

## FORTY-NINTH DAY

St. Paul, Minnesota, Tuesday, April 17, 2007

The Senate met at 9:00 a.m. and was called to order by the President.

**CALL OF THE SENATE**

Senator Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Sandra K. Johnson.

The roll was called, and the following Senators answered to their names:

Anderson	Fischbach	Langseth	Olson, G.	Senjem
Bakk	Foley	Larson	Olson, M.	Sheran
Berglin	Frederickson	Latz	Pappas	Sieben
Betzold	Gerlach	Limmer	Pariseau	Skoe
Bonoff	Gimse	Lourey	Pogemiller	Skogen
Carlson	Hann	Lynch	Prettner Solon	Sparks
Chaudhary	Higgins	Marty	Rest	Stumpf
Clark	Ingebrigtsen	Metzen	Robling	Tomassoni
Cohen	Johnson	Michel	Rosen	Torres Ray
Dibble	Jungbauer	Moua	Rummel	Vandever
Dille	Koch	Murphy	Saltzman	Vickerman
Doll	Koering	Neuville	Saxhaug	Wergin
Erickson Ropes	Kubly	Olseen	Scheid	Wiger

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communication was received.

April 16, 2007

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

## BOARD ON JUDICIAL STANDARDS

Jon M. Hopeman, 2738 W. River Pkwy., Minneapolis, in the county of Hennepin, effective April 23, 2007, for a term that expires on January 3, 2011.

Randy R. Staver, 2707 Century Ln. N.E., Rochester, in the county of Olmsted, effective April 23, 2007, for a term that expires on January 3, 2011.

(Referred to the Committee on Judiciary.)

Sincerely,  
Tim Pawlenty, Governor

## REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 2114. The motion prevailed.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred**

**S.F. No. 2174:** A bill for an act relating to state government; designating the Department of Administration as the lead agency for certain purposes; amending Minnesota Statutes 2006, section 16B.055, subdivision 1; repealing Minnesota Statutes 2006, section 16B.055, subdivisions 2, 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2006, section 16B.055, subdivision 1, is amended to read:

Subdivision 1. ~~Governor's Advisory Council on Technology for People with Disabilities~~ **Federal Assistive Technology Act.** (a) The Department of Administration shall serve as the lead agency to assist the Minnesota Governor's Advisory Council on Technology for People with Disabilities in carrying out all responsibilities pursuant to United States Code, title 29, section 2211 et seq., and any other responsibilities related to that program is designated as the lead agency to carry out all the responsibilities under the Assistive Technology Act of 1998, as provided by Public Law 108-364, as amended. The Minnesota Assistive Technology Advisory Council is established to fulfill the responsibilities required by the Assistive Technology Act, as provided by Public Law 108-364, as amended. Because the existence of this council is required by federal law, this council does not expire and the expiration date provided in section 15.059, subdivision 5, does not apply.

(b) The governor shall appoint the membership of the council as required by the Assistive Technology Act of 1998, as provided by Public Law 108-364, as amended. After the governor has completed the appointments required by this subdivision, the commissioner of administration, or the commissioner's designee, shall convene the first meeting of the council following the appointments. Members shall serve two-year terms commencing July 1 of each odd-numbered year, and receive the compensation specified by the Assistive Technology Act of 1998, as provided by Public Law 108-364, as amended. The members of the council shall select their chair at the first meeting following their appointment.

**EFFECTIVE DATE.** This section is effective July 1, 2007."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 1360:** A bill for an act relating to game and fish; adding legislative members to the Game and Fish Oversight Committee; amending Minnesota Statutes 2006, section 97A.055, subdivision 4b.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 14, after "Administration" insert "no later than September 1, of each odd-numbered year"

Page 2, line 15, after "representatives" insert "no later than September 1, of each odd-numbered year"

Page 2, lines 20 to 22, delete the new language

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 1185:** A bill for an act relating to natural resources; modifying acquisition authority for state trails; modifying requirements for certain recreational vehicles; providing for off-trail snowmobile use in certain state forests; modifying certain state trails; amending Minnesota Statutes 2006, sections 84.029, subdivision 2; 84.788, subdivision 1; 84.82, subdivision 6; 84.8205, subdivision 1; 84.925, subdivision 5; 84.926, by adding a subdivision; 85.015, subdivision 14; repealing Minnesota Statutes 2006, section 85.015, subdivision 11.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 728:** A bill for an act relating to waters; modifying requirements for contested case hearing notices; amending Minnesota Statutes 2006, section 103G.311, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred**

**S.F. No. 1556:** A bill for an act relating to state government; changing terminology for Office of Enterprise Technology; amending Minnesota Statutes 2006, sections 16E.15, subdivision 2; 16E.18,

subdivisions 2, 3, 7.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 827:** A bill for an act relating to health; requiring coverage for interpreter services; establishing an interpreter services work group; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 12, insert:

"The appointments to the work group must be completed by September 1, 2007. The commissioner of health shall designate the chair of the work group from the appointments made under this paragraph."

Page 3, after line 24, insert:

"(d) The work group expires the day following the submission of the report required by paragraph (c)."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred**

**S.F. No. 1557:** A bill for an act relating to state government; deleting a record retention provision; amending Minnesota Statutes 2006, section 15.17, subdivision 1; repealing Minnesota Statutes 2006, section 138.17, subdivisions 9, 10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, strike "If a"

Page 1, strike line 18

Page 1, line 19, strike the old language

Page 1, line 21, strike the period

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 2059:** A bill for an act relating to veterans; changing certain qualifications for service on the Minnesota Veterans Homes Board and service as the board's executive director; amending

Minnesota Statutes 2006, sections 198.002, subdivision 2; 198.004, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, before the first "The" insert "(a)"

Page 2, line 5, delete "that" and insert "it" and after "required" insert "that the person be a veteran"

Page 2, after line 6, insert:

"(b) When selecting an executive director, the board shall give preference to qualified applicants who are veterans by initially placing only the names of qualified applicants who are veterans on the selection list for final consideration. If the list contains fewer than three qualified applicants who are veterans, the names of qualified applicants who are not veterans shall be added to the list. The board shall then select the most qualified applicant from the list. At any point in the executive director selection process, if the board concludes that no applicant is sufficiently qualified for the position, the board may reopen the application process."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred**

**S.F. No. 2226:** A bill for an act relating to state government; clarifying private cemeteries; amending Minnesota Statutes 2006, section 307.08.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 28, delete "contract" and insert "professional" and after the first comma, insert "qualified"

Page 3, line 5, delete everything after the period

Page 3, lines 6 to 8, delete the new language and insert "On private lands or waters these costs may be borne by the landowner or the state by mutual agreement. If a known or suspected burial ground on private lands or waters is threatened by development, the landowner or developer is responsible for these costs"

Page 4, line 24, delete "construction" and insert "disturbance"

Page 6, line 4, after "tombstone" insert "or obvious grave marker"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 2041:** A bill for an act relating to energy; authorizing the St. Paul Port Authority to create a not-for-profit corporation to own or operate a steam producing facility.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 12 to 14 and insert:

"The environmental review and permitting and other preliminary work for the facility may proceed but construction of the facility must not be commenced until the St. Paul City Council has adopted a resolution approving the construction of the facility and upon the completion of the receipt of public input from the district councils. Public input must include:

(1) at least two public meetings held before August 1, 2007, in the area encompassing the districts 11, 12, and 13 district councils, where testimony is taken from citizens who live in the affected communities; and

(2) solicitation of resolutions from the district councils of districts 11, 12, and 13. The city council resolution must take into consideration the district council resolutions.

The St. Paul Port Authority shall present the findings of its analysis of its preferred design alternative at public meetings in communities surrounding the plant upon completion of an environmental impact statement, and before construction is commenced.

A corporation created under this section is subject to the application of other laws provided by Minnesota Statutes, section 465.719, subdivision 9."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 961:** A bill for an act relating to natural resources; providing for regulation of shoreland resorts; amending Minnesota Statutes 2006, section 103F.205, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103F.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete everything after "terms" and insert ". A county or a municipality may by ordinance impose upon resorts reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, safety, and environment."

Page 1, delete line 13

Page 2, line 15, delete "the structure being" and insert "a structure that is"

Page 2, line 16, delete "the" and insert "a" and delete "thereof" and insert "that is"

Page 2, line 17, delete "being"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 2114:** A bill for an act relating to health; requiring disclosure of clinical trials for prescription drugs; proposing coding for new law in Minnesota Statutes, chapter 144.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete "pharmaceutical drug, biological product, or" and insert "pharmacological product"

Page 1, line 12, delete "vaccine"

Page 1, line 17, delete "pharmaceutical drug or biological" and insert "pharmacological"

Page 2, line 8, delete "prescription"

Page 2, line 9, delete "drugs or biological" and insert "pharmacological"

Page 2, after line 9, insert:

"Subd. 4. **Pharmacological product.** "Pharmacological product" means a prescription drug, biological product, or vaccine."

Page 2, line 10, delete "PRESCRIPTION"

Page 2, line 11, delete "DRUGS" and insert "PHARMACOLOGICAL PRODUCTS"

Page 2, line 12, delete "of prescription drugs"

Page 2, line 15, delete "prescription drug" and insert "pharmacological product"

Page 2, lines 21 and 29, delete "drug" and insert "pharmacological product"

Page 2, line 31, delete everything after the period

Page 2, delete lines 32 and 33

Page 3, line 1, delete "prescription drug" and insert "pharmacological product"

Page 3, delete lines 12 to 15 and insert "disclose, in addition to the information required under subdivision 1, a description of the reasons leading to the decision to terminate the trial, including whether efficacy, adverse events, or safety issues were factors."

Page 3, delete section 4

Page 4, after line 13, insert:

"Sec. 5. Minnesota Statutes 2006, section 151.25, is amended to read:

**151.25 REGISTRATION OF MANUFACTURERS; FEE; PROHIBITIONS.**

(a) The board shall require and provide for the annual registration of every person engaged in manufacturing drugs, medicines, chemicals, or poisons for medicinal purposes, now or hereafter doing business with accounts in this state. Upon a payment of a fee as set by the board, the board shall issue a registration certificate in such form as it may prescribe to such manufacturer. Such registration certificate shall be displayed in a conspicuous place in such manufacturer's or wholesaler's place of business for which it is issued and expire on the date set by the board. It shall be unlawful for any person to manufacture drugs, medicines, chemicals, or poisons for medicinal purposes unless such a certificate has been issued to the person by the board. It shall be unlawful for any person engaged in the manufacture of drugs, medicines, chemicals, or poisons for medicinal purposes, or the person's agent, to sell legend drugs to other than a pharmacy, except as provided

in this chapter.

(b) Effective July 1, 2007, a manufacturer subject to paragraph (a) shall pay to the board an annual fee of \$1,000, in addition to the fee imposed under paragraph (a). Fees collected under this paragraph shall be deposited in the state government special revenue fund and shall be transferred by the commissioner of finance to the commissioner of health. This transferred amount is appropriated to the commissioner of health to pay the costs of implementing sections 144.6601 to 144.6605.

Sec. 6. **EFFECTIVE DATE.**

Sections 1 to 5 are effective July 1, 2007."

Amend the title as follows:

Page 1, line 2, delete everything after the first semicolon and insert "requiring disclosure of clinical trials for pharmacological products;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance.

Senator Metzen questioned the reference thereon and, under Rule 21, the bill was referred to the Committee on Rules and Administration.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 2231:** A bill for an act relating to human services; making changes to continuing care provisions; amending data practices; changing long-term care provisions; allowing electronic meetings; altering service standards; amending Medicaid waivers for elderly services; modifying personal care assistant services; providing penalties; amending Minnesota Statutes 2006, sections 13.46, subdivision 2; 144A.071, subdivision 3; 144A.351; 256.9741, subdivisions 1, 3; 256.9742, subdivisions 3, 4, 6; 256.975, by adding a subdivision; 256B.0655, subdivisions 1, 1c, 1f, 1g, 2, by adding subdivisions; 256B.0911, subdivisions 3a, 4b, 6, 7, by adding a subdivision; 256B.0913, subdivisions 4, 5a; 256B.0915; 256B.27, subdivision 2a; 256B.49, subdivisions 13, 14; repealing Minnesota Statutes 2006, section 256.9743; Minnesota Rules, part 9505.0335.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 6, delete section 2

Page 7, line 29, delete "which" and insert "that"

Page 10, delete sections 10 and 11

Page 11, line 13, delete "requirement" and insert "requirements"

Pages 11 to 13, delete sections 13 to 17

Page 17, line 14, delete "(7)" and insert "(12)"



Page 20, delete section 22

Page 31, lines 32 and 34, strike "256B.437" and insert "256B.438"

Page 32, line 33, delete "customize" and insert "customized"

Page 35, line 21, strike "On-site" and insert "Cost and statistical data"

Page 35, line 24, strike "these" and insert "the" and delete "facilities" and insert "facility's data reported"

Page 35, line 25, after the colon, insert "data reported to the public as criteria for rating nursing facilities; data used to set limits for other medical assistance programs or vendors of services to nursing facilities;"

Page 36, delete sections 32 and 33

Page 37, line 2, delete "(a)"

Page 37, delete line 3

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "amending data practices;"

Page 1, line 5, delete "providing penalties;"

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was re-referred**

**S.F. No. 1196:** A bill for an act relating to manufactured homes; requiring relocation compensation for displaced residents; amending Minnesota Statutes 2006, section 327C.095, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 327C.095, subdivision 1, is amended to read:

Subdivision 1. **Conversion of use; minimum notice.** At least nine months before the conversion of all or a portion of a manufactured home park to another use, or before closure of a manufactured home park or cessation of use of the land as a manufactured home park, the park owner must prepare a closure statement and provide a copy to the commissioners of health and the housing finance agency, the local planning agency, and a resident of each manufactured home where the residential use is being converted. The closure statement must include the following language in a font no smaller than 14 point: "YOU MAY BE ENTITLED TO COMPENSATION FROM THE MINNESOTA MANUFACTURED HOME RELOCATION TRUST FUND ADMINISTERED BY

THE MINNESOTA HOUSING FINANCE AGENCY." A resident may not be required to vacate until 60 days after the conclusion of the public hearing required under subdivision 4. If a lot is available in another section of the park that will continue to be operated as a park, the park owner must allow the resident to relocate the home to that lot unless the home, because of its size or local ordinance, is not compatible with that lot.

Sec. 2. Minnesota Statutes 2006, section 327C.095, subdivision 4, is amended to read:

Subd. 4. **Public hearing; relocation costs compensation.** The governing body of the affected municipality shall hold a public hearing to review the closure statement and any impact that the park closing may have on the displaced residents and the park owner. Before any change in use or cessation of operation and as a condition of the change, the governing body may require a payment by the park owner to be made to the displaced resident for the reasonable relocation costs. If a resident cannot relocate the home to another manufactured home park within a 25 mile radius of the park that is being closed, the resident is entitled to relocation costs based upon an average of relocation costs awarded to other residents. At the time of, and in the notice for, the public hearing, displaced residents must be informed that they may be eligible for payments from the Minnesota manufactured home relocation trust fund under section 462A.40 as compensation for reasonable relocation costs under subdivision 13, paragraphs (a) and (e).

The governing body of the municipality may also require that other parties, including the municipality, but excluding the park owner or its purchaser, involved in the park closing provide additional compensation to residents to mitigate the adverse financial impact of the park closing upon the residents.

Sec. 3. Minnesota Statutes 2006, section 327C.095, is amended by adding a subdivision to read:

Subd. 12. **Payment to the Minnesota manufactured home relocation trust fund.** (a) If a manufactured home owner is required to move due to the conversion of all or a portion of a manufactured home park to another use, the closure of a park, or cessation of use of the land as a manufactured home park, the manufactured home park owner shall, upon such change in use, pay to the commissioner of finance for deposit in the Minnesota manufactured home relocation trust fund under section 462A.40, the lesser amount of the actual costs of moving or purchasing the manufactured home under subdivision 13, paragraph (a) or (e), or \$3,250 for each single section manufactured home, and \$6,000 for each multisection manufactured home, for which a manufactured home owner has made application for payment of relocation costs under subdivision 13, paragraph (c). The manufactured home park owner shall make payments required under this section to the Minnesota manufactured home relocation trust fund within 60 days of receipt, from the home owner, of documentation of relocation costs under subdivision 13, paragraph (a) or (e).

(b) A manufactured home park owner is not required to make the payment prescribed under paragraph (a), nor is a manufactured home owner entitled to compensation under subdivision 13, paragraph (a) or (e), if:

(1) the manufactured home park owner relocates the manufactured home owner to another space in the manufactured home park or to another manufactured home park at the park owner's expense;

(2) the manufactured home owner is vacating the premises and has informed the manufactured home park owner or manager of this prior to the mailing date of the closure statement under subdivision 1;

(3) a manufactured home owner has abandoned the manufactured home, or the manufactured home owner is not current on the monthly lot rental, personal property taxes, or has failed to pay the annual \$12 payment to the Minnesota manufactured home relocation trust fund when due;

(4) the manufactured home owner has a pending eviction action for nonpayment of lot rental amount under section 327C.09, which was filed against the manufactured home owner prior to the mailing date of the closure statement under subdivision 1, and the writ of recovery has been ordered by the district court;

(5) the conversion of all or a portion of a manufactured home park to another use, the closure of a park, or cessation of use of the land as a manufactured home park is the result of a taking or exercise of the power of eminent domain by a governmental entity or public utility; or

(6) the owner of the manufactured home is not a resident of the manufactured home park, as defined in section 327C.01, subdivision 9, or the owner of the manufactured home is a resident, but came to reside in the manufactured home park after the mailing date of the closure statement under subdivision 1.

(c) Owners of manufactured homes who rent lots in a manufactured home park shall make annual payments to the park owner, to be deposited in the Minnesota manufactured home relocation trust fund under section 462A.40, in the amount of \$12 per year, per manufactured home, payable on August 15 of each year. On or before July 15 of each year, the commissioner of finance shall prepare and forward to the park owner for circulation to its residents, a generic invoice and cover letter explaining the purpose of the Minnesota manufactured home relocation trust fund, the obligation of each manufactured home owner to make an annual \$12 payment into the fund, the due date, and the need to pay to the park owner for collection, and a warning, in 14-point font, that if the annual payments are not made when due, the manufactured home owner will not be eligible for compensation from the fund if the manufactured home community closes. The park owner shall receive, record, and commingle the payments and forward the payments to the commissioner of finance by September 15 of each year, with a summary by the park owner, certifying the name, address, and payment amount of each remitter, and noting the names and addresses of manufactured home owners who did not pay the \$12 annual payment. The commissioner of finance shall deposit the payments in the Minnesota manufactured home relocation trust fund.

Sec. 4. Minnesota Statutes 2006, section 327C.095, is amended by adding a subdivision to read:

Subd. 13. **Change in use, relocation expenses; payments by park owner.** (a) If a manufactured home owner is required to relocate due to the conversion of all or a portion of a manufactured home park to another use, the closure of a manufactured home park, or cessation of use of the land as a manufactured home park under subdivision 1, and the manufactured home owner complies with the requirements of this section, the manufactured home owner is entitled to payment from the Minnesota manufactured home relocation trust fund equal to the manufactured home owner's actual relocation costs for relocating the manufactured home to a new location within a 25-mile radius of the park that is being closed, up to a maximum of \$4,000 for a single-section and \$8,000 for a multisection manufactured home. The actual relocation costs must include the reasonable cost of taking down, moving, and setting up the manufactured home, including equipment rental, utility connection and disconnection charges, minor repairs, modifications necessary for transportation of the home, necessary moving permits and insurance, and moving costs for any appurtenances, which meet applicable local, state, and federal building and construction codes.

(b) A manufactured home owner is not entitled to compensation under paragraph (a) if the manufactured home park owner is not required to make a payment to the Minnesota manufactured home relocation trust fund under subdivision 12, paragraph (b).

(c) Except as provided in paragraph (e), in order to obtain payment from the Minnesota manufactured home relocation trust fund, the manufactured home owner shall submit to the Housing Finance Agency, with a copy to the park owner, an application for payment, which includes:

(1) a copy of the closure statement under subdivision 1;

(2) a copy of the contract with a moving or towing contractor, which includes the relocation costs for relocating the manufactured home;

(3) a statement with supporting materials of any additional relocation costs as outlined in subdivision 1;

(4) a statement certifying that none of the exceptions to receipt of compensation under subdivision 12, paragraph (b), apply to the manufactured home owner;

(5) a statement from the manufactured park owner that the lot rental is current and that the annual \$12 payment to the Minnesota manufactured home relocation trust fund has been paid when due; and

(6) a statement from the county where the manufactured home is located certifying that personal property taxes for the manufactured home are paid through the end of that year.

(d) Upon receipt of the application and supporting documentation under paragraph (c), the Housing Finance Agency shall issue a check to the home owner for the amount of the contract price for relocating the manufactured home and additional certified costs associated with third party vendors, that were necessary in relocating the manufactured home, up to the maximum amounts in paragraph (a).

(e) In lieu of collecting a relocation payment from the Minnesota manufactured home relocation trust fund under paragraph (a), the manufactured home owner may collect an amount from the fund after reasonable efforts to relocate the manufactured home have failed due to the age or condition of the manufactured home, or because there are no manufactured home parks willing or able to accept the manufactured home within a 25-mile radius. A manufactured home owner may tender title of the manufactured home in the manufactured home park to the manufactured home park owner, and collect an amount to be determined by an independent appraisal. The appraiser must be agreed to by both the manufactured home park owner and the manufactured home owner. The amount that may be reimbursed under the fund is a maximum of \$5,000 for a single-section, and \$9,000 for a multisection manufactured home. The manufactured home owner shall deliver to the manufactured home park owner the current certificate of title to the manufactured home duly endorsed by the owner of record, and valid releases of all liens shown on the certificate of title, and a statement from the county where the manufactured home is located evidencing that the personal property taxes have been paid. The manufactured home owner's application for funds under this paragraph must include a document certifying that the manufactured home cannot be relocated, that the lot rental is current, that the annual \$12 payment to the Minnesota manufactured home relocation trust fund has been paid when due, the manufactured home owner has chosen to tender title under this section, and that

the park owner agrees to make a payment to the commissioner of finance in the amount established in subdivision 12, paragraph (a), less any costs required for demolition and removal of the home, and any debris or refuse left on the lot, not to exceed \$1,500. The manufactured home owner must also provide a copy of the certificate of title endorsed by the owner of record, and certify to the Housing Finance Agency, with a copy to the park owner, that none of the exceptions to receipt of compensation under subdivision 12, paragraph (b), clauses (1) to (6), apply to the manufactured home owner, and that the home owner will vacate the home within 60 days after receipt of payment or the date of park closure, whichever is earlier, provided that the monthly lot rent is kept current.

(f) The Housing Finance Agency is not liable to any person for recovery if the funds in the Minnesota manufactured home relocation trust fund are insufficient to pay the amounts claimed. In such event, the Housing Finance Agency shall keep a record of the time and date of its receipt of application for payment from a claimant. If sufficient funds become available, the Housing Finance Agency shall pay the manufactured home owner whose unpaid claim is the earliest by time and date of the receipt of application.

Sec. 5. Minnesota Statutes 2006, section 327C.095, is amended by adding a subdivision to read:

Subd. 14. **Payment adjustment for smaller manufactured home parks.** The total contribution to the fund under section 462A.40 paid by the park owner under subdivision 12, paragraph (a), must not exceed 20 percent of the sale price, or if no sale price is available, the assessed value of the manufactured home park, except that if the sale price, or if there is no sale price, the assessed value, is:

(1) less than \$100,000, the manufactured home park owner's contribution to the fund must not exceed five percent of the sale price of the manufactured home park;

(2) less than \$200,000, the owner's contribution to the fund must not exceed eight percent of the sale price of the manufactured home park;

(3) less than \$300,000, the owner's contribution to the fund must not exceed ten percent of the sale price of the manufactured home park; and

(4) less than \$500,000, the owner's contribution to the fund must not exceed 15 percent of the sale price of the manufactured home park.

Sec. 6. Minnesota Statutes 2006, section 327C.095, is amended by adding a subdivision to read:

Subd. 15. **Preemption of local ordinances.** (a) This statute preempts and supersedes any local, township, county, or municipal ordinances with regard to the closure or relocation or buy out payments paid in the course of a change of use or closure of manufactured home communities. A municipality, township, or county must not adopt an ordinance requiring more compensation by the manufactured home park owners or its purchaser than what is provided for in this statute.

(b) The Minnesota Housing Finance Agency must make a determination by September 15, 2007, of the amount of payment a manufactured home owner would have been entitled to under a local ordinance in effect on August 1, 2007. Notwithstanding paragraph (a), the manufactured home owner's compensation for relocation costs from the fund under section 462A.40, is the greater of the amount provided under subdivision 13, or the amount under the local ordinance in effect on August 1, 2007, that is applicable to the manufactured home owner.

Sec. 7. Minnesota Statutes 2006, section 327C.095, is amended by adding a subdivision to read:

Subd. 16. **Advances to the Minnesota manufactured home relocation trust fund.** (a) The Housing Finance Agency may advance funds from state appropriations or other resources to the Minnesota manufactured home relocation trust fund established under section 462A.40 in the event that funds in the Minnesota manufactured home relocation trust fund are insufficient to pay the amounts claimed under subdivision 13. This paragraph sunsets on June 30, 2009.

(b) The Housing Finance Agency shall be reimbursed from the Minnesota manufactured home relocation trust fund for any money advanced by the agency under paragraph (a) to the fund. Applications for payment to manufactured home owners shall be paid prior to reimbursement of money advanced by the agency to the fund.

Sec. 8. Minnesota Statutes 2006, section 462A.21, is amended by adding a subdivision to read:

Subd. 31. **Manufactured housing relocation trust fund.** The agency may spend money for the purposes of sections 327C.095, subdivisions 12 and 13; and 462A.40 and may pay the costs and expenses necessary and incidental to the development and operation of the fund under section 462A.40.

Sec. 9. **[462A.40] MINNESOTA MANUFACTURED HOME RELOCATION TRUST FUND.**

Subdivision 1. **Establishment of fund.** The Minnesota manufactured home relocation trust fund is established as a separate account in the housing development fund. The agency may use the money from the Minnesota manufactured home relocation trust fund to make payments to manufactured home owners under section 327C.095, subdivision 13, paragraphs (a) and (e). All interest earned from the investment or deposit of money in the trust fund must be deposited in the trust fund. The Minnesota manufactured home relocation trust fund account shall consist of:

(1) payments collected from manufactured home park owners under sections 327C.095, subdivision 12, paragraph (a), and 327C.095, subdivision 13, paragraph (e);

(2) payments collected from manufactured home owners under section 327C.095, subdivision 12, paragraph (c);

(3) interest earned on the money deposited into the trust fund; and

(4) other appropriated funds.

Subd. 2. **Expending funds.** The agency may expend the money in the Minnesota manufactured home relocation trust fund to the extent necessary to carry out the objectives of section 327C.095, subdivision 13, by making payments to manufactured home owners under section 327C.095, subdivision 13, paragraphs (a) and (e), and to pay the costs of administering the fund."

Delete the title and insert:

"A bill for an act relating to housing; creating the Minnesota manufactured home relocation trust fund; requiring that a manufactured home park owner make specified payments to the trust fund; requiring an owner of a manufactured home who rents a lot in a manufactured home park to make an annual payment to the trust fund; amending Minnesota Statutes 2006, sections 327C.095, subdivisions 1, 4, by adding subdivisions; 462A.21, by adding a subdivision; proposing coding for

new law in Minnesota Statutes, chapter 462A."

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 2203:** A bill for an act relating to human services; making technical changes; amending child care; chemical and mental health; child welfare and public assistance; continuing care; health care; amending Minnesota Statutes 2006, sections 119B.011, subdivision 17; 119B.09, subdivision 1; 119B.125, subdivision 2, by adding a subdivision; 119B.13, subdivisions 3a, 7; 144.225, subdivision 2b; 245.4874; 252.32, subdivision 3; 253B.185, subdivision 2; 254A.03, subdivision 3; 254A.16, subdivision 2; 254B.02, subdivisions 1, 5; 254B.03, subdivisions 1, 3; 254B.06, subdivision 3; 256.01, subdivision 2; 256.045, subdivision 3b; 256.0451, subdivisions 1, 3, 11, 19; 256.046, subdivision 1; 256.476, subdivisions 1, 2, 3, 4, 5, 10; 256.974; 256.9744, subdivision 1; 256B.0625, subdivisions 1a, 13c, 23; 256B.0911, subdivision 4c; 256B.0913, subdivisions 4, 5, 5a, 8, 9, 10, 11, 12, 13, 14; 256B.0919, subdivision 3; 256B.0943, subdivisions 6, 9, 11, 12; 256B.431, subdivisions 1, 3f, 17e; 256D.03, subdivision 4; 256E.35, subdivisions 2, 7; 256J.21, subdivision 3; 256J.30, subdivision 9; 256J.32, subdivision 4; 256J.42, subdivisions 5, 6; 256J.425, subdivision 6; 256J.45, subdivision 2; 256J.46, subdivision 1; 256J.49, subdivision 13; 256J.50, subdivisions 1, 11; 256J.54, subdivisions 2, 5; 256J.55, subdivision 1; 256J.561, subdivision 2; 256J.645; 256J.66, subdivision 1; 256J.67, subdivision 3; 256J.95, subdivision 11; 256L.03, subdivision 5; 256L.04, subdivisions 1, 12; 259.67, subdivision 4; 260.012; 260B.157, subdivision 1; 626.556, subdivisions 2, 3, 10, 10c; Laws 2005, chapter 98, article 3, section 25; repealing Minnesota Statutes 2006, sections 252.21; 252.22; 252.23; 252.24; 252.25; 252.261; 252.275, subdivision 5; 254A.02, subdivisions 7, 9, 12, 14, 15, 16; 254A.085; 254A.086; 254A.12; 254A.14; 254A.15; 254A.16, subdivision 5; 254A.175; 254A.18; 256B.0913, subdivisions 5b, 5c, 5d, 5e, 5f, 5g, 5h; 256J.561, subdivision 1; 256J.62, subdivision 9; 256J.65; Minnesota Rules, part 9503.0035, subpart 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete article 1

Page 22, delete article 3

Page 77, after line 27, insert:

"Sec. 25. Laws 2000, chapter 340, section 19, is amended to read:

**Sec. 19. ALTERNATIVE CARE PILOT PROJECTS.**

(a) Expenditures for housing with services and adult foster care shall be excluded when determining average monthly expenditures per client for alternative care pilot projects authorized in Laws 1993, First Special Session chapter 1, article 5, section 133.

(b) Alternative care pilot projects shall not expire on June 30, 2001, but shall continue until June 30, ~~2005~~ 2007.

**EFFECTIVE DATE.** This section is effective retroactively from June 29, 2005, for activities related to discontinuing pilot projects under this section.

Pages 84 to 94, delete sections 1 to 12

Renumber the articles and sections in sequence

Amend the title as follows:

Page 1, line 2, delete "amending child care;"

Page 1, line 3, delete "child welfare and public assistance;"

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 1455:** A bill for an act relating to health; requiring nonprofit hospitals and outpatient surgical centers to report on community benefits in a standard way; establishing a work group; amending Minnesota Statutes 2006, section 144.698, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 62J.17, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For purposes of this section, the terms defined in this subdivision have the meanings given.

~~(a) "Access" means the financial, temporal, and geographic availability of health care to individuals who need it.~~

~~(b) "Capital expenditure" means an expenditure which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance.~~

~~(c) "Cost" means the amount paid by consumers or third party payers for health care services or products.~~

~~(d) "Date of the major spending commitment" means the date the provider formally obligated itself to the major spending commitment. The obligation may be incurred by entering into a contract, making a down payment, issuing bonds or entering a loan agreement to provide financing for the major spending commitment, or taking some other formal, tangible action evidencing the provider's intention to make the major spending commitment.~~

~~(e) (b) "Health care service" means:~~

~~(1) a service or item that would be covered by the medical assistance program under chapter 256B if provided in accordance with medical assistance requirements to an eligible medical assistance recipient; and~~

~~(2) a service or item that would be covered by medical assistance except that it is characterized as experimental, cosmetic, or voluntary.~~



"Health care service" does not include retail, over-the-counter sales of nonprescription drugs and other retail sales of health-related products that are not generally paid for by medical assistance and other third-party coverage.

~~(f)~~ (c) "Major spending commitment" means an expenditure in excess of \$1,000,000 for:

- (1) acquisition of a unit of medical equipment;
- (2) a capital expenditure for a single project for the purposes of providing health care services, other than for the acquisition of medical equipment;
- (3) offering a new specialized service not offered before;
- (4) planning for an activity that would qualify as a major spending commitment under this paragraph; or
- (5) a project involving a combination of two or more of the activities in clauses (1) to (4).

The cost of acquisition of medical equipment, and the amount of a capital expenditure, is the total cost to the provider regardless of whether the cost is distributed over time through a lease arrangement or other financing or payment mechanism.

~~(g)~~ (d) "Medical equipment" means fixed and movable equipment that is used by a provider in the provision of a health care service. "Medical equipment" includes, but is not limited to, the following:

- (1) an extracorporeal shock wave lithotripter;
- (2) a computerized axial tomography (CAT) scanner;
- (3) a magnetic resonance imaging (MRI) unit;
- (4) a positron emission tomography (PET) scanner; and
- (5) emergency and nonemergency medical transportation equipment and vehicles.

~~(h)~~ (e) "New specialized service" means a specialized health care procedure or treatment regimen offered by a provider that was not previously offered by the provider, including, but not limited to:

- (1) cardiac catheterization services involving high-risk patients as defined in the Guidelines for Coronary Angiography established by the American Heart Association and the American College of Cardiology;
- (2) heart, heart-lung, liver, kidney, bowel, or pancreas transplantation service, or any other service for transplantation of any other organ;
- (3) megavoltage radiation therapy;
- (4) open heart surgery;
- (5) neonatal intensive care services; and
- (6) any new medical technology for which premarket approval has been granted by the United States Food and Drug Administration, excluding implantable and wearable devices.

(f) "Specialty care" includes but is not limited to cardiac, neurology, orthopedic, obstetrics, mental health, chemical dependency, and emergency services.

Sec. 2. Minnesota Statutes 2006, section 62J.17, subdivision 4a, is amended to read:

~~Subd. 4a. **Expenditure reporting.** (a) A provider making a major spending commitment after April 1, 1992, shall submit notification of the expenditure to the commissioner and provide the commissioner with any relevant background information.~~

~~(b) Notification must include a report, submitted within 60 days after the date of the major spending commitment, using terms conforming to the definitions in section 62J.03 and this section. Each report is subject to retrospective review and must contain:~~

~~(1) a detailed description of the major spending commitment, including the specific dollar amount of each expenditure, and its purpose;~~

~~(2) the date of the major spending commitment;~~

~~(3) a statement of the expected impact that the major spending commitment will have on charges by the provider to patients and third party payers;~~

~~(4) a statement of the expected impact on the clinical effectiveness or quality of care received by the patients that the provider expects to serve;~~

~~(5) a statement of the extent to which equivalent services or technology are already available to the provider's actual and potential patient population;~~

~~(6) a statement of the distance from which the nearest equivalent services or technology are already available to the provider's actual and potential population;~~

~~(7) a statement describing the pursuit of any lawful collaborative arrangements; and~~

~~(8) a statement of assurance that the provider will not use, purchase, or perform health care technologies and procedures that are not clinically effective and cost effective, unless the technology is used for experimental or research purposes to determine whether a technology or procedure is clinically effective and cost effective.~~

~~The provider may submit any additional information that it deems relevant.~~

~~(c) The commissioner may request additional information from a provider for the purpose of review of a report submitted by that provider, and may consider relevant information from other sources. A provider shall provide any information requested by the commissioner within the time period stated in the request, or within 30 days after the date of the request if the request does not state a time.~~

~~(d) If the provider fails to submit a complete and timely expenditure report, including any additional information requested by the commissioner, the commissioner may make the provider's subsequent major spending commitments subject to the procedures of prospective review and approval under subdivision 6a. Each hospital, outpatient surgical center, diagnostic imaging center, and physician clinic shall report annually to the commissioner on all major spending commitments, in the form and manner specified by the commissioner. The report shall include the following information:~~

(a) a description of major spending commitments made during the previous year, including the total dollar amount of major spending commitments and purpose of the expenditures;

(b) the cost of land acquisition, construction of new facilities, and renovation of existing facilities;

(c) the cost of purchased or leased medical equipment, by type of equipment;

(d) expenditures by type for specialty care and new specialized services;

(e) information on the amount and types of added capacity for diagnostic imaging services, outpatient surgical services, and new specialized services; and

(f) information on investments in electronic medical records systems.

For hospitals and outpatient surgical centers, this information shall be included in reports to the commissioner that are required under section 144.698. For diagnostic imaging centers, this information shall be included in reports to the commissioner that are required under section 144.565. For physician clinics, this information shall be included in reports to the commissioner that are required under section 62J.41. For all other health care providers that are subject to this reporting requirement, reports must be submitted to the commissioner by March 1 each year for the preceding calendar year.

Sec. 3. Minnesota Statutes 2006, section 62J.17, subdivision 7, is amended to read:

Subd. 7. **Exceptions.** ~~(a) The retrospective review process as described in subdivision 5a and the prospective review and approval process as described in subdivision 6a reporting requirement in subdivision 4a do~~ does not apply to:

~~(1) a major spending commitment to replace existing equipment with comparable equipment used for direct patient care, upgrades of equipment beyond the current model, or comparable model must be reported;~~

~~(2) (1) a major spending commitment made by a research and teaching institution for purposes of conducting medical education, medical research supported or sponsored by a medical school, or by a federal or foundation grant or clinical trials;~~

~~(3) a major spending commitment to repair, remodel, or replace existing buildings or fixtures if, in the judgment of the commissioner, the project does not involve a substantial expansion of service capacity or a substantial change in the nature of health care services provided;~~

~~(4) (2) a major spending commitment for building maintenance including heating, water, electricity, and other maintenance-related expenditures; and~~

~~(5) (3) a major spending commitment for activities, not directly related to the delivery of patient care services, including food service, laundry, housekeeping, and other service-related activities; and.~~

~~(6) a major spending commitment for computer equipment or data systems not directly related to the delivery of patient care services, including computer equipment or data systems related to medical record automation.~~

(b) In addition to the exceptions listed in paragraph (a), the ~~prospective review and approval process described in subdivision 6a~~ reporting requirement in subdivision 4a does not apply to mergers, acquisitions, and other changes in ownership or control that, in the judgment of the commissioner, do not involve a substantial expansion of service capacity or a substantial change in the nature of health care services provided.

Sec. 4. Minnesota Statutes 2006, section 62J.41, subdivision 1, is amended to read:

Subdivision 1. **Cost containment data to be collected from providers.** The commissioner shall require health care providers to collect and provide both patient specific information and descriptive and financial aggregate data on:

- (1) the total number of patients served;
- (2) the total number of patients served by state of residence and Minnesota county;
- (3) the site or sites where the health care provider provides services;
- (4) the number of individuals employed, by type of employee, by the health care provider;
- (5) the services and their costs for which no payment was received;
- (6) total revenue by type of payer or by groups of payers, including but not limited to, revenue from Medicare, medical assistance, MinnesotaCare, nonprofit health service plan corporations, commercial insurers, health maintenance organizations, and individual patients;
- (7) revenue from research activities;
- (8) revenue from educational activities;
- (9) revenue from out-of-pocket payments by patients;
- (10) revenue from donations; ~~and~~
- (11) a report on health care capital expenditures during the previous year, as required by section 62J.17; and

~~(11)~~ (12) any other data required by the commissioner, including data in unaggregated form, for the purposes of developing spending estimates, setting spending limits, monitoring actual spending, and monitoring costs.

The commissioner may, by rule, modify the data submission categories listed above if the commissioner determines that this will reduce the reporting burden on providers without having a significant negative effect on necessary data collection efforts.

Sec. 5. Minnesota Statutes 2006, section 62J.52, subdivision 1, is amended to read:

Subdivision 1. **Uniform billing form CMS 1450.** (a) On and after January 1, 1996, all institutional inpatient hospital services, ancillary services, institutionally owned or operated outpatient services rendered by providers in Minnesota, and institutional or noninstitutional home health services that are not being billed using an equivalent electronic billing format, must be billed using the uniform billing form CMS 1450, except as provided in subdivision 5.

(b) The instructions and definitions for the use of the uniform billing form CMS 1450 shall be in

accordance with the uniform billing form manual specified by the commissioner. In promulgating these instructions, the commissioner may utilize the manual developed by the National Uniform Billing Committee, as adopted and finalized by the Minnesota Uniform Billing Committee.

(c) Services to be billed using the uniform billing form CMS 1450 include: institutional inpatient hospital services and distinct units in the hospital such as psychiatric unit services, physical therapy unit services, swing bed (SNF) services, inpatient state psychiatric hospital services, inpatient skilled nursing facility services, home health services (Medicare part A), and hospice services; ancillary services, where benefits are exhausted or patient has no Medicare part A, from hospitals, state psychiatric hospitals, skilled nursing facilities, and home health (Medicare part B); institutional owned or operated outpatient services such as waived services, hospital outpatient services, including ambulatory surgical center services, hospital referred laboratory services, hospital-based ambulance services, and other hospital outpatient services, skilled nursing facilities, home health, freestanding renal dialysis centers, comprehensive outpatient rehabilitation facilities (CORF), outpatient rehabilitation facilities (ORF), rural health clinics, and community mental health centers; home health services such as home health intravenous therapy providers, waived services, personal care attendants, and hospice; and any other health care provider certified by the Medicare program to use this form.

(d) On and after January 1, 1996, a mother and newborn child must be billed separately, and must not be combined on one claim form.

(e) Services provided by Medicare Critical Access Hospitals electing Method II billing are allowed an exception to this provision to allow the inclusion of the professional fees on the CMS 1450.

Sec. 6. Minnesota Statutes 2006, section 62J.52, subdivision 2, is amended to read:

**Subd. 2. Uniform billing form CMS 1500.** (a) On and after January 1, 1996, all noninstitutional health care services rendered by providers in Minnesota except dental or pharmacy providers, that are not currently being billed using an equivalent electronic billing format, must be billed using the health insurance claim form CMS 1500, except as provided in subdivision 5.

(b) The instructions and definitions for the use of the uniform billing form CMS 1500 shall be in accordance with the manual developed by the Administrative Uniformity Committee entitled standards for the use of the CMS 1500 form, dated February 1994, as further defined by the commissioner.

(c) Services to be billed using the uniform billing form CMS 1500 include physician services and supplies, durable medical equipment, noninstitutional ambulance services, independent ancillary services including occupational therapy, physical therapy, speech therapy and audiology, home infusion therapy, podiatry services, optometry services, mental health licensed professional services, substance abuse licensed professional services, nursing practitioner professional services, certified registered nurse anesthetists, chiropractors, physician assistants, laboratories, medical suppliers, and other health care providers such as day activity centers and freestanding ambulatory surgical centers.

(d) Services provided by Medicare Critical Access Hospitals electing Method II billing are allowed an exception to this provision to allow the inclusion of the professional fees on the CMS 1450.

Sec. 7. Minnesota Statutes 2006, section 62J.60, subdivision 2, is amended to read:

Subd. 2. **General characteristics.** (a) The Minnesota uniform health care identification card must be a preprinted card constructed of plastic, paper, or any other medium that conforms with ANSI and ISO 7810 physical characteristics standards. The card dimensions must also conform to ANSI and ISO 7810 physical characteristics standard. The use of a signature panel is optional. The uniform prescription drug information contained on the card must conform with the format adopted by the NCPDP and, except as provided in subdivision 3, paragraph (a), clause (2), must include all of the fields required to submit a claim in conformance with the most recent pharmacy identification card implementation guide produced by the NCPDP. All information required to submit a prescription drug claim, exclusive of information provided on a prescription that is required by law, must be included on the card in a clear, readable, and understandable manner. If a health benefit plan requires a conditional or situational field, as defined by the NCPDP, the conditional or situational field must conform to the most recent pharmacy information card implementation guide produced by the NCPDP.

(b) The Minnesota uniform health care identification card must have an essential information window on the front side with the following data elements: card issuer name, electronic transaction routing information, card issuer identification number, cardholder (insured) identification number, and cardholder (insured) identification name. No optional data may be interspersed between these data elements.

(c) Standardized labels are required next to human readable data elements and must come before the human data elements.

Sec. 8. Minnesota Statutes 2006, section 62J.60, subdivision 3, is amended to read:

Subd. 3. **Human readable data elements.** (a) The following are the minimum human readable data elements that must be present on the front side of the Minnesota uniform health care identification card:

(1) card issuer name or logo, which is the name or logo that identifies the card issuer. The card issuer name or logo may be located at the top of the card. No standard label is required for this data element;

(2) complete electronic transaction routing information including, at a minimum, the international identification number. The standardized label of this data element is "RxBIN." Processor control numbers and group numbers are required if needed to electronically process a prescription drug claim. The standardized label for the process control numbers data element is "RxPCN" and the standardized label for the group numbers data element is "RxGrp," except that if the group number data element is a universal element to be used by all health care providers, the standardized label may be "Grp." To conserve vertical space on the card, the international identification number and the processor control number may be printed on the same line;

(3) cardholder (insured) identification number, which is the unique identification number of the individual card holder established and defined under this section. The standardized label for the data element is "ID";

(4) cardholder (insured) identification name, which is the name of the individual card holder. The identification name must be formatted as follows: first name, space, optional middle initial, space,

last name, optional space and name suffix. The standardized label for this data element is "Name";

(5) care type, which is the description of the group purchaser's plan product under which the beneficiary is covered. The description shall include the health plan company name and the plan or product name. The standardized label for this data element is "Care Type";

(6) service type, which is the description of coverage provided such as hospital, dental, vision, prescription, or mental health. The standard label for this data element is "Svc Type"; and

(7) provider/clinic name, which is the name of the primary care clinic the card holder is assigned to by the health plan company. The standard label for this field is "PCP." This information is mandatory only if the health plan company assigns a specific primary care provider to the card holder.

(b) The following human readable data elements shall be present on the back side of the Minnesota uniform health care identification card. These elements must be left justified, and no optional data elements may be interspersed between them:

(1) claims submission names and addresses, which are the names and addresses of the entity or entities to which claims should be submitted. If different destinations are required for different types of claims, this must be labeled;

(2) telephone numbers and names that pharmacies and other health care providers may call for assistance. These telephone numbers and names are required on the back side of the card only if one of the contacts listed in clause (3) cannot provide pharmacies or other providers with assistance or with the telephone numbers and names of contacts for assistance; and

(3) telephone numbers and names; which are the telephone numbers and names of the following contacts with a standardized label describing the service function as applicable:

(i) eligibility and benefit information;

(ii) utilization review;

(iii) precertification; or

(iv) customer services.

(c) The following human readable data elements are mandatory on the back side of the Minnesota uniform health care identification card for health maintenance organizations:

(1) emergency care authorization telephone number or instruction on how to receive authorization for emergency care. There is no standard label required for this information; and

(2) one of the following:

(i) telephone number to call to appeal to or file a complaint with the commissioner of health; or

(ii) for persons enrolled under section 256B.69, 256D.03, or 256L.12, the telephone number to call to file a complaint with the ombudsperson designated by the commissioner of human services under section 256B.69 and the address to appeal to the commissioner of human services. There is no standard label required for this information.

(d) All human readable data elements not required under paragraphs (a) to (c) are optional and may be used at the issuer's discretion.

Sec. 9. Minnesota Statutes 2006, section 144.565, is amended to read:

**144.565 DIAGNOSTIC IMAGING FACILITIES.**

Subdivision 1. **Utilization and services data; economic and financial interests.** The commissioner shall require diagnostic imaging facilities and providers of diagnostic imaging services in Minnesota to annually report by March 1 each year for the preceding fiscal year to the commissioner, in the form and manner specified by the commissioner:

(1) utilization data for each health plan company and each public program, including workers' compensation, as follows: of diagnostic imaging services as defined in subdivision 4, paragraph (b);

~~(i) the number of computerized tomography (CT) procedures performed;~~

~~(ii) the number of magnetic resonance imaging (MRI) procedures performed; and~~

~~(iii) the number of positron emission tomography (PET) procedures performed; and~~

(2) the names of all physicians with any financial or economic interest and all other individuals with a ten percent or greater financial or economic interest in the facility;

(3) the location where procedures were performed;

(4) the number of units of each type of fixed, portable, and mobile scanner used at each location;

(5) the average number of hours per month each mobile scanner was operated at each location;

(6) the number of hours per month each scanner was leased, if applicable;

(7) the total number of diagnostic imaging procedures billed for by the provider at each location, by type of diagnostic imaging service as defined in subdivision 4, paragraph (b); and

(8) a report on major health care capital expenditures during the previous year, as required by section 62J.17.

Subd. 2. **Commissioner's right to inspect records.** If the report is not filed or the commissioner of health has reason to believe the report is incomplete or false, the commissioner shall have the right to inspect diagnostic imaging facility books, audits, and records.

Subd. 3. **Separate reports.** ~~For a diagnostic imaging facility that is not attached or not contiguous to a hospital or a hospital affiliate, the commissioner shall require the information in subdivision 1 be reported separately for each detached diagnostic imaging facility as part of the report required under section 144.702. If any entity owns more than one diagnostic imaging facility, that entity must report by individual facility. Reports must include only services that were billed by the provider of diagnostic imaging services submitting the report. If a diagnostic imaging facility leases capacity, technical services, or professional services to one or more other providers of diagnostic imaging services, each provider must submit a separate annual report to the commissioner for all diagnostic imaging services that it provided and billed. The owner of the leased capacity must provide a report listing the names and addresses of providers to whom the diagnostic imaging services and equipment were leased.~~



Subd. 4. **Definitions.** For purposes of this section, the following terms have the meanings given:

(a) "Diagnostic imaging facility" means a health care facility that ~~provides~~ is not a hospital or location licensed as a hospital which offers diagnostic imaging services through the use of ionizing radiation or other imaging technique including, but not limited to magnetic resonance imaging (MRI) or computerized tomography (CT) scan on a freestanding or mobile basis in Minnesota, regardless of whether the equipment used to provide the service is owned or leased. For the purposes of this section, diagnostic imaging facility includes, but is not limited to, facilities such as a physician's office, clinic, mobile transport vehicle, outpatient imaging center, or surgical center.

(b) "Diagnostic imaging service" means the use of ionizing radiation or other imaging technique on a human patient including, but not limited to, magnetic resonance imaging (MRI) or computerized tomography (CT), positron emission tomography (PET), or single photon emission computerized tomography (SPECT) scans using fixed, portable, or mobile equipment.

~~(b)~~ (c) "Financial or economic interest" means a direct or indirect:

(1) equity or debt security issued by an entity, including, but not limited to, shares of stock in a corporation, membership in a limited liability company, beneficial interest in a trust, units or other interests in a partnership, bonds, debentures, notes or other equity interests or debt instruments, or any contractual arrangements;

(2) membership, proprietary interest, or co-ownership with an individual, group, or organization to which patients, clients, or customers are referred to; or

(3) employer-employee or independent contractor relationship, including, but not limited to, those that may occur in a limited partnership, profit-sharing arrangement, or other similar arrangement with any facility to which patients are referred, including any compensation between a facility and a health care provider, the group practice of which the provider is a member or employee or a related party with respect to any of them.

~~(c)~~ (d) "Freestanding Fixed equipment" means a stationary diagnostic imaging facility that is not located within a:

~~(1) hospital;~~

~~(2) location licensed as a hospital; or~~

~~(3) physician's office or clinic where the professional practice of medicine by licensed physicians is the primary purpose and not the provision of ancillary services such as diagnostic imaging.~~

~~(d)~~ (e) "Mobile equipment" means a diagnostic imaging facility that is transported to various sites not including movement within a hospital or a physician's office or clinic machine in a self-contained transport vehicle designed to be brought to a temporary offsite location to perform diagnostic imaging services.

(f) "Portable equipment" means a diagnostic imaging machine designed to be temporarily transported within a permanent location to perform diagnostic imaging services.

(g) "Provider of diagnostic imaging services" means a diagnostic imaging facility or an entity that offers and bills for diagnostic imaging services at a facility owned or leased by the entity.

Subd. 5. Reports open to public inspection. All reports filed pursuant to this section shall be open to public inspection.

Sec. 10. Minnesota Statutes 2006, section 144.698, subdivision 1, is amended to read:

Subdivision 1. **Yearly reports.** Each hospital and each outpatient surgical center, which has not filed the financial information required by this section with a voluntary, nonprofit reporting organization pursuant to section 144.702, shall file annually with the commissioner of health after the close of the fiscal year:

(1) a balance sheet detailing the assets, liabilities, and net worth of the hospital or outpatient surgical center;

(2) a detailed statement of income and expenses;

(3) a copy of its most recent cost report, if any, filed pursuant to requirements of Title XVIII of the United States Social Security Act;

(4) a copy of all changes to articles of incorporation or bylaws;

(5) information on services provided to benefit the community, including services provided at no cost or for a reduced fee to patients unable to pay, teaching and research activities, or other community or charitable activities;

(6) information required on the revenue and expense report form set in effect on July 1, 1989, or as amended by the commissioner in rule;

(7) information on the number of available hospital beds that are dedicated to certain specialized services, as designated by the commissioner, and annual occupancy rates for those beds, separately for adult and pediatric care;

(8) from outpatient surgical centers, the total number of surgeries performed;

(9) a report on health care capital expenditures during the previous year, as required by section 62J.17;

~~(7)~~ (10) information on changes in ownership or control; and

~~(8)~~ (11) other information required by the commissioner in rule."

Delete the title and insert:

"A bill for an act relating to health; requiring certain health care facilities to report on major spending commitments; requiring nonprofit hospitals and outpatient surgical centers to report on community benefits in a standard way; amending Minnesota Statutes 2006, sections 62J.17, subdivisions 2, 4a, 7; 62J.41, subdivision 1; 62J.52, subdivisions 1, 2; 62J.60, subdivisions 2, 3; 144.565; 144.698, subdivision 1."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 2040:** A bill for an act relating to game and fish; creating a three-year license for fish houses and dark houses; amending Minnesota Statutes 2006, sections 97A.411, subdivision 1; 97A.475, subdivisions 11, 12.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 84.777, is amended to read:

**84.777 OFF-HIGHWAY VEHICLE USE OF STATE LANDS RESTRICTED.**

Subdivision 1. **Designated trails.** (a) Except as otherwise allowed by law or rules adopted by the commissioner, effective June 1, 2003, notwithstanding sections 84.787 to 84.805 and 84.92 to 84.929, the use of off-highway vehicles is prohibited on state land administered by the commissioner of natural resources, and on county-administered forest land within the boundaries of a state forest, except on roads and trails specifically designated and posted by the commissioner for use by off-highway vehicles.

(b) Paragraph (a) does not apply to county-administered land within a state forest if the county board adopts a resolution that modifies restrictions on the use of off-highway vehicles on county-administered land within the forest.

Subd. 2. **Off-highway vehicle seasons.** (a) The commissioner shall prescribe seasons for off-highway vehicle use on state forest lands. Except for designated forest roads, a person must not operate an off-highway vehicle on state forest lands outside of the season prescribed under this paragraph.

(b) The commissioner may designate and post winter trails on state forest lands for use by off-highway vehicles.

(c) For the purposes of this subdivision, "state forest lands" means forest lands under the authority of the commissioner as defined in section 89.001, subdivision 13, and lands managed by the commissioner under section 282.011.

Subd. 3. **Mapped trails.** Except as provided in sections 84.926 and 84.928, effective December 31, 2010, a person must not operate an off-highway vehicle on state land that is not mapped for the type of off-highway vehicle.

Subd. 4. **Exemption from rulemaking.** Determinations of the commissioner under this section may be by written order published in the State Register and are exempt from the rulemaking provisions of chapter 14. Section 14.386 does not apply.

**Sec. 2. [89.0212] STATE FOREST TRADITIONAL AREAS.**

Subdivision 1. **Definition.** For purposes of this section, "state forest traditional area" or "traditional area" means the portion of a state forest dedicated to traditional uses, including but not limited to logging, hunting, trapping, fishing, wildlife watching, snowmobiling, hiking, biking, canoeing, and berry picking.

Subd. 2. **Designation.** By December 31, 2008, the commissioner shall designate state forest traditional areas.

Subd. 3. **Vehicle restrictions.** Within a state forest traditional area:

(1) no off-highway vehicles, as defined under section 84.771, are allowed off of state forest roads;

(2) no trails for off-highway vehicles, as defined under section 84.771, are allowed; and

(3) no hunting or trapping using an off-highway vehicle is allowed.

These restrictions are subject to exception by permit under section 84.926, subdivision 1.

Subd. 4. **Exemption from rulemaking.** Determinations of the commissioner under this section may be by written order published in the State Register and are exempt from the rulemaking provisions of chapter 14. Section 14.386 does not apply.

Sec. 3. Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended by Laws 2005, First Special Session chapter 1, article 2, section 152, is amended to read:

Subdivision 1. **Forest classification status review.** (a) By December 31, 2006, the commissioner of natural resources shall complete a review of the forest classification status of all state forests classified as managed or limited, all forest lands under the authority of the commissioner as defined in Minnesota Statutes, section 89.001, subdivision 13, and lands managed by the commissioner under Minnesota Statutes, section 282.011. The review must be conducted on a forest-by-forest and area-by-area basis in accordance with the process and criteria under Minnesota Rules, part 6100.1950. Except as provided in paragraph (d), after each forest is reviewed, the commissioner must change its the status of the lands within each forest to limited or closed, ~~and~~. The commissioner may classify portions of a limited forest as closed. The commissioner must also provide a similar status for each of the other areas subject to review under this section after each individual review is completed.

(b) If the commissioner determines on January 1, 2005, that the review required under this section cannot be completed by December 31, 2006, the completion date for the review shall be extended to December 31, 2008. By January 15, 2005, the commissioner shall report to the chairs of the legislative committees with jurisdiction over natural resources policy and finance regarding the status of the process required by this section.

(c) Until December 31, 2010, the state forests and areas subject to review under this section are exempt from Minnesota Statutes, section 84.777, unless an individual forest or area has been classified as limited or closed.

(d) Notwithstanding the restrictions in paragraph (a), and Minnesota Statutes, section 84.777, subdivision 1, all forest lands under the authority of the commissioner as defined in Minnesota Statutes, section 89.001, subdivision 13, and lands managed by the commissioner under Minnesota Statutes, section 282.011, that are north of U.S. Highway 2 shall maintain their present classification unless the commissioner reclassifies the lands under Minnesota Rules, part 6100.1950. The commissioner shall provide for seasonal trail closures when conditions warrant them. By December 31, 2008, the commissioner shall complete the review and designate trails on forest lands north of Highway 2 as provided in this section."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying off-highway vehicle provisions; requiring designation of state forest traditional areas; providing exemptions from rulemaking; amending Minnesota Statutes 2006, section 84.777; Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapter 89."

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred**

**S.F. No. 1302:** A bill for an act relating to metropolitan government; modifying provisions governing metropolitan livable communities fund; authorizing a transfer of funds between metropolitan livable communities fund accounts; authorizing a onetime transfer from the livable communities demonstration account for local planning assistance grants and loans; amending Minnesota Statutes 2006, section 473.253, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1 and insert:

"Section 1. **NONPROFIT FOUNDATION.**

Subdivision 1. **Nonprofit foundation may be established.** Under Minnesota Statutes, section 465.717, subdivision 1, the Metropolitan Council established by Minnesota Statutes, section 473.123, may incorporate, create, or otherwise establish a foundation. The purpose of the foundation shall be to help acquire or finance the acquisition of lands and other assets for public recreation and open space within the metropolitan area defined in Minnesota Statutes, section 473.121, subdivision 2, in order to preserve and develop regional parks and related facilities. The foundation shall be a private nonprofit organization and tax exempt under appropriate federal and state laws. The foundation may accept gifts, donations, money, property, and other assets and may transfer, donate, or otherwise provide such gifts, donations, money, property, and other assets consistent with its dedicated purpose. The foundation is subject to the application of other laws provisions of Minnesota Statutes, section 465.719, subdivision 9.

Subd. 2. **Formation; board of directors; employees.** The foundation's initial board of directors must include business leaders, representatives of civic and nonprofit organizations, and at least one representative from each of the following: the Metropolitan Council, the Metropolitan Parks and Open Space Commission, the Department of Natural Resources, and conservation and parks and trails advocacy organizations like the Trust for Public Land and the Parks and Trails Council of Minnesota. The members of the initial board must not be compensated by the foundation for their services but may be reimbursed for reasonable expenses incurred in connection with their duties as board members. Persons employed by the foundation are not public employees and must not participate in retirement, deferred compensation, insurance, or other plans that apply to public employees generally.

Subd. 3. **Advisory committee.** The foundation may appoint an advisory committee to help establish the foundation. The advisory committee should include one or more representatives of the following: the regional park implementing agencies within the metropolitan area, the National Park Service, the United States Fish and Wildlife Service, the Metropolitan Council, the Department

of Natural Resources, existing public park organizations, and other organizations as the foundation deems appropriate. Advisory committee members shall not be compensated for their membership on the advisory committee but may be reimbursed for reasonable expenses incurred in connection with their duties as advisory committee members. The advisory committee may be dissolved by the foundation when the foundation determines the advisory committee's work is complete.

**Sec. 2. METROPOLITAN COUNCIL ASSISTANCE.**

The Metropolitan Council may provide from its general fund up to \$500,000 to help create and establish the foundation. Until the foundation is established and functioning, the council may provide, from the funding made available under this section, office space and administrative support. The council may accept gifts, donations, money, property, and other assets for purposes consistent with the foundation's purposes and shall, when the foundation is established and functioning, transfer such gifts, donations, money, property, and other assets to the foundation. The use of council funds and resources for these purposes is a public purpose.

**Sec. 3. REPORT.**

On or before January 15, 2009, the council shall prepare and submit to the chairs of the legislative committees and divisions with jurisdiction over metropolitan and local government, a report on the creation and establishment of the foundation, including a description of the public and private funds and resources used to help create and establish the foundation."

Page 2, line 5, delete "Sections 1 and 2 apply" and insert "This act applies"

Page 2, line 8, delete "Sections 1 to 3 are" and insert "This act is"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to metropolitan government; modifying provisions governing metropolitan livable communities fund; authorizing the creation of a nonprofit organization; authorizing the use of funds to establish the foundation; requiring a report; authorizing a transfer of funds between metropolitan livable communities fund accounts; authorizing a onetime transfer from the livable communities demonstration account for local planning assistance grants and loans."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 1791:** A bill for an act relating to education; integrating instruction about the contributions of Minnesota American Indian tribes and communities into student learning and teacher preparation and licensing requirements; establishing committees on American Indian education programs; amending Minnesota Statutes 2006, sections 120B.021, subdivision 1; 122A.09, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, delete section 3 and insert:

**"Sec. 3. **ADVISORY TASK FORCE ON MINNESOTA AMERICAN INDIAN TRIBES AND COMMUNITIES AND K-12 STANDARDS-BASED REFORM.****

Subdivision 1. **Duties.** An advisory task force on Minnesota American Indian tribes and communities and K-12 standards-based reform is established to examine the impact of state and federal standards-based reform on Minnesota's K-12 students, with particular attention to the impacts on American Indian students enrolled in Minnesota schools. The task force, in consultation with American Indian educators, parents, and others who advocate for American Indian children, must determine if:

- (1) state education standards and assessments are appropriate for American Indian students;
- (2) American Indian students are fairly compared;
- (3) American Indian students receive the assistance they need to achieve the state standards; and
- (4) schools receive financial and technical assistance sufficient to meet the educational needs of American Indian students.

Subd. 2. **Membership.** (a) The commissioner of education shall appoint representatives from the following organizations and agencies to the task force:

- (1) Department of Education staff experienced in working with American Indian students and programs;
- (2) Minnesota American Indian tribes and communities;
- (3) the Minnesota School Board Association;
- (4) school administrators;
- (5) Education Minnesota;
- (6) the state Board of Teaching;
- (7) the Minnesota Council on Indian Affairs;
- (8) postsecondary faculty who serve as instructors in teacher preparation programs; and
- (9) local community service providers who work with Minnesota American Indian tribes and communities.

(b) After the task force has been convened, the commissioner of education may appoint additional public members recommended by members of the task force.

Subd. 3. **Organization; compensation.** (a) The commissioner shall complete appointments to the task force, under subdivision 2, paragraph (a), by September 1, 2007. The commissioner of education or the commissioner's designee shall convene the first meeting of the task force within 30 days after the appointments are completed. The task force shall select a chair from its membership at the first meeting.

- (b) Vacancies, renewal, and compensation of members are as provided in Minnesota Statutes,

section 15.059, subject to the availability of appropriations.

(c) The commissioner of education must provide the task force with administrative and clerical support.

Subd. 4. **Recommendations.** By February 15, 2008, the task force must report recommendations and suggest implementing legislation to the legislative committees and divisions with jurisdiction over education policy and finance regarding the changes, if any, to the state's educational performance standards, content requirements, assessments measures, and teacher preparation programs that will enable Minnesota schools to most effectively meet the educational needs of American Indian students.

Subd. 5. **Expiration.** This section expires the day following the submission of the report required by subdivision 4.

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

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 802:** A bill for an act relating to health; mortuary science; changing provisions dealing with mortuary science; amending Minnesota Statutes 2006, sections 149A.01, subdivisions 2, 3; 149A.02, subdivisions 2, 8, 11, 12, 13, 16, 19, 29, 33, 34, 36, 40, by adding subdivisions; 149A.03; 149A.20, subdivisions 1, 4, 6; 149A.40, subdivision 11; 149A.45, by adding subdivisions; 149A.50, subdivisions 2, 4; 149A.52, subdivision 4, by adding a subdivision; 149A.53, by adding a subdivision; 149A.63; 149A.70, subdivisions 1, 3, 5, 5a, 6, 7, 8, 9; 149A.71, subdivisions 2, 4; 149A.72, subdivision 4; 149A.74, subdivision 1; 149A.80, subdivisions 1, 2, 3; 149A.90, subdivisions 1, 3, 4, 5, 6, 7, 8; 149A.91, subdivisions 2, 3, 5, 6, 10; 149A.92, subdivisions 2, 6; 149A.93, subdivisions 1, 2, 3, 6, 8, by adding a subdivision; 149A.94, subdivisions 1, 3; 149A.95, subdivisions 2, 4, 6, 7, 9, 13, 14, 15, 20, by adding a subdivision; 149A.96, subdivision 1; repealing Minnesota Statutes 2006, sections 149A.93, subdivision 9; 149A.94, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 149A.01, subdivision 2, is amended to read:

Subd. 2. **Scope.** In Minnesota no person shall, without being licensed by the commissioner of health:

- (1) take charge of, or remove from the place of death, ~~or transport~~ a dead human body;
- (2) prepare a dead human body for final disposition, in any manner; or
- (3) arrange, direct, or supervise a funeral, memorial service, or graveside service.

Sec. 2. Minnesota Statutes 2006, section 149A.01, subdivision 3, is amended to read:

Subd. 3. **Exceptions to licensure.** (a) Except as otherwise provided in this chapter, nothing in



this chapter shall in any way interfere with the duties of:

~~(1) an officer of any public institution;~~

~~(2) an officer of a medical college, county medical society, anatomical association, or an anatomical bequest program located within an accredited school of medicine or an accredited college of mortuary science;~~

~~(3) a donee of an anatomical gift;~~

~~(4) (2) a person engaged in the performance of duties prescribed by law relating to the conditions under which unclaimed dead human bodies are held subject to anatomical study;~~

~~(5) (3) authorized personnel from a licensed ambulance service in the performance of their duties;~~

~~(6) (4) licensed medical personnel in the performance of their duties; or~~

~~(7) (5) the coroner or medical examiner in the performance of the duties of their offices.~~

(b) This chapter does not apply to or interfere with the recognized customs or rites of any culture or recognized religion in the final disposition ceremonial washing, dressing, and casketing of their dead, to the extent that the all other provisions of this chapter are inconsistent with the customs or rites complied with.

~~(c) Noncompensated persons related by blood, adoption, or marriage to a decedent who chose to remove a body of a decedent from the place of death, transport the body, prepare the body for disposition, except embalming, or arrange for final disposition of the body are not required to be licensed, with the right to control the dead human body may remove a body from the place of death; transport the body; prepare the body for disposition, except embalming; or arrange for final disposition of the body, provided that all actions are in compliance with this chapter.~~

~~(d) Noncompensated persons acting pursuant to the lawful directive of a decedent who remove a body of the decedent from the place of death, transport the body, prepare the body for disposition, except embalming, or arrange for final disposition of the body are not required to be licensed, provided that all actions are otherwise in compliance with this chapter.~~

~~(e) (d) Persons serving internships pursuant to section 149A.20, subdivision 6, or students officially registered for a practicum or clinical through an a program of mortuary science accredited college or university or a college of funeral service education accredited by the American Board of Funeral Service Education are not required to be licensed, provided that the persons or students are registered with the commissioner and act under the direct and exclusive supervision of a person holding a current license to practice mortuary science in Minnesota.~~

~~(f) (e) Notwithstanding this subdivision, nothing in this section shall be construed to prohibit an institution or entity from establishing, implementing, or enforcing a policy that permits only persons licensed by the commissioner to remove or cause to be removed a dead body or body part from the institution or entity.~~

(f) An unlicensed person may arrange for and direct or supervise a memorial service after final disposition of the dead human body has taken place. An unlicensed person may not take charge of the dead human body, however an unlicensed person may arrange for and direct or supervise a

memorial service before final disposition of the dead human body has taken place.

Sec. 3. Minnesota Statutes 2006, section 149A.02, subdivision 2, is amended to read:

Subd. 2. **Alternative container.** "Alternative container" means a nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of dead human bodies and is made of corrugated cardboard, fiberboard, pressed-wood, composition materials, with or without an outside covering, or other like materials.

Sec. 4. Minnesota Statutes 2006, section 149A.02, is amended by adding a subdivision to read:

Subd. 5a. **Clinical student.** "Clinical student" means a person officially registered for a clinical through a program of mortuary science accredited by the American Board of Funeral Service Education.

Sec. 5. Minnesota Statutes 2006, section 149A.02, subdivision 8, is amended to read:

Subd. 8. **Cremated remains container.** "Cremated remains container" means a receptacle in which postcremation remains are placed. For purposes of this chapter, "cremated remains container" is interchangeable with "urn" or similar keepsake storage jewelry.

Sec. 6. Minnesota Statutes 2006, section 149A.02, subdivision 11, is amended to read:

Subd. 11. **Cremation container.** "Cremation container" means a combustible, closed container resistant to the leakage of bodily fluids into which that encases the body and can be made of materials like fiberboard, or corrugated cardboard and into which a dead human body is placed prior to insertion into a cremation chamber for cremation. Cremation containers may be combustible "alternative containers" or combustible "caskets."

Sec. 7. Minnesota Statutes 2006, section 149A.02, subdivision 12, is amended to read:

Subd. 12. **Crematory.** "Crematory" means a building or structure containing one or more cremation chambers or retorts for the cremation of dead human bodies ~~or any person that performs cremations.~~

Sec. 8. Minnesota Statutes 2006, section 149A.02, subdivision 13, is amended to read:

Subd. 13. **Direct cremation.** "Direct cremation" means a final disposition of a dead human body by cremation, without formal viewing, visitation, or ceremony with the body present.

Sec. 9. Minnesota Statutes 2006, section 149A.02, is amended by adding a subdivision to read:

Subd. 13a. **Direct supervision.** "Direct supervision" means overseeing the performance of an individual. For the purpose of a clinical, practicum, or internship, direct supervision means that the supervisor is available to observe and correct, as needed, the performance of the trainee. The mortician supervisor is accountable for the actions of the clinical student, practicum student, or intern throughout the course of the training. The supervising mortician is accountable for any violations of law or rule, in the performance of their duties, by the clinical student, practicum student, or intern.

Sec. 10. Minnesota Statutes 2006, section 149A.02, subdivision 16, is amended to read:

Subd. 16. **Final disposition.** "Final disposition" means the acts leading to and the entombment,

burial in a cemetery, or cremation of a dead human body.

Sec. 11. Minnesota Statutes 2006, section 149A.02, subdivision 33, is amended to read:

Subd. 33. **Practicum student.** "Practicum student" means a person officially registered for a practicum through ~~an~~ a program of mortuary science accredited college or university or a college of funeral service education accredited by the American Board of Funeral Service Education.

Sec. 12. Minnesota Statutes 2006, section 149A.02, subdivision 34, is amended to read:

Subd. 34. **Preparation of the body.** "Preparation of the body" means embalming of the body or such items of care as washing, disinfecting, shaving, positioning of features, restorative procedures, ~~care of hair,~~ application of cosmetics, dressing, and casketing.

Sec. 13. Minnesota Statutes 2006, section 149A.02, is amended by adding a subdivision to read:

Subd. 37b. **Refrigeration.** "Refrigeration" means to preserve by keeping cool at a temperature of 40 degrees Fahrenheit or less using mechanical or natural means.

Sec. 14. Minnesota Statutes 2006, section 149A.03, is amended to read:

#### **149A.03 DUTIES OF COMMISSIONER.**

The commissioner shall:

- (1) enforce all laws and adopt and enforce rules relating to the:
  - (i) removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies;
  - (ii) licensure and professional conduct of funeral directors, morticians, ~~and~~ interns, practicum students, and clinical students;
  - (iii) licensing and operation of a funeral establishment; and
  - (iv) licensing and operation of a crematory;
- (2) provide copies of the requirements for licensure and permits to all applicants;
- (3) administer examinations and issue licenses and permits to qualified persons and other legal entities;
- (4) maintain a record of the name and location of all current licensees and interns;
- (5) perform periodic compliance reviews and premise inspections of licensees;
- (6) accept and investigate complaints relating to conduct governed by this chapter;
- (7) maintain a record of all current preneed arrangement trust accounts;
- (8) maintain a schedule of application, examination, permit, and licensure fees, initial and renewal, sufficient to cover all necessary operating expenses;
- (9) educate the public about the existence and content of the laws and rules for mortuary science licensing and the removal, preparation, transportation, arrangements for disposition, and

final disposition of dead human bodies to enable consumers to file complaints against licensees and others who may have violated those laws or rules;

(10) evaluate the laws, rules, and procedures regulating the practice of mortuary science in order to refine the standards for licensing and to improve the regulatory and enforcement methods used; and

(11) initiate proceedings to address and remedy deficiencies and inconsistencies in the laws, rules, or procedures governing the practice of mortuary science and the removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies.

Sec. 15. Minnesota Statutes 2006, section 149A.20, subdivision 1, is amended to read:

Subdivision 1. **License required.** Except as provided in section 149A.01, subdivision 3, any person who takes charge of, or removes from the place of death, ~~or transports~~ a dead human body, or prepares a dead human body for final disposition in any manner, or arranges, directs, or supervises a funeral, memorial service, or graveside service must possess a valid license to practice mortuary science issued by the commissioner. A funeral establishment may provide a nonlicensed individual to direct or supervise a memorial service provided they disclose that information to the person or persons with the authority to make the funeral arrangement as provided in section 149A.80.

Sec. 16. Minnesota Statutes 2006, section 149A.20, subdivision 4, is amended to read:

Subd. 4. **Educational requirements.** ~~(a) Effective on January 1, 1999,~~ The person shall have:

(1) received a bachelor of science degree with a major in mortuary science from an accredited college or university;

(2) received a bachelor of science or arts degree from an accredited college or university and completed a separate course of study in mortuary science from a college of funeral service education accredited by the American Board of Funeral Service Education; or

(3) completed credit hours at accredited colleges or universities that in the numerical aggregate and distribution are the functional equivalent of a bachelor of arts or science degree and have completed a separate course of study in mortuary science from a college of funeral service education program of mortuary science accredited by the American Board of Funeral Service Education.

~~(b) In the interim, from July 1, 1997, to December 31, 1998, the educational requirements for initial licensure shall be:~~

~~(1) successful completion of at least 60 semester credit hours or 90 quarter credit hours at an accredited college or university with the following minimum credit distribution:~~

~~(i) communications, including speech and English; 12 quarter hours or nine semester hours;~~

~~(ii) social science, including an introductory course in sociology and psychology; 20 quarter hours or 12 semester hours;~~

~~(iii) natural science, including general or inorganic chemistry and biology; 20 quarter hours or 12 semester hours;~~

~~(iv) health education, including personal or community health; three quarter hours or two semester hours; and~~

~~(v) elective areas; 35 quarter hours or 25 semester hours; and~~

~~(2) successful completion of a separate course of study in mortuary science from a college of funeral service education accredited by the American Board of Funeral Service Education.~~

Sec. 17. Minnesota Statutes 2006, section 149A.20, subdivision 6, is amended to read:

Subd. 6. **Internship.** (a) A person who attains a passing score on both examinations in subdivision 5 must complete a registered internship under the direct supervision of an individual currently licensed to practice mortuary science in Minnesota. Interns must file with the commissioner:

(1) the appropriate fee; and

(2) a registration form indicating the name and home address of the intern, the date the internship begins, and the name, license number, and business address of the supervising mortuary science licensee.

(b) Any changes in information provided in the registration must be immediately reported to the commissioner. The internship shall be a minimum of one calendar year and a maximum of three calendar years in duration; however, the commissioner may waive up to three months of the internship time requirement upon satisfactory completion of ~~the~~ a clinical or practicum in mortuary science administered through the program of mortuary science of the University of Minnesota or a substantially similar program. Registrations must be renewed on an annual basis if they exceed one calendar year. During the internship period, the intern must be under the direct ~~and exclusive~~ supervision of a person holding a current license to practice mortuary science in Minnesota. An intern may be registered under only one licensee at any given time and may be directed and supervised only by the registered licensee. The registered licensee shall have only one intern registered at any given time. The commissioner shall issue to each registered intern a registration permit that must be displayed with the other establishment and practice licenses. While under the direct ~~and exclusive~~ supervision of the licensee, the intern must actively participate in the embalming of at least 25 dead human bodies and in the arrangements for and direction of at least 25 funerals. Case reports, on forms provided by the commissioner, shall be completed by the intern, signed by the supervising licensee, and filed with the commissioner for at least 25 embalmings and funerals in which the intern participates. Information contained in these reports that identifies the subject or the family of the subject embalmed or the subject or the family of the subject of the funeral shall be classified as licensing data under section 13.41, subdivision 2.

Sec. 18. Minnesota Statutes 2006, section 149A.40, subdivision 11, is amended to read:

Subd. 11. **Continuing education.** The commissioner may, ~~upon presentation of an appropriate program of continuing education developed by the Minnesota Funeral Directors Association,~~ require continuing education hours for renewal of a license to practice mortuary science.

Sec. 19. Minnesota Statutes 2006, section 149A.45, is amended by adding a subdivision to read:

Subd. 6. **Fees.** The renewal fees shall be paid to the commissioner of finance and shall be credited to the state government special revenue fund in the state treasury.

Sec. 20. Minnesota Statutes 2006, section 149A.45, is amended by adding a subdivision to read:

Subd. 7. **Reinstatement.** After one year a person who registers under this section may reapply meeting current requirements for licensure listed in section 149A.20.

Sec. 21. Minnesota Statutes 2006, section 149A.50, subdivision 2, is amended to read:

Subd. 2. **Requirements for funeral establishment.** A funeral establishment licensed under this section must ~~contain~~:

- (1) contain a preparation and embalming room as described in section 149A.92; ~~and~~
- (2) contain office space for making arrangements; and
- (3) comply with applicable local and state building codes, zoning laws, and ordinances.

Sec. 22. Minnesota Statutes 2006, section 149A.50, subdivision 4, is amended to read:

Subd. 4. **Nontransferability of license.** A license to operate a funeral establishment is not assignable or transferable and shall not be valid for any person other than the one named. Each license issued to operate a funeral establishment is valid only for the location identified on the license. A 50 percent or more change in ownership or location of the funeral establishment automatically terminates the license. Separate licenses shall be required of two or more persons or other legal entities operating from the same location.

Sec. 23. Minnesota Statutes 2006, section 149A.52, subdivision 4, is amended to read:

Subd. 4. **Nontransferability of license.** A license to operate a crematory is not assignable or transferable and shall not be valid for any person other than the one named. Each license issued to operate a crematory is valid only for the location identified on the license. A 50 percent or more change in ownership or location of the crematory automatically terminates the license. Separate licenses shall be required of two or more persons or other legal entities operating from the same location.

Sec. 24. Minnesota Statutes 2006, section 149A.52, is amended by adding a subdivision to read:

Subd. 5a. **Initial licensure and inspection fees.** The licensure and inspection fees shall be paid to the commissioner of finance and shall be credited to the state government special revenue fund in the state treasury.

Sec. 25. Minnesota Statutes 2006, section 149A.53, is amended by adding a subdivision to read:

Subd. 9. **Renewal and reinspection fees.** The renewal and reinspection fees shall be paid to the commissioner of finance and shall be credited to the state government special revenue fund in the state treasury.

Sec. 26. Minnesota Statutes 2006, section 149A.63, is amended to read:

#### **149A.63 PROFESSIONAL COOPERATION.**

A licensee, clinical student, practicum student, intern, or applicant for licensure under this chapter that is the subject of or part of an inspection or investigation by the commissioner or the commissioner's designee shall cooperate fully with the inspection or investigation. Failure to

cooperate constitutes grounds for disciplinary action under this chapter.

Sec. 27. Minnesota Statutes 2006, section 149A.70, subdivision 1, is amended to read:

Subdivision 1. **Use of titles.** Only a person holding a valid license to practice mortuary science issued by the commissioner may use the title of mortician, funeral director, or any other title implying that the licensee is engaged in the business or practice of mortuary science. Only the holder of a valid license to operate a funeral establishment issued by the commissioner may use the title of funeral home, funeral chapel, funeral service, or any other title, word, or term implying that the licensee is engaged in the business or practice of mortuary science. Only the holder of a valid license to operate a crematory issued by the commissioner may use the title of crematory, crematorium, or any other title, word, or term implying that the licensee operates a crematory or crematorium.

Sec. 28. Minnesota Statutes 2006, section 149A.70, subdivision 3, is amended to read:

Subd. 3. **Advertising.** No licensee, clinical student, practicum student, or intern shall publish or disseminate false, misleading, or deceptive advertising. False, misleading, or deceptive advertising includes, but is not limited to:

(1) identifying, by using the names or pictures of, persons who are not licensed to practice mortuary science in a way that leads the public to believe that those persons will provide mortuary science services;

(2) using any name other than the names under which the funeral establishment or crematory is known to or licensed by the commissioner;

(3) using a surname not directly, actively, or presently associated with a licensed funeral establishment or crematory, unless the surname had been previously and continuously used by the licensed funeral establishment or crematory; and

(4) using a founding or establishing date or total years of service not directly or continuously related to a name under which the funeral establishment or crematory is currently or was previously licensed.

Any advertising or other printed material that contains the names or pictures of persons affiliated with a funeral establishment or crematory shall state the position held by the persons and shall identify each person who is licensed or unlicensed under this chapter.

Sec. 29. Minnesota Statutes 2006, section 149A.70, subdivision 5, is amended to read:

Subd. 5. **Reimbursement prohibited.** No licensee, clinical student, practicum student, or intern shall offer, solicit, or accept a commission, fee, bonus, rebate, or other reimbursement in consideration for recommending or causing a dead human body to be disposed of ~~in~~ by a specific body donation program, funeral establishment, crematory, mausoleum, or cemetery.

Sec. 30. Minnesota Statutes 2006, section 149A.70, subdivision 5a, is amended to read:

Subd. 5a. **Solicitations prohibited in certain situations.** No funeral provider or whole body donation program may directly or indirectly:

(1) call upon an individual at a grave site, in a hospital, nursing home, hospice, or similar institution or facility, or at a visitation, wake, or reviewal for the purpose of soliciting the sale

of funeral goods, funeral services, burial site goods, or burial site services or for the purpose of making arrangements for a funeral or the final disposition of a dead human body, without a specific request for solicitation from that individual;

(2) solicit the sale of funeral goods, funeral services, burial site goods, or burial site services from an individual whose impending death is readily apparent, without a specific request for solicitation from that individual; or

(3) engage in ~~telephone~~ solicitation of an individual who has the right to control the final disposition of a dead human body within ten days after the death of the individual whose body is being disposed, without a specific request for solicitation from that individual.

This subdivision does not apply to communications between an individual and a funeral provider who is related to the individual by blood, adoption, or marriage.

Sec. 31. Minnesota Statutes 2006, section 149A.70, subdivision 6, is amended to read:

Subd. 6. **Use of unlicensed personnel; interns; and practicum students.** Except as otherwise provided in this chapter, a licensed funeral establishment may not employ unlicensed personnel to perform the duties of a funeral director or mortician ~~so long as the unlicensed personnel act under the direct supervision of an individual holding a current license to practice mortuary science in Minnesota and all applicable provisions of this chapter are followed. It is the duty of the licensee, individual or establishment, to provide proper training for all unlicensed personnel, and the licensee shall be strictly accountable for compliance with this chapter. This subdivision does not apply to registered interns who are under the direct and exclusive supervision of a registered licensee or a student duly registered for a practicum through an accredited college or university or a college of funeral service education accredited by the American Board of Funeral Service Education. A licensee may be personally assisted by a nonlicensed employee when removing a dead human body from the place of death and in the lifting of a dead human body at the funeral establishment. The nonlicensed employee must be in the immediate physical presence of the licensee in charge at all times. The funeral establishment and the individual licensee are responsible for compliance and training of the nonlicensed employee outlined in sections 149A.90, subdivision 6, and 149A.92, subdivisions 7 and 10, and shall be fully accountable for all actions of the nonlicensed employee.~~

Sec. 32. Minnesota Statutes 2006, section 149A.70, subdivision 7, is amended to read:

Subd. 7. **Unprofessional conduct.** No licensee or intern shall engage in or permit others under the licensee's or intern's supervision or employment to engage in unprofessional conduct. Unprofessional conduct includes, but is not limited to:

(1) harassing, abusing, or intimidating a customer, employee, or any other person encountered while within the scope of practice, employment, or business;

(2) using profane, indecent, or obscene language within the immediate hearing of the family or relatives of the deceased;

(3) failure to treat with dignity and respect the body of the deceased, any member of the family or relatives of the deceased, any employee, or any other person encountered while within the scope of practice, employment, or business;

(4) the habitual overindulgence in the use of or dependence on intoxicating liquors, prescription



drugs, over-the-counter drugs, illegal drugs, or any other mood altering substances that substantially impair a person's work-related judgment or performance;

(5) revealing personally identifiable facts, data, or information about a decedent, customer, member of the decedent's family, or employee acquired in the practice or business without the prior consent of the individual, except as authorized by law;

(6) intentionally misleading or deceiving any customer in the sale of any goods or services provided by the licensee;

(7) knowingly making a false statement in the procuring, preparation, or filing of any required permit or document; or

(8) knowingly making a false statement on a record of death.

Sec. 33. Minnesota Statutes 2006, section 149A.70, subdivision 8, is amended to read:

**Subd. 8. Disclosure of ownership.** All funeral establishments and funeral providers must clearly state by whom they are owned ~~in~~ on all price lists, business literature, stationery, Web sites, correspondence, and contracts. This subdivision does not apply to envelopes, business cards, newspaper advertisements, telephone book advertisements, billboard advertisements, or radio and television advertisements.

Sec. 34. Minnesota Statutes 2006, section 149A.70, subdivision 9, is amended to read:

**Subd. 9. Disclosure of change of ownership.** (a) Within 15 days of a change in ownership of a funeral establishment or funeral provider, the funeral establishment or funeral provider shall notify all preneed consumers by first class mail of the change in ownership. The notification shall advise the preneed consumers of their right to transfer all preneed trust funds to a new funeral provider and shall advise all preneed consumers who have revocable preneed trusts of their right to terminate the trust and receive a refund of all principal paid into the trust, plus interest accrued.

(b) For purposes of this subdivision:

(1) "change in ownership" means:

(i) the sale or transfer of ~~all or substantially all~~ 50 percent or more of the controlling interest or assets of a funeral establishment or funeral provider;

(ii) the sale or transfer of a controlling interest of a funeral establishment or funeral provider; or

(iii) the termination of the business of a funeral establishment or funeral provider where there is no transfer of assets or stock; and

(2) "controlling interest" means:

(i) an interest in a partnership of greater than 50 percent; or

(ii) greater than 50 percent of the issued and outstanding shares of a stock of a corporation.

Sec. 35. Minnesota Statutes 2006, section 149A.71, subdivision 2, is amended to read:

**Subd. 2. Preventive requirements.** (a) To prevent unfair or deceptive acts or practices, the requirements of this subdivision must be met.

(b) Funeral providers must tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in paragraphs (c) to (e) and any other readily available information that reasonably answers the questions asked.

(c) Funeral providers must make available for viewing to people who inquire in person about the offerings or prices of funeral goods or burial site goods, separate printed or typewritten price lists using a ten-point font or larger. Each funeral provider must have a separate price list for each of the following types of goods that are sold or offered for sale:

- (1) caskets;
- (2) alternative containers;
- (3) outer burial containers;
- (4) cremation containers ~~and~~;
- (5) cremated remains containers;
- ~~(5)~~ (6) markers; and
- ~~(6)~~ (7) headstones.

(d) Each separate price list must contain the name of the funeral provider's place of business, address, and telephone number and a caption describing the list as a price list for one of the types of funeral goods or burial site goods described in paragraph (c), clauses (1) to ~~(6)~~ (7). The funeral provider must offer the list upon beginning discussion of, but in any event before showing, the specific funeral goods or burial site goods and must provide a photocopy of the price list, for retention, if so asked by the consumer. The list must contain, at least, the retail prices of all the specific funeral goods and burial site goods offered which do not require special ordering, enough information to identify each, and the effective date for the price list. ~~In lieu of a written price list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner.~~ However, funeral providers are not required to make a specific price list available if the funeral providers place the information required by this paragraph on the general price list described in paragraph (e).

(e) Funeral providers must give a printed ~~or typewritten~~ price list, for retention, to persons who inquire in person about the funeral goods, funeral services, burial site goods, or burial site services or prices offered by the funeral provider. The funeral provider must give the list upon beginning discussion of either the prices of or the overall type of funeral service or disposition or specific funeral goods, funeral services, burial site goods, or burial site services offered by the provider. This requirement applies whether the discussion takes place in the funeral establishment or elsewhere. However, when the deceased is removed for transportation to the funeral establishment, an in-person request for authorization to embalm does not, by itself, trigger the requirement to offer the general price list. If the provider, in making an in-person request for authorization to embalm, discloses that embalming is not required by law except in certain special cases, the provider is not required to offer the general price list. Any other discussion during that time about prices or the selection of funeral goods, funeral services, burial site goods, or burial site services triggers the requirement to give the consumer a general price list. The general price list must contain the following information:

- (1) the name, address, and telephone number of the funeral provider's place of business;
- (2) a caption describing the list as a "general price list";
- (3) the effective date for the price list;
- (4) the retail prices, in any order, expressed either as a flat fee or as the prices per hour, mile, or other unit of computation, and other information described as follows:
  - (i) forwarding of remains to another funeral establishment, together with a list of the services provided for any quoted price;
  - (ii) receiving remains from another funeral establishment, together with a list of the services provided for any quoted price;
  - (iii) separate prices for each cremation offered by the funeral provider, with the price including an alternative or cremation container, any crematory charges, and a description of the services and container included in the price, where applicable, and the price of cremation where the purchaser provides the container;
  - (iv) separate prices for each immediate burial offered by the funeral provider, including a casket or alternative container, and a description of the services and container included in that price, and the price of immediate burial where the purchaser provides the casket or alternative container;
  - (v) transfer of remains to the funeral establishment;
  - (vi) embalming;
  - (vii) other preparation of the body;
  - (viii) use of facilities, equipment, or staff for viewing;
  - (ix) use of facilities, equipment, or staff for funeral ceremony;
  - (x) use of facilities, equipment, or staff for memorial service;
  - (xi) use of equipment or staff for graveside service;
  - (xii) hearse or funeral coach;
  - (xiii) limousine; and
  - (xiv) separate prices for all cemetery-specific goods and services, including all goods and services associated with interment and burial site goods and services and excluding markers and headstones;
- (5) the price range for the caskets offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or casket sale location." or the prices of individual caskets, as disclosed in the manner described in paragraphs (c) and (d);
- (6) the price range for the alternative containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or alternative container sale location." or the prices of individual alternative containers, as disclosed in the manner described in paragraphs (c) and (d);

(7) the price range for the outer burial containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or outer burial container sale location." or the prices of individual outer burial containers, as disclosed in the manner described in paragraphs (c) and (d);

(8) the price range for the cremation containers ~~and cremated remains containers~~ offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or cremation container sale location." or the prices of individual cremation containers and cremated remains containers, as disclosed in the manner described in paragraphs (c) and (d);

(9) the price range for the cremated remains containers offered by the funeral provider, together with the statement, "A complete price list will be provided at the funeral establishment or cremation container sale location," or the prices of individual cremation containers as disclosed in the manner described in paragraphs (c) and (d);

(10) the price for the basic services of funeral provider and staff, together with a list of the principal basic services provided for any quoted price and, if the charge cannot be declined by the purchaser, the statement "This fee for our basic services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)" If the charge cannot be declined by the purchaser, the quoted price shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." This services fee is the only funeral provider fee for services, facilities, or unallocated overhead permitted by this subdivision to be nondeclinable, unless otherwise required by law;

~~(10) if the price for basic services, as described in clause (9), is not applicable, the statement "Please note that a fee for the use of our basic services is included in the price of our caskets. Our services include (specify services provided)." The fee shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." The statement must be placed on the general price list, together with the casket price range or the prices of individual caskets. This services fee is the only funeral provider fee for services, facilities, or unallocated overhead permitted by this subdivision to be nondeclinable, unless otherwise required by law; and~~

(11) the price range for the markers and headstones offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or marker or headstone sale location." or the prices of individual markers and headstones, as disclosed in the manner described in paragraphs (c) and (d); and

(12) any package priced funerals offered must be listed in addition to and following the information required in paragraph (e) and must clearly state the funeral goods and services being offered, the price being charged for those goods and services, and the discounted savings.

(f) Funeral providers must give an itemized written statement, for retention, to each consumer who arranges a an at-need funeral or other disposition of human remains at the conclusion of the discussion of the arrangements. The itemized written statement must be signed by the consumer selecting the goods and services as required in section 149A.80. If the statement is provided ~~at~~ by a funeral establishment, the statement must be signed by the licensed funeral director or mortician planning the arrangements. If the statement is provided by any other funeral provider, the statement

must be signed by an authorized agent of the funeral provider. The statement must list the funeral goods, funeral services, burial site goods, or burial site services selected by that consumer and the prices to be paid for each item, specifically itemized cash advance items (these prices must be given to the extent then known or reasonably ascertainable if the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid), and the total cost of goods and services selected. ~~The information required by this paragraph may be included on any contract, statement, or other document which the funeral provider would otherwise provide at the conclusion of discussion of arrangements.~~ At the conclusion of an at-need arrangement, the funeral provider is required to give the consumer a copy of the signed itemized written contract that must contain the information required in this paragraph.

~~(g) Funeral providers must give any other price information, in any other format, in addition to that required by paragraphs (c) to (e) so long as the written statement required by paragraph (f) is given when required.~~

~~(h) Upon receiving actual notice of the death of an individual with whom a funeral provider has entered a preneed funeral agreement, the funeral provider must provide a copy of all preneed funeral agreement documents to the person who controls final disposition of the human remains or to the designee of the person controlling disposition. The person controlling final disposition shall be provided with these documents at the time of the person's first in-person contact with the funeral provider, if the first contact occurs in person at a funeral establishment, crematory, or other place of business of the funeral provider. If the contact occurs by other means or at another location, the documents must be provided within 24 hours of the first contact.~~

Sec. 36. Minnesota Statutes 2006, section 149A.71, subdivision 4, is amended to read:

Subd. 4. **Casket, alternate container, and cremation container sales; records; required disclosures.** Any funeral provider who sells or offers to sell a casket, alternate container, or cremation container, or cremated remains container to the public must maintain a record of each sale that includes the name of the purchaser, the purchaser's mailing address, the name of the decedent, the date of the decedent's death, and the place of death. These records shall be open to inspection by the regulatory agency ~~and reported to the commissioner.~~ Any funeral provider selling a casket, alternate container, or cremation container to the public, and not having charge of the final disposition of the dead human body, shall ~~enclose within the casket, alternate container, or cremation container information provided by the commissioner that includes a blank record of death, and~~ provide a copy of the statutes and rules controlling the removal, preparation, transportation, arrangements for disposition, and final disposition of a dead human body. This subdivision does not apply to morticians, funeral directors, funeral establishments, crematories, or wholesale distributors of caskets, alternate containers, or cremation containers.

Sec. 37. Minnesota Statutes 2006, section 149A.72, subdivision 4, is amended to read:

Subd. 4. **Casket for cremation provision; preventive measures.** To prevent deceptive acts or practices, funeral providers must place the following disclosure in immediate conjunction with the prices shown for cremations: "Minnesota law does not require you to purchase a casket for cremation. If you want to arrange a cremation, you can use a cremation container. A cremation container is a combustible, closed container ~~resistant to the leakage of bodily fluids,~~ that encases the body and can be made of materials like fiberboard or ~~composition materials (with or without~~

~~an outside covering~~) corrugated cardboard and into which a dead human body is placed prior to insertion into a cremation chamber for cremation. The containers we provide are (specify containers provided)." This disclosure is required only if the funeral provider arranges direct cremations.

Sec. 38. Minnesota Statutes 2006, section 149A.74, subdivision 1, is amended to read:

Subdivision 1. **Services provided without prior approval; deceptive acts or practices.** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for any funeral provider to embalm a dead human body unless state or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice which might be made, or prior approval for embalming has been obtained from an individual legally authorized to make such a decision, ~~or the funeral provider is unable to contact the legally authorized individual after exercising due diligence, has no reason to believe the legally authorized individual does not want embalming performed, and obtains subsequent approval for embalming already performed.~~ In seeking approval to embalm, the funeral provider must disclose that embalming is not required by law except in certain circumstances; that a fee will be charged if a funeral is selected which requires embalming, such as a funeral with viewing; and that no embalming fee will be charged if the family selects a service which does not require embalming, such as direct cremation or immediate burial.

Sec. 39. Minnesota Statutes 2006, section 149A.80, subdivision 1, is amended to read:

Subdivision 1. **Advance directives and will of decedent.** A person may direct the preparation for, type, or place of that person's final disposition, either by oral or written instructions. A person may arrange for the preparation, type of service, and place of final disposition in advance of need with a funeral establishment by written instructions that are dated, signed, and notarized or witnessed. The person or persons otherwise entitled to control the final disposition under this chapter shall faithfully carry out the reasonable and otherwise lawful directions of the decedent to the extent that the decedent has provided resources for the purpose of carrying out the directions. If the instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date, subject to other provisions of this chapter or any other law of this state. This subdivision shall be administered and construed so that the reasonable and lawful instructions of the decedent or the person entitled to control the final disposition shall be faithfully and promptly performed.

Sec. 40. Minnesota Statutes 2006, section 149A.80, subdivision 2, is amended to read:

Subd. 2. **Determination of right to control and duty of disposition.** The right to control the disposition of the remains of a deceased person, including the location and conditions of final disposition, unless other directions have been given by the decedent pursuant to subdivision 1, vests in, and the duty of final disposition of the body devolves upon, the following in the order named:

(1) the person or persons appointed in a dated written instrument signed by the decedent. Written instrument includes, but is not limited to, a health care directive executed under chapter 145C. Written instrument does not include a durable or nondurable power of attorney which terminates on the death of the principal pursuant to sections 523.08 and 523.09;

(2) the surviving, legally recognized spouse;

(3) a majority of the surviving biological or adopted child or children of the decedent over the

age of majority, provided that, in the absence of actual knowledge to the contrary, a funeral director or mortician may rely on instructions given by the child or children who represent that they are the sole surviving child, or that they constitute a majority of the surviving children;

(4) the surviving parent or parents of the decedent each having equal authority;

(5) a majority of the surviving biological or adopted sibling or siblings of the decedent over the age of majority, provided that, in the absence of actual knowledge to the contrary, a funeral director or mortician may rely on instructions given by the sibling or siblings who represent that they are the sole surviving sibling, or that they constitute a majority of the surviving siblings;

(6) the person or persons respectively in the next degree of kinship in the order named by law to inherit the estate of the decedent; and

(7) the appropriate public or court authority, as required by law.

For purposes of this subdivision, the appropriate public or court authority includes the county board of the county in which the death occurred if the person dies without apparent financial means to provide for final disposition or the district court in the county in which the death occurred.

Sec. 41. Minnesota Statutes 2006, section 149A.80, subdivision 3, is amended to read:

Subd. 3. **Estranged persons.** An estranged person gives up their rights according to subdivision 2, clauses (1) to (6). Where there is only one person in a degree of relationship to the decedent described in subdivision 2, clauses (1) to (6), and a district court pursuant to subdivision 5, determines that the person and the decedent were estranged at the time of death, the right to control and the duty of disposition shall devolve to the person or persons in the next degree of relationship pursuant to subdivision 2, clauses (1) to (6). For purposes of this subdivision, "estranged" means having a relationship characterized by mutual enmity, hostility, or indifference.

Sec. 42. Minnesota Statutes 2006, section 149A.90, subdivision 1, is amended to read:

Subdivision 1. **Death record.** (a) Except as provided in this section, a death record must be completed and filed for every known death by the mortician, funeral director, or other person lawfully in charge of the final disposition of the body.

(b) If the body is that of an individual whose identity is unknown, the person in charge of the final disposition of the body must notify the commissioner for purposes of compliance with section 144.05, subdivision 4.

Sec. 43. Minnesota Statutes 2006, section 149A.90, subdivision 3, is amended to read:

Subd. 3. **Referrals to coroner or medical examiner.** ~~The mortician, funeral director, or other person lawfully in charge of the disposition of the body shall notify the coroner or medical examiner before moving a body from the site of death in any case:~~

~~(1) where the person is unable to obtain firm assurance from the physician in attendance that the medical certification will be signed;~~

~~(2) when circumstances suggest that the death was caused by other than natural causes;~~

~~(3) where deaths occur under mysterious or unusual circumstances;~~

~~(4) where there is a violent death, whether homicidal, suicidal, or accidental, including but not limited to: thermal, chemical, electrical, or radiational injury; and deaths due to criminal abortion, whether self-induced or not;~~

~~(5) where the body is to be disposed of in some manner which prevents later examination, including but not limited to, cremation, dissection, or burial at sea; or~~

~~(6) when the decedent was an inmate of a public institution who was not hospitalized for organic disease. Referrals to the coroner or medical examiner are outlined in section 390.11.~~

Sec. 44. Minnesota Statutes 2006, section 149A.90, subdivision 4, is amended to read:

Subd. 4. **Documentation Certificate of removal.** No dead human body shall be removed from the place of death by a mortician or funeral director without the completion of a certificate of removal certification and, where possible, presentation of a copy of that certification certificate to the person or a representative of the legal entity with physical or legal custody of the body at the death site. The certificate of removal certification ~~may~~ shall be ~~on a form~~ in the format provided by the commissioner ~~or on any other form~~ that contains, at least, the following information:

- (1) the name of the deceased, if known;
- (2) the date and time of removal;
- (3) a brief listing of the type and condition of any personal property removed with the body;
- (4) the location to which the body is being taken;
- (5) the name, business address, and license number of the individual making the removal; and
- (6) the signatures of the individual making the removal and, where possible, the individual or representative of the legal entity with physical or legal custody of the body at the death site.

Sec. 45. Minnesota Statutes 2006, section 149A.90, subdivision 5, is amended to read:

Subd. 5. **Retention of documentation certificate of removal.** A copy of the certificate of removal certification shall be given, where possible, to the person or representative of the legal entity having physical or legal custody of the body at the death site. The original certificate of removal certification shall be retained by the individual making the removal and shall be kept on file, at the funeral establishment ~~or crematory~~ to which the body was taken, for a period of three calendar years following the date of the removal. Following this period, and subject to any other laws requiring retention of records, the funeral establishment ~~or crematory~~ may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of ten calendar years from the date of the removal of the body. At the end of this period and subject to any other laws requiring retention of records, the funeral establishment ~~or crematory~~ may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified in the records.

Sec. 46. Minnesota Statutes 2006, section 149A.90, subdivision 6, is amended to read:

Subd. 6. **Removal procedure.** Every individual removing a dead human body from the place of death shall use universal precautions and otherwise exercise all reasonable precautions to minimize



the risk of transmitting any communicable disease from the body. Before removal, the body shall be wrapped in a sheet or pouch that is impervious to liquids, covered in such a manner that the body cannot be viewed, ~~encased in a secure pouch~~, and placed on a regulation ambulance cot or on an aircraft ambulance stretcher. Any dead human body measuring 36 inches or less in length may be removed after having been properly wrapped, covered, and encased, but does not need to be placed on an ambulance cot or aircraft ambulance stretcher.

Sec. 47. Minnesota Statutes 2006, section 149A.90, subdivision 7, is amended to read:

Subd. 7. **Conveyances permitted for removal.** A dead human body may be transported from the place of death by any vehicle that meets the following standards:

- (1) promotes respect for and preserves the dignity of the dead human body;
- (2) shields the body from being viewed from outside of the conveyance;
- (3) has ample enclosed area to accommodate an ambulance cot or aircraft ambulance stretcher in a horizontal position;
- (4) is so designed to permit loading and unloading of the body without excessive tilting of the cot or stretcher; ~~and~~
- (5) if used for the transportation of more than one dead human body at one time, the vehicle must be designed so that a body or container does not rest directly on top of another body or container and that each body or container is secured to prevent the body or container from excessive movement within the conveyance. A dead human body measuring 36 inches or less in length may be transported from the place of death by passenger automobile. For purposes of this subdivision, a passenger automobile is a vehicle designed and used for carrying not more than ten persons, but excludes motorcycles and motor scooters; and
- (6) is designed so that the driver and the dead human body are in the same cab.

Sec. 48. Minnesota Statutes 2006, section 149A.90, subdivision 8, is amended to read:

Subd. 8. **Proper holding facility required.** The funeral establishment ~~or crematory~~ to which a dead human body is taken shall have an appropriate holding facility for storing the body while awaiting final disposition. The holding facility must be secure from access by anyone except the authorized personnel of the funeral establishment ~~or crematory~~, preserve the dignity of the remains, and protect the health and safety of the funeral establishment ~~or crematory~~ personnel.

Sec. 49. Minnesota Statutes 2006, section 149A.91, subdivision 2, is amended to read:

Subd. 2. **Preparation procedures; access to preparation room.** The preparation of a dead human body for final disposition shall be performed in privacy. No person shall be permitted to be present in the preparation room while a dead human body is being embalmed, washed, or otherwise prepared for final disposition, except:

- (1) licensed morticians ~~or funeral directors and their authorized agents and employees~~;
- (2) registered interns or students as described in subdivision 6;
- (3) public officials or representatives in the discharge of their official duties; and

(4) licensed medical personnel; and

~~(5) members of the immediate family of the deceased, their designated representatives, and any person receiving written authorization to be present. The written authorization must be dated and signed by the person with legal right to control the disposition and must be presented to the mortician or intern or practicum student who will be performing the procedure. The written authorization shall become part of the required records pursuant to subdivision 10.~~

Sec. 50. Minnesota Statutes 2006, section 149A.91, subdivision 3, is amended to read:

Subd. 3. **Embalming required.** A dead human body must be embalmed by a licensed mortician or registered intern or practicum student or clinical student in the following circumstances:

(1) if the body will be transported by public transportation;

(2) if final disposition will not be accomplished within 72 hours after death or release of the body by a competent authority with jurisdiction over the body or the body will be lawfully stored for final disposition in the future, except as provided in section 149A.94, subdivision 1;

(3) if the body will be publicly viewed; or

(4) if so ordered by the commissioner of health for the control of infectious disease and the protection of the public health.

For purposes of this subdivision, "publicly viewed" means reviewal of a dead human body by anyone other than those mentioned in section 149A.80, subdivision 2, and minor children. Refrigeration may be used in lieu of embalming when required in clause (2). A body may not be kept in refrigeration for a period that exceeds six calendar days from the time and release of the body from the place of death or from the time of release from the coroner or medical examiner.

Sec. 51. Minnesota Statutes 2006, section 149A.91, subdivision 5, is amended to read:

Subd. 5. **Authorization to embalm; required form.** A written authorization to embalm must contain the following information:

(1) the date of the authorization;

(2) the name of the funeral establishment that will perform the embalming;

(3) the name, address, and relationship to the decedent of the person signing the authorization;

(4) an acknowledgment of the circumstances where embalming is required by law under subdivision 3;

(5) a statement certifying that the person signing the authorization is the person with legal right to control the disposition of the body prescribed in section 149A.80 or that person's legal designee;

(6) the name and signature of the person requesting the authorization and that person's relationship to the funeral establishment where the procedure will be performed; and

(7) the signature of the person who has the legal right to control the disposition or their legal designee.

Sec. 52. Minnesota Statutes 2006, section 149A.91, subdivision 6, is amended to read:

Subd. 6. **Mortician required.** Embalming of a dead human body shall be performed only by an individual holding a license to practice mortuary science in Minnesota, a registered intern pursuant to section 149A.20, subdivision 6, or a student registered for a practicum or clinical through an accredited college or university or a college of funeral service education accredited by the American Board of Funeral Service Education. An individual who holds a funeral director only license issued pursuant to section 149A.40, subdivision 2, is prohibited from engaging in the embalming of a dead human body.

Sec. 53. Minnesota Statutes 2006, section 149A.91, subdivision 10, is amended to read:

Subd. 10. **Required records.** Every funeral establishment that causes a dead human body to be embalmed shall create and maintain on its premises or other business location in Minnesota an accurate record of every embalming performed. The record shall include all of the following information for each embalming:

- (1) the name of the decedent and the date of death;
- (2) the date the funeral establishment took physical custody of the body and, if applicable, the name of the person releasing the body to the custody of the funeral establishment;
- (3) the reason for embalming the body;
- (4) the name, address, and relationship to the decedent of the person who authorized the embalming of the body;
- (5) the date the body was embalmed, including the time begun and the time of completion;
- (6) the name, license number, and signature of the mortician who performed or personally supervised the intern or student who performed the embalming;
- (7) the name, permit number, if applicable, and signature of any intern or practicum student or clinical student that participates in the embalming of a body, whether the intern or practicum student or clinical student performs part or all of the embalming; and
- (8) the original written authorization to embalm and any other supporting documentation that establishes the legal right of the funeral establishment to physical custody of the body and to embalm the body.

Sec. 54. Minnesota Statutes 2006, section 149A.92, subdivision 2, is amended to read:

Subd. 2. **Minimum requirements; general.** Every funeral establishment must have a preparation and embalming room. The room shall be of sufficient size and dimensions to accommodate a preparation or embalming table, an ~~open fixture~~ approved flush bowl with water connections, a hand sink with water connections, and an instrument table, cabinet, or shelves.

Sec. 55. Minnesota Statutes 2006, section 149A.92, subdivision 6, is amended to read:

Subd. 6. **Minimum requirements; equipment and supplies.** The preparation and embalming room must have a ~~preparation and embalming table and a~~ functional aspirator, eye wash, and quick drench shower. ~~The preparation and embalming table shall have a nonporous top, preferably of rustproof metal or porcelain, with raised edges around the top of the entire table and a drain opening at the lower end.~~ Where embalmings are actually performed in the room, the room must

be equipped with a preparation and embalming table, a functional method for injection of fluids, ~~an eye wash station~~, and sufficient supplies and instruments for normal operation. The preparation and embalming table shall have a nonporous top of rustproof metal or porcelain, with raised edges around the top of the entire table and a drain opening at the lower end. All supplies must be stored and used in accordance with all applicable state and federal regulations for occupational health and safety.

Sec. 56. Minnesota Statutes 2006, section 149A.93, subdivision 1, is amended to read:

Subdivision 1. **Permits required.** After removal from the place of death to any location where the body is held awaiting final disposition, further transportation of the body shall require a ~~transit permit issued by a licensed mortician~~ certificate of removal. ~~Permits~~ The certificate of removal shall contain the information required ~~on~~ in the permit form format as furnished by the commissioner.

Sec. 57. Minnesota Statutes 2006, section 149A.93, subdivision 2, is amended to read:

Subd. 2. **Transit permit Certificate of removal.** A ~~transit permit~~ certificate of removal is required when:

- (1) legal and physical custody of the body is transferred;
- (2) a body is transported by public transportation; or
- (3) a body is removed from the state.

Sec. 58. Minnesota Statutes 2006, section 149A.93, is amended by adding a subdivision to read:

Subd. 2a. **Retention of certificate of removal.** A copy of the certificate of removal shall be retained by the funeral establishment or representative of the legal entity releasing legal and physical custody of the body. The original certificate of removal shall accompany the remains to the legal entity to which custody is transferred. The funeral establishment releasing the custody of the remains shall retain a copy of the certificate of removal for a period of three calendar years following the date of the transfer of custody. Following this period, and subject to any other laws requiring retention of records, the funeral establishment may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of ten calendar years from the date of the removal of the body. At the end of this period and subject to any other laws requiring retention of records, the funeral establishment may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified in the records.

Sec. 59. Minnesota Statutes 2006, section 149A.93, subdivision 3, is amended to read:

Subd. 3. **Disposition permit.** A disposition permit is required before a body can be buried, entombed, or cremated. No disposition permit shall be issued until a fact of death record has been completed and filed with the local or state registrar of vital statistics.

Sec. 60. Minnesota Statutes 2006, section 149A.93, subdivision 4, is amended to read:

Subd. 4. **Possession of permit.** Until the body is delivered for final disposition, the disposition permit shall be in possession of the person in physical or legal custody of the body, or attached to the transportation container which holds the body. At the place of final disposition, legal and physical custody of the body shall pass with the filing of the disposition permit with the person in charge of

that place.

Sec. 61. Minnesota Statutes 2006, section 149A.93, subdivision 6, is amended to read:

Subd. 6. **Conveyances permitted for transportation.** A dead human body may be transported by means of public transportation provided that the body must be properly embalmed and encased in an appropriate container, or by any private vehicle or aircraft that meets the following standards:

- (1) promotes respect for and preserves the dignity of the dead human body;
- (2) shields the body from being viewed from outside of the conveyance;
- (3) has ample enclosed area to accommodate a regulation ambulance cot, aircraft ambulance stretcher, casket, alternative container, or cremation container in a horizontal position;
- (4) is designed to permit loading and unloading of the body without excessive tilting of the casket, alternative container, or cremation container; ~~and~~
- (5) if used for the transportation of more than one dead human body at one time, the vehicle must be designed so that a body or container does not rest directly on top of another body or container and that each body or container is secured to prevent the body or container from excessive movement within the conveyance; and
- (6) is designed so that the driver and the dead human body are in the same cab.

Sec. 62. Minnesota Statutes 2006, section 149A.93, subdivision 8, is amended to read:

Subd. 8. **Who may transport.** ~~Subject to section 149A.09, A dead human body need not be transported under the direct, personal supervision of a licensed mortician or funeral director. In circumstances where there is no reasonable probability that unlicensed personnel will encounter family members or other persons with whom funeral arrangements are normally made by licensed morticians or funeral directors, a dead human body may be transported without the direct, personal supervision of a licensed mortician. Any inadvertent contact with family members or other persons as described above shall be restricted to unlicensed personnel identifying the employer to the person encountered, offering to arrange an appointment with the employer for any person who indicates a desire to make funeral arrangements for the deceased, and making any disclosure to the person that is required by state or federal regulations may be transported by unlicensed personnel according to section 149A.90. A licensed mortician or funeral director who directs the transport of a dead human body without providing direct, personal supervision by unlicensed personnel shall be held strictly accountable for compliance with this chapter.~~

Sec. 63. Minnesota Statutes 2006, section 149A.94, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Every dead human body lying within the state, except those delivered for dissection pursuant to section 525.9213, those delivered for anatomical study pursuant to section 149A.81, subdivision 2, or lawfully carried through the state for the purpose of disposition elsewhere; and the remains of any dead human body after dissection or anatomical study, shall be decently buried, entombed, or cremated, within a reasonable time after death. Where final disposition of a body will not be accomplished within 72 hours following death or release of the body by a competent authority with jurisdiction over the body, the body must be properly embalmed or refrigerated. A body may not be kept in refrigeration for a period exceeding six

calendar days from the time of death or release of the body from the coroner or medical examiner. ~~For purposes of this section, refrigeration is not considered a form of preservation or disinfection and does not alter the 72-hour requirement, except as provided in subdivision 2.~~

Sec. 64. Minnesota Statutes 2006, section 149A.94, subdivision 3, is amended to read:

Subd. 3. **Permit required.** No dead human body shall be buried, entombed, or cremated without a disposition permit. The disposition permit must be filed with the person in charge of the place of final disposition. Where a dead human body will be transported out of this state for final disposition, the body must be accompanied by a ~~transit permit~~ certificate of removal.

Sec. 65. Minnesota Statutes 2006, section 149A.95, subdivision 2, is amended to read:

Subd. 2. **General requirements.** Any building to be used as a crematory must comply with all applicable local and state building codes, zoning laws and ordinances, and environmental standards. A crematory must have, on site, a human cremation system approved by the commissioner, a motorized mechanical device for processing cremated remains and must have, in the building ~~or adjacent to it~~, a holding facility for the retention of dead human bodies awaiting cremation. The holding facility must be secure from access by anyone except the authorized personnel of the crematory, preserve the dignity of the remains, and protect the health and safety of the crematory personnel.

Sec. 66. Minnesota Statutes 2006, section 149A.95, subdivision 4, is amended to read:

Subd. 4. **Authorization to cremate required.** No crematory shall cremate or cause to be cremated any dead human body or identifiable body part without receiving written authorization to do so from the person or persons who ~~has~~ have the legal right to control disposition as described in section 149A.80 or the person's legal designee. The written authorization must include:

- (1) the name of the deceased and the date of death;
- (2) a statement authorizing the crematory to cremate the body;
- (3) the name, address, relationship to the deceased, and signature of the person or persons with legal right to control final disposition or a legal designee;
- (4) certification that the body does not contain any implanted mechanical or radioactive device, such as a heart pacemaker, that may create a hazard when placed in the cremation chamber;
- (5) authorization to remove the body from the container in which it was delivered, if that container is not appropriate for cremation, and to place the body in an appropriate cremation container and directions for the disposition of the original container;
- (6) authorization to open the cremation chamber and reposition the body to facilitate a thorough cremation and to remove from the cremation chamber and separate from the cremated remains, any noncombustible materials or items;
- (7) directions for the disposition of any noncombustible materials or items recovered from the cremation chamber;
- (8) acknowledgment that the cremated remains will be mechanically reduced to a granulated appearance and placed in an appropriate container and authorization to place any cremated remains

that a selected urn or container will not accommodate into a temporary container;

(9) acknowledgment that, even with the exercise of reasonable care, it is not possible to recover all particles of the cremated remains and that some particles may inadvertently become commingled with disintegrated chamber material and particles of other cremated remains that remain in the cremation chamber or other mechanical devices used to process the cremated remains; and

(10) directions for the ultimate disposition of the cremated remains.

Sec. 67. Minnesota Statutes 2006, section 149A.95, subdivision 6, is amended to read:

**Subd. 6. Acceptance of delivery of body.** No dead human body shall be accepted for final disposition by cremation unless encased in an appropriate cremation container or ~~easket~~, wrapped in an impermeable sheet or pouch, accompanied by a disposition permit issued pursuant to section 149A.93, subdivision 3, including a photocopy of the completed death record or a signed release authorizing cremation of the body received from the coroner or medical examiner, and accompanied by a cremation authorization that complies with subdivision 4. A crematory ~~may~~ shall refuse to accept delivery of a cremation container where there is:

- (1) evidence of leakage of fluids from the ~~body~~ cremation container;
- (2) a known dispute concerning cremation of the body delivered;
- (3) a reasonable basis for questioning any of the representations made on the written authorization to cremate; or
- (4) any other lawful reason.

Sec. 68. Minnesota Statutes 2006, section 149A.95, is amended by adding a subdivision to read:

**Subd. 6a. Bodies awaiting cremation.** A dead human body must be cremated within 24 hours of the crematory accepting legal and physical custody of the body.

Sec. 69. Minnesota Statutes 2006, section 149A.95, subdivision 7, is amended to read:

**Subd. 7. Handling of cremation containers for dead human bodies.** All crematory employees handling cremation containers for dead human bodies shall use universal precautions and otherwise exercise all reasonable precautions to minimize the risk of transmitting any communicable disease from the body. No dead human body shall be removed from the container in which it is delivered to the crematory without express written authorization of the person or persons with legal right to control the disposition and only by a licensed mortician. If, after accepting delivery of a body for cremation, it is discovered that the body contains an implanted mechanical or radioactive device, that device must be removed from the body by a licensed mortician or physician prior to cremation.

Sec. 70. Minnesota Statutes 2006, section 149A.95, subdivision 9, is amended to read:

**Subd. 9. Cremation chamber for human remains.** A licensed crematory shall knowingly cremate only dead human bodies or human remains in a cremation chamber, along with the cremation container ~~or easket~~ and a the sheet or pouch used for disease control.

Sec. 71. Minnesota Statutes 2006, section 149A.95, subdivision 13, is amended to read:

**Subd. 13. Cremation procedures; commingling of cremated remains prohibited.** Except

with the express written permission of the person with legal right to control the final disposition or otherwise provided by law, no crematory shall mechanically process the cremated human remains of more than one body at a time in the same mechanical processor, or introduce the cremated human remains of a second body into a mechanical processor until processing of any preceding cremated human remains has been terminated and reasonable efforts have been employed to remove all fragments of the preceding cremated remains. The fact that there is incidental and unavoidable residue in the mechanical processor or any container used in a prior cremation is not a violation of this provision.

Sec. 72. Minnesota Statutes 2006, section 149A.95, subdivision 14, is amended to read:

Subd. 14. **Cremation procedures; processing cremated remains.** The cremated human remains shall be reduced by a motorized mechanical device to a granulated appearance appropriate for final disposition and placed in a cremated remains container along with the appropriate identifying disk, tab, or permanent label.

Sec. 73. Minnesota Statutes 2006, section 149A.95, subdivision 15, is amended to read:

Subd. 15. **Cremation procedures; container of insufficient capacity.** If a cremated remains container is of insufficient capacity to accommodate all cremated remains of a given dead human body, subject to directives provided in the written authorization to cremate, the crematory shall place the excess cremated remains in a secondary cremated remains container and attach the second container, in a manner so as not to be easily detached through incidental contact, to the primary cremated remains container. The secondary container shall contain a duplicate of the identification disk, tab, or permanent label that was placed in the primary container and all paperwork regarding the given body shall include a notation that the cremated remains were placed in two containers.

Sec. 74. Minnesota Statutes 2006, section 149A.95, subdivision 20, is amended to read:

Subd. 20. **Required records.** Every crematory shall create and maintain on its premises or other business location in Minnesota an accurate record of every cremation provided. The record shall include all of the following information for each cremation:

- (1) the name of the person or funeral establishment delivering the body for cremation;
- (2) the name of the deceased and the identification number assigned to the body;
- (3) the date of acceptance of delivery;
- (4) the names of the cremation chamber and mechanical processor operator;
- (5) the time and date that the body was placed in and removed from the cremation chamber;
- (6) the time and date that processing and inurnment of the cremated remains was completed;
- (7) the time, date, and manner of release of the cremated remains;
- (8) the name and address of the person who signed the authorization to cremate; ~~and~~
- (9) all supporting documentation, including any transit or disposition permits, a photocopy of the death record, and the authorization to cremate; and
- (10) the type of cremation container.



Sec. 75. Minnesota Statutes 2006, section 149A.96, subdivision 1, is amended to read:

Subdivision 1. **Written authorization.** Except as provided in this section, no dead human body or human remains shall be disinterred and reinterred without the written authorization of the person or persons legally entitled to control the body or remains and a disinterment-reinterment permit properly issued by the ~~state registrar~~ commissioner or a licensed mortician. Permits shall contain the information required on the permit form as furnished by the commissioner.

Sec. 76. **REPEALER.**

Minnesota Statutes 2006, sections 149A.93, subdivision 9; and 149A.94, subdivision 2, are repealed."

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 949:** A bill for an act relating to health occupations; requiring the issuance of a social worker license under certain circumstances.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was re-referred**

**S.F. No. 100:** A bill for an act relating to health; establishing state policy for stem cell research; providing criminal penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 137; 145.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete section 3

Amend the title as follows:

Page 1, line 3, delete "appropriating money;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 2126:** A bill for an act relating to transportation; creating Congestion Reduction Task Force; requiring application for Urban Partnership agreement; authorizing participation in Urban Partnership program; requiring report.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "of" insert "the commissioner of transportation, or the commissioner's

designee, and"

Page 1, line 12, delete "five" and insert "three"

Page 1, line 13, delete "three" and insert "two"

Page 1, line 15, delete "five" and insert "three"

Page 1, line 16, delete "three" and insert "two"

Page 1, line 17, delete "five" and insert "six" and delete "three" and insert "two"

Page 1, line 24, before "The" insert "(a)"

Page 2, after line 4, insert:

"(b) The task force expires on August 1, 2010."

Amend the title as follows:

Page 1, line 2, delete "requiring"

Page 1, delete line 3

Page 1, line 4, delete everything before "requiring"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was re-referred**

**S.F. No. 140:** A bill for an act relating to commerce; regulating customer access to restroom facilities; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 12, 15, 18, 19, 21, and 24, delete "toilet" and insert "restroom"

Page 2, line 3, delete "toilet" and insert "restroom"

Page 2, delete subdivision 4 and insert:

"Subd. 4. **Liability.** (a) A retail establishment or an employee of a retail establishment is not civilly liable for an act or omission in allowing a customer who claims to have an eligible medical condition to use an employee restroom facility that is not a public restroom if the act or omission:

(1) is not negligent;

(2) occurs in an area of the retail establishment that is not accessible to the public; and

(3) results in an injury to or death of the customer or an individual other than an employee accompanying the customer.

(b) This section does not require a retail establishment to make any physical changes to an employee restroom facility."

Page 2, line 20, delete "\$100" and insert "\$50"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 1704:** A bill for an act relating to waters; modifying provisions for wetland conservation; requiring rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 103G.222, subdivisions 1, 3; 103G.2241, subdivisions 1, 2, 3, 6, 9; 103G.2242, subdivisions 2, 2a, 9, 12, 15; 103G.2243, subdivision 2; repealing Minnesota Statutes 2006, section 103G.2241, subdivision 8.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 103G.222, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and management plan approved by the board under section 103G.2243, or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242. Public value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

(b) Replacement must be guided by the following principles in descending order of priority:

- (1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
- (2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity;
- (5) compensating for the impact by restoring a wetland; and
- (6) compensating for the impact by replacing or providing substitute wetland resources or environments.

For a project involving the draining or filling of wetlands in an amount not exceeding 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9, paragraph (a), the local government unit may make an on-site sequencing determination without a written alternatives

analysis from the applicant.

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years.

(d) If a wetland is drained under section 103G.2241, subdivision 2, the local government unit may require a deed restriction that prohibits nonagricultural use for at least ten years unless the drained wetland is replaced as provided under this section. The local government unit may require the deed restriction if it determines the wetland area drained is at risk of conversion to a nonagricultural use within ten years based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit.

(e) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected.

~~(e)~~ (f) Except as provided in paragraph ~~(f)~~ (g), for a wetland or public waters wetland located on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

~~(f)~~ (g) For a wetland or public waters wetland located on agricultural land or in a greater than 80 percent area, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.

~~(g)~~ (h) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.

~~(h)~~ (i) Except in a greater than 80 percent area, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used in a statewide banking program established in rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

~~(i)~~ (j) The Technical Evaluation Panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

~~(j)~~ (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply to the state and its departments and agencies.

~~(k)~~ (l) For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph.

~~(4)~~ (m) A replacement plan for wetlands is not required for individual projects that result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public transportation authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This paragraph only applies to authorities for public transportation projects that:

(1) minimize the amount of wetland filling or draining associated with the project and consider mitigating important site-specific wetland functions on-site;

(2) except as provided in clause (3), submit project-specific reports to the board, the Technical Evaluation Panel, the commissioner of natural resources, and members of the public requesting a copy at least 30 days prior to construction that indicate the location, amount, and type of wetlands to be filled or drained by the project or, alternatively, convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; and

(3) for minor and emergency maintenance work impacting less than 10,000 square feet, submit project-specific reports, within 30 days of commencing the activity, to the board that indicate the location, amount, and type of wetlands that have been filled or drained.

Those required to receive notice of public transportation projects may appeal minimization, delineation, and on-site mitigation decisions made by the public transportation authority to the board according to the provisions of section 103G.2242, subdivision 9. The Technical Evaluation Panel shall review minimization and delineation decisions made by the public transportation authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the Technical Evaluation Panel.

Except for state public transportation projects, for which the state Department of Transportation is responsible, the board must replace the wetlands, and wetland areas of public waters if authorized by the commissioner or a delegated authority, drained or filled by public transportation projects on existing roads.

Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this paragraph. This paragraph does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

~~(m)~~ (n) If a landowner seeks approval of a replacement plan after the proposed project has already affected the wetland, the local government unit may require the landowner to replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

~~(n)~~ (o) A local government unit may request the board to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board shall change the classification of a county or watershed. If requested by the local government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board shall publish a notice of the change in the Environmental Quality Board Monitor.

~~(o)~~ (p) One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens shall provide satisfactory documentation to the local government unit. The local government unit shall consider the petition and forward the request to the board under paragraph ~~(n)~~ (o) or provide a reason why the petition is denied.

Sec. 2. Minnesota Statutes 2006, section 103G.2241, subdivision 1, is amended to read:

Subdivision 1. **Agricultural activities.** ~~(a)~~ A replacement plan for wetlands is not required for:

~~(1) activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grass or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;~~

~~(2) activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:~~

~~(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and~~

~~(ii) has not been restored with assistance from a public or private wetland restoration program;~~

~~(3) activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county Agricultural Stabilization and Conservation Service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;~~

~~(4) activities in a type 1 wetland on agricultural land, except for bottomland hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural land;~~

(1) activities in a wetland conducted as part of normal farming practices. For purposes of this clause, "normal farming practices" means farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, fiber, and forest products, but does not include activities that result in the draining or filling of wetlands in whole or in part;

(2) soil and water conservation practices approved by the soil and water conservation district, after review by the Technical Evaluation Panel;

~~(5)~~ (3) aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings; or

~~(6)~~ (4) wild rice production activities, including necessary diking and other activities authorized

under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;

~~(7) normal agricultural practices to control noxious or secondary weeds as defined by rule of the commissioner of agriculture, in accordance with applicable requirements under state and federal law, including established best management practices; and~~

~~(8) agricultural activities in a wetland that is on agricultural land:~~

~~(i) annually enrolled in the federal Agriculture Improvement and Reform Act of 1996 and is subject to United States Code, title 16, sections 3821 to 3823, in effect on January 1, 2000; or~~

~~(ii) subject to subsequent federal farm program restrictions that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency.~~

~~(b) Land enrolled in a federal farm program under paragraph (a), clause (8), is eligible for easement participation for those acres not already compensated under a federal program.~~

~~(c) The exemption under paragraph (a), clause (4), may be expanded to additional acreage, including types 1, 2, and 6 wetlands that are part of a larger wetland system, when the additional acreage is part of a conservation plan approved by the local soil and water conservation district, the additional draining or filling is necessary for efficient operation of the farm, the hydrology of the larger wetland system is not adversely affected, and wetlands other than types 1, 2, and 6 are not drained or filled.~~

Sec. 3. Minnesota Statutes 2006, section 103G.2241, subdivision 2, is amended to read:

Subd. 2. **Drainage.** (a) For the purposes of this subdivision, "public drainage system" means a drainage system as defined in section 103E.005, subdivision 12, and any ditch or tile lawfully connected to the drainage system. If wetlands drained under this subdivision are converted to uses prohibited under paragraph (b), clause (2), during the ten-year period following drainage, the wetlands must be replaced according to section 103G.222.

(b) A replacement plan is not required for draining of type 1 wetlands, or up to five acres of type 2 or 6 wetlands, in an unincorporated area on land that has been assessed drainage benefits for a public drainage system, provided that:

(1) during the 20-year period that ended January 1, 1992:

(i) there was an expenditure made from the drainage system account for the public drainage system;

(ii) the public drainage system was repaired or maintained as approved by the drainage authority; or

(iii) no repair or maintenance of the public drainage system was required under section 103E.705, subdivision 1, as determined by the public drainage authority; and

(2) the wetlands are not drained for conversion to:

- (i) platted lots;
- (ii) planned unit, commercial, or industrial developments; or
- (iii) any development with more than one residential unit per 40 acres.

~~If wetlands drained under this paragraph are converted to uses prohibited under clause (2) during the ten-year period following drainage, the wetlands must be replaced under section 103G.222.~~

(c) A replacement plan is not required for draining or filling of wetlands, except for draining types 3, 4, and 5 wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing public drainage systems.

(d) A replacement plan is not required for draining or filling of wetlands, except for draining wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing drainage systems other than public drainage systems.

~~(e) A replacement plan is not required for draining or filling of wetlands resulting from activities conducted as part of a public drainage system improvement project that received final approval from the drainage authority before July 1, 1991, and after July 1, 1986, if:~~

- ~~(1) the approval remains valid;~~
- ~~(2) the project remains active; and~~
- ~~(3) no additional drainage will occur beyond that originally approved.~~

(e) A replacement plan is not required for draining agricultural land that: (1) was planted with annually seeded crops before June 10 and subsequently harvested, except for crops that are normally planted after that date, in eight out of the ten most recent years prior to the impact; (2) was in a crop rotation seeding of pasture grass or legumes in eight out of the ten most recent years prior to the impact; or (3) was enrolled in a state or federal land conservation program and met the requirements of clause (1) or (2) before enrollment.

(f) The public drainage authority may, as part of the repair, install control structures, realign the ditch, construct dikes along the ditch, or make other modifications as necessary to prevent drainage of the wetland.

(g) Wetlands of all types that would be drained as a part of a public drainage repair project are eligible for the permanent wetlands preserve under section 103F.516. The board shall give priority to acquisition of easements on types 3, 4, and 5 wetlands that have been in existence for more than 25 years on public drainage systems and other wetlands that have the greatest risk of drainage from a public drainage repair project."

Amend the title as follows:

Page 1, line 2, delete "requiring"

Page 1, line 3, delete everything before "amending"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Agriculture and



Veterans. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was referred**

**S.F. No. 1194:** A bill for an act relating to public safety; establishing reduced ignition propensity standards for cigarettes; authorizing the state fire marshal to monitor and the state attorney general to enforce the standards; imposing a fee; establishing penalties for violations; proposing coding for new law in Minnesota Statutes, chapter 299F.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, delete "(c)" and insert "(g)"

Page 5, line 24, delete "general fund" and insert "reduced ignition propensity cigarette account described in section 299F.857"

Page 7, line 1, before "A" insert "(a)"

Page 7, line 29, delete "299F.21" and insert "297F.21 and, upon judgment of forfeiture, shall be destroyed"

Page 7, line 30, delete "for violating a provision of this section" and insert "in accordance with section 297F.21"

Page 8, line 22, delete "FIRE PREVENTION AND PUBLIC SAFETY" and insert "REDUCED IGNITION PROPENSITY CIGARETTE"

Page 8, line 23, delete "Fire Prevention and Public Safety Account" and insert "reduced ignition propensity cigarette account"

Page 8, line 24, before the period, insert "and fees collected under section 299F.852, subdivision 5"

Page 8, line 26, delete "must be made available" and insert "is appropriated" and delete the second "to"

Page 8, line 27, delete everything before the period and insert "for costs associated with sections 299F.850 to 299F.859"

Page 9, line 14, delete "13th" and insert "19th"

Page 9, line 15, before the period, insert "except for section 6, subdivision 1, which is effective the day following final enactment"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was referred**

**S.F. No. 1144:** A bill for an act relating to crimes; providing testimonial confidentiality for certain sexual assault counselors; eliminating the "mistake of age" defense for certain criminal sexual assault offenders; enhancing penalties for certain nonconsensual sexual contact offenses committed by professionals engaged in massage or bodywork; amending Minnesota Statutes

2006, sections 595.02, subdivision 1; 609.341, subdivision 11; 609.344, subdivision 1; 609.345, subdivision 1; 609.3451, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 9, delete section 5

Page 9, line 23, delete "5" and insert "4"

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was referred**

**S.F. No. 1149:** A bill for an act relating to civil law; preserving the right of building contractors to bring an action for contribution or indemnity under certain circumstances; amending Minnesota Statutes 2006, section 541.051.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 84.788, is amended by adding a subdivision to read:

Subd. 12. **Proof of sales tax payment.** A person applying for initial registration of an off-highway motorcycle must provide a purchaser's certificate, showing a complete description of the off-highway motorcycle, the seller's name and address, the full purchase price of the off-highway motorcycle, and the trade-in allowance, if any. The certificate must include information showing either (1) that the sales and use tax under chapter 297A was paid or (2) the purchase was exempt from tax under chapter 297A. The commissioner of public safety, in consultation with the commissioner of natural resources and the commissioner of revenue, shall prescribe the form of the certificate.

The certificate is not required if the applicant provides a receipt, invoice, or other document that shows the off-highway motorcycle was purchased from a retailer maintaining a place of business in this state as defined in section 297A.66, subdivision 1.

**EFFECTIVE DATE.** This section is effective for registrations after June 30, 2007.

Sec. 2. Minnesota Statutes 2006, section 84.798, is amended by adding a subdivision to read:

Subd. 11. **Proof of sales tax payment.** A person applying for initial registration of an off-road vehicle must provide a purchaser's certificate, showing a complete description of the off-road vehicle, the seller's name and address, the full purchase price of the off-road vehicle, and the trade-in allowance, if any. The certificate must include information showing either (1) that the sales and use tax under chapter 297A was paid or (2) the purchase was exempt from tax under chapter 297A. The commissioner of public safety, in consultation with the commissioner of natural resources and the commissioner of revenue, shall prescribe the form of the certificate.

The certificate is not required if the applicant provides a receipt, invoice, or other document that shows the off-road vehicle was purchased from a retailer maintaining a place of business in this state as defined in section 297A.66, subdivision 1.

**EFFECTIVE DATE.** This section is effective for registrations after June 30, 2007."

Delete the title and insert:

"A bill for an act relating to relating to taxes; requiring certain registrations for off-highway motorcycles and off-road vehicles; amending Minnesota Statutes 2006, sections 84.788, by adding a subdivision; 84.798, by adding a subdivision."

And when so amended the bill do pass and be re-referred to the Committee on Taxes. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was referred**

**S.F. No. 1474:** A bill for an act relating to civil actions; modifying the limitation on actions for damages based on services or construction to improve real property for certain actions; amending Minnesota Statutes 2006, section 541.051, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 541.051, is amended to read:

**541.051 LIMITATION OF ACTION FOR DAMAGES BASED ON SERVICES OR CONSTRUCTION TO IMPROVE REAL PROPERTY.**

Subdivision 1. **Limitation; service or construction of real property; improvements.** (a) Except where fraud is involved, no action by any person in contract, tort, or otherwise to recover damages for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of the defective and unsafe condition of an improvement to real property, ~~nor any action for contribution or indemnity for damages sustained on account of the injury,~~ shall be brought against any person performing or furnishing the design, planning, supervision, materials, or observation of construction or construction of the improvement to real property or against the owner of the real property more than two years after discovery of the injury ~~or, in the case of an action for contribution or indemnity, accrual of the cause of action,~~ nor, in any event shall such a cause of action accrue more than ten years after substantial completion of the construction. Date of substantial completion shall be determined by the date when construction is sufficiently completed so that the owner or the owner's representative can occupy or use the improvement for the intended purpose.

(b) Notwithstanding paragraph (a), an action for contribution or indemnity arising out of the defective and unsafe condition of an improvement to real property may be brought no later than two years after the cause of action for contribution or indemnity has accrued, regardless of whether it accrued before or after the ten-year period referenced in paragraph (a).

(c) For purposes of paragraph (a), a cause of action accrues upon discovery of the injury or, in the case of an action for contribution or indemnity under paragraph (b), upon payment of a final

judgment, arbitration award, or settlement arising out of the defective and unsafe condition.

~~(e)~~(d) Nothing in this section shall apply to actions for damages resulting from negligence in the maintenance, operation or inspection of the real property improvement against the owner or other person in possession.

~~(d)~~(e) The limitations prescribed in this section do not apply to the manufacturer or supplier of any equipment or machinery installed upon real property.

Subd. 2. **Action allowed; limitation.** Notwithstanding the provisions of subdivision 1, paragraph (a), in the case of ~~an~~ a cause of action which accrues during the ninth or tenth year after substantial completion of the construction, an action to recover damages may be brought within two years after the date on which the cause of action accrued, but in no event may such an action be brought more than 12 years after substantial completion of the construction. Nothing in this subdivision shall limit the time for bringing an action for contribution or indemnity.

Subd. 3. **Not construed.** Nothing in this section shall be construed as extending the period prescribed by the laws of this state for the bringing of any action.

Subd. 4. **Applicability.** For the purposes of actions based on breach of the statutory warranties set forth in section 327A.02, or to actions based on breach of an express written warranty, such actions shall be brought within two years of the discovery of the breach. In the case of an action under section 327A.05, which accrues during the ninth or tenth year after the warranty date, as defined in section 327A.01, subdivision 8, an action may be brought within two years of the discovery of the breach, but in no event may an action under section 327A.05 be brought more than 12 years after the effective warranty date. An action for contribution or indemnity related to actions described in this subdivision may be brought no later than two years after the cause of action for contribution or indemnity has accrued, based upon the time of accrual provided in subdivision 1, paragraph (c).

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to all actions pending on or commenced on or after that date."

Delete the title and insert:

"A bill for an act relating to civil law; preserving the right of building contractors to bring an action for contribution or indemnity under certain circumstances; amending Minnesota Statutes 2006, section 541.051."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was re-referred**

**S.F. No. 1532:** A bill for an act relating to commerce; regulating the business of providing debt management services; providing enforcement powers, civil remedies, and criminal penalties; amending Minnesota Statutes 2006, sections 45.011, subdivision 1; 46.04, subdivision 1; 46.05; 46.131, subdivision 2; 325E.311, subdivision 6; 325N.01; proposing coding for new law as Minnesota Statutes, chapter 332A; repealing Minnesota Statutes 2006, sections 332.12; 332.13; 332.14; 332.15; 332.16; 332.17; 332.18; 332.19; 332.20; 332.21; 332.22; 332.23; 332.24; 332.25; 332.26; 332.27; 332.28; 332.29.

Reports the same back with the recommendation that the bill be amended as follows:

Page 17, line 27, delete "otherwise remain confidential" and insert "not be disclosed" and delete "for" and insert "to"

Page 22, line 30, delete "must" and insert "may"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was referred**

**S.F. No. 1126:** A bill for an act relating to predatory offender registration; requiring certain persons under the age of 18 to register as predatory offenders; amending Minnesota Statutes 2006, section 243.166, subdivision 1b.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 243.166, subdivision 1b, is amended to read:

Subd. 1b. **Registration required.** (a) A person who at the time of committing an offense described in clauses (1) to (4) was 16 years of age or older shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section 609.185, clause (2);

(ii) kidnapping under section 609.25;

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453; or

(iv) indecent exposure under section 617.23, subdivision 3;

(2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiracy to commit false imprisonment in violation of section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of section 609.352; using a minor in a sexual performance in violation of section 617.246; or possessing pornographic work involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

(3) the person was sentenced as a patterned sex offender under section 609.3455, subdivision 3a; or

(4) the person was convicted of or adjudicated delinquent for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3).

(b) A person also shall register under this section if:

(1) the person was convicted of or adjudicated delinquent in another state for an offense that

would be a violation of a law described in paragraph (a) if committed in this state;

(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to a longer registration period under the laws of another state in which the person has been convicted or adjudicated, or is subject to lifetime registration.

If a person described in this paragraph is subject to a longer registration period in another state or is subject to lifetime registration, the person shall register for that time period regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or the United States;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state or the United States.

(e) A person who at the time of committing an offense described in clauses (1) to (5) was under the age of 16 shall register under this section if:

(1) the person was charged with a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit any crime described in this subdivision, certified to be tried as an adult pursuant to section 260B.125, and convicted of that offense or another offense arising out of the same set of circumstances;

(2) the person was charged with a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit any crime described in this subdivision, designated an extended jurisdiction juvenile offender and convicted of that offense or another offense arising out of the same set of circumstances;

(3) the person was found to have committed murder under section 609.185, clause (2); kidnapping under section 609.25; criminal sexual conduct under section 609.342, subdivision 1, paragraph (c), (d), (e), (f), (g), or (h); 609.343, subdivision 1, paragraph (c), (d), (e), (f), (g), or (h); 609.344, subdivision 1, paragraph (c), (d), (f), or (g); or 609.345, subdivision 1, paragraph (c), (d),

(f), or (g); or criminal sexual predatory conduct under section 609.3453;

(4) the person was found to have committed criminal sexual conduct under section 609.342, subdivision 1, paragraph (a); 609.343, subdivision 1, paragraph (a); 609.344, subdivision 1, paragraph (a) or (b); 609.345, subdivision 1, paragraph (a); 609.3451, subdivision 3; 617.23, subdivision 3; or an offense described in paragraph (a), clause (2); and the offense was committed after the person had previously been found to have committed any offense described in paragraph (a), clause (1) or (2); or

(5) the person was found to have committed any crime described in this subdivision and the court finds on its own motion, or that of the prosecutor, that it is in the interests of public safety to require registration.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to offenses committed on or after that date.

Sec. 2. Minnesota Statutes 2006, section 243.166, subdivision 2, is amended to read:

Subd. 2. **Notice.** When a person who is required to register under subdivision 1b, paragraph (a) or (e), is sentenced or becomes subject to a juvenile court disposition order, the court shall tell the person of the duty to register under this section and that, if the person fails to comply with the registration requirements, information about the offender may be made available to the public through electronic, computerized, or other accessible means. The court may not modify the person's duty to register in the pronounced sentence or disposition order. The court shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. The court shall forward the signed sex offender registration form, the complaint, and sentencing documents to the bureau. If a person required to register under subdivision 1b, paragraph (a) or (e), was not notified by the court of the registration requirement at the time of sentencing or disposition, the assigned corrections agent shall notify the person of the requirements of this section. When a person who is required to register under subdivision 1b, paragraph (c) or (d), is released from commitment, the treatment facility shall notify the person of the requirements of this section. The treatment facility shall also obtain the registration information required under this section and forward it to the bureau.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to offenses committed on or after that date.

Sec. 3. Minnesota Statutes 2006, section 243.166, subdivision 6, is amended to read:

Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18 or 253B.185, the ten-year registration period does not include the period of commitment.

(b) If a person required to register under this section fails to provide the person's primary address as required by subdivision 3, paragraph (b), fails to comply with the requirements of subdivision 3a, fails to provide information as required by subdivision 4a, or fails to return the verification form

referenced in subdivision 4 within ten days, the commissioner of public safety may require the person to continue to register for an additional period of five years. This five-year period is added to the end of the offender's registration period.

(c) If a person required to register under this section is subsequently incarcerated following a conviction for a new offense or following a revocation of probation, supervised release, or conditional release for any offense, the person shall continue to register until ten years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

(d) A person shall continue to comply with this section for the life of that person:

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1b, or any offense from another state or any federal offense similar to the offenses described in subdivision 1b, and the person has a prior conviction or adjudication for an offense for which registration was or would have been required under subdivision 1b, or an offense from another state or a federal offense similar to an offense described in subdivision 1b;

(2) if the person is required to register based upon a conviction or delinquency adjudication for an offense under section 609.185, clause (2), or a similar statute from another state or the United States;

(3) if the person is required to register based upon a conviction for an offense under section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g); or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the United States similar to the offenses described in this clause; or

(4) if the person is required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States.

A person is not required to register for life under clause (1) based on an adjudication of delinquency that requires the person to register under subdivision 1b, paragraph (e), clause (4), unless the person had previously been required to register under this section.

(e) A person described in subdivision 1b, paragraph (b), who is required to register under the laws of a state in which the person has been previously convicted or adjudicated delinquent, shall register under this section for the time period required by the state of conviction or adjudication unless a longer time period is required elsewhere in this section.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Delete the title and insert:

"A bill for an act relating to public safety; limiting predatory offender registration for certain persons under the age of 16; amending Minnesota Statutes 2006, section 243.166, subdivisions 1b, 2, 6."

And when so amended the bill do pass. Amendments adopted. Report adopted.



**SECOND READING OF SENATE BILLS**

S.F. Nos. 2174, 728, 1556, 1557, 2059, 2226, 2041, 961, 2231, 2203, 1455, 1302, 1791, 802, 949, 100, 2126, 140, 1194, 1144, 1474, 1532 and 1126 were read the second time.

**MOTIONS AND RESOLUTIONS****Senator Wiger introduced –**

**Senate Resolution No. 78:** A Senate resolution honoring Lt. Col. Patrick Sauer on the occasion of his retirement from the United States Army.

Referred to the Committee on Rules and Administration.

**CONFIRMATION**

Senator Pogemiller moved that the appointment of the Commissioner of Public Safety be taken from the table. The motion prevailed.

Senator Moua moved that in accordance with the report from the Committee on Judiciary, reported February 28, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF PUBLIC SAFETY  
COMMISSIONER**

Michael Champion, 4236 Rice St., Vadnais Heights, Ramsey County, effective January 2, 2007, for a term expiring on January 3, 2011.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Latz	Pariseau	Skoe
Bakk	Gerlach	Limmer	Pogemiller	Skogen
Berglin	Gimse	Lourey	Prettner Solon	Sparks
Betzold	Hann	Lynch	Rest	Stumpf
Bonoff	Higgins	Marty	Robling	Tomassoni
Carlson	Ingebrigtsen	Metzen	Rosen	Torres Ray
Clark	Johnson	Michel	Rummel	Vickerman
Cohen	Jungbauer	Moua	Saltzman	Wergin
Dibble	Koch	Neuville	Saxhaug	Wiger
Dille	Koering	Olseen	Scheid	
Doll	Kubly	Olson, G.	Senjem	
Erickson Ropes	Langseth	Olson, M.	Sheran	
Foley	Larson	Pappas	Sieben	

Those who voted in the negative were:

Chaudhary

The motion prevailed. So the appointment was confirmed.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senator Langseth introduced—**

**S.F. No. 2236:** A bill for an act relating to capital investment; providing relief for public and private property damaged by the Browns Valley flooding of March 2007; authorizing flood mitigation projects in Browns Valley; appropriating money; amending Laws 2005, chapter 20, article 1, section 7, subdivision 2; Laws 2006, chapter 258, section 7, subdivision 3.

Referred to the Committee on Finance.

**Senators Murphy, Koch, Prettner Solon, Anderson and Wergin introduced—**

**S.F. No. 2237:** A resolution memorializing Congress regarding nuclear waste storage.

Referred to the Committee on Environment and Natural Resources.

**Senator Fischbach introduced—**

**S.F. No. 2238:** A bill for an act relating to crimes; expanding the definition of secured treatment facility for purposes of fourth degree assault to include locked psychiatric hospitals; amending Minnesota Statutes 2006, section 609.2231, subdivision 3a.

Referred to the Committee on Judiciary.

**Senator Anderson introduced—**

**S.F. No. 2239:** A bill for an act relating to attorneys; repealing the law prohibiting sheriffs, deputy sheriffs, and coroners from practicing law; repealing Minnesota Statutes 2006, section 387.13.

Referred to the Committee on Judiciary.

**Senators Erickson Ropes, Pappas, Senjem, Murphy and Langseth introduced—**

**S.F. No. 2240:** A bill for an act relating to capital improvements; appropriating money for capital improvements for Memorial Hall at Winona State University; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Betzold introduced—**

**S.F. No. 2241:** A bill for an act relating to securities; modifying the Minnesota Securities Act; regulating registrations, filings, and fees; making various technical changes; amending Minnesota Statutes 2006, sections 80A.40; 80A.41; 80A.46; 80A.50; 80A.52; 80A.56; 80A.57; 80A.58; 80A.60; 80A.65, subdivisions 1, 2, 5; 80A.66; 80A.67; 80A.76; 80A.83; 80A.85; 80A.87.

Referred to the Committee on Judiciary.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of General Orders.

**GENERAL ORDERS**

The Senate resolved itself into a Committee of the Whole, with Senator Betzold in the chair.

After some time spent therein, the committee arose, and Senator Metzen reported that the committee had considered the following:

S.F. No. 647, which the committee recommends be re-referred to the Committee on State and Local Government Operations and Oversight.

S.F. Nos. 744, 1558, 1807, 1336, 1436, 1221, 1542, 1660, 1148, 1605, 1157 and 1959, which the committee recommends to pass.

S.F. No. 1105, which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass S.F. No. 1105.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Larson	Olson, G.	Scheid
Bakk	Foley	Latz	Olson, M.	Sheran
Berglin	Frederickson	Limmer	Pappas	Sieben
Betzold	Gerlach	Lourey	Pariseau	Skoe
Bonoff	Gimse	Lynch	Pogemiller	Skogen
Carlson	Higgins	Marty	Prettner Solon	Sparks
Chaudhary	Ingebrigtsen	Metzen	Rest	Stumpf
Cohen	Johnson	Michel	Robling	Tomassoni
Dibble	Koch	Moua	Rosen	Torres Ray
Dille	Koering	Murphy	Rummel	Vandever
Doll	Kubly	Neuville	Saltzman	Vickerman
Erickson Ropes	Langseth	Olseen	Saxhaug	Wiger

Those who voted in the negative were:

Hann	Jungbauer	Wergin
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The motion prevailed. So S.F. No. 1105 was recommended to pass.

S.F. No. 1271, which the committee recommends to pass with the following amendments offered

by Senator Neville:

Page 19, line 9, delete "certification" and insert "verification"

Page 24, line 14, delete "five" and insert "ten"

Page 26, line 31, delete "five-year" and insert "ten-year"

Page 27, line 4, delete "five-year" and insert "ten-year"

Page 27, line 12, delete "five" and insert "ten"

The motion prevailed. So the amendment was adopted.

Senator Neville moved to amend S.F. No. 1271 as follows:

Page 20, line 27, after "country" insert "for more than one year"

The motion prevailed. So the amendment was adopted.

S.F. No. 124, which the committee recommends to pass with the following amendment offered by Senator Ingebrigtsen:

Pages 2 to 4, delete sections 3 to 6

Renumber the sections in sequence and correct the internal references

Delete the title and insert:

"A bill for an act relating to counties; modifying procedures on the filling of vacancies for certain offices; amending Minnesota Statutes 2006, section 375.101, subdivision 1, by adding a subdivision."

The motion prevailed. So the amendment was adopted.

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### **RECESS**

Senator Pogemiller moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### **CALL OF THE SENATE**

Senator Pogemiller imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

**GENERAL ORDERS**

The Senate resolved itself into a Committee of the Whole, with Senator Metzen in the chair.

After some time spent therein, the committee arose, and Senator Metzen reported that the committee had considered the following:

S.F. Nos. 2212, 2068, 2099, 2100, 2105, 1405, 1073 and H.F. Nos. 2090, 881, 272, which the committee recommends to pass.

S.F. Nos. 1443, 2098, which the committee recommends to pass, after the following motions:

The question was taken on the recommendation to pass S.F. No. 1443.

The roll was called, and there were yeas 49 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Langseth	Pappas	Sheran
Bakk	Erickson Ropes	Latz	Pariseau	Sieben
Berglin	Foley	Lourey	Pogemiller	Skoe
Betzold	Frederickson	Lynch	Prettner Solon	Skogen
Bonoff	Gerlach	Marty	Rest	Stumpf
Carlson	Higgins	Metzen	Robling	Tomassoni
Chaudhary	Johnson	Murphy	Rummel	Torres Ray
Clark	Jungbauer	Olseen	Saltzman	Vickerman
Cohen	Koering	Olson, G.	Saxhaug	Wiger
Dibble	Kubly	Olson, M.	Scheid	

Those who voted in the negative were:

Dille	Hann	Limmer	Rosen
Fischbach	Ingebrigtsen	Michel	Senjem
Gimse	Koch	Neuville	

The motion prevailed. So S.F. No. 1443 was recommended to pass.

The question was taken on the recommendation to pass S.F. No. 2098.

The roll was called, and there were yeas 42 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Lourey	Pogemiller	Skogen
Bakk	Dille	Marty	Prettner Solon	Sparks
Berglin	Erickson Ropes	Metzen	Rest	Stumpf
Betzold	Foley	Michel	Rummel	Tomassoni
Bonoff	Higgins	Moua	Saltzman	Torres Ray
Carlson	Jungbauer	Murphy	Saxhaug	Wiger
Chaudhary	Kubly	Olseen	Scheid	
Clark	Larson	Olson, M.	Sieben	
Cohen	Latz	Pappas	Skoe	

Those who voted in the negative were:

Fischbach	Hann	Koering	Olson, G.	Vandevveer
Frederickson	Ingebrigtsen	Limmer	Pariseau	
Gerlach	Johnson	Lynch	Robling	
Gimse	Koch	Neuville	Senjem	

The motion prevailed. So S.F. No. 2098 was recommended to pass.

H.F. No. 1490, which the committee recommends to pass, subject to the following motion:

Senator Robling moved that the amendment made to H.F. No. 1490 by the Committee on Rules and Administration in the report adopted April 16, 2007, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

S.F. No. 794, which the committee recommends to pass with the following amendment offered by Senator Neville:

Page 4, line 33, delete "pay the judgment debtor" and insert "hold"

Page 5, line 1, delete "and apply" and insert "in trust for the judgment debtor until the debtor vacates the property, or the redemption period expires, whichever occurs first," and after "sale" insert "shall be applied"

The motion prevailed. So the amendment was adopted.

S.F. No. 1218, which the committee recommends to pass with the following amendments offered by Senator Erickson Ropes:

Page 3, lines 21 and 22, delete the new language and insert ", unless the voter requests to have the ballots and related materials sent electronically under section 203B.225"

Page 3, line 27, strike "an affidavit"

Page 3, line 28, strike "form" and insert "a certificate"

Page 4, line 11, delete "affidavit" and insert "certificate"

Page 4, line 12, strike "affidavit" and insert "certificate"

Page 5, delete lines 9 to 12 and insert:

"Subdivision 1. **Transmitting ballot and certificate of voter eligibility.** A voter described in section 203B.16 may include in an application for absentee ballots a request that the ballots, instructions, and a certificate of voter eligibility meeting the requirements of section 203B.21, subdivision 3, be transmitted to the voter electronically. Upon receipt of a properly completed application requesting electronic transmission, the county auditor shall electronically transmit the requested materials to the voter."

Page 5, line 29, strike "affidavit" and insert "certificate"

Page 6, line 27, strike "affidavit" and insert "certificate"

The motion prevailed. So the amendment was adopted.

Senator Erickson Ropes moved to amend S.F. No. 1218 as follows:

Page 3, after line 16, insert:

"Sec. 5. Minnesota Statutes 2006, section 203B.20, is amended to read:

**203B.20 CHALLENGES.**

Except as provided in this section, the eligibility or residence of a voter whose application for

absentee ballots is recorded under section 203B.19 may be challenged in the manner set forth by section 201.195. The county auditor ~~or municipal clerk~~ shall not be required to serve a copy of the petition and notice of hearing on the challenged voter. If the absentee ballot application was submitted on behalf of a voter by an individual authorized under section 203B.17, subdivision 1, paragraph (a), the county auditor must attempt to notify the individual who submitted the application of the challenge. The county auditor may contact other registered voters to request information that may resolve any discrepancies appearing in the application. All reasonable doubt shall be resolved in favor of the validity of the application. If the voter's challenge is affirmed, the county auditor shall provide the challenged voter with a copy of the petition and the decision and shall inform the voter of the right to appeal as provided in section 201.195."

Page 3, line 29, strike "(a)" and insert "(1)"

Page 3, after line 29, insert:

"(2) the voter's current e-mail address, if the voter has one;"

Page 3, line 30, strike "(b)" and insert "(3)"

Page 3, line 32, strike "(c)" and insert "(4)"

Page 4, line 1, strike "(d)" and insert "(5)"

Page 4, line 4, strike "(e)" and insert "(6)"

Page 5, delete section 10 and insert:

"Sec. 11. Minnesota Statutes 2006, section 203B.23, is amended to read:

**203B.23 APPLICATION RECORDS; DELIVERY TO ELECTION JUDGES ABSENTEE BALLOT BOARD.**

Subdivision 1. **Establishment.** ~~When election materials are transmitted to the municipal clerks as provided in section 204B.28, subdivision 2, the county auditor shall also transmit a certified copy of the record of applications compiled as provided in section 203B.19, for absentee ballots to be cast at that election in that town, school district, or city. A certified copy of the record of additional applications received by the county auditor after the ballots have been delivered shall also be delivered to the appropriate municipal clerk. Each municipal clerk shall in turn deliver to the election judges in the appropriate precincts the application records received from the county auditor. The county auditor must establish an absentee ballot board for ballots issued under sections 203B.16 to 203B.27. The board may consist of staff trained and certified as election judges, in which case, the board is exempt from sections 204B.19, subdivision 5, and 204C.15, relating to party balance in appointment of judges and to duties to be performed by judges of different major political parties.~~

Subd. 2. **Duties.** The absentee ballot board must examine all returned absentee ballot envelopes for ballots issued under sections 203B.16 to 203B.27 and accept or reject the absentee ballots in the manner provided in section 203B.24.

The absentee ballot board must examine the return envelopes and mark them "accepted" or "rejected" during the 30 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the official in charge of the absentee ballot board must provide the voter with a replacement absentee ballot and

return envelope in place of the spoiled ballot.

Subd. 3. **Applicable laws.** Except as otherwise provided in this section, all the laws applicable to absentee ballots and absentee voters and all other provisions of the Minnesota Election Law apply to an absentee ballot board.

Sec. 12. Minnesota Statutes 2006, section 203B.24, is amended to read:

### **203B.24 DUTIES OF ELECTION JUDGES.**

Subdivision 1. **Check of voter eligibility; proper execution of affidavit certificate.** Upon receipt of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the election judges shall compare the voter's name with the names ~~appearing on their copy of the application records~~ recorded under section 203B.19 in the statewide registration system to insure that the ballot is from a voter eligible to cast an absentee ballot under sections 203B.16 to 203B.27. The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges are satisfied that:

(1) the voter's name on the return envelope appears in substantially the same form as on the application records provided to the election judges by the county auditor;

(2) the voter has signed the federal oath prescribed pursuant to section 705(b)(2) of the Help America Vote Act, Public Law 107-252;

(3) the voter has set forth the same voter's military identification number or, passport number, or, if those numbers do not appear, a person authorized to administer oaths under federal law or the law of the place where the oath was administered or a witness who is military personnel with a rank at or above the rank of sergeant or its equivalent has signed the ballot Minnesota driver's license or state identification card number as submitted on the application, if the voter has one of these documents; and

(4) the voter has not already voted at that election, either in person or by absentee ballot.

If the identification number described in clause (3) does not match the number as submitted on the application, the election judges must make a reasonable effort to satisfy themselves through other information provided by the applicant, or by an individual authorized to apply on behalf of the voter, that the ballots were returned by the same person to whom the ballots were transmitted.

An absentee ballot ~~case~~ cast pursuant to sections 203B.16 to 203B.27 may only be rejected for the lack of one of clauses (1) to (4). In particular, failure to place the ballot within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

Election judges must note the reason for rejection on the back of the envelope in the space provided for that purpose.

Failure to return unused ballots shall not invalidate a marked ballot, but a ballot shall not be counted if the affidavit certificate on the return envelope is not properly executed. In all other respects the provisions of the Minnesota Election Law governing deposit and counting of ballots shall apply.

Subd. 2. ~~Voting more than once~~ **Recording accepted and rejected ballots.** The election judges shall compare the voter's name with the names ~~appearing on their copy of the application records to insure that the voter has not already returned a ballot in the election~~ recorded under section 203B.19



~~in the statewide registration system. For each returned ballot, the election judges must indicate on the record in the statewide registration system whether an the absentee ballot was accepted for each applicant whose name appears on the record or rejected. If a voter whose application has been recorded under section 203B.19 casts a ballot in person on election day, no absentee ballot shall be counted for that voter. If more than one return envelope is received from a voter whose application has been recorded under section 203B.19, the ballots in the return envelope bearing the latest date shall be counted and the uncounted ballots shall be returned by the election judges with the rejected ballots. The election judges must preserve the record and return it to the county auditor or municipal clerk with the election day materials.~~

Sec. 13. Minnesota Statutes 2006, section 203B.25, is amended to read:

**203B.25 DEATH OF VOTER; INDIVIDUALS VOTING UNDER SPECIAL ABSENTEE ELECTION DAY PROCEDURES.**

Subdivision 1. **Death of voter.** If the election judges receive proof that a voter who has returned an absentee ballot as provided in sections 203B.16 to 203B.27 has died before the time when voting is scheduled to begin on election day, the ballot of that voter shall be returned by the election judges with the rejected ballots. Notwithstanding the other provisions of this section, the counting of the absentee ballot of a deceased voter shall not invalidate the election.

Subd. 2. **Voting more than once.** If a voter whose application has been recorded under section 203B.19 casts a ballot in person on election day, an absentee ballot from that voter must not be counted. If more than one return envelope is received from a voter whose application has been recorded under section 203B.19, the ballots in the return envelope bearing the latest date must be counted and the uncounted ballots must be returned by the election judges with the rejected ballots.

Sec. 14. Minnesota Statutes 2006, section 203B.26, is amended to read:

**203B.26 SEPARATE RECORD.**

A separate record of the ballots of absent voters cast under sections 203B.16 to 203B.27 must be kept in generated from the statewide registration system for each precinct and provided to the election judges in the polling place on election day, along with the returned envelopes marked "accepted" by the absentee ballot board. The content of the record must be in a form prescribed by the secretary of state. The election judges in the polling place must note on the record any envelopes that had been marked "accepted" by the absentee ballot board but were not counted. The election judges must preserve the record and return it to the county auditor or municipal clerk with the election day materials."

Page 7, after line 4, insert:

"Sec. 16. **REPEALER.**

Minnesota Statutes 2006, section 203B.16, subdivision 3, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

### REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

#### **Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 1310:** A bill for an act relating to elections; clarifying certain procedures and terminology; changing or eliminating certain requirements; changing certain duties; imposing penalties; amending Minnesota Statutes 2006, sections 103C.305, subdivision 3; 201.016, subdivision 1a; 201.054, subdivision 1; 201.056; 201.061, subdivisions 1, 3, 4; 201.071, subdivisions 3, 4; 201.081; 201.091, subdivisions 1, 8; 201.27, subdivision 1; 203B.04, subdivisions 1, 4, 6; 203B.05, subdivision 2; 203B.07, subdivisions 1, 2; 203B.08, subdivision 3; 203B.081; 203B.10; 203B.12, subdivision 4; 203B.13, subdivisions 1, 2; 203B.21, subdivision 3; 204B.06, subdivision 8; 204B.08, subdivision 3; 204B.09, subdivisions 1, 3; 204B.16, subdivision 1; 204B.45, subdivision 2; 205.10, by adding a subdivision; 205.13, by adding a subdivision; 205.16, subdivision 4; 205A.05, by adding a subdivision; 205A.06, by adding a subdivision; 205A.07, subdivisions 3, 3a; 205A.10, subdivision 1; 205A.11, subdivision 2; 206.82, subdivision 2; 211A.02, subdivision 2; 211A.05, subdivisions 1, 2; 211B.11, subdivision 1; 211B.37; 447.32, subdivision 4; Laws 2004, chapter 293, article 1, section 37, subdivision 2; repealing Minnesota Statutes 2006, sections 201.061, subdivision 7; 201.096; 203B.02, subdivision 1a; 203B.13, subdivision 3a; 204D.10, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 103C.305, subdivision 3, is amended to read:

Subd. 3. **Ballots.** Ballots shall be prepared by the county auditor. The names of candidates shall be placed on the "canary ballot" described in section 204D.11, subdivision 3. The office title printed on the ballot must be either "Soil and Water Conservation District Supervisor" or "Conservation District Supervisor," based upon the district from which the supervisor is to be elected.

Sec. 2. Minnesota Statutes 2006, section 201.054, subdivision 1, is amended to read:

Subdivision 1. **Registration.** An individual may register to vote:

(1) at any time before the 20th day preceding any election as provided in section 201.061, subdivision 1;

(2) on the day of an election as provided in section 201.061, subdivision 3; or

(3) when submitting an absentee ballot, by enclosing a completed registration ~~card~~ application as provided in section 203B.04, subdivision 4.

Sec. 3. Minnesota Statutes 2006, section 201.061, subdivision 4, is amended to read:

Subd. 4. **Registration by election judges; procedures.** Registration at the polling place on election day shall be conducted by the election judges. The election judge who registers an individual at the polling place on election day shall not handle that voter's ballots at any time prior to the opening of the ballot box after the voting ends. Registration ~~cards~~ applications and forms for oaths shall be available at each polling place. If an individual who registers on election day proves residence by oath of a registered voter, the form containing the oath shall be attached to the individual's registration ~~card~~ application. Registration ~~cards~~ applications completed on election day shall be forwarded to the county auditor who shall add the name of each voter to the registration system unless the information forwarded is substantially deficient. A county auditor who finds an election day registration substantially deficient shall give written notice to the individual whose registration is found deficient. An election day registration shall not be found deficient solely because the individual who provided proof of residence was ineligible to do so.

Sec. 4. Minnesota Statutes 2006, section 201.071, subdivision 3, is amended to read:

Subd. 3. **Deficient registration.** No voter registration application is deficient if it contains the voter's name, address, date of birth, current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification number, the last four digits of the voter's Social Security number, if the voter has been issued a Social Security number, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. Failure to check a box on an application form that a voter has certified to be true does not cause the registration to be deficient. The election judges shall request an individual to correct a voter registration application if it is deficient or illegible ~~or if the name or number of the voter's school district is missing or obviously incorrect~~. No eligible voter may be prevented from voting unless the voter's registration application is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A voter registration application accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a voter registration application accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

A voter registration application accepted before January 1, 2004, is not deficient for lack of a valid Minnesota driver's license or state identification number or the last four digits of a Social Security number. A voter registration application submitted by a voter who does not have a Minnesota driver's license or state identification number, or a Social Security number, is not deficient for lack of any of these numbers.

Sec. 5. Minnesota Statutes 2006, section 201.071, subdivision 4, is amended to read:

Subd. 4. **Change of registration.** Any A county auditor who receives a registration ~~card~~

~~application indicating that an individual was previously registered in a different county in Minnesota shall notify the county auditor of that county~~ update the voter's record electronically through the statewide registration system in the manner prescribed in the rules of by the secretary of state. A county auditor receiving a registration card indicating that a voter was previously registered in a different precinct in the same county or receiving a notification as provided in this subdivision shall remove that individual's voter registration card from the files. Any A county auditor who receives a registration card application or notification requiring a change of registration records under this subdivision as a result of an election day registration shall also check the statewide registration system to determine whether the individual voted in more than one precinct in the most recent election.

Sec. 6. Minnesota Statutes 2006, section 201.081, is amended to read:

**201.081 REGISTRATION FILES.**

The statewide registration system is the official record of registered voters. The voter registration ~~cards~~ applications and the terminal providing access to the statewide registration system must be under the control of the county auditor or the public official to whom the county auditor has delegated the responsibility for maintaining voter registration records. The voter registration ~~cards~~ applications and terminals providing access to the statewide registration system must not be removed from the control of the county auditor except as provided in this subdivision. The county auditor may make photographic copies of voter registration ~~cards~~ applications in the manner provided by section 138.17.

A properly completed voter registration ~~card~~ application that has been submitted to the secretary of state or a county auditor must be maintained by the secretary of state or the county auditor for at least 22 months after the date that the information on the ~~card~~ application is entered into the database of the statewide registration system. The secretary of state or the county auditor may dispose of the ~~cards~~ applications after retention for 22 months in the manner provided by section 138.17.

Sec. 7. Minnesota Statutes 2006, section 201.091, subdivision 1, is amended to read:

Subdivision 1. **Master list.** Each county auditor shall prepare and maintain a current list of registered voters in each precinct in the county which is known as the master list. The master list must be created by entering each completed voter registration ~~card~~ application received by the county auditor into the statewide registration system. It must show the name, residence address, and date of birth of each voter registered in the precinct. The information contained in the master list may only be made available to public officials for purposes related to election administration, jury selection, and in response to a law enforcement inquiry concerning a violation of or failure to comply with any criminal statute or state or local tax statute.

Sec. 8. Minnesota Statutes 2006, section 201.091, subdivision 8, is amended to read:

Subd. 8. **Registration places.** Each county auditor shall designate a number of public buildings in those political subdivisions of the county where preregistration of voters is allowed as provided in section 201.061, subdivision 1, where eligible voters may register to vote. At least one public building must be designated for each 30,000 residents of the county. At least one telecommunications device for the deaf must be available for voter registration information in each county seat and in every city of the first, second, and third class.

An adequate supply of registration ~~cards~~ applications and instructions must be maintained at each designated location, and a designated individual must be available there to accept registration ~~cards~~ applications and transmit them to the county auditor.

A person who, because of disability, needs assistance in order to determine eligibility or to register must be assisted by a designated individual. Assistance includes but is not limited to reading the registration form and instructions and filling out the registration form as directed by the eligible voter.

Sec. 9. Minnesota Statutes 2006, section 201.27, subdivision 1, is amended to read:

Subdivision 1. **Intentional violation.** No officer, deputy, clerk, or other employee shall intentionally:

- (1) fail to perform or enforce any of the provisions of this chapter except subdivision 2;
- (2) remove a registration ~~card~~ application or record from its proper place in the registration files in a manner or for a purpose not authorized by law;
- (3) destroy or make an unauthorized change to a record required to be kept by this chapter; or
- (4) add a name or names to the voter registration files, records, or ~~cards~~ applications, except as authorized by law.

An individual who violates this subdivision is guilty of a felony.

Sec. 10. Minnesota Statutes 2006, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **Application procedures.** Except as otherwise allowed by subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided by the secretary of state, notwithstanding rules on absentee ballot forms, and shall furnish them to any person on request. By January 1 of each even-numbered year, the secretary of state shall make the forms to be used available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

- (a) the county auditor of the county where the applicant maintains residence; or
- (b) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02. The application may contain a request for the voter's date of birth, which must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of

voting on election day.

An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 11. Minnesota Statutes 2006, section 203B.04, subdivision 4, is amended to read:

Subd. 4. **Registration at time of application.** An eligible voter who is not registered to vote but who is otherwise eligible to vote by absentee ballot may register by including a completed voter registration ~~and application~~ with the absentee ballot. The individual shall present proof of residence as required by section 201.061, subdivision 3, to the individual who witnesses the marking of the absentee ballots. A military voter, as defined in section 203B.01, may register in this manner if voting pursuant to sections 203B.04 to 203B.15, or may register pursuant to sections 203B.16 to 203B.27.

Sec. 12. Minnesota Statutes 2006, section 203B.05, subdivision 2, is amended to read:

Subd. 2. **City, school district, and town elections.** For city, town, and school district elections not held on the same day as a statewide election, ~~for school district elections not held on the same day as a statewide election, and for town elections conducted under the Australian ballot system,~~ applications for absentee ballots shall be filed with the city, school district, or town clerk and the duties prescribed by this chapter for the county auditor shall be performed by the city, school district, or town clerk unless the county auditor agrees to perform those duties on behalf of the city, school district, or town clerk. The costs incurred to provide absentee ballots and perform the duties prescribed by this subdivision shall be paid by the city, town, or school district holding the election.

Notwithstanding any other law, this chapter applies to school district elections held on the same day as a statewide election or an election for a county or municipality wholly or partially within the school district.

Sec. 13. Minnesota Statutes 2006, section 203B.07, subdivision 1, is amended to read:

Subdivision 1. **Delivery of envelopes, directions.** The county auditor or the municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope, and a copy of the directions for casting an absentee ballot to each applicant whose application for absentee ballots is accepted pursuant to section 203B.04. The directions for casting an absentee ballot shall be printed in at least 14-point bold type with heavy leading and may be printed on the ballot envelope. When a person requests the directions in Braille or on cassette tape, the county auditor or municipal clerk shall provide them in the form requested. The secretary of state shall prepare Braille and cassette copies and make them available.

When a voter registration ~~and application~~ is sent to the applicant as provided in section 203B.06, subdivision 4, the directions or registration ~~and application~~ shall include instructions for registering to vote.

Sec. 14. Minnesota Statutes 2006, section 203B.08, subdivision 3, is amended to read:

Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp or initial and date the return envelope ~~with an official seal of the office~~ and place it in a secure location with other return envelopes received by that office. The county auditor or municipal clerk shall deliver to the appropriate election judges

on election day all ballots received before or with the last mail delivery by the United States Postal Service on election day. A town clerk may request the United States Postal Service to deliver absentee ballots to the polling place on election day instead of to the official address of the town clerk.

Sec. 15. Minnesota Statutes 2006, section 203B.10, is amended to read:

**203B.10 DELIVERY OF ABSENTEE BALLOT APPLICATIONS TO ELECTION JUDGES.**

(a) On the day before an election:

~~(a)~~ (1) the county auditor shall deliver to the municipal clerks within that county the applications for absentee ballots theretofore received and endorsed as provided in section 203B.06, subdivision 5; and

~~(b)~~ (2) the municipal clerks shall deliver the applications received from the county auditor and the applications for absentee ballots filed with their respective offices and endorsed as provided in section 203B.06, subdivision 5, to the appropriate election judges. Applications received on election day pursuant to section 203B.04, subdivision 2, shall be promptly delivered to the election judges in the precincts or to the judges of an absentee ballot board.

(b) Delivery of the applications to the municipal clerks and election judges in the precinct is not required if the absentee ballot envelopes have been accepted or rejected by an absentee ballot board pursuant to section 203B.13.

Sec. 16. Minnesota Statutes 2006, section 204B.06, subdivision 8, is amended to read:

Subd. 8. **Proof of eligibility.** A candidate for judicial office or for the office of county attorney shall submit with the affidavit of candidacy proof that the candidate is licensed to practice law in this state. Proof means providing a copy of a current attorney license.

A candidate for county sheriff shall submit with the affidavit of candidacy proof of licensure as a peace officer in this state. Proof means providing a copy of a current Peace Officer Standards and Training Board license.

Sec. 17. Minnesota Statutes 2006, section 204B.08, subdivision 3, is amended to read:

Subd. 3. **Number of signatures.** The number of signatures required on a nominating petition shall be as follows:

(a) for a federal or state office voted on statewide or for United States senator, one percent of the total number of individuals voting in the state at the last preceding state general election, or 2,000, whichever is less;

(b) for a congressional office, five percent of the total number of individuals voting in the district at the last preceding state general election, or 1,000, whichever is less;

(c) for a county or legislative office, ten percent of the total number of individuals voting in the county or legislative district at the last preceding state or county general election, or 500, whichever is less;

(d) for a municipal office in a city of the first class, the number specified in section 205.121; and

(e) for any other municipal or school district office, ten percent of the total number of individuals voting in the municipality, ward, school district, or other election district at the last preceding municipal, or school district if applicable, general election, or 500, whichever is less.

Sec. 18. Minnesota Statutes 2006, section 205A.10, subdivision 1, is amended to read:

Subdivision 1. **Materials, ballots.** The school district clerk shall prepare and have printed the necessary election materials, including ballots, for a school district election. ~~The name of each candidate for office shall be rotated with the names of the other candidates for the same office so that the name of each candidate appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in the group of candidates for that office~~ names must be arranged on school district ballots in the manner provided in section 204D.08, subdivision 3, for state elections.

Sec. 19. Minnesota Statutes 2006, section 205A.11, subdivision 2, is amended to read:

Subd. 2. **Combined polling place.** When no other election is being held in two or more precincts on the day of a school district election, the school board may designate one or more combined polling places at which the voters in those precincts may vote in the school district election. In school districts that have organized into separate board member election districts under section 205A.12, a combined polling place for a school general election must be arranged so that it does not include more than one board member election district.

Sec. 20. Minnesota Statutes 2006, section 206.82, subdivision 2, is amended to read:

Subd. 2. **Plan.** ~~(a) Subject to paragraph (b),~~ The municipal clerk in a municipality where an electronic voting system is used and the county auditor of a county in which an electronic voting system is used in more than one municipality and the county auditor of a county in which a counting center serving more than one municipality is located shall prepare a plan which indicates acquisition of sufficient facilities, computer time, and professional services and which describes the proposed manner of complying with section 206.80. The plan must be signed, notarized, and submitted to the secretary of state more than 60 days before the first election at which the municipality uses an electronic voting system. Prior to July 1 of each subsequent general election year, the clerk or auditor shall submit to the secretary of state notification of any changes to the plan on file with the secretary of state. The secretary of state shall review each plan for its sufficiency and may request technical assistance from the Department of Administration or other agency which may be operating as the central computer authority. The secretary of state shall notify each reporting authority of the sufficiency or insufficiency of its plan within 20 days of receipt of the plan. The attorney general, upon request of the secretary of state, may seek a district court order requiring an election official to fulfill duties imposed by this subdivision or by rules promulgated pursuant to this section.

~~(b) Systems implemented by counties and municipalities in calendar year 2006 are exempt from paragraph (a) and section 206.58, subdivision 4, if:~~

~~(1) the municipality has fewer than 10,000 residents; and~~

~~(2) a valid county plan was filed by the county auditor of the county in which the municipality is located.~~

Sec. 21. Laws 2004, chapter 293, article 1, section 37, subdivision 2, is amended to read:



Subd. 2. **Social security number.** A voter must not be included on the list of voters prepared under Minnesota Statutes, section 201.121, subdivision 1, whose registration is incomplete because of a failure to match the last four digits of the voter's Social Security number until the commissioner of public safety has:

(1) entered into an agreement with the commissioner of the Social Security Administration under Minnesota Statutes, section 201.1615, regarding the use of the last four digits of a Social Security number to verify voter registration information;

~~(2) assembled a complete and current database of the last four digits of the Social Security number of each resident of this state as maintained by the Social Security Administration; and~~

~~(3)~~ (2) certified, along with the secretary of state, that the voter registration system has been tested and shown to properly verify the last four digits of a voter's Social Security number."

Delete the title and insert:

"A bill for an act relating to elections; clarifying certain procedures and terminology; changing or eliminating certain requirements; changing certain duties; amending Minnesota Statutes 2006, sections 103C.305, subdivision 3; 201.054, subdivision 1; 201.061, subdivision 4; 201.071, subdivisions 3, 4; 201.081; 201.091, subdivisions 1, 8; 201.27, subdivision 1; 203B.04, subdivisions 1, 4; 203B.05, subdivision 2; 203B.07, subdivision 1; 203B.08, subdivision 3; 203B.10; 204B.06, subdivision 8; 204B.08, subdivision 3; 205A.10, subdivision 1; 205A.11, subdivision 2; 206.82, subdivision 2; Laws 2004, chapter 293, article 1, section 37, subdivision 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 1312:** A bill for an act relating to natural resources; modifying rulemaking authority; modifying authority to designate infested waters; modifying water supply plan requirements; modifying state park permit provisions; extending expiration of the Mineral Coordinating Committee; amending Minnesota Statutes 2006, sections 84.027, by adding a subdivision; 84D.03, subdivision 1; 84D.12, subdivisions 1, 3; 85.053, subdivisions 1, 2, 8; 93.0015, subdivision 3; 103G.291, subdivision 3; 473.1565, subdivision 1; 473.859, subdivision 3; repealing Laws 2006, chapter 236, article 1, section 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

## "ARTICLE 1

### NATURAL RESOURCES MISCELLANEOUS AND TECHNICAL

Section 1. **[85.0146] CUYUNA COUNTRY STATE RECREATION AREA; CITIZENS ADVISORY COUNCIL.**

Subdivision 1. **Advisory council created.** The Cuyuna Country State Recreation Area Citizens Advisory Council is established. Membership on the advisory council shall include:

- (1) a representative of the Cuyuna Range Mineland Recreation Area Joint Powers Board;
- (2) a representative of the Croft Mine Historical Park Joint Powers Board;
- (3) a designee of the Cuyuna Range Mineland Reclamation Committee who has worked as a miner in the local area;
- (4) a representative of the Crow Wing County Board;
- (5) a representative of the Grand Rapids regional office of the Department of Natural Resources;
- (6) a designee of the Iron Range Resources and Rehabilitation Board;
- (7) a designee of the local business community selected by the area chambers of commerce;
- (8) a designee of the local environmental community selected by the Cuyuna Country Conservation Club;
- (9) a designee of a local education organization selected by the Crosby-Ironton School Board;
- (10) a designee of one of the recreation area user groups selected by the Cuyuna Range Chamber of Commerce; and
- (11) a member of the Cuyuna Country Heritage Preservation Society.

Subd. 2. **Administration.** (a) The advisory council must meet at least four times annually. The area manager for the Cuyuna Country State Recreation Area shall convene the first meeting of the advisory council. The council shall elect a chair and meetings shall be at the call of the chair.

(b) Members of the advisory council shall serve as volunteers for two-year terms with the ability to be reappointed. Members shall accept no per diem.

(c) The state recreation area manager may attend council meetings and shall advise the council of major decision issues in management of the recreation area.

(d) The council shall review the operation and management of the Cuyuna Country State Recreation Area. The area manager shall consider the advice or comments from the council before making decisions affecting the recreation area.

(e) The council must report to the Crow Wing County Board by January 15 of each year regarding its activities in the previous year.

Subd. 3. **Expiration.** This section expires on June 30, 2011.

Sec. 2. Minnesota Statutes 2006, section 85.053, subdivision 8, is amended to read:

Subd. 8. **Military personnel on leave; exemption.** (a) ~~The provisions of this section requiring a state park permit and regulating its display do not apply to~~ A one-day permit, under subdivision 4, shall be issued without a fee for a motor vehicle being used by a person who is serving in active military service in any branch or unit of the United States armed forces and who is stationed outside Minnesota, during the period of active service and for 90 days immediately thereafter, if the person ~~notifies~~ presents the person's current military orders to the park attendant on duty or other designee of the commissioner of the person's military status at the time of usage. It is sufficient notice for the eligible person to temporarily affix to the inside of the windshield of the vehicle in a visible

~~manner the person's current military orders and to carry in the person's possession current military identification attesting to the person's active or recent military status.~~

(b) For purposes of this section, "active service" has the meaning given under section 190.05, subdivision 5c, when performed outside Minnesota.

Sec. 3. Minnesota Statutes 2006, section 85.054, is amended by adding a subdivision to read:

Subd. 13. **Cuyuna Country State Recreation Area.** A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at Croft Mine Historical Park and Portsmouth Mine Lake Overlook in Cuyuna Country State Recreation Area, except for overnight camping.

Sec. 4. Minnesota Statutes 2006, section 103F.205, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** The definitions in this section apply to sections 103F.201 to 103F.224 103F.227.

Sec. 5. [103F.227] **SHORELAND DEVELOPMENT; EXISTING RESORTS.**

Subdivision 1. **Applicability.** This section applies statewide and preempts local ordinances that are inconsistent with its terms, but does not preempt local ordinances that provide additional protection of shoreland.

Subd. 2. **Resort defined.** For purposes of this section, "resort" means a shoreland commercial establishment, existing on or before August 1, 2007, that includes buildings, lodges, structures, dwelling units, camping or recreational vehicle sites, or enclosures, or any part thereof kept, used, maintained, or advertised as or held out to the public to be a place where sleeping accommodations are furnished to the public, primarily to persons seeking recreation, for periods of one day or longer, and having for rent three or more cabins, rooms, campsites, or enclosures. A shoreland commercial establishment must be primarily service oriented for transient lodging of guests. All cabins, rooms, dwelling units, camping or recreational vehicle sites, or enclosures must be included in the resort rental business. Resorts must not allow residential use of a dwelling unit or site, except dwellings used as residences for the service providers. To qualify as a resort under this section, a resort must be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.

Subd. 3. **Maintenance and replacement.** (a) So long as the establishment continues to operate as a resort, a county or municipality must allow a resort owner to:

(1) maintain structures, including the replacement of aging or outdated components or systems of the structure, while not increasing the structure's footprint on the land; and

(2) replace structures damaged or lost to fire or natural disaster.

(b) Paragraph (a), clause (2), applies only when an application for a building permit is made within 180 days of the damage or loss.

Subd. 4. **Expansion.** A county or municipality must allow a resort owner to increase a structure footprint to minimally meet federal, state, or local dwelling standards or codes. To "minimally meet" the standards or codes means that the replacement structure does not add new architectural elements, such as more bedrooms, that did not exist in the original structure. Structural expansion under this subdivision must not result in the structure being any larger than required to meet standards or codes

or the structure or any portion thereof being any closer to the shoreline than prior to the expansion.

Subd. 5. **Change in ownership.** A change in ownership of a resort shall not be construed as a conversion to a different use so long as the new owner continues to use the property as a resort.

Sec. 6. Minnesota Statutes 2006, section 103G.291, subdivision 3, is amended to read:

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

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

(c) Public water suppliers serving more than 1,000 people must employ water use demand reduction measures before requesting approval from the commissioner of health under section 144.383, paragraph (a), to construct a public water supply well or requesting an increase in the authorized volume of appropriation. Demand reduction measures must include evaluation of conservation rate structures and a public education program that may include a toilet and showerhead retrofit program.

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

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

Sec. 7. Minnesota Statutes 2006, section 103G.311, subdivision 2, is amended to read:

Subd. 2. **Hearing notice.** (a) The hearing notice on an application must ~~state~~ include:

- (1) the date, place, and time fixed by the commissioner for the hearing; and
- (2) the waters affected, the water levels sought to be established, or control structures proposed; and
- (3) the matters prescribed by sections 14.57 to 14.59 and rules adopted thereunder.

(b) A summary of the hearing notice must be published by the commissioner at the expense of the applicant or, if the proceeding is initiated by the commissioner in the absence of an applicant, at the expense of the commissioner.

(c) The summary of the hearing notice must be:

(1) published once a week for two successive weeks before the day of hearing in a legal newspaper published in the county where any part of the affected waters is located; and

(2) mailed by the commissioner to the county auditor, the mayor of a municipality, the watershed district, and the soil and water conservation district affected by the application; ~~and~~

~~(3) made under requirements prescribed by sections 14.57 to 14.59 and rules of the chief administrative law judge.~~

Sec. 8. Minnesota Statutes 2006, section 219.99, is amended to read:

**219.99 RAILROAD PRAIRIE RIGHT-OF-WAY; BEST MANAGEMENT PRACTICES.**

The commissioner of natural resources shall conduct a field review of railroad rights-of-way to identify native prairie. The priority will be to identify and conduct a field review of any surveys which have been conducted previously, whether by public or private persons, of native prairies within railroad rights-of-way in this state. In cooperation with railroad companies, the commissioner shall identify management practices used to control vegetation along railroad rights-of-way. The commissioner shall then assess the impact of those management practices on the prairie lands within the railroad rights-of-way. Based on that assessment, the commissioner and railroad companies shall jointly develop voluntary best management practices for prairie lands within railroad rights-of-way. The commissioner shall, to the extent feasible, work with private individuals and groups to cause to be erected markers at either end of each native prairie within a railroad right-of-way.

Sec. 9. Minnesota Statutes 2006, section 473.1565, subdivision 1, is amended to read:

Subdivision 1. **Planning activities.** (a) The Metropolitan Council must carry out planning activities addressing the water supply needs of the metropolitan area as defined in section 473.121, subdivision 2. The planning activities must include, at a minimum:

(1) development and maintenance of a base of technical information needed for sound water supply decisions including surface and groundwater availability analyses, water demand projections, water withdrawal and use impact analyses, modeling, and similar studies;

(2) development and periodic update of a metropolitan area master water supply plan, prepared in cooperation with and subject to the approval of the commissioner of natural resources, that:

(i) provides guidance for local water supply systems and future regional investments;

(ii) emphasizes conservation, interjurisdictional cooperation, and long-term sustainability; and

(iii) addresses the reliability, security, and cost-effectiveness of the metropolitan area water supply system and its local and subregional components;

(3) recommendations for clarifying the appropriate roles and responsibilities of local, regional, and state government in metropolitan area water supply;

(4) recommendations for streamlining and consolidating metropolitan area water supply decision-making and approval processes; and

(5) recommendations for the ongoing and long-term funding of metropolitan area water supply

planning activities and capital investments.

(b) The council must carry out the planning activities in this subdivision in consultation with the Metropolitan Area Water Supply Advisory Committee established in subdivision 2.

Sec. 10. Minnesota Statutes 2006, section 473.859, subdivision 3, is amended to read:

Subd. 3. **Public facilities plan.** A public facilities plan shall describe the character, location, timing, sequence, function, use and capacity of existing and future public facilities of the local governmental unit. A public facilities plan must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. A public facilities plan shall contain at least the following parts:

(1) a transportation plan describing, designating and scheduling the location, extent, function and capacity of existing and proposed local public and private transportation services and facilities;

(2) a sewer policy plan describing, designating and scheduling the areas to be sewered by the public system, the existing and planned capacities of the public system, the standards and conditions under which the installation of private sewer systems will be permitted, and to the extent practicable, the areas not suitable for public or private systems because of public health, safety and welfare considerations;

(3) a parks and open space plan describing, designating and scheduling the existing and proposed parks and recreation open spaces within the jurisdiction; and

(4) a water supply plan ~~including~~ as described in section 103G.291, subdivision 3.

~~(i) a description of the existing water supply system, including the source of water, well and treatment plant locations, and major supply lines; an inventory of commercial and industrial users; an indication of the community's intent to make future changes or additions to the system, including projections for population and industrial and commercial use and the methods by which this growth will be served;~~

~~(ii) a statement of the community's objectives, policies, and standards for operating the water supply system;~~

~~(iii) a conservation program that contains the goals of the program, demand and supply conservation techniques to be used, an evaluation of pricing methods that could be used to reduce demand, the conditions under which conservation actions would occur, a process for reducing nonessential uses according to the priority system under section 103G.261, and the education program that will be used to inform the public of the need to conserve and the methods available to achieve conservation;~~

~~(iv) an emergency preparedness or contingency plan, as described in section 103G.291, subdivision 3;~~

~~(v) an indication of the possibility for joint efforts with neighboring communities or other public entities for sharing water sources and treatment, interconnection for routine or emergency supply, pursuit of alternative supplies, and water source protection;~~

~~(vi) a statement of the water supply problems that the community experiences or expects to experience and any proposed solutions, especially those that would impact other communities or~~

~~the region; and~~

~~(vii) a wellhead protection plan prepared in accordance with rules adopted by the commissioner of health under section 103I.101, subdivision 5, clause (9).~~

**Sec. 11. AQUATIC PLANT RULEMAKING.**

By January 15, 2008, the commissioner of natural resources shall initiate rulemaking under Minnesota Statutes, chapter 14, to update the standards for aquatic plant management permit issuance. The commissioner shall consult with the commissioner of administration regarding the feasibility of using mediation services during the process of developing the rules. By January 15, 2008, the commissioner shall report to the senate and house of representatives committees on natural resource policy on the proposed rule changes. The rule changes must not be finally adopted before June 1, 2008.

**Sec. 12. EURASIAN WATER MILFOIL PILOT PROGRAM; GREEN LAKE.**

As part of the invasive species management program under Minnesota Statutes, section 84D.02, subdivisions 1 and 2, the commissioner of natural resources shall consider a pilot project for the control of Eurasian water milfoil on Green Lake in Kandiyohi County.

**Sec. 13. SHORELAND STANDARDS.**

By January 15, 2008, the commissioner of natural resources shall initiate rulemaking under Minnesota Statutes, chapter 14, to update the minimum shoreland standards in Minnesota Rules, chapter 6120.

**Sec. 14. REPEALER.**

Laws 2006, chapter 236, article 1, section 2, is repealed.

**ARTICLE 2**

**OFF-HIGHWAY VEHICLES**

Section 1. Minnesota Statutes 2006, section 84.777, is amended to read:

**84.777 OFF-HIGHWAY VEHICLE USE OF STATE LANDS RESTRICTED.**

Subdivision 1. **Designated trails.** (a) Except as otherwise allowed by law or rules adopted by the commissioner, effective June 1, 2003, notwithstanding sections 84.787 to 84.805 and 84.92 to 84.929, the use of off-highway vehicles is prohibited on state land administered by the commissioner of natural resources, and on county-administered forest land within the boundaries of a state forest, except on roads and trails specifically designated and posted by the commissioner for use by off-highway vehicles.

(b) Paragraph (a) does not apply to county-administered land within a state forest if the county board adopts a resolution that modifies restrictions on the use of off-highway vehicles on county-administered land within the forest.

Subd. 2. **Off-highway vehicle seasons.** (a) The commissioner shall prescribe seasons for off-highway vehicle use on state forest lands. Except for designated forest roads, a person must not operate an off-highway vehicle on state forest lands outside of the season prescribed under this

paragraph.

(b) The commissioner may designate and post winter trails on state forest lands for use by off-highway vehicles.

(c) For the purposes of this subdivision, "state forest lands" means forest lands under the authority of the commissioner as defined in section 89.001, subdivision 13, and lands managed by the commissioner under section 282.011.

Subd. 3. **Mapped trails.** Except as provided in sections 84.926 and 84.928, effective December 31, 2010, a person must not operate an off-highway vehicle on state land that is not mapped for the type of off-highway vehicle.

Subd. 4. **Exemption from rulemaking.** Determinations of the commissioner under this section may be by written order published in the State Register and are exempt from the rulemaking provisions of chapter 14. Section 14.386 does not apply.

## Sec. 2. **[84.9011] OFF-HIGHWAY VEHICLE SAFETY AND CONSERVATION PROGRAM.**

Subdivision 1. **Creation.** The commissioner of natural resources shall establish a program to promote the safe and responsible operation of off-highway vehicles in a manner that does not harm the environment.

Subd. 2. **Agreements.** (a) The commissioner shall enter into agreements with organizations for volunteer services that promote the safe and responsible operation of off-highway vehicles in a manner that does not harm the environment to maintain, make improvements to, and monitor trails on state forest land and other public lands. The organizations shall promote the operation of off-highway vehicles in a safe and responsible manner that complies with the laws and rules that relate to the operation of off-highway vehicles.

(b) The organizations may provide assistance to the department in locating, recruiting, and training instructors for off-highway vehicle training programs.

(c) The commissioner may provide assistance to enhance the comfort and safety of volunteers and to facilitate the implementation and administration of the safety and conservation program.

(d) The commissioner shall establish standards, train, and certify organizations and individuals participating as volunteers under this section. The training shall include:

- (1) the identification of invasive species;
- (2) correctly reporting the location of invasive species; and
- (3) basic global positioning system operation.

Subd. 3. **Worker displacement prohibited.** The commissioner may not enter into any agreement that has the purpose of or results in the displacement of public employees by volunteers participating in the off-highway safety and conservation program under this section. The commissioner must certify to the appropriate bargaining agent that the work performed by a volunteer will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as



reduction in hours of nonovertime work, wages, or other employment benefits.

Subd. 4. **Off-Highway Vehicle Safety Advisory Council.** The commissioner of natural resources shall appoint an Off-Highway Vehicle Safety Advisory Council to advise the commissioner on:

(1) off-highway vehicle safety; and

(2) standards and certification for organizations and individuals participating as volunteers under this section.

Sec. 3. Minnesota Statutes 2006, section 84.9256, subdivision 2, is amended to read:

Subd. 2. **Helmet and seat belts required.** (a) A person less than 18 years of age shall not operate ride as a passenger or as an operator of an all-terrain vehicle on public land, public waters, or on a public road right-of-way unless wearing a safety helmet approved by the commissioner of public safety.

(b) A person less than 18 years of age shall not ride as a passenger or as an operator of a class 2 all-terrain vehicle without wearing a seat belt when provided by the manufacturer.

Sec. 4. Minnesota Statutes 2006, section 84.9256, is amended by adding a subdivision to read:

Subd. 2a. **Parent or guardian authorization.** A person under age 16 shall not operate and a person shall not allow a person under age 16 to operate an all-terrain vehicle, unless the parent or guardian of the person under age 16 authorizes the operation. For purposes of this subdivision, "guardian" means the legal guardian of the person under age 16 or a person age 18 or older who has been authorized by the parent or legal guardian to supervise the person under age 16.

Sec. 5. Minnesota Statutes 2006, section 84.9257, is amended to read:

#### **84.9257 PASSENGERS.**

~~(a) A parent or guardian may operate a class 1 all-terrain vehicle carrying one passenger who is under 16 years of age and who wears a safety helmet approved by the commissioner of public safety.~~

~~(b) For the purpose of this section, "guardian" means a legal guardian of a person under age 16, or a person 18 or older who has been authorized by the parent or legal guardian to supervise the person under age 16.~~

~~(c) A person 18 years of age or older may operate an a class 1 all-terrain vehicle carrying one passenger who is 16 or 17 years of age and wears a safety helmet approved by the commissioner of public safety.~~

~~(d) (b) A person 18 years of age or older may operate an all-terrain vehicle carrying one passenger who is 18 years of age or older.~~

(e) An operator of a class 2 all-terrain vehicle may carry two passengers while carrying a passenger, or up to the number of passengers for which the vehicle was designed, whichever is greater.

Sec. 6. Minnesota Statutes 2006, section 84.926, is amended by adding a subdivision to read:

Subd. 6. **Operation; class 2 vehicles.** Except as provided in subdivision 4, operation of class 2 all-terrain vehicles on lands administered by the commissioner is limited to forest roads, minimum maintenance roads, and trails designated or signed for class 2 all-terrain vehicles.

Sec. 7. Minnesota Statutes 2006, section 84.928, subdivision 1, is amended to read:

Subdivision 1. ~~Operation on roads and rights-of-way; class 1 vehicles.~~ (a) Unless otherwise allowed in sections 84.92 to 84.929, a person shall not operate ~~a class 1~~ an all-terrain vehicle in this state along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway ~~other than~~.

(b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway unless prohibited under paragraph ~~(b)~~ (d) or (f).

(c) A person may operate a class 2 all-terrain vehicle within the public road right-of-way of a county state-aid or county highway on the extreme right-hand side of the road and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions, unless prohibited under paragraph (d) or (f). A person may operate a class 2 all-terrain vehicle on the bank or ditch of a public road right-of-way on a designated class 2 all-terrain vehicle trail.

~~(b)~~ (d) A road authority as defined under section 160.02, subdivision 25, may after a public hearing restrict the use of ~~class 1~~ all-terrain vehicles in the ~~ditch or outside bank or slope of a~~ public road right-of-way under its jurisdiction.

~~(e)~~ (e) The restrictions in paragraphs (a), ~~(b)~~, ~~(g)~~, (d), (h), ~~and~~ (i), and (j) do not apply to the operation of ~~a class 1~~ an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside bank or slope of a trunk, interstate, county state-aid, or county highway when the ~~class 1~~ all-terrain vehicle is:

(1) owned by or operated under contract with a publicly or privately owned utility or pipeline company; and

(2) used for work on utilities or pipelines.

~~(d)~~ (f) The commissioner may limit the use of a right-of-way for a period of time if the commissioner determines that use of the right-of-way causes:

(1) degradation of vegetation on adjacent public property;

(2) siltation of waters of the state;

(3) impairment or enhancement to the act of taking game; or

(4) a threat to safety of the right-of-way users or to individuals on adjacent public property.

~~(e)~~ The commissioner must notify the road authority as soon as it is known that a closure will be ordered. The notice must state the reasons and duration of the closure.

~~(f)~~ (g) A person may operate ~~a class 1~~ an all-terrain vehicle registered for private use and used for agricultural purposes ~~or a class 2 all-terrain vehicle~~ on a public road right-of-way of a trunk, county state-aid, or county highway in this state if the ~~class 1~~ ~~or class 2~~ all-terrain vehicle is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road if it is

safe to do so under the prevailing conditions.

~~(g)~~ (h) A person shall not operate a ~~class 1~~ an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. This paragraph does not apply to an agent or employee of a road authority, as defined in section 160.02, subdivision 25, or the Department of Natural Resources when performing or exercising official duties or powers.

~~(h)~~ (i) A person shall not operate a ~~class 1~~ an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

~~(i)~~ (j) A person shall not operate a ~~class 1~~ an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state.

#### Sec. 8. [89.0212] STATE FOREST TRADITIONAL AREAS.

Subdivision 1. **Definition.** For purposes of this section, "state forest traditional area" or "traditional area" means the portion of a state forest dedicated to traditional uses, including, but not limited to, logging, hunting, trapping, fishing, wildlife watching, snowmobiling, hiking, biking, canoeing, and berry picking.

Subd. 2. **Designation.** By December 31, 2008, the commissioner shall designate state forest traditional areas.

Subd. 3. **Vehicle restrictions.** Within a state forest traditional area:

(1) no off-highway vehicles, as defined under section 84.771, are allowed off of state forest roads;

(2) no trails for off-highway vehicles, as defined under section 84.771, are allowed; and

(3) no hunting or trapping using an off-highway vehicle is allowed.

These restrictions are subject to exception by permit under section 84.926, subdivision 1.

Subd. 4. **Exemption from rulemaking.** Determinations of the commissioner under this section may be by written order published in the State Register and are exempt from the rulemaking provisions of chapter 14. Section 14.386 does not apply.

Sec. 9. Minnesota Statutes 2006, section 169A.35, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** As used in this section:

(1) "alcoholic beverage" has the meaning given it in section 340A.101, subdivision 2;

(2) "distilled spirits" has the meaning given it in section 340A.101, subdivision 9;

(3) "motor vehicle" does not include motorboats in operation, or off-road recreational vehicles except when being operated on a roadway or shoulder of a roadway that is not part of a grant-in-aid trail or trail designated for that vehicle by the commissioner of natural resources;

(4) "possession" means either that the person had actual possession of the bottle or receptacle or that the person consciously exercised dominion and control over the bottle or receptacle; and

(5) "3.2 percent malt liquor" has the meaning given it in section 340A.101, subdivision 19.

Sec. 10. Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended by Laws 2005, First Special Session chapter 1, article 2, section 152, is amended to read:

**Sec. 167. FOREST LAND OFF-HIGHWAY VEHICLE USE RECLASSIFICATION.**

Subdivision 1. **Forest classification status review.** (a) By December 31, 2006, the commissioner of natural resources shall complete a review of the forest classification status of all state forests classified as managed or limited, all forest lands under the authority of the commissioner as defined in Minnesota Statutes, section 89.001, subdivision 13, and lands managed by the commissioner under Minnesota Statutes, section 282.011. The review must be conducted on a forest-by-forest and area-by-area basis in accordance with the process and criteria under Minnesota Rules, part 6100.1950. Except as provided in paragraph (d), after each forest is reviewed, the commissioner must change ~~its~~ the status of the lands within each forest to limited or closed, ~~and~~. The commissioner may classify portions of a limited forest as closed. The commissioner must also provide a similar status for each of the other areas subject to review under this section after each individual review is completed.

(b) If the commissioner determines on January 1, 2005, that the review required under this section cannot be completed by December 31, 2006, the completion date for the review shall be extended to December 31, 2008. By January 15, 2005, the commissioner shall report to the chairs of the legislative committees with jurisdiction over natural resources policy and finance regarding the status of the process required by this section.

(c) Until December 31, 2010, the state forests and areas subject to review under this section are exempt from Minnesota Statutes, section 84.777, unless an individual forest or area has been classified as limited or closed.

(d) Notwithstanding the restrictions in paragraph (a), and Minnesota Statutes, section 84.777, subdivision 1, all forest lands under the authority of the commissioner as defined in Minnesota Statutes, section 89.001, subdivision 13, and lands managed by the commissioner under Minnesota Statutes, section 282.011, that are north of U.S. Highway 2 shall maintain their present classification unless the commissioner reclassifies the lands under Minnesota Rules, part 6100.1950. The commissioner shall provide for seasonal trail closures when conditions warrant them. By December 31, 2008, the commissioner shall complete the review and designate trails on forest lands north of Highway 2 as provided in this section.

**Sec. 11. REPEALER.**

Minnesota Statutes 2006, section 84.928, subdivision 8, is repealed.

**ARTICLE 3**

**GAME AND FISH**

Section 1. Minnesota Statutes 2006, section 17.4984, subdivision 1, is amended to read:

Subdivision 1. **License required.** (a) A person or entity may not operate an aquatic farm without

first obtaining an aquatic farm license from the commissioner.

(b) Applications for an aquatic farm license must be made on forms provided by the commissioner.

(c) Licenses are valid for five years and are transferable upon notification to the commissioner.

(d) The commissioner shall issue an aquatic farm license on payment of the required license fee under section 17.4988.

(e) A license issued by the commissioner is not a determination of private property rights, but is only based on a determination that the licensee does not have a significant detrimental impact on the public resource.

(f) Until August 1, 2008, the commissioner shall not issue a new license to raise minnows in a water body if the water body is the subject of a protective easement or other interest in land that was acquired with funding from migratory waterfowl stamp proceeds under section 97A.075, subdivision 2, or if the water body was the subject of any other development, restoration, maintenance, or preservation project funded under section 97A.075, subdivision 2. By January 15, 2008, the commissioner shall report to the senate and house of representatives committees on natural resource policy on whether to continue or expand the restrictions under this paragraph.

Sec. 2. Minnesota Statutes 2006, 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, bob-white quail, wild turkeys, coots, gallinules, sora and Virginia rails, mourning dove, American woodcock, and common snipe.

Sec. 3. Minnesota Statutes 2006, section 97A.015, is amended by adding a subdivision to read:

Subd. 26c. **Immediately released or immediately returned to the water.** "Immediately released" or "immediately returned to the water" means that a fish must not be retained longer than is needed at the site of capture to unhook, identify, measure, or photograph the fish. Placing a fish on a stringer, in a live well, or in a cooler, bucket, or other container is not "immediately released" or "immediately returned to the water."

Sec. 4. Minnesota Statutes 2006, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint subcommittees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following subcommittees, each comprised of at least three affected persons:

(1) a Fisheries Operations Subcommittee to review fisheries funding, excluding activities related to trout and salmon stamp funding;

(2) a Wildlife Operations Subcommittee to review wildlife funding, excluding activities related to migratory waterfowl, pheasant, and turkey stamp funding and excluding review of the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c);

(3) a Big Game Subcommittee to review the report required in subdivision 4, paragraph (a), clause (2);

(4) an Ecological Services Operations Subcommittee to review ecological services funding;

(5) a subcommittee to review game and fish fund funding of enforcement, support services, and Department of Natural Resources administration;

(6) a subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

(7) a subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;

(8) a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants; and

(9) a subcommittee to review the report on the turkey stamp and address funding issues related to wild turkeys.

(c) The chairs of each of the subcommittees; one member of the senate, appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration; and one member of the house of representatives, appointed by the speaker of the house of representatives, shall form a Budgetary Oversight Committee to coordinate the integration of the subcommittee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; provide a forum to address issues that transcend the subcommittees; and submit a report for any subcommittee that fails to submit its report in a timely manner. Legislative appointees to the committee shall serve as nonvoting members and are not eligible for per diem for meetings of the committee.

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance.

(e) Each subcommittee shall choose its own chair, except that the chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of any of the subcommittees.

(f) The Budgetary Oversight Committee must make recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the Budgetary Oversight Committee and subcommittees do not expire until June 30, 2010.

Sec. 5. Minnesota Statutes 2006, section 97A.133, is amended by adding a subdivision to read:

Subd. 66. Vermillion Highlands Wildlife Management Area, Dakota County.

Sec. 6. Minnesota Statutes 2006, section 97A.401, subdivision 5, is amended to read:

Subd. 5. **Wild animals damaging property.** Special permits may be issued with or without a fee to take protected wild animals ~~that are damaging property~~ or to remove or destroy their dens, nests, eggs, houses, or dams for the purpose of preventing or reducing damage or injury to people, property, agricultural crops, or other interests. The commissioner may prescribe rules for taking Canada geese and their nests and eggs, with or without a permit, consistent with federal regulations. ~~A special permit issued under this subdivision to take beaver must state the number to be taken.~~

Sec. 7. Minnesota Statutes 2006, 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 or stamp issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license or stamp validation, except for a pictorial turkey stamp or a pictorial trout and salmon stamp. A pictorial turkey stamp or a pictorial trout and salmon stamp shall be mailed to the licensee after purchase of a license or stamp validation only if the licensee pays an additional \$2 fee.

Sec. 8. Minnesota Statutes 2006, section 97A.405, subdivision 4, is amended to read:

Subd. 4. **Replacement licenses.** (a) The commissioner may permit licensed deer hunters to change zone, license, or season options. The commissioner may issue a replacement license if the applicant submits the original deer license and unused tags that are being replaced and the applicant pays any increase in cost between the original and the replacement license. A refund of the difference in fees may be issued when a person changes from a regular deer license to a youth deer license. When a person submits both an archery and a firearms license for replacement, the commissioner

may apply the value of both licenses towards the replacement license fee.

(b) A replacement license may be issued only if the applicant has not used any tag from the original license or licenses and meets the conditions of paragraph (c). The original license or licenses and all unused tags ~~for that license~~ for the licenses being replaced must be submitted to the issuing agent at the time the replacement license is issued.

(c) A replacement license may be issued under the following conditions, or as otherwise prescribed by rule of the commissioner:

- (1) when the season for the license being surrendered has not yet opened; ~~or~~
- (2) when the person is upgrading from a regular firearms or archery deer license to ~~a multizone~~ or an all season deer license;
- (3) when the person is upgrading from a regular firearms license to a multizone deer license; or
- (4) when the person is changing from a regular firearms deer license to a youth deer license.

(d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid immediately upon issuance if the license being surrendered is valid at that time.

Sec. 9. Minnesota Statutes 2006, section 97A.411, subdivision 1, is amended to read:

Subdivision 1. **License period.** (a) Except as provided in paragraphs (b), ~~(e)~~, and (d), a license is valid during the lawful time within the license year that the licensed activity may be performed. Except as provided in paragraph (c), a license year begins on the first day of March and ends on the last day of February.

(b) A license issued under section 97A.475, subdivision 6, clause (5), 97A.475, subdivision 7, clause (2), (3), (5), or (6), or 97A.475, subdivision 12, clause (2), is valid for the full license period even if this period extends into the next license year, provided that the license period selected by the licensee begins at the time of issuance.

~~(c) When the last day of February falls on a Saturday, an annual resident or nonresident fish house or dark house license, including a rental fish house or dark house license, obtained for the license year covering the last day of February, is valid through Sunday, March 1 and the angling license of the fish house licensee is extended through March 1. The license year for resident fishing, the angling portion of a sporting license, nonresident fishing, resident fish house, resident dark house, and nonresident fish house begins on March 1 and ends on April 30 of the following year.~~

(d) A lifetime license issued under section 97A.473 or 97A.474 is valid during the lawful time within the license year that the licensed activity may be performed for the lifetime of the licensee.

Sec. 10. Minnesota Statutes 2006, section 97A.421, is amended by adding a subdivision to read:

Subd. 7. **Taking wild animals while privileges are suspended.** A person who takes a protected wild animal during the time the person is prohibited from obtaining a license to take that animal under this section is guilty of a misdemeanor.

Sec. 11. Minnesota Statutes 2006, section 97A.451, subdivision 3, is amended to read:

Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 may not obtain a



small game license but may take small game by firearms or bow and arrow without a license if the resident is:

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

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

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

Sec. 12. Minnesota Statutes 2006, section 97A.475, subdivision 2, is amended to read:

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

- (1) for persons age 18 or over and under age 65 to take small game, \$12.50;
- (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;
- (3) to take turkey, \$18;
- (4) for persons age 18 or over to take deer with firearms, \$26;
- (5) for persons age 18 or over to take deer by archery, \$26;
- (6) to take moose, for a party of not more than six persons, \$310;
- (7) to take bear, \$38;
- (8) to take elk, for a party of not more than two persons, \$250;
- (9) multizone license to take antlered deer in more than one zone, \$52;
- (10) to take Canada geese during a special season, \$4;
- (11) all season license to take ~~two~~ three deer throughout the state in any open deer season, except as restricted under section 97B.305, \$78;
- (12) to take prairie chickens, \$20;
- (13) for persons at least age 12 and under age 18 to take deer with firearms during the regular firearms season in any open zone or time period, \$13; and

(14) for persons at least age 12 and under age 18 to take deer by archery, \$13.

Sec. 13. Minnesota Statutes 2006, section 97A.505, subdivision 4, is amended to read:

Subd. 4. **Storage of protected wild animals.** A person that stores protected wild animals for others must plainly mark the package, in ink, with the name and address of the owner, the license number of the person taking the animal, and the number and species in the package. ~~A person may not use a commercial cold storage warehouse for protected wild animals, except lawfully taken fish and furs.~~

Sec. 14. Minnesota Statutes 2006, section 97A.511, is amended to read:

**97A.511 FUR-BEARING ANIMALS.**

The skins of fur-bearing animals and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing the required seals or tags required by the game and fish laws, may be bought, sold, and transported at any time. ~~The flesh of beaver, raccoon, rabbits, and hare may not be transported out of the state.~~

Sec. 15. Minnesota Statutes 2006, section 97B.015, is amended by adding a subdivision to read:

Subd. 5a. **Exemption for military personnel.** Notwithstanding subdivision 5, a person who has successfully completed basic training in the United States Armed Forces is exempt from the range and shooting exercise portion of the required course of instruction for the firearms safety certificate. The commissioner may require written proof of the person's military training, as deemed appropriate for implementing this subdivision. The commissioner shall publicly announce this exemption from the range and shooting exercise requirement and the availability of the department's online, remote study option for adults seeking firearms safety certification. Military personnel are not exempt from any other requirement of this section for obtaining a firearms safety certificate.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to applications for certificates made on or after that date.

Sec. 16. Minnesota Statutes 2006, section 97B.020, is amended to read:

**97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.**

(a) Except as provided in this section and section 97A.451, subdivision 3a, a person born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has:

- (1) a firearms safety certificate or equivalent certificate;
- (2) a driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13;
- (3) a previous hunting license with a valid firearms safety qualification indicator; ~~or~~
- (4) an apprentice hunter certificate issued under section 97B.022; or
- (5) other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement or certified by the department as substantially similar.

(b) A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or National Guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

(c) A person born after December 31, 1979, may not use a lifetime license to take wild animals by firearms, unless the person meets the requirements for obtaining an annual license under paragraph (a) or (b).

Sec. 17. **[97B.022] APPRENTICE HUNTER VALIDATION.**

Subdivision 1. **Definition.** For the purpose of this section, "accompanied" means to stay within a distance of another person that permits uninterrupted visual contact and unaided verbal communication.

Subd. 2. **Apprentice hunter validation requirements.** A resident born after December 31, 1979, who is age 12 or older and who does not possess a firearms safety certificate may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only one license year in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game and deer 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. 18. Minnesota Statutes 2006, section 97B.031, subdivision 5, is amended to read:

~~Subd. 5. **Scopes; visually impaired hunters on muzzleloaders.** (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, 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 a licensed physician, ophthalmologist, or 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, 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. 19. Minnesota Statutes 2006, section 97B.035, is amended by adding a subdivision to read:

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

Sec. 20. Minnesota Statutes 2006, 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. 21. Minnesota Statutes 2006, section 97B.085, subdivision 3, is amended to read:

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

(1) one-way radio communication between a handler and a dog; or

(2) a remote-controlled animal noise caller for taking unprotected wild animals.

Sec. 22. Minnesota Statutes 2006, section 97B.301, subdivision 7, is amended to read:

Subd. 7. **All season deer license.** (a) A resident may obtain an all season deer license that authorizes the resident to hunt during the archery, regular firearms, and muzzle-loader seasons. The all season license is valid for taking three deer, no more than one of which may be a legal buck.

(b) The all season deer license is valid for taking antlerless deer as follows:-

~~(1) up to two antlerless deer may be taken during the archery or muzzle-loader seasons in any open area or during the regular firearms season in managed or intensive deer areas; and~~

~~(2) one antlerless deer may be taken during the regular firearms season in a lottery deer area, only with an either-sex permit or statutory exemption from an either-sex permit prescribed by the commissioner.~~

(c) The commissioner shall issue three tags when issuing a license under this subdivision.

Sec. 23. Minnesota Statutes 2006, section 97B.311, is amended to read:

**97B.311 DEER SEASONS AND RESTRICTIONS.**

(a) The commissioner may, by rule, prescribe restrictions and designate areas where deer may be taken, including hunter selection criteria for special hunts established under section 97A.401, subdivision 4. The commissioner may, by rule, prescribe the open seasons for deer within the following periods:

(1) taking with firearms, other than muzzle-loading firearms, between November 1 and December 15;

(2) taking with muzzle-loading firearms between September 1 and December 31; and

(3) taking by archery between September 1 and December 31.

(b) Notwithstanding paragraph (a), the commissioner may establish special seasons within designated areas at any time of year.

~~(c) Smokeless gunpowder may not be used in a muzzle loader during the muzzle loader season.~~

Sec. 24. Minnesota Statutes 2006, 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.

(b) 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.

(c) Until December 1, 2008, notwithstanding paragraph (b), the commissioner may issue up to ten additional bear hunting permits for the promotion of scientific, conservation, or educational purposes.

Sec. 25. Minnesota Statutes 2006, section 97B.928, subdivision 1, is amended to read:

Subdivision 1. **Information required.** (a) A person may not set or place a trap or snare, other than on property owned or occupied by the person, unless the following information is affixed to the trap or snare in a manner that ensures that the information remains legible while the trap or snare is on the lands or waters:

(1) the number and state of the person's driver's license;

(2) the person's Minnesota identification card number; ~~or~~

(3) the person's name and mailing address; or

(4) the license identification number issued by the Department of Natural Resources.

(b) The commissioner may not prescribe additional requirements for identification of traps or snares.

(c) Until March 1, 2013, the driver's license number under paragraph (a), clause (1), may be the person's previously issued Minnesota driver's license number.

Sec. 26. Minnesota Statutes 2006, section 97C.325, is amended to read:

**97C.325 ~~PROHIBITED METHODS OF~~ RESTRICTIONS ON TAKING FISH.**

(a) Except as specifically authorized, a person may not take fish with:

(1) explosives, chemicals, drugs, poisons, lime, medicated bait, fish berries, or other similar

substances;

- (2) substances or devices that kill, stun, or affect the nervous system of fish;
- (3) nets, traps, trot lines, or snares; or
- (4) spring devices that impale, hook, or capture fish.

(b) If a person possesses a substance or device listed in paragraph (a) on waters, shores, or islands, it is presumptive evidence that the person is in violation of this section.

(c) The commissioner may, by rule, allow the use of a nonmotorized device with a recoil mechanism to take fish through the ice.

(d) To protect water quality or improve habitat for fish or wildlife, the commissioner may prescribe restrictions on fishing seasons, limits, or methods on specific bodies of water.

Sec. 27. Minnesota Statutes 2006, section 97C.355, subdivision 8, is amended to read:

Subd. 8. **Confiscation of unlawful structures; civil penalty.** (a) Structures on the ice in violation of this section may be confiscated and disposed of, retained by the division, or sold at the highest price obtainable, in a manner prescribed by the commissioner.

(b) In addition to other penalties provided by law, the owner of a structure left on the ice in violation of this section is subject to a civil penalty under section 115A.99.

Sec. 28. Minnesota Statutes 2006, section 97C.395, subdivision 1, is amended to read:

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

- (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend to the last Sunday in February;
- (2) for lake trout, from January 1 to October 31;
- (3) for lake trout on lakes during the winter from the Saturday nearest January 1 to March 31;
- (4) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2; and
- ~~(4)~~ (5) for salmon, as prescribed by the commissioner by rule.

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

Sec. 29. Minnesota Statutes 2006, section 97C.835, subdivision 1, is amended to read:

Subdivision 1. **Commercial fishing license for Lake Superior.** (a) A license to fish commercially in Lake Superior shall be issued to a maximum of ~~50~~ 25 residents. To qualify for licensing, a resident must have landed fish in the previous year with a value of at least \$1,500, and must have engaged in commercial fishing for at least 30 days of the previous year. An applicant may be issued a license, at the discretion of the commissioner, if failure to meet the requirements for the dollar value of fish landed or number of days fished resulted from illness or other mitigating

circumstances, or the applicant has reached the age of 65 and has been licensed at least five of the previous ten years.

(b) A license may be issued to a resident who has not previously fished commercially on Lake Superior and has not been convicted of a game and fish law violation in the preceding three years, if the applicant:

(1) shows a bill of sale indicating the purchase of gear and facilities connected with an existing license;

(2) shows proof of inheritance of all the gear and facilities connected with an existing license; or

(3) has served at least two years as an apprentice in a Minnesota Lake Superior licensed commercial fishing operation.

Sec. 30. Minnesota Statutes 2006, section 97C.835, subdivision 3, is amended to read:

Subd. 3. **Pound nets and trap nets.** Pound or trap nets may be used to take lake whitefish, round whitefish, pygmy whitefish, ciscoes, chubs, alewives, rainbow smelt, and rough fish in Lake Superior, including St. Louis Bay east of the U.S. Highway 53 bridge, under the rules prescribed by the commissioner.

Sec. 31. Minnesota Statutes 2006, section 97C.835, subdivision 8, is amended to read:

Subd. 8. **Special permits.** The commissioner may issue special permits to duly licensed commercial fishing operators ~~not exceeding 20 in number,~~ for the purpose of taking lake trout, ciscoes, and lake whitefish spawn during the closed season for the propagation of trout in Lake Superior and adjacent waters under rules prescribed by the commissioner.

Sec. 32. **[97C.836] LAKE SUPERIOR LAKE TROUT EXPANDED ASSESSMENT HARVEST.**

Until September 30, 2012, the commissioner shall provide for taking of lake trout by licensed commercial operators in Lake Superior management zones MN-3 and MN-2 for expanded assessment and sale. The commissioner shall authorize expanded assessment taking and sale of lake trout in Lake Superior management zone MN-3 beginning in 2007 and zone MN-2 beginning in 2010. Total assessment taking and sale may not exceed 3,000 lake trout in zone MN-3 or 2,000 lake trout in zone MN-2 and may be reduced when necessary to protect the lake trout population or to manage the effects of invasive species or fish disease. Taking lake trout for expanded assessment and sale shall be allowed from June 1 to September 30, but may end earlier in the respective zones if the quotas are reached. The commissioner shall establish slot limits for fish taken under this section. The quotas must be reassessed at the expiration of the current ten-year Fisheries Management Plan for the Minnesota Waters of Lake Superior dated September, 2006.

Sec. 33. **VERMILLION HIGHLANDS WILDLIFE MANAGEMENT AREA.**

(a) The following area is established and designated as the Vermillion Highlands Wildlife Management Area, subject to the special permitted uses authorized in this section:

The approximately 2,840 acres owned by the University of Minnesota lying within the area legally described as approximately the southerly 3/4 of the Southwest 1/4 of Section 1, the Southeast 1/4 of Section 2, the East 1/2 of Section 10, Section 11, the West 1/2 of Section 12, Section 13, and

Section 14, all in Township 114 North, Range 19 West, Dakota County.

(b) Notwithstanding Minnesota Statutes, section 86A.05, subdivision 8, paragraph (c), permitted uses in the Vermillion Highlands Wildlife Management Area include:

- (1) education, outreach, and agriculture;
- (2) research by the University of Minnesota or other permitted researchers;
- (3) hunting, fishing, trapping, and other compatible wildlife-related recreation and supporting management and improvements;
- (4) designated trails for hiking, horseback riding, biking, and cross-country skiing and necessary trailhead support;
- (5) shooting sports facilities for firearms training, small and large caliber shooting, archery, and skeet and trap shooting;
- (6) grant-in-aid snowmobile trails; and
- (7) leases for small-scale farms to market vegetable farming.

(c) With the concurrence of representatives of the University of Minnesota and Dakota County, the commissioner of natural resources may, by posting or rule, restrict the permitted uses as follows:

(1) temporarily close areas or trails, by posting at the access points, to facilitate hunting. When temporarily closing trails under this clause, the commissioner shall avoid closing all trail loops simultaneously whenever practical; or

(2) limit other permitted uses to accommodate hunting and trapping after providing advance public notice. Research conducted by the university may not be limited unless mutually agreed by the commissioner and the University of Minnesota.

(d) Notwithstanding Minnesota Statutes, sections 97A.061 and 477A.11, the state of Minnesota shall not provide payments in lieu of taxes for the lands described in paragraph (a).

#### **Sec. 34. RULE AMENDMENTS.**

The commissioner of natural resources may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend rules to conform to sections 29 to 32. Minnesota Statutes, section 14.386, does not apply to the rulemaking under this section except to the extent provided under Minnesota Statutes, section 14.388.

#### **Sec. 35. ACCESS TO MINNESOTA OUTDOORS PLAN.**

Subdivision 1. **Walk-in access plan.** (a) The commissioner of natural resources shall prepare a plan for walk-in public access under which the commissioner may encourage owners and operators of privately held land to voluntarily make that land available for walk-in access by the public for hunting and fishing under programs administered by the commissioner.

(b) As part of the plan, the commissioner shall explore entering into contracts with the owners or lessees of land to establish voluntary walk-in public access for hunting, fishing, or other wildlife-dependent recreational activities.



(c) In the plan, the commissioner must describe:

(1) the benefits that private land will provide the public, such as hunting, fishing, bird watching, and related outdoor activities; and

(2) the types of game, fish, and wildlife habitat improvements made to the land that will enhance public uses.

(d) The commissioner shall explore walk-in public access programs in other states and recommend a walk-in program for public access to private lands for hunting, fishing, and related recreational activities.

Subd. 2. **Preemption.** Nothing in the plan may preempt trespass or liability laws.

Subd. 3. **Report.** By January 15, 2008, the commissioner must present the walk-in public access plan to the house of representatives and senate committees with jurisdiction over natural resources policy and finance, with recommendations on program implementation.

Sec. 36. **CORMORANT DIETARY STUDY.**

The Department of Natural Resources shall conduct a dietary study of the cormorant population on Lake of the Woods, in consultation with local units of governments bordering Lake of the Woods. The cost of the study shall be paid by local units of government associated with the study.

Sec. 37. **REPEALER.**

Minnesota Statutes 2006, sections 97A.475, subdivision 38; and 97C.365, are repealed.

## ARTICLE 4

### STATE LANDS

Section 1. Minnesota Statutes 2006, section 84.0272, subdivision 3, is amended to read:

Subd. 3. **Minimal value acquisition.** (a) Notwithstanding subdivision 1, if the commissioner determines that lands or interests in land have a value less than ~~\$5,000~~ \$100,000, the commissioner may acquire the lands for the value determined by the commissioner without an appraisal. The commissioner shall make the determination based upon available information including, but not limited to:

(1) the most recent assessed market value of the land or interests in land as determined by the county assessor of the county in which the land or interests in land is located;

(2) a sale price of the land or interests in land, provided the sale occurred within the past year;

(3) the sale prices of comparable land or interests in land located in the vicinity and sold within the past year; or

(4) an appraisal of the land or interests in land conducted within the past year.

(b) In the event the value is ~~minimal~~ less than \$1,000, the commissioner may add a transaction incentive, provided that the sum of the incentive plus the value of the land does not exceed \$1,000.

Sec. 2. Minnesota Statutes 2006, section 84.0274, subdivision 5, is amended to read:

Subd. 5. **Owner's rights.** When the state proposes to purchase in fee or any lesser interest in land which will be administered by the commissioner of natural resources, the landowner shall have the following rights:

(a) The right to be informed of the specific intended use of the property and of any change in the intended use of the property which occurs during the acquisition process. The owner shall also be informed that the documents regarding the purchase will be public records if the land is purchased by the state;

(b) The right to be paid a fair price for the property. The price shall include the fair market value of the land plus:

(1) All necessary incidental costs such as abstracting and recording fees related to the sale. The costs of clearing title defects, paying taxes, and attorney's fees are not reimbursable; and

(2) Any penalties incurred by the owner where the property is security for a loan or advance of credit that contains a provision requiring or permitting the imposition of a penalty if the loan or advance of credit is prepaid;

(c) The right to payment, at the owner's election, in a lump sum or in up to four annual installments;

(d) The right to have the property fairly appraised by the state. The state's appraiser shall physically inspect the property and ~~shall allow the owner along the owner shall be allowed to accompany the appraiser when the appraisal is made.~~ The state's appraiser shall certify in the appraisal report to having physically inspected the property and having given the landowner an opportunity to go along accompany the appraiser on inspections. Notwithstanding section 13.44, subdivision 3, before an offer is made, the landowner shall be given a resume of the state's certified appraisal. The resume shall include the appraiser's conclusions as to value, acreage and type of land, value of buildings and other improvements, value of timber, special damages and any special elements of value informed of the value determined pursuant to section 84.0272;

(e) The right to retain a qualified independent appraiser to conduct an appraisal at any time prior to certification of the state's appraisal of the property and to be reimbursed for appraisal fees as provided in section 117.232, subdivision 1, if the land is sold to the state and to have that appraisal considered along with the state's in certifying the selling price;

(f) The right to have the state acquire the property by means of condemnation upon the owner's request with the agreement of the commissioner;

(g) The right to receive or waive relocation assistance, services, payments and benefits as provided in sections 117.52 and 117.521;

(h) The right to accept the state's offer for the property and contest the state's offer for relocation and moving expenses;

(i) The right to continue occupancy of the property until full payment is received, provided that when the owner elects to receive payment in annual installments pursuant to clause (c), the owner may retain occupancy until the first payment is made; and

(j) The right to seek the advice of counsel regarding any aspect of the land transaction.

Sec. 3. Minnesota Statutes 2006, section 85.013, is amended by adding a subdivision to read:

Subd. 11b. Greenleaf Lake State Recreation Area, which is hereby renamed from Greenleaf Lake State Park.

Sec. 4. Minnesota Statutes 2006, section 89.55, is amended to read:

**89.55 INFESTATION CONTROL, COSTS.**

Upon the establishment of the zone of infestation, the commissioner may apply measures of infestation control on public and private forest and other lands within ~~such~~ an infected zone and to any trees, timber, plants ~~or~~ shrubs thereon, or contaminated soil harboring or which may harbor the forest pests. For this purpose, the duly authorized ~~representatives~~ representatives of the commissioner are authorized to enter upon any lands, public or private within such zone. The commissioner may enter into agreements with owners of the lands in the zone covering the control work on their lands, and fixing the pro rata basis on which the cost of ~~such~~ the work will be shared between the commissioner and said owner.

**Sec. 5. [89.551] APPROVED FIREWOOD REQUIRED.**

(a) After the commissioner issues an order under paragraph (b), a person may not possess firewood on land administered by the commissioner of natural resources unless the firewood:

(1) was obtained from a firewood distribution facility located on land administered by the commissioner;

(2) was obtained from a firewood dealer who is selling firewood that is approved by the commissioner under paragraph (b); or

(3) has been approved by the commissioner of natural resources under paragraph (b).

(b) The commissioner of natural resources shall, by written order published in the State Register, approve firewood for possession on lands administered by the commissioner. The order is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(c) A violation under this section is subject to confiscation of firewood and after May 1, 2008, a petty misdemeanor penalty.

(d) For the purposes of this section, "firewood" means any wood that is intended for use in a campfire, as defined in section 88.01, subdivision 25.

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

Sec. 6. Minnesota Statutes 2006, section 93.55, subdivision 1, is amended to read:

Subdivision 1. **Forfeiture; failure to record.** If the owner of a mineral interest fails to record the verified statement required by section 93.52, before January 1, 1975, as to any interests owned on or before December 31, 1973, or within one year after acquiring ~~such~~ the interests as to interests acquired after December 31, 1973, ~~and not previously recorded under section 93.52,~~ the mineral interest shall forfeit to the state after notice and opportunity for hearing as provided in this section. However, before completing the procedures set forth in subdivision 2, the commissioner of natural resources may lease the severed mineral interest as provided in subdivisions 1a and 3.

Sec. 7. Minnesota Statutes 2006, section 97A.145, subdivision 2, is amended to read:

Subd. 2. **Acquisition procedure.** (a) Except as provided in paragraph (g), lands purchased or leased under this section must be acquired in accordance with this subdivision.

(b) The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board must approve or disapprove the proposed acquisition within 90 days after being notified. The commissioner may extend the time up to 30 days. The soil and water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.

(c) If the county board approves the acquisition within the prescribed time, the commissioner may acquire the land.

(d) If the county board disapproves the acquisition, it must state valid reasons. The commissioner may not purchase or lease the land if the county board disapproves the acquisition and states its reasons within the prescribed time period. The landowner or the commissioner may appeal the disapproval to the district court having jurisdiction where the land is located.

(e) The commissioner or the owner of the land may submit the proposed acquisition to the Land Exchange Board if: (1) the county board does not give reason for disapproval, or does not approve or disapprove the acquisition within the prescribed time period; or (2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.

(f) The Land Exchange Board must conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal. The Land Exchange Board must give notice of the hearing to the county board, the commissioner, the landowner, and other interested parties. The Land Exchange Board must consider the interests of the county, the state, and the landowner in determining whether the acquisition is in the public interest. If a majority of the Land Exchange Board members approves the acquisition, the commissioner may acquire the land. If a majority disapproves, the commissioner may not purchase or lease the land.

(g) This subdivision does not apply to land acquired for the following wildlife management areas: Bearman, Bethel, Carl E. Bonnell, Carlos Avery, Gordie Mikkelson, Houle, Lamprey Pass, and Robert and Marilyn Burman.

Sec. 8. Minnesota Statutes 2006, section 477A.12, subdivision 1, is amended to read:

Subdivision 1. **Types of land; payments.** (a) As an offset for expenses incurred by counties and towns in support of natural resources lands, the following amounts are annually appropriated to the commissioner of natural resources from the general fund for transfer to the commissioner of revenue. The commissioner of revenue shall pay the transferred funds to counties as required by sections 477A.11 to 477A.145. The amounts are:

(1) for acquired natural resources land, \$3, as adjusted for inflation under section 477A.145, multiplied by the total number of acres of acquired natural resources land or, at the county's option three-fourths of one percent of the appraised value of all acquired natural resources land in the county, whichever is greater;

(2) 75 cents, as adjusted for inflation under section 477A.145, multiplied by the number of acres of county-administered other natural resources land;

(3) ~~75 cents~~ \$3, as adjusted for inflation under section 477A.145, multiplied by the total number of acres of land utilization project land that is located entirely within a wildlife management area as described in section 86A.05, subdivision 8; and 75 cents, as adjusted for inflation under section 477A.145, multiplied by the total number of acres of land utilization project land not located within a wildlife management area; and

(4) 37.5 cents, as adjusted for inflation under section 477A.145, multiplied by the number of acres of commissioner-administered other natural resources land located in each county as of July 1 of each year prior to the payment year.

(b) The amount determined under paragraph (a), clause (1), is payable for land that is acquired from a private owner and owned by the Department of Transportation for the purpose of replacing wetland losses caused by transportation projects, but only if the county contains more than 500 acres of such land at the time the certification is made under subdivision 2.

**EFFECTIVE DATE.** This section is effective for payments in 2008 and thereafter.

Sec. 9. Minnesota Statutes 2006, section 477A.14, subdivision 1, is amended to read:

Subdivision 1. **General distribution.** Except as provided in subdivision 2 or in section 97A.061, subdivision 5, 40 percent of the total payment to the county shall be deposited in the county general revenue fund to be used to provide property tax levy reduction. The remainder shall be distributed by the county in the following priority:

(a) 37.5 cents, as adjusted for inflation under section 477A.145, for each acre of county-administered other natural resources land shall be deposited in a resource development fund to be created within the county treasury for use in resource development, forest management, game and fish habitat improvement, and recreational development and maintenance of county-administered other natural resources land. Any county receiving less than \$5,000 annually for the resource development fund may elect to deposit that amount in the county general revenue fund;

(b) From the funds remaining, within 30 days of receipt of the payment to the county, the county treasurer shall pay each organized township 30 cents, as adjusted for inflation under section 477A.145, for each acre of acquired natural resources land, each acre of land utilization project land located entirely within a wildlife management area, and each acre of land described in section 477A.12, subdivision 1, paragraph (b), and 7.5 cents, as adjusted for inflation under section 477A.145, for each acre of other natural resources land and each acre of land utilization project land not located within a wildlife management area, located within its boundaries. Payments for natural resources lands not located in an organized township shall be deposited in the county general revenue fund. Payments to counties and townships pursuant to this paragraph shall be used to provide property tax levy reduction, except that of the payments for natural resources lands not located in an organized township, the county may allocate the amount determined to be necessary for maintenance of roads in unorganized townships. Provided that, if the total payment to the county pursuant to section 477A.12 is not sufficient to fully fund the distribution provided for in this clause, the amount available shall be distributed to each township and the county general revenue fund on a pro rata basis; and

(c) Any remaining funds shall be deposited in the county general revenue fund. Provided that, if the distribution to the county general revenue fund exceeds \$35,000, the excess shall be used to

provide property tax levy reduction.

**EFFECTIVE DATE.** This section is effective for payments in 2008 and thereafter.

Sec. 10. Laws 2006, chapter 236, article 1, section 21, is amended to read:

**Sec. 21. EXCHANGE OF TAX-FORFEITED LAND; PRIVATE SALE; ITASCA COUNTY.**

(a) For the purpose of a land exchange for use in connection with a proposed steel mill in Itasca County referenced in Laws 1999, chapter 240, article 1, section 8, subdivision 3, title examination and approval of the land described in paragraph (b) shall be undertaken as a condition of exchange of the land for class B land, and shall be governed by Minnesota Statutes, section 94.344, subdivisions 9 and 10, and the provisions of this section. Notwithstanding the evidence of title requirements in Minnesota Statutes, section 94.344, subdivisions 9 and 10, the county attorney shall examine one or more title reports or title insurance commitments prepared or underwritten by a title insurer licensed to conduct title insurance business in this state, regardless of whether abstracts were created or updated in the preparation of the title reports or commitments. The opinion of the county attorney, and approval by the attorney general, shall be based on those title reports or commitments.

(b) The land subject to this section is located in Itasca County and is described as:

(1) Sections 3, 4, 7, 10, 14, 15, 16, 17, 18, 20, 21, 22, 23, 26, 28, and 29, Township 56 North, Range 22 West;

(2) Sections 3, 4, 9, 10, 13, and 14, Township 56 North, Range 23 West;

(3) Section 30, Township 57 North, Range 22 West; and

(4) Sections 25, 26, 34, 35, and 36, Township 57 North, Range 23 West.

(c) Riparian land given in exchange by Itasca County for the purpose of the steel mill referenced in paragraph (a), is exempt from the restrictions imposed by Minnesota Statutes, section 94.342, subdivision 3.

(d) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Itasca County may sell, by private sale, any land received in exchange for the purpose of the steel mill referenced in paragraph (a), under the remaining provisions of Minnesota Statutes, chapter 282. The sale must be in a form approved by the attorney general.

(e) Notwithstanding Minnesota Statutes, section 284.28, subdivision 8, or any other law to the contrary, land acquired through an exchange under this section is exempt from payment of three percent of the sales price required to be collected by the county auditor at the time of sale for deposit in the state treasury.

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

**Sec. 11. ADDITIONS TO STATE PARKS.**

Subdivision 1. [85.012] [Subd. 16.] Flandrau State Park, Brown County. The following area is added to Flandrau State Park, Brown County: that part of Lot 2, Block One, Conklin Addition in

the city of New Ulm, Brown County, Minnesota, according to the plat of record in the Office of the County Recorder, Brown County, Minnesota, described as follows: beginning at the southerly most corner of Lot 2, Block One, Conklin Addition in the city of New Ulm, Brown County, Minnesota; thence North 55 degrees 29 minutes 26 seconds East (assumed bearing) along the southeasterly line of said Lot 2 a distance of 107.92 feet; thence South 60 degrees 45 minutes 57 seconds West a distance of 102.48 feet to the westerly line of Lot 2; thence South 02 degrees 33 minutes 23 seconds East along said westerly line of Lot 2 a distance of 11.10 feet to the point of beginning; containing 508 square feet, more or less, and subject to easements of record in said County and State.

Subd. 2. [85.012] [Subd. 59.] Whitewater State Park, Winona County. The following area is added to Whitewater State Park, Winona County: that part of the Southeast Quarter of Section 18, Township 107 North, Range 10 West, Winona County, Minnesota, described as follows: commencing at the southwest corner of the Northwest Quarter of Section 17, Township 107 North, Range 10 West; thence on an assumed bearing of South 89 degrees 26 minutes 39 seconds East along the south line of said Northwest Quarter, 303.04 feet; thence continue South 89 degrees 26 minutes 39 seconds East along said south line 1327.79 feet; thence South 00 degrees 33 minutes 21 seconds West, 300.00 feet; thence North 89 degrees 26 minutes 39 seconds West parallel with said south line, 1027.83 feet; thence South 00 degrees 33 minutes 21 seconds West, 300.00 feet; thence North 89 degrees 26 minutes 39 seconds West parallel with said south line, 597 feet, more or less, to the intersection with the east line of the Southeast Quarter of said Section 18 being also the POINT OF BEGINNING; thence North 89 degrees 26 minutes 39 seconds West parallel with said south line, 330 feet, more or less, to the centerline of a township road; thence North 16 degrees 01 minutes 55 seconds West along said centerline, 170.44 feet; thence northwesterly along said centerline on a tangential curve concave southwesterly, having a central angle of 10 degrees 57 minutes 52 seconds, radius of 2426.00 feet, for an arc length of 464.25 feet to the north line of said Southeast Quarter of Section 18; thence North 89 degrees 48 minutes 48 seconds East along the north line of said Southeast Quarter, 547.06 feet to the southwest corner of said Northwest Quarter; thence South 00 degrees East, a distance of 600 feet, more or less, along the said east line to the POINT OF BEGINNING. Containing 5.78 acres, more or less.

#### Sec. 12. DELETIONS FROM STATE PARKS.

[85.012] [Subd. 16.] Flandrau State Park, Brown County. The following area is deleted from Flandrau State Park, Brown County: that part of Outlot 293 in the city of New Ulm, according to the Plat of the City of New Ulm, of record in the Office of the County Recorder, Brown County, Minnesota, described as follows: commencing at the southerly most corner of Lot 2, Block One, Conklin Addition in the city of New Ulm, Brown County, Minnesota; thence North 55 degrees 29 minutes 26 seconds East (assumed bearing), along the southeasterly line of said Lot 2, a distance of 107.92 feet to the point of beginning; thence continuing North 55 degrees 29 minutes 26 seconds East, along said southerly line of Lot 2, a distance of 80.95 feet, to the easterly most corner of said Lot 2; thence South 19 degrees 33 minutes 58 seconds East, along the southeasterly prolongation of the easterly line of said Lot 2, a distance of 10.0 feet; thence South 62 degrees 31 minutes 07 seconds West, 78.97 feet to the point of beginning, containing 391 square feet, more or less, and subject to easement of record in said county and state.

#### Sec. 13. GREENLEAF LAKE STATE RECREATION AREA.

Subdivision 1. [85.013] [Subd. 11b.] Greenleaf Lake State Recreation Area. In addition to the lands designated under Laws 2003, First Special Session chapter 13, section 6, as amended by

Laws 2004, chapter 262, article 2, section 10, the following lands are added to the Greenleaf Lake State Recreation Area:

(1) the West 1104.98 feet of Government Lot 4, Section 21, Township 118 North, Range 30 West, Meeker County, Minnesota; and

(2) that part of Government Lot 7 of Section 20, Township 118, Range 30, which lies south of the following described line and its extensions: said line commencing at the southwest corner of said Section 20; thence on an assumed bearing of North 08 degrees 22 minutes 44 seconds West, along the west line of said section, a distance of 1350.00 feet to the point of beginning of the line to be described; thence North 88 degrees 28 minutes 35 seconds East, a distance of 699 feet to the shoreline of Greenleaf Lake and said line terminating thereat; and Government Lot 8 of said section except the following described tract: said tract being that part of said Government Lot 8 lying east of the following described line: said line commencing at the southwest corner of said section; thence easterly, along the south line of said section, a distance of 734.60 feet to the point of beginning of the line to be described; thence north at a right angle, a distance of 100 feet and said line terminating thereat.

Subd. 2. **Management plan.** The commissioner of natural resources, in consultation with local elected officials and citizens of Meeker County and other interested stakeholders, shall develop a comprehensive management plan that provides for opportunities for outdoor recreation, as defined under Minnesota Statutes, section 86A.03, subdivision 3, in Greenleaf Lake State Recreation Area. The completed management plan shall serve as the master plan for purposes of Minnesota Statutes, section 86A.09.

**Sec. 14. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; AITKIN COUNTY.**

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

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

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

(1) Government Lot 3, Section 24, Township 50 North, Range 25 West, containing 5.8 acres, more or less; and

(2) Government Lot 4, Section 24, Township 50 North, Range 25 West, containing 0.9 acres, more or less.

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

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

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general



may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Aitkin County and is described as follows: Government Lot 2, Section 8, Township 48 North, Range 25 West, containing 34.6 acres, more or less.

(d) The land borders Gun Lake. The Department of Natural Resources has determined that school trust management interests would best be served if the land was sold.

**Sec. 16. PUBLIC SALE OF CONSOLIDATED CONSERVATION LAND BORDERING PUBLIC WATER; AITKIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, and the classification provisions of Minnesota Statutes, chapters 84A and 282, Aitkin County may sell by public sale the consolidated conservation land bordering public water that is described in paragraph (c).

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

(c) The land that may be sold is located in Aitkin County and is described as follows: Government Lot 1, Section 7, Township 47 North, Range 26 West, containing 1.25 acres, more or less.

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

**Sec. 17. PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND; AITKIN COUNTY.**

(a) Notwithstanding the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, the commissioner of natural resources may sell by private sale the consolidated conservation land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The consideration for the conveyance must be for no less than the appraised value of the land and timber and survey costs. Proceeds shall be disposed of according to Minnesota Statutes, chapter 84A.

(c) The land that may be sold is located in Aitkin County and is described as follows: the North 370 feet of the East 590 feet of the Southeast Quarter of the Northeast Quarter, Section 24, Township 48 North, Range 24 West, containing 5.0 acres, more or less.

(d) The land will be sold "as is" to the current leaseholder who will assume responsibility for any site cleanup needed due to the use of the land for a concrete plant by the previous leaseholder. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

**Sec. 18. PUBLIC SALE OF CONSOLIDATED CONSERVATION LAND; AITKIN COUNTY.**

(a) Notwithstanding the classification provisions of Minnesota Statutes, chapters 84A and 282, Aitkin County may sell by public sale the consolidated conservation land that is described in paragraph (c).

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

(c) The land that may be sold is located in Aitkin County and is described as follows: the Northeast Quarter of the Northeast Quarter, Section 21, Township 47 North, Range 26 West, containing 40 acres, more or less.

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

**Sec. 19. CONVEYANCE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; BELTRAMI COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may convey to a governmental subdivision of the state for no payment the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The conveyance must provide that the land described in paragraph (c) be used for the public and reverts to the state if the governmental subdivision fails to provide for public use or abandons the public use of the land.

(c) The land that may be conveyed is located in Beltrami County and is described as follows: that part of Government Lot 3, Section 4, Township 146 North, Range 34 West, described as follows: starting from meander corner number 4, which is located on the north section line of Section 4, Township 146 North, Range 34 West, 1518.0 feet in an easterly direction from the northwest corner of said section; thence South 16 degrees 17 minutes East a distance of 131.6 feet; thence South 46 degrees 35 minutes East a distance of 206.8 feet; thence South 6 degrees 37 minutes East a distance of 89.4 feet; thence South 14 degrees 32 minutes East a distance of 139.0 feet; thence South 10 degrees 34 minutes West a distance of 221.5 feet; thence South 83 degrees 46 minutes West a distance of 178.5 feet to the starting point; thence South 47 degrees 15 minutes West a distance of 275.0 feet; thence South 38 degrees 53 minutes East a distance of 285.7 feet; thence North 61 degrees 27 minutes East a distance of 122.0 feet; thence North 73 degrees 47 minutes East a distance of 300.0 feet; thence North 12 degrees 40 minutes West a distance of 37.6 feet; thence North 20 degrees 30 minutes West a distance of 113.5 feet; thence North 51 degrees 15 minutes West a distance of 320.7 feet; thence South 38 degrees 15 minutes West a distance of 116.8 feet to the starting point, containing 3.5 acres, more or less.

(d) The land borders Grant Lake and is not contiguous to other state lands. The land was donated to the state for use as a public campground and is used by local residents as a day-use park. The Department of Natural Resources has determined that the state's land management interests would best be served if the land were conveyed to a local unit of government.

**Sec. 20. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CASS COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell the land to the Leech Lake Band of Ojibwe for less than the value of the land as determined by the commissioner, but the conveyance must provide that the land be used for the public and reverts to the state if the band fails to provide for public use or abandons the public use of the land. The commissioner may include conservation restrictions in the conveyance deed to ensure the property is maintained as open space.

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

(1) Government Lot 3, Section 14, Township 142 North, Range 29 West, containing 35.54 acres, more or less; and

(2) Government Lot 6, Section 14, Township 142 North, Range 29 West, containing 2.06 acres, more or less.

(d) The land is located on Bear Island in Leech Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

**Sec. 21. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CASS COUNTY.**

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

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

(c) The land that may be sold is located in Cass County and is described as follows: that part of Government Lot 7, Section 28, Township 142 North, Range 26 West, described as follows: commencing at the south quarter corner of said Section 28, from which the southwest corner of said Section 28 bears, based on the Cass County Coordinate System of NAD 1983, South 89 degrees 44 minutes 53 seconds West, 2775.06 feet; thence North 52 degrees 48 minutes 53 seconds West, 1326.13 feet to the southeast corner of that particular tract of land conveyed to the state of Minnesota and filed for record on November 9, 1961, in Book 121 of Deeds, Page 598, and to a railroad spike on the centerline of County State-Aid Highway 4; thence North 52 degrees 12 minutes 27 seconds West, 221.06 feet along the southwesterly line of said particular tract of land conveyed to the state of Minnesota and the centerline of County State-Aid Highway 4 to a spike; thence North 51 degrees 01 minutes 41 seconds West, 111.72 feet along the southwesterly line of said particular tract of land conveyed to the state of Minnesota and the centerline of County State-Aid Highway 4 to a mag nail and the point of beginning of the land to be described; thence continuing North 51 degrees 01 minutes 41 seconds West, 41.42 feet along the southwesterly line of said particular tract of land conveyed to the state of Minnesota and the centerline of County State-Aid Highway 4 to a mag nail; thence North 13 degrees 19 minutes 36 seconds East, 144.63 feet to a 3/4" x 24" rebar with plastic cap stamped "MN DNR LS 17005" (DNR MON); thence continuing North 13 degrees 19 minutes 36 seconds East, 5 feet, more or less, to the water's edge of Little Sand Lake; thence southeasterly, a distance of 50 feet, more or less, along said water's edge to a line which bears North 13 degrees 19 minutes 36 seconds East from the point of beginning; thence South 13 degrees 19 minutes 36

seconds West, 5 feet, more or less, to a DNR MON, thence continuing South 13 degrees 19 minutes 36 seconds West, 129.22 feet to the point of beginning and there terminating. Containing 0.12 acres, more or less, subject to existing road easements.

(d) The land is located on Little Sand Lake. The sale will be to the adjoining landowner in conjunction with an acquisition to resolve an unintentional trespass by the state which occurred when the Department of Natural Resources constructed a water access site.

**Sec. 22. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; COOK COUNTY.**

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

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

(c) The land that may be sold is located in Cook County and is described as follows: the Northwest Quarter of the Northeast Quarter, Section 33, Township 63 North, Range 3 East, containing 40 acres, more or less.

(d) The land borders Mons Creek and was acquired in a land exchange in 2003. The Department of Natural Resources has determined that school trust management interests would best be served if the land was sold.

**Sec. 23. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; COOK COUNTY.**

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

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

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

(1) Outlot A & Caribou Backlot, Cook County. Outlot A of White Sky, according to the plat on file and of record in the Office of the Recorder for Cook County, Minnesota, containing 0.74 acres, more or less; and

(2) that part of Government Lot 4, Section 2, Township 60 North, Range 3 West, lying northerly of Cook County Road 4, southerly of the plat of White Sky, and westerly of Lot 1, Block 1 of White Sky First Addition, according to the plats on file and of record in the Office of the Recorder for Cook County, containing 1.02 acres, more or less.

(d) The land borders Caribou Lake. The Department of Natural Resources has determined that school trust management interests would best be served if the lands were sold.

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

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources

may sell by public sale the surplus land bordering public water that is described in paragraph (c).

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

(c) The land that may be sold is located in Cook County and is described as follows: that part of Government Lot 10, Section 35, Township 65 North, Range 1 West, more fully described as follows: being the easterly 863.9 feet of Government Lot 10, EXCEPT the southerly 40.3 feet thereof. The west and south boundary lines being perpendicular to and parallel with the south boundary of Government Lot 10, respectively. Containing 3.3 acres, more or less.

(d) The land borders West Bearskin Lake, was acquired in a land exchange in 2000, and is not contiguous to other state lands. The Department of Natural Resources has determined that school trust management interests would best be served if the land was sold.

**Sec. 25. PRIVATE SALE OF SURPLUS STATE LAND; HENNEPIN COUNTY.**

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

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

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

(1) the Northwest Quarter of Southwest Quarter, Section 36, Township 120 North, Range 22 West, less road right-of-way, containing 39 acres, more or less;

(2) the east six and two-thirds acres of the West Half of the Southeast Quarter of the Southwest Quarter, Section 36, Township 120 North, Range 22 West, less road right-of-way, containing 6.67 acres, more or less; and

(3) the West Quarter of the East Half of the Southeast Quarter of the Southwest Quarter, Section 36, Township 120 North, Range 22 West, less road right-of-way, containing 4.87 acres, more or less.

(d) The land was conveyed to the state for wild game reservation purposes. Due to adjacent residential use and local zoning restrictions, the land is no longer available for hunting purposes. The Department of Natural Resources has determined that the state's land management interests would best be served if the lands were conveyed to a local unit of government.

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

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale to a governmental subdivision the surplus land bordering public water that is described in paragraph (c).

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

(c) The land that may be sold is located in Hennepin County and is described as follows: all that part of the Northwest Quarter of the Southwest Quarter and Government Lot 2, Section 25, Township 120 North, Range 22 West, lying north and westerly of the following described line: beginning at a point on the west line of said section 830.19 feet South of the west 1/4 corner thereof; thence North 36 degrees 55 minutes East, 109.88 feet; thence North 00 degrees 00 minutes, 1217.3 feet more or less to the water's edge of Haydens Lake. Subject to existing road easements. Containing 1.9 acres, more or less.

(d) The land was purchased by the state for a water access site but has never been used as a water access site. The Department of Natural Resources has determined that the state's land management interests would best be served if the land was conveyed to a local unit of government.

**Sec. 27. PUBLIC OR PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; KITTSOON COUNTY.**

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

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

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

(1) Parcel 1: Lot 7, Block 4, Park Addition to Bronson, lying in the Southwest Quarter of the Southwest Quarter, Section 30, Township 161 North, Range 46 West, containing 0.92 acres, more or less;

(2) Parcel 2: that part of Lots 5 and 6, Block 4, Park Addition to Bronson, lying in the Southwest Quarter of the Southwest Quarter, Section 30, Township 161 North, Range 46 West, more particularly described as follows: commencing at the midpoint of the west line of said Lot 5, which point is 33 feet East of the west line of said Southwest Quarter of the Southwest Quarter of Section 30; thence East and parallel to the south line of said Lot 5, a distance of 157 feet; thence South on a straight line at right angles to the immediately preceding line of this description to the center of the south branch of Two Rivers; thence northwesterly along the center line of said south branch of Two Rivers to its intersection with a north and south line parallel to the west line of said Southwest Quarter of the Southwest Quarter of Section 30, and distant 33 feet East therefrom, which line is also the west line of said Block 4; thence North along said west line of said Block 4, to the point of beginning, containing 0.39 acres, more or less;

(3) Parcel 12: that part of Block 4, of the Park Addition to the village of Bronson, Kittson County, Minnesota, which may be more particularly described as follows: Lot 6, Block 4, with the exception of a tract consisting of the westerly 157 feet of said Lot 6, deeded to the Olof Locken Post, No. 315, of the American Legion, containing 0.68 acres, more or less; ALSO the following described portion of Lot 8 of said Block 4: commencing at a point on the west line of said Lot 8, 140 feet North of the southwest corner of said Lot 8; thence North along said west line of Lot 8, a distance of 68 feet; thence East at right angles to the said west line of Lot 8 to the east line of said Lot 8; thence South along the east line of said Lot 8, a distance of 68 feet; thence West at right angles to said east line of Lot 8 to the point of beginning, containing 0.05 acres, more or less; EXCEPTING therefrom the following described tract of land: commencing at the northeast corner of Block 4 in Park Addition to the village of Lake Bronson; thence South at right angles a distance of 265 feet to the point of beginning; thence West at right angles a distance of 143 feet; thence South at right angles a distance of 111 feet to the center of the Two Rivers; thence East at right angles a distance of 143 feet to the east line of Lot 8; thence North at right angles a distance of 111 feet to the point of beginning, being a part of Lot 6 and Lot 8 of Block 4, containing altogether 0.75 acres, more or less; and

(4) Parcel 13: that part of Lot 8, Block 4 of the Park Addition to the village of Bronson, Kittson County, Minnesota, which may be more particularly described as follows: the South 140 feet of said Lot 8, Block 4, containing 0.10 acres, more or less; ALSO the following portion of said Lot 8: commencing at a point on the west line of said Lot 8, 208 feet North of the southwest corner of said Lot 8; thence North along said west line of Lot 8, a distance of 5.6 feet; thence East at right angles to said west line of Lot 8 to the east line of said Lot 8, thence South along said east line of Lot 8, a distance of 5.8 feet; thence West at right angles to said east line of Lot 8, to the point of beginning, containing 0.004 acres, more or less; containing altogether 0.104 acres, more or less.

(d) The land borders South Branch Two Rivers and is not contiguous to other state lands. The land was acquired for park purposes but was not included in a state park. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

**Sec. 28. PRIVATE SALE OF SURPLUS STATE LAND; KITTSON COUNTY.**

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

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

(c) The land that may be sold is located in Kittson County and is described as follows: a parcel of land in the Southwest Quarter of the Southeast Quarter of Section 30, Township 161 North, Range 46 West, more particularly described as follows: beginning at a point which is 33 feet North of the south line and 422 feet East of the west line of said Southwest Quarter of the Southeast Quarter; thence East parallel to said south line, 726 feet; thence North parallel to said west line, 300 feet; thence West parallel to said south line, 726 feet; thence South parallel to said west line, 300 feet to the point of beginning. Containing 5.00 acres, more or less.

(d) The sale may be to multiple parties, including the county for the county highway right-of-way, the township for the township road, and adjoining landowners to resolve unintentional agricultural trespasses. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

**Sec. 29. PRIVATE SALE OF SURPLUS STATE LAND; LAKE COUNTY.**

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

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

(c) The land that may be sold is located in Lake County and is described as follows: that part of the Northeast Quarter of the Southwest Quarter, Section 16, Township 57 North, Range 6 West, described as follows: commencing at the southeast corner of said Northeast Quarter of the Southwest Quarter marked by a DNR survey marker (3/4 inch x 18 inch rebar with an orange cap marked MN DNR LS 16098); thence North 89 degrees 11 minutes 24 seconds West based on the Lake County Coordinate System North Shore Zone, NAD83, 1986 adjustment, along the south line of said Northeast Quarter of the Southwest Quarter, 439.78 feet to a DNR survey marker on the westerly right-of-way of Trunk Highway 61 and the point of beginning; thence continuing North 89 degrees 11 minutes 24 seconds West along said south line 426.27 feet to a DNR survey marker; thence North 00 degrees 48 minutes 36 seconds East 100.00 feet to a DNR survey marker; thence South 89 degrees 11 minutes 24 seconds East 494.20 feet to a DNR survey marker on said westerly right-of-way; thence South 34 degrees 59 minutes 57 seconds West along said westerly right-of-way 120.89 feet, more or less, to the point of beginning. Containing 1.06 acres, more or less.

(d) The sale would be to the adjoining landowner and resolve an unintentional trespass that occurred when a garage was constructed on state-owned land. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

**Sec. 30. PRIVATE SALE OF SURPLUS STATE LAND; LAKE COUNTY.**

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

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

(c) The land that may be sold is located in Lake County and is described as follows: that part of the Northwest Quarter of the Southeast Quarter, Section 16, Township 57 North, Range 6 West, described as follows: commencing at the northwest corner of said Northwest Quarter of the Southeast Quarter marked by a DNR survey marker (3/4 inch x 18 inch rebar with an orange cap marked MN DNR LS 16098); thence South 89 degrees 14 minutes 10 seconds East based on the Lake County Coordinate System North Shore Zone, NAD83, 1986 adjustment, along the north line of said Northwest Quarter of the Southeast Quarter, 191.15 feet to a DNR survey marker and the point of beginning; thence continuing South 89 degrees 14 minutes 10 seconds East along said north line 264.92 feet to a DNR survey marker on the westerly right-of-way of Trunk Highway 61; thence South 34 degrees 59 minutes 57 seconds West along said westerly right-of-way 200.00 feet; thence North 41 degrees 54 minutes 07 seconds West 224.87 feet, more or less, to the point of beginning. Containing 0.50 acres, more or less.

(d) The sale would be to the adjoining landowner and resolve an unintentional trespass that occurred when a garage and house were constructed on state-owned land. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.



**Sec. 31. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; NICOLLET COUNTY.**

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

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

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

(1) that part of the Southwest Quarter and that part of the Southeast Quarter, Section 8, Township 109 North, Range 29 West, being described as a strip of land 300.0 feet in width lying adjacent to and northerly of the following described centerline of proposed channel change: commencing at the center of Section 8, Township 109 North, Range 20 West, from which the north quarter corner of said Section 8 bears North 0 degrees 00 minutes East, thence South 0 degrees 00 minutes East for 1280 feet on said quarter line; thence South 90 degrees 00 minutes East for 54.9 feet to road station 40+40 on the centerline of County State-Aid Highway 24 which is the true point of beginning for the centerline of channel change; thence South 75 degrees 58 minutes East for a distance of 553.5 feet on centerline of channel change; thence South 75 degrees 58 minutes East for a distance of 1540.0 feet and there terminating; and from the true point of beginning North 77 degrees 58 minutes West for a distance of 770 feet and there terminating; SAID LANDS ALSO DESCRIBED AS: a strip of land lying and being 300.0 feet each side of the following described centerline of proposed channel change: beginning at a point 1280.0 feet South and 54.9 feet East of the center of Section 8, Township 109 North, Range 29 West; thence easterly on a bearing of South 77 degrees 00 minutes East for a distance of 553.5 feet; thence easterly on a bearing of South 75 degrees 00 minutes East for a distance of 1540.0 feet and there terminating. This includes 3.005 acres in part of the North Half of the Southeast Quarter of Section 8, Township 109 North, Range 29 West, and 10.932 acres in part of Government Lot 2 of Section 8, Township 109 North, Range 29 West. Also from the point of beginning, westerly on a bearing of North 77 degrees 00 minutes West for a distance of 770.0 feet and there terminating. This includes 4.098 acres in part of the Southwest Quarter of Section 8, Township 109 North, Range 29 West. Containing 3.01 acres, more or less; and

(2) that part of the Southwest Quarter and that part of the Southeast Quarter, Section 8, Township 109 North, Range 29 West, Nicollet County, Minnesota, being described as a strip of land 300.0 feet in width lying adjacent to and southerly of the following described centerline of proposed channel change: commencing at the center of Section 8, Township 109 North, Range 20 West, from which the north quarter corner of said Section 8 bears North 0 degrees 00 minutes East; thence South 0 degrees 00 minutes East for 1280 feet on said quarter line; thence South 90 degrees 00 minutes East for 54.9 feet to road station 40+40 on the centerline of County State-Aid Highway 24 which is the true point of beginning for the centerline of channel change; thence South 75 degrees 58 minutes East for a distance of 553.5 feet on centerline of channel change; thence South 75 degrees 58 minutes East for a distance of 1540.0 feet and there terminating; and from the true point of beginning North 77 degrees 58 minutes West for a distance of 770 feet and there terminating; SAID LANDS ALSO DESCRIBED AS: a strip of land lying and being 300.0 feet each side of the following described centerline of proposed channel change: beginning at a point 1280.0 feet South and 54.9 feet East of the center of Section 8, Township 109 North, Range 29 West; thence easterly on a bearing of South 77 degrees 00 minutes East for a distance of 553.5 feet; thence easterly on a bearing of South 75 degrees 00 minutes East for a distance of 1540.0 feet and there terminating. This includes 3.005

acres in part of the North Half of the Southeast Quarter of Section 8, Township 109 North, Range 29 West, and 10.932 acres in part of Government Lot 2 of Section 8, Township 109 North, Range 29 West. Also, from the point of beginning, westerly on a bearing of North 77 degrees 00 minutes West for a distance of 770.0 feet and there terminating. This includes 4.098 acres in part of the Southwest Quarter of Section 8, Township 109 North, Range 29 West. Containing 4.10 acres, more or less.

(d) The land borders the Minnesota River. It was acquired when a new bridge was installed across the river resulting in a realignment of the river channel. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

**Sec. 32. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; RED LAKE COUNTY.**

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

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

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

(1) Government Lot 10, Section 31, Township 152 North, Range 40 West, containing 20.17 acres, more or less; and

(2) Government Lot 3, Section 34, Township 152 North, Range 40 West, containing 21.7 acres, more or less.

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

**Sec. 33. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

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

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

(c) The land that may be sold is located in St. Louis County and is described as follows: Government Lot 2, except the Northwest Quarter of Lot 2, Section 19, Township 58 North, Range 18 West, containing 30.84 acres, more or less.

(d) The land borders an unnamed tributary to the West Two Rivers Reservoir. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

**Sec. 34. PRIVATE SALE OF SURPLUS STATE LAND; ST. LOUIS COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general

may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in St. Louis County and is described as follows: Government Lot 3, Section 18, Township 68 North, Range 19 West, containing 23.22 acres, more or less.

(d) The sale will be to the University of Minnesota for the off axis NOvA detector project. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

**Sec. 35. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.**

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

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

(c) The land that may be sold is located in Washington County and is described as follows, Parcels A and B containing altogether 31.55 acres, more or less:

(1) Parcel A: all that part of the North Half of the Southeast Quarter, Section 30, Township 30 North, Range 20 West, bounded by the following described lines: commencing at the east quarter corner of said Section 30; thence on an assumed bearing of North 88 degrees 13 minutes 48 seconds West, 399.98 feet on and along the east-west quarter line of said Section 30 to the point of beginning; thence North 88 degrees 13 minutes 48 seconds West, 504.57 feet on and along the said east-west quarter line; thence South 17 degrees 54 minutes 26 seconds West, 1377.65 feet to a point on the south 1/16 line of said Section 30; thence South 88 degrees 10 minutes 45 seconds East, 504.44 feet on and along the south 1/16 line of said Section 30; thence North 17 degrees 54 minutes 26 seconds East, 1378.11 feet to the point of beginning; and

(2) Parcel B: all that part of the North Half of the Southeast Quarter, Section 30, Township 30 North, Range 20 West, bounded by the following described lines: commencing at the east quarter corner of said Section 30; thence on an assumed bearing of North 88 degrees 13 minutes 48 seconds West, 904.55 feet along the east-west quarter line of said Section 30 to the point of beginning; thence South 17 degrees 54 minutes 26 seconds West, 1377.65 feet to a point on the south 1/16 line of said Section 30; thence North 88 degrees 10 minutes 45 seconds West, 369.30 feet along said south 1/16 line; thence North 42 degrees 24 minutes 47 seconds West, 248.00 feet; thence North 02 degrees 59 minutes 30 seconds East, 488.11 feet; thence North 47 degrees 41 minutes 19 seconds East, 944.68 feet to a point on the east-west quarter line of said Section 30; thence South 88 degrees 13 minutes 48 seconds East, 236.03 feet along said east-west quarter line to the point of beginning.

(d) The land borders Long Lake and is not contiguous to other state lands. The land was donated to the state with the understanding that the land would be used as a wildlife sanctuary. The

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

**Sec. 36. TAX-FORFEITED LANDS LEASE; ITASCA COUNTY.**

Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary, the Itasca County auditor may lease tax-forfeited land to a proposed steel mill in Itasca County for a period of 20 years, for use as a tailings basin and buffer area. A lease entered under this section is renewable.

**Sec. 37. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CROW WING COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Crow Wing County may sell by private sale, under Minnesota Statutes, section 282.01, subdivision 7a, the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy. Prior to the sale, the commissioner of revenue shall grant a permanent conservation easement according to Minnesota Statutes, section 282.37, to protect aquatic habitat. The easement must be approved by the Crow Wing County Board and the commissioner of natural resources.

(c) The land to be sold is located in Crow Wing County and is described as: Government Lot 1, Section 26, Township 138 North, Range 27 West, city of Fifty Lakes.

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

**Sec. 38. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CROW WING COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Crow Wing County may sell to the city of Crosby the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

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

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

Of a tract of land lying south of the herein described line and being out of and part of the Southeast Quarter of the Northwest Quarter, Section 11, Township 46 North, Range 29 West, except part to the city of Crosby, Crow Wing County, Minnesota, said line described as follows: Commencing at the center of Section 11, thence South 88 degrees 59 minutes 19 seconds West, coincident with the south line of said Southeast Quarter of the Northwest Quarter, 1291.01 feet to the southwest corner of said Southeast Quarter of the Northwest Quarter; thence North 02 degrees 09 minutes 21 seconds East, coincident with the west line of said Southeast Quarter of the Northwest Quarter, 531.93 feet to the point of beginning of the line herein described; thence

through and across said Southeast Quarter of the Northwest Quarter of the following 21 courses and distances:

- (1) South 71 degrees 26 minutes 55 seconds East, 27.36 feet;
- (2) South 33 degrees 07 minutes 48 seconds East, 34.76 feet;
- (3) South 87 degrees 03 minutes 06 seconds East, 64.17 feet;
- (4) South 61 degrees 33 minutes 20 seconds East, 45.74 feet;
- (5) South 72 degrees 07 minutes 59 seconds East, 112.59 feet;
- (6) South 77 degrees 44 minutes 53 seconds East, 56.34 feet;
- (7) North 70 degrees 49 minutes 46 seconds East, 83.42 feet;
- (8) South 76 degrees 32 minutes 31 seconds East, 94.57 feet;
- (9) North 80 degrees 41 minutes 54 seconds East, 33.03 feet;
- (10) North 83 degrees 09 minutes 05 seconds East, 41.90 feet;
- (11) North 68 degrees 51 minutes 01 seconds East, 175.87 feet;
- (12) South 58 degrees 17 minutes 34 seconds East, 54.35 feet;
- (13) South 80 degrees 01 minutes 47 seconds East, 43.42 feet;
- (14) North 36 degrees 43 minutes 03 seconds East, 84.81 feet;
- (15) North 60 degrees 06 minutes 12 seconds East, 57.47 feet;
- (16) South 83 degrees 31 minutes 42 seconds East, 90.21 feet;
- (17) North 73 degrees 59 minutes 37 seconds East, 57.44 feet;
- (18) South 65 degrees 21 minutes 29 seconds East, 81.38 feet;
- (19) North 86 degrees 47 minutes 22 seconds East, 75.46 feet;
- (20) North 47 degrees 10 minutes 02 seconds East, 52.07 feet; and
- (21) North 63 degrees 13 minutes 46 seconds East, 48.20 feet

to the point of termination from which the point of commencing bears South 01 degrees 27 minutes 31 seconds West, 572.34 feet.

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

**Sec. 39. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; LAKE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Lake County may sell by private sale

the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general for a consideration of \$1 and relinquishment of a four-acre parcel of land that Lake County has used for road relocation.

(c) The land to be sold is located in Lake County and is described as: that part of the Southeast Quarter of the Northwest Quarter, north of County State-Aid Highway 14, Section 20, Township 55 North, Range 11 West.

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

**Sec. 40. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; DAKOTA COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Dakota County may sell or convey to the township of Ravenna for no consideration the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the township of Ravenna stops using the land for the public purpose described in paragraph (d). The conveyance is subject to restrictions imposed by the commissioner of natural resources. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be conveyed is located in Dakota County and is described as: Unplatted, Section 21, Township 114, Range 16, Southeast Quarter of the Southwest Quarter, less various tracts, except West 870 feet of South 729.29 feet, except part of North 594 feet lying west of Ravenna Trail, except South 480 feet lying east of West 870 feet, except beginning at the northwest corner of the Southeast Quarter of the Southwest Quarter East 22R South 20R southwest to point on west line 22R South of beginning North 22R to beginning, except parcels 33-02100-030-53, 33-02100-040-53, 33-02100-050-53, 33-02100-060-53, and 33-02100-080-53. (Dakota County tax identification number 33-02100-018-54).

(d) The county has determined that the land is needed by the township of Ravenna for drainage and access to culverts.

**Sec. 41. CLAIR A. NELSON MEMORIAL FOREST, LAKE COUNTY; TEMPORARY SUSPENSION OF APPORTIONMENT OF PROCEEDS FROM TAX-FORFEITED LANDS.**

(a) Upon approval of an affected political subdivision within Lake County, the Lake County Board may suspend the apportionment of the balance of net proceeds from tax-forfeited lands within the affected political subdivision under Minnesota Statutes, section 282.08, clause (4), item (iii), and retain the net proceeds. The authority under this paragraph is available until Lake County suspends the apportionment of net proceeds subject to item (iii), in the amount of \$2,200,000, plus any interest costs incurred by the county to purchase land described in this section. The money received by Lake County is to reimburse the county for the purchase in 2006 of 6,085 acres of forest land named the Clair A. Nelson Memorial Forest.

(b) Any revenue derived from acquired land that was reimbursed under paragraph (a) is subject to apportionment as provided in Minnesota Statutes, section 282.08.

**EFFECTIVE DATE.** This section is effective retroactively from January 1, 2006.

Sec. 42. **REPEALER.**

Minnesota Statutes 2006, section 85.012, subdivision 24b, is repealed.

Sec. 43. **EFFECTIVE DATE.**

Sections 1 to 42 are effective the day following final enactment.

## ARTICLE 5

### WETLANDS CONSERVATION

Section 1. Minnesota Statutes 2006, section 15.99, subdivision 3, is amended to read:

Subd. 3. **Application; extensions.** (a) The time limit in subdivision 2 begins upon the agency's receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency, including the applicable application fee. If an agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends written notice within 15 business days of receipt of the request telling the requester what information is missing.

(b) If a request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response, including an approval with conditions, meets the 60-day time limit if the agency can document that the response was sent within 60 days of receipt of the written request. Failure to satisfy the conditions, if any, may be a basis to revoke or rescind the approval by the agency and will not give rise to a claim that the 60-day time limit was not met.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is extended to 60 days after the required prior approval is granted.

(f) An agency may extend the time limit in subdivision 2 before the end of the initial 60-day

period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

(g) An applicant may by written notice to the agency request an extension of the time limit under this section.

Sec. 2. Minnesota Statutes 2006, section 103G.222, subdivision 3, is amended to read:

Subd. 3. **Wetland replacement siting.** (a) Siting wetland replacement must follow this priority order:

- (1) on site or in the same minor watershed as the affected wetland;
- (2) in the same watershed as the affected wetland;
- (3) in the same county as the affected wetland;

(4) for replacement by wetland banking, in the same wetland bank service area as the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area;

(5) for project specific replacement, in an adjacent watershed or county to the affected wetland, or for replacement by wetland banking, in an adjacent wetland bank service area, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area; and

~~(5) (6) statewide, only for wetlands affected in greater than 80 percent areas and for public transportation projects, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven-county metropolitan area must be replaced at a ratio of two to one in: (i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.~~

(b) Notwithstanding paragraph (a), siting wetland replacement in greater than 80 percent areas may follow the priority order under this paragraph: (1) by wetland banking after evaluating on-site replacement and replacement within the watershed; (2) replaced in an adjacent wetland bank service area if wetland bank credits are not reasonably available in the same wetland bank service area as the affected wetland, as determined by the local government unit or by a comprehensive inventory approved by the board; and (3) statewide.

(c) Notwithstanding paragraph (a), siting wetland replacement in the seven-county metropolitan area must follow the priority order under this paragraph: (1) in the affected county; (2) in another of the seven metropolitan counties; or (3) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.

(d) The exception in paragraph (a), clause ~~(5)~~ (6), does not apply to replacement completed using wetland banking credits established by a person who submitted a complete wetland banking application to a local government unit by April 1, 1996.



~~(e)~~ (e) When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in paragraph (a), the applicant may seek opportunities at the next level.

~~(d)~~ (f) For the purposes of this section, "reasonable, practicable, and environmentally beneficial replacement opportunities" are defined as opportunities that:

(1) take advantage of naturally occurring hydrogeomorphological conditions and require minimal landscape alteration;

(2) have a high likelihood of becoming a functional wetland that will continue in perpetuity;

(3) do not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area; and

(4) are available and capable of being done after taking into consideration cost, existing technology, and logistics consistent with overall project purposes.

~~(e)~~ (g) Regulatory agencies, local government units, and other entities involved in wetland restoration shall collaborate to identify potential replacement opportunities within their jurisdictional areas.

Sec. 3. Minnesota Statutes 2006, section 103G.2241, subdivision 3, is amended to read:

Subd. 3. **Federal approvals.** A replacement plan for wetlands is not required for:

~~(1) activities exempted from federal regulation under United States Code, title 33, section 1344(f), as in effect on January 1, 1991;~~

~~(2) activities authorized under, and conducted in accordance with, an applicable general permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, except the nationwide permit in Code of Federal Regulations, title 33, section 330.5, paragraph (a), clauses (14), limited to when a new road crosses a wetland, and (26), as in effect on January 1, 1991; or~~

~~(3) activities authorized under the federal Clean Water Act, section 404, or the Rivers and Harbors Act, section 10, regulations that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency.~~

Sec. 4. Minnesota Statutes 2006, section 103G.2241, subdivision 4, is amended to read:

Subd. 4. **Wetland restoration.** A replacement plan for wetlands is not required for:

(1) activities in a wetland restored or created for conservation purposes under a contract or easement providing the landowner with the right to drain the restored or created wetland; or

(2) activities in a wetland restored or created by a landowner without any assistance or financing from public agencies or private entities other than the landowner and the wetland has not been used for wetland replacement or deposited in the state wetland bank.

Sec. 5. Minnesota Statutes 2006, section 103G.2241, subdivision 6, is amended to read:

Subd. 6. **Utilities; public works.** (a) A replacement plan for wetlands is not required for:

~~(1) placement, maintenance, repair, enhancement, or replacement of utility or utility-type service if:~~

~~(i) the impacts of the proposed project on the hydrologic and biological characteristics of the wetland have been avoided and minimized to the extent possible; and~~

~~(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;~~

~~(2) activities associated with routine maintenance of utility and pipeline rights-of-way, provided the activities do not result in additional intrusion into the wetland;~~

~~(3) alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline within all existing or acquired interstate pipeline rights-of-way;~~

~~(4) emergency repair and normal maintenance and repair of existing public works, provided the activity does not result in additional intrusion of the public works into the wetland and does not result in the draining or filling, wholly or partially, of a wetland;~~

~~(5) normal maintenance and minor repair of structures causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result in the draining or filling, wholly or partially, of a wetland; or~~

~~(6) repair and updating of existing individual sewage treatment systems as necessary to comply with local, state, and federal regulations.~~

(1) new placement or maintenance, repair, enhancement, or replacement of existing utility or utility-type service, including pipelines, if:

(i) the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and

(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;

(2) activities associated with operation, routine maintenance, or emergency repair of existing utilities and public work structures, including pipelines, provided the activities do not result in additional wetland intrusion or additional draining or filling of a wetland either wholly or partially; or

(3) repair and updating of existing individual sewage treatment systems necessary to comply with local, state, and federal regulations.

(b) For maintenance, repair, and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if the utility is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local government unit after the emergency work has been completed.

Sec. 6. Minnesota Statutes 2006, section 103G.2241, subdivision 11, is amended to read:

Subd. 11. **Exemption conditions.** (a) A person conducting an activity in a wetland under an exemption in subdivisions 1 to 10 shall ensure that:

- (1) appropriate erosion control measures are taken to prevent sedimentation of the water;
  - (2) the activity does not block fish passage in a watercourse; and
  - (3) the activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices and water resource protection requirements established under chapter 103H.
- (b) An activity is exempt if it qualifies for any one of the exemptions, even though it may be indicated as not exempt under another exemption.
- (c) Persons proposing to conduct an exempt activity are encouraged to contact the local government unit or the local government unit's designee for advice on minimizing wetland impacts.
- (d) The board shall develop rules that provide for estimates and reporting of exempt wetland impacts, including those in subdivisions 2, 6, and 9.

Sec. 7. Minnesota Statutes 2006, section 103G.2242, subdivision 2, is amended to read:

Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an on-site inspection. The Technical Evaluation Panel shall be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, a technical professional with expertise in water resources management appointed by the local government unit, and a technical professional employee of the Department of Natural Resources for projects affecting public waters or wetlands adjacent to public waters. The panel shall use the "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987), including updates, supplementary guidance, and replacements, if any, "Wetlands of the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater Habitats of the United States" (1979 edition). The panel shall provide the wetland determination and recommendations on other technical matters to the local government unit that must approve a replacement plan, wetland banking plan, exemption determination, no-loss determination, or wetland boundary or type determination and may recommend approval or denial of the plan. The authority must consider and include the decision of the Technical Evaluation Panel in their approval or denial of a plan or determination.

(b) Persons conducting wetland or public waters boundary delineations or type determinations are exempt from the requirements of chapter 326. ~~By January 15, 2001, the board, in consultation with the Minnesota Association of Professional Soil Scientists, the University of Minnesota, and the Wetland Delineators' Association, shall submit a plan for a professional wetland delineator certification program to the legislature.~~ The board may develop a professional wetland delineator certification program.

Sec. 8. Minnesota Statutes 2006, section 103G.2242, subdivision 2a, is amended to read:

Subd. 2a. **Wetland boundary or type determination.** (a) A landowner may apply for a wetland boundary or type determination from the local government unit. The landowner applying for the determination is responsible for submitting proof necessary to make the determination, including, but not limited to, wetland delineation field data, observation well data, topographic mapping, survey mapping, and information regarding soils, vegetation, hydrology, and groundwater both within and outside of the proposed wetland boundary.

(b) A local government unit that receives an application under paragraph (a) may seek the advice of the Technical Evaluation Panel as described in subdivision 2, and, if necessary, expand the Technical Evaluation Panel. The local government unit may delegate the decision authority for wetland boundary or type determinations with the zoning administrator to designated staff, or establish other procedures it considers appropriate.

(c) The local government unit decision must be made in compliance with section 15.99. Within ten calendar days of the decision, the local government unit decision must be mailed to the landowner, members of the Technical Evaluation Panel, the watershed district or watershed management organization, if one exists, and individual members of the public who request a copy.

(d) Appeals of decisions made by designated local government staff must be made to the local government unit. Notwithstanding any law to the contrary, a ruling on an appeal must be made by the local government unit within 30 days from the date of the filing of the appeal.

(e) The local government unit decision is valid for three years unless the Technical Evaluation Panel determines that natural or artificial changes to the hydrology, vegetation, or soils of the area have been sufficient to alter the wetland boundary or type.

Sec. 9. Minnesota Statutes 2006, section 103G.2242, subdivision 9, is amended to read:

Subd. 9. **Appeal.** (a) Appeal of a replacement plan, exemption, wetland banking, wetland boundary or type determination, ~~or no-loss decision, or restoration order~~ may be obtained by mailing a petition and payment of a filing fee ~~of \$200~~, which shall be retained by the board to defray administrative costs, to the board within 30 days after the postmarked date of the mailing specified in subdivision 7. If appeal is not sought within 30 days, the decision becomes final. ~~The local government unit may require the petitioner to post a letter of credit, cashier's check, or cash in an amount not to exceed \$500.~~ If the petition for hearing is accepted, the amount posted must be returned to the petitioner. Appeal may be made by:

- (1) the wetland owner;
- (2) any of those to whom notice is required to be mailed under subdivision 7; or
- (3) 100 residents of the county in which a majority of the wetland is located.

(b) Within 30 days after receiving a petition, the board shall decide whether to grant the petition and hear the appeal. The board shall grant the petition unless the board finds that:

- (1) the appeal is meritless, trivial, or brought solely for the purposes of delay;
- (2) the petitioner has not exhausted all local administrative remedies;
- (3) expanded technical review is needed;
- (4) the local government unit's record is not adequate; or
- (5) the petitioner has not posted a letter of credit, cashier's check, or cash if required by the local government unit.

(c) In determining whether to grant the appeal, the board shall also consider the size of the wetland, other factors in controversy, any patterns of similar acts by the local government unit or

petitioner, and the consequences of the delay resulting from the appeal.

(d) All appeals must be heard by the committee for dispute resolution of the board, and a decision made within 60 days of filing the local government unit's record and the written briefs submitted for the appeal. The decision must be served by mail on the parties to the appeal, and is not subject to the provisions of chapter 14. A decision whether to grant a petition for appeal and a decision on the merits of an appeal must be considered the decision of an agency in a contested case for purposes of judicial review under sections 14.63 to 14.69.

(e) Notwithstanding section 16A.1283, the board shall establish a fee schedule to defray the administrative costs of appeals made to the board under this subdivision. Fees established under this authority shall not exceed \$1,000. Establishment of the fee is not subject to the rulemaking process of chapter 14 and section 14.386 does not apply.

Sec. 10. Minnesota Statutes 2006, section 103G.2242, subdivision 12, is amended to read:

Subd. 12. **Replacement credits.** (a) No public or private wetland restoration, enhancement, or construction may be allowed for replacement unless specifically designated for replacement and paid for by the individual or organization performing the wetland restoration, enhancement, or construction, and is completed prior to any draining or filling of the wetland.

(b) Paragraph (a) does not apply to a wetland whose owner has paid back with interest the individual or organization restoring, enhancing, or constructing the wetland.

(c) Notwithstanding section 103G.222, subdivision 1, paragraph ~~(h)~~ (i), the following actions, and others established in rule, that are consistent with criteria in rules adopted by the board in conjunction with the commissioners of natural resources and agriculture, are eligible for replacement credit as determined by the local government unit, including enrollment in a statewide wetlands bank:

(1) reestablishment of permanent native, noninvasive vegetative cover on a wetland on agricultural land that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was in a land retirement program during the past ten years;

(2) buffer areas of permanent native, noninvasive vegetative cover established or preserved on upland adjacent to replacement wetlands;

(3) wetlands restored for conservation purposes under terminated easements or contracts; and

~~(4) water quality treatment ponds constructed to pretreat storm water runoff prior to discharge to wetlands, public waters, or other water bodies, provided that the water quality treatment ponds must be associated with an ongoing or proposed project that will impact a wetland and replacement credit for the treatment ponds is based on the replacement of wetland functions and on an approved stormwater management plan for the local government that include pretreatment of runoff and function as a wetland.~~

(d) Notwithstanding section 103G.222, subdivision 1, paragraphs ~~(e)~~ (f) and ~~(f)~~ (g), the board may establish by rule different replacement ratios for restoration projects with exceptional natural resource value.

Sec. 11. Minnesota Statutes 2006, section 103G.2242, subdivision 15, is amended to read:

Subd. 15. **Fees paid to board.** All fees established in ~~subdivision~~ subdivisions 9 and 14 must be paid to the Board of Water and Soil Resources and credited to the general fund to be used for the purpose of administration of the wetland bank and to process appeals under subdivision 9.

Sec. 12. Minnesota Statutes 2006, section 103G.2243, subdivision 2, is amended to read:

Subd. 2. **Plan contents.** A comprehensive wetland protection and management plan may:

(1) provide for classification of wetlands in the plan area based on:

(i) an inventory of wetlands in the plan area;

(ii) an assessment of the wetland functions listed in section 103B.3355, using a methodology chosen by the Technical Evaluation Panel from one of the methodologies established or approved by the board under that section; and

(iii) the resulting public values;

(2) vary application of the sequencing standards in section 103G.222, subdivision 1, paragraph (b), for projects based on the classification and criteria set forth in the plan;

(3) vary the replacement standards of section 103G.222, subdivision 1, paragraphs ~~(e)~~ (f) and ~~(f)~~ (g), based on the classification and criteria set forth in the plan, for specific wetland impacts provided there is no net loss of public values within the area subject to the plan, and so long as:

(i) in a 50 to 80 percent area, a minimum acreage requirement of one acre of replaced wetland for each acre of drained or filled wetland requiring replacement is met within the area subject to the plan; and

(ii) in a less than 50 percent area, a minimum acreage requirement of two acres of replaced wetland for each acre of drained or filled wetland requiring replacement is met within the area subject to the plan, except that replacement for the amount above a 1:1 ratio can be accomplished as described in section 103G.2242, subdivision 12; and

(4) in a greater than 80 percent area, allow replacement credit, based on the classification and criteria set forth in the plan, for any project that increases the public value of wetlands, including activities on adjacent upland acres; and

~~(5) in a greater than 80 percent area, based on the classification and criteria set forth in the plan, expand the application of the exemptions in section 103G.2241, subdivision 1, paragraph (a), clause (4), to also include nonagricultural land, provided there is no net loss of wetland values.~~

Sec. 13. **RULEMAKING.**

Within 90 days of the effective date of this section, the Board of Water and Soil Resources shall adopt rules that amend Minnesota Rules, chapter 8420, to incorporate into the rules changes enacted in Minnesota Statutes, and the wetland replacement and banking provisions in Minnesota Rules, parts 8420.0500 to 8420.0760. These rules are exempt from the rulemaking provisions of Minnesota Statutes, chapter 14, except that Minnesota Statutes, section 14.386, applies and the proposed rules must be submitted to the legislative committees with jurisdiction over environment and natural resources at least 30 days prior to being published in the State Register. The amended rules are effective for two years from the date of publication in the State Register unless they are

superceded by permanent rules.

Sec. 14. **REPEALER.**

Minnesota Statutes 2006, section 103G.2241, subdivision 8, is repealed.

Sec. 15. **EFFECTIVE DATE.**

Sections 1 to 14 are effective the day following final enactment.

## ARTICLE 6

### ENVIRONMENTAL POLICY

Section 1. **[16B.327] DEFINITIONS.**

Subdivision 1. **Application.** For the purposes of section 16B.328, the definitions in this section have the meanings given.

Subd. 2. **Energy conservation.** "Energy conservation" means reducing energy use and includes using a light with lower wattage or time controls.

Subd. 3. **Cutoff luminaire.** "Cutoff luminaire" means a luminaire in which 2.5 percent or less of the lamp lumens are emitted above a horizontal plane through the luminaire's lowest part and ten percent or less of the lamp lumens are emitted at a vertical angle 80 degrees above the luminaire's lowest point.

Subd. 4. **Light pollution.** "Light pollution" means the night sky glow caused by the scattering of artificial light in the atmosphere.

Subd. 5. **Outdoor lighting fixture.** "Outdoor lighting fixture" means any type of fixed or movable lighting equipment that is designed or used for illumination outdoors. The term includes billboard lighting, streetlights, searchlights, and other lighting used for advertising purposes and area lighting. The term does not include lighting equipment that is required by law to be installed on motor vehicles or lighting required for the safe operation of aircraft.

Sec. 2. **[16B.328] STANDARDS FOR STATE FUNDED OUTDOOR LIGHTING FIXTURES; MODEL ORDINANCE.**

Subdivision 1. **Outdoor lighting fixtures.** (a) An outdoor lighting fixture may be installed or replaced using state funds only if:

(1) the new or replacement outdoor lighting fixture is a cutoff luminaire if the rated output of the outdoor lighting fixture is greater than 1,800 lumens;

(2) the minimum illuminance adequate for the intended purpose is used with consideration given to nationally recognized standards;

(3) for lighting of a designated highway of the state highway system, the Department of Transportation determines that the purpose of the outdoor lighting fixture cannot be achieved by the installation of reflective road markers, lines, warning or informational signs, or other effective passive methods; and

(4) full consideration has been given to energy conservation and savings, reducing glare,

minimizing light pollution, and preserving the natural night environment.

(b) Paragraph (a) does not apply if:

(1) a federal law, rule, or regulation preempts state law;

(2) the outdoor lighting fixture is used on a temporary basis because emergency personnel require additional illumination for emergency procedures;

(3) the outdoor lighting fixture is used on a temporary basis for nighttime work;

(4) special events or situations require additional illumination, provided that the illumination installed shields the outdoor lighting fixtures from direct view and minimizes upward lighting and light pollution;

(5) the outdoor lighting fixture is used solely to highlight the aesthetic aspects of a single object or distinctive building; or

(6) a compelling safety interest exists that cannot be addressed by another method.

(c) This subdivision does not apply to the operation and maintenance of lights or lighting systems purchased or installed, or for which design work is completed, before August 1, 2007.

(d) This section does not apply if a state agency or local unit of government determines that compliance with this section would:

(1) require an increased use of electricity;

(2) increase the construction cost of a lighting system more than 15 percent over the construction cost of a lighting system that does not comply with this section;

(3) increase the cost of operation and maintenance of the lighting system more than ten percent over the cost of operating and maintaining the existing lighting system over the life of the lighting system; or

(4) result in a negative safety impact.

Subd. 2. **Model ordinance.** The commissioner of administration, in consultation with the commissioner of commerce, associations for local governments, and any other interested person, shall develop a model ordinance that can be adapted for use by cities, counties, and towns, governing outdoor lighting to reduce light pollution. The model ordinance must include provisions addressing elements similar to those in subdivision 1. In addition, the model ordinance must address:

(1) standards for lighting on private property, outdoor advertising, lighting on commercial, industrial, or institutional property, canopies covering fueling stations, and public streets, sidewalks, and alleys;

(2) how illumination levels should be measured;

(3) possible exemptions, such as for temporary emergency or hazard lighting;

(4) recommended elements for an exterior lighting plan for a development;



- (5) treatment of nonconforming lighting;
- (6) lighting standards that might apply in special subdistricts;
- (7) light pole maximum heights; and
- (8) light trespass.

Sec. 3. Minnesota Statutes 2006, section 115.56, subdivision 2, is amended to read:

Subd. 2. **License required.** (a) Except as provided in paragraph (b), after March 31, 1996, a person may not design, install, maintain, pump, or inspect an individual sewage treatment system without a license issued by the commissioner.

(b) A license is not required for a person who complies with the applicable requirements if the person is:

(1) a qualified employee of state or local government who has passed the examination described in paragraph (d) or a similar examination;

(2) an individual who constructs an individual sewage treatment system on land that is owned or leased by the individual and functions solely as the individual's dwelling or seasonal dwelling;

(3) a farmer who pumps and disposes of sewage waste from individual sewage treatment systems, holding tanks, and privies on land that is owned or leased by the farmer; or

(4) an individual who performs labor or services for a person licensed under this section in connection with the design, installation, maintenance, pumping, or inspection of an individual sewage treatment system at the direction and under the personal supervision of a person licensed under this section.

A person constructing an individual sewage treatment system under clause (2) must consult with a site evaluator or designer before beginning construction. In addition, the system must be inspected before being covered and a compliance report must be provided to the local unit of government after the inspection.

(c) The commissioner, in conjunction with the University of Minnesota Extension Service or another higher education institution, shall ensure adequate training exists for individual sewage treatment system professionals.

(d) The commissioner shall conduct examinations to test the knowledge of applicants for licensing and shall issue documentation of licensing.

(e) Licenses may be issued only upon successful completion of the required examination and submission of proof of sufficient experience, proof of general liability insurance, and a corporate surety bond in the amount of at least \$10,000.

(f) Notwithstanding paragraph (e), the examination and proof of experience are not required for an individual sewage treatment system professional who, on the effective date of the rules adopted under subdivision 1, holds a certification attained by examination and experience under a voluntary certification program administered by the agency.

(g) Local units of government may not require additional local licenses for individual sewage

treatment system professionals.

(h) A pumper whose annual gross revenue from pumping systems is \$9,000 or less and whose gross revenue from pumping systems during the year ending May 11, 1994, was at least \$1,000 is not subject to training requirements in rules adopted under subdivision 1, except for any training required for initial licensure.

(i) Until December 31, 2010, no other professional license is required to:

(1) design, install, maintain, or inspect an individual sewage treatment system with a flow of 10,000 gallons of water per day or less if the system designer, installer, maintainer, or inspector is licensed under this subdivision and the local unit of government has not adopted additional requirements; and

(2) operate an individual sewage treatment system with a flow of 10,000 gallons of water per day or less if the system operator is licensed as a system designer, installer, maintainer, or inspector under this subdivision and the local unit of government has not adopted additional requirements.

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

Sec. 4. Minnesota Statutes 2006, section 115A.932, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions and recycling requirements.** (a) A person may not place mercury or a thermostat, thermometer, electric switch, appliance, gauge, medical or scientific instrument, ~~or fluorescent or high-intensity discharge lamp,~~ electric relay, or other electrical device from which the mercury has not been removed for reuse or recycling:

- (1) in solid waste; or
- (2) in a wastewater disposal system.

(b) A person may not knowingly place mercury or a thermostat, thermometer, electric switch, appliance, gauge, medical or scientific instrument, ~~or fluorescent or high-intensity discharge lamp,~~ electric relay, or other electrical device from which the mercury has not been removed for reuse or recycling:

- (1) in a solid waste processing facility; or
- (2) in a solid waste disposal facility, as defined in section 115.01, subdivision 4.

~~(c) A person may not knowingly place a fluorescent or high intensity discharge lamp:~~

- ~~(1) in solid waste; or~~
- ~~(2) in a solid waste facility, except a household hazardous waste collection or recycling facility.~~

~~This paragraph does not apply to waste lamps generated by households until August 1, 1994.~~

(c) A fluorescent or high-intensity discharge lamp must be recycled by delivery of the lamp to a lamp recycling facility, as defined in section 116.93, subdivision 1, or to a facility that collects and stores lamps for the purpose of delivering them to a lamp recycling facility, including, but not limited to, a household hazardous waste collection or recycling facility, retailer take-back and utility provider program sites, or other sites designated by an electric utility under section 216B.241,

subdivisions 2 and 4.

Sec. 5. Minnesota Statutes 2006, section 116.07, subdivision 2a, is amended to read:

Subd. 2a. **Exemptions from standards.** No standards adopted by any state agency for limiting levels of noise in terms of sound pressure which may occur in the outdoor atmosphere shall apply to (1) segments of trunk highways constructed with federal interstate substitution money, provided that all reasonably available noise mitigation measures are employed to abate noise, (2) an existing or newly constructed segment of a highway, provided that all reasonably available noise mitigation measures, as approved by the commissioners of the Department of Transportation and Pollution Control Agency, are employed to abate noise, (3) except for the cities of Minneapolis and St. Paul, an existing or newly constructed segment of a road, street, or highway under the jurisdiction of a road authority of a town, statutory or home rule charter city, or county, except for roadways for which full control of access has been acquired, (4) skeet, trap or shooting sports clubs, or (5) motor vehicle race events conducted at a facility specifically designed for that purpose that was in operation on or before July 1, ~~1983~~ 1996. Nothing herein shall prohibit a local unit of government or a public corporation with the power to make rules for the government of its real property from regulating the location and operation of skeet, trap or shooting sports clubs, or motor vehicle race events conducted at a facility specifically designed for that purpose that was in operation on or before July 1, ~~1983~~ 1996.

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

Sec. 6. Minnesota Statutes 2006, section 116.0714, is amended to read:

**116.0714 NEW OPEN AIR SWINE BASINS.**

~~After May 18, 2002,~~ The commissioner of the Pollution Control Agency or a county board shall not approve any permits for the construction of new open air swine basins, except that existing facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment program for resolving pollution problems or to allow conversion of an existing basin of less than 1,000,000 gallons to a different animal type, provided all standards are met. This section expires June 30, ~~2007~~ 2012.

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

Sec. 7. Minnesota Statutes 2006, section 116.23, is amended to read:

**116.23 PROHIBITION AND RESTRICTIONS.**

Subdivision 1. **Nutrient concentrations.** No person shall manufacture for use or sale in Minnesota or import into Minnesota for resale any cleaning agent or chemical water conditioner which contains a prescribed nutrient in a concentration that is greater than the prescribed maximum permissible concentration of that nutrient in that cleaning agent or chemical water conditioner.

Subd. 2. **Residential dishwasher detergent.** No person shall sell, distribute, offer, or expose for sale at retail any household dishwasher detergent that contains more than 0.5 percent phosphorus by weight. This subdivision does not apply to the sale or distribution of detergents for commercial or institutional dishwashing purposes.

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

Sec. 8. Minnesota Statutes 2006, section 116.92, subdivision 3, is amended to read:

Subd. 3. **Labeling; products containing mercury.** (a) A manufacturer or wholesaler may not sell and a retailer may not knowingly sell any of the following items in this state that contain mercury unless the item is labeled in a manner to clearly inform a purchaser or consumer that mercury is present in the item and that the item may not be placed in the garbage until the mercury is removed and reused, recycled, or otherwise managed to ensure that it does not become part of solid waste or wastewater:

- (1) a thermostat or thermometer;
- (2) an electric switch, individually or as part of another product, other than a motor vehicle;
- (3) an appliance;
- (4) a medical or scientific instrument; ~~and~~
- (5) an electric relay or other electrical device;
- (6) a fluorescent or high-intensity discharge lamp, individually or as part of another product; and
- (7) laboratory chemicals, reagents, fixatives, and electrodes.

(b) Labeling of items in accordance with mercury product labeling plans approved by another state that is a member of the Interstate Mercury Education and Reduction Clearinghouse (IMERC) shall be considered to be in compliance with this section. The manufacturer shall provide a copy of the labeling plan to the agency and shall notify the agency if the approval is modified.

(c) Manufacturers of products that contain a mercury-containing lamp not intended to be replaceable by the user or consumer shall meet the product labeling requirements of this section by placing the label on the product or in the care and use manual or product instructions.

**EFFECTIVE DATE.** Paragraphs (b) and (c) apply to products manufactured on or after January 1, 2008.

Sec. 9. Minnesota Statutes 2006, section 116.92, subdivision 7a, is amended to read:

Subd. 7a. **Fluorescent and high-intensity discharge lamps; residential applications.** (a) Any information regarding fluorescent and high-intensity discharge lamps containing mercury that is sent by a utility to a customer, present on a utility's Web site, or contained in a utility's print, radio, or video advertisement, must:

- (1) state that the lamps contain mercury;
- (2) state that mercury is harmful to the environment ~~and~~;
- (3) state that it is illegal to place them ~~placing the lamps in garbage is illegal~~; and
- ~~(2)~~ (4) provide a toll-free telephone number or Web site that customers can access to learn how to lawfully dispose of the lamps.

(b) The information under paragraph (a) must be:

- (1) provided in a minimum of 12-point type in print or online media;

(2) conveyed in television and radio advertisements; and

(3) provided in a manner that the ordinary consumer will understand that fluorescent and high-intensity discharge lamps contain mercury and must not be placed in garbage in Minnesota.

Sec. 10. Minnesota Statutes 2006, section 116.92, is amended by adding a subdivision to read:

Subd. 8b. **Ban; mercury-containing sphygmomanometers.** After August 1, 2007, a person may not sell, offer for sale, distribute, install, or reinstall in the state a sphygmomanometer containing mercury.

Sec. 11. Minnesota Statutes 2006, section 116.92, is amended by adding a subdivision to read:

Subd. 8c. **Ban; mercury-containing gastrointestinal devices.** After August 1, 2007, a person may not sell, offer for sale, distribute, or use in the state an esophageal dilator, bougie tube, gastrointestinal tube, feeding tube, or similar device containing mercury.

Sec. 12. Minnesota Statutes 2006, section 116.92, is amended by adding a subdivision to read:

Subd. 8d. **Ban; mercury-containing thermostats.** After August 1, 2007, a person may not sell, offer for sale, distribute, install, or reinstall in the state a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilating, or air-conditioning equipment. This subdivision does not apply to a thermostat used to sense and control temperature as part of a manufacturing process.

Sec. 13. Minnesota Statutes 2006, section 116.92, is amended by adding a subdivision to read:

Subd. 8e. **Ban; mercury-containing switches and relays.** (a) After August 1, 2007, a person may not sell, offer for sale, or distribute in the state a mercury switch or mercury relay individually or as part of another product.

(b) For the purposes of this subdivision:

(1) "mercury relay" means a mercury-containing product or device that opens or closes electrical contacts to affect the operation of other devices in the same or another electrical circuit and includes, but is not limited to, mercury displacement relays, mercury wetted reed relays, and mercury contact relays; and

(2) "mercury switch" means a mercury-containing product or device that opens or closes an electrical circuit or gas valve and includes, but is not limited to, mercury float switches actuated by rising or falling liquid levels, mercury tilt switches actuated by a change in the switch position, mercury pressure switches actuated by a change in pressure, mercury temperature switches actuated by a change in temperature, and mercury flame sensors. A mercury switch does not include a mercury-added thermostat or a mercury diostat.

(c) A manufacturer shall be in compliance with this subdivision if:

(1) it has received an exclusion or exemption from a state that is a member of the Interstate Mercury Education and Reduction Clearinghouse (IMERC) for replacement parts or for a use where no feasible alternative is available;

(2) it submits a copy of the approved exclusion or exemption to the commissioner; and

(3) it meets all of the requirements in the approved exclusion or exemption for its activities within the state.

Sec. 14. Minnesota Statutes 2006, section 116.92, is amended by adding a subdivision to read:

Subd. 8f. **Ban; mercury diostats.** After January 1, 2008, a person may not sell, offer for sale, or distribute a new gas oven, range, or stove containing a mercury-containing switch that controls a gas valve in an oven or oven portion of a gas range or stove.

Sec. 15. Minnesota Statutes 2006, section 116.92, is amended by adding a subdivision to read:

Subd. 8g. **Ban; mercury-containing barometers, manometers, and pyrometers.** After January 1, 2008, a person may not sell, offer for sale, or distribute in the state a mercury-containing device used for measuring atmospheric pressure or for measuring pressure of liquids and gases or a mercury-containing device used for measuring the temperature of extremely hot materials, individually or as part of another product.

Sec. 16. Minnesota Statutes 2006, section 116.92, is amended by adding a subdivision to read:

Subd. 8h. **Ban; mercury in over-the-counter pharmaceuticals.** After January 1, 2008, a person may not sell, offer for sale, or distribute in the state for human use an over-the-counter pharmaceutical product containing mercury.

Sec. 17. Minnesota Statutes 2006, section 116.92, is amended by adding a subdivision to read:

Subd. 8i. **Ban; mercury in cosmetics, toiletries, and fragrances.** After January 1, 2008, a person may not sell, offer for sale, or distribute in the state a cosmetic, toiletry, or fragrance product containing mercury.

Sec. 18. Minnesota Statutes 2006, section 116.92, is amended by adding a subdivision to read:

Subd. 8j. **Exclusion for existing equipment.** The prohibitions in subdivisions 8b to 8g do not apply if a switch, relay, or measuring device is used to replace a switch, relay, or measuring device that is a component of a larger product in use prior to January 1, 2008, provided the owner of that equipment has made every reasonable effort to determine that no compatible nonmercury replacement component exists.

Sec. 19. Minnesota Statutes 2006, section 116.92, is amended by adding a subdivision to read:

Subd. 10. **Definition of mercury-containing.** For the purposes of this section, "mercury-containing" or "containing mercury" means that the product, component of a product, or chemical formulation contains intentionally added mercury.

Sec. 20. **[116.921] MULTISTATE CLEARINGHOUSE.**

The agency is authorized to participate in the Interstate Mercury Education and Reduction Clearinghouse (IMERC) to assist in carrying out the requirements and coordinating any other activities related to the administration of statutes governing the purchase, sale, use, labeling, disposal, and management of mercury and mercury-containing products.

Sec. 21. Minnesota Statutes 2006, section 116.93, subdivision 2, is amended to read:

Subd. 2. **Lamp recycling facility; permits or licenses; reporting.** (a) A person may not operate

a lamp recycling facility without obtaining a permit or license for the facility from the agency. The permit or license must require:

- (1) a plan for response to releases, including emergency response;
- (2) proof of financial responsibility for closure and any necessary postclosure care at the facility which may include a performance bond or other insurance; ~~and~~
- (3) liability insurance or another financial mechanism that provides proof of financial responsibility for response actions required under chapter 115B; and
- (4) by March 1 each year, beginning in 2008, an annual report to the agency on the number and type of lamps received from businesses and households in the state and total number of lamps received from all generators outside of the state

The agency shall specify the format for the report under clause (4) and make the reported information available on the agency's Web site.

(b) A lamp recycling facility that is licensed or permitted by a county under section 473.811, subdivision 5b, complies with this subdivision if the license or permit held by the facility contains at least all the terms and conditions required by the agency for a license or permit issued under this subdivision.

(c) A lamp recycling facility with a demonstrated capability for recycling that is in operation prior to adoption of rules for a licensing or permitting process for the facility by the agency may continue to operate in accordance with a compliance agreement or other approval by the commissioner until a license or permit is issued by the agency under this subdivision.

**Sec. 22. [121A.33] CERTAIN MERCURY USE IN SCHOOLS PROHIBITED.**

(a) For the purposes of this section, "school" has the meaning given under section 120A.22, subdivision 4, excluding home schools.

(b) After December 31, 2007, a school shall not:

- (1) purchase or use elemental mercury for any purpose; and
- (2) purchase or use an instrument of measurement that contains mercury, including, but not limited to, a thermometer, barometer, or sphygmomanometer, or a manometer containing mercury.

(c) After December 31, 2009, a school shall not:

- (1) store elemental mercury for any purpose; and
- (2) store an instrument of measurement that contains mercury, including, but not limited to, a thermometer, barometer, sphygmomanometer, or a manometer containing mercury.

(d) This section does not apply to thermostats for heating, ventilation, and air conditioning in the school.

Sec. 23. Laws 2006, chapter 251, section 16, is amended to read:

**Sec. 16. PHOSPHORUS RULE; REPORT.**

(a) Notwithstanding any law to the contrary, a provision of a Minnesota Pollution Control Agency rule establishing new or changed limits on phosphorus discharges from a new or existing wastewater facility must not take effect until July 1, ~~2007~~ 2008.

(b) The Minnesota Pollution Control Agency must report to the legislature by February 1, 2007, on a proposed or adopted rule changing limits on phosphorus discharges. The report must address scientific justification for the new rule and the impact the proposed or adopted rule will have on needed funding to implement the Clean Water Legacy Act.

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

**Sec. 24. ISTS LICENSING REPORT.**

The commissioner of the Pollution Control Agency must report to the legislative committees with jurisdiction on environmental policy by February 15, 2008, after consulting with officials from the Minnesota Onsite Wastewater Association; the Minnesota Society of Professional Engineers; the American Council of Engineering Companies; the Minnesota Association of Professional Soil Scientists; the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design; the Geoscience Professional Organization; the University of Minnesota Water Resources Center; the Association of Minnesota Counties; the League of Minnesota Cities; the Coalition of Greater Minnesota Cities; the Minnesota Association of Small Cities; and the Minnesota Association of Townships, on further issues relating to the licensing of individual sewage treatment systems.

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

**Sec. 25. BIOFUEL PERMITTING REPORT.**

By January 15, 2008, the Pollution Control Agency, the commissioner of agriculture, the commissioner of natural resources, and the Environmental Quality Board shall report to the house and senate committees and divisions with jurisdiction over agriculture and environment policy and budget on the process to issue permits for biofuel production facilities. The report shall include:

(1) information on the timing of the permits and measures taken to improve the timing of the permitting process;

(2) recommended changes to statutes, rules, fees, or procedures to improve the biofuel production facility permitting process; and

(3) other information or analysis that may be helpful in understanding or improving the biofuel production facility permitting process.

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

**Sec. 26. ENDOCRINE DISRUPTOR REPORT.**

(a) The commissioner of the Pollution Control Agency, in consultation with the commissioner of agriculture, the commissioner of health, the commissioner of natural resources, the University of Minnesota, and the United States Environmental Protection Agency, shall prepare a report on strategies to address endocrine disruptors in waters of the state. The report must include:

(1) a review of the current literature of known endocrine disrupting compounds to determine



which ones are most likely to be of significance to humans, fish, and wildlife in Minnesota;

(2) a review of scientific studies to determine whether these compounds have the potential to account for known effects on humans, fish, and wildlife in Minnesota;

(3) a review of the comparative risk posed by endocrine disrupting compounds to the long-term viability of populations of fish and wildlife; and

(4) an evaluation of the practicability and the cost of prevention and remediation strategies for any endocrine disrupting compounds found in clauses (1) and (2), as well as other potential endocrine disruptors.

(b) By January 15, 2008, the commissioner shall submit the report to the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources policy and finance.

Sec. 27. **REPEALER.**

Minnesota Statutes 2006, section 115.03, subdivision 10, is repealed.

**ARTICLE 7**

**COMMUNITY FORESTRY**

Section 1. Minnesota Statutes 2006, section 18G.03, is amended by adding a subdivision to read:

Subd. 5. **Certain species not subject to chapter 18G.** This chapter does not apply to exotic aquatic plants and wild animal species regulated under chapter 84D.

Sec. 2. Minnesota Statutes 2006, section 18G.11, is amended to read:

**18G.11 COOPERATION WITH OTHER JURISDICTIONS.**

Subdivision 1. **Detection and control agreements.** The commissioner may enter into cooperative agreements with organizations, persons, civic groups, governmental agencies, or other organizations to adopt and execute plans to detect and control areas infested or infected with harmful plant pests. The cooperative agreements may include provisions of joint funding of any control treatment.

If a harmful plant pest infestation or infection occurs and cannot be adequately controlled by individual persons, owners, tenants, or local units of government, the commissioner may conduct the necessary control measures independently or on a cooperative basis with federal or other units of government.

Subd. 2. **New and emerging plant pest programs.** The commissioner may make grants to municipalities or enter into contracts with municipalities, nurseries, colleges, universities, state or federal agencies in connection with new or emerging plant pests programs, including research, or any other organization with the legal authority to enter into contractual agreements.

Sec. 3. Minnesota Statutes 2006, section 84D.14, is amended to read:

**84D.14 EXEMPTIONS.**

This chapter does not apply to:

- (1) pathogens and terrestrial arthropods regulated under sections 18G.01 to ~~18G.16~~ 18G.14; or
- (2) mammals and birds defined by statute as livestock.

Sec. 4. Minnesota Statutes 2006, section 88.01, is amended by adding a subdivision to read:

Subd. 27. **Community forest.** "Community forest" means public and private trees and associated plants occurring individually, in small groups, or under forest conditions within a municipality.

Sec. 5. Minnesota Statutes 2006, section 88.79, subdivision 1, is amended to read:

Subdivision 1. **Employment of competent foresters; service to private owners.** The commissioner of natural resources may employ competent foresters to furnish owners of forest lands within the state of Minnesota who own not more than 1,000 acres of forest land, forest management services consisting of:

- (1) advice in management and protection of timber, including written stewardship and forest management plans;
- (2) selection and marking of timber to be cut;
- (3) measurement of products;
- (4) aid in marketing harvested products;
- (5) provision of tree-planting equipment; ~~and~~
- (6) advice in community forest management; and
- (7) such other services as the commissioner of natural resources deems necessary or advisable to promote maximum sustained yield of timber and other benefits upon such forest lands.

Sec. 6. Minnesota Statutes 2006, section 88.79, subdivision 2, is amended to read:

Subd. 2. **Charge for service; receipts to special revenue fund.** The commissioner of natural resources may charge the owner receiving such services such sums as the commissioner shall determine to be fair and reasonable. The charges must account for differences in the value of timber and other benefits. The receipts from such services shall be credited to the special revenue fund and are annually appropriated to the commissioner for the purposes specified in subdivision 1.

Sec. 7. Minnesota Statutes 2006, section 88.82, is amended to read:

#### **88.82 MINNESOTA RELEAF PROGRAM.**

The Minnesota releaf program is established in the Department of Natural Resources to encourage, promote, and fund the inventory, planting, assessment, maintenance, and improvement, protection, and restoration of trees and forest resources in this state to enhance community forest ecosystem health and sustainability as well as to reduce atmospheric carbon dioxide levels and promote energy conservation.

Sec. 8. Minnesota Statutes 2006, section 89.001, subdivision 8, is amended to read:

Subd. 8. **Forest resources.** "Forest resources" means those natural assets of forest lands, including timber and other forest crops; biological diversity; recreation; fish and wildlife habitat;

wilderness; rare and distinctive flora and fauna; air; water; soil; climate; and educational, aesthetic, and historic values.

Sec. 9. Minnesota Statutes 2006, section 89.001, is amended by adding a subdivision to read:

Subd. 15. **Forest pest.** "Forest pest" means any vertebrate or invertebrate animal, plant pathogen, or plant that is determined by the commissioner to be harmful, injurious, or destructive to forests or timber.

Sec. 10. Minnesota Statutes 2006, section 89.001, is amended by adding a subdivision to read:

Subd. 16. **Shade tree pest.** "Shade tree pest" means any vertebrate or invertebrate animal, plant pathogen, or plant that is determined by the commissioner to be harmful, injurious, or destructive to shade trees or community forests.

Sec. 11. Minnesota Statutes 2006, section 89.001, is amended by adding a subdivision to read:

Subd. 17. **Community forest.** "Community forest" has the meaning given under section 88.01, subdivision 27.

Sec. 12. Minnesota Statutes 2006, section 89.001, is amended by adding a subdivision to read:

Subd. 18. **Shade tree.** "Shade tree" means a woody perennial grown primarily for aesthetic or environmental purposes.

Sec. 13. Minnesota Statutes 2006, section 89.01, subdivision 1, is amended to read:

Subdivision 1. **Best methods.** The commissioner shall ascertain and observe the best methods of reforesting cutover and denuded lands, foresting waste lands, ~~preventing destruction~~ minimizing loss or damage of forests and lands forest resources by fire, forest pests, or shade tree pests, administering forests on forestry principles, encouraging private owners to preserve and grow trees or timber for commercial or other purposes, and conserving the forests around the head waters of streams and on the watersheds of the state.

Sec. 14. Minnesota Statutes 2006, section 89.01, subdivision 2, is amended to read:

Subd. 2. **General duties.** The commissioner shall execute all rules pertaining to forestry and forest protection within the jurisdiction of the state; have charge of the work of protecting all forests and lands from fire, forest pests, and shade tree pests; shall investigate the origin of all forest fires; and prosecute all violators as provided by law; shall prepare and print for public distribution an abstract of the forest fire laws of Minnesota, together with such rules as may be formulated.

The commissioner shall prepare printed notices calling attention to the dangers from forest fires and cause them to be posted in conspicuous places.

Sec. 15. Minnesota Statutes 2006, section 89.01, subdivision 4, is amended to read:

Subd. 4. **Forest plans.** The commissioner shall cooperate with the several departments of the state and federal governments and with counties, towns, municipalities, corporations, or individuals in the preparation of plans for forest protection, and management, and planting or replacement of trees, in wood lots, and community forests or on timber tracts, using such influence as time will permit toward the establishment of scientific forestry principles in the management, protection, and

promotion of the forest resources of the state.

Sec. 16. Minnesota Statutes 2006, section 89.51, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** For the purposes of sections 89.51 to ~~89.61~~ 89.64 the terms described in this section have the meanings ascribed to them.

Sec. 17. Minnesota Statutes 2006, section 89.51, subdivision 6, is amended to read:

Subd. 6. **Infestation.** "Infestation," includes actual, potential, incipient, or ~~emergency~~ emergent infestation or infection by forest pests or shade tree pests.

Sec. 18. Minnesota Statutes 2006, section 89.51, subdivision 9, is amended to read:

Subd. 9. **Forest land or forest.** "Forest land" or "forest," means land on which occurs a stand or potential stand of trees valuable for timber products, watershed or wildlife protection, recreational uses, community forest benefits, or other purposes, and shall include lands owned or controlled by the state of Minnesota.

Sec. 19. Minnesota Statutes 2006, section 89.52, is amended to read:

#### **89.52 SURVEYS, INVESTIGATIONS.**

The commissioner shall make surveys and investigations to determine the presence of infestations of forest pests or shade tree pests. For this purpose, duly designated representatives of the commissioner may enter at reasonable times on public and private lands ~~for the purpose of conducting such~~ to conduct the surveys and investigations.

Sec. 20. Minnesota Statutes 2006, section 89.53, is amended to read:

#### **89.53 CONTROL OF FOREST PESTS AND SHADE TREE PESTS.**

Subdivision 1. **Commissioner's duties; notice of control measures.** Whenever the commissioner finds that an area in the state is infested or threatened to be infested with forest pests or shade tree pests, the commissioner shall determine whether measures of control are needed ~~and are available~~, what control measures are to be applied, and the area over which the control measures shall be applied. The commissioner shall prescribe a proposed zone of infestation covering the area in which control measures are to be applied and shall publish notice of the proposal once a week, for two successive weeks in a newspaper having a general circulation in each county located in whole or in part in the proposed zone of infestation. Prescribing zones of infestation ~~is~~ and prescribing measures of control are exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Subd. 2. **Notice requirements; public comment.** The notice shall include a description of the boundaries of the proposed zone of infestation, the control measures to be applied, and a time and place where municipalities and owners of forest lands or shade trees in the zone may show cause orally or in writing why the zone and control measures should or should not be established. The commissioner shall consider any statements received in determining whether the zone shall be established and the control measures applied.

Subd. 3. **Experimental programs.** The commissioner may establish experimental programs for the control of forest pests or shade tree pests and for municipal reforestation.

Sec. 21. Minnesota Statutes 2006, section 89.54, is amended to read:

**89.54 ZONES OF INFESTATION, ESTABLISHMENT.**

Upon the decision by the commissioner that the establishment of a zone of infestation is necessary, the commissioner shall make a written order establishing ~~said~~ the zone, and upon making ~~said~~ the order, ~~said~~ the zone shall be established. Notice of the establishment of the zone shall thereupon be published in a newspaper having a general circulation in each county located in whole or in part in the proposed zone and posted on the Department of Natural Resources Web site.

Sec. 22. Minnesota Statutes 2006, section 89.55, is amended to read:

**89.55 INFESTATION CONTROL, COSTS.**

Upon the establishment of the zone of infestation, the commissioner may apply measures of infestation prevention and control on public and private forest and other lands within ~~such~~ the zone and to any trees, ~~timber, plants or shrubs thereon,~~ wood or wood products, or contaminated soil harboring or which may harbor the forest pests or shade tree pests. For this purpose, the duly authorized representatives of the commissioner are authorized to enter upon any lands, public or private within ~~such~~ the zone. The commissioner may enter into agreements with owners of the lands in the zone covering the control work on their lands, and fixing the pro rata basis on which the cost of ~~such~~ the work will be shared between the commissioner and ~~said~~ the owner.

Sec. 23. Minnesota Statutes 2006, section 89.56, subdivision 1, is amended to read:

Subdivision 1. **Statement of expenses; cost to owners.** At the end of each fiscal year and upon completion of the infestation control measures in any zone of infestation, the commissioner shall prepare a certified statement of expenses incurred in carrying out ~~such~~ the measures, including expenses of owners covered by agreements entered into pursuant to section 89.55. The statement shall show the amount ~~which~~ that the commissioner determines to be ~~its~~ the commissioner's share of the expenses. The share of the commissioner may include funds and the value of other contributions made available by the federal government and other cooperators. The balance of ~~such~~ the costs shall constitute a charge on an acreage basis as provided herein against the owners of lands in the zone containing trees ~~valuable or potentially valuable for commercial timber purposes and~~ affected or likely to be affected by the forest pests or shade tree pests for which control measures were conducted. In fixing the rates at which charges shall be made against each owner, the commissioner shall consider the present commercial value of the trees on the land, the present and potential benefits to ~~such~~ the owner from the application of the control measures, ~~and~~ the cost of applying ~~such~~ the measures to the land, and such other factors as in the discretion of the commissioner will enable determination of an equitable distribution of the cost to all ~~such~~ owners. No charge shall be made against owners to the extent that they have individually or as members of a cooperative association contributed funds, supplies, or services pursuant to agreement under this section.

Sec. 24. Minnesota Statutes 2006, section 89.56, subdivision 3, is amended to read:

Subd. 3. **Collection.** The unpaid charges assessed under sections 89.51 to ~~89.61~~ 89.64 and the actions of the commissioner on any protests filed pursuant to subdivision 2, shall be reported to the tax levying authority for the county in which the lands for which the charges are assessed are situated and shall be made a public record. Any charges finally determined to be due shall become a special assessment and shall be payable in the same manner and with the same interest and penalty charges

and with the same procedure for collection as apply to ad valorem property taxes. Upon collection of the charges, the county treasurer shall forthwith cause the amounts thereof to be paid to the forest pest and shade tree pest control fund account created by section 89.58. Any unpaid charge or lien against the lands shall not be affected by the sale thereof or by dissolution of the zone of infestation.

Sec. 25. Minnesota Statutes 2006, section 89.57, is amended to read:

**89.57 DISSOLUTION OF ZONE INFESTATION.**

Whenever the commissioner shall determine that forest pest or shade tree pest control work within an established zone of infestation is no longer necessary or feasible, the commissioner shall dissolve the zone.

Sec. 26. Minnesota Statutes 2006, section 89.58, is amended to read:

**89.58 FOREST PEST AND SHADE TREE PEST CONTROL ACCOUNT.**

All money collected under the provisions of sections 89.51 to ~~89.61~~ 89.64, together with such money as may be appropriated by the legislature or allocated by the Legislative Advisory Commission for the purposes of sections 89.51 to ~~89.61~~ 89.64, and such money as may be contributed or paid by the federal government, or any other public or private agency, organization or individual, shall be deposited in the state treasury, to the credit of the forest pest and shade tree pest control account, which account is hereby created, and any moneys therein are appropriated to the commissioner for use in carrying out the purposes ~~hereof~~ of sections 89.51 to 89.64.

Sec. 27. Minnesota Statutes 2006, section 89.59, is amended to read:

**89.59 COOPERATION.**

The commissioner may cooperate with the United States or agencies thereof, other agencies of the state, county or municipal governments, agencies of neighboring states, or other public or private organizations or individuals and may accept such funds, equipment, supplies, or services from cooperators and others as ~~is~~ the commissioner may provide in agreements with the United States or its agencies for matching of federal funds as required under laws of the United States relating to forest pests and shade tree pests.

Sec. 28. Minnesota Statutes 2006, section 89.60, is amended to read:

**89.60 DUTIES, RULES; COMMISSIONER.**

The commissioner is authorized to employ personnel in accordance with the laws of this state, to procure necessary equipment, supplies, and service, to enter into contracts, to provide funds to any agency of the United States for work or services under sections 89.51 to ~~89.61~~ 89.64, and to designate or appoint, as ~~is~~ the commissioner's representatives, employees of ~~its~~ cooperators, including employees of the United States or any agency thereof. The commissioner may prescribe rules for carrying out the purposes ~~hereof~~ of this section.

Sec. 29. Minnesota Statutes 2006, section 89.61, is amended to read:

**89.61 ACT SUPPLEMENTAL.**

Provisions of sections 89.51 to ~~89.61~~ 89.64 are supplementary to and not to be construed to

repeal existing legislation.

Sec. 30. **[89.62] SHADE TREE PEST CONTROL; GRANT PROGRAM.**

Subdivision 1. **Grants.** The commissioner may make grants to aid in the control of a shade tree pest. To be eligible, a grantee must have a pest control program approved by the commissioner that:

- (1) defines tree ownership and who is responsible for the costs associated with control measures;
- (2) defines the zone of infestation within which the control measures are to be applied;
- (3) includes a tree inspector certified under section 89.63 and having the authority to enter and inspect private lands;
- (4) has the means to enforce measures needed to limit the spread of shade tree pests; and
- (5) provides that grant money received will be deposited in a separate fund to be spent only for the purposes authorized by this section.

Subd. 2. **Grant eligibility.** The following are eligible for grants under this section:

- (1) a home rule charter or statutory city or a town that exercises municipal powers under section 368.01 or any general or special law;
- (2) a special park district organized under chapter 398;
- (3) a special-purpose park and recreation board;
- (4) a soil and water conservation district;
- (5) a county; or
- (6) any other organization with the legal authority to enter into contractual agreements.

Subd. 3. **Rules; applicability to municipalities.** The rules and procedures adopted under this chapter by the commissioner apply in a municipality unless the municipality adopts an ordinance determined by the commissioner to be more stringent than the rules and procedures of the commissioner. The rules and procedures of the commissioner or the municipality apply to all state agencies, special purpose districts, and metropolitan commissions as defined in section 473.121, subdivision 5a, that own or control land adjacent to or within a zone of infestation.

Sec. 31. **[89.63] CERTIFICATION OF TREE INSPECTORS.**

(a) The governing body of a municipality may appoint a qualified tree inspector. Two or more municipalities may jointly appoint a tree inspector for the purpose of administering their respective pest control programs.

(b) Upon a determination by the commissioner that a candidate for the position of tree inspector is qualified, the commissioner shall issue a certificate of qualification to the tree inspector. The certificate is valid for one year. A person certified as a tree inspector by the commissioner may enter and inspect any public or private property that might harbor forest pests or shade tree pests. The commissioner shall offer an annual tree inspector certification workshop, upon completion of which participants are qualified as tree inspectors.

(c) The commissioner may suspend and, upon notice and hearing, decertify a tree inspector if the tree inspector fails to act competently or in the public interest in the performance of duties.

Sec. 32. **[89.64] EXEMPTIONS.**

This chapter does not supersede the authority of the Department of Agriculture under chapter 18G.

Sec. 33. Minnesota Statutes 2006, section 97A.205, is amended to read:

**97A.205 ENFORCEMENT OFFICER POWERS.**

An enforcement officer is authorized to:

(1) execute and serve court issued warrants and processes relating to wild animals, wild rice, public waters, water pollution, conservation, and use of water, in the same manner as a sheriff;

(2) enter any land to carry out the duties and functions of the division;

(3) make investigations of violations of the game and fish laws;

(4) take an affidavit, if it aids an investigation;

(5) arrest, without a warrant, a person who is detected in the actual violation of the game and fish laws, a provision of chapters 84, 84A, 84D, 85, 86A, 88 to 97C, 103E, 103F, 103G, sections 86B.001 to 86B.815, 89.51 to ~~89.64~~ 89.64; or 609.66, subdivision 1, clauses (1), (2), (5), and (7); and 609.68; and

(6) take an arrested person before a court in the county where the offense was committed and make a complaint.

Nothing in this section grants an enforcement officer any greater powers than other licensed peace officers.

Sec. 34. **REPEALER.**

Minnesota Statutes 2006, sections 18G.16; and 89.51, subdivision 8, are repealed.

**ARTICLE 8**

**DRAINAGE**

Section 1. Minnesota Statutes 2006, section 103E.021, subdivision 1, is amended to read:

Subdivision 1. **Spoil banks must be spread and grass-planted permanent vegetation established.** In any proceeding to establish, construct, improve, or do any work affecting a public drainage system under any law that appoints viewers to assess benefits and damages, the authority having jurisdiction over the proceeding shall order spoil banks to be spread consistent with the plan and function of the drainage system. The authority shall order that permanent grass, other than a noxious weed, be planted on the ~~banks~~ ditch side slopes and ~~on a strip~~ that a permanent strip of perennial vegetation approved by the drainage authority be established on each side of the ditch. The approved perennial vegetation shall not impede future maintenance of the ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width measured outward from the top edge of the constructed channel resulting from the proceeding, or to the crown of the leveled



spoil bank, whichever is the greater, ~~on each side of the top edge of the channel of the ditch,~~ except for an action by a drainage authority that results only in a redetermination of benefits and damages, for which the required width shall be 16-1/2 feet. Drainage system rights-of-way for the acreage and additional property required for the ~~planting~~ permanent strips must be acquired by the authority having jurisdiction.

Sec. 2. Minnesota Statutes 2006, section 103E.021, subdivision 2, is amended to read:

Subd. 2. **Reseeding and harvesting grass perennial vegetation.** The authority having jurisdiction over the repair and maintenance of the drainage system shall supervise all necessary reseeded. The permanent ~~grass~~ strips of perennial vegetation must be maintained in the same manner as other drainage system repairs. Harvest of the ~~grass~~ vegetation from the ~~grass~~ permanent strip in a manner not harmful to the ~~grass~~ vegetation or the drainage system is the privilege of the fee owner or assigns. The ~~county~~ drainage inspector shall establish rules for the fee owner and assigns to harvest the ~~grass~~ vegetation.

Sec. 3. Minnesota Statutes 2006, section 103E.021, subdivision 3, is amended to read:

Subd. 3. **Agricultural practices prohibited.** Agricultural practices, other than those required for the maintenance of a permanent growth of ~~grass~~ perennial vegetation, are not permitted on any portion of the property acquired for ~~planting~~ perennial vegetation.

Sec. 4. Minnesota Statutes 2006, section 103E.021, is amended by adding a subdivision to read:

Subd. 6. **Incremental implementation of vegetated ditch buffer strips and side inlet controls.** (a) Notwithstanding other provisions of this chapter requiring appointment of viewers and redetermination of benefits and damages, a drainage authority may implement permanent buffer strips of perennial vegetation approved by the drainage authority or side inlet controls, or both, adjacent to a public drainage ditch, where necessary, to control erosion and sedimentation, improve water quality, or maintain the efficiency of the drainage system. The approved perennial vegetation shall not impede future maintenance of the ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width measured outward from the top edge of the existing constructed channel. Drainage system rights-of-way for the acreage and additional property required for the permanent strips must be acquired by the authority having jurisdiction.

(b) A project under this subdivision shall be implemented as a repair according to section 103E.705, except that the drainage authority may appoint an engineer to examine the drainage system and prepare an engineer's repair report for the project.

(c) Damages shall be determined by the drainage authority, or viewers, appointed by the drainage authority, according to section 103E.315, subdivision 8. A damages statement shall be prepared, including an explanation of how the damages were determined for each property affected by the project, and filed with the auditor or watershed district. Within 30 days after the damages statement is filed, the auditor or watershed district shall prepare property owners' reports according to section 103E.323, subdivision 1, clauses (1), (2), (6), (7), and (8), and mail a copy of the property owner's report and damages statement to each owner of property affected by the proposed project.

(d) After a damages statement is filed, the drainage authority shall set a time, by order, not more than 30 days after the date of the order, for a hearing on the project. At least ten days before the hearing, the auditor or watershed district shall give notice by mail of the time and location of the

hearing to the owners of property and political subdivisions likely to be affected by the project.

(e) The drainage authority shall make findings and order the repairs to be made if the drainage authority determines from the evidence presented at the hearing and by the viewers and engineer, if appointed, that the repairs are necessary for the drainage system and the costs of the repairs are within the limitations of section 103E.705.

**Sec. 5. [103E.067] DITCH BUFFER STRIP ANNUAL REPORTING.**

The drainage authority shall annually submit a report to the Board of Water and Soil Resources for the calendar year, including:

- (1) the number and types of actions for which viewers were appointed;
- (2) the number of miles of buffer strips established according to section 103E.021;
- (3) the number of drainage system inspections conducted; and
- (4) the number of violations of section 103E.021 identified and enforcement actions taken.

Sec. 6. Minnesota Statutes 2006, section 103E.315, subdivision 8, is amended to read:

Subd. 8. **Extent of damages.** Damages to be paid may include:

- (1) the fair market value of the property required for the channel of an open ditch and the permanent grass strip of perennial vegetation under section 103E.021;
- (2) the diminished value of a farm due to severing a field by an open ditch;
- (3) loss of crop production during drainage project construction; ~~and~~
- (4) the diminished productivity or land value from increased overflow; and
- (5) costs to restore a perennial vegetative cover or structural practice existing under a federal or state conservation program adjacent to the permanent drainage system right-of-way and damaged by the drainage project.

Sec. 7. Minnesota Statutes 2006, section 103E.321, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** The viewers' report must show, in tabular form, for each lot, 40-acre tract, and fraction of a lot or tract under separate ownership that is benefited or damaged:

- (1) a description of the lot or tract, under separate ownership, that is benefited or damaged;
- (2) the names of the owners as they appear on the current tax records of the county and their addresses;
- (3) the number of acres in each tract or lot;
- (4) the number and value of acres added to a tract or lot by the proposed drainage of public waters;
- (5) the damage, if any, to riparian rights;
- (6) the damages paid for the permanent grass strip of perennial vegetation under section

103E.021;

(7) the total number and value of acres added to a tract or lot by the proposed drainage of public waters, wetlands, and other areas not currently being cultivated;

(8) the number of acres and amount of benefits being assessed for drainage of areas which before the drainage benefits could be realized would require a public waters work permit to work in public waters under section 103G.245 to excavate or fill a navigable water body under United States Code, title 33, section 403, or a permit to discharge into waters of the United States under United States Code, title 33, section 1344;

(9) the number of acres and amount of benefits being assessed for drainage of areas that would be considered conversion of a wetland under United States Code, title 16, section 3821, if the area was placed in agricultural production;

(10) the amount of right-of-way acreage required; and

(11) the amount that each tract or lot will be benefited or damaged.

Sec. 8. Minnesota Statutes 2006, section 103E.701, is amended by adding a subdivision to read:

Subd. 7. **Restoration; disturbance or destruction by repair.** If a drainage system repair disturbs or destroys a perennial vegetative cover or structural practice existing under a federal or state conservation program adjacent to the permanent drainage system right-of-way, the practice must be restored according to the applicable practice plan or as determined by the drainage authority, if a practice plan is not available. Restoration costs shall be paid by the drainage system.

Sec. 9. Minnesota Statutes 2006, section 103E.705, subdivision 1, is amended to read:

Subdivision 1. **Inspection.** After the construction of a drainage system has been completed, the drainage authority shall maintain the drainage system that is located in its jurisdiction, including ~~grass~~ the permanent strips of perennial vegetation under section 103E.021, and provide the repairs necessary to make the drainage system efficient. The drainage authority shall have the drainage system inspected on a regular basis by an inspection committee of the drainage authority or a drainage inspector appointed by the drainage authority. Open drainage ditches shall be inspected at a minimum of every five years when no violation of section 103E.021 is found and annually when a violation of section 103E.021 is found, until one year after the violation is corrected.

Sec. 10. Minnesota Statutes 2006, section 103E.705, subdivision 2, is amended to read:

Subd. 2. **Grass Permanent strip of perennial vegetation inspection and compliance notice.**  
(a) The drainage authority having jurisdiction over a drainage system must inspect the drainage system for violations of section 103E.021. If an inspection committee of the drainage authority or a drainage inspector determines that permanent ~~grass~~ strips of perennial vegetation are not being maintained in compliance with section 103E.021, a compliance notice must be sent to the property owner.

(b) The notice must state:

(1) the date the ditch was inspected;

(2) the persons making the inspection;

(3) that spoil banks are to be spread in a manner consistent with the plan and function of the drainage system and that the drainage system has acquired a grass permanent strip 16-1/2 feet in width or to the crown of the spoil bank, whichever is greater of perennial vegetation, according to section 103E.021;

(4) the violations of section 103E.021;

(5) the measures that must be taken by the property owner to comply with section 103E.021 and the date when the property must be in compliance; and

(6) that if the property owner does not comply by the date specified, the drainage authority will perform the work necessary to bring the area into compliance with section 103E.021 and charge the cost of the work to the property owner.

(c) If a property owner does not bring an area into compliance with section 103E.021 as provided in the compliance notice, the inspection committee or drainage inspector must notify the drainage authority.

(d) This subdivision applies to property acquired under section 103E.021.

Sec. 11. Minnesota Statutes 2006, section 103E.705, subdivision 3, is amended to read:

Subd. 3. **Drainage inspection report.** For each drainage system that the board designates and requires the drainage inspector to examine, the drainage inspector shall make a drainage inspection report in writing to the board after examining a drainage system, designating portions that need repair or maintenance of grass the permanent strips of perennial vegetation and the location and nature of the repair or maintenance. The board shall consider the drainage inspection report at its next meeting and may repair all or any part of the drainage system as provided under this chapter. The grass permanent strips of perennial vegetation must be maintained in compliance with section 103E.021.

Sec. 12. Minnesota Statutes 2006, section 103E.728, subdivision 2, is amended to read:

Subd. 2. **Additional assessment for agricultural practices on grass permanent strip of perennial vegetation.** (a) The drainage authority may, after notice and hearing, charge an additional assessment on property that has agricultural practices on or otherwise violates provisions related to the permanent grass strip of perennial vegetation acquired under section 103E.021.

(b) The drainage authority may determine the cost of the repair per mile of open ditch on the ditch system. Property that is in violation of the grass requirement shall be assessed a cost of 20 percent of the repair cost per open ditch mile multiplied by the length of open ditch in miles on the property in violation.

(c) After the amount of the additional assessment is determined and applied to the repair cost, the balance of the repair cost may be apportioned pro rata as provided in subdivision 1."

Delete the title and insert:

"A bill for an act relating to environment and natural resources policy; creating a state recreation area advisory council; modifying water supply plan requirements; modifying state park permit provisions; requiring the initiation of rulemaking for aquatic plant management permits and shoreland standards; modifying restrictions related to off-highway vehicle use;

providing for state forest traditional areas; restricting the licensing of certain public water for minnows; modifying the definition of a game bird; adding legislative members to the Game and Fish Oversight Committee; designating a state wildlife management area; modifying provisions for taking animals causing damage; changing the license year for fishing, fish house, and dark house licenses; modifying certain wild animal possession and taking restrictions; providing for an apprentice hunter validation; exempting persons with military training from the range and shooting exercise portion of the required course for a firearm safety certificate; allowing the use of scopes on muzzleloaders during the muzzleloader season; removing ban on smokeless gunpowder in muzzleloaders; providing for the minimum draw weight for bows used to take big game; allowing remote-controlled animal noise callers to take unprotected wild animals; authorizing the commissioner of natural resources to issue special permits for taking bear for certain purposes; modifying certain angling seasons; modifying Lake Superior commercial fishing provisions; providing criminal and civil penalties; providing for a walk-in public access plan for certain outdoor recreation; modifying land acquisition requirements; modifying land owners' bill of rights; requiring approved firewood on land administered by the commissioner of natural resources; modifying recordation requirements for mineral interests; increasing payments in lieu of taxes for certain lands; adding to and deleting from state parks and state recreation areas; authorizing public and private sales and conveyances of certain state lands; authorizing a 20-year lease of certain tax-forfeited land; exempting certain exchanged land from the tax-forfeited land assurance fee; providing for temporary suspension of apportionment of certain net proceeds in Lake County; modifying agency service requirements; modifying provisions for wetland conservation; requiring rulemaking; restricting outdoor light pollution; modifying exemptions to noise standards; restricting the use of phosphorus in household dishwasher detergent; modifying licensing requirements for design, installation, maintenance, inspection, or operation of individual sewage treatment systems; extending the prohibition on new open air swine basins; prohibiting the sale of certain mercury-containing products; modifying restrictions on the sale, use, and disposal of certain mercury-containing products; requiring certain consumer information; modifying lamp recycling facility operation requirements; delaying phosphorus reduction requirements on wastewater treatment facilities; requiring reports; providing for community forest management; providing for control of forest and shade tree pests; modifying requirements for ditch buffers; requiring annual drainage authority reports; modifying drainage repair and inspection requirements; amending Minnesota Statutes 2006, sections 15.99, subdivision 3; 17.4984, subdivision 1; 18G.03, by adding a subdivision; 18G.11; 84.0272, subdivision 3; 84.0274, subdivision 5; 84.777; 84.9256, subdivision 2, by adding a subdivision; 84.9257; 84.926, by adding a subdivision; 84.928, subdivision 1; 84D.14; 85.013, by adding a subdivision; 85.053, subdivision 8; 85.054, by adding a subdivision; 88.01, by adding a subdivision; 88.79, subdivisions 1, 2; 88.82; 89.001, subdivision 8, by adding subdivisions; 89.01, subdivisions 1, 2, 4; 89.51, subdivisions 1, 6, 9; 89.52; 89.53; 89.54; 89.55; 89.56, subdivisions 1, 3; 89.57; 89.58; 89.59; 89.60; 89.61; 93.55, subdivision 1; 97A.015, subdivision 24, by adding a subdivision; 97A.055, subdivision 4b; 97A.133, by adding a subdivision; 97A.145, subdivision 2; 97A.205; 97A.401, subdivision 5; 97A.405, subdivisions 2, 4; 97A.411, subdivision 1; 97A.421, by adding a subdivision; 97A.451, subdivision 3; 97A.475, subdivision 2; 97A.505, subdivision 4; 97A.511; 97B.015, by adding a subdivision; 97B.020; 97B.031, subdivision 5; 97B.035, by adding a subdivision; 97B.075; 97B.085, subdivision 3; 97B.301, subdivision 7; 97B.311; 97B.405; 97B.928, subdivision 1; 97C.325; 97C.355, subdivision 8; 97C.395, subdivision 1; 97C.835, subdivisions 1, 3, 8; 103E.021, subdivisions 1, 2, 3, by adding a subdivision; 103E.315, subdivision 8; 103E.321, subdivision 1; 103E.701, by adding a subdivision; 103E.705, subdivisions 1, 2, 3; 103E.728, subdivision 2; 103F.205, subdivision

1; 103G.222, subdivision 3; 103G.2241, subdivisions 3, 4, 6, 11; 103G.2242, subdivisions 2, 2a, 9, 12, 15; 103G.2243, subdivision 2; 103G.291, subdivision 3; 103G.311, subdivision 2; 115.56, subdivision 2; 115A.932, subdivision 1; 116.07, subdivision 2a; 116.0714; 116.23; 116.92, subdivisions 3, 7a, by adding subdivisions; 116.93, subdivision 2; 169A.35, subdivision 1; 219.99; 473.1565, subdivision 1; 473.859, subdivision 3; 477A.12, subdivision 1; 477A.14, subdivision 1; Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended; Laws 2006, chapter 236, article 1, section 21; Laws 2006, chapter 251, section 16; proposing coding for new law in Minnesota Statutes, chapters 16B; 84; 85; 89; 97B; 97C; 103E; 103F; 116; 121A; repealing Minnesota Statutes 2006, sections 18G.16; 84.928, subdivision 8; 85.012, subdivision 24b; 89.51, subdivision 8; 97A.475, subdivision 38; 97C.365; 103G.2241, subdivision 8; 115.03, subdivision 10; Laws 2006, chapter 236, article 1, section 2."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

#### **Senator Moua from the Committee on Judiciary, to which was referred**

**S.F. No. 596:** A bill for an act relating to data practices; clarifying duties and classifications; making technical changes; amending Minnesota Statutes 2006, sections 13.02, subdivision 11; 13.04, subdivisions 3, 4; 13.05, subdivision 10; 13.35; 13.355, subdivision 1; 13.384, subdivisions 1, 2; 13.39, subdivisions 1, 2, 3; 13.393; 13.40, subdivisions 1, 3; 13.41, subdivision 3; 13.43, subdivisions 2, 5, 7, 10, 11; 13.435; 13.44, subdivisions 1, 2, 3; 13.462, subdivisions 2, 3; 13.48; 13.552, subdivision 3; 13.861, subdivision 1; 13.87, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 2006, section 13.79, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 13.02, subdivision 8, is amended to read:

Subd. 8. **Individual.** "Individual" means a natural person. In the case of a minor or an ~~individual adjudged mentally incompetent~~ incapacitated person as defined in section 524.5-102, subdivision 6, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

Sec. 2. Minnesota Statutes 2006, section 13.02, subdivision 11, is amended to read:

Subd. 11. **Political subdivision.** "Political subdivision" means any county, statutory or home rule charter city, school district, special district, any town exercising powers under chapter 368 and located in the metropolitan area, as defined in section 473.121, subdivision 2, and any board, commission, district or authority created pursuant to law, local ordinance or charter provision. It includes any nonprofit corporation which is a community action agency organized pursuant to the Economic Opportunity Act of 1964 (Public Law 88-452) as amended, to qualify for public funds, or any nonprofit social service agency which performs services under contract to ~~any political subdivision, statewide system or state agency~~ a government entity, to the extent that the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on

individuals because of a contractual relationship with ~~state agencies, political subdivisions or statewide systems~~ a government entity.

Sec. 3. Minnesota Statutes 2006, section 13.04, subdivision 3, is amended to read:

Subd. 3. **Access to data by individual.** Upon request to a responsible authority or designee, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created. The responsible authority or designee shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making, and certifying, and ~~compiling~~ the copies.

The responsible authority or designee shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.

Sec. 4. Minnesota Statutes 2006, section 13.04, subdivision 4, is amended to read:

Subd. 4. **Procedure when data is not accurate or complete.** (a) An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.

The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.

(b) Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a ~~state agency, political subdivision, or statewide system~~ government entity without regard to the requirements of section 138.17.

After completing, correcting, or destroying successfully challenged data, a government entity may retain a copy of the commissioner of administration's order issued under chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

Sec. 5. Minnesota Statutes 2006, section 13.05, subdivision 10, is amended to read:

Subd. 10. **International dissemination.** No ~~state agency or political subdivision~~ government

entity shall transfer or disseminate any private or confidential data on individuals to the private international organization known as Interpol, except through the Interpol-United States National Central Bureau, United States Department of Justice.

Sec. 6. Minnesota Statutes 2006, section 13.072, subdivision 1, is amended to read:

Subdivision 1. **Opinion; when required.** (a) Upon request of a government entity, the commissioner may give a written opinion on any question relating to public access to government data, rights of subjects of data, or classification of data under this chapter or other Minnesota statutes governing government data practices. Upon request of any person who disagrees with a determination regarding data practices made by a government entity, the commissioner may give a written opinion regarding the person's rights as a subject of government data or right to have access to government data.

(b) Upon request of a body subject to chapter 13D, the commissioner may give a written opinion on any question relating to the body's duties under chapter 13D. Upon request of a person who disagrees with the manner in which members of a governing body perform their duties under chapter 13D, the commissioner may give a written opinion on compliance with chapter 13D. A governing body or person requesting an opinion under this paragraph must pay the commissioner a fee of \$200. Money received by the commissioner under this paragraph is appropriated to the commissioner for the purposes of this section.

(c) If the commissioner determines that no opinion will be issued, the commissioner shall give the government entity or body subject to chapter 13D or person requesting the opinion notice of the decision not to issue the opinion within five business days of receipt of the request. If this notice is not given, the commissioner shall issue an opinion within 20 days of receipt of the request.

(d) For good cause and upon written notice to the person requesting the opinion, the commissioner may extend this deadline for one additional 30-day period. The notice must state the reason for extending the deadline. The government entity or the members of a body subject to chapter 13D must be provided a reasonable opportunity to explain the reasons for its decision regarding the data or how they perform their duties under chapter 13D. The commissioner or the government entity or body subject to chapter 13D may choose to give notice to the subject of the data concerning the dispute regarding the data or compliance with chapter 13D.

(e) This section does not apply to a determination made by the commissioner of health under section 13.3805, subdivision 1, paragraph (b), or 144.6581.

(f) A written, numbered, and published opinion issued by the attorney general shall take precedence over an opinion issued by the commissioner under this section.

Sec. 7. Minnesota Statutes 2006, section 13.08, subdivision 4, is amended to read:

Subd. 4. **Action to compel compliance.** (a) In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. If the court issues an order to compel compliance under this subdivision, the court may impose a



civil penalty of up to \$300 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1. The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration.

(b) In determining whether to assess a civil penalty under this subdivision, the court shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has:

(1) designated a responsible authority under section 13.02, subdivision 16;

(2) designated a data practices compliance official under section 13.05, subdivision 13;

(3) prepared the public document that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under section 13.05, subdivision 1;

(4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.05, subdivision 8; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;

(5) ~~sought an oral, written, or electronic opinion from the commissioner of administration related to the matter at issue and acted in conformity with that opinion or acted in conformity with an opinion issued under section 13.072 that was sought by a government entity or another person; or~~

(6) provided ongoing training to government entity personnel who respond to requests under this chapter.

(c) The court shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

Sec. 8. Minnesota Statutes 2006, section 13.32, subdivision 5, is amended to read:

Subd. 5. **Directory information.** Information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99.37 ~~which are in effect on July 1, 1993~~, is public data on individuals. When conducting the directory information designation and notice process required by federal law, an educational agency or institution shall give parents and students notice of the right to refuse to let the agency or institution designate any or all data about the student as directory information. This notice may be given by any means reasonably likely to inform the parents and students of the right.

Sec. 9. Minnesota Statutes 2006, section 13.35, is amended to read:

**13.35 FEDERAL CONTRACTS DATA.**

To the extent that a federal agency requires it as a condition for contracting with a ~~state agency or political subdivision~~ government entity, all government data collected and maintained by the ~~state agency or political subdivision~~ government entity because that agency contracts with the federal agency are classified as either private or nonpublic depending on whether the data are data on individuals or data not on individuals.

Sec. 10. Minnesota Statutes 2006, section 13.355, subdivision 1, is amended to read:

Subdivision 1. **General.** The Social Security numbers of individuals, whether provided in whole or in part, collected or maintained by a ~~state agency, statewide system, or political subdivision~~ government entity are private data on individuals, except to the extent that access to the Social Security number is specifically authorized by law.

Sec. 11. Minnesota Statutes 2006, section 13.384, subdivision 1, is amended to read:

Subdivision 1. **Definition.** As used in this section:

(a) "Directory information" means name of the patient, date admitted, and general condition.

(b) "Medical data" means data collected because an individual was or is a patient or client of a hospital, nursing home, medical center, clinic, health or nursing agency operated by a ~~state agency or political subdivision~~ government entity including business and financial records, data provided by private health care facilities, and data provided by or about relatives of the individual.

Sec. 12. Minnesota Statutes 2006, section 13.384, subdivision 2, is amended to read:

Subd. 2. **Public hospitals; directory information.** (a) During the time that a person is a patient in a hospital operated by a ~~state agency or political subdivision~~ government entity under legal commitment, directory information is public data. After the person is released by termination of the person's legal commitment, the directory information is private data on individuals.

(b) If a person is a patient other than pursuant to commitment in a hospital controlled by a ~~state agency or political subdivision~~ government entity, directory information is public data unless the patient requests otherwise, in which case it is private data on individuals.

(c) Directory information about an emergency patient who is unable to communicate which is public under this subdivision shall not be released until a reasonable effort is made to notify the next of kin. Although an individual has requested that directory information be private, the hospital may release directory information to a law enforcement agency pursuant to a lawful investigation pertaining to that individual.

Sec. 13. Minnesota Statutes 2006, section 13.39, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** A "pending civil legal action" includes but is not limited to judicial, administrative or arbitration proceedings. Whether a civil legal action is pending shall be determined by the chief attorney acting for the ~~state agency, political subdivision or statewide system~~ government entity.

Sec. 14. Minnesota Statutes 2006, section 13.39, subdivision 2, is amended to read:

Subd. 2. **Civil actions.** (a) Except as provided in paragraph (b), data collected by state agencies, political subdivisions, or statewide systems as part of an active investigation undertaken for the

purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data pursuant to section 13.02, subdivision 13, in the case of data not on individuals and confidential pursuant to section 13.02, subdivision 3, in the case of data on individuals. Any agency, political subdivision, or statewide system may make any data classified as confidential or protected nonpublic pursuant to this subdivision accessible to any person, agency or the public if the agency, political subdivision, or statewide system determines that the access will aid the law enforcement process, promote public health or safety or dispel widespread rumor or unrest.

(b) A complainant has access to a statement provided by the complainant to a ~~state agency, statewide system, or political subdivision~~ government entity under paragraph (a).

Sec. 15. Minnesota Statutes 2006, section 13.39, subdivision 2a, is amended to read:

Subd. 2a. **Disclosure of data.** During the time when a civil legal action is determined to be pending under subdivision 1, any person may bring an action in the district court in the county where the data is maintained to obtain disclosure of data classified as confidential or protected nonpublic under subdivision 2. The court may order that all or part of the data be released to the public or to the person bringing the action. In making the determination whether data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, the ~~agency~~ government entity, or any person identified in the data. The data in dispute shall be examined by the court in camera.

Sec. 16. Minnesota Statutes 2006, section 13.39, subdivision 3, is amended to read:

Subd. 3. **Inactive investigative data.** Inactive civil investigative data are public, unless the release of the data would jeopardize another pending civil legal action, and except for those portions of a civil investigative file that are classified as not public data by this chapter or other law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. Civil investigative data become inactive upon the occurrence of any of the following events:

(1) a decision by the ~~state agency, political subdivision, or statewide system~~ government entity or by the chief attorney acting for the ~~state agency, political subdivision, or statewide system~~ government entity not to pursue the civil action;

(2) expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil action; or

(3) exhaustion of or expiration of rights of appeal by either party to the civil action.

Data determined to be inactive under clause (1) may become active if the ~~state agency, political subdivision, statewide system~~ government entity, or its attorney decides to renew the civil action.

Sec. 17. Minnesota Statutes 2006, section 13.392, subdivision 1, is amended to read:

Subdivision 1. **Confidential data or protected nonpublic data.** Data, notes, and preliminary drafts of reports created, collected, and maintained by the internal audit offices of ~~state agencies and political subdivisions~~ government entities, or persons performing audits for ~~state agencies and political subdivisions~~ government entities, and relating to an audit or investigation are confidential data on individuals or protected nonpublic data until the final report has been published or the audit or investigation is no longer being pursued actively, except that the data shall be disclosed as required

to comply with section 6.67 or 609.456. This section does not limit in any way:

(1) the state auditor's access to government data of political subdivisions or data, notes, or preliminary drafts of reports of persons performing audits for political subdivisions; or

(2) the public or a data subject's access to data classified by section 13.43.

Sec. 18. Minnesota Statutes 2006, section 13.393, is amended to read:

### **13.393 ATTORNEYS.**

Notwithstanding the provisions of this chapter and section 15.17, the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for ~~the state, a state agency or a political subdivision~~ a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility; provided that this section shall not be construed to affect the applicability of any statute, other than this chapter and section 15.17, which specifically requires or prohibits disclosure of specific information by the attorney, nor shall this section be construed to relieve any responsible authority, other than the attorney, from duties and responsibilities pursuant to this chapter and section 15.17.

Sec. 19. Minnesota Statutes 2006, section 13.40, subdivision 1, is amended to read:

Subdivision 1. **Records subject to this chapter.** (a) For purposes of this section, "historical records repository" means an archives or manuscript repository operated by ~~any state agency, statewide system, or political subdivision~~ a government entity whose purpose is to collect and maintain data to further the history of a geographic or subject area. The term does not include the state archives as defined in section 138.17, subdivision 1, clause (5).

(b) Data collected, maintained, used, or disseminated by a library or historical records repository operated by ~~any state agency, political subdivision, or statewide system~~ a government entity shall be administered in accordance with the provisions of this chapter.

Sec. 20. Minnesota Statutes 2006, section 13.40, subdivision 3, is amended to read:

Subd. 3. **Nongovernmental data.** Data held in the custody of a historical records repository that were not originally created, received, maintained, or disseminated by a ~~state agency, statewide system, or political subdivision~~ government entity are not government data. These data are accessible to the public unless:

(1) the data are contributed by private persons under an agreement that restricts access, to the extent of any lawful limitation; or

(2) access would significantly endanger the physical or organizational integrity of the data.

Sec. 21. Minnesota Statutes 2006, section 13.41, subdivision 3, is amended to read:

Subd. 3. **Board of Peace Officer Standards and Training.** The following government data of the Board of Peace Officer Standards and Training are private data:

(1) home addresses of licensees and applicants for licenses; and

(2) data that identify the ~~state agency, statewide system, or political subdivision~~ government

entity that employs a licensed peace officer.

The board may disseminate private data on applicants and licensees as is necessary to administer law enforcement licensure or to provide data under section 626.845, subdivision 1, to law enforcement agencies who are conducting employment background investigations.

Sec. 22. Minnesota Statutes 2006, section 13.43, subdivision 2, is amended to read:

Subd. 2. **Public data.** (a) Except for employees described in subdivision 5 and subject to the limitations described in subdivision 5a, the following personnel data on current and former employees, volunteers, and independent contractors of a government entity is public:

(1) name; employee identification number, which must not be the employee's Social Security number; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;

(2) job title and bargaining unit; job description; education and training background; and previous work experience;

(3) date of first and last employment;

(4) the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;

(5) the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body;

(6) the terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement as defined in section 123B.143, subdivision 2, paragraph (a); except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money;

(7) work location; a work telephone number; badge number; and honors and awards received; and

(8) payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

(b) For purposes of this subdivision, a final disposition occurs when the ~~state agency, statewide system, or political subdivision~~ government entity makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the ~~state agency, statewide system, political subdivision~~ government entity, or arbitrator.

(c) The ~~state agency, statewide system, or political subdivision~~ government entity may display a photograph of a current or former employee to a prospective witness as part of the ~~state agency's,~~

~~statewide system's, or political subdivision's~~ government entity's investigation of any complaint or charge against the employee.

(d) A complainant has access to a statement provided by the complainant to a ~~state agency, statewide system, or political subdivision~~ government entity in connection with a complaint or charge against an employee.

(e) Notwithstanding paragraph (a), clause (5), upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. For purposes of this paragraph, "public official" means:

(1) the head of a state agency and deputy and assistant state agency heads;

(2) members of boards or commissions required by law to be appointed by the governor or other elective officers; and

(3) executive or administrative heads of departments, bureaus, divisions, or institutions.

Sec. 23. Minnesota Statutes 2006, section 13.43, subdivision 5, is amended to read:

Subd. 5. **Undercover law enforcement officer.** All personnel data maintained by ~~any state agency, statewide system or political subdivision~~ a government entity relating to an individual employed as or an applicant for employment as an undercover law enforcement officer are private data on individuals. When the individual is no longer assigned to an undercover position, the data described in subdivisions 2 and 3 become public unless the law enforcement agency determines that revealing the data would threaten the personal safety of the officer or jeopardize an active investigation.

Sec. 24. Minnesota Statutes 2006, section 13.43, subdivision 7, is amended to read:

Subd. 7. **Employee assistance data.** All data created, collected or maintained by ~~any state agency or political subdivision~~ a government entity to administer employee assistance programs similar to the one authorized by section 43A.319 are classified as private, pursuant to section 13.02, subdivision 12. This section shall not be interpreted to authorize the establishment of employee assistance programs.

Sec. 25. Minnesota Statutes 2006, section 13.43, subdivision 9, is amended to read:

Subd. 9. **Peer counseling debriefing data.** (a) Data acquired by a peer group member in a public safety peer counseling debriefing is private data on the person being debriefed.

(b) For purposes of this subdivision, "public safety peer counseling debriefing" means a group process oriented debriefing session held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by ~~any agency~~ government entity providing public safety emergency services and is designed to help a person who has suffered an occupation-related traumatic event begin the process of healing and effectively dealing with posttraumatic stress.

Sec. 26. Minnesota Statutes 2006, section 13.43, subdivision 10, is amended to read:

Subd. 10. **Prohibition on agreements limiting disclosure or discussion of personnel data.**

(a) A ~~state agency, statewide system, or political subdivision~~ government entity may not enter into an agreement settling a dispute arising out of the employment relationship with the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data. An agreement or portion of an agreement that violates this paragraph is void and unenforceable.

(b) Paragraph (a) applies to the following, but only to the extent that the data or information could otherwise be made accessible to the public:

(1) an agreement not to discuss, publicize, or comment on personnel data or information;

(2) an agreement that limits the ability of the subject of personnel data to release or consent to the release of data; or

(3) any other provision of an agreement that has the effect of limiting the disclosure or discussion of information that could otherwise be made accessible to the public, except a provision that limits the ability of an employee to release or discuss private data that identifies other employees.

(c) Paragraph (a) also applies to a court order that contains terms or conditions prohibited by paragraph (a).

Sec. 27. Minnesota Statutes 2006, section 13.43, subdivision 11, is amended to read:

Subd. 11. **Protection of employee or others.** (a) If the responsible authority or designee of a ~~state agency, statewide system, or political subdivision~~ government entity reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, data that are relevant to the concerns for safety may be released as provided in this subdivision.

(b) The data may be released:

(1) to the person who may be harmed and to an attorney representing the person when the data are relevant to obtaining a restraining order;

(2) to a prepetition screening team conducting an investigation of the employee under section 253B.07, subdivision 1; or

(3) to a court, law enforcement agency, or prosecuting authority.

(c) Section 13.03, subdivision 4, paragraph (c), applies to data released under this subdivision, except to the extent that the data have a more restrictive classification in the possession of the agency or authority that receives the data. If the person who may be harmed or the person's attorney receives data under this subdivision, the data may be used or released further only to the extent necessary to protect the person from harm.

Sec. 28. Minnesota Statutes 2006, section 13.435, is amended to read:

**13.435 SALARY BENEFIT SURVEY DATA.**

Salary and personnel benefit survey data purchased from consulting firms, nonprofit corporations or associations or obtained from employers with the written understanding that the data shall not

be made public which is maintained by ~~state agencies, political subdivisions or statewide systems~~ government entities are classified as nonpublic pursuant to section 13.02, subdivision 9.

Sec. 29. Minnesota Statutes 2006, section 13.44, subdivision 1, is amended to read:

Subdivision 1. **Real property; complaint data.** The identities of individuals who register complaints with ~~state agencies or political subdivisions~~ government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to section 13.02, subdivision 3.

Sec. 30. Minnesota Statutes 2006, section 13.44, subdivision 2, is amended to read:

Subd. 2. **Real property; building code violations.** Code violation records pertaining to a particular parcel of real property and the buildings, improvements, and dwelling units located on it that are kept by any state, county, or city agency charged by the governing body of the appropriate ~~political subdivision~~ government entity with the responsibility for enforcing a state, county, or city health, housing, building, fire prevention, or housing maintenance code are public data; except as otherwise provided by section 13.39, subdivision 2; 13.44; or 13.82, subdivision 7.

Sec. 31. Minnesota Statutes 2006, section 13.44, subdivision 3, is amended to read:

Subd. 3. **Real property; appraisal data.** (a) **Confidential or protected nonpublic data.** Estimated or appraised values of individual parcels of real property that are made by personnel ~~of the state or a political subdivision~~ a government entity or by independent appraisers acting for ~~the state or a political subdivision~~ a government entity for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.

(b) **Private or nonpublic data.** Appraised values of individual parcels of real property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from ~~the state or a political subdivision~~ a government entity are classified as private data on individuals or nonpublic data.

(c) **Public data.** The data made confidential or protected nonpublic under paragraph (a) or made private or nonpublic under paragraph (b) become public upon the occurrence of any of the following:

- (1) the data are submitted to a court-appointed condemnation commissioner;
- (2) the data are presented in court in condemnation proceedings; or
- (3) the negotiating parties enter into an agreement for the purchase and sale of the property.

Sec. 32. Minnesota Statutes 2006, section 13.462, is amended to read:

### **13.462 BENEFIT DATA.**

Subdivision 1. **Definition.** As used in this section, "benefit data" means data on individuals collected or created because an individual seeks information about becoming, is, or was an applicant for or a recipient of benefits or services provided under various housing, home ownership, rehabilitation and community action agency, Head Start, and food assistance programs administered by ~~state agencies, political subdivisions, or statewide systems~~ government entities. Benefit data does not include welfare data which shall be administered in accordance with section 13.46.



Subd. 2. **Public data.** The names and addresses of applicants for and recipients of benefits, aid, or assistance through programs administered by ~~any political subdivision, state agency, or statewide system~~ a government entity that are intended to assist with the purchase, rehabilitation, or other purposes related to housing or other real property are classified as public data on individuals. If an applicant or recipient is a corporation, the names and addresses of the officers of the corporation are public data on individuals. If an applicant or recipient is a partnership, the names and addresses of the partners are public data on individuals. The amount or value of benefits, aid, or assistance received is public data.

Subd. 3. **Private data.** Unless otherwise provided by law, all other benefit data are private data on individuals, and shall not be disclosed except pursuant to court order or to an agent of the ~~state agency, political subdivision, or statewide system~~ government entity, including appropriate law enforcement personnel, who are acting in an investigation or prosecution of a criminal or civil proceeding relating to the administration of a program described in subdivision 1.

Sec. 33. Minnesota Statutes 2006, section 13.48, is amended to read:

**13.48 AWARD DATA.**

Financial data on business entities submitted to a ~~state agency, statewide system, or political subdivision~~ government entity for the purpose of presenting awards to business entities for achievements in business development or performance are private data on individuals or nonpublic data.

Sec. 34. Minnesota Statutes 2006, section 13.4965, subdivision 3, is amended to read:

Subd. 3. **Homestead applications.** The classification and disclosure of certain information collected to determine homestead classification are governed by ~~section~~ sections 273.124, subdivision 13, and 273.1315, subdivision 2.

Sec. 35. Minnesota Statutes 2006, section 13.552, subdivision 3, is amended to read:

Subd. 3. **Data provided under subpoena.** Data supplied by a ~~state agency, statewide system, or political subdivision~~ government entity pursuant to a subpoena issued by the commissioner of human rights is governed by section 363A.06, subdivision 2.

Sec. 36. Minnesota Statutes 2006, section 13.591, subdivision 4, is amended to read:

Subd. 4. **Classification of evaluative data; data sharing.** (a) Data created or maintained by a government entity as part of the selection or evaluation process referred to in this section are protected nonpublic data until completion of the selection process or completion of the evaluation process at which time the data are public with the exception of trade secret data as defined and classified in section 13.37.

(b) If a ~~state agency~~ government entity asks employees of other ~~state agencies~~ government entities to assist with the selection of the responses to a request for bid or the evaluation of responses to a request for proposal, the ~~state agency~~ government entity may share not public data in the responses with those employees. The employees participating in the selection or evaluation may not further disseminate the not public data they review.

Sec. 37. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision to read:

Subd. 14. **Market research data; classification.** (a) Names, home addresses except for zip codes, home e-mail addresses, and home telephone numbers obtained for or received in response to a survey conducted by or on behalf of the Department of Transportation are classified as private data on individuals.

(b) Business names, business addresses except for zip codes, business e-mail addresses, and business telephone numbers obtained for or received in response to a survey conducted by or on behalf of the Department of Transportation are classified as nonpublic data.

Sec. 38. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision to read:

Subd. 15. **Overhead rate data.** Financial statements and shareholder financial data provided to the commissioner of transportation by a consultant in order to establish its overhead rate, and the schedule of audit adjustments and the overhead rate schedule prepared by the Department of Transportation in order to establish the overhead rate for a consultant are classified as nonpublic data or private data on individuals. The overhead rate percentage is public data.

Sec. 39. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision to read:

Subd. 16. **Bid escrow data.** Bid documentation held in escrow by the Department of Transportation is classified as nonpublic data. Data on individuals in the bid documentation are classified as private data on individuals. "Bid documentation" means all writings, working papers, computer printout charts, and other data calculations used by a contractor to determine its bid in bidding for a contract. The bid documentation includes, but is not limited to, the contractor's costs for operating each piece of equipment owned by the contractor, the contractor's overhead costs and its calculated overhead rate, the contractor's pay rates for its employees, efficiency or productivity factors, arithmetic extensions, and the rates and quotations from subcontractors and material suppliers to the extent that the rates and quotations were used by the contractor in formulating and determining the amount of the bid.

Sec. 40. **[13.7908] BUREAU OF MEDIATION SERVICES DATA.**

Subdivision 1. **Representation data.** Authorization signatures or cards furnished in support of a petition filed or election conducted under sections 179.16, 179.18 to 179.25, and 179A.12, and ballots, prior to the time of tabulation, are classified as protected nonpublic data or confidential data on individuals.

Subd. 2. **Mediation data.** Data received or maintained by the staff or commissioner of the Bureau of Mediation Services during the course of providing mediation services to the parties to a labor dispute under chapter 179 are classified as protected nonpublic data or confidential data on individuals, except to the extent the commissioner of the Bureau of Mediation Services determines access to data is necessary to fulfill the requirements of section 179A.16 or to identify the general nature of or parties to a labor dispute.

Sec. 41. Minnesota Statutes 2006, section 13.861, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** As used in this section:

(a) "Security service" means an organization that provides security services to a ~~state agency or political subdivision~~ government entity as a part of the ~~governmental~~ that entity or under contract to it. Security service does not include a law enforcement agency.

(b) "Security service data" means all data collected, created, or maintained by a security service for the purpose of providing security services.

Sec. 42. Minnesota Statutes 2006, section 13.87, subdivision 1, is amended to read:

Subdivision 1. **Criminal history data.** (a) **Definition.** For purposes of this subdivision, "criminal history data" means all data maintained in criminal history records compiled by the Bureau of Criminal Apprehension and disseminated through the criminal justice information system, including, but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data.

(b) **Classification.** Criminal history data maintained by agencies, political subdivisions and statewide systems are classified as private, pursuant to section 13.02, subdivision 12, except that data created, collected, or maintained by the Bureau of Criminal Apprehension that identify an individual who was convicted of a crime, the offense of which the individual was convicted, associated court disposition and sentence information, controlling agency, and confinement information are public data for 15 years following the discharge of the sentence imposed for the offense. If an individual's name or other identifying information is erroneously associated with a criminal history and a determination is made through a fingerprint verification that the individual is not the subject of the criminal history, the name or other identifying information must be redacted from the public criminal history data. The name and other identifying information must be retained in the criminal history and are classified as private data.

The Bureau of Criminal Apprehension shall provide to the public at the central office of the bureau the ability to inspect in person, at no charge, through a computer monitor the criminal conviction data classified as public under this subdivision.

(c) **Limitation.** Nothing in paragraph (a) or (b) shall limit public access to data made public by section 13.82.

Sec. 43. Minnesota Statutes 2006, section 13.87, subdivision 2, is amended to read:

Subd. 2. **Firearms data.** All data pertaining to the purchase or transfer of firearms and applications for permits to carry firearms which are collected by ~~state agencies, political subdivisions or statewide systems~~ government entities pursuant to sections 624.712 to 624.719 are classified as private, pursuant to section 13.02, subdivision 12.

Sec. 44. [13.873] INTEGRATED SEARCH SERVICE DATA SUBJECT ACCESS.

Subdivision 1. **Definition.** For purposes of this section, "integrated search service" is a service operated by the Bureau of Criminal Apprehension that allows authorized users to search and view data that are stored on one or more databases maintained by criminal justice agencies, as defined in section 299C.46, subdivision 2.

Subd. 2. **Requests by data subject.** An individual who is the subject of data accessible through the integrated search service has access to the service only as provided in this section. An individual may request that an integrated search service query to locate data about the individual be performed by state or local law enforcement agencies with integrated search service access. State and local law enforcement agencies with integrated search service access shall provide only the following:

(1) a list of the government entities that have provided public or private data about that individual

through integrated search service; and

(2) data that describe what is maintained about the individual at each government entity on the list.

Subd. 3. **Bureau responsibilities.** The Bureau of Criminal Apprehension shall provide the following information at a public Internet site:

(1) a listing of all law enforcement agencies with integrated search service access; and

(2) information for individual data subjects on how to challenge the accuracy or completeness of data pursuant to section 13.04, subdivision 4.

Sec. 45. Minnesota Statutes 2006, section 84.0274, subdivision 5, is amended to read:

Subd. 5. **Owner's rights.** When the state proposes to purchase in fee or any lesser interest in land which will be administered by the commissioner of natural resources, the landowner shall have the following rights:

(a) The right to be informed of the specific intended use of the property and of any change in the intended use of the property which occurs during the acquisition process. The owner shall also be informed that the documents regarding the purchase will be public records if the land is purchased by the state;

(b) The right to be paid a fair price for the property. The price shall include the fair market value of the land plus:

(1) All necessary incidental costs such as abstracting and recording fees related to the sale. The costs of clearing title defects, paying taxes, and attorney's fees are not reimbursable; and

(2) Any penalties incurred by the owner where the property is security for a loan or advance of credit that contains a provision requiring or permitting the imposition of a penalty if the loan or advance of credit is prepaid;

(c) The right to payment, at the owner's election, in a lump sum or in up to four annual installments;

(d) The right to have the property fairly appraised by the state. The state's appraiser shall physically inspect the property and shall allow the owner ~~along~~ to accompany the appraiser when the appraisal is made. The state's appraiser shall certify in the appraisal report to having physically inspected the property and having given the landowner an opportunity to ~~go along~~ accompany the appraiser on inspections. Notwithstanding section 13.44, subdivision 3, before an offer is made, the landowner shall be given a resume of the state's certified appraisal. The resume shall include the appraiser's conclusions as to value, acreage and type of land, value of buildings and other improvements, value of timber, special damages and any special elements of value informed of the value determined pursuant to section 84.0272;

(e) The right to retain a qualified independent appraiser to conduct an appraisal at any time prior to certification of the state's appraisal of the property and to be reimbursed for appraisal fees as provided in section 117.232, subdivision 1, if the land is sold to the state and to have that appraisal considered along with the state's in certifying the selling price;

(f) The right to have the state acquire the property by means of condemnation upon the owner's request with the agreement of the commissioner;

(g) The right to receive or waive relocation assistance, services, payments and benefits as provided in sections 117.52 and 117.521;

(h) The right to accept the state's offer for the property and contest the state's offer for relocation and moving expenses;

(i) The right to continue occupancy of the property until full payment is received, provided that when the owner elects to receive payment in annual installments pursuant to clause (c), the owner may retain occupancy until the first payment is made; and

(j) The right to seek the advice of counsel regarding any aspect of the land transaction.

Sec. 46. Minnesota Statutes 2006, section 122A.33, subdivision 3, is amended to read:

**Subd. 3. Notice of nonrenewal; opportunity to respond.** A school board that declines to renew the coaching contract of a licensed or nonlicensed head varsity coach must notify the coach within 14 days of that decision. If the coach requests reasons for not renewing the coaching contract, the board must give the coach its reasons in writing within ten days of receiving the request. Upon request, the board must provide the coach with a reasonable opportunity to respond to the reasons at a board meeting. The hearing may be opened or closed at the election of the coach unless the board closes the meeting under section 13D.05, subdivision 2, to discuss ~~nonpublic data~~ that are not public data.

Sec. 47. Minnesota Statutes 2006, section 171.07, subdivision 1a, is amended to read:

**Subd. 1a. Filing photograph or image; data classification.** The department shall file, or contract to file, all photographs or electronically produced images obtained in the process of issuing drivers' licenses or Minnesota identification cards. The photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographs or electronically produced images to data subjects. The use of the files is restricted:

(1) to the issuance and control of drivers' licenses;

(2) ~~for law enforcement purposes in the investigation and prosecution of crimes; and to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the investigation and prosecution of crimes, service of process, enforcement of no contact orders, location of missing persons, investigation and preparation of cases for criminal, juvenile, and traffic court, and supervision of offenders;~~

(3) ~~for~~ to public defenders, as defined in section 611.272, for the investigation and preparation of cases for criminal, juvenile, and traffic courts; and

(4) to child support enforcement purposes under section 256.978.

Sec. 48. Minnesota Statutes 2006, section 270B.01, subdivision 8, is amended to read:

**Subd. 8. Minnesota tax laws.** For purposes of this chapter only, unless expressly stated otherwise, "Minnesota tax laws" means:

(1) the taxes, refunds, and fees administered by or paid to the commissioner under chapters 115B, 289A (except taxes imposed under sections 298.01, 298.015, and 298.24), 290, 290A, 291, 295, 297A, 297B, and 297H, or any similar Indian tribal tax administered by the commissioner pursuant to any tax agreement between the state and the Indian tribal government, and includes any laws for the assessment, collection, and enforcement of those taxes, refunds, and fees; and

(2) section 273.1315, subdivision 1.

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

Sec. 49. Minnesota Statutes 2006, section 270B.02, subdivision 3, is amended to read:

Subd. 3. **Confidential data on individuals; protected nonpublic data.** (a) Except as provided in paragraph (b), the name or existence of an informer, informer letters, and other data, in whatever form, given to the Department of Revenue by a person, other than the data subject, who informs that a specific person is not or may not be in compliance with tax laws, or nontax laws administered by the Department of Revenue, including laws ~~other than those relating to property taxes~~ not listed in section 270B.01, subdivision 8, are confidential data on individuals or protected nonpublic data as defined in section 13.02, subdivisions 3 and 13. This paragraph does not apply to laws relating to property taxes.

(b) Data under paragraph (a) may be disclosed with the consent of the informer or upon a written finding by a court that the information provided by the informer was false and that there is evidence that the information was provided in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the Rules of Criminal Procedure.

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

Sec. 50. Minnesota Statutes 2006, section 270B.085, is amended by adding a subdivision to read:

Subd. 3. **Collection of nontax debt.** The commissioner may use return information for the purpose of collecting debts referred to the commissioner under chapter 16D.

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

Sec. 51. Minnesota Statutes 2006, section 270B.14, subdivision 3, is amended to read:

Subd. 3. **Administration of enterprise, job opportunity, and biotechnology and health sciences industry zone ~~program~~ programs.** The commissioner may disclose return information relating to the taxes imposed by chapters 290 and 297A to the Department of Employment and Economic Development or a municipality receiving an enterprise zone designation under section 469.169 but only as necessary to administer the funding limitations under section 469.169, subdivision 7-, or to the Department of Employment and Economic Development and appropriate officials from the local government units in which a qualified business is located but only as necessary to enforce the job opportunity building zone benefits under section 469.315, or biotechnology and health sciences industry zone benefits under section 469.336.

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

Sec. 52. Minnesota Statutes 2006, section 273.1315, is amended to read:

**273.1315 CERTIFICATION OF CLASS 1B PROPERTY.**

Subdivision 1. **Class 1b homestead declaration before 2008.** Any property owner seeking classification and assessment of the owner's homestead as class 1b property pursuant to section 273.13, subdivision 22, paragraph (b), on or before October 1, 2007, shall file with the commissioner of revenue a 1b homestead declaration, on a form prescribed by the commissioner. The declaration shall contain the following information:

(a) the information necessary to verify that on or before June 30 of the filing year, the property owner or the owner's spouse satisfies the requirements of section 273.13, subdivision 22, paragraph (b), for 1b classification; and

(b) any additional information prescribed by the commissioner.

The declaration must be filed on or before October 1 to be effective for property taxes payable during the succeeding calendar year. The declaration and any supplementary information received from the property owner pursuant to this ~~section~~ subdivision shall be subject to chapter 270B. If approved by the commissioner, the declaration remains in effect until the property no longer qualifies under section 273.13, subdivision 22, paragraph (b). Failure to notify the commissioner within 30 days that the property no longer qualifies under that paragraph because of a sale, change in occupancy, or change in the status or condition of an occupant shall result in the penalty provided in section 273.124, subdivision 13, computed on the basis of the class 1b benefits for the property, and the property shall lose its current class 1b classification.

The commissioner shall provide to the assessor on or before November 1 a listing of the parcels of property qualifying for 1b classification.

Subd. 2. **Class 1b homestead declaration 2008 and thereafter.** Any property owner seeking classification and assessment of the owner's homestead as class 1b property pursuant to section 273.13, subdivision 22, paragraph (b), after October 1, 2007, shall file with the county assessor a class 1b homestead declaration, on a form prescribed by the commissioner of revenue. The declaration must contain the following information:

(1) the information necessary to verify that, on or before June 30 of the filing year, the property owner or the owner's spouse satisfies the requirements of section 273.13, subdivision 22, paragraph (b), for class 1b classification; and

(2) any additional information prescribed by the commissioner.

The declaration must be filed on or before October 1 to be effective for property taxes payable during the succeeding calendar year. The Social Security numbers and income and medical information received from the property owner pursuant to this subdivision are private data on individuals as defined in section 13.02. If approved by the assessor, the declaration remains in effect until the property no longer qualifies under section 273.13, subdivision 22, paragraph (b). Failure to notify the assessor within 30 days that the property no longer qualifies under that paragraph because of a sale, change in occupancy, or change in the status or condition of an occupant shall result in the penalty provided in section 273.124, subdivision 13, computed on the basis of the class 1b benefits for the property, and the property shall lose its current class 1b classification.

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

Sec. 53. **REPEALER.**

Minnesota Statutes 2006, section 13.79, subdivision 2, is repealed."

Delete the title and insert:

"A bill for an act relating to data practices; clarifying duties and classifications; making technical changes; providing for access to and classifications of data; amending Minnesota Statutes 2006, sections 13.02, subdivisions 8, 11; 13.04, subdivisions 3, 4; 13.05, subdivision 10; 13.072, subdivision 1; 13.08, subdivision 4; 13.32, subdivision 5; 13.35; 13.355, subdivision 1; 13.384, subdivisions 1, 2; 13.39, subdivisions 1, 2, 2a, 3; 13.392, subdivision 1; 13.393; 13.40, subdivisions 1, 3; 13.41, subdivision 3; 13.43, subdivisions 2, 5, 7, 9, 10, 11; 13.435; 13.44, subdivisions 1, 2, 3; 13.462; 13.48; 13.4965, subdivision 3; 13.552, subdivision 3; 13.591, subdivision 4; 13.72, by adding subdivisions; 13.861, subdivision 1; 13.87, subdivisions 1, 2; 84.0274, subdivision 5; 122A.33, subdivision 3; 171.07, subdivision 1a; 270B.01, subdivision 8; 270B.02, subdivision 3; 270B.085, by adding a subdivision; 270B.14, subdivision 3; 273.1315; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 2006, section 13.79, subdivision 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was referred**

**S.F. No. 1822:** A bill for an act relating to landlord and tenant; permitting victims of domestic abuse to terminate a lease in certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 504B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [504B.206] RIGHT OF VICTIMS OF DOMESTIC ABUSE TO TERMINATE LEASE.

Subdivision 1. Right to terminate; procedure.

(a) A tenant to a residential lease who is a victim of domestic abuse and fears imminent domestic abuse against the tenant or the tenant's minor children if the tenant or the tenant's minor children remain in the leased premises may terminate a lease agreement without penalty or liability as provided in this section. The tenant must provide advance written notice to the landlord stating that:

(1) the tenant fears imminent domestic abuse from a person named in an order for protection or no contact order;

(2) the tenant needs to terminate the tenancy; and

(3) the specific date the tenancy will terminate.

(b) The written notice must be delivered before the termination of the tenancy by mail, fax, or in person, and be accompanied by the order for protection or no contact order.

(c) For purposes of this section, an order for protection means an order issued under chapter 518B. A no contact order means a no contact order currently in effect, issued under section 518B.01,



subdivision 22, or chapter 609.

Subd. 2. **Treatment of information.** A landlord must not disclose information provided to the landlord by a tenant documenting domestic abuse under subdivision 1. The information must not be entered into any shared database or provided to any person or entity but may be used when required as evidence in an eviction proceeding, action for unpaid rent or damages arising out of the tenancy, claims under section 504B.178, with the consent of the tenant, or as otherwise required by law.

Subd. 3. **Liability for rent; termination of tenancy.** (a) A tenant terminating a lease under subdivision 1 is responsible for the rent payment for the full month in which the tenancy terminates and an additional amount equal to one month's rent. The tenant is relieved of any other contractual obligation for payment of rent or any other charges for the remaining term of the lease, except as provided in this section.

(b) This section does not affect a tenant's liability for delinquent, unpaid rent or other amounts owed to the landlord before the lease was terminated by the tenant under this section.

(c) The tenancy terminates, including the right of possession of the premises, on the termination date stated in the notice under subdivision 1. The amount equal to one month's rent must be paid on or before the termination of the tenancy for the tenant to be relieved of the contractual obligations for the remaining term of the lease as provided in this section.

(d) For purposes of this section, the provisions of section 504B.178 are triggered as follows:

(1) if the only tenant is the tenant who is the victim of domestic abuse and the tenant's minor children, if any, upon the first day of the month following the later of:

(i) the date the tenant vacates the premises; or

(ii) the termination of the tenancy indicated in the written notice under subdivision 1; or

(2) if there are additional tenants bound by the lease, upon the expiration of the lease.

Subd. 4. **Multiple tenants.** Notwithstanding the release of a tenant from a lease agreement under this section, if there are any remaining tenants the tenancy continues for those remaining tenants.

Subd. 5. **Waiver prohibited.** A residential tenant may not waive, and a landlord may not require the residential tenant to waive, the tenant's rights under this section.

Subd. 6. **Definition.** For purposes of this section, "domestic abuse" has the meaning given in section 518B.01, subdivision 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

#### **Senator Moua from the Committee on Judiciary, to which was re-referred**

**S.F. No. 761:** A bill for an act relating to commerce; regulating franchise agreements between outdoor sport equipment dealers and manufacturers; establishing registration requirements; amending Minnesota Statutes 2006, sections 84.788, by adding a subdivision; 84.798, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 80G.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 8 and 9

Page 2, line 11, delete "No" and insert "An"

Page 2, line 12, delete "may" and insert "must not"

Page 3, line 19, delete "If a dealership agreement is terminated,"

Page 3, line 20, delete everything before the second comma and insert "If the manufacturer terminates, cancels, or discontinues the dealership agreement"

Page 3, line 27, after the period, insert "The obligation to repurchase does not apply to terminations allowed under subdivision 1, except clause (8)."

Page 3, line 29, delete everything after "(a)" and insert "If the manufacturer terminates, cancels, or discontinues the dealership agreement"

Page 3, line 30, delete "discontinued"

Page 3, line 32, after the first "parts" insert "in new, unused, undamaged condition in the original packaging"

Page 4, after line 32, insert:

"(c) The obligation to purchase or credit for repair parts does not apply to terminations or cancellations allowed under subdivision 1, except clause (8)."

Page 5, line 7, delete "usable" and insert "new"

Page 7, lines 16 and 19, delete "It is a violation of sections 80G.01 to 80G.07 for"

Page 7, line 17, delete the first "to" and insert "must not"

Page 7, line 20, delete "to" and insert "must not"

Page 8, after line 25, insert:

"A manufacturer may require completion of a certified training program as a condition of compensation under this subdivision."

Page 9, after line 27, insert:

"The court may award reasonable attorney fees to the prevailing party under this section."

Page 10, delete article 2

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was re-referred**

**S.F. No. 988:** A bill for an act relating to mortgages; prohibiting certain predatory lending practices; prescribing criminal penalties; providing remedies; amending Minnesota Statutes 2006, sections 58.02, by adding subdivisions; 58.13, subdivision 1; 58.137, subdivision 2; proposing

coding for new law in Minnesota Statutes, chapters 58; 82B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete sections 1 to 2

Page 2, line 1, delete "29" and insert "27" and delete everything after "means" and insert ", in the case of an adjustable rate loan secured by a first lien on a dwelling that can increase in interest rate but not decrease in interest rate below the fully indexed rate at the time of origination, a loan for which the annual percentage rate (APR) is greater than two percentage points above the yield on United States Treasury securities having comparable periods of maturity, as of the 15th day of the preceding month if the rate is set between the first and the 14th day of the month and as of the 15th day of the current month if the rate is set on or after the 15th day."

Page 2, delete lines 2 and 3 and insert:

"For all other loans secured by a first lien on a dwelling, the term means a loan for which the APR is greater than three percentage points above the yield on United States Treasury securities having comparable periods of maturity, as of the 15th day of the preceding month if the rate is set between the first and the 14th day of the month and as of the 15th day of the current month if the rate is set on or after the 15th day.

For loans secured by a subordinate lien on a dwelling, the term means a loan for which the APR is greater than five percentage points above the yield on United States Treasury securities having comparable periods of maturity, as of the 15th day of the preceding month if the rate is set between the first and the 14th day of the month and as of the 15th day of the current month if the rate is set on or after the 15th day.

For purposes of this section, the annual percentage rate has the meaning given in Code of Federal Regulations, title 12, part 226."

Page 4, line 20, delete everything after "from" and insert "an authorized independent loan counselor"

Page 4, delete line 21

Page 4, line 22, delete everything before "that"

Page 4, line 23, delete everything after the period

Page 4, line 24, delete everything before "For"

Page 4, line 31, after the period, insert "For purposes of this section, "authorized independent loan counselor" means a nonprofit, third-party individual or organization providing homebuyer education programs, foreclosure prevention services, mortgage loan counseling, or credit counseling certified by the United States Department of Housing and Urban Development, the Minnesota Home Ownership Center, the Minnesota Mortgage Foreclosure Prevention Association, AARP, or NeighborWorks America."

Page 6, line 17, after the period, insert "This prohibition does not apply to any loan with a principal amount that, or, in the case of an open-end credit plan, in which the borrower's initial maximum credit limit, exceeds the conforming loan size limit for a single-family dwelling as

established from time to time by Fannie Mae."

Page 6, line 25, delete everything after the first "damages" and insert "if appropriate, and as provided in sections 549.191 and 549.20; and"

Page 6, delete lines 26 to 27

Page 7, delete section 7

Page 7, line 30, delete "and"

Page 7, line 31, delete everything after the first "damages" and insert "if appropriate, and as provided in sections 549.191 and 549.20; and"

Page 7, delete lines 32 to 33

Page 8, line 2, delete everything after "of" and insert "section 82B.20 or 82B.22"

Page 8, line 3, delete "58.16"

Page 8, after line 7, insert:

"Sec. 6. Minnesota Statutes 2006, section 609.035, subdivision 1, is amended to read:

Subdivision 1. **Conduct; multiple crimes; chargeable for one offense.** Except as provided in subdivisions 2, 3, 4, and 5, and in sections 609.251, 609.585, 609.21, subdivisions 3 and 4, 609.2691, 609.486, 609.494, 609.822, and 609.856, if a person's conduct constitutes more than one offense under the laws of this state, the person may be punished for only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Sec. 7. **[609.822] RESIDENTIAL MORTGAGE FRAUD.**

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given.

(b) "Mortgage lending process" means the process through which a person seeks or obtains a residential mortgage loan including, but not limited to, solicitation, application, or origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan. Documents involved in the mortgage lending process include, but are not limited to, uniform residential loan applications or other loan applications; appraisal reports; HUD-1 settlement statements; supporting personal documentation for loan applications such as W-2 forms, verifications of income and employment, bank statements, tax returns, and payroll stubs; and any required disclosures.

(c) "Residential mortgage loan" has the meaning given in section 58.02, subdivision 18.

Subd. 2. **Residential mortgage fraud prohibited.** Whoever does any of the following commits residential mortgage fraud and may be sentenced as provided in subdivision 3:

(1) knowingly makes or causes to be made any deliberate and material misstatement,

misrepresentation, or omission during the mortgage lending process with the intention that it be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process; or

(2) knowingly uses or facilitates the use of any deliberate and material misstatement, misrepresentation, or omission, knowing the same to contain a material misstatement, misrepresentation, or omission, during the mortgage lending process with the intention that it be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process.

An offense of residential mortgage fraud must not be predicated solely upon information lawfully disclosed under federal disclosure laws, regulations, and interpretations related to the mortgage lending process.

Subd. 3. **Sentence.** Whoever violates this section shall be sentenced as provided in section 609.52, subdivision 3, based on the aggregate economic loss suffered by any person as a result of the violation.

Subd. 4. **Vulnerable victim.** If the person who violates subdivision 2 knew or had reason to know that the victim was vulnerable due to age, infirmity, or reduced physical or mental capacity, the court may order an aggravated departure under the sentencing guidelines.

Subd. 5. **Other convictions not barred.** Notwithstanding section 609.04, a prosecution for or conviction under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was re-referred**

**S.F. No. 1574:** A bill for an act relating to commerce; regulating access devices; establishing liability for security breaches; providing enforcement powers; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, delete the first "data" and insert "number"

Page 2, line 7, delete the second "data" and insert "number"

Page 2, line 8, delete "completion" and insert "authorization"

Page 2, line 9, after "transaction" insert "or in the case of a PIN debit transaction, subsequent to 48 hours after authorization of the transaction"

Page 2, line 10, delete "completion" and insert "authorization" and before the period, insert "or in the case of a PIN debit transaction, subsequent to 48 hours after authorization of the transaction" and delete everything after the period

Page 2, delete line 11

Page 2, line 28, before "Costs" insert "The financial institution is also entitled to recover costs for damages paid by the financial institution to cardholders injured by a breach of the security of a system of a person or entity that has violated this section."

Page 2, line 30, delete "A financial institution" and insert "An individual cardholder"

Page 2, line 32, delete "a financial institution" and insert "an individual cardholder"

Page 2, line 35, delete "financial institution" and insert "individual cardholder"

Page 3, line 2, before "annually" insert "by transactions"

And when so amended the bill do pass. Amendments adopted. Report adopted.

## SECOND READING OF SENATE BILLS

S.F. Nos. 1310, 596, 1822, 761, 988 and 1574 were read the second time.

## MEMBERS EXCUSED

Senators Day and Ortman were excused from the Session of today. Senator Vandever was excused from the Session of today from 9:00 to 9:40 a.m. Senator Pappas was excused from the Session of today from 9:00 to 9:45 a.m. Senator Senjem was excused from the Session of today from 9:30 a.m. to 1:20 p.m. Senator Clark was excused from the Session of today from 9:50 to 11:20 a.m. Senator Moua was excused from the Session of today from 1:00 to 1:25 p.m. Senator Wergin was excused from the Session of today from 1:00 to 2:15 p.m.

**ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 9:00 a.m., Wednesday, April 18, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate





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