	

So it was the judgment of the House that the decision of the Speaker should stand.

The question recurred on the Lenczewski motion that the House refuse to concur in the Senate amendments to H. F. No. 885, that the Speaker appoint a Conference Committee of 5 members of the House and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses and the roll was called.

Sertich moved that those not voting be excused from voting. The motion did not prevail.

The Speaker called Sertich to the Chair.

Pursuant to rule 2.05, Buesgens stated his reasons for declining to vote.

Speaker pro tempore Sertich submitted the following question to the House: "Shall the member, for the reasons stated, be excused from voting?" Buesgens was excused from voting.

Morrow moved that those not voting be excused from voting. The motion prevailed.

The Speaker resumed the Chair.

There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed.

Madam Speaker:

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

S. F. Nos. 2, 1459, 1036, 1481, 1504, 1867 and 1889.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 2, A bill for an act relating to state government; specifying the development of budget recommendations and requiring state agencies to provide information; requiring disclosure of status of fiscal note requests; requiring a report on Minnesota milestones performance measures; modifying state budget requirements; requiring a forecast of cash flow for the general fund; specifying format for detailed budget estimates of expenditures; imposing deadline for notice of deficiency requests; requiring a searchable database of state expenditures; requiring a map of money used to support children; reducing the number of deputy commissioners and eliminating assistant commissioner positions in the unclassified service; providing additional whistleblower protection to state employees; requiring a budget working group; creating pilot program for driver's license reinstatement diversion for individuals charged with driving without valid license; eliminating obsolete requirements; appropriating money; amending Minnesota Statutes 2008, sections 3.885, by adding a subdivision; 3.98, subdivision 4; 3.987, subdivision 1; 4A.01; 4A.02; 15.06, subdivision 8; 16A.055, subdivision 1; 16A.10, subdivisions 1, 2; 16A.11, subdivision 3, by adding a subdivision; 16B.03; 43A.08, subdivision 1; 45.013; 84.01, subdivision 3; 116.03, subdivision 1; 116J.01, subdivision 5; 116J.035, subdivision 4; 174.02, subdivision 2;

181.932, subdivision 1; 241.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 4A; 16A; 43A; repealing Minnesota Statutes 2008, sections 4A.06; 16A.152, subdivision 1b; 16C.046; 43A.08, subdivision 1b.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

S. F. No. 1459, A bill for an act relating to state government; requiring municipalities to utilize state cooperative purchasing; amending Minnesota Statutes 2008, section 471.345, subdivision 15.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

S. F. No. 1036, A bill for an act relating to state government; ratifying state labor contracts.

The bill was read for the first time.

Lillie moved that S. F. No. 1036 and H. F. No. 1218, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1481, A bill for an act relating to the budget reserve; modifying priorities for additional revenues in general fund forecasts; requiring a report; amending Minnesota Statutes 2008, sections 16A.103, subdivisions 1a, 1b, by adding a subdivision; 16A.11, subdivision 1, by adding a subdivision; 16A.152, subdivision 2, by adding a subdivision.

The bill was read for the first time.

Solberg moved that S. F. No. 1481 and H. F. No. 2038, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1504, A bill for an act relating to human services; amending mental health provisions; changing medical assistance reimbursement and eligibility; changing provider qualification and training requirements; amending mental health behavioral aide services; adding an excluded service; changing special contracts with bordering states; amending Minnesota Statutes 2008, sections 148C.11, subdivision 1; 245.4835, subdivisions 1, 2; 245.4885, subdivision 1; 245.50, subdivision 5; 256B.0615, subdivisions 1, 3; 256B.0622, subdivision 8, by adding a subdivision; 256B.0623, subdivision 5; 256B.0624, subdivision 8; 256B.0625, subdivision 49; 256B.0943, subdivisions 1, 2, 4, 5, 6, 7, 9; 256B.0944, subdivision 5.

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

S. F. No. 1867, A bill for an act relating to state government; creating the Minnesota Geospatial Information Office; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2008, section 4A.05.

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

S. F. No. 1889, A bill for an act relating to state government; requiring certain settlements involving the state to be paid to the state general fund; amending Minnesota Statutes 2008, section 16A.151, subdivision 2.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

### **CALENDAR FOR THE DAY**

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

### **ANNOUNCEMENT BY THE SPEAKER**

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 885:

Lenczewski; Marquart; Greiling; Murphy, E., and Downey.

### **MOTIONS AND RESOLUTIONS**

Buesgens moved that the name of Garofalo be added as an author on H. F. No. 633. The motion prevailed.

Hilstrom moved that the names of Sterner and Hansen be added as authors on H. F. No. 818. The motion prevailed.

Zellers moved that the name of Sterner be added as an author on H. F. No. 2099. The motion prevailed.

Carlson moved that H. F. No. 1893 be recalled from the Committee on State and Local Government Operations Reform, Technology and Elections and be re-referred to the Committee on Finance. The motion prevailed.

Dill moved that H. F. No. 1238 be returned to its author. The motion prevailed.

### **ADJOURNMENT**

Sertich moved that when the House adjourns today it adjourn until 9:30 a.m., Friday, May 8, 2009. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:30 a.m., Friday, May 8, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives