

## SEVENTY-FIRST DAY

St. Paul, Minnesota, Monday, March 8, 2010

The Senate met at 11:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

Senator Pogemiller 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. Kevin McDonough.

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:

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

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 the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2309 and 2373.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned March 4, 2010

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2706, 2729 and 2856.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 4, 2010

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 2706:** A bill for an act relating to certified public accountants; clarifying licensing requirements; amending Minnesota Statutes 2008, sections 3.972, subdivision 1; 6.66; 110A.32, subdivision 2; 144A.05; 367.36, subdivision 1; 385.06, subdivision 2; 412.222; 412.591, subdivision 3; 471.49, subdivision 10; 471.6985, subdivision 2; 515B.3-121; Minnesota Statutes 2009 Supplement, section 297E.06, subdivision 4; repealing Minnesota Rules, part 8122.0150, subpart 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2252, now on the Calendar.

**H.F. No. 2729:** A bill for an act relating to local government; permitting certain metropolitan area local governments to impose response time residency requirements upon firefighters.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2400, now on General Orders.

**H.F. No. 2856:** A bill for an act relating to commerce; making changes in required continuing education of real estate brokers and salespersons; amending Minnesota Statutes 2008, sections 82.29, subdivision 4; 82.33, subdivision 4; Minnesota Statutes 2009 Supplement, section 82.32.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2512, now on the Calendar.

### REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred**

**S.F. No. 2873:** A bill for an act relating to Public Facilities Authority; amending certain programs; making technical changes; amending Minnesota Statutes 2008, sections 446A.03, subdivision 5; 446A.07, subdivision 8; 446A.072, subdivisions 1, 3, 5a, 9; 446A.081, subdivision

9; 446A.086, subdivisions 1, 2, 11; Minnesota Statutes 2009 Supplement, sections 446A.075, subdivisions 1a, 2, 4, 5; 446A.081, subdivision 8.

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

**Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred**

**S.F. No. 2719:** A bill for an act relating to economic development; expanding a grant program for public infrastructure for bioscience businesses to include clean energy businesses; amending Minnesota Statutes 2008, section 116J.435, as amended.

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

**Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred**

**S.F. No. 2751:** A bill for an act relating to economic development; requiring a report; creating a fast-action economic response team.

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

Delete everything after the enacting clause and insert:

"Section 1. **[116J.872] RESPONSE TEAM.**

(a) The department shall operate a fast-action economic response team to contact and work with businesses that are identified as being:

(1) at risk for relocating or expanding outside the state; or

(2) prospects for expansion or relocation within the state.

(b) The fast-action response team must contact identified businesses within 24 hours.

**Sec. 2. REPORT ON AT-RISK BUSINESSES; CREATION OF FAST-ACTION ECONOMIC RESPONSE TEAM.**

Not later than 30 days after the effective date of this section, the commissioner of employment and economic development shall submit to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over jobs and employment and economic development a report that identifies retention methods the department currently uses, and retention methods the department could use in the future, to identify businesses at risk for relocation or expansion outside of this state. The report must also include a proactive plan to identify businesses outside of this state that are seeking to relocate or expand, or that could be encouraged to relocate or expand through the use of incentives. In developing the plan, the commissioner shall collaborate with economic development stakeholders from state government, business, and nongovernmental organizations.

**Sec. 3. EFFECTIVE DATE.**

Section 2 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to economic development; requiring a report; creating a fast-action economic response team; proposing coding for new law in Minnesota Statutes, chapter 116J."

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

**Senator Stumpf from the Committee on Education, to which was referred**

**S.F. No. 2813:** A bill for an act relating to education; updating board membership to conform with Laws 2006; authorizing the Minneapolis School Board to remove a member by a majority vote; amending Minnesota Statutes 2008, section 128D.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 128D; repealing Minnesota Statutes 2008, section 128D.14.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Report adopted.

**Senator Stumpf from the Committee on Education, to which was referred**

**S.F. No. 2551:** A bill for an act relating to education; increasing the compulsory attendance age; amending Minnesota Statutes 2008, sections 120A.22, subdivision 5; 120A.24, subdivision 1; 260C.007, subdivision 19; repealing Minnesota Statutes 2008, section 120A.22, subdivision 8.

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

**Senator Stumpf from the Committee on Education, to which was referred**

**S.F. No. 2738:** A bill for an act relating to Special School District No. 1, Minneapolis; providing for two members appointed by Special School District No. 1, Minneapolis, on the Minneapolis reapportionment commission; establishing standards.

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

Page 1, lines 9 and 11, delete "reapportionment" and insert "redistricting"

Page 1, line 14, delete "reapportionment" and insert "redistricting" and after "commission" insert ", except city council appointees," and delete "reapportionment" and insert "redistricting"

Page 1, line 16, delete "reapportionment" and insert "redistricting" and delete everything after the period

Page 1, line 17, delete everything before "The" and delete "reapportionment" and insert "redistricting"

Page 1, line 22, delete "reapportionment" and insert "redistricting"

Page 2, lines 19, 22, and 24, delete "reapportionment" and insert "redistricting"

Page 2, delete section 3 and insert:

"Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day after Special School District No. 1, Minneapolis, complies with Minnesota Statutes, section 645.021, subdivision 3."

Amend the title as follows:

Page 1, line 4, delete "reapportionment" and insert "redistricting"

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

**Senator Stumpf from the Committee on Education, to which was referred**

**S.F. No. 2753:** A bill for an act relating to education; requiring statewide physical education standards; requiring a report; establishing a healthy kids awards program; amending Minnesota Statutes 2008, section 120B.021, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 121A.

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

Page 2, line 20, delete "students" and insert "school districts and charter schools" and before the period, insert "and later"

Page 2, after line 20, insert:

"Sec. 2. Minnesota Statutes 2009 Supplement, section 120B.023, subdivision 2, is amended to read:

Subd. 2. **Revisions and reviews required.** (a) The commissioner of education must revise and appropriately embed technology and information literacy standards consistent with recommendations from school media specialists into the state's academic standards and graduation requirements and implement a review cycle for state academic standards and related benchmarks, consistent with this subdivision. During each review cycle, the commissioner also must examine the alignment of each required academic standard and related benchmark with the knowledge and skills students need for college readiness and advanced work in the particular subject area.

(b) The commissioner in the 2006-2007 school year must revise and align the state's academic standards and high school graduation requirements in mathematics to require that students satisfactorily complete the revised mathematics standards, beginning in the 2010-2011 school year. Under the revised standards:

(1) students must satisfactorily complete an algebra I credit by the end of eighth grade; and

(2) students scheduled to graduate in the 2014-2015 school year or later must satisfactorily complete an algebra II credit or its equivalent.

The commissioner also must ensure that the statewide mathematics assessments administered to students in grades 3 through 8 and 11 are aligned with the state academic standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b). The commissioner must implement a review of the academic standards and related benchmarks in mathematics beginning in the 2015-2016 school year.

(c) The commissioner in the 2007-2008 school year must revise and align the state's academic standards and high school graduation requirements in the arts to require that students satisfactorily complete the revised arts standards beginning in the 2010-2011 school year. The commissioner must implement a review of the academic standards and related benchmarks in arts beginning in the 2016-2017 school year.

(d) The commissioner in the 2008-2009 school year must revise and align the state's academic standards and high school graduation requirements in science to require that students satisfactorily complete the revised science standards, beginning in the 2011-2012 school year. Under the revised standards, students scheduled to graduate in the 2014-2015 school year or later must satisfactorily complete a chemistry or physics credit. The commissioner must implement a review of the academic standards and related benchmarks in science beginning in the 2017-2018 school year.

(e) The commissioner in the 2009-2010 school year must revise and align the state's academic standards and high school graduation requirements in language arts to require that students satisfactorily complete the revised language arts standards beginning in the 2012-2013 school year. The commissioner must implement a review of the academic standards and related benchmarks in language arts beginning in the 2018-2019 school year.

(f) The commissioner in the 2010-2011 school year must revise and align the state's academic standards and high school graduation requirements in social studies to require that students satisfactorily complete the revised social studies standards beginning in the 2013-2014 school year. The commissioner must implement a review of the academic standards and related benchmarks in social studies beginning in the 2019-2020 school year.

(g) School districts and charter schools must revise and align local academic standards and high school graduation requirements in health, ~~physical education~~, world languages, and career and technical education to require students to complete the revised standards beginning in a school year determined by the school district or charter school. School districts and charter schools must formally establish a periodic review cycle for the academic standards and related benchmarks in health, ~~physical education~~, world languages, and career and technical education.

(h) The commissioner in the 2013-2014 school year and later must use the good cause exemption, consistent with section 14.388, subdivision 1, clause (3), to amend the rules governing state physical education standards to conform the state standards to changes in the standards developed by the National Association for Sport and Physical Education. Directions to the commissioner to embed technology and information literacy standards under paragraph (a) do not apply.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to all school districts and charter schools beginning in the 2012-2013 school year and later, except that paragraph (h) applies beginning in the 2013-2014 school year and later.

Page 2, line 32, after "classes" insert ", district physical education standards, and local physical education graduation requirements that"

Page 3, delete lines 1 to 3

Page 3, line 4, delete "4" and insert "3" and delete everything after "Notwithstanding"

Page 3, delete lines 5 and 6 and insert "any requirements governing the content of statewide standards or any other law to the contrary, the commissioner"

Page 3, line 7, after "shall" insert "initially"

Page 3, line 9, delete "Sports" and insert "Sport"

Page 3, line 10, delete "July" and insert "December"

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.

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

**S.F. No. 2916:** A bill for an act relating to natural resources; modifying certain administrative accounts; modifying electronic transaction provisions; providing for certain registration exemptions; modifying all-terrain vehicle operation restrictions; modifying state trails and canoe and boating routes; modifying fees and disposition of certain receipts; modifying certain competitive bidding exemptions; modifying horse trail pass provisions; modifying master plan requirements; modifying beaver dam provisions; modifying the Water Law; modifying nongame wildlife checkoffs; providing for acquisition of Lake Vermilion State Park; amending Minnesota Statutes 2008, sections 84.025, subdivision 9; 84.027, subdivision 15; 84.0856; 84.0857; 84.82, subdivision 3, by adding a subdivision; 84.922, subdivision 5, by adding a subdivision; 84.925, subdivision 1; 85.015, subdivision 14; 85.052, subdivision 4; 85.22, subdivision 5; 85.32, subdivision 1; 85.43; 85.46, as amended; 97B.665, subdivision 2; 103A.305; 103F.325, by adding a subdivision; 103F.335, subdivision 1; 103G.271, subdivision 3; 103G.285, subdivision 5; 103G.301, subdivision 6; 103G.305, subdivision 2; 103G.315, subdivision 11; 103G.515, subdivision 5; 290.431; 290.432; Minnesota Statutes 2009 Supplement, sections 84.928, subdivision 1; 85.015, subdivision 13; 86A.09, subdivision 1; 103G.201; proposing coding for new law in Minnesota Statutes, chapter 103G; repealing Minnesota Statutes 2008, sections 97B.665, subdivision 1; 103G.295; 103G.650.

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

Page 4, after line 15, insert:

"Sec. 7. Minnesota Statutes 2008, section 84.92, subdivision 9, is amended to read:

Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than ~~900~~ 1,000 pounds.

Sec. 8. Minnesota Statutes 2008, section 84.92, subdivision 10, is amended to read:

Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of ~~900~~ 1,000 to ~~1,500~~ 1,800 pounds."

Page 8, line 1, delete "Minnesota-Wisconsin Boundary" and insert "Becky Lourey"

Page 12, line 11, after the period, insert "A permit is not required for an action ordered by the court."

Page 12, delete section 21

Page 13, delete section 22

Page 19, lines 4 to 6, reinstate the stricken language

Page 19, line 7, reinstate everything before "~~None~~"

Page 20, lines 1 to 3, reinstate the stricken language

Page 20, line 4, reinstate everything before "~~None~~"

Page 20, after line 21, insert:

"(c) The revisor of statutes shall change the term "Minnesota Conservation Corps" to "Conservation Corps Minnesota" wherever it appears in Minnesota Statutes."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the first semicolon, insert "modifying all-terrain vehicle definitions;"

Page 1, line 7, delete "modifying master plan requirements;"

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.

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

**S.F. No. 2821:** A bill for an act relating to natural resources; modifying off-highway vehicle seasons; modifying off-highway vehicle youth operation requirements; modifying nonresident all-terrain vehicle state trail pass; amending Minnesota Statutes 2008, sections 84.777, subdivision 2; 84.9256, subdivision 1; Minnesota Statutes 2009 Supplement, sections 84.793, subdivision 1; 84.9275, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 84.777, subdivision 2, is amended to read:

Subd. 2. **Off-highway vehicle seasons seasonal restrictions.** (a) The commissioner shall prescribe seasons for off-highway vehicle use on state forest lands. Except for designated forest roads, a person must not operate an off-highway vehicle on state forest lands: (1) outside of the seasons prescribed under this paragraph; or (2) during the firearms deer hunting season in areas of the state where deer may be taken by rifle. This paragraph does not apply to a person in possession of a valid deer hunting license operating an off-highway vehicle before or after legal shooting hours or from 11:00 a.m. to 2:00 p.m.

(b) The commissioner may designate and post winter trails on state forest lands for use by

off-highway vehicles.

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

Sec. 2. Minnesota Statutes 2009 Supplement, section 84.793, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** (a) ~~After January 1, 1995,~~ A person less than 16 years of age operating an off-highway motorcycle on public lands or waters must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

(b) Except for operation on public road rights-of-way that is permitted under section 84.795, subdivision 1, a driver's license issued by the state or another state is required to operate an off-highway motorcycle along or on a public road right-of-way.

(c) A person under 12 years of age may not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an off-highway motorcycle on a public road right-of-way in the state; or

(3) operate an off-highway motorcycle on public lands or waters unless accompanied by a person 18 years of age or older or participating in an event for which the commissioner has issued a special use permit.

(d) Except for public road rights-of-way of interstate highways, a person less than 16 years of age may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway only if that person is accompanied by a person 18 years of age or older who holds a valid driver's license.

(e) A person less than 16 years of age may operate an off-highway motorcycle on public road rights-of-way in accordance with section 84.795, subdivision 1, paragraph (a), only if that person is accompanied by a person 18 years of age or older who holds a valid driver's license.

(f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may operate an off-highway motorcycle on public lands or waters if the nonresident youth has in possession evidence of completing an off-road safety course offered by the Motorcycle Safety Foundation or another state as provided in section 84.791, subdivision 4.

Sec. 3. Minnesota Statutes 2008, 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, 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~~ or 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 ~~on another all-terrain vehicle~~ 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 11 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 90cc 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 the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

(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 or 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.

Sec. 4. Minnesota Statutes 2009 Supplement, section 84.9275, subdivision 1, is amended to read:

Subdivision 1. **Pass required; fee.** (a) A nonresident may not operate an all-terrain vehicle on a state or grant-in-aid all-terrain vehicle trail unless the operator carries a valid nonresident all-terrain vehicle state trail pass in immediate possession. The pass must be available for inspection by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) The commissioner of natural resources shall issue a pass upon application and payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the all-terrain vehicle account in the natural resources fund and, except for the electronic licensing

system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to counties and municipalities for all-terrain vehicle organizations to construct and maintain all-terrain vehicle trails and use areas.

(c) A nonresident all-terrain vehicle state trail pass is not required for:

(1) an all-terrain vehicle that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.922, subdivision 1a; ~~or~~

(2) a person operating an all-terrain vehicle only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or

(3) a nonresident operating an all-terrain vehicle that is registered according to section 84.922.

Sec. 5. Minnesota Statutes 2008, section 84.928, subdivision 5, is amended to read:

Subd. 5. **Organized contests, use of highways and public lands and waters.** (a) Nothing in this section or chapter 169 prohibits the use of all-terrain vehicles within the right-of-way of a state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in an organized contest or event, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.

(b) In permitting the contest or event, the official or board having jurisdiction may prescribe restrictions or conditions as they may deem advisable.

(c) Notwithstanding section 84.9256, subdivision 1, paragraph (b), a person under 12 years of age may operate an all-terrain vehicle in an organized contest on public lands or waters, if the all-terrain vehicle has an engine capacity of 90cc or less, the person complies with section 84.9256, subdivision 1, paragraph (h), and the person is supervised by a person 18 years of age or older."

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.

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

**S.F. No. 2752:** A bill for an act relating to natural resources; allowing conditional uses on certain lands within the Lower St. Croix River area; amending Minnesota Statutes 2008, section 103F.351, subdivision 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 103F.351, subdivision 4, is amended to read:

Subd. 4. **Rules.** (a) The commissioner of natural resources shall adopt rules that establish guidelines and specify standards for local zoning ordinances applicable to the area within the boundaries covered by the comprehensive master plan.

(b) The guidelines and standards must be consistent with this section, the federal Wild and

Scenic Rivers Act, and the federal Lower St. Croix River Act of 1972. The standards specified in the guidelines must include:

(1) the prohibition of new residential, commercial, or industrial uses other than those that are consistent with the above mentioned acts; and

(2) the protection of riverway lands by means of acreage, frontage, and setback requirements on development.

(c) Cities, counties, and towns lying within the areas affected by the guidelines shall adopt zoning ordinances complying with the guidelines and standards within the time schedule prescribed by the commissioner.

(d) In rural districts, as defined in rules adopted pursuant to this section, commercial, nature-oriented, and educational uses may be allowed as conditional uses on properties that were in similar use on May 1, 1974, and on January 1, 2010, if the conditional use:

(1) complies, as far as practicable, with all dimensional standards in the rules for rural districts; and

(2) is similar in scope to the use that existed on May 1, 1974."

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

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

**S.F. No. 2900:** A bill for an act relating to game and fish; modifying aquaculture provisions; modifying provisions for taking, possessing, and transporting wild animals; modifying requirements for fish and wildlife management plans; modifying game and fish license provisions; amending Minnesota Statutes 2008, sections 17.4982, subdivision 12, by adding a subdivision; 17.4991, subdivision 3; 17.4994; 84.942, subdivision 1; 84D.03, subdivision 3; 97A.015, subdivision 52, by adding a subdivision; 97A.101, subdivision 3; 97A.311, subdivision 5; 97A.421, subdivision 4a; 97A.433, by adding a subdivision; 97A.435, subdivision 1; 97A.545, subdivision 5; 97B.022, subdivision 2; 97B.031, subdivision 5; 97B.075; 97B.106, subdivision 1; 97B.515, by adding a subdivision; 97B.803; 97C.005, subdivision 3; 97C.087, subdivision 2; 97C.205; 97C.341; Minnesota Statutes 2009 Supplement, sections 84.95, subdivision 2; 97A.445, subdivision 1a; 97B.055, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 2008, sections 84.942, subdivisions 2, 3, 4; 97A.435, subdivision 5; 97B.022, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 17.4982, is amended by adding a subdivision to read:

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

testing by a certified laboratory.

Sec. 2. Minnesota Statutes 2008, section 17.4982, subdivision 12, is amended to read:

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

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

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

Sec. 3. **[17.4989] FISH SAMPLE COLLECTING.**

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

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

(2) identification of fish internal organs;

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

(4) recording and reporting data;

(5) sample preparation and shipping;

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

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

Subd. 2. **Certification time period.** Fish collector certification is valid for five years and is not transferable. A person may renew certification only by successfully completing certification training. Certification shall be revoked if the certified person is convicted of violating any of the statutes or rules governing testing for aquatic species diseases. Certification may be suspended

during an investigation associated with misconduct or violations of fish health testing and collection. The commissioner shall notify the person that certification is being revoked or suspended.

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

Sec. 4. Minnesota Statutes 2008, section 17.4991, subdivision 3, is amended to read:

Subd. 3. **Fish health inspection.** (a) An aquatic farm propagating ~~trout, salmon,~~ salmonids or catfish and having an effluent discharge from the aquatic farm into public waters must have a fish health inspection conducted at least once every 12 months by a certified fish health inspector. Testing must be conducted according to ~~approved~~ the Fish Health Blue Book laboratory methods.

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

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

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

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

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

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

obtained for a health inspection or once the five-day notice period has expired.

Sec. 5. Minnesota Statutes 2008, section 17.4994, is amended to read:

**17.4994 SUCKER EGGS.**

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

Sec. 6. Minnesota Statutes 2008, section 35.82, subdivision 2, is amended to read:

Subd. 2. **Disposition of carcasses.** (a) Except as provided in subdivision 1b and ~~paragraph paragraphs~~ (d) and (f), every person owning or controlling any domestic animal that has died or been killed otherwise than by being slaughtered for human or animal consumption, shall as soon as reasonably possible bury the carcass at a depth adequate to prevent scavenging by other animals in the ground or thoroughly burn it or dispose of it by another method approved by the board as being effective for the protection of public health and the control of livestock diseases. The board, through its executive director, may issue permits to owners of rendering plants located in Minnesota which are operated and conducted as required by law, to transport carcasses of domestic animals and fowl that have died, or have been killed otherwise than by being slaughtered for human or animal consumption, over the public highways to their plants for rendering purposes in accordance with the rules adopted by the board relative to transportation, rendering, and other provisions the board considers necessary to prevent the spread of disease. The board may issue permits to owners of rendering plants located in an adjacent state with which a reciprocal agreement is in effect under subdivision 3.

(b) Carcasses collected by rendering plants under permit may be used for pet food or mink food if the owner or operator meets the requirements of subdivision 1b.

(c) An authorized employee or agent of the board may enter private or public property and inspect the carcass of any domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption. Failure to dispose of the carcass of any domestic animal within the period specified by this subdivision is a public nuisance. The board may petition the district court of the county in which a carcass is located for a writ requiring the abatement of the public nuisance. A civil action commenced under this paragraph does not preclude a criminal prosecution under this section. No person may sell, offer to sell, give away, or convey along a public road or on land the person does not own, the carcass of a domestic animal when the animal died or was killed other than by being slaughtered for human or animal consumption unless it is done with a special permit pursuant to this section. The carcass or parts of a domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption may be transported along a public road for a medical or scientific purpose if the carcass is enclosed in a leakproof container to prevent spillage or the dripping of liquid waste. The board may adopt rules relative to the transportation of the carcass of any domestic animal for a medical or scientific purpose. A carcass on a public

thoroughfare may be transported for burial or other disposition in accordance with this section.

No person who owns or controls diseased animals shall negligently or willfully permit them to escape from that control or to run at large.

(d) A sheep producer may compost sheep carcasses owned by the producer on the producer's land without a permit and is exempt from compost facility specifications contained in rules of the board.

(e) The board shall develop best management practices for dead animal disposal and the Pollution Control Agency feedlot program shall distribute them to livestock producers in the state.

(f) Paragraph (a) does not apply to livestock killed by wild animals or domestic dogs and the carcass is out-of-sight of the public, and will be used to attract the offending predators back to the kill site.

Sec. 7. Minnesota Statutes 2008, section 84.942, subdivision 1, is amended to read:

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

Sec. 8. Minnesota Statutes 2009 Supplement, section 84.95, subdivision 2, is amended to read:

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

(1) development and implementation of the ~~comprehensive fish and wildlife management plan~~ plans under section 84.942;

(2) implementation of the reinvest in Minnesota reserve program established by section 103F.515;

(3) soil and water conservation practices to improve water quality, reduce soil erosion and crop surpluses;

(4) enhancement or restoration of fish and wildlife habitat on lakes, streams, wetlands, and public and private forest lands;

(5) acquisition and development of public access sites and recreation easements to lakes, streams, and rivers for fish and wildlife oriented recreation;

(6) matching funds with government agencies, federally recognized Indian tribes and bands, and the private sector for acquisition and improvement of fish and wildlife habitat;

(7) research and surveys of fish and wildlife species and habitat;

(8) enforcement of natural resource laws and rules;

(9) information and education;

(10) implementing the aspen recycling program under section 88.80 and for other forest wildlife management projects; and

(11) necessary support services to carry out these purposes.

Sec. 9. Minnesota Statutes 2008, section 84D.03, subdivision 3, is amended to read:

Subd. 3. **Bait harvest from infested waters.** (a) ~~The~~ Taking of wild animals from infested waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b).

(b) In waters that are designated as infested waters, except those designated because they contain prohibited invasive species of fish, the taking of wild animals may be permitted for:

(1) commercial taking of wild animals for bait and aquatic farm purposes according to 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 water milfoil, when the infested waters are designated solely because they contain Eurasian water milfoil and if the equipment for taking is limited to cylindrical minnow traps not exceeding 16 inches in diameter and 32 inches in length.

(c) Nets, traps, buoys, anchors, stakes, and lines used for minnow harvest in an infested water that is designated because it contains invasive fish, invasive invertebrates, or certifiable diseases, as defined in section 17.4982, may not be used in any other waters.

Sec. 10. Minnesota Statutes 2008, section 84D.13, subdivision 3, is amended to read:

Subd. 3. **Criminal penalties.** (a) A person who violates a provision of ~~section~~ sections 84D.06-, 84D.07-, 84D.08-, ~~or to~~ 84D.10, or a rule adopted under section 84D.12, is guilty of a misdemeanor.

(b) A person who possesses, transports, or introduces a prohibited invasive species in violation of section 84D.05 is guilty of a misdemeanor. A person who imports, purchases, sells, or propagates a prohibited invasive species in violation of section 84D.05 is guilty of a gross misdemeanor.

(c) A person who refuses to obey an order of a peace officer or conservation officer to remove prohibited invasive species or aquatic macrophytes from any watercraft, trailer, or plant harvesting equipment is guilty of a gross misdemeanor.

Sec. 11. Minnesota Statutes 2008, section 97A.015, is amended by adding a subdivision to read:

Subd. 1a. **Accompanied.** "Accompanied" means:

(1) for a youth age 13 or under hunting small game other than wild turkey, a parent or guardian over age 18 is within unaided sight and hearing distance of the youth hunter that is adequate for the parent or guardian to provide direction and control over the youth hunter;

(2) for a youth age 13 or under hunting wild turkey or big game, a parent or guardian over age 18 is in close enough proximity of the youth hunter for the parent or guardian to immediately assume control of the youth hunter's firearm or bow; or

(3) for a person age 13 or over born after December 31, 1979, and hunting with an apprentice hunter validation under section 97B.022, an adult licensed to hunt in Minnesota whose license was not obtained using an apprentice hunter validation is within unaided sight and hearing distance of

the person that is adequate for the licensed adult to provide direction and control over the apprentice hunter.

Sec. 12. Minnesota Statutes 2008, section 97A.015, subdivision 52, is amended to read:

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

Sec. 13. Minnesota Statutes 2009 Supplement, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses ~~(5)~~, (6), (7), ~~(13)~~, ~~(14)~~, and ~~(15)~~ (8), and 3, clauses ~~(2)~~, (3), (4), ~~(10)~~, (5), and (11), ~~and (12)~~, and licenses issued under section 97B.301, subdivision 4.

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

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

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

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

Sec. 14. Minnesota Statutes 2008, section 97A.101, subdivision 3, is amended to read:

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

Sec. 15. Minnesota Statutes 2008, section 97A.145, subdivision 2, is amended to read:

Subd. 2. **Acquisition procedure.** (a) Lands purchased or leased under this section must be acquired in accordance with this subdivision.

(b) The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board must approve or disapprove the proposed acquisition within 90 days after being notified. The commissioner may

extend the time up to 30 days. The soil and water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.

(c) If the county board approves the acquisition within the prescribed time, the commissioner may acquire the land.

(d) If the county board disapproves the acquisition, it must state valid reasons. The commissioner may not purchase or lease the land if the county board disapproves the acquisition and states its reasons within the prescribed time period. The landowner or the commissioner may appeal the disapproval to the district court having jurisdiction where the land is located.

(e) The commissioner or the owner of the land may submit the proposed acquisition to the Land Exchange Board if: (1) the county board does not give reason for disapproval, or does not approve or disapprove the acquisition within the prescribed time period; or (2) the court finds commissioner or owner of the land maintains that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid, or that the acquisition is in the public interest.

(f) The Land Exchange Board must conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal. The Land Exchange Board must give notice of the hearing to the county board, the commissioner, the landowner, and other interested parties. The Land Exchange Board must consider the interests of the county, the state, and the landowner in determining whether the acquisition is in the public interest. If a majority of the Land Exchange Board members approves the acquisition, the commissioner may acquire the land. If a majority disapproves, the commissioner may not purchase or lease the land.

Sec. 16. Minnesota Statutes 2008, section 97A.311, subdivision 5, is amended to read:

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

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

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

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

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

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

Sec. 17. Minnesota Statutes 2008, section 97A.331, is amended by adding a subdivision to read:

Subd. 4a. **Feeding or baiting deer.** A person who violates the wildlife feeding or baiting restrictions under section 97B.118 or 97B.328 within three years of a previous conviction under that section is guilty of a gross misdemeanor.

Sec. 18. Minnesota Statutes 2008, section 97A.331, is amended by adding a subdivision to read:

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

Sec. 19. Minnesota Statutes 2008, section 97A.420, is amended by adding a subdivision to read:

Subd. 1a. **Seizure of deer hunting license for feeding or baiting deer.** (a) An enforcement officer shall immediately seize the deer hunting licenses of a person who violates wildlife feeding or baiting restrictions under section 97B.118 or 97B.328.

(b) Except as provided in subdivisions 2 and 4, the person may not obtain any license to take deer, including a duplicate license, until an action is taken under subdivision 6.

(c) A person may not take deer until an action is taken under subdivision 6.

Sec. 20. Minnesota Statutes 2008, section 97A.420, subdivision 2, is amended to read:

Subd. 2. **Administrative review.** (a) At any time after the seizure of a license under subdivision 1 or 1a and before revocation under section 97A.421, a person may request in writing a review of the seizure under this section. Upon receiving the request for review, the commissioner shall review the seizure, the evidence upon which it was based, and other material information brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the seizure.

(b) Within 15 days after receiving the request for administrative review, the commissioner shall issue a written report of the review and shall order that the seizure be either sustained or rescinded.

(c) The review provided in this subdivision is not subject to the contested case provisions of the Administrative Procedure Act under chapter 14. The availability of administrative review does not preclude judicial review under this section.

Sec. 21. Minnesota Statutes 2008, section 97A.420, subdivision 3, is amended to read:

Subd. 3. **Judicial review.** (a) Within 30 days following the seizure of a license under subdivision 1 or 1a, a person may petition the court for review. The petition must be filed with the district court administrator in the county where the incident occurred, together with proof of service of a copy on the commissioner and the county attorney. A responsive pleading is not required of the commissioner of natural resources and court fees may not be charged for the appearance of the representative of the commissioner in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner as respondent. The petition must state specifically the grounds upon which the petitioner seeks rescission of the license seizure.

(c) The filing of the petition does not stay the license seizure. The judicial review shall be conducted according to the Rules of Civil Procedure.

Sec. 22. Minnesota Statutes 2008, section 97A.420, subdivision 4, is amended to read:

Subd. 4. **Hearing.** (a) A hearing under subdivision 3 must be before a district court judge in the county where the incident occurred giving rise to the license seizure. The hearing must be to the court and may be conducted at the same time as hearings upon pretrial motions in a related criminal prosecution. The commissioner must be represented by the county attorney.

(b) The hearing must be held at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review.

(c) The scope of the hearing must be limited to the issue of whether there is probable cause to believe that:

(1) the person had unlawfully taken, possessed, or transported wild animals with a restitution value over \$500 under subdivision 1; or

(2) the person violated the wildlife feeding or baiting restrictions under subdivision 1a.

(d) The court shall order that the license seizure be either sustained or rescinded. Within 14 days following the hearing, the court shall forward a copy of the order to the commissioner.

(e) Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the Rules of Civil Appellate Procedure.

Sec. 23. Minnesota Statutes 2008, section 97A.420, subdivision 6, is amended to read:

Subd. 6. **Return or revocation of licenses upon dismissal or conviction.** (a) Upon acquittal, dismissal, or determination not to charge a person for a violation, the license seizure under subdivision 1 or 1a is immediately rescinded and any license seized in connection with the incident must be returned to the licensee.

(b) Upon conviction of a violation when the restitution value of the wild animals exceeds \$500, revocation of licenses and license privileges must be imposed as provided under section 97A.421, subdivision 2a.

(c) Upon conviction for violation of the wildlife feeding or baiting restrictions under section 97B.118 or 97B.328, revocation of licenses and license privileges must be imposed as provided under section 97A.421, subdivision 3a.

Sec. 24. Minnesota Statutes 2008, section 97A.421, is amended by adding a subdivision to read:

Subd. 3a. **Issuance of big game license after conviction for feeding or baiting.** (a) A person who is convicted of violating the wildlife feeding or baiting restrictions under section 97B.118 or 97B.328 may not obtain a deer hunting license or take deer under a lifetime license for one year after the date of conviction.

(b) A person who is convicted of a second violation of section 97B.118 or 97B.328 within three years of a previous conviction under that section may not obtain any big game license or take big game under a lifetime license for three years after the date of conviction.

Sec. 25. Minnesota Statutes 2008, section 97A.421, subdivision 4a, is amended to read:

Subd. 4a. **Suspension for failure to appear in court or pay a fine or surcharge.** When a court reports to the commissioner that a person (1) has failed to appear in court ~~under the summons issued~~ in response to a notice to appear or fails to comply with other orders of the court regarding the appearance or proceedings for a violation of the game and fish laws or (2) has been convicted of violating a provision of the game and fish laws, has been sentenced to the payment of a fine or had a surcharge levied against them, and refused or failed to comply with that sentence or to pay the fine or surcharge, the commissioner shall suspend the game and fish license and permit privileges of the

person until notified by the court that the person has appeared in court under clause (1) or that any fine or surcharge due the court has been paid under clause (2).

Sec. 26. Minnesota Statutes 2008, section 97A.433, is amended by adding a subdivision to read:

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

Sec. 27. Minnesota Statutes 2008, section 97A.435, subdivision 1, is amended to read:

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

Sec. 28. Minnesota Statutes 2009 Supplement, section 97A.445, subdivision 1a, is amended to read:

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

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

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

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

Sec. 29. Minnesota Statutes 2008, section 97A.445, subdivision 5, is amended to read:

Subd. 5. ~~**Small game hunting; Take a Kid Hunting Weekend.**~~ (a) A resident over age 18 may take small game by hunting without a license during one Saturday and Sunday of the small game hunting season designated by rule of the commissioner if accompanied by a child who is under age ~~16~~ 18. The commissioner shall publicize the Saturday and Sunday as "Take a Kid Hunting Weekend." Notwithstanding section 97A.451, subdivision 3, a person under age 18 does not need a hunting license to take small game by hunting on the weekend designated under this paragraph.

(b) Notwithstanding section 97A.451, subdivision 3a, a person under age 16 may take waterfowl without a license when accompanied by a nonhunting adult age 18 or over during youth waterfowl hunting days designated by rule of the commissioner in accordance with federal law.

Sec. 30. Minnesota Statutes 2008, section 97A.451, subdivision 3, is amended to read:

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

~~(1) age 14 or 15 and possesses a firearms safety certificate;~~

~~(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;~~

~~(3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a small game license that was not obtained using an apprentice hunter validation; or~~

~~(4) age 12 or under and is accompanied by a parent or guardian~~ Except as otherwise specifically provided by law, a person must obtain a license to hunt big game or small game by firearms or bow and arrow and is eligible to obtain a license and use it for hunting if the person was born on or before December 31, 1979, or, if born after December 31, 1979, is:

(1) 12 years of age or under and is accompanied by a parent or guardian;

(2) 13 years of age, possesses a hunter education firearms safety certificate, and is accompanied by a parent or guardian;

(3) 14 years of age or over and possesses a hunter education firearms safety certificate; or

(4) 13 years of age or over, possesses an apprentice hunter validation, and is accompanied by an adult 18 years of age or over who is licensed to hunt in Minnesota and whose license was not obtained using an apprentice hunter validation.

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

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

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

Sec. 31. Minnesota Statutes 2009 Supplement, section 97A.475, subdivision 2, is amended to read:

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

(1) for persons under age 18 to take small game, \$5.00;

(2) for persons age 18 or over and under age 65 to take small game, \$12.50;

~~(2)~~ (3) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

~~(3)~~ (4) for persons age 18 or over to take turkey, \$23;

~~(4)~~ (5) for persons under age 18 to take turkey, \$12 \$5.00;

~~(5)~~ (6) for persons age 18 or over to take deer with firearms during the regular firearms season, \$26;

~~(6)~~ (7) for persons age 18 or over to take deer by archery, \$26;

~~(7)~~ (8) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$26;

~~(8)~~ (9) to take moose, for a party of not more than six persons, \$310;

~~(9)~~ (10) to take bear, \$38;

~~(10)~~ (11) to take elk, for a party of not more than two persons, \$250;

~~(11)~~ (12) to take Canada geese during a special season, \$4;

~~(12)~~ (13) to take prairie chickens, \$20;

~~(13)~~ (14) for persons under age 18 to take deer with firearms during the regular firearms season, ~~\$13~~ \$5.00;

~~(14)~~ (15) for persons under age 18 to take deer by archery, ~~\$13~~ \$5.00; and

~~(15)~~ (16) for persons under age 18 to take deer by muzzleloader during the muzzleloader season, ~~\$13~~ \$5.00.

Sec. 32. Minnesota Statutes 2009 Supplement, section 97A.475, subdivision 3, is amended to read:

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

(1) for persons under age 18 to take small game, \$5.00;

(2) for persons age 18 or over to take small game, \$73;

~~(2)~~ (3) for persons age 18 or over to take deer with firearms during the regular firearms season, \$135;

~~(3)~~ (4) for persons age 18 or over to take deer by archery, \$135;

~~(4)~~ (5) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$135;

~~(5)~~ (6) to take bear, \$195;

~~(6)~~ (7) for persons age 18 and older or over to take turkey, \$78;

~~(7)~~ (8) for persons under age 18 to take turkey, \$12 \$5.00;

~~(8)~~ (9) to take raccoon or bobcat, \$155;

~~(9)~~ (10) to take Canada geese during a special season, \$4;

~~(10)~~ (11) for persons under age 18 to take deer with firearms during the regular firearms season in any open season option or time period, \$13;

~~(11)~~ (12) for persons under age 18 to take deer by archery, \$13; and

~~(12)~~ (13) for persons under age 18 to take deer during the muzzleloader season, \$13 \$5.00.

(b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph (a), clauses ~~(1)~~ (2) to ~~(8)~~ (9). An additional commission may not be assessed on this surcharge.

Sec. 33. Minnesota Statutes 2008, section 97A.475, subdivision 3a, is amended to read:

Subd. 3a. **Deer license surcharge.** A person may agree to add a donation of \$1, \$3, or \$5 to the fees for annual resident and nonresident licenses to take deer by firearms or archery established under subdivisions 2, clauses ~~(5)~~, (6), (7), ~~(11)~~, and ~~(13)~~ (8), and 3, clauses ~~(2)~~, (3), (4), (5), and ~~(9)~~ (10). Beginning March 1, 2008, fees for bonus licenses to take deer by firearms or archery established under section 97B.301, subdivision 4, must be increased by a surcharge of \$1. An additional commission may not be assessed on the donation or surcharge and the following statement must be included in the annual deer hunting regulations: "The deer license donations and surcharges are being paid by hunters for deer management, including assisting with the costs of processing deer donated for charitable purposes."

Sec. 34. Minnesota Statutes 2008, section 97A.475, subdivision 4, is amended to read:

Subd. 4. **Small game surcharge.** Fees for annual licenses to take small game must be increased by a surcharge of \$6.50. 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." Small game licenses issued to individuals under age 18 are exempt from this surcharge.

Sec. 35. Minnesota Statutes 2008, section 97A.475, subdivision 43, is amended to read:

Subd. 43. **Duplicate licenses.** The fees for duplicate licenses are:

- (1) for licenses to take big game, \$5; ~~and~~
- (2) for a license issued to a person under age 18, \$1; and
- (3) for other licenses, \$2.

Sec. 36. Minnesota Statutes 2008, section 97A.475, subdivision 44, is amended to read:

Subd. 44. **Replacement licenses.** (a) The fee for a replacement firearms deer license is \$5.

(b) The fee for a replacement firearms deer license issued to a person under age 18 is \$1.

Sec. 37. Minnesota Statutes 2008, section 97A.535, subdivision 2a, is amended to read:

Subd. 2a. **Quartering of deer allowed.** A deer that has been tagged as required in subdivision 1 may be quartered at the site of the kill. The animal's head or genitalia must remain attached to one of the quarters. For antlered deer, the animal's head must remain attached to one of the quarters. The quarters must be presented together for registration under subdivision 2 and must remain together until the deer is processed for storage.

Sec. 38. Minnesota Statutes 2008, section 97A.545, subdivision 5, is amended to read:

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

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

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

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

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

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

Sec. 39. Minnesota Statutes 2008, section 97B.015, is amended to read:

**97B.015 HUNTER EDUCATION FIREARMS SAFETY AND WILDLIFE IDENTIFICATION COURSE.**

Subdivision 1. **Establishment.** The commissioner shall establish a statewide course in the safe use of firearms and identification of wild mammals and birds. A course may be held in a school district. The courses must be conducted by the commissioner in cooperation with other organizations. The courses must instruct youths in commonly accepted principles of safety in hunting and handling common hunting firearms and identification of various species of wild mammals and birds by sight and other unique characteristics.

Subd. 2. **Administration, supervision, and enforcement.** (a) The commissioner shall appoint a qualified person from the Enforcement Division under civil service rules as supervisor of hunting safety and prescribe the duties and responsibilities of the position. The commissioner shall determine and provide the Enforcement Division with the necessary personnel for this section.

(b) The Enforcement Division may appoint instructors necessary for this section. Instructors shall serve on a voluntary basis without compensation. The Enforcement Division must supply the materials necessary for the course. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

Subd. 3. **Liability insurance.** The commissioner shall obtain insurance to cover all liability incurred by the county directors and instructors for bodily injury, death, and property damage in the performance of their duties under this section.

Subd. 4. **Student fee.** To defray the expense of the course, the Enforcement Division shall collect a fee from each person that takes the hunter education firearm safety course. The commissioner shall establish a fee that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees shall be deposited in the game and fish fund and the amount thereof is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the program. 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.

Subd. 5. **Hunter education firearms safety certificate.** The commissioner shall issue a hunter education firearms safety certificate to a person that satisfactorily completes the required course of instruction. A person must be at least age 11 to take the hunter education firearms safety course ~~and may receive a firearms safety certificate, but the certificate is not valid for hunting until the year the person reaches age 12. A person who is age 11 and has a firearms safety certificate may purchase a~~

~~license to take big game that will be valid for hunting during the entire regular season for which the license is valid if the person will reach age 12 during that calendar year. A firearms safety certificate issued to a person under age 12 by another state as provided in section 97B.020 is not valid for hunting in Minnesota until the person reaches age 12. The form and content of the hunter education firearms safety certificate shall be prescribed by the commissioner.~~

Subd. 5a. **Exemption for military personnel.** Notwithstanding subdivision 5, a person who has successfully completed basic training in the United States armed forces is exempt from the range and shooting exercise portion of the required course of instruction for the hunter education firearms safety certificate. The commissioner may require written proof of the person's military training, as deemed appropriate for implementing this subdivision. The commissioner shall publicly announce this exemption from the range and shooting exercise requirement and the availability of the department's online, remote study option for adults seeking hunter education firearms safety certification. Military personnel are not exempt from any other requirement of this section for obtaining a hunter education firearms safety certificate.

Subd. 6. **Provisional certificate for persons with developmental disability.** Upon the recommendation of a course instructor, the commissioner may issue a provisional hunter education firearms safety certificate to a person who satisfactorily completes the classroom portion of the hunter education firearms safety course but is unable to pass the written or an alternate format exam portion of the course because of developmental disability as defined in section 97B.1055, subdivision 1. The certificate is valid only when used according to section 97B.1055.

Subd. 7. **Fee for duplicate certificate.** The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate hunter education firearms safety certificate. The commissioner shall establish a fee that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the service. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner may establish the fee notwithstanding section 16A.1283. The duplicate certificate fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the game and fish fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, are appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the hunter education firearm safety course program.

Sec. 40. Minnesota Statutes 2008, section 97B.020, is amended to read:

**97B.020 HUNTER EDUCATION FIREARMS SAFETY CERTIFICATE REQUIRED.**

(a) Except as provided in this section and section 97A.451, subdivision 3a, a person age 13 or over born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has:

- (1) a hunter education firearms safety certificate or equivalent certificate;
- (2) a driver's license or identification card with a valid hunter education firearms safety qualification indicator issued under section 171.07, subdivision 13;
- (3) a previous hunting license with a valid hunter education firearms safety qualification indicator;

(4) an apprentice hunter validation issued under section 97B.022; or

(5) other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement or certified by the department as substantially similar.

(b) A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or National Guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a hunter education firearms safety certificate.

(c) A person age 13 or over born after December 31, 1979, may not use a lifetime license to take wild animals by firearms, unless the person meets the requirements for obtaining an annual license under paragraph (a) or (b).

Sec. 41. Minnesota Statutes 2008, section 97B.021, subdivision 1, is amended to read:

Subdivision 1. **Restrictions.** (a) Except as provided in this subdivision, a person under the age of 16 may not possess a firearm, unless accompanied by a parent or guardian.

(b) A person under age 16 may possess a firearm without being accompanied by a parent or guardian:

(1) on land owned by, or occupied as the principal residence of, the person or the person's parent or guardian;

(2) while participating in an organized target shooting program with adult supervision;

(3) while the person is participating in a hunter education firearms safety program or traveling to and from class; or

(4) if the person is age 14 or 15 and has a hunter education firearms safety certificate.

(c) A person age 13, 14, or 15 hunting with an apprentice hunter validation may possess a firearm if accompanied by a parent or guardian age 18 or over who is licensed to hunt in Minnesota and whose license was not obtained using an apprentice hunter validation.

Sec. 42. **[97B.0215] PARENT OR GUARDIAN RESPONSIBILITY; VIOLATION.**

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

Sec. 43. Minnesota Statutes 2008, section 97B.022, subdivision 2, is amended to read:

Subd. 2. **Apprentice hunter validation requirements.** A resident born after December 31, 1979, who is age ~~12~~ 13 or ~~older~~ over and ~~who~~ a nonresident who is age 13 to 17, and the resident or nonresident does not possess a hunter education firearms safety certificate may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only ~~one~~ two license ~~year~~ years in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game ~~and~~ and, deer, and bear only when accompanied by an adult licensed to hunt in Minnesota whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation

holder must obtain all required licenses and stamps.

Sec. 44. Minnesota Statutes 2008, section 97B.031, subdivision 5, is amended to read:

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

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

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

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

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

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

Sec. 45. Minnesota Statutes 2008, section 97B.045, is amended by adding a subdivision to read:

**Subd. 4. Exception for livestock producers taking predators.** The restrictions in subdivision 1 do not apply to a livestock producer or producer's employee while taking unprotected wild animals or predatory domestic dogs on the person's farm when experiencing predatory loss of livestock from wild animal or domestic dog predation.

Sec. 46. Minnesota Statutes 2009 Supplement, section 97B.055, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

Sec. 47. Minnesota Statutes 2008, section 97B.075, is amended to read:

**97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.**

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

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

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

Sec. 48. Minnesota Statutes 2008, section 97B.106, subdivision 1, is amended to read:

Subdivision 1. **Qualifications for crossbow permits.** (a) The commissioner may issue a special permit, without a fee, to take big game, small game, or rough fish with a crossbow to a person that is unable to hunt or take rough fish by archery because of a permanent or temporary physical disability. A crossbow permit issued under this section also allows the permittee to use a bow with a

mechanical device that draws, releases, or holds the bow at full draw as provided in section 97B.035, subdivision 1, paragraph (a).

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

(c) The person must obtain the appropriate license.

**Sec. 49. [97B.118] WILDLIFE FEEDING; RESTRICTIONS BEFORE AND DURING OPEN DEER SEASONS.**

**Subdivision 1. Time period; restrictions.** (a) From September 1 to December 31, a person may not place feed for the purpose of attracting or feeding wildlife within an area where deer may be taken by firearm or archery during the open seasons under applicable laws and ordinances.

(b) Feed includes grains, fruits, vegetables, nuts, hay, prepared wildlife food products, or other food that is capable of attracting wildlife, but does not include:

(1) liquid scents, salt, and minerals;

(2) bait placed by a licensed trapper for taking fur-bearing animals;

(3) bait placed by a licensed bear hunter or licensed bear hunting outfitter at a registered bear bait station under section 97B.425; or

(4) food placed in a bird feeder within 50 feet of a building for the purpose of feeding birds other than game birds.

**Subd. 2. Agricultural and livestock exception.** The prohibition in subdivision 1 does not apply to feed placed for agricultural or livestock purposes if the feed is stored consistent with normal agricultural practices.

**Subd. 3. Removal of feed; additional violation.** (a) In addition to any other penalties imposed, a person charged with a violation of this section shall immediately remove any remaining feed.

(b) Failure to comply with this subdivision is a separate violation, in addition to violation of subdivision 1.

Sec. 50. Minnesota Statutes 2008, section 97B.301, subdivision 3, is amended to read:

**Subd. 3. Party hunting.** If two or more persons with licenses to take deer by firearms, or two or more persons with licenses to take deer by archery, are hunting as a party, a member of the party may take more than one deer, but the total number of deer taken by the party may not exceed the number of persons licensed to take deer in the party. For a deer license issued to a person under age 18, only the person to whom the license is issued may take and tag a deer under that license.

Sec. 51. Minnesota Statutes 2008, section 97B.301, subdivision 6, is amended to read:

Subd. 6. **Residents or nonresidents under age 18 may take deer of either sex.** A resident or nonresident under the age of 18 may take a deer of either sex except in those antlerless permit areas and seasons where no antlerless permits are offered. In antlerless permit areas where no antlerless permits are offered, the commissioner may provide a limited number of youth either sex permits to residents or nonresidents under age 18, under the procedures provided in section 97B.305, and may give preference to residents or nonresidents under the age of 18 that have not previously been selected. This subdivision does not authorize the taking of ~~an antlerless deer~~ on the youth hunter's license by another member of a party under subdivision 3.

Sec. 52. Minnesota Statutes 2008, section 97B.325, is amended to read:

**97B.325 DEER BIG GAME STAND RESTRICTIONS.**

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

Sec. 53. Minnesota Statutes 2008, section 97B.405, is amended to read:

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

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

~~(b) In the case of a drawing, the commissioner shall allow a person to apply for a permit in more than one area at the same time and rank the person's choice of area.~~

Sec. 54. Minnesota Statutes 2008, section 97B.515, is amended by adding a subdivision to read:

Subd. 4. **Taking elk causing damage or nuisance.** The commissioner may authorize the taking of elk that are causing damage or nuisance by licensed hunters from September 1 to March 1 under rules prescribed by the commissioner. The commissioner may select and issue licenses to hunters from lists of license applicants based on their interest, proximity, and availability to quickly respond to the damage or nuisance situation. A person receiving a license to hunt elk under this subdivision is not subject to the requirements of section 97A.433, subdivision 2, clause (2), and does not lose eligibility for future elk hunts.

Sec. 55. Minnesota Statutes 2008, section 97B.601, subdivision 4, is amended to read:

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

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

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

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

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

(f) A person participating in "Take a Kid Hunting Weekend" may take small game without a license as provided in section 97A.445, subdivision 5.

(g) A person under age 16 may take waterfowl without a small game license on youth waterfowl days as provided in section 97A.445, subdivision 5.

(h) Certain military personnel or discharged veterans may take small game without a license as provided in section 97A.465.

Sec. 56. Minnesota Statutes 2008, section 97B.711, is amended by adding a subdivision to read:

Subd. 4. **Shooting grouse prohibited near motor vehicle.** A person in the vicinity of a motor vehicle may not discharge a firearm or an arrow from a bow at a grouse, or at a decoy of a grouse placed by an enforcement officer, unless the person is at least 20 yards from the vehicle and the vehicle's engine is shut off. This subdivision does not apply to a person with a disability permit issued under section 97B.055, subdivision 3.

Sec. 57. Minnesota Statutes 2008, section 97B.803, is amended to read:

**97B.803 MIGRATORY WATERFOWL SEASONS AND LIMITS.**

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

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

Sec. 58. Minnesota Statutes 2008, section 97C.005, subdivision 3, is amended to read:

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

Sec. 59. Minnesota Statutes 2008, section 97C.087, subdivision 2, is amended to read:

Subd. 2. **Application for tag.** Application for special fish management tags must be accompanied by a \$5, nonrefundable application fee for each tag. A person may not make more

than one tag application each calendar year. If a person makes more than one application, the person is ineligible for a special fish management tag for that ~~season~~ calendar year after determination by the commissioner, without a hearing.

Sec. 60. Minnesota Statutes 2008, section 97C.205, is amended to read:

**97C.205 TRANSPORTING AND STOCKING FISH.**

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

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

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

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

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

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

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

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

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

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

(1) were lawfully taken;

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

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

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

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

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

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

(e) A person age 16 or under may, for purposes of display in a home aquarium, transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie, white crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black, yellow, and brown bullheads taken by angling, except as otherwise ordered by the commissioner upon documentation of an emergency fish disease in Minnesota waters, as defined in section 17.4982, subdivision 9. No more than four of each species may be transported at any one time, and any individual fish can be no longer than

ten inches in total length. The commissioner may, by written order published in the State Register, prohibit transportation of live fish under this paragraph to help prevent spread of an emergency fish disease documented to occur in Minnesota waters. The order is exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 61. Minnesota Statutes 2008, section 97C.341, is amended to read:

**97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

(a) A person may not use live minnows imported from outside of the state, game fish, goldfish, or carp for bait. The commissioner may authorize use of game fish eggs as bait and prescribe restrictions on their use.

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

**Sec. 62. ZONE 3 DEER SEASON AND RESTRICTIONS; 2010.**

For the 2010 deer season, notwithstanding rules of the commissioner of natural resources under Minnesota Statutes, section 97B.311, paragraph (a), the commissioner shall allow a nine-day early A season in Zone 3 beginning the Saturday nearest November 6 and a nine-day late B season in Zone 3 beginning the Saturday nearest November 20. During the last two days of the 2010 early A season in Zone 3, a person may not take antlered deer unless the deer has at least four points on one side, or the person has taken an antlerless deer prior to taking the antlered deer. Party hunting for antlered deer under Minnesota Statutes, section 97B.301, subdivision 3, is not allowed in the last two days of the 2010 early A season in Zone 3. Zone 3 is defined in Minnesota Rules, part 6232.1400, subpart 3. The penalty provisions under Minnesota Statutes, section 97A.301, apply to specific restrictions under this section.

**Sec. 63. REPEALER.**

Minnesota Statutes 2008, sections 84.942, subdivisions 2, 3, and 4; 97A.435, subdivision 5; 97A.451, subdivisions 3a and 4; 97A.485, subdivision 12; 97B.022, subdivision 1; 97B.511; and 97B.515, subdivision 3, are repealed."

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "modifying disposal restrictions for certain livestock taken by wild animals;"

Page 1, line 5, after the semicolon, insert "modifying license requirements and fees for youth hunters; providing exemptions from rulemaking; providing criminal penalties;"

Amend the title numbers accordingly

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

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

**was referred**

**S.F. No. 2641:** A bill for an act relating to *Canis latrans*; providing a coyote conflict management option for counties; proposing coding for new law in Minnesota Statutes, chapter 348.

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

Page 1, lines 6 and 8, after "county" insert "or town"

Amend the title accordingly

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

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

**S.F. No. 2830:** A bill for an act relating to natural resources; repealing certain definitions related to natural resources; repealing a legislative guide requirement; repealing Minnesota Statutes 2008, section 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; Minnesota Statutes 2009 Supplement, sections 3.3006; 84.02, subdivisions 4a, 6a, 6b; Laws 2009, chapter 172, article 5, section 8.

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

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

**S.F. No. 2691:** A bill for an act relating to natural resources; repealing certain definitions related to natural resources; repealing Minnesota Statutes 2008, section 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; Minnesota Statutes 2009 Supplement, sections 3.3006; 84.02, subdivisions 4a, 6a, 6b.

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

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

**S.F. No. 2593:** A bill for an act relating to environment; requiring public buildings to use environmentally sensitive cleaning products; establishing guidelines and a task force; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Delete everything after the enacting clause and insert:

"Section 1. [116.351] ENVIRONMENTALLY SENSITIVE CLEANING PRODUCTS.

Subdivision 1. **Definitions.** For the purposes of this section:

(1) "environmentally sensitive cleaning product" means a cleaning product that performs effectively and meets the cleaning needs of the public building while minimizing adverse impacts on human health and the environment through attributes such as biodegradability, low toxicity, low volatile organic compound content, reduced packaging, or low life-cycle energy use; and

(2) "public building" means a building owned or leased by the state government, a city, a county, a K-12 public school, or a public institution of higher education.

Subd. 2. **Use of environmentally sensitive cleaning products.** (a) By September 1, 2011, an operator of a public building must follow the specifications established under subdivision 3 regarding the purchase and use of environmentally sensitive cleaning products. The operator of a public building may deplete existing cleaning product supplies purchased before September 1, 2011, but must comply with this section beginning January 1, 2012.

(b) Owners of buildings, who lease 50 percent or more of a building to the state or a county, city, or school district, must include environmentally sensitive cleaning product language specified under subdivision 1, clause (1), in future leasing contract language for that building.

(c) Owners or operators of public buildings that contract to an outside vendor for cleaning must include environmentally sensitive cleaning product language specified under subdivision 1, clause (1), in future leasing contract language.

Subd. 3. **Environmentally sensitive cleaning product guidelines and specifications.** (a) By January 1, 2011, the commissioner of the Pollution Control Agency shall establish guidelines and specifications for the use of environmentally sensitive cleaning products in public buildings. At a minimum, the guidelines shall allow the use of the United States Environmental Protection Agency's Design for the Environment (DFE) program, the EcoLogo program administered by TerraChoice, Green Seal, and alternative qualifications such as: a submission of testing by an accredited third party verifying that the product meets the criteria of one of the recognized standards and other alternatives as determined appropriate by the Pollution Control Agency.

(b) The guidelines and specifications established under this section shall not prohibit the use of disinfectants, disinfecting cleaners, sanitizers, or any other antimicrobial product regulated by the federal insecticide, Fungicide and Rodenticide Act, United States Code, title 7, section 136, et seq., when necessary to protect public health and provided that the use of these products is in accordance with responsible cleaning procedure requirements.

(c) The guidelines and specifications may stipulate environmentally preferable requirements for these products only at such time that United States Environmental Protection Agency permits claims related to environmental preferability, including, but not limited to, the use of third-party certifications of environmental preferability, to be made in reference to such products.

(d) The commissioner of administration shall inform operators of public buildings of the requirements of this section, distribute the guidelines and specifications developed in paragraph (a) to all public building operators, make information regarding the requirements, guidelines, and specifications available on the agency's Web site, and inform public building operators of the ability to purchase from the state contract as cooperative purchasing vendors.

(e) By January 1, 2012, and annually thereafter, the commissioners of administration and the Pollution Control Agency shall review and issue any revisions to the guidelines and specifications to reflect available new research and guidance. The commissioner of administration shall inform all public building operators of any revisions and post the updated guidelines and specifications on the agency's Web site.

(f) If the operator of a public building determines that it is not economically feasible to purchase

and use environmentally sensitive cleaning products by January 1, 2012, the operator shall submit a letter to the commissioner of administration and the local governing board specifically indicating the financial reasons that the operator will not purchase and use environmentally sensitive cleaning products. The operator must submit the letter annually until the operator determines that it is economically feasible to comply with the requirements.

Subd. 4. **Rulemaking exemption.** The guidelines and specifications developed under this section are exempt from the rulemaking provisions of chapter 14. The guidelines and specifications are subject to section 14.386, except that notwithstanding section 14.386, paragraph (b), the guidelines and specifications continue in effect until repealed or superseded by other law or rule."

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

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

**S.F. No. 2562:** A bill for an act relating to child support enforcement; updating provisions on access to certain information; authorizing certain actions by a public authority; requiring a notice; imposing certain duties; providing for survival of certain child support judgments; amending Minnesota Statutes 2008, sections 256.978, subdivision 2; 518A.46, subdivision 5, by adding a subdivision; 541.04; 548.09, subdivision 1.

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

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

**S.F. No. 2708:** A bill for an act relating to special education; expanding who is qualified to make a diagnosis of attention deficit disorder or attention deficit hyperactivity disorder; amending Minnesota Statutes 2009 Supplement, section 125A.02, subdivision 1.

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

Page 1, line 16, after the comma, insert "clauses (1) to (4),"

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

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

**S.F. No. 2866:** A bill for an act relating to health; modifying provisions for the statewide trauma system; amending Minnesota Statutes 2008, sections 144.603; 144.605, subdivisions 2, 3, by adding a subdivision; 144.608, subdivision 1, by adding a subdivision; 145.61, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2008, section 144.607.

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

Page 5, delete sections 7 and 8

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 State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

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

**S.F. No. 2645:** A bill for an act relating to education; creating a responsible family life and sexuality education program; proposing coding for new law in Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2008, section 121A.23.

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

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

**S.F. No. 2923:** A bill for an act relating to health; modifying provisions regulating home health care services; amending Minnesota Statutes 2008, sections 144A.45, subdivisions 2, 4; 144A.46, subdivisions 2, 3; Minnesota Statutes 2009 Supplement, section 144A.46, subdivision 1.

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

Page 4, line 28, after "clients" insert a comma

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

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

**S.F. No. 2743:** A bill for an act relating to health; modifying a hospital construction moratorium; amending Minnesota Statutes 2009 Supplement, section 144.551, subdivision 1.

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

Page 5, after line 6, insert:

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

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

**S.F. No. 2852:** A bill for an act relating to health; providing administrative simplification by

adding a health care clearinghouse for health care provider transactions; amending Minnesota Statutes 2008, sections 62J.51, by adding subdivisions; 62J.536, subdivisions 1, 2b, by adding a subdivision.

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

Page 1, delete section 1

Page 2, after line 7, insert:

"A health care clearinghouse acts as an agent of a health care provider or group purchaser only if it enters into an explicit, mutually agreed upon arrangement or contract with the provider or group purchaser to perform specific clearinghouse functions."

Page 3, line 17, strike "(d)" and insert "(e)"

Page 8, line 27, delete everything after "provider" and insert ", provider's agent, group purchaser, or group purchaser's agent on the provider's or group purchaser's"

Renumber the sections in sequence

Amend the title numbers accordingly

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

**Senator Scheid from the Committee on Commerce and Consumer Protection, to which was referred**

**S.F. No. 2663:** A bill for an act relating to commerce; regulating motor vehicle sales and distribution; amending Minnesota Statutes 2008, sections 80E.01; 80E.03, by adding a subdivision; 80E.13; 80E.14, subdivision 1, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 80E.09, subdivisions 1, 3; 80E.12; 80E.135; 80E.14, subdivision 3.

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

Page 1, line 21, delete "primary responsibility" and insert "sales effectiveness" and delete "primary responsibility" and insert "sales effectiveness"

Page 3, line 4, after the semicolon, insert "and"

Page 3, delete lines 5 to 8

Page 3, line 9, reinstate the stricken language and delete the new language

Page 3, delete section 4

Page 5, line 12, delete the colon and insert a comma

Page 5, line 13, delete "(1)"

Page 5, line 14, before the semicolon, insert "unless determined to be reasonable in light of all existing circumstances or the dealer and the manufacturer voluntarily agree to such a requirement and separate and adequate consideration was offered and accepted" and delete everything after the semicolon

Page 5, delete lines 15 to 18

Page 6, line 3, reinstate the stricken language and delete the new language

Page 6, line 4, delete the new language

Page 6, line 11, reinstate the stricken language

Page 6, line 12, reinstate the stricken language and delete the new language

Page 10, delete lines 1 to 7

Page 10, line 11, delete everything after "(p)" and insert "unreasonably reduce a dealer's area of sales effectiveness without giving at least 90 days' notice of the proposed reduction. The change may not take effect if the dealer commences a civil action to determine whether there is good cause for the change within the 90 days' notice period. The burden of proof in such an action shall be on the manufacturer or distributor."

Page 10, delete line 12

Page 11, line 4, delete ", prospective dealer,"

Page 11, delete section 8

Page 13, line 31, delete "refuse" and insert "unreasonably deny"

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 Judiciary. Amendments adopted. Report adopted.

**Senator Scheid from the Committee on Commerce and Consumer Protection, to which was referred**

**S.F. No. 2338:** A bill for an act relating to taxation; imposing an excise tax on disposable bags; amending Minnesota Statutes 2008, sections 289A.01; 289A.02, subdivision 5; 289A.12, by adding a subdivision; 289A.18, by adding a subdivision; 289A.19, by adding a subdivision; 289A.20, by adding a subdivision; 289A.56, subdivision 3; Minnesota Statutes 2009 Supplement, section 270C.56, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 297J.

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

Page 3, line 31, after the period, insert "Consumer does not include governments and political subdivisions as defined under section 297A.70, subdivision 2, paragraph (a), or nonprofit organizations as defined under section 297A.70, subdivision 4, paragraph (a)."

Page 4, line 3, after the period, insert "Retailer does not include governments and political subdivisions as defined under section 297A.70, subdivision 2, paragraph (a), or nonprofit organizations as defined under section 297A.70, subdivision 4, paragraph (a)."

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

Amendments adopted. Report adopted.

**Senator Scheid from the Committee on Commerce and Consumer Protection, to which was re-referred**

**S.F. No. 2614:** A bill for an act relating to motor vehicles; clarifying definition of motor vehicle; amending Minnesota Statutes 2008, sections 65B.43, subdivision 2; 169.09, subdivision 5a.

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

**Senator Scheid from the Committee on Commerce and Consumer Protection, to which was re-referred**

**S.F. No. 2632:** A bill for an act relating to food safety; authorizing certain beverage production in basements; directing the commissioner of agriculture to amend Minnesota Rules.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Report adopted.

**Senator Scheid from the Committee on Commerce and Consumer Protection, to which was re-referred**

**S.F. No. 842:** A bill for an act relating to insurance; prohibiting automobile insurers from owning repair facilities; amending Minnesota Statutes 2008, section 72A.20, by adding a subdivision.

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

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

**S.F. No. 2540:** A bill for an act relating to transportation; modifying or adding provisions relating to transportation construction impacts on business, rest areas, highways, bridges, deputy registrars, vehicles, impounds, towing, intersection gridlock, bus operation, various traffic regulations, cargo tank vehicle weight exemptions, transportation department goals and mission, a Minnesota Council of Transportation Access, a Commuter Rail Corridor Coordinating Committee, railroad track safety, motor carriers of railroad employees, airport authorities, property acquisition for highways, transit, and town road interest extinguishment nullification; requiring a report; making technical and clarifying changes; amending Minnesota Statutes 2008, sections 161.14, by adding subdivisions; 165.14, subdivisions 4, 5; 168.33, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision 3; 169.041, subdivision 5; 169.15; 169.306; 169.87, by adding a subdivision; 174.01, subdivisions 1, 2; 174.02, subdivision 1a; 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision; 360.061, subdivision 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18, subdivision 1a; Minnesota Statutes 2009 Supplement, sections 160.165; 161.14, subdivision 62; 169.71, subdivision 1; 169.865, subdivision 1; Laws 2008, chapter 287, article 1, section 122; proposing coding for new law in Minnesota Statutes, chapters 160; 174; 221; repealing Minnesota Statutes 2008, sections 13.721, subdivision 4; 169.041, subdivisions 3, 4; 221.0355, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18.

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

Page 16, delete lines 19 and 20 and insert "(1) two members of the senate, one appointed by the majority leader, and one appointed by the minority leader;"

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

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

**S.F. No. 2535:** A bill for an act relating to cable communications; clarifying requirements for the granting of additional cable franchises; amending Minnesota Statutes 2008, section 238.08, subdivision 1.

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

Page 1, after line 23, insert:

"Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective August 1, 2010, and does not affect any litigation pending on that date."

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

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

**S.F. No. 2532:** A bill for an act relating to telecommunications; reducing the plurality necessary in a local election for a municipality to own and operate a telephone exchange; amending Minnesota Statutes 2008, section 237.19.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2008, section 237.19, is amended to read:

**237.19 MUNICIPAL TELECOMMUNICATIONS SERVICES.**

Subdivision 1. **Referendum required.** Any municipality shall have the right to own and operate a telephone exchange within its own borders, subject to the provisions of this chapter. It may construct such plant, or purchase an existing plant by agreement with the owner, or where it cannot agree with the owner on price, it may acquire an existing plant by condemnation, as hereinafter provided, but in no case shall a municipality construct or purchase such a plant or proceed to acquire an existing plant by condemnation until such action by it is authorized by a majority of the electors voting upon the proposition at a general election or a special election called for that purpose, and if the proposal is to construct a new exchange where an exchange already exists, it shall not be authorized to do so unless ~~65 percent~~ a majority of those voting thereon vote in favor of the undertaking. A municipality that owns and operates a telephone exchange may enter into a joint venture as a partner or shareholder with a telecommunications organization to provide telecommunications services within its service area. For the purpose of this section "municipality"

includes a county.

Subd. 2. **Taxpayer protections.** (a) Notwithstanding another law, a municipality shall not, in whole or in part, finance, refinance, pay the costs or expenses of, or otherwise fund the construction, acquisition, or operation of a telephone exchange, directly or indirectly, through issuance of debt, liability, or obligation, or secure or otherwise become contingently liable for the costs or expenses, except through the use of the revenues directly earned or to be earned from the operation of the telephone exchange. This subdivision does not preclude a municipality that has, on the effective date of this act, already approved a sales tax from using the revenue derived from the tax for constructing, acquiring, or operating a telephone exchange.

(b) This subdivision does not prohibit:

(1) the use of otherwise available funds to pay the reasonable costs of studying the feasibility of operating a telephone exchange or conducting an election on a proposal for the operation of a telephone exchange; or

(2) the sale to nongovernmental investors of revenue bonds to fund the construction or acquisition of a telephone exchange if principal, interest, and premium are payable upon maturity or default and are actually paid solely from, and all obligations under the bonds are secured solely by, the net revenues earned or to be earned by the ownership or operation of the telephone exchange.

Subd. 3. **Feasibility study.** (a) Before conducting the referendum under subdivision 1, the municipality must prepare and make publicly available a written report on the feasibility of owning or acquiring, and operating a telephone exchange. The feasibility report must, at minimum, address and disclose:

(1) the cost of establishing, acquiring, or leasing the telephone exchange facilities and an explanation of how these costs will be paid;

(2) detailed projected income statements for each of the first five years of operation of the telephone exchange. In addition to including revenue and expense detail, the projected income statements must also include allowances for depreciation, and a maintenance and upgrade plan for the telephone exchange to avoid technological obsolescence;

(3) a five-year projected capital budget; and

(4) the costs incurred by the municipality in preparing the feasibility report and a list of the individuals or firms paid by the municipality for assistance in studying the feasibility of the project.

(b) Not less than 60 days before the referendum, the municipality must hold a public hearing regarding the feasibility report. Public notice of the hearing must be given to inform the public of the availability of the feasibility report for inspection and copying.

(c) The ballot issue for the referendum must include, in addition to any other information required by law, a statement of the maximum costs disclosed under paragraph (a), clauses (1) and (2), to construct, acquire, and operate the telephone exchange, which costs shall not be exceeded without voter approval in another election.

Subd. 4. **Nondiscrimination.** A municipality shall not discriminate in favor of its own telephone exchange system by granting itself more favorable or less burdensome terms and conditions than a

competitive telephone exchange operator with respect to the access and use of public rights-of-way, municipally owned or controlled conduit, towers, telephone poles, and permitting fees charged for access to the municipally owned and managed facilities. A municipality operating a telephone exchange under this section shall:

(1) approve or reject all permit applications seeking access to the facilities from a private telecommunications service provider within 30 days of submission; and

(2) deny a permit application only for cause and must provide a written explanation for any denial.

A permit not acted on within 30 days by a municipality operating a telephone exchange under this section shall be considered approved.

Subd. 5. **Competitive bidding required.** All agreements between a municipality and any firm or individual related to a feasibility study, construction or acquisition, and operation of a telephone exchange, is a "contract" as defined under section 471.345, subdivision 2.

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

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "granting authority to counties; providing limitations on a municipality's method of financing a telephone exchange; requiring a feasibility study; prohibiting discrimination in favor of a municipality's own telephone exchange, requiring competitive bidding;"

Amend the title numbers accordingly

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

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

**S.F. No. 2716:** A bill for an act relating to education finance; modifying charter school provisions; creating a commission; permitting certain charter schools to borrow money; amending Minnesota Statutes 2008, sections 124D.11, subdivisions 4, 7, by adding subdivisions; 326B.103, subdivision 11; Minnesota Statutes 2009 Supplement, sections 124D.10, subdivisions 3, 4, 4a, 6, 8, 17, 23, 23a; 124D.11, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 124D; repealing Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 17a.

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 2009 Supplement, section 124D.10, subdivision 3, is amended to read:

Subd. 3. **Authorizer.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

"Application" to receive approval as an authorizer means the proposal an eligible authorizer submits to the commissioner under paragraph (c) before that authorizer is able to submit any affidavit

to charter to a school.

"Application" under subdivision 4 means the charter school business plan a school developer submits to an authorizer for approval to establish a charter school that documents the school developer's mission statement, school purposes, program design, financial plan, governance and management structure, and background and experience, plus any other information the authorizer requests. The application also shall include a "statement of assurances" of legal compliance prescribed by the commissioner.

"Affidavit" means a written statement the authorizer submits to the commissioner for approval to establish a charter school under subdivision 4 attesting to its review and approval process before chartering a school.

~~"Affidavit" means the form an authorizer submits to the commissioner that is a precondition to a charter school organizing an affiliated nonprofit building corporation under subdivision 17a.~~

(b) The following organizations may authorize one or more charter schools:

(1) a school board; intermediate school district school board; education district organized under sections 123A.15 to 123A.19;

(2) a charitable organization under section 501(c)(3) of the Internal Revenue Code of 1986, excluding a nonpublic sectarian or religious institution, any person other than a natural person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the nonpublic sectarian or religious institution, and any other charitable organization under this clause that in the federal IRS Form 1023, Part IV, describes activities indicating a religious purpose, that:

(i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on Foundations;

(ii) is registered with the attorney general's office;

(iii) reports an end-of-year fund balance of at least \$2,000,000; and

(iv) is incorporated in the state of Minnesota;

(3) a Minnesota private college, notwithstanding clause (2), that grants two- or four-year degrees and is registered with the Minnesota Office of Higher Education under chapter 136A; community college, state university, or technical college governed by the Board of Trustees of the Minnesota State Colleges and Universities; or the University of Minnesota; or

(4) a nonprofit corporation subject to chapter 317A, described in section 317A.905, and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code of 1986, may authorize one or more charter schools if the charter school has operated for at least three years under a different authorizer and if the nonprofit corporation has existed for at least 25 years.

(5) no more than three single-purpose sponsors that are charitable, nonsectarian organizations formed under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state of Minnesota whose sole purpose is to charter schools. Eligible organizations interested in being approved as a sponsor under this paragraph must submit a proposal to the commissioner that includes the provisions of paragraph (c) and a five-year financial plan. Such authorizers shall consider and

approve applications using the criteria provided in subdivision 4 and shall not limit the applications it solicits, considers, or approves to any single curriculum, learning program, or method.

(c) An eligible authorizer under this subdivision must apply to the commissioner for approval as an authorizer before submitting any affidavit to the commissioner to charter a school. The application for approval as a charter school authorizer must demonstrate the applicant's ability to implement the procedures and satisfy the criteria for chartering a school under this section. The commissioner must approve or disapprove an application within 60 business days of the application deadline. If the commissioner disapproves the application, the commissioner must notify the applicant of the deficiencies and the applicant then has 20 business days to address the deficiencies to the commissioner's satisfaction. Failing to address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to be an authorizer. The commissioner, in establishing criteria for approval, must consider the applicant's:

- (1) capacity and infrastructure;
- (2) application criteria and process;
- (3) contracting process;
- (4) ongoing oversight and evaluation processes; and
- (5) renewal criteria and processes.

(d) The affidavit to be submitted to and evaluated by the commissioner must include at least the following:

- (1) how chartering schools is a way for the organization to carry out its mission;
- (2) a description of the capacity of the organization to serve as a sponsor, including the personnel who will perform the sponsoring duties, their qualifications, the amount of time they will be assigned to this responsibility, and the financial resources allocated by the organization to this responsibility;
- (3) a description of the application and review process the authorizer will use to make decisions regarding the granting of charters, which will include at least the following:
  - (i) how the statutory purposes defined in subdivision 1 are addressed;
  - (ii) the mission, goals, program model, and student performance expectations;
  - (iii) an evaluation plan for the school that includes criteria for evaluating educational, organizational, and fiscal plans;
  - (iv) the school's governance plan;
  - (v) the financial management plan; and
  - (vi) the administration and operations plan;
- (4) a description of the type of contract it will arrange with the schools it charters that meets the provisions of subdivision 6 and defines the rights and responsibilities of the charter school for governing its educational program, controlling its funds, and making school management decisions;
- (5) the process to be used for providing ongoing oversight of the school consistent with the

contract expectations specified in clause (4) that assures that the schools chartered are complying with both the provisions of applicable law and rules, and with the contract;

(6) the process for making decisions regarding the renewal or termination of the school's charter based on evidence that demonstrates the academic, organizational, and financial competency of the school, including its success in increasing student achievement and meeting the goals of the charter school agreement; and

(7) an assurance specifying that the organization is committed to serving as a sponsor for the full five-year term.

A disapproved applicant under this paragraph may resubmit an application during a future application period.

(e) The authorizer must participate in department-approved training.

(f) An authorizer that chartered a school before August 1, 2009, must apply by June 30, 2011, to the commissioner for approval, under paragraph (c), to continue as an authorizer under this section. For purposes of this paragraph, an authorizer that fails to submit a timely application is ineligible to charter a school.

(g) The commissioner shall review an authorizer's performance every five years in a manner and form determined by the commissioner and may review an authorizer's performance more frequently at the commissioner's own initiative or at the request of a charter school operator, charter school board member, or other interested party. The commissioner, after completing the review, shall transmit a report with findings to the authorizer. If, consistent with this section, the commissioner finds that an authorizer has not fulfilled the requirements of this section, the commissioner may subject the authorizer to corrective action, which may include terminating the contract with the charter school board of directors of a school it chartered. The commissioner must notify the authorizer in writing of any findings that may subject the authorizer to corrective action and the authorizer then has 15 business days to request an informal hearing before the commissioner takes corrective action.

(h) The commissioner may at any time take corrective action against an authorizer, including terminating an authorizer's ability to charter a school for:

(1) failing to demonstrate the criteria under paragraph (c) under which the commissioner approved the authorizer;

(2) violating a term of the chartering contract between the authorizer and the charter school board of directors; or

(3) unsatisfactory performance as an approved authorizer.

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

Sec. 2. Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 4, is amended to read:

**Subd. 4. Formation of school.** (a) An authorizer, after receiving an application from a school developer, may charter a licensed teacher under section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed teachers under section 122A.18, subdivision 1,

to operate a school subject to the commissioner's approval of the authorizer's affidavit under paragraph (b). The school must be organized and operated as a ~~cooperative under chapter 308A~~ or nonprofit corporation under chapter 317A and the provisions under the applicable chapter shall apply to the school except as provided in this section.

Notwithstanding sections 465.717 and 465.719, a school district, subject to this section and section 124D.11, may create a corporation for the purpose of establishing a charter school.

(b) Before the operators may establish and operate a school, the authorizer must file an affidavit with the commissioner stating its intent to charter a school. An authorizer must file a separate affidavit for each school it intends to charter. The affidavit must state the terms and conditions under which the authorizer would charter a school and how the authorizer intends to oversee the fiscal and student performance of the charter school and to comply with the terms of the written contract between the authorizer and the charter school board of directors under subdivision 6. The commissioner must approve or disapprove the authorizer's affidavit within 60 business days of receipt of the affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer then has 20 business days to address the deficiencies. If the authorizer does not address deficiencies to the commissioner's satisfaction, the commissioner's disapproval is final. Failure to obtain commissioner approval precludes an authorizer from chartering the school that is the subject of this affidavit.

(c) The authorizer may prevent an approved charter school from opening for operation if, among other grounds, the charter school violates this section or does not meet the ready-to-open standards that are part of the authorizer's oversight and evaluation process or are stipulated in the charter school contract.

(d) The operators authorized to organize and operate a school, before entering into a contract or other agreement for professional or other services, goods, or facilities, must incorporate ~~as a cooperative under chapter 308A~~ or as a nonprofit corporation under chapter 317A and must establish a board of directors composed of at least five members who are not related parties until a timely election for members of the ongoing charter school board of directors is held according to the school's articles and bylaws under paragraph (f). A charter school board of directors must be composed of at least five members who are not related parties. Staff members employed at the school, including teachers providing instruction under a contract with a cooperative, and all parents or legal guardians of children enrolled in the school are the voters eligible to elect the members of the school's board of directors. A charter school must notify eligible voters of the school board election dates at least 30 days before the election. Board of director meetings must comply with chapter 13D.

(e) Upon the request of an individual, the charter school must make available in a timely fashion the minutes of meetings of the board of directors, and of members and committees having any board-delegated authority; financial statements showing all operations and transactions affecting income, surplus, and deficit during the school's last annual accounting period; and a balance sheet summarizing assets and liabilities on the closing date of the accounting period. A charter school also must post on its official Web site information identifying its authorizer and indicate how to contact that authorizer and include that same information about its authorizer in other school materials that it makes available to the public.

(f) Every charter school board member shall attend department-approved training on board

governance, the board's role and responsibilities, employment policies and practices, and financial management. A board member who does not begin the required training within six months of being seated and complete the required training within 12 months of being seated on the board is ineligible to continue to serve as a board member.

(g) The ongoing board must be elected before the school completes its third year of operation. Board elections must be held during a time when school is in session. The charter school board of directors shall be composed of at least five nonrelated members and include: (i) at least one licensed teacher employed at the school or a licensed teacher providing instruction under a contract between the charter school and a cooperative; (ii) the parent or legal guardian of a student enrolled in the charter school; and (iii) an interested community member who is not employed by the charter school and does not have a child enrolled in the school. The board may be a teacher majority board composed of teachers described in this paragraph. The chief financial officer and the chief administrator are ex-officio nonvoting board members. Board bylaws shall outline the process and procedures for changing the board's governance model, consistent with chapter 317A. A board may change its governance model only:

(1) by a majority vote of the board of directors and the licensed teachers employed by the school, including licensed teachers providing instruction under a contract between the school and a cooperative; and

(2) with the authorizer's approval.

Any change in board governance must conform with the board structure established under this paragraph.

(h) The granting or renewal of a charter by an authorizer must not be conditioned upon the bargaining unit status of the employees of the school.

(i) The granting or renewal of a charter school by an authorizer must not be contingent on the charter school being required to contract, lease, or purchase services from the authorizer. Any potential contract, lease, or purchase of service from an authorizer must be disclosed to the commissioner, accepted through an open bidding process, and be a separate contract from the charter contract. The school must document the open bidding process. An authorizer must not enter into a contract to provide management and financial services for a school that it authorizes, unless the school documents that it received at least two competitive bids.

(j) An authorizer may permit the board of directors of a charter school to expand the operation of the charter school to additional sites or to add additional grades at the school beyond those described in the authorizer's original affidavit as approved by the commissioner only after submitting a supplemental affidavit for approval to the commissioner in a form and manner prescribed by the commissioner. The supplemental affidavit must show that:

(1) the expansion proposed by the charter school is supported by need and projected enrollment;

(2) the charter school expansion is warranted, at a minimum, by longitudinal data demonstrating students' improved academic performance and growth on statewide assessments under chapter 120B;

(3) the charter school is fiscally sound and has the financial capacity to implement the proposed expansion; and

(4) the authorizer finds that the charter school has the management capacity to carry out its expansion.

(k) The commissioner shall have 30 business days to review and comment on the supplemental affidavit. The commissioner shall notify the authorizer of any deficiencies in the supplemental affidavit and the authorizer then has 30 business days to address, to the commissioner's satisfaction, any deficiencies in the supplemental affidavit. The school may not expand grades or add sites until the commissioner has approved the supplemental affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

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

Sec. 3. Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 4a, is amended to read:

Subd. 4a. **Conflict of interest.** (a) An individual is prohibited from serving as a member of the charter school board of directors if the individual, an immediate family member, or the individual's partner is an owner, employee or agent of, or a contractor with a for-profit or nonprofit entity or an individual with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. A violation of this prohibition renders a contract voidable at the option of the commissioner or the charter school board of directors. A member of a charter school board of directors who violates this prohibition is individually liable to the charter school for any damage caused by the violation.

(b) No member of the board of directors, employee, officer, or agent of a charter school shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when:

- (1) the board member, employee, officer, or agent;
- (2) the immediate family of the board member, employee, officer, or agent;
- (3) the partner of the board member, employee, officer, or agent; or
- (4) an organization that employs, or is about to employ any individual in clauses (1) to (3),

has a financial or other interest in the entity with which the charter school is contracting. A violation of this prohibition renders the contract void.

(c) Any employee, agent, or board member of the authorizer who participates in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or nonrenewal process or decision is ineligible to serve on the board of directors of a school chartered by that authorizer.

(d) An individual may serve as a member of the board of directors if no conflict of interest under paragraph (a) exists.

(e) A charter school board member or employee must not receive any remuneration in conjunction with a financial transaction involving the charter school.

(f) The conflict of interest provisions under this subdivision do not apply to compensation paid to a teacher employed by the charter school who also serves as a member of the board of directors.

~~(f)~~ (g) The conflict of interest provisions under this subdivision do not apply to a teacher who provides services to a charter school through a cooperative formed under chapter 308A when the teacher also serves on the charter school board of directors.

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

Sec. 4. Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 6, is amended to read:

Subd. 6. **Charter contract.** The authorization for a charter school must be in the form of a written contract signed by the authorizer and the board of directors of the charter school. The contract must be completed within 45 business days of the commissioner's approval of the authorizer's affidavit. The authorizer shall submit to the commissioner a copy of the signed charter contract within ten business days of its execution. The contract for a charter school must be in writing and contain at least the following:

- (1) a declaration of the purposes in subdivision 1 that the school intends to carry out and how the school will report its implementation of those purposes;
- (2) a description of the school program and the specific academic and nonacademic outcomes that pupils must achieve;
- (3) a statement of admission policies and procedures;
- (4) a governance, management, and administration plan for the school;
- (5) signed agreements from charter school board members to comply with all federal and state laws governing organizational, programmatic, and financial requirements applicable to charter schools;
- (6) the criteria, processes, and procedures that the authorizer will use for ongoing oversight of operational, financial, and academic performance;
- (7) the performance evaluation that is a prerequisite for reviewing a charter contract under subdivision 15;
- (8) types and amounts of insurance liability coverage to be obtained by the charter school;
- (9) the term of the contract, which may be up to three years for an initial contract plus an additional preoperational planning year, and up to five years for a renewed contract if warranted by the school's academic, financial, and operational performance;
- (10) how the board of directors or the operators of the charter school will provide special instruction and services for children with a disability under sections 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within which the charter school will operate to provide the special instruction and services to children with a disability;
- (11) the process and criteria the authorizer intends to use to monitor and evaluate the fiscal and student performance of the charter school, consistent with subdivision 15; and
- (12) the plan for an orderly closing of the school under chapter ~~308A~~ or 317A, if the closure is a termination for cause, a voluntary termination, or a nonrenewal of the contract, and that includes

establishing the responsibilities of the school board of directors and the authorizer and notifying the commissioner, authorizer, school district in which the charter school is located, and parents of enrolled students about the closure, the transfer of student records to students' resident districts, and procedures for closing financial operations.

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

Sec. 5. Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 8, is amended to read:

Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.

(b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.

(c) A school sponsored by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution.

(d) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution. A charter school student must be released for religious instruction, consistent with section 120A.22, subdivision 12, clause (3).

(e) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(f) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(g) A charter school may not charge tuition.

(h) A charter school is subject to and must comply with chapter 363A and section 121A.04.

(i) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(j) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district. Audits must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act, if applicable, and section 6.65. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. Deviations must be approved by the commissioner and authorizer. The Department of Education, state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(k) A charter school is a district for the purposes of tort liability under chapter 466.

(l) A charter school must comply with chapters 13 and 13D; and sections 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

(m) A charter school is subject to the Pledge of Allegiance requirement under section 121A.11, subdivision 3.

(n) A charter school offering online courses or programs must comply with section 124D.095.

(o) A charter school and charter school board of directors are subject to chapter 181.

(p) A charter school must comply with section 120A.22, subdivision 7, governing the transfer of students' educational records and sections 138.163 and 138.17 governing the management of local records.

(q) A charter school eligible to seek endorsement from the Charter School Facilities Authority under section 124D.1105 must receive a positive review and comment under section 123B.71, subdivision 8, for facilities projects in excess of \$1,400,000 and must submit a proposal to the commissioner that contains the information required under section 123B.71, subdivision 9, to be eligible to issue bonds under section 124D.1108.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2011 and later.

Sec. 6. Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 17, is amended to read:

Subd. 17. **Leased space.** (a) A charter school may lease space from an independent or special school board eligible to be an authorizer, other public organization, private, nonprofit nonsectarian organization, private property owner, or a sectarian organization if the leased space is constructed as a school facility. A charter school may not lease space from any organization whose primary purpose is to provide a facility for the charter school or which has financed the acquisition of the school facility through rent paid by the charter school from building lease aid under section 124D.11, subdivision 4. The department must review and approve or disapprove leases in a timely manner.

(b) If an independent or special school board finds it advantageous to enter into a lease agreement with a charter school, it may request the Department of Education to count the charter school student data as part of the school district data for the purposes of determining adequate yearly progress. As part of the district's request to the Department of Education, it must provide the department with the resolution from the district school board and a resolution from the charter school board stating the agreement for inclusion of the charter school data into the district data for the purposes of determining adequate yearly progress.

(c) Notwithstanding paragraph (a), a charter school that is eligible to receive building lease transition aid under section 124D.11, subdivision 4d, may lease space from an independent or special school board eligible to be an authorizer or other public organization, private, nonprofit nonsectarian organization, private property owner, or a sectarian organization, if the leased space is constructed as a school facility. The department must review and approve or disapprove leases in a timely manner.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2011 and later.

Sec. 7. Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 23, is amended to read:

Subd. 23. **Causes for nonrenewal or termination of charter school contract.** (a) The duration of the contract with an authorizer must be for the term contained in the contract according to subdivision 6. The authorizer may or may not renew a contract at the end of the term for any ground listed in paragraph (b). An authorizer may unilaterally terminate a contract during the term of the contract for any ground listed in paragraph (b). At least 60 days before not renewing or terminating a contract, the authorizer shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action in reasonable detail and that the charter school's board of directors may request in writing an informal hearing before the authorizer within 15 business days of receiving notice of nonrenewal or termination of the contract. Failure by the board of directors to make a written request for a hearing within the 15-business-day period shall be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the authorizer shall give ten business days' notice to the charter school's board of directors of the hearing date. The authorizer shall conduct an informal hearing before taking final action. The authorizer shall take final action to renew or not renew a contract no later than 20 business days before the proposed date for terminating the contract or the end date of the contract.

(b) A contract may be terminated or not renewed upon any of the following grounds:

- (1) failure to meet the requirements for pupil performance contained in the contract;
- (2) failure to meet generally accepted standards of fiscal management;
- (3) violations of law; or
- (4) other good cause shown.

If a contract is terminated or not renewed under this paragraph, the school must be dissolved according to the applicable provisions of chapter ~~308A~~ 317A.

(c) If the sponsor and the charter school board of directors mutually agree to terminate or not renew the contract, a change in sponsors is allowed if the commissioner approves the transfer to a different eligible authorizer to authorize the charter school. Both parties must jointly submit their intent in writing to the commissioner to mutually terminate the contract. The sponsor that is a party to the existing contract at least must inform the approved different eligible sponsor about the fiscal and operational status and student performance of the school. Before the commissioner determines whether to approve a transfer of authorizer, the commissioner first must determine whether the charter school and prospective new authorizer can identify and effectively resolve those circumstances causing the previous authorizer and the charter school to mutually agree to terminate the contract. If no transfer of sponsor is approved, the school must be dissolved according to applicable law and the terms of the contract.

(d) The commissioner, after providing reasonable notice to the board of directors of a charter school and the existing authorizer, and after providing an opportunity for a public hearing, may terminate the existing contract between the authorizer and the charter school board if the charter school has a history of:

- (1) failure to meet pupil performance requirements contained in the contract;
- (2) financial mismanagement or failure to meet generally accepted standards of fiscal management; or

(3) repeated or major violations of the law.

(e) If the commissioner terminates a charter school contract under subdivision 3, paragraph (g), the commissioner shall provide the charter school with information about other eligible authorizers.

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

Sec. 8. Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 23a, is amended to read:

Subd. 23a. **Related party lease costs.** (a) A charter school is prohibited from entering a lease of real property with a related party unless the lessor is a nonprofit corporation under chapter 317A ~~or a cooperative under chapter 308A~~, and the lease cost is reasonable under section 124D.11, subdivision 4, clause (1).

(b) For purposes of this section and section 124D.11:

(1) "related party" means an affiliate or immediate relative of the other party in question, an affiliate of an immediate relative, or an immediate relative of an affiliate;

(2) "affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person;

(3) "immediate family" means an individual whose relationship by blood, marriage, adoption, or partnering is no more remote than first cousin;

(4) "person" means an individual or entity of any kind; and

(5) "control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether through ownership of voting securities, by contract, or otherwise.

(c) A lease of real property to be used for a charter school, not excluded in paragraph (a), must contain the following statement: "This lease is subject to Minnesota Statutes, section 124D.10, subdivision 23a."

(d) If a charter school enters into as lessee a lease with a related party and the charter school subsequently closes, the commissioner has the right to recover from the lessor any lease payments in excess of those that are reasonable under section 124D.11, subdivision 4, clause (1).

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

Sec. 9. **[124D.101] VACANT BUILDING INVENTORY.**

The Department of Administration, in conjunction with the Department of Education, shall annually publish a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by the state or by school districts in the state and that may be suitable for the long-term operation of a charter school. The Department of Education shall make the list available to applicants for charter schools and to existing charter schools. The list shall include the address of each building, a short description of the building, and the name of the owner of the building. Nothing in this section requires the owner of a building on the list to sell or lease the building or a portion of the building to a charter school or to any other school or to any other prospective buyer or tenant. The Department of Education may request information from school districts to compile the vacant building list under

this section. School districts must comply with the department's request.

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

Sec. 10. Minnesota Statutes 2008, section 124D.11, subdivision 4, is amended to read:

Subd. 4. **Building lease aid.** (a) When a charter school finds it economically advantageous to rent or lease a building or land for any instructional purposes and it determines that the total operating capital revenue under section 126C.10, subdivision 13, is insufficient for this purpose, it may apply to the commissioner for building lease aid for this purpose. The commissioner must review and either approve or deny a lease aid application using the following criteria:

- (1) the reasonableness of the price based on current market values;
- (2) the extent to which the lease conforms to applicable state laws and rules; and
- (3) the appropriateness of the proposed lease in the context of the space needs and financial circumstances of the charter school; and
- (4) any other information the commissioner requests of the charter school in order to implement this subdivision including, at a minimum, the following:

- (i) the owner of the building;
- (ii) a list of the lessor's current board members or principals, whichever applies;
- (iii) a copy of the lessor's annual audit or annual report, whichever applies;
- (iv) the terms of the proposed lease and a copy of the proposed lease;
- (v) the enrollment projections of the school;
- (vi) the long-range strategic and financial plan of the school;
- (vii) a copy of the certificate of occupancy from the local jurisdiction; and
- (viii) a copy of the state fire marshal's fire inspection report or orders and accompanying documentation of costs associated with bringing the proposed lease site up to code.

(b) If the commissioner determines that a charter school has not provided information required under this subdivision, the commissioner must deny the charter school's lease aid application under this subdivision.

(c) If the commissioner determines that the primary purpose of the organization proposing to lease a building or land to the charter school is to provide a facility for the charter school, or the organization has financed the acquisition of the school facility through rent paid by the charter school from building lease aid under this subdivision, the commissioner must deny the charter school's lease aid application under this subdivision.

(d) A charter school must not use the building lease aid it receives for custodial, maintenance service, utility, or other operating costs. The amount of building lease aid per pupil unit served for a charter school for any year shall not exceed the lesser of ~~(a)~~ (1) 90 percent of the approved cost or ~~(b)~~ (2) the product of the pupil units served for the current school year times ~~the greater of the charter school's building lease aid per pupil unit served for fiscal year 2003, excluding the adjustment under~~

Laws 2002, chapter 392, article 6, section 4, or \$1,200. A charter school that receives facilities aid under subdivision 4a is not eligible for building lease aid under this subdivision.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2011 and later.

Sec. 11. Minnesota Statutes 2008, section 124D.11, is amended by adding a subdivision to read:

Subd. 4a. **Facilities aid.** An endorsed charter school under section 124D.1106 is eligible to receive facilities aid under this subdivision in the first fiscal year in which the school must make loan payments to be applied to principal and interest payments on an outstanding debt obligation of the Charter School Facilities Authority. Facilities aid under this section shall not exceed the lesser of:

(1) 84 percent of the amount needed to meet when due the principal and interest payments on the obligations of the Charter School Facilities Authority for eligible projects endorsed by the authority under section 124D.1106; or

(2) the product of the pupil units served for the current school year times \$1,120.

Aid received under this section may be used only to pay loan payments to be applied to the principal and interest payments due on obligations of the Charter School Facilities Authority for eligible projects endorsed by the authority.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2011 and later.

Sec. 12. Minnesota Statutes 2008, section 124D.11, is amended by adding a subdivision to read:

Subd. 4b. **Charter school facilities credit enhancement account.** (a) A charter school credit enhancement account is created in the special revenue fund in the state treasury for the purpose of providing credit enhancement to charter school facilities.

(b) For fiscal year 2011 and later, an amount equal to six percent of an endorsed charter school's loan payments to be applied to principal and interest payments on bonds issued under section 124D.1108 shall be credited to the charter school facilities credit enhancement account.

(c) When the principal and interest payments on bonds issued under section 124D.1108 to finance a school facility for an endorsed charter school have been satisfied, any remaining funds credited to the charter school facilities credit enhancement account on behalf of that specific charter school's debt obligation shall credit to the general fund.

(d) The charter school facilities credit enhancement account may receive grants or gifts and must be used for the purpose of the account under paragraph (a).

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2011 and later.

Sec. 13. Minnesota Statutes 2008, section 124D.11, is amended by adding a subdivision to read:

Subd. 4c. **Sale or transfer of assets.** A charter school board must notify the commissioner if the board intends to sell or transfer property financed by building lease transition aid under subdivision 4d or facilities aid under subdivision 4a. The commissioner must approve the sale or transfer of any property financed by building lease transition aid under subdivision 4d or facilities aid under subdivision 4a.

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

Sec. 14. Minnesota Statutes 2008, section 124D.11, is amended by adding a subdivision to read:

Subd. 4d. **Building lease transition aid.** (a) For fiscal years 2011 through 2017, an eligible charter school may apply to the commissioner for building lease transition aid. Building lease transition aid may be used for the same purpose as building lease aid under subdivision 4. The commissioner must review and either approve or deny a building lease transition aid application using the following criteria:

(1) the reasonableness of the price based on current market values;

(2) the extent to which the lease conforms to applicable state laws and rules; and

(3) the appropriateness of the proposed lease in the context of the space needs and financial circumstances of the charter school.

(b) To retain eligibility for facilities lease transition aid, an eligible charter school must submit the following information to the commissioner:

(1) the owner of the building;

(2) a list of the lessor's current board members or principals, whichever applies;

(3) a copy of the lessor's annual audit or annual report, whichever applies;

(4) the terms of the proposed lease and a copy of the proposed lease;

(5) the enrollment projections of the school;

(6) the long-range strategic and financial plan of the school;

(7) a copy of the certificate of occupancy from the local jurisdiction; and

(8) a copy of the state fire marshal's fire inspection report or orders.

(c) If the commissioner determines that a charter school that is eligible to receive building lease transition aid has not provided information required under this subdivision, the commissioner must deny the charter school's building lease transition aid.

(d) A charter school must not use the building lease transition aid for custodial, maintenance service, utility, or other operating costs. The amount of building lease transition aid per pupil unit served for a charter school in any year shall not exceed the lesser of:

(1) 90 percent of the approved cost; or

(2) the product of the pupil units served for the current school year times \$1,200.

A charter school that receives building lease aid under subdivision 4, or charter school facilities aid under subdivision 4a, is not eligible for building lease transition aid under this subdivision.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2011 and later.

Sec. 15. Minnesota Statutes 2008, section 124D.11, subdivision 7, is amended to read:

Subd. 7. **Use of state money.** Money received from the state may not be used to purchase land or buildings unless endorsed by the Charter School Facilities Authority under section 124D.1106 for the purpose of making loan payments on principal or interest payments on a debt obligation. The school may own land and buildings if obtained through nonstate sources.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2011 and later.

Sec. 16. Minnesota Statutes 2009 Supplement, section 124D.11, subdivision 9, is amended to read:

Subd. 9. **Payment of aids to charter schools.** (a) Notwithstanding section 127A.45, subdivision 3, aid payments for the current fiscal year to a charter school shall be of an equal amount on each of the 24 payment dates.

(b) Notwithstanding paragraph (a) and section 127A.45, for a charter school ceasing operation on or prior to June 30 of a school year, for the payment periods occurring after the school ceases serving students, the commissioner shall withhold the estimated state aid owed the school. The charter school board of directors and authorizer must submit to the commissioner a closure plan under chapter 308A or 317A, and financial information about the school's liabilities and assets. After receiving the closure plan, financial information, an audit of pupil counts, documentation of lease expenditures, and monitoring of special education expenditures, the commissioner may release cash withheld and may continue regular payments up to the current year payment percentages if further amounts are owed. If, based on audits and monitoring, the school received state aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to eliminate the aid overpayment. For a charter school ceasing operations prior to, or at the end of, a school year, notwithstanding section 127A.45, subdivision 3, preliminary final payments may be made after receiving the closure plan, audit of pupil counts, monitoring of special education expenditures, documentation of lease expenditures, and school submission of Uniform Financial Accounting and Reporting Standards (UFARS) financial data for the final year of operation. Final payment may be made upon receipt of audited financial statements under section 123B.77, subdivision 3.

(c) If a charter school fails to comply with the commissioner's directive to return, for cause, federal or state funds administered by the department, the commissioner may withhold an amount of state aid sufficient to satisfy the directive.

(d) If, within the timeline under section 471.425, a charter school fails to pay the state of Minnesota, a school district, intermediate school district, or service cooperative after receiving an undisputed invoice for goods and services, the commissioner may withhold an amount of state aid sufficient to satisfy the claim and shall distribute the withheld aid to the interested state agency, school district, intermediate school district, or service cooperative. An interested state agency, school district, intermediate school district, or education cooperative shall notify the commissioner when a charter school fails to pay an undisputed invoice within 75 business days of when it received the original invoice.

(e) Notwithstanding section 127A.45, subdivision 3, and paragraph (a), 80 percent of the start-up cost aid under subdivision 8 shall be paid within 45 days after the first day of student attendance for that school year.

(f) In order to receive state aid payments under this subdivision, a charter school in its first three years of operation must submit a school calendar in the form and manner requested by the

department and a quarterly report to the Department of Education. The report must list each student by grade, show the student's start and end dates, if any, with the charter school, and for any student participating in a learning year program, the report must list the hours and times of learning year activities. The report must be submitted not more than two weeks after the end of the calendar quarter to the department. The department must develop a Web-based reporting form for charter schools to use when submitting enrollment reports. A charter school in its fourth and subsequent year of operation must submit a school calendar and enrollment information to the department in the form and manner requested by the department.

(g) Notwithstanding sections 317A.701 to 317A.791, upon closure of a charter school and satisfaction of creditors, cash ~~and~~, investment balances, facilities, and all other assets remaining shall be returned to the state.

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

**Sec. 17. [124D.1105] CHARTER SCHOOL FACILITIES AUTHORITY.**

Subdivision 1. **Membership.** (a) The Charter School Facilities Authority shall consist of eight members, five of which are appointed by the governor with the advice and consent of the senate, the commissioner of management and budget or the commissioner's designee, and the commissioner of education or the commissioner's designee. The governor shall appoint members of the authority described in paragraph (b).

(b) All members to be appointed by the governor shall be residents of the state. At least two members must reside outside the metropolitan area as defined in section 473.121, subdivision 2. At least one of the members shall be a person having skill, knowledge, and experience in the field of state and municipal finance; at least one of the members shall be a person having skill, knowledge, and experience in the building construction field; at least one of the members shall be a person having skill, knowledge, and experience in the field of school facilities finance; at least one member shall be a representative of a member of the Minnesota Association of Charter Schools; and at least one member shall be an expert in education finance from the Department of Education. With the exception of the representative of the Minnesota Association of Charter Schools, each appointed member of the authority shall be independent and not affiliated with a charter school organization or any entity working or contracting with a charter school.

**Subd. 2. Minnesota School Boards Association.** The president of the Minnesota School Boards Association, or the president's designee, shall serve without compensation as an advisory, nonvoting member of the board.

**Subd. 3. Term; compensation; removal.** The membership terms, compensation, removal of members, and filling of vacancies for board members other than the commissioner of management and budget, the commissioner of education, representative of the Department of Education, and the president of the Minnesota School Boards Association, shall be as provided in section 15.0575. The commissioner of management and budget, or the commissioner's designee, shall convene the first meeting of the authority no later than August 15, 2010. The authority shall elect a chair at its first meeting and shall determine a rotation for the chair.

**Subd. 4. Duties; applications; fees.** The authority shall provide an efficient and cost-effective method of financing charter school facilities in the state of Minnesota. The authority shall determine which charter schools are in a financial and academic position to develop a facility. The authority

shall review applications for the issuance of bonds under section 124D.1108 for specific projects. The authority shall solicit applications from charter schools on an annual basis and may charge a charter school an application or administrative fee. The annual application deadline and any fees must be determined by the authority. Charter schools may apply annually to the authority, unless otherwise directed by the authority. The authority may hire or contract for services.

**Subd. 5. Considerations of the authority; submission requirements.** (a) A charter school that has been enrolling students for five or more years may seek endorsement from the authority to purchase an existing building or purchase and renovate an existing building within two years of purchase. The charter school must submit to the authority the following information:

(1) a statement from the Department of Education that a satisfactory percentage of students at the school are making high growth on statewide tests under section 120B.299, subdivision 9;

(2) documentation that the school's charter has been renewed;

(3) financial statements showing that the charter school has had a net positive unreserved general fund balance as of June 30 in the preceding five fiscal years;

(4) a long-range strategic and financial plan, including the physical space needs of the school;

(5) a feasibility study of available buildings;

(6) documents showing sustainable enrollment projections and the need to renovate or purchase an existing facility to serve as a school;

(7) a statement adopted by the charter school's board of directors acknowledging that the building and any assets related to it will revert to the state in the event of the charter school closing;

(8) a statement from the charter school authorizer indicating its support of the charter school's proposed facility; and

(9) for projects in excess of \$1,400,000, a positive review and comment from the commissioner of education under section 123B.71.

(b) A charter school that has been enrolling students for eight or more years may seek endorsement from the authority to construct a facility. The charter school must submit to the authority the following information:

(1) a statement from the Department of Education that a satisfactory percentage of students at the school are making high growth on statewide tests according to section 120B.299, subdivision 9;

(2) documentation that the school's charter has been renewed;

(3) financial statements showing that the charter school has had a net positive unreserved general fund balance as of June 30 in the preceding eight fiscal years;

(4) a long-range strategic and financial plan, including the physical needs of the school;

(5) a feasibility study of facility options, including evidence of the lack of existing facilities available to serve as a school;

(6) documents showing sustainable enrollment projections and the need to construct a new

school facility;

(7) a statement adopted by the charter school's board of directors acknowledging that the building and any assets related to it will revert to the state in the event of the charter school closing;

(8) a statement from the charter school authorizer indicating its support of the charter school's proposed facility; and

(9) for projects in excess of \$1,400,000, a positive review and comment from the commissioner of education under section 123B.71.

Subd. 6. **Determination.** The authority may make additional requests of the charter school to make their determination. The authority must use the criteria submitted as required by subdivision 5 and any additional information the authority receives to make a determination about whether or not to allow a charter school to purchase, purchase and renovate, or construct a school facility and use debt financing to pay for the costs of a school facility. The authority must notify the charter school of their determination within 90 business days of the application deadline. The decision of the authority is final.

Subd. 7. **Expiration.** The authority is permanent and the provisions of section 15.059, subdivision 5, do not apply.

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

Sec. 18. **[124D.1106] ENDORSED CHARTER SCHOOL BORROWING; DEFINITIONS.**

Subdivision 1. **Endorsement.** The authority shall approve a charter school to purchase, purchase and renovate, or construct a school facility and finance that school facility through the issuance of bonds. The authority shall only approve the sale of bonds on behalf of charter schools that are issued through the authority. The authority shall not approve the sale of bonds by a charter school if the projected facilities aid receivable under section 124D.11, subdivision 4a, is less than 84 percent of the principal and interest payments on the proposed debt obligation in any fiscal year. The decision of the authority is final.

Subd. 2. **Definition.** For the purpose of sections 124D.1106 to 124D.1109, an "endorsed charter school" is one that has received approval to purchase, purchase and renovate, or construct a school facility and finance that school facility through the issuance of bonds by the authority under subdivision 1.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2011 and later.

Sec. 19. **[124D.1107] AUTHORITY TO BORROW MONEY; LIMITATIONS.**

The board of an endorsed charter school, by a two-thirds majority, may vote to acquire school facilities financed with the proceeds of bonds issued by the Charter School Facilities Authority in the manner and subject to the limitations set forth in section 124D.1108 in anticipation of the receipt of charter school facilities aid under section 124D.11, subdivision 4a.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2011 and later.

Sec. 20. **[124D.1108] CHARTER SCHOOL BONDS; REPAYMENT.**

Subdivision 1. **Issuance of bonds.** (a) The Charter School Facilities Authority may issue revenue bonds, in anticipation of the collection of facilities aid revenues under section 124D.11, subdivision 4a, from an endorsed charter school, to finance, in whole or in part, the cost of the acquisition, acquisition and renovation, or construction of a charter school building. It may enter into a loan agreement with an endorsed charter school so that payments required to be made by the endorsed charter school are fixed and revised as necessary to produce income and revenue sufficient to provide for the prompt payment of principal and interest on all bonds issued when due. The loan agreement must also provide that the endorsed charter school is required to pay all expenses of the operation and maintenance of the charter school building, including adequate insurance and insurance against all liability for injury to persons or property arising from its operation, and all taxes and special assessments levied upon or with respect to the charter school building and payable during the term of the loan agreement.

(b) The Charter School Facilities Authority by resolution may exercise the powers of a municipality under sections 469.152 to 469.165, without an election, for the purposes of financing charter school buildings, including the issuance of bonds and the application of the bond proceeds and investment income pursuant to a loan or other agreement. The bonds must be issued, sold, and secured on the terms and conditions and in the manner determined by resolution of the authority. The bonds must be sold at a public sale at not less than par. Bonds issued by the Charter School Facilities Authority to finance a school facility and bonds issued to refund bonds issued by the Charter School Facilities Authority to finance a school facility must mature within 30 years from the date of issue of the first bonds issued to finance the school facility.

(c) Bonds issued under this section are not general obligations of the state or the authority. The full faith and credit and taxing powers of the state and the authority are not and may not be pledged for the payment of the bonds. No person may compel the levy of a tax for the payment or compel the appropriation of money of the state or the authority for the payment of the bonds, except as specifically provided in section 124D.1109.

Subd. 2. **Income tax exemption.** In the issuance of bonds by the authority, the authority must comply with all federal laws and regulations governing the exemption of interest on bonds from federal income taxation. If, for any reason, whether existing at the date of issue of any bonds or thereafter, the interest on any bonds becomes subject to federal income taxes, the validity of the bonds or the provisions made for the security of those bonds is not affected.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2011 and later.

Sec. 21. **[124D.1109] STATE PAYMENT OF ENDORSED CHARTER SCHOOL DEBT OBLIGATION UPON POTENTIAL DEFAULT; REPAYMENT; STATE OBLIGATION NOT DEBT.**

Subdivision 1. **Definitions.** For the purposes of this section, the term "debt obligation" means bonds issued by the Charter School Facilities Authority under section 124D.1108.

Subd. 2. **Notifications; payment; appropriation.** (a) If an endorsed charter school believes that it may be unable to pay the amount sufficient to permit the Charter School Facilities Authority to make a principal or interest payment on an outstanding debt obligation on the date that payment is due, it must notify the commissioner of education as soon as possible, but not less than 15 business days before the date that principal or interest payment is due. The notice must include the name of the endorsed charter school, an identification of the debt obligation issue in question, the date

the payment is due, the amount of principal and interest due on the payment date, the amount of principal or interest that the endorsed charter school will be unable to repay on that date, the trustee or paying agent for the debt obligation, the wire transfer instructions to transfer funds to that trustee or paying agent, and an indication as to whether a payment is being requested by the endorsed charter school under this section. If a trustee or paying agent becomes aware of a potential default, it shall inform the commissioner of education of that fact. After receipt of a notice that requests a payment under this section, after consultation with the endorsed charter school and the trustee or paying agent, and after verification of the accuracy of the information provided, the commissioner of education shall notify the commissioner of management and budget of the potential default. The notice must include a statement of the amount due that the endorsed charter school will be unable to repay on the date due.

(b) Except as provided in subdivision 6, upon receipt of this notice from the commissioner of education, the commissioner of management and budget shall issue a warrant and authorize the commissioner of education to pay to the trustee or paying agent for the debt obligation the specified amount on or before the date due. The amounts needed for the purposes of this subdivision are annually appropriated to the Department of Education from the charter school credit enhancement account in the special revenue fund in the state treasury.

(c) The commissioners of education and management and budget must jointly develop detailed procedures for endorsed charter schools to notify the state that they have obligated themselves to be bound by the provisions of this section, procedures for endorsed charter schools and trustees and paying agents to notify the state of potential defaults and to request state payment under this section, and procedures for the state to expedite payments to prevent defaults. The procedures are not subject to chapter 14.

Subd. 3. **Endorsed charter school bound; interest rate on state-paid amount.** If, at the request of an endorsed charter school, the state has paid part or all of the principal or interest due on an endorsed charter school's debt obligation on a specific date, the endorsed charter school is bound by all provisions of this section and the amount paid shall bear taxable interest from the date paid until the date of repayment at the invested cash rate as it is certified by the commissioner of management and budget. Interest shall only accrue on the amounts paid and outstanding, less the reduction in aid under subdivision 4, and other payments received from the endorsed charter school.

Subd. 4. **Aid reduction for repayment.** (a) Except as provided in this subdivision, the state must reduce the state aid payable to the endorsed charter school under section 124D.11 by the amount paid by the state under this section on behalf of the endorsed charter school, plus the interest due on it, and the amount reduced must revert from the appropriate account to the charter school facilities credit enhancement account. No federal aid payments shall be reduced.

(b) If, after review of the financial situation of the endorsed charter school, the commissioner of education advises the commissioner of management and budget that a total reduction of aids would cause an undue hardship on or an undue disruption of the educational program of the endorsed charter school, the commissioner of education, with the approval of the commissioner of management and budget, may establish a different schedule for reduction of aids to repay the state. The amount of aids to be reduced is decreased by any amounts repaid to the state by the endorsed charter school from other revenue sources.

Subd. 5. **Mandatory plan; technical assistance.** If the state makes payments on behalf of an

endorsed charter school under this section or the endorsed charter school defaults in the payment of principal or interest on an outstanding debt obligation, it must submit a plan to the commissioner of education for approval specifying the measures it intends to implement to resolve the issues that led to its inability to make the payment and to prevent further defaults. The commissioners must provide technical assistance to the endorsed charter school in preparing its plan. If the commissioner of education determines that an endorsed charter school's plan is not adequate, the commissioner shall notify the endorsed charter school that the plan has been disapproved, the reasons for the disapproval, and that the state shall not make future payments under this section for debt obligations issued after the date specified in that notice until its plan is approved. The commissioner of education may also notify the endorsed charter school that until its plan is approved, other aids due to the endorsed charter school will be withheld after a date specified in the notice.

Subd. 6. **State bond rating.** If the commissioner of management and budget determines that issuing warrants under subdivision 2 would adversely affect the credit rating of the state, the commissioner shall not issue warrants for the payment of principal or interest on debt obligations under this section.

Subd. 7. **Continuing disclosure agreements.** The commissioner of management and budget may enter into written agreements or contracts relating to the continuing disclosure of information with respect to bonds issued to finance the school facilities of endorsed charter schools according to federal securities laws, rules, and regulations, including Securities and Exchange Commission rules and regulations, section 240.15c2-12. The agreements or contracts may be in any form the commissioner of management and budget deems reasonable and in the state's best interests.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2011 and later.

Sec. 22. Minnesota Statutes 2008, section 326B.103, subdivision 11, is amended to read:

Subd. 11. **Public building.** "Public building" means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its cost, and a public school district building project the cost of which is \$100,000 or more.

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

Sec. 23. **TRANSITION ELIGIBILITY.**

Subdivision 1. **Eligibility.** A charter school under subdivision 2 is eligible to receive building lease transition aid under Minnesota Statutes, section 124D.11, subdivision 4d, for the fiscal years indicated.

Subd. 2. **Duration.** (a) The following charter schools are eligible for building lease transition aid in fiscal years 2011 and 2012:

- (1) Charter School No. 4018, Achieve Language Academy;
- (2) Charter School No. 4029, New Spirit; and
- (3) Charter School No. 4043, Math and Science Academy.

(b) The following charter schools are eligible for building lease transition aid in fiscal years 2011 through 2014:

- (1) Charter School No. 4008, Pact Charter School;
- (2) Charter School No. 4027, Higher Ground Academy;
- (3) Charter School No. 4070, Hope Community Academy; and
- (4) Charter School No. 4116, Lakes International Language Academy.

(c) The following charter schools are eligible for building lease transition aid in fiscal years 2011 through 2015:

- (1) Charter School No. 4074, Agricultural and Food Sciences Academy; and
- (2) Charter School No. 4103, Hmong Academy.

(d) The following charter schools are eligible for building lease transition aid in fiscal years 2011 through 2016:

- (1) Charter School No. 4001, Bluffview Montessori;
- (2) Charter School No. 4015, Community Peace Academy; and
- (3) Charter School No. 4118, Kaleidoscope.

(e) The following charter schools are eligible for building lease transition aid in fiscal years 2011 through 2017:

- (1) Charter School No. 4120, Saint Croix Preparatory Academy; and
- (2) Charter School No. 4126, Prairie Seeds Academy.

Subd. 3. **Application requirements.** Charter schools receiving building lease transition aid must submit an application to the charter school facilities authority by the application deadline prior to the end of a charter school's eligibility under subdivision 2.

Subd. 4. **Approval.** The charter school facilities authority must approve the applications of charter schools submitted under subdivision 3. The authority may only approve complete applications.

Subd. 5. **Program management.** Notwithstanding Minnesota Statutes, section 124D.11, subdivisions 4a and 4d, the commissioner may adjust payments for a charter school's eligibility for building lease transition aid and facilities aid in the fiscal year in which the charter school is changing eligibility between programs to ensure efficient management.

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

Sec. 24. **REPEALER.**

Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 17a, is repealed.

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

Delete the title and insert:

"A bill for an act relating to education; modifying charter school provisions; creating an

authority; permitting certain charter schools to purchase facilities; amending Minnesota Statutes 2008, sections 124D.11, subdivisions 4, 7, by adding subdivisions; 326B.103, subdivision 11; Minnesota Statutes 2009 Supplement, sections 124D.10, subdivisions 3, 4, 4a, 6, 8, 17, 23, 23a; 124D.11, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 124D; repealing Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 17a."

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

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

**S.F. No. 2188:** A bill for an act relating to state government; establishing a position for a state Webmaster; requiring the state chief information officer to develop standards for enhanced public access to state electronic records; amending Minnesota Statutes 2008, sections 16E.04, subdivision 2; 16E.05, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 16E.02, subdivision 1.

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

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

**S.F. No. 2327:** A bill for an act relating to state government; adding a provision to the Minnesota Data Practices Act on computer data; clarifying state agency use of temporary session cookies on government Web sites; amending Minnesota Statutes 2008, section 13.15, by adding a subdivision.

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

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

**S.F. No. 2984:** A bill for an act relating to judiciary; enacting the Uniform Unsworn Foreign Declarations Act proposed for adoption by the National Conference of Commissioners on Uniform State Laws; providing for penalties; amending Minnesota Statutes 2008, section 609.48, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 358.

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

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

**S.F. No. 2425:** A bill for an act relating to higher education; clarifying disclosure of educational data; amending Minnesota Statutes 2008, section 13.32, subdivision 3.

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

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

**S.F. No. 2885:** A bill for an act relating to taxation; providing for use of reports and testimony by assessors; amending Minnesota Statutes 2008, sections 82B.035, subdivision 2; 270.41, subdivision 5; 278.05, by adding a subdivision.

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 2008, section 82B.035, subdivision 2, is amended to read:

Subd. 2. **Assessors.** Nothing in this chapter shall be construed as requiring the licensing of persons employed and acting in their capacity as assessors for political subdivisions of the state and performing duties enumerated in section 273.061, subdivision 7 or 8.

**EFFECTIVE DATE.** This section is effective the day following final enactment for testimony offered and opinions or reports prepared in cases or proceedings that have not been finally resolved.

Sec. 2. Minnesota Statutes 2008, section 270.41, subdivision 5, is amended to read:

Subd. 5. **Prohibited activity.** A licensed assessor or other person employed by an assessment jurisdiction or contracting with an assessment jurisdiction for the purpose of valuing or classifying property for property tax purposes is prohibited from making appraisals or analyses, accepting an appraisal assignment, or preparing an appraisal report as defined in section 82B.02, subdivisions 2 to 5, on any property within the assessment jurisdiction where the individual is employed or performing the duties of the assessor under contract. Violation of this prohibition shall result in immediate revocation of the individual's license to assess property for property tax purposes. This prohibition must not be construed to prohibit an individual from carrying out any duties required for the proper assessment of property for property tax purposes or performing duties enumerated in section 273.061, subdivision 7 or 8. If a formal resolution has been adopted by the governing body of a governmental unit, which specifies the purposes for which such work will be done, this prohibition does not apply to appraisal activities undertaken on behalf of and at the request of the governmental unit that has employed or contracted with the individual. The resolution may only allow appraisal activities which are related to condemnations, right-of-way acquisitions, or special assessments.

**EFFECTIVE DATE.** This section is effective the day following final enactment for testimony offered and opinions or reports prepared in cases or proceedings that have not been finally resolved.

Sec. 3. Minnesota Statutes 2008, section 273.061, subdivision 7, is amended to read:

Subd. 7. **Division of duties between local and county assessor.** The duty of the duly appointed local assessor shall be to view and appraise the value of all property as provided by law, but all the book work shall be done by the county assessor, or the assessor's assistants, and the value of all property subject to assessment and taxation shall be determined by the county assessor, except as otherwise hereinafter provided. If directed by the county assessor, the local assessor shall perform the duties enumerated in subdivision 8, paragraph (16).

Sec. 4. Minnesota Statutes 2008, section 273.061, subdivision 8, is amended to read:

Subd. 8. **Powers and duties.** The county assessor shall have the following powers and duties:

(1) To call upon and confer with the township and city assessors in the county, and advise and give them the necessary instructions and directions as to their duties under the laws of this state, to the end that a uniform assessment of all real property in the county will be attained.

(2) To assist and instruct the local assessors in the preparation and proper use of land maps and

record cards, in the property classification of real and personal property, and in the determination of proper standards of value.

(3) To keep the local assessors in the county advised of all changes in assessment laws and all instructions which the assessor receives from the commissioner of revenue relating to their duties.

(4) To have authority to require the attendance of groups of local assessors at sectional meetings called by the assessor for the purpose of giving them further assistance and instruction as to their duties.

(5) To immediately commence the preparation of a large scale topographical land map of the county, in such form as may be prescribed by the commissioner of revenue, showing thereon the location of all railroads, highways and roads, bridges, rivers and lakes, swamp areas, wooded tracts, stony ridges and other features which might affect the value of the land. Appropriate symbols shall be used to indicate the best, the fair, and the poor land of the county. For use in connection with the topographical land map, the assessor shall prepare and keep available in the assessor's office tables showing fair average minimum and maximum market values per acre of cultivated, meadow, pasture, cutover, timber and waste lands of each township. The assessor shall keep the map and tables available in the office for the guidance of town assessors, boards of review, and the county board of equalization.

(6) To also prepare and keep available in the office for the guidance of town assessors, boards of review and the county board of equalization, a land valuation map of the county, in such form as may be prescribed by the commissioner of revenue. This map, which shall include the bordering tier of townships of each county adjoining, shall show the average market value per acre, both with and without improvements, as finally equalized in the last assessment of real estate, of all land in each town or unorganized township which lies outside the corporate limits of cities.

(7) To regularly examine all conveyances of land outside the corporate limits of cities of the first and second class, filed with the county recorder of the county, and keep a file, by descriptions, of the considerations shown thereon. From the information obtained by comparing the considerations shown with the market values assessed, the assessor shall make recommendations to the county board of equalization of necessary changes in individual assessments or aggregate valuations.

(8) To become familiar with the values of the different items of personal property so as to be in a position when called upon to advise the boards of review and the county board of equalization concerning property, market values thereof.

(9) While the county board of equalization is in session, to give it every possible assistance to enable it to perform its duties. The assessor shall furnish the board with all necessary charts, tables, comparisons, and data which it requires in its deliberations, and shall make whatever investigations the board may desire.

(10) At the request of either the board of county commissioners or the commissioner of revenue, to investigate applications for reductions of valuation and abatements and settlements of taxes, examine the real or personal property involved, and submit written reports and recommendations with respect to the applications, in such form as may be prescribed by the board of county commissioners and commissioner of revenue.

(11) To make diligent search each year for real and personal property which has been omitted

from assessment in the county, and report all such omissions to the county auditor.

(12) To regularly confer with county assessors in all adjacent counties about the assessment of property in order to uniformly assess and equalize the value of similar properties and classes of property located in adjacent counties. The conference shall emphasize the assessment of agricultural and commercial and industrial property or other properties that may have an inadequate number of sales in a single county.

(13) To render such other services pertaining to the assessment of real and personal property in the county as are not inconsistent with the duties set forth in this section, and as may be required by the board of county commissioners or by the commissioner of revenue.

(14) To maintain a record, in conjunction with other county offices, of all transfers of property to assist in determining the proper classification of property, including but not limited to, transferring homestead property and name changes on homestead property.

(15) To determine if a homestead application is required due to the transfer of homestead property or an owner's name change on homestead property.

(16) To perform appraisals of property, review the original assessment and determine the accuracy of the original assessment, prepare an appraisal or appraisal report, and testify before any court or other body as an expert or otherwise on behalf of the assessor's jurisdiction with respect to properties in that jurisdiction.

**EFFECTIVE DATE.** This section is effective the day following final enactment for testimony offered and opinions or reports prepared in cases or proceedings that have not been finally resolved."

Delete the title and insert:

"A bill for an act relating to taxation; specifying duties of assessors; amending Minnesota Statutes 2008, sections 82B.035, subdivision 2; 270.41, subdivision 5; 273.061, subdivisions 7, 8."

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

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

**S.F. No. 2985:** A bill for an act relating to real property; amending the Minnesota Common Interest Ownership Act; making clarifying, conforming, and technical changes; amending Minnesota Statutes 2008, sections 515B.1-102; 515B.1-103; 515B.1-107; 515B.1-112; 515B.1-115; 515B.1-116; 515B.2-101; 515B.2-102; 515B.2-105; 515B.2-106; 515B.2-108; 515B.2-109; 515B.2-110; 515B.2-111; 515B.2-112; 515B.2-113; 515B.2-114; 515B.2-118; 515B.2-119; 515B.2-121; 515B.2-124; 515B.3-101; 515B.3-102; 515B.3-103; 515B.3-104; 515B.3-105; 515B.3-106; 515B.3-109; 515B.3-110; 515B.3-112; 515B.3-113; 515B.3-114; 515B.3-115; 515B.3-116; 515B.3-117; 515B.3-120; 515B.3-121; 515B.4-101; 515B.4-102; 515B.4-104; 515B.4-105; 515B.4-106; 515B.4-107; 515B.4-108; 515B.4-110; 515B.4-111; 515B.4-115; 515B.4-116; proposing coding for new law in Minnesota Statutes, chapter 515B.

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

Page 73, line 33, reinstate "~~and~~"

Page 73, line 35, delete everything after "unit"

Page 73, line 36, delete everything before the period

Page 91, line 29, reinstate "~~(a)~~"

Page 92, reinstate lines 9 to 12

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

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

**S.F. No. 2713:** A bill for an act relating to human services; amending provisions relating to judicial holds in commitment cases; amending Minnesota Statutes 2008, section 253B.07, subdivision 2b.

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

Page 1, line 24, before "In" insert "Except as provided in section 253B.045, subdivision 1a,"

Page 2, line 3, delete "treatment program" and insert "secure treatment facility"

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

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

**S.F. No. 2709:** A bill for an act relating to corrections; modifying inmate payment of room and board to include any time credited for time served; amending Minnesota Statutes 2008, section 641.12, subdivision 3.

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

Page 1, line 20, strike "may" and insert "shall"

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

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

**S.F. No. 612:** A bill for an act relating to judgments; enacting the Uniform Foreign-Country Money Judgments Recognition Act adopted and recommended for passage by the National Conference of Commissioners on Uniform State Laws; proposing coding for new law in Minnesota Statutes, chapter 548; repealing Minnesota Statutes 2008, section 548.35.

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

Page 4, line 27, delete "2009" and insert "2010"

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

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

**S.F. No. 2705:** A bill for an act relating to business organizations; regulating the organization and operation of business corporations, nonprofit corporations, and limited liability companies;

providing for consistent law relating to registered agents and offices of business entities; repealing the prohibition against certain business names; amending Minnesota Statutes 2008, sections 5.16, subdivision 1; 222.18, subdivision 1; 302A.011, subdivision 18; 302A.121; 302A.123; 302A.215, subdivision 3; 302A.311; 302A.341, subdivision 2; 302A.402, subdivisions 3, 4; 302A.429, subdivision 2; 302A.435, subdivision 1; 302A.461, subdivision 2; 302A.661, subdivision 1; 303.05, subdivision 1; 303.10; 308A.025; 308A.131, subdivision 1; 308B.115; 317A.011, subdivision 15; 317A.111, subdivisions 1, 3, 4, by adding a subdivision; 317A.121; 317A.123; 317A.133, subdivisions 1, 2, 3; 317A.181, subdivision 2, by adding a subdivision; 317A.203; 317A.227; 317A.231, subdivisions 1, 4; 317A.237; 317A.239, subdivisions 1, 3; 317A.241, subdivisions 1, 2, by adding a subdivision; 317A.255, subdivision 1; 317A.301; 317A.311; 317A.315; 317A.321; 317A.341, subdivision 2; 317A.521, subdivision 9; 317A.613, subdivision 2; 317A.661; 317A.721, subdivisions 1, 3; 321.0114; 321.0905; 322B.03, subdivision 29; 322B.13; 322B.135; 322B.34, subdivision 1; 322B.373, subdivision 2; 322B.676; 322B.686, subdivision 2; 322B.77, subdivision 1; 322B.935; 323A.1001; 323A.1102; 333.20, subdivision 1; 333.22, subdivisions 1, 3; Minnesota Statutes 2009 Supplement, sections 5.15; 5.34; 5.35; 303.06, subdivision 2; 321.0809; 321.0902; 321.0906; Laws 2008, chapter 233, article 3, section 8; proposing coding for new law in Minnesota Statutes, chapter 5; repealing Minnesota Statutes 2008, section 333.17.

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

Page 13, delete section 27

Renumber the sections in sequence

Amend the title numbers accordingly

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

**Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 1162:** A bill for an act relating to motor vehicles; establishing special plates for retired firefighters; amending Minnesota Statutes 2008, section 168.12, subdivision 2b, by adding a subdivision.

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

Page 2, line 23, delete "receiving state aid under chapter 69" and insert "defined in section 299N.01, subdivision 2"

Page 2, line 24, after "firefighter" insert "who served ten or more years and separated in good standing"

Page 2, line 30, delete "emblem"

Page 2, line 31, delete "emblem on"

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

**Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 2182:** A bill for an act relating to highways; designating a Veterans Memorial Bridge on marked Trunk Highway 95 in the city of North Branch; amending Minnesota Statutes 2008, section 161.14, by adding a subdivision.

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

**Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 2756:** A bill for an act relating to transportation; allowing escort drivers of overdimensional loads to control traffic; directing commissioner of public safety to establish escort driver training and certification program; amending Minnesota Statutes 2008, sections 169.06, subdivision 4; 169.86, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299D.

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

Page 1, line 12, strike "traffic or police" and insert "licensed peace" and delete "an escort of an overdimensional" and insert "a certified overdimensional load escort driver"

Page 1, line 13, delete the new language

Page 2, line 20, before "peace" insert "certified licensed"

Page 2, line 21, delete "civilians" and insert "overdimensional load escort drivers"

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

**Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 2415:** A bill for an act relating to transportation; exempting certain school buses from child passenger restraint requirements; amending Minnesota Statutes 2008, section 169.685, subdivision 6.

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

**Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 2183:** A bill for an act relating to highways; designating the Corporal Johnathan Benson Memorial Highway in the city of North Branch; amending Minnesota Statutes 2008, section 161.14, by adding a subdivision.

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 2008, section 161.14, is amended by adding a subdivision to read:

Subd. 64. Corporal Johnathan Benson Memorial Highway. That portion of marked Trunk Highway 95 from the intersection of marked Interstate Highway 35 to the eastern boundary of the city of North Branch is designated as "Corporal Johnathan Benson Memorial Highway." Subject to

section 161.139, the commissioner shall adopt a suitable marking design to memorialize the highway and shall erect the appropriate signs."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

**Senator Murphy from the Committee on Transportation, to which was re-referred**

**S.F. No. 2466:** A bill for an act relating to motor vehicles; creating a special license plate for veterans who are Korean Defense Service Medal recipients; amending Minnesota Statutes 2008, section 168.123, subdivisions 1, 2.

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

**Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 1060:** A bill for an act relating to transportation; modifying management, priorities, research, and planning provisions related to Department of Transportation; requiring reports; requiring modification of rules; amending Minnesota Statutes 2008, sections 43A.17, subdivision 4; 161.53; 165.03, by adding a subdivision; 174.02, subdivisions 1a, 2; 174.03, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 162; 167.

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 2008, section 161.53, is amended to read:

**161.53 RESEARCH ACTIVITIES.**

(a) The commissioner may set aside in each fiscal year up to two percent of the total amount of all funds appropriated to the commissioner other than county state-aid and municipal state-aid highway funds for transportation research including public and private research partnerships. The commissioner shall spend this money for (1) research to improve the design, construction, maintenance, management, and environmental compatibility of transportation systems, including research into and implementation of innovations in bridge-monitoring technology and bridge inspection technology; bridge inspection techniques and best practices; and the cost-effectiveness of deferred or lower cost highway and bridge maintenance activities and its impacts on long-term trunk highway maintenance needs; (2) research on transportation policies that enhance energy efficiency and economic development; (3) programs for implementing and monitoring research results; and (4) development of transportation education and outreach activities.

(b) Of all funds appropriated to the commissioner other than state-aid funds, the commissioner shall spend at least 0.1 percent, but not exceeding \$1,200,000 in any fiscal year, for research and related activities performed by the Center for Transportation Studies of the University of Minnesota. The center shall establish a technology transfer and training center for Minnesota transportation professionals.

Sec. 2. Minnesota Statutes 2008, section 165.03, is amended by adding a subdivision to read:

Subd. 8. **Biennial report on bridge inspection quality assurance.** By February 1 of each odd-numbered year, the commissioner shall submit an electronic report to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation policy and finance concerning quality assurance for bridge inspections. At a minimum, the report must:

(1) summarize the bridge inspection quality assurance and quality control procedures used in Minnesota;

(2) identify any substantive changes to quality assurance and quality control procedures made in the past two years;

(3) provide a briefing on findings from bridge inspection quality reviews performed in the past two years;

(4) summarize the results of any bridge inspection compliance review by the Federal Highway Administration; and

(5) identify actions in response to the Federal Highway Administration compliance review taken by the department in order to reach full compliance.

**Sec. 3. [167.60] DEBT FINANCING MANAGEMENT POLICY.**

(a) By July 1, 2010, the commissioner shall develop a debt-financing management policy for trunk highway bonds, federal advanced construction funds, and other forms of highway financing based on debt or future repayment. The policy must be used by the department to guide decision making related to debt financing. The commissioner may update the policy as necessary. In developing and updating the policy, the commissioner shall consult with the commissioner of management and budget and the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation finance.

(b) The debt-financing management policy must address relevant financial issues, including, but not limited to:

(1) limits on cumulative amounts of debt for the trunk highway system from all state and federal sources;

(2) eligibility of projects for debt-financing funds;

(3) allocation and use of funds;

(4) terms of debt service and methods of repayment;

(5) management of trunk highway fund balance impacts; and

(6) mitigation of risks from different forms of debt financing.

(c) Upon creation or formal revision of the debt-financing management policy, the commissioner shall distribute electronic copies to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation finance, and as required for reports to the legislature under section 3.195, subdivision 1.

Sec. 4. Minnesota Statutes 2008, section 174.02, subdivision 1a, is amended to read:

Subd. 1a. **Mission; efficiency; legislative report, recommendations.** It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

- (1) prevent the waste or unnecessary spending of public money;
- (2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;
- (3) minimize the degradation of air and water quality;
- (4) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;
- (5) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;
- (6) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;
- (7) ensure that the safety, maintenance, and preservation of Minnesota's transportation infrastructure is a primary priority;
- (8) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and
- ~~(8)~~ (9) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

Sec. 5. Minnesota Statutes 2008, section 174.02, subdivision 2, is amended to read:

Subd. 2. **Unclassified positions.** The commissioner may establish four positions in the unclassified service at the deputy and assistant commissioner, assistant to commissioner or personal secretary levels. No more than two of these positions shall be at the deputy commissioner level. One of the four positions in the unclassified service must serve as the chief engineer and be licensed as a professional engineer under section 326.02.

Sec. 6. Minnesota Statutes 2008, section 174.03, subdivision 1a, is amended to read:

Subd. 1a. **Revision of ~~state~~ statewide multimodal transportation plan.** The commissioner shall prepare a supplement to the statewide multimodal transportation plan by July 1, 2011, that meets the requirements of clause (3) and of subdivision 1c. The commissioner shall revise the state statewide multimodal transportation plan by January 1, 1996, January 1, 2000, and, if the requirements of clauses (1) and (2) have been met in the previous revision 2016, and by January 1 of every ~~third even numbered year~~ six years thereafter. Before final adoption of a revised plan, the commissioner shall hold a hearing to receive public comment on the preliminary draft of the revised plan. The revised ~~state~~ statewide multimodal transportation plan must:

- (1) incorporate the goals of the state transportation system in section 174.01; ~~and~~
- (2) establish objectives, policies, and strategies for achieving those goals; and
- (3) identify performance targets or indicators for measuring progress and achievement of

transportation system goals, objectives, or policies.

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

Sec. 7. Minnesota Statutes 2008, section 174.03, is amended by adding a subdivision to read:

**Subd. 1c. Statewide highway 20-year capital investment plan.** In conjunction with each revision of the statewide multimodal transportation plan, the commissioner shall prepare a 20-year statewide highway capital investment plan that:

(1) incorporates performance measures and targets for assessing progress and achievement of transportation goals, objectives, or policies for the state trunk highway system established in the statewide multimodal transportation plan. Performance targets must be based on objectively verifiable measures, and address, at a minimum, preservation and maintenance of the structural condition of state highway bridges and pavements, safety, and mobility;

(2) summarizes trends and impacts for each performance target over the past five years;

(3) analyzes the impact of the department's capital investments and priorities over the past five years on each performance target, including a comparison of prior plan projected costs with actual costs;

(4) identifies the investments required to meet the established performance targets over the next 20-year period;

(5) projects available state and federal funding over the 20-year period;

(6) identifies strategies to maximize the performance benefits of projected available funding;

(7) establishes investment priorities for projected funding, including a schedule of projects or improvement programs for the 20-year period together with projected costs and impact on performance targets; and

(8) identifies those performance targets identified under clause (1) not expected to meet the target outcome over the 20-year period together with alternative strategies that could be implemented to meet the targets.

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

Sec. 8. Minnesota Statutes 2008, section 174.03, subdivision 4, is amended to read:

Subd. 4. **Other duties.** The commissioner shall:

(1) construct and maintain transportation facilities as authorized by law;

(2) cooperate with, and may provide technical and financial assistance to, the Metropolitan Council and regional development commissions in the regional transportation planning process, in accordance with mutually acceptable terms and conditions;

(3) cooperate with, and may provide planning and technical assistance upon the request of, any political subdivision or other governmental agency in accordance with mutually accepted terms and conditions, except as otherwise restricted by law; ~~and~~

(4) develop, revise, and monitor a statewide rail transportation plan as part of the statewide

transportation planning process, including a study and evaluation of alternative methods for insuring adequate and economical transportation of agricultural commodities, supplies, and other goods to and from rural areas of the state. The plan shall include an analysis of rail lines in the state for the purpose of determining (i) eligibility of rail lines for assistance under federal and state rail assistance programs, (ii) eligibility of rail lines for inclusion in the state rail bank, and (iii) the actions required by the state to insure the continuation of rail service that meets essential state needs and objectives; and

(5) appoint an employee to serve as controller to establish and maintain a system of internal controls to ensure the accuracy, thoroughness, and reliability of financial, asset management, and performance information generated by the department and reported to the legislature. The controller shall report annually, at a minimum, to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation policy and finance concerning agency productivity, progress toward performance-based agency budgeting, and agency efficiency. The report on agency efficiency must include cost estimates of projects, with engineering, right-of-way acquisition, and construction costs compared to actual costs; and district-to-district comparisons of estimated and actual costs and results achieved. Effectiveness of the internal controls must be tested annually by auditors using standard auditing techniques.

**Sec. 9. REPORT ON DEPARTMENT OF TRANSPORTATION MANAGEMENT CHANGES.**

(a) By February 1, 2011, the commissioner of transportation shall submit an electronic report to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation policy and finance concerning recent changes in the department's organizational structure, internal procedures and practices, and anticipated budget. The report must include, but is not limited to:

(1) a summary and review of the department organizational structure for bridge management, maintenance, and inspections, including a brief explanation of any relevant structural or organizational changes made since August 1, 2007;

(2) an analysis of the division of bridge-related duties and decision-making responsibilities between districts and central administration;

(3) a summary of current agency procedures and processes, and any changes made since August 1, 2007, related to:

(i) initiation of bridge re-rating and use of bridge inspection findings in the re-rating process;

(ii) implementation of agencywide standards for documenting bridge inspection findings and decision making for postinspection bridge maintenance; and

(iii) other changes designed to ensure or enhance the safety of Minnesota's transportation infrastructure; and

(4) a budget analysis of anticipated funding and funding allocations for pavement preservation and highway maintenance, safety projects, mobility enhancement projects, and highway and bridge construction, for fiscal years 2012 through 2018, including a discussion of any anticipated budgetary challenges or risks.

(b) In addition to an electronic report, the commissioner shall prepare a summary of findings from the report for distribution and oral testimony to the chairs of the senate and house of representatives committees with jurisdiction over transportation finance, who shall make every reasonable effort to arrange testimony from the department during the 2011 legislative session."

Delete the title and insert:

"A bill for an act relating to transportation; modifying management, priorities, research, and planning provisions related to Department of Transportation; requiring reports; amending Minnesota Statutes 2008, sections 161.53; 165.03, by adding a subdivision; 174.02, subdivisions 1a, 2; 174.03, subdivisions 1a, 4, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 167."

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

### SECOND READING OF SENATE BILLS

S.F. Nos. 2719, 2830, 2691, 2562, 2923, 2743, 2852, 842, 2535, 2532, 2327, 2984, 2425, 2885, 2985, 2713, 2709, 612, 2705, 2182, 2415 and 2183 were read the second time.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

#### **Senators Fobbe, Olseen, Erickson Ropes, Dahle and Skogen introduced—**

**S.F. No. 3025:** A bill for an act relating to taxation; property; extending deadline for remaining property from green acres program without additional taxes; amending Minnesota Statutes 2009 Supplement, section 273.111, subdivision 9.

Referred to the Committee on Taxes.

#### **Senator Ingebrigtsen introduced—**

**S.F. No. 3026:** A bill for an act relating to veterans; repealing authorization for a license plate; repealing Minnesota Statutes 2008, section 168.1251.

Referred to the Committee on Agriculture and Veterans.

#### **Senator Berglin introduced—**

**S.F. No. 3027:** A bill for an act relating to human services; changing health care eligibility provisions; making changes to individualized education plan requirements; state health access program; children's health insurance reauthorization act; long-term care partnership; asset transfers; community clinics; dental benefits; prior authorization for health services; drug formulary committee; preferred drug list; multisource drugs; administrative uniformity committee; health plans; claims against the state; amending Minnesota Statutes 2008, sections 62A.045; 62Q.80;

62S.24, subdivision 8; 256B.055, subdivision 10; 256B.057, subdivision 1; 256B.0571, subdivision 6; 256B.0625, subdivisions 13c, 13g, 25, 30, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 15C.13; 256B.0571, subdivision 8; 256B.0625, subdivisions 9, 13e, 26; proposing coding for new law in Minnesota Statutes, chapter 62S; repealing Minnesota Statutes 2008, sections 256B.0571, subdivision 10; 256B.0595, subdivisions 1b, 2b, 3b, 4b, 5.

Referred to the Committee on Health, Housing and Family Security.

**Senators Stumpf and Olson, G. introduced—**

**S.F. No. 3028:** A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, special programs, facilities and technology, libraries, nutrition, accounting, early childhood education, and state agencies; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2008, sections 120A.41; 120B.128; 122A.14, by adding a subdivision; 122A.18, subdivisions 1, 2; 122A.23, subdivision 2; 122A.40, subdivision 5, by adding a subdivision; 122A.41, subdivisions 2, 4; 123B.75, subdivision 5; 123B.77, subdivision 1a; 126C.10, subdivision 2a; 127A.441; 127A.45, subdivisions 2, 3, 13, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 122A.09, subdivision 4; 122A.40, subdivisions 6, 8; 122A.41, subdivisions 3, 5; 124D.10, subdivision 13; Laws 2009, chapter 96, article 1, section 24; article 2, section 67; article 3, section 21; article 4, section 12; article 5, section 13; article 6, section 11; article 7, sections 3, subdivision 2; 5; proposing coding for new law in Minnesota Statutes, chapter 127A.

Referred to the Committee on Education.

**Senator Berglin introduced—**

**S.F. No. 3029:** A bill for an act relating to human services; requiring the commissioner of human services to seek federal match for specified grant expenditures; requiring a report.

Referred to the Committee on Health, Housing and Family Security.

**Senator Berglin introduced—**

**S.F. No. 3030:** A bill for an act relating to insurance; requiring private-sector health insurance to cover private duty nursing services when an inpatient hospital stay would otherwise be required; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Moua, Pappas, Bakk, Ortman and Latz introduced—**

**S.F. No. 3031:** A bill for an act relating to eminent domain; modifying right of first refusal offers for property obtained with federal transit funding; amending Minnesota Statutes 2008, section 117.226.

Referred to the Committee on Judiciary.

**Senators Ortman, Johnson, Pariseau, Senjem and Limmer introduced—**

**S.F. No. 3032:** A bill for an act relating to taxation; making policy, technical, administrative, enforcement, and other changes to individual income, corporate franchise, property, aids, payments, credits, refunds, and other taxes and tax-related provisions; conforming to changes made to the Internal Revenue Code; providing an Angel investment credit and a Minnesota business investment company credit; establishing a TECHZ business program; appropriating money; amending Minnesota Statutes 2008, sections 97A.061, by adding a subdivision; 268.19, subdivision 1; 270A.03, subdivision 7; 270B.14, subdivision 3; 270B.15; 270C.52, subdivision 2; 272.02, subdivision 42, by adding a subdivision; 273.1384, by adding a subdivision; 275.71, subdivision 5; 289A.12, by adding a subdivision; 289A.50, subdivision 1; 290.01, subdivisions 6, 29; 290.06, subdivision 1, by adding a subdivision; 290.068; 290.0921, subdivisions 1, 3; 290.095, subdivision 11; 290A.03, subdivisions 11, 13; 297A.68, by adding a subdivision; 477A.013, subdivision 9; 477A.03, subdivisions 2a, 2b; 477A.12, by adding a subdivision; 477A.14, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 275.70, subdivision 5; 289A.02, subdivision 7; 289A.08, subdivision 16; 290.01, subdivisions 19, 19b, 19d, 31; 290.06, subdivision 2c; 290.091, subdivision 2; 290A.03, subdivision 15; 290C.07; 291.005, subdivision 1; 297A.75, subdivisions 1, 2; Laws 2008, chapter 366, article 3, sections 3; 4; proposing coding for new law in Minnesota Statutes, chapters 116J; 270C; 290; 297I; 469; 477A; repealing Minnesota Statutes 2008, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 290.06, subdivision 23; 477A.03, subdivision 5; Laws 2009, chapter 88, article 12, section 21.

Referred to the Committee on Taxes.

**Senator Limmer introduced—**

**S.F. No. 3033:** A bill for an act relating to transportation; appropriating money for reconstruction of a bridge in the city of Maple Grove; authorizing sale of state bonds.

Referred to the Committee on Finance.

**Senator Scheid introduced—**

**S.F. No. 3034:** A bill for an act relating to education finance; simplifying the capital expenditure health and safety revenue program; amending Minnesota Statutes 2008, section 123B.57, as amended.

Referred to the Committee on Finance.

**Senator Dibble introduced—**

**S.F. No. 3035:** A bill for an act relating to transportation; appropriating money to Center for Transportation Studies for a study on motor fuel use for nonhighway purposes.

Referred to the Committee on Finance.

**Senators Vanderveer, Doll, Rosen and Senjem introduced—**

**S.F. No. 3036:** A bill for an act relating to taxation; providing an income tax subtraction for

purchasing an energy management system; amending Minnesota Statutes 2009 Supplement, section 290.01, subdivisions 19b, 19d.

Referred to the Committee on Taxes.

**Senator Jungbauer introduced–**

**S.F. No. 3037:** A bill for an act relating to motor vehicles; amending effective date of passenger automobile definition change; amending Laws 2008, chapter 350, article 1, section 5.

Referred to the Committee on Transportation.

**Senator Kubly introduced–**

**S.F. No. 3038:** A bill for an act relating to agriculture; prohibiting limited liability partnerships from owning or farming agricultural land; providing certain exemptions; amending Minnesota Statutes 2008, section 500.24.

Referred to the Committee on Agriculture and Veterans.

**Senators Scheid, Dahle, Sparks and Skogen introduced–**

**S.F. No. 3039:** A bill for an act relating to insurance; creating interstate health insurance choice; authorizing rulemaking; proposing coding for new law as Minnesota Statutes, chapter 62V.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Anderson and Dibble introduced–**

**S.F. No. 3040:** A bill for an act relating to metropolitan government; authorizing the cities of Minneapolis and St. Paul to expand certain residential energy conservation programs to include commercial and industrial property; amending Laws 1981, chapter 222, sections 1; 2; 3; 4, subdivision 2; repealing Laws 1981, chapter 222, section 7.

Referred to the Committee on Energy, Utilities, Technology and Communications.

**Senators Gerlach and Rest introduced–**

**S.F. No. 3041:** A bill for an act relating to elections; proposing an amendment to the Minnesota Constitution, article VII, section 8; authorizing membership of the State Canvassing Board to be provided by law; amending Minnesota Statutes 2008, section 204C.31, subdivision 2.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senators Wiger, Stumpf and Vickerman introduced–**

**S.F. No. 3042:** A bill for an act relating to education; creating an independent agency to oversee the management of Minnesota's permanent school fund lands; amending Minnesota Statutes 2008, sections 16A.125, subdivision 5; 84.027, subdivision 18; 84.085, subdivision 1; 92.12, subdivision 1; 92.121; 92.13; 93.2236; 94.342, subdivision 5; Minnesota Statutes 2009 Supplement, section

16A.06, subdivision 11; proposing coding for new law as Minnesota Statutes, chapter 128E.

Referred to the Committee on Environment and Natural Resources.

**Senators Vandever and Scheid introduced—**

**S.F. No. 3043:** A bill for an act relating to commerce; providing for the licensing and regulation of appraisal management companies; proposing coding for new law as Minnesota Statutes, chapter 82C.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Chaudhary, Ingebrigtsen and Skogen introduced—**

**S.F. No. 3044:** A bill for an act relating to game and fish; modifying youth fishing license requirements; increasing certain fishing license fees for residents; amending Minnesota Statutes 2008, sections 97A.475, subdivisions 6, 8; 97A.485, subdivision 6; Minnesota Statutes 2009 Supplement, sections 97A.451, subdivision 2; 97A.475, subdivision 7.

Referred to the Committee on Environment and Natural Resources.

**Senators Wiger, by request, Bonoff, Saltzman and Olson, G. introduced—**

**S.F. No. 3045:** A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, special programs, and early childhood education; amending Minnesota Statutes 2008, sections 11A.16, subdivision 5; 120B.15; 121A.16; 121A.17, subdivision 5; 122A.16; 123B.75, subdivision 5; 124D.091, subdivisions 2, 3; 124D.15, by adding a subdivision; 124D.20, subdivision 8; 125A.21, subdivisions 3, 5, 7; 125A.79, subdivision 1; 127A.42, subdivision 2; 127A.43; Minnesota Statutes 2009 Supplement, sections 120B.30, subdivisions 1, 3, 4; 120B.31, subdivision 4; 124D.10, subdivisions 3, 4, 6a, 8, 23, by adding a subdivision; 124D.15, subdivision 3; 125A.02, subdivision 1; 125A.63, subdivisions 2, 4; 126C.41, subdivision 2; 126C.44; proposing coding for new law in Minnesota Statutes, chapter 124D; repealing Minnesota Statutes 2008, section 125A.54.

Referred to the Committee on Finance.

**Senators Sparks, Senjem and Lynch introduced—**

**S.F. No. 3046:** A bill for an act relating to energy; providing for large solar energy electric generation demonstration conservation improvement project; amending Minnesota Statutes 2008, section 216B.241, by adding a subdivision.

Referred to the Committee on Energy, Utilities, Technology and Communications.

**Senator Kubly introduced—**

**S.F. No. 3047:** A bill for an act relating to taxation; holding retailers harmless for failing to collect sales tax on grain bins.

Referred to the Committee on Taxes.

**Senator Kubly introduced–**

**S.F. No. 3048:** A bill for an act relating to public safety; appropriating money for public safety-related purposes.

Referred to the Committee on Finance.

**Senators Tomassoni, Bakk, Sparks, Jungbauer and Skogen introduced–**

**S.F. No. 3049:** A bill for an act relating to public safety; authorizing limited personal use of fireworks; requiring an affidavit of safety guidelines; providing for criminal penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Judiciary.

**Senators Anderson, Dibble and Prettner Solon introduced–**

**S.F. No. 3050:** A bill for an act relating to greenhouse gas emissions; directing the Pollution Control Agency to draft a proposed rule enabling Minnesota to participate in a regional cap-and-trade system to reduce greenhouse gas emissions.

Referred to the Committee on Environment and Natural Resources.

**Senators Anderson, Dibble and Prettner Solon introduced–**

**S.F. No. 3051:** A bill for an act relating to utilities; regulating rates charged to low-income customers; providing for inverted block rates; amending Minnesota Statutes 2008, sections 216B.03; 216B.16, subdivisions 14, 15.

Referred to the Committee on Energy, Utilities, Technology and Communications.

**Senators Scheid and Vandever introduced–**

**S.F. No. 3052:** A bill for an act relating to commerce; modifying the experience requirement for real estate appraisers; amending Minnesota Statutes 2008, section 82B.14.

Referred to the Committee on Commerce and Consumer Protection.

**Senator Rest introduced–**

**S.F. No. 3053:** A bill for an act relating to property taxation; requiring the commissioner of revenue to conduct a study of the metropolitan fiscal disparities program; transferring money from the fiscal disparities levy to pay for the study.

Referred to the Committee on Taxes.

**Senators Chaudhary, Skogen, Stumpf, Skoe and Dille introduced–**

**S.F. No. 3054:** A bill for an act relating to waters; modifying applicability of watershed district permitting requirements; amending Minnesota Statutes 2008, section 103D.345, subdivision 5.

Referred to the Committee on Environment and Natural Resources.

**Senators Dibble, Rest, Prettner Solon, Sheran and Scheid introduced—**

**S.F. No. 3055:** A bill for an act relating to tobacco; tobacco control and preventing tobacco use; modernizing definitions of cigarette, tobacco, tobacco products, and tobacco-related devices; modifying promotional and self-service distribution rules; subjecting sale of tobacco related devices to municipal licensing; proposing a study; appropriating money; amending Minnesota Statutes 2008, sections 297F.01, subdivisions 3, 19; 299F.850, subdivision 3; 325D.32, subdivision 2; 325F.77, subdivision 4; 461.12, subdivisions 1, 2, 3, 4, 5, 6; 609.685, subdivision 1.

Referred to the Committee on Health, Housing and Family Security.

**Senator Fischbach introduced—**

**S.F. No. 3056:** A bill for an act relating to the city of Sauk Rapids; extending duration of a tax increment financing district; authorizing certain expenditures.

Referred to the Committee on Taxes.

**Senators Murphy, Scheid, Gimse, Carlson and Sparks introduced—**

**S.F. No. 3057:** A bill for an act relating to commerce; regulating building and construction contracts; requiring retainage to be held in escrow or trust accounts until released; amending Minnesota Statutes 2009 Supplement, section 337.10, subdivision 4.

Referred to the Committee on Business, Industry and Jobs.

**Senators Michel, Robling and Doll introduced—**

**S.F. No. 3058:** A bill for an act relating to state government; creating the Sunset Advisory Commission; providing for sunset and review of state agencies; proposing coding for new law as Minnesota Statutes, chapter 3D.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senator Kubly introduced—**

**S.F. No. 3059:** A bill for an act relating to education; making one credit of family and consumer science a requirement for high school graduation; amending Minnesota Statutes 2008, sections 120B.021, subdivision 1; 120B.024.

Referred to the Committee on Education.

**Senators Olson, G. and Kubly introduced—**

**S.F. No. 3060:** A bill for an act relating to education; establishing a Family and Consumer Sciences Leadership Council; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 120B.

Referred to the Committee on Education.

**Senators Anderson, Murphy, Marty, Cohen and Dibble introduced—**

**S.F. No. 3061:** A bill for an act relating to public safety; authorizing courts to recognize a medical necessity defense for certain criminal, administrative, and civil cases involving marijuana; proposing coding for new law in Minnesota Statutes, chapter 152.

Referred to the Committee on Judiciary.

**Senator Sieben introduced—**

**S.F. No. 3062:** A bill for an act relating to economic development; appropriating money for a grant to Dakota Future.

Referred to the Committee on Finance.

**Senator Stumpf introduced—**

**S.F. No. 3063:** A bill for an act relating to education finance; adjusting the career and technical levy formula; amending Minnesota Statutes 2008, section 124D.4531, subdivision 1.

Referred to the Committee on Finance.

**Senator Stumpf introduced—**

**S.F. No. 3064:** A bill for an act relating to education finance; providing funding for the Northwestern Online College in the high school program.

Referred to the Committee on Finance.

**Senator Stumpf introduced—**

**S.F. No. 3065:** A bill for an act relating to taxation; providing for the continuation of the disabled veteran's market valuation exclusion under certain conditions; amending Minnesota Statutes 2008, section 273.13, subdivision 34.

Referred to the Committee on Taxes.

**Senator Betzold, by request, introduced—**

**S.F. No. 3066:** A bill for an act relating to veterans; expanding the eligible uses of money in the Minnesota "Support Our Troops" account; amending Minnesota Statutes 2009 Supplement, section 190.19, subdivision 2a.

Referred to the Committee on Finance.

**Senator Betzold introduced—**

**S.F. No. 3067:** A bill for an act relating to state government; forbidding certain appointments to

the classified civil service; requiring reporting on certain appointments.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senator Foley introduced—**

**S.F. No. 3068:** A bill for an act relating to education finance; providing additional flexibility for school districts that sell or exchange school buildings; amending Minnesota Statutes 2008, section 123B.51, subdivision 6.

Referred to the Committee on Finance.

**Senator Foley introduced—**

**S.F. No. 3069:** A bill for an act relating to taxation; modifying benefits under the Minnesota property tax homestead market value exemption program for disabled veterans and their surviving spouses; amending Minnesota Statutes 2008, section 273.13, subdivision 34.

Referred to the Committee on Taxes.

**Senator Foley introduced—**

**S.F. No. 3070:** A bill for an act relating to natural resources; requiring wetland notification prior to sale of real property; proposing coding for new law in Minnesota Statutes, chapter 103G.

Referred to the Committee on Environment and Natural Resources.

**Senators Dahle, Rummel and Wiger introduced—**

**S.F. No. 3071:** A bill for an act relating to education finance; including targeted services as an alternative learning program; requiring the department to convene a workgroup and report to the legislature; amending Minnesota Statutes 2009 Supplement, sections 123A.05, subdivision 1; 123A.06, subdivision 2.

Referred to the Committee on Education.

**Senators Skogen, Fobbe, Sparks and Jungbauer introduced—**

**S.F. No. 3072:** A bill for an act relating to environment; modifying subsurface sewage treatment systems provisions; amending Minnesota Statutes 2009 Supplement, sections 115.55, subdivision 1; 115.56, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

**Senators Sheran, Senjem, Erickson Ropes and Marty introduced—**

**S.F. No. 3073:** A bill for an act relating to state government; requesting a report regarding the effectiveness of state programs serving people with disabilities.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senator Pappas introduced—**

**S.F. No. 3074:** A bill for an act relating to higher education; regulating certain higher education data; amending Minnesota Statutes 2009 Supplement, section 136A.01, subdivision 2.

Referred to the Committee on Judiciary.

**Senator Tomassoni introduced—**

**S.F. No. 3075:** A bill for an act relating to employment; providing that certain joint powers agreements may not circumvent or impinge upon the rights of employees covered by certain collective bargaining agreements; amending Minnesota Statutes 2008, section 471.59, subdivision 10.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senators Sparks, Kelash and Tomassoni introduced—**

**S.F. No. 3076:** A bill for an act relating to occupations and professions; modifying cosmetology licensing provisions; imposing fees; appropriating money; requiring rulemaking; amending Minnesota Statutes 2009 Supplement, section 155A.25.

Referred to the Committee on Commerce and Consumer Protection.

**Senator Sheran introduced—**

**S.F. No. 3077:** A bill for an act relating to motor vehicles; authorizing special highway 14 plates; appropriating funds; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation.

**Senator Sheran introduced—**

**S.F. No. 3078:** A bill for an act relating to veterans; extending eligibility for gold star motor vehicle license plates to include children and siblings of persons who have died while serving in active military service; amending Minnesota Statutes 2009 Supplement, section 168.1253, subdivision 1.

Referred to the Committee on Transportation.

**Senator Sheran introduced—**

**S.F. No. 3079:** A bill for an act relating to education finance; modifying the postsecondary enrollments options program; amending Minnesota Statutes 2008, section 124D.09, subdivision 20.

Referred to the Committee on Finance.

**Senator Prettner Solon introduced—**

**S.F. No. 3080:** A bill for an act relating to energy; modifying programs for reducing emissions

at electric generating plants; amending Minnesota Statutes 2008, sections 216B.1692, subdivision 8; 216B.685, subdivision 4.

Referred to the Committee on Energy, Utilities, Technology and Communications.

**Senator Prettner Solon introduced—**

**S.F. No. 3081:** A bill for an act relating to energy; modifying community-based energy development program; amending Minnesota Statutes 2008, section 216B.1612, subdivisions 3, 5, 7, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 216B.1612, subdivision 2.

Referred to the Committee on Energy, Utilities, Technology and Communications.

**Senator Prettner Solon introduced—**

**S.F. No. 3082:** A bill for an act relating to utilities; authorizing supplemental funding for Public Utilities Commission; appropriating money.

Referred to the Committee on Energy, Utilities, Technology and Communications.

**Senators Lynch and Senjem introduced—**

**S.F. No. 3083:** A bill for an act relating to human services; providing county mandate relief; repealing diversionary work program and family stabilization services; making technical and conforming changes; modifying the Children and Community Services Act plan; amending Minnesota Statutes 2008, sections 119B.011, subdivision 20; 119B.03, subdivisions 3, 4; 256J.08, subdivision 65; 256J.626, subdivisions 2, 3; 256J.751, subdivision 2; 256M.01; 256M.30, subdivisions 1, 5; 256M.80, subdivision 2; 393.07, subdivision 10a; Minnesota Statutes 2009 Supplement, section 256J.621; repealing Minnesota Statutes 2008, sections 119B.011, subdivision 10a; 256J.08, subdivision 24b; 256J.575, subdivisions 1, 2, 5, 8; 256J.95, subdivisions 1, 2, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19; Minnesota Statutes 2009 Supplement, sections 256J.575, subdivisions 3, 4, 6, 7; 256J.95, subdivisions 3, 11, 12, 13.

Referred to the Committee on Health, Housing and Family Security.

**Senator Carlson introduced—**

**S.F. No. 3084:** A bill for an act relating to state government; reducing the reporting threshold for contracts for professional or technical services; amending Minnesota Statutes 2008, section 16C.08, subdivision 4.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senators Hann, Ortman and Koch introduced—**

**S.F. No. 3085:** A bill for an act relating to state government finance; making supplemental appropriations to comply with the commissioner of management and budget's unallotment actions commencing in July 2009; making appropriation reductions and policy changes to agriculture; higher education; energy finance; transportation; economic development; state government;

environment and natural resources; public safety; education; state aid, credits, payments, and refunds; and health and human services; amending Minnesota Statutes 2008, sections 103G.705, subdivision 2; 123B.75, subdivision 5; 127A.441; 127A.45, subdivisions 2, 3, 13, by adding a subdivision; 256B.76, subdivision 4; 256D.47; 270A.03, subdivision 7; 273.1384, by adding a subdivision; 289A.50, subdivision 1; 290.01, subdivision 6; 290A.03, subdivisions 11, 13; 477A.03, subdivisions 2a, 2b; Minnesota Statutes 2009 Supplement, sections 252.025, subdivision 7; 256B.056, subdivision 3c; 256B.0659, subdivision 11; 256B.441, subdivision 55; 256B.69, subdivision 5a; 256B.76, subdivision 1; 256B.766; 256D.44, subdivision 5; 290C.07; Laws 2009, chapter 79, article 3, section 18; article 13, sections 3, subdivision 8, as amended; 4, subdivision 4, as amended; Laws 2009, chapter 88, article 12, section 21; Laws 2009, chapter 96, article 1, section 24; article 2, section 67; article 3, section 21; article 4, section 12; article 5, section 13; article 6, section 11; article 7, section 3, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 477A; repealing Minnesota Statutes 2008, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 146A.01; 146A.02; 146A.025; 146A.03; 146A.04; 146A.05; 146A.06; 146A.07; 146A.08; 146A.09; 146A.10; 146A.11; 290.06, subdivision 23; 477A.03, subdivision 5.

Referred to the Committee on Finance.

**Senator Jungbauer introduced—**

**S.F. No. 3086:** A bill for an act relating to taxation; property; requiring certain property be valued as residential homestead; amending Minnesota Statutes 2008, section 273.11, by adding a subdivision.

Referred to the Committee on Taxes.

**Senators Senjem and Rosen introduced—**

**S.F. No. 3087:** A bill for an act relating to children; modifying parent notification of child maltreatment in a school facility; requiring a mental health assessment of teachers disciplined for child maltreatment; revoking the teaching license of repeat child maltreatment offenders; requiring a district policy for educating employees about mandatory child maltreatment reporting; amending Minnesota Statutes 2008, sections 122A.20, subdivision 1; 122A.40, by adding a subdivision; 122A.41, by adding a subdivision; 626.556, subdivisions 7, 10d; proposing coding for new law in Minnesota Statutes, chapter 123B.

Referred to the Committee on Education.

**Senators Lynch and Stumpf introduced—**

**S.F. No. 3088:** A bill for an act relating to education; authorizing school districts to levy to pay costs attributable to increases in employer contribution rates for pension plans; amending Minnesota Statutes 2008, section 126C.41, by adding a subdivision.

Referred to the Committee on Finance.

**Senator Olseen introduced—**

**S.F. No. 3089:** A bill for an act relating to drivers' licenses; modifying procedure for suspending

driver's license for failure to appear in court in compliance with traffic citation; amending Minnesota Statutes 2008, section 169.92, subdivision 4.

Referred to the Committee on Transportation.

**Senator Olseen introduced—**

**S.F. No. 3090:** A bill for an act relating to motor vehicles; changing definition to conform to International Registration Plan for commercial motor vehicles; amending Minnesota Statutes 2008, section 168.187, subdivision 5.

Referred to the Committee on Transportation.

**Senator Olseen introduced—**

**S.F. No. 3091:** A bill for an act relating to public safety; conforming medical examination requirements for commercial driver's license to federal law; amending Minnesota Statutes 2008, sections 171.01, by adding subdivisions; 171.04, by adding a subdivision; 171.09, subdivision 1; 171.12, subdivisions 2a, 3; 171.162.

Referred to the Committee on Transportation.

**Senator Olseen introduced—**

**S.F. No. 3092:** A bill for an act relating to motor vehicles; clarifying provision exempting certain vehicles from displaying plates; amending Minnesota Statutes 2009 Supplement, section 168.012, subdivision 1.

Referred to the Committee on Transportation.

**Senator Olseen introduced—**

**S.F. No. 3093:** A bill for an act relating to drivers' licenses; extending certain rulemaking authority of commissioner of public safety.

Referred to the Committee on Transportation.

**Senators Doll, Foley and Bonoff introduced—**

**S.F. No. 3094:** A bill for an act relating to health; requiring reporting of certain administrative expense data; establishing the Advisory Group on Administrative Expenses; appropriating money; amending Minnesota Statutes 2008, section 62D.08, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

Referred to the Committee on Health, Housing and Family Security.

**Senators Doll, Foley, Erickson Ropes and Carlson introduced—**

**S.F. No. 3095:** A bill for an act relating to health insurance; requiring the commissioner of commerce to hold a public hearing before approval of certain rate increases; amending Minnesota

Statutes 2008, section 62A.02, by adding a subdivision.

Referred to the Committee on Health, Housing and Family Security.

**Senator Robling introduced—**

**S.F. No. 3096:** A bill for an act relating to state government; designating the process for disposal of old state-owned buildings; amending Minnesota Statutes 2008, section 16B.24, subdivision 3.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senator Higgins introduced—**

**S.F. No. 3097:** A bill for an act relating to redistricting; requiring the exclusion of persons incarcerated in state or federal correctional facilities from population counts used for state and local redistricting; proposing coding for new law in Minnesota Statutes, chapter 2.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senator Pappas introduced—**

**S.F. No. 3098:** A bill for an act relating to higher education; requiring notice of changes to administration of financial aid programs; modifying transfer authority for grant programs; amending Laws 2009, chapter 95, article 1, section 3, subdivision 21; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Finance.

**Senators Marty, Scheid and Kubly introduced—**

**S.F. No. 3099:** A bill for an act relating to public health; reducing human exposure to arsenic; prohibiting sale and purchase of certain products containing arsenic; proposing coding for new law in Minnesota Statutes, chapter 25.

Referred to the Committee on Health, Housing and Family Security.

**Senator Dille introduced—**

**S.F. No. 3100:** A bill for an act relating to economic development; establishing a health insurance pool for farmers; modifying environmental permitting for agriculture-related businesses; modifying environmental review requirements; providing tax incentives for angel investments and water conservation; allowing environmental assessment worksheets to be completed online; conforming to federal section 179 expensing allowances; amending Minnesota Statutes 2008, sections 116D.04, subdivisions 2a, 3a, 11, 13, by adding subdivisions; 290.06, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 290.01, subdivisions 19a, 19c; proposing coding for new law in Minnesota Statutes, chapters 16E; 43A; 116J; 290; repealing Minnesota Statutes 2008, sections 116D.04, subdivisions 4a, 5a, 9, 10; 116D.045, subdivisions 1, 2, 3, 4.

Referred to the Committee on Environment and Natural Resources.

**Senator Olson, G. introduced–**

**S.F. No. 3101:** A bill for an act relating to natural resources; modifying criminal penalty provisions; providing for participation in comprehensive incident-based reporting system; extending use of silencers for wildlife control; amending Minnesota Statutes 2008, sections 84D.13, subdivision 3; 609.66, subdivision 1h; Minnesota Statutes 2009 Supplement, section 299C.40, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

**Senators Pappas, Scheid and Rosen introduced–**

**S.F. No. 3102:** A bill for an act relating to commerce; specifying that advertising of deceptive local telephone numbers for floral and locksmith businesses is a deceptive trade practice; amending Minnesota Statutes 2008, section 325D.46, by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Kubly and Tomassoni introduced–**

**S.F. No. 3103:** A bill for an act relating to veterans; repealing a requirement that the Department of Veterans Affairs report on the status of a construction project priority listing; repealing Laws 2009, chapter 94, article 3, section 23.

Referred to the Committee on Agriculture and Veterans.

**Senators Saltzman and Bonoff introduced–**

**S.F. No. 3104:** A bill for an act relating to education; clarifying requirements for a conciliation conference; directing the Minnesota Department of Education to amend two special education rules; amending Minnesota Statutes 2009 Supplement, section 125A.091, subdivision 7.

Referred to the Committee on Education.

**Senators Saltzman and Bonoff introduced–**

**S.F. No. 3105:** A bill for an act relating to transportation; establishing requirements governing capital requests and legislative reporting for projects to establish fixed guideway transit and rail lines; amending Minnesota Statutes 2008, section 16A.11, subdivision 3a; Minnesota Statutes 2009 Supplement, section 16A.86, subdivision 3a; proposing coding for new law in Minnesota Statutes, chapter 174.

Referred to the Committee on Finance.

**Senator Gimse introduced–**

**S.F. No. 3106:** A bill for an act relating to traffic regulations; modifying provisions governing speed limits in highway work zones; amending Minnesota Statutes 2008, section 169.14, subdivision 5d.

Referred to the Committee on Transportation.

**Senator Clark introduced—**

**S.F. No. 3107:** A bill for an act relating to local government; providing for a charter commission to report on a form of county government for the counties of Stearns, Benton, and Sherburne.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senator Olson, M. introduced—**

**S.F. No. 3108:** A bill for an act relating to public safety; establishing data classification of private for vehicle information in orders for protection or no contact orders; amending Minnesota Statutes 2008, sections 13.871, by adding a subdivision; 299C.46, subdivision 6.

Referred to the Committee on Judiciary.

**Senator Olson, M. introduced—**

**S.F. No. 3109:** A bill for an act relating to natural resources; providing for designation of an aquatic management area.

Referred to the Committee on Environment and Natural Resources.

**Senator Wiger introduced—**

**S.F. No. 3110:** A bill for an act relating to education; establishing high school assessments to determine college and career readiness; amending Minnesota Statutes 2009 Supplement, section 120B.30, subdivision 1, by adding a subdivision.

Referred to the Committee on Education.

**Senator Scheid introduced—**

**S.F. No. 3111:** A bill for an act relating to taxation; property; modifying method of payment of property taxes and delinquent property taxes; amending Minnesota Statutes 2008, sections 276.02; 279.025.

Referred to the Committee on Taxes.

**Senator Carlson introduced—**

**S.F. No. 3112:** A bill for an act relating to employment; prohibiting employment discrimination based on credit history; amending Minnesota Statutes 2008, section 363A.08, subdivisions 1, 2, 3, 4.

Referred to the Committee on Business, Industry and Jobs.

**Senators Saltzman and Wiger introduced—**

**S.F. No. 3113:** A bill for an act relating to traffic regulations; allocating portion of fines and civil penalties imposed for excessive weight violations in Washington County to Washington County; amending Minnesota Statutes 2008, section 169.871, subdivision 5.

Referred to the Committee on Transportation.

**Senators Latz, Murphy and Moua introduced—**

**S.F. No. 3114:** A bill for an act relating to public safety; requiring the disclosure of the results of a preliminary screening test to the driver who took the test and making the results inadmissible if not disclosed; amending Minnesota Statutes 2008, section 169A.41, by adding a subdivision.

Referred to the Committee on Judiciary.

**Senator Dibble introduced—**

**S.F. No. 3115:** A bill for an act relating to local government; authorizing the city of Minneapolis to restrict the duration of operation of mobile food units.

Referred to the Committee on State and Local Government Operations and Oversight.

**MOTIONS AND RESOLUTIONS**

Senator Rosen moved that the name of Senator Lynch be added as a co-author to S.F. No. 509. The motion prevailed.

Senator Dibble moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Dahle be added as chief author to S.F. No. 809. The motion prevailed.

Senator Rest moved that the name of Senator Sieben be added as a co-author to S.F. No. 2353. The motion prevailed.

Senator Jungbauer moved that his name be stricken as a co-author to S.F. No. 2369. The motion prevailed.

Senator Tomassoni moved that the name of Senator Sieben be added as a co-author to S.F. No. 2432. The motion prevailed.

Senator Saltzman moved that the name of Senator Marty be added as a co-author to S.F. No. 2439. The motion prevailed.

Senator Scheid moved that the name of Senator Saltzman be added as a co-author to S.F. No. 2512. The motion prevailed.

Senator Wiger moved that the names of Senators Anderson, Saltzman and Fobbe be added as co-authors to S.F. No. 2551. The motion prevailed.

Senator Saxhaug moved that the name of Senator Fobbe be added as a co-author to S.F. No. 2827. The motion prevailed.

Senator Clark moved that the names of Senators Pappas and Sieben be added as co-authors to S.F. No. 2861. The motion prevailed.

Senator Bakk moved that the names of Senators Johnson and Rest be added as co-authors to S.F. No. 2980. The motion prevailed.

Senator Latz moved that the name of Senator Hann be added as a co-author to S.F. No. 3008. The motion prevailed.

Senator Saltzman moved that the names of Senators Lynch, Tomassoni, Rosen and Bonoff be added as co-authors to S.F. No. 3014. The motion prevailed.

Senator Kubly moved that the names of Senators Skoe, Frederickson and Tomassoni be added as co-authors to S.F. No. 3019. The motion prevailed.

Senator Marty moved that the name of Senator Sieben be added as a co-author to S.F. No. 3020. The motion prevailed.

Senator Scheid moved that S.F. No. 2538 be withdrawn from the Committee on Health, Housing and Family Security and returned to its author. The motion prevailed.

Senator Bonoff moved that S.F. No. 2807 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Senator Saxhaug moved that S.F. No. 2827 be withdrawn from the Committee on Taxes and re-referred to the Committee on Energy, Utilities, Technology and Communications. The motion prevailed.

Senator Saxhaug moved that S.F. No. 2909 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Senator Sheran moved that S.F. No. 2951 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Energy, Utilities, Technology and Communications. The motion prevailed.

Senator Sparks moved that S.F. No. 2964 be withdrawn from the Committee on Finance and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

Senator Lourey moved that S.F. No. 2852, on General Orders, be stricken and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

Senator Dille moved that S.F. No. 3012 be withdrawn from the Committee on Finance and re-referred to the Committee on Energy, Utilities, Technology and Communications. The motion prevailed.

Senator Dibble moved that S.F. No. 1060 be withdrawn from the Committee on State and Local Government Operations and Oversight and re-referred to the Committee on Finance. The motion prevailed.

Senator Murphy moved that S.F. No. 2658, No. 30 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved

that the Senate take up the General Orders Calendar. The motion prevailed.

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Senator Metzen in the chair.

After some time spent therein, the committee arose, and Senator Metzen reported that the committee had considered the following:

**S.F. No. 2622**, which the committee recommends to pass, subject to the following motions:

Senator Sieben moved to amend S.F. No. 2622 as follows:

Page 6, line 2, delete "consist of" and insert "include"

Page 8, line 31, delete "within 48 hours after" and insert "as soon as possible, but no later than 24 hours after the end of the hours for voting"

Page 8, line 32, delete "election day"

The motion prevailed. So the amendment was adopted.

Senator Gerlach moved to amend S.F. No. 2622 as follows:

Page 4, line 34, after "contain" insert ": (1)"

Page 5, line 2, delete "and" and insert "; (2) a specific reference to section 203B.02 and an abbreviated list of the requirements for absentee voting eligibility contained in that section; and (3)"

Page 5, line 5, strike "(1)" and insert "(i)"

Page 5, line 6, strike "(2)" and insert "(ii)"

Page 5, line 9, strike "(3)" and insert "(iii)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 46, as follows:

Those who voted in the affirmative were:

Dille	Hann	Koch	Olson, G.	Robling
Frederickson	Ingebrigtsen	Koering	Ortman	Rosen
Gerlach	Johnson	Limmer	Pariseau	Senjem
Gimse	Jungbauer	Michel	Parry	Vandever

Those who voted in the negative were:

Anderson	Cohen	Kelash	Moua	Rummel
Bakk	Dahle	Kubly	Murphy	Saltzman
Berglin	Dibble	Langseth	Olseen	Saxhaug
Betzold	Doll	Latz	Olson, M.	Scheid
Bonoff	Erickson Ropes	Lourey	Pappas	Sheran
Carlson	Fobbe	Lynch	Pogemiller	Sieben
Chaudhary	Foley	Marty	Prettner Solon	Skoe
Clark	Higgins	Metzen	Rest	Skogen

Sparks  
Stumpf

Tomassoni  
Torres Ray

Vickerman  
Wiger

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

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### **MEMBERS EXCUSED**

Senator Fischbach was excused from the Session of today.

### **ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Tuesday, March 9, 2010. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

