

TWENTY-SEVENTH DAY

St. Paul, Minnesota, Tuesday, March 26, 2019

The Senate met at 12:00 noon and was called to order by the President.

**CALL OF THE SENATE**

Senator Eichorn 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. Phil Shaw.

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

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

Abeler	Dziedzic	Isaacson	Mathews	Senjem
Anderson, B.	Eaton	Jasinski	Miller	Sparks
Anderson, P.	Eichorn	Jensen	Nelson	Tomassoni
Bakk	Eken	Johnson	Newman	Torres Ray
Benson	Franzen	Kent	Newton	Utke
Bigham	Frentz	Kiffmeyer	Osmek	Weber
Carlson	Gazelka	Koran	Pappas	Westrom
Chamberlain	Goggin	Laine	Pratt	Wiger
Clausen	Hall	Lang	Rarick	Wicklund
Cwodzinski	Hoffman	Latz	Relph	
Dahms	Housley	Limmer	Rest	
Dibble	Howe	Little	Rosen	
Draheim	Ingebrigtsen	Marty	Ruud	

The President declared a quorum present.

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

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 50:

**H.F. No. 50:** A bill for an act relating to transportation; prohibiting use of cell phones while driving under specified circumstances; requiring a study of traffic stops; requiring a report; appropriating money; amending Minnesota Statutes 2018, sections 169.011, subdivision 94; 169.475.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Hornstein, Noor and Petersburg have been appointed as such committee on the part of the House.

House File No. 50 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted March 25, 2019

Senator Newman moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 50, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 85.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted March 25, 2019

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 85:** A bill for an act relating to health; requiring the Emergency Medical Services Regulatory Board to propose guidelines authorizing patient-assisted medication administration in emergencies.

Referred to the Committee on Health and Human Services Finance and Policy.

### REPORTS OF COMMITTEES

Senator Gazelka moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1995, 255, and 1691. The motion prevailed.

**Senator Gazelka from the Committee on Rules and Administration, to which was re-referred**

**S.F. No. 1294:** A bill for an act relating to state government; establishing a Legislative Commission on Housing Affordability; proposing coding for new law in Minnesota Statutes, chapter 3.

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

**Senator Gazelka from the Committee on Rules and Administration, to which was re-referred**

**S.F. No. 1496:** A bill for an act relating to motor vehicles; modifying various provisions governing motor vehicle titling and registration; amending Minnesota Statutes 2018, sections 80E.13; 168.013, subdivisions 1a, 6; 168.27, by adding subdivisions; 168.301, subdivision 3; 168.33, subdivision 8a; 168.346, subdivision 1; 168A.12, subdivision 2; 168A.17, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 168A.

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

**Senator Gazelka from the Committee on Rules and Administration, to which was re-referred**

**S.F. No. 1264:** A bill for an act relating to state government; establishing a Legislative Commission on Cybersecurity; providing legislative appointments; proposing coding for new law in Minnesota Statutes, chapter 3.

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

**Senator Gazelka from the Committee on Rules and Administration, to which was re-referred**

**S.F. No. 390:** A bill for an act relating to natural resources; creating the Reinvest in Fish Hatcheries Citizen-Legislative Advisory Group; providing appointments; requiring a report.

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

**Senator Gazelka from the Committee on Rules and Administration, to which was re-referred**

**S.F. No. 910:** A bill for an act relating to state government; permitting agencies more flexibility in contracting for information technology services; reforms to MN.IT business practices and business software implementation; consolidation of information technology services for the Department of Human Services; creating a legislative commission on information technology; expanding topics

for review by the legislative auditor; appropriating money; amending Minnesota Statutes 2018, sections 3.97, subdivision 3a; 16E.016; 16E.0466, subdivision 1; 16E.055; 16E.14, subdivision 3; 16E.18, subdivisions 4, 6; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Page 6, line 25, delete "2021" and insert "2028"

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

**Senator Gazelka from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,**

**S.F. No. 2185:** A bill for an act relating to data practices; classifying certain grant application data submitted to the Board of the Arts or to a regional arts council; proposing coding for new law in Minnesota Statutes, chapters 13; 129D.

Reports the same back with the recommendation that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 2185 and that the report from the Committee on Local Government, shown in the Journal for March 20, 2019, be adopted; that committee recommendation being:

"the bill do pass and be re-referred to the Committee on Judiciary and Public Safety Finance and Policy". Report adopted.

**Senator Westrom from the Committee on Agriculture, Rural Development, and Housing Finance, to which was re-referred**

**S.F. No. 1859:** A bill for an act relating to agriculture; making policy and technical changes to various agricultural provisions including provisions related to aquaculture, feedlots, pesticides, hemp, food handlers, eggs, milk, cheese, bioincentive programs, loan programs, and other agriculture provisions; amending Minnesota Statutes 2018, sections 17.494; 17.4982, by adding subdivisions; 18B.34, subdivision 5; 18C.425, subdivision 6; 18C.70, subdivision 5; 18C.71, subdivision 4; 18C.80, subdivision 2; 18H.10; 25.33, subdivision 8; 28A.04, subdivision 1; 28A.05; 28A.075; 28A.0752, subdivisions 1, 2; 28A.08, subdivision 3; 29.26; 32D.13, by adding a subdivision; 32D.20, subdivision 2; 32D.22; 34A.11, subdivision 7; 41A.15, subdivisions 2, 10, by adding a subdivision; 41A.16, subdivisions 1, 2, 4; 41A.17, subdivisions 1, 2, 3; 41A.18, subdivisions 1, 2, 3; 41B.02, subdivision 10a; 41B.0391, subdivision 1; 41B.047, subdivisions 1, 3; 41B.049, subdivision 5; 41B.055, subdivision 3; 41B.057, subdivision 3; 116.06, by adding a subdivision; 116.07, subdivisions 7, 7d; 116.0714; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 2018, section 41A.15, subdivisions 2a, 2b.

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

Page 20, delete section 37

Page 22, delete sections 38 and 39

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "hemp,"

Amend the title numbers accordingly

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

**Senator Westrom from the Committee on Agriculture, Rural Development, and Housing Finance, to which was re-referred**

**S.F. No. 1995:** A bill for an act relating to animal health; modifying requirements for farmed Cervidae; appropriating money to develop a test for chronic wasting disease; amending Minnesota Statutes 2018, sections 35.153, by adding subdivisions; 35.155, subdivisions 4, 6, 7, 9, 10, 11.

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

Page 2, line 24, reinstate the stricken language and strike "\$100" and insert "\$250"

Page 4, line 5, after "Cervidae" insert "after the indemnification process has been completed and federal or state funding is available for indemnification"

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Westrom from the Committee on Agriculture, Rural Development, and Housing Finance, to which was re-referred**

**S.F. No. 255:** A bill for an act relating to agriculture; modifying eligibility for beginning farmer tax credits; amending Minnesota Statutes 2018, section 41B.0391, subdivision 1.

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Ruud from the Committee on Environment and Natural Resources Policy and Legacy Finance, to which was referred**

**S.F. No. 835:** A bill for an act relating to natural resources; appropriating money for local recreation grants.

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 2018, section 17.117, subdivision 11, is amended to read:

Subd. 11. **Loans issued to borrower.** (a) Local lenders may issue loans only for projects that are approved and certified by the local government unit as meeting priority needs identified in a comprehensive water management plan or other local planning documents, are in compliance with accepted practices, standards, specifications, or criteria, and are eligible for financing under Environmental Protection Agency or other applicable guidelines.

(b) The local lender may use any additional criteria considered necessary to determine the eligibility of borrowers for loans.

(c) Local lenders shall set the terms and conditions of loans to borrowers, except that:

(1) no loan to a borrower may exceed \$200,000; and

~~(2) no loan for a project may exceed \$200,000; and~~

~~(3) (2)~~ no borrower shall, at any time, have multiple loans from this program with a total outstanding loan balance of more than \$200,000.

(d) The maximum term length for projects in this paragraph is ten years.

(e) Fees charged at the time of closing must:

(1) be in compliance with normal and customary practices of the local lender;

(2) be in accordance with published fee schedules issued by the local lender;

(3) not be based on participation program; and

(4) be consistent with fees charged other similar types of loans offered by the local lender.

(f) The interest rate assessed to an outstanding loan balance by the local lender must not exceed three percent per year.

Sec. 2. Minnesota Statutes 2018, section 84.026, is amended by adding a subdivision to read:

**Subd. 4. Paying grant-eligible expenditures.** Notwithstanding section 16A.41, the commissioner may make payments for otherwise eligible grant-program expenditures that are made on or after the effective date of the appropriation that funds the payments for:

(1) grants-in-aid under sections 84.794, 84.803, 84.83, 84.927, and 85.44;

(2) local recreation grants under section 85.019; and

(3) enforcement and public education grants under sections 84.794, 84.803, 84.83, 84.927, 86B.701, 86B.705, and 87A.10.

Sec. 3. Minnesota Statutes 2018, section 84.027, is amended by adding a subdivision to read:

**Subd. 14c. Unadopted rules.** (a) The commissioner of natural resources must not enforce or attempt to enforce an unadopted rule. For purposes of this subdivision, "unadopted rule" means a guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement if

the guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement meets the definition of a rule as defined under section 14.02, subdivision 4, but has not been adopted according to the rulemaking process provided under chapter 14. If an unadopted rule is challenged under section 14.381, the commissioner must overcome a presumption against the unadopted rule.

(b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement into a statute, rule, or standard, the commissioner must follow the rulemaking process provided under chapter 14 to amend or revise any such guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement.

Sec. 4. Minnesota Statutes 2018, section 84.027, subdivision 18, is amended to read:

Subd. 18. **Permanent school fund authority; reporting.** (a) The commissioner of natural resources has the authority and responsibility ~~for the administration of~~ to administer school trust lands under sections ~~92.121~~ 92.122 and 127A.31. The commissioner shall biannually report to the Legislative Permanent School Fund Commission and the legislature on the management of the school trust lands that shows how the commissioner has and will continue to achieve the following goals:

(1) manage the school trust lands efficiently and in a manner that reflects the undivided loyalty to the beneficiaries consistent with the commissioner's fiduciary duties;

(2) reduce the management expenditures of school trust lands and maximize the revenues deposited in the permanent school trust fund;

(3) manage the sale, exchange, and commercial leasing of school trust lands, requiring returns of not less than fair market value, to maximize the revenues deposited in the permanent school trust fund and retain the value from the long-term appreciation of the school trust lands;

(4) manage the school trust lands to maximize the long-term economic return for the permanent school trust fund while maintaining sound natural resource conservation and management principles;

(5) optimize school trust land revenues and maximize the value of the trust consistent with ~~the~~ the balancing of short-term and long-term interests, so that long-term benefits are not lost in an effort to maximize short-term gains; and

(6) maintain the integrity of the trust and prevent the misapplication of its lands and its revenues.

(b) When the commissioner finds an irresolvable conflict between maximizing the long-term economic return and protecting natural resources and recreational values on school trust lands, the commissioner shall give precedence to the long-term economic return in managing school trust lands. By July 1, 2018, the permanent school fund ~~shall~~ must be compensated for all school trust lands included under a designation or policy provision that prohibits long-term economic return. The commissioner shall submit recommendations to the appropriate legislative committees and divisions on methods of funding for the compensation required under this paragraph, including recommendations for appropriations from the general fund, nongeneral funds, and the state bond fund. Any uncompensated designation or policy provision restrictions on the long-term economic

return on school trust lands remaining after July 1, 2018, ~~shall~~ must be compiled and submitted to the Legislative Permanent School Fund Commission for review.

(c) By December 31, 2013, the report required under paragraph (a) ~~shall~~ must provide an inventory and identification of all school trust lands that are included under a designation or policy provision that prohibits long-term economic return. The report ~~shall~~ must include a plan to compensate the permanent school fund through the purchase or exchange of the lands or a plan to manage the school trust land to generate long-term economic return to the permanent school fund. Subsequent reports under paragraph (a) ~~shall~~ must include a status report of the commissioner's progress in maximizing the long-term economic return on lands identified in the 2013 report.

(d) When ~~future management practices, policies, or designations or policies~~ by the commissioner ~~diminish or prohibit~~ the long-term economic return on school trust land, the conflict ~~shall~~ must be resolved ~~by compensating the permanent school fund through an exchange or purchase of the lands before designation or application of the policy as provided in section 92.122.~~

Sec. 5. Minnesota Statutes 2018, section 84.0273, is amended to read:

**84.0273 ESTABLISHING BOUNDARY LINES RELATING TO CERTAIN STATE LANDHOLDINGS.**

(a) ~~In order~~ To resolve boundary line issues affecting the ownership interests of the state and adjacent landowners, the commissioner of natural resources may, in the name of the state upon terms the commissioner deems appropriate, convey, by a boundary line agreement, quitclaim deed, or management agreement in such form as the attorney general approves, such rights, titles, and interests of the state in state lands for such rights, titles, and interests in adjacent lands as are necessary ~~for the purpose of establishing~~ to establish boundaries. The commissioner must publish a notice of the proposed conveyance and a brief statement of the reason therefor shall be published for the conveyance once in the State Register by the commissioner between 15 and at least 30 days prior to before the conveyance. ~~The provisions of This paragraph are~~ is not intended to replace or supersede laws relating to land exchange or disposal of surplus state property.

(b) ~~In order~~ To resolve trespass issues affecting the ownership interests of the state and adjacent landowners, the commissioner of natural resources, in the name of the state, may sell surplus lands not needed for natural resource purposes at private sale to adjoining property owners and leaseholders. The conveyance must be by quitclaim in a form approved by the attorney general for a consideration not less than the value determined according to section 94.10, subdivision 1.

(c) Paragraph (b) applies to all state-owned lands managed by the commissioner of natural resources, except school trust land as defined in section 92.025. For acquired lands, the commissioner may sell the surplus lands as provided in paragraph (b) notwithstanding the offering to public entities, public sale, and related notice and publication requirements of sections 94.09 to 94.165. For consolidated conservation lands, the commissioner may sell the surplus lands as provided in paragraph (b) notwithstanding the classification and public sale provisions of chapters 84A and 282.

Sec. 6. Minnesota Statutes 2018, section 84.0895, subdivision 2, is amended to read:

Subd. 2. **Application.** (a) Subdivision 1 does not apply to:



(1) plants on land classified for property tax purposes as class 2a or 2c agricultural land under section 273.13, ~~or on ditches and roadways~~ a ditch, or on an existing public road right-of-way as defined in section 84.92, subdivision 6a, except for ground not previously disturbed by construction or maintenance; and

(2) noxious weeds designated pursuant to sections 18.76 to 18.88 or to weeds otherwise designated as troublesome by the Department of Agriculture.

(b) If control of noxious weeds is necessary, it takes priority over the protection of endangered plant species, as long as a reasonable effort is taken to preserve the endangered plant species first.

(c) The taking or killing of an endangered plant species on land adjacent to class 3 or 3b agricultural land as a result of the application of pesticides or other agricultural chemical on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in the application of the pesticide or other chemical to avoid impact on adjacent lands. For the purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste land, or other land for which the owner receives a state paid wetlands or native prairie tax credit.

(d) The accidental taking of an endangered plant, where the existence of the plant is not known at the time of the taking, is not a violation of subdivision 1.

Sec. 7. Minnesota Statutes 2018, section 84.775, subdivision 1, is amended to read:

Subdivision 1. **Civil citation; authority to issue.** (a) A conservation officer or other licensed peace officer may issue a civil citation to a person who operates:

(1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause (1); 84.777; 84.788 to 84.795; or 84.90;

(2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1); 84.777; 84.798 to 84.804; or 84.90; or

(3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1); 84.777; 84.90; or 84.922 to 84.928.

(b) A civil citation under paragraph (a) shall require restitution for public and private property damage and impose a penalty of:

(1) \$100 for the first offense;

(2) \$200 for the second offense; and

(3) \$500 for third and subsequent offenses.

(c) A conservation officer or other licensed peace officer may issue a civil citation to a person who operates an off-highway motorcycle, off-road vehicle, or all-terrain vehicle in violation of section 84.773, subdivision 2, clause (2) or (3). A civil citation under this paragraph shall require restitution for damage to wetlands and impose a penalty of:

(1) \$100 for the first offense;

(2) \$500 for the second offense; and

(3) \$1,000 for third and subsequent offenses.

(d) If the peace officer determines that there is damage to property requiring restitution, the commissioner must send a written explanation of the extent of the damage and the cost of the repair by first class mail to the address provided by the person receiving the citation within 15 days of the date of the citation.

(e) An off-road vehicle ~~or all-terrain vehicle~~ that is equipped with a snorkel device and receives a civil citation under this section is subject to twice the penalty amounts in paragraphs (b) and (c).

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

Sec. 8. Minnesota Statutes 2018, section 84.794, subdivision 2, is amended to read:

Subd. 2. **Purposes.** (a) Subject to appropriation by the legislature, money in the off-highway motorcycle account may only be spent for:

(1) administration, enforcement, and implementation of sections 84.787 to 84.795;

(2) acquisition, maintenance, and development of off-highway motorcycle trails and use areas;  
~~and~~

(3) grants-in-aid to counties and municipalities to construct and maintain off-highway motorcycle trails and use areas; and

(4) grants for enforcement and public education to local law enforcement agencies.

(b) The distribution of funds made available for grants-in-aid must be guided by the statewide comprehensive outdoor recreation plan.

Sec. 9. Minnesota Statutes 2018, section 84.83, subdivision 3, is amended to read:

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

(1) for a grant-in-aid program to counties and municipalities for construction and maintenance of snowmobile trails that are determined by the commissioner to be part of the state's grant-in-aid system, including maintenance of trails on lands and waters of Voyageurs National Park; on Lake of the Woods; on Rainy Lake; on the following lakes in St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion; and on the following lakes in Cook County: Devil Track and Hungry Jack;. The commissioner may establish a performance-based funding formula for annual grants-in-aid. The procedures and criteria for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply. In administering the performance-based grants-in-aid, the commissioner must:

(i) determine annual grant amounts based on a funding formula that includes consideration of historical costs, snowfall, use, and tourism;

(ii) make grant payments based on:

(A) successful completion of performance benchmarks;

(B) reimbursement of eligible expenditures; or

(C) a combination of subitems (A) and (B); and

(iii) assess penalties to nonperforming grant-in-aid recipients, which may include withholding grant payments or making the grantee or trail system ineligible for future grant-in-aid funding.

~~(2) for acquisition, development, and maintenance of~~ to acquire, develop, and maintain state recreational snowmobile trails;

(3) for snowmobile safety programs; and

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

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

Sec. 10. Minnesota Statutes 2018, section 84.86, subdivision 1, is amended to read:

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

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

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

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

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

(5) Specifications relating to snowmobile mufflers.

(6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray expenses of training and certifying snowmobile operators, the commissioner shall collect a fee from each person who receives the youth or adult training. The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate snowmobile safety certificate. The commissioner shall establish both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the

rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails and enforcement account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of such programs. In addition to the fee established by the commissioner, instructors may charge each person any fee paid by the instructor for the person's online training course and up to the established fee amount for class materials and expenses. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

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

Sec. 11. Minnesota Statutes 2018, section 84.925, subdivision 1, is amended to read:

Subdivision 1. **Program Training and certification programs established.** (a) The commissioner shall establish:

(1) a comprehensive all-terrain vehicle environmental and safety education and training certification program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course; and

(2) a voluntary all-terrain vehicle online training program for youth and a parent or guardian, offered at no charge for operators at least six years of age but younger than ten years of age.

(b) A parent or guardian must be present at the hands-on a training ~~portion of the program for when the youth who are six through~~ is under ten years of age.

~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of training and certifying vehicle operators, the commissioner shall collect a fee from each person who receives the training for certification under paragraph (a), clause (1). The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall be deposited

in the all-terrain vehicle account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the programs. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses.

~~(e)~~ (d) The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the ~~program~~ programs established under this section. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to ~~training program~~ the subject matter of the training programs and performance testing that leads to the certification of vehicle operators. The commissioner shall incorporate a riding component in the ~~safety education and training program~~ certification programs established under this section and may incorporate a riding component in the training program established in paragraph (a), clause (2).

Sec. 12. Minnesota Statutes 2018, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public road rights-of-way that is permitted under section 84.928 and as provided under paragraph (j), a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.

(b) A person under 12 years of age shall not:

- (1) make a direct crossing of a public road right-of-way;
- (2) operate an all-terrain vehicle on a public road right-of-way in the state; or
- (3) operate an all-terrain vehicle on public lands or waters, except as provided in paragraph (f).

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters or state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied by a person 18 years of age or older who holds a valid driver's license.

(d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old, but less than 16 years old, must:

- (1) successfully complete the safety education and training program under section 84.925, subdivision 1, including a riding component; and
- (2) be able to properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

(e) A person at least ~~six~~ ten years of age may take the safety education and training program and may receive an all-terrain vehicle safety certificate under paragraph (d), but the certificate is not valid until the person reaches age 12.

(f) A person at least ten years of age but under 12 years of age may operate an all-terrain vehicle with an engine capacity up to 110cc if the vehicle is a class 1 all-terrain vehicle with straddle-style seating or up to 170cc if the vehicle is a class 1 all-terrain vehicle with side-by-side-style seating on public lands or waters if accompanied by a parent or legal guardian.

(g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

(h) A person under the age of 16 may not operate an all-terrain vehicle on public lands or waters or on state or grant-in-aid trails if the person cannot properly reach and control:

(1) the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle with straddle-style seating; or

(2) the steering wheel and foot controls of a class 1 all-terrain vehicle with side-by-side-style seating while sitting upright in the seat with the seat belt fully engaged.

(i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate an all-terrain vehicle on public lands and waters or state or grant-in-aid trails if:

(1) the nonresident youth has in possession evidence of completing an all-terrain safety course offered by the ATV Safety Institute or another state as provided in section 84.925, subdivision 3; and

(2) the nonresident youth is accompanied by a person 18 years of age or older who holds a valid driver's license.

(j) A person 12 years of age but less than 16 years of age may operate an all-terrain vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted under section 84.928 if the person:

(1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner; and

(2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

Sec. 13. Minnesota Statutes 2018, section 84.928, subdivision 2, is amended to read:

Subd. 2. **Operation generally.** A person may not drive or operate an all-terrain vehicle:

(1) at a rate of speed greater than reasonable or proper under the surrounding circumstances;

(2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or damage to the person or property of another;

(3) without headlight and taillight lighted at all times if the vehicle is equipped with headlight and taillight;

(4) without a functioning stoplight if so equipped;

(5) in a tree nursery or planting in a manner that damages or destroys growing stock;

(6) without a brake operational by either hand or foot;

(7) with more than one person on the vehicle, except as allowed under section 84.9257;

(8) at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or

~~(9) with a snorkel device that has a raised air intake six inches or more above the vehicle manufacturer's original air intake, except within the Iron Range Off-Highway Vehicle Recreation Area as described in section 85.013, subdivision 12a, or other public off-highway vehicle recreation areas; or~~

~~(10)~~ (9) in a manner that violates operation rules adopted by the commissioner.

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

Sec. 14. Minnesota Statutes 2018, section 84D.03, subdivision 3, is amended to read:

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

(b) In waters that are listed as infested waters, except those listed as infested with prohibited invasive species of fish or certifiable diseases of fish, as defined under section 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

(c) In streams or rivers that are listed as infested waters, except those listed as infested with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait by hook and line for noncommercial personal use is allowed as follows:

(1) fish taken under this paragraph must be used on the same body of water where caught and while still on that water body. Where the river or stream is divided by barriers such as dams, the fish must be caught and used on the same section of the river or stream;

(2) fish taken under this paragraph may not be transported live from or off the water body;

(3) fish harvested under this paragraph may only be used in accordance with this section;

(4) any other use of wild animals used for bait from infested waters is prohibited;

(5) fish taken under this paragraph must meet all other size restrictions and requirements as established in rules; and

(6) all species listed under this paragraph shall be included in the person's daily limit as established in rules, if applicable.

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

(e) Bait intended for sale may not be held in infested water after taking and before sale unless authorized under a license or permit according to Minnesota Rules, part 6216.0500.

(f) In the Minnesota River downstream of Granite Falls, the Mississippi River downstream of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items A and B, harvesting gizzard shad by cast net for noncommercial personal use as bait for angling, as provided in a permit issued under section 84D.11, is allowed as follows:

(1) nontarget species must immediately be returned to the water;

(2) gizzard shad taken under this paragraph must be used on the same body of water where caught and while still on that water body. Where the river is divided by barriers such as dams, the gizzard shad must be caught and used on the same section of the river;

(3) gizzard shad taken under this paragraph may not be transported off the water body; and

(4) gizzard shad harvested under this paragraph may only be used in accordance with this section.

Sec. 15. Minnesota Statutes 2018, section 84D.03, subdivision 4, is amended to read:

**Subd. 4. Restrictions in infested and noninfested waters; commercial fishing and turtle, frog, and crayfish harvesting.** (a) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is listed because it contains invasive fish, invertebrates, aquatic plants or aquatic macrophytes other than Eurasian watermilfoil, or certifiable diseases, as defined in section 17.4982, must be tagged with tags provided by the commissioner, as specified in the commercial licensee's license or permit. Tagged gear must not be used in water bodies other than those specified in the license or permit. The license or permit may authorize department staff to remove tags after the from gear is that has been decontaminated according to a protocol specified by the commissioner if use of the decontaminated gear in other water bodies does not pose an unreasonable risk of harm to natural resources or the use of natural resources in the state. This tagging requirement does not apply to commercial fishing equipment used in Lake Superior.



(b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is listed solely because it contains Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum of two days before they are used in any other waters, except as provided in this paragraph. Commercial licensees must notify the department's regional or area fisheries office or a conservation officer before removing nets or equipment from an infested water listed solely because it contains Eurasian watermilfoil and before resetting those nets or equipment in any other waters. Upon notification, the commissioner may authorize a commercial licensee to move nets or equipment to another water without freezing or drying, if that water is listed as infested solely because it contains Eurasian watermilfoil.

(c) A commercial licensee must remove all aquatic macrophytes from nets and other equipment before placing the equipment into waters of the state.

(d) The commissioner shall provide a commercial licensee with a current listing of listed infested waters at the time that a license or permit is issued.

Sec. 16. Minnesota Statutes 2018, section 84D.108, subdivision 2b, is amended to read:

Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional targeted pilot study to include water-related equipment with zebra mussels attached for ~~the Gull Narrows State Water Access Site, Government Point State Water Access Site, and Gull East State Water Access Site~~ water access sites on Gull Lake (DNR Division of Waters number 11-0305) in Cass and Crow Wing Counties using the same authorities, general procedures, and requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake service providers participating in the Gull Lake targeted pilot study place of business must be located in Cass or Crow Wing County.

(b) If an additional targeted pilot project for Gull Lake is implemented under this section, the report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over natural resources required under Laws 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study recommendations and assessments.

(c) This subdivision expires December 1, 2019.

Sec. 17. Minnesota Statutes 2018, section 84D.108, subdivision 2c, is amended to read:

Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional targeted pilot study to include water-related equipment with zebra mussels attached for ~~the Cross Lake #1 State Water Access Site~~ water access sites on Cross Lake (DNR Division of Waters number 18-0312) in Crow Wing County using the same authorities, general procedures, and requirements provided for the Lake Minnetonka pilot project in subdivision 2a. The place of business of lake service providers participating in the Cross Lake targeted pilot study must be located in Cass or Crow Wing County.

(b) If an additional targeted pilot project for Cross Lake is implemented under this section, the report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over natural resources required under Laws 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot study recommendations and assessments.

(c) This subdivision expires December 1, 2019.

Sec. 18. Minnesota Statutes 2018, section 85.44, is amended to read:

**85.44 CROSS-COUNTRY-SKI TRAIL GRANT-IN-AID PROGRAM.**

The commissioner shall establish a grant-in-aid program for local units of government and special park districts ~~for the acquisition, development, and maintenance of~~ to acquire, develop, and maintain cross-country-ski trails that are determined by the commissioner to be part of the state's grant-in-aid system. Grants ~~shall be~~ are available ~~for acquisition of~~ to acquire trail easements but may not be used to acquire any lands in fee title. Local units of government and special park districts applying for and receiving grants under this section ~~shall be~~ are considered to have cross-country-ski trails for one year following the expiration of their last grant. The department shall reimburse all public sponsors of grants-in-aid cross-country-ski trails based upon criteria established by the department. ~~Prior to the use of~~ Before using any reimbursement criteria, a certain proportion of the revenues ~~shall~~ must be allocated on the basis of user fee sales location. The commissioner may establish a performance-based funding formula for annual grants-in-aid. The procedures and criteria for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply. In administering the performance-based grants-in-aid, the commissioner must:

(1) determine annual grant amounts based on a funding formula that includes consideration of historical costs, snowfall, use, and tourism;

(2) make grant payments based on:

(i) successful completion of performance benchmarks;

(ii) reimbursement of eligible expenditures; or

(iii) a combination of items (i) and (ii); and

(3) assess penalties to nonperforming grant-in-aid recipients, which may include withholding grant payments or making the grantee or trail system ineligible for future grant-in-aid funding.

Sec. 19. Minnesota Statutes 2018, section 92.115, subdivision 1, is amended to read:

Subdivision 1. **Land valuation required.** Before offering any state land for sale under this chapter, the commissioner must establish the value of the land. The commissioner shall have the land appraised if the estimated market value is in excess of ~~\$50,000~~ \$100,000.

Sec. 20. **[92.122] COMPENSATING PERMANENT SCHOOL FUND.**

Subdivision 1. **Compensation requirements.** (a) When the revenue generated from school trust land and associated resources is diminished by management practices applied to the land and resources as determined by the commissioner of natural resources, the commissioner must compensate the permanent school fund.

(b) When generating revenue from school trust land and associated resources will be prohibited by a policy or designation applied to the land and resources as determined by the commissioner, the commissioner must compensate the permanent school fund before the policy or designation is applied.

Subd. 2. **Compensation methods.** To compensate the permanent school fund under subdivision 1, the commissioner may use compensation methods that include:

(1) exchanging other land that is compatible with the goal of the permanent school fund under section 127A.31, as allowed under sections 94.343, subdivision 1, and 94.3495; and the Minnesota Constitution, article XI, section 10;

(2) leasing under section 92.50 and according to subdivision 3, with rental payments as compensation; and

(3) condemning the land under section 92.83, with payment of the amount of the award and judgment as compensation.

Subd. 3. **Lease terms for compensating fund.** With advice from the school trust lands director according to section 127A.353, subdivision 4, the commissioner may lease school trust land to compensate the permanent school fund. Rental payments received under this subdivision:

(1) must be credited to the forest suspense account as nonqualifying revenue and not subject to cost certification under section 16A.125;

(2) must be paid in full upon executing the lease; and

(3) are determined by the commissioner and subject to review by a licensed appraiser.

Sec. 21. Minnesota Statutes 2018, section 92.50, subdivision 1, is amended to read:

Subdivision 1. **Lease terms.** (a) The commissioner of natural resources may lease land under the commissioner's jurisdiction and control:

(1) to remove sand, gravel, clay, rock, marl, peat, and black dirt;

(2) to store ore, waste materials from mines, or rock and tailings from ore milling plants;

(3) for roads or railroads;

(4) to compensate the permanent school fund according to section 92.122; or

~~(4)~~ (5) for other uses consistent with the interests of the state.

(b) The commissioner shall offer the lease at public or private sale for an amount and under terms and conditions prescribed by the commissioner. Commercial leases for more than ten years and leases for removal of peat that cover 320 or more acres must be approved by the Executive Council.

(c) The lease term may not exceed 21 years except:

(1) leases of lands for storage sites for ore, waste materials from mines, or rock and tailings from ore milling plants; or for the removal of peat for nonagricultural purposes may not exceed a term of 25 years; and

(2) leases for commercial purposes, including major resort, convention center, or recreational area purposes, may not exceed a term of 40 years.

(d) Leases must be subject to sale and leasing of the land for mineral purposes and contain a provision for cancellation for just cause at any time by the commissioner upon six months' written notice. A longer notice period, not exceeding three years, may be provided in leases for storing ore, waste materials from mines, or rock or tailings from ore milling plants. The commissioner may determine the terms and conditions, including the notice period, for cancellation of a lease for the removal of peat and commercial leases.

(e) Money received from leases under this section must be credited to the fund to which the land belongs.

Sec. 22. Minnesota Statutes 2018, section 94.09, subdivision 3, is amended to read:

Subd. 3. **Notice to agencies; determination of surplus.** The commissioner of natural resources shall send written notice to ~~all state departments, agencies and the University of Minnesota~~ the Departments of Administration and Transportation, the Board of Water and Soil Resources, the Office of School Trust Lands, the legal or land departments of the University of Minnesota and Minnesota State Colleges and Universities, the Minnesota Indian Affairs Council, and any other state department or agency that requests to receive notices describing any lands or tracts which that may be declared surplus. If a ~~department or agency or the University of Minnesota~~ recipient of the notice desires custody of the lands or tracts, ~~it shall~~ the recipient must submit a written request to the commissioner; no later than four calendar weeks after mailing of the notice; setting forth in detail ~~its~~ the reasons for desiring to acquire; and ~~its~~ the intended use of; the land or tract. The commissioner shall then determine whether any of the lands ~~described in the certifications of the heads of the departments or agencies~~ so requested should be declared surplus and offered for sale or otherwise disposed of by transferring custodial control to other requesting state departments or agencies or to the Board of Regents of the University of Minnesota for educational purposes, provided however that transfer to the Board of Regents ~~shall~~ is not be determinative of tax exemption or immunity. If the commissioner determines that any of the lands are no longer needed for state purposes, the commissioner shall make findings of fact, describe the lands, declare the lands to be surplus state land, and state the reasons for the sale or disposition of the lands.

Sec. 23. Minnesota Statutes 2018, section 94.10, is amended to read:

**94.10 SURVEYS, APPRAISALS, AND SALE.**

Subdivision 1. **Appraisal; notice and offer to public bodies.** (a) Before offering any surplus state-owned lands for sale, the commissioner of natural resources must establish the value of the lands. The commissioner shall have the lands appraised if the estimated value is in excess of ~~\$50,000~~ \$100,000. No parcel of state-owned land shall be sold for less than \$1,000.

(b) The appraisals must be made by regularly appointed and qualified state appraisers. To be qualified, an appraiser must hold a state appraiser license issued by the Department of Commerce. The appraisal must be in conformity with the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

(c) Before offering surplus state-owned lands for public sale, the lands ~~shall~~ must first be offered to the city, county, town, school district, or other public body corporate or politic in which the lands are situated for public purposes and the lands may be sold for public purposes for not less than the appraised value of the lands. To determine whether a public body desires to purchase the surplus land, the commissioner of natural resources shall give a written notice to the governing body of each political subdivision whose jurisdictional boundaries include or are adjacent to the surplus land. If a public body desires to purchase the surplus land, ~~it shall~~ the public body must submit a written offer to the commissioner no later than two weeks after receipt of notice setting forth in detail ~~its~~ the reasons for desiring to acquire and ~~its~~ the intended use of the land. ~~In the event that~~ If more than one public body tenders an offer, the commissioner shall determine which party shall receive the property and shall submit written findings regarding the decision. If lands are offered for sale for public purposes and if a public body notifies the commissioner of its desire to acquire the lands, the public body may have up to two years from the date of the accepted offer to ~~commence~~ begin paying for the lands in the manner provided by law.

(d) Before offering surplus state-owned lands that are located within the reservation boundary of a federally recognized Indian tribe for public sale or before offering the lands to an entity specified in paragraph (c), the lands must first be offered to the federally recognized Indian tribe with governing authority over the reservation where the lands are located. If the lands are located within the reservation boundary of a federally recognized tribe that is one of the six constituent tribes of the Minnesota Chippewa tribe, then the lands must be offered to both the Minnesota Chippewa tribe and the constituent tribe where the lands are located. The lands may be sold for not less than the appraised value of the lands. To determine whether an Indian tribe desires to purchase the lands, the commissioner of natural resources must give a written notice to the governing body of the Indian tribe, and, when applicable, if the tribe is a member of the Minnesota Chippewa tribe, the Minnesota Chippewa tribe. If the Indian tribe desires to purchase the lands, the Indian tribe must notify the commissioner, in writing, of the intent to purchase the lands no later than two weeks after receiving the notice. If the Indian tribe notifies the commissioner of its intent to acquire the lands, the Indian tribe has up to two years from the date that the notice of intent to purchase the lands was submitted to begin paying for the lands in the manner provided by law.

Subd. 2. **Public sale requirements.** (a) After complying with subdivision 1 and before any public sale of surplus state-owned land is made and at least 30 days before the sale, the commissioner of natural resources shall publish a notice of the sale in a newspaper of general distribution in the county in which the real property to be sold is situated. The notice shall specify the time and place at which the sale will commence, a general description of the lots or tracts to be offered, and a general statement of the terms of sale. The commissioner shall ~~also~~ provide electronic notice of the sale.

(b) The minimum bid for a parcel of land must include the estimated value or appraised value of the land and any improvements and, if any of the land is valuable for merchantable timber, the value of the merchantable timber. The minimum bid may include expenses incurred by the commissioner in rendering the property salable, including survey, appraisal, legal, advertising, and other expenses.

(c) The purchaser of state land must pay recording fees and the state deed tax.

(d) Except as provided under paragraph (e), parcels remaining unsold after the offering may be sold to anyone agreeing to pay at least 75 percent of the appraised value. The sale ~~shall~~ must continue until all parcels are sold or until the commissioner orders a reappraisal or withdraws the remaining parcels from sale.

(e) The commissioner may retain the services of a licensed real estate broker to find a buyer for parcels remaining unsold after the offering. The sale price may be negotiated by the broker, but must not be less than 90 percent of the appraised value as determined by the commissioner. The broker's fee must be established by prior agreement between the commissioner and the broker and must not exceed ten percent of the sale price for sales of \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

(f) Public sales of surplus state-owned land may be conducted through online auctions.

Sec. 24. Minnesota Statutes 2018, section 97A.015, subdivision 25, is amended to read:

Subd. 25. **Game fish.** "Game fish" means ~~walleye, sauger, yellow perch, channel catfish, flathead catfish; members of the pike family, Esocidae, including muskellunge and northern pike; members of the sunfish family, Centrarchidae, including largemouth bass, smallmouth bass, sunfish, rock bass, white crappie, black crappie, members of the temperate bass family, Percichthyidae, including white bass and yellow bass; members of the salmon and trout subfamily, Salmoninae, including Atlantic salmon, chinook salmon, coho salmon, pink salmon, kokanee salmon, lake trout, brook trout, brown trout, rainbow (steelhead) trout, and splake; members of the paddlefish family, Polyodontidae; members of the sturgeon family, Acipenseridae, including lake sturgeon, and shovelnose sturgeon.~~ fish from the following families and species: Acipenseridae (lake sturgeon and shovelnose sturgeon), Anguillidae (American eel), Centrarchidae (black crappie; largemouth bass; rock bass; smallmouth bass; white crappie; and sunfishes, including bluegill, green sunfish, longear sunfish, orangespotted sunfish, pumpkinseed, and warmouth), Esocidae (muskellunge and northern pike), Gadidae (burbot), Ictaluridae (blue catfish, channel catfish, and flathead catfish), Moronidae (white bass and yellow bass), Percidae (sauger, walleye, and yellow perch), Polyodontidae (paddlefish), and Salmonidae (Atlantic salmon, brook trout, brown trout, chinook salmon, cisco (tullibee), coho salmon, kokanee salmon, lake trout, lake whitefish, pink salmon, and rainbow trout). "Game fish" includes hybrids of game fish.

Sec. 25. Minnesota Statutes 2018, section 97A.015, subdivision 43, is amended to read:

Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin, ~~burbot, eisee,~~ gar, goldeye, and bullhead, except for any fish species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter 6134.

Sec. 26. Minnesota Statutes 2018, section 97A.051, subdivision 2, is amended to read:

Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a summary of the hunting and fishing laws and rules and deliver a sufficient supply to license vendors ~~to furnish one copy to each person obtaining a hunting, fishing, or trapping license.~~

(b) At the beginning of the summary, under the heading "Trespass," the commissioner shall summarize the trespass provisions under sections 97B.001 to 97B.945, state that conservation officers and peace officers must enforce the trespass laws, and state the penalties for trespassing.

(c) In the summary, the commissioner shall, under the heading "Duty to Render Aid," summarize the requirements under section 609.662 and state the penalties for failure to render aid to a person injured by gunshot.

Sec. 27. Minnesota Statutes 2018, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. **Citizen oversight committees.** (a) The commissioner shall appoint committees 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 committees, each comprised of at least ten affected persons:

(1) a Fisheries Oversight Committee to review fisheries funding and expenditures, including activities related to trout-and-salmon stamps and walleye stamps; and

(2) a Wildlife Oversight Committee to review wildlife funding and expenditures, including activities related to migratory waterfowl, pheasant, and wild turkey management and deer and big game management.

(c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee, and four additional members from each committee, shall form a Budgetary Oversight Committee to coordinate the integration of the fisheries and wildlife oversight committee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; and provide a forum to address issues that transcend the fisheries and wildlife oversight committees.

(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 of representatives committees with jurisdiction over natural resources finance.

(e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee shall be chosen by their respective committees. The chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of either of the other oversight committees.

(f) The Budgetary Oversight Committee may make recommendations to the commissioner and to the senate and house of representatives committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) The committees authorized under this subdivision are not advisory councils or committees governed by section 15.059 and are not subject to section 15.059. Committee members appointed by the commissioner may request reimbursement for mileage expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. Committee members must not receive daily compensation for oversight activities. The Fisheries

Oversight Committee, the Wildlife Oversight Committee, and the Budgetary Oversight Committee expire June 30, ~~2020~~ 2025.

Sec. 28. Minnesota Statutes 2018, section 97A.126, is amended to read:

**97A.126 WALK-IN ACCESS PROGRAM.**

Subdivision 1. **Establishment.** A walk-in access program is established to provide public access to wildlife habitat on ~~private~~ land not otherwise open to the public for hunting, excluding trapping, as provided under this section. The commissioner may enter into agreements with other units of government and landowners to provide ~~private land~~ hunting access.

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

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

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

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

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

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

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

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

Sec. 29. Minnesota Statutes 2018, section 97A.433, subdivision 4, is amended to read:

Subd. 4. **Discretionary separate selection; eligibility.** (a) The commissioner may conduct a separate selection for up to 20 percent of the elk licenses to be issued for an area. Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in the area, and their family members, are eligible for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain an elk license in a separate selection must allow public elk hunting on their land during the elk season for which the license is valid, may sell their license to any Minnesota resident eligible to hunt big game for no more than the original cost of the license.



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

Sec. 30. Minnesota Statutes 2018, section 97A.433, subdivision 5, is amended to read:

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

Sec. 31. Minnesota Statutes 2018, section 97A.475, subdivision 4, is amended to read:

Subd. 4. **Small-game surcharge and donation.** (a) Fees for annual licenses to take small game must be increased by a surcharge of \$6.50, except licenses under subdivisions 2, clauses (18) and (19); and 3, paragraph (a), ~~clause~~ clauses (14) and (15). An additional commission may not be assessed on the surcharge and the following statement must be included in the annual small-game-hunting regulations: "This \$6.50 surcharge is being paid by hunters for the acquisition and development of wildlife lands."

(b) A person may agree to add a donation of \$1, \$3, or \$5 to the fees for annual resident and nonresident licenses to take small game. An additional commission may not be assessed on the donation. The following statement must be included in the annual small-game-hunting regulations: "The small-game license donations are being paid by hunters for administration of the walk-in access program."

Sec. 32. Minnesota Statutes 2018, section 97C.345, is amended by adding a subdivision to read:

Subd. 3b. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take gizzard shad for use as bait for angling from July 1 to November 30 as allowed under section 84D.03, subdivision 3.

(b) Cast nets used under this subdivision must be monofilament and may not exceed five feet in radius. Mesh size must be from three-eighths-inch to five-eighths-inch bar measure. A person may use up to two cast nets at one time.

Sec. 33. Minnesota Statutes 2018, section 97C.391, subdivision 1, is amended to read:

Subdivision 1. **General restrictions.** A person may not buy or sell fish taken from the waters of this state, except:

- (1) minnows;
- (2) rough fish ~~excluding ciscoes~~;
- (3) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;
- (4) fish taken under licensed commercial fishing operations;
- (5) fish that are private aquatic life; and

(6) fish lawfully taken and subject to sale from other states and countries.

Sec. 34. Minnesota Statutes 2018, section 97C.395, subdivision 2, is amended to read:

Subd. 2. **Continuous season for certain species.** For sunfish, white crappie, black crappie, yellow perch, catfish, rock bass, white bass, yellow bass, burbot, cisco (tullibee), lake whitefish, and rough fish, the open season is continuous.

Sec. 35. Minnesota Statutes 2018, section 97C.815, subdivision 2, is amended to read:

Subd. 2. **Assignment.** (a) The commissioner shall assign licensed inland commercial fishing operators to commercial fishing areas and each operator shall be is obligated to fish in the area that the commissioner has assigned to them. The commissioner's assignment shall be is valid as long as the assigned operator continues to purchase a license, continues to provide an adequate removal effort in a good and professional manner, and is not convicted of two or more violations of laws or rules governing inland commercial fishing operations during any one license period. In the operator assignment, the commissioner shall consider the proximity of the operator to the area, the type and quantity of fish gear and equipment possessed, knowledge of the affected waters, and general ability to perform the work well.

(b) Area assignments must not restrict permits and contracts that the commissioner issues to governmental subdivisions and their subcontractors for invasive species control.

Sec. 36. Minnesota Statutes 2018, section 103B.3369, subdivision 5, is amended to read:

Subd. 5. **Financial assistance.** ~~A base grant may be awarded to a county that provides a match utilizing a water implementation tax or other local source. A water implementation tax that a county intends to use as a match to the base grant must be levied at a rate sufficient to generate a minimum amount determined by the board. The board may award performance-based, watershed-based, or program-based grants or other financial assistance to local units of government that are responsible for implementing elements of applicable portions of watershed management plans, comprehensive plans, local water management plans, or comprehensive watershed management plans, developed or amended, adopted and approved, according to chapter 103B, 103C, or 103D. Upon request by a local government unit, the board may also award performance-based grants to local units of government to carry out TMDL implementation plans as provided in chapter 114D, if the TMDL implementation plan has been incorporated into the local water management plan according to the procedures for approving comprehensive plans, watershed management plans, local water management plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D, or if the TMDL implementation plan has undergone a public review process. Notwithstanding section 16A.41, the board may award performance-based, watershed-based, or program-based grants or other financial assistance on an advanced basis and may prescribe the amount of local match required. The fee authorized in section 40A.152 may be used as a local match or as a supplement to state funding to accomplish implementation of comprehensive plans, watershed management plans, local water management plans, or comprehensive watershed management plans under this chapter and chapter 103C or 103D. The board may enter into intergovernmental agreements to provide funding for water management to local governments.~~

Sec. 37. Minnesota Statutes 2018, section 103B.3369, subdivision 9, is amended to read:

Subd. 9. **Performance-based Criteria.** (a) The board ~~shall~~ must develop and ~~utilize~~ use performance-based criteria for local water resources restoration, protection, and management programs and projects. The criteria may include but are not limited to science-based assessments, organizational capacity, priority resource issues, community outreach and support, partnership potential, potential for multiple benefits, and program and project delivery efficiency and effectiveness.

(b) Notwithstanding paragraph (a), the board may develop and use eligibility criteria for state grants or other financial assistance provided to local governments.

Sec. 38. Minnesota Statutes 2018, section 103B.611, subdivision 3, is amended to read:

Subd. 3. **Powers.** Subject to the provisions of chapters 97A, 103D, 103E, 103G, and 115, and the rules and regulations of the respective agencies and governing bodies vested with jurisdiction and authority under those chapters, the district has the following powers on Lake Minnetonka, excluding the area of public drainage ditches or watercourses connected to the lake:

- (1) to regulate the types of boats permitted to use the lake and set service fees;
- (2) to regulate, maintain, and police public beaches, public docks, and other public facilities for access to the lake within the territory of the municipalities, provided that a municipality may supersede the district's action under this clause by adopting an ordinance specifically referring to the district's action by one year after the district's action;
- (3) to limit by rule the use of the lake at various times and the use of various parts of the lake;
- (4) to regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety of the public and the most general public use;
- (5) to contract with other law enforcement agencies to police the lake and its shore;
- (6) to regulate the construction, installation, and maintenance of permanent and temporary docks and moorings consistent with federal and state law;
- (7) to regulate the construction and use of mechanical and chemical means of deicing the lake and to regulate mechanical and chemical means of removal of weeds and algae from the lake;
- (8) to regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities ~~including parking areas and sanitary facilities that affect activity below the ordinary high-water mark.~~ The regulation shall authority under this clause does not apply to land-based marina activities, including storage facilities, and must be consistent with the applicable state statutes, municipal building codes, and zoning ordinances where the marinas are located;
- (9) to contract with other governmental bodies to perform any of the functions of the district;
- (10) to undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the Pollution Control Agency and other interested authorities, and to develop a comprehensive program to eliminate pollution;

(11) to receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them; and

(12) to petition the board of managers of a watershed district in which the lake conservation district is located for improvements under section 103D.705; a bond is not required of the lake conservation district.

For purposes of this subdivision "watercourses connected to the lake" does not include channels connecting portions of the lake to one another.

Sec. 39. Minnesota Statutes 2018, section 103B.801, subdivision 2, is amended to read:

Subd. 2. **Program purposes.** The purposes of the comprehensive watershed management plan program under section 103B.101, subdivision 14, paragraph (a), are to:

(1) align local water planning purposes and procedures under this chapter and chapters 103C and 103D on watershed boundaries to create a systematic, watershed-wide, science-based approach to watershed management;

(2) acknowledge and build off existing local government structure, water plan services, and local capacity;

(3) incorporate and make use of data and information, including watershed restoration and protection strategies under section 114D.26, which may serve to fulfill all or some of the requirements under chapter 114D;

(4) solicit input and engage experts from agencies, citizens, and stakeholder groups;

(5) focus on implementation of prioritized and targeted actions capable of achieving measurable progress; and

(6) serve as a substitute for a comprehensive plan, local water management plan, or watershed management plan developed or amended, approved, and adopted, according to this chapter or chapter 103C or 103D.

Sec. 40. Minnesota Statutes 2018, section 103B.801, subdivision 5, is amended to read:

Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by June 30, 2016, a transition plan for development, approval, adoption, and coordination of plans consistent with section 103A.212. The transition plan must include a goal of completing statewide transition to comprehensive watershed management plans by 2025. The metropolitan area may be considered for inclusion in the transition plan. The board may amend the transition plan no more than once every two years.

(b) The board may use the authority under section 103B.3369, subdivision 9, to support development or implementation of a comprehensive watershed management plan under this section.

Sec. 41. [103C.332] SOIL AND WATER CONSERVATION DISTRICTS; DUTIES AND SERVICES.

Subdivision 1. **Duties.** In addition to any other duty prescribed by law, soil and water conservation districts must:

(1) respond to and provide technical and financial assistance to landowners to maintain and improve the quality, quantity, distribution, and sustainability of natural resources, including surface water, groundwater, soil, and ecological resources;

(2) provide technical assistance in implementing the soil erosion law under sections 103F.401 to 103F.48;

(3) arrange for employees to serve on technical evaluation panels to implement the wetland laws as required under section 103G.2242;

(4) locally administer the reinvest in Minnesota reserve program under section 103F.515 and rules adopted thereunder, using knowledge of local resources to manage each easement to maximize environmental benefits;

(5) participate in administering the Wetland Conservation Act as provided under sections 103G.221 to 103G.2375, either in an advisory capacity or as the designated local government unit administering the program;

(6) participate in the local water management program under chapter 103B, either in an advisory capacity or as the designated local government unit administering the program;

(7) participate, as appropriate, in the comprehensive watershed management planning program under section 103B.801;

(8) participate in disaster response efforts as provided in chapter 12A;

(9) provide technical recommendations to the Department of Natural Resources on general permit applications under section 103G.301;

(10) provide technical assistance and local administration of the agricultural water quality certification program under sections 17.9891 to 17.993;

(11) provide technical assistance for the agricultural land preservation program under chapter 40A, where applicable;

(12) maintain compliance with section 15.99 for deadlines for agency action;

(13) coordinate with appropriate county officials on matters related to electing soil and water conservation district supervisors;

(14) cooperate to the extent possible with federal, state, and local agencies and with private organizations to avoid duplicating and to enhance implementing public and private conservation initiatives within the jurisdiction of the district; and

(15) enter into cooperative agreements with the United States Department of Agriculture, Natural Resources Conservation Service, and other United States Department of Agriculture agencies to leverage federal technical and financial assistance.

Subd. 2. **Services provided.** To carry out the duties under subdivision 1 and implement the soil and water conservation policy of the state as stated in section 103A.206, soil and water conservation districts provide a range of services, including but not limited to:

(1) performing administrative services, including comprehensive and annual work planning, administering grants, leveraging outside funding, establishing fiscal accountability measures, reporting accomplishments, human resources management, and staff and supervisor development;

(2) providing technical expertise, including knowledge of local resources, performing technical evaluations and certifications, assessing concerns, and providing oversight in surveying, designing, and constructing conservation practices;

(3) providing information and education outreach, including increasing landowner awareness and knowledge of soil and water conservation program opportunities to protect soil and water resources and publicizing the benefits of soil and water conservation to the general public;

(4) facilitating regulatory processes for impacted landowners and providing technical review and comment on regulatory permits and development plans for regulations relating to soil and water conservation;

(5) administering projects and programs, including but not limited to the nonpoint source pollution abatement program; reinvest in Minnesota reserve conservation easements program; disaster response; local water management and comprehensive watershed management planning programs; and projects related to floodplains, lakes, streams and ditches, wetlands, upland resources, and groundwater resources, to maintain and improve the quality, quantity, distribution, and sustainability of natural resources, including surface water, groundwater, soil, and ecological resources;

(6) monitoring and inventorying to collect data that provide a baseline understanding of resource conditions and changes to the resources over time and analyzing and interpreting the data to support program implementation; and

(7) maintaining a modern technology infrastructure that facilitates planning and projects, including geographic information systems, modeling software, mobile workstations, survey and design equipment and software, and other technology for linking landowners with conservation plans.

Sec. 42. Minnesota Statutes 2018, section 103E.021, subdivision 6, is amended to read:

**Subd. 6. Incremental ~~implementation~~ establishment; vegetated 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~~ make findings and order the establishment of 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 drainage authority's finding that establishing permanent buffer strips of perennial vegetation or side inlet controls is necessary to control erosion and sedimentation, improve water quality, or maintain the efficiency of the drainage system is sufficient to confer jurisdiction under this subdivision. Preference should be given to planting native species of a local ecotype. The approved perennial vegetation ~~shall~~ must 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 must 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 must be determined by the drainage authority, or viewers, appointed by the drainage authority, according to section 103E.315, subdivision 8. A damages statement shall must 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 must 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 must 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 must 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 must 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. 43. Minnesota Statutes 2018, section 103E.071, is amended to read:

#### **103E.071 COUNTY ATTORNEY.**

The county attorney shall represent the county in all drainage proceedings and related matters without special compensation, except as provided in section 388.09, subdivision 1. A county attorney, the county attorney's assistant, or any attorney associated with the county attorney in business, may not otherwise appear in any drainage proceeding for any interested person.

Sec. 44. Minnesota Statutes 2018, section 103E.351, subdivision 1, is amended to read:

Subdivision 1. **Conditions to redetermine benefits and damages; appointing viewers.** (a) If the drainage authority determines that the ~~original~~ benefits or damages of record determined in a drainage proceeding do not reflect reasonable ~~present day~~ present-day land values or that the benefited or damaged areas have changed, ~~or if more than 50 percent of the owners of property benefited or damaged by a drainage system petition for correction of an error that was made at the time of the proceedings that established the drainage system;~~ the drainage authority may appoint three viewers to redetermine and report the benefits and damages and the benefited and damaged areas.

(b) If more than 26 percent of the owners of property or owners of 26 percent of the property that is benefited or damaged by a drainage system petition to redetermine benefits and damages, the drainage authority must make a determination on the petition according to paragraph (a).

Sec. 45. Minnesota Statutes 2018, section 103E.351, subdivision 2, is amended to read:

Subd. 2. **Hearing and procedure.** (a) The redetermination of benefits and damages ~~shall~~ must proceed as provided for viewers and the viewers' report in sections 103E.311 to 103E.321.

(b) The auditor ~~or secretary~~ must prepare a property owners' report from the viewers' report. A copy of the property owners' report must be mailed to each owner of property affected by the drainage system.

(c) The drainage authority ~~shall~~ must hold a final hearing on the report and confirm the benefits and damages and benefited and damaged areas. The final hearing ~~shall~~ must proceed as provided under sections 103E.325, 103E.335, and 103E.341, ~~except that the hearing shall be held within 30 days after the property owners' report is mailed.~~

Sec. 46. Minnesota Statutes 2018, section 103E.351, subdivision 3, is amended to read:

Subd. 3. **Using redetermined benefits and damages.** The redetermined benefits and damages and the redetermined benefited and damaged areas must be used in place of the ~~original~~ benefits and damages of record and the benefited and damaged areas of record in all subsequent proceedings relating to the drainage system.

Sec. 47. [103E.729] APPORTIONING REPAIR COSTS; ALTERNATIVE OPTION.

Subdivision 1. **Option.** Notwithstanding any conflicting provision of this chapter, a drainage authority may use the option under this section to apportion repair costs on all property contributing runoff to the drainage system according to the relative runoff and relative sediment delivery determined in an approved report to apportion repair costs prepared according to subdivision 2. Repair costs apportioned using the method in this section are charges for property contributing runoff to the drainage system that must be considered repair cost assessments under this chapter.

Subd. 2. **Report to apportion repair costs.** (a) When the drainage authority determines that a drainage system repair is necessary, the drainage authority may apportion costs for repairing a drainage system based on relative runoff and relative sediment delivery from any property, public road, street, railway, or other utility contributing runoff to the drainage system as provided in this section. If the method under this section is used, costs must be determined before ordering the repair of all or any part of a drainage system as provided in section 103E.705, subdivision 3, or 103E.715, subdivision 4, or before levying an assessment for a repair fund as provided in section 103E.735, subdivision 1.

(b) The drainage authority must appoint one or more persons qualified to use geographic information system technology and applicable digital information, including but not limited to conditioned topographic data, soils and land use data, and property, road, and utility corridor identification data, together with appropriate on-site verification, to equitably apportion repair costs.

(c) The person or persons conducting the cost apportionment must file a report to apportion repair costs with the drainage authority explaining in nontechnical language the method, data, and interpretations used and the results of the cost apportionment. The report must present data and results in a format so that individual property owners, political subdivisions, and utilities can clearly



examine the information applicable to their property, public road, street, railway, or other utility, including for each parcel having a separate property identification number.

Subd. 3. **Hearing on report.** (a) When a report to apportion repair costs is filed, the drainage authority, in consultation with the auditor or secretary, must set a time, by order, for a hearing on the report not more than 30 days after the date of the order. At least 20 days before the hearing, the auditor or secretary must give notice by mail of the time and location of the hearing to the owners of property, political subdivisions, and utilities proposed to be assessed in the report. The notice of hearing must include a copy of the portion of the report explaining in nontechnical language the method, data, and interpretations used; the results of the cost apportionment applicable to the property owner, political subdivision, or utility receiving notice; and a statement of the location where the entire report to apportion repair costs has been filed for public inspection.

(b) At the hearing, the drainage authority must hear and consider the testimony presented by all interested parties. At least one person responsible for preparing the report to apportion repair costs must be present at the initial hearing.

(c) If the drainage authority determines that the apportionment of costs is inequitable, the drainage authority may amend the report to apportion repair costs and must make necessary and proper findings and an order in relation to the report, or resubmit matters to the report preparer for further consideration. If matters are resubmitted, the hearing may be continued as necessary to make and hear an amended report. The report preparer must proceed promptly to reconsider resubmitted matters and must make and file an amended report. The drainage authority may replace the original report with the amended report to apportion repair costs and make necessary and proper findings and an order to approve the amended report. The jurisdiction of the drainage authority continues in the property given proper notice, and new or additional notice is not required for that property.

Subd. 4. **Findings; approval.** After considering the report to apportion repair costs, any amended report, and all evidence presented, the drainage authority must make findings, approve the report, and apportion repair costs consistent with the values in the report to apportion repair costs if the drainage authority finds that the cost apportionment is equitable because:

(1) the weighting of relative runoff and relative sediment delivery is appropriate for the type of repair;

(2) the data inputs are reliable; and

(3) the computation method is reliable.

Subd. 5. **Report updates.** The drainage authority may continue to apportion repair costs consistent with the values in the report to apportion repair costs of record. After a report to apportion repair costs has been approved under this subdivision, an owner of property, a political subdivision, or a utility assessed in the report of record may request in writing that the drainage authority update the report based on changed land use. The request must be filed with the auditor of the county where the property is located or the secretary. Before the drainage authority approves a repair cost assessment for the drainage system, the drainage authority must determine if the report to apportion repair costs of record reasonably reflects current land use, relative runoff, and relative sediment delivery. If it does not so reflect, the drainage authority must make findings and must appoint one or more persons

to prepare and file an updated report to apportion repair costs for the drainage system in accordance with subdivision 2.

Subd. 6. **Conservation lands.** Proper consideration must be given to property that is used for conservation that prohibits development or land use change by ownership, deed restriction, or conservation easement, or is enrolled in a program that prohibits agricultural crop production.

Subd. 7. **Appeals.** The owner of any property subject to cost apportionment listed in the adopted report to apportion repair costs may appeal the findings of the drainage authority under subdivision 4 as provided in section 103E.095.

Subd. 8. **Definitions.** For purposes of this section:

(1) "relative runoff" means the surface and subsurface runoff potential from a specific property compared on an equitable basis to all other properties contributing runoff to the drainage system; and

(2) "relative sediment delivery" means the sediment delivery potential from a specific property compared on an equitable basis to all other properties contributing runoff to the drainage system.

Subd. 9. **Sunset.** This section expires on July 31, 2024.

Sec. 48. Minnesota Statutes 2018, section 103F.361, subdivision 2, is amended to read:

Subd. 2. **Legislative intent.** It is the intent of sections 103F.361 to 103F.377 to authorize and direct the board and ~~the counties~~ zoning authorities to implement the plan for the Mississippi headwaters area.

Sec. 49. Minnesota Statutes 2018, section 103F.363, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Sections 103F.361 to 103F.377 apply to the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison and all other zoning authorities.

Sec. 50. Minnesota Statutes 2018, section 103F.365, is amended by adding a subdivision to read:

Subd. 5. **Zoning authority.** "Zoning authority" means counties, organized townships, local and special governmental units, joint powers boards, councils, commissions, boards, districts, and all state agencies and departments wholly or partially within the corridor defined by the plan, excluding statutory or home rule charter cities.

Sec. 51. Minnesota Statutes 2018, section 103F.371, is amended to read:

#### **103F.371 RESPONSIBILITIES OF OTHER GOVERNMENTAL UNITS.**

(a) All local and special governmental units, councils, commissions, boards and districts and all state agencies and departments must exercise their powers so as to further the purposes of sections 103F.361 to 103F.377 and the plan. Land owned by the state, its agencies, and political subdivisions shall be administered in accordance with the plan. The certification procedure under section 103F.373 applies to all zoning authorities in the corridor defined by the plan.

(b) Actions that comply with the land use ordinance are consistent with the plan. Actions that do not comply with the ordinance may not be started until the board has been notified and given an opportunity to review and comment on the consistency of the action with this section.

Sec. 52. Minnesota Statutes 2018, section 103F.373, subdivision 1, is amended to read:

Subdivision 1. **Purpose.** To ~~assure~~ ensure that the plan is not nullified by unjustified exceptions in particular cases and to promote uniformity in the treatment of applications for exceptions, a review and certification procedure is established for the following categories of land use actions taken by ~~the counties and~~ zoning authorities directly or indirectly affecting land use within the area covered by the plan:

- (1) the adoption or amendment of an ordinance regulating the use of land, including rezoning of particular tracts of land;
- (2) the granting of a variance from provisions of the land use ordinance; and
- (3) the approval of a plat which is inconsistent with the land use ordinance.

Sec. 53. Minnesota Statutes 2018, section 103F.373, subdivision 3, is amended to read:

Subd. 3. **Procedure for certification.** A copy of the notices of public hearings or, when a hearing is not required, a copy of the application to consider an action of a type specified in subdivision 1, clauses (1) to (3), must be forwarded to the board by the county zoning authority at least 15 days before the hearing or meetings to consider the actions. The county zoning authority shall notify the board of its final decision on the proposed action within ten days of the decision. By 30 days after the board receives the notice, the board shall notify the county zoning authority and the applicant of ~~its~~ the board's approval or disapproval of the proposed action.

Sec. 54. Minnesota Statutes 2018, section 103F.373, subdivision 4, is amended to read:

Subd. 4. **Disapproval of actions.** (a) If a notice of disapproval is issued by the board, the county zoning authority or the applicant may, within 30 days of the notice, file with the board a demand for a hearing. If a demand is not filed within the 30-day period, the disapproval becomes final.

(b) If a demand is filed within the 30-day period, a hearing must be held within 60 days of demand. The hearing must be preceded by two weeks' published notice. Within 30 days after the hearing, the board must:

- (1) affirm its disapproval of the proposed action; or
- (2) certify approval of the proposed action.

Sec. 55. Minnesota Statutes 2018, section 103G.241, subdivision 1, is amended to read:

Subdivision 1. **Conditions to affect public waters.** An agent or employee of another may not construct, reconstruct, remove, or make a change in a reservoir, dam, or waterway obstruction on a public water or in any manner change or diminish the course, current, or cross section of public waters unless the agent or employee has:

(1) obtained a signed statement from the property owner stating that the permits required for the work have been obtained or a permit is not required; and

(2) mailed or electronically transmitted a copy of the statement to the regional office of the Department of Natural Resources where the proposed work is located.

Sec. 56. Minnesota Statutes 2018, section 103G.241, subdivision 3, is amended to read:

Subd. 3. **Form for compliance.** The commissioner shall develop a form to be distributed to contractors' associations and county auditors to comply with this section. The form must include:

(1) a listing of the activities for which a permit is required;

(2) a description of the penalties for violating this chapter;

(3) the mailing addresses, electronic mail addresses, and telephone numbers of the regional offices of the Department of Natural Resources;

(4) a statement that water inventory maps completed according to section 103G.201 are on file with the auditors of the counties; and

(5) spaces for a description of the work and the names, mailing addresses, electronic mail addresses, and telephone numbers of the person authorizing the work and the agent or employee proposing to undertake it.

Sec. 57. Minnesota Statutes 2018, section 103G.271, subdivision 7, is amended to read:

Subd. 7. **Transferring permit.** (a) A water-use permit may be transferred to a successive owner of real property if the permittee conveys the real property where the source of water is located. The new owner must notify the commissioner immediately after the conveyance and request transfer of the permit. The commissioner must not deny the transfer of a permit if:

(1) the permittee is in compliance with all permit conditions, as demonstrated by:

(i) the permit being valid at the time of the real property transfer; and

(ii) the permittee has complied with the total volume allowed under the water-use permit prior to transferring the real property; and

(2) the permit meets the requirements of sections 103G.255 to 103G.301.

(b) The commissioner must not require additional conditions on the permit, reduce the appropriation, or require any testing when transferring a permit.

**EFFECTIVE DATE.** This section is effective retroactively from January 1, 2010.

Sec. 58. Minnesota Statutes 2018, section 103G.271, is amended by adding a subdivision to read:

Subd. 8. **Management plans; economic impacts.** Before a management plan for appropriating water is prepared, the commissioner must provide estimates of the economic impact of any new

restriction or policy on existing and future groundwater users and local governments in the affected area. Strategies to address economic impacts must be included in the plan.

Sec. 59. Minnesota Statutes 2018, section 103G.287, subdivision 1, is amended to read:

Subdivision 1. **Applications for groundwater appropriations; preliminary well-construction approval.** (a) Groundwater use permit applications are not complete until the applicant has supplied:

(1) a water well record as required by section 103I.205, subdivision 9, information on the subsurface geologic formations penetrated by the well and the formation or aquifer that will serve as the water source, and geologic information from test holes drilled to locate the site of the production well;

(2) the maximum daily, seasonal, and annual pumpage rates and volumes being requested;

(3) information on groundwater quality in terms of the measures of quality commonly specified for the proposed water use and details on water treatment necessary for the proposed use;

(4) the results of an aquifer test completed according to specifications approved by the commissioner. The test must be conducted at the maximum pumping rate requested in the application and for a length of time adequate to assess or predict impacts to other wells and surface water and groundwater resources. The permit applicant is responsible for all costs related to the aquifer test, including the construction of groundwater and surface water monitoring installations, and water level readings before, during, and after the aquifer test; and

(5) the results of any assessments conducted by the commissioner under paragraph (c).

(b) The commissioner may waive an application requirement in this subdivision if the information provided with the application is adequate to determine whether the proposed appropriation and use of water is sustainable and will protect ecosystems, water quality, and the ability of future generations to meet their own needs.

(c) The commissioner shall provide an assessment of a proposed well needing a groundwater appropriation permit. The commissioner shall evaluate the information submitted as required under section 103I.205, subdivision 1, paragraph (e), and determine whether the anticipated appropriation request is likely to meet the applicable requirements of this chapter. If the appropriation request is likely to meet applicable requirements, the commissioner shall provide the person submitting the information with a letter or electronically transmitted notice providing preliminary approval to construct the well and the requirements, including test-well information, that will be needed to obtain the permit.

(d) The commissioner must provide an applicant denied a groundwater use permit or issued a groundwater use permit that is reduced or restricted from the original request with all information the commissioner used in making the determination, including hydrographs, flow tests, aquifer tests, topographic maps, field reports, photographs, and proof of equipment calibration.

Sec. 60. Minnesota Statutes 2018, section 103G.287, subdivision 4, is amended to read:

Subd. 4. **Groundwater management areas.** (a) The commissioner may designate groundwater management areas and limit total annual water appropriations and uses within a designated area to ensure sustainable use of groundwater that protects ecosystems, water quality, and the ability of future generations to meet their own needs. Water appropriations and uses within a designated management area must be consistent with a groundwater management area plan approved by the commissioner that addresses water conservation requirements and water allocation priorities established in section 103G.261. During the development of a groundwater management plan, the commissioner and employees and agents of the department may disseminate information related to the timing, location, and agendas of meetings related to the plan, but shall otherwise limit public information disseminated related to the groundwater management area to direct factual responses to public and media inquires. At least 30 days prior to implementing or modifying a groundwater management area plan under this subdivision, the commissioner shall consult with the advisory team established in paragraph (c).

(b) Notwithstanding section 103G.271, subdivision 1, paragraph (b), and Minnesota Rules, within designated groundwater management areas, the commissioner may require general permits as specified in section 103G.271, subdivision 1, paragraph (c), for water users using less than 10,000 gallons per day or 1,000,000 gallons per year and water suppliers serving less than 25 persons for domestic purposes. The commissioner may waive the requirements under section 103G.281 for general permits issued under this paragraph, and the fee specified in section 103G.301, subdivision 2, paragraph (c), does not apply to general permits issued under this paragraph.

(c) When designating a groundwater management area, the commissioner shall assemble an advisory team to assist in developing a groundwater management area plan for the area. The advisory team members shall be selected from public and private entities that have an interest in the water resources affected by the groundwater management area. A majority of the advisory team members shall be public and private entities that currently hold water-use permits for water appropriations from the affected water resources. The commissioner shall consult with the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota Association of Watershed Districts, and the Minnesota Association of Townships in appointing the local government representatives to the advisory team. The advisory team may also include representatives from the University of Minnesota, the Minnesota State Colleges and Universities, other institutions of higher learning in Minnesota, political subdivisions with jurisdiction over water issues, nonprofits with expertise in water, and federal agencies.

(d) Before designating a groundwater management area, the commissioner must provide estimates of the economic effect of any new restriction or policy on existing and future groundwater users and local governments in the affected area. Strategies to address economic impacts must be included in any plan.

Sec. 61. Minnesota Statutes 2018, section 103G.287, subdivision 5, is amended to read:

Subd. 5. **Sustainability standard.** (a) The commissioner may issue water-use permits for appropriation from groundwater only if the commissioner determines that the groundwater use is sustainable to supply the needs of future generations and the proposed use will not harm ecosystems, degrade water, or reduce water levels beyond the reach of public water supply and private domestic wells constructed according to Minnesota Rules, chapter 4725.

(b) For the purposes of this subdivision and subdivision 4, "sustainable" means a change in hydrologic regime of 20 percent or less relative to the August median stream flow.

Sec. 62. Minnesota Statutes 2018, section 103G.289, is amended to read:

**103G.289 WELL INTERFERENCE; ~~WELL SEALING VALIDATION; CONTESTED CASE.~~**

(a) The commissioner shall not validate a claim for well interference ~~claim~~ if the affected well has been sealed prior to the completion of the commissioner's investigation of the complaint. If the well is sealed prior to completion of the investigation, the commissioner must dismiss the complaint.

(b) When validating a claim for well interference, the commissioner must take into account the condition of the affected well.

(c) Within 30 days after the commissioner's decision on a claim for well interference, a party ordered by the commissioner to contribute to an affected well owner may petition for a contested case hearing under sections 14.57 to 14.62. The commissioner must grant the petitioner a contested case hearing on the commissioner's decision.

Sec. 63. Minnesota Statutes 2018, section 103G.311, subdivision 2, is amended to read:

Subd. 2. **Hearing notice.** (a) The hearing notice on an application must include:

(1) the date, place, and time fixed by the commissioner for the hearing;

(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 or electronically transmitted 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.

Sec. 64. Minnesota Statutes 2018, section 103G.311, subdivision 5, is amended to read:

Subd. 5. **Demand for hearing.** (a) If a hearing is waived and an order is made issuing or denying the permit, the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the governing body of the municipality may file a demand for

hearing on the application. The demand for a hearing must be filed within 30 days after mailed or electronically transmitted notice of the order with the bond required by subdivision 6.

(b) The commissioner must give notice as provided in subdivision 2, hold a hearing on the application, and make a determination on issuing or denying the permit as though the previous order had not been made.

(c) The order issuing or denying the permit becomes final at the end of 30 days after mailed or electronically transmitted notice of the order to the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the governing body of the municipality, and an appeal of the order may not be taken if:

- (1) the commissioner waives a hearing and a demand for a hearing is not made; or
- (2) a hearing is demanded but a bond is not filed as required by subdivision 6.

Sec. 65. Minnesota Statutes 2018, section 103G.315, subdivision 8, is amended to read:

Subd. 8. **Notice of permit order.** Notice of orders made after hearing must be given by publication of the order once a week for two successive weeks in a legal newspaper in the county where the hearing was held and by mailing or electronically transmitting copies of the order to parties who entered an appearance at the hearing.

Sec. 66. Minnesota Statutes 2018, section 103G.408, is amended to read:

**103G.408 TEMPORARY DRAWDOWN OF PUBLIC WATERS.**

(a) The commissioner, upon consideration of recommendations and objections as provided in clause (2), item (iii), and paragraph (c), may issue a public-waters-work permit for the temporary drawdown of a public water when:

(1) the public water is a shallow lake to be managed for fish, wildlife, or ecological purposes by the commissioner and the commissioner has conducted a public hearing presenting a comprehensive management plan outlining how and when temporary drawdowns under this section will be conducted; or

(2) the permit applicant is a public entity and:

(i) the commissioner deems the project to be beneficial and makes findings of fact that the drawdown is in the public interest;

(ii) the permit applicant has obtained permission from at least 75 percent of the riparian landowners; and

(iii) the permit applicant has conducted a public hearing according to paragraph (d).

(b) In addition to the requirements in section 103G.301, subdivision 6, the permit applicant shall serve a copy of the application on each county, municipality, and watershed management organization, if one exists, within which any portion of the public water is located and on the lake improvement district, if one exists.



(c) A county, municipality, watershed district, watershed management organization, or lake improvement district required to be served under paragraph (b) or section 103G.301, subdivision 6, may file a written recommendation for the issuance of a permit or an objection to the issuance of a permit with the commissioner within 30 days after receiving a copy of the application.

(d) The hearing notice for a public hearing under paragraph (a), clause (2), item (iii), must:

(1) include the date, place, and time for the hearing;

(2) include the waters affected and a description of the proposed project;

(3) be mailed or electronically transmitted to the director, the county auditor, the clerk or mayor of a municipality, the lake improvement district if one exists, the watershed district or water management organization, the soil and water conservation district, and all riparian owners of record affected by the application; and

(4) be published in a newspaper of general circulation in the affected area.

(e) Periodic temporary drawdowns conducted under paragraph (a) ~~shall~~ are not be considered takings from riparian landowners.

(f) This section does not apply to public waters that have been designated for wildlife management under section 97A.101.

Sec. 67. Minnesota Statutes 2018, section 103G.615, subdivision 3a, is amended to read:

Subd. 3a. **Invasive aquatic plant management permit.** (a) "Invasive aquatic plant management permit" means an aquatic plant management permit as defined in rules of the Department of Natural Resources that authorizes the selective control of invasive aquatic plants to cause a significant reduction in the abundance of the invasive aquatic plant.

(b) The commissioner may waive the dated signature of approval requirement in rules of the Department of Natural Resources for invasive aquatic plant management permits if obtaining signatures would create an undue burden on the permittee or if the commissioner determines that aquatic plant control is necessary to protect natural resources.

(c) If the signature requirement is waived under paragraph (b) because obtaining signatures would create an undue burden on the permittee, the commissioner shall require an alternate form of landowner notification, including news releases or public notices in a local newspaper, a public meeting, or a mailing or electronic transmission to the most recent permanent physical or electronic mailing address of affected landowners. The notification must be given annually and must include: the proposed date of treatment, the target species, the method of control or product being used, and instructions on how the landowner may request that control not occur adjacent to the landowner's property.

(d) The commissioner may allow dated signatures of approval obtained for an invasive aquatic plant management permit to satisfy rules of the Department of Natural Resources to remain valid for three years if property ownership remains unchanged.

Sec. 68. Minnesota Statutes 2018, section 114D.15, is amended by adding a subdivision to read:

Subd. 3a. **Comprehensive local water management plan.** "Comprehensive local water management plan" has the meaning given under section 103B.3363, subdivision 3.

Sec. 69. Minnesota Statutes 2018, section 114D.15, is amended by adding a subdivision to read:

Subd. 3b. **Comprehensive watershed management plan.** "Comprehensive watershed management plan" has the meaning given under section 103B.3363, subdivision 3a.

Sec. 70. Minnesota Statutes 2018, section 114D.15, subdivision 7, is amended to read:

Subd. 7. **Restoration.** "Restoration" means actions, ~~including effectiveness monitoring, that are taken to pursue, achieve, and maintain water quality standards for impaired waters in accordance with a TMDL that has been approved by the United States Environmental Protection Agency under federal TMDL requirements.~~

Sec. 71. Minnesota Statutes 2018, section 114D.15, subdivision 11, is amended to read:

Subd. 11. **TMDL implementation plan.** "TMDL implementation plan" means a document detailing restoration strategies or activities needed to meet the approved TMDL's TMDL pollutant load allocations for point and nonpoint sources. This could include a WRAPS, a comprehensive watershed management plan, a comprehensive local water management plan, or another document or strategy that the commissioner of the Pollution Control Agency determines to be, in whole or in part, sufficient to provide reasonable assurance of achieving applicable water quality standards.

Sec. 72. Minnesota Statutes 2018, section 114D.15, subdivision 13, is amended to read:

Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed restoration and protection strategy" or "WRAPS" means a document summarizing scientific studies of a major watershed ~~no larger than at approximately a hydrologic unit code 8 including the physical, chemical, and biological assessment of the water quality of the watershed; identification of impairments and water bodies in need of protection; identification of biotic stressors and sources of pollution, both point and nonpoint; TMDLs for the impairments; and an implementation table containing scale with strategies and actions designed to achieve and maintain water quality standards and goals.~~

Sec. 73. Minnesota Statutes 2018, section 114D.20, subdivision 2, is amended to read:

Subd. 2. **Goals for implementation.** The following goals must guide the implementation of this chapter:

(1) to identify impaired waters in accordance with federal TMDL requirements ~~within ten years after May 23, 2006, and thereafter~~ to ensure continuing evaluation of surface waters for impairments;

(2) to submit TMDLs to the United States Environmental Protection Agency ~~for all impaired waters~~ in a timely manner in accordance with federal TMDL requirements;

(3) to ~~set a reasonable time~~ inform and support strategies for implementing restoration of each identified impaired water and protection activities in a reasonable time period;

(4) to systematically evaluate waters, to provide assistance and incentives to prevent waters from becoming impaired, and to improve the quality of waters that are listed as impaired ~~but do not have an approved TMDL addressing the impairment~~;

(5) to promptly seek the delisting of waters from the impaired waters list when those waters are shown to achieve the designated uses applicable to the waters;

(6) to achieve compliance with federal Clean Water Act requirements in Minnesota;

(7) to support effective measures to prevent the degradation of groundwater according to the groundwater degradation prevention goal under section 103H.001; and

(8) to support effective measures to restore degraded groundwater.

Sec. 74. Minnesota Statutes 2018, section 114D.20, subdivision 3, is amended to read:

Subd. 3. **Implementation policies.** The following policies must guide the implementation of this chapter:

(1) develop regional ~~and, multiple pollutant, or watershed TMDLs and TMDL implementation plans, and TMDLs and TMDL implementation plans for multiple pollutants~~ or WRAPs, where reasonable and feasible;

(2) maximize use of available organizational, technical, and financial resources to perform sampling, monitoring, and other activities to identify degraded groundwater and impaired waters, including use of citizen monitoring and citizen monitoring data used by the Pollution Control Agency in assessing water quality that meets the requirements ~~in Appendix D of the Volunteer Surface Water Monitoring Guide, Minnesota~~ established by the commissioner of the Pollution Control Agency (2003);

(3) maximize opportunities for restoration of degraded groundwater and impaired waters, by prioritizing and targeting of available programmatic, financial, and technical resources and by providing additional state resources to complement and leverage available resources;

(4) use existing regulatory authorities to achieve restoration for point and nonpoint sources of pollution where applicable, and promote the development and use of effective nonregulatory measures to address pollution sources for which regulations are not applicable;

(5) use restoration methods that have a demonstrated effectiveness in reducing impairments and provide the greatest long-term positive impact on water quality protection and improvement and related conservation benefits while incorporating innovative approaches on a case-by-case basis;

(6) identify for the legislature any innovative approaches that may strengthen or complement existing programs;

(7) identify and encourage implementation of measures to prevent surface waters from becoming impaired and to improve the quality of waters that are listed as impaired but have no approved TMDL addressing the impairment using the best available data and technology, and establish and report outcome-based performance measures that monitor the progress and effectiveness of protection and restoration measures;

(8) monitor and enforce cost-sharing contracts and impose monetary damages in an amount up to 150 percent of the financial assistance received for failure to comply; and

(9) identify and encourage implementation of measures to prevent groundwater from becoming degraded and measures that restore groundwater resources.

Sec. 75. Minnesota Statutes 2018, section 114D.20, subdivision 5, is amended to read:

Subd. 5. **Priorities for scheduling and preparing WRAPs and TMDLs.** The commissioner of the Pollution Control Agency must seek recommendations from the Clean Water Council shall recommend, the commissioners of natural resources, health and agriculture, and the Board of Water and Soil Resources regarding priorities for scheduling and preparing WRAPs and TMDLs and TMDL implementation plans, taking into account the severity. Recommendations must consider the causes of the impairment impairments, the designated uses of those the waters, and other applicable federal TMDL requirements. In recommending priorities, the council shall also give consideration to, surface water and groundwater interactions, protection of high-quality waters, waters and watersheds with declining water quality trends, and waters used as drinking water sources. Furthermore, consideration must be given to waters and watersheds:

- (1) ~~with impairments~~ that pose have the greatest potential risk to human health;
- (2) ~~with impairments~~ that pose have the greatest potential risk to threatened or endangered species;
- (3) ~~with impairments~~ that pose have the greatest potential risk to aquatic health;
- (4) where other public agencies and participating organizations and individuals, especially local, ~~basinwide~~ basin-wide, watershed, or regional agencies or organizations, have demonstrated readiness to assist in carrying out the responsibilities, including availability and organization of human, technical, and financial resources necessary to undertake the work; and
- (5) where there is demonstrated coordination and cooperation among cities, counties, watershed districts, and soil and water conservation districts in planning and implementation of activities that will assist in carrying out the responsibilities.

Sec. 76. Minnesota Statutes 2018, section 114D.20, subdivision 7, is amended to read:

Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall apply the priorities applicable under subdivision 6, as far as practicable, when recommending priorities for funding actions to prevent groundwater and surface waters from becoming degraded or impaired and to improve the quality of surface waters that are listed as impaired ~~but do not have an approved TMDL.~~

Sec. 77. Minnesota Statutes 2018, section 114D.20, is amended by adding a subdivision to read:

Subd. 8. **Alternatives; TMDL, TMDL implementation plan, or WRAPs.** (a) If the commissioner of the Pollution Control Agency determines that a comprehensive watershed management plan or comprehensive local water management plan contains information that is sufficient and consistent with guidance from the United States Environmental Protection Agency

under section 303(d) of the federal Clean Water Act, the commissioner may submit the plan to the Environmental Protection Agency according to federal TMDL requirements as an alternative to developing a TMDL.

(b) A TMDL implementation plan or a WRAPS, or portions thereof, are not needed for waters or watersheds when the commissioner of the Pollution Control Agency determines that a comprehensive watershed management plan, a comprehensive local water management plan, or a statewide or regional strategy published by the Pollution Control Agency meets the definition in section 114D.15, subdivision 11 or 13.

(c) The commissioner of the Pollution Control Agency may request that the Board of Water and Soil Resources conduct an evaluation of the implementation efforts under a comprehensive watershed management plan or comprehensive local water management plan when the commissioner makes a determination under paragraph (b). The board must conduct the evaluation in accordance with section 103B.102.

(d) The commissioner of the Pollution Control Agency may amend or revoke a determination made under paragraph (a) or (b) after considering the evaluation conducted under paragraph (c).

Sec. 78. Minnesota Statutes 2018, section 114D.20, is amended by adding a subdivision to read:

Subd. 9. **Coordinating municipal and local water quality activities.** A project, practice, or program for water quality improvement or protection that is conducted by a watershed management organization or a local government unit with a comprehensive watershed management plan or other water management plan approved according to chapter 103B, 103C, or 103D may be considered by the commissioner of the Pollution Control Agency as contributing to the requirements of a storm water pollution prevention plan (SWPPP) for a municipal separate storm sewer systems (MS4) permit unless the project, practice, or program was previously documented as contributing to a different SWPPP for an MS4 permit.

Sec. 79. Minnesota Statutes 2018, section 114D.26, is amended to read:

#### **114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

Subdivision 1. **Contents.** (a) The commissioner of the Pollution Control Agency shall develop watershed restoration and protection strategies. ~~To ensure effectiveness and accountability in meeting the goals of this chapter,~~ for the purposes of:

(1) summarizing the physical, chemical, and biological assessment of the water quality of the watershed;

(2) quantifying impairments and risks to water quality;

(3) describing the causes of impairments and pollution sources;

(4) consolidating TMDLs in a major watershed; and

(5) informing comprehensive local water management plans and comprehensive watershed management plans.

(b) Each WRAPS ~~shall~~ must:

(1) identify impaired waters and waters in need of protection;

(2) identify biotic stressors causing impairments or threats to water quality;

(3) summarize TMDLs, watershed modeling outputs, and resulting pollution load allocations; wasteload allocations; and priority areas for targeting actions to improve water quality ~~identify areas with high pollutant-loading rates;~~

~~(4) identify point sources of pollution for which a national pollutant discharge elimination system permit is required under section 115.03;~~

~~(5) identify nonpoint sources of pollution for which a national pollutant discharge elimination system permit is not required under section 115.03, with sufficient specificity to prioritize and geographically locate watershed restoration and protection actions;~~

~~(6) describe the current pollution loading and load reduction needed for each source or source category to meet water quality standards and goals, including wasteload and load allocations from TMDLs;~~

~~(7) contain a plan for ongoing (4) in consultation with local governments and other state agencies, identify water quality monitoring needed to fill data gaps, determine changing conditions, and or gauge implementation effectiveness; and~~

~~(8) (5) contain an implementation table of strategies and actions that are capable of cumulatively achieving needed pollution load reductions for point and nonpoint sources, including identifying:~~

~~(i) water quality parameters of concern;~~

~~(ii) current water quality conditions;~~

~~(iii) water quality goals, strategies, and targets by parameter of concern; and~~

~~(iv) strategies and actions by parameter of concern and an example of the scale of adoptions needed for each; with a timeline to meet the water quality restoration or protection goals of this chapter.~~

~~(v) a timeline for achievement of water quality targets;~~

~~(vi) the governmental units with primary responsibility for implementing each watershed restoration or protection strategy; and~~

~~(vii) a timeline and interim milestones for achievement of watershed restoration or protection implementation actions within ten years of strategy adoption.~~

Subd. 1a. Coordination. To ensure effectiveness, efficiency, and accountability in meeting the goals of this chapter, the commissioner of the Pollution Control Agency, in consultation with the Board of Water and Soil Resources and local government units, must coordinate the schedule, budget, scope, and use of a WRAPS and related documents and processes.

Subd. 2. **Reporting.** Beginning July 1, 2016, and every other year thereafter, the commissioner of the Pollution Control Agency must report on its the agency's website the progress toward implementation milestones and water quality goals for all adopted TMDLs and, where available, WRAPSs.

Subd. 3. **Timelines; administration.** Each year, (a) The commissioner of the Pollution Control Agency must complete WRAPSs for at least ten percent of watershed restoration and protection strategies for the state's major watersheds. WRAPS shall be by June 30, 2023, unless the commissioner determines that a comprehensive watershed management plan or comprehensive local water management plan, in whole or in part, meets the definition in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the strategies, in whole or in part, after consulting with the Board of Water and Soil Resources and local government units.

(b) Watershed restoration and protection strategies are governed by the procedures for approval and notice in section 114D.25, subdivisions 2 and 4, except that WRAPS the strategies need not be submitted to the United States Environmental Protection Agency.

Sec. 80. Minnesota Statutes 2018, section 114D.35, subdivision 1, is amended to read:

Subdivision 1. **Public and stakeholder participation.** (a) Public agencies and private entities involved in the implementation of implementing this chapter shall must encourage participation by the public and stakeholders, including local citizens, landowners and, land managers, and public and private organizations, in identifying impaired waters, in developing TMDLs, in planning, priority setting, and implementing restoration of impaired waters, in identifying degraded groundwater, and in protecting and restoring groundwater resources.

(b) In particular, the commissioner of the Pollution Control Agency shall must make reasonable efforts to provide timely information to the public and to stakeholders about impaired waters that have been identified by the agency. The agency shall seek broad and early public and stakeholder participation in scoping the activities necessary to develop a TMDL, including the scientific models, methods, and approaches to be used in TMDL development, and to implement restoration pursuant to section 114D.15, subdivision 7 and to inform and consult with the public and stakeholders in developing a WRAPS or TMDL.

(c) Public agencies and private entities using public funds that are involved in implementing restoration and protection identified in a comprehensive watershed management plan or comprehensive local water management plan must make efforts to inform, consult, and involve the public and stakeholders.

(d) The commissioner of the Pollution Control Agency and the Board of Water and Soil Resources must coordinate public and stakeholder participation in consultation with local government units. To the extent practicable, implementation of this chapter must be accomplished in cooperation with local, state, federal, and tribal governments and private-sector organizations.

Sec. 81. Minnesota Statutes 2018, section 114D.35, subdivision 3, is amended to read:

Subd. 3. **Education.** The Clean Water Council shall must develop strategies for informing, educating, and encouraging the participation of citizens, stakeholders, and others regarding the identification of impaired waters, development of TMDLs, development of TMDL implementation

~~plans, implementation of restoration for impaired waters, identification of degraded groundwater, and protection and restoration of groundwater resources~~ this chapter. Public agencies ~~shall be~~ are responsible for implementing the strategies.

Sec. 82. [114D.47] NONPOINT FUNDING ALTERNATIVE.

Notwithstanding section 114D.50, subdivision 3a, the Board of Water and Soil Resources may, by board order, establish alternative timelines or content for the priority funding plan for nonpoint sources under section 114D.50, subdivision 3a, and may use information from comprehensive watershed management plans or comprehensive local water management plans to estimate or summarize costs.

Sec. 83. Minnesota Statutes 2018, section 115.03, is amended by adding a subdivision to read:

Subd. 5e. **Sugar beet storage.** The commissioner must not require a sugar beet company that has a current national pollutant discharge elimination system permit or state disposal system permit to install an engineered liner for a storm water runoff pond at a remote storage site for sugar beets unless a risk assessment confirms that there is significant impact on groundwater and that an engineered liner is necessary to prevent, control, or abate water pollution. For purposes of this subdivision, "remote storage site for sugar beets" means an area where sugar beets are temporarily stored before delivery to a sugar beet processing facility and that is not located on land adjacent to the processing facility.

Sec. 84. Minnesota Statutes 2018, section 115A.51, is amended to read:

**115A.51 APPLICATION REQUIREMENTS.**

(a) Applications for assistance under the program shall must demonstrate:

~~(a)~~ (1) that the project is conceptually and technically feasible;

~~(b)~~ (2) that affected political subdivisions are committed to implement the project, to provide necessary local financing, and to accept and exercise the government powers necessary to the project;

~~(c)~~ (3) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project;

~~(d)~~ (4) that the applicant has evaluated the feasible and prudent alternatives to disposal, including using existing solid waste management facilities with reasonably available capacity sufficient to accomplish the goals of the proposed project, and has compared and evaluated the costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators;

(5) that the applicant has identified:

(i) waste management objectives in applicable county and regional solid waste management plans consistent with section 115A.46, subdivision 2, paragraphs (e) and (f), or 473.149, subdivision 1; and



(ii) other solid waste facilities identified in the county and regional plans; and

(6) that the applicant has conducted a comparative analysis of the project against existing public and private solid waste facilities, including an analysis of potential displacement of those facilities, to determine whether the project is the most appropriate alternative to achieve the identified waste management objectives that considers:

(i) conformity with approved county or regional solid waste management plans;

(ii) consistency with the state's solid waste hierarchy and section 115A.46, subdivision 2, paragraphs (e) and (f), or 473.149, subdivision 1; and

(iii) environmental standards related to public health, air, surface water, and groundwater.

(b) The commissioner may require completion of a comprehensive solid waste management plan conforming to the requirements of section 115A.46, before accepting an application. Within five days of filing an application with the agency, the applicant must submit a copy of the application to each solid waste management facility mentioned in the portion of the application addressing the requirements of paragraph (a), clauses (5) and (6).

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

Sec. 85. Minnesota Statutes 2018, section 115B.421, is amended to read:

**115B.421 CLOSED LANDFILL INVESTMENT FUND.**

The closed landfill investment fund is established in the state treasury. The fund consists of money credited to the fund, and interest and other earnings on money in the fund. Beginning July 1, 2003, funds must be deposited as described in section 115B.445. The fund shall be managed to maximize long-term gain through the State Board of Investment. Money in the fund may only be spent by the commissioner after fiscal year 2020 in accordance with sections 115B.39 to 115B.444 as appropriated by law.

Sec. 86. Minnesota Statutes 2018, section 116.07, is amended by adding a subdivision to read:

Subd. 13. **Unadopted rules.** (a) The commissioner of the Pollution Control Agency must not enforce or attempt to enforce an unadopted rule. For purposes of this subdivision, "unadopted rule" means a guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement if the guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement meets the definition of a rule as defined under section 14.02, subdivision 4, but has not been adopted according to the rulemaking process provided under chapter 14. If an unadopted rule is challenged under section 14.381, the commissioner must overcome a presumption against the unadopted rule.

(b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement into a statute, rule, or standard, the commissioner must follow the rulemaking process provided under chapter 14 to amend or revise any such guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement.

Sec. 87. Minnesota Statutes 2018, section 116.0714, is amended to read:

**116.0714 NEW OPEN-AIR SWINE BASINS.**

(a) 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, 2022.

(b) This section does not apply to basins used solely for wastewater from truck-washing facilities.

Sec. 88. **116.385 TRICHLOROETHYLENE; BAN.**

Subdivision 1. Definitions. For the purposes of this section, "trichloroethylene" means a chemical with the Chemical Abstract Services Registry.

Subd. 2. Use ban. (a) Beginning January 1, 2021, an owner or operator of a facility required to have an air emissions permit issued by the Pollution Control Agency may not use trichloroethylene at its permitted facility, including in any manufacturing, processing, or cleaning processes. Cessation of use must be made enforceable in the air emissions permit for the facility or in an enforceable agreement by January 1, 2021.

(b) If additional time is needed to assess replacement chemicals or address impacts to facility operations, then by January 1, 2021, the commissioner may, at the commissioner's discretion, include a schedule of compliance in the facility's permit or enforceable agreement that requires compliance with this section before January 1, 2023. Owners or operators of facilities requesting additional time under this subdivision must demonstrate compliance with the health based value for trichloroethylene, as established by the Department of Health.

(c) The commissioner may grant a variance under this section pursuant to section 116.07, subdivision 5.

Subd. 3. Replacement chemicals. An owner or operator that must comply with this section must replace trichloroethylene with a chemical demonstrated to be less toxic to human health and approved by the commissioner of the Pollution Control Agency. If there is more than one less-toxic replacement chemical, then the commissioner may require the owner or operator to perform a feasibility study to determine the least toxic alternative.

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

Sec. 89. Minnesota Statutes 2018, section 116.993, subdivision 2, is amended to read:

Subd. 2. **Eligible borrower.** To be eligible for a loan under this section, a borrower must:

(1) be a small business corporation, sole proprietorship, partnership, or association;

(2) be a potential emitter of pollutants to the air, ground, or water;

(3) need capital for equipment purchases that will meet or exceed environmental regulations or need capital for site investigation and cleanup;

(4) have less than ~~50~~ 100 full-time equivalent employees; and

(5) have an after tax profit of less than \$500,000; ~~and~~.

~~(6) have a net worth of less than \$1,000,000.~~

Sec. 90. Minnesota Statutes 2018, section 116.993, subdivision 6, is amended to read:

Subd. 6. **Loan conditions.** A loan made under this section must include:

(1) an interest rate that is ~~four percent or~~ at or below one-half the prime rate, whichever is greater not to exceed five percent;

(2) a term of payment of not more than seven years; and

(3) an amount not less than \$1,000 or exceeding ~~\$50,000~~ \$75,000.

Sec. 91. Minnesota Statutes 2018, section 282.01, subdivision 4, is amended to read:

Subd. 4. **Sale; method; requirements; effects.** (a) The sale authorized under subdivision 3 must be conducted by the county auditor at the county seat of the county in which the parcels lie, except that in St. Louis and Koochiching Counties, the sale may be conducted in any county designated facility within the county. The sale must not be for less than the appraised value except as provided in subdivision 7a. The parcels must be sold for cash only, unless the county board of the county has adopted a resolution providing for their sale on terms, in which event the resolution controls with respect to the sale. When the sale is made on terms other than for cash only (1) a payment of at least ten percent of the purchase price must be made at the time of purchase, and the balance must be paid in no more than ten equal annual installments, or (2) the payments must be made in accordance with county board policy, but in no event may the board require more than 12 installments annually, and the contract term must not be for more than ten years. Standing timber or timber products must not be removed from these lands until an amount equal to the appraised value of all standing timber or timber products on the lands at the time of purchase has been paid by the purchaser. If a parcel of land bearing standing timber or timber products is sold at public auction for more than the appraised value, the amount bid in excess of the appraised value must be allocated between the land and the timber in proportion to their respective appraised values. In that case, standing timber or timber products must not be removed from the land until the amount of the excess bid allocated to timber or timber products has been paid in addition to the appraised value of the land. The purchaser is entitled to immediate possession, subject to the provisions of any existing valid lease made in behalf of the state.

(b) For sales occurring on or after July 1, 1982, the unpaid balance of the purchase price is subject to interest at the rate determined pursuant to section 549.09. The unpaid balance of the purchase price for sales occurring after December 31, 1990, is subject to interest at the rate determined in section 279.03, subdivision 1a. The interest rate is subject to change each year on the unpaid balance in the manner provided for rate changes in section 549.09 or 279.03, subdivision 1a,

whichever, is applicable. Interest on the unpaid contract balance on sales occurring before July 1, 1982, is payable at the rate applicable to the sale at the time that the sale occurred.

(c) Notwithstanding subdivision 7, a county board may by resolution provide for the listing and sale of individual parcels by other means, including through a real estate broker. However, if the buyer under this paragraph could have repurchased a parcel of property under section 282.012 or 282.241, that buyer may not purchase that same parcel of property at the sale under this subdivision for a purchase price less than the sum of all taxes, assessments, penalties, interest, and costs due at the time of forfeiture computed under section 282.251, and any special assessments for improvements certified as of the date of sale. This subdivision shall be liberally construed to encourage the sale and utilization of tax-forfeited land in order to eliminate nuisances and dangerous conditions and to increase compliance with land use ordinances.

Sec. 92. Laws 2012, chapter 236, section 28, subdivision 2, as amended by Laws 2016, chapter 154, section 9, is amended to read:

Subd. 2. **Method of sale.** (a) The leaseholder of a leased parcel may purchase at private sale the leased parcel and any other lands allocated to the parcel by the county under subdivision 6 that is offered for sale under this section. The purchase price is the appraised value of the land under subdivision 3 exclusive of improvements on it. To purchase a parcel, a leaseholder must pay in cash to the county an amount equal to the appraised value of the land within 180 days from the date of mailing to or service of notice of appraised value to the leaseholder by the county. The 180-day period runs from the date of mailing of a copy of the appraisal to the leaseholder at the address shown upon the most recent lease agreement between the parties, exclusive of the date of mailing or service. The county may use any alternative method of notice under the Minnesota Rules of Civil Procedure for the service of a summons and complaint.

(b) If the leaseholder does not purchase the parcel so offered, the county may offer the lands for sale under the provisions of Minnesota Statutes, section 282.01, subdivision 7. If a person other than the leaseholder purchases the parcel, the purchaser must make payment in full to the leaseholder in the manner provided in Minnesota Statutes, section 92.06, subdivision 4, for the value of any improvements as determined under subdivision 3 or for the value of any improvements as determined through negotiations.

(c) Failure of a purchaser to comply with the terms of payment voids the sale and the property may be reoffered for sale.

Sec. 93. Laws 2012, chapter 236, section 28, subdivision 9, as amended by Laws 2016, chapter 154, section 11, is amended to read:

Subd. 9. **Sunset.** This section expires ~~seven~~ ten years after the effective date.

Sec. 94. Laws 2013, chapter 114, article 4, section 105, as amended by Laws 2017, chapter 93, article 2, section 148, is amended to read:

Sec. 105. **RULES; SILICA SAND.**

(a) The commissioner of the Pollution Control Agency may adopt rules pertaining to the control of particulate emissions from silica sand projects. The rulemaking is exempt from Minnesota Statutes, section 14.125.

(b) The commissioner of natural resources shall ~~adopt rules~~ develop a model ordinance pertaining to the reclamation of silica sand mines. ~~The rulemaking is exempt from Minnesota Statutes, section 14.125~~ commissioner shall publish the model ordinance in the State Register.

(c) By January 1, 2014, the Department of Health shall adopt an air quality health-based value for silica sand.

(d) The Environmental Quality Board may amend its rules for environmental review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to take into account the increased activity in the state and concerns over the size of specific operations. The Environmental Quality Board shall consider whether the requirements of Minnesota Statutes, section 116C.991, should remain part of the environmental review requirements for silica sand and whether the requirements should be different for different geographic areas of the state. The rulemaking is exempt from Minnesota Statutes, section 14.125.

Sec. 95. **ADDITION TO STATE PARK.**

**[85.012] [Subd. 23a.] Glendalough State Park, Otter Tail County.**

The following areas are added to Glendalough State Park, Otter Tail County:

(1) Government Lot 2, Section 12, Township 133 North, Range 40 West, Otter Tail County, Minnesota, subject to an existing conservation easement; and

(2) the West Half of the Southeast Quarter and Government Lots 2 and 3, Section 11, Township 133 North, Range 40 West, Otter Tail County, Minnesota, except that part of said Government Lot 2 platted as Walvatne Addition. Subject to an existing conservation easement.

Sec. 96. **DELETION FROM STATE PARK.**

**[85.012] [Subd. 49.] St. Croix State Park, Pine County.** The following area is deleted from St. Croix State Park, Pine County: that part of the North Half of the Northwest Quarter of Section 29 and that part of the Northeast Quarter of the Northeast Quarter of Section 30, Township 41 North, Range 17 West, Pine County, Minnesota, lying north of County Road 48.

Sec. 97. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CARLTON 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 commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Carlton County and is described as: Government Lot 6, Section 1, Township 48 North, Range 19 West.

(d) The land borders Perch 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 and that the state's land management interests would be best served if the land were sold to a federally recognized Indian tribe for land consolidation purposes.

**Sec. 98. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CASS 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 commissioner 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: Lot 7, Block 1, Dell's Sleepy Hollow, located in Section 22, Township 140 North, Range 29 West.

(d) The land borders Woman 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 and that the state's land management interests would best be served if the land was returned to private ownership.

**Sec. 99. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER; HUBBARD 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 lands bordering public water that is described in paragraph (c) to Hubbard County for no consideration.

(b) The commissioner may make necessary changes to the legal descriptions to correct errors and ensure accuracy.

(c) The lands that may be conveyed are located in Hubbard County and are described as:

(1) the East 285.00 feet of the West 660.00 feet of Government Lot 4 of Section 27, Township 141 North, Range 34 West. Including all riparian rights to the contained 2.3 acres, more or less; and

(2) that part of Government Lot 2 of Section 34, Township 141 North, Range 34 West, described as follows:

Commencing at the northwest corner of said Government Lot 2; thence South 89 degrees 27 minutes 15 seconds East, bearing assumed, along the north line of said Section 34 a distance of 375.18 feet to the point of beginning; thence continuing South 89 degrees 27 minutes 15 seconds East along said north line a distance of 285.13 feet; thence South 02 degrees 01 minutes 46 seconds East along a line parallel with and 660.00 feet from the west line of said Government Lot 2 a distance of 77.98 feet; thence North 88 degrees 14 minutes 48 seconds East a distance of 65.77 feet along a line which if continued 550.00 feet would intersect an angle iron previously

used as the northeast corner of said Government Lot 2; thence South 01 degrees 45 minutes 12 seconds East along a line parallel with and 550.00 feet west of a previously established survey line a distance of 650.18 feet to the boundary line as established by that certain agreement between Richard Dusbabek and Jean Dusbabek, husband and wife, and Donald S. Olson and Betty Jane Olson, husband and wife, and filed for record on May 10, 1982, in the office of the county recorder in Book 146 of Deeds, page 806; thence South 88 degrees 12 minutes 12 seconds West along said boundary line a distance of 179.39 feet; thence North 12 degrees 07 minutes 46 seconds West a distance of 663.07 feet; thence North 32 degrees 35 minutes 05 seconds West a distance of 101.91 feet to the point of beginning; containing 4.1 acres.

(d) The lands border Big Sand Lake. The Department of Natural Resources has determined that the lands are not needed for natural resource purposes and that the state's land management interests would best be served if the lands were conveyed to Hubbard County.

**Sec. 100. PRIVATE SALE OF TAX-FORFEITED LAND; ITASCA COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, Itasca County may sell by private sale the tax-forfeited land described in paragraph (c).

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

(c) The land to be sold is located in Itasca County and is described as: the East 660 feet of the West 990 feet of the South 660 feet of the Southwest Quarter of the Southeast Quarter, Section 7, Township 55 North, Range 24 West.

(d) The county has determined that the county's land management interests would best be served if the lands were used for a new broadcast tower, transmitter, and transmission building.

**Sec. 101. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; KANABEC 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 commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Kanabec County and is described as: that part of the West 200 feet of the Northwest Quarter of Section 13, Township 42 North, Range 23 West, Kanabec County, Minnesota, lying northerly of the centerline of the Snake River.

(d) The land borders the Snake 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 and that the state's land management interests would best be served if the land was returned to private ownership.

Sec. 102. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; OTTER TAIL 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 commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

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

Lots 25, 26, and 27 in Block 2 of Jackson and Mckee's Addition, according to the plat thereof, on file and of record in the Office of the Recorder, Otter Tail County, Minnesota, less and except that part of said Lot 27 in Block 2 of Jackson and Mckee's Addition, Otter Tail County, Minnesota, South of the line between Government Lots 2 and 3, Section 14, Township 136, Range 38.

(d) The land borders Big Pine 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 and that the state's land management interests would best be served if the land was returned to private ownership.

Sec. 103. **CONVEYANCE OF STATE LAND; STEARNS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 222.63, or any other law to the contrary, the commissioner of transportation may convey and quitclaim to a private party all right, title, and interest of the state of Minnesota, in the land described in paragraph (e).

(b) The conveyance may take place only upon conditions determined by the commissioner or transportation and is not subject to restrictions on disposition, sale, lease, or otherwise contained in Minnesota Statutes, section 222.63.

(c) The consideration for a conveyance made under this section shall be the fair market value of the land conveyed hereunder. Proceeds from the sale of real estate or buildings under this section shall be deposited in the rail bank maintenance account established in Minnesota Statutes, section 222.63, subdivision 8.

(d) The conveyance may reduce the width of the rail bank corridor to less than 100 feet, provided the conveyance does not reduce the width of the rail bank corridor to less than ten feet.

(e) The land to be conveyed is located in Stearns County and is described as:

That part of Tract A described below:

Tract A. Outlot "A," Railroad Ridge, according to the plat thereof on file and of record in the Office of the County Recorder in and for Stearns County, Minnesota; which lies northerly of a line run parallel with and distant 33 feet southerly of the northerly line of said Outlot "A" and westerly of the southerly extension of westerly right of way line of 5th Street as shown on said Railroad Ridge; together with that part of Tract A, herein before described, adjoining and southerly of the above described strip which lies northerly of a line run parallel with and distant 40 feet southerly of the northerly line of said Outlot "A" and westerly of the following described line: beginning at a point



on the southerly line of said Outlot "A," distant 436.36 feet easterly of the southwest corner thereof; thence northerly at right angles from said southerly line for 50 feet and there terminating; containing 29,925 square feet, more or less.

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

**Sec. 104. LEASE; TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary, St. Louis County may enter into a lease for the tax-forfeited lands described in paragraph (b) for consideration of more than \$12,000 per year.

(b) The lands to be leased are located in St. Louis County and are described as:

(1) a 10.0-acre site in the Southeast Quarter, Section 15, Township 56 North, Range 17 West, to be used for a telecommunications tower and a 33-foot-wide strip of land, 16.5 feet on either side of the centerline in the Southeast Quarter, Section 15, and in the Southwest Quarter, Section 14, Township 56 North, Range 17 West, to be used for an access road to the tower site; and

(2) a 10.0-acre site in the West Half, Section 32, Township 60 North, Range 21 West, to be used for a telecommunications tower and a 33-foot-wide strip of land, 16.5 feet on either side of the centerline in the West Half, Section 32, Township 60 North, Range 21 West, to be used for an access road to the tower site.

**Sec. 105. ACCESS TO TIMBER ON TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 160.83, or other law to the contrary, St. Louis County or its agents or assigns may operate vehicles used for timber harvesting and hauling or for transporting equipment and appurtenances incidental to timber harvesting, gravel, and other road-building materials for timber haul roads on designated rustic roads to access tax-forfeited lands for sustainable forest management.

(b) The tax-forfeited lands to be accessed are located in St. Louis County in Sections 26, 27, and 35, Township 53 North, Range 12 West.

(c) The rustic roads used for forest management must be immediately repaired if damaged and must be maintained in their preharvest condition.

(d) The county has determined that the county's sustainable forest management responsibilities would best be served by using existing public roads to access tax-forfeited land rather than building new roads.

**Sec. 106. PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands described in paragraph (c).

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

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

(1) that part of the Southwest Quarter of the Southwest Quarter lying North of Norton Road and West of Howard Gnesen Road, except the easterly 95 feet of the westerly 890 feet and except the westerly 300 feet, Section 3, Township 50, Range 14 (parcel identification number 010-2710-00549);

(2) Lot 5, except the northerly three feet and except the southerly ten feet, West Duluth Fifth Division, Section 7, Township 49, Range 14 (parcel identification number 010-4510-06740);

(3) the Southeast Quarter of the Northeast Quarter, except 4.24 acres for the highway and except the part platted as Clayton Acres and except the highway right-of-way and except 6.44 acres of the adjacent plat and except the part North of Highway 169, Section 28, Township 57, Range 21 (parcel identification number 141-0050-05470);

(4) that part of the West 420 feet of the Southeast Quarter of the Northwest Quarter lying South of the northerly line of Government Lot 6, except that part beginning at the southwest corner; thence easterly along the southerly boundary 420 feet to a point; thence northerly and parallel with the westerly boundary of said Southeast Quarter of the Northwest Quarter 177.95 feet to a point; thence North 67 degrees 38 minutes 35 seconds West to a point on the westerly boundary of said Southeast Quarter of the Northwest Quarter; thence southerly along said westerly boundary approximately 364.12 feet to the point of beginning, Section 26, Township 57, Range 18 (parcel identification number 295-0017-00326);

(5) the South Half of the Northwest Quarter, Section 15, Township 56, Range 18 (parcel identification number 435-0010-02590);

(6) part of the East 400 feet of the Southeast Quarter, Section 14, Township 63, Range 12 (part of parcel identification number 465-0020-01965);

(7) part of the Northeast Quarter of the Southwest Quarter, Lots 2 and 3, Section 20, Township 54, Range 13 (part of parcel identification number 620-0010-03130); and

(8) Lots 2, 3, 4, and 5, inclusive auditor's plat of Chandler Addition to Ely, Section 28, Township 63, Range 12 (parcel identification number 030-0030-03530).

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

**Sec. 107. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; WABASHA 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 commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Wabasha County and is described as: Lot 4, Section 8, Township 109, Range 12, lying and being in the county of Wabasha, State of Minnesota.

(d) The land borders the Zumbro 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 and that the state's land management interests would best be served if the land was returned to private ownership.

**Sec. 108. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; YELLOW MEDICINE 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) to the United States for no consideration.

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Yellow Medicine County and is described as: the South 33.00 feet of the Northwest Quarter of the Northwest Quarter and that part of Government Lot 1, Section 22, Township 114 North, Range 41 West, Yellow Medicine County, Minnesota, described as follows:

Beginning at the southwest corner of said Government Lot 1; thence on an assumed bearing of North 01 degrees 09 minutes 07 seconds West along the west line of said Government Lot 1 a distance of 33.00 feet; thence North 89 degrees 42 minutes 02 seconds East parallel with the south line of said Government Lot 1 a distance of 150.00 feet; thence North 00 degrees 17 minutes 58 seconds West 267.00 feet; thence North 89 degrees 42 minutes 02 seconds East 754 feet more or less, to the water's edge of Spellman Lake; thence southwesterly along said water's edge 760 feet, more or less, to the south line of said Government Lot 1; thence South 89 degrees 42 minutes 02 seconds West along the south line of said Government Lot 1 a distance of 288 feet, more or less, to the point of beginning; including all riparian rights to the contained 4.1 acres, more or less.

(d) The land borders Spellman Lake and is not contiguous to other state lands but is adjacent to a waterfowl production area. The Department of Natural Resources has determined that the land would best be managed by the United States Fish and Wildlife Services as part of a waterfowl production area.

**Sec. 109. APPLICATION OF STORM WATER RULES TO TOWNSHIPS.**

Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part 7090.1010, subpart 1, item B, subitem (1), does not apply to towns or unorganized areas of counties.

**Sec. 110. AGGREGATE RECLAMATION GUIDANCE APPROPRIATION.**

\$100,000 in fiscal year 2020 is appropriated from the general fund to the commissioner of natural resources to update the Department of Natural Resources aggregate reclamation handbook as recommended by the Aggregate Resources Task Force Final Report dated January 15, 2018.

**Sec. 111. APPROPRIATIONS; LOCAL RECREATION MATCHING GRANTS.**

Subdivision 1. **Parks and outdoor recreation areas.** \$500,000 in fiscal year 2020 and \$500,000 in fiscal year 2021 are appropriated from the general fund to the commissioner of natural resources for matching grants for parks and outdoor recreation areas under Minnesota Statutes, section 85.019, subdivision 2.

Subd. 2. **Trail connections.** \$500,000 in fiscal year 2020 and \$500,000 in fiscal year 2021 are appropriated from the general fund to the commissioner of natural resources for matching grants for trail connections under Minnesota Statutes, section 85.019, subdivision 4c.

Sec. 112. **REVISOR INSTRUCTION.**

The revisor of statutes must change the reference in Minnesota Statutes, sections 127A.30, subdivision 2, and 287.22 from "section 92.121" to "section 92.122."

Sec. 113. **REPEALER.**

Minnesota Statutes 2018, section 92.121, is repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; ensuring that Mississippi Headwaters Board has certification jurisdiction over headwaters area; modifying requirements for remote sugar beet storage; clarifying that a certain ban on open-air swine basins does not apply to truck washes; modifying application requirements for solid waste management capital assistance program; authorizing private sale of certain tax-forfeited land; appropriating money for local recreation grants; modifying certain conditions on water appropriations and wells; restricting application of certain storm water rules; modifying Clean Water Legacy Act; providing for coordinated watershed management; modifying restrictions on commercial fishing areas to provide for invasive species control; modifying authority of Lake Minnetonka Conservation District; specifying duties and services of soil and water conservation districts; accelerating public drainage system acquisition and compensation of ditch buffer strips; providing runoff and sediment option when charging for public drainage ditch repairs; prohibiting Pollution Control Agency and Department of Natural Resources from enforcing unadopted rules; modifying application of protections for threatened and endangered species; providing for certain training, certification, and fees; modifying operating restrictions for recreational vehicles; modifying provisions on invasive species; modifying game and fish laws; clarifying authority to compensate permanent school fund; modifying small business loan program for environmental improvement; modifying duties related to regulating silica sand; modifying requirements for conveying certain state land; adding to and deleting from state parks; authorizing sale of certain surplus state land; modifying provisions for managing tax-forfeited lands; authorizing private sale of certain tax-forfeited land; providing for electronic transmission of certain information; banning the use of trichloroethylene by a facility required to have an air emissions permit; modifying provisions for certain grants for outdoor recreation; extending oversight committees; modifying closed landfill investment fund procedures; amending Minnesota Statutes 2018, sections 17.117, subdivision 11; 84.026, by adding a subdivision; 84.027, subdivision 18, by adding a subdivision; 84.0273; 84.0895, subdivision 2; 84.775, subdivision 1; 84.794, subdivision 2; 84.83, subdivision 3; 84.86, subdivision 1; 84.925, subdivision 1; 84.9256, subdivision 1; 84.928, subdivision 2; 84D.03, subdivisions 3, 4; 84D.108, subdivisions 2b, 2c; 85.44; 92.115, subdivision 1; 92.50, subdivision 1; 94.09, subdivision 3; 94.10; 97A.015, subdivisions 25, 43; 97A.051, subdivision 2; 97A.055,

subdivision 4b; 97A.126; 97A.433, subdivisions 4, 5; 97A.475, subdivision 4; 97C.345, by adding a subdivision; 97C.391, subdivision 1; 97C.395, subdivision 2; 97C.815, subdivision 2; 103B.3369, subdivisions 5, 9; 103B.611, subdivision 3; 103B.801, subdivisions 2, 5; 103E.021, subdivision 6; 103E.071; 103E.351, subdivisions 1, 2, 3; 103F.361, subdivision 2; 103F.363, subdivision 1; 103F.365, by adding a subdivision; 103F.371; 103F.373, subdivisions 1, 3, 4; 103G.241, subdivisions 1, 3; 103G.271, subdivision 7, by adding a subdivision; 103G.287, subdivisions 1, 4, 5; 103G.289; 103G.311, subdivisions 2, 5; 103G.315, subdivision 8; 103G.408; 103G.615, subdivision 3a; 114D.15, subdivisions 7, 11, 13, by adding subdivisions; 114D.20, subdivisions 2, 3, 5, 7, by adding subdivisions; 114D.26; 114D.35, subdivisions 1, 3; 115.03, by adding a subdivision; 115A.51; 115B.421; 116.07, by adding a subdivision; 116.0714; 116.993, subdivisions 2, 6; 282.01, subdivision 4; Laws 2012, chapter 236, section 28, subdivisions 2, as amended, 9, as amended; Laws 2013, chapter 114, article 4, section 105, as amended; proposing coding for new law in Minnesota Statutes, chapters 92; 103C; 103E; 114D; repealing Minnesota Statutes 2018, section 92.121."

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

**Senator Ruud from the Committee on Environment and Natural Resources Policy and Legacy Finance, to which was referred**

**S.F. No. 1691:** A bill for an act relating to waters; modifying authority of Lake Minnetonka Conservation District; amending Minnesota Statutes 2018, section 103B.611, subdivision 3.

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Gazelka, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 892** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
892	1351				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**SECOND READING OF SENATE BILLS**

S.F. No. 1859 was read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. No. 892 was read the second time.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senators Clausen, Dzedzic, Little, Relph, and Senjem introduced--**

**S.F. No. 2683:** A bill for an act relating to arts and culture; appropriating money to expand Minnesota Debate League.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

**Senator Housley introduced--**

**S.F. No. 2684:** A bill for an act relating to commerce; allowing for sale of short-term care policies; amending Minnesota Statutes 2018, section 62A.011, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Commerce and Consumer Protection Finance and Policy.

**Senator Housley introduced--**

**S.F. No. 2685:** A bill for an act relating to health; establishing an assisted living license and license requirements; establishing fees and fines; modifying the health care bill of rights and the home care bill of rights; modifying home care licensing provisions; modifying the powers and duties of the director of the Office of Health Facility Complaints; modifying consumer protection for vulnerable adults; modifying the Vulnerable Adults Act; establishing task forces; requiring reports; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2018, sections 144.051, subdivisions 4, 5, 6; 144.057, subdivision 1; 144.122; 144.1503; 144A.04, subdivision 5; 144A.10, subdivision 1; 144A.20, subdivision 1; 144A.24; 144A.26; 144A.43, subdivision 6; 144A.44, subdivision 1; 144A.441; 144A.442; 144A.45, subdivisions 1, 2; 144A.471, subdivisions 7, 9; 144A.472, subdivision 7; 144A.474, subdivisions 8, 9, 11; 144A.475, subdivisions 3b, 5; 144A.476, subdivision 1; 144A.4791, subdivision 10; 144A.4799; 144A.53, subdivision 1, by adding subdivisions; 256I.03, subdivision 15; 256I.04, subdivision 2a; 611A.033; 626.557, subdivisions 4, 9c, 12b; 626.5572, subdivisions 6, 21; proposing coding for new law in Minnesota Statutes, chapters 144; 144A; 144G; 630; repealing Minnesota Statutes 2018, sections 144A.472, subdivision 4; 144D.01; 144D.015; 144D.02; 144D.025; 144D.03; 144D.04; 144D.045; 144D.05; 144D.06; 144D.065; 144D.066; 144D.07; 144D.08; 144D.09; 144D.10; 144D.11; 144G.01; 144G.02; 144G.03; 144G.04; 144G.05; 144G.06; 325F.72; Minnesota Rules, part 6400.6970.

Referred to the Committee on State Government Finance and Policy and Elections.

**Senator Housley introduced--**

**S.F. No. 2686:** A bill for an act relating to health; establishing an assisted living license and license requirements; establishing fees and fines; modifying the health care bill of rights and the home care bill of rights; modifying home care licensing provisions; modifying the powers and duties of the director of the Office of Health Facility Complaints; modifying consumer protection for vulnerable adults; modifying the Vulnerable Adults Act; establishing task forces; requiring reports; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2018, sections 144.051, subdivisions 4, 5, 6; 144.057, subdivision 1; 144.122; 144.1503; 144A.04, subdivision 5; 144A.10, subdivision 1; 144A.20, subdivision 1; 144A.24; 144A.26; 144A.43, subdivision 6; 144A.44, subdivision 1; 144A.441; 144A.442; 144A.45, subdivisions 1, 2; 144A.471, subdivisions 7, 9; 144A.472, subdivision 7; 144A.474, subdivisions 8, 9, 11; 144A.475, subdivisions 3b, 5; 144A.476, subdivision 1; 144A.4791, subdivision 10; 144A.4799; 144A.53, subdivision 1, by adding subdivisions; 256I.03, subdivision 15; 256I.04, subdivision 2a; 611A.033; 626.557, subdivisions 4, 9c, 12b; 626.5572, subdivisions 6, 21; proposing coding for new law in Minnesota Statutes, chapters 144; 144A; 144G; 630; repealing Minnesota Statutes 2018, sections 144A.472, subdivision 4; 144D.01; 144D.015; 144D.02; 144D.025; 144D.03; 144D.04; 144D.045; 144D.05; 144D.06; 144D.065; 144D.066; 144D.07; 144D.08; 144D.09; 144D.10; 144D.11; 144G.01; 144G.02; 144G.03; 144G.04; 144G.05; 144G.06; 325F.72; Minnesota Rules, part 6400.6970.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

**Senator Hayden introduced--**

**S.F. No. 2687:** A bill for an act relating to human services; modifying child care assistance program maximum reimbursement rates; appropriating money; amending Minnesota Statutes 2018, section 119B.13, subdivision 1.

Referred to the Committee on Human Services Reform Finance and Policy.

**Senators Hayden, Dziedzic, and Hawj introduced--**

**S.F. No. 2688:** A bill for an act relating to arts and culture; appropriating money for East African radio station.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

**Senator Hayden introduced--**

**S.F. No. 2689:** A bill for an act relating to higher education; providing financial aid for teacher candidates of color; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Higher Education Finance and Policy.

**Senator Eken introduced--**

**S.F. No. 2690:** A bill for an act relating to capital investment; appropriating money to repurpose the Twin Valley Living Center for a veterans home; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Eken introduced--**

**S.F. No. 2691:** A bill for an act relating to public safety; increasing penalties for criminal vehicular homicide; requiring driver education programs to instruct on the penalties for criminal vehicular homicide; appropriating money; amending Minnesota Statutes 2018, section 609.2112, subdivision 1, by adding a subdivision.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

**Senator Anderson, P. introduced--**

**S.F. No. 2692:** A bill for an act relating to higher education; requiring a report on how to achieve a ten percent reduction in administrative costs.

Referred to the Committee on Higher Education Finance and Policy.

**Senator Hall introduced--**

**S.F. No. 2693:** A bill for an act relating to housing; permitting a landlord to require a tenant to provide documentation supporting the tenant's need for a service or assistance animal; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 504B.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

**Senator Hall introduced--**

**S.F. No. 2694:** A bill for an act relating to transportation; authorizing special interest vehicle license plates; amending Minnesota Statutes 2018, sections 65B.49, subdivision 5a; 168.10, subdivisions 1, 1e, 1f, 1g, by adding a subdivision; 168.12, subdivision 2a; 169.64, subdivision 2; 169.79, subdivision 4; 239.051, subdivision 6; 297B.025, subdivision 2.

Referred to the Committee on Transportation Finance and Policy.

**Senator Eichorn introduced--**

**S.F. No. 2695:** A bill for an act relating to natural resources; temporarily prohibiting enforcement of penalties for failure to remove ice houses.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.



**Senator Ingebrigtsen introduced--**

**S.F. No. 2696:** A bill for an act relating to human services; increasing the medical assistance reimbursement rate for crisis stabilization services in residential settings; amending Minnesota Statutes 2018, section 256B.0624, subdivision 7.

Referred to the Committee on Human Services Reform Finance and Policy.

**Senator Dibble introduced--**

**S.F. No. 2697:** A bill for an act relating to solar energy; amending operational aspects of community solar gardens; creating a new category of community solar gardens; requiring a report; appropriating money; amending Minnesota Statutes 2018, sections 216B.1641; 216B.2422, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 216B.

Referred to the Committee on Energy and Utilities Finance and Policy.

**Senator Koran introduced--**

**S.F. No. 2698:** A bill for an act relating to commerce; repealing prohibition on below cost gasoline sales; amending Minnesota Statutes 2018, section 325D.01, subdivision 5; repealing Minnesota Statutes 2018, sections 325D.01, subdivisions 11, 12; 325D.71.

Referred to the Committee on Commerce and Consumer Protection Finance and Policy.

**Senator Rosen introduced--**

**S.F. No. 2699:** A bill for an act relating to health; establishing assisted living establishment licensure; providing penalties; modifying the Board of Examiners for Nursing Home Administrators; amending Minnesota Statutes 2018, sections 144.057, subdivision 1; 144A.01, subdivision 3, by adding a subdivision; 144A.18; 144A.19, subdivision 1; 144A.20, subdivision 1, by adding a subdivision; 144A.21; 144A.23; 144A.24; 144A.251; 144A.2511; 144A.252; 144A.26; 144A.27; 152.34; proposing coding for new law as Minnesota Statutes, chapter 144I.

Referred to the Committee on Family Care and Aging.

**Senators Marty and Dibble introduced--**

**S.F. No. 2700:** A bill for an act relating to taxation; corporate franchise; expanding the definition of domestic corporations to include certain foreign corporations incorporated in or doing business in tax havens; amending Minnesota Statutes 2018, sections 290.01, subdivision 5, by adding a subdivision; 290.17, subdivision 4.

Referred to the Committee on Taxes.

**Senators Abeler, Hoffman, Bigham, Bakk, and Chamberlain introduced--**

**S.F. No. 2701:** A bill for an act relating to state government; establishing a division of inspector general within the Office of the State Auditor; transferring responsibilities of the Office of Inspector General to the state auditor; proposing coding for new law in Minnesota Statutes, chapter 6.

Referred to the Committee on State Government Finance and Policy and Elections.

**Senator Hoffman introduced--**

**S.F. No. 2702:** A bill for an act relating to occupational licensing; creating the Board of Sign Language Interpreters and Transliterators; requiring licensure; authorizing rulemaking; providing penalties; amending Minnesota Statutes 2018, section 546.44, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 156B.

Referred to the Committee on Health and Human Services Finance and Policy.

**Senators Abeler, Hoffman, and Newton introduced--**

**S.F. No. 2703:** A bill for an act relating to health; appropriating money to the commissioner of health for a grant to Cassia Learning Lab for activities to connect older adults with technology devices.

Referred to the Committee on Human Services Reform Finance and Policy.

**MOTIONS AND RESOLUTIONS**

Senator Koran moved that the name of Senator Hoffman be added as a co-author to S.F. No. 512. The motion prevailed.

Senator Pappas moved that the name of Senator Hawj be added as a co-author to S.F. No. 1143. The motion prevailed.

Senator Champion moved that the name of Senator Cohen be added as a co-author to S.F. No. 1191. The motion prevailed.

Senator Abeler moved that his name be stricken as a co-author to S.F. No. 1295. The motion prevailed.

Senator Housley moved that the name of Senator Hall be added as a co-author to S.F. No. 1295. The motion prevailed.

Senator Mathews moved that the name of Senator Gazelka be added as a co-author to S.F. No. 1377. The motion prevailed.

Senator Pratt moved that his name be stricken as a co-author to S.F. No. 1526. The motion prevailed.

Senator Goggin moved that the name of Senator Cohen be added as a co-author to S.F. No. 1526. The motion prevailed.

Senator Marty moved that the name of Senator Hawj be added as a co-author to S.F. No. 2128. The motion prevailed.

Senator Relph moved that the name of Senator Wiger be added as a co-author to S.F. No. 2165. The motion prevailed.

Senator Kiffmeyer moved that the name of Senator Howe be added as a co-author to S.F. No. 2227. The motion prevailed.

Senator Housley moved that the name of Senator Wiger be added as a co-author to S.F. No. 2372. The motion prevailed.

Senator Dziejcz moved that the name of Senator Hall be added as a co-author to S.F. No. 2579. The motion prevailed.

Senator Marty moved that the name of Senator Frenz be added as a co-author to S.F. No. 2653. The motion prevailed.

Senator Torres Ray moved that the name of Senator Eaton be added as a co-author to S.F. No. 2658. The motion prevailed.

Senator Isaacson moved that the name of Senator Draheim be added as a co-author to S.F. No. 2665. The motion prevailed.

Senator Tomassoni moved that S.F. No. 2091 be withdrawn from the Committee on E-12 Finance and Policy and returned to its author. The motion prevailed.

Senator Rosen moved that S.F. No. 2120 be withdrawn from the Committee on Health and Human Services Finance and Policy and re-referred to the Committee on Judiciary and Public Safety Finance and Policy. The motion prevailed.

Senator Housley moved that S.F. No. 2626 be withdrawn from the Committee on Family Care and Aging and re-referred to the Committee on State Government Finance and Policy and Elections. The motion prevailed.

### **RECESS**

Senator Gazelka 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.

### **APPOINTMENTS**

Senator Gazelka from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 50: Senators Newman, Jasinski, and Carlson.

Senator Gazelka moved that the foregoing appointments be approved. The motion prevailed.

### RECESS

Senator Gazelka 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.

### 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, Second Reading of Senate Bills, and Second Reading of House Bills.

### REPORTS OF COMMITTEES

Senator Jasinski moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 620, 2080, 2564, 2589, 2594, 1278, and 2329. The motion prevailed.

**Senator Limmer from the Committee on Judiciary and Public Safety Finance and Policy, to which was referred**

**H.F. No. 15:** A bill for an act relating to public safety; eliminating the voluntary relationship defense for criminal sexual conduct crimes; repealing Minnesota Statutes 2018, section 609.349.

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

Delete everything after the enacting clause and insert:

"Section 1. **REPEALER.**

Minnesota Statutes 2018, section 609.349, is repealed.

**EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to crimes committed on or after that date."

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

**Senator Limmer from the Committee on Judiciary and Public Safety Finance and Policy, to which was re-referred**

**S.F. No. 620:** A bill for an act relating to transportation; allowing an increase in speed for passing on multilane roads; prohibiting vehicles from driving in the left-most lane on multilane roads;

providing a penalty; requiring a public awareness campaign; amending Minnesota Statutes 2018, sections 169.14, subdivision 2a; 169.18, subdivision 1; repealing Minnesota Statutes 2018, section 169.18, subdivision 10.

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Rosen from the Committee on Finance, to which was referred**

**H.F. No. 400:** A bill for an act relating to health; establishing the Opioid Addiction Advisory Council; establishing the opioid stewardship fund; establishing an opiate product registration fee; modifying provisions related to opioid addiction prevention, education, intervention, treatment, and recovery; requiring reports; appropriating money; amending Minnesota Statutes 2018, sections 16A.151, subdivision 2; 145.9269, subdivision 1; 145C.05, subdivision 2; 151.252, subdivision 1; 151.37, subdivision 12; 151.47, by adding a subdivision; 151.71, by adding a subdivision; 152.105, subdivision 2; 152.11, subdivision 2d, by adding subdivisions; 214.12, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16A; 62Q; 145; 145C; 151.

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

Delete everything after the enacting clause and insert:

**"ARTICLE 1**

**OPIATE EPIDEMIC RESPONSE**

Section 1. Minnesota Statutes 2018, section 151.065, subdivision 1, is amended to read:

Subdivision 1. **Application fees.** Application fees for licensure and registration are as follows:

- (1) pharmacist licensed by examination, \$145;
- (2) pharmacist licensed by reciprocity, \$240;
- (3) pharmacy intern, \$37.50;
- (4) pharmacy technician, \$37.50;
- (5) pharmacy, \$225;
- (6) drug wholesaler, legend drugs only, ~~\$235~~ \$5,000;
- (7) drug wholesaler, legend and nonlegend drugs, ~~\$235~~ \$5,000;
- (8) drug wholesaler, nonlegend drugs, veterinary legend drugs, or both, ~~\$210~~ \$5,000;
- (9) drug wholesaler, medical gases, ~~\$175~~ \$5,000;

- (10) drug wholesaler, also licensed as a pharmacy in Minnesota, ~~\$150~~ \$5,000;
- (11) drug manufacturer, nonopiate legend drugs only, ~~\$235~~ \$5,000;
- (12) drug manufacturer, nonopiate legend and nonlegend drugs, ~~\$235~~ \$5,000;
- (13) drug manufacturer, nonlegend or veterinary legend drugs, ~~\$210~~ \$5,000;
- (14) drug manufacturer, medical gases, ~~\$185~~ \$5,000;
- (15) drug manufacturer, also licensed as a pharmacy in Minnesota, ~~\$150~~ \$5,000;
- (16) drug manufacturer of opiate-containing controlled substances listed in section 152.02, subdivisions 3 to 5, \$55,000;
- ~~(16)~~ (17) medical gas distributor, ~~\$110~~ \$5,000;
- ~~(17)~~ (18) controlled substance researcher, \$75; and
- ~~(18)~~ (19) pharmacy professional corporation, \$125.

**EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to any license issued on or after that date.

Sec. 2. Minnesota Statutes 2018, section 151.065, subdivision 3, is amended to read:

Subd. 3. **Annual renewal fees.** Annual licensure and registration renewal fees are as follows:

- (1) pharmacist, \$145;
- (2) pharmacy technician, \$37.50;
- (3) pharmacy, \$225;
- (4) drug wholesaler, legend drugs only, ~~\$235~~ \$5,000;
- (5) drug wholesaler, legend and nonlegend drugs, ~~\$235~~ \$5,000;
- (6) drug wholesaler, nonlegend drugs, veterinary legend drugs, or both, ~~\$210~~ \$5,000;
- (7) drug wholesaler, medical gases, ~~\$185~~ \$5,000;
- (8) drug wholesaler, also licensed as a pharmacy in Minnesota, ~~\$150~~ \$5,000;
- (9) drug manufacturer, nonopiate legend drugs only, ~~\$235~~ \$5,000;
- (10) drug manufacturer, nonopiate legend and nonlegend drugs, ~~\$235~~ \$5,000;
- (11) drug manufacturer, nonlegend, veterinary legend drugs, or both, ~~\$210~~ \$5,000;
- (12) drug manufacturer, medical gases, ~~\$185~~ \$5,000;

(13) drug manufacturer, also licensed as a pharmacy in Minnesota, ~~\$150~~ \$5,000;

(14) drug manufacturer of opiate-containing controlled substances listed in section 152.02, subdivisions 3 to 5, \$55,000;

~~(14)~~ (15) medical gas distributor, \$110 \$5,000;

~~(15)~~ (16) controlled substance researcher, \$75; and

~~(16)~~ (17) pharmacy professional corporation, \$75.

**EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to any license renewed on or after that date.

Sec. 3. Minnesota Statutes 2018, section 151.065, is amended by adding a subdivision to read:

Subd. 7. **Deposit of fees.** (a) The license fees collected under this section, with the exception of the fees identified in paragraph (b), shall be deposited in the state government special revenue fund.

(b) \$5,000 of each fee collected under subdivision 1, clauses (6) to (15) and (17), and subdivision 3, clauses (4) to (13) and (15), and the fees collected under subdivision 1, clause (16), and subdivision 3, clause (14), shall be deposited in the opiate epidemic response account.

Sec. 4. **[151.066] OPIATE PRODUCT REGISTRATION FEE.**

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

(b) "Manufacturer" means a manufacturer licensed under section 151.252 that is engaged in the manufacturing of an opiate.

(c) "Opiate" means any opiate-containing controlled substance listed in section 152.02, subdivisions 3 to 5, that is distributed, delivered, sold, or dispensed into or within this state.

(d) "Wholesaler" means a wholesale drug distributor licensed under section 151.47 that is engaged in the wholesale drug distribution of an opiate.

Subd. 2. **Reporting requirements.** (a) By March 1 of each year, beginning March 1, 2020, each manufacturer and each wholesaler must report to the board every sale, delivery, or other distribution within or into this state of any opiate that is made to any practitioner, pharmacy, hospital, veterinary hospital, or other person who is permitted by section 151.37 to possess controlled substances for administration or dispensing to patients that occurred during the previous calendar year. Reporting must be in the automation of reports and consolidated orders system format unless otherwise specified by the board. If a manufacturer or wholesaler fails to provide information required under this paragraph on a timely basis, the board may assess an administrative penalty of \$100 per day. This penalty shall not be considered a form of disciplinary action.

(b) By March 1 of each year, beginning March 1, 2020, each owner of a pharmacy with at least one location within this state must report to the board any intracompany delivery or distribution into this state, of any opiate, to the extent that those deliveries and distributions are not reported to the board by a licensed wholesaler owned by, under contract to, or otherwise operating on behalf of the owner of the pharmacy. Reporting must be in the manner and format specified by the board for deliveries and distributions that occurred during the previous calendar year.

Subd. 3. **Determination of an opiate product registration fee.** (a) The board shall annually assess an opiate product registration fee on any manufacturer of an opiate that annually sells, delivers, or distributes an opiate within or into the state 2,000,000 or more units as reported to the board under subdivision 2.

(b) The annual registration fee for each manufacturer meeting the requirement under paragraph (a) is \$250,000.

(c) In conjunction with the data reported under this section, and notwithstanding section 152.126, subdivision 6, the board may use the data reported under section 152.126, subdivision 4, to determine which manufacturers meet the requirement under paragraph (a) and are required to pay the registration fees under this subdivision.

(d) By April 1 of each year, beginning April 1, 2020, the board shall notify a manufacturer that the manufacturer meets the requirement in paragraph (a) and is required to pay the annual registration fee in accordance with section 151.252, subdivision 1, paragraph (b).

(e) A manufacturer may dispute the board's determination that the manufacturer must pay the registration fee no later than 30 days after the date of notification. However, the manufacturer must still remit the fee as required by section 151.252, subdivision 1, paragraph (b). The dispute must be filed with the board in the manner and using the forms specified by the board. A manufacturer must submit, with the required forms, data satisfactory to the board that demonstrates that the assessment of the registration fee was incorrect. The board must make a decision concerning a dispute no later than 60 days after receiving the required dispute forms. If the board determines that the manufacturer has satisfactorily demonstrated that the fee was incorrectly assessed, the board must refund the amount paid in error.

(f) For purposes of this subdivision, a unit means the individual dosage form of the particular drug product that is prescribed to the patient. One unit equals one tablet, capsule, patch, syringe, milliliter, or gram.

Subd. 4. **Report.** (a) The Board of Pharmacy shall evaluate the registration fee on drug manufacturers established under this section, and whether the registration fee and the increased licensure fees have impacted the prescribing practices of opiates by reducing the number of opiate prescriptions issued during calendar years 2020, 2021, and 2022, or creating any unintended consequences in the availability of opiates for the treatment of chronic or intractable pain to the extent the board has the ability to effectively identify a correlation. Notwithstanding section 152.126, subdivision 6, the board may access the data reported under section 152.126, subdivision 4, to conduct this evaluation.



(b) The board shall submit the results of its evaluation to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance by March 1, 2023.

Subd. 5. **Legislative review.** The legislature shall review the reports from the Opiate Epidemic Response Advisory Council under section 256.042, subdivision 5, paragraph (a), the reports from the commissioner of management and budget on the Results First evaluation activities under section 256.042, subdivision 5, paragraph (b), the report from the Board of Pharmacy under subdivision 4, and any other relevant report or information related to the opioid crisis in Minnesota, to make a determination about whether the opiate product registration fee assessed under this section should continue beyond July 1, 2023.

Sec. 5. Minnesota Statutes 2018, section 151.252, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) No person shall act as a drug manufacturer without first obtaining a license from the board and paying any applicable fee specified in section 151.065.

(b) In addition to the license required under paragraph (a), each manufacturer required to pay the registration fee under section 151.066 must pay the fee by June 1 of each year, beginning June 1, 2020. In the event of a change of ownership of the manufacturer, the new owner must pay the registration fee specified under section 151.066, subdivision 3, that the original owner would have been assessed had the original owner retained ownership. The registration fee collected under this paragraph shall be deposited in the opiate epidemic response account established under section 256.043.

~~(b)~~ (c) Application for a drug manufacturer license under this section shall be made in a manner specified by the board.

~~(c)~~ (d) No license shall be issued or renewed for a drug manufacturer unless the applicant agrees to operate in a manner prescribed by federal and state law and according to Minnesota Rules.

~~(d)~~ (e) No license shall be issued or renewed for a drug manufacturer that is required to be registered pursuant to United States Code, title 21, section 360, unless the applicant supplies the board with proof of registration. The board may establish by rule the standards for licensure of drug manufacturers that are not required to be registered under United States Code, title 21, section 360.

~~(e)~~ (f) No license shall be issued or renewed for a drug manufacturer that is required to be licensed or registered by the state in which it is physically located unless the applicant supplies the board with proof of licensure or registration. The board may establish, by rule, standards for the licensure of a drug manufacturer that is not required to be licensed or registered by the state in which it is physically located.

~~(f)~~ (g) The board shall require a separate license for each facility located within the state at which drug manufacturing occurs and for each facility located outside of the state at which drugs that are shipped into the state are manufactured, except a manufacturer of opiate-containing controlled substances shall not be required to pay the fee under section 151.065, subdivision 1, clause (16), or 151.065, subdivision 2, clause (14), for more than one facility.

~~(g)~~ (h) The board shall not issue an initial or renewed license for a drug manufacturing facility unless the facility passes an inspection conducted by an authorized representative of the board. In the case of a drug manufacturing facility located outside of the state, the board may require the applicant to pay the cost of the inspection, in addition to the license fee in section 151.065, unless the applicant furnishes the board with a report, issued by the appropriate regulatory agency of the state in which the facility is located or by the United States Food and Drug Administration, of an inspection that has occurred within the 24 months immediately preceding receipt of the license application by the board. The board may deny licensure unless the applicant submits documentation satisfactory to the board that any deficiencies noted in an inspection report have been corrected.

Sec. 6. **[256.042] OPIATE EPIDEMIC RESPONSE ADVISORY COUNCIL.**

Subdivision 1. Establishment of the advisory council. (a) The Opiate Epidemic Response Advisory Council is established to develop and implement a comprehensive and effective statewide effort to address the opioid addiction and overdose epidemic in Minnesota. The council shall focus on:

(1) prevention and education, including public education and awareness for adults and youth, prescriber education, the development and sustainability of opioid overdose prevention and education programs, and providing financial support to local law enforcement agencies for opiate antagonist programs;

(2) treatment, including statewide access to effective treatment and recovery services that is aligned with Minnesota's model of care approach to promoting access to treatment and recovery services. This includes ensuring that individuals throughout the state have access to treatment and recovery services, including care coordination services; peer recovery services; medication-assisted treatment and office-based opioid treatment; integrative and multidisciplinary therapies; and culturally specific services; and

(3) innovation and capacity building, including development of evidence-based practices, using research and evaluation to understand which policies and programs promote efficient and effective prevention, treatment, and recovery results. This also includes ensuring that there are qualified providers and a comprehensive set of treatment and recovery services throughout the state.

(b) The council shall:

(1) review local, state, and federal initiatives and funding related to prevention and education, treatment, and services for individuals and families experiencing and affected by opioid abuse, and promoting innovation and capacity building to address the opioid addiction and overdose epidemic, including alternatives to the use of opiates or narcotic pain relievers for the treatment of chronic pain;

(2) establish priorities to address the state's opioid addiction and overdose epidemic for the purpose of allocating funds and consult with the commissioner of management and budget to determine whether proposals are for evidence-based practices, promising practices, or theory-based practices;

(3) ensure that available funding under this section is allocated to align with existing state and federal funding to achieve the greatest impact and ensure a coordinated state effort to address the opioid addiction and overdose epidemic;

(4) develop criteria and procedures to be used in awarding grants and allocating available funds from the opiate epidemic response account and select proposals to receive grant funding. The council is encouraged to select proposals that are promising practices or theory-based practices, in addition to evidence-based practices, to help identify new approaches to effective prevention, treatment, and recovery; and

(5) in consultation with the commissioner of management and budget, and within available appropriations, select from the awarded grants projects that include promising practices or theory-based activities for which the commissioner of management and budget shall conduct evaluations using experimental or quasi-experimental design. Grants awarded to proposals that include promising practices or theory-based activities and that are selected for an evaluation shall be administered to support the experimental or quasi-experimental evaluation and require grantees to collect and report information that is needed to complete the evaluation. The commissioner of management and budget, under section 15.08, may obtain additional relevant data to support the experimental or quasi-experimental evaluation studies.

Subd. 2. **Membership.** (a) The council shall consist of 18 voting members appointed by the commissioner of human services, except as otherwise specified:

(1) two members of the house of representatives, one from the majority party appointed by the speaker of the house and one from the minority party appointed by the minority leader. Of these two members, one member must represent a district outside of the seven-county metropolitan area, and one member must represent a district that includes the seven-county metropolitan area;

(2) two members of the senate, one from the majority party appointed by the senate majority leader and one from the minority party appointed by the senate minority leader. Of these two members, one member must represent a district outside of the seven-county metropolitan area and one member must represent a district that includes the seven-county metropolitan area;

(3) one member appointed by the Board of Pharmacy;

(4) one member who is a physician appointed by the Minnesota chapter of the American College of Emergency Physicians;

(5) one member representing opioid treatment programs or sober living programs;

(6) one member who is a physician appointed by the Minnesota Hospital Association;

(7) one member who is a physician appointed by the Minnesota Society of Addiction Medicine;

(8) one member who is a pain psychologist;

(9) one member appointed by the Steve Rummeler Hope Network;

(10) one member appointed by the Minnesota Ambulance Association;

(11) one member representing the Minnesota courts who is a judge or law enforcement officer;

(12) one public member who is a Minnesota resident and who has been impacted by the opioid epidemic;

(13) one public member who is a Minnesota resident and who is in opioid addiction recovery;

(14) one member representing a manufacturer of opiates;

(15) one member representing an Indian tribe; and

(16) one public member who is a Minnesota resident and who is suffering from chronic pain, intractable pain, or a rare disease or condition.

(b) The commissioners of human services and health or their designees shall be ex officio nonvoting members of the council.

(c) The commissioner of human services shall coordinate the commissioner's appointments to provide geographic diversity and shall ensure that at least one-half of council members appointed by the commissioner reside outside of the seven-county metropolitan area.

(d) The council is governed by section 15.059, except that members of the council shall receive no compensation other than reimbursement for expenses. Notwithstanding section 15.059, subdivision 6, the council shall not expire.

(e) The chair shall convene the council at least quarterly, and may convene other meetings as necessary. The chair shall convene meetings at different locations in the state to provide geographic access, and shall ensure that at least one-half of the meetings are held at locations outside of the seven-county metropolitan area.

(f) The commissioner of human services shall provide staff and administrative services for the advisory council.

(g) The council is subject to chapter 13D.

Subd. 3. **Conflict of interest.** Advisory council members must disclose to the council, refrain from participating in discussions, and recuse themselves from voting on any matter before the council if the member has a conflict of interest. A conflict of interest means a financial association that has the potential to bias or have the appearance of biasing a council member's decision related to the opiate epidemic response grant decision process or other council activities under this section.

Subd. 4. **Grants.** (a) The commissioner of human services shall submit a report of the grants proposed by the advisory council to be awarded for the upcoming fiscal year to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance, by March 1 of each year, beginning March 1, 2020.

(b) The commissioner of human services shall award grants from the opiate epidemic response account under section 256.043. The grants shall be awarded to proposals selected by the advisory council that address the priorities in subdivision 1, paragraph (a), clauses (1) to (3), unless otherwise

appropriated by the legislature. No more than three percent of the grant amount may be used by a grantee for administration.

Subd. 5. **Reports.** (a) The advisory council shall report annually to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance by January 31 of each year. The report shall include information about the individual projects that receive grants and the overall role of the project in addressing the opioid addiction and overdose epidemic in Minnesota. The report must describe the grantees and the activities implemented, along with measurable outcomes as determined by the council in consultation with the commissioner of human services and the commissioner of management and budget. At a minimum, the report must include information about the number of individuals who received information or treatment, the outcomes the individuals achieved, and demographic information about the individuals participating in the project; an assessment of the progress toward achieving statewide access to qualified providers and comprehensive treatment and recovery services; and an update on the evaluation implemented by the commissioner of management and budget for the promising practices and theory-based projects that receive funding.

(b) The commissioner of management and budget, in consultation with the Opiate Epidemic Response Advisory Council, shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance when an evaluation study described in subdivision 1, paragraph (b), clause (5), is complete on the promising practices or theory-based projects that are selected for evaluation activities. The report shall include demographic information; outcome information for the individuals in the program; the results for the program in promoting recovery, employment, family reunification, and reducing involvement with the criminal justice system; and other relevant outcomes determined by the commissioner of management and budget that are specific to the projects that are evaluated. The report shall include information about the ability of grant programs to be scaled to achieve the statewide results that the grant project demonstrated.

Sec. 7. **[256.043] OPIATE EPIDEMIC RESPONSE ACCOUNT.**

Subdivision 1. **Establishment.** The opiate epidemic response account is established in the special revenue fund in the state treasury. The registration fees assessed by the Board of Pharmacy under section 151.066 and the license fees identified in section 151.065, subdivision 7, paragraph (b), shall be deposited into the account.

Subd. 2. **Use of account funds.** (a) Beginning in fiscal year 2020, money in the account shall be appropriated each fiscal year as specified in this subdivision.

(b) \$300,000 is appropriated to the commissioner of management and budget for evaluation activities under section 256.042.

(c) \$249,000 is appropriated to the commissioner of human services for the provision of administrative services to the Opiate Epidemic Response Advisory Council and for the administration of the grants awarded under paragraph (h).

(d) \$126,000 is appropriated to the Board of Pharmacy for the collection of the registration fees under section 151.066.

(e) \$384,000 is appropriated to the commissioner of public safety for Bureau of Criminal Apprehension drug scientists and lab supplies.

(f) \$800,000 is appropriated to the commissioner of human services for grants of \$400,000 to CHI St. Gabriel's Health Family Medical Center for the opioid-focused Project ECHO program and \$400,000 to Hennepin Health Care for the opioid-focused Project ECHO program.

(g) \$200,000 is appropriated to the commissioner of human services for a grant to a nonprofit organization that has provided overdose prevention programs to the public in at least 60 counties within the state, for at least three years, has received federal funding before January 1, 2019, and is dedicated to addressing the opioid epidemic. The grant must be used for opioid overdose prevention, community asset mapping, education, and overdose antagonist distribution.

(h) Money remaining in the opiate epidemic response account after making the appropriations required in paragraphs (b) to (g) is appropriated to the commissioner of human services. The commissioner shall distribute the appropriations as follows:

(1) at least 50 percent shall be distributed to county social service agencies to provide child protection services to children and families who are affected by addiction. The commissioner shall distribute this money proportionally to counties based on the number of open child protection case management cases in the county using data from the previous calendar year; and

(2) the remaining money shall be awarded as specified by the Opiate Epidemic Response Advisory Council as grants in accordance with section 256.042, unless otherwise appropriated by the legislature.

#### **Sec. 8. OPIATE EPIDEMIC RESPONSE ADVISORY COUNCIL FIRST MEETING AND REPORT.**

The commissioner of human services shall convene the first meeting of the Opiate Epidemic Response Advisory Council established under Minnesota Statutes, section 256.042, no later than October 1, 2019. The members shall elect a chair at the first meeting. The first report required under Minnesota Statutes, section 256.042, subdivision 5, paragraph (a), is due by January 31, 2022.

#### **Sec. 9. SETTLEMENT; SUNSET.**

(a) Notwithstanding Minnesota Statutes, sections 151.065 and 151.066, if the state receives a settlement, payout, or judgment from any lawsuit brought by the state or group of states, in which Minnesota is a named party against an opiate drug manufacturer or manufacturers, in an amount of \$20,000,000 or greater, the application fee and the annual license fee for opiate manufacturers under Minnesota Statutes, section 151.065, subdivisions 1 and 3, shall be reduced to \$5,000 and any registration fee assessed under Minnesota Statutes, section 152.066, subdivision 3, shall be reduced to \$5,000.

(b) If the fees identified in paragraph (a) are reduced, the reduced fee shall remain in effect until the fee is reviewed and adjusted, restored, or repealed by the legislature.

(c) If the state receives any money from a settlement, payout, or judgment as described in paragraph (a), regardless of the amount, the funds received by the state shall be deposited in the state treasury according to paragraph (d).

(d) If payment subject to paragraph (a) is received, the commissioner of management and budget shall deposit the funds received in a separate account in the state treasury and notify the chairs and ranking minority members of the finance committee in the senate and the ways and means committee in the house of representatives that an account has been created and the amount of funds deposited.

## ARTICLE 2

### OTHER OPIATE PROVISIONS

Section 1. Minnesota Statutes 2018, section 151.01, subdivision 27, is amended to read:

Subd. 27. **Practice of pharmacy.** "Practice of pharmacy" means:

- (1) interpretation and evaluation of prescription drug orders;
- (2) compounding, labeling, and dispensing drugs and devices (except labeling by a manufacturer or packager of nonprescription drugs or commercially packaged legend drugs and devices);
- (3) participation in clinical interpretations and monitoring of drug therapy for assurance of safe and effective use of drugs, including the performance of laboratory tests that are waived under the federal Clinical Laboratory Improvement Act of 1988, United States Code, title 42, section 263a et seq., provided that a pharmacist may interpret the results of laboratory tests but may modify drug therapy only pursuant to a protocol or collaborative practice agreement;
- (4) participation in drug and therapeutic device selection; drug administration for first dosage and medical emergencies; intramuscular and subcutaneous administration used for the treatment of alcohol or opioid dependence; drug regimen reviews; and drug or drug-related research;
- (5) drug administration, through intramuscular and subcutaneous administration used to treat mental illnesses as permitted under the following conditions:
  - (i) upon the order of a prescriber and the prescriber is notified after administration is complete;  
or
  - (ii) pursuant to a protocol or collaborative practice agreement as defined by section 151.01, subdivisions 27b and 27c, and participation in the initiation, management, modification, administration, and discontinuation of drug therapy is according to the protocol or collaborative practice agreement between the pharmacist and a dentist, optometrist, physician, podiatrist, or veterinarian, or an advanced practice registered nurse authorized to prescribe, dispense, and administer under section 148.235. Any changes in drug therapy or medication administration made pursuant to a protocol or collaborative practice agreement must be documented by the pharmacist in the patient's medical record or reported by the pharmacist to a practitioner responsible for the patient's care;

~~(5)~~ (6) participation in administration of influenza vaccines to all eligible individuals six years of age and older and all other vaccines to patients 13 years of age and older by written protocol with a physician licensed under chapter 147, a physician assistant authorized to prescribe drugs under chapter 147A, or an advanced practice registered nurse authorized to prescribe drugs under section 148.235, provided that:

(i) the protocol includes, at a minimum:

(A) the name, dose, and route of each vaccine that may be given;

(B) the patient population for whom the vaccine may be given;

(C) contraindications and precautions to the vaccine;

(D) the procedure for handling an adverse reaction;

(E) the name, signature, and address of the physician, physician assistant, or advanced practice registered nurse;

(F) a telephone number at which the physician, physician assistant, or advanced practice registered nurse can be contacted; and

(G) the date and time period for which the protocol is valid;

(ii) the pharmacist has successfully completed a program approved by the Accreditation Council for Pharmacy Education specifically for the administration of immunizations or a program approved by the board;

(iii) the pharmacist utilizes the Minnesota Immunization Information Connection to assess the immunization status of individuals prior to the administration of vaccines, except when administering influenza vaccines to individuals age nine and older;

(iv) the pharmacist reports the administration of the immunization to the Minnesota Immunization Information Connection; and

(v) the pharmacist complies with guidelines for vaccines and immunizations established by the federal Advisory Committee on Immunization Practices, except that a pharmacist does not need to comply with those portions of the guidelines that establish immunization schedules when administering a vaccine pursuant to a valid, patient-specific order issued by a physician licensed under chapter 147, a physician assistant authorized to prescribe drugs under chapter 147A, or an advanced practice nurse authorized to prescribe drugs under section 148.235, provided that the order is consistent with the United States Food and Drug Administration approved labeling of the vaccine;

~~(6)~~ (7) participation in the initiation, management, modification, and discontinuation of drug therapy according to a written protocol or collaborative practice agreement between: (i) one or more pharmacists and one or more dentists, optometrists, physicians, podiatrists, or veterinarians; or (ii) one or more pharmacists and one or more physician assistants authorized to prescribe, dispense, and administer under chapter 147A, or advanced practice nurses authorized to prescribe, dispense, and administer under section 148.235. Any changes in drug therapy made pursuant to a protocol or



collaborative practice agreement must be documented by the pharmacist in the patient's medical record or reported by the pharmacist to a practitioner responsible for the patient's care;

~~(7)~~ (8) participation in the storage of drugs and the maintenance of records;

~~(8)~~ (9) patient counseling on therapeutic values, content, hazards, and uses of drugs and devices;

~~(9)~~ (10) offering or performing those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of a pharmacy; and

~~(10)~~ (11) participation in the initiation, management, modification, and discontinuation of therapy with opiate antagonists, as defined in section 604A.04, subdivision 1, pursuant to:

(i) a written protocol as allowed under clause (6); or

(ii) a written protocol with a community health board medical consultant or a practitioner designated by the commissioner of health, as allowed under section 151.37, subdivision 13.

Sec. 2. Minnesota Statutes 2018, section 151.37, subdivision 12, is amended to read:

Subd. 12. **Administration of opiate antagonists for drug overdose.** (a) A licensed physician, a licensed advanced practice registered nurse authorized to prescribe drugs pursuant to section 148.235, or a licensed physician assistant authorized to prescribe drugs pursuant to section 147A.18 may authorize the following individuals to administer opiate antagonists, as defined in section 604A.04, subdivision 1:

(1) an emergency medical responder registered pursuant to section 144E.27;

(2) a peace officer as defined in section 626.84, subdivision 1, paragraphs (c) and (d); ~~and~~

(3) employees of a correctional facility; and

(4) staff of community-based health disease prevention or social service programs.

(b) For the purposes of this subdivision, opiate antagonists may be administered by one of these individuals only if:

(1) the licensed physician, licensed physician assistant, or licensed advanced practice registered nurse has issued a standing order to, or entered into a protocol with, the individual; and

(2) the individual has training in the recognition of signs of opiate overdose and the use of opiate antagonists as part of the emergency response to opiate overdose.

(c) Nothing in this section prohibits the possession and administration of naloxone pursuant to section 604A.04.

Sec. 3. Minnesota Statutes 2018, section 152.105, subdivision 2, is amended to read:

Subd. 2. **Sheriff to maintain collection receptacle or medicine disposal program.** (a) The sheriff of each county shall maintain or contract for the maintenance of at least one collection

receptacle or implement a medicine disposal program for the disposal of noncontrolled substances, pharmaceutical controlled substances, and other legend drugs, as permitted by federal law. For purposes of this section, "legend drug" has the meaning given in section 151.01, subdivision 17. The collection receptacle and medicine disposal program must comply with federal law. In maintaining and operating the collection receptacle or medicine disposal program, the sheriff shall follow all applicable provisions of Code of Federal Regulations, title 21, parts 1300, 1301, 1304, 1305, 1307, and 1317, as amended through May 1, 2017.

(b) For purposes of this subdivision:

(1) a medicine disposal program means providing to the public educational information, and making materials available for safely destroying unwanted legend drugs that meet the requirements of the Minnesota Pollution Control Agency, the United States Drug Enforcement Administration, and the Board of Pharmacy; and

(2) a collection receptacle means the operation and maintenance of at least one drop-off receptacle.

Sec. 4. Minnesota Statutes 2018, section 152.11, subdivision 1, is amended to read:

Subdivision 1. **General prescription requirements for controlled substances.** (a) A written prescription or an oral prescription reduced to writing, when issued for a controlled substance in Schedule II, III, IV, or V, is void unless (1) it is written in ink and contains the name and address of the person for whose use it is intended; (2) it states the amount of the controlled substance to be compounded or dispensed, with directions for its use; (3) if a written prescription, it contains the handwritten signature, address, and federal registry number of the prescriber and a designation of the branch of the healing art pursued by the prescriber; and if an oral prescription, the name and address of the prescriber and a designation of the prescriber's branch of the healing art; and (4) it shows the date when signed by the prescriber, or the date of acceptance in the pharmacy if an oral prescription.

(b) An electronic prescription for a controlled substance in Schedule II, III, IV, or V is void unless it complies with the standards established pursuant to section 62J.497 and with those portions of Code of Federal Regulations, title 21, parts 1300, 1304, 1306, and 1311, that pertain to electronic prescriptions.

(c) A prescription for a controlled substance in Schedule II, III, IV, or V that is transmitted by facsimile, either computer to facsimile machine or facsimile machine to facsimile machine, is void unless it complies with the applicable requirements of Code of Federal Regulations, title 21, part 1306.

(d) Every licensed pharmacy that dispenses a controlled substance prescription shall retain the original prescription in a file for a period of not less than two years, open to inspection by any officer of the state, county, or municipal government whose duty it is to aid and assist with the enforcement of this chapter. An original electronic or facsimile prescription may be stored in an electronic database, provided that the database provides a means by which original prescriptions can be retrieved, as transmitted to the pharmacy, for a period of not less than two years.

(e) Every licensed pharmacy shall distinctly label the container in which a controlled substance is dispensed with the directions contained in the prescription for the use of that controlled substance.

(f) No prescription for an opiate or narcotic pain reliever listed in Schedules II through IV of section 152.02 may be initially dispensed more than 30 days after the date on which the prescription was issued. No subsequent refills indicated on a prescription for a Schedule III or IV opiate or narcotic pain reliever may be dispensed more than 30 days after the previous date on which the prescription was initially filled or refilled. After the authorized refills for Schedule III or IV opiate or narcotic pain relievers have been used up or are expired, no additional authorizations may be accepted for that prescription. If continued therapy is necessary, a new prescription must be issued by the prescriber.

Sec. 5. Minnesota Statutes 2018, section 152.11, subdivision 2d, is amended to read:

Subd. 2d. **Identification requirement for ~~Schedule II or III~~ controlled substance prescriptions.** (a) No person may dispense a controlled substance included in ~~Schedule II or III~~ Schedules II through V without requiring the person purchasing the controlled substance, who need not be the ~~person~~ patient for whom the controlled substance prescription is written, to present valid photographic identification, unless the person purchasing the controlled substance, ~~or if applicable the person for whom the controlled substance prescription is written,~~ is known to the dispenser. A doctor of veterinary medicine who dispenses a controlled substance must comply with this subdivision.

~~(b) This subdivision applies only to purchases of controlled substances that are not covered, in whole or in part, by a health plan company or other third-party payor.~~

Sec. 6. Minnesota Statutes 2018, section 152.11, subdivision 4, is amended to read:

Subd. 4. **Limit on quantity of opiates prescribed for ~~acute dental and ophthalmic~~ pain.** (a) When used for the treatment of acute pain, prescriptions for opiates or narcotic pain relievers listed in Schedules II through IV in section 152.02 shall not exceed a seven-day supply for an adult and shall not exceed a five-day supply for a minor under 18 years of age.

~~(a) (b) Notwithstanding paragraph (a), when used for the treatment of acute dental pain, including acute pain associated with wisdom teeth extraction surgery or acute pain associated with refractive surgery, prescriptions for opiate or narcotic pain relievers listed in Schedules II through IV of section 152.02 shall not exceed a four-day supply. The quantity prescribed shall be consistent with the dosage listed in the professional labeling for the drug that has been approved by the United States Food and Drug Administration.~~

~~(b) (c) For the purposes of this subdivision, "acute pain" means pain resulting from disease, accidental or intentional trauma, surgery, or another cause, that the practitioner reasonably expects to last only a short period of time. Acute pain does not include chronic pain or pain being treated as part of cancer care, palliative care, or hospice or other end-of-life care.~~

~~(e) Notwithstanding paragraph (a), if in the professional clinical judgment of a practitioner more than a four-day supply of a prescription listed in Schedules II through IV of section 152.02 is required~~

~~to treat a patient's acute pain, the practitioner may issue a prescription for the quantity needed to treat such acute pain.~~

(d) Notwithstanding paragraph (a) or (b), if, in the professional clinical judgment of a practitioner, more than the limit specified in paragraph (a) or (b) is required to treat a patient's acute pain, the practitioner may issue a prescription for the quantity needed to treat the patient's acute pain.

Sec. 7. Minnesota Statutes 2018, section 152.126, subdivision 6, is amended to read:

Subd. 6. **Access to reporting system data.** (a) Except as indicated in this subdivision, the data submitted to the board under subdivision 4 is private data on individuals as defined in section 13.02, subdivision 12, and not subject to public disclosure.

(b) Except as specified in subdivision 5, the following persons shall be considered permissible users and may access the data submitted under subdivision 4 in the same or similar manner, and for the same or similar purposes, as those persons who are authorized to access similar private data on individuals under federal and state law:

(1) a prescriber or an agent or employee of the prescriber to whom the prescriber has delegated the task of accessing the data, to the extent the information relates specifically to a current patient, to whom the prescriber is:

(i) prescribing or considering prescribing any controlled substance;

(ii) providing emergency medical treatment for which access to the data may be necessary;

(iii) providing care, and the prescriber has reason to believe, based on clinically valid indications, that the patient is potentially abusing a controlled substance; or

(iv) providing other medical treatment for which access to the data may be necessary for a clinically valid purpose and the patient has consented to access to the submitted data, and with the provision that the prescriber remains responsible for the use or misuse of data accessed by a delegated agent or employee;

(2) a dispenser or an agent or employee of the dispenser to whom the dispenser has delegated the task of accessing the data, to the extent the information relates specifically to a current patient to whom that dispenser is dispensing or considering dispensing any controlled substance and with the provision that the dispenser remains responsible for the use or misuse of data accessed by a delegated agent or employee;

(3) a licensed pharmacist who is providing pharmaceutical care for which access to the data may be necessary to the extent that the information relates specifically to a current patient for whom the pharmacist is providing pharmaceutical care: (i) if the patient has consented to access to the submitted data; or (ii) if the pharmacist is consulted by a prescriber who is requesting data in accordance with clause (1);

(4) an individual who is the recipient of a controlled substance prescription for which data was submitted under subdivision 4, or a guardian of the individual, parent or guardian of a minor, or

health care agent of the individual acting under a health care directive under chapter 145C. For purposes of this clause, access by individuals includes persons in the definition of an individual under section 13.02;

(5) personnel or designees of a health-related licensing board listed in section 214.01, subdivision 2, or of the Emergency Medical Services Regulatory Board, assigned to conduct a bona fide investigation of a complaint received by that board that alleges that a specific licensee is impaired by use of a drug for which data is collected under subdivision 4, has engaged in activity that would constitute a crime as defined in section 152.025, or has engaged in the behavior specified in subdivision 5, paragraph (a);

(6) personnel of the board engaged in the collection, review, and analysis of controlled substance prescription information as part of the assigned duties and responsibilities under this section;

(7) authorized personnel of a vendor under contract with the state of Minnesota who are engaged in the design, implementation, operation, and maintenance of the prescription monitoring program as part of the assigned duties and responsibilities of their employment, provided that access to data is limited to the minimum amount necessary to carry out such duties and responsibilities, and subject to the requirement of de-identification and time limit on retention of data specified in subdivision 5, paragraphs (d) and (e);

(8) federal, state, and local law enforcement authorities acting pursuant to a valid search warrant;

(9) personnel of the Minnesota health care programs assigned to use the data collected under this section to identify and manage recipients whose usage of controlled substances may warrant restriction to a single primary care provider, a single outpatient pharmacy, and a single hospital;

(10) personnel of the Department of Human Services assigned to access the data pursuant to paragraph (i);

(11) personnel of the health professionals services program established under section 214.31, to the extent that the information relates specifically to an individual who is currently enrolled in and being monitored by the program, and the individual consents to access to that information. The health professionals services program personnel shall not provide this data to a health-related licensing board or the Emergency Medical Services Regulatory Board, except as permitted under section 214.33, subdivision 3; and

~~For purposes of clause (4), access by an individual includes persons in the definition of an individual under section 13.02; and~~

(12) personnel or designees of a health-related licensing board listed in section 214.01, subdivision 2, assigned to conduct a bona fide investigation of a complaint received by that board that alleges that a specific licensee is inappropriately prescribing controlled substances as defined in this section.

(c) By July 1, 2017, every prescriber licensed by a health-related licensing board listed in section 214.01, subdivision 2, practicing within this state who is authorized to prescribe controlled substances for humans and who holds a current registration issued by the federal Drug Enforcement

Administration, and every pharmacist licensed by the board and practicing within the state, shall register and maintain a user account with the prescription monitoring program. Data submitted by a prescriber, pharmacist, or their delegate during the registration application process, other than their name, license number, and license type, is classified as private pursuant to section 13.02, subdivision 12.

(d) Notwithstanding paragraph (b), beginning January 1, 2021, a prescriber or an agent or employee of the prescriber to whom the prescriber has delegated the task of accessing the data, must access the data submitted under subdivision 4 to the extent the information relates specifically to the patient:

(1) before the prescriber issues an initial prescription order for a Schedules II through IV opiate controlled substance to the patient; and

(2) at least once every three months for patients receiving an opiate for treatment of chronic pain or participating in medically assisted treatment for an opioid addiction.

(e) Paragraph (d) does not apply if:

(1) the patient is receiving palliative care, or hospice or other end-of-life care;

(2) the patient is being treated for pain due to cancer or the treatment of cancer;

(3) the prescription order is for a number of doses that is intended to last the patient five days or less and is not subject to a refill;

(4) the prescriber and patient have a current or ongoing provider/patient relationship of a duration longer than one year;

(5) the prescription order is issued within 14 days following surgery or three days following oral surgery or follows the prescribing protocols established under the opioid prescribing improvement program under section 256B.0638;

(6) the controlled substance is prescribed or administered to a patient who is admitted to an inpatient hospital;

(7) the controlled substance is lawfully administered by injection, ingestion, or any other means to the patient by the prescriber, a pharmacist, or by the patient at the direction of a prescriber and in the presence of the prescriber or pharmacist;

(8) due to a medical emergency, it is not possible for the prescriber to review the data before the prescriber issues the prescription order for the patient; or

(9) the prescriber is unable to access the data due to operational or other technological failure of the program so long as the prescriber reports the failure to the board.

(f) Only permissible users identified in paragraph (b), clauses (1), (2), (3), (6), (7), (9), and (10), may directly access the data electronically. No other permissible users may directly access the data electronically. If the data is directly accessed electronically, the permissible user shall implement

and maintain a comprehensive information security program that contains administrative, technical, and physical safeguards that are appropriate to the user's size and complexity, and the sensitivity of the personal information obtained. The permissible user shall identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of personal information that could result in the unauthorized disclosure, misuse, or other compromise of the information and assess the sufficiency of any safeguards in place to control the risks.

~~(e)~~ (g) The board shall not release data submitted under subdivision 4 unless it is provided with evidence, satisfactory to the board, that the person requesting the information is entitled to receive the data.

~~(f)~~ (h) The board shall maintain a log of all persons who access the data for a period of at least three years and shall ensure that any permissible user complies with paragraph (c) prior to attaining direct access to the data.

~~(g)~~ (i) Section 13.05, subdivision 6, shall apply to any contract the board enters into pursuant to subdivision 2. A vendor shall not use data collected under this section for any purpose not specified in this section.

~~(h)~~ (j) The board may participate in an interstate prescription monitoring program data exchange system provided that permissible users in other states have access to the data only as allowed under this section, and that section 13.05, subdivision 6, applies to any contract or memorandum of understanding that the board enters into under this paragraph.

~~(i)~~ (k) With available appropriations, the commissioner of human services shall establish and implement a system through which the Department of Human Services shall routinely access the data for the purpose of determining whether any client enrolled in an opioid treatment program licensed according to chapter 245A has been prescribed or dispensed a controlled substance in addition to that administered or dispensed by the opioid treatment program. When the commissioner determines there have been multiple prescribers or multiple prescriptions of controlled substances, the commissioner shall:

(1) inform the medical director of the opioid treatment program only that the commissioner determined the existence of multiple prescribers or multiple prescriptions of controlled substances; and

(2) direct the medical director of the opioid treatment program to access the data directly, review the effect of the multiple prescribers or multiple prescriptions, and document the review.

If determined necessary, the commissioner of human services shall seek a federal waiver of, or exception to, any applicable provision of Code of Federal Regulations, title 42, section 2.34, paragraph (c), prior to implementing this paragraph.

~~(j)~~ (l) The board shall review the data submitted under subdivision 4 on at least a quarterly basis and shall establish criteria, in consultation with the advisory task force, for referring information about a patient to prescribers and dispensers who prescribed or dispensed the prescriptions in question if the criteria are met.

Sec. 8. Minnesota Statutes 2018, section 152.126, subdivision 10, is amended to read:

Subd. 10. **Funding.** (a) The board may seek grants and private funds from nonprofit charitable foundations, the federal government, and other sources to fund the enhancement and ongoing operations of the prescription monitoring program established under this section. Any funds received shall be appropriated to the board for this purpose. The board may not expend funds to enhance the program in a way that conflicts with this section without seeking approval from the legislature.

(b) Notwithstanding any other section, the administrative services unit for the health-related licensing boards shall apportion between the Board of Medical Practice, the Board of Nursing, the Board of Dentistry, the Board of Podiatric Medicine, the Board of Optometry, the Board of Veterinary Medicine, and the Board of Pharmacy an amount to be paid through fees by each respective board. The amount apportioned to each board shall equal each board's share of the annual appropriation to the Board of Pharmacy from the state government special revenue fund for operating the prescription monitoring program under this section. Each board's apportioned share shall be based on the number of prescribers or dispensers that each board identified in this paragraph licenses as a percentage of the total number of prescribers and dispensers licensed collectively by these boards. Each respective board may adjust the fees that the boards are required to collect to compensate for the amount apportioned to each board by the administrative services unit.

(c) The board has the authority to modify its contract with its vendor as provided in subdivision 2, to authorize that vendor to provide a service to prescribers and pharmacies that allows them to access prescription monitoring program data from within the electronic health record system or pharmacy software used by those prescribers and pharmacists. Beginning July 1, 2019, the board has the authority to collect an annual fee from each prescriber or pharmacist who accesses prescription monitoring program data through the service offered by the vendor. The annual fee collected must not exceed \$50 per user. The fees collected by the board under this paragraph shall be deposited in the state government special revenue fund and are appropriated to the board for the purposes of this paragraph.

Sec. 9. Minnesota Statutes 2018, section 214.12, is amended by adding a subdivision to read:

Subd. 6. **Opioid and controlled substances prescribing.** (a) The Board of Medical Practice, the Board of Nursing, the Board of Dentistry, the Board of Optometry, and the Board of Podiatric Medicine shall require that licensees with the authority to prescribe controlled substances obtain at least two hours of continuing education credit on best practices in prescribing opioids and controlled substances, as part of the continuing education requirements for licensure renewal. Licensees shall not be required to complete more than two credit hours of continuing education on best practices in prescribing opioids and controlled substances before this subdivision expires. Continuing education credit on best practices in prescribing opioids and controlled substances must meet board requirements.

(b) Paragraph (a) does not apply to any licensee who is participating in the opioid prescribing improvement program under section 256B.0638, unless the licensee has been terminated as a medical assistance provider under section 256B.0638, subdivision 5, paragraph (d).

(c) This subdivision expires January 1, 2024.



**EFFECTIVE DATE.** This section is effective January 1, 2020.

Sec. 10. **PAIN MANAGEMENT.**

(a) The Health Services Policy Committee established under Minnesota Statutes, section 256B.0625, subdivision 3c, shall evaluate and make recommendations on the integration of nonpharmacologic pain management that are clinically viable and sustainable; reduce or eliminate chronic pain conditions; improve functional status; and prevent addiction and reduce dependence on opiates or other pain medications. The recommendations must be based on best practices for the effective treatment of musculoskeletal pain provided by health practitioners identified in paragraph (b), and covered under medical assistance. Each health practitioner represented under paragraph (b) shall present the minimum best integrated practice recommendations, policies, and scientific evidence for nonpharmacologic treatment options for eliminating pain and improving functional status within their full professional scope. Recommendations for integration of services may include guidance regarding screening for co-occurring behavioral health diagnoses; protocols for communication between all providers treating a unique individual, including protocols for follow-up; and universal mechanisms to assess improvements in functional status.

(b) In evaluating and making recommendations, the Health Services Policy Committee shall consult and collaborate with the following health practitioners: acupuncture practitioners licensed under Minnesota Statutes, chapter 147B; chiropractors licensed under Minnesota Statutes, sections 148.01 to 148.10; physical therapists licensed under Minnesota Statutes, sections 148.68 to 148.78; medical and osteopathic physicians licensed under Minnesota Statutes, chapter 147, and advanced practice registered nurses licensed under Minnesota Statutes, sections 148.171 to 148.285, with experience in providing primary care collaboratively within a multidisciplinary team of health care practitioners who employ nonpharmacologic pain therapies; and psychologists licensed under Minnesota Statutes, section 148.907.

(c) The commissioner shall submit a progress report to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance by January 15, 2021, and shall report final recommendations by August 1, 2021. The final report may also contain recommendations for developing and implementing a pilot program to assess the clinical viability, sustainability, and effectiveness of integrated nonpharmacologic, multidisciplinary treatments for managing musculoskeletal pain and improving functional status.

Sec. 11. **APPROPRIATION.**

(a) \$2,000,000 in fiscal year 2020 and \$2,000,000 in fiscal year 2021 are appropriated from the general fund to the commissioner of public safety for violent crime enforcement team grants under Minnesota Statutes, section 299A.642, subdivision 9. In awarding these grants, the commissioner must place a priority on funding nonmetro teams. The commissioner of public safety shall provide outreach, technical assistance, and program development support to increase the capacity of small communities to access grants under Minnesota Statutes, section 299A.642, subdivision 9, particularly in areas where violent crime enforcement teams have not been established, especially in greater Minnesota. By February 1 of each year, the commissioner shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on the distribution of grants, outreach, assistance,

and support under this paragraph. The report must include information on the total number of requests for grants, outreach, assistance, and support, where these requests originated, and the amount of money for each successful request.

(b) \$244,000 in fiscal year 2020 is appropriated from the general fund to the Board of Pharmacy for onetime information technology and operating costs for administration of licensing activities under Minnesota Statutes, section 151.066. This is a onetime appropriation.

(c) \$500,000 in fiscal year 2020 and \$500,000 in fiscal year 2021 are appropriated from the opiate epidemic response account in the special revenue fund for Board of Pharmacy operations under Minnesota Statutes, chapter 151.

(d) Notwithstanding Minnesota Statutes, section 256.043, subdivision 2, paragraph (a), if no fees are deposited into the opiate epidemic response account by June 30, 2020, for any reason, \$2,803,000 is appropriated from the general fund for the appropriations in fiscal year 2020 described in Minnesota Statutes, section 256.043, subdivision 2, paragraphs (a) to (g), and the appropriation under paragraph (c).

(e) \$11,000 in fiscal year 2020 is appropriated from the state government special revenue fund to the Board of Dentistry to implement the continuing education requirements under Minnesota Statutes, section 214.12.

(f) \$17,000 in fiscal year 2020 is appropriated from the state government special revenue fund to the Board of Medical Practice to implement the continuing education requirements under Minnesota Statutes, section 214.12.

(g) \$17,000 in fiscal year 2020 is appropriated from the state government special revenue fund to the Board of Nursing to implement the continuing education requirements under Minnesota Statutes, section 214.12.

(h) \$5,000 in fiscal year 2020 is appropriated from the state government special revenue fund to the Board of Optometry to implement the continuing education requirements under Minnesota Statutes, section 214.12.

(i) \$5,000 in fiscal year 2020 is appropriated from the state government special revenue fund to the Board of Podiatric Medicine to implement the continuing education requirements under Minnesota Statutes, section 214.12.

Sec. 12. **TRANSFER.**

By June 30, 2021, the commissioner of management and budget shall transfer \$2,803,000 from the opiate epidemic response account to the general fund."

Amend the title numbers accordingly

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

**Senator Hall from the Committee on Local Government, to which was referred**

**H.F. No. 281:** A bill for an act relating to Open Meeting Law; modifying requirements for attendance by interactive television; amending Minnesota Statutes 2018, section 13D.02, subdivisions 1, 2, by adding a subdivision.

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

**Senator Hall from the Committee on Local Government, to which was referred**

**S.F. No. 2267:** A bill for an act relating to local government; modifying Hennepin County library director qualifications; amending Minnesota Statutes 2018, section 383B.241.

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

**Senator Hall from the Committee on Local Government, to which was referred**

**S.F. No. 1651:** A bill for an act relating to local government; repealing the political subdivision compensation limit; making a conforming change; amending Minnesota Statutes 2018, section 473.606, subdivision 5; repealing Minnesota Statutes 2018, section 43A.17, subdivision 9.

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 2018, section 43A.17, subdivision 9, is amended to read:

Subd. 9. **Political subdivision compensation limit.** (a) The salary and the value of all other forms of compensation of a person employed by a political subdivision of this state, excluding a school district, may not exceed ~~110 percent of the salary of the governor as set under section 15A.082~~ \$200,000, except as provided in this subdivision. For purposes of this subdivision, "political subdivision of this state" includes a statutory or home rule charter city, county, town, metropolitan or regional agency, or other political subdivision, but does not include a hospital, clinic, or health maintenance organization owned by such a governmental unit.

(b) Beginning in ~~2006~~ 2020, the limit in paragraph (a) must be adjusted annually in January. The limit must equal the limit for the prior year increased by the percentage increase, if any, in the Consumer Price Index for all-urban consumers from October of the second prior year to October of the immediately prior year.

(c) Deferred compensation and payroll allocations to purchase an individual annuity contract for an employee are included in determining the employee's salary. Other forms of compensation which must be included to determine an employee's total compensation are all other direct and indirect items of compensation which are not specifically excluded by this subdivision. Other forms of compensation which must not be included in a determination of an employee's total compensation for the purposes of this subdivision are:

(1) employee benefits that are also provided for the majority of all other full-time employees of the political subdivision, vacation and sick leave allowances, health and dental insurance, disability insurance, term life insurance, and pension benefits or like benefits the cost of which is borne by the employee or which is not subject to tax as income under the Internal Revenue Code of 1986;

(2) dues paid to organizations that are of a civic, professional, educational, or governmental nature; and

(3) reimbursement for actual expenses incurred by the employee which the governing body determines to be directly related to the performance of job responsibilities, including any relocation expenses paid during the initial year of employment.

The value of other forms of compensation is the annual cost to the political subdivision for the provision of the compensation.

(d) The salary of a medical doctor or doctor of osteopathic medicine occupying a position that the governing body of the political subdivision has determined requires an M.D. or D.O. degree is excluded from the limitation in this subdivision.

(e) The commissioner may increase the limitation in this subdivision for a position that the commissioner has determined requires special expertise necessitating a higher salary to attract or retain a qualified person. The commissioner shall review each proposed increase giving due consideration to salary rates paid to other persons with similar responsibilities in the state and nation. The commissioner may not increase the limitation until the commissioner has presented the proposed increase to the Legislative Coordinating Commission and received the commission's recommendation on it. The recommendation is advisory only. If the commission does not give its recommendation on a proposed increase within 30 days from its receipt of the proposal, the commission is deemed to have made no recommendation. If the commissioner grants or granted an increase under this paragraph, the new limitation must be adjusted beginning in August 2005 and in each subsequent calendar year in January by the percentage increase equal to the percentage increase, if any, in the Consumer Price Index for all-urban consumers from October of the second prior year to October of the immediately prior year.

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

Sec. 2. Minnesota Statutes 2018, section 43A.17, subdivision 11, is amended to read:

Subd. 11. **Severance pay for certain employees.** (a) For purposes of this subdivision, "highly compensated employee" means an employee of the state whose estimated annual compensation is greater than 60 percent of the governor's annual salary, and who is not covered by a collective bargaining agreement negotiated under chapter 179A or a compensation plan authorized under section 43A.18, subdivision 3a.

(b) Severance pay for a highly compensated employee includes benefits or compensation with a quantifiable monetary value, that are provided for an employee upon termination of employment and are not part of the employee's annual wages and benefits and are not specifically excluded by this subdivision. Severance pay does not include payments for accumulated vacation, accumulated sick leave, and accumulated sick leave liquidated to cover the cost of group term insurance. Severance

pay for a highly compensated employee does not include payments of periodic contributions by an employer toward premiums for group insurance policies. The severance pay for a highly compensated employee must be excluded from retirement deductions and from any calculations of retirement benefits. Severance pay for a highly compensated employee must be paid in a manner mutually agreeable to the employee and the employee's appointing authority over a period not to exceed five years from retirement or termination of employment. If a retired or terminated employee dies before all or a portion of the severance pay has been disbursed, the balance due must be paid to a named beneficiary or, lacking one, to the deceased's estate. Except as provided in paragraph (c), severance pay provided for a highly compensated employee leaving employment may not exceed the lesser of:

(1) ~~six~~ three months pay; or

(2) the highly compensated employee's regular rate of pay multiplied by 35 percent of the highly compensated employee's accumulated but unused sick leave hours.

(c) Severance pay for a highly compensated employee may exceed the limit prescribed in paragraph (b) if the severance pay is part of an early retirement incentive offer approved by the state and the same early retirement incentive offer is also made available to all other employees of the appointing authority who meet generally defined criteria relative to age or length of service.

(d) An appointing authority may make severance payments to a highly compensated employee, up to the limits prescribed in this subdivision, only if doing so is authorized by a compensation plan under section 43A.18 that governs the employee, provided that the following highly compensated employees are not eligible for severance pay:

(1) a commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, including the state chief information officer; and

(2) any unclassified employee who is also a public official, as defined in section 10A.01, subdivision 35.

(e) Severance pay shall not be paid to a highly compensated employee who has been employed by the appointing authority for less than six months or who voluntarily terminates employment."

Amend the title as follows:

Page 1, line 2, delete "repealing" and insert "modifying"

Amend the title numbers accordingly

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

**Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred**

**S.F. No. 2080:** A bill for an act relating to human services; establishing the Direct Care Service Corps; requiring a report; appropriating money.

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

Page 1, line 6, after "Minnesota" insert "at Winona State University"

Page 1, line 17, delete everything after "(b)"

Page 1, line 18, delete everything before "After"

Page 1, line 21, after "must" insert "contract with a third party to"

Page 2, line 9, after "Minnesota" insert "at Winona State University" and after "1" insert "and is available through June 30, 2021"

Page 2, line 10, delete everything after the period

Page 2, delete line 11

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred**

**S.F. No. 2564:** A bill for an act relating to human services; reducing appropriations for positions unfilled for at least 180 days; requiring a report.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Health and Human Services Finance and Policy.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred**

**S.F. No. 2589:** A bill for an act relating to human services; prohibiting transfers by the commissioner of human services; requiring a report.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Health and Human Services Finance and Policy.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Dahms from the Committee on Commerce and Consumer Protection Finance and Policy, to which was referred**

**S.F. No. 2594:** A bill for an act relating to motor vehicles; modifying various provisions governing motor vehicle titling and registration; creating a task force and a departmental steering

committee; requiring reports; appropriating money; amending Minnesota Statutes 2018, sections 80E.13; 168.013, subdivisions 1a, 6; 168.27, by adding subdivisions; 168.301, subdivision 3; 168.33, subdivision 8a; 168.346, subdivision 1; 168A.12, subdivision 2; 168A.17, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 168A.

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was re-referred**

**S.F. No. 357:** A bill for an act relating to transportation; allowing a person diagnosed with an autism spectrum disorder or a mental health condition to request a disability designation on a driver's license or identification card; amending Minnesota Statutes 2018, section 171.07, by adding a subdivision.

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

Page 1, line 11, after "a" insert "nondescriptive" and after "identifier" insert "on the front of the license or card"

Page 1, line 14, after the period, insert "The commissioner must design the identifier so that the meaning of the identifier is not readily apparent to a person viewing the driver's license or identification card. The meaning of the identifier must only be available to law enforcement, employees at the Department of Public Safety, and driver's license agents."

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

**Senator Ingebrigtsen from the Committee on Environment and Natural Resources Finance, to which was re-referred**

**S.F. No. 1278:** A bill for an act relating to natural resources; expanding number of State Park Open House Days; amending Minnesota Statutes 2018, section 85.054, subdivision 1.

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

Page 1, after line 18, insert:

"Sec. 2. Minnesota Statutes 2018, section 85A.02, subdivision 17, is amended to read:

Subd. 17. **Additional powers.** (a) The board may establish a schedule of charges for admission to or ~~for~~ the use of the Minnesota Zoological Garden or any related facility. Notwithstanding section 16A.1283, legislative approval is not required for the board to establish a schedule of charges for admission or use of the Minnesota Zoological Garden or related facilities. ~~The board shall have a~~

~~policy admitting elementary school children at a reduced charge when they are part of an organized school activity.~~

(b) Notwithstanding paragraph (a), the Minnesota Zoological Garden will ~~will~~ must offer free admission:

(1) throughout the year to economically disadvantaged Minnesota citizens equal to ten percent of the average annual attendance;

(2) to any child under six years of age;

(3) to all visitors on Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, or Veterans Day; and

(4) to elementary school children when they are part of an organized school activity.

~~However,~~ (c) Except on the days specified in paragraph (b), clause (3), the zoo may not charge at any time for parking, special services, ~~and for~~ or admission to special facilities for the education, entertainment, or convenience of visitors.

~~(b)~~ (d) The board may provide for the purchase, reproduction, and sale of gifts, souvenirs, publications, informational materials, food and beverages, and grant concessions for the sale of these items. Notwithstanding subdivision 5b, section 16C.09 does not apply to activities authorized under this paragraph."

Amend the title as follows:

Page 1, line 2, after "Days" insert "; requiring Minnesota Zoological Garden to provide free admission on certain holidays"

Amend the title numbers accordingly

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Newman from the Committee on Transportation Finance and Policy, to which was referred**

**S.F. No. 1548:** A bill for an act relating to transportation; requiring drivers to slow down when passing stopped service vehicles; authorizing recycling trucks to be equipped with and to use amber lights while collecting recycling; amending Minnesota Statutes 2018, sections 169.18, subdivision 12; 169.64, subdivision 9.

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 2018, section 169.011, is amended by adding a subdivision to read:

Subd. 62a. **Recycling vehicle.** "Recycling vehicle" means a vehicle hauling recyclable materials as authorized by section 115A.93, subdivision 1.

Sec. 2. Minnesota Statutes 2018, section 169.011, is amended by adding a subdivision to read:

Subd. 76a. **Solid waste vehicle.** "Solid waste vehicle" means a vehicle hauling solid waste as authorized by section 115A.93, subdivision 1.

Sec. 3. Minnesota Statutes 2018, section 169.18, subdivision 11, is amended to read:

Subd. 11. **Passing parked emergency authorized vehicle; citation; probable cause.** (a) For purposes of this subdivision, "authorized vehicle" means an authorized emergency vehicle, as defined under section 169.011, subdivision 3; a tow truck or towing vehicle, as defined under section 168B.011, subdivision 12a; a freeway service patrol vehicle; a road maintenance vehicle; a utility company vehicle; a construction vehicle; a solid waste vehicle; or a recycling vehicle.

(b) When approaching and before passing an authorized emergency vehicle with its emergency, flashing, or warning lights activated that is parked or otherwise stopped on or next to a street or highway having two lanes in the same direction, the driver of a vehicle shall safely move the vehicle to the lane farthest away from the emergency authorized vehicle, if it is possible to do so.

(~~b~~) (c) When approaching and before passing an authorized emergency vehicle with its emergency, flashing, or warning lights activated that is parked or otherwise stopped on or next to a street or highway having more than two lanes in the same direction, the driver of a vehicle shall safely move the vehicle so as to leave a full lane vacant between the driver and any lane in which the emergency authorized vehicle is completely or partially parked or otherwise stopped, if it is possible to do so.

(~~e~~) (d) If a lane change under paragraph (~~a~~) (b) or (~~b~~) (c) is impossible, or when approaching and before passing an authorized emergency vehicle with its emergency, flashing, or warning lights activated that is parked or otherwise stopped on or next to a street or highway having only one lane in the same direction, the driver of a vehicle must reduce the speed of the motor vehicle to a speed that is reasonable and prudent under the conditions until the motor vehicle has completely passed the parked or stopped emergency authorized vehicle, if it is possible to do so.

(~~d~~) (e) A peace officer may issue a citation to the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of this subdivision within the four-hour period following the termination of the incident or a receipt of a report under paragraph (~~e~~) (f). The citation may be issued even though the violation was not committed in the presence of the peace officer.

(~~e~~) (f) Although probable cause may be otherwise satisfied by other evidentiary elements or factors, probable cause is sufficient for purposes of this subdivision when the person cited is operating the vehicle described by a member of the crew of an authorized emergency vehicle or a towing vehicle as defined in section 168B.011, subdivision 12a, responding to an incident in a timely report

of the violation of this subdivision, which includes a description of the vehicle used to commit the offense and the vehicle's license plate number. For the purposes of issuance of a citation under paragraph ~~(d)~~ (e), "timely" means that the report must be made within a four-hour period following the termination of the incident.

~~(f) For purposes of paragraphs (a) to (c) only, "authorized emergency vehicle" and "emergency vehicle" include a towing vehicle defined in section 168B.011, subdivision 12a, that has activated flashing lights authorized under section 169.64, subdivision 3, in addition to the vehicles described in the definition for "authorized emergency vehicle" in section 169.011, subdivision 3.~~

Sec. 4. Minnesota Statutes 2018, section 169.64, subdivision 9, is amended to read:

Subd. 9. **Warning lamp on vehicles collecting solid waste or recycling.** A ~~vehicle used to collect solid waste~~ vehicle or recycling vehicle may be equipped with a single amber ~~gaseous discharge~~ warning lamp that meets the most current Society of Automotive Engineers standard ~~1348~~ 1348 for authorized maintenance and service vehicles, Class 2. The lamp may be operated only when the collection vehicle is in the process of collecting solid waste or recycling and is either:

(1) stopped at an establishment where solid waste or recycling is to be collected; or

(2) traveling at a speed that is at least ten miles per hour below the posted speed limit and moving between establishments where solid waste or recycling is to be collected.

Sec. 5. **REPEALER.**

Minnesota Statutes 2018, section 169.18, subdivision 12, is repealed.

Sec. 6. **EFFECTIVE DATE.**

This act is effective the day following final enactment."

Amend the title numbers accordingly

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

**Senator Newman from the Committee on Transportation Finance and Policy, to which was referred**

**S.F. No. 1753:** A bill for an act relating to public safety; authorizing peace officers to issue citations based on report from work zone flagger; prohibiting wireless communications device use in work zones; providing penalties; amending Minnesota Statutes 2018, sections 169.06, subdivision 4a; 169.475, subdivision 3.

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 2018, section 169.06, subdivision 4a, is amended to read:

Subd. 4a. **Obedience to work zone flagger; violation, penalty.** (a) A flagger in a work zone may stop vehicles ~~and~~ hold vehicles in place ~~until it is safe for the vehicles to proceed. A person operating a motor vehicle that has been stopped by a flagger in a work zone may proceed after stopping only on instruction by the flagger or a police officer,~~ and direct vehicles to proceed when it is safe.

(b) A person convicted of operating a motor vehicle in violation of a speed limit in a work zone, or any other provision of this section while in a work zone, shall be required to pay a fine of \$300. This fine is in addition to the surcharge under section 357.021, subdivision 6.

(c) If a motor vehicle is operated in violation of paragraph (a), the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor and is subject to a fine as provided in paragraph (b). The owner or lessee may not be fined under this paragraph if (1) another person is convicted for that violation, or (2) the motor vehicle was stolen at the time of the violation. This paragraph does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(d) Paragraph (c) does not prohibit or limit the prosecution of a motor vehicle operator for violating paragraph (a).

(e) A violation under paragraph (c) does not constitute grounds for revocation or suspension of a driver's license.

(f) A peace officer may issue a citation to the operator of a motor vehicle if the peace officer has probable cause to believe that the person has operated the vehicle in violation of paragraph (a). In addition to other evidentiary elements or factors, a peace officer has probable cause under this subdivision if:

(1) a qualified work zone flagger has provided a report of a violation of paragraph (a) that includes a description and the license plate number of the vehicle used to commit the offense, and the time of the incident;

(2) the person is operating the vehicle described in the report; and

(3) it is within the four-hour period following the time of the incident, as specified in the report.

(g) A work zone flagger is qualified to provide a report under paragraph (f) if each flagger involved in the reporting has completed training that includes information on flagging operations, equipment, traffic laws, observation and accurate identification of motor vehicles, and delegation of duties involving a report under paragraph (f).

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to violations that occur on or after that date."

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

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

Amend the title numbers accordingly

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

**Senator Osmek from the Committee on Energy and Utilities Finance and Policy, to which was referred**

**S.F. No. 2471:** A bill for an act relating to solar energy; appropriating money for a solar generation on closed landfill properties study.

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

**Senator Limmer from the Committee on Judiciary and Public Safety Finance and Policy, to which was referred**

**S.F. No. 2155:** A bill for an act relating to forfeiture; providing for criminal forfeiture; limiting participation in the federal Equitable Sharing Program; eliminating administrative forfeiture; amending Minnesota Statutes 2018, sections 84.7741, subdivision 1; 97A.201, subdivision 3; 97A.221, subdivision 5; 97A.223, subdivision 1; 97A.225, subdivision 2; 152.21, subdivision 6; 152.32, subdivision 2; 299A.681, subdivision 11; 357.021, subdivision 1a; 609.66, subdivision 1d; 609.762, subdivision 2; 609.856, subdivision 2; 609.895, subdivision 5; 609.908, subdivision 3; 609B.515; 611.32, subdivision 2; 624.714, subdivisions 1b, 7a, 17; 624.7142, subdivision 6; 629.715, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 2018, sections 84.7741, subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13; 97A.223, subdivisions 2, 3, 4, 5, 6; 97A.225, subdivisions 3, 4, 5, 6, 7, 8, 9, 10; 169A.63; 609.531, subdivisions 1, 1a, 4, 5, 5a, 6a, 7, 8; 609.5311; 609.5312; 609.5313; 609.5314; 609.5315; 609.5316; 609.5317; 609.5318; 609.5319; 609.762, subdivisions 3, 4, 5, 6; 609.905, subdivision 3.

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

Page 2, line 4, delete "the Department of Natural Resources Division of Enforcement;"

Page 16, after line 27, insert:

"Subd. 34. **Exception.** The provisions of this section, other than the reporting requirement under subdivision 35, do not apply to forfeiture proceedings under chapter 84 or 97."

Page 16, line 28, delete "34" and insert "35"

Page 17, delete section 1 and insert:

"Section 1. Minnesota Statutes 2018, section 84.7741, subdivision 13, is amended to read:

Subd. 13. **Reporting.** The appropriate agency and prosecuting authority shall report on forfeitures occurring under this section as described in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35."

Page 18, delete section 2

Page 18, line 26, delete "34" and insert "35"

Page 18, delete section 4 and insert:

"Sec. 3. Minnesota Statutes 2018, section 97A.223, subdivision 6, is amended to read:

Subd. 6. **Reporting.** The appropriate agency and prosecuting authority shall report on forfeitures of firearms, bows, and motor vehicles occurring under this section as described in section ~~609.5315~~, ~~subdivision 6~~ 609.112, subdivision 35."

Page 19, delete section 5 and insert:

"Sec. 4. Minnesota Statutes 2018, section 97A.225, subdivision 10, is amended to read:

Subd. 10. **Reporting.** The appropriate agency and prosecuting authority shall report on forfeitures occurring under this section as described in section ~~609.5315~~, ~~subdivision 6~~ 609.112, subdivision 35."

Page 30, delete section 22 and insert:

"Sec. 21. **REPEALER.**

Minnesota Statutes 2018, sections 169A.63; 609.531, subdivisions 1, 1a, 4, 5, 5a, 6a, 7, and 8; 609.5311; 609.5312; 609.5313; 609.5314; 609.5315; 609.5316; 609.5317; 609.5318; 609.5319; 609.762, subdivisions 3, 4, 5, and 6; and 609.905, subdivision 3, are repealed.

Sec. 22. **EFFECTIVE DATE.**

This article is effective July 1, 2019."

Renumber the sections in sequence

Amend the title numbers accordingly

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

### **REPORT OF VOTE IN COMMITTEE**

Pursuant to Rule 12.10, upon the request of three members, a roll call was taken on the motion that S.F. No. 2155 be recommended to pass and be re-referred.

There were yeas 6 and nays 2, as follows:

Those who voted in the affirmative were:

Senators Hall, Johnson, Latz, Limmer, Pappas, and Relph.

Those who voted in the negative were:

Anderson, B. and Ingebrigtsen.

The motion prevailed.

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred**

**S.F. No. 947:** A bill for an act relating to contracts; modifying retainage requirements for certain public contracts and building and construction contracts; amending Minnesota Statutes 2018, sections 15.72, subdivision 2; 337.10, subdivision 4.

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

Page 1, line 9, strike "A" and insert "The" and after "public" insert "contracting"

Page 1, line 15, delete everything after the period

Page 1, delete line 16 and insert:

"(c) The public contracting agency must release any remaining retainage no later than 60 days after substantial completion."

Page 1, line 17, delete "(c)" and insert "(d)"

Page 2, line 1, delete "(d)" and insert "(e)"

Page 2, line 9, delete "(e)" and insert "(f)"

Page 2, line 23, delete "(f)" and insert "(g)"

Page 2, line 27, delete "(g)" and insert "(h)"

Page 2, line 29, delete "(h)" and insert "(i)"

Page 3, line 15, delete "The"

Page 3, delete lines 16 to 18 and insert:

"(c) The owner or the owner's agent must release any remaining retainage no later than 60 days after substantial completion. For purposes of this subdivision, "substantial completion" shall be determined as provided in section 541.051, subdivision 1, paragraph (a)."

Page 3, line 19, strike "(c)" and insert "(d)"

Page 3, line 25, delete "(d)" and insert "(e)"

Page 4, line 4, delete "(e)" and insert "(f)"

Page 4, line 6, delete "(f)" and insert "(g)"

Page 4, line 7, delete "(g)" and insert "(h)"

Page 4, line 8, delete "(h)" and insert "(i)"

Page 4, line 10, delete "(i)" and insert "(j)"

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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred**

**S.F. No. 2329:** A bill for an act relating to environment; establishing Wild Rice Stewardship Council; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Page 1, delete lines 12 to 21 and insert:

"(b) The governor must appoint 13 members to the council. The initial appointments to the council shall include the members of the Governor's Task Force on Wild Rice established by Executive Orders 18-08 and 18-09 unless those individuals decline to be appointed. The council membership must include the following individuals:

(1) one representative nominated by the Minnesota Chippewa Tribe;

(2) one representative nominated by the four Minnesota Dakota Tribes, which include the Shakopee Mdewakanton Sioux community, Prairie Island Indian community, Lower Sioux Indian community, and Upper Sioux community;

(3) one representative nominated by Red Lake Nation;

(4) two independent scientists with expertise in wild rice research and plant-based aquatic toxicity;

(5) one nonnative wild rice harvester;

(6) one representative from the ferrous mining industry;

(7) one representative from the nonferrous mining industry;

(8) one representative from a municipal wastewater discharger;

(9) one representative of an electric utility;

(10) one representative of a statewide labor organization;

(11) two representatives from an environmental nongovernmental organization; and

(12) one representative each from the Department of Natural Resources and the Minnesota Pollution Control Agency appointed by the commissioner of each entity to serve as an ex officio member.

(c) The speaker of the house shall appoint one member of the house of representatives to the council and the minority leader of the house shall appoint one member of the house of representatives to the council.

(d) The senate majority leader shall appoint one member of the senate to the council and the senate minority leader shall appoint one member of the senate to the council.

(e) The council shall review and consider the recommendations of the Governor's Task Force on Wild Rice and the 2018 Tribal Wild Rice Task Force report, including the recommendation to utilize a committee structure that includes council members and nonmembers with relevant subject matter expertise for technical work related to management plans, monitoring, and research.

(f) The Department of Natural Resources shall provide staff support for the council to enable the council to carry out its functions.

(g) Terms, compensation, nomination, appointment, and removal of public members of the council are governed by section 15.059."

Page 3, after line 18, insert:

"Subd. 4. **Expiration.** This section expires January 1, 2029."

Page 3, before line 19, insert:

"Sec. 2. **FIRST APPOINTMENTS AND FIRST MEETING FOR THE WILD RICE STEWARDSHIP COUNCIL.**

Appointing authorities must make appointments to the Wild Rice Stewardship Council under Minnesota Statutes, section 84.1511, by September 1, 2019. The commissioner of natural resources shall convene the first meeting by October 15, 2019. The council shall select a chair at the first meeting."

Renumber the sections in sequence

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred**

**S.F. No. 149:** A bill for an act relating to state government; requiring compensation and expense reimbursement for public members of the Governor's Council on Developmental Disabilities; amending Minnesota Statutes 2018, section 16B.054.



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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred**

**S.F. No. 1038:** A bill for an act relating to insurance; requiring coverage for certain breast cancer screening procedures; amending Minnesota Statutes 2018, section 62A.30, by adding a subdivision.

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 2267, 1651, 1548, 947, and 149 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. No. 400 was read the second time.

**MEMBERS EXCUSED**

Senators Champion, Cohen, Hawj, Hayden, Klein, and Simonson were excused from the Session of today.

**ADJOURNMENT**

Senator Jasinski moved that the Senate do now adjourn until 12:00 noon, Wednesday, March 27, 2019. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

