

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2012

 EIGHTY-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 7, 2012

The House of Representatives convened at 4:30 p.m. and was called to order by Kurt Zellers, Speaker of the House.

Prayer was offered by Andrew Mathews, Grace Fellowship Church, Milaca, 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	Davnie	Hansen	Leidiger	Murphy, M.	Simon
Anderson, B.	Dean	Hausman	LeMieur	Murray	Slawik
Anderson, D.	Dettmer	Hilstrom	Lenczewski	Myhra	Slocum
Anderson, P.	Dill	Hilty	Lesch	Nelson	Smith
Anderson, S.	Dittrich	Holberg	Liebling	Nornes	Stensrud
Anzelc	Doepke	Hoppe	Lillie	Norton	Swedzinski
Atkins	Downey	Hornstein	Loeffler	O'Driscoll	Thissen
Banaian	Drazkowski	Hortman	Lohmer	Pelowski	Tillberry
Barrett	Eken	Hosch	Loon	Peppin	Torkelson
Beard	Erickson	Howes	Mahoney	Persell	Urdahl
Benson, J.	Fabian	Huntley	Marquart	Petersen, B.	Vogel
Benson, M.	Franson	Johnson	Mazorol	Peterson, S.	Wagenius
Bills	Fritz	Kahn	McElpatrick	Poppe	Ward
Brynaert	Garofalo	Kath	McFarlane	Quam	Wardlow
Buesgens	Gauthier	Kelly	McNamara	Rukavina	Westrom
Carlson	Greiling	Kieffer	Melin	Runbeck	Winkler
Champion	Gruenhagen	Kiel	Moran	Sanders	Woodard
Cornish	Gunther	Kiffmeyer	Morrow	Scalze	Spk. Zellers
Crawford	Hackbarth	Kriesel	Mullery	Schomacker	
Daudt	Hamilton	Laine	Murdock	Scott	
Davids	Hancock	Lanning	Murphy, E.	Shimanski	

A quorum was present.

Allen, Clark, Falk, Gottwalt, Greene, Knuth, Koenen, Mack, Mariani, McDonald and Paymar were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Urdahl from the Legacy Funding Division to which was referred:

H. F. No. 1062, A resolution urging the President and Congress of the United States to pardon We-Chank-Wash-ta-don-pee, also known as Chaska.

Reported the same back with the following amendments:

Page 1, line 16, delete "and the Congress"

Page 1, line 19, delete the comma and insert a period

Page 1, delete lines 20 and 21

Amend the title as follows:

Page 1, line 2, delete "and Congress"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1595, A bill for an act relating to real estate; providing process for unaffixing manufactured home from real property; amending Minnesota Statutes 2010, sections 168A.01, by adding a subdivision; 168A.02, subdivision 3; 168A.04, subdivision 1; 168A.05, subdivisions 1, 1a, 1b; 168A.141, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 168A.

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

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 1816, A bill for an act relating to public safety; firearms; authorizing federally licensed firearms importers, manufacturers, and dealers to possess and sell firearm silencers to authorized law enforcement and wildlife management agencies for certain authorized purposes; amending Minnesota Statutes 2011 Supplement, section 609.66, subdivision 1h.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2011 Supplement, section 609.66, subdivision 1h, is amended to read:

Subd. 1h. **Silencers; authorized for law enforcement and wildlife control purposes.** (a) Notwithstanding subdivision 1a, paragraph (a), clause (1), licensed peace officers may use devices designed to silence or muffle the discharge of a firearm for tactical emergency response operations. Tactical emergency response operations include execution of high risk search and arrest warrants, incidents of terrorism, hostage rescue, and any other tactical deployments involving high risk circumstances. The chief law enforcement officer of a law enforcement agency that has the need to use silencing devices must establish and enforce a written policy governing the use of the devices.

(b) Notwithstanding subdivision 1a, paragraph (a), clause (1), an enforcement officer, as defined in section 97A.015, subdivision 18, a wildlife area manager, an employee designated under section 84.0835, or a person acting under contract with the commissioner of natural resources, at specific times and locations that are authorized by the commissioner of natural resources may use devices designed to silence or muffle the discharge of a firearm for wildlife control operations that require stealth. If the commissioner determines that the use of silencing devices is necessary under this paragraph, the commissioner must establish and enforce a written policy governing the use, possession, and transportation of the devices.

(c) Notwithstanding subdivision 1a, paragraph (a), clause (1), a person who is licensed by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives under United States Code, title 18, section 923, as a firearms importer, manufacturer, or dealer, who is acting in full compliance with all federal requirements under that license, may possess devices designed to silence or muffle the discharge of a firearm for the purpose of selling or otherwise transferring in any lawful manner the devices or firearms tested with the devices, to:

(1) the chief administrator of any federal, state, or local governmental agency;

(2) the commander or commander's designee of any unit of the United States Armed Forces; or

(3) a person who is licensed by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code, title 18, section 923, as a firearms importer, manufacturer, or dealer, who is acting in full compliance with all federal requirements under that license.

EFFECTIVE DATE. This section is effective August 1, 2012."

Delete the title and insert:

"A bill for an act relating to public safety; authorizing federally licensed firearms importers, manufacturers, and dealers to possess and sell firearm silencers to government agencies, the military, and other licensed firearms importers, manufacturers, and dealers; amending Minnesota Statutes 2011 Supplement, section 609.66, subdivision 1h."

With the recommendation that when so amended the bill pass.

The report was adopted.

Westrom from the Committee on Civil Law to which was referred:

H. F. No. 1833, A bill for an act relating to eminent domain; providing for a hearing before an administrative law judge on the amount or denial of eligibility for relocation assistance; amending Minnesota Statutes 2010, section 117.52, subdivision 4.

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

The report was adopted.

McNamara from the Committee on Environment, Energy and Natural Resources Policy and Finance to which was referred:

H. F. No. 1923, A bill for an act relating to waters; eliminating conservation rate structure requirement; amending Minnesota Statutes 2010, section 103G.291, subdivision 3; repealing Minnesota Statutes 2010, section 103G.291, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 103G.291, subdivision 3, is amended to read:

Subd. 3. **Water supply plans; demand reduction.** (a) Every public water supplier serving more than 1,000 people must submit a water supply plan to the commissioner for approval by January 1, 1996. In accordance with guidelines developed by the commissioner, the plan must address projected demands, adequacy of the water supply system and planned improvements, existing and future water sources, natural resource impacts or limitations, emergency preparedness, water conservation, supply and demand reduction measures, and allocation priorities that are consistent with section 103G.261. Public water suppliers must update their plan and, upon notification, submit it to the commissioner for approval every ten years.

(b) The water supply plan in paragraph (a) is required for all communities in the metropolitan area, as defined in section 473.121, with a municipal water supply system and is a required element of the local comprehensive plan required under section 473.859. Water supply plans or updates submitted after December 31, 2008, must be consistent with the metropolitan area master water supply plan required under section 473.1565, subdivision 1, paragraph (a), clause (2).

(c) Public water suppliers serving more than 1,000 people must ~~employ~~ encourage water conservation by employing water use demand reduction measures, including a conservation rate structure, as defined in subdivision 4, paragraph (a), ~~unless exempted under subdivision 4, paragraph (e),~~ before requesting approval from the commissioner of health under section 144.383, paragraph (a), to construct a public water supply well or requesting an increase in the authorized volume of appropriation. ~~Demand reduction measures must include evaluation of conservation rate structures and a public education program that may include a toilet and showerhead retrofit program. The commissioner of natural resources and the water supplier shall use a collaborative process to achieve demand reduction measures as a part of a water supply plan review process.~~

(d) Public water suppliers serving more than 1,000 people must submit records that indicate the number of connections and amount of use by customer category and volume of water unaccounted for with the annual report of water use required under section 103G.281, subdivision 3.

(e) For the purposes of this section, "public water supplier" means an entity that owns, manages, or operates a public water supply, as defined in section 144.382, subdivision 4.

Sec. 2. Minnesota Statutes 2010, section 103G.291, subdivision 4, is amended to read:

Subd. 4. ~~Conservation rate structure required~~ **Demand reduction measures.** (a) For the purposes of this section, "demand reduction measures" means measures that reduce water demand, water losses, peak water demands, and nonessential water uses. Demand reduction measures must include a conservation rate structure, or a uniform rate structure with a conservation program that achieves demand reduction. A "conservation rate structure" means a rate structure that encourages conservation and may include increasing block rates, seasonal rates, time of use rates, individualized goal rates, or excess use rates. If a conservation rate is applied to multifamily dwellings, the rate structure must consider each residential unit as an individual user in multiple family dwellings.

~~(b) To encourage conservation, a public water supplier serving more than 1,000 people in the metropolitan area, as defined in section 473.121, subdivision 2, shall use a conservation rate structure by January 1, 2010. All remaining public water suppliers serving more than 1,000 people shall use a conservation rate structure must implement demand reduction measures by January 1, 2013 2015.~~

~~(c) A public water supplier without the proper measuring equipment to track the amount of water used by its users, as of July 1, 2008, is exempt from this subdivision and the conservation rate structure requirement under subdivision 3, paragraph (c)."~~

Delete the title and insert:

"A bill for an act relating to waters; requiring water supply demand reduction measures; amending Minnesota Statutes 2010, section 103G.291, subdivisions 3, 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

H. F. No. 1955, A bill for an act relating to public safety; traffic regulations; clarifying move-over law; adding requirement for speed when driving by certain parked vehicles; amending Minnesota Statutes 2010, section 169.18, subdivisions 11, 12.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance.

The report was adopted.

McNamara from the Committee on Environment, Energy and Natural Resources Policy and Finance to which was referred:

H. F. No. 1989, A bill for an act relating to energy; utilities; establishing rights for incumbent electric transmission owners; establishing commission procedures; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [216B.246] RIGHT OF INCUMBENT ELECTRIC TRANSMISSION OWNER TO CONSTRUCT AND OWN ELECTRIC TRANSMISSION LINE TO ELECTRIC FACILITIES; NOTICE; PROCEDURE.

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Electric transmission line" means a high-voltage transmission line with a capacity of 100 kilovolts or more and transmission facilities.

(c) "Incumbent electric transmission owner" means any electric utility as defined under section 216B.1691, subdivision 1, paragraph (b); any transmission company as defined under section 216B.02, subdivision 10; or any municipal utility, provided that the electric utility, transmission company, or municipal utility owns, operates, controls, or maintains an electric transmission line in this state.

Subd. 2. **Incumbent electric transmission owner rights.** An incumbent electric transmission owner has the right to construct, own, and maintain an electric transmission line that connects to facilities owned by the incumbent electric transmission owner. The right to construct, own, and maintain an electric transmission line that connects to facilities owned by two or more incumbent electric transmission owners belongs individually and proportionally to each incumbent electric transmission owner, unless otherwise agreed upon in writing.

Subd. 3. **Commission procedure.** (a) If an electric transmission line has been approved for construction in a federally registered planning authority transmission plan, the incumbent electric transmission owner, or owners if there is more than one owner, shall give notice to the commission, in writing, within 90 days of approval, regarding its intent to construct, own, and maintain the electric transmission line. If an incumbent electric transmission owner gives notice of intent to build the electric transmission line then, unless exempt from the requirements of section 216B.243, within 18 months from the date of the notice described in this paragraph or such longer time approved by the commission, the incumbent electric transmission owner shall file an application for a certificate of need under section 216B.243 or certification under section 216B.2425.

(b) If the incumbent electric transmission owner indicates that it does not intend to build the transmission line, such notice shall fully explain the basis for that decision. If the incumbent electric transmission owner, or owners, gives notice of intent not to build the electric transmission line, then the commission may determine whether the incumbent electric transmission owner or other entity will build the electric transmission line, taking into consideration issues such as cost, efficiency, reliability, and other factors identified in this chapter.

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 1993, A bill for an act relating to human services; modifying advisory council provisions; amending Minnesota Statutes 2010, sections 254A.035, subdivision 2; 254A.04; 256B.093, subdivision 1; 260.835, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 254A.035, subdivision 2, is amended to read:

Subd. 2. **Membership terms, compensation, removal and expiration.** The membership of this council shall be composed of 17 persons who are American Indians and who are appointed by the commissioner. The commissioner shall appoint one representative from each of the following groups: Red Lake Band of Chippewa Indians; Fond du Lac Band, Minnesota Chippewa Tribe; Grand Portage Band, Minnesota Chippewa Tribe; Leech Lake Band, Minnesota Chippewa Tribe; Mille Lacs Band, Minnesota Chippewa Tribe; Bois Forte Band, Minnesota

Chippewa Tribe; White Earth Band, Minnesota Chippewa Tribe; Lower Sioux Indian Reservation; Prairie Island Sioux Indian Reservation; Shakopee Mdewakanton Sioux Indian Reservation; Upper Sioux Indian Reservation; International Falls Northern Range; Duluth Urban Indian Community; and two representatives from the Minneapolis Urban Indian Community and two from the St. Paul Urban Indian Community. The terms, compensation, and removal of American Indian Advisory Council members shall be as provided in section 15.059. The council expires June 30, ~~2012~~ 2014, or in accordance with section 3D.21, whichever is later.

Sec. 2. Minnesota Statutes 2010, section 254A.04, is amended to read:

254A.04 CITIZENS ADVISORY COUNCIL.

There is hereby created an Alcohol and Other Drug Abuse Advisory Council to advise the Department of Human Services concerning the problems of alcohol and other drug dependency and abuse, composed of ten members. Five members shall be individuals whose interests or training are in the field of alcohol dependency and abuse; and five members whose interests or training are in the field of dependency and abuse of drugs other than alcohol. The terms, compensation and removal of members shall be as provided in section 15.059. The council expires June 30, ~~2012~~ 2014, or in accordance with section 3D.21, whichever is later. The commissioner of human services shall appoint members whose terms end in even-numbered years. The commissioner of health shall appoint members whose terms end in odd-numbered years.

Sec. 3. Minnesota Statutes 2010, section 256B.093, subdivision 1, is amended to read:

Subdivision 1. **State traumatic brain injury program.** The commissioner of human services shall:

- (1) maintain a statewide traumatic brain injury program;
- (2) supervise and coordinate services and policies for persons with traumatic brain injuries;
- (3) contract with qualified agencies or employ staff to provide statewide administrative case management and consultation;
- (4) maintain an advisory committee to provide recommendations in reports to the commissioner regarding program and service needs of persons with traumatic brain injuries;
- (5) investigate the need for the development of rules or statutes for the traumatic brain injury home and community-based services waiver;
- (6) investigate present and potential models of service coordination which can be delivered at the local level; and
- (7) the advisory committee required by clause (4) must consist of no fewer than ten members and no more than 30 members. The commissioner shall appoint all advisory committee members to one- or two-year terms and appoint one member as chair. Notwithstanding section 15.059, subdivision 5, the advisory committee does not terminate until June 30, ~~2012~~ 2014, or in accordance with section 3D.21, whichever is later.

Sec. 4. Minnesota Statutes 2010, section 260.835, subdivision 2, is amended to read:

Subd. 2. **Expiration.** Notwithstanding section 15.059, subdivision 5, the American Indian Child Welfare Advisory Council expires June 30, ~~2012~~ 2014, or in accordance with section 3D.21, whichever is later."

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

The report was adopted.

Erickson from the Committee on Education Reform to which was referred:

H. F. No. 2025, A bill for an act relating to education; expanding the postsecondary enrollment options program; amending Minnesota Statutes 2010, sections 124D.09, subdivisions 3, 9, 12, 24, by adding a subdivision; 135A.101, subdivision 1; Minnesota Statutes 2011 Supplement, section 124D.09, subdivision 5; repealing Minnesota Statutes 2010, section 124D.09, subdivision 23.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 124D.09, subdivision 3, is amended to read:

Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings given to them.

(a) "Eligible institution" means a Minnesota public postsecondary institution, an intermediate school district, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by the North Central Association of Colleges and Schools, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota.

(b) "Course" means a course or program.

Sec. 2. Minnesota Statutes 2011 Supplement, section 124D.09, subdivision 5, is amended to read:

Subd. 5. **Authorization; notification.** (a) Notwithstanding any other law to the contrary, an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled tribal contract or grant school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district under a cultural exchange program, may apply to an eligible institution, as defined in subdivision 3, to enroll in nonsectarian academic and career and technical courses offered by that postsecondary institution.

(b) Notwithstanding any other law to the contrary, a 9th or 10th grade pupil enrolled in a district or an American Indian-controlled tribal contract or grant school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district under a cultural exchange program, may apply to enroll in nonsectarian academic and career and technical courses offered under subdivision 10, if after all 11th and 12th grade students have applied for a course, additional students are necessary to offer the course.

(c) If an institution accepts a secondary pupil for enrollment under this section, the institution shall send written notice to the pupil, the pupil's school or school district, and the commissioner within ten days of acceptance. The notice must indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for postsecondary credit, the institution must notify the pupil about payment in the customary manner used by the institution.

EFFECTIVE DATE. This section is effective for the 2012-2013 school year and later.

Sec. 3. Minnesota Statutes 2010, section 124D.09, subdivision 9, is amended to read:

Subd. 9. **Enrollment priority.** A postsecondary institution shall give priority to its postsecondary students when enrolling 11th and 12th grade pupils in its courses. A postsecondary institution may provide information about its programs to a secondary school or to a pupil or parent, ~~but it may not advertise or otherwise recruit or solicit the participation of secondary pupils to enroll in its programs on financial grounds.~~ An institution must not enroll secondary pupils, for postsecondary enrollment options purposes, in remedial, developmental, or other courses that are not college level. Once a pupil has been enrolled in a postsecondary course under this section, the pupil shall not be displaced by another student.

Sec. 4. Minnesota Statutes 2010, section 124D.09, subdivision 10, is amended to read:

Subd. 10. **Courses according to agreements.** (a) An eligible pupil, according to subdivision 5, may enroll in a nonsectarian academic or career and technical course taught by a secondary teacher or a postsecondary faculty member and offered at a secondary school, or another location, according to an agreement between a public school board and the governing body of an eligible public postsecondary system or an eligible private postsecondary institution, as defined in subdivision 3. All provisions of this section shall apply to a pupil, public school board, district, and the governing body of a postsecondary institution, except as otherwise provided.

(b) Participating public school boards, districts, and eligible institutions may enter into an academic and career and technical education joint partnership with local or regional businesses or other entrepreneurs to help interested students pursue both academic and career and technical courses leading to an industry credential and a successful transition to postsecondary career and college education.

EFFECTIVE DATE. This section is effective for the 2012-2013 school year and later.

Sec. 5. Minnesota Statutes 2010, section 124D.09, subdivision 12, is amended to read:

Subd. 12. **Credits.** ~~A pupil may enroll in a course under this section for either secondary credit or postsecondary credit. At the time a pupil enrolls in a course, the pupil shall designate whether the course is for secondary or postsecondary credit. A pupil taking several courses may designate some for secondary credit and some for postsecondary credit.~~ A pupil must not audit a course under this section.

A district shall grant academic credit to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. Seven quarter or four semester college credits equal at least one full year of high school credit. Fewer college credits may be prorated. A district must also grant academic credit to a pupil enrolled in a course for postsecondary credit if secondary credit is requested by a pupil. If no comparable course is offered by the district, the district must, as soon as possible, notify the commissioner, who shall determine the number of credits that shall be granted to a pupil who successfully completes a course. If a comparable course is offered by the district, the school board shall grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course, the pupil may appeal the board's decision to the commissioner. The commissioner's decision regarding the number of credits shall be final.

The secondary credits granted to a pupil must be counted toward the graduation requirements and subject area requirements of the district. Evidence of successful completion of each course and secondary credits granted must be included in the pupil's secondary school record. A pupil shall provide the school with a copy of the pupil's grade in each course taken for secondary credit under this section. Upon the request of a pupil, the pupil's secondary school record must also include evidence of successful completion and credits granted for a course taken for postsecondary credit. In either case, the record must indicate that the credits were earned at a postsecondary institution.

If a pupil enrolls in a postsecondary institution after leaving secondary school, the postsecondary institution must award postsecondary credit for any course successfully completed for secondary credit at that institution. Other postsecondary institutions may award, after a pupil leaves secondary school, postsecondary credit for any courses successfully completed under this section. An institution may not charge a pupil for the award of credit.

The Board of Trustees of the Minnesota State Colleges and Universities and the Board of Regents of the University of Minnesota must, and private nonprofit and proprietary postsecondary institutions should, award postsecondary credit for any successfully completed courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships offered according to an agreement under subdivision 10.

Sec. 6. Minnesota Statutes 2010, section 124D.09, subdivision 24, is amended to read:

Subd. 24. **Limit; state obligation.** The provisions of subdivisions 13, 19, and 22, and 23 shall not apply for any postsecondary courses in which a pupil is enrolled in addition to being enrolled full time in that pupil's district or for any postsecondary course in which a pupil is enrolled for postsecondary credit. The pupil is enrolled full time if the pupil attends credit-bearing classes in the high school or high school program for all of the available hours of instruction.

EFFECTIVE DATE. This section is effective for the 2012-2013 school year and later.

Sec. 7. Minnesota Statutes 2010, section 135A.101, subdivision 1, is amended to read:

Subdivision 1. **Requirements for participation.** To participate in the postsecondary enrollment options program, a college or university must abide by the provisions in this section. The institution may provide information about its programs to a secondary school or to a pupil or parent, ~~but may not recruit or solicit participation on financial grounds.~~

Sec. 8. **CAREER AND TECHNICAL EDUCATION ADVISORY TASK FORCE.**

(a) A career and technical education advisory task force is established to develop recommendations for better integrating career and technical education into kindergarten through grade 12 curriculum and instruction, improving teachers' ability to help students prepare for college and careers by measures that include increasing the number of teachers with a master's degree in a content area directly related to the teachers' teaching assignment, and successfully meeting 21st century challenges through a more comprehensive approach to kindergarten through grade 12 education that includes expanded work-based learning opportunities and opportunities for 9th and 10th grade students to participate in postsecondary enrollment options under Minnesota Statutes, section 124D.09. The advisory task force must at least examine the role of school administrators, teachers, policy makers, and others in:

(1) expecting career and technical education to provide students with high levels of skills and academic proficiency;

(2) using career and technical education to improve students' mathematics scores;

(3) understanding how the federal No Child Left Behind Act limits students' ability to pursue career and technical education; and

(4) remedying the absence of and need for access to tools and equipment to provide students with hands-on learning.

(b) Advisory task force members must include representatives of the following entities selected by that entity: the Minnesota Association of Career and Technical Administrators; University of Minnesota and Minnesota State Colleges and Universities faculty working to develop career and technical educators in Minnesota; the National Research Center for Career and Technical Education; the Minnesota Department of Education; the Minnesota Board of Teaching; the Minnesota Association of Colleges for Teacher Education; and any other representatives selected by the task force members. The education commissioner, or the commissioner's designee, must convene the task force. The commissioner may reimburse task force members from the Department of Education's current operating budget for expenses related to task force activities but task force members are not eligible for compensation.

(c) The commissioner, upon request, must provide technical assistance to the task force.

(d) The task force must submit its recommendations under this section to the legislative committees with jurisdiction over kindergarten through grade 12 education by February 15, 2013.

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

Sec. 9. **REPEALER.**

Minnesota Statutes 2010, section 124D.09, subdivision 23, is repealed effective for the 2012-2013 school year and later."

Delete the title and insert:

"A bill for an act relating to education; expanding the postsecondary enrollment options program; establishing a career and technical education task force; amending Minnesota Statutes 2010, sections 124D.09, subdivisions 3, 9, 10, 12, 24; 135A.101, subdivision 1; Minnesota Statutes 2011 Supplement, section 124D.09, subdivision 5; repealing Minnesota Statutes 2010, section 124D.09, subdivision 23."

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

The report was adopted.

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

H. F. No. 2095, A bill for an act relating to environment; providing for permitting efficiency; modifying environmental review requirements; appropriating money; amending Minnesota Statutes 2010, sections 14.05, by adding a subdivision; 41A.10, subdivision 1; 84.027, by adding a subdivision; 115.03, by adding a subdivision; 116.07, subdivision 4a; 116J.035, by adding a subdivision; Minnesota Statutes 2011 Supplement, sections 84.027, subdivision 14a; 116.03, subdivision 2b; 116D.04, subdivision 2a.

Reported the same back with the following amendments:

Page 4, line 3, delete "applicant"

Page 4, delete lines 7 to 33 and insert:

"(f) Upon the agency's request, an applicant relying on a permit professional must participate in a meeting with the agency before submitting an application:

(1) during the preapplication meeting, the applicant must submit at least the following:

(i) project description, including, but not limited to, scope of work, primary emissions points, discharge outfalls, and water intake points;

(ii) location of the project, including county, municipality, and location on the site;

(iii) business schedule for project completion; and

(iv) other information requested by the agency at least two weeks prior to the scheduled meeting; and

(2) during the preapplication meeting, the agency shall provide for the applicant at least the following:

(i) an overview of the permit review program;

(ii) a determination of which specific application or applications will be necessary to complete the project;

(iii) a statement notifying the applicant if the specific permit being sought requires a mandatory public hearing or comment period;

(iv) a review of the timetable established in the permit review program for the specific permit being sought; and

(v) a determination of what information must be included in the application, including a description of any required modeling or testing.

(g) The applicant may select a permit professional to undertake the preparation of the permit application and draft permit.

(h) A permit application submitted by a permit professional shall be deemed complete unless the terms and conditions in the application submitted by the permit professional are clearly erroneous under statute or rule. The agency shall, within five business days of receipt of an application, notify the applicant and submitting permit professional that the application is complete or is denied, specifying the deficiencies of the application.

(i) Upon receipt of notice that the application is complete, the permit professional shall submit to the agency a timetable for submitting a draft permit. The permit professional shall submit a draft permit on or before the date provided in the timetable. Within 60 days after the close of the public comment period and public hearing, the commissioner shall notify the applicant whether the permit is approved."

Page 7, line 20, delete "a special" and insert "an" and after "account" insert "in the special revenue fund"

Page 7, line 21, delete "any state agency" and insert "the commissioner"

With the recommendation that when so amended the bill pass.

The report was adopted.

Lanning from the Committee on State Government Finance to which was referred:

H. F. No. 2169, A bill for an act relating to state government; providing methods for certain review of, and reporting on, agency rules; amending Minnesota Statutes 2010, sections 3.842, subdivision 4a; 14.05, subdivision 1, by adding a subdivision; 14.116; 14.131; 14.388, subdivision 2; 14.389, subdivision 2; Minnesota Statutes 2011 Supplement, sections 3D.06; 3D.10; 3D.11.

Reported the same back with the following amendments:

Page 2, lines 21 to 24, delete the new language

Page 3, delete lines 12 to 14 and insert "difference; (iv) a list and brief"

Page 3, line 15, delete "(viii)" and insert "and (v)"

Page 3, line 17, delete "; and (ix) a" and insert ", including any"

Page 3, line 21, before the period, insert ", including, upon request of the commission, all or portions of rulemaking records maintained by the agency under section 14.365"

Page 6, line 10, delete "implement or"

Page 6, delete lines 16 to 19 and insert:

"(a) By January 15 each year, each agency must submit its rulemaking docket maintained under section 14.366, and the official rulemaking record required under section 14.365 for any rule adopted during the preceding calendar year, to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rule."

Page 9, delete lines 10 to 17 and insert "the agency. Each report must list the rules promulgated by the agency and provide the following information for each rule: (1) the statutory authority; (2) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need and reasonableness of each difference; (3) a list and brief rationale for rules that the agency believes should remain in effect; (4) any changes that would improve the agency's ability to meet the regulatory objectives prescribed by the legislature, while reducing an unnecessary burdens on regulated parties, including any means to better coordinate rulemaking between state agencies and other local, state, and federal agencies. Any costs of preparing this report must be absorbed within funds otherwise appropriated to the agency."

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.

McNamara from the Committee on Environment, Energy and Natural Resources Policy and Finance to which was referred:

H. F. No. 2171, A bill for an act relating to natural resources; modifying game and fish license requirements; providing for taking wolf; modifying requirements to take and transport wild animals; modifying department authority and duties; modifying restrictions on discharging firearms and bows; modifying predator control program; modifying deer baiting restrictions; modifying authority to remove beavers; modifying disposition of certain receipts; eliminating authority for certain executive orders; requiring rulemaking; providing civil penalties; appropriating money; amending Minnesota Statutes 2010, sections 17.4993, subdivision 2; 84.027, subdivision 14; 97A.015, subdivision 53; 97A.065, subdivision 6; 97A.085, by adding a subdivision; 97A.421, subdivision 3; 97A.451, subdivisions 3, 4, by adding a subdivision; 97A.473, subdivisions 3, 5, 5a; 97A.475, subdivisions 2, 3, 20; 97A.482; 97B.031, subdivisions 1, 2; 97B.035, subdivision 1a; 97B.055, subdivision 1; 97B.071; 97B.085, subdivision 3; 97B.328; 97B.601, subdivisions 3a, 4; 97B.603; 97B.605; 97B.671, subdivisions 3, 4; 97B.711, subdivision 1; 97B.805, subdivision 1; 97B.901; 97C.515, subdivisions 2, 4; Minnesota Statutes 2011 Supplement, sections 97A.075, subdivision 1, by adding a subdivision; 97B.075; 97B.645, subdivision 9; 97B.667; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2010, sections 97A.045, subdivisions 8, 13; 97A.065, subdivision 1; 97A.095, subdivision 3; 97A.331, subdivision 7; 97A.485, subdivision 12; 97A.552; 97B.645, subdivision 2; 97C.031; 97C.515, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 3.736, subdivision 4, is amended to read:

Subd. 4. **Limits.** The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case, for claims arising before August 1, 2007;

(b) \$400,000 when the claim is one for death by wrongful act or omission and \$400,000 to any claimant in any other case, for claims arising on or after August 1, 2007, and before July 1, 2009;

(c) \$500,000 when the claim is one for death by wrongful act or omission and \$500,000 to any claimant in any other case, for claims arising on or after July 1, 2009;

(d) \$750,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 1998, and before January 1, 2000;

(e) \$1,000,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2000, and before January 1, 2008;

(f) \$1,200,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2008, and before July 1, 2009; ~~or~~

(g) \$1,500,000 for any number of claims arising out of a single occurrence, for claims arising on or after July 1, 2009; or

(h) \$1,000,000 for any number of claims arising out of a single occurrence, if the claim involves a nonprofit organization engaged in or administering outdoor recreational activities funded in whole or in part by the state or operating under the authorization of a permit issued by an agency or department of the state.

If the amount awarded to or settled upon multiple claimants exceeds the applicable limit under clause (d), (e), (f), ~~or (g), or (h)~~, any party may apply to the district court to apportion to each claimant a proper share of the amount available under the applicable limit under clause (d), (e), (f), or (g). The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement bears to the aggregate awards and settlements for all claims arising out of the occurrence.

The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

EFFECTIVE DATE. This section is effective the day following final enactment, and applies to claims arising from acts or omissions that occur on or after that date.

Sec. 2. Minnesota Statutes 2010, section 84.027, subdivision 14, is amended to read:

Subd. 14. **Mission; efficiency.** It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

(1) prevent the waste or unnecessary spending of public money;

(2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

(4) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;

(5) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

(6) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; ~~and~~

(7) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department; and

(8) plan and implement activities designed to recruit new outdoor recreation participants and retain existing participants. This includes but is not limited to anglers, hunters, trappers, and campers.

Sec. 3. Minnesota Statutes 2010, section 84.027, subdivision 15, is amended to read:

Subd. 15. **Electronic transactions.** (a) The commissioner may receive an application for, sell, and issue any license, stamp, permit, pass, sticker, gift card, safety training certification, registration, or transfer under the jurisdiction of the commissioner by electronic means, including by telephone. Notwithstanding section 97A.472, electronic and telephone transactions may be made outside of the state. The commissioner may:

(1) provide for the electronic transfer of funds generated by electronic transactions, including by telephone;

(2) assign an identification number to an applicant who purchases a hunting or fishing license or recreational vehicle registration by electronic means, to serve as temporary authorization to engage in the activity requiring a license or registration until the license or registration is received or expires;

(3) charge and permit agents to charge a fee of individuals who make electronic transactions and transactions by telephone or Internet, including issuing fees and an additional transaction fee not to exceed \$3.50;

(4) charge and permit agents to charge a convenience fee not to exceed three percent of the cost of the license to individuals who use electronic bank cards for payment. An electronic licensing system agent charging a fee of individuals making an electronic bank card transaction in person must post a sign informing individuals of the fee. The sign must be near the point of payment, clearly visible, include the amount of the fee, and state: "License agents are allowed by state law to charge a fee not to exceed three percent of the cost of state licenses to persons who use electronic bank cards for payment. The fee is not required by state law.";

(5) establish, by written order, an electronic licensing system commission to be paid by revenues generated from all sales made through the electronic licensing system. The commissioner shall establish the commission in a manner that neither significantly overrecovers nor underrecovers costs involved in providing the electronic licensing system; and

(6) adopt rules to administer the provisions of this subdivision.

(b) The fees established under paragraph (a), clauses (3) and (4), and the commission established under paragraph (a), clause (5), are not subject to the rulemaking procedures of chapter 14 and section 14.386 does not apply.

(c) Money received from fees and commissions collected under this subdivision, including interest earned, is annually appropriated from the game and fish fund and the natural resources fund to the commissioner for the cost of electronic licensing.

(d) Game and fish licenses under chapters 97A, 97B, and 97C shall be available by electronic transaction, regardless of whether all or any part of the biennial appropriation law for the department has been enacted. If, by July 1 of an odd-numbered year, legislation has not been enacted to appropriate money to the commissioner of management and budget for central accounting, procurement, payroll, and human resources functions, amounts necessary to operate those functions for the purpose of this paragraph are appropriated from the general fund to the commissioner of management and budget. As necessary, the commissioner may transfer a portion of this appropriation to other state agencies to support carrying out these functions. Any subsequent appropriation to the commissioner of management and budget for a biennium in which this section is applicable supersedes and replaces the funding authorized in this paragraph.

Sec. 4. Minnesota Statutes 2010, section 84.82, subdivision 2, is amended to read:

Subd. 2. **Application, issuance, reports, ~~additional~~ issuing fee.** (a) Application for registration or reregistration shall be made to the commissioner or an authorized deputy registrar of motor vehicles in a format prescribed by the commissioner and shall state the legal name and address of every owner of the snowmobile.

(b) A person who purchases a snowmobile from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary 21-day registration permit to each purchaser who applies to the dealer for registration. The temporary permit must contain the dealer's identification number and phone number. Each retail dealer shall submit completed registration and fees to the deputy registrar at least once a week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee ~~as hereinafter provided~~, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned registration number or a commissioner or deputy registrar temporary 21-day permit. Once issued, the registration ~~number~~ decal must be affixed to the snowmobile in a clearly visible and permanent manner for enforcement purposes as the commissioner of natural resources shall prescribe. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the temporary 21-day permit period. The registration is not valid unless signed by at least one owner. ~~The temporary permit must indicate whether a snowmobile state trail sticker under section 84.8205 was purchased.~~

(d) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements.

(e) A fee of ~~\$2~~ \$3 in addition to that otherwise prescribed by law shall be charged for:

(1) each snowmobile registered by the registrar or a deputy registrar and the additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2; or

(2) each snowmobile registered by the commissioner and the additional fee shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Sec. 5. Minnesota Statutes 2010, section 84.82, subdivision 3, is amended to read:

Subd. 3. **Fees for registration.** (a) The fee for registration of each snowmobile, other than those used for an agricultural purpose, as defined in section 84.92, subdivision 1c, or those registered by a dealer or manufacturer pursuant to paragraph (b) or (c) shall be as follows: ~~\$45~~ \$75 for three years and ~~\$4~~ \$10 for a duplicate or transfer.

(b) The total registration fee for all snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be \$50 per year.

(c) The total registration fee for all snowmobiles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes shall be \$150 per year. Dealer and manufacturer registrations are not transferable.

(d) The onetime fee for registration of an exempt snowmobile under subdivision 6a is \$6.

Sec. 6. Minnesota Statutes 2010, section 84.8205, subdivision 1, is amended to read:

Subdivision 1. **Sticker required; fee.** (a) ~~Except as provided in paragraph (b), a person~~ A snowmobile that is not registered in the state or that is registered by a manufacturer or dealer under section 84.82, subdivision 3, paragraph (b) or (c), may not operate a snowmobile be operated on a state or grant-in-aid snowmobile trail unless a snowmobile state trail sticker is affixed to the snowmobile.

(b) ~~The commissioner of natural resources shall issue a sticker upon application and payment of a \$15 fee. The fee for a three-year snowmobile state trail sticker that is purchased at the time of snowmobile registration is \$30~~ is:

(1) \$35 for a one-year snowmobile state trail sticker purchased by an individual; and

(2) \$15 for a one-year snowmobile state trail sticker purchased by a dealer or manufacturer.

(c) ~~In addition to other penalties prescribed by law, a person~~ an individual in violation of this subdivision must purchase an annual state trail sticker for a fee of ~~\$30~~ \$70. The sticker is valid from November 1 through June 30. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid, trail maintenance, grooming, and easement acquisition.

~~(b)~~ (d) A state trail sticker is not required under this section for:

~~(1) a snowmobile owned by the state or a political subdivision of the state that is registered under section 84.82, subdivision 5;~~

~~(2)~~ a snowmobile that is owned and used by the United States, an Indian tribal government, another state, or a political subdivision thereof that is exempt from registration under section 84.82, subdivision 6;

~~(3)~~ (2) a collector snowmobile that is operated as provided in a special permit issued for the collector snowmobile under section 84.82, subdivision 7a;

~~(4)~~ (3) a person operating a snowmobile only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or

~~(5)~~ (4) a snowmobile while being used to groom a state or grant-in-aid trail.

~~(c) A temporary registration permit issued by a dealer under section 84.82, subdivision 2, may include a snowmobile state trail sticker if the trail sticker fee is included with the registration application fee.~~

Sec. 7. Minnesota Statutes 2010, section 84.83, subdivision 2, is amended to read:

Subd. 2. **Money deposited in the account.** Fees from the registration of snowmobiles and from the issuance of snowmobile state trail stickers and the unrefunded gasoline tax attributable to snowmobile use pursuant to section 296A.18 shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account.

Sec. 8. Minnesota Statutes 2010, section 84.83, subdivision 3, is amended to read:

Subd. 3. **Purposes for the account; allocation.** (a) The money deposited in the account and interest earned on that money may be expended only as appropriated by law for the following purposes:

(1) for a grant-in-aid program to counties and municipalities for construction and maintenance of snowmobile trails, including maintenance of trails on lands and waters of Voyageurs National Park; on Lake of the Woods; on Rainy Lake; on the following lakes in St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion; and on the following lakes in Cook County: Devil Track and Hungry Jack;

(2) for acquisition, development, and maintenance of state recreational snowmobile trails;

(3) for snowmobile safety programs; and

(4) for the administration and enforcement of sections 84.81 to 84.91 and appropriated grants to local law enforcement agencies.

(b) No less than 60 percent of revenue collected from snowmobile registration and snowmobile state trail sticker fees must be expended for grants-in-aid to develop, maintain, and groom trails and acquire easements.

Sec. 9. Minnesota Statutes 2010, section 84.86, subdivision 1, is amended to read:

Subdivision 1. **Required rules.** With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

(1) Registration of snowmobiles and display of registration ~~numbers~~ decals.

(2) Use of snowmobiles insofar as game and fish resources are affected.

(3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.

(4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.

(5) Specifications relating to snowmobile mufflers.

(6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray expenses of training and certifying snowmobile operators, the commissioner shall collect a

fee from each person who receives the youth or adult training. The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate snowmobile safety certificate. The commissioner shall establish both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails and enforcement account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of such programs. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

(7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$500 or more, shall forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

Sec. 10. Minnesota Statutes 2010, section 84.8712, subdivision 1, is amended to read:

Subdivision 1. **Prohibition.** A person may not use a snowmobile with metal traction devices on a paved public trail, ~~except as otherwise provided that is designated closed to such use~~ by a local government with jurisdiction over a the trail or on a paved state trail or any portion of a paved state trail that is designated closed to such use by the commissioner.

Sec. 11. Minnesota Statutes 2010, section 86B.301, subdivision 2, is amended to read:

Subd. 2. **Exemptions.** A watercraft license is not required for:

(1) a watercraft that is covered by a license or number in full force and effect under federal law or a federally approved licensing or numbering system of another state, and has not been within this state for more than 90 consecutive days, which does not include days that a watercraft is laid up at dock over winter or for repairs at a Lake Superior port or another port in the state;

(2) a watercraft from a country other than the United States that has not been within this state for more than 90 consecutive days, which does not include days that a watercraft is laid up at dock over winter or for repairs at a Lake Superior port or another port in the state;

(3) a watercraft owned by the United States, an Indian tribal government, a state, or a political subdivision of a state, except watercraft used for recreational purposes;

(4) a ship's lifeboat;

(5) a watercraft that has been issued a valid marine document by the United States government;

(6) a duck boat during duck hunting season;

- (7) a rice boat during the harvest season;
- (8) a seaplane; and
- (9) a nonmotorized watercraft ~~nine~~ ten feet in length or less.

Sec. 12. Minnesota Statutes 2010, section 86B.415, subdivision 1, is amended to read:

Subdivision 1. **Watercraft 19 feet or less.** (a) Except as provided in paragraph (b) and subdivision 1a, the fee for a watercraft license for watercraft 19 feet or less in length is \$27 except:

(b) The watercraft license fee:

- (1) for watercraft, other than personal watercraft, 19 feet in length or less that is offered for rent or lease, the fee is \$9;
- (2) for a ~~canoe, kayak, sailboat, sailboard, paddle boat, or rowing shell~~ 19 feet in length or less, the fee is \$10.50;
- (3) for a watercraft 19 feet in length or less used by a nonprofit corporation for teaching boat and water safety, the fee is as provided in subdivision 4;
- (4) for a watercraft owned by a dealer under a dealer's license, the fee is as provided in subdivision 5;
- (5) for a personal watercraft, the fee is \$37.50; and
- (6) for a watercraft less than 17 feet in length, other than a watercraft listed in clauses (1) to (5), the fee is \$18.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2012.

Sec. 13. Minnesota Statutes 2010, section 86B.415, is amended by adding a subdivision to read:

Subd. 1a. **Canoes, kayaks, sailboards, paddle boards, paddle boats, or rowing shells.** The fee for a watercraft license for a canoe, kayak, sailboard, paddle board, paddle boat, or rowing shell over ten feet in length is \$10.50.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2012.

Sec. 14. Minnesota Statutes 2010, section 86B.415, subdivision 2, is amended to read:

Subd. 2. **Watercraft over 19 feet.** Except as provided in subdivisions 1a, 3, 4, and 5, the watercraft license fee:

- (1) for a watercraft more than 19 feet but less than 26 feet in length is \$45;
- (2) for a watercraft 26 feet but less than 40 feet in length is \$67.50; and
- (3) for a watercraft 40 feet in length or longer is \$90.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2012.

Sec. 15. Minnesota Statutes 2010, section 87A.01, subdivision 4, is amended to read:

Subd. 4. **Shooting range performance standards.** "Shooting range performance standards" means ~~those rules adopted by the commissioner of natural resources under the best practices for shooting range performance standards identified in section 87A.02 for the safe operation of shooting ranges.~~

Sec. 16. Minnesota Statutes 2010, section 87A.02, subdivision 2, is amended to read:

Subd. 2. ~~**Interim standards**~~ **Best practices.** ~~Until the commissioner of natural resources adopts the shooting range performance standards under subdivision 1, paragraph (a) For purposes of this chapter, the November 1999 revised edition of the National Rifle Association's Range Source Book: A Guide to Planning and Construction, including any successor publications, shall serve as the interim best practices for shooting range performance standards, having the full effect of the shooting range performance standards for purposes of this chapter. The interim shooting range performance standards sunset and have no further effect under this chapter upon the effective date of the shooting range performance standards adopted under subdivision 1, paragraph (a).~~

Sec. 17. Minnesota Statutes 2010, section 97A.015, subdivision 3a, is amended to read:

Subd. 3a. **Bonus permit.** "Bonus permit" means a license to take and tag deer by archery or firearms, in addition to deer authorized to be taken under regular firearms or archery licenses, or a license issued under section 97A.441, subdivision 7.

Sec. 18. Minnesota Statutes 2010, section 97A.015, subdivision 53, is amended to read:

Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild animals that are not protected wild animals including weasel, coyote (~~brush wolf~~), gopher, porcupine, striped skunk, and unprotected birds.

Sec. 19. Minnesota Statutes 2010, section 97A.065, subdivision 6, is amended to read:

Subd. 6. **Deer license donations and surcharges.** ~~(a)~~ The surcharges and donations collected under section 97A.475, subdivision 3, paragraph (b), and subdivision 3a, shall be deposited in an account in the special revenue fund and are appropriated to the commissioner for deer management, including for grants or payments to agencies, organizations, or individuals for assisting with the cost of processing deer taken for population management purposes for venison donation programs. None of the additional license fees shall be transferred to any other agency for administration of programs other than venison donation. If any money transferred by the commissioner is not used for a venison donation program, it shall be returned to the commissioner.

~~(b) By February 10, 2010, the commissioner shall report to the legislature on the participation in and the effectiveness of the venison donation program.~~

Sec. 20. Minnesota Statutes 2011 Supplement, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5), (6), (7), (13), (14), and (15), and 3, clauses (2), (3), (4), (10), (11), and (12), and licenses issued under section 97B.301, subdivision 4.

(b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer management account and is appropriated to the commissioner for deer habitat improvement or deer management programs.

(c) \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer and bear management account and is appropriated to the commissioner for deer and bear management programs, including a computerized licensing system.

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild cervidae health management account and is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended. ~~The commissioner must inform the legislative chairs of the natural resources finance committees every two years on how the money for emergency deer feeding and wild cervidae health management has been spent.~~

When the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear management programs and computerized licensing.

Sec. 21. Minnesota Statutes 2011 Supplement, section 97A.075, is amended by adding a subdivision to read:

Subd. 7. **Wolf licenses; account established.** (a) For purposes of this subdivision, "wolf license" means a license or permit issued under section 97A.475, subdivision 2, clause (16); 3, paragraph (a), clause (13); or 20, paragraph (b).

(b) A wolf management and monitoring account is created in the game and fish fund. Revenue from wolf licenses must be credited to the wolf management and monitoring account and is appropriated to the commissioner only for wolf management, research, damage control, enforcement, and education.

Sec. 22. **[97A.126] WALK-IN ACCESS PROGRAM.**

Subdivision 1. **Establishment.** A walk-in access program is established to provide public access to wildlife habitat on private land for hunting, excluding trapping, as provided under this section. The commissioner may enter into agreements with other units of government and landowners to provide private land hunting access.

Subd. 2. **Use of enrolled lands.** (a) From September 1 to May 31, a person must have a walk-in access hunter validation in possession to hunt on private lands, including agricultural lands, that are posted as being enrolled in the walk-in access program.

(b) Hunting on private lands that are posted as enrolled in the walk-in access program is allowed from one-half hour before sunrise to one-half hour after sunset.

(c) Hunter access on private lands that are posted as enrolled in the walk-in access program is restricted to nonmotorized use, except by hunters with disabilities operating motor vehicles on established trails or field roads who possess a valid permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.

(d) The general provisions for use of wildlife management areas adopted under sections 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats, firearms and target shooting, hunting stands, abandonment of trash and property, destruction or removal of property, introduction of plants or animals, and animal trespass, apply to hunters on lands enrolled in the walk-in access program.

(e) Any use of enrolled lands other than hunting according to this section is prohibited, including:

(1) harvesting bait, including minnows, leeches, and other live bait;

(2) training dogs or using dogs for activities other than hunting; and

(3) constructing or maintaining any building, dock, fence, billboard, sign, hunting blind, or other structure, unless constructed or maintained by the landowner.

Subd. 3. **Rulemaking.** The commissioner may adopt rules to implement this section.

Sec. 23. Minnesota Statutes 2010, section 97A.137, subdivision 5, is amended to read:

Subd. 5. **Portable stands.** Prior to the Saturday on or nearest September 16, a portable stand may be left overnight in a wildlife management area by a person with a valid bear license who is hunting within 100 yards of a bear bait site that is legally tagged and registered as prescribed under section 97B.425. Any person leaving a portable stand overnight under this subdivision must affix a tag with: (1) the person's name and address; (2) the licensee's driver's license number; or (3) the "MDNR#" license identification number issued to the licensee. The tag must be affixed to the stand in such a manner that it can be read from the ground.

Sec. 24. Minnesota Statutes 2010, section 97A.421, subdivision 3, is amended to read:

Subd. 3. **Issuance of a big game license after conviction.** (a) A person may not obtain any big game license or take big game under a lifetime license, issued under section 97A.473, for three years after the person is convicted of:

- (1) a gross misdemeanor violation under the game and fish laws relating to big game;
- (2) doing an act without a required big game license; or
- (3) the second violation within three years under the game and fish laws relating to big game.

(b) A person may not obtain any deer license or take deer under a lifetime license issued under section 97A.473 for one year after the person is convicted of hunting deer with the aid or use of bait under section 97B.328.

(c) Notwithstanding paragraphs (a) and (b), a person may not obtain any big game license or take big game under a lifetime license issued under section 97A.473 for five years after the person is convicted of any violation involving taking a deer that is a trophy deer scoring higher than 170 using the scoring method established for wildlife restitution values adopted under section 97A.345.

Sec. 25. Minnesota Statutes 2010, section 97A.441, subdivision 7, is amended to read:

Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may issue, without a fee, a license to take an antlerless deer to a resident who is an owner or tenant, or a nonresident who is an owner, of at least 80 acres of agricultural land, as defined in section 97B.001, in deer permit areas that ~~have deer archery licenses to take additional deer under section 97B.301, subdivision 4~~ allow the taking of antlerless deer without a lottery application. A person may receive only one license per year under this subdivision. For properties with co-owners or cotenants, only one co-owner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to land leased for agricultural purposes or owned by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Deer taken under this subdivision do not count towards the total bag limit for the permit area. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase ~~an~~ additional license licenses or permits for taking deer and may take ~~an~~ additional deer under that license those licenses or permits, provided the holder adheres to the bag limits established for that permit area.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clause (5).

Sec. 26. Minnesota Statutes 2010, section 97A.451, subdivision 3, is amended to read:

Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 must obtain a small game license in order to take small game by firearms or bow and arrow without paying the applicable fees under section 97A.475, subdivisions 2, 4, and 5, if the resident is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
- (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;
- (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a small game license that was not obtained using an apprentice hunter validation; or
- (4) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game, other than wolves, by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap small game, other than wolves, without a trapping license, but may not register fisher, otter, bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat, or pine marten taken by a resident under age five must be included in the limit of the accompanying parent or guardian.

(c) A resident under age 12 may apply for a turkey license and may take a turkey without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

(d) A resident under age 12 may apply for a prairie chicken license and may take a prairie chicken without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

Sec. 27. Minnesota Statutes 2010, section 97A.451, subdivision 4, is amended to read:

Subd. 4. **Persons Residents under age 16; big game.** (a) A ~~person resident~~ age 12, 13, 14, or 15 may not obtain a license to take big game unless the person possesses a firearms safety certificate. A ~~person resident~~ age 12 or 13 must be accompanied by a parent or guardian to hunt big game.

(b) A ~~person resident~~ age 10 or 11 may take big game provided the person is under the direct supervision of a parent or guardian where the parent or guardian is within immediate reach. ~~Until March 1, 2009, a person age 10 or 11 may take big game under a parent or guardian's license. Beginning March 1, 2009, A person resident~~ age 10 or 11 must obtain a license ~~in order~~ to take big game and may obtain the license without paying the fee required under section 97A.475, subdivision 2.

Sec. 28. Minnesota Statutes 2010, section 97A.451, is amended by adding a subdivision to read:

Subd. 4a. **Nonresidents under age 16; big game.** (a) A nonresident age 12, 13, 14, or 15 may not obtain a license to take big game unless the person possesses a firearms safety certificate. A nonresident age 12 or 13 must be accompanied by a parent or guardian to hunt big game.

(b) A nonresident age 10 or 11 may take big game provided the person is under the direct supervision of a parent or guardian where the parent or guardian is within immediate reach. A nonresident age 10 or 11 must obtain a license to take big game and must pay the fee required under section 97A.475, subdivision 3.

Sec. 29. Minnesota Statutes 2010, section 97A.473, subdivision 3, is amended to read:

Subd. 3. **Lifetime small game hunting license; fee.** (a) A resident lifetime small game hunting license authorizes a person to hunt and trap small game, other than wolves, in the state. The license authorizes those hunting and trapping activities authorized by the annual resident small game hunting ~~and trapping licenses~~ license and the trapping license for fur-bearing animals other than wolves. The license does not include a turkey stamp validation or any other hunting stamps required by law.

(b) The fees for a resident lifetime small game hunting license are:

- (1) age 3 and under, \$217;
- (2) age 4 to age 15, \$290;
- (3) age 16 to age 50, \$363; and
- (4) age 51 and over, \$213.

Sec. 30. Minnesota Statutes 2010, section 97A.473, subdivision 5, is amended to read:

Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt and trap small game, other than wolves, in the state. The license authorizes those activities authorized by the annual resident angling, and resident small game hunting, ~~licenses~~ and the resident trapping ~~licenses~~ license for fur-bearing animals other than wolves. The license does not include a trout and salmon stamp validation, a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required by law.

(b) The fees for a resident lifetime sporting license are:

- (1) age 3 and under, \$357;
- (2) age 4 to age 15, \$480;
- (3) age 16 to age 50, \$613; and
- (4) age 51 and over, \$413.

Sec. 31. Minnesota Statutes 2010, section 97A.473, subdivision 5a, is amended to read:

Subd. 5a. **Lifetime sporting with spearing option license; fee.** (a) A resident lifetime sporting with spearing option license authorizes a person to take fish by angling or spearing and hunt and trap small game, other than wolves, in the state. The license authorizes those activities authorized by the annual resident angling, spearing, and resident small game hunting, ~~and resident trapping~~ licenses and the resident trapping license for fur-bearing animals other than wolves. The license does not include a trout and salmon stamp validation, a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required by law.

(b) The fees for a resident lifetime sporting with spearing option license are:

- (1) age 3 and under, \$615;
- (2) age 4 to age 15, \$800;
- (3) age 16 to age 50, \$985; and
- (4) age 51 and over, \$586.

Sec. 32. Minnesota Statutes 2010, section 97A.475, subdivision 2, is amended to read:

Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents only, are:

- (1) for persons age 18 or over and under age 65 to take small game, \$12.50;
- (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;
- (3) for persons age 18 or over to take turkey, \$23;
- (4) for persons under age 18 to take turkey, \$12;
- (5) for persons age 18 or over to take deer with firearms during the regular firearms season, \$26;
- (6) for persons age 18 or over to take deer by archery, \$26;
- (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$26;
- (8) to take moose, for a party of not more than six persons, \$310;
- (9) to take bear, \$38;
- (10) to take elk, for a party of not more than two persons, \$250;
- (11) to take Canada geese during a special season, \$4;
- (12) to take prairie chickens, \$20;
- (13) for persons under age 18 to take deer with firearms during the regular firearms season, \$13;
- (14) for persons under age 18 to take deer by archery, \$13; ~~and~~
- (15) for persons under age 18 to take deer by muzzleloader during the muzzleloader season, \$13; and
- (16) to take wolf, \$26.

Sec. 33. Minnesota Statutes 2010, section 97A.475, subdivision 3, is amended to read:

Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued to nonresidents, are:

- (1) for persons age 18 or over to take small game, \$73;
- (2) for persons age 18 or over to take deer with firearms during the regular firearms season, \$135;

- (3) for persons age 18 or over to take deer by archery, \$135;
- (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$135;
- (5) to take bear, \$195;
- (6) for persons age 18 and older to take turkey, \$78;
- (7) for persons under age 18 to take turkey, \$12;
- (8) to take raccoon or bobcat, \$155;
- (9) to take Canada geese during a special season, \$4;
- (10) for persons under age 18 to take deer with firearms during the regular firearms season in any open season option or time period, \$13;
- (11) for persons under age 18 to take deer by archery, \$13; ~~and~~
- (12) for persons under age 18 to take deer during the muzzleloader season, \$13; and
- (13) to take wolf, \$250.

(b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph (a), clauses (1) to (8). An additional commission may not be assessed on this surcharge.

Sec. 34. Minnesota Statutes 2010, section 97A.475, subdivision 20, is amended to read:

Subd. 20. **Trapping license licenses.** (a) The fee for a license to trap fur-bearing animals, other than wolves, is:

- (1) for residents over age 13 and under age 18, \$6;
- (2) for residents age 18 or over and under age 65, \$20;
- (3) for residents age 65 or over, \$10; and
- (4) for nonresidents, \$73.

(b) The fee for a license to trap wolves is \$26, to be issued to residents only.

Sec. 35. Minnesota Statutes 2010, section 97A.482, is amended to read:

97A.482 LICENSE APPLICATIONS; COLLECTION OF SOCIAL SECURITY NUMBERS.

(a) All applicants for individual noncommercial game and fish licenses under this chapter and chapters 97B and 97C must include the applicant's Social Security number on the license application. If an applicant does not have a Social Security number, the applicant must certify that the applicant does not have a Social Security number.

(b) The Social Security numbers collected by the commissioner on game and fish license applications are private data under section 13.355, subdivision 1, and must be provided by the commissioner to the commissioner of human services for child support enforcement purposes. Title IV-D of the Social Security Act, United States Code, title 42, section 666(a)(13), requires the collection of Social Security numbers on game and fish license applications for child support enforcement purposes.

~~(c) The commissioners of human services and natural resources shall request a waiver from the secretary of health and human services to exclude any applicant under the age of 16 from the requirement under this section and under cross country ski licensing sections to provide the applicant's Social Security number. If a waiver is granted, this section will be so amended effective January 1, 2006, or upon the effective date of the waiver, whichever is later.~~

Sec. 36. Minnesota Statutes 2010, section 97B.001, subdivision 7, is amended to read:

Subd. 7. **Taking with firearms in certain areas.** (a) A person may not take a wild animal with a firearm within 500 feet of a building occupied by a human or livestock without the written permission of the owner, occupant, or lessee:

- (1) on another person's private land, if the land is not a licensed shooting preserve; or
- (2) on a public right-of-way.

(b) A person may not take a wild animal with a firearm without the permission of the owner, occupant, or lessee, within 500 feet of a stockade or corral containing livestock.

(c) A person may not take a wild animal on any land where the person is prohibited from entering by this section.

Sec. 37. Minnesota Statutes 2010, section 97B.031, subdivision 1, is amended to read:

Subdivision 1. **Firearms and ammunition that may be used to take big game and wolves.** A person may take big game and wolves with a firearm only if:

- (1) the rifle, shotgun, and handgun used is a caliber of at least .22 inches and with centerfire ignition;
- (2) the firearm is loaded only with single projectile ammunition;
- (3) a projectile used is a caliber of at least .22 inches and has a soft point or is an expanding bullet type;
- (4) the muzzleloader used is incapable of being loaded at the breech;
- (5) the smooth-bore muzzleloader used is a caliber of at least .45 inches; and
- (6) the rifled muzzleloader used is a caliber of at least .40 inches.

Sec. 38. Minnesota Statutes 2010, section 97B.031, subdivision 2, is amended to read:

Subd. 2. **Handguns for small game.** A person may take small game with a handgun of any caliber in a manner prescribed by the commissioner, except that wolves may only be taken by hunting with the calibers specified in subdivision 1.

Sec. 39. Minnesota Statutes 2010, section 97B.035, subdivision 1a, is amended to read:

Subd. 1a. **Minimum draw weight.** A bow used to take big game ~~or~~ turkey, or wolves must have a pull that meets or exceeds 30 pounds at or before full draw.

Sec. 40. Minnesota Statutes 2010, section 97B.055, subdivision 1, is amended to read:

Subdivision 1. **Restrictions related to highways.** (a) A person may not discharge a firearm ~~or an arrow from a bow~~ containing No. 4 buckshot or larger diameter shot or single projectile ammunition on, over, ~~or~~ across, ~~or within the right-of-way of~~ an improved public highway at a ~~big game wild~~ animal. A person may not discharge ~~a firearm or an arrow from a bow~~ and arrow on, over, across, or within the right-of-way of an improved public highway at a ~~big game wild~~ animal. The commissioner may by rule extend the application of this subdivision to the taking of migratory waterfowl in designated locations.

(b) A person may not discharge a firearm or an arrow from a bow on, over, across, or within the right-of-way of an improved public highway at a decoy of a big game animal that has been set out by a licensed peace officer.

Sec. 41. Minnesota Statutes 2010, section 97B.071, is amended to read:

97B.071 BLAZE ORANGE REQUIREMENTS.

(a) Except as provided in rules adopted under paragraph (c), a person may not hunt or trap during the open season where deer may be taken by firearms under applicable laws and ordinances, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location or to trappers on waters of this state.

(b) Except as provided in rules adopted under paragraph (c), and in addition to the requirement in paragraph (a), a person may not take small game other than turkey, migratory birds, raccoons, and predators, except while trapping, unless a visible portion of at least one article of the person's clothing above the waist is blaze orange. This paragraph does not apply to a person when in a stationary location while hunting deer by archery or when hunting small game by falconry.

(c) The commissioner may, by rule, prescribe an alternative color in cases where paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public Law 103-141.

(d) A violation of paragraph (b) shall not result in a penalty, but is punishable only by a safety warning.

Sec. 42. Minnesota Statutes 2011 Supplement, section 97B.075, is amended to read:

97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.

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

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

(c) Except as otherwise prescribed by the commissioner on or before the Saturday nearest October 8, waterfowl may be taken from one-half hour before sunrise until sunset during the entire season prescribed by the commissioner.

Sec. 43. Minnesota Statutes 2010, section 97B.085, subdivision 3, is amended to read:

Subd. 3. **Communication excepted.** This section does not prohibit the use of:

- (1) ~~one-way~~ radio communication between a handler and a dog; ~~or~~
- (2) a remote-controlled animal noise caller for taking crows, fur-bearing animals, and unprotected animals; or
- (3) a remote-controlled motorized decoy used for taking migratory waterfowl under section 97B.811, subdivision 4a, or for taking mourning doves.

Sec. 44. **[97B.1115] USE OF MECHANICAL OR ELECTRONIC ASSISTANCE TO HOLD AND DISCHARGE FIREARMS OR BOWS BY PHYSICALLY DISABLED.**

Notwithstanding sections 97B.035, subdivision 1, 97B.321, and 97B.701, subdivision 2, the commissioner may authorize a physically disabled hunter who has a verified statement of the disability from a licensed physician or a certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician to use a swivel or otherwise mounted gun or bow or any electronic or mechanical device to discharge a firearm or bow as long as the participant is physically present at the site.

Sec. 45. Minnesota Statutes 2010, section 97B.328, is amended to read:

97B.328 BAITING PROHIBITED.

Subdivision 1. **Hunting with aid of bait ~~or feed~~ prohibited.** A person may not ~~hunt~~ take deer:

- (1) with the aid or use of bait ~~or feed~~; ~~or~~,
- (2) ~~in the vicinity of bait or feed if the person knows or has reason to know that bait or feed is present.~~

Subd. 2. **Removal of bait.** An area is considered baited for ten days after the complete removal of all bait ~~or feed~~.

Subd. 3. **Definition.** (a) For purposes of this section, "bait ~~or feed~~" includes grains, fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer and that has been placed by a person. "Baiting" means placing, exposing, depositing, distributing, or scattering bait that is capable of attracting or enticing deer.

(b) Liquid scents, salt, and minerals are not bait ~~or feed~~ if they do not contain liquid or solid food ingredients.

~~Food that has not been placed by a person and resulting~~ (c) Agricultural crops from normal or accepted farming, forest management, wildlife food plantings, orchard management, or other similar land management activities ~~is~~ are not bait ~~or feed~~. This exclusion does not apply to agricultural crops that have been re-introduced and concentrated where a person is hunting.

Subd. 4. **Exception for bait or feed on adjacent land.** A person otherwise in compliance with this section who is hunting on private or public property that is adjacent to property where bait or ~~feed~~ food is present is not in violation of this section if the person has not participated in, been involved with, or agreed to baiting or feeding wildlife on the adjacent property.

Sec. 46. Minnesota Statutes 2010, section 97B.601, subdivision 3a, is amended to read:

Subd. 3a. **Nonresidents; trapping small game.** A nonresident may take small game, except wolves, by trapping only on land owned by the nonresident, if the nonresident possesses a trapping license for fur-bearing animals other than wolves and a small game license.

Sec. 47. Minnesota Statutes 2010, section 97B.601, subdivision 4, is amended to read:

Subd. 4. **Exception to license requirements.** (a) A resident under age 16 may take small game, other than wolves, without a small game license, and a resident under age 13 may trap small game and fur-bearing animals, other than wolves, without a trapping license, as provided in section 97A.451, subdivision 3.

(b) A person may take small game, other than wolves, without a small game license on land occupied by the person as a principal residence.

(c) An owner or occupant may take certain small game causing damage without a small game or trapping license as provided in section 97B.655.

(d) A person may use dogs to pursue and tree raccoons under section 97B.621, subdivision 2, during the closed season without a license.

(e) A person may take a wolf, turkey, or a prairie chicken without a small game license.

Sec. 48. Minnesota Statutes 2010, section 97B.603, is amended to read:

97B.603 TAKING SMALL GAME AS A PARTY.

(a) While two or more persons are taking small game as a party and maintaining unaided visual and vocal contact, a member of the party may take and possess more than one limit of small game, but the total number of small game taken and possessed by the party may not exceed the limit of the number of persons in the party that may take and possess small game.

(b) This section does not apply to ~~the~~ hunting of wolves, migratory game birds, or turkeys, except that a licensed turkey hunter may assist another licensed turkey hunter and a licensed wolf hunter may assist another licensed wolf hunter for the same zone and time period as long as the hunter does not shoot or tag a turkey or wolf for the other hunter.

Sec. 49. Minnesota Statutes 2010, section 97B.605, is amended to read:

97B.605 COMMISSIONER MAY RESTRICT TAKING OF CERTAIN SMALL GAME ANIMALS.

The commissioner may prescribe restrictions on and designate areas where gray and fox squirrels, cottontail and jack rabbits, snowshoe hare, raccoon, bobcat, red fox and gray fox, fisher, pine marten, opossum, wolves, and badger may be taken and possessed.

Sec. 50. Minnesota Statutes 2011 Supplement, section 97B.645, subdivision 9, is amended to read:

Subd. 9. **Open season.** There shall be no open season for ~~gray~~ wolves until after the ~~gray~~ wolf is delisted under the federal Endangered Species Act of 1973. After that time, the commissioner may prescribe open seasons and restrictions for taking ~~gray~~ wolves but must provide opportunity for public comment.

Sec. 51. **97B.647] TAKING WOLVES.**

Subdivision 1. License required. Except as provided under section 97B.645 or 97B.671, a person may not take a wolf without a wolf hunting or wolf trapping license.

Subd. 2. **Open seasons.** Wolves may be taken with legal firearms, with bow and arrow, and by trapping. The open season to take wolves with firearms begins each year on the same day as the opening of the firearms deer hunting season. The commissioner may by rule prescribe the open seasons for wolves according to this subdivision.

Subd. 3. **Open areas.** The commissioner may by rule designate areas where wolves may be taken.

Subd. 4. **Bag limit.** The commissioner may establish by rule the bag limit for wolves.

Subd. 5. **Limit on number of hunters and trappers.** The commissioner may by rule limit the number of persons that may hunt or trap wolves in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters and trappers. The commissioner shall establish a method, including a drawing, to impartially select the hunters and trappers for an area.

Subd. 6. **Application for license.** An application for a wolf hunting or wolf trapping license must be made in a manner provided by the commissioner and accompanied by a \$4 application fee and proof that the applicant holds a current Minnesota hunting license. The \$4 application fee shall be credited to the wolf management and monitoring account and appropriated to the commissioner to pay for costs associated with conducting the wolf license drawing and wolf management. A person may not make more than one application for each season as prescribed by the commissioner. If a person makes more than one application, the person is ineligible for a license for that season after determination by the commissioner, without a hearing.

Subd. 7. **Quotas.** The commissioner may by rule set an annual quota for the number of wolves that can be taken by hunting and trapping. The commissioner may establish a method to monitor harvest and close the season when the quota is reached.

Sec. 52. Minnesota Statutes 2011 Supplement, section 97B.667, is amended to read:

97B.667 REMOVAL OF BEAVERS, BEAVER DAMS, AND LODGES BY ROAD AUTHORITIES.

When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 25, may remove the impairment and any associated beaver lodge within 300 feet of the road. Notwithstanding any law to the contrary, the road authority may kill or arrange to have killed by any lawful means a beaver associated with the lodge. ~~Before killing or arranging to kill a beaver under this section, the road authority must contact a conservation officer for a special beaver permit. The conservation officer must issue the permit for any beaver subject to this section.~~ A road authority that kills or arranges to have killed a beaver under this section must notify a conservation officer or ~~the officer's designee as specified in the permit~~ employee of the Wildlife Division within ten days after the animal is killed. A road authority may, after consultation with the Wildlife Division ~~and the Board of Water and Soil Resources~~, implement a local beaver control program designed to reduce the number of incidents of beaver interfering with or damaging a public road. The local control program may include the offering of a bounty for the lawful taking of beaver.

Sec. 53. Minnesota Statutes 2010, section 97B.671, subdivision 3, is amended to read:

Subd. 3. **Predator control payments.** The commissioner shall pay a predator controller the amount the commissioner prescribes determines by written order published in the State Register for each predator coyote and fox taken. ~~The commissioner shall pay at least \$25 but not more than \$60 for each coyote taken.~~ The commissioner may require the predator controller to submit proof of the taking and a signed statement concerning the predators taken. The fees are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply.

Sec. 54. Minnesota Statutes 2010, section 97B.671, subdivision 4, is amended to read:

Subd. 4. **Gray Wolf control.** (a) The commissioner shall provide a ~~gray~~ wolf control training program for certified predator controllers participating in ~~gray~~ wolf control.

(b) After the ~~gray~~ wolf is delisted under the federal Endangered Species Act of 1973, in zone B, as defined under section 97B.645, subdivision 12, if the commissioner, after considering recommendations from an extension agent or conservation officer, has verified that livestock, domestic animals, or pets were destroyed by a ~~gray~~ wolf within the previous five years, and if the livestock, domestic animal, or pet owner requests ~~gray~~ wolf control, the commissioner shall open a predator control area for ~~gray~~ wolves.

(c) After the ~~gray~~ wolf is delisted under the federal Endangered Species Act of 1973, in zone A, as defined under paragraph (g), if the commissioner, after considering recommendations from an extension agent or conservation officer, verifies that livestock, domestic animals, or pets were destroyed by a ~~gray~~ wolf, and if the livestock, domestic animal, or pet owner requests ~~gray~~ wolf control, the commissioner shall open a predator control area for ~~gray~~ wolves for up to 60 days.

(d) A predator control area opened for ~~gray~~ wolves may not exceed a one-mile radius surrounding the damage site.

(e) The commissioner shall pay a certified ~~gray~~ wolf predator controller ~~\$150~~ the amount the commissioner determines by written order published in the State Register for each wolf taken. The certified ~~gray~~ wolf predator controller must dispose of unsalvageable remains as directed by the commissioner. All salvageable ~~gray~~ wolf remains must be surrendered to the commissioner. The fees are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply.

(f) The commissioner may, in consultation with the commissioner of agriculture, develop a cooperative agreement for ~~gray~~ wolf control activities with the United States Department of Agriculture. The cooperative agreement activities may include, but not be limited to, ~~gray~~ wolf control, training for state predator controllers, and control monitoring and record keeping.

(g) For the purposes of this subdivision, "zone A" means that portion of the state lying outside of zone B, as defined under section 97B.645, subdivision 12.

Sec. 55. Minnesota Statutes 2010, section 97B.711, subdivision 1, is amended to read:

Subdivision 1. **Seasons for certain upland game birds.** (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and January 3 for:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken;
- (6) gray partridge;

(7) bobwhite quail; and

(8) turkey.

(b) The commissioner may by rule prescribe an open season for turkey in the spring.

~~(c) The commissioner shall allow a four-week fall season for turkey in the area designated as turkey permit area 601 as of the 2008 season. All applicable local and state regulations apply.~~

Sec. 56. Minnesota Statutes 2010, section 97B.805, subdivision 1, is amended to read:

Subdivision 1. **Hunter must be concealed.** (a) A person may not take migratory waterfowl, coots, or rails in open water unless the person is:

(1) within a natural growth of vegetation sufficient to partially conceal the person or boat;

(2) on a river or stream that is not more than 100 yards in width; ~~or~~

(3) pursuing or shooting wounded birds; or

(4) in areas specifically designated for such taking by the commissioner by rule.

(b) A person may not take migratory waterfowl, coots, or rails in public waters from a permanent artificial blind or sink box.

Sec. 57. Minnesota Statutes 2010, section 97B.901, is amended to read:

97B.901 REGISTRATION AND TAGGING OF FUR-BEARING ANIMALS.

(a) The commissioner may, by rule, require persons taking, possessing, and transporting fur-bearing animals to tag the animals. The commissioner shall prescribe the manner of issuance and the type of tag, which must show the year of issuance. The commissioner shall issue the tag, without a fee, upon request.

(b) The pelt of each bobcat, fisher, pine marten, ~~and~~ otter, and wolf must be presented, by the person taking it, to a state wildlife manager designee for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes for the species.

(c) The whole carcass of each wolf, with the pelt removed, must be presented by the person taking it to a state wildlife manager designee for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes. The commissioner may require that the entire carcass or samples from the carcass be surrendered to the state wildlife manager designee.

Sec. 58. **97B.903] USE OF BODY-GRIPPING TRAPS.**

A person may not set, place, or operate, except as a waterset, a body-gripping or conibear-type trap on public lands and waters that has a maximum jaw opening when set greater than six and one-half inches measured from the inside edges of the body-gripping portions of the jaws, unless:

(1) the trap is in a baited or unbaited enclosure with the opening no greater than 81 square inches and the trap trigger is recessed seven inches or more from the top of the opening;

(2) no bait, lure, or other attractant is placed within 20 feet of the trap; or

(3) the trap is elevated at least three feet above the surface of the ground.

Sec. 59. Minnesota Statutes 2010, section 97C.395, subdivision 1, is amended to read:

Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling are as follows:

(1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend to the last Sunday in February;

(2) for lake trout, from January 1 to October 31;

(3) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and splake on all lakes located outside or partially within the Boundary Waters Canoe Area, from January 15 to March 31;

(4) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and splake on all lakes located entirely within the Boundary Waters Canoe Area, from January 1 to March 31;

(5) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2; and

~~(6) for the winter season for brown trout, brook trout, rainbow trout, and splake on all lakes, from January 15 to March 31; and~~

~~(7) (6)~~ for salmon, as prescribed by the commissioner by rule.

(b) The commissioner shall close the season in areas of the state where fish are spawning and closing the season will protect the resource.

Sec. 60. Minnesota Statutes 2010, section 97C.515, subdivision 1, is amended to read:

Subdivision 1. **General prohibition.** A person may not bring live minnows into the state except as provided in this section and section 17.4993.

Sec. 61. Minnesota Statutes 2010, section 97C.515, subdivision 2, is amended to read:

Subd. 2. **Permit for transportation.** (a) A person may transport live minnows through the state with a permit from the commissioner. The permit must state the name and address of the person, the number and species of minnows, the point of entry into the state, the destination, and the route through the state. The permit is not valid for more than 12 hours after it is issued.

(b) Minnows transported under this subdivision must be in a tagged container. The tag number must correspond with tag numbers listed on the minnow transportation permit.

~~(b)~~ (c) The commissioner may require the person transporting minnow species found on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, to provide health certification for viral hemorrhagic septicemia ~~or other certifiable diseases. For certifiable diseases not currently documented in Minnesota,~~ The certification must disclose any incidentally isolated replicating viruses, and must be dated within the 12 months preceding transport.

Sec. 62. Minnesota Statutes 2010, section 97C.515, subdivision 4, is amended to read:

Subd. 4. **Private fish hatchery or aquatic farm.** ~~(a) A person with a private fish hatchery or aquatic farm license may transport minnows with a transportation permit from contiguous states to the private fish hatchery or aquatic farm, provided the minnows are used for processing or feeding hatchery fish.~~

~~(b) The commissioner may require inspection of minnows and disease certification for species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, that are being transported from outside the state.~~

~~(c) The commissioner may approve the import of minnows into areas or waters where certifiable diseases have been identified as being present.~~

Live minnows used for feeding fish at a licensed private fish hatchery or aquatic farm must be obtained within the state. Dead minnows may be imported for feeding hatchery or aquatic farm fish according to section 97C.341, paragraph (d).

Sec. 63. Minnesota Statutes 2010, section 97C.515, subdivision 5, is amended to read:

Subd. 5. **Special permits.** (a) The commissioner may issue a special permit, without a fee, to allow a person with a private fish hatchery license, which private fish hatchery has been designated as a containment facility under section 17.4982, subdivision 8, to import live minnows from other states for export. A permit under this subdivision is not required for importation authorized under subdivision 4. A containment facility for the purposes of this section applies to live minnows imported for later export and does not need to comply with section 17.4982, subdivision 8, clause (4). The permit shall include conditions necessary to avoid spreading aquatic invasive species and fish pathogens. Permits shall not be issued to containment facilities located within a 25-year floodplain.

(b) Transport under this subdivision must occur in a container that has been tagged upon entering the state and upon leaving the approved facility. Tag numbers must be listed on both the bill of lading used for transport and on the records required in paragraph (e). Water used for transport must be groundwater or well water, not surface water. The permittee must notify Department of Natural Resources enforcement at least 12 hours prior to exercising an import for later export permit. The following paperwork must accompany the shipment:

(1) a valid import for later export permit; and

(2) a valid fish health certification from the source waterbody showing no record of viral hemorrhagic septicemia, or any other isolated replicating virus, for species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services.

(c) Live minnows imported under this subdivision may only be approved for holding in indoor tanks, raceways, or rearing troughs listed on a private fish hatchery license under section 17.4984, subdivision 2, which do not discharge directly into waters of the state, and may not be sold live within Minnesota. Imported minnows must be kept separate from minnows originating in Minnesota.

~~(b)~~ (d) An applicant for a permit under this subdivision shall submit to the commissioner sufficient information to identify potential threats to native plant and animal species and an evaluation of the feasibility of the proposal. The permit may include reasonable restrictions on importation, transportation, possession, containment, disease certification, and disposal of minnows to ensure that native species are protected. The permit may have a term of up to two years and may be modified, suspended, or revoked by the commissioner for cause, including violation of a condition of the permit.

(e) A commercial licensee importing live minnows under this subdivision must maintain records on forms provided by the commissioner for each load of minnows imported and later exported. The records must include the number and species of minnows imported and subsequently exported, the dates of import and export, and other information as specified on the reporting form. The commercial licensee must enter required records onto forms within 24 hours of import and export, and must retain records for three years following the year of creation. All records required to be retained must be open to inspection by the commissioner at any reasonable time. Copies of the records shall be submitted to the commissioner each month even if no live minnow import or export activity took place.

(f) The premises, property, vehicles, private aquatic life, and equipment that are part of a containment facility permitted under this subdivision are subject to reasonable and necessary inspections at reasonable times by a person delegated by the commissioner. The owner, operator, or designee may be present when inspections are conducted. During the inspection, a representative sample of imported minnows may be collected for the purpose of fish pathogen or invasive species screening.

(g) The commissioner may require the applicant to furnish evidence of financial responsibility in the form of a surety bond or other financial assurance payable to the commissioner in the amount of \$1,000,000 should the permittee be convicted of introducing an invasive species or pathogen into waters of the state.

Sec. 64. Minnesota Statutes 2010, section 466.04, subdivision 1, is amended to read:

Subdivision 1. **Limits; punitive damages.** (a) Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed:

(1) \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case, for claims arising before January 1, 2008;

(2) \$400,000 when the claim is one for death by wrongful act or omission and \$400,000 to any claimant in any other case, for claims arising on or after January 1, 2008, and before July 1, 2009;

(3) \$500,000 when the claim is one for death by wrongful act or omission and \$500,000 to any claimant in any other case, for claims arising on or after July 1, 2009;

(4) \$750,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 1998, and before January 1, 2000;

(5) \$1,000,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2000, and before January 1, 2008;

(6) \$1,200,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2008, and before July 1, 2009;

(7) \$1,500,000 for any number of claims arising out of a single occurrence, for claims arising on or after July 1, 2009; ~~or~~

(8) twice the limits provided in clauses (1) to (7) when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 115B.01 to 115B.15 or under any other law; or

(9) \$1,000,000 for any number of claims arising out of a single occurrence, if the claim involves a nonprofit organization engaged in or administering outdoor recreational activities funded in whole or in part by a municipality or operating under the authorization of a permit issued by a municipality.

(b) No award for damages on any such claim shall include punitive damages.

EFFECTIVE DATE. This section is effective the day following final enactment, and applies to claims arising from acts or omissions that occur on or after that date.

Sec. 65. Minnesota Statutes 2010, section 466.04, subdivision 3, is amended to read:

Subd. 3. **Disposition of multiple claims.** Where the amount awarded to or settled upon multiple claimants exceeds the applicable limit under subdivision 1, paragraph (a), clauses ~~(2) to (4)~~ to (9), any party may apply to any district court to apportion to each claimant a proper share of the total amount limited by subdivision 1. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to each bears to the aggregate awards and settlements for all claims arising out of the occurrence.

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

Sec. 66. **RULEMAKING; RESTITUTION VALUE FOR WOLVES.**

(a) The commissioner of natural resources shall amend the restitution value for gray wolves in Minnesota Rules, part 6133.0075, to be \$500 and shall change the term "gray wolves" to "wolves."

(b) The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Sec. 67. **RULEMAKING; TAKING TROUT AND SPLAKE.**

The commissioner of natural resources shall amend Minnesota Rules, part 6262.0200, to conform with section 59. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

Sec. 68. **RULEMAKING; USE OF SNARES.**

(a) The commissioner of natural resources shall add a definition of a wolf snare to Minnesota Rules, part 6234.0900, to read: "Wolf snare' means any snare set that:

A. has a maximum loop diameter greater than ten inches, but less than or equal to 18 inches;

B. has a cable diameter of at least 7/64 inches;

C. includes stops affixed to the cable to ensure that the portion of the snare that makes up the noose loop may not be less than three inches in diameter when fully closed;

D. includes a breakaway device that would cause the snare loop to break when pulled by a moose; and

E. includes a diverter wire that extends 27 inches in both directions, measured perpendicular to and from the top of the snare loop. The diverter wires must be positioned at an angle no more than 20 degrees from the horizontal plane of the top of the snare, and the snare must be set within 20 yards of bait."

(b) The commissioner of natural resources shall amend Minnesota Rules, part 6234.2300, to include a subpart to read: "Wolves may be taken with snares or wolf snares as defined in part 6234.0900."

(c) The commissioner of natural resources shall amend Minnesota Rules, part 6234.2400, subpart 7, to read: "A snare may not be set so that the top of the loop is more than 20 inches above the first surface beneath the bottom of the set snare loop. During the wolf season, licensed wolf trappers may use wolf snares but a wolf snare may not be set so that the bottom of the loop is more than 18 inches above the first surface beneath the bottom of the set snare loop."

(d) The commissioner of natural resources shall amend Minnesota Rules, part 6234.2400, subpart 5, to read: "Snares, including wolf snares, may not be set in deer, elk, or moose trails."

(e) The commissioner of natural resources shall amend Minnesota Rules, part 6234.2400, to include a subpart to read: "Licensed wolf trappers shall set wolf snares for wolves no closer than 500 feet to another wolf snare set by the same licensed wolf trapper."

(f) The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

Sec. 69. **TRANSITION; SNOWMOBILE REGISTRATION.**

An individual who, on the effective date of sections 4 to 9, possesses an unexpired snowmobile registration that was issued before the effective date of sections 4 to 9 and who was required to display a valid snowmobile state trail sticker before the effective date of sections 4 to 9 must continue to display a valid snowmobile state trail sticker according to Minnesota Statutes 2010, section 84.8205, until such time as the snowmobile registration is renewed under the terms of sections 4 to 9.

Sec. 70. **CONFORMING RULEMAKING; SNOWMOBILE REGISTRATION.**

The commissioner of natural resources may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend Minnesota Rules, chapter 6100, to conform to sections 4 to 9. Minnesota Statutes, section 14.386, does not apply to rulemaking under this section, except as provided in Minnesota Statutes, section 14.388.

Sec. 71. **REVISOR'S INSTRUCTION.**

(a) The revisor of statutes shall change the term "gray wolf" or "gray wolves" wherever the term appears in Minnesota Statutes and Minnesota Rules to "wolf" or "wolves."

(b) The revisor of statutes shall change the range reference "parts 6234.0900 to 6234.2300" to "parts 6234.0900 to 6234.2400" in Minnesota Rules, part 6234.0900.

Sec. 72. **REPEALER.**

Minnesota Statutes 2010, sections 17.035; 17.4993, subdivision 2; 87A.02, subdivision 1; 97A.045, subdivisions 8 and 13; 97A.065, subdivision 1; 97A.095, subdivision 3; 97A.331, subdivision 7; 97A.485, subdivision 12; 97A.552; 97B.303; 97B.645, subdivision 2; 97C.031; and 97C.515, subdivision 5, are repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying game and fish license provisions; modifying civil liability for certain outdoor recreational activities; providing for taking wolf; modifying requirements to take and transport wild animals; modifying department authority and duties; creating walk-in access program; modifying

predator control program; modifying deer baiting restrictions; modifying authority to remove beavers; providing for disposition of certain receipts; eliminating venison donation program; modifying snowmobile registration and trail sticker requirements; modifying snowmobile operation provisions; modifying watercraft license fees; modifying shooting range provisions; requiring rulemaking; providing civil penalties; appropriating money; amending Minnesota Statutes 2010, sections 3.736, subdivision 4; 84.027, subdivisions 14, 15; 84.82, subdivisions 2, 3; 84.8205, subdivision 1; 84.83, subdivisions 2, 3; 84.86, subdivision 1; 84.8712, subdivision 1; 86B.301, subdivision 2; 86B.415, subdivisions 1, 2, by adding a subdivision; 87A.01, subdivision 4; 87A.02, subdivision 2; 97A.015, subdivisions 3a, 53; 97A.065, subdivision 6; 97A.137, subdivision 5; 97A.421, subdivision 3; 97A.441, subdivision 7; 97A.451, subdivisions 3, 4, by adding a subdivision; 97A.473, subdivisions 3, 5, 5a; 97A.475, subdivisions 2, 3, 20; 97A.482; 97B.001, subdivision 7; 97B.031, subdivisions 1, 2; 97B.035, subdivision 1a; 97B.055, subdivision 1; 97B.071; 97B.085, subdivision 3; 97B.328; 97B.601, subdivisions 3a, 4; 97B.603; 97B.605; 97B.671, subdivisions 3, 4; 97B.711, subdivision 1; 97B.805, subdivision 1; 97B.901; 97C.395, subdivision 1; 97C.515, subdivisions 1, 2, 4, 5; 466.04, subdivisions 1, 3; Minnesota Statutes 2011 Supplement, sections 97A.075, subdivision 1, by adding a subdivision; 97B.075; 97B.645, subdivision 9; 97B.667; proposing coding for new law in Minnesota Statutes, chapters 97A; 97B; repealing Minnesota Statutes 2010, sections 17.035; 17.4993, subdivision 2; 87A.02, subdivision 1; 97A.045, subdivisions 8, 13; 97A.065, subdivision 1; 97A.095, subdivision 3; 97A.331, subdivision 7; 97A.485, subdivision 12; 97A.552; 97B.303; 97B.645, subdivision 2; 97C.031; 97C.515, subdivision 5."

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

The report was adopted.

Peppin from the Committee on Government Operations and Elections to which was referred:

H. F. No. 2188, A bill for an act relating to elections; conforming certain voter eligibility provisions for individuals under guardianship to constitutional requirements; modifying other related procedures; amending Minnesota Statutes 2010, sections 201.014, subdivision 2; 201.071, subdivision 1; 201.15, subdivision 1; 204C.10; 524.5-120; 524.5-310; 524.5-313; 524.5-316; proposing coding for new law in Minnesota Statutes, chapter 524.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 201.014, subdivision 2, is amended to read:

Subd. 2. **Not eligible.** The following individuals are not eligible to vote. Any individual:

(a) convicted of treason or any felony whose civil rights have not been restored;

(b) under a guardianship;

(c) under a limited guardianship in which the court order revokes the ward's right to vote; or

~~(e)~~ (d) found by a court of law to be legally incompetent.

Sec. 2. Minnesota Statutes 2010, section 201.071, subdivision 1, is amended to read:

Subdivision 1. **Form.** A voter registration application must be of suitable size and weight for mailing and contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, if provided by the voter; date of registration; current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number; and voter's signature. The registration application may include the voter's e-mail address, if provided by the voter, and the voter's interest in serving as an election judge, if indicated by the voter. The application must also contain the following certification of voter eligibility:

"I certify that I:

(1) will be at least 18 years old on election day;

(2) am a citizen of the United States;

(3) will have resided in Minnesota for 20 days immediately preceding election day;

(4) maintain residence at the address given on the registration form;

(5) am not under a court-ordered guardianship;

(6) am not under a court-ordered limited guardianship in which the court order revokes my right to vote;

~~(6)~~ (7) have not been found by a court to be legally incompetent to vote;

~~(7)~~ (8) have the right to vote because, if I have been convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and

~~(8)~~ (9) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

The certification must include boxes for the voter to respond to the following questions:

"(1) Are you a citizen of the United States?" and

"(2) Will you be 18 years old on or before election day?"

And the instruction:

"If you checked 'no' to either of these questions, do not complete this form."

The form of the voter registration application and the certification of voter eligibility must be as provided in this subdivision and approved by the secretary of state. Voter registration forms authorized by the National Voter Registration Act must also be accepted as valid. The federal postcard application form must also be accepted as valid if it is not deficient and the voter is eligible to register in Minnesota.

An individual may use a voter registration application to apply to register to vote in Minnesota or to change information on an existing registration.

Sec. 3. Minnesota Statutes 2010, section 201.091, subdivision 9, is amended to read:

Subd. 9. **Restricted data.** A list provided for public inspection or purchase, ~~for jury selection,~~ or in response to a law enforcement inquiry, must not include a voter's date of birth or any part of a voter's Social Security number, driver's license number, identification card number, military identification card number, or passport number.

Sec. 4. Minnesota Statutes 2010, section 201.15, subdivision 1, is amended to read:

Subdivision 1. **Guardianships and incompetents.** (a) Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report regularly by electronic means to the secretary of state the name, address, date of birth, and, if available, driver's license or state identification card number of each individual 18 years of age or over, who since the last report:

(1) was placed under a guardianship;

(2) was placed under a limited guardianship in which the court order revokes the ward's right to vote; or

~~(2)~~ (3) was adjudged legally incompetent.

The court administrator shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in ~~clause (1) or (2)~~ clauses (1) to (3). The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the record in the statewide registration system of any individual named in the report to indicate that the individual is not eligible to reregister or vote.

(b) The secretary of state shall report, at least annually, to the chairs and ranking minority members of the house of representatives and senate committees with oversight over elections on the number of individuals in each county whose registration status is changed pursuant to this subdivision.

Sec. 5. Minnesota Statutes 2010, section 204C.10, is amended to read:

204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship, is not under a limited guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

Sec. 6. Minnesota Statutes 2010, section 524.5-120, is amended to read:

524.5-120 BILL OF RIGHTS FOR WARDS AND PROTECTED PERSONS.

The ward or protected person retains all rights not restricted by court order and these rights must be enforced by the court. These rights include the right to:

- (1) treatment with dignity and respect;
- (2) due consideration of current and previously stated personal desires, medical treatment preferences, religious beliefs, and other preferences and opinions in decisions made by the guardian or conservator;
- (3) receive timely and appropriate health care and medical treatment that does not violate known conscientious, religious, or moral beliefs of the ward or protected person;
- (4) exercise control of all aspects of life not delegated specifically by court order to the guardian or conservator;
- (5) guardianship or conservatorship services individually suited to the ward's or protected person's conditions and needs;
- (6) petition the court to prevent or initiate a change in abode;
- (7) care, comfort, social and recreational needs, training, education, habilitation, and rehabilitation care and services, within available resources;
- (8) be consulted concerning, and to decide to the extent possible, the reasonable care and disposition of the ward's or protected person's clothing, furniture, vehicles, and other personal effects, to object to the disposition of personal property and effects, and to petition the court for a review of the guardian's or conservator's proposed disposition;
- (9) personal privacy;
- (10) communication and visitation with persons of the ward's or protected person's choice, provided that if the guardian has found that certain communication or visitation may result in harm to the ward's or protected person's health, safety, or well-being, that communication or visitation may be restricted but only to the extent necessary to prevent the harm;
- (11) marry and procreate, unless court approval is required, and to consent or object to sterilization as provided in section 524.5-313, paragraph (c), clause (4), item (iv);
- (12) petition the court for termination or modification of the guardianship or conservatorship or for other appropriate relief;
- (13) be represented by an attorney in any proceeding or for the purpose of petitioning the court;
- (14) vote, unless restricted by the court; and pursuant to the Minnesota Constitution, article VII, an individual placed under a guardianship shall not be entitled or permitted to vote at any election in this state, but an individual placed under a limited guardianship retains the right to vote unless otherwise ordered by the court; and
- (15) execute a health care directive, including both health care instructions and the appointment of a health care agent, if the court has not granted a guardian any of the powers or duties under section 524.5-313, paragraph (c), clause (1), (2), or (4).

Sec. 7. Minnesota Statutes 2010, section 524.5-310, is amended to read:

524.5-310 FINDINGS; ORDER OF APPOINTMENT.

- (a) The court may appoint a limited or unlimited guardian for a respondent only if it finds by clear and convincing evidence that:

(1) the respondent is an incapacitated person; and

(2) the respondent's identified needs cannot be met by less restrictive means, including use of appropriate technological assistance.

(b) Alternatively, the court, with appropriate findings, may treat the petition as one for a protective order under section 524.5-401, enter any other appropriate order, or dismiss the proceeding.

(c) The court shall grant to a guardian only those powers necessitated by the ward's limitations and demonstrated needs and, whenever feasible, make appointive and other orders that will encourage the development of the ward's maximum self-reliance and independence. Any power not specifically granted to the guardian, following a written finding by the court of a demonstrated need for that power, is retained by the ward. In making an order, the court shall explicitly declare whether the order establishes a guardianship or a limited guardianship and, in the case of a limited guardianship, the effect of the order on the ward's right to vote.

(d) If the court grants the guardian any of the powers or duties under section 524.5-313, paragraph (c), clause (1), (2), or (4), the authority of a previously appointed health care agent to make health care decisions, as defined in section 145C.01, subdivision 5, is suspended until further order of the court or as otherwise provided by this section. The court may declare a health care directive unenforceable as provided in section 145C.09, subdivision 3. The court may declare that a health care directive has been revoked by the ward if the court finds, by clear and convincing evidence, that the ward has revoked the health care directive as provided in section 145C.09, subdivision 1.

(e) A health care agent or other person legally appointed by the ward to control final disposition of the ward's remains under section 145C.05, subdivision 2, clause (7), or 149A.80, or a health care agent authorized to make organ or tissue donations under section 525A.04 or 525A.09, may make health care decisions as defined in section 145C.01, subdivision 5, on behalf of the ward for the purpose of preparing the ward's body for organ or tissue donation or final disposition of the ward's remains, as applicable.

(f) Within 14 days after an appointment, a guardian shall send or deliver to the ward, and counsel if represented at the hearing, a copy of the order of appointment accompanied by a notice which advises the ward of the right to appeal the guardianship appointment in the time and manner provided by the Rules of Appellate Procedure.

(g) Each year, within 30 days after the anniversary date of an appointment, a guardian shall send or deliver to the ward and to interested persons of record with the court a notice of the right to request termination or modification of the guardianship or to request an order that is in the best interests of the ward or for other appropriate relief, and notice of the status of the ward's right to vote.

(h) Within 14 days after an appointment, a guardian shall send, by certified mail, a copy of the order of appointment to the ward's current residential address. The mailing must be addressed to the ward and, if applicable, the administrator or other responsible person at the facility in which the ward resides. If a ward's residential address changes, the guardian must send a new copy of the original order of appointment and, if applicable, any modification to the order made by the court to the new residential address by certified mail within 30 days of the change of address. The requirements of this paragraph do not apply if the guardian resides at the same address as the ward.

Sec. 8. Minnesota Statutes 2010, section 524.5-313, is amended to read:

524.5-313 POWERS AND DUTIES OF GUARDIAN.

(a) A guardian shall be subject to the control and direction of the court at all times and in all things.

(b) The court shall grant to a guardian only those powers necessary to provide for the demonstrated needs of the ward.

(c) The court may appoint a guardian if it determines that all the powers and duties listed in this section are needed to provide for the needs of the incapacitated person. The court may also appoint a guardian if it determines that a guardian is needed to provide for the needs of the incapacitated person through the exercise of some, but not all, of the powers and duties listed in this section. The duties and powers of a guardian or those which the court may grant to a guardian include, but are not limited to:

(1) the power to have custody of the ward and the power to establish a place of abode within or outside the state, except as otherwise provided in this clause. The ward or any interested person may petition the court to prevent or to initiate a change in abode. A ward may not be admitted to a regional treatment center by the guardian except:

(i) after a hearing under chapter 253B;

(ii) for outpatient services; or

(iii) for the purpose of receiving temporary care for a specific period of time not to exceed 90 days in any calendar year;

(2) the duty to provide for the ward's care, comfort, and maintenance needs, including food, clothing, shelter, health care, social and recreational requirements, and, whenever appropriate, training, education, and habilitation or rehabilitation. The guardian has no duty to pay for these requirements out of personal funds. Whenever possible and appropriate, the guardian should meet these requirements through governmental benefits or services to which the ward is entitled, rather than from the ward's estate. Failure to satisfy the needs and requirements of this clause shall be grounds for removal of a private guardian, but the guardian shall have no personal or monetary liability;

(3) the duty to take reasonable care of the ward's clothing, furniture, vehicles, and other personal effects, and, if other property requires protection, the power to seek appointment of a conservator of the estate. The guardian must give notice by mail to interested persons prior to the disposition of the ward's clothing, furniture, vehicles, or other personal effects. The notice must inform the person of the right to object to the disposition of the property within ten days of the date of mailing and to petition the court for a review of the guardian's proposed actions. Notice of the objection must be served by mail or personal service on the guardian and the ward unless the ward is the objector. The guardian served with notice of an objection to the disposition of the property may not dispose of the property unless the court approves the disposition after a hearing;

(4)(i) the power to give any necessary consent to enable the ward to receive necessary medical or other professional care, counsel, treatment, or service, except that no guardian may give consent for psychosurgery, electroshock, sterilization, or experimental treatment of any kind unless the procedure is first approved by order of the court as provided in this clause. The guardian shall not consent to any medical care for the ward which violates the known conscientious, religious, or moral belief of the ward;

(ii) a guardian who believes a procedure described in item (i) requiring prior court approval to be necessary for the proper care of the ward, shall petition the court for an order and, in the case of a public guardianship under chapter 252A, obtain the written recommendation of the commissioner of human services. The court shall fix the time and place for the hearing and shall give notice to the ward in such manner as specified in section 524.5-308 and to interested persons. The court shall appoint an attorney to represent the ward who is not represented by counsel, provided that such appointment shall expire upon the expiration of the appeal time for the order issued by the court under this section or the order dismissing a petition, or upon such other time or event as the court may direct. In every case the court shall determine if the procedure is in the best interest of the ward. In making its determination, the court shall consider a written medical report which specifically considers the medical risks of the procedure, whether alternative, less restrictive methods of treatment could be used to protect the best interest of the ward, and any recommendation of the commissioner of human services for a public ward. The standard of proof is that of clear and convincing evidence;

(iii) in the case of a petition for sterilization of a developmentally disabled ward, the court shall appoint a licensed physician, a psychologist who is qualified in the diagnosis and treatment of developmental disability, and a social worker who is familiar with the ward's social history and adjustment or the case manager for the ward to examine or evaluate the ward and to provide written reports to the court. The reports shall indicate why sterilization is being proposed, whether sterilization is necessary and is the least intrusive method for alleviating the problem presented, and whether it is in the best interest of the ward. The medical report shall specifically consider the medical risks of sterilization, the consequences of not performing the sterilization, and whether alternative methods of contraception could be used to protect the best interest of the ward;

(iv) any ward whose right to consent to a sterilization has not been restricted under this section or section 252A.101 may be sterilized only if the ward consents in writing or there is a sworn acknowledgment by an interested person of a nonwritten consent by the ward. The consent must certify that the ward has received a full explanation from a physician or registered nurse of the nature and irreversible consequences of the sterilization;

(v) a guardian or the public guardian's designee who acts within the scope of authority conferred by letters of guardianship under section 252A.101, subdivision 7, and according to the standards established in this chapter or in chapter 252A shall not be civilly or criminally liable for the provision of any necessary medical care, including, but not limited to, the administration of psychotropic medication or the implementation of aversive and deprivation procedures to which the guardian or the public guardian's designee has consented;

(5) in the event there is no duly appointed conservator of the ward's estate, the guardian shall have the power to approve or withhold approval of any contract, except for necessities, which the ward may make or wish to make;

(6) the duty and power to exercise supervisory authority over the ward in a manner which limits civil rights and restricts personal freedom only to the extent necessary to provide needed care and services;

(7) if there is no acting conservator of the estate for the ward, the guardian has the power to apply on behalf of the ward for any assistance, services, or benefits available to the ward through any unit of government;

(8) ~~unless otherwise ordered by the court, the ward retains the right to vote pursuant to the Minnesota Constitution, article VII, an individual placed under a guardianship shall not be entitled or permitted to vote at any election in this state, but an individual placed under a limited guardianship retains the right to vote unless otherwise ordered by the court.~~

Sec. 9. Minnesota Statutes 2010, section 524.5-316, is amended to read:

524.5-316 REPORTS; MONITORING OF GUARDIANSHIP; COURT ORDERS.

Subdivision 1. Annual report of guardian. (a) A guardian shall report to the court in writing on the condition of the ward at least annually and whenever ordered by the court. A copy of the report must be provided to the ward and to interested persons of record with the court. A report must state or contain:

(1) the current mental, physical, and social condition of the ward;

(2) the living arrangements for all addresses of the ward during the reporting period;

(3) any restrictions placed on the ward's right to communication and visitation with persons of the ward's choice and the factual bases for those restrictions;

(4) the medical, educational, vocational, and other services provided to the ward and the guardian's opinion as to the adequacy of the ward's care;

(5) a recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship, including whether, in the view of the guardian, the ward's eligibility to vote should be rescinded, restored, or continue unchanged;

(6) an address and telephone number where the guardian can be contacted;

(7) whether the guardian has ever been removed for cause from serving as a guardian or conservator and, if so, the case number and court location;

(8) any changes occurring that would affect the accuracy of information contained in the most recent criminal background study of the guardian conducted under section 524.5-118; and

(9) if applicable, the amount of reimbursement for services rendered to the ward that the guardian received during the previous year that were not reimbursed by county contract.

(b) A ward or interested person of record with the court may submit to the court a written statement disputing statements or conclusions regarding the condition of the ward that are contained in the report and may petition the court for an order that is in the best interests of the ward or for other appropriate relief.

(c) An interested person may notify the court in writing that the interested person does not wish to receive copies of reports required under this section.

(d) The court may appoint a visitor to review a report, interview the ward or guardian, and make any other investigation the court directs.

(e) The court shall establish a system for monitoring guardianships, including the filing and review of annual reports. If an annual report is not filed within 60 days of the required date, the court shall issue an order to show cause.

Subd. 2. Annual review; ward's capacity to vote. (a) If the well-being report of a limited guardian under subdivision 1 indicates a change in conditions affecting a ward's capacity to make independent voting decisions at an election, the court may issue a written order as to the ward's eligibility to vote. If the court makes a determination regarding a ward's capacity or incapacity to vote, the court must consider the limited guardian's recommendation, any documents submitted in the annual well-being report, and previous court orders and records related to the ward's capacity as evidence of the ward's capacity or incapacity to make independent voting decisions, and must affirmatively order that the ward's eligibility to vote is rescinded, restored, or continues unchanged, provided that the right to vote may not be rescinded without a hearing. An order by the court under this paragraph may be modified by the court at any time. A copy of the written order shall be sent to the guardian within 30 days of the date it is issued.

(b) The limited guardian shall send, by certified mail, a copy of the court order or notification made by the court under this subdivision to the ward's current residential address within 30 days after it is made or the order is received. The mailing must be addressed to the ward and, if applicable, the administrator or other responsible person at the facility in which the ward resides. If a ward's residential address changes, the guardian shall send a new copy of the court's most recent order by certified mail to the new residential address within 30 days of the change of address. The requirements of this paragraph do not apply if the guardian resides at the same address as the ward.

(c) Following a determination made by the court under paragraph (a), the guardian must inform the ward of the ward's current voting eligibility status.

Sec. 10. **[524.5-318] DUTIES OF FACILITIES PROVIDING HOUSING TO A WARD.**

(a) The administrator or other responsible person overseeing a residential facility housing one or more wards must:

(1) maintain all documents submitted to the facility by a guardian related to a ward's guardianship status and eligibility to vote;

(2) maintain a written list of wards who reside in the facility and the current voting eligibility status of each, as stated in the court order of appointment provided under section 524.5-310 or a review determination provided under section 524.5-316, subdivision 2; and

(3) ensure that staff directly assisting wards in the voting process only assist those who are eligible to vote.

(b) As used in this section, "residential facility" has the meaning provided in section 201.061, subdivision 3, paragraph (c).

EFFECTIVE DATE. This section is effective June 1, 2012. The initial list required by paragraph (a), clause (2), may be compiled on an ongoing basis as documentation is received from guardians as required by law.

Sec. 11. **NOTIFICATION OF VOTING ELIGIBILITY STATUS; CURRENT GUARDIANS.**

No later than August 1, 2012, the state court administrator shall provide to each guardian a notice restating the current voting eligibility status of any ward subject to the guardian's supervision. A ward's voting eligibility status for purposes of the notice shall be based on the order of the court establishing the guardianship or any subsequent order of the court affecting the ward's right to vote, provided that nothing in this section requires the court to reconsider a previous order or issue a new order related to the ward's right to vote for the sole purpose of providing the notice required under this section.

Following receipt of the notice required under this section, the guardian must inform the ward of the ward's current voting eligibility status.

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

Sec. 12. **EFFECTIVE DATE.**

Except where otherwise provided, this act is effective August 1, 2012, and applies to eligibility to vote in elections occurring on or after that date."

Delete the title and insert:

"A bill for an act relating to elections; conforming certain voter eligibility provisions for individuals under guardianship to constitutional requirements; modifying other related procedures; requiring reports; amending Minnesota Statutes 2010, sections 201.014, subdivision 2; 201.071, subdivision 1; 201.091, subdivision 9; 201.15, subdivision 1; 204C.10; 524.5-120; 524.5-310; 524.5-313; 524.5-316; proposing coding for new law in Minnesota Statutes, chapter 524."

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

The report was adopted.

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 2237, A bill for an act relating to health; removing requirements for implementation of evidence-based strategies as part of hospital community benefit programs and health maintenance organizations collaboration plans; amending Laws 2011, First Special Session chapter 9, article 10, section 4, subdivision 2.

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

The report was adopted.

Peppin from the Committee on Government Operations and Elections to which was referred:

H. F. No. 2320, A bill for an act relating to local government; authorizing Carlton County to levy a tax for certain cemetery purposes; amending Laws 1999, chapter 243, article 6, section 11.

Reported the same back with the recommendation that the bill pass and be re-referred to the Property and Local Tax Division.

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 2327, A bill for an act relating to elections; modifying certain election administration procedures for individuals who have been convicted of a felony; amending Minnesota Statutes 2010, sections 201.054, subdivision 2, by adding a subdivision; 201.157; 201.275; 204C.14; 241.065, subdivision 2; Minnesota Statutes 2011 Supplement, section 203B.06, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 244.

Reported the same back with the following amendments:

Page 3, line 24, delete "or" and insert "and"

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

The report was adopted.

Hamilton from the Committee on Agriculture and Rural Development Policy and Finance to which was referred:

H. F. No. 2398, A bill for an act relating to agriculture; modifying provisions related to pesticides, plants, nursery law, inspections, enforcements, food, animals, grain, and weights and measures; establishing Dairy Research, Teaching, and Consumer Education Authority; requiring reports; amending Minnesota Statutes 2010, sections 17.114, subdivisions 3, 4; 18B.065, subdivision 2a, by adding a subdivision; 18B.316, subdivision 6; 18G.02, subdivision 14; 18G.07, subdivision 1; 18G.10, subdivision 7, by adding a subdivision; 18H.02, subdivision 14, by adding a subdivision; 18H.10; 18H.14; 18J.01; 18J.02; 18J.03; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions 1, 2, 6; 18J.06; 18J.07, subdivisions 3, 4, 5; 21.82, subdivisions 7, 8; 31.13; 31.94; 35.0661, subdivisions 2, 3; 40A.17; 41A.12, subdivisions 2, 4; 223.16, subdivision 12; 223.17, subdivisions 1, 4, 6, 9; 232.21, subdivisions 2, 6, 12; 232.22, subdivisions 3, 4, 5, 7; 232.23, subdivisions 2, 5, 10; 232.24, subdivisions 1, 2;

239.092; 239.093; Laws 2011, chapter 14, section 6; proposing coding for new law as Minnesota Statutes, chapter 32C; repealing Minnesota Statutes 2010, sections 17B.01; 17B.02; 17B.03; 17B.04; 17B.041; 17B.048; 17B.05; 17B.06; 17B.07; 17B.10; 17B.11; 17B.12; 17B.13; 17B.14; 17B.15, subdivisions 1, 3; 17B.16; 17B.17; 17B.18; 17B.20; 17B.22, subdivisions 1, 2; 17B.28; 17B.29; 27.19, subdivisions 2, 3; 27.20; 223.16, subdivision 7; 223.18; 232.21, subdivision 4; 232.24, subdivision 3; 232.25; 233.01; 233.015; 233.017; 233.02; 233.03; 233.04; 233.05; 233.06; 233.07; 233.08; 233.09; 233.10; 233.11; 233.12; 233.22; 233.23; 233.24; 233.33; 234.01; 234.03; 234.04; 234.05; 234.06; 234.08; 234.09; 234.10; 234.11; 234.12; 234.13; 234.14; 234.15; 234.16; 234.17; 234.18; 234.19; 234.20; 234.21; 234.22; 234.23; 234.24; 234.25; 234.27; 235.01; 235.02; 235.04; 235.05; 235.06; 235.07; 235.08; 235.09; 235.10; 235.13; 235.18; 236.01; 236.02; 236.03; 236.04; 236.05; 236.06; 236.07; 236.08; 236.09; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; 395.24; Minnesota Rules, parts 1505.0780; 1505.0810; 1511.0100; 1511.0110; 1511.0120; 1511.0130; 1511.0140; 1511.0150; 1511.0160; 1511.0170; 1562.0100, subparts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25; 1562.0200; 1562.0400; 1562.0700; 1562.0900; 1562.1300; 1562.1800.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1
POLICY AND TECHNICAL PROVISIONS

Section 1. Minnesota Statutes 2010, section 17.114, subdivision 3, is amended to read:

Subd. 3. **Duties.** ~~(a)~~ The commissioner shall:

(1) establish a clearinghouse and provide information, appropriate educational opportunities and other assistance to individuals, producers, and groups about sustainable agricultural techniques, practices, and opportunities;

(2) survey producers and support services and organizations to determine information and research needs in the area of sustainable agricultural practices;

(3) demonstrate the on-farm applicability of sustainable agriculture practices to conditions in this state;

(4) coordinate the efforts of state agencies regarding activities relating to sustainable agriculture;

(5) direct the programs of the department so as to work toward the sustainability of agriculture in this state;

(6) inform agencies of how state or federal programs could utilize and support sustainable agriculture practices;

(7) work closely with farmers, the University of Minnesota, and other appropriate organizations to identify opportunities and needs as well as assure coordination and avoid duplication of state agency efforts regarding research, teaching, and extension work relating to sustainable agriculture; and

(8) work cooperatively with local governments and others to strengthen the connection between farmers who practice sustainable farming methods and urban, rural, and suburban consumers, including, but not limited to, promoting local farmers' markets and community-supported agriculture; ~~and.~~

~~(9) report to the Environmental Quality Board for review and then to the house of representatives and senate committees with jurisdiction over the environment, natural resources, and agriculture every even-numbered year.~~

~~(b) The report under paragraph (a), clause (9), must include:~~

~~(1) the presentation and analysis of findings regarding the current status and trends regarding the economic condition of producers; the status of soil and water resources utilized by production agriculture; the magnitude of off farm inputs used; and the amount of nonrenewable resources used by Minnesota farmers;~~

~~(2) a description of current state or federal programs directed toward sustainable agriculture including significant results and experiences of those programs;~~

~~(3) a description of specific actions the Department of Agriculture is taking in the area of sustainable agriculture, including, but not limited to, specific actions to strengthen the connection between sustainable farmers and consumers under paragraph (a), clause (8);~~

~~(4) a description of current and future research needs at all levels in the area of sustainable agriculture; and~~

~~(5) suggestions for changes in existing programs or policies or enactment of new programs or policies that will affect farm profitability, maintain soil and water quality, reduce input costs, or lessen dependence upon nonrenewable resources.~~

Sec. 2. Minnesota Statutes 2010, section 17.114, subdivision 4, is amended to read:

Subd. 4. **Integrated pest management.** (a) The state shall promote and facilitate the use of integrated pest management through education, technical or financial assistance, information and research.

(b) The commissioner shall coordinate the development of a state approach to the promotion and use of integrated pest management, which shall include delineation of the responsibilities of the state, public postsecondary institutions, Minnesota Extension Service, local units of government, and the private sector; establishment of information exchange and integration; procedures for identifying research needs and reviewing and preparing informational materials; procedures for factoring integrated pest management into state laws, rules, and uses of pesticides; and identification of barriers to adoption.

~~(c) The commissioner shall report to the Environmental Quality Board for review and then to the house of representatives and senate committees with jurisdiction over the environment, natural resources, and agriculture every even numbered year. The report shall be combined with the report required in subdivision 3.~~

Sec. 3. Minnesota Statutes 2010, section 18.87, is amended to read:

18.87 PENALTY.

(a) A violation of section 18.86 or a rule adopted under that section is a misdemeanor. Inspectors, county-designated employees, or their appointed assistants are not subject to the penalties of this section for failure, neglect, or refusal to perform duties imposed on them by sections 18.76 to 18.91.

(b) A county may collect from a public land owner a civil penalty of up to \$1,000 for each violation of section 18.86 or a rule adopted under that section. The public land owner must pay the penalty from funds provided for maintenance of the land or from the general revenue or operating fund of the agency responsible for the land.

Sec. 4. Minnesota Statutes 2010, section 18B.065, subdivision 2a, is amended to read:

Subd. 2a. **Disposal site requirement.** (a) For agricultural waste pesticides, the commissioner must designate a place in each county of the state that is available at least every other year for persons to dispose of unused portions of agricultural pesticides. The commissioner shall consult with the person responsible for solid waste management and disposal in each county to determine an appropriate location and to advertise each collection event. The commissioner may provide a collection opportunity in a county more frequently if the commissioner determines that a collection is warranted.

(b) For nonagricultural waste pesticides, the commissioner must provide a disposal opportunity each year in each county or enter into a contract with a group of counties under a joint powers agreement or contract for household hazardous waste disposal.

(c) As provided under subdivision 7, the commissioner may enter into cooperative agreements with local units of government to provide the collections required under paragraph (a) or (b) and shall provide a local unit of government, as part of the cooperative agreement, with funding for reasonable costs incurred including, but not limited to, related supplies, transportation, advertising, and disposal costs as well as reasonable overhead costs.

(d) A person who collects waste pesticide under this section shall, on a form provided or in a method approved by the commissioner, record information on each waste pesticide product collected including, but not limited to, the quantity collected and either the product name and its active ingredient or ingredients or the United States Environmental Protection Agency registration number. The person must submit this information to the commissioner at least annually by January 30.

Sec. 5. Minnesota Statutes 2010, section 18B.065, is amended by adding a subdivision to read:

Subd. 10. Indemnification. (a) A local unit of government, when operating or participating in a waste pesticide collection program pursuant to a cooperative agreement with the commissioner under this section, is an employee of the state, certified to be acting within the scope of employment, for purposes of the indemnification provisions of section 3.736, subdivision 9, for claims that arise out of the transportation, management, or disposal of any waste pesticide covered by the agreement:

(1) from and after the time the waste permanently leaves the local unit of government's possession and comes into the possession of the state's authorized transporter; and

(2) during the time the waste is transported between the local unit of government facilities by the state's authorized transporter.

(b) The state is not obligated to defend or indemnify a local unit of government under this subdivision to the extent of the local unit of government's liability insurance. The local unit of government's right to indemnify is not a waiver of the limitation, defenses, and immunities available to either the local unit of government or the state by law.

Sec. 6. Minnesota Statutes 2010, section 18B.316, subdivision 6, is amended to read:

Subd. 6. Agricultural pesticide sales invoices. (a) Sales invoices for agricultural pesticides sold in or into this state by a licensed agricultural pesticide dealer or a pesticide dealer under this section must show the percent of gross sales fee rate assessed and the gross sales fee paid under section 18B.26, subdivision 3, paragraph (c).

(b) A licensed agricultural pesticide dealer or a pesticide dealer may request an exemption from paragraph (a). The request for exemption must be in writing to the commissioner and must include verifiable information to justify that compliance with paragraph (a) is an extreme business hardship for the licensed agricultural pesticide dealer or pesticide dealer. The commissioner may approve or reject a request for exemption based upon review of the submitted information. An approved exemption under this paragraph is valid for one calendar year. The commissioner must maintain a list of those licensed agricultural pesticide dealers or pesticide dealers that have been granted an exemption on the department's Web site.

(c) A licensed agricultural pesticide dealer or a pesticide dealer issued an exemption under paragraph (b) must include the following statement on each sales invoice for any sale of an agricultural pesticide: "Minnesota Department of Agriculture Annual Gross Sales Fees of 0.55% have been Assessed and Paid on the Sale of an Agricultural Pesticide."

(d) Only the person who actually will pay the gross sales fee may show the rate or the amount of the fee as a line item on the sales invoice.

Sec. 7. Minnesota Statutes 2010, section 18G.02, subdivision 14, is amended to read:

Subd. 14. **Infested.** "Infested" means a plant has been overrun by plant pests, including weeds, or contains or harbors plant pests in a quantity that may threaten other plants.

Sec. 8. Minnesota Statutes 2010, section 18G.07, subdivision 1, is amended to read:

Subdivision 1. **Creation of registry.** (a) The commissioner shall maintain a list of all persons, businesses, and companies that employ persons who provide tree care or tree trimming services in Minnesota. All commercial tree care providers, tree trimmers, and ~~persons who~~ employers that direct employees to remove trees, limbs, branches, brush, or shrubs for hire must be registered ~~by~~ with the commissioner.

(b) Persons or companies who are required to be registered under paragraph (a) must register annually by providing the following to the commissioner:

- (1) accurate and up-to-date business name, address, and telephone number;
- (2) a complete list of all Minnesota counties in which they work; and
- (3) a nonrefundable fee of \$25 for initial application or renewing the registration.

(c) All persons and companies required to be registered under paragraph (a) must register before conducting the activities specified in paragraph (a). Annual registration expires December 31, must be renewed annually, and the renewal fee remitted by January 7 ~~1~~ of the year for which it is issued. In addition, a penalty of ten percent of the renewal fee due must be charged for each month, or portion of a month, that the fee is delinquent up to a maximum of 30 percent for any application for renewal postmarked after December 31.

Sec. 9. Minnesota Statutes 2010, section 18G.10, subdivision 7, is amended to read:

Subd. 7. **Supplemental, additional, or other certificates and permits.** (a) The commissioner may provide inspection, sampling, or certification services to ensure that Minnesota plant treatment processes, plant products, or commodities meet import requirements of other states or countries.

(b) The state plant regulatory official may issue permits and certificates verifying that various Minnesota agricultural plant treatment processes, products, or commodities meet specified plant health requirements, treatment requirements, or pest absence assurances based on determinations by the commissioner.

Sec. 10. Minnesota Statutes 2010, section 18G.10, is amended by adding a subdivision to read:

Subd. 8. **Misuse of a certificate or permit.** (a) Certificates and permits may not be altered, counterfeited, obtained, or used improperly, for any plant product.

(b) Certificates and permits are not transferable to another location or another person.

Sec. 11. Minnesota Statutes 2010, section 18H.02, subdivision 14, is amended to read:

Subd. 14. **Infested.** "Infested" means a plant has been overrun by plant pests, including weeds, or contains or harbors plant pests in a quantity that may threaten other plants.

Sec. 12. Minnesota Statutes 2010, section 18H.02, is amended by adding a subdivision to read:

Subd. 16a. **Nonhardy.** "Nonhardy" means a plant that cannot be expected to survive or reliably produce flowers and fruit in average minimum winter temperatures at the growing site as determined by the commissioner based upon independent field trials and industry input represented by the United States Department of Agriculture Plant Hardiness Zone designations.

Sec. 13. Minnesota Statutes 2010, section 18H.10, is amended to read:

18H.10 STORAGE OF NURSERY STOCK.

(a) All nursery stock must be kept and displayed under conditions of temperature, light, and moisture sufficient to maintain the viability and vigor of the nursery stock.

(b) Packaged dormant nursery stock must be stored under conditions that retard growth, prevent etiolated growth, and protect its viability.

(c) Balled and burlapped nursery stock being held for sale to the public must be kept in a moisture-holding material approved by the commissioner and not toxic to plants. The moisture-holding material must adequately cover and protect the ball of earth and must be kept moist at all times.

Sec. 14. Minnesota Statutes 2010, section 18H.14, is amended to read:

18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.

(a) Plants, plant materials, or nursery stock must not be labeled or advertised with false or misleading information including, but not limited to, scientific name, variety, place of origin, hardiness zone as defined by the United States Department of Agriculture, and growth habit.

(b) All nonhardy nursery stock as designated by the commissioner must be labeled "nonhardy" in Minnesota.

~~(b)~~ (c) A person may not offer for distribution plants, plant materials, or nursery stock, represented by some specific or special form of notation, including, but not limited to, "free from" or "grown free of," unless the plants are produced under a specific program approved by the commissioner to address the specific plant properties addressed in the special notation claim.

(d) Nursery stock collected from the wild state must be inspected and certified prior to sale and at the time of sale must be labeled "Collected from the Wild." The label must remain on each plant or clump of plants while it is offered for sale and during the distribution process. The collected stock may be grown in nursery rows at least two years, after which the plants may be sold without the labeling required by this paragraph.

Sec. 15. Minnesota Statutes 2010, section 18J.01, is amended to read:

18J.01 DEFINITIONS.

(a) The definitions in sections 18G.02 ~~and~~, 18H.02, ~~27.01, 223.16, 231.01, and 232.21~~ apply to this chapter.

(b) For purposes of this chapter, "associated rules" means rules adopted under this chapter, chapter 18G ~~or~~, 18H, ~~27, 223, 231, or 232~~, or sections 21.80 to 21.92.

Sec. 16. Minnesota Statutes 2010, section 18J.02, is amended to read:

18J.02 DUTIES OF COMMISSIONER.

The commissioner shall administer and enforce this chapter, chapters 18G ~~and~~, 18H, 27, 223, 231, and 232; sections 21.80 to 21.92; and associated rules.

Sec. 17. Minnesota Statutes 2010, section 18J.03, is amended to read:

18J.03 CIVIL LIABILITY.

A person regulated by this chapter, chapter 18G ~~or~~, 18H, 27, 223, 231, or 232, or sections 21.80 to 21.92, is civilly liable for any violation of one of those statutes or associated rules by the person's employee or agent.

Sec. 18. Minnesota Statutes 2010, section 18J.04, subdivision 1, is amended to read:

Subdivision 1. **Access and entry.** The commissioner, upon presentation of official department credentials, must be granted immediate access at reasonable times to sites where a person manufactures, distributes, uses, handles, disposes of, stores, or transports seeds, plants, grain, household goods, general merchandise, produce, or other living or nonliving products or other objects regulated under chapter 18G ~~or~~, 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules.

Sec. 19. Minnesota Statutes 2010, section 18J.04, subdivision 2, is amended to read:

Subd. 2. **Purpose of entry.** (a) The commissioner may enter sites for:

(1) inspection of inventory and equipment for the manufacture, storage, handling, distribution, disposal, or any other process regulated under chapter 18G ~~or~~, 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules;

(2) sampling of sites, seeds, plants, products, grain, household goods, general merchandise, produce, or other living or nonliving objects that are manufactured, stored, distributed, handled, or disposed of at those sites and regulated under chapter 18G ~~or~~, 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules;

(3) inspection of records related to the manufacture, distribution, storage, handling, or disposal of seeds, plants, products, grain, household goods, general merchandise, produce, or other living or nonliving objects regulated under chapter 18G ~~or~~, 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules;

(4) investigating compliance with chapter 18G ~~or~~, 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules; or

(5) other purposes necessary to implement chapter 18G ~~or~~, 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules.

(b) The commissioner may enter any public or private premises during or after regular business hours without notice of inspection when a suspected violation of chapter 18G ~~or~~, 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules may threaten public health or the environment.

Sec. 20. Minnesota Statutes 2010, section 18J.04, subdivision 3, is amended to read:

Subd. 3. **Notice of inspection samples and analyses.** (a) The commissioner shall provide the owner, operator, or agent in charge with a receipt describing any samples obtained. If requested, the commissioner shall split any samples obtained and provide them to the owner, operator, or agent in charge. If an analysis is made of the samples,

a copy of the results of the analysis must be furnished to the owner, operator, or agent in charge within 30 days after an analysis has been performed. If an analysis is not performed, the commissioner must notify the owner, operator, or agent in charge within 30 days of the decision not to perform the analysis.

(b) The sampling and analysis must be done according to methods provided for under applicable provisions of chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules. In cases not covered by those sections and methods or in cases where methods are available in which improved applicability has been demonstrated the commissioner may adopt appropriate methods from other sources.

Sec. 21. Minnesota Statutes 2010, section 18J.04, subdivision 4, is amended to read:

Subd. 4. **Inspection requests by others.** (a) A person who believes that a violation of chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules has occurred may request an inspection by giving notice to the commissioner of the violation. The notice must be in writing, state with reasonable particularity the grounds for the notice, and be signed by the person making the request.

(b) If after receiving a notice of violation the commissioner reasonably believes that a violation has occurred, the commissioner shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if a violation has occurred.

(c) An inspection conducted pursuant to a notice under this subdivision may cover an entire site and is not limited to the portion of the site specified in the notice. If the commissioner determines that reasonable grounds to believe that a violation occurred do not exist, the commissioner must notify the person making the request in writing of the determination.

Sec. 22. Minnesota Statutes 2010, section 18J.05, subdivision 1, is amended to read:

Subdivision 1. **Enforcement required.** (a) A violation of chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or an associated rule is a violation of this chapter.

(b) Upon the request of the commissioner, county attorneys, sheriffs, and other officers having authority in the enforcement of the general criminal laws must take action to the extent of their authority necessary or proper for the enforcement of chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules or valid orders, standards, stipulations, and agreements of the commissioner.

Sec. 23. Minnesota Statutes 2010, section 18J.05, subdivision 2, is amended to read:

Subd. 2. **Commissioner's discretion.** If minor violations of chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules occur or the commissioner believes the public interest will be best served by a suitable notice of warning in writing, this section does not require the commissioner to:

- (1) report the violation for prosecution;
- (2) institute seizure proceedings; or
- (3) issue a withdrawal from distribution, stop-sale, or other order.

Sec. 24. Minnesota Statutes 2010, section 18J.05, subdivision 6, is amended to read:

Subd. 6. **Agent for service of process.** All persons licensed, permitted, registered, or certified under chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules must appoint the commissioner as the agent upon whom all legal process may be served and service upon the commissioner is deemed to be service on the licensee, permittee, registrant, or certified person.

Sec. 25. Minnesota Statutes 2010, section 18J.06, is amended to read:

18J.06 FALSE STATEMENT OR RECORD.

A person must not knowingly make or offer a false statement, record, or other information as part of:

(1) an application for registration, license, certification, or permit under chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules;

(2) records or reports required under chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules; or

(3) an investigation of a violation of chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules.

Sec. 26. Minnesota Statutes 2010, section 18J.07, subdivision 3, is amended to read:

Subd. 3. **Cancellation of registration, permit, license, certification.** The commissioner may cancel or revoke a registration, permit, license, or certification provided for under chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules or refuse to register, permit, license, or certify under provisions of chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules if the registrant, permittee, licensee, or certified person has used fraudulent or deceptive practices in the evasion or attempted evasion of a provision of chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules.

Sec. 27. Minnesota Statutes 2010, section 18J.07, subdivision 4, is amended to read:

Subd. 4. **Service of order or notice.** (a) If a person is not available for service of an order, the commissioner may attach the order to the facility, site, seed or seed container, plant or other living or nonliving object regulated under chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules and notify the owner, custodian, other responsible party, or registrant.

(b) The seed, seed container, plant, or other living or nonliving object regulated under chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules may not be sold, used, tampered with, or removed until released under conditions specified by the commissioner, by an administrative law judge, or by a court.

Sec. 28. Minnesota Statutes 2010, section 18J.07, subdivision 5, is amended to read:

Subd. 5. **Unsatisfied judgments.** (a) An applicant for a license, permit, registration, or certification under provisions of this chapter, chapter 18G ~~or~~ 18H, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules may not allow a final judgment against the applicant for damages arising from a violation of those statutes or rules to remain unsatisfied for a period of more than 30 days.

(b) Failure to satisfy, within 30 days, a final judgment resulting from a violation of this chapter results in automatic suspension of the license, permit, registration, or certification.

Sec. 29. Minnesota Statutes 2010, section 21.82, subdivision 7, is amended to read:

Subd. 7. **Vegetable seeds.** For vegetable seeds prepared for use in home gardens or household plantings the requirements in paragraphs (a) to (p) apply. Vegetable seeds packed for sale in commercial quantities to farmers, conservation groups, and other similar entities are considered agricultural seeds and must be labeled accordingly.

(a) The label must contain the name of the kind or kind and variety for each seed component in excess of five percent of the whole and the percentage by weight of each in order of its predominance. If the variety of those kinds generally labeled as to variety is not stated and it is not required to be stated, the label must show the name of the kind and the words "variety not stated."

(b) The percentage that is hybrid must be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds of varieties are present in excess of five percent and are named on the label, each that is hybrid must be designated as hybrid on the label. Any one kind or kind and variety that has pure seed that is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross must be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed may be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word "hybrid" must be shown on the label in conjunction with the kind.

(c) Blends must be listed on the label using the term "blend" in conjunction with the kind.

(d) Mixtures shall be listed on the label using the term "mixture," "mix," or "mixed."

(e) The label must show a lot number or other lot identification.

(f) The origin may be omitted from the label.

(g) The label must show the year for which the seed was packed for sale listed as "packed for (year)" for seed with a percentage of germination that exceeds the standard last established by the commissioner, the percentage of germination and the calendar month and year that the percentages were determined by test, or the calendar month and year the germination test was completed and the statement "sell by (month and year listed here)," which may be no more than 12 months from the date of test, exclusive of the month of test.

(h) For vegetable seeds which germinate less than the standard last established by the commissioner, the label must show:

(1) a percentage of germination, exclusive of hard or dormant seed or both;

(2) a percentage of hard or dormant seed or both, if present; and

(3) the words "below standard" in not less than eight point type and the month and year the percentages were determined by test.

(i) The net weight of the contents or a statement indicating the number of seeds in the container or both, must appear on either the container or the label, ~~except that for containers with contents of 200 seeds or less a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents.~~

(j) The heading for and percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.

(k) The heading for and percentage by weight of weed seed may be omitted from a label if they are not present in the seed.

(l) The heading "noxious weed seeds" may be omitted from a label if they are not present in the seed.

(m) The heading for and percentage by weight of other crop seed may be omitted from a label if it is less than five percent.

(n) The heading for and percentage by weight of inert matter may be omitted from a label if it is less than ten percent.

(o) The label must contain the name and address of the person who labeled the seed or who sells the seed in this state or a code number that has been registered with the commissioner.

(p) The labeling requirements for vegetable seeds prepared for use in home gardens or household plantings when sold outside their original containers are met if the seed is weighed from a properly labeled container in the presence of the purchaser.

Sec. 30. Minnesota Statutes 2010, section 21.82, subdivision 8, is amended to read:

Subd. 8. **Flower seeds.** For flower and wildflower seeds prepared for use in home gardens or household plantings, the requirements in paragraphs (a) to (l) apply. Flower and wildflower seeds packed for sale in commercial quantities to farmers, conservation groups, and other similar entities are considered agricultural seeds and must be labeled accordingly.

(a) The label must contain the name of the kind and variety or a statement of type and performance characteristics as prescribed by rule.

(b) The percentage that is hybrid must be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds of varieties are present in excess of five percent and are named on the label, each that is hybrid must be designated as hybrid on the label. Any one kind or kind and variety that has pure seed that is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross must be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed may be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word "hybrid" must be shown on the label in conjunction with the kind.

(c) Blends must be listed on the label using the term "blend" in conjunction with the kind.

(d) Mixtures must be listed on the label using the term "mixture," "mix," or "mixed."

(e) The label must contain the lot number or other lot identification.

(f) The origin may be omitted from the label.

(g) The label must contain the year for which the seed was packed for sale listed as "packed for (year)" for seed with a percentage of germination that exceeds the standard last established by the commissioner, the percentage of germination and the calendar month and year that the percentages were determined by test, or the calendar month and year the germination test was completed and the statement "sell by (month and year listed here)," which may be no more than 12 months from the date of test, exclusive of the month of test.

(h) For flower seeds which germinate less than the standard last established by the commissioner, the label must show:

(1) percentage of germination exclusive of hard or dormant seed or both;

(2) percentage of hard or dormant seed or both, if present; and

(3) the words "below standard" in not less than eight point type and the month and year this percentage was determined by test.

(i) The label must show the net weight of contents or a statement indicating the number of seeds in the container, or both, on either the container or the label, ~~except that for containers with contents of 200 seeds or less a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents.~~

(j) The heading for and percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.

(k) The heading for and percentage by weight of weed seed may be omitted from a label if they are not present in the seed.

(l) The heading "noxious weed seeds" may be omitted from a label if they are not present in the seed.

(m) The heading for and percentage by weight of other crop seed may be omitted from a label if it is less than five percent.

(n) The heading for and percentage by weight of inert matter may be omitted from a label if it is less than ten percent.

(o) The label must show the name and address of the person who labeled the seed or who sells the seed within this state, or a code number which has been registered with the commissioner.

Sec. 31. Minnesota Statutes 2010, section 25.33, subdivision 5, is amended to read:

Subd. 5. **Commercial feed.** "Commercial feed" means materials or combinations of materials that are distributed or intended to be distributed for use as feed or for mixing in feed, including feed for aquatic animals, unless the materials are specifically exempted. Unmixed whole seeds and physically altered entire unmixed seeds, if the whole or physically altered seeds are not chemically changed or are not adulterated within the meaning of section 25.37, paragraph (a), are exempt. The commissioner by rule may exempt from this definition, or from specific provisions of sections 25.31 to 25.43, commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances if those commodities, compounds, or substances are not intermixed with other materials, and are not adulterated within the meaning of section 25.37, paragraph (a). Commercial feed does not include feed produced and used by a distributor.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2012, and applies to commercial feed inspection fees assessed by the commissioner of agriculture for calendar year 2012 and thereafter.

Sec. 32. Minnesota Statutes 2010, section 31.13, is amended to read:

31.13 ANALYSIS; EVIDENCE.

It shall be the duty of the ~~chief chemist and assistants~~ laboratory director, managers, and analysts to make analyses and examinations of such articles as shall be furnished to them by the commissioner, for the purpose of determining from such examination whether such articles are adulterated, misbranded, insufficiently labeled, unwholesome, poisonous, or deleterious and whether such articles have been manufactured, used, sold, transported, offered for use, sale, or transportation, or had in possession with intent to use, sell, or transport in violation of any law now or hereafter enacted relating to food, or of any definition, standard, rule, or ruling made and published thereunder, and to certify the result of such analysis and examination to the commissioner. A copy of the result of the examination or analysis of any such article, duly authenticated, by the ~~chemist~~ analyst making such ~~analysis~~ determinations or examination, under oath of such ~~chemist~~ analyst, shall be prima facie evidence in all courts of the matters and facts therein contained.

Sec. 33. Minnesota Statutes 2010, section 31.94, is amended to read:

31.94 COMMISSIONER DUTIES.

(a) In order to promote opportunities for organic agriculture in Minnesota, the commissioner shall:

(1) survey producers and support services and organizations to determine information and research needs in the area of organic agriculture practices;

(2) work with the University of Minnesota to demonstrate the on-farm applicability of organic agriculture practices to conditions in this state;

(3) direct the programs of the department so as to work toward the promotion of organic agriculture in this state;

(4) inform agencies of how state or federal programs could utilize and support organic agriculture practices; and

(5) work closely with producers, the University of Minnesota, the Minnesota Trade Office, and other appropriate organizations to identify opportunities and needs as well as ensure coordination and avoid duplication of state agency efforts regarding research, teaching, marketing, and extension work relating to organic agriculture.

(b) By November 15 of each ~~even-numbered~~ year that ends in a zero or a five, the commissioner, in conjunction with the task force created in paragraph (c), shall report on the status of organic agriculture in Minnesota to the legislative policy and finance committees and divisions with jurisdiction over agriculture. The report must include: available data on organic acreage and production, available data on the sales or market performance of organic products, and recommendations regarding programs, policies, and research efforts that will benefit Minnesota's organic agriculture sector.

~~(1) a description of current state or federal programs directed toward organic agriculture, including significant results and experiences of those programs;~~

~~(2) a description of specific actions the department of agriculture is taking in the area of organic agriculture, including the proportion of the department's budget spent on organic agriculture;~~

~~(3) a description of current and future research needs at all levels in the area of organic agriculture;~~

~~(4) suggestions for changes in existing programs or policies or enactment of new programs or policies that will affect organic agriculture;~~

~~(5) a description of market trends and potential for organic products;~~

~~(6) available information, using currently reliable data, on the price received, yield, and profitability of organic farms, and a comparison with data on conventional farms; and~~

~~(7) available information, using currently reliable data, on the positive and negative impacts of organic production on the environment and human health.~~

(c) A Minnesota Organic Advisory Task Force shall advise the commissioner and the University of Minnesota on policies and programs that will improve organic agriculture in Minnesota, including how available resources can most effectively be used for outreach, education, research, and technical assistance that meet the needs of the organic agriculture community. The task force must consist of the following residents of the state:

- (1) three farmers using organic agriculture methods;
- (2) one wholesaler or distributor of organic products;
- (3) one representative of organic certification agencies;
- (4) two organic processors;
- (5) one representative from University of Minnesota Extension;
- (6) one University of Minnesota faculty member;
- (7) one representative from a nonprofit organization representing producers;
- (8) two public members;
- (9) one representative from the United States Department of Agriculture;
- (10) one retailer of organic products; and
- (11) one organic consumer representative.

The commissioner, in consultation with the director of the Minnesota Agricultural Experiment Station; the dean and director of University of Minnesota Extension; and the dean of the College of Food, Agricultural and Natural Resource Sciences shall appoint members to serve staggered two-year terms.

Compensation and removal of members are governed by section 15.059, subdivision 6. The task force must meet at least twice each year and expires on June 30, 2013.

(d) For the purposes of expanding, improving, and developing production and marketing of the organic products of Minnesota agriculture, the commissioner may receive funds from state and federal sources and spend them, including through grants or contracts, to assist producers and processors to achieve certification, to conduct education or marketing activities, to enter into research and development partnerships, or to address production or marketing obstacles to the growth and well-being of the industry.

(e) The commissioner may facilitate the registration of state organic production and handling operations including those exempt from organic certification according to Code of Federal Regulations, title 7, section 205.101, and certification agents operating within the state.

Sec. 34. **[32C.01] ORGANIZATION.**

Subdivision 1. **Establishment.** The Dairy Research, Teaching, and Consumer Education Authority is established as a public corporation. The business of the authority must be conducted under the name "Dairy Research, Teaching, and Consumer Education Authority."

Subd. 2. **Board of directors.** The authority is governed by a board of nine directors. The term of a director, except as otherwise provided in this subdivision, is four years. The commissioner of agriculture is a member of the board. The governor shall appoint four members of the board. Two of the members appointed by the governor must be currently engaged in the business of operating a dairy. Two of the members appointed by the governor must be representatives of Minnesota-based businesses actively engaged in working with or serving Minnesota's dairy industry. The dean of the University of Minnesota College of Food, Agriculture and Natural Resource Sciences, or

the dean's designee, is a member of the board. One member of the board must be a representative of a state trade association that represents the interests of milk producers. One member of the board must be a representative of the Minnesota Division of the Midwest Dairy Council. One member of the board must be a member of the agricultural education faculty of the Minnesota State Colleges and Universities System. The four members of the initial board of directors who are appointed by the governor must be appointed for terms of four years, and the other four members must be appointed for an initial term of two years. Vacancies for the governor's appointed positions on the board must be filled by appointment of the governor. Vacancies for other positions on the board must be filled by the named represented entities. Board members must not be compensated for their services.

Subd. 3. **Bylaws.** The board must adopt bylaws necessary for the conduct of the business of the authority, consistent with this chapter.

Subd. 4. **Place of business.** The board must locate and maintain the authority's place of business within the state.

Subd. 5. **Chair.** The board must annually elect from among its members a chair and other officers necessary for the performance of its duties.

Subd. 6. **Meetings.** The board must meet at least four times each year and may hold additional meetings upon giving notice in accordance with the bylaws of the authority. Board meetings are subject to chapter 13D.

Subd. 7. **Conflict of interest.** A director, employee, or officer of the authority may not participate in or vote on a decision of the board relating to an organization in which the director has either a direct or indirect financial interest.

Subd. 8. **Economic interest statements.** Directors and officers of the authority are public officials for the purpose of section 10A.09, and must file statements of economic interest with the Campaign Finance and Public Disclosure Board.

Sec. 35. **[32C.02] POWERS.**

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

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

Subd. 2. **Facility design; development and operation.** The authority may enter into management contracts, lease agreements, or both, with a Minnesota nonprofit corporation to design, develop, and operate a facility to further the purposes of this chapter at the site determined by the board and on the terms that the board finds desirable. The board must identify and acquire a site that will accommodate the following facilities and activities:

(1) housing for bred and lactating animals;

(2) milking parlor;

(3) automatic milking systems;

(4) cross-ventilated and natural-ventilated housing;

(5) transition cow housing;

(6) special needs and hospital housing;

(7) classrooms and a conference room;

(8) dairy processing facility with retail;

(9) visitors' center;

(10) student housing;

(11) laboratory facilities;

(12) space to accommodate installation of an anaerobic digester system to research energy production from feedstock produced on-site or from off-site sources; and

(13) space for feed storage to allow for research capabilities at the facility.

Notwithstanding the provisions of section 32C.01, subdivision 7, relating to conflict of interest, a director or officer of the authority who is also a director, officer, or member of a nonprofit corporation with which the authority enters into management contracts or lease agreements may participate in and vote on the decision of the board as to the terms and conditions of management contracts or lease agreements between the Minnesota nonprofit corporation and the authority.

Subd. 3. **Funds.** The authority may accept and use gifts, grants, or contributions from any source to support operation of the facility. Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of, and invest or reinvest the money, securities, or other property given or bequeathed to it. The principal of these funds, the income from them, and all other revenues received by the authority from any nonstate source must be placed in depositories chosen by the board and are subject to expenditure for the board's purposes. Expenditures of \$25,000 or more must be approved by the full board.

Subd. 4. **Animals; regulation.** The authority must comply with all applicable laws and rules relating to quarantine, transportation, examination, habitation, care, and treatment of animals.

Sec. 36. **[32C.03] EMPLOYEES.**

(a) The board may hire an executive director of the authority and other employees the board considers necessary to carry out the program, conduct research, and operate and maintain facilities of the authority.

(b) Persons employed by contractors or lessees are not state employees and may not participate in state retirement, deferred compensation, insurance, or other plans that apply to state employees generally and are not subject to regulation by the Campaign Finance and Public Disclosure Board, provided, however, that any employee of the state or any employee or faculty member of the University of Minnesota or Minnesota State Colleges and Universities System who teaches or conducts research at the authority does not have their status as employees of the state, the University of Minnesota, or Minnesota State Colleges and Universities System interrupted by virtue of having their employment activity take place at facilities owned by the authority.

Sec. 37. **[32C.04] ACCOUNTS; AUDITS.**

The authority may establish funds and accounts that it determines to be reasonable and necessary to conduct the business of the authority. The board shall provide for and pay the cost of an independent annual audit of its official books and records by the state auditor. A copy of this audit must be filed with the secretary of state.

Sec. 38. **[32C.05] ANNUAL REPORT.**

The board shall submit a report to the chairs of the senate and house of representatives agriculture committees and the governor on the activities of the authority and its contractors and lessees by February 1 of each year. The report must include at least the following:

(1) a description of each of the programs that the authority has provided or undertaken at some time during the previous year;

(2) an identification of the sources of funding in the previous year for the authority's programs including federal, state, and local government, foundations, gifts, donations, fees, and all other sources;

(3) a description of the administrative expenses of the authority during the previous year;

(4) a listing of the assets and liabilities of the authority at the end of the previous fiscal year;

(5) a description of any changes made to the operational plan during the previous year; and

(6) a description of any newly adopted or significant changes to bylaws, policies, rules, or programs created or administered by the authority during the previous year.

Reports must be made to the legislature as required by section 3.195.

Sec. 39. Minnesota Statutes 2010, section 35.0661, subdivision 2, is amended to read:

Subd. 2. **Quarantine zones.** Upon an emergency declaration by the governor under subdivision 1, the board or any licensed veterinarian designated by the board may establish quarantine zones of control in any area where a specific animal is deemed by a licensed veterinarian as likely to be infected with the disease based on an actual veterinary examination or laboratory testing. Quarantine zones of control to restrict the movement of livestock must be the smallest size practicable to prevent the spread of disease and must exist for the shortest duration consistent with effective disease control. ~~A quarantine zone of control must not extend beyond a radius of three miles from an animal deemed as likely to be infected with the disease, unless the board has adopted a rule regarding a specific disease requiring a larger quarantine zone of control.~~

Sec. 40. Minnesota Statutes 2010, section 35.0661, subdivision 3, is amended to read:

Subd. 3. **Restrictions on movement out of quarantine zones.** (a) The board may issue orders restricting the movement of persons, ~~livestock,~~ machinery, and personal property ~~out of zones off infected premises~~ designated by the board as quarantined under subdivision 2. The executive director of the board or any licensed veterinarian designated by the board may issue the orders. An order may be issued upon a determination that reasonable cause exists to believe that the movement of persons or personal property out of a quarantine zone will reasonably threaten to transport a dangerous, infectious, or communicable disease outside of the quarantine zone.

(b) The order must be served upon any person subject to the order. The restrictions sought by the board on movement out of a quarantine zone must be limited to the greatest extent possible consistent with the paramount disease control objectives as determined by the board. An order under this section may be served on any day at any

time. The order must include a notice of the person's rights under this section, including the ability to enter into an agreement to abide by disease control measures under paragraph (c) and the right to request a court hearing under paragraph (d).

(c) No person may be restricted by an order under this subdivision for longer than 72 hours, exclusive of Saturdays, Sundays, and legal holidays, so long as the person agrees to abide by the disease control measures established by the board. The person shall sign an acknowledgment form prepared by the board evidencing the person's agreement to abide by the disease control measures established by the board.

(d) A person whose movements are restricted by an order under this subdivision may seek a district court hearing on the order at any time after it is served on the person. The hearing may be held by electronic means as soon as possible. The subject of the order may:

(1) contest imposition of the order on grounds that it is an abuse of the board's discretion under this section; or

(2) seek a variance from it to allow movement of a person inconsistent with the order, upon a showing that the person would otherwise suffer irreparable harm.

Sec. 41. Minnesota Statutes 2010, section 40A.17, is amended to read:

40A.17 REPORT.

The commissioner shall report to the legislature on ~~January~~ March 1 of each even-numbered year on activities under this chapter. By July 1, 1985, the report must include the survey of public awareness in the awareness program. The report shall include recommendations for funding levels and other necessary legislative action.

Sec. 42. Minnesota Statutes 2010, section 41A.12, subdivision 2, is amended to read:

Subd. 2. **Activities authorized.** For the purposes of this program, the commissioner may issue grants, loans, or other forms of financial assistance. Eligible activities include, but are not limited to, grants to livestock producers under the livestock investment grant program under section 17.118, bioenergy awards made by the NextGen Energy Board under section 41A.105, cost-share grants for the installation of biofuel blender pumps, and financial assistance to support other rural economic infrastructure activities.

Sec. 43. Minnesota Statutes 2010, section 41A.12, subdivision 4, is amended to read:

Subd. 4. **Sunset.** This section expires on June 30, ~~2013~~ 2015.

Sec. 44. Minnesota Statutes 2010, section 223.16, subdivision 12, is amended to read:

Subd. 12. **Public grain warehouse operator.** "Public grain warehouse operator" means a person operating a grain warehouse in which grain belonging to persons other than the grain warehouse operator is accepted for storage or purchase or who offers grain storage or warehouse facilities to the public for hire or a feed-processing plant that receives and stores grain, the equivalent of which it processes and returns to the grain's owner in amounts, at intervals, and with added ingredients that are mutually agreeable to the grain's owner and the person operating the plant.

Sec. 45. Minnesota Statutes 2010, section 223.17, subdivision 1, is amended to read:

Subdivision 1. **Licenses.** An application for a grain buyer's license must be filed with the commissioner and the license issued before any grain may be purchased. ~~The commissioner must provide application forms and licenses that state the restrictions and authority to purchase and store grain under the license being applied for and issued. The categories of grain buyers' licenses are:~~

~~(a) private grain warehouse operator's license;~~

~~(b) public grain warehouse operator's license; and~~

~~(c) independent grain buyer's license.~~

The applicant for a grain buyer's license shall identify all grain buying locations owned or controlled by the grain buyer and all vehicles owned or controlled by the grain buyer used to transport purchased grain. Every applicant for a grain buyer's license shall have a permanent established place of business at each licensed location. An "established place of business" means a permanent enclosed building, including a house or a farm, either owned by the applicant or leased by the applicant for a period of at least one year, and where the books, records, and files necessary to conduct the business are kept and maintained. ~~The commissioner may maintain information on grain buyers by categories including, but not limited to, the categories provided in clauses (a) to (c) and grain buyers that are licensed to purchase grain using trucks but that do not have a public or private warehouse license.~~

Sec. 46. Minnesota Statutes 2010, section 223.17, subdivision 4, is amended to read:

Subd. 4. **Bond.** (a) Before a grain buyer's license is issued, the applicant for the license must file with the commissioner a bond in a penal sum prescribed by the commissioner but not less than the following amounts:

~~(a)~~ (1) \$10,000 for grain buyers whose gross annual purchases are \$100,000 or less;

~~(b)~~ (2) \$20,000 for grain buyers whose gross annual purchases are more than \$100,000 but not more than \$750,000;

~~(c)~~ (3) \$30,000 for grain buyers whose gross annual purchases are more than \$750,000 but not more than \$1,500,000;

~~(d)~~ (4) \$40,000 for grain buyers whose gross annual purchases are more than \$1,500,000 but not more than \$3,000,000;

~~(e)~~ (5) \$50,000 for grain buyers whose gross annual purchases are more than \$3,000,000 but not more than \$6,000,000;

~~(f)~~ (6) \$70,000 for grain buyers whose gross annual purchases are more than \$6,000,000 but not more than \$12,000,000;

~~(g)~~ (7) \$125,000 for grain buyers whose gross annual purchases are more than \$12,000,000 but not more than \$24,000,000; and

~~(h)~~ (8) \$150,000 for grain buyers whose gross annual purchases exceed \$24,000,000.

(b) A grain buyer who has filed a bond with the commissioner prior to July 1, 2004, is not required to increase the amount of the bond to comply with this section until July 1, 2005. The commissioner may postpone an increase in the amount of the bond until July 1, 2006, if a licensee demonstrates that the increase will impose undue financial hardship on the licensee, and that producers will not be harmed as a result of the postponement. The commissioner may impose other restrictions on a licensee whose bond increase has been postponed. The amount of the bond shall be based on the most recent ~~financial statement~~ gross annual grain purchase report of the grain buyer ~~filed under subdivision 6.~~

(c) A first-time applicant for a grain buyer's license shall file a \$50,000 bond with the commissioner. This bond shall remain in effect for the first year of the license. Thereafter, the licensee shall comply with the applicable bonding requirements contained in ~~clauses (a) to (h)~~ paragraph (a), clauses (1) to (8).

(d) In lieu of the bond required by this subdivision the applicant may deposit with the commissioner of management and budget cash, a certified check, a cashier's check, a postal, bank, or express money order, assignable bonds or notes of the United States, or an assignment of a bank savings account or investment certificate or an irrevocable bank letter of credit as defined in section 336.5-102, in the same amount as would be required for a bond.

(e) Bonds must be continuous until canceled. To cancel a bond, a surety must provide 90 days' written notice of the bond's termination date to the licensee and the commissioner.

Sec. 47. Minnesota Statutes 2010, section 223.17, subdivision 6, is amended to read:

Subd. 6. **Financial statements.** ~~For the purpose of fixing or changing the amount of a required bond or for any other proper reason, (a)~~ The commissioner ~~shall~~ may require an annual financial statement from a licensee which has been prepared in accordance with generally accepted accounting principles and which meets the following requirements:

~~(a)~~ (1) The financial statement shall include, but not be limited to the following: ~~(1)~~

(i) a balance sheet; ~~(2)~~

(ii) a statement of income (profit and loss); ~~(3)~~

(iii) a statement of retained earnings; ~~(4)~~

(iv) a statement of changes in financial position; and ~~(5)~~

(v) a statement of the dollar amount of grain purchased in the previous fiscal year of the grain buyer.

~~(b)~~ (2) The financial statement shall be accompanied by a compilation report of the financial statement that is prepared by a grain commission firm or a management firm approved by the commissioner or by an independent public accountant, in accordance with standards established by the American Institute of Certified Public Accountants. Grain buyers purchasing less than 150,000 bushels of grain per calendar year may submit a financial statement prepared by a public accountant who is not an employee or a relative within the third degree of kindred according to civil law.

~~(c)~~ (3) The financial statement shall be accompanied by a certification by the chief executive officer or the chief executive officer's designee of the licensee, under penalty of perjury, that the financial statement accurately reflects the financial condition of the licensee for the period specified in the statement.

(b) Only one financial statement must be filed for a chain of warehouses owned or operated as a single business entity, unless otherwise required by the commissioner. Any grain buyer having a net worth in excess of \$500,000,000 need not file the financial statement required by this subdivision but must provide the commissioner with a certified net worth statement. All financial statements filed with the commissioner are private or nonpublic data as provided in section 13.02.

Sec. 48. Minnesota Statutes 2010, section 223.17, subdivision 9, is amended to read:

Subd. 9. **Defaults; violations.** It is a violation under this chapter if the commissioner finds, after an investigation is conducted, that a complaint is valid or that a licensee is in violation of the provisions of this chapter; ~~the commissioner may immediately suspend the license, in which case the licensee shall surrender the license to the commissioner. Within 15 days, the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license.~~

Sec. 49. Minnesota Statutes 2010, section 232.21, subdivision 2, is amended to read:

Subd. 2. **Bond.** "Bond" means an acceptable obligation, running to the state as obligee, for the purpose of indemnifying depositors and producers of grain against breach of contract by a public grain warehouse ~~or grain bank operator.~~

Sec. 50. Minnesota Statutes 2010, section 232.21, subdivision 6, is amended to read:

Subd. 6. **Depositor.** "Depositor" means a person who is the owner or legal holder of an outstanding grain warehouse receipt, grain bank receipt or open scale ticket marked for storage on which a receipt is to be issued, representing any grain stored in a public grain warehouse ~~or grain bank.~~

Sec. 51. Minnesota Statutes 2010, section 232.21, subdivision 12, is amended to read:

Subd. 12. **Public grain warehouse operator.** "Public grain warehouse operator" means a person licensed to operate a grain warehouse in which grain belonging to persons other than the grain warehouse operator is accepted for storage or purchase, or who offers grain storage or grain warehouse facilities to the public for hire or a feed-processing plant that receives and stores grain, the equivalent of which, it processes and returns to the grain's owner in amounts, at intervals, and with added ingredients that are mutually agreeable to the grain's owner and the person operating the plant.

Sec. 52. Minnesota Statutes 2010, section 232.22, subdivision 3, is amended to read:

Subd. 3. **Fees; grain buyers and storage account.** There is created in the agricultural fund an account known as the grain buyers and storage account. The commissioner shall set the fees for ~~inspections~~ examinations, certifications, and licenses under sections 232.20 to ~~232.25~~ 232.24 at levels necessary to pay the costs of administering and enforcing sections 232.20 to ~~232.25~~ 232.24. All money collected pursuant to sections 232.20 to ~~232.25 and chapters 233 and 236~~ 232.24 shall be paid by the commissioner into the state treasury and credited to the grain buyers and storage account and is appropriated to the commissioner for the administration and enforcement of sections 232.20 to ~~232.25 and chapters 233 and 236~~ 232.24. All money collected pursuant to chapter 231 shall be paid by the commissioner into the grain buyers and storage account and is appropriated to the commissioner for the administration and enforcement of chapter 231.

The fees for a license to store grain are as follows:

(a) For a license to store grain, \$110 for each home rule charter or statutory city or town in which a public grain warehouse is operated.

(b) A person with a license to store grain in a public grain warehouse is subject to an examination fee for each licensed location, based on the following schedule for one examination:

Bushel Capacity	Examination Fee
Less than 150,001	\$300
150,001 to 250,000	\$425
250,001 to 500,000	\$545
500,001 to 750,000	\$700
750,001 to 1,000,000	\$865
1,000,001 to 1,200,000	\$1,040
1,200,001 to 1,500,000	\$1,205
1,500,001 to 2,000,000	\$1,380
More than 2,000,000	\$1,555

(c) The fee for the second examination is \$55 per hour per examiner for warehouse operators who choose to have it performed by the commissioner.

(d) A penalty amount not to exceed ten percent of the fees due may be imposed by the commissioner for each month for which the fees are delinquent.

Sec. 53. Minnesota Statutes 2010, section 232.22, subdivision 4, is amended to read:

Subd. 4. **Bonding.** (a) Before a license is issued, the applicant for a public grain warehouse operator's license shall file with the commissioner a bond in a penal sum prescribed by the commissioner. ~~The penal sum on a condition one bond shall be established by rule by the commissioner pursuant to the requirements of chapter 14 for all grain outstanding on grain warehouse receipts. The penal sum on a condition two bond shall not be less than \$10,000 for each location up to a maximum of five locations.~~ based on the annual average storage liability as stated on the statement of grain in storage report or on the gross annual grain purchase report, whichever is greater, and applying the following amounts:

- (1) \$10,000 for storages with annual average storage liability of more than \$0 but not more than \$25,000;
- (2) \$20,000 for storages with annual average storage liability of more than \$25,001 but not more than \$50,000;
- (3) \$30,000 for storages with annual average storage liability of more than \$50,001 but not more than \$75,000;
- (4) \$50,000 for storages with annual average storage liability of more than \$75,001 but not more than \$100,000;
- (5) \$75,000 for storages with annual average storage liability of more than \$100,001 but not more than \$200,000;
- (6) \$125,000 for storages with annual average storage liability of more than \$200,001 but not more than \$300,000;
- (7) \$175,000 for storages with annual average storage liability of more than \$300,001 but not more than \$400,000;
- (8) \$225,000 for storages with annual average storage liability of more than \$400,001 but not more than \$500,000;
- (9) \$275,000 for storages with annual average storage liability of more than \$500,001 but not more than \$600,000;

(10) \$325,000 for storages with annual average storage liability of more than \$600,001 but not more than \$700,000;

(11) \$375,000 for storages with annual average storage liability of more than \$700,001 but not more than \$800,000;

(12) \$425,000 for storages with annual average storage liability of more than \$800,001 but not more than \$900,000;

(13) \$475,000 for storages with annual average storage liability of more than \$900,001 but not more than \$1,000,000; and

(14) \$500,000 for storages with annual average storage liability of more than \$1,000,000.

(b) Bonds must be continuous until canceled. To cancel a bond, a surety must provide 90 days' written notice of the bond's termination date to the licensee and the commissioner.

Sec. 54. Minnesota Statutes 2010, section 232.22, subdivision 5, is amended to read:

Subd. 5. **Statement of grain in storage; reports.** (a) All public grain warehouse operators must by ~~the tenth day of each month~~ February 15 of each year file with the commissioner on ~~forms~~ a form approved by the commissioner a report showing the ~~net~~ annual average liability of all grain outstanding on grain warehouse receipts ~~as of the close of business on the last day of that occurred during the preceding month~~ calendar year. This report shall be used for the purpose of establishing the penal sum of the bond.

(b) Warehouse operators that are at a maximum bond and want to continue at maximum bond do not need to file this report.

~~(b) If (c) It is a violation of this chapter for any public grain warehouse operator willfully neglects or refuses to fail to file the report required in clause (a) for two consecutive months, the commissioner may immediately suspend the person's license and the licensee must surrender the license to the commissioner. Within 15 days the licensee may request an administrative hearing subject to chapter 14 to determine if the license should be revoked. If no request is made within 15 days the commissioner shall revoke the license.~~

~~(e)~~ (d) Every public grain warehouse operator shall keep in a place of safety complete and accurate records and accounts relating to any grain warehouse operated. The records shall reflect each commodity received and shipped daily, the balance remaining in the grain warehouse at the close of each business day, a listing of all unissued grain warehouse receipts in the operator's possession, a record of all grain warehouse receipts issued which remain outstanding and a record of all grain warehouse receipts which have been returned for cancellation. Copies of grain warehouse receipts or other documents evidencing ownership of grain by a depositor, or other liability of the grain warehouse operator, shall be retained as long as the liability exists but must be kept for a minimum of three years.

~~(d)~~ (e) Every public grain warehouse operator must maintain in the grain warehouse at all times grain of proper grade and sufficient quantity to meet delivery obligations on all outstanding grain warehouse receipts.

Sec. 55. Minnesota Statutes 2010, section 232.22, subdivision 7, is amended to read:

Subd. 7. **Bond disbursement.** (a) The ~~condition one~~ bond of a public grain warehouse operator must be conditioned that the public grain warehouse operator issuing a grain warehouse receipt is liable to the depositor for the delivery of the kind, grade and net quantity of grain called for by the receipt.

~~(b) The condition two bond shall provide for payment of loss caused by the grain buyer's failure to pay, upon the owner's demand, the purchase price of grain sold to the grain buyer. The bond shall be conditioned upon the grain buyer being duly licensed as provided herein. The bond shall not cover any transaction which constitutes a voluntary extension of credit.~~

~~(e)~~ (b) Upon notification of default, the commissioner shall determine the validity of all claims and notify all parties having filed claims. Any aggrieved party may appeal the commissioner's determination by requesting, within 15 days, that the commissioner initiate a contested case proceeding. In the absence of such a request, or following the issuance of a final order in a contested case, the surety company shall issue payment to those claimants entitled to payment. If the commissioner determines it is necessary, the commissioner may apply to the district court for an order appointing a trustee or receiver to manage and supervise the operations of the grain warehouse operator in default. The commissioner may participate in any resulting court proceeding as an interested party.

~~(d)~~ (c) For the purpose of determining the amount of bond disbursement against all valid claims under a condition one bond, all grain owned or stored in the public grain warehouse shall be sold and the combined proceeds deposited in a special fund. Payment shall be made from the special fund satisfying the valid claims of grain warehouse receipt holders.

~~(e)~~ (d) If a public grain warehouse operator has become liable to more than one depositor or producer by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay, beyond the proceeds of the special fund, the entire liability to all valid claimants, the proceeds of the bond and special fund shall be apportioned among the valid claimants on a pro rata basis.

~~(f)~~ (e) A bond is not cumulative from one licensing period to the next. The maximum liability of the bond shall be its face value for the licensing period.

Sec. 56. Minnesota Statutes 2010, section 232.23, subdivision 2, is amended to read:

Subd. 2. **Scale tickets.** A public or private grain warehouse operator, upon receiving grain, shall issue a scale ticket for each load of grain received. Scale tickets shall contain the name, location and the date of each transaction, weight, volume, kind of grain, signature of warehouse operator, and be consecutively numbered. Electronic scale tickets do not require a signature. A duplicate copy of each scale ticket shall remain in the possession of the public or private grain warehouse operator as a permanent record. The original scale ticket shall be delivered to the depositor upon receipt of each load of grain. Each scale ticket shall have printed across its face "This is a memorandum, nonnegotiable, possession of which does not signify that settlement has or has not been consummated." The scale ticket shall state specifically whether the grain is received on contract, for storage, for shipment or consignment or sold. If the grain is received on contract or sold, the price shall be indicated on the scale ticket. All paper scale tickets shall be dated and signed by the public or private grain warehouse operator or the operator's agent or manager.

Sec. 57. Minnesota Statutes 2010, section 232.23, subdivision 5, is amended to read:

Subd. 5. **Void agreements; penalty.** A provision or agreement in a grain warehouse receipt not contained in subdivision 4 is void. The failure to issue a grain warehouse receipt, as directed, or the issuance of slips, memoranda or other forms of receipt embracing a different grain warehouse or storage contract is a misdemeanor, and no slip, memorandum or other form of receipt is admissible as evidence in any civil action. Nothing in sections 232.20 to ~~232.25~~ 232.24 requires or compels any person operating a flour, cereal or feed mill or malthouse doing a manufacturing business, to receive, store or purchase at the mill or malthouse any kind of grain.

Sec. 58. Minnesota Statutes 2010, section 232.23, subdivision 10, is amended to read:

Subd. 10. **Delivery of grain.** (a) On the redemption of a grain warehouse receipt and payment of all lawful charges, the grain represented by the receipt is immediately deliverable to the depositor or the depositor's order, and is not subject to any further charge for storage after demand for delivery has been made and proper facilities for receiving and shipping the grain have been provided. If delivery has not commenced within 48 hours after demand has been made and proper facilities have been provided, the public grain warehouse operator issuing the grain warehouse receipt is liable to the owner in damages not exceeding two cents per bushel for each day's delay, unless the public grain warehouse operator makes delivery to different owners in the order demanded as rapidly as it can be done through ordinary diligence, or unless insolvency has occurred.

(b) If a disagreement arises between the person receiving and the person delivering the grain at a public grain warehouse in this state as to the proper grade or dockage of any grain, an average sample of at least three quarts of the grain in dispute may be taken by either or both of the persons interested. The sample shall be certified by both the owner and the public grain warehouse operator as being true samples of the grain in dispute on the delivery day. The samples shall be forwarded in a suitable airtight container by parcel post or express, prepaid, with the name and address of both parties, to ~~the head of the~~ a United States Department of Agriculture authorized grain inspection program ~~of the Department of Agriculture~~, who shall, upon request, examine the grain, and determine what grade or dockage the samples of grain are entitled to under the inspection rules. Before the results of the inspection are released to the person requesting the inspection, the person shall pay the required fee. The fee shall be the same as that required for similar services rendered by the grain inspection program.

Sec. 59. Minnesota Statutes 2010, section 232.24, subdivision 1, is amended to read:

Subdivision 1. **Schedule of inspection examination.** A licensee under sections 232.20 to 232.25 is subject to two ~~audits~~ examinations annually conducted by the commissioner or the agricultural marketing service of the United States Department of Agriculture. The commissioner may, by rule, authorize one ~~audit~~ examination to be conducted by a qualified nongovernmental unit.

Sec. 60. Minnesota Statutes 2010, section 232.24, subdivision 2, is amended to read:

Subd. 2. **Financial reports.** A licensee under sections 232.20 to 232.25 upon request must provide to the commissioner a copy of the financial reports of an audit conducted by a qualified nongovernmental unit containing information the commissioner requires.

Sec. 61. Minnesota Statutes 2010, section 239.092, is amended to read:

239.092 SALE FROM BULK.

(a) Bulk sales of commodities, when the buyer and seller are not both present to witness the measurement, must be accompanied by a delivery ticket containing the following information:

- (1) the name and address of the person who weighed or measured the commodity;
- (2) the date delivered;
- (3) the quantity delivered;
- (4) the count of individually wrapped packages delivered, if more than one is included in the quantity delivered;
- (5) the quantity on which the price is based, if different than the quantity delivered; and

(6) the identity of the commodity in the most descriptive terms commercially practicable, including representations of quality made in connection with the sale.

(b) This section is not intended to conflict with the bulk sale requirements of the Department of Agriculture. If a conflict occurs, the law and rules of the Department of Agriculture govern.

(c) Firewood sold or distributed ~~across state boundaries or more than 100 miles from its origin~~ in this state must include delivery ticket information regarding the harvest locations of the wood by county or counties and state.

(d) Paragraph (c) may be enforced using the authority granted in this chapter or section 18J.05 or 84D.13.

Sec. 62. Minnesota Statutes 2010, section 239.093, is amended to read:

239.093 INFORMATION REQUIRED WITH PACKAGE.

(a) A package offered, exposed, or held for sale must bear a clear and conspicuous declaration of:

(1) the identity of the commodity in the package, unless the commodity can be easily identified through the wrapper or container;

(2) the net quantity in terms of weight, measure, or count;

(3) the name and address of the manufacturer, packer, or distributor, if the packages were not produced on the premises where they are offered, exposed, or held for sale; and

(4) the unit price, if the packages are part of a lot containing random weight packages of the same commodity.

(b) This section is not intended to conflict with the packaging requirements of the Department of Agriculture. If a conflict occurs, the laws and rules of the Department of Agriculture govern.

(c) Firewood sold or distributed ~~across state boundaries or more than 100 miles from its origin~~ in this state must include information regarding the harvest locations of the wood by county or counties and state on each label or wrapper.

(d) Paragraph (c) may be enforced using the authority granted in this chapter or section 18J.05 or 84D.13.

Sec. 63. Laws 2010, Second Special Session chapter 1, article 1, section 11, is amended to read:

Sec. 11. **AGRICULTURE**

\$4,000,000

To the commissioner of agriculture for the purposes specified in Minnesota Statutes, section 12A.04. Notwithstanding section 2, subdivision 1, for the purposes of mental health counseling authorized under Minnesota Statutes, section 12A.04, this appropriation is available to assist agricultural producers and their families located in any rural disaster area declared by the Federal Emergency Management Agency or the United States Department of Agriculture. This appropriation is from the general fund.

EFFECTIVE DATE. This section is effective retroactively from October 19, 2010, the effective date of Laws 2010, Second Special Session chapter 1.

Sec. 64. Laws 2011, chapter 14, section 6, is amended by adding an effective date to read:

EFFECTIVE DATE. This section is effective retroactively from April 16, 2011.

Sec. 65. **REPEALER.**

(a) Minnesota Statutes 2010, sections 17B.01; 17B.02; 17B.03; 17B.04; 17B.041; 17B.0451; 17B.048; 17B.05; 17B.06; 17B.07; 17B.10; 17B.11; 17B.12; 17B.13; 17B.14; 17B.15, subdivisions 1 and 3; 17B.16; 17B.17; 17B.18; 17B.20; 17B.22, subdivisions 1 and 2; 17B.28; 17B.29; 27.19, subdivisions 2 and 3; 27.20; 35.243; 35.255; 35.67; 35.72, subdivisions 1, 2, 3, 4, and 5; 223.16, subdivision 7; 223.18; 232.21, subdivision 4; 232.24, subdivision 3; 232.25; 233.01; 233.015; 233.017; 233.02; 233.03; 233.04; 233.05; 233.06; 233.07; 233.08; 233.09; 233.10; 233.11; 233.12; 233.22; 233.23; 233.24; 233.33; 234.01; 234.03; 234.04; 234.05; 234.06; 234.08; 234.09; 234.10; 234.11; 234.12; 234.13; 234.14; 234.15; 234.16; 234.17; 234.18; 234.19; 234.20; 234.21; 234.22; 234.23; 234.24; 234.25; 234.27; 235.01; 235.02; 235.04; 235.05; 235.06; 235.07; 235.08; 235.09; 235.10; 235.13; 235.18; 236.01; 236.02; 236.03; 236.04; 236.05; 236.06; 236.07; 236.08; 236.09; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24, are repealed.

(b) Minnesota Rules, parts 1505.0780; 1505.0810; 1511.0100; 1511.0110; 1511.0120; 1511.0130; 1511.0140; 1511.0150; 1511.0160; 1511.0170; 1562.0100, subparts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25; 1562.0200; 1562.0400; 1562.0700; 1562.0900; 1562.1300; and 1562.1800, are repealed.

ARTICLE 2 FOOD SAFETY

Section 1. Minnesota Statutes 2010, section 17.982, subdivision 1, is amended to read:

Subdivision 1. **Criminal penalties.** A person who violates a provision of chapter 25, ~~28A, 29, 31, 31A, or 31B; or 34~~ for which a penalty has not been prescribed is guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 2010, section 17.983, is amended to read:

17.983 ADMINISTRATIVE PENALTIES AND ENFORCEMENT.

Subdivision 1. **Administrative penalties; citation.** If a person has violated a provision of chapter 25, ~~28A, 29, 31, 31A, 31B, or 32, or 34~~, the commissioner may issue a written citation to the person by personal service or by certified mail. The citation must describe the nature of the violation and the statute or rule alleged to have been violated; state the time for correction, if applicable; and the amount of any proposed fine. The citation must advise the person to notify the commissioner in writing within 30 days if the person wishes to appeal the citation. If the person fails to appeal the citation, the citation is the final order and not subject to further review.

Subd. 3. **Contested case.** If a person appeals a citation or a penalty assessment within the time limits in subdivision 1, the commissioner shall initiate a contested proceeding under chapter 14. ~~The report of the administrative law judge is the final decision of the commissioner of agriculture.~~

Sec. 3. Minnesota Statutes 2010, section 25.33, subdivision 13, is amended to read:

Subd. 13. **Label.** "Label" ~~means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed~~ has the meaning given in section 34A.01, subdivision 6.

Sec. 4. Minnesota Statutes 2010, section 25.33, subdivision 14, is amended to read:

Subd. 14. **Labeling.** "Labeling" ~~means all labels and other written, printed, or graphic matter upon a commercial feed or any of its containers or wrapper or accompanying or supporting such commercial feed~~ has the meaning given in section 34A.01, subdivision 7.

Sec. 5. Minnesota Statutes 2010, section 25.36, is amended to read:

25.36 MISBRANDING.

A commercial feed is misbranded if: it is covered by one or more of the clauses in section 34A.03.

~~(1) its labeling is false or misleading in any particular;~~

~~(2) it is distributed under the name of another commercial feed;~~

~~(3) it is not labeled as required in section 25.35;~~

~~(4) it purports to be or is represented as a commercial feed or it purports to contain or is represented as containing a commercial feed ingredient unless that commercial feed or feed ingredient conforms to the definition, if any, prescribed by rule by the commissioner;~~

~~(5) any word, statement, or other information required by or under authority of sections 25.31 to 25.43 to appear on the label or labeling is not prominently placed on it with such conspicuousness as compared with other words, statements, designs, or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or~~

~~(6) its labeling would deceive or mislead the purchaser with respect to its composition or suitability.~~

Sec. 6. Minnesota Statutes 2010, section 25.37, is amended to read:

25.37 ADULTERATION.

~~(a)~~ A commercial feed or a material exempted from the definition of commercial feed under section 25.33, subdivision 5, is adulterated if: it is covered by one or more of the clauses in section 34A.02, subdivision 2.

~~(1) it bears or contains a poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, the commercial feed is not considered adulterated if the quantity of the substance in the commercial feed does not ordinarily render it injurious to health;~~

~~(2) it bears or contains an added poisonous, deleterious, or nonnutritive substance which is unsafe within the meaning of section 406 of the Federal Food, Drug, and Cosmetic Act, other than the one which is a pesticide chemical in or on a raw agricultural commodity, or a food additive;~~

~~(3) it is unsafe or bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;~~

~~(4) it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 408(a) of the Federal Food, Drug, and Cosmetic Act; provided, that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 408 of the Federal Food, Drug, and Cosmetic Act and that raw agricultural commodity has~~

~~been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of the pesticide chemical remaining in or on the processed feed is not unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of the processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of section 408(a) of the Federal Food, Drug, and Cosmetic Act;~~

~~(5) it is, or it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act;~~

~~(6) it is, or it bears or contains, any new animal drug which is unsafe within the meaning of section 512 of the Federal Food, Drug, and Cosmetic Act;~~

~~(7) it consists, in whole or in part, of any filthy, putrid, or decomposed substance, or is otherwise unfit for feed;~~

~~(8) it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health;~~

~~(9) it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter which is unsafe within the meaning of section 402(a)(1) or (2) of the Federal Food, Drug, and Cosmetic Act;~~

~~(10) its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or~~

~~(11) it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect under section 409 of the Federal Food, Drug, and Cosmetic Act.~~

~~(b) A commercial feed is adulterated if:~~

~~(1) any valuable constituent has been in whole or in part omitted or abstracted from it or any less valuable substance substituted for a constituent;~~

~~(2) its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling;~~

~~(3) it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice rules promulgated by the commissioner to assure that the drug meets the safety requirements of sections 25.31 to 25.43 and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In adopting rules under this clause, the commissioner shall adopt the current good manufacturing practice rules for medicated feed premixes and for medicated feeds established under authority of the Federal Food, Drug, and Cosmetic Act, unless the commissioner determines that they are not appropriate to the conditions which exist in this state; or~~

~~(4) it contains viable weed seeds in amounts exceeding limits established by the commissioner by rule.~~

Sec. 7. Minnesota Statutes 2010, section 28A.03, subdivision 3, is amended to read:

Subd. 3. **Person.** "Person" means ~~any individual, firm, corporation, company, association, cooperative, or partnership and includes any trustee, receiver, assignee, or other similar representative thereof~~ has the meaning given in section 34A.01, subdivision 10.

Sec. 8. Minnesota Statutes 2010, section 28A.03, subdivision 5, is amended to read:

Subd. 5. **Food.** ~~"Food," includes every article used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for humans, whether simple, mixed or compound. "nonperishable food," "frozen food," "perishable food," and "readily perishable food" have the meanings given in section 34A.01.~~

~~(a) "Perishable food" is food which includes, but is not limited to fresh fruits, fresh vegetables, and other products which need protection from extremes of temperatures in order to avoid decomposition by microbial growth or otherwise.~~

~~(b) "Readily perishable food" is food or a food ingredient consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry or other food or food ingredient which is capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.~~

~~(c) "Frozen food" is food which is processed and preserved by freezing in accordance with good commercial practices and which is intended to be sold in the frozen state.~~

~~(d) For the purposes of this definition, packaged food in hermetically sealed containers processed by heat to prevent spoilage; packaged pickles; jellies, jams and condiments in sealed containers; bakery products such as bread, rolls, buns, donuts, fruit filled pies and pastries; dehydrated packaged food; and dry or packaged food so low in moisture content as to preclude development of microorganisms are not "perishable food," "readily perishable food," or "frozen food" within the meaning of paragraphs (a), (b), and (c), when they are stored and handled in accordance with good commercial practices.~~

~~(e) "Nonperishable food" is food described in paragraph (d) with a shelf life of more than 90 days.~~

Sec. 9. Minnesota Statutes 2010, section 28A.03, subdivision 6, is amended to read:

Subd. 6. **Sell; sale.** ~~"Sell" and "sale" include the keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food, the having in possession with intent to sell, use, transport, negotiate, solicit, or exchange the same and the storing, or carrying thereof in aid of traffic therein whether done or permitted in person or through others have the meanings given in section 34A.01, subdivision 12.~~

Sec. 10. Minnesota Statutes 2010, section 28A.21, subdivision 6, is amended to read:

Subd. 6. **Expiration.** Notwithstanding section 15.059, subdivision 5, this section expires June 30, ~~2012~~ 2017.

Sec. 11. Minnesota Statutes 2010, section 31.01, subdivision 2, is amended to read:

Subd. 2. **Person.** ~~"Person" means any individual, firm, partnership, copartnership, society, association, company, or corporation and includes any trustee, receiver, assignee or other similar representative thereof has the meaning given in section 34A.01, subdivision 10.~~

Sec. 12. Minnesota Statutes 2010, section 31.01, subdivision 3, is amended to read:

Subd. 3. **Food.** ~~"Food" means articles used for food or drink for humans or other animals, chewing gum, and articles used for components of any such article has the meaning given in section 34A.01, subdivision 4.~~

Sec. 13. Minnesota Statutes 2010, section 31.01, subdivision 4, is amended to read:

Subd. 4. **Sell and sale.** ~~"Sell" and "sale" shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving of any such article, and the supplying or applying of any such article in the conduct of any food operation~~ have the meanings given in section 34A.01, subdivision 12.

Sec. 14. Minnesota Statutes 2010, section 31.01, subdivision 21, is amended to read:

Subd. 21. **Label.** ~~"Label" means a display of written, printed, or graphic matter upon the immediate container of any article, and includes a like display, if required by law or rule, on the outside container or wrapper, if any there be, of the retail package of such article~~ has the meaning given in section 34A.01, subdivision 6.

Sec. 15. Minnesota Statutes 2010, section 31.01, subdivision 25, is amended to read:

Subd. 25. **Labeling.** ~~"Labeling" means all labels and other written, printed, or graphic matter upon an article or any of its containers or wrappers, or accompanying such article~~ has the meaning given in section 34A.01, subdivision 7.

Sec. 16. Minnesota Statutes 2010, section 31.01, subdivision 28, is amended to read:

Subd. 28. **Pesticide chemical.** ~~"Pesticide chemical" means any substance which, alone, in chemical combination, or in formulation with one or more other substances is an "economic poison" within the meaning of chapter 24, or the Federal Insecticide, Fungicide and Rodenticide Act (United States Code, title 7, sections 135-135k), as amended, and which is used in the production, storage, or transportation of raw agricultural commodities~~ has the meaning given in section 18B.01, subdivision 18.

Sec. 17. Minnesota Statutes 2010, section 31.121, is amended to read:

31.121 FOOD ADULTERATION.

A food shall be deemed to be adulterated: if it is covered by one or more of the clauses in section 34A.02.

~~(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or~~

~~(b) If it bears or contains any added poisonous or added deleterious substance, other than one which is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive, which is unsafe within the meaning of section 31.122; or~~

~~(c) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 31.122; or~~

~~(d) If it is or it bears or contains any food additive which is unsafe within the meaning of section 31.122; provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under section 31.122, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of section 31.122 and this clause, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; or~~

~~(e) If it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or~~

~~(f) If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; or~~

~~(g) If it is in whole or in part the product of a diseased animal or of an animal which has died otherwise than by slaughter, or of an animal that has been fed upon the uncooked offal from a slaughterhouse; or~~

~~(h) If its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; or~~

~~(i) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a rule or exemption in effect pursuant to section 31.122 or section 409 of the federal act; or~~

~~(j) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or~~

~~(k) If any substance has been substituted wholly or in part therefor; or~~

~~(l) If damage or inferiority has been concealed in any manner; or~~

~~(m) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is; or~~

~~(n) If it is confectionery, and (1) has partially or completely imbedded therein any nonnutritive object; provided, that this clause shall not apply in the case of any nonnutritive object if in the judgment of the commissioner, as provided by rules, such object is of practical functional value to the confectionery product and would not render the product injurious or hazardous to health; or (2) bears or contains any nonnutritive substance; provided, that this clause shall not apply to (i) a confection containing alcohol as defined in section 31.76, or (ii) a safe nonnutritive substance which is in or on confectionery by reason of its use for some practical functional purpose in the manufacture, packaging, or storing of such confectionery if the use of the substance does not promote deception of the consumer or otherwise result in adulteration or misbranding in violation of any provision of the Minnesota Food Law; and provided further, that the commissioner may, for the purpose of avoiding or resolving uncertainty as to the application of this clause, issue rules allowing or prohibiting the use of particular nonnutritive substances; or~~

~~(o) If it is or bears or contains any color additive which is unsafe within the meaning of section 31.122; or~~

~~(p) If it is oleomargarine or margarine or butter and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or such oleomargarine or margarine or butter is otherwise unfit for food.~~

Sec. 18. Minnesota Statutes 2010, section 31.123, is amended to read:

31.123 FOOD MISBRANDING.

A food ~~shall be deemed to be~~ is misbranded: if it is covered by one or more of the clauses in section 34A.03, paragraph (a).

~~(a) If its labeling is false or misleading in any particular, or if its labeling, whether on the commodity itself, its container or its package, fails to conform with the requirements of Laws 1974, chapter 84;~~

~~(b) If it is offered for sale under the name of another food;~~

~~(c) If it is an imitation of another food for which a definition and standard of identity have been prescribed by rules as provided by sections 31.10 and 31.102; or if it is an imitation of another food that is not subject to clause (g), unless in either case its label bears in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated;~~

~~(d) If its container is so made, formed, or filled as to be misleading;~~

~~(e) If in package form, unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the net quantity of the contents in terms of weight, measure, or numerical count, which statement shall be separately and accurately stated in a uniform location upon the principal display panel of the label; provided, that under this subclause reasonable variations shall be permitted, and exemptions as to small packages shall be established by rules prescribed by the commissioner;~~

~~(f) If any word, statement, or other information required by or under authority of the Minnesota Food Law to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;~~

~~(g) If it purports to be or is represented as a food for which a definition and standard of identity have been prescribed by rules as provided by sections 31.10 and 31.102, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such rules, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;~~

~~(h) If it purports to be or is represented as (1) a food for which a standard of quality has been prescribed by rules as provided by sections 31.10 and 31.102, and its quality falls below such standard unless its label bears, in such manner and form as such rules specify, a statement that it falls below such standard, or (2) a food for which a standard or standards of fill of container have been prescribed by rule as provided by sections 31.10 and 31.102, and it falls below the standard of fill of container applicable thereto unless its label bears, in such manner and form as such rules specify, a statement that it falls below such standard;~~

~~(i) If it is not subject to the provisions of clause (g), unless it bears labeling clearly giving (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; provided, that to the extent that compliance with the requirements of this subclause is impractical or results in deception or unfair competition, exemptions shall be established by rules promulgated by the commissioner;~~

~~(j) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the commissioner determines to be, and by rules prescribes as, necessary in order to fully inform purchasers as to its value for such uses;~~

~~(k) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided, that to the extent that compliance with the requirements of this clause is impracticable, exemptions shall be established by rules promulgated by the commissioner. The provisions of this clause and clauses (g) and (i) with respect to artificial coloring do not apply to butter, cheese or ice cream. The provisions with respect to chemical preservatives do not apply to a pesticide chemical when used in or on a raw agricultural commodity which is the product of the soil;~~

~~(l) If it is a raw agricultural commodity which is the product of the soil, bearing or containing a pesticide chemical applied after harvest, unless the shipping container of such commodity bears labeling which declares the presence of such chemical in or on such commodity and the common or usual name and the function of such chemical; provided, however, that no such declaration shall be required while such commodity, having been removed from the shipping container, is being held or displayed for sale at retail out of such container in accordance with the custom of the trade;~~

~~(m) If it is a product intended as an ingredient of another food and when used according to the directions of the purveyor will result in the final food product being adulterated or misbranded;~~

~~(n) If it is a color additive unless its packaging and labeling are in conformity with such packaging and labeling requirements applicable to such color additive prescribed under the provisions of the federal act.~~

Sec. 19. Minnesota Statutes 2010, section 31A.02, subdivision 13, is amended to read:

Subd. 13. **Adulterated.** "Adulterated" means a carcass, part of a carcass, meat, poultry, poultry food product, or meat food product under one or more of the following circumstances: an item is covered by one or more of the clauses in section 34A.02, subdivision 1.

~~(a) if it bears or contains a poisonous or harmful substance which may render it injurious to health; but if the substance is not an added substance, the article is not adulterated if the quantity of the substance in or on the article does not ordinarily make it injurious to health;~~

~~(b) if it bears or contains, by administration of a substance to the live animal or otherwise, an added poisonous or harmful substance, other than (1) a pesticide chemical in or on a raw agricultural commodity; (2) a food additive; or (3) a color additive, which may, in the judgment of the commissioner, make the article unfit for human food;~~

~~(c) if it is, in whole or in part, a raw agricultural commodity that bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;~~

~~(d) if it bears or contains a food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;~~

~~(e) if it bears or contains a color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act;~~

~~(f) if it contains a filthy, putrid, or decomposed substance or is for any other reason unfit for human food;~~

~~(g) if it has been prepared, packed, or held under unsanitary conditions so that it may be contaminated with filth or harmful to health;~~

~~(h) if it is wholly or partly the product of an animal which has died otherwise than by slaughter;~~

~~(i) if its container is wholly or partly composed of a poisonous or harmful substance which may make the contents harmful to health;~~

~~(j) if it has been intentionally subjected to radiation, unless the use of the radiation conformed with a regulation or exemption in effect under section 409 of the Federal Food, Drug, and Cosmetic Act;~~

~~(k) if a valuable constituent has been wholly or partly omitted or removed from it; if a substance has been wholly or partly substituted for it; if damage or inferiority has been concealed; or if a substance has been added to it or mixed or packed with it so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it is; or~~

~~(l) if it is margarine containing animal fat and any of the raw material used in it wholly or partly consisted of a filthy, putrid, or decomposed substance.~~

Sec. 20. Minnesota Statutes 2010, section 31A.02, subdivision 14, is amended to read:

Subd. 14. **Misbranded.** "Misbranded" means a carcass, part of a carcass, meat, poultry, poultry food product, or meat food product under one or more of the following circumstances: an item is covered by one or more of the clauses in section 34A.03, paragraph (a).

~~(a) if its labeling is false or misleading;~~

~~(b) if it is offered for sale under the name of another food;~~

~~(c) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" followed immediately by the name of the food imitated;~~

~~(d) if its container is made, formed, or filled so as to be misleading;~~

~~(e) if its package or other container does not have a label showing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count subject to reasonable variations permitted and exemptions for small packages established in rules of the commissioner;~~

~~(f) if a word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently and conspicuously placed on the label or labeling in terms that make it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;~~

~~(g) if it is represented as a food for which a definition and standard of identity or composition has been prescribed by rules of the commissioner under section 31A.07, unless (1) it conforms to the definition and standard, and (2) its label bears the name of the food specified in the definition and standard and, if required by the rules, the common names of optional ingredients, other than spices, flavoring, and coloring, present in the food;~~

~~(h) if it is represented as a food for which a standard of fill of container has been prescribed by rules of the commissioner under section 31A.07, and it falls below the applicable standard of fill of container, unless its label bears, in the manner and form the rules specify, a statement that it falls below the standard;~~

~~(i) if it is not subject to paragraph (g), unless its label bears (1) the usual name of the food, if there is one, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each ingredient; except that spices, flavorings, and colorings may, when authorized by the commissioner, be designated as spices, flavorings, and colorings without naming each. To the extent that compliance with clause (2) is impracticable, or results in deception or unfair competition, the commissioner shall establish exemptions by rule;~~

~~(j) if it purports to be or is represented for special dietary uses, unless its label bears the information concerning its vitamin, mineral, and other dietary properties that the commissioner, after consultation with the Secretary of Agriculture of the United States, determines by rule to be necessary to inform purchasers of its value for special dietary uses;~~

~~(k) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact;~~

~~(1) if it fails to bear, directly or on its container, as the commissioner by rule prescribes, the inspection legend and other information the commissioner may require by rule to assure that it will not have false or misleading labeling and that the public will be told how to keep the article wholesome.~~

Sec. 21. Minnesota Statutes 2010, section 31A.02, subdivision 15, is amended to read:

Subd. 15. **Label.** "Label" ~~means a display of written, printed, or graphic matter on an article's immediate container, not including package liners~~ has the meaning given in section 34A.01, subdivision 6.

Sec. 22. Minnesota Statutes 2010, section 31A.02, subdivision 16, is amended to read:

Subd. 16. **Labeling.** "Labeling" ~~means labels and other written, printed, or graphic matter (1) on an article or its containers or wrappers, or (2) accompanying an article~~ has the meaning given in section 34A.01, subdivision 7.

Sec. 23. Minnesota Statutes 2010, section 31A.23, is amended to read:

31A.23 DETENTION OF ANIMALS OR PRODUCTS.

This section applies to a carcass, part of a carcass, meat, or meat food product of an animal, a product exempted from the definition of a meat food product, or a dead, dying, disabled, or diseased animal. If an authorized representative of the commissioner finds such an article or animal on premises where it is held for purposes of, during, or after distribution in intrastate commerce, and there is reason to believe that it is adulterated or misbranded and is usable as human food, or that it has not been inspected, in violation of sections 31A.01 to 31A.16, the Federal Meat Inspection Act, or the Federal Food, Drug, and Cosmetic Act, or that the article or animal has been or is intended to be distributed in violation of a provision of those laws, it may be detained by the representative for up to 20 days pending action under section ~~31A.24~~ 34A.11, subdivision 2, or notification of federal authorities having jurisdiction over the article or animal. It must not be moved by a person, firm, or corporation from the place at which it is located when detained, until released by the representative. The representative may require all official marks to be removed from the article or animal before it is released unless the commissioner is satisfied that the article or animal is eligible to retain the official marks.

Sec. 24. Minnesota Statutes 2010, section 32.01, subdivision 11, is amended to read:

Subd. 11. **Adulterated.** "Adulterated" ~~has the meaning given it in section 31.01, subdivision 19, and acts amendatory thereof~~ means an item is covered by one or more of the clauses in section 34A.02, subdivision 1.

Sec. 25. Minnesota Statutes 2010, section 32.01, subdivision 12, is amended to read:

Subd. 12. **Misbranded.** "Misbranded" or "misbranding" ~~has the meaning given in section 31.01, subdivision 5, and acts amendatory thereof~~ means an item is covered by one or more of the clauses in section 34A.03, paragraph (a).

Sec. 26. **[34A.01] DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section and chapters 28, 28A, 29, 30, 31, 31A, 32, and 34 apply to this chapter. Only the definitions in this section apply to chapters 25 and 32. The enforcement provisions in this chapter do not apply to violations of chapters 25 and 32.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of agriculture.

Subd. 3. **Federal act.** "Federal act" means the federal Food, Drug, and Cosmetic Act, as amended, United States Code, title 21, sections 301, et seq.

Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for humans or other animals, whether simple, mixed, or compound; and articles used as components of these ingredients.

Subd. 5. **Frozen food.** "Frozen food" is food that is processed and preserved by freezing and which is intended to be sold in the frozen state.

Subd. 6. **Label.** "Label" means a display of written, printed, or graphic matter upon or affixed to:

(1) the container of any food, and includes a like display, if required by law or rule, on the outside container or wrapper, if there is one, of the retail package of the food, not including package liners; or

(2) the invoice or delivery slip with which commercial feed is distributed.

Subd. 7. **Labeling.** "Labeling" means labels and other written, printed, or graphic matter:

(1) on food or its containers or wrappers;

(2) accompanying or supporting food; or

(3) a placard in, on, or adjacent to the food.

Subd. 8. **Nonperishable food.** "Nonperishable food" is food with a shelf life of more than 90 days and that is not perishable food, readily perishable food, or frozen food.

Subd. 9. **Perishable food.** "Perishable food" means food including, but not limited to, fresh fruits, fresh vegetables, and other products that need protection from extremes of temperatures in order to avoid decomposition by microbial growth or otherwise.

Subd. 10. **Person.** "Person" means any individual, firm, partnership, cooperative, society, joint stock association, association, company, or corporation and includes any officer, employee, agent, trustee, receiver, assignee, or other similar business entity or representative of one of those entities.

Subd. 11. **Readily perishable food.** "Readily perishable food" is food or a food ingredient consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry, or other food or food ingredient that is capable of supporting growth of infectious or toxigenic microorganisms. Readily perishable food requires time and temperature control to limit pathogenic microorganism growth or toxin formation.

Subd. 12. **Sell; sale.** "Sell" and "sale" mean keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others.

Sec. 27. **[34A.012] EXCLUSIONS.**

The following items are not perishable food, readily perishable food, or frozen food:

(1) packaged pickles;

(2) jellies, jams, and condiments in sealed containers;

(3) bakery products such as bread, rolls, buns, donuts, fruit-filled pies, and pastries;

(4) dehydrated packaged food;

(5) dry or packaged food with a water activity that precludes development of microorganisms; and

(6) food in unopened hermetically sealed containers that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.

Sec. 28. **[34A.02] ADULTERATION.**

Subdivision 1. Adulterated food. Food is adulterated if:

(1) it bears or contains any poisonous or deleterious substance which may render it injurious to human or animal health; but if the substance is not an added substance, the item is not adulterated under this clause if the quantity of the substance in the item does not ordinarily render it injurious to human or animal health;

(2) it bears or contains any added poisonous, deleterious, or nonnutritive substance, other than one which is a pesticide in or on a raw agricultural commodity, a food additive, or a color additive, that is unsafe within the meaning of section 31.122 or section 406 of the federal act;

(3) it bears or contains, by administration of a substance to the live animal or otherwise, an added poisonous or harmful substance, other than a pesticide in or on a raw agricultural commodity, a food additive, or a color additive, that may, in the judgment of the commissioner, make the article unfit for human food;

(4) it is unsafe or bears or contains any food additive that is unsafe within the meaning of section 31.122 or section 409 of the federal act;

(5) it is or bears or contains any color additive that is unsafe within the meaning of section 31.122 or section 706 of the federal act;

(6) it is a raw agricultural commodity and it bears or contains a pesticide that is unsafe within the meaning of section 31.122 or section 408 of the federal act;

(7) it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food;

(8) it has been produced, prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to human or animal health;

(9) it is in whole or in part the product of a diseased animal or of an animal which has died otherwise than by slaughter that is unsafe within the meaning of section 402(a)(1) or (2) of the federal act, or of an animal that has been fed upon the uncooked offal from a slaughterhouse;

(10) its container is wholly or partly composed of any poisonous or deleterious substance that may render the contents injurious to human or animal health;

(11) it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a rule, regulation, or exemption in effect pursuant to section 31.122 or section 409 of the federal act;

(12) any valuable constituent has been in whole or in part omitted or abstracted from the food, if any substance has been substituted wholly or in part for the food, or if damage or inferiority has been concealed in any manner. In the case of commercial feed, the substituted constituent must be of lesser value in order to be adulterated;

(13) any substance has been added to it or mixed or packed with it so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it is;

(14) its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling; or

(15) it is confectionery and:

(i) has partially or completely imbedded in the food any nonnutritive object, provided that this clause does not apply in the case of any nonnutritive object if in the judgment of the commissioner, as provided by rules, the object is of practical functional value to the confectionery product and would not render the product injurious or hazardous to human or animal health; or

(ii) bears or contains any nonnutritive substance, provided that this item does not apply to a confection containing alcohol as defined in section 31.76, or a safe nonnutritive substance which is in or on confectionery by reason of its use for some practical functional purpose in the manufacture, packaging, or storing of the confectionery if the use of the substance does not promote deception of the consumer or otherwise result in adulteration or misbranding in violation of this chapter, and provided further that the commissioner may, for the purpose of avoiding or resolving uncertainty as to the application of this clause, issue rules allowing or prohibiting the use of particular nonnutritive substances.

Subd. 2. **Commercial feed or material.** For only commercial feed or material exempted from the definition of commercial feed under section 25.33, subdivision 5, an item is adulterated if:

(1) it contains viable weed seeds in amounts exceeding limits established by the commissioner by rule or in sections 21.71 to 21.78;

(2) it is, bears, or contains any new animal drug which is unsafe within the meaning of section 512 of the federal act; or

(3) it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to the current good manufacturing practice rules promulgated by the commissioner to ensure that the drug meets the safety requirements of sections 25.31 to 25.43 and has the identity and strength and meets the quality and purity characteristics that it purports or is represented to possess. In adopting rules under this clause, the commissioner shall adopt the current good manufacturing practice rules for medicated feed premixes and for medicated feeds established under authority of the federal act, unless the commissioner determines that they are not appropriate to the conditions that exist in this state.

Sec. 29. **[34A.03] MISBRANDING.**

(a) Food is misbranded if:

(1) its labeling is false or misleading in any particular or its labeling, whether on the item itself, its container, or its package, fails to conform with the requirements of this chapter;

(2) it is offered for sale or distributed under the name of another food;

(3) it is an imitation of another food for which a definition and standard of identity have been prescribed by rules as provided by sections 31.10 and 31.102, or if it is an imitation of another food that is not subject to clause (5), unless in either case its label bears in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated;

(4) its container is so made, formed, or filled as to be misleading;

(5) it purports to be or is represented as a food for which a definition and standard of identity have been prescribed by rules as provided by sections 31.10, 31.102, and 31A.07 unless it conforms to that definition and standard, and its label bears the name of the food specified in the definition and standard, and insofar as may be required by the rules, the common names of optional ingredients, other than spices, flavoring, and coloring, present in the food;

(6) it purports to be or is represented as:

(i) a food for which a standard of quality has been prescribed by rules as provided by sections 31.10 and 31.102, and its quality falls below that standard unless its label bears in a manner and form that the rules specify, a statement that it falls below the standard; or

(ii) a food for which a standard or standards of fill of container have been prescribed by rule as provided by sections 31.10, 31.102, and 31A.07, and which falls below the standard of fill of container applicable thereto unless its label bears, in a manner and form that the rules specify, a statement that it falls below the standard;

(7) it is not subject to clause (5), unless it bears labeling clearly giving the common or usual name of the food, if there is one, and in case it is fabricated from two or more ingredients, the common or usual name of each ingredient, except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each, provided that to the extent that compliance with the requirements of this clause is impractical or results in deception or unfair competition, exemptions must be established by rules promulgated by the commissioner;

(8) it purports to be or is represented for special dietary uses, unless its label bears information concerning its vitamin, mineral, and other dietary properties as the commissioner determines to be, and by rules prescribed as, necessary in order to fully inform purchasers as to its value for those uses;

(9) it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact, provided that, to the extent that compliance with the requirements of this clause is impracticable, exemptions must be established by rules promulgated by the commissioner. The provisions of this clause and clauses (5) and (7) with respect to artificial coloring do not apply to butter, cheese, or ice cream. The provisions with respect to chemical preservatives do not apply to a pesticide when used in or on a raw agricultural commodity which is the product of the soil;

(10) it is a product intended as an ingredient of another food and when used according to the directions of the purveyor will result in the final food product being adulterated or misbranded;

(11) it is a color additive unless its packaging and labeling are in conformity with such packaging and labeling requirements applicable to the color additive prescribed under the provisions of the federal act;

(12) it is food subject to section 31.101, subdivision 10, or chapter 31A, that fails to bear, directly or on its container, as the commissioner by rule prescribes, the inspection legend and other information the commissioner may require by rule to ensure that it will not have false or misleading labeling, and that the public will be told how to keep the article wholesome; or

(13) its labeling would deceive or mislead the purchaser with respect to its composition or suitability.

(b) Food is also misbranded if it is a raw agricultural commodity which is the product of the soil, bearing or containing a pesticide applied after harvest, unless the shipping container of that commodity bears labeling which declares the presence of the chemical in or on the commodity and the common or usual name and the function of the chemical. No such declaration is required while the commodity, having been removed from the shipping container, is being held or displayed for sale at retail out of the container in accordance with the custom of the trade.

Sec. 30. **[34A.04] ENFORCEMENT.**

Subdivision 1. **Enforcement required.** (a) The commissioner shall enforce this chapter and chapters 28, 28A, 29, 30, 31, 31A, and 34. To carry out the enforcement duties under these chapters, the commissioner may, upon presenting appropriate credentials, during regular working hours and at other reasonable times, inspect premises subject to the commissioner's enforcement and licensing authority; require information from persons with information relevant to an inspection; and inspect and copy relevant papers and records, including business records.

(b) The commissioner may administer oaths, take and cause to be taken depositions of witnesses, and issue subpoenas, and may petition the district court in the county in which the premises is located to compel compliance with subpoenas or to permit an inspection.

(c) Violations of chapters 28, 28A, 29, 30, 31, 31A, and 34, or rules adopted under chapters 28, 28A, 29, 30, 31, 31A, and 34 are a violation of this chapter. The enforcement provisions in this chapter do not apply to violations of chapters 25 and 32.

(d) Upon the request of the commissioner, county attorneys, sheriffs, and other officers having authority in the enforcement of the general criminal laws shall take action to the extent of their authority necessary or proper for the enforcement of this chapter or standards, stipulations, and agreements of the commissioner.

Subd. 2. **Commissioner's discretion.** If minor violations of this chapter occur or the commissioner believes the public interest will be best served by a suitable notice of warning in writing, this chapter does not require the commissioner to take any additional action.

Subd. 3. **Civil actions.** Civil judicial enforcement actions may be brought by the attorney general in the name of the state on behalf of the commissioner. A county attorney may bring a civil judicial enforcement action upon the request of the commissioner and agreement by the attorney general.

Subd. 4. **Injunction.** The commissioner may apply to a court with jurisdiction for a temporary or permanent injunction to prevent, restrain, or enjoin violations of provisions of this chapter.

Subd. 5. **Criminal actions.** Each county attorney or city attorney to whom the commissioner reports any violation of this chapter shall institute appropriate proceedings in the proper courts without delay and prosecute them in the manner required by law. If the county or city attorney refuses to prosecute, the attorney general, on request of the commissioner, may prosecute.

Sec. 31. **[34A.05] FALSE STATEMENT OR RECORD.**

A person must not knowingly make or offer a false statement, record, or other information as part of:

(1) an application for registration, listing, license, certification, or permit subject to this chapter;

(2) records or reports required subject to this chapter; or

(3) an investigation of a violation of this chapter.

Sec. 32. **[34A.051] ILLEGAL SALES.**

It is a violation of law to sell, in or into Minnesota, food that is from a place of business located outside of Minnesota that has not been licensed, inspected, permitted, or otherwise approved by the local, tribal, state, or national government charged with enforcement of food safety regulations in that jurisdiction or by Minnesota, unless the product itself has been so inspected and approved and bears a stamp or similar indicia of such inspection and approval.

Sec. 33. **[34A.06] ADMINISTRATIVE ACTIONS.**

Subdivision 1. **Administrative enforcement.** (a) The commissioner may enforce this chapter by written warning, administrative meeting, cease and desist, forced sale, detention, embargo, condemnation, citation, corrective action order, seizure, agreement, withdrawal from distribution, or administrative penalty if the commissioner determines that the remedy is in the public interest.

(b) For facilities required to submit a plan review under Minnesota Rules, chapter 4626, the commissioner may withdraw by written order the approval of a facility or equipment if:

(1) hazards to human life exist; or

(2) there is satisfactory evidence that the person to whom the approval was issued has used fraudulent or deceptive practices to evade or attempt to evade provisions of this chapter.

(c) Any action under this subdivision may be appealed pursuant to section 34A.08.

Subd. 2. **License revocation, suspension, and refusal.** (a) The commissioner may revoke, suspend, limit, modify, or refuse to grant or renew a registration, listing, permit, license, or certification if a person violates or has violated this chapter within the last three years.

(b) The commissioner may revoke, suspend, limit, modify, or refuse to grant or renew a registration, listing, permit, license, or certification to a person from another state if that person has had a registration, permit, license, or certification denied, revoked, or suspended by another state for an offense reasonably related to the requirements, qualifications, or duties of a registration, permit, license, or certification issued under this chapter.

(c) The commissioner may revoke, suspend, limit, modify, or refuse to grant or renew a registration, listing, permit, license, or certification to a person after receiving satisfactory evidence that the registrant, permittee, licensee, or certificate holder has used fraudulent and deceptive practices in the evasion or attempted evasion of this chapter.

(d) A registration, listing, permit, license, or certification may not be revoked or suspended until the registrant, permittee, licensee, or certificate holder has been given opportunity for a hearing by the commissioner. After receiving notice of revocation or suspension, a registrant, permittee, licensee, registrant, or certificate holder has ten days to request a hearing, or another time period mutually agreed to by both parties. If no request is made within ten days or other agreed-upon time, the registration, listing, permit, license, or certification is revoked or suspended. In the case of a refusal to grant a registration, listing, permit, license, or certification, the registrant, permittee, licensee, registrant, or certificate holder has ten days from notice of refusal to request a hearing. Upon receiving a request for hearing, the department shall proceed pursuant to section 34A.08, subdivision 2.

Sec. 34. **[34A.07] ADMINISTRATIVE PENALTIES.**

Subdivision 1. **Assessment.** (a) In determining the amount of the administrative penalty, the commissioner shall consider the economic gain received by the person allowing or committing the violation, the gravity of the violation in terms of actual or potential damage to human or animal health and the environment, the willfulness of

the violation, the number of violations, the history of past violations, and other factors justice may require, if the additional factors are specifically identified in the inspection report. For a violation after an initial violation, the commissioner shall also consider the similarity of the most recent previous violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent previous violation identified.

(b) The commissioner may issue an administrative citation assessing an administrative penalty of up to \$1,500 for each violation of this chapter. Each day a violation continues is a separate violation. The citation must describe the nature of the violation, the statute or rule alleged to have been violated, the time for correction, if applicable, and the amount of any proposed fine. The citation must advise the person to notify the commissioner in writing within 20 days, or another time period mutually agreed to by the commissioner and the person subject to the citation, if the person wishes to appeal the citation, and that if the person fails to appeal the citation, the citation is the final order and not subject to further review.

(c) An administrative penalty may be assessed if the person subject to a written order does not comply with the order in the time provided in the order.

Subd. 2. **Collection of penalty.** (a) If a person subject to an administrative penalty fails to pay the penalty, which must be part of a final citation by the commissioner, by 30 days after the final order is issued, the commissioner may commence a civil action for double the assessed penalty plus attorney fees and costs.

(b) An administrative penalty may be recovered in a civil action in the name of the state brought in the district court of the county where the violation is alleged to have occurred or the district court where the commissioner has an office.

Sec. 35. **[34A.08] APPEAL OF ADMINISTRATIVE ACTION OR PENALTY.**

Subdivision 1. **Notice of appeal.** (a) After service of a citation under section 34A.07 or order under section 34A.06, subdivision 1, a person has 20 days from receipt of the citation or order, or another time period mutually agreed to by the commissioner and the person subject to the citation or order, to notify the commissioner in writing that the person intends to contest the citation or order through a hearing. The hearing request must specifically identify the order or citation being contested and state the grounds for contesting it.

(b) If the person fails to notify the commissioner that the person intends to contest the citation or order, the citation or order is final and not subject to further judicial or administrative review.

Subd. 2. **Administrative review.** If a person notifies the commissioner that the person intends to contest a citation or order issued under this chapter, the Office of Administrative Hearings shall conduct a hearing in accordance with the applicable provisions of chapter 14 for hearings in contested cases.

Sec. 36. **[34A.09] CIVIL PENALTIES.**

Subdivision 1. **General penalty.** A person who violates this chapter or an order, standard, stipulation, agreement, citation, or schedule of compliance of the commissioner or impedes, hinders, or otherwise prevents, or attempts to prevent performance of a duty by the commissioner in connection with this chapter is subject to a civil penalty of up to \$7,500 per day of violation as determined by the court.

Subd. 2. **Actions to compel performance.** In an action to compel performance of an order of the commissioner to enforce this chapter, the court must require a defendant adjudged responsible to perform the acts within the person's power that are reasonably necessary to accomplish the purposes of the order.

Subd. 3. **Recovery of penalties by civil action.** The civil penalties and payments provided for in this section may be recovered by a civil action brought by the county attorney or the attorney general in the name of the state.

Sec. 37. **[34A.10] CRIMINAL PENALTIES.**

Subdivision 1. **General violation.** Except as provided in subdivisions 2 and 3, a person is guilty of a misdemeanor if the person violates this chapter or an order, standard, citation, stipulation, agreement, or schedule of compliance of the commissioner, or impedes, hinders, or otherwise prevents, or attempts to prevent the commissioner or a duly authorized agent, in performance of a duty in connection with this chapter. Unless otherwise specified in this chapter, each separate violation is a separate offense, except that in the case of a violation through continuing failure or neglect to obey this chapter, each day the failure or neglect continues is a separate offense.

Subd. 2. **Violation endangering humans or animals.** A person is guilty of a gross misdemeanor if the person violates this chapter or an order, standard, stipulation, agreement, or schedule of compliance of the commissioner and the violation endangers humans or animals.

Subd. 3. **Violation with knowledge.** A person is guilty of a gross misdemeanor if the person knowingly violates this chapter or an order, standard, stipulation, agreement, or schedule of compliance of the commissioner.

Sec. 38. **[34A.11] EMBARGO, SEIZURE, AND CONDEMNATION.**

Subdivision 1. **Tag, notice, or withdrawal from distribution.** If the commissioner finds probable cause to believe that any food, animal, or consumer commodity is being distributed in violation of this chapter or rules under this chapter, or is adulterated or so misbranded as to be dangerous or fraudulent, the commissioner shall affix to the food, animal, or consumer commodity a tag, withdrawal from distribution order, or other appropriate marking giving notice that the food, animal, or consumer commodity is, or is suspected of being, adulterated, misbranded, or distributed in violation of this chapter, and has been detained or embargoed, and warning all persons not to remove or dispose of the food, animal, or consumer commodity by sale or otherwise until permission for removal or disposal is given by the commissioner or the court. It is unlawful for a person to remove or dispose of a detained or embargoed food, animal, or consumer commodity by sale or otherwise without the commissioner's or a court's permission and each transaction is a separate violation of this subdivision.

Subd. 2. **Seizure.** A carcass; part of a carcass; meat or meat food product of an animal; or dead, dying, disabled, or diseased animal that is being transported in intrastate commerce, or is held for sale in this state after transportation in intrastate commerce, may be proceeded against, seized, and condemned if:

(1) it is or has been prepared, sold, transported, or otherwise distributed, offered, or received for distribution in violation of this chapter;

(2) it is usable as human food and is adulterated or misbranded; or

(3) it is in any other way in violation of this chapter.

The commissioner may act against the article or animal at any time on a complaint in the district court of the judicial district where the article or animal is found.

Subd. 3. **Action for condemnation.** If food or an article or animal detained or embargoed under subdivision 1 has been found by the commissioner to be adulterated or misbranded or in violation of this chapter, the commissioner shall petition the district court in the county in which the food or animal is detained or embargoed for an order and decree for the condemnation of the food or animal. The commissioner shall release the food or animal when this chapter and rules adopted under this chapter have been complied with or the food or animal is found to be not adulterated or misbranded.

Subd. 4. **Remedies.** If the court finds that a detained or embargoed food or animal is adulterated, misbranded, or in violation of this chapter or rules adopted under this chapter, the following remedies are available:

(1) after entering a decree, the food or animal may be destroyed at the expense of the claimant under the supervision of the commissioner, and all court costs, fees, storage, and other proper expenses must be assessed against the claimant of the food or animal or the claimant's agent; and

(2) if adulteration or misbranding can be corrected by proper labeling or processing of the food or animal, the court, after entry of the decree and after costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that the food or animal must be properly labeled or processed, has been executed, may by order direct that the food or animal be delivered to the claimant for proper labeling or processing under the supervision of the commissioner. The expense of the supervision must be paid by the claimant. The food or animal must be returned to the claimant and the bond must be discharged on the representation to the court by the commissioner that the food or animal is no longer in violation and that the expenses for the supervision have been paid.

Subd. 5. **Duties of commissioner.** If the commissioner finds in any room, building, vehicle of transportation, or other structure any meat, seafood, poultry, vegetable, fruit, or other perishable articles of food that are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the commissioner shall condemn or destroy the item or in any other manner render the item as unsalable as human food, and no one has any cause of action against the commissioner on account of the commissioner's action.

Subd. 6. **Emergency response.** If the governor declares an emergency order under section 12.31 and if the commissioner finds or has probable cause to believe that livestock, food, or a consumer commodity within a specific area is likely to be adulterated because of the emergency or so misbranded as to be dangerous or fraudulent, or is in violation of section 31.131, subdivision 1, the commissioner may embargo a geographic area that is included in the declared emergency. The commissioner shall provide notice to the public and to those with custody of the product in as thorough a manner as is practicable under the emergency circumstances.

Sec. 39. **[34A.12] POWERS OF THE COMMISSIONER.**

Subdivision 1. **Gathering information.** The commissioner may, for the purposes of this chapter:

(1) gather and compile information concerning and investigate the organization, business, conduct, practices, and management of a person in intrastate commerce and the person's relation to other persons; and

(2) require, by general or special orders, a person, persons, or a class of persons engaged in intrastate commerce to file with the commissioner, in the form the commissioner prescribes, annual and special reports or answers in writing to specific questions, giving the commissioner the information the commissioner requires about the organization, business, conduct, practices, management, and relation to other persons, of the person filing the reports or answers. The reports and answers must be made under oath, or otherwise, as the commissioner prescribes, and filed with the commissioner within a reasonable time the commissioner prescribes, unless additional time is granted by the commissioner.

Subd. 2. **Examination of documents for evidence.** (a) For purposes of this chapter, the commissioner must at all reasonable times be allowed to examine and copy documentary evidence of a person being investigated or proceeded against. The commissioner may subpoena witnesses and require the production of documentary evidence of a person relating to any matter under investigation. The commissioner may sign subpoenas, administer oaths and affirmations, examine witnesses, and receive evidence.

(b) Attendance of witnesses and the production of documentary evidence may be required at a designated hearing place. In case of disobedience to a subpoena, the commissioner may invoke the aid of the district court to require the attendance and testimony of witnesses and the production of documentary evidence.

(c) The district court, in case of refusal to obey a subpoena issued to a person, may issue an order requiring the person to appear before the commissioner or to produce documentary evidence if ordered, or to give evidence touching the matter in question. Failure to obey the order of the court may be punishable by the court as a contempt.

(d) Upon the application of the attorney general at the request of the commissioner, the district court may order a person to comply with this chapter or an order of the commissioner made under this chapter.

(e) The commissioner may order testimony to be taken by deposition in a proceeding or investigation pending under this chapter at any state of the proceeding or investigation. Depositions may be taken before a person designated by the commissioner and having power to administer oaths. The testimony must be reduced to writing by the person taking the deposition or under the person's direction and must then be signed by the witness. A person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commissioner.

(f) Witnesses summoned before the commissioner may be paid the same fees and mileage that are paid witnesses in the district courts. Witnesses whose depositions are taken and the persons taking them may be entitled to the fees that are paid for those services in the district court.

(g) A person is not excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the commissioner or in obedience to the subpoena of the commissioner whether the subpoena is signed or issued by the commissioner or the commissioner's agent, or in any cause or proceeding, criminal or otherwise, based upon or growing out of an alleged violation of this chapter because the testimony or evidence, documentary or otherwise, required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture. No person may be prosecuted or subjected to a penalty or forfeiture on account of a matter concerning which the person is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that a witness is not exempt from prosecution and punishment for perjury committed in testifying.

Subd. 3. Penalties related to testimony and records. (a) A person who neglects or refuses to attend and testify, to answer a lawful inquiry, or to produce documentary evidence, if it is in the person's power to do so in obedience to the subpoena or lawful requirement of the commissioner, is guilty of a misdemeanor.

(b) A person who willfully:

(1) makes or causes to be made a false entry or statement of fact in a report required under this chapter;

(2) makes or causes to be made a false entry in an account, record, or memorandum kept by a person subject to this chapter;

(3) neglects or fails to make or to cause to be made full and correct entries in the accounts, records, or memoranda of all facts and transactions relating to the person's business;

(4) leaves the jurisdiction of this state;

(5) mutilates, alters, or by any other means falsifies documentary evidence of a person subject to this chapter; or

(6) refuses to submit to the commissioner, for inspection and copying, any documentary evidence of a person subject to this chapter in the person's possession or control, is guilty of a misdemeanor.

(c) A person required by this chapter to file an annual or special report who fails to do so within the time fixed by the commissioner for filing the report and continues the failure for 30 days after notice of failure to file, is guilty of a misdemeanor.

(d) An officer or employee of this state who makes public information obtained by the commissioner without the commissioner's authority, unless directed by a court, is guilty of a misdemeanor.

Sec. 40. **REPEALER.**

(a) Minnesota Statutes 2010, sections 17.984; 28.15; 28A.12; 28A.13; 29.28; 31.031; 31.041; 31.05; 31.14; 31.393; 31.58; 31.592; 31.621, subdivision 5; 31.631, subdivision 4; 31.633, subdivision 2; 31.681; 31.74, subdivision 3; 31.91; 31A.24; 31A.26; 32.078; 32.475, subdivision 7; 32.61; 32.90; and 34.113, are repealed.

(b) Minnesota Rules, parts 1540.0010, subpart 26; 1550.0930, subparts 3, 4, 5, 6, and 7; 1550.1040, subparts 3, 4, 5, and 6; and 1550.1260, subparts 6 and 7, are repealed."

Delete the title and insert:

"A bill for an act relating to agriculture; modifying provisions related to pesticides, plants, nursery law, inspections, enforcements, food, animals, grain, and weights and measures; establishing Dairy Research, Teaching, and Consumer Education Authority; providing for food law enforcement; making technical and conforming changes; repealing obsolete provisions; imposing penalties; requiring reports; amending Minnesota Statutes 2010, sections 17.114, subdivisions 3, 4; 17.982, subdivision 1; 17.983; 18.87; 18B.065, subdivision 2a, by adding a subdivision; 18B.316, subdivision 6; 18G.02, subdivision 14; 18G.07, subdivision 1; 18G.10, subdivision 7, by adding a subdivision; 18H.02, subdivision 14, by adding a subdivision; 18H.10; 18H.14; 18J.01; 18J.02; 18J.03; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions 1, 2, 6; 18J.06; 18J.07, subdivisions 3, 4, 5; 21.82, subdivisions 7, 8; 25.33, subdivisions 5, 13, 14; 25.36; 25.37; 28A.03, subdivisions 3, 5, 6; 28A.21, subdivision 6; 31.01, subdivisions 2, 3, 4, 21, 25, 28; 31.121; 31.123; 31.13; 31.94; 31A.02, subdivisions 13, 14, 15, 16; 31A.23; 32.01, subdivisions 11, 12; 35.0661, subdivisions 2, 3; 40A.17; 41A.12, subdivisions 2, 4; 223.16, subdivision 12; 223.17, subdivisions 1, 4, 6, 9; 232.21, subdivisions 2, 6, 12; 232.22, subdivisions 3, 4, 5, 7; 232.23, subdivisions 2, 5, 10; 232.24, subdivisions 1, 2; 239.092; 239.093; Laws 2010, Second Special Session chapter 1, article 1, section 11; Laws 2011, chapter 14, section 6; proposing coding for new law as Minnesota Statutes, chapters 32C; 34A; repealing Minnesota Statutes 2010, sections 17.984; 17B.01; 17B.02; 17B.03; 17B.04; 17B.041; 17B.0451; 17B.048; 17B.05; 17B.06; 17B.07; 17B.10; 17B.11; 17B.12; 17B.13; 17B.14; 17B.15, subdivisions 1, 3; 17B.16; 17B.17; 17B.18; 17B.20; 17B.22, subdivisions 1, 2; 17B.28; 17B.29; 27.19, subdivisions 2, 3; 27.20; 28.15; 28A.12; 28A.13; 29.28; 31.031; 31.041; 31.05; 31.14; 31.393; 31.58; 31.592; 31.621, subdivision 5; 31.631, subdivision 4; 31.633, subdivision 2; 31.681; 31.74, subdivision 3; 31.91; 31A.24; 31A.26; 32.078; 32.475, subdivision 7; 32.61; 32.90; 34.113; 35.243; 35.255; 35.67; 35.72, subdivisions 1, 2, 3, 4, 5; 223.16, subdivision 7; 223.18; 232.21, subdivision 4; 232.24, subdivision 3; 232.25; 233.01; 233.015; 233.017; 233.02; 233.03; 233.04; 233.05; 233.06; 233.07; 233.08; 233.09; 233.10; 233.11; 233.12; 233.22; 233.23; 233.24; 233.33; 234.01; 234.03; 234.04; 234.05; 234.06; 234.08; 234.09; 234.10; 234.11; 234.12; 234.13; 234.14; 234.15; 234.16; 234.17; 234.18; 234.19; 234.20; 234.21; 234.22; 234.23; 234.24; 234.25; 234.27; 235.01; 235.02; 235.04; 235.05; 235.06; 235.07; 235.08; 235.09; 235.10; 235.13; 235.18; 236.01; 236.02; 236.03; 236.04; 236.05; 236.06; 236.07; 236.08; 236.09; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; 395.24; Minnesota Rules, parts 1505.0780; 1505.0810; 1511.0100; 1511.0110; 1511.0120; 1511.0130; 1511.0140; 1511.0150; 1511.0160; 1511.0170; 1540.0010, subpart 26; 1550.0930, subparts 3, 4, 5, 6, 7; 1550.1040, subparts 3, 4, 5, 6; 1550.1260, subparts 6, 7; 1562.0100, subparts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25; 1562.0200; 1562.0400; 1562.0700; 1562.0900; 1562.1300; 1562.1800."

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

The report was adopted.

Anderson, B., from the Veterans Services Division to which was referred:

H. F. No. 2493, A bill for an act relating to state government; veterans; providing noncompetitive appointment of certain disabled veterans; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

The report was adopted.

Anderson, B., from the Veterans Services Division to which was referred:

H. F. No. 2494, A bill for an act relating to the military; allowing issuance of state awards to nonmembers of the Minnesota National Guard; amending Minnesota Statutes 2010, section 192.23.

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

The report was adopted.

Anderson, B., from the Veterans Services Division to which was referred:

H. F. No. 2495, A bill for an act relating to veterans; veterans preference; modifying appointment procedure for removal hearing board; amending Minnesota Statutes 2010, section 197.46.

Reported the same back with the following amendments:

Page 2, lines 6 to 15, delete the new language and insert "In the event that the hearing is authorized to be held before a three-person board, the governmental subdivision's notice of intent to discharge shall state that the veteran must respond within 60 days of receipt of the notice of intent to discharge, and provide in writing to the governmental subdivision the name, United States mailing address, and telephone number of the veteran's selected representative for the three-person board. The failure of a veteran to submit the name, address, and telephone number of the veteran's selected representative to the governmental subdivision by mail or by personal service within the provided notice's 60-day period, shall constitute a waiver of the veteran's right to the hearing and all other legal remedies available for reinstatement of the veteran's employment position."

Page 2, line 15, strike "so" and after "selected" insert "by the veteran and governmental subdivision"

Page 2, line 21, strike "The veteran" and insert "Either the veteran or the governmental subdivision"

Page 2, lines 23 to 24, strike "governmental subdivision or officer making the charges" and insert "other party"

With the recommendation that when so amended the bill pass.

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

H. F. No. 2528, A bill for an act relating to transportation; amending Minnesota Statutes 2010, section 161.20, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 9, after the period, insert "Upon request,"

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "trunk highways; providing for sharing of reports for accidents involving damage to state-owned infrastructure;"

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

The report was adopted.

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

H. F. No. 2582, A bill for an act relating to unemployment insurance; making federal conformity, policy, and other housekeeping changes; amending Minnesota Statutes 2010, sections 268.035, subdivision 12d; 268.042, subdivision 1; 268.044, subdivision 1; 268.046, subdivision 3; 268.047, subdivision 4; 268.051, subdivision 4; 268.085, subdivisions 5, 11, 15; 268.095, subdivision 6; 268.103, subdivision 1; 268.18, subdivisions 2, 2b, 4, 4a; 268.192, by adding a subdivision; 268.194, subdivision 1; Minnesota Statutes 2011 Supplement, sections 268.035, subdivision 20; 268.051, subdivision 5; 268.115, subdivision 1; 268.184, subdivisions 1, 1a.

Reported the same back with the following amendments:

Page 2, line 17, after the period, insert "The determination is effective the Sunday of the week that it was issued."

Page 3, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 2011 Supplement, section 268.184, subdivision 1, is amended to read:

Subdivision 1. **Administrative penalties.** (a) The commissioner must penalize an employer if that employer or any employee, officer, or agent of that employer, is in collusion with any applicant for the purpose of assisting the applicant to receive unemployment benefits fraudulently. The penalty is \$500 or the amount of unemployment benefits determined to be overpaid, whichever is greater.

(b) The commissioner must penalize an employer if that employer or any employee, officer, or agent of that employer (1) made a false statement or representation knowing it to be false, (2) made a false statement or representation without a good faith belief as to correctness of the statement or representation, (3) knowingly failed to disclose a material fact, or (4) made an offer of employment to an applicant when, in fact, the employer had no employment available, ~~but only if the employer's action:~~

~~(i) was taken to prevent or reduce the payment of unemployment benefits to any applicant;~~

~~(ii) was taken to reduce or avoid any payment required from an employer under this chapter or section 116L.20; or~~

~~(iii) caused an overpayment of unemployment benefits to an applicant.~~

The penalty is the greater of \$500, or 50 percent of the overpaid or reduced unemployment benefits or payment required, whichever is greater, following resulting from the employer's action:

(i) the amount of any overpaid unemployment benefits to an applicant;

(ii) the amount of unemployment benefits not paid to an applicant that would otherwise have been paid; or

(iii) the amount of any payment required from the employer under this chapter or section 116L.20 that was not paid.

(c) The commissioner must penalize an employer if that employer failed or refused to honor a subpoena issued under section 268.105, subdivision 4, or section 268.188. The penalty is \$500 and any costs of enforcing the subpoena, including attorney fees.

(d) Penalties under this subdivision and under section 268.047, subdivision 4, paragraph (b), are in addition to any other penalties and subject to the same collection procedures that apply to past due taxes. Penalties must be paid within 30 calendar days of assessment issuance of the determination of penalty and credited to the contingent account trust fund.

(e) The determination of ~~the~~ penalty is final unless the employer files an appeal within 20 calendar days after the sending of the determination of ~~the~~ penalty to the employer by mail or electronic transmission. Proceedings on the appeal are conducted in accordance with section 268.105.

EFFECTIVE DATE. This section is effective July 1, 2012, except the amendments to paragraph (d) are effective for penalties imposed on or after July 1, 2013."

Page 15, after line 16, insert:

"Sec. 5. Minnesota Statutes 2010, section 268.069, subdivision 2, is amended to read:

Subd. 2. **Unemployment benefits paid from state funds.** Unemployment benefits are paid from state funds and are not considered paid from any special insurance plan, nor as paid by an employer. An application for unemployment benefits is not considered a claim against an employer but is considered a request for unemployment benefits from the trust fund. The commissioner has the responsibility for the proper payment of unemployment benefits regardless of the level of interest or participation by an applicant or an employer in any determination or appeal. An applicant's entitlement to unemployment benefits must be determined based upon that information available and without regard to a burden of proof. Any agreement between an applicant and an employer is not binding on the commissioner in determining an applicant's entitlement. There is no presumption of entitlement or nonentitlement to unemployment benefits.

Sec. 6. Minnesota Statutes 2011 Supplement, section 268.07, subdivision 2, is amended to read:

Subd. 2. **Benefit account requirements.** (a) Unless paragraph (b) applies, to establish a benefit account an applicant must have total wage credits in the applicant's four quarter base period of at least: (1) \$2,400; or (2) 5.3 percent of the state's average annual wage rounded down to the next lower \$100, whichever is higher.

(b) To establish a new benefit account within 52 calendar weeks following the expiration of the benefit year on a prior benefit account, an applicant must have performed services in covered employment and have been paid wages in a one or more completed calendar quarter quarters that started after the effective date of the prior benefit account.

The wages paid for those services must be at least enough to meet the requirements of paragraph (a), ~~and have been reported on wage detail under section 268.044.~~ A benefit account under this paragraph may not be established effective earlier than the Sunday following the end of the most recent completed calendar quarter in which the requirements of paragraph (a) were met. One of the reasons for this paragraph is to prevent an applicant from establishing a second benefit account as a result of one loss of employment.

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

Page 21, delete lines 8 to 10

Page 21, line 11, delete "(4)" and insert "(3)"

Page 21, after line 12, insert:

"Sec. 16. **REPEALER.**

Minnesota Rules, part 3315.0555, subparts 2, 3, and 4, are repealed.

EFFECTIVE DATE. This section is effective the day following final enactment and applies retroactively to all pending cases."

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

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

The report was adopted.

Anderson, B., from the Veterans Services Division to which was referred:

H. F. No. 2619, A bill for an act relating to transportation; motor vehicles; adding service branch designs to special veterans' plates; amending Minnesota Statutes 2010, section 168.123, subdivision 2; Minnesota Statutes 2011 Supplement, section 168.123, subdivision 1.

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

The report was adopted.

Anderson, B., from the Veterans Services Division to which was referred:

H. F. No. 2629, A resolution memorializing Congress and the President of the United States to formally recognize the Khmer Freedom Fighters.

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

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

H. F. No. 2631, A bill for an act relating to transportation; providing contingent appropriations for county state-aid highways and municipal state-aid streets, construction support, and finance operations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 162.

Reported the same back with the following amendments:

Page 1, lines 9 and 20, delete "before July 1" and insert "on June 30"

Page 1, lines 10 and 21, delete "is not" and insert "has not been"

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.

Garofalo from the Committee on Education Finance to which was referred:

H. F. No. 2647, A bill for an act relating to education; clarifying the definition of public data relating to agreements involving payment of public money; amending Minnesota Statutes 2010, section 13.43, subdivision 2.

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

The report was adopted.

Garofalo from the Committee on Education Finance to which was referred:

H. F. No. 2651, A bill for an act relating to education; authorizing suspensions without pay for teachers charged with felonies; amending Minnesota Statutes 2010, section 122A.40, subdivision 13.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1062, 1595, 1816, 1833, 1923, 1989, 2095, 2237, 2493, 2494, 2495 and 2629 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Greiling and Kahn introduced:

H. F. No. 2700, A bill for an act relating to campaign finance and public disclosure; modifying definition of associated business; amending Minnesota Statutes 2010, section 10A.01, subdivision 5.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Holberg and Scott introduced:

H. F. No. 2701, A bill for an act relating to data practices; providing for expedited requests; requiring certain subcontracts be filed with a government entity; making other miscellaneous changes; amending Minnesota Statutes 2010, sections 13.03, subdivision 3; 13.05, by adding a subdivision; 13.072, subdivisions 1, 2; 13.43, subdivision 1; 16C.05, subdivision 2; 471.345, by adding a subdivision; repealing Minnesota Statutes 2010, sections 13.7931, subdivision 6; 84.0874.

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

Slocum introduced:

H. F. No. 2702, A bill for an act relating to limited liability companies; providing for the creation and operation of low-profit limited liability companies; amending Minnesota Statutes 2010, sections 322B.03, by adding a subdivision; 322B.115, subdivision 1; 322B.12, subdivision 1; 322B.833, subdivision 1; 322B.843, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 322B.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Daudt and Quam introduced:

H. F. No. 2703, A bill for an act relating to public safety; regulating name changes by civilly committed sex offenders; amending Minnesota Statutes 2010, section 259.13, subdivision 1.

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

Daudt, Simon, Garofalo and Loon introduced:

H. F. No. 2704, A bill for an act relating to elections; changing the date of the state primary from August to June; changing the date of primary elections conducted by a political subdivision, in certain circumstances; amending Minnesota Statutes 2010, sections 204B.14, subdivision 4; 204B.21, subdivision 1; 204D.03, subdivision 1; 204D.09, subdivision 1; 204D.28, subdivision 5; 205.065, subdivisions 1, 2; 205A.03, subdivisions 1, 2; 205A.11, subdivision 2a; 206.61, subdivision 5; 206.82, subdivision 2; Minnesota Statutes 2011 Supplement, sections 204B.14, subdivision 2; 205A.06, subdivision 1a.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Mazorol and Simon introduced:

H. F. No. 2705, A bill for an act relating to commerce; regulating closing agents; exempting a licensed attorney and a direct employee of a licensed attorney from the licensing requirements for closing agents; amending Minnesota Statutes 2011 Supplement, section 82.641, subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Kriesel, Lesch, Scalze, Cornish, Kelly, Atkins and Hoppe introduced:

H. F. No. 2706, A bill for an act relating to crime; expanding grant awards for the prevention of automobile theft and financial crimes; transferring funds; amending Minnesota Statutes 2010, sections 65B.84, subdivisions 1, 3; 168A.40, subdivision 4; 299A.681, subdivisions 2, 7, 10.

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

Lenczewski and Marquart introduced:

H. F. No. 2707, A bill for an act relating to taxation; individual income and corporate franchise; eliminating the marriage penalty in the standard deduction; eliminating foreign operating corporations; repealing the deduction for foreign royalties; amending Minnesota Statutes 2010, sections 289A.08, subdivision 3; 290.01, subdivision 19d; 290.0921, subdivision 3; 290.17, subdivision 4; Minnesota Statutes 2011 Supplement, sections 290.01, subdivisions 19a, 19b, 19c; 290.0675, subdivision 1; repealing Minnesota Statutes 2010, sections 290.01, subdivision 6b; 290.0921, subdivision 7.

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

Holberg, Hornstein, Mazorol, Beard and Lenczewski introduced:

H. F. No. 2708, A bill for an act relating to transportation; modifying certain requirements governing priced highway lanes; amending Minnesota Statutes 2010, section 160.93, by adding subdivisions.

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

Morrow and Banaian introduced:

H. F. No. 2709, A bill for an act relating to higher education; modifying information requirements for course materials; amending Minnesota Statutes 2010, sections 135A.25, subdivision 2; 136F.58, subdivision 2.

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

McElpatrick and Gottwalt introduced:

H. F. No. 2710, A bill for an act relating to health; modifying well regulation to include bored geothermal heat exchangers; amending Minnesota Statutes 2010, sections 103I.005, subdivisions 2, 8, 12, by adding a subdivision; 103I.101, subdivisions 2, 5; 103I.105; 103I.111, subdivision 8; 103I.205, subdivision 4; 103I.325, subdivision 2;

103I.501; 103I.531, subdivision 5; 103I.535, subdivision 6; 103I.641; 103I.711, subdivision 1; 103I.715, subdivision 2; Minnesota Statutes 2011 Supplement, section 103I.208, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 103I.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Quam, Winkler, O'Driscoll, Beard and Simon introduced:

H. F. No. 2711, A bill for an act relating to open meeting law; providing that certain communications on social media are not meetings under the law; amending Minnesota Statutes 2010, section 13D.01, subdivision 2.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Runbeck introduced:

H. F. No. 2712, A bill for an act relating to emergency medical services; permitting local units of government to designate primary services areas and assign ambulance service to the area; amending Minnesota Statutes 2010, sections 144E.06; 144E.10, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Liebling, Slawik and Huntley introduced:

H. F. No. 2713, A bill for an act relating to health; prohibiting smoking in residences that provide foster care for children; amending Minnesota Statutes 2010, section 144.414, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Woodard introduced:

H. F. No. 2714, A bill for an act relating to education; fostering charter school accountability and success; appropriating money; amending Minnesota Statutes 2010, section 124D.11, by adding a subdivision; Minnesota Statutes 2011 Supplement, sections 124D.10, subdivisions 4, 6, 10, 11, 15, 23; 124D.11, subdivision 9.

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

Schomacker, Hamilton, Abeler and Anderson, P., introduced:

H. F. No. 2715, A bill for an act relating to human services; creating critical access nursing facility designation; appropriating money; amending Minnesota Statutes 2010, section 256B.441, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Schomacker, Abeler, Hamilton, Drazkowski, Hosch and Fritz introduced:

H. F. No. 2716, A bill for an act relating to health; modifying nursing facility moratorium exceptions; amending Minnesota Statutes 2010, section 144A.073, by adding a subdivision; repealing Minnesota Statutes 2010, section 144A.073, subdivision 9.

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

Schomacker, Hamilton, Abeler and Anderson, P., introduced:

H. F. No. 2717, A bill for an act relating to human services; modifying nursing facility Medicare certification; amending Minnesota Statutes 2010, sections 256B.434, subdivision 10; 256B.48, by adding a subdivision; repealing Minnesota Statutes 2010, section 256B.48, subdivision 6.

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

Peppin and Abeler introduced:

H. F. No. 2718, A bill for an act relating to natural resources; modifying Mississippi River management plan; providing for certain minimum standards for future critical area ordinance approval; providing for certain classifications within the Mississippi River corridor critical area.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Gunther introduced:

H. F. No. 2719, A bill for an act relating to liquor; providing an exemption from Minnesota alcohol license requirements for out-of-state small craft brewers in limited circumstances; proposing coding for new law in Minnesota Statutes, chapter 340A.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Banaian introduced:

H. F. No. 2720, A bill for an act relating to state government; making changes to budget preparation requirements; amending Minnesota Statutes 2010, section 16A.10.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Abeler and Murphy, E., introduced:

H. F. No. 2721, A bill for an act relating to human services; modifying requirements for the medical assistance spenddown; amending Minnesota Statutes 2010, section 256B.056, subdivision 5.

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

Mazorol, Dean, Wardlow, Champion and Lesch introduced:

H. F. No. 2722, A bill for an act relating to civil actions; regulating the liability of certain municipal employees; amending Minnesota Statutes 2010, section 466.04, subdivision 1a.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Woodard, Kriesel, Smith, Moran, Melin, Gauthier, Davnie and Johnson introduced:

H. F. No. 2723, A bill for an act relating to public safety; authorizing the expungement of criminal records for certain individuals who have received stays of adjudication or diversion; authorizing expungements without petitions in certain cases where charges were dismissed against a person upon prosecutorial approval and with victim notification; requiring persons petitioning for an expungement to provide a copy of the criminal complaint or police report; authorizing the opening of certain expunged records without a court hearing; amending Minnesota Statutes 2010, sections 609A.02, subdivision 3; 609A.03, subdivisions 2, 7; proposing coding for new law in Minnesota Statutes, chapter 609A.

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

Eken introduced:

H. F. No. 2724, A bill for an act relating to energy; utilities; joint ventures; Indian tribes; expanding joint venture authority to include Indian tribes; amending Minnesota Statutes 2010, section 452.25, subdivisions 2, 3, 5, 6.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Sanders introduced:

H. F. No. 2725, A bill for an act relating to commerce; regulating industrial loan and thrift companies; amending Minnesota Statutes 2010, sections 53.01; 53.015; 53.02; 53.03; 53.04, subdivisions 1, 3a; 53.06; 53.08; 53.09, subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Runbeck and Laine introduced:

H. F. No. 2726, A bill for an act relating to human services; modifying county fees for licensing inspections; amending Minnesota Statutes 2010, section 245A.10, subdivision 2.

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

Mariani introduced:

H. F. No. 2727, A bill for an act relating to education; providing for policy for prekindergarten through grade 12 education, including general education, education excellence, and special programs; amending Minnesota Statutes 2010, sections 120A.20, subdivision 2; 120A.22, subdivisions 4, 11; 122A.415, subdivision 3, by adding subdivisions; 122A.416; 123B.36, subdivision 1; 123B.92, subdivision 3; 124D.08, by adding a subdivision; 124D.09, subdivision 22; 125A.14; 125A.19; 125A.515, subdivision 1; 126C.13, subdivision 4; 127A.47, subdivision 1; Minnesota Statutes 2011 Supplement, sections 120A.24, subdivisions 1, 2; 120B.30, subdivision 1; 124D.10, subdivisions 1, 4, 6, 13, 14, 25; 126C.10, subdivision 1; Laws 2011, First Special Session chapter 11, article 2, section 50, subdivision 16; repealing Minnesota Statutes 2010, sections 125A.16; 125A.80; 126C.10, subdivisions 34, 35, 36; 127A.47, subdivision 2.

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

Abeler and Lesch introduced:

H. F. No. 2728, A bill for an act relating to human services; changing human services legal provisions; modifying provisions related to human services licensing, licensing data, and the Office of Inspector General; amending the Human Services Background Studies Act; amending Minnesota Statutes 2010, sections 13.46, subdivisions 2, 3, 4; 13.82, subdivision 1; 245A.04, subdivisions 1, 7, 11, by adding a subdivision; 245A.05; 245A.07, subdivision 3; 245A.08, subdivision 2a; 245A.14, subdivision 11, by adding a subdivision; 245A.146, subdivisions 2, 3; 245A.18, subdivision 1; 245A.22, subdivision 2; 245A.66, subdivisions 2, 3; 245C.03, subdivision 1; 245C.04, subdivision 1; 245C.05, subdivisions 2, 4, 7, by adding a subdivision; 245C.07; 245C.16, subdivision 1; 245C.17, subdivision 2; 245C.22, subdivision 5; 245C.24, subdivision 2; Minnesota Statutes 2011 Supplement, section 256B.04, subdivision 21; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Rules, part 9503.0150, item E.

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

Loon introduced:

H. F. No. 2729, A bill for an act relating to early childhood education; appropriating money for the parent-child home program; amending Laws 2011, First Special Session chapter 11, article 7, section 2, subdivision 8.

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

Lanning introduced:

H. F. No. 2730, A bill for an act relating to state government; renaming and extending the Ladder Out of Poverty Task Force; modifying its duties; amending Laws 2010, chapter 374, section 1.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Torkelson, Hilty and Beard introduced:

H. F. No. 2731, A bill for an act relating to energy; requiring an assessment and grant for the purpose of community energy technical assistance and outreach.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Sanders; Dill; Anderson, S., and Rukavina introduced:

H. F. No. 2732, A bill for an act relating to occupational licensing; modifying electrical licenses; amending Minnesota Statutes 2010, sections 326B.31, subdivision 14, by adding subdivisions; 326B.33, subdivision 19, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Anderson, B., introduced:

H. F. No. 2733, A bill for an act relating to local government; establishing research and development facilities and uses as conditional uses; amending Minnesota Statutes 2010, sections 394.301, by adding a subdivision; 462.357, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Anderson, B., introduced:

H. F. No. 2734, A resolution memorializing the President and Congress to enact legislation and take other federal government action related to interim storage of used nuclear fuel.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Franson introduced:

H. F. No. 2735, A bill for an act relating to taxation; increasing the city aid base for certain cities; amending Minnesota Statutes 2010, section 477A.011, subdivision 36.

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

Murdock, Sanders and Hornstein introduced:

H. F. No. 2736, A bill for an act relating to public safety; motor vehicles; motor vehicle dealer regulations; expanding the class of eligible buyers for junked vehicles; amending Minnesota Statutes 2010, sections 168.27, subdivisions 2, 3, 3c; 168A.151, subdivision 6; repealing Minnesota Rules, part 7400.5300, subpart 3.

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

Murphy, E.; Mahoney; Laine; Clark; Kahn; Huntley; Liebling; Norton; Allen; Moran; Paymar; Benson, J.; Thissen and Hilstrom introduced:

H. F. No. 2737, A bill for an act relating to insurance; requiring health plans to cover contraceptive methods, sterilization, and related medical services, patient education, and counseling without enrollee cost-sharing; providing certain exceptions; proposing coding for new law in Minnesota Statutes, chapter 62Q.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Kiffmeyer; Peppin; Dean; Benson, M.; McElpatrick; Lohmer; Gruenhagen; Franson and McDonald introduced:

H. F. No. 2738, A bill for an act proposing an amendment to the Minnesota Constitution, article VII, section 1; requiring voters to present photographic identification; providing photographic identification to voters at no charge; requiring equal verification standards for all voters.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Murphy, E.; Liebling; Moran; Fritz and Allen introduced:

H. F. No. 2739, A bill for an act relating to insurance; creating the Minnesota Health Benefits Exchange and specifying its functions and duties; proposing coding for new law as Minnesota Statutes, chapter 62V.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Torkelson and Swedzinski introduced:

H. F. No. 2740, A bill for an act relating to capital investment; appropriating money for restoration of the Ramsey Park Swayback Bridge in Redwood County; authorizing the sale and issuance of state bonds.

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

Anderson, P.; Eken; Torkelson; Hamilton and Falk introduced:

H. F. No. 2741, A bill for an act relating to agriculture; extending certain ethanol minimum content dates; amending Minnesota Statutes 2010, section 239.791, subdivision 1a.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development Policy and Finance.

Morrow, Davids, Hamilton and Kath introduced:

H. F. No. 2742, A bill for an act relating to taxation; property taxes; modifying definition of real property; amending Minnesota Statutes 2010, section 272.03, subdivision 1.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

H. F. No. 382, A bill for an act relating to commerce; amending statutes regarding receiverships, assignments for the benefit of creditors, and nonprofit corporations; amending Minnesota Statutes 2010, sections 302A.753, subdivisions 2, 3; 302A.755; 302A.759, subdivision 1; 302A.761; 308A.945, subdivisions 2, 3; 308A.951;

308A.961, subdivision 1; 308A.965; 308B.935, subdivisions 2, 3; 308B.941; 308B.951, subdivision 1; 308B.955; 316.11; 317A.255, subdivision 1; 317A.753, subdivisions 3, 4; 317A.755; 317A.759, subdivision 1; 322B.836, subdivisions 2, 3; 322B.84; 462A.05, subdivision 32; 469.012, subdivision 2i; 540.14; 559.17, subdivision 2; 576.04; 576.06; 576.08; 576.09; 576.11; 576.121; 576.123; 576.144; 576.15; 576.16; proposing coding for new law in Minnesota Statutes, chapters 576; 577; repealing Minnesota Statutes 2010, sections 302A.759, subdivision 2; 308A.961, subdivision 2; 308B.951, subdivisions 2, 3; 317A.759, subdivision 2; 576.01; 577.01; 577.02; 577.03; 577.04; 577.05; 577.06; 577.08; 577.09; 577.10.

CAL R. LUDEMAN, Secretary of the Senate

Hoppe moved that the House refuse to concur in the Senate amendments to H. F. No. 382, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Dean from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Wednesday, March 7, 2012:

H. F. Nos. 2152, 2455, 2376, 2132, 2392, 2022, 2216, 1738 and 389; S. F. No. 1183; and H. F. No. 2333.

CALENDAR FOR THE DAY

Dean moved that the Calendar for the Day be continued. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 382:

Hoppe, Mazorol and Simon.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1870:

Petersen, B.; Downey; Kelly; Woodard and Mariani.

MOTIONS AND RESOLUTIONS

Loeffler moved that the name of Scalze be added as an author on H. F. No. 248. The motion prevailed.

Ward moved that the name of Scalze be added as an author on H. F. No. 253. The motion prevailed.

Downey moved that the names of Slawik, Poppe and Laine be added as authors on H. F. No. 1069. The motion prevailed.

McElfatrick moved that the names of Kiffmeyer and Winkler be added as authors on H. F. No. 1087. The motion prevailed.

Erickson moved that the name of Smith be added as an author on H. F. No. 1435. The motion prevailed.

Lenczewski moved that the name of Fritz be added as an author on H. F. No. 1733. The motion prevailed.

Gauthier moved that the name of Murphy, E., be added as an author on H. F. No. 1758. The motion prevailed.

Lenczewski moved that the name of Laine be added as an author on H. F. No. 1776. The motion prevailed.

Ward moved that the name of Doepke be added as an author on H. F. No. 1827. The motion prevailed.

Dittrich moved that the name of Scalze be added as an author on H. F. No. 1833. The motion prevailed.

Fabian moved that the name of Doepke be added as an author on H. F. No. 1842. The motion prevailed.

Howes moved that the name of Champion be added as an author on H. F. No. 1922. The motion prevailed.

Ward moved that his name be stricken as an author on H. F. No. 1963. The motion prevailed.

Urdahl moved that the name of Mariani be added as an author on H. F. No. 2025. The motion prevailed.

McNamara moved that the name of Kahn be added as an author on H. F. No. 2086. The motion prevailed.

Fabian moved that the name of Doepke be added as an author on H. F. No. 2095. The motion prevailed.

Anzelc moved that the name of Howes be added as an author on H. F. No. 2105. The motion prevailed.

Beard moved that the names of Rukavina, Melin and Anzelc be added as authors on H. F. No. 2169. The motion prevailed.

LeMieur moved that the name of Ward be added as an author on H. F. No. 2170. The motion prevailed.

Bills moved that the name of Kieffer be added as an author on H. F. No. 2203. The motion prevailed.

Gottwalt moved that the names of Nornes, Morrow and Fabian be added as authors on H. F. No. 2237. The motion prevailed.

McDonald moved that his name be stricken as an author on H. F. No. 2325. The motion prevailed.

LeMieur moved that the name of Laine be added as an author on H. F. No. 2376. The motion prevailed.

Kath moved that the name of Simon be added as an author on H. F. No. 2385. The motion prevailed.

Quam moved that the name of Laine be added as an author on H. F. No. 2402. The motion prevailed.

Gottwalt moved that the name of Westrom be added as an author on H. F. No. 2412. The motion prevailed.

Hoppe moved that the name of Atkins be added as an author on H. F. No. 2475. The motion prevailed.

Holberg moved that the name of Hilstrom be added as an author on H. F. No. 2476. The motion prevailed.

Winkler moved that the names of Ward and Hausman be added as authors on H. F. No. 2480. The motion prevailed.

Barrett moved that the name of Mullery be added as an author on H. F. No. 2508. The motion prevailed.

McElfatrick moved that the name of Quam be added as an author on H. F. No. 2548. The motion prevailed.

Abeler moved that the name of Anderson, D., be added as an author on H. F. No. 2602. The motion prevailed.

Mahoney moved that the name of Kieffer be added as an author on H. F. No. 2614. The motion prevailed.

Howes moved that the names of Persell and Davids be added as authors on H. F. No. 2618. The motion prevailed.

Woodard moved that the name of Ward be added as an author on H. F. No. 2636. The motion prevailed.

Hausman moved that the names of Paymar and Slocum be added as authors on H. F. No. 2642. The motion prevailed.

Mahoney moved that the name of Slocum be added as an author on H. F. No. 2654. The motion prevailed.

Morrow moved that the names of Simon and Champion be added as authors on H. F. No. 2659. The motion prevailed.

Kriesel moved that the name of Ward be added as an author on H. F. No. 2664. The motion prevailed.

Hornstein moved that the name of Champion be added as an author on H. F. No. 2669. The motion prevailed.

Lohmer moved that the name of Dettmer be added as an author on H. F. No. 2674. The motion prevailed.

Winkler moved that the name of Moran be added as an author on H. F. No. 2678. The motion prevailed.

Shimanski moved that the name of Dettmer be added as an author on H. F. No. 2680. The motion prevailed.

Holberg moved that the name of Kiel be added as chief author and the words "by request" be stricken on H. F. No. 2687. The motion prevailed.

Runbeck moved that the name of Kiffmeyer be added as an author on H. F. No. 2695. The motion prevailed.

Holberg moved that the name of Kahn be added as an author on H. F. No. 2697. The motion prevailed.

Abeler moved that the names of Champion, Slocum and Moran be added as authors on H. F. No. 2698. The motion prevailed.

Loeffler moved that the names of Gruenhagen and Slocum be added as authors on H. F. No. 2699. The motion prevailed.

Anzels moved that H. F. No. 1784 be recalled from the Committee on Jobs and Economic Development Finance and be re-referred to the Committee on Civil Law. The motion prevailed.

Sanders moved that H. F. No. 2316 be recalled from the Committee on Transportation Policy and Finance and be re-referred to the Committee on Environment, Energy and Natural Resources Policy and Finance. The motion prevailed.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, March 8, 2012. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Thursday, March 8, 2012.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives