

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2011

SIXTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 19, 2011

The House of Representatives convened at 3:00 p.m. and was called to order by Kurt Zellers, Speaker of the House.

Prayer was offered by the Reverend Kay Provine, Episcopal Homes, St. Paul, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Anderson, P., was excused.

Gunther was excused until 3:25 p.m. Mariani was excused until 3:30 p.m. Dill was excused until 3:50 p.m.

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 CHIEF CLERK

S. F. No. 1197 and H. F. No. 1025, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Beard moved that the rules be so far suspended that S. F. No. 1197 be substituted for H. F. No. 1025 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 18, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Zellers:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State H. F. Nos. 786, 664, 1092 and 447.

Sincerely,

MARK DAYTON
Governor

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

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2011 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2011</i>	<i>Date Filed 2011</i>
	786	25	9:32 a.m. May 18	May 18
	664	26	9:32 a.m. May 18	May 18
	1092	27	9:33 a.m. May 18	May 18
	447	28	9:34 a.m. May 18	May 18

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 1024, A bill for an act relating to state government; reducing the number of deputy commissioners and eliminating assistant commissioner positions in the unclassified service; amending Minnesota Statutes 2010, sections 15.06, subdivision 8; 16B.03; 43A.08, subdivision 1; 45.013; 84.01, subdivision 3; 116.03, subdivision 1; 116J.01, subdivision 5; 116J.035, subdivision 4; 174.02, subdivision 2; 241.01, subdivision 2.

Reported the same back with the following amendments:

Page 5, line 10, after the period, insert "Reductions in this section are not in addition to reductions in any other bill enacted in the 2011 legislative session."

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:

S. F. No. 680, A bill for an act relating to crime; expanding the definition of "criminal act" in the racketeering crime; amending Minnesota Statutes 2010, section 609.902, subdivision 4.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1024 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1197 and 680 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Cornish and Mullery introduced:

H. F. No. 1732, A bill for an act relating to public safety; providing a uniform use of force standard for peace officers; amending Minnesota Statutes 2010, sections 609.06, by adding subdivisions; 626.8452, subdivision 1.

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

Lenczewski introduced:

H. F. No. 1733, A bill for an act relating to taxation; tobacco; increasing the cigarette and tobacco products taxes and fees; modifying definitions; requiring a study; imposing a floor stocks tax on cigarettes; adjusting the 2011 rate of the cigarette sales tax; appropriating money; amending Minnesota Statutes 2010, sections 297F.01, subdivisions 3, 19; 297F.05, subdivisions 1, 3, 4; 325D.32, subdivision 2.

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

Mariani, Greiling, Urdahl and Rukavina introduced:

H. F. No. 1734, A bill for an act relating to higher education; setting a higher education attainment goal; requiring recommendations to achieve the goal; proposing coding for new law in Minnesota Statutes, chapter 135A.

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

Benson, J., introduced:

H. F. No. 1735, A bill for an act relating to companion animals; adopting the Minnesota Companion Animal Protection Act; proposing coding for new law in Minnesota Statutes, chapter 346.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Morrow introduced:

H. F. No. 1736, A bill for an act relating to higher education; establishing Minnesota HOPE awards for financial aid; amending Minnesota Statutes 2010, section 136A.101, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 2010, section 136A.1201.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 934, A bill for an act relating to education; providing for policy and funding for family, adult, and prekindergarten through grade 12 education including general education, academic excellence, special education, facilities and technology, nutrition and accounting, libraries, early childhood education, prevention, self-sufficiency and lifelong learning, state agencies, and forecast adjustments; requiring reports; requiring studies; appropriating money; amending Minnesota Statutes 2010, sections 13D.02, by adding a subdivision; 16A.152, subdivision 2; 93.22, subdivision 1; 93.2236; 120A.41; 120B.023, subdivision 2; 120B.07; 120B.30, subdivision 1, by adding a subdivision; 120B.35, subdivision 1; 120B.36, subdivision 1; 122A.40, subdivisions 5, 6, 7, 8, 9, 10, 11, by adding subdivisions; 122A.41, subdivisions 2, 3, 4, 5, 6, 14, by adding a subdivision; 122A.414, subdivisions 1a, 2, 2a, 2b, 4; 122A.416; 122A.60; 122A.61, subdivision 1; 123A.55; 123B.02, subdivision 15; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.54; 123B.59, subdivision 5; 123B.75, subdivision 5; 124D.10, subdivision 3; 124D.19, subdivision 3; 124D.531, subdivision 1; 124D.86, subdivision 3; 125A.07; 125A.21, subdivisions 2, 3, 5, 7; 125A.515, by adding a subdivision; 125A.69, subdivision 1; 125A.76, subdivision 1; 125A.79, subdivision 1; 126C.10, subdivisions 1, 2, 2a, 3, 7, 8, 8a, 13a, 14, by adding a subdivision; 126C.126; 126C.20; 126C.40, subdivision 1; 126C.44; 127A.33; 127A.441; 127A.45, subdivision 2; 179A.16, subdivision 1; 179A.18, subdivisions 1, 3; 298.28, subdivisions 2, 4; Laws 2009, chapter 79, article 5, section 60, as amended; Laws 2009, chapter 96, article 1, section 24, subdivisions 2, as amended, 3, 4, as amended, 5, as amended, 6, as amended, 7, as amended; article 2, section 67, subdivisions 2, as amended, 3, as amended, 4, as amended, 6, 9, as amended; article 3, section 21, subdivisions 3, 4, as amended; article 4, section 12, subdivision 6, as amended; article 5, section 13, subdivisions 2, 3, 4, as amended; article 6, section 11, subdivisions 3, as amended, 4, as amended, 8, as amended, 12, as amended; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A; 124D; 179A; repealing Minnesota Statutes 2010, sections 122A.61; 123B.05; 123B.59, subdivisions 6, 7; 124D.86, subdivisions 1, 1a, 2, 4, 5, 6; 126C.10, subdivision 5; 127A.46; 129C.10, subdivisions 1, 2, 3, 3a, 4, 6, 7, 8; 129C.105; 129C.15; 129C.20; 129C.25; 129C.26; 179A.18, subdivision 2; Laws 2009, chapter 88, article 12, section 23.

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

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 170.

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

CAL R. LUDEMAN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 170

A bill for an act relating to education; requiring teacher candidates to pass basic skills exam; amending Minnesota Statutes 2010, sections 122A.09, subdivision 4; 122A.18, subdivision 2.

May 14, 2011

The Honorable Michelle L. Fischbach
President of the Senate

The Honorable Kurt Zellers
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 170 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 170 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 122A.09, subdivision 4, is amended to read:

Subd. 4. **License and rules.** (a) The board must adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board must adopt rules requiring a person to ~~successfully complete~~ pass a skills examination in reading, writing, and mathematics as a requirement for initial teacher licensure. ~~Such rules must require college and universities offering a board-approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language. The board must adopt rules requiring a person who enters a board-approved teacher preparation program on or after January 1, 2014, to pass a skills examination in reading, writing, and mathematics as a requirement for entering that program.~~

(c) The board must adopt rules to approve teacher preparation programs. The board, upon the request of a postsecondary student preparing for teacher licensure or a licensed graduate of a teacher preparation program, shall assist in resolving a dispute between the person and a postsecondary institution providing a teacher preparation program when the dispute involves an institution's recommendation for licensure affecting the person or the person's credentials. At the board's discretion, assistance may include the application of chapter 14.

(d) The board must provide the leadership and shall adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes.

(e) The board must adopt rules requiring candidates for initial licenses to ~~successfully complete~~ pass an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective by September 1, 2001. The rules under this paragraph also must require candidates for initial licenses to teach prekindergarten or elementary students to ~~successfully complete~~ pass, as part of the examination of licensure-specific teaching skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive, scientifically based reading instruction under section 122A.06, subdivision 4, and their knowledge and understanding of the foundations of reading development, the development of reading comprehension, and reading assessment and instruction, and their ability to integrate that knowledge and understanding.

(f) The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.

(g) The board must grant licenses to interns and to candidates for initial licenses.

(h) The board must design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and 214.10. The board must not establish any expiration date for application for life licenses.

(k) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

(l) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar services outside of the school.

(m) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

(n) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in understanding the key warning signs of early-onset mental illness in children and adolescents.

Sec. 2. Minnesota Statutes 2010, section 122A.18, subdivision 2, is amended to read:

Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of Teaching must issue licenses under its jurisdiction to persons the board finds to be qualified and competent for their respective positions.

(b) ~~The board must require a person who enters a board-approved teacher preparation program before January 1, 2014, to successfully complete pass an examination of skills in reading, writing, and mathematics before being granted an initial teaching license to provide direct instruction to pupils in prekindergarten, elementary, secondary, or special education programs. The board must require colleges and universities offering a board-approved teacher preparation program to provide remedial assistance that includes a formal diagnostic component to persons enrolled in their institution who did not achieve a qualifying score on the skills examination, including those for whom English is a second language. The colleges and universities must provide assistance in the specific academic areas of deficiency in which the person did not achieve a qualifying score. To be granted an initial teaching license, the board must require a person who enters a board-approved teacher preparation program on or after January 1, 2014, to pass an examination of skills in reading, writing, and mathematics before entering that program. The board must issue a one-year license to teach in Minnesota to an otherwise qualified person who completed a teacher preparation program outside the state of Minnesota, during which time that person must take and pass the state skills examination in reading, writing, and math.~~ School districts ~~must provide similar,~~ may offer appropriate, and timely remedial assistance that includes a formal diagnostic component and mentoring to those persons employed by the district who completed their teacher ~~education~~ preparation program outside the state of Minnesota, received a one-year license to teach in Minnesota and did not achieve a qualifying score on the skills examination, including those persons for whom English is a second language. The Board of Teaching shall report annually to the education committees of the legislature on the total number of teacher candidates during the most recent school year taking the skills examination, the number who achieve a qualifying score on the examination, the number who do not achieve a qualifying score on the examination, the distribution of all candidates' scores, the number of candidates who have taken the examination at least once before, and the number of candidates who have taken the examination at least once before and achieve a qualifying score.

(c) ~~A person who has completed an approved teacher preparation program and obtained a one-year license to teach, but has not successfully completed the skills examination, may renew the one-year license for two additional one-year periods. Each renewal of the one-year license is contingent upon the licensee:~~

(1) ~~providing evidence of participating in an approved remedial assistance program provided by a school district or postsecondary institution that includes a formal diagnostic component in the specific areas in which the licensee did not obtain qualifying scores; and~~

(2) ~~attempting to successfully complete the skills examination during the period of each one-year license.~~

(d) ~~(c)~~ The Board of Teaching must grant continuing licenses only to those persons who have met board criteria for granting a continuing license, which includes ~~successfully completing~~ passing the skills examination in reading, writing, and mathematics.

(e) ~~(d)~~ All colleges and universities approved by the board of teaching to prepare persons for teacher licensure must include in their teacher preparation programs a common core of teaching knowledge and skills to be acquired by all persons recommended for teacher licensure. This common core shall meet the standards developed by the interstate new teacher assessment and support consortium in its 1992 "model standards for beginning teacher licensing and development." Amendments to standards adopted under this paragraph are covered by chapter 14. The board of teaching shall report annually to the education committees of the legislature on the performance of teacher candidates on common core assessments of knowledge and skills under this paragraph during the most recent school year.

Sec. 3. Minnesota Statutes 2010, section 122A.23, subdivision 2, is amended to read:

Subd. 2. **Applicants licensed in other states.** (a) Subject to the requirements of sections 122A.18, ~~subdivision subdivisions 2, paragraph (b), and 8,~~ and 123B.03, the Board of Teaching must issue a teaching license or a temporary teaching license under paragraphs (b) to (e) to an applicant who holds at least a baccalaureate degree from a regionally accredited college or university and holds or held a similar out-of-state teaching license that requires the applicant to successfully complete a teacher preparation program approved by the issuing state, which includes field-specific teaching methods and student teaching or essentially equivalent experience.

(b) The Board of Teaching must issue a teaching license to an applicant who:

(1) successfully completed all exams and human relations preparation components required by the Board of Teaching; and

(2) holds or held an out-of-state teaching license to teach the same content field and grade levels if the scope of the out-of-state license is no more than one grade level less than a similar Minnesota license.

(c) The Board of Teaching, consistent with board rules, must issue up to three one-year temporary teaching licenses to an applicant who holds or held an out-of-state teaching license to teach the same content field and grade levels, where the scope of the out-of-state license is no more than one grade level less than a similar Minnesota license, but has not successfully completed all exams and human relations preparation components required by the Board of Teaching.

(d) The Board of Teaching, consistent with board rules, must issue up to three one-year temporary teaching licenses to an applicant who:

(1) successfully completed all exams and human relations preparation components required by the Board of Teaching; and

(2) holds or held an out-of-state teaching license to teach the same content field and grade levels, where the scope of the out-of-state license is no more than one grade level less than a similar Minnesota license, but has not completed field-specific teaching methods or student teaching or equivalent experience.

The applicant may complete field-specific teaching methods and student teaching or equivalent experience by successfully participating in a one-year school district mentorship program consistent with board-adopted standards of effective practice and Minnesota graduation requirements.

(e) The Board of Teaching must issue a temporary teaching license for a term of up to three years only in the content field or grade levels specified in the out-of-state license to an applicant who:

(1) successfully completed all exams and human relations preparation components required by the Board of Teaching; and

(2) holds or held an out-of-state teaching license where the out-of-state license is more limited in the content field or grade levels than a similar Minnesota license.

(f) The Board of Teaching must not issue to an applicant more than three one-year temporary teaching licenses under this subdivision.

(g) The Board of Teaching must not issue a license under this subdivision if the applicant has not attained the additional degrees, credentials, or licenses required in a particular licensure field."

Delete the title and insert:

"A bill for an act relating to education; requiring teacher candidates to pass basic skills exam; amending Minnesota Statutes 2010, sections 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.23, subdivision 2."

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

Senate Conferees: THEODORE J. "TED" DALEY, AL D. DEKRUIF and CHARLES W. WIGER.

House Conferees: ANDREA KIEFFER, SONDRERICKSON and KORY KATH.

Kieffer moved that the report of the Conference Committee on S. F. No. 170 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 170, A bill for an act relating to education; requiring teacher candidates to pass basic skills exam; amending Minnesota Statutes 2010, sections 122A.09, subdivision 4; 122A.18, subdivision 2.

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

The question was taken on the repassage of the bill and the roll was called. There were 87 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Abeler	Dauids	Hamilton	LeMieur	Nornes	Shimanski
Anderson, B.	Dean	Hancock	Lenczewski	Norton	Simon
Anderson, D.	Dettmer	Hansen	Loeffler	O'Driscoll	Smith
Anderson, S.	Dittrich	Holberg	Lohmer	Pelowski	Stensrud
Atkins	Doepke	Hoppe	Loon	Peppin	Swedzinski
Banaian	Downey	Hosch	Mack	Persell	Torkelson
Barrett	Drazkowski	Howes	Mazorol	Petersen, B.	Urdahl
Beard	Erickson	Kath	McDonald	Peterson, S.	Vogel
Benson, J.	Fabian	Kelly	McElfrick	Poppe	Wardlow
Benson, M.	Franson	Kieffer	McFarlane	Quam	Westrom
Bills	Fritz	Kiel	McNamara	Runbeck	Woodard
Buesgens	Garofalo	Kiffmeyer	Morrow	Sanders	Spk. Zellers
Cornish	Gottwalt	Kriesel	Murdock	Scalze	
Crawford	Gruenhagen	Lanning	Murray	Schomacker	
Daudt	Hackbarth	Leidiger	Myhra	Scott	

Those who voted in the negative were:

Anzelc	Gauthier	Hortman	Lesch	Mullery	Slocum
Brynaert	Greene	Huntley	Liebling	Murphy, E.	Thissen
Carlson	Greiling	Johnson	Lillie	Murphy, M.	Tillberry
Champion	Hausman	Kahn	Mahoney	Nelson	Wagenius
Clark	Hilstrom	Knuth	Marquart	Paymar	Ward
Davnie	Hilty	Koenen	Melin	Rukavina	Winkler
Eken	Hornstein	Laine	Moran	Slawik	

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

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. 387, A bill for an act relating to drivers' licenses; allowing counties to participate in driver's license reinstatement diversion pilot program; extending diversion pilot program; amending Laws 2009, chapter 59, article 3, section 4, as amended.

CAL R. LUDEMAN, Secretary of the Senate

Kelly moved that the House refuse to concur in the Senate amendments to H. F. No. 387, 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.

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. 821, A bill for an act relating to higher education; changing eligibility for the senior citizen higher education program; amending Minnesota Statutes 2010, section 135A.51, subdivision 2.

CAL R. LUDEMAN, Secretary of the Senate

Nornes moved that the House refuse to concur in the Senate amendments to H. F. No. 821, 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.

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. No. 57

A bill for an act relating to public safety; establishing the crimes of sale or possession of synthetic cannabinoids; including a person under the influence of a synthetic cannabinoid for a driving while impaired crime; providing for a penalty; amending Minnesota Statutes 2010, sections 152.027, by adding a subdivision; 169A.20, subdivisions 1, 1a, 1b, 1c.

May 17, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 57 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 57 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 152.01, subdivision 9a, is amended to read:

Subd. 9a. **Mixture.** "Mixture" means a preparation, compound, mixture, or substance containing a controlled substance, regardless of purity except as provided in subdivision 16; sections 152.021, subdivision 2, paragraph (b); 152.022, subdivision 2, paragraph (b); and 152.023, subdivision 2, paragraph (b).

EFFECTIVE DATE. This section is effective the day following final enactment, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2010, section 152.01, subdivision 16, is amended to read:

Subd. 16. **Small amount.** "Small amount" as applied to marijuana means 42.5 grams or less. This provision shall not apply to the resinous form of marijuana. The weight of fluid used in a water pipe may not be considered in determining a small amount except in cases where the marijuana is mixed with four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective the day following final enactment, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2010, section 152.01, is amended by adding a subdivision to read:

Subd. 23. **Analog.** (a) Except as provided in paragraph (b), "analog" means a substance, the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II:

(1) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or

(2) with respect to a particular person, if the person represents or intends that the substance have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.

(b) "Analog" does not include:

(1) a controlled substance;

(2) any substance for which there is an approved new drug application under the Federal Food, Drug, and Cosmetic Act; or

(3) with respect to a particular person, any substance, if an exemption is in effect for investigational use, for that person, as provided by United States Code, title 21, section 355, and the person is registered as a controlled substance researcher as required under section 152.12, subdivision 3, to the extent conduct with respect to the substance is pursuant to the exemption and registration.

EFFECTIVE DATE. This section is effective July 1, 2011, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2010, section 152.02, subdivision 2, is amended to read:

Subd. 2. **Schedule I.** The following items are listed in Schedule I:

(1) Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of ~~such the~~ isomers, esters, ethers and salts is possible within the specific chemical designation: Acetylmethadol; Allylprodine; Alphacetylmethadol; Alphameprodine; Alphamethadol; Benzethidine; Betacetylmethadol; Betameprodine; Betamethadol; Betaprodine; Clonitazene; Dextromoramide; Dextrophan; Diampromide; Diethylambutene; Dimenoxadol; Dimepheptanol; Dimethylambutene; Dioxaphetyl butyrate; Dipipanone; Ethylmethylthiambutene; Etonitazene; Etoxeridine; Furethidine; Hydroxypethidine; Ketobemidone; Levomoramide; Levophenacylmorphan; Morpheridine; Noracymethadol; Norlevorphanol; Normethadone; Norpipanone; Phenadoxone; Phenampromide; Phenomorphan; Phenoperidine; Pir tramide; Proheptazine; Properidine; Racemoramide; Trimeperidine.

(2) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of ~~such the~~ salts, isomers and salts of isomers is possible within the specific chemical designation: Acetorphine; Acetyldihydrocodeine; Acetylcodeine; Benzylmorphine; Codeine methylbromide; Codeine-N-Oxide; Cyprenorphine; Desomorphine; Dihydromorphine; Etorphine; Heroin; Hydromorphanol; Methyl desorphine; Methylhydromorphine; Morphine methylbromide; Morphine methylsulfonate; Morphine-N-Oxide; Myrophine; Nicocodeine; Nicomorphine; Normorphine; Pholcodine; Thebacon.

(3) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers (~~whether optical, positional, or geometric~~), and salts of isomers, unless specifically excepted ~~or unless listed in another schedule~~, whenever the existence of ~~such the~~ salts, isomers, and salts of isomers is possible ~~within the specific chemical designation~~: 3,4-methylenedioxy amphetamine; 3,4-methylenedioxymethamphetamine; 4-bromo-2,5-dimethoxyamphetamine; 2,5-dimethoxyamphetamine; 4-methoxyamphetamine; 5-methoxy-3, 4-methylenedioxy amphetamine; Bufotenine; Diethyltryptamine; Dimethyltryptamine; 3,4,5-trimethoxy amphetamine; 4-methyl-2, 5-dimethoxyamphetamine; Ibogaine; Lysergic acid diethylamide; marijuana; Mescaline; N-ethyl-3-piperidyl benzilate; N-methyl-3-piperidyl benzilate; Psilocybin; Psilocyn; Tetrahydrocannabinols; 1-(1-(2-thienyl) cyclohexyl) piperidine; n-ethyl-1-phenyl-cyclohexylamine; 1-(1-phenylcyclohexyl) pyrrolidine; 2,5-dimethoxy-4-ethylphenethylamine, also known as 2C-E; 2,5-dimethoxy-4-iodophenethylamine, also known as 2C-I.

(4) Peyote, providing the listing of peyote as a controlled substance in Schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian Church, and members of the American Indian Church are exempt from registration. Any person who manufactures peyote for or distributes peyote to the American Indian Church, however, is required to obtain federal registration annually and to comply with all other requirements of law.

(5) Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of ~~such the~~ salts, isomers, and salts of isomers is possible within the specific chemical designation:

Mecloqualone;

Flunitrazepam.

(6) Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of ~~such the~~ salts, isomers, and salts of isomers is possible within the specific chemical designation:

Cathinone;

Methcathinone; 4-methylmethcathinone (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methydone); 4-methoxymethcathinone (methedrone); 3,4 - methylenedioxypropylvalerone (MDPV).

(7) Unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist, including, but not limited to, the following substances and their analogs, including isomers, whether optical, positional, or geometric; esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible within the specific chemical designation:

1-pentyl-2-methyl-3-(1-naphthoyl)indole (JWH-007), (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone (JWH-015), 1-Pentyl-3-(1-naphthoyl)indole (JWH-018), 1-hexyl-3-(naphthalen-1-oyl)indole (JWH-019), 1-Butyl-3-(1-naphthoyl)indole (JWH-073), 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-081), 4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone (JWH-098), (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone (JWH-200), 7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-164), 2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone (JWH-203), 4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-210), 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone (JWH-250), 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398), (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210), (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (WIN-55,212-2), 2-[3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (CP47,497), dimethylheptylpyran.

(8) A controlled substance analog, to the extent that it is implicitly or explicitly intended for human consumption.

EFFECTIVE DATE. This section is effective July 1, 2011, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2010, section 152.02, subdivision 8, is amended to read:

Subd. 8. **Add, delete, or reschedule substances.** The state Board of Pharmacy may, by rule, add substances to or delete or reschedule substances listed in this section. ~~The state Board of Pharmacy, after consulting with the Advisory Council on Controlled Substances, shall annually, on or before May 1 of each year, conduct a review of the placement of controlled substances in the various schedules. The Board of Pharmacy may not delete or reschedule a drug that is in Schedule I, except as provided in subdivision 12.~~

In making a determination regarding a substance, the Board of Pharmacy shall consider the following: The actual or relative potential for abuse, the scientific evidence of its pharmacological effect, if known, the state of current scientific knowledge regarding the substance, the history and current pattern of abuse, the scope, duration, and significance of abuse, the risk to public health, the potential of the substance to produce psychic or physiological dependence liability, and whether the substance is an immediate precursor of a substance already controlled under this section. The state Board of Pharmacy may include any nonnarcotic drug authorized by federal law for medicinal use in a schedule only if such drug must, under either federal or state law or rule, be sold only on prescription.

Sec. 6. Minnesota Statutes 2010, section 152.021, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in the first degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine, heroin, or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

(3) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 500 or more dosage units; or

(4) the person unlawfully possesses one or more mixtures of a total weight of 100 kilograms or more containing marijuana or Tetrahydrocannabinols.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective the day following final enactment, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2010, section 152.022, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the second degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of six grams or more containing cocaine, heroin, or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

(3) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or

(4) the person unlawfully possesses one or more mixtures of a total weight of 50 kilograms or more containing marijuana or Tetrahydrocannabinols.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective the day following final enactment, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2010, section 152.023, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the third degree if:

(1) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of three grams or more containing cocaine, heroin, or methamphetamine;

(2) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

(3) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully possesses any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility;

(5) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols; or

(6) the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective the day following final enactment, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2010, section 152.027, is amended by adding a subdivision to read:

Subd. 6. Sale or possession of synthetic cannabinoids. (a) As used in this subdivision, "synthetic cannabinoid" includes any substance included in section 152.02, subdivision 2, clause (7).

(b) A person who unlawfully sells any amount of a synthetic cannabinoid is guilty of a gross misdemeanor.

(c) A person who unlawfully possesses any amount of a synthetic cannabinoid is guilty of a misdemeanor.

(d) Notwithstanding any contrary provision in sections 152.021 to 152.025, this subdivision describes the exclusive penalties for the sale and possession of synthetic cannabinoid.

EFFECTIVE DATE. This section is effective July 1, 2011, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to public safety; establishing the crimes of sale or possession of synthetic cannabinoids; adding synthetic cannabinoids, 2C-E, and 2C-I to the list of Schedule I controlled substances; adding a definition of "analog" in the controlled substances law; providing that an analog of a Schedule I or II controlled substance is considered a Schedule I controlled substance; establishing use of weight of fluid used in a water pipe when determining weight or amount of controlled substance; providing that the Board of Pharmacy may reschedule certain drugs only pursuant to law; providing criminal penalties; amending Minnesota Statutes 2010, sections 152.01, subdivisions 9a, 16, by adding a subdivision; 152.02, subdivisions 2, 8; 152.021, subdivision 2; 152.022, subdivision 2; 152.023, subdivision 2; 152.027, by adding a subdivision."

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

House Conferees: JOHN KRIESEL, DENNY MCNAMARA, and KERRY GAUTHIER.

Senate Conferees: DAN D. HALL, SANDRA L. PAPPAS and CARLA J. NELSON.

Kriesel moved that the report of the Conference Committee on H. F. No. 57 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 57, A bill for an act relating to public safety; establishing the crimes of sale or possession of synthetic cannabinoids; including a person under the influence of a synthetic cannabinoid for a driving while impaired crime; providing for a penalty; amending Minnesota Statutes 2010, sections 152.027, by adding a subdivision; 169A.20, subdivisions 1, 1a, 1b, 1c.

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

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anzelc	Greene	Hausman	Moran
Buesgens	Hackbarth	Lesch	Rukavina

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 186

A bill for an act relating to drivers' licenses; extending expiration period for driver's license while person is serving in active military service; amending Minnesota Statutes 2010, section 171.27.

May 17, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 186 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

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

House Conferees: DEAN URDAHL, BOB DETTMER and LYLE KOENEN.

Senate Conferees: THEODORE J. "TED" DALEY and ROGER C. CHAMBERLAIN.

Urdahl moved that the report of the Conference Committee on H. F. No. 186 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 186, A bill for an act relating to drivers' licenses; extending expiration period for driver's license while person is serving in active military service; amending Minnesota Statutes 2010, section 171.27.

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

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

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1326

A bill for an act relating to liquor; authorizing brewer taproom licenses; allowing a bed and breakfast to serve Minnesota beer; making clarifying, technical, and other changes to certain license provisions; authorizing the issuance of certain on-sale and off-sale licenses; amending Minnesota Statutes 2010, sections 340A.301, by adding a subdivision; 340A.4011, subdivision 2; 340A.404, subdivision 7, by adding subdivisions; 340A.412, subdivisions 4, 14.

May 17, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 1326 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1326 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 340A.101, is amended by adding a subdivision to read:

Subd. 16a. **Microdistillery.** "Microdistillery" is a distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.

Sec. 2. Minnesota Statutes 2010, section 340A.101, is amended by adding a subdivision to read:

Subd. 24a. **Proof gallon.** A "proof gallon" is one liquid gallon of distilled spirits that is 50 percent alcohol at 60 degrees Fahrenheit.

Sec. 3. Minnesota Statutes 2010, section 340A.301, subdivision 4, is amended to read:

Subd. 4. **Bond.** The commissioner may not issue a license under this section to a person who has not filed a bond with corporate surety, or cash, or United States government bonds payable to the state. The proof of financial responsibility must be approved by the commissioner before the license is issued. The bond must be conditioned on the licensee obeying all laws governing the business and paying when due all taxes, fees, penalties and other charges, and must provide that it is forfeited to the state on a violation of law. This subdivision does not apply to a Minnesota farm winery, licensed under section 340A.315, that is in existence as of January 1, 2010. Bonds must be in the following amounts:

Manufacturers and wholesalers of intoxicating liquor except as provided in this subdivision	\$10,000
Manufacturers and wholesalers of wine up to 25 percent alcohol by weight	\$5,000
Manufacturers and wholesalers of beer of more than 3.2 percent alcohol by weight	\$1,000
<u>Manufacturers and wholesalers of fewer than 20,000 proof gallons</u>	<u>\$2,000</u>
<u>Manufacturers and wholesalers of 20,000 to 40,000 proof gallons</u>	<u>\$3,000</u>

Sec. 4. Minnesota Statutes 2010, section 340A.301, is amended by adding a subdivision to read:

Subd. 6b. **Brewer taproom license.** (a) A municipality may issue the holder of a brewer's license under subdivision 6, clause (c), (i), or (j), a brewer taproom license. A brewer taproom license authorizes on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. Nothing in this subdivision precludes the holder of a brewer taproom license from also holding a license to operate a restaurant at the brewery. Section 340A.409 shall apply to a license issued under this subdivision. All provisions of this chapter that apply to a retail liquor license shall apply to a license issued under this subdivision unless the provision is explicitly inconsistent with this subdivision.

(b) A brewer may only have one taproom license under this subdivision, and may not have an ownership interest in a brewery licensed under subdivision 6, clause (d).

(c) A municipality may not issue a brewer taproom license to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.

(d) The municipality shall impose a licensing fee on a brewer holding a brewer taproom license under this subdivision, subject to limitations applicable to license fees under section 340A.408, subdivision 2, paragraph (a).

(e) A municipality shall, within ten days of the issuance of a license under this subdivision, inform the commissioner of the licensee's name and address and trade name, and the effective date and expiration date of the license. The municipality shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period.

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

Sec. 5. Minnesota Statutes 2010, section 340A.301, is amended by adding a subdivision to read:

Subd. 6c. **Microdistillery fee.** The commissioner shall establish a fee for licensing microdistilleries that adequately covers the cost of issuing the license and other inspection requirements. The fees shall be deposited in an account in the special revenue fund and are appropriated to the commissioner for the purposes of this subdivision.

Sec. 6. Minnesota Statutes 2010, section 340A.4011, subdivision 2, is amended to read:

Subd. 2. License not required. (a) Notwithstanding section 340A.401, no license under this chapter is required for a bed and breakfast facility to provide at no additional charge to a person renting a room at the facility not more than two glasses per day each containing not more than four fluid ounces of wine, or not more than one glass per day containing not more than 12 ounces of Minnesota-produced beer. Wine or beer so furnished may be consumed only on the premises of the bed and breakfast facility.

(b) A bed and breakfast facility may furnish wine or beer under paragraph (a) only if the facility is registered with the commissioner. Application for such registration must be on a form the commissioner provides. The commissioner may revoke registration under this paragraph for any violation of this chapter or a rule adopted under this chapter.

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

Sec. 7. Minnesota Statutes 2010, section 340A.404, is amended by adding a subdivision to read:

Subd. 1b. **Cities; auto racing facilities.** A city may issue an on-sale intoxicating liquor license to an auto racing facility located in the city. The license may authorize sales both to persons attending any and all events at the facility, and sales in a restaurant, bar, or banquet facility located on the premises of the auto racing facility. The license authorizes sales on all days of the week. The license may be issued for a space that is not compact and contiguous, provided that the licensed premises may include only the space within a defined area as described in the application for the license.

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

Sec. 8. Minnesota Statutes 2010, section 340A.404, is amended by adding a subdivision to read:

Subd. 5a. **Wine festival.** A municipality with the approval of the commissioner may issue a temporary license to a bona fide association of owners and operators of wineries sponsoring an annual festival to showcase wines produced by members of the association. The license issued under this subdivision authorizes the sale of table, sparkling, or fortified wines produced by the wineries at on-sale by the glass, provided that no more than two glasses per customer may be sold, and the dispensing of free samples of the wines offered for sale within designated premises of the festival. A license issued under this subdivision is subject to all laws and ordinances governing the sale, possession, and consumption of table, sparkling, or fortified wines. For purposes of this subdivision, a "bona fide association of owners and operators of wineries" means an association of more than ten wineries that has been in existence for more than two years at the time of application for the temporary license.

Sec. 9. Minnesota Statutes 2010, section 340A.404, subdivision 7, is amended to read:

Subd. 7. **Airports commission.** On-sale licenses may be issued by the Metropolitan Airports Commission for the sale of intoxicating liquor in major airports owned by the Metropolitan Airports Commission and used as terminals for regularly scheduled air passenger service. Notwithstanding any other law, the license authorized by this subdivision may be issued for space that is not compact and contiguous.

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

Sec. 10. Minnesota Statutes 2010, section 340A.404, is amended by adding a subdivision to read:

Subd. 10a. **Temporary on-sale licenses; farm winery.** The governing body of a municipality may issue to a farm winery licensed under section 340A.315 a temporary license for the on-sale at a county fair located within the municipality of intoxicating liquor produced by the farm winery. The licenses are subject to the terms, including a license fee, imposed by the issuing municipality and all laws and ordinances governing the sale of intoxicating liquor not inconsistent with this section. Licenses under this subdivision are not valid unless first approved by the commissioner of public safety.

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

Sec. 11. Minnesota Statutes 2010, section 340A.404, is amended by adding a subdivision to read:

Subd. 14. **Private college.** Notwithstanding any other law, local ordinance, or charter provision, the governing body of a municipality may issue an on-sale intoxicating liquor license to a private, nonprofit college located within the municipality, or to any entity holding a caterer's permit and a contract with the private, nonprofit college for catering on the premises of the private, nonprofit college, or for any portion of the premises as described in the approved license application. The license authorized by this subdivision may be issued for space that is not compact and contiguous, provided that all such space is included in the description of the licensed premises on the approved

license application. The license authorizes sales on all days of the week to persons attending events at the private, nonprofit college. All other provisions of this chapter not inconsistent with this section apply to the license authorized under this section.

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

Sec. 12. Minnesota Statutes 2010, section 340A.412, subdivision 4, is amended to read:

Subd. 4. **Licenses prohibited in certain areas.** (a) No license to sell intoxicating liquor may be issued within the following areas:

(1) where restricted against commercial use through zoning ordinances and other proceedings or legal processes regularly had for that purpose, except licenses may be issued to restaurants in areas which were restricted against commercial uses after the establishment of the restaurant;

(2) within the Capitol or on the Capitol grounds, except as provided under Laws 1983, chapter 259, section 9, or Laws 1999, chapter 202, section 13;

(3) on the State Fairgrounds, except as provided under section 37.21, subdivision 2;

(4) on the campus of the College of Agriculture of the University of Minnesota;

(5) within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision or control, in whole or in part, of the commissioner of human services or the commissioner of corrections;

(6) in a town or municipality in which a majority of votes at the last election at which the question of license was voted upon were not in favor of license under section 340A.416, or within one-half mile of any such town or municipality, except that intoxicating liquor manufactured within this radius may be sold to be consumed outside it; and

~~(7) within 1,500 feet of a state university, except that:~~

~~(i) the minimum distance in the case of Winona and Southwest State University is 1,200 feet, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;~~

~~(ii) within 1,500 feet of St. Cloud State University one on-sale wine and two off-sale intoxicating liquor licenses may be issued, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;~~

~~(iii) at Mankato State University the distance is measured from the front door of the student union of the Highland campus;~~

~~(iv) a temporary license under section 340A.404, subdivision 10, may be issued to a location on the grounds of a state university for an event sponsored or approved by the state university; and~~

~~(v) this restriction does not apply to the area surrounding the premises of Metropolitan State University in Minneapolis; and~~

~~(8) (7) within 1,500 feet of any public school that is not within a city.~~

(b) The restrictions of this subdivision do not apply to a manufacturer or wholesaler of intoxicating liquor or to a drugstore or to a person who had a license originally issued lawfully prior to July 1, 1967.

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

Sec. 13. **WHITE BEAR TOWNSHIP; AUTHORITY TO ISSUE LICENSES.**

Notwithstanding any law or ordinance to the contrary, White Bear Township may issue on-sale and off-sale liquor licenses for establishments within its jurisdiction. Only establishments eligible for a license under authority granted to Ramsey County by Minnesota Statutes, chapter 340A, may be issued a license under this section. All provisions of Minnesota Statutes, chapter 340, not inconsistent with this section shall apply to the licenses authorized under this section.

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

Sec. 14. **CHANGE IN STATUS; GRANDFATHER PROVISION.**

Notwithstanding Minnesota Statutes, section 340A.413, subdivision 5, the city of Rochester may issue 26 off-sale liquor licenses.

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

Sec. 15. **COMMUNITY BASEBALL ALCOHOL ISSUES REVIEW.**

The legislative committees with jurisdiction over alcohol regulation shall consider and examine issues surrounding the provision of alcohol to amateur, town league, semiprofessional, and other forms of community baseball.

Sec. 16. **EFFECTIVE DATE; SUMMER COLLEGIATE BASEBALL LICENSES.**

Laws 2011, chapter 16, is effective April 20, 2011."

Delete the title and insert:

"A bill for an act relating to liquor; providing for microdistillery and brewer taproom licenses; authorizing the issuance of certain temporary and on-sale municipal licenses; making technical, clarifying, and other changes to certain license provisions; authorizing issuance of on-sale and off-sales licenses by White Bear Township; authorizing issuance of off-sale licenses by the City of Rochester; providing for legislative review of community baseball alcohol issues; amending Minnesota Statutes 2010, sections 340A.101, by adding subdivisions; 340A.301, subdivision 4, by adding subdivisions; 340A.4011, subdivision 2; 340A.404, subdivision 7, by adding subdivisions; 340A.412, subdivision 4."

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

House Conferees: JOE ATKINS, JOE HOPPE and JENIFER LOON.

Senate Conferees: CHRIS GERLACH, GARY H. DAHMS and LINDA SCHEID.

Atkins moved that the report of the Conference Committee on H. F. No. 1326 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1326, A bill for an act relating to liquor; authorizing brewer taproom licenses; allowing a bed and breakfast to serve Minnesota beer; making clarifying, technical, and other changes to certain license provisions; authorizing the issuance of certain on-sale and off-sale licenses; amending Minnesota Statutes 2010, sections 340A.301, by adding a subdivision; 340A.4011, subdivision 2; 340A.404, subdivision 7, by adding subdivisions; 340A.412, subdivisions 4, 14.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Holberg	McElpatrick
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The bill was repassed, as amended by Conference, and its title agreed to.

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 460, A bill for an act relating to State Fire Code; prohibiting sprinkler requirements in single-family dwellings; amending Minnesota Statutes 2010, section 299F.011, by adding a subdivision.

CAL R. LUDEMAN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Peppin moved that the House concur in the Senate amendments to H. F. No. 460 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 460, A bill for an act relating to State Fire Code; prohibiting sprinkler requirements in single-family dwellings; requiring licensee offer of option to install fire sprinklers before entering into certain written contracts; amending Minnesota Statutes 2010, sections 299F.011, by adding a subdivision; 326B.809.

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

The question was taken on the repassage of the bill and the roll was called. There were 97 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Hamilton	Lesch	Myhra	Smith
Anderson, B.	Dettmer	Hancock	Liebling	Nelson	Stensrud
Anderson, D.	Dill	Holberg	Lillie	Nornes	Swedzinski
Anderson, S.	Dittrich	Hoppe	Lohmer	Norton	Torkelson
Anzelc	Doepke	Hosch	Loon	O'Driscoll	Urdahl
Banaian	Downey	Howes	Mack	Peppin	Vogel
Barrett	Drazkowski	Johnson	Marquart	Petersen, B.	Ward
Beard	Eken	Kath	Mazorol	Peterson, S.	Wardlow
Benson, M.	Erickson	Kelly	McDonald	Quam	Westrom
Bills	Fabian	Kieffer	McElfatrick	Rukavina	Winkler
Buesgens	Franson	Kiel	McFarlane	Runbeck	Woodard
Clark	Garofalo	Kiffmeyer	McNamara	Sanders	Spk. Zellers
Cornish	Gottwalt	Koenen	Melin	Schomacker	
Crawford	Greene	Kriesel	Moran	Scott	
Daudt	Gruenhagen	Lanning	Morrow	Shimanski	
Davids	Gunther	Leidiger	Murdock	Simon	
Davnie	Hackbarth	LeMieur	Murray	Slawik	

Those who voted in the negative were:

Atkins	Fritz	Hilstrom	Knuth	Mullery	Poppe
Benson, J.	Gauthier	Hilty	Laine	Murphy, E.	Scalze
Brynaert	Greiling	Hornstein	Lenczewski	Murphy, M.	Slocum
Carlson	Hansen	Hortman	Loeffler	Paymar	Thissen
Champion	Hausman	Huntley	Mahoney	Pelowski	Tillberry
Falk	Hayden	Kahn	Mariani	Persell	Wagenius

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

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. 493, A bill for an act relating to motor vehicles; authorizing alternative site for keeping motor vehicle dealer records; modifying provision related to motor vehicle registration; amending Minnesota Statutes 2010, sections 168.017, subdivision 3; 168A.11, subdivision 4.

CAL R. LUDEMAN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Vogel moved that the House concur in the Senate amendments to H. F. No. 493 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 493, A bill for an act relating to motor vehicles; authorizing alternative site for keeping motor vehicle dealer records; modifying provision related to motor vehicle registration; amending Minnesota Statutes 2010, sections 168.017, subdivision 3; 168A.11, subdivision 4.

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

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Lenczewski

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 387:

Kelly, Beard and Murdock.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 821:

Nornes, Daudt and Dettmer.

CALENDAR FOR THE DAY

S. F. No. 779, A bill for an act relating to state lands; authorizing city of Red Wing to convey certain property; providing for conveyance of certain surplus state land; amending Laws 1976, chapter 50, section 1, subdivision 2.

The bill was read for the third time and placed upon its final passage.

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

Those who voted in the affirmative were:

Abeler	Crawford	Gauthier	Hosch	Lesch	Mullery
Anderson, B.	Daudt	Gottwalt	Howes	Liebling	Murdock
Anderson, D.	Davids	Greene	Huntley	Lillie	Murphy, E.
Anderson, S.	Davnie	Greiling	Johnson	Loeffler	Murphy, M.
Anzelc	Dean	Gruenhagen	Kahn	Lohmer	Murray
Atkins	Dettmer	Gunther	Kath	Loon	Myhra
Banaian	Dill	Hackbarth	Kelly	Mack	Nelson
Barrett	Dittrich	Hamilton	Kieffer	Mahoney	Nornes
Beard	Doepke	Hancock	Kiel	Mariani	Norton
Benson, J.	Downey	Hansen	Kiffmeyer	Marquart	O'Driscoll
Benson, M.	Drazkowski	Hausman	Knuth	Mazorol	Paymar
Bills	Eken	Hayden	Koenen	McDonald	Pelowski
Brynaert	Erickson	Hilstrom	Kriesel	McElfatrick	Peppin
Buesgens	Fabian	Hilty	Laine	McFarlane	Persell
Carlson	Falk	Holberg	Lanning	McNamara	Petersen, B.
Champion	Franson	Hoppe	Leidiger	Melin	Peterson, S.
Clark	Fritz	Hornstein	LeMieur	Moran	Poppe
Cornish	Garofalo	Hortman	Lenczewski	Morrow	Quam

Rukavina	Scott	Smith	Torkelson	Wardlow
Runbeck	Shimanski	Stensrud	Urdahl	Westrom
Sanders	Simon	Swedzinski	Vogel	Winkler
Scalze	Slawik	Thissen	Wagenius	Woodard
Schomacker	Slocum	Tillberry	Ward	Spk. Zellers

The bill was passed and its title agreed to.

S. F. No. 67, A bill for an act relating to transportation; authorizing annual special permits for transporting waterfront structures on trunk highways; amending Minnesota Statutes 2010, section 169.86, subdivision 5.

The bill was read for the third time and placed upon its final passage.

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 650, A bill for an act relating to transportation; regulating driver education and driver examination related to carbon monoxide poisoning; making technical changes; amending Minnesota Statutes 2010, sections 171.0701; 171.13, subdivision 1, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 943 was reported to the House.

Hackbarth moved to amend S. F. No. 943, the fourth engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 984, the second engrossment:

"Section 1. Minnesota Statutes 2010, section 3.7371, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** Notwithstanding section 3.736, subdivision 3, paragraph (e), or any other law, a person who owns an agricultural crop or pasture shall be compensated by the commissioner of agriculture for an agricultural crop, or fence surrounding the crop or pasture, that is damaged or destroyed by elk as provided in this section.

Sec. 2. Minnesota Statutes 2010, section 3.7371, subdivision 3, is amended to read:

Subd. 3. **Compensation.** The crop owner is entitled to the target price or the market price, whichever is greater, of the damaged or destroyed crop plus adjustments for yield loss determined according to agricultural stabilization and conservation service programs for individual farms, adjusted annually, as determined by the commissioner, upon recommendation of the county extension agent for the owner's county. The commissioner, upon recommendation of the agent, shall determine whether the crop damage or destruction or damage to or destruction of

a fence surrounding a crop or pasture is caused by elk and, if so, the amount of the crop or fence that is damaged or destroyed. In any fiscal year, ~~a crop~~ an owner may not be compensated for a damaged or destroyed crop or fence surrounding a crop or pasture that is less than \$100 in value and may be compensated up to \$20,000, as determined under this section, if normal harvest procedures for the area are followed. In any fiscal year, the commissioner may provide compensation for claims filed under this section up to the amount expressly appropriated for this purpose.

Sec. 3. Minnesota Statutes 2010, section 17.4982, subdivision 8, is amended to read:

Subd. 8. **Containment facility.** "Containment facility" means a licensed facility for salmonids ~~or~~ catfish, or species on the viral hemorrhagic septicemia (VHS) susceptible list published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, that complies with clauses (1), (3), and (4), or clauses (2), (3), and (4):

- (1) disinfects its effluent to the standards in section 17.4991 before the effluent is discharged to public waters;
- (2) does not discharge to public waters or to waters of the state directly connected to public waters;
- (3) raises aquatic life that is prohibited from being released into the wild and must be kept in a facility approved by the commissioner unless processed for food consumption;
- (4) contains aquatic life requiring a fish health inspection prior to transportation.

Sec. 4. Minnesota Statutes 2010, section 17.4982, is amended by adding a subdivision to read:

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

Sec. 5. Minnesota Statutes 2010, section 17.4982, subdivision 12, is amended to read:

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

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

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

Sec. 6. Minnesota Statutes 2010, section 17.4982, subdivision 13, is amended to read:

Subd. 13. **Fish health inspector.** "Fish health inspector" means an individual certified as a fish health inspector or an aquatic animal health inspector by the American Fisheries Society or state, federal, or provincial resource management agency, except that a certification may not be made by an inspector who has a conflict of interest in connection with the outcome of the certification.

Sec. 7. **[17.4989] FISH SAMPLE COLLECTING.**

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

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

(2) identification of fish internal organs;

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

(4) recording and reporting data;

(5) sample preparation and shipping;

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

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

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

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

Sec. 8. Minnesota Statutes 2010, section 17.4991, subdivision 3, is amended to read:

Subd. 3. **Fish health inspection.** (a) An aquatic farm propagating ~~trout, salmon, or salmonids~~, catfish, or species on the viral hemorrhagic septicemia (VHS) susceptible list published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, and having an effluent discharge from the aquatic farm into public waters must have a fish health inspection conducted at least once every 12 months by a certified fish health inspector. Testing must be conducted according to ~~approved~~ laboratory methods of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE).

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

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

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

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

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

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

Sec. 9. Minnesota Statutes 2010, section 17.4994, is amended to read:

17.4994 SUCKER EGGS.

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

Sec. 10. Minnesota Statutes 2010, section 84.942, subdivision 1, is amended to read:

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

Sec. 11. Minnesota Statutes 2010, section 84.95, subdivision 2, is amended to read:

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

- (1) development and implementation of the ~~comprehensive~~ fish and wildlife management ~~plan~~ plans under section 84.942;
- (2) implementation of the reinvest in Minnesota reserve program established by section 103F.515;
- (3) soil and water conservation practices to improve water quality, reduce soil erosion and crop surpluses;
- (4) enhancement or restoration of fish and wildlife habitat on lakes, streams, wetlands, and public and private forest lands;
- (5) acquisition and development of public access sites and recreation easements to lakes, streams, and rivers for fish and wildlife oriented recreation;
- (6) matching funds with government agencies, federally recognized Indian tribes and bands, and the private sector for acquisition and improvement of fish and wildlife habitat;
- (7) research and surveys of fish and wildlife species and habitat;
- (8) enforcement of natural resource laws and rules;
- (9) information and education;
- (10) implementing the aspen recycling program under section 88.80 and for other forest wildlife management projects; and
- (11) necessary support services to carry out these purposes.

Sec. 12. Minnesota Statutes 2010, section 84D.11, subdivision 2a, is amended to read:

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

- (1) from waters that are designated as infested waters, except those designated because they contain prohibited invasive species of fish or certifiable diseases of fish as defined in section 17.4982, subdivision 6; and
- (2) from infested waters as allowed under section 97C.341, paragraph (c).

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

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

Sec. 13. Minnesota Statutes 2010, section 97A.015, subdivision 24, is amended to read:

Subd. 24. **Game birds.** "Game birds" means migratory waterfowl, ring-necked pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, gray partridge, bobwhite quail, wild turkeys, coots, gallinules, sora and Virginia rails, mourning dove, sandhill crane, American woodcock, and common snipe.

Sec. 14. Minnesota Statutes 2010, section 97A.015, subdivision 49, is amended to read:

Subd. 49. **Undressed bird.** "Undressed bird" means:

- (1) a bird, excluding ~~migratory waterfowl, pheasant, Hungarian partridge, turkey, or grouse~~ ducks, with ~~feet and a fully feathered head~~ wing intact;

(2) a migratory waterfowl, ~~excluding geese, duck~~ with a fully feathered wing and head attached; or

(3) a pheasant, Hungarian partridge, or wild turkey, ~~or grouse~~ with one leg and foot ~~or the fully feathered head or wing intact; or~~

~~(4) a goose with a fully feathered wing attached.~~

Sec. 15. Minnesota Statutes 2010, section 97A.015, subdivision 52, is amended to read:

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

Sec. 16. Minnesota Statutes 2010, section 97A.015, subdivision 55, is amended to read:

Subd. 55. **Wild animals.** "Wild animals" means all living creatures, whether dead or alive, not human, wild by nature, endowed with sensation and power of voluntary motion, and includes mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

Sec. 17. Minnesota Statutes 2010, section 97A.028, subdivision 3, is amended to read:

Subd. 3. **Emergency deterrent materials assistance.** (a) For the purposes of this subdivision, "cooperative damage management agreement" means an agreement between a landowner or tenant and the commissioner that establishes a program for addressing the problem of destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, ~~or~~ destruction of agricultural crops by flightless Canada geese, or destruction of agricultural crops or pasture by elk within the native elk range, as determined by the commissioner.

(b) A landowner or tenant may apply to the commissioner for emergency deterrent materials assistance in controlling destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, ~~or~~ destruction of agricultural crops by flightless Canada geese, or destruction of agricultural crops or pasture by elk within the native elk range, as determined by the commissioner. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials when the commissioner determines that:

(1) immediate action is necessary to prevent significant damage from continuing; and

(2) a cooperative damage management agreement cannot be implemented immediately.

(c) A person may receive emergency deterrent materials assistance under this subdivision more than once, but the cumulative total value of deterrent materials provided to a person, or for use on a parcel, may not exceed ~~\$3,000~~ \$5,000 for specialty crops, ~~\$750~~ \$1,500 for protecting stored forage crops, or ~~\$500~~ \$1,000 for agricultural crops damaged by flightless Canada geese. The value of deterrent materials provided to a person to help protect stored forage crops, agricultural crops, or pasture from damage by elk may not exceed \$5,000. If a person is a co-owner or cotenant with respect to the ~~specialty~~ crops for which the deterrent materials are provided, the deterrent materials are deemed to be "provided" to the person for the purposes of this paragraph.

(d) As a condition of receiving emergency deterrent materials assistance under this subdivision, a landowner or tenant shall enter into a cooperative damage management agreement with the commissioner. Deterrent materials provided by the commissioner may include repellents, fencing materials, or other materials recommended in the agreement to alleviate the damage problem. If requested by a landowner or tenant, any fencing materials provided must be capable of providing long-term protection of specialty crops. A landowner or tenant who receives emergency deterrent materials assistance under this subdivision shall comply with the terms of the cooperative damage management agreement.

Sec. 18. Minnesota Statutes 2010, section 97A.101, subdivision 3, is amended to read:

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

Sec. 19. Minnesota Statutes 2010, section 97A.311, subdivision 5, is amended to read:

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

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

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

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

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

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

Sec. 20. Minnesota Statutes 2010, section 97A.321, subdivision 1, is amended to read:

Subdivision 1. **Owner responsibility; penalty amount.** The owner of a dog that pursues but does not kill a big game animal is subject to a civil penalty of \$100 for each violation. The owner of a dog that kills or mortally wounds a big game animal is subject to a civil penalty of \$500 for each violation.

Sec. 21. Minnesota Statutes 2010, section 97A.331, is amended by adding a subdivision to read:

Subd. 4a. **Hunting big game while under revocation.** Notwithstanding section 97A.421, subdivision 7, a person who takes big game during the time the person is prohibited from obtaining a license to take big game under section 97A.421 is guilty of a gross misdemeanor.

Sec. 22. Minnesota Statutes 2010, section 97A.405, subdivision 2, is amended to read:

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

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

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

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

Sec. 23. Minnesota Statutes 2010, section 97A.415, subdivision 2, is amended to read:

Subd. 2. **Transfer prohibited.** A person may not lend, transfer, borrow, or solicit a license or permit, license identification number, application for a license or permit, coupon, tag, or seal, or use a license, permit, license identification number, coupon, tag, or seal not issued to the person unless otherwise expressly authorized. A person may transfer a license, as prescribed by the commissioner, for use by a person with a severe disability or critical illness who is participating in a hunting or fishing program sponsored by a nonprofit organization.

Sec. 24. Minnesota Statutes 2010, section 97A.425, subdivision 3, is amended to read:

Subd. 3. **Reports.** Except for persons licensed to mount specimens of wild animals, an annual report covering the preceding license year must be submitted to the commissioner by March 15. The commissioner may require other reports for statistical purposes. The reports must be on forms supplied or approved by the commissioner.

Sec. 25. Minnesota Statutes 2010, section 97A.433, is amended by adding a subdivision to read:

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

Sec. 26. Minnesota Statutes 2010, section 97A.435, subdivision 1, is amended to read:

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

Sec. 27. Minnesota Statutes 2010, section 97A.445, subdivision 1a, is amended to read:

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

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

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

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

Sec. 28. Minnesota Statutes 2010, section 97A.465, subdivision 5, is amended to read:

Subd. 5. **Preference to service members.** (a) For purposes of this subdivision:

(1) "qualified service member or veteran" means a Minnesota resident who:

(i) is currently serving, or has served at any time during the past 24 months, in active service as a member of the United States armed forces, including the National Guard or other military reserves;

(ii) has received a Purple Heart medal for qualifying military service, as shown by official military records; or

(iii) has a service-connected disability rated at 100 percent as defined by the United States Department of Veterans Affairs; and

(2) "active service" means service defined under section 190.05, subdivision 5b or 5c.

(b) Notwithstanding any other provision of this chapter, chapter 97B or 97C, or administrative rules, the commissioner may give first preference to qualified service members or veterans in any drawing or lottery involving the selection of applicants for hunting or fishing licenses, permits, and special permits. This subdivision does not apply to licenses or permits for taking moose, elk, or prairie chickens. Actions of the commissioner under this subdivision are not rules under the Administrative Procedure Act and section 14.386 does not apply.

Sec. 29. Minnesota Statutes 2010, section 97A.475, subdivision 7, is amended to read:

Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to nonresidents, are:

(1) to take fish by angling, \$37.50;

(2) to take fish by angling limited to seven consecutive days selected by the licensee, \$26.50;

(3) to take fish by angling for a 72-hour period selected by the licensee, \$22;

(4) to take fish by angling for a combined license for a family for one or both parents and dependent children under the age of 16, \$50.50;

(5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50;

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$38.50; and

(7) to take fish by spearing from a dark house, \$37.50.

(b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses issued under paragraph (a), clause (5), and licenses purchased at the resident fee by nonresidents under age 16 under section 97A.451, subdivision 5, paragraph (b). An additional commission may not be assessed on this surcharge.

Sec. 30. Minnesota Statutes 2010, section 97A.502, is amended to read:

97A.502 DEER KILLED BY MOTOR VEHICLES.

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

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

Sec. 31. Minnesota Statutes 2010, section 97A.505, subdivision 2, is amended to read:

Subd. 2. **Possession of unlawful animals brought into state prohibited.** (a) A person may not possess a wild animal that has been unlawfully taken, bought, sold, or possessed outside the state, or unlawfully shipped into the state.

(b) When entering the state from Canada, a person who possesses fish that were unlawfully taken or possessed under paragraph (a) may be charged in the same manner as for possessing fish that were unlawfully taken or possessed in the state.

Sec. 32. Minnesota Statutes 2010, section 97A.545, subdivision 5, is amended to read:

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

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

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

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

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

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

Sec. 33. **[97B.0215] PARENT OR GUARDIAN RESPONSIBILITY; VIOLATION.**

A parent or guardian may not knowingly direct, allow, or permit a person under the age of 18 to hunt without the required license, permit, training, or certification, or in violation of the game and fish laws.

Sec. 34. Minnesota Statutes 2010, section 97B.022, subdivision 2, is amended to read:

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

Sec. 35. Minnesota Statutes 2010, section 97B.031, subdivision 5, is amended to read:

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

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

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

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

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

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

Sec. 36. Minnesota Statutes 2010, section 97B.041, is amended to read:

97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.

(a) A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle capable of firing only rimfire cartridges of .17 and .22 caliber, including .22 magnum caliber cartridges;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

(b) This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader, and those persons may not possess a firearm other than a muzzleloader legal for taking deer under section 97B.031, subdivision 1, or a handgun under paragraph (a), clause (4) or (5), when muzzleloader hunting during ~~that~~ the muzzleloader season.

Sec. 37. Minnesota Statutes 2010, section 97B.055, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

Sec. 38. Minnesota Statutes 2010, section 97B.075, is amended to read:

97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.

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

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

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

Sec. 39. Minnesota Statutes 2010, section 97B.106, subdivision 1, is amended to read:

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

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

(c) The person must obtain the appropriate license.

Sec. 40. Minnesota Statutes 2010, section 97B.211, subdivision 1, is amended to read:

Subdivision 1. **Possession of firearms prohibited.** (a) A person may not take deer by archery while in possession of a firearm.

(b) Paragraph (a) does not apply to a person carrying a handgun in compliance with section 624.714.

Sec. 41. Minnesota Statutes 2010, section 97B.325, is amended to read:

97B.325 DEER STAND RESTRICTIONS.

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

Sec. 42. Minnesota Statutes 2010, section 97B.405, is amended to read:

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

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

~~(b) In the case of a drawing, the commissioner shall allow a person to apply for a permit in more than one area at the same time and rank the person's choice of area. A person selected through a drawing must purchase a license by August 1. Any remaining available licenses not purchased shall be issued to any eligible person as prescribed by the commissioner on a first-come, first-served basis beginning August 2.~~

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

Sec. 43. **[97B.4251] BAITING BEAR; USE OF DRUM.**

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

Sec. 44. Minnesota Statutes 2010, section 97B.515, is amended by adding a subdivision to read:

Subd. 4. **Taking elk causing damage or nuisance.** The commissioner may authorize licensed hunters to take elk that are causing damage or nuisance from August 15 to March 1 under rules prescribed by the commissioner. The commissioner may issue licenses to hunters impartially selected from a list of elk hunt applicants who indicated on their application that they would be interested and available to respond to an elk damage or nuisance situation. Notwithstanding section 97A.433, subdivision 2, clause (2), a person receiving a license to hunt elk under this subdivision does not lose eligibility for future elk hunts.

Sec. 45. Minnesota Statutes 2010, 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 remove or kill or arrange to have removed or killed by any lawful means a beaver associated with the lodge. A road authority that kills or arranges to have killed a beaver under this section must notify a conservation officer or employee of the Wildlife Division within ten days after the animal is killed. A road authority may, after consultation with the Wildlife Division, 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. 46. **[97B.732] SANDHILL CRANE LICENSE REQUIRED.**

A person may not take a sandhill crane without a sandhill crane license.

Sec. 47. Minnesota Statutes 2010, section 97B.803, is amended to read:

97B.803 MIGRATORY WATERFOWL SEASONS AND LIMITS.

~~(a) The commissioner shall prescribe seasons, limits, and areas for taking migratory waterfowl in accordance with federal law.~~

~~(b) The regular duck season may not open before the Saturday closest to October 1.~~

Sec. 48. Minnesota Statutes 2010, section 97B.811, subdivision 3, is amended to read:

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

- ~~(1) the decoys are in waters adjacent to private land under the control of the hunter; and~~
- ~~(2) there is not natural vegetation growing in water sufficient to partially conceal a hunter.~~

Sec. 49. Minnesota Statutes 2010, section 97C.005, subdivision 3, is amended to read:

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

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

Sec. 50. **[97C.007] NORTHERN PIKE EXPERIMENTAL AND SPECIAL MANAGEMENT WATERS.**

The combined number of lakes designated for northern pike under sections 97C.001 and 97C.005 may not exceed 60 at one time. Until August 1, 2021, the designated lakes must be selected from the lakes identified in rules adopted under sections 97C.001 and 97C.005 with northern pike slot limits effective on January 1, 2011. A designation under this section must continue for at least ten years, at which time the commissioner shall determine, based on scientific studies, whether the designation should be discontinued.

Sec. 51. Minnesota Statutes 2010, section 97C.081, subdivision 3, is amended to read:

Subd. 3. **Contests requiring a permit.** (a) Unless subdivision 3a applies, a person must have a permit from the commissioner to conduct a fishing contest ~~that does not meet the criteria in subdivision 2.~~ if:

- (1) there are more than 25 boats for open water contests, more than 150 participants for ice fishing contests, or more than 100 participants for shore fishing contests;
- (2) entry fees are more than \$25 per person; or
- (3) the contest is limited to trout species.

(b) The commissioner shall charge a fee for the permit that recovers the costs of issuing the permit and of monitoring the activities allowed by the permit. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish contest permit fees. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

~~(b)~~ (c) The commissioner may require the applicant to furnish evidence of financial responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000 if entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and if the applicant has either:

(1) not previously conducted a fishing contest requiring a permit under this subdivision; or

(2) ever failed to make required prize awards in a fishing contest conducted by the applicant, ~~the commissioner may require the applicant to furnish the commissioner evidence of financial responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000.~~

~~(c)~~ (d) The permit fee for any individual contest may not exceed the following amounts:

(1) \$60 for an open water contest not exceeding 50 boats and without off-site weigh-in;

(2) \$200 for an open water contest with more than 50 boats and without off-site weigh-in;

(3) \$250 for an open water contest not exceeding 50 boats with off-site weigh-in;

(4) \$500 for an open water contest with more than 50 boats with off-site weigh-in; or

(5) \$120 for an ice fishing contest with more than 150 participants.

Sec. 52. Minnesota Statutes 2010, section 97C.081, is amended by adding a subdivision to read:

Subd. 3a. **Contests without a permit.** A person may conduct a fishing contest without a permit from the commissioner if:

(1) the contest is not limited to specifically named waters;

(2) all the contest participants are age 18 years or under;

(3) the contest is limited to rough fish; or

(4) the total prize value is \$500 or less.

Sec. 53. Minnesota Statutes 2010, section 97C.087, subdivision 2, is amended to read:

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

Sec. 54. Minnesota Statutes 2010, section 97C.205, is amended to read:

97C.205 TRANSPORTING AND STOCKING FISH.

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

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

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

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

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

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

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

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

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

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

(1) were lawfully taken;

(2) have been packaged by a licensed fish packer; and

(3) do not otherwise exceed the statewide possession limits.

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

(1) prescribe methods to acquire brood stock for the ponds by seining public waters;

(2) allow the sporting organizations to own and use seines and other necessary equipment; and

(3) prescribe methods for stocking the fish in public waters that give priority to the needs of the community where the fish are reared and the desires of the organization operating the rearing pond.

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

Sec. 55. Minnesota Statutes 2010, section 97C.315, subdivision 1, is amended to read:

Subdivision 1. **Lines.** An angler may not use more than one line, except:

~~(4)~~ two lines may be used to take fish;

(1) through the ice; ~~and~~

~~(2) the commissioner may, by rule, authorize the use of two lines in areas designated by the commissioner in Lake Superior from the shore, a dock, or a pier; and~~

~~(3) from an anchored watercraft.~~

Sec. 56. Minnesota Statutes 2010, section 97C.341, is amended to read:

97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.

(a) A person may not use live minnows imported from outside of the state, game fish, goldfish, or carp for bait. The commissioner may, by written order published in the State Register, authorize use of game fish eggs as bait and prescribe restrictions on their use. The order is exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

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

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

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

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

(d) To ensure that frozen or dead fish being brought into the state are not in violation of paragraph (b), the following paperwork must accompany the shipment. Documents must be open for inspection by the commissioner at any reasonable time. All documents must be available to purchasers of these bait items. Each container or package of frozen or dead fish must have the following information:

(1) water body source;

(2) lot number;

(3) company contact including name, phone, and address;

(4) date of packaging and labeling; and

(5) valid negative fish health certification from the source water body.

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

Sec. 57. **[97C.342] CERTIFICATION THAT FROZEN OR DEAD FISH BAIT ARE DISEASE FREE.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "Water body" means waters identified by a unique Department of Natural Resources public water identification number; a body of water that has defined boundaries and that has no Department of Natural Resources public water identification number; or a section of stream designated by a Kittle number, lock and dam numbering system, or to the upstream and downstream barrier.

(2) "Commercial license" means a license issued under section 97A.475, subdivision 26, 27, 29, or 30.

Subd. 2. **Bait restrictions.** Frozen or dead fish on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services; cisco (all *Coregonus*, including lake herring and tullibee); and smelt (all *Osmerus*, *Spirincus*, *Hypomesus*, and *Allosmerus*) being used as bait in waters of the state must originate from water bodies certified disease free. Certification for these water bodies is valid for one year from the date of test results.

Subd. 3. **Testing requests.** As a part of commercial licensing procedures, a list of water bodies requiring a fish health certification for commercial bait harvest must be provided to the commissioner no later than March 1 of each year, except in 2011 the list must be provided by August 1.

Subd. 4. **Certification fees.** Notwithstanding section 16A.1283, the commissioner may by written order published in the State Register, establish fees for the services and testing required to issue health certifications for a water body. The fees must be set in an amount that does not recover significantly more or less than the costs of providing services to health-certify a water body. The fees are not subject to the rulemaking provisions of chapter 14 and sections 14.125 and 14.386 do not apply. The services covered under this subdivision include:

(1) cost of collecting the species for testing;

(2) fish health inspection and certification, including initial tissue sample collection, basic fish health assessment, and fish disease testing; and

(3) administrative overhead for tracking and documentation of testing.

Subd. 5. **Transportation permit requirements.** A commercial licensee harvesting from a certified disease-free water body must obtain a live fish importation, transportation, and stocking permit to move fish from that source. A live fish importation, transportation, and stocking permit may be used for multiple shipments within a 30-day term period if the source and destination remain the same. The commercial licensee must contact the department within 24 hours of exercising the permit. Permits may be issued through the department's regional offices or St. Paul office and must be obtained prior to moving fish as approved for movement from these certified disease-free water bodies.

Subd. 6. **Reporting requirements.** A commercial licensee harvesting bait under this section must maintain records on forms provided by the commissioner for each lot of fish frozen for sale as bait. The records must include the lot number for each batch of fish frozen, water body health certification documentation, transportation permit number, and other information as specified on the reporting form. The commercial licensee must enter required records onto forms within 24 hours of packaging and labeling each lot of fish. The commercial licensee 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.

Subd. 7. **Labeling requirements.** Frozen fish from certified disease-free water bodies that are being sold as bait must be labeled. The seller of the product is responsible for making sure the items are labeled according to this section. Each container or package of frozen fish must have the following information:

(1) Department of Natural Resources certified water body number;

(2) Department of Natural Resources transportation permit number;

(3) lot number;

(4) date of harvest from water body;

(5) date of packaging and labeling;

(6) bait store or vendor name where purchased; and

(7) disease-free certification date.

Subd. 8. **Persons using frozen or dead bait.** A person on, or taking wild animals in, waters of the state with frozen or dead bait must possess all labeling as prescribed under subdivision 7. The person must retain the labeling until the bait is used and no longer in the person's possession.

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

Sec. 58. Minnesota Statutes 2010, section 103B.101, subdivision 9, is amended to read:

Subd. 9. **Powers and duties.** In addition to the powers and duties prescribed elsewhere, the board shall:

(1) coordinate the water and soil resources planning and implementation activities of counties, soil and water conservation districts, watershed districts, watershed management organizations, and any other local units of government through its various authorities for approval of local plans, administration of state grants, contracts and easements, and by other means as may be appropriate;

(2) facilitate communication and coordination among state agencies in cooperation with the Environmental Quality Board, and between state and local units of government, in order to make the expertise and resources of state agencies involved in water and soil resources management available to the local units of government to the greatest extent possible;

(3) coordinate state and local interests with respect to the study in southwestern Minnesota under United States Code, title 16, section 1009;

(4) develop information and education programs designed to increase awareness of local water and soil resources problems and awareness of opportunities for local government involvement in preventing or solving them;

(5) provide a forum for the discussion of local issues and opportunities relating to water and soil resources management;

(6) adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law; and

(7) report to the governor and the legislature by October 15 of each even-numbered year with an assessment of board programs and recommendations for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management.

The board may accept grants, gifts, donations, or contributions in money, services, materials, or otherwise from the United States, a state agency, or other source to achieve an authorized or delegated purpose. The board may enter into a contract or agreement necessary or appropriate to accomplish the transfer. The board may conduct or participate in local, state, or federal programs or projects that have as one purpose or effect the preservation or enhancement of water and soil resources and may enter into and administer agreements with local governments or landowners or their designated agents as part of those programs or projects. The board may receive and expend money to acquire conservation easements, as defined in chapter 84C, on behalf of the state and federal government consistent with the Camp Ripley's Army Compatible Use Buffer Project.

Any money received is hereby deposited in an account in a fund other than the general fund and appropriated and dedicated for the purpose for which it is granted.

Sec. 59. **[348.125] COYOTE CONFLICT MANAGEMENT OPTION.**

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

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

Sec. 60. Minnesota Statutes 2010, section 604A.24, is amended to read:

604A.24 LIABILITY; LEASED LAND, WATER-FILLED MINE PITS; MUNICIPAL POWER AGENCY LAND.

Unless otherwise agreed in writing, sections 604A.22 and 604A.23 also apply to the duties and liability of an owner of the following land:

- (1) land leased to the state or any political subdivision for recreational purpose; or
- (2) idled or abandoned, water-filled mine pits whose pit walls may slump or cave, and to which water the public has access from a water access site operated by a public entity; ~~or~~
- (3) land of which a municipal power agency is an owner and that is used for recreational trail purposes, and other land of a municipal power agency which is within 300 feet of such land if the entry onto such land was from land that is dedicated for recreational purposes or recreational trail use; or
- (4) land leased to the state or otherwise subject to an agreement or contract for purposes of a state-sponsored walk-in access program.

Sec. 61. **RULEMAKING; GAME FARMS.**

(a) The commissioner of natural resources shall amend Minnesota Rules, parts 6242.0900, subpart 1, and 6242.1000, subpart 1, to allow an option for game farm licensees to use approved report and sales receipt formats.

(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. 62. **RULEMAKING; SPEARING ON CASS LAKE.**

The commissioner of natural resources shall amend Minnesota Rules, part 6264.0400, subpart 69, to allow a person to take fish by spearing on Cass Lake. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388. The commissioner shall not adopt restrictions on spearing northern pike on Cass Lake under Minnesota Statutes, section 97C.001 or 97C.005.

Sec. 63. **DEER HUNTING RULES.**

(a) The commissioner of natural resources shall not adopt a rule applicable for the Series 300 deer permit areas that:

(1) imposes an antler point restriction for taking antlered deer other than that imposed under Minnesota Rules, part 6232.0200, subpart 6; or

(2) prohibits party hunting for antlered deer according to Minnesota Statutes, section 97B.301, subdivision 3.

(b) The commissioner of natural resources shall amend Minnesota Rules, part 6232.1300, subpart 3, item B, to allow legal bucks to be taken in season option A for a nine-day period beginning the Saturday nearest November 6. 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 in Minnesota Statutes, section 14.388.

Sec. 64. **LAKE FLORIDA FISHING RESTRICTIONS.**

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

Sec. 65. **REPEALER.**

Minnesota Statutes 2010, sections 84.942, subdivisions 2, 3, and 4; 97A.015, subdivisions 26b, 27b, and 27c; 97A.435, subdivision 5; 97B.511; 97B.515, subdivision 3; 97B.811, subdivision 4; and 97C.081, subdivision 2, are repealed."

Delete the title and insert:

"A bill for an act relating to game and fish; modifying aquaculture provisions; modifying compensation and assistance provisions for crop damage by elk; modifying requirements for fish and wildlife management plans; modifying provisions for taking, possessing, and transporting wild animals; modifying certain acquisition procedures; modifying penalty and license provisions; modifying duties of the Board of Water and Soil Resources; limiting landowner liability for state walk-in access program; requiring rulemaking; providing criminal penalties; amending Minnesota Statutes 2010, sections 3.7371, subdivisions 1, 3; 17.4982, subdivisions 8, 12, 13, by adding a subdivision; 17.4991, subdivision 3; 17.4994; 84.942, subdivision 1; 84.95, subdivision 2; 84D.11, subdivision 2a; 97A.015, subdivisions 24, 49, 52, 55; 97A.028, subdivision 3; 97A.101, subdivision 3; 97A.311, subdivision 5; 97A.321, subdivision 1; 97A.331, by adding a subdivision; 97A.405, subdivision 2; 97A.415, subdivision 2; 97A.425, subdivision 3; 97A.433, by adding a subdivision; 97A.435, subdivision 1; 97A.445, subdivision 1a; 97A.465, subdivision 5; 97A.475, subdivision 7; 97A.502; 97A.505, subdivision 2; 97A.545, subdivision 5; 97B.022, subdivision 2; 97B.031, subdivision 5; 97B.041; 97B.055, subdivision 3; 97B.075; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.325; 97B.405; 97B.515, by adding a subdivision; 97B.667; 97B.803; 97B.811, subdivision 3; 97C.005, subdivision 3; 97C.081, subdivision 3, by adding a subdivision; 97C.087, subdivision 2; 97C.205; 97C.315, subdivision 1; 97C.341; 103B.101, subdivision 9; 604A.24; proposing coding for new law in Minnesota Statutes, chapters 17; 97B; 97C; 348; repealing Minnesota Statutes 2010, sections 84.942, subdivisions 2, 3, 4; 97A.015, subdivisions 26b, 27b, 27c; 97A.435, subdivision 5; 97B.511; 97B.515, subdivision 3; 97B.811, subdivision 4; 97C.081, subdivision 2."

The motion prevailed and the amendment was adopted.

Erickson moved to amend S. F. No. 943, the fourth engrossment, as amended, as follows:

Page 17, after line 28, insert:

"Sec. 41. **[97B.302] TAKING OF WHITE DEER.**

The commissioner of natural resources is encouraged to print in the deer hunting guide the following: "To the extent possible, hunters should not take a white deer in northern Mille Lacs County."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 35 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Davnie	Hilty	Liebling	Moran	Quam
Anderson, S.	Dittrich	Hortman	Loeffler	Mullery	Scalze
Benson, J.	Erickson	Kahn	Lohmer	Murphy, M.	Shimanski
Benson, M.	Fritz	Knuth	Loon	Norton	Slocum
Brynaert	Greiling	Laine	Mariani	Persell	Wagenius
Clark	Hausman	Lenczewski	McElfrick	Peterson, S.	

Those who voted in the negative were:

Abeler	Dettmer	Hamilton	Koenen	Murphy, E.	Simon
Anderson, D.	Dill	Hancock	Kriesel	Murray	Slawik
Anzelc	Doepke	Hansen	Lanning	Myhra	Smith
Atkins	Downey	Hayden	Leidiger	Nelson	Stensrud
Banaian	Drazkowski	Hilstrom	LeMieur	Nornes	Swedzinski
Barrett	Eken	Holberg	Lesch	O'Driscoll	Tillberry
Beard	Fabian	Hoppe	Lillie	Paymar	Torkelson
Bills	Falk	Hornstein	Mack	Pelowski	Urdahl
Buesgens	Franson	Hosch	Mahoney	Peppin	Vogel
Carlson	Garofalo	Howes	Marquart	Petersen, B.	Ward
Champion	Gauthier	Huntley	Mazorol	Poppe	Wardlow
Cornish	Gottwalt	Johnson	McDonald	Rukavina	Westrom
Crawford	Greene	Kath	McFarlane	Runbeck	Winkler
Daudt	Gruenhagen	Kelly	McNamara	Sanders	Spk. Zellers
Davids	Gunther	Kiel	Morrow	Schomacker	
Dean	Hackbarth	Kiffmeyer	Murdock	Scott	

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

Hansen moved to amend S. F. No. 943, the fourth engrossment, as amended, as follows:

Page 27, delete section 59

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hansen amendment and the roll was called. There were 22 yeas and 109 nays as follows:

Those who voted in the affirmative were:

Champion	Hausman	Kahn	Loeffler	Murphy, E.	Thissen
Clark	Hilty	Knuth	Mariani	Paymar	Wagenius
Greiling	Hornstein	Lenczewski	Moran	Scalze	
Hansen	Johnson	Liebling	Mullery	Slocum	

Those who voted in the negative were:

Anderson, B.	Dean	Hackbarth	Leidiger	Myhra	Slawik
Anderson, D.	Dettmer	Hamilton	LeMieur	Nelson	Smith
Anderson, S.	Dill	Hancock	Lesch	Nornes	Stensrud
Anzelc	Dittrich	Hilstrom	Lillie	Norton	Swedzinski
Atkins	Doepke	Holberg	Lohmer	O'Driscoll	Tillberry
Banaian	Downey	Hoppe	Loon	Pelowski	Torkelson
Barrett	Drazkowski	Hortman	Mack	Peppin	Urdahl
Beard	Eken	Hosch	Mahoney	Persell	Vogel
Benson, J.	Erickson	Howes	Marquart	Petersen, B.	Ward
Benson, M.	Fabian	Huntley	Mazorol	Peterson, S.	Wardlow
Bills	Falk	Kath	McDonald	Poppe	Westrom
Brynaert	Franson	Kelly	McElfatrick	Quam	Winkler
Buesgens	Fritz	Kieffer	McFarlane	Rukavina	Woodard
Carlson	Garofalo	Kiel	McNamara	Runbeck	Spk. Zellers
Cornish	Gauthier	Kiffmeyer	Melin	Sanders	
Crawford	Gottwalt	Koenen	Morrow	Schomacker	
Daudt	Greene	Kriesel	Murdock	Scott	
Davids	Gruenhagen	Laine	Murphy, M.	Shimanski	
Davnie	Gunther	Lanning	Murray	Simon	

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

Dill moved to amend S. F. No. 943, the fourth engrossment, as amended, as follows:

Page 28, after line 26, insert:

"Sec. 65. **CONSUMPTIVE USE OF WATER.**

Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature approves of the consumptive use of water under a permit of more than 2,000,000 gallons per day average in a 30-day period in Cook County, in connection with snowmaking and potable water. Notwithstanding any other law to the contrary, the permit for the consumptive use of water approved under this section shall be issued, subject to the fees specified under Minnesota Statutes, section 103G.271, without any additional administrative process to withdraw up to 150,000,000 gallons of water annually for snowmaking and potable water purposes. The permit authorized under this section shall be suspended if the flow of the Poplar River falls below 15 cubic feet per second for more than five consecutive days. The permit authorized under this section shall be reinstated when the flow of the Poplar River resumes to 15 cubic feet per second or greater. The permit shall be for a term of five years."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Swedzinski moved to amend S. F. No. 943, the fourth engrossment, as amended, as follows:

Page 27, after line 8, insert:

"Sec. 60. Minnesota Statutes 2010, section 604A.12, is amended to read:

604A.12 LIVESTOCK ACTIVITIES; IMMUNITY FROM LIABILITY.

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

(b) "Inherent risks of livestock activities" means dangers or conditions that are an integral part of livestock activities, including:

(1) the propensity of livestock to behave in ways that may result in death or injury to persons on or around them, such as kicking, biting, ~~or~~ bucking, or charging;

(2) the unpredictability of livestock's reaction to things like sound, sudden movement, unfamiliar objects, persons, or other animals;

(3) natural hazards such as surface or subsurface conditions; or

(4) collisions with other livestock or objects.

(c) "Livestock" means cattle, sheep, swine, horses, ponies, donkeys, mules, hinnies, goats, buffalo, llamas, or poultry.

(d) "Livestock activity" means an activity involving the maintenance or use of livestock, regardless of whether the activity is open to the general public, and, except in the case of livestock grazing under clause (7), provided the activity is not performed for profit. Livestock activity includes:

(1) livestock production;

(2) loading, unloading, or transporting livestock;

(3) livestock shows, fairs, competitions, performances, races, rodeos, or parades;

(4) livestock training or teaching activities;

(5) boarding, shoeing, or grooming livestock; ~~or~~

(6) riding or inspecting livestock or livestock equipment; or

(7) the use of state property for livestock grazing, pursuant to an agreement with the commissioner of natural resources.

(e) "Livestock activity sponsor" means a person who sponsors, organizes, or provides the facilities for a livestock activity that is open to the general public.

(f) "Participant" means a person who directly and intentionally engages in a livestock activity. Participant does not include a spectator who is in an authorized area.

Subd. 2. **Immunity from liability; livestock events.** ~~Except as provided in subdivision 3,~~ A nonprofit corporation, association, or organization, or a person or other entity donating services, livestock, facilities, or equipment for the use of a nonprofit corporation, association, or organization, is not liable for the death of or an injury to a participant resulting from the inherent risks of livestock activities.

Subd. 3. **Exceptions; livestock events.** Subdivision 2 does not apply if any of the following exist:

(1) the person provided livestock for the participant and failed to make reasonable efforts to determine the ability of the participant to safely engage in the livestock activity or to determine the ability of the participant to safely manage the particular livestock based on the participant's representations of the participant's ability;

(2) the person provided equipment or tack for the livestock and knew or should have known that it was faulty to the extent that it caused the injury or death;

(3) the person owns or leases the land upon which a participant was injured or died because of a human-made dangerous latent condition and failed to use reasonable care to protect the participant;

(4) the person is a livestock activity sponsor and fails to comply with the notice requirement of subdivision 4; or

(5) the act or omission of the person was willful or negligent.

Subd. 3a. **Immunity from liability; grazing on public lands.** (a) Any person or entity grazing livestock on state lands under an agreement with the commissioner of natural resources is not liable for damage to property or the death of or an injury to a person due to the inherent risks of livestock activities.

(b) This subdivision does not apply if the person or entity grazing the livestock:

(1) fails to exercise reasonable care in using the land for grazing or in managing the livestock; or

(2) maintains a condition in material violation of an agreement with the commissioner of natural resources for use of the land, and the condition contributed to the damage, death, or injury.

Subd. 4. **Posting notice.** (a) A livestock activity sponsor shall post plainly visible signs at one or more prominent locations in the premises where the livestock activity takes place that include a warning of the inherent risks of livestock activity and the limitation of liability under this section.

(b) The commissioner of natural resources shall post plainly visible signs at one or more prominent locations on any state property being used for grazing purposes pursuant to an agreement with the commissioner. The signs shall include a warning of the inherent risks of livestock activity, and the limitations of liability provided in this section and any other applicable law.

EFFECTIVE DATE; APPLICABILITY. This section is effective the day following final enactment and applies to causes of action arising on or after that date. The commissioner shall post notice as required by subdivision 4 on any property subject to a livestock grazing agreement on the effective date of this section within 60 days of that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hackbarth moved to amend S. F. No. 943, the fourth engrossment, as amended, as follows:

Page 20, line 17, delete "60" and insert "90"

The motion prevailed and the amendment was adopted.

Hansen moved to amend S. F. No. 943, the fourth engrossment, as amended, as follows:

Page 20, delete section 50

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hansen amendment and the roll was called. There were 37 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Atkins	Fritz	Hornstein	Lillie	Norton	Tillberry
Benson, J.	Greene	Johnson	Loeffler	Paymar	Wagenius
Brynaert	Greiling	Kahn	Mahoney	Peterson, S.	
Carlson	Hansen	Knuth	Mariani	Poppe	
Champion	Hausman	Lenczewski	Mullery	Scalze	
Clark	Hayden	Lesch	Murphy, E.	Slocum	
Davnie	Hilty	Liebling	Murphy, M.	Thissen	

Those who voted in the negative were:

Abeler	Dettmer	Hackbarth	Laine	Murray	Simon
Anderson, B.	Dill	Hamilton	Lanning	Myhra	Slawik
Anderson, D.	Dittrich	Hancock	Leidiger	Nelson	Smith
Anderson, S.	Doepke	Hilstrom	LeMieur	Nornes	Stensrud
Anzelc	Downey	Holberg	Lohmer	O'Driscoll	Swedzinski
Banaian	Drazkowski	Hoppe	Loon	Pelowski	Torkelson
Barrett	Eken	Hortman	Mack	Peppin	Urdahl
Beard	Erickson	Hosch	Marquart	Persell	Vogel
Benson, M.	Fabian	Howes	Mazorol	Petersen, B.	Ward
Bills	Falk	Kath	McDonald	Quam	Wardlow
Buesgens	Franson	Kelly	McElfatrick	Rukavina	Westrom
Cornish	Garofalo	Kieffer	McFarlane	Runbeck	Winkler
Crawford	Gauthier	Kiel	McNamara	Sanders	Woodard
Daudt	Gottwalt	Kiffmeyer	Melin	Schomacker	Spk. Zellers
Dauids	Gruenhagen	Koenen	Morrow	Scott	
Dean	Gunther	Kriesel	Murdock	Shimanski	

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

Hansen moved to amend S. F. No. 943, the fourth engrossment, as amended, as follows:

Page 28, delete section 62

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Knuth moved to amend S. F. No. 943, the fourth engrossment, as amended, as follows:

Page 28, delete section 63

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Knuth amendment and the roll was called. There were 47 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Atkins	Falk	Hilty	Laine	Melin	Simon
Benson, J.	Fritz	Hornstein	Lenczewski	Mullery	Slawik
Brynaert	Gauthier	Hortman	Lesch	Murphy, E.	Slocum
Carlson	Greene	Hosch	Liebling	Murphy, M.	Thissen
Champion	Greiling	Huntley	Lillie	Norton	Tillberry
Clark	Hansen	Johnson	Loeffler	Paymar	Wagenius
Davnie	Hausman	Kahn	Mahoney	Peterson, S.	Winkler
Dittrich	Hayden	Knuth	Mariani	Scalze	

Those who voted in the negative were:

Abeler	Davids	Gunther	Kriesel	Murdock	Schomacker
Anderson, B.	Dean	Hackbarth	Lanning	Murray	Scott
Anderson, D.	Dettmer	Hamilton	Leidiger	Myhra	Shimanski
Anderson, S.	Dill	Hancock	LeMieur	Nelson	Smith
Anzelc	Doepke	Hilstrom	Lohmer	Nornes	Stensrud
Banaian	Downey	Holberg	Loon	O'Driscoll	Swedzinski
Barrett	Drazkowski	Hoppe	Mack	Pelowski	Torkelson
Beard	Eken	Howes	Marquart	Peppin	Urdahl
Benson, M.	Erickson	Kath	Mazorol	Petersen, B.	Vogel
Bills	Fabian	Kelly	McDonald	Poppe	Ward
Buesgens	Franson	Kieffer	McElfratrick	Quam	Wardlow
Cornish	Garofalo	Kiel	McFarlane	Rukavina	Westrom
Crawford	Gottwalt	Kiffmeyer	McNamara	Runbeck	Woodard
Daudt	Gruenhagen	Koenen	Morrow	Sanders	Spk. Zellers

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

Knuth was excused for the remainder of today's session.

Kahn; Lesch; Laine; Dill; Knuth; Loon; Anderson, S.; Hausman; Abeler; Davids; Greiling and Murphy, M., moved to amend S. F. No. 943, the fourth engrossment, as amended, as follows:

Page 18, after line 22, insert:

"Sec. 44. **[97B.435] RESEARCH BEARS.**

(a) The commissioner of natural resources shall annually notify, in writing, all persons with a license to take bear in a permit area with research bears subject to a request for protection under paragraph (b) of:

(1) the location and nature of the research being conducted in the area;

(2) how to identify a research bear;

(3) a request to avoid shooting a research bear; and

(4) procedures to follow if a research bear is taken.

(b) A person conducting research on bears under an agreement with the commissioner of natural resources may request protection of the bears subject to the research under this section. The bears must be tagged with a visible fluorescent ribbon.

(c) A request for protection under paragraph (b) shall be considered made in the bear permit area or areas that include any portion of the area east of Highway 53, in Townships 60 to 64 North, in central St. Louis County, until bear research, under agreement with the commissioner, is no longer conducted in the area."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kahn et al amendment and the roll was called. There were 69 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hilty	Lenczewski	Morrow	Simon
Anderson, S.	Eken	Hornstein	Lesch	Mullery	Slawik
Anzelc	Erickson	Hortman	Liebling	Murphy, E.	Slocum
Atkins	Falk	Hosch	Lillie	Murphy, M.	Smith
Benson, J.	Fritz	Huntley	Loeffler	Nelson	Thissen
Brynaert	Gauthier	Johnson	Loon	Norton	Tillberry
Carlson	Greene	Kahn	Mahoney	Paymar	Wagenius
Champion	Greiling	Kath	Mariani	Persell	Ward
Clark	Hansen	Kiel	Marquart	Peterson, S.	Winkler
Davids	Hausman	Koenen	McFarlane	Poppe	
Davnie	Hayden	Kriesel	Melin	Rukavina	
Dill	Hilstrom	Laine	Moran	Scalze	

Those who voted in the negative were:

Anderson, B.	Dean	Hackbarth	LeMieur	O'Driscoll	Swedzinski
Anderson, D.	Dettmer	Hamilton	Lohmer	Pelowski	Torkelson
Banaian	Doepke	Hancock	Mack	Peppin	Urdahl
Barrett	Downey	Holberg	Mazorol	Petersen, B.	Vogel
Beard	Drazkowski	Hoppe	McDonald	Quam	Wardlow
Benson, M.	Fabian	Howes	McElfatrick	Runbeck	Westrom
Bills	Franson	Kelly	McNamara	Sanders	Woodard
Buesgens	Garofalo	Kieffer	Murdock	Schomacker	Spk. Zellers
Cornish	Gottwalt	Kiffmeyer	Murray	Scott	
Crawford	Gruenhagen	Lanning	Myhra	Shimanski	
Daudt	Gunther	Leidiger	Nornes	Stensrud	

The motion prevailed and the amendment was adopted.

Davnie moved to amend S. F. No. 943, the fourth engrossment, as amended, as follows:

Page 23, delete section 55

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Hackbarth moved to amend S. F. No. 943, the fourth engrossment, as amended, as follows:

Page 6, after line 6, insert:

"Sec. 10. Minnesota Statutes 2010, section 84.92, subdivision 8, as amended by S. F. No. 1115, if enacted, is amended to read:

Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a motorized ~~flotation-tired~~ vehicle of not less than three low pressure tires, but not more than equipped with three to six nonhighway tires, ~~that is limited in engine displacement of less than 1,000 cubic centimeters~~ and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart; a mini-truck; a dune buggy; a go cart; or vehicles designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

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

Sec. 11. Minnesota Statutes 2010, section 84.92, subdivision 9, is amended to read:

Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than 1,000 pounds and has a straddled seat.

Sec. 12. Minnesota Statutes 2010, section 84.92, subdivision 10, is amended to read:

Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an all-terrain vehicle that is not a class 1 all-terrain vehicle, has a total dry weight of ~~1,000 to~~ 1,800 pounds or less, and has a manufacturer's published width of 68 inches or less."

Page 15, after line 28, insert:

"Sec. 40. Minnesota Statutes 2010, section 97B.045, subdivision 3, is amended to read:

Subd. 3. **Exceptions; hunting and shooting ranges.** (a) Notwithstanding provisions to the contrary under this chapter, a person may transport an unloaded, uncased firearm, excluding a pistol as defined in paragraph (b), in a motor vehicle while at a shooting range, as defined under section 87A.01, subdivision 3, where the person has received permission from the lawful owner or possessor to discharge firearms; lawfully hunting on private or public land; or travelling to or from a site the person intends to hunt lawfully that day or has hunted lawfully that day, unless:

- (1) within Anoka, Hennepin, or Ramsey County;
- ~~(2) within an area where the discharge of a firearm has been prohibited under section 471.633;~~
- ~~(3)~~ (2) within the boundaries of a home rule charter or statutory city with a population of 2,500 or more;
- ~~(4)~~ (3) on school grounds; or
- ~~(5)~~ (4) otherwise restricted under section 97A.091, 97B.081, or 97B.086.

(b) For the purposes of this section, a "pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle:

- (1) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or
- (2) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor.

Pistol does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun or nail gun used in the construction industry, or children's pop guns or toys."

Page 18, line 14, delete "August 2" and insert "three business days after August 1"

Page 19, delete section 46

Page 19, delete section 48 and insert:

"Sec. 51. Minnesota Statutes 2010, section 97B.811, subdivision 3, is amended to read:

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

~~(1) the decoys are in waters adjacent to completely surrounded by private land under the control of the hunter; and~~
~~(2) there is not natural vegetation growing in water sufficient to partially conceal a hunter and there is no public access to the water."~~

Page 28, delete section 63 and insert:

"Sec. 67. **DEER HUNTING RULES.**

(a) If the commissioner of natural resources adopts a rule applicable for the Series 300 deer permit areas that imposes an antler point restriction for taking antlered deer, other than that imposed under Minnesota Rules, part 6232.0200, subpart 6, the rule must:

(1) exempt disabled hunters and hunters age 60 years or older from the antler point restriction; and

(2) expire after the 2012 deer hunting season.

(b) The commissioner of natural resources may not reinstate an antler point restriction for the Series 300 deer permit areas, other than that imposed under Minnesota Rules, part 6232.0200, subpart 6, after the 2012 deer hunting season unless the legislature approves the antler point restriction.

(c) The commissioner of natural resources shall amend Minnesota Rules, part 6232.1300, subpart 3, item B, to allow legal bucks to be taken in season option A for a nine-day period beginning the Saturday nearest November 6. 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 in Minnesota Statutes, section 14.388."

Page 28, line 28, before "Minnesota" insert "(a)"

Page 28, after line 30, insert:

"(b) Minnesota Statutes 2010, section 239.791, subdivision 16, as added by S. F. No. 1115, if enacted, is repealed.

EFFECTIVE DATE. Paragraph (b) is effective the day following final enactment."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

Dill moved to amend the Hackbarth amendment to S. F. No. 943, the fourth engrossment, as amended, as follows:

Page 2, delete lines 27 to 36

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

The question recurred on the Hackbarth amendment to S. F. No. 943, the fourth engrossment, as amended. The motion prevailed and the amendment was adopted.

S. F. No. 943, A bill for an act relating to game and fish; modifying aquaculture provisions; modifying compensation and assistance provisions for crop damage by elk; modifying requirements for fish and wildlife management plans; modifying provisions for taking, possessing, and transporting wild animals; modifying penalty and license provisions; modifying duties of the Board of Water and Soil Resources; limiting landowner liability for state walk-in access program; requiring rulemaking; providing criminal penalties; amending Minnesota Statutes 2010, sections 3.7371; 16C.055, subdivision 2; 17.4982, subdivisions 8, 12, 13, by adding a subdivision; 17.4991, subdivision 3; 17.4992, subdivision 4; 17.4994; 84.942, subdivision 1; 84.95, subdivision 2; 84D.11, subdivision 2a; 97A.015, subdivisions 24, 45, 49, 52, 55; 97A.028, subdivision 3; 97A.075, subdivision 6; 97A.101, subdivision 3; 97A.311, subdivision 5; 97A.321, subdivision 1; 97A.331, by adding a subdivision; 97A.405, subdivision 2; 97A.415, subdivision 2; 97A.425, subdivision 3; 97A.433, by adding a subdivision; 97A.435, subdivision 1; 97A.445, subdivision 1a; 97A.465, subdivision 5; 97A.475, subdivision 7; 97A.505, subdivision 2; 97A.545, subdivision 5; 97B.022, subdivision 2; 97B.041; 97B.055, subdivision 3; 97B.075; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.425; 97B.515, by adding a subdivision; 97B.645, subdivision 9; 97B.711, by adding a subdivision; 97B.803; 97C.005, subdivision 3; 97C.081, subdivisions 3, 4, by adding a subdivision; 97C.087, subdivision 2; 97C.205; 97C.211, subdivision 5; 97C.341; 103B.101, subdivision 9; 604A.24; proposing coding for new law in Minnesota Statutes, chapters 17; 97B; 348; repealing Minnesota Statutes 2010, sections 84.942, subdivisions 2, 3, 4; 97A.015, subdivisions 26b, 27b, 27c; 97A.435, subdivision 5; 97C.081, subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 104 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Abeler	Dauids	Gunther	Kriesel	Murdock	Shimanski
Anderson, B.	Dean	Hackbarth	Laine	Murphy, M.	Slawik
Anderson, D.	Dettmer	Hamilton	Lanning	Murray	Smith
Anderson, S.	Dill	Hancock	Leidiger	Myhra	Stensrud
Anzelc	Dittrich	Hilstrom	LeMieur	Nelson	Swedzinski
Atkins	Doepke	Holberg	Lillie	Nornes	Torkelson
Banaian	Downey	Hoppe	Lohmer	O'Driscoll	Urdahl
Barrett	Drazkowski	Hortman	Loon	Pelowski	Vogel
Beard	Eken	Hosch	Mack	Peppin	Ward
Benson, J.	Erickson	Howes	Mahoney	Persell	Wardlow
Benson, M.	Fabian	Huntley	Marquart	Petersen, B.	Westrom
Bills	Falk	Kahn	Mazorol	Peterson, S.	Winkler
Brynaert	Franson	Kath	McDonald	Poppe	Woodard
Buesgens	Fritz	Kelly	McElfatrick	Rukavina	Spk. Zellers
Carlson	Garofalo	Kieffer	McFarlane	Runbeck	
Cornish	Gauthier	Kiel	McNamara	Sanders	
Crawford	Gottwalt	Kiffmeyer	Melin	Schomacker	
Daudt	Gruenhagen	Koenen	Morrow	Scott	

Those who voted in the negative were:

Champion	Hansen	Johnson	Mariani	Paymar	Thissen
Clark	Hausman	Lenczewski	Moran	Quam	Tillberry
Davnie	Hayden	Lesch	Mullery	Scalze	Wagenius
Greene	Hilty	Liebling	Murphy, E.	Simon	
Greiling	Hornstein	Loeffler	Norton	Slocum	

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

S. F. No. 1044 was reported to the House.

Drazkowski moved to amend S. F. No. 1044, the first engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1088, the second engrossment:

"Section 1. Minnesota Statutes 2010, section 12A.05, is amended to read:

12A.05 BOARD OF WATER AND SOIL RESOURCES.

Subdivision 1. **Reinvest in Minnesota (RIM) conservation easements.** The board may use appropriations to acquire easements from landowners on marginal or damaged lands in the disaster area to provide flood attenuation, to restore and protect soil and water quality resources, and to support related fish and wildlife habitat as provided in section 103F.515.

The board may use ~~an appropriation~~ appropriations, as provided in law, to implement the program.

Subd. 2. **Erosion, and sediment control, and water quality control cost-share program and watershed protection projects.** The board may establish a disaster recovery program and use appropriations to install, repair, or rehabilitate erosion and sediment control and water quality and watershed protection projects in the disaster area ~~to protect soil and water quality and to support fish and wildlife habitat.~~

The board may use ~~an appropriation~~ appropriations, as provided in law, to implement the disaster recovery program and to address critical conservation problems resulting from the disaster that are funded in whole or in part with state sources, to the extent that combined federal and state funding does not exceed 100 percent.

Subd. 3. **Waivers and extensions authorized.** The board may waive the provisions of Minnesota Rules, chapter 8400, in the disaster area on land damaged by the disaster. ~~The waiver applies to all existing and future contracts to address critical conservation problems resulting from the disaster that are funded in whole or in part with state money, to the extent that combined federal and state funding does not exceed 100 percent.~~ All existing ~~state cost-share grant agreements in the disaster area are~~ may be extended, as provided in law for up to two years.

Sec. 2. Minnesota Statutes 2010, section 12A.06, subdivision 1, is amended to read:

Subdivision 1. **Disaster enrollment impact aid.** The commissioner may pay disaster enrollment impact aid to a school district in an amount set in law times the number of ~~pupils~~ adjusted pupil units lost as a result of the disaster. An eligible district must provide to the commissioner documentation of the number of pupils in average daily membership lost by grade level as a result of the disaster.

Sec. 3. Minnesota Statutes 2010, section 12A.07, subdivision 1, is amended to read:

Subdivision 1. **Minnesota investment fund.** The commissioner may use state appropriations for grants to local units of government for locally administered grants or loan programs as provided in this section for assistance to eligible organizations directly and adversely affected by the disaster. Funds may be used only to address physical damage to buildings and such personal property as machinery, equipment, fixtures, and furniture. A loan may not duplicate or replace equivalent assistance available from insurance, other organizations, or government agencies.

Sec. 4. Minnesota Statutes 2010, section 12A.07, subdivision 2, is amended to read:

Subd. 2. **Assistance.** Criteria and requirements must be locally established with the approval of the commissioner. Local plans must specify the type of assistance to be provided to eligible organizations. Within the limits of the available grant amounts, assistance may be provided as loans with or without interest and as forgivable loans. The criteria must, at a minimum, specify that an organization receiving a forgivable loan must remain in the local community a minimum of ~~ten~~ five years after the date of the loan, after which the amount of loan forgiveness must follow a schedule provided by the commissioner for an additional five years. Loans made under this section must not be used to refinance debt that existed on the date of the disaster. Repayment of loan amounts is made to the local community.

Sec. 5. Minnesota Statutes 2010, section 12A.09, subdivision 4, is amended to read:

Subd. 4. **Waivers authorized.** For assistance under subdivision 2, the requirements of section 462A.33, subdivision 3, and Minnesota Rules, parts 4900.3632 and 4900.3634, ~~subdivision~~ subpart 4, are waived.

Sec. 6. Minnesota Statutes 2010, section 12A.10, is amended by adding a subdivision to read:

Subd. 4. **Nursing home bed layaway.** In consultation with the commissioner of human services, the commissioner of health may waive timelines specified in section 144A.071, subdivision 4b, at any time when a partial or complete evacuation occurs in response to a natural disaster, a possible natural disaster, or another event that threatens the health and safety of residents of a nursing home. For a nursing home placing beds in or removing them from layaway under this subdivision, property payment rates must not be adjusted.

Sec. 7. Minnesota Statutes 2010, section 12A.12, subdivision 2, is amended to read:

Subd. 2. **Flood hazard mitigation grants.** The commissioner may use state appropriations for the state's share of flood hazard mitigation grants for capital improvements to prevent or alleviate flood damage under section 103F.161 in the disaster area. The commissioner shall determine project priorities, as appropriate, based on need. ~~These funds may also be used to buy out substantially damaged structures.~~

To the extent that the cost of a project funded under this subdivision in a given municipality exceeds two percent of the median household income in the municipality, multiplied by the number of households in the municipality, the commissioner may also use the appropriation for the local share of the project.

EFFECTIVE DATE. This section is effective retroactively from October 19, 2010.

Sec. 8. Minnesota Statutes 2010, section 12A.12, subdivision 3, is amended to read:

Subd. 3. **Debris removal; ~~lakes and streams~~ public waters.** The commissioner may use appropriations for ~~grants to remove debris attributable to the disaster from lakes and streams~~ expenditures in the disaster area, including removing flood debris from public waters and installing and repairing flood warning gauges.

Sec. 9. Minnesota Statutes 2010, section 12A.12, is amended by adding a subdivision to read:

Subd. 3a. **Dam renovation and removal.** The commissioner may use appropriations to provide cost share for renovating or removing publicly owned dams in the disaster area under sections 103G.511 and 103G.515.

Sec. 10. Minnesota Statutes 2010, section 12A.15, is amended by adding a subdivision to read:

Subd. 2a. **Long-term recovery assistance.** The commissioner may use appropriations to provide technical assistance to local jurisdictions or to make grants to counties, regional consortia, and nonprofit organizations working in the disaster area to provide assistance in coordinating long-term recovery activities related to the disaster.

Sec. 11. Minnesota Statutes 2010, section 12A.16, is amended to read:

12A.16 TRANSPORTATION.

Subdivision 1. **Transportation infrastructure operation and maintenance.** The commissioner may use appropriations from the trunk highway fund for transportation infrastructure operation and maintenance related to a disaster.

Subd. 1a. **Emergency relief account in trunk highway fund.** The commissioner may use appropriations from the emergency relief account in the trunk highway fund for infrastructure repair, maintenance, and operation related to a disaster.

Subd. 2. **State ~~trunk~~ highway and bridge damage reconstruction and repair.** The commissioner is responsible to reconstruct and repair trunk highways and trunk highway bridges located in the disaster area and damaged by the disaster.

Subd. 3. **Local road and bridge ~~damage~~ reconstruction and replacement.** The commissioner may make grants to local governments for the capital costs of repairing, reconstructing and, or replacing local roads and bridges, including necessary demolition and design costs, damaged or destroyed by the disaster. Grants may also be used for reasonable costs to mitigate damage from future disasters when to do so is part of a project to repair, reconstruct, or replace infrastructure damaged in the disaster. Before the commissioner releases grant money, a grantee must submit final plans to the commissioner for each project under this subdivision. The commissioner must determine project priorities, review project plans in light of those priorities, and, if necessary, require changes to the project plans to ensure the most prudent use of limited state resources.

Subd. 4. **Local guidelines.** The commissioner, in consultation with the commissioner of public safety, must develop guidelines for local governments to use to respond to natural disasters in order to maximize the use of federal disaster assistance. The guidelines must address the use of local employees and equipment and contracted employees and equipment in the disaster response and the relative eligibility for federal reimbursement and clarify agency roles and responsibilities for damage estimates used for developing emergency state appropriations.

Subd. 5. **Waivers authorized.** The requirements of section 174.50, subdivisions 5, 6, 6a, and 7, are waived for grants under subdivision 3.

Sec. 12. FLOOD DAMAGE ASSISTANCE FOR HAMMOND AND ZUMBRO FALLS.

Unspent general funds that are transferred to the commissioner of natural resources from Laws 2010, Second Special Session chapter 1, are available to be disbursed as grants to the cities of Hammond and Zumbro Falls for payment of a portion of outstanding water and sewer infrastructure municipal bond debt, not to exceed the proportion of the outstanding debt represented by the percentage of taxable building structures that were bought out through the flood hazard mitigation program under Laws 2010, Second Special Session chapter 1.

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

The motion prevailed and the amendment was adopted.

Drazkowski moved to amend S. F. No. 1044, the first engrossment, as amended, as follows:

Page 5, after line 15, insert:

"Sec. 13. **FLOOD RELIEF GRANTS; STATE AND LOCAL SHARE.**

Notwithstanding Minnesota Statutes, section 12A.12, subdivision 2, transfers to the Department of Natural Resources under Minnesota Statutes, section 12A.03, subdivision 5, may be used for the state and local share of flood relief grants.

EFFECTIVE DATE. This section is effective retroactively from October 19, 2010."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker called Davids to the Chair.

Holberg moved to amend the Drazkowski amendment to S. F. No. 1044, the first engrossment, as amended, as follows:

Page 1, line 4, after "transfers" insert "of general fund appropriations"

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

Drazkowski moved that S. F. No. 1044, the first engrossment, as amended, be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 1144, A bill for an act relating to state government; providing for limited reinstatement of coverage in state employee group insurance program.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Barrett	Bills	Champion	Crawford
Anderson, B.	Anzelc	Beard	Brynaert	Clark	Daudt
Anderson, D.	Atkins	Benson, J.	Carlson	Cornish	Davids

Davnie	Hamilton	Kiel	Marquart	O'Driscoll	Smith
Dean	Hancock	Kiffmeyer	Mazorol	Paymar	Stensrud
Dettmer	Hansen	Koenen	McDonald	Pelowski	Swedzinski
Dill	Hayden	Kriesel	McElfatrick	Peppin	Thissen
Dittrich	Hilstrom	Laine	McFarlane	Persell	Tillberry
Doepke	Hoppe	Lanning	McNamara	Peterson, S.	Torkelson
Eken	Hornstein	Leidiger	Melin	Poppe	Vogel
Fabian	Hortman	LeMieur	Moran	Rukavina	Wagenius
Garofalo	Hosch	Lenczewski	Morrow	Sanders	Ward
Gauthier	Howes	Liebling	Mullery	Schomacker	Westrom
Gottwalt	Huntley	Lillie	Murdock	Scott	Winkler
Greene	Kahn	Loeffler	Murphy, E.	Shimanski	Woodard
Gruenhagen	Kath	Lohmer	Murray	Simon	Spk. Zellers
Gunther	Kelly	Loon	Myhra	Slawik	
Hackbarth	Kieffer	Mack	Nornes	Slocum	

Those who voted in the negative were:

Banaian	Drazkowski	Fritz	Johnson	Petersen, B.	Urdahl
Benson, M.	Erickson	Greiling	Lesch	Quam	Wardlow
Buesgens	Falk	Hausman	Mahoney	Runbeck	
Downey	Franson	Hilty	Nelson	Scalze	

The bill was passed and its title agreed to.

S. F. No. 742, A bill for an act relating to health; providing an exception to the hospital moratorium; amending Minnesota Statutes 2010, section 144.551, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 7 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Brynaert	Falk	Hosch	Murphy, E.
Buesgens	Greene	Loeffler	

The bill was passed and its title agreed to.

H. F. No. 988, A bill for an act relating to public defenders; modifying provisions providing for representation by a public defender; amending Minnesota Statutes 2010, sections 609.131, subdivision 1; 611.16; 611.17; 611.18; 611.20, subdivisions 3, 4; 611.27, subdivisions 1, 5; repealing Minnesota Statutes 2010, section 611.20, subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 90 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Hackbarth	Koenen	McNamara	Scalze
Anderson, B.	Dettmer	Hamilton	Kriesel	Murdock	Schomacker
Anderson, D.	Dittrich	Hancock	Lanning	Murphy, M.	Scott
Anderson, S.	Doepke	Hansen	Leidiger	Murray	Shimanski
Atkins	Downey	Hilty	LeMieur	Myhra	Smith
Banaian	Drazkowski	Holberg	Lillie	Nelson	Stensrud
Barrett	Eken	Hoppe	Lohmer	Nornes	Swedzinski
Beard	Erickson	Hosch	Loon	Norton	Torkelson
Benson, M.	Fabian	Howes	Mack	O'Driscoll	Urdahl
Bills	Franson	Huntley	Mahoney	Pelowski	Vogel
Buesgens	Garofalo	Kath	Marquart	Peppin	Ward
Cornish	Gauthier	Kelly	Mazorol	Petersen, B.	Wardlow
Crawford	Gottwalt	Kieffer	McDonald	Quam	Westrom
Daudt	Gruenhagen	Kiel	McElpatrick	Runbeck	Woodard
Davids	Gunther	Kiffmeyer	McFarlane	Sanders	Spk. Zellers

Those who voted in the negative were:

Anzelc	Dill	Hornstein	Liebling	Murphy, E.	Slocum
Benson, J.	Falk	Hortman	Loeffler	Paymar	Thissen
Brynaert	Greene	Johnson	Mariani	Persell	Tillberry
Carlson	Greiling	Kahn	Melin	Poppe	Wagenius
Champion	Hausman	Laine	Moran	Rukavina	Winkler
Clark	Hayden	Lenczewski	Morrow	Simon	
Davnie	Hilstrom	Lesch	Mullery	Slawik	

The bill was passed and its title agreed to.

Anderson, S., moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 201

A bill for an act relating to health; limiting use of funds for state-sponsored health programs for funding abortions.

May 17, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 201 report that we have agreed upon the item in dispute and recommend as follows:

That the House concur in the Senate amendment.

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

House Conferees: PEGGY SCOTT, KURT BILLS and PATTI FRITZ.

Senate Conferees: DAVE A. THOMPSON, DAN D. HALL and LEROY A. STUMPF.

Scott moved that the report of the Conference Committee on H. F. No. 201 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 201, A bill for an act relating to health; limiting use of funds for state-sponsored health programs for funding abortions.

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

The question was taken on the repassage of the bill and the roll was called. There were 84 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Gruenhagen	Koenen	McNamara	Schomacker
Anderson, B.	Dettmer	Gunther	Kriesel	Morrow	Scott
Anderson, D.	Dill	Hackbarth	Lanning	Murdock	Shimanski
Anderson, S.	Dittrich	Hamilton	Leidiger	Murphy, M.	Smith
Banaian	Doepke	Hancock	LeMieur	Murray	Stensrud
Barrett	Downey	Holberg	Lenczewski	Myhra	Swedzinski
Beard	Drazkowski	Hoppe	Lohmer	Nornes	Torkelson
Benson, M.	Eken	Hosch	Loon	O'Driscoll	Urdahl
Bills	Erickson	Howes	Mack	Pelowski	Vogel
Buesgens	Fabian	Kath	Marquart	Peppin	Ward
Cornish	Franson	Kelly	Mazorol	Petersen, B.	Wardlow
Crawford	Fritz	Kieffer	McDonald	Quam	Westrom
Daudt	Garofalo	Kiel	McElfatrick	Runbeck	Woodard
Davids	Gottwalt	Kiffmeyer	McFarlane	Sanders	Spk. Zellers

Those who voted in the negative were:

Anzelc	Falk	Hilty	Liebling	Murphy, E.	Scalze
Atkins	Gauthier	Hornstein	Lillie	Nelson	Simon
Benson, J.	Greene	Hortman	Loeffler	Norton	Slawik
Brynaert	Greiling	Huntley	Mahoney	Paymar	Slocum
Carlson	Hansen	Johnson	Mariani	Persell	Thissen
Champion	Hausman	Kahn	Melin	Peterson, S.	Tillberry
Clark	Hayden	Laine	Moran	Poppe	Wagenius
Davnie	Hilstrom	Lesch	Mullery	Rukavina	Winkler

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 936

A bill for an act relating to health; prohibiting abortions at or after 20 weeks postfertilization age unless certain exceptions apply; providing civil and criminal penalties; amending Minnesota Statutes 2010, section 145.4131, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 8; 145.

May 17, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 936 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 936 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **SHORT TITLE.**

This act may be cited as the "Pain-Capable Unborn Child Protection Act."

Sec. 2. **[8.40] LITIGATION DEFENSE FUND.**

(a) There is created in the special revenue fund an account entitled the Pain-Capable Unborn Child Protection Act litigation account for the purpose of providing funds to pay for any costs and expenses incurred by the state attorney general in relation to actions surrounding defense of sections 145.4141 to 145.4148.

(b) The account shall be maintained by the commissioner of management and budget.

(c) The litigation account shall consist of:

(1) appropriations made to the account by the legislature; and

(2) any donations, gifts, or grants made to the account by private citizens or entities.

(d) The litigation account shall retain the interest income derived from the money credited to the account.

(e) Any funds in the litigation account are appropriated to the attorney general for the purposes described in paragraph (a).

Sec. 3. Minnesota Statutes 2010, section 145.4131, subdivision 1, is amended to read:

Subdivision 1. **Forms.** (a) Within 90 days of July 1, 1998, the commissioner shall prepare a reporting form for use by physicians or facilities performing abortions. A copy of this section shall be attached to the form. A physician or facility performing an abortion shall obtain a form from the commissioner.

(b) The form shall require the following information:

(1) the number of abortions performed by the physician in the previous calendar year, reported by month;

(2) the method used for each abortion;

(3) the approximate gestational age expressed in one of the following increments:

(i) less than nine weeks;

(ii) nine to ten weeks;

(iii) 11 to 12 weeks;

(iv) 13 to 15 weeks;

(v) 16 to 20 weeks;

(vi) 21 to 24 weeks;

(vii) 25 to 30 weeks;

(viii) 31 to 36 weeks; or

(ix) 37 weeks to term;

(4) the age of the woman at the time the abortion was performed;

(5) the specific reason for the abortion, including, but not limited to, the following:

(i) the pregnancy was a result of rape;

(ii) the pregnancy was a result of incest;

(iii) economic reasons;

(iv) the woman does not want children at this time;

(v) the woman's emotional health is at stake;

- (vi) the woman's physical health is at stake;
- (vii) the woman will suffer substantial and irreversible impairment of a major bodily function if the pregnancy continues;
- (viii) the pregnancy resulted in fetal anomalies; or
- (ix) unknown or the woman refused to answer;
- (6) the number of prior induced abortions;
- (7) the number of prior spontaneous abortions;
- (8) whether the abortion was paid for by:
 - (i) private coverage;
 - (ii) public assistance health coverage; or
 - (iii) self-pay;
- (9) whether coverage was under:
 - (i) a fee-for-service plan;
 - (ii) a capitated private plan; or
 - (iii) other;
- (10) complications, if any, for each abortion and for the aftermath of each abortion. Space for a description of any complications shall be available on the form; ~~and~~
- (11) the medical specialty of the physician performing the abortion;:
- (12) whether a determination of probable postfertilization age was made and the probable postfertilization age determined:
 - (i) the method used to make such a determination; or
 - (ii) if a determination was not made prior to performing an abortion, the basis of the determination that a medical emergency existed; and
- (13) for abortions performed after a determination of postfertilization age of 20 or more weeks, the basis of the determination that the pregnant woman had a condition that so complicated her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

Sec. 4. **[145.4141] DEFINITIONS.**

Subdivision 1. **Scope.** For purposes of sections 145.4141 to 145.4148, the following terms have the meanings given them.

Subd. 2. **Abortion.** "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of a woman known to be pregnant, with an intention other than to increase the probability of a live birth; to preserve the life or health of the child after live birth; or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma, or a criminal assault on the pregnant woman or her unborn child; and which causes the premature termination of the pregnancy.

Subd. 3. **Attempt to perform or induce an abortion.** "Attempt to perform or induce an abortion" means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this state in violation of sections 145.4141 to 145.4148.

Subd. 4. **Fertilization.** "Fertilization" means the fusion of a human spermatozoon with a human ovum.

Subd. 5. **Medical emergency.** "Medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman that it necessitates the immediate abortion of her pregnancy without first determining postfertilization age to avert her death or for which the delay necessary to determine postfertilization age will create serious risk of substantial and irreversible physical impairment of a major bodily function not including psychological or emotional conditions. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

Subd. 6. **Physician.** "Physician" means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state.

Subd. 7. **Postfertilization age.** "Postfertilization age" means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

Subd. 8. **Probable postfertilization age of the unborn child.** "Probable postfertilization age of the unborn child" means what, in reasonable medical judgment, will with reasonable probability be the postfertilization age of the unborn child at the time the abortion is planned to be performed or induced.

Subd. 9. **Reasonable medical judgment.** "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

Subd. 10. **Unborn child or fetus.** "Unborn child" or "fetus" means an individual organism of the species homo sapiens from fertilization until live birth.

Subd. 11. **Woman.** "Woman" means a female human being whether or not she has reached the age of majority.

Sec. 5. **[145.4142] LEGISLATIVE FINDINGS.**

(a) The legislature makes the following findings.

(b) Pain receptors (nociceptors) are present throughout an unborn child's entire body and nerves link these receptors to the brain's thalamus and subcortical plate by 20 weeks.

(c) By eight weeks after fertilization, an unborn child reacts to touch. After 20 weeks an unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example by recoiling.

(d) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(e) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(f) For the purposes of surgery on an unborn child, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to the level when painful stimuli is applied without anesthesia.

(g) The position, asserted by some medical experts, that an unborn child is incapable of experiencing pain until a point later in pregnancy than 20 weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

(h) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(i) In adults, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(j) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(k) The position asserted by some medical experts, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from thrashing about in reaction to invasive surgery.

(l) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain by 20 weeks after fertilization.

(m) It is the purpose of the state to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

Sec. 6. [145.4143] DETERMINATION OF POSTFERTILIZATION AGE.

Subdivision 1. **Determination of postfertilization age.** Except in the case of a medical emergency, no abortion shall be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, the physician shall make those inquiries of the woman and perform or cause to be performed those medical examinations and tests that a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to postfertilization age.

Subd. 2. **Unprofessional conduct.** Failure by any physician to conform to any requirement of this section constitutes unprofessional conduct under section 147.091, paragraph (k).

Sec. 7. [145.4144] ABORTION OF UNBORN CHILD OF 20 OR MORE WEEKS POSTFERTILIZATION AGE PROHIBITED; CAPABLE OF FEELING PAIN.

Subdivision 1. **Abortion prohibition; exemption.** No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion, or by another physician upon whose determination that physician

relies, that the probable postfertilization age of the woman's unborn child is 20 or more weeks unless, in reasonable medical judgment, she has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such condition shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

Subd. 2. **When abortion not prohibited.** When an abortion upon a woman whose unborn child has been determined to have a probable postfertilization age of 20 or more weeks is not prohibited by this section, the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. No such greater risk shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

Sec. 8. **[145.4145] ENFORCEMENT.**

Subdivision 1. **Criminal penalties.** A person who intentionally or recklessly performs or induces or attempts to perform or induce an abortion in violation of sections 145.4141 to 145.4148 shall be guilty of a felony. No penalty may be assessed against the woman upon whom the abortion is performed or induced or attempted to be performed or induced.

Subd. 2. **Civil remedies.** (a) A woman upon whom an abortion has been performed or induced in violation of sections 145.4141 to 145.4148, or the father of the unborn child who was the subject of such an abortion, may maintain an action against the person who performed or induced the abortion in intentional or reckless violation of sections 145.4141 to 145.4148 for damages. A woman upon whom an abortion has been attempted in violation of sections 145.4141 to 145.4148 may maintain an action against the person who attempted to perform or induce the abortion in an intentional or reckless violation of sections 145.4141 to 145.4148 for damages.

(b) A cause of action for injunctive relief against a person who has intentionally violated sections 145.4141 to 145.4148 may be maintained by the woman upon whom an abortion was performed or induced or attempted to be performed or induced in violation of sections 145.4141 to 145.4148; by a person who is the father of the unborn child subject to an abortion, parent, sibling, or guardian of, or a current or former licensed health care provider of, the woman upon whom an abortion has been performed or induced or attempted to be performed or induced in violation of sections 145.4141 to 145.4148; by a county attorney with appropriate jurisdiction; or by the attorney general. The injunction shall prevent the abortion provider from performing or inducing or attempting to perform or induce further abortions in this state in violation of sections 145.4141 to 145.4148.

(c) If judgment is rendered in favor of the plaintiff in an action described in this section, the court shall also render judgment for reasonable attorney fees in favor of the plaintiff against the defendant.

(d) If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for reasonable attorney fees in favor of the defendant against the plaintiff.

(e) No damages or attorney fees may be assessed against the woman upon whom an abortion was performed or induced or attempted to be performed or induced except according to paragraph (d).

Sec. 9. **[145.4146] PROTECTION OF PRIVACY IN COURT PROCEEDINGS.**

In every civil or criminal proceeding or action brought under the Pain-Capable Unborn Child Protection Act, the court shall rule on whether the anonymity of a woman upon whom an abortion has been performed or induced or attempted to be performed or induced shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable, less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or induced or attempted to be performed or induced, anyone, other than a public official, who brings an action under section 145.4145, subdivision 2, shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

Sec. 10. **[145.4147] SEVERABILITY.**

If any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of sections 145.4141 to 145.4148, or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of sections 145.4141 to 145.4148 shall remain effective notwithstanding such unconstitutionality. The legislature hereby declares that it would have passed sections 145.4141 to 145.4148, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of sections 145.4141 to 145.4148, or the application of sections 145.4141 to 145.4148, would be declared unconstitutional."

Delete the title and insert:

"A bill for an act relating to health; prohibiting abortions at or after 20 weeks postfertilization age unless certain exceptions apply; providing civil and criminal penalties; amending Minnesota Statutes 2010, section 145.4131, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 8; 145."

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

House Conferees: MARY LIZ HOLBERG, MIKE LEMIEUR and LARRY HOSCH.

Senate Conferees: GRETCHEN HOFFMAN and PAUL GAZELKA.

Holberg moved that the report of the Conference Committee on H. F. No. 936 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 936, A bill for an act relating to health; prohibiting abortions at or after 20 weeks postfertilization age unless certain exceptions apply; providing civil and criminal penalties; amending Minnesota Statutes 2010, section 145.4131, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 8; 145.

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

The question was taken on the repassage of the bill and the roll was called. There were 84 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Abeler	Dauids	Gottwalt	Kiffmeyer	McFarlane	Schomacker
Anderson, B.	Dean	Gruenhagen	Koenen	McNamara	Scott
Anderson, D.	Dettmer	Gunther	Kriesel	Murdock	Shimanski
Anderson, S.	Dill	Hackbarth	Lanning	Murphy, M.	Smith
Atkins	Dittrich	Hamilton	Leidiger	Murray	Stensrud
Banaian	Doepke	Hancock	LeMieur	Myhra	Swedzinski
Barrett	Downey	Holberg	Lenczewski	Nornes	Torkelson
Beard	Drazkowski	Hoppe	Lohmer	O'Driscoll	Urdahl
Benson, M.	Eken	Hosch	Loon	Pelowski	Vogel
Bills	Erickson	Howes	Mack	Peppin	Ward
Buesgens	Fabian	Kath	Marquart	Petersen, B.	Wardlow
Cornish	Franson	Kelly	Mazorol	Quam	Westrom
Crawford	Fritz	Kieffer	McDonald	Runbeck	Woodard
Daudt	Garofalo	Kiel	McElfatrick	Sanders	Spk. Zellers

Those who voted in the negative were:

Anzelc	Gauthier	Hornstein	Lillie	Murphy, E.	Scalze
Benson, J.	Greene	Hortman	Loeffler	Nelson	Simon
Brynaert	Greiling	Huntley	Mahoney	Norton	Slawik
Carlson	Hansen	Johnson	Mariani	Paymar	Slocum
Champion	Hausman	Kahn	Melin	Persell	Thissen
Clark	Hayden	Laine	Moran	Peterson, S.	Tillberry
Davnie	Hilstrom	Lesch	Morrow	Poppe	Wagenius
Falk	Hilty	Liebling	Mullery	Rukavina	Winkler

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

MOTIONS AND RESOLUTIONS

Hornstein moved that the name of Downey be added as an author on H. F. No. 1654. The motion prevailed.

Buesgens moved that the names of Shimanski, Lohmer and Petersen, B., be added as authors on H. F. No. 1723. The motion prevailed.

Brynaert moved that the name of Hausman be added as an author on H. F. No. 1724. The motion prevailed.

Speaker pro tempore Davids called Lanning to the Chair.

ADJOURNMENT

Anderson, S., moved that when the House adjourns today it adjourn until 9:00 a.m., Friday, May 20, 2011. The motion prevailed.

Anderson, S., moved that the House adjourn. The motion prevailed, and Speaker pro tempore Lanning declared the House stands adjourned until 9:00 a.m., Friday, May 20, 2011.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives