

## SEVENTY-EIGHTH DAY

St. Paul, Minnesota, Tuesday, March 23, 2010

The Senate met at 12:30 p.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, Deacon Peter D'Heilly.

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

Anderson	Fischbach	Kubly	Pappas	Sieben
Bakk	Fobbe	Langseth	Pariseau	Skoe
Berglin	Foley	Latz	Parry	Skogen
Betzold	Frederickson	Limmer	Pogemiller	Sparks
Bonoff	Gerlach	Lourey	Prettner Solon	Stumpf
Carlson	Gimse	Lynch	Rest	Tomassoni
Chaudhary	Hann	Marty	Robling	Torres Ray
Clark	Higgins	Metzen	Rosen	Vandever
Cohen	Ingebrigtsen	Michel	Rummel	Vickerman
Dahle	Johnson	Moua	Saltzman	Wiger
Dibble	Jungbauer	Murphy	Saxhaug	
Dille	Kelash	Olseen	Scheid	
Doll	Koch	Olson, G.	Senjem	
Erickson Ropes	Koering	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 House Files, herewith transmitted: H.F. Nos. 653, 1780, 2855 and 2988.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 22, 2010

**FIRST READING OF HOUSE BILLS**

The following bills were read the first time.

**H.F. No. 653:** A bill for an act relating to elections; changing certain municipal precinct and ward boundary procedures and requirements; amending Minnesota Statutes 2008, sections 204B.135, subdivisions 1, 3; 204B.14, subdivisions 3, 4; 205.84, subdivisions 1, 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 834, now on General Orders.

**H.F. No. 1780:** A bill for an act relating to state government; requiring revisor of statutes to survey recipients of free state publications.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1682, now on General Orders.

**H.F. No. 2855:** A bill for an act relating to labor and industry; modifying boiler provisions; amending and imposing civil and criminal penalties; amending Minnesota Statutes 2008, sections 326B.94, as amended; 326B.954; 326B.956; 326B.958; 326B.961, as added if enacted; 326B.964; 326B.966; 326B.97; 326B.98; 326B.986, subdivision 10; 326B.99; 326B.994, subdivision 3; 326B.998; Minnesota Statutes 2009 Supplement, sections 326B.972; 326B.986, subdivisions 2, 8; 326B.988; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2008, sections 326B.952; 326B.96, subdivision 1; 326B.962; 326B.968; 326B.982; 326B.996; Minnesota Rules, parts 5225.1400; 5225.3100; 5225.3150; 5225.3200.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2726, now on General Orders.

**H.F. No. 2988:** 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2327, now on General Orders.

**REPORTS OF COMMITTEES**

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 3043 and 3075. The motion prevailed.

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

**S.F. No. 3127:** A bill for an act relating to environment; delaying local ordinance adoption requirements regarding subsurface sewage treatment systems and modifying certain advisory committee requirements; amending Minnesota Statutes 2009 Supplement, section 115.55, subdivisions 3, 12.

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

Delete everything after the enacting clause and insert:

"Section 1. **SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE ADOPTION DELAY.**

(a) Notwithstanding Minnesota Statutes, section 115.55, subdivision 2, a county may adopt an ordinance by February 4, 2012, to comply with the February 4, 2008, revisions to subsurface sewage treatment system rules. A county must continue to enforce its current ordinance until a new one has been adopted.

(b) By January 15, 2011, the agency, after consultation with the Board of Water and Soil Resources and the Association of Minnesota Counties, shall report to the senate and house of representatives environment and natural resources policy and finance committees and divisions on:

(1) the technical changes in the rules for subsurface sewage treatment systems that were adopted on February 4, 2008;

(2) the progress in local adoption of ordinances to comply with the rules; and

(3) the progress in protecting the state's water resources from pollution due to subsurface sewage treatment systems.

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

Amend the title as follows:

Page 1, line 3, delete everything after "systems" and insert "; requiring a report."

Page 1, delete lines 4 and 5

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

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

**S.F. No. 2843:** A bill for an act relating to waters; modifying watershed plan provisions; amending Minnesota Statutes 2008, section 103B.231, subdivisions 7, 9, 11; repealing Minnesota Statutes 2008, section 103B.231, subdivision 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. 2513:** A bill for an act relating to natural resources; requiring rulemaking to amend Mississippi River management plan.

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

Delete everything after the enacting clause and insert:

"Section 1. **MISSISSIPPI RIVER MANAGEMENT PLAN.**

Notwithstanding Minnesota Rules, part 6105.0870, subpart 7, development in the area commonly known as the historic village of Dayton shall conform to the general development standards of Minnesota Rules, parts 6120.2600 to 6120.3900, except that marinas shall not be allowed and the provisions and administrative procedures of Minnesota Rules, parts 6105.0010 to 6105.0070 and 6105.0150 to 6105.0250, shall still apply.

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

Delete the title and insert:

"A bill for an act relating to natural resources; modifying requirements for the Mississippi River management plan."

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. 2734:** A bill for an act relating to environment; modifying requirements for discharge permit requirements for feedlots; amending Minnesota Statutes 2008, section 116.07, subdivision 7c.

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 116.07, subdivision 7c, is amended to read:

Subd. 7c. **SDS and NPDES feedlot permitting requirements.** (a) The agency must issue ~~national pollutant discharge elimination~~ state disposal system permits for feedlots with 1,000 animal units or more and that meet the definition of a "concentrated animal feeding operation" in Code of Federal Regulations, title 40, section 122.23, based on the following:

(1) a permit for a newly constructed or expanded animal feedlot that is identified as a priority by the commissioner, using criteria ~~established under paragraph (d)~~ in effect on January 1, 2010, must be issued as an individual permit;

(2) ~~after January 1, 2001~~, an existing feedlot that is identified as a priority by the commissioner, using criteria ~~established under paragraph (e)~~ in effect on January 1, 2010, must be issued as an individual permit; and

(3) the agency must issue a general ~~national pollutant discharge elimination~~ state disposal system permit for animal feedlots that are not identified under clause (1) or (2).

(b) Prior to the issuance of a general national pollutant discharge elimination system permit for a category of animal feedlot facility permittees, the agency must hold at least one public hearing on the permit issuance.

(c) To the extent practicable, the agency must include a public notice and comment period for an individual national pollutant discharge elimination system permit concurrent with any public notice and comment for:

- (1) the purpose of environmental review of the same facility under chapter 116D; or
- (2) the purpose of obtaining a conditional use permit from a local unit of government where the local government unit is the responsible governmental unit for purposes of environmental review under chapter 116D.

~~(d) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual national pollutant discharge elimination system permit is required under paragraph (a), clause (1). The criteria must be based on proximity to waters of the state, facility design, and other site-specific environmental factors. If a feedlot is required to have a national pollutant discharge elimination system permit under federal rules, the agency shall issue a joint state disposal system and national pollutant discharge elimination system permit for the feedlot. A feedlot may choose to apply for a national pollutant discharge elimination system permit even if the feedlot is not required to have a national pollutant discharge elimination system permit.~~

~~(e) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual national pollutant discharge elimination system permit is required for an existing animal feedlot, under paragraph (a), clause (2). The criteria must be based on violations and other compliance problems at the facility. If a feedlot is required to have a federal construction stormwater permit, the commissioner shall combine the national pollutant discharge elimination system permit with the state disposal system permit required under this subdivision.~~

~~(f) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining when an individual national pollutant discharge elimination system permit is transferred from individual to general permit status.~~

~~(g) Notwithstanding the provisions in paragraph (a), until January 1, 2001, the commissioner may issue an individual national pollutant discharge elimination system permit for an animal feedlot. After the general permit is issued and the criteria under paragraphs (d) and (e) are developed, individual permits issued pursuant to this paragraph that do not fit the criteria for an individual permit under the applicable provisions of paragraph (d) or (e) must be transferred to general permit status.~~

~~(h) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining which feedlots are required to apply for and obtain a national pollutant discharge elimination system permit and which feedlots are required to apply for and obtain a state disposal system permit based upon the actual or potential to discharge.~~

**EFFECTIVE DATE.** Except for paragraph (a), clause (1), this section is effective the day following final enactment. Paragraph (a), clause (1), is effective January 1, 2011."

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

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

**S.F. No. 2880:** A bill for an act relating to guardians ad litem; establishing the State Guardian Ad Litem Board; appropriating money; amending Minnesota Statutes 2008, sections 257.69, subdivision 2; 260B.331, subdivision 6; 260C.331, subdivisions 3, 6; 518.165, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 480.

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

Page 4, line 20, delete "statutory" and after "changes" insert "in law, including draft legislation," and delete "legislature" and insert "chairs and ranking minority members of the senate and house committees with jurisdiction over guardian ad litem issues,"

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

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

**S.F. No. 3175:** A bill for an act relating to indoor air quality; requiring indoor ice arenas to have electronic air monitoring devices; requiring that grants to construct and renovate indoor ice arenas require an electronic air monitoring device in the facility; requiring reports; amending Minnesota Statutes 2008, section 240A.09; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2008, section 144.1222, subdivision 3.

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

Page 1, line 20, after the period, insert "An electric air monitoring device is not required in an indoor ice arena that uses only electric resurfacers and edgers."

Page 2, line 13, after the period, insert "Section 14.125 does not apply to rules adopted under this subdivision."

And when so amended the bill be re-referred to the Committee on Finance without recommendation. 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. 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.

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

Page 2, line 10, before "The" insert "(a)"

Page 2, line 20, after "other" insert "health care"

Page 2, after line 20, insert:

"(b) The appointments required under this subdivision shall be completed by August 1, 2010."

Page 2, line 22, after "group" insert "by September 1, 2010,"

Page 2, line 26, after "recommendations" insert ", including any proposed legislation necessary to implement the recommendations," and delete "legislature" and insert "chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health policy and finance"

Page 2, line 27, delete "July 1, 2011" and insert "February 15, 2012"

Page 2, line 28, after "expires" insert "after submission of the report required under subdivision 3 or" and after "2012" insert ", whichever is sooner"

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

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

**S.F. No. 2736:** A bill for an act relating to public safety; providing for indeterminate sentences and lifetime supervision for certain first-time and repeat sex offenders, establishing a special review panel to make release decisions regarding these offenders, and precluding the subsequent civil commitment of these offenders; amending Minnesota Statutes 2008, sections 244.05, subdivisions 4, 5; 609.3455.

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

Page 9, line 10, delete "the commissioner of corrections or a designee and two" and insert "three"

Page 9, line 13, delete "a" and delete "interest" and insert "experience" and after "justice" insert "or criminal psychology"

Page 9, lines 17 and 34, delete "direct" and insert "authorize"

Page 9, line 35, delete "shall" and insert "may"

Page 10, line 5, delete "order" and insert "authorize"

Page 10, line 14, delete "directing" and insert "authorizing"

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

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

**S.F. No. 2759:** A bill for an act relating to the State Building Code; modifying municipal enforcement provisions; amending Minnesota Statutes 2008, sections 326B.106, subdivision 4; 326B.121, subdivision 2.

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

**Senator Rest from the Committee on State and Local Government Operations and**

**Oversight, to which was re-referred**

**S.F. No. 3043:** A bill for an act relating to commerce; requiring a certain appraisal fee disclosure; providing for the licensing and regulation of appraisal management companies; proposing coding for new law in Minnesota Statutes, chapter 47; proposing coding for new law as Minnesota Statutes, chapter 82C.

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

Page 1, after line 6, insert:

**"ARTICLE 1****REAL ESTATE APPRAISAL MANAGEMENT COMPANIES"**

Page 12, after line 5, insert:

**"ARTICLE 2****REAL ESTATE APPRAISER ADVISORY BOARD**

Section 1. Minnesota Statutes 2009 Supplement, section 82B.05, subdivision 1, is amended to read:

Subdivision 1. **Members.** The Real Estate Appraiser Advisory Board consists of ~~15~~ nine members appointed by the commissioner of commerce. ~~Three of the~~ Two members must be public members ~~must be public members, four,~~ one member must be ~~consumers~~ a consumer of appraisal services, ~~and eight~~ three must be ~~real estate appraisers of whom not less than two members must be trainee real property appraisers, licensed real property appraisers, or certified residential real property appraisers, not less than two members and three~~ must be certified general real property appraisers, and not less than one member of those members must be certified by the Appraisal Qualification Board of the Appraisal Foundation to teach the Uniform Standards of Professional Appraisal Practice. Three members must live or work outside of the seven-county metropolitan area. The board is governed by section 15.0575.

**EFFECTIVE DATE.** This section is effective August 1, 2010.

Sec. 2. Minnesota Statutes 2008, section 82B.05, subdivision 5, is amended to read:

Subd. 5. **Conduct of meetings.** Places of regular board meetings must be decided by the vote of members. Written notice must be given to each member of the time and place of each meeting of the board at least ten days before the scheduled date of regular board meetings. The board shall establish procedures for emergency board meetings and other operational procedures, subject to the approval of the commissioner.

The members of the board shall elect a chair from among the members to preside at board meetings.

A quorum of the board is ~~eight~~ five members.

The board shall meet at least once every six months as determined by a majority vote of the members or a call of the commissioner. The chair of the board may call a meeting at any other time, subject to the notice requirements of this section.



**EFFECTIVE DATE.** This section is effective August 1, 2010.

Sec. 3. Minnesota Statutes 2008, section 82B.05, is amended by adding a subdivision to read:

Subd. 7. **Enforcement reports.** The commissioner shall, on a regular basis, provide the board with the commissioner's enforcement reports.

**EFFECTIVE DATE.** This section is effective August 1, 2010.

Sec. 4. Minnesota Statutes 2008, section 82B.06, is amended to read:

**82B.06 POWERS OF THE BOARD.**

The board shall make recommendations to the commissioner as the commissioner requests or at the board's own initiative on:

(1) rules with respect to each category of licensed real estate appraiser, the type of educational experience, appraisal experience, and equivalent experience that will meet the requirements of this chapter;

(2) examination specifications for each category of licensed real estate appraiser, to assist in providing or obtaining appropriate examination questions and answers, and procedures for grading examinations;

(3) rules with respect to each category of licensed real estate appraiser, the continuing education requirements for the renewal of licensing that will meet the requirements provided in this chapter;

(4) periodic review of the standards for the development and communication of real estate appraisals provided in this chapter and rules explaining and interpreting the standards; ~~and~~

(5) development of standards and procedures for processing the determination of appraiser violations of this chapter and USPAP; and

~~(5)~~ (6) other matters necessary in carrying out the provisions of this chapter.

**EFFECTIVE DATE.** This section is effective August 1, 2010."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "reducing the size of the Real Estate Appraiser Advisory Board;"

Amend the title numbers accordingly

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

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

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

**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.

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

Page 1, line 13, delete the new language and insert "If the agreement has the effect of eliminating or replacing a public employee who is part of a collective bargaining agreement represented by an exclusive representative, and there is no provision in the collective bargaining agreement detailing the effect of the action on the affected public employee, negotiations on the effects to the employee of the job elimination or restructuring must be conducted between the exclusive representative and the employer."

Page 1, delete lines 14 to 18

Amend the title as follows:

Page 1, line 2, delete "certain" and insert "negotiations must take place after" and delete "may"

Page 1, line 3, delete "not circumvent or impinge upon" and insert "that affect"

And when so amended the bill do pass.

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

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

**S.F. No. 3210:** A bill for an act relating to natural resources; modifying provisions for wetland value replacement plans; amending Minnesota Statutes 2008, section 103G.2242, subdivisions 2a, 9, by adding a subdivision.

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

Page 2, delete lines 10 to 17 and insert:

"Subd. 8a. **Local appeals.** Appeals of decisions made by designated local government staff must be made to the local government unit. A decision on an appeal must be made by the local government unit within 45 days from the date of receipt of the appeal. If a decision on the appeal provided for in this subdivision cannot be made within the time allowed under section 15.99, the appeal shall be considered by the local government unit no later than its next regularly scheduled public meeting in accordance with the minimum notice and hearing requirements applicable to the local government unit. The time for making a decision on the appeal may be extended by consent of the appellant, the landowner if different than the appellant, and the local government unit. A decision on an appeal by the local government unit consistent with this subdivision shall be considered to be within the periods provided by section 15.99."

Page 2, line 20, after "sequencing" insert a comma

Page 3, line 1, reinstate the stricken "or"

Page 3, delete lines 2 to 4

Page 3, line 5, reinstate the stricken language and delete the new language

Page 3, after line 25, insert:

"Sec. 4. **MISSISSIPPI RIVER MANAGEMENT PLAN.**

Notwithstanding Minnesota Rules, part 6105.0870, subpart 7, development in the area commonly known as the historic village of Dayton shall conform to the general development standards of Minnesota Rules, parts 6120.2600 to 6120.3900, except that marinas shall not be allowed and the provisions and administrative procedures of Minnesota Rules, parts 6105.0010 to 6105.0070 and 6105.0150 to 6105.0250, shall still apply.

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

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing for development standards in the city of Dayton;"

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. 487:** A bill for an act relating to early childhood education; creating an Office of Early Learning; proposing coding for new law in Minnesota Statutes, chapter 4.

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

Page 1, line 6, delete "(a)"

Page 1, line 10, delete "facilitate communication and coordinate" and insert "be responsible for"

Page 1, line 11, delete everything after "under" and insert "this office."

Page 1, delete line 12

Page 1, delete lines 13 to 23

Page 2, delete lines 1 to 10

Page 2, line 11, delete "the day following final enactment" and insert "July 1, 2010"

Page 2, delete section 2 and insert:

"Sec. 2. **TRANSFER; DUTIES AND STAFF; APPROPRIATIONS.**

(a) Responsibilities of the commissioner of education for early childhood education programs and financing under Minnesota Statutes, sections 119A.50 to 119A.535, 121A.16 to 121A.19, and 124D.129 to 124D.2211, are transferred to the Office of Early Learning. All positions in the Department of Education related to early childhood education are transferred to the Office of Early Learning. Responsibilities of the commissioner of human services for child care assistance, child care development, and early childhood learning and child protection facilities programs and financing under Minnesota Statutes, chapter 119B, and Minnesota Statutes, section 256E.37, are transferred to the Office of Early Learning. All positions in the Department of Human Services

related to child care assistance, child care development, and early childhood learning and child protection facilities are transferred to the Office of Early Learning. Minnesota Statutes, section 15.039, applies to the transfer of the responsibilities in this section. Responsibilities of the commissioner of health for family home visiting programs and financing under Minnesota Statutes, section 145A.17, are transferred to the Office of Early Learning. All positions in the Department of Health related to family home visiting programs are transferred to the Office of Early Learning. The office must rely on existing appropriations and staff for carrying out its duties.

(b) The state and federal appropriations for the programs listed in paragraph (a) are transferred to the Office of Early Learning.

**EFFECTIVE DATE.** This section is effective July 1, 2010.

**Sec. 3. REVISOR'S INSTRUCTION.**

The revisor of statutes shall make the following terminology changes in the sections enumerated in section 2:

(1) all references to the commissioner of education shall be changed to the director of early learning;

(2) all references to the commissioner of human services shall be changed to the director of early learning;

(3) all references to the commissioner of health shall be changed to the director of early learning;

(4) all references to the Department of Education shall be changed to the Office of Early Learning;

(5) all references to the Department of Human Services shall be changed to the Office of Early Learning;

(6) all references to the Department of Health shall be changed to the Office of Early Learning;  
and

(7) all references to programs being transferred to the Office of Early Learning shall be changed to reflect that those programs are under the jurisdiction of the Office of Early Learning.

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

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

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

**S.F. No. 2725:** A bill for an act relating to public safety; establishing a certification process for multijurisdictional gang and drug task forces; prohibiting law enforcement agencies from maintaining criminal gang investigative data systems; classifying data received from law enforcement agencies in other states; dissolving certain multijurisdictional entities; delineating uses of data in the comprehensive incident-based reporting system; prohibiting the acquisition of cell phone tracking devices; amending the forfeiture reporting requirements; amending Minnesota

Statutes 2008, sections 13.82, by adding a subdivision; 299A.641; 299C.40, subdivision 2; 609.531, subdivision 1; 609.5315, subdivision 6; 624.714, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 13; 626A; repealing Minnesota Statutes 2008, sections 13.6905, subdivision 14; 299C.091.

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

Page 1, after line 21, insert:

**EFFECTIVE DATE.** This section is effective August 1, 2011."

Page 3, line 2, before "one" insert "including"

Page 3, line 6, after the comma, insert "including"

Page 3, after line 7, insert:

"(6) the Hennepin County and Ramsey County sheriffs;

(7) the chiefs of police of Minneapolis and St. Paul;"

Page 3, line 8, strike "(6)" and insert "(8)"

Page 3, line 9, strike "(7)" and insert "(9)" and after the second comma, insert "including"

Page 3, line 12, strike "(8)" and delete the new language

Page 3, delete line 13

Page 3, line 14, delete the new language and strike the semicolon

Page 3, line 15, strike "(9)" and insert "(10)"

Page 3, line 16, delete "two" and insert "four"

Page 3, line 17, delete the second "of"

Page 3, line 18, delete "color"

Page 3, line 23, delete "(10)" and insert "(11)" and reinstate the stricken "Minnesota Tribal Law Enforcement"

Page 3, line 24, reinstate the stricken "Association" and delete the new language

Page 3, delete line 25

Page 3, line 31, reinstate the stricken period

Page 4, line 29, after the semicolon, insert "and"

Page 4, delete lines 30 to 32

Page 4, line 33, delete "(10)" and insert "(9)"

Page 7, lines 12, 15, and 20, delete "of color"

Page 7, line 17, delete the second "of"

Page 7, line 18, delete "color"

Page 10, after line 23, insert:

"EFFECTIVE DATE. This section is effective August 1, 2011."

Page 10, delete sections 8 and 9 and insert:

**"Sec. 8. [626A.281] ACQUISITION AND USE OF CELLULAR TELEPHONE TRACKING DEVICES.**

(a) A local law enforcement agency must not purchase or acquire a device that is used for tracking the location of cellular telephones unless the local government unit with jurisdiction over the agency approves the purchase or acquisition.

(b) A state or local law enforcement agency may track the location of a cellular telephone only in the manner provided under section 626A.28, subdivision 3, paragraph (b), clauses (2) to (4).

EFFECTIVE DATE. This section is effective the day following final enactment. This section does not apply to a device that was purchased or acquired before the effective date.

**Sec. 9. APPOINTMENTS AND FIRST MEETING OF COUNCIL.**

The new appointments specified in Minnesota Statutes, section 299A.641, subdivision 2, must be completed by September 1, 2010. The superintendent of the Bureau of Criminal Apprehension shall convene the first meeting of the Violent Crime Oversight Council with the new members no later than October 1, 2010. The council shall select a chair as provided in Minnesota Statutes, section 299A.641, subdivision 2, at the first meeting.

**Sec. 10. WORK GROUP.**

The director of the Information Policy Analysis Division of the Department of Administration shall convene and chair a work group of stakeholders and interested parties to review criminal intelligence database issues and laws. The work group shall make recommendations on these issues that balance public safety needs and privacy interests, provide oversight, minimize discretion, and properly regulate the collection of these data. By February 1, 2011, the work group shall report to the chairs and ranking minority members of the committees of the senate and house of representatives with jurisdiction over data practices issues on its recommendations. The report shall include any proposed legislation necessary to implement the recommendations made by the work group. The Department of Public Safety shall provide administrative support to the work group."

Page 11, after line 15, insert:

"EFFECTIVE DATE. This section is effective August 1, 2011."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "dissolving certain"

Page 1, line 6, delete everything before "delineating"

Page 1, line 7, delete "prohibiting" and insert "restricting"

And when so amended the bill be re-referred to the Committee on Finance without recommendation. Amendments adopted. Report adopted.

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

**S.F. No. 2364:** A bill for an act relating to higher education; increasing the revenue bond limit of the higher education facilities authority; amending Minnesota Statutes 2008, section 136A.29, subdivision 9.

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

Page 1, after line 13, insert:

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

This act is effective the day following final enactment."

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

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

**S.F. No. 2598:** A bill for an act relating to education finance; clarifying legislative intent; adding language to the collaborative urban educator appropriation; amending Laws 2009, chapter 96, article 2, section 67, subdivision 14.

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

**Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 2533:** A bill for an act relating to natural resources; authorizing the acquisition of certain lands for Lake Vermilion State Park; incorporating lands from an existing state park into Lake Vermilion State Park; repealing Minnesota Statutes 2008, section 85.012, subdivision 53a.

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 477A.17, is amended to read:

**477A.17 LAKE VERMILION STATE PARK AND SOUDAN UNDERGROUND MINE STATE PARK; ANNUAL PAYMENTS.**

(a) Beginning in fiscal year ~~2010~~ 2012, in lieu of the payment amount provided under section 477A.12, subdivision 1, clause (1), the county shall receive an annual payment for land acquired for Lake Vermilion State Park, established in section 85.012, subdivision 38a, and land within the boundary of Soudan Underground Mine State Park, established in section 85.012, subdivision 53a, equal to 1.5 percent of the appraised value of the land.

(b) For the purposes of this section, the appraised value of the land acquired for Lake Vermilion State Park for the first five years after acquisition shall be the purchase price of the land, plus the value of any portion of the land that is acquired by donation. The appraised value must be redetermined by the county assessor every five years after the land is acquired.

(c) The annual payments under this section shall be distributed to the taxing jurisdictions containing the property as follows: one-third to the school districts; one-third to the town; and one-third to the county. The payment to school districts is not a county apportionment under section 127A.34 and is not subject to aid recapture. Each of those taxing jurisdictions may use the payments for their general purposes.

(d) Except as provided in this section, the payments shall be made as provided in sections 477A.11 to 477A.13.

Sec. 2. Laws 2008, chapter 365, section 24, subdivision 2, as amended by Laws 2010, chapter 189, section 60, is amended to read:

Subd. 2. **Management.** All lands acquired for Lake Vermilion State Park must be administered in the same manner as provided for other state parks and must be perpetually dedicated for that use. All lands shall be managed as one park unit with Soudan Underground Mine State Park. After acquisition of lands for Lake Vermilion State Park, but before any infrastructure development for the state park, public access and use, including, but not limited to, hunting, fishing, and trail use, shall continue as allowed before the acquisition. No additional restrictions may be implemented for public access and use until development of state park infrastructure commences."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying management provisions for certain park land; modifying payments in lieu of taxes for certain park land; amending Minnesota Statutes 2008, section 477A.17; Laws 2008, chapter 365, section 24, subdivision 2, as amended."

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

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

**H.F. No. 2624:** A bill for an act relating to state government; appropriating money for environment and natural resources.

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 RESOURCES APPROPRIATION.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the environment and natural resources trust fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. The appropriations in this act are onetime. Appropriations for fiscal year 2010 are available the day following final enactment.

**APPROPRIATIONS**



Available for the Year  
Ending June 30  
2010                      2011

Sec. 2. MINNESOTA RESOURCES.

Subdivision 1. Total Appropriations                      \$                      418,000 \$                      25,611,000

Appropriations by Fund

	<u>2010</u>	<u>2011</u>
<u>Environment and natural resources trust fund</u>	<u>418,000</u>	<u>25,611,000</u>

Appropriations are available for two years beginning July 1, 2010, unless otherwise stated in the appropriation. Any unencumbered balance remaining in the first year does not cancel and is available for the second year.

Subd. 2. Trust Fund Definition

"Trust fund" means the Minnesota environment and natural resources trust fund referred to in Minnesota Statutes, section 116P.02, subdivision 6.

Subd. 3. Natural Resource Data and Information                      -0-                      4,920,000

(a) County Geologic Atlases and Related Hydrogeologic Research

\$1,130,000 is from the trust fund to the Board of Regents of the University of Minnesota for the Geologic Survey to initiate and continue the production of county geologic atlases, establish hydrologic properties necessary to water management, and investigate the use of geochemical data in water management. This appropriation represents a continuing effort to complete the county geologic atlases throughout the state. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(b) Updating Minnesota Wetlands Inventory: Phase 2**

\$1,100,000 is from the trust fund to the commissioner of natural resources to continue the update of wetland inventory maps for Minnesota. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(c) Minnesota Breeding Bird Atlas**

\$372,000 is from the trust fund to continue development of a statewide survey of Minnesota breeding bird distribution and create related publications, including a book and online atlas with distribution maps and breeding status. Of this appropriation, \$211,000 is to the commissioner of natural resources for an agreement with Audubon Minnesota and \$161,000 is to the Board of Regents of the University of Minnesota for the Natural Resources Research Institute. The atlas must be available for downloading on the Internet free of charge.

**(d) Integrated, Operational Bird Conservation Plan for Minnesota**

\$151,000 is from the trust fund to the commissioner of natural resources for an agreement with Audubon Minnesota to develop an integrated bird conservation plan targeting priority species and providing a framework for implementing coordinated, focused, and effective bird conservation throughout Minnesota.

**(e) Mitigating Pollinator Decline in Minnesota**

\$297,000 is from the trust fund to the Board of Regents of the University of Minnesota to assess the role of insecticides in pollinator health in order to help mitigate pollinator decline. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(f) Science and Innovation from Soudan  
Underground Mine State Park**

\$545,000 is from the trust fund to the Board of Regents of the University of Minnesota to characterize unique microbes discovered in the Soudan Underground Mine State Park and investigate the potential application in bioenergy and bioremediation. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(g) Quantifying Carbon Burial in Wetlands**

\$144,000 is from the trust fund to the Board of Regents of the University of Minnesota to determine the potential for carbon sequestration in Minnesota's shallow lakes and wetlands. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(h) Strategic Planning for Minnesota's Natural and Artificial Watersheds**

\$327,000 is from the trust fund to the Board of Regents of the University of Minnesota to identify the interrelationship between artificial systems of drain tiles and ditches and natural watersheds to guide placement of buffers and stream bed restoration and modification.

**(i) Ecosystem Services in Agricultural Watersheds**

\$247,000 is from the trust fund to the commissioner of natural resources for an agreement with the Chippewa River Watershed Project to develop local food and perennial biofuels markets coupled with conservation incentives to encourage farmers to diversify land cover in the Chippewa River Watershed supporting improvement to water quality and habitat. This appropriation is available until June 30, 2013, by which time the project must be completed and final

products delivered.

**(j) Farmland Conservation in Minnesota**

\$100,000 is from the trust fund to the commissioner of natural resources for an agreement with the Farmers Legal Action Group, Inc. to assess the implementation of applicable laws for preserving agricultural land and develop a comprehensive and systematic approach and policy tools to preserve agricultural lands.

**(k) Identifying Critical Habitats for Moose in Northeastern Minnesota**

\$507,000 is from the trust fund to the Board of Regents of the University of Minnesota for the Natural Resources Research Institute to identify critical habitats for moose, develop best management habitat protection practices, and conduct educational outreach in cooperation with the Minnesota Zoo. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**Subd. 4. Land, Habitat, and Recreation**

418,000

9,762,000

**(a) Ecological Restoration Training Cooperative for Habitat Restoration**

\$550,000 is from the trust fund to the Board of Regents of the University of Minnesota for improving ecological restoration success in Minnesota by developing and offering training programs for habitat restoration professionals. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(b) Scientific and Natural Areas and Native Prairie Restoration, Enhancement, and Acquisition**

\$1,750,000 is from the trust fund to the commissioner of natural resources to acquire lands with high quality native

plant communities and rare features to be established as scientific and natural areas as provided in Minnesota Statutes, section 86A.05, subdivision 5, restore parts of scientific and natural areas, and provide assistance and incentives for native prairie landowners. A list of proposed acquisitions must be provided as part of the required work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(c) State Park Land Acquisition**

\$2,200,000 is from the trust fund to the commissioner of natural resources to acquire and preserve critical parcels within the statutory boundaries of state parks. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources. A list of proposed acquisitions must be provided as part of the required work program.

**(d) Protection of Rare Granite Rock Outcrop Ecosystem**

\$1,800,000 is from the trust fund to the Board of Water and Soil Resources, in cooperation with the Renville Soil and Water Conservation District, to continue to acquire perpetual easements of unique granite rock outcrops, located in the Upper Minnesota River Valley. \$418,000 of this appropriation is for fiscal year 2010 and is available the day following final enactment.

**(e) Minnesota's Habitat Conservation Partnership Supplemental**

\$1,400,000 is added to Laws 2009, chapter

143, section 2, subdivision 4, paragraph (e), from the trust fund for the acceleration of agency programs and cooperative agreements. Of this appropriation, \$318,000 is to the commissioner of natural resources for agency programs and \$1,082,000 is for agreements as follows: \$425,000 with Ducks Unlimited, Inc.; \$50,000 with National Wild Turkey Federation; \$210,000 with the Nature Conservancy; \$102,000 with Minnesota Land Trust; \$200,000 with the Trust for Public Land; \$45,000 with Friends of Detroit Lakes Wetland Management District; and \$50,000 to the Leech Lake Band of Ojibwe to plan, restore, and acquire fragmented landscape corridors that connect areas of quality habitat to sustain fish, wildlife, and plants. The United States Department of Agriculture Natural Resources Conservation Service is an authorized cooperating partner in the appropriation. Expenditures are limited to the project corridor areas as defined in the work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum habitat and facility management standards as determined by the commissioner of natural resources. This appropriation may not be used for the purchase of residential structures, unless expressly approved in the work program. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated as an outdoor recreation unit under Minnesota Statutes, section 86A.07. The commissioner may similarly designate any lands acquired in less than fee title. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. All funding for conservation easements must include a long-term stewardship plan and funding for monitoring and enforcing the agreement.

**(f) Metropolitan Conservation Corridors Supplemental**

\$1,800,000 is added to Laws 2009, chapter 143, section 2, subdivision 4, paragraph (f), from the trust fund to the commissioner of natural resources for acceleration of agency programs and cooperative agreements. Of this appropriation, \$1,800,000 is for agreements as follows: \$915,000 with the Trust for Public Land; \$485,000 with Minnesota Land Trust; \$350,000 with Minnesota Valley National Wildlife Refuge Trust, Inc.; and \$50,000 with Friends of the Minnesota Valley for planning, restoring, and protecting important natural areas in the metropolitan area, as defined under Minnesota Statutes, section 473.121, subdivision 2, and portions of the surrounding counties, through grants, contracted services, technical assistance, conservation easements, and fee title acquisition. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources. Expenditures are limited to the identified project corridor areas as defined in the work program. This appropriation may not be used for the purchase of residential structures, unless expressly approved in the work program. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated as an outdoor recreation unit under Minnesota Statutes, section 86A.07. The commissioner may similarly designate any lands acquired in less than fee title. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. All funding for conservation easements must include a long-term stewardship plan and funding for monitoring and enforcing the agreement.

**(g) Conserving Sensitive and Priority Shorelands  
in Cass County**

\$300,000 is from the trust fund to the commissioner of natural resources for an agreement with Cass County to provide assistance for the donation of perpetual conservation easements to protect sensitive shoreland parcels for long-term protection of recreation, water quality, and critical habitat in north central Minnesota. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(h) Reconnecting Fragmented Prairie Landscapes**

\$380,000 is from the trust fund to the commissioner of natural resources for an agreement with the Nature Conservancy to develop prairie landscape design plans and monitoring protocol involving local landowners and businesses to guide conservation, restoration, and related economic development. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**Subd. 5. Water Resources**

-0-

3,455,000

**(a) Understanding Sources of Aquatic  
Contaminants of Emerging Concern**

\$640,000 is from the trust fund to the Board of Regents of the University of Minnesota to identify chemical markers to characterize sources of endocrine disruptors and pharmaceuticals entering surface waters in the Zumbro River Watershed. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(b) Managing Mineland Sulfate Release in St. Louis  
River Basin**

\$270,000 is from the trust fund to the



commissioner of natural resources to map current sulfate sources and assess treatment options to minimize potential impacts of mercury on fish and wildlife from sulfate releases in the St. Louis River Basin. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(c) Ecological Impacts of Effluent in Surface Waters and Fish**

\$340,000 is from the trust fund to the Board of Regents of the University of Minnesota in cooperation with St. Cloud State University to determine the chemical and biological fate of phytoestrogens in surface waters and the impacts on fish. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(d) Agricultural and Urban Runoff Water Quality Treatment Analysis**

\$485,000 is from the trust fund to the Board of Water and Soil Resources for an agreement with the Blue Earth County Drainage Authority to reduce soil erosion, peak water flows, and nutrient loading through a demonstration model evaluating storage and treatment options in drainage systems in order to improve water quality. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(e) Assessing Septic System Discharge to Lakes**

\$594,000 is from the trust fund to the commissioner of health for department activities and for an agreement with the United States Geologic Survey in cooperation with St. Cloud State University to develop quantitative data on septic system discharge of estrogenic and pharmaceutical compounds and assess septic and watershed influences on levels of contamination and biological

responses in Minnesota lakes. The United States Geologic Survey is not subject to the requirements in Minnesota Statutes, section 116P.10. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(f) Evaluation of Dioxins in Minnesota Lakes**

\$264,000 is from the trust fund to the Board of Regents of the University of Minnesota to examine the concentration of dioxins in lake sediment and options to improve water quality in lakes.

**(g) Assessment of Shallow Lake Management**

\$262,000 is from the trust fund to the commissioner of natural resources to evaluate the major causes of deterioration of shallow lakes in Minnesota and evaluate results of current management efforts. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(h) Assessing Cumulative Impacts of Shoreline Development**

\$300,000 is from the trust fund to the Board of Regents of the University of Minnesota to evaluate near-shore, in-water habitat impacts from shoreline development activities to assist in the design and implementation of management practices protecting critical shorelands and aquatic habitat. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(i) Trout Stream Assessments**

\$300,000 is from the trust fund to the Board of Regents of the University of Minnesota to assess cold water aquatic insect abundance related to warming water temperatures as predictors of trout growth in southeastern Minnesota and assess options to

minimize stream temperature changes. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**Subd. 6. Aquatic and Terrestrial Invasive Species**

-0-

1,470,000

**(a) Biological Control of European Buckthorn and Garlic Mustard**

\$300,000 is from the trust fund to the commissioner of natural resources in cooperation with the commissioner of agriculture to continue the development and implementation of biological control for European buckthorn and garlic mustard. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(b) Ecological and Hydrological Impacts of Emerald Ash Borer**

\$636,000 is from the trust fund to the Board of Regents of the University of Minnesota to assess the potential impacts of emerald ash borer on Minnesota's black ash forests and quantify potential impacts on native forest vegetation, invasive species spread, and hydrology. This appropriation is available until June 30, 2015, by which time the project must be completed and final products delivered.

**(c) Healthy Forests to Resist Invasion**

\$359,000 is from the trust fund to the Board of Regents of the University of Minnesota to assess the role of forest health management in resisting infestation of invasive species. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(d) Bioacoustic Traps for Management of Round Goby**

\$175,000 is from the trust fund to the Board

of Regents of the University of Minnesota to evaluate bioacoustic technology specific to invasive round goby in Lake Superior as a method for early detection and population reduction. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**Subd. 7. Renewable Energy**

-0-

3,364,000

**(a) Algae for Fuels Pilot Project**

\$900,000 is from the trust fund to the Board of Regents of the University of Minnesota to demonstrate an innovative microalgae production system utilizing and treating sanitary wastewater to produce biofuels from algae. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(b) Sustainable Biofuels**

\$221,000 is from the trust fund to the Board of Regents of the University of Minnesota to determine how fertilization and irrigation impact yields of grass monoculture and high diversity prairie biofuel crops, their storage of soil carbon, and susceptibility to invasion by exotic species. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(c) Linking Habitat Restoration to Bioenergy and Local Economies**

\$600,000 is from the trust fund to the commissioner of natural resources to restore high quality native habitats and expand market opportunities for utilizing postharvest restoration as a bioenergy source. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(d) Demonstrating Sustainable Energy Practices at Residential Environmental Learning Centers (RELCs)**

\$1,500,000 is from the trust fund to the commissioner of natural resources for agreements as follows: \$206,000 with Audubon Center of the North Woods; \$212,000 with Deep Portage Learning Center; \$350,000 with Eagle Bluff Environmental Learning Center; \$258,000 with Laurentian Environmental Learning Center; \$240,000 with Long Lake Conservation Center; and \$234,000 with Wolf Ridge Environmental Learning Center to implement renewable energy, energy efficiency, and energy conservation practices at the facilities. Efforts will include dissemination of related energy education.

**(e) Analysis of Options for Minnesota Energy Independence**

\$143,000 is from the trust fund to the Board of Regents of the University of Minnesota for a life cycle analysis of low carbon energy technologies available to implement in Minnesota.

**Subd. 8. Environmental Education**

-0-

2,640,000

**(a) Minnesota Conservation Apprenticeship Academy**

\$368,000 is from the trust fund to the Board of Water and Soil Resources in cooperation with the Minnesota Conservation Corps or its successor to train and mentor future conservation professionals by providing apprenticeship service opportunities to soil and water conservation districts. This appropriation is available until June 30, 2013, by which time the project must be completed and the final products delivered.

**(b) Engaging Students in Environmental Stewardship through Adventure Learning**

\$250,000 is from the trust fund to the commissioner of natural resources for an agreement with the Will Steger Foundation to provide curriculum, teacher training, online learning, and grants to schools on investigating the connection between Minnesota's changing climate and the impacts on ecosystems and natural resources. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(c) Connecting Youth with Nature**

\$160,000 is from the trust fund to the commissioner of natural resources to hold teacher training workshops on the use of digital photography as a tool for learning about nature. The equipment must be provided from other funds.

**(d) Urban Wilderness Youth Outdoor Education**

\$557,000 is from the trust fund to the commissioner of natural resources for an agreement with Wilderness Inquiry to provide an outdoor education and recreation program on the Mississippi River. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(e) Get Outside - Urban Woodland for Kids**

\$218,000 is from the trust fund to the commissioner of natural resources for an agreement with the city of St. Paul, Department of Parks and Recreation, to restore and develop an outdoor classroom for ecological education and historical interpretation at Como Regional Park in St. Paul. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(f) Expanding Outdoor Classrooms at Minnesota Schools**

\$300,000 is from the trust fund to the commissioner of natural resources to establish additional and enhance existing outdoor school forest and prairie classroom networks throughout Minnesota.

**(g) Integrating Environmental and Outdoor Education in Grades 7-12**

\$300,000 is from the trust fund to the commissioner of education in cooperation with the commissioner of natural resources to train and support grade 7-12 teachers to integrate environmental and outdoor education into the instruction of academic standards.

**(h) Project Get Outdoors**

\$15,000 is from the trust fund to the commissioner of natural resources for an agreement with Project Get Outdoors, Inc. to develop out of school programs connecting children to local nature experiences.

**(i) Fishing: Cross Cultural Gateway to Environmental Education**

\$155,000 is from the trust fund to the commissioner of natural resources for an agreement with the Association for the Advancement of Hmong Women in Minnesota to provide environmental information and teaching skills to and increase participation of Southeast Asian communities through the gateway of fishing skills. Information on mercury in fish advisories must be included as part of the educational outreach. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(j) Minnesota WolfLink**

\$193,000 is from the trust fund to the commissioner of natural resources for an agreement with the International Wolf Center

to develop interactive onsite and distance learning about wolves and their habitat. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.

**(k) Online Field Trip of Minnesota River**

\$124,000 is from the trust fund to the commissioner of natural resources for an agreement with Minnesota State University - Mankato to develop online educational materials on the Minnesota River for schools and outreach centers.

**Subd. 9. Availability of Appropriations**

Money appropriated in this section may not be spent on activities unless they are directly related to the specific appropriation and are specified in the approved work program. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges. Unless otherwise provided, the amounts in this section are available until June 30, 2012, when projects must be completed and final products delivered. For acquisition of real property, the amounts in this section are available until June 30, 2013, if a binding contract is entered into by June 30, 2012, and closed not later than June 30, 2013. If a project receives a federal grant, the time period of the appropriation is extended to equal the federal grant period.

**Subd. 10. Data Availability Requirements**

Data collected by the projects funded under this section must conform to guidelines and standards adopted by the Office of Enterprise Technology. Spatial data also must conform to additional guidelines and standards designed to support data coordination and distribution that have been published by the Minnesota Geospatial Information Office. Descriptions of spatial data must be prepared as specified in the state's geographic metadata guideline and must be submitted to the Minnesota



Geospatial Information Office. All data must be accessible and free to the public unless made private under the Data Practices Act, Minnesota Statutes, chapter 13.

To the extent practicable, summary data and results of projects funded under this section should be readily accessible on the Internet and identified as an environment and natural resources trust fund project.

**Subd. 11. Project Requirements**

(a) As a condition of accepting an appropriation under this section, any agency or entity receiving an appropriation must comply with paragraphs (b) to (h) and Minnesota Statutes, chapter 116P, for any project funded in whole or in part with funds from the appropriation.

(b) To the extent possible, a person conducting restoration with money appropriated under this section must plant vegetation only of ecotypes native to Minnesota and preferably of the local ecotype using a high diversity of species originating as close to the restoration site as possible and, when restoring prairies, protect existing prairies from genetic contamination. Use of seeds and plant materials beyond these requirements must be expressly approved in the work program.

(c) All conservation easements acquired with money appropriated under this section must:

(1) be perpetual;

(2) specify the parties to an easement in the easement;

(3) specify all of the provisions of an agreement that are perpetual;

(4) be sent to the office of the Legislative-Citizen Commission on Minnesota Resources in an electronic format;

(5) include a long-term stewardship plan and

funding for monitoring and enforcing the easement agreement; and

(6) include requirements in the easement document to address specific water quality protection activities such as keeping water on the landscape, reducing nutrient and contaminate loading, protecting groundwater, and not permitting artificial hydrological modifications.

(d) For all restorations conducted with money appropriated under this section, a recipient must prepare an ecological restoration and management plan that, to the degree practicable, is consistent with the highest quality conservation and ecological goals for the restoration site. Consideration should be given to soil, geology, topography, and other relevant factors that would provide the best chance for long-term success of the restoration projects. The plan must include the proposed timetable for implementing the restoration, including site preparation, establishment of diverse plant species, maintenance, and additional enhancement to establish the restoration; identify long-term maintenance and management needs of the restoration and how the maintenance, management, and enhancement will be financed; and take advantage of the best available science and include innovative techniques to achieve the best restoration.

(e) For new lands acquired with money appropriated under this section, a recipient must prepare a restoration and management plan in compliance with paragraph (d) including sufficient funding for implementation.

(f) For any acquisition of land or interest in land, a recipient of money appropriated under this section must give priority to high quality natural resources or conservation lands that provide natural buffers to water resources.

(g) To ensure public accountability for the use of public funds, a recipient of money

appropriated under this section must provide to the Legislative-Citizen Commission on Minnesota Resources documentation of the selection process used to identify parcels acquired and provide documentation of all related transaction costs, including but not limited to appraisals, legal fees, recording fees, commissions, other similar costs, and donations. This information must be provided for all parties involved in the transaction. The recipient must also report to the Legislative-Citizen Commission on Minnesota Resources any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal, if a state-certified or state-reviewed appraisal was conducted. Acquisition data such as appraisals may remain private during negotiations but must ultimately be made public according to Minnesota Statutes, chapter 13. The Legislative-Citizen Commission on Minnesota Resources shall review the requirement in this paragraph and provide a recommendation whether to continue or modify the requirement in future years. The commission may waive the application of this paragraph for specific projects.

(h) A recipient of money from an appropriation under this section must give consideration to contracting with the Minnesota Conservation Corps or its successor for contract restoration and enhancement services.

#### **Subd. 12. Payment Conditions and Capital Equipment Expenditures**

All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis unless otherwise provided in this section. Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after July 1, 2010, or the date the work program is approved, whichever is later, are eligible for reimbursement unless otherwise provided

in this section. Periodic payment must be made upon receiving documentation that the deliverable items articulated in the approved work program have been achieved, including partial achievements as evidenced by approved progress reports. Reasonable amounts may be advanced to projects to accommodate cash flow needs or match federal money. The advances must be approved as part of the work program. No expenditures for capital equipment are allowed unless expressly authorized in the project work program.

**Subd. 13. Purchase of Recycled and Recyclable Materials**

A political subdivision, public or private corporation, or other entity that receives an appropriation under this section must use the appropriation in compliance with Minnesota Statutes, sections 16B.121, regarding purchase of recycled, repairable, and durable materials; and 16B.122, regarding purchase and use of paper stock and printing.

**Subd. 14. Energy Conservation and Sustainable Building Guidelines**

A recipient to whom an appropriation is made under this section for a capital improvement project must ensure that the project complies with the applicable energy conservation and sustainable building guidelines and standards contained in law, including Minnesota Statutes, sections 16B.325, 216C.19, and 216C.20, and rules adopted under those sections. The recipient may use the energy planning, advocacy, and State Energy Office units of the Department of Commerce to obtain information and technical assistance on energy conservation and alternative energy development relating to the planning and construction of the capital improvement project.

**Subd. 15. Accessibility**

Structural and nonstructural facilities must meet the design standards in the Americans with Disabilities Act (ADA) accessibility guidelines.

**Subd. 16. Carryforward**

The availability of the appropriation for the following projects is extended to June 30, 2011: Laws 2009, chapter 143, section 2, subdivision 4, paragraph (j), Land and Water Conservation Account (LAWCON) Federal Reimbursements; subdivision 5, paragraph (b), Vulnerability of Fish Populations in Lakes to Endocrine Disrupting Contaminants; and subdivision 6, paragraph (b), Emergency Delivery System Development for Disinfecting Ballast Water."

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. 3145:** A bill for an act relating to public safety; mandating measurement of the actual weight of controlled substance residue for determining severity of controlled substance offenses; amending Minnesota Statutes 2008, section 152.01, subdivision 9a.

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 152.01, subdivision 9a, is amended to read:

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

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to offenses committed on or after that date.

Sec. 2. Minnesota Statutes 2008, section 152.01, subdivision 16, is amended to read:

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

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to offenses committed on or after that date.

Sec. 3. Minnesota Statutes 2008, section 152.021, subdivision 2, is amended to read:

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

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

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

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

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

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

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to offenses committed on or after that date.

Sec. 4. Minnesota Statutes 2008, section 152.022, subdivision 2, is amended to read:

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

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

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

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

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

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

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to offenses committed on or after that date.

Sec. 5. Minnesota Statutes 2008, section 152.023, subdivision 2, is amended to read:

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

degree if:

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

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

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

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

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

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

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

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to offenses committed on or after that date."

Delete the title and insert:

"A bill for an act relating to public safety; establishing use of weight of fluid used in a water pipe when determining weight or amount of controlled substance; amending Minnesota Statutes 2008, sections 152.01, subdivisions 9a, 16; 152.021, subdivision 2; 152.022, subdivision 2; 152.023, subdivision 2."

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

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

**S.F. No. 2517:** A bill for an act relating to judiciary; authorizing the court to furnish copies of documents in any electronic format to the public defender at no charge; amending Minnesota Statutes 2008, section 611.271.

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

Page 1, lines 14, 15, and 17, delete "in electronic format" and insert "on CD Rom or DVD Rom disc"

Page 1, line 18, delete "electronic files" and insert "disc"

Amend the title as follows:

Page 1, line 3, delete "any electronic format" and insert "CD Rom or DVD Rom disc"

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. 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, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 80E.09, subdivision 1; 80E.12; 80E.135; 80E.14, subdivision 3.

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

Page 1, delete section 1

Page 7, lines 20 to 27, delete the new language

Page 10, line 17, delete ", option to purchase, option to lease" and insert "the dealership facilities, option to purchase the dealership facilities, option to lease the dealership facilities"

Page 10, line 21, after the period, insert "This subdivision does not limit the right of a manufacturer, distributor, factory branch, or importer to exercise a right of first refusal under section 80E.13, paragraph (j), to acquire a franchisee's assets or ownership in the event of a proposed sale or transfer of a franchise."

Page 10, line 34, before the stricken "If" insert "(a)" and reinstate the stricken language

Page 10, line 35, reinstate the stricken language

Page 11, lines 1 and 2, reinstate the stricken language

Page 11, line 3, reinstate the stricken language and delete the new language

Page 11, before line 4, insert:

"(b) For purposes of this subdivision, the following definitions apply:"

Page 11, line 7, delete "any of the following:" and insert "a court-approved sale;"

Page 11, delete lines 8 to 18

Page 11, lines 24 and 25, delete "such" and insert "the"

Page 11, line 26, before the period, insert "by a predecessor or successor manufacturer"

Page 11, line 27, delete "(b)" and insert "(c)" and delete "four" and insert "three" and delete "successor manufacturer acquires,"

Page 11, line 28, delete everything before "it" and insert "former franchisee was terminated,"

Page 12, line 11, before the period, insert "pursuant to the successor manufacturer's reasonable



requirements for appointment as a dealer"

Page 12, after line 25, insert:

"Sec. 8. **EFFECTIVE DATE.**

Sections 1 to 7 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

**S.F. No. 3116:** A bill for an act relating to public safety; authorizing the collection of DNA from offenders; amending Minnesota Statutes 2008, section 609.117, 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 609.117, is amended by adding a subdivision to read:

Subd. 4. **After supervision expires.** (a) Upon motion of a prosecuting authority, a court shall issue an order to show cause why an offender who should have been ordered or required to provide a biological specimen under this section but did not, should not now be ordered to provide one for the purposes of DNA analysis. This subdivision applies if the offender's sentence or supervision has expired. The prosecuting authority shall provide the court with an affidavit that:

(1) identifies the offender by name and date of birth;

(2) identifies the offender's last known address;

(3) identifies the offender's charged offense, offense of conviction, and date of conviction; and

(4) indicates that the Bureau of Criminal Apprehension database of biological specimens has been searched and the offender has not previously provided a biological specimen for DNA analysis under this chapter.

(b) The order to show cause shall direct the offender to appear before the court within 30 days after the order is served. The prosecutor shall serve the order to show cause upon the offender in the same manner as a civil summons. The offender may avoid appearing before the court by appearing at a place and time designated in the order and voluntarily providing the specimen.

(c) Upon the offender's appearance before the court, and after an opportunity to be heard, the court may issue an order directing the offender to provide the specimen.

(d) If the offender has failed to provide the specimen or appear before the court and the prosecuting authority makes a sufficient showing that the offender was properly served with the order to show cause, the court may issue an order:

(1) requiring the offender to submit the specimen within 30 days from the date of the order at a designated location;

(2) including the designated location's address, telephone number, and regular hours of operation; and

(3) authorizing, if the offender fails or refuses to comply with the order to provide a specimen, a peace officer to detain and bring the offender before the court as soon as practicable to show cause why the specimen should not be obtained.

(e) The local corrections authority shall mail the order in paragraph (d) to the offender's last known address."

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. 2354:** A bill for an act relating to data practices; providing an administrative remedy for certain data practices violations; providing civil penalties; appropriating money; amending Minnesota Statutes 2008, sections 13.072, subdivision 2; 13.08, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 13.

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

Page 1, line 24, after "brought" insert "either"

Page 3, line 13, after "misrepresentation" insert "by the government entity"

Page 3, line 21, after the first "authority" insert "for the government entity"

Page 4, lines 4 and 7, delete "reply" and insert "response"

Page 4, line 22, after "clear" insert "material"

Page 4, line 34, delete "and shall"

Page 4, delete line 35

Page 4, line 36, delete everything before the period and insert ". If the hearing record contains information that is not public data, the judge may conduct a closed hearing to consider the information, issue necessary protective orders, and seal all or part of the hearing record, as provided in section 14.60, subdivision 2. If a party contends, and the judge concludes, that not public data could be improperly disclosed while that party is presenting its arguments, the judge shall close any portion of the hearing as necessary to prevent the disclosure"

Page 5, line 10, delete "including the establishment of" and insert "and may establish"

Page 5, line 16, delete "dispose of" and insert "render a decision on"

Page 5, delete lines 27 and 28 and insert:

"(e) A decision of the office under this section is not controlling in any subsequent action brought in district court alleging the same violation and seeking damages."

Page 6, line 5, delete "plaintiff" and insert "complainant"

Page 6, after line 17, insert:

"(f) The court shall award the complainant costs and attorney fees incurred in bringing an action in district court to enforce an order of the Office of Administrative Hearings under this section."

Page 6, after line 20, insert:

"Sec. 4. Minnesota Statutes 2008, section 13.319, is amended by adding a subdivision to read:

Subd. 8. **Teacher and administration programs.** Section 122A.18, subdivision 1, governs data sharing between the Department of Education and the Boards of Teaching and School Administrators for program approval and improvement for education programs.

Sec. 5. Minnesota Statutes 2008, section 122A.18, subdivision 1, is amended to read:

Subdivision 1. **Authority to license.** (a) The Board of Teaching must license teachers, as defined in section 122A.15, subdivision 1, except for supervisory personnel, as defined in section 122A.15, subdivision 2.

(b) The Board of School Administrators must license supervisory personnel as defined in section 122A.15, subdivision 2, except for athletic coaches.

(c) Licenses under the jurisdiction of the Board of Teaching, the Board of School Administrators, and the commissioner of education must be issued through the licensing section of the department.

(d) The Board of Teaching and the Department of Education must enter into a data sharing agreement to share educational data at the E-12 level for the limited purpose of program approval and improvement for teacher education programs. The program approval process must include targeted redesign of teacher preparation programs to address identified E-12 student areas of concern.

(e) The Board of School Administrators and the Department of Education must enter into a data sharing agreement to share educational data at the E-12 level for the limited purpose of program approval and improvement for education administration programs. The program approval process must include targeted redesign of education administration preparation programs to address identified E-12 student areas of concern.

(f) For purposes of the data sharing agreements under paragraphs (d) and (e), the Board of Teaching, Board of School Administrators, and Department of Education may share private data, as defined in section 13.02, subdivision 12, on teachers and school administrators. The data sharing agreements must not include educational data, as defined in section 13.32, subdivision 1, but may include summary data, as defined in section 13.02, subdivision 19, derived from educational data."

Page 6, line 22, delete "This act is" and insert "Sections 1 to 3 are" and delete "August" and insert "July" and delete "applies" and insert "apply"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "providing for data sharing agreements with the department of education;"

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

**S.F. No. 1126:** A bill for an act relating to real property; modifying procedures relating to uses and conveyances of tax-forfeited property; amending Minnesota Statutes 2008, sections 282.01, subdivisions 1, 1a, 1c, 1d, 2, 3, 4, 7, 7a, by adding a subdivision; 287.2205; repealing Minnesota Statutes 2008, section 282.01, subdivisions 1b, 9, 10, 11.

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 282.01, subdivision 1, is amended to read:

Subdivision 1. **Classification as conservation or nonconservation.** ~~It is the general policy of this state to encourage the best use of tax-forfeited lands, recognizing~~ (a) When acting on behalf of the state under laws allowing the county board to classify and manage tax-forfeited lands held by the state in trust for the local units as provided in section 281.25, the county board may decide that some lands in public ownership should be retained and managed for public benefits while other lands should be returned to private ownership. Parcels of land becoming the property of the state in trust under law declaring the forfeiture of lands to the state for taxes must be classified by the county board of the county in which the parcels lie as conservation or nonconservation. In making the classification the board shall consider the present use of adjacent lands, the productivity of the soil, the character of forest or other growth, accessibility of lands to established roads, schools, and other public services, their peculiar suitability or desirability for particular uses and the suitability of the forest resources on the land for multiple use, and sustained yield management. The classification, furthermore, must: (1) encourage and foster a mode of land utilization that will facilitate the economical and adequate provision of transportation, roads, water supply, drainage, sanitation, education, and recreation; (2) facilitate reduction of governmental expenditures; (3) conserve and develop the natural resources; and (4) foster and develop agriculture and other industries in the districts and places best suited to them.

~~In making the classification the county board may use information made available by any office or department of the federal, state, or local governments, or by any other person or agency possessing pertinent information at the time the classification is made. The lands may be reclassified from time to time as the county board considers necessary or desirable, except for conservation lands held by the state free from any trust in favor of any taxing district.~~

~~If the lands are located within the boundaries of an organized town, with taxable valuation in excess of \$20,000, or incorporated municipality, the classification or reclassification and sale must first be approved by the town board of the town or the governing body of the municipality in which the lands are located. The town board of the town or the governing body of the municipality is considered to have approved the classification or reclassification and sale if the county board is not notified of the disapproval of the classification or reclassification and sale within 60 days of the date the request for approval was transmitted to the town board of the town or governing body of the municipality. If the town board or governing body desires to acquire any parcel lying in the town~~

~~or municipality by procedures authorized in this section, it must file a written application with the county board to withhold the parcel from public sale. The application must be filed within 60 days of the request for classification or reclassification and sale. The county board shall then withhold the parcel from public sale for six months. A municipality or governmental subdivision shall pay maintenance costs incurred by the county during the six-month period while the property is withheld from public sale, provided the property is not offered for public sale after the six-month period. A clerical error made by county officials does not serve to eliminate the request of the town board or governing body if the board or governing body has forwarded the application to the county auditor. If the town board or governing body of the municipality fails to submit an application and a resolution of the board or governing body to acquire the property within the withholding period, the county may offer the property for sale upon the expiration of the withholding period.~~

(b) Whenever the county board deems it appropriate, the board may hold a meeting for the purpose of reclassifying tax-forfeited land that has not been sold or released from the trust. The criteria and procedures for reclassification are the same as those required for an initial classification.

(c) Before meeting for the purpose of classifying or reclassifying tax-forfeited lands, the county board must give notice of its intent to meet for that purpose as provided in this paragraph. The notice must be given no more than 90 days and no less than 60 days before the date of the meeting, provided that if the meeting is rescheduled, notice of the new date, time, and location must be given at least 14 days before the date of the rescheduled meeting. The notice must be posted on a Web site. The notice must also be mailed or otherwise delivered to each person who has filed a request for notice of special meetings with the public body, regardless of whether the matter is considered at a regular or special meeting. The notice must be mailed or delivered at least 60 days before the date of the meeting. If the meeting is rescheduled, notice of the new date, time, and location must be mailed or delivered at least 14 days before the date of the rescheduled meeting. The public body shall publish the notice once, at least 30 days before the meeting, in a newspaper of general circulation within the area of the public body's authority. The board must also mail a notice by electronic means to each person who requests notice of meetings dealing with this subject and who agrees as provided in chapter 325L to accept notice that is mailed by electronic means. Receipt of actual notice under the conditions specified in section 13D.04, subdivision 7, satisfies the notice requirements of this paragraph.

The board may classify or reclassify tax-forfeited lands at any regular or special meeting, as those terms are defined in chapter 13D, and may conduct only this business, or this business as well as other business or activities, at the meeting.

(d) At the meeting, the county board must allow any person or agency possessing pertinent information to make or submit comments and recommendations about the pending classification or reclassification. In addition, representatives of governmental entities in attendance must be allowed to describe plans, ideas, or projects that may involve use or acquisition of the property by that or another governmental entity. The county board must solicit and consider any relevant components of current municipal or metropolitan comprehensive land use plans that incorporate the area in which the land is located. After allowing testimony, the board may classify, reclassify, or delay taking action on any parcel. In order for a state agency or a governmental subdivision of the state to preserve its right to request a purchase or other acquisition of a forfeited parcel, it may, at any time following forfeiture, file a written request to withhold the parcel from sale or lease to others under subdivision 1a.

(e) When classifying, reclassifying, appraising, and selling lands under this chapter, the county board may designate the tracts as assessed and acquired, or may by resolution provide for the subdivision of the tracts into smaller units or for the grouping of several tracts into one tract when the subdivision or grouping is deemed advantageous for conservation or sale purposes. This paragraph does not authorize the county board to subdivide a parcel or tract of tax-forfeited land that, as assessed and acquired, is withheld from sale under section 282.018, subdivision 1.

(f) A county board may by resolution elect to use the classification and reclassification procedures provided in paragraphs (g), (h), and (i), instead of the procedures provided in paragraphs (b), (c), and (d). Once an election is made under this paragraph, it is effective for a minimum of five years.

(g) The classification or reclassification of tax-forfeited land that has not been sold or released from the trust may be made by the county board using information made available to it by any office or department of the federal, state, or local governments, or by any other person or agency possessing pertinent information at the time the classification is made.

(h) If the lands are located within the boundaries of an organized town or incorporated municipality, a classification or reclassification and sale must first be approved by the town board of the town or the governing body of the municipality in which the lands are located. The town board of the town or the governing body of the municipality is considered to have approved the classification or reclassification and sale if the county board is not notified of the disapproval of the classification or reclassification and sale within 60 days of the date the request for approval was transmitted to the town board of the town or governing body of the municipality. If the town board or governing body disapproves of the classification or reclassification and sale, the county board must follow the procedures in paragraphs (c) and (d), with regard to the parcel, and must additionally cause to be published in a newspaper a notice of the date, time, location, and purpose of the required meeting.

(i) If a town board or a governing body of a municipality or a park and recreation board in a city of the first class desires to acquire any parcel lying in the town or municipality by procedures authorized in this section, it may file a written request under subdivision 1a, paragraph (a).

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 2. Minnesota Statutes 2008, section 282.01, subdivision 1a, is amended to read:

Subd. 1a. **Conveyance; generally to public entities.** (a) Upon written request from a state agency or a governmental subdivision of the state, a parcel of unsold tax-forfeited land must be withheld from sale or lease to others for a maximum of six months. The request must be submitted to the county auditor. Upon receipt, the county auditor must withhold the parcel from sale or lease to any other party for six months and must confirm the starting date of the six-month withholding period to the requesting agency or subdivision. If the request is from a governmental subdivision of the state, the governmental subdivision must pay the maintenance costs incurred by the county during the period the parcel is withheld. The county board may approve a sale or conveyance to the requesting party during the withholding period. A conveyance of the property to the requesting party terminates the withholding period.

A governmental subdivision of the state must not make, and a county auditor must not act upon, a second request to withhold a parcel from sale or lease within 18 months of a previous request for

that parcel. A county may reject a request made under this paragraph if the request is made more than 30 days after the county has given notice to the requesting state agency or governmental subdivision of the state that the county intends to sell or otherwise dispose of the property.

(b) Nonconservation tax-forfeited lands may be sold by the county board, for their market value as determined by the county board, to an organized or incorporated governmental subdivision of the state for any public purpose for which the subdivision is authorized to acquire property or. For purposes of this section, "market value" means an estimate of the full and actual market value of the parcel as determined by the county board. In making this determination, the board and the persons employed by or under contract with the board in order to perform, conduct, or assist in the determination, are exempt from the licensure requirements of chapter 82B.

(c) Nonconservation tax-forfeited lands may be released from the trust in favor of the taxing districts on application of to the county board by a state agency for an authorized use at not less than their market value as determined by the county board.

(d) Nonconservation tax-forfeited lands may be sold by the county board to an organized or incorporated governmental subdivision of the state or state agency for less than their market value if:

(1) the county board determines that a sale at a reduced price is in the public interest because a reduced price is necessary to provide an incentive to correct the blighted conditions that make the lands undesirable in the open market or the reduced price will lead to the development of affordable housing; and

(2) the governmental subdivision or state agency has documented its specific plans for correcting the blighted conditions or developing affordable housing and the specific law or laws that empower it to acquire real property in furtherance of the plans.

If the sale under this paragraph is to a governmental subdivision of the state, the commissioner of revenue must convey the property on behalf of the state by quit claim deed. If the sale under this paragraph is to a state agency, the commissioner must issue a conveyance document that releases the property from the trust in favor of the taxing districts.

(e) Nonconservation tax-forfeited land held in trust in favor of the taxing districts may be conveyed by the commissioner of revenue ~~may convey by deed~~ in the name of the state ~~a tract of tax-forfeited land held in trust in favor of the taxing districts~~ to a governmental subdivision for an authorized public use, if an application is submitted to the commissioner which includes a statement of facts as to the use to be made of the tract ~~and the need therefor~~ and the favorable recommendation of the county board. For purposes of this paragraph, "authorized public use" means a use that allows an indefinite segment of the public to physically use and enjoy the property in numbers appropriate to its size and use or that is for a public service facility. Authorized public uses under this paragraph are limited to:

(1) a road or right-of-way for a road;

(2) a park that is both available to, and accessible by, the public that contains amenities such as campgrounds, playgrounds, athletic fields, trails, or shelters;

(3) trails for walking, bicycling, snowmobiling, or other recreational purposes, along with a reasonable amount of surrounding land maintained in its natural state;

(4) transit facilities for buses, light rail transit, commuter rail or passenger rail, including transit ways, park-and-ride lots, transit stations, maintenance and garage facilities, and other facilities related to a public transit system;

(5) public beaches or boat launches;

(6) public parking;

(7) civic recreation or conference facilities; and

(8) public service facilities such as fire halls, police stations, lift stations, water towers, sanitation facilities, water treatment facilities, and administrative offices.

No monetary compensation or consideration is required for the conveyance, except as provided in subdivision 1g, but the conveyance is subject to the conditions provided in law, including, but not limited to, the reversion provisions of subdivisions 1c and 1d.

(f) The commissioner of revenue shall convey a parcel of nonconservation tax-forfeited land to a local governmental subdivision of the state by quit claim deed on behalf of the state upon the favorable recommendation of the county board if the governmental subdivision has certified to the board that before the forfeiture the subdivision was entitled to the parcel under a written development agreement or instrument, but the conveyance failed to occur before forfeiture. No compensation or consideration is required for, and no conditions attach to, the conveyance.

(g) The commissioner of revenue shall convey a parcel of nonconservation tax-forfeited land to the association of a common interest community by quit claim deed upon the favorable recommendation of the county board if the association certifies to the board that before forfeiture the association was entitled to the parcel under a written agreement, but the conveyance failed to occur before forfeiture. No compensation or consideration is required for, and no conditions attach to, the conveyance.

(h) Conservation tax-forfeited land may be sold to a governmental subdivision of the state for less than its market value for: (1) creation or preservation of wetlands; (2) drainage or storage of storm water under a storm water management plan; or (3) preservation, or restoration and preservation, of the land in its natural state. The deed must contain a restrictive covenant limiting the use of the land to one of these purposes for 30 years or until the property is reconveyed back to the state in trust. At any time, the governmental subdivision may reconvey the property to the state in trust for the taxing districts. The deed of reconveyance is subject to approval by the commissioner of revenue. No part of a purchase price determined under this paragraph may be refunded upon a reconveyance, but the amount paid for a conveyance under this paragraph may be taken into account by the county board when setting the terms of a future sale of the same property to the same governmental subdivision under paragraph (b) or (d). If the lands are unplatted and located outside of an incorporated municipality and the commissioner of natural resources determines there is a mineral use potential, the sale is subject to the approval of the commissioner of natural resources.

(i) A park and recreation board in a city of the first class is a governmental subdivision for the purposes of this section.

**EFFECTIVE DATE.** This section is effective July 1, 2010.



Sec. 3. Minnesota Statutes 2008, section 282.01, subdivision 1b, is amended to read:

Subd. 1b. **Conveyance; targeted neighborhood lands.** ~~(a)~~ Notwithstanding subdivision 1a, in the case of tax-forfeited lands located in a targeted neighborhood, ~~as defined in section 469.201, subdivision 10~~ in a city of the first class, the commissioner of revenue shall convey by quit claim deed in the name of the state any tract of tax-forfeited land held in trust in favor of the taxing districts, to a political subdivision of the state that submits an application to the commissioner of revenue and the favorable recommendation of the county board. For purposes of this subdivision, the term "targeted neighborhood" has the meaning given in section 469.201, subdivision 10, except that the land must be located within a first class city.

~~(b) The application under paragraph (a) must include a statement of facts as to the use to be made of the tract, the need therefor, and a resolution, adopted by the governing body of the political subdivision, finding that the conveyance of a tract of tax-forfeited land to the political subdivision is necessary to provide for the redevelopment of land as productive taxable property. Deeds of conveyance issued under paragraph (a) are not conditioned on continued use of the property for the use stated in the application.~~

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 4. Minnesota Statutes 2008, section 282.01, subdivision 1c, is amended to read:

Subd. 1c. **Deed of conveyance; form; approvals.** The deed of conveyance for property conveyed for a an authorized public use under the authorities in subdivision 1a, paragraph (e), must be on a form approved by the attorney general and must be conditioned on continued use for the purpose stated in the application as provided in this section. These deeds are conditional use deeds that convey a defeasible estate. Reversion of the estate occurs by operation of law and without the requirement for any affirmative act by or on behalf of the state when there is a failure to put the property to the approved authorized public use for which it was conveyed, or an abandonment of that use, except as provided in subdivision 1d.

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 5. Minnesota Statutes 2008, section 282.01, subdivision 1d, is amended to read:

Subd. 1d. **Reverter for failure to use; conveyance to state.** (a) If after three years from the date of the conveyance a governmental subdivision to which tax-forfeited land has been conveyed for a specified an authorized public use as provided in ~~this section~~ subdivision 1a, paragraph (e), fails to put the land to that use, or abandons that use, the governing body of the subdivision ~~may,~~ must: (1) with the approval of the county board, purchase the property for an authorized public purpose at the present appraised market value as determined by the county board. ~~In that case, the commissioner of revenue shall, upon proper written application approved by the county board, issue an appropriate deed to the subdivisions free of a use restriction and reverter. The governing body may also, or (2)~~ authorize the proper officers to convey the land, or the part of the land not required for an authorized public use, to the state of Minnesota. in trust for the taxing districts. If the governing body purchases the property under clause (1), the commissioner of revenue shall, upon proper application submitted by the county auditor, convey the property on behalf of the state by quit claim deed to the subdivision free of a use restriction and the possibility of reversion or defeasement. If the governing body decides to reconvey the property to the state under this clause, the officers shall execute a deed of conveyance immediately. The conveyance is subject to the approval of the commissioner and its form must be

~~approved by the attorney general. A sale, lease, transfer, or other conveyance of tax forfeited lands by a housing and redevelopment authority, a port authority, an economic development authority, or a city as authorized by chapter 469 is not an abandonment of use and the lands shall not be reconveyed to the state nor shall they revert to the state. A certificate made by a housing and redevelopment authority, a port authority, an economic development authority, or a city referring to a conveyance by it and stating that the conveyance has been made as authorized by chapter 469 may be filed with the county recorder or registrar of titles, and the rights of reverter in favor of the state provided by subdivision 1e will then terminate. No vote of the people is required for the conveyance. For the purposes of this paragraph, there is no failure to put the land to the authorized public use and no abandonment of that use if a formal plan of the governmental subdivision, including, but not limited to, a comprehensive plan or land use plan that shows an intended future use of the land for the authorized public use.~~

(b) Property held by a governmental subdivision of the state under a conditional use deed executed under subdivision 1a, paragraph (e), by the commissioner of revenue on or after January 1, 2007, may be acquired by that governmental subdivision after 15 years from the date of the conveyance if the commissioner determines upon written application from the subdivision that the subdivision has in fact put the property to the authorized public use for which it was conveyed and the subdivision has made a finding that it has no current plans to change the use of the lands. Before conveying the property, the commissioner shall inquire whether the county board where the land is located objects to a conveyance of the property to the subdivision without conditions and without further act by or obligation of the subdivision. If the county does not object within 60 days, and the commissioner makes a favorable determination, the commissioner shall issue a quit claim deed on behalf of the state unconditionally conveying the property to the governmental subdivision. For purposes of this paragraph, demonstration of an intended future use for the authorized public use in a formal plan of the governmental subdivision does not constitute use for that authorized public use.

(c) Property held by a governmental subdivision of the state under a conditional use deed executed under subdivision 1a, paragraph (e), by the commissioner of revenue before January 1, 2007, is released from the use restriction and possibility of reversion on January 1, 2022, if the county board records a resolution describing the land and citing this paragraph. The county board may authorize the county treasurer to deduct the amount of the recording fees from future settlements of property taxes to the subdivision.

(d) All property conveyed under a conditional use deed executed under subdivision 1a, paragraph (e), by the commissioner of revenue is released from the use restriction and reverter and any use restriction or reverter for which no declaration of reversion has been recorded with the county recorder or registrar of titles, as appropriate, is nullified on the later of: (1) January 1, 2015; (2) 30 years from the date the deed was acknowledged; or (3) final resolution of an appeal to district court under subdivision 1e, if a lis pendens related to the appeal is recorded in the office of the county recorder or registrar of titles, as appropriate, before January 1, 2015.

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 6. Minnesota Statutes 2008, section 282.01, is amended by adding a subdivision to read:

Subd. 1g. **Conditional use deed fees.** (a) A governmental subdivision of the state applying for a conditional use deed under subdivision 1a, paragraph (e), must submit a fee of \$250 to the commissioner of revenue along with the application. If the application is denied, the commissioner

shall refund \$150 of the application fee.

(b) The proceeds from the fees must be deposited in a Department of Revenue conditional use deed revolving fund. The sums deposited into the revolving fund are appropriated to the commissioner of revenue for the purpose of making the refunds described in this subdivision, and administering conditional use deed laws.

**EFFECTIVE DATE.** This section is effective for applications received by the commissioner after June 30, 2010.

Sec. 7. Minnesota Statutes 2008, section 282.01, is amended by adding a subdivision to read:

Subd. 1h. **Conveyance; form.** The instruments of conveyance executed and issued by the commissioner of revenue under subdivision 1a, paragraphs (c), (d), (e), (f), (g), and (h), and subdivision 1d, paragraph (b), must be on a form approved by the attorney general and are prima facie evidence of the facts stated in them and that the execution and issuance of the conveyance complies with the applicable laws.

**EFFECTIVE DATE.** This section is effective for deeds executed by the commissioner of revenue after June 30, 2010.

Sec. 8. Minnesota Statutes 2008, section 282.01, subdivision 2, is amended to read:

Subd. 2. **Conservation lands; county board supervision.** (a) Lands classified as conservation lands, ~~unless reclassified as nonconservation lands, sold to a governmental subdivision of the state, designated as lands primarily suitable for forest production and sold as hereinafter provided, or released from the trust in favor of the taxing districts, as herein provided, will~~ must be held under the supervision of the county board of the county within which ~~such~~ the parcels lie, ~~and must not be conveyed or sold unless the lands are:~~

~~The county board may, by resolution duly adopted, declare lands classified as conservation lands as primarily suitable for timber production and as lands which should be placed in private ownership for such purposes. If such action be approved by the commissioner of natural resources, the lands so designated, or any part thereof, may be sold by the county board in the same manner as provided for the sale of lands classified as nonconservation lands. Such county action and the approval of the commissioner shall be limited to lands lying within areas zoned for restricted uses under the provisions of Laws 1939, chapter 340, or any amendments thereof.~~

- (1) reclassified as nonconservation lands;
- (2) conveyed to a governmental subdivision of the state under subdivision 1a;
- (3) released from the trust in favor of the taxing districts as provided in paragraph (b); or
- (4) conveyed or sold under the authority of another general or special law.

(b) The county board may, by resolution duly adopted, resolve that certain lands classified as conservation lands shall be devoted to conservation uses and may submit ~~such~~ a resolution to the commissioner of natural resources. If, upon investigation, the commissioner of natural resources determines that the lands covered by ~~such~~ the resolution, or any part thereof, can be managed and developed for conservation purposes, the commissioner shall make a certificate describing the lands and reciting the acceptance thereof on behalf of the state ~~for such purposes.~~

The commissioner shall transmit the certificate to the county auditor, who shall note the same upon the auditor's records and record the same with the county recorder. The title to all lands so accepted shall be held by the state free from any trust in favor of any and all taxing districts and such the lands shall be devoted thereafter to the purposes of forestry, water conservation, flood control, parks, game refuges, controlled game management areas, public shooting grounds, or other public recreational or conservation uses, and managed, controlled, and regulated ~~for such purposes~~ under the jurisdiction of the commissioner of natural resources and the divisions of the department.

(c) All proceeds derived from the sale of timber, lease of crops of hay, or other revenue from lands under the jurisdiction of the commissioner of natural resources shall be credited to the general fund of the state.

~~In case~~ (d) If the commissioner of natural resources ~~shall determine~~ determines that any tract of land ~~so held~~ acquired by the state under paragraph (b) and situated within or adjacent to the boundaries of any governmental subdivision of the state is suitable for use by such the subdivision for any authorized public purpose, the commissioner may convey such the tract by deed in the name of the state to such the subdivision upon the filing with the commissioner of a resolution adopted by a majority vote of all the members of the governing body thereof, stating the purpose for which the land is desired. The deed of conveyance shall be upon a form approved by the attorney general and must be conditioned upon continued use for the purpose stated in the resolution. ~~All proceeds derived from the sale of timber, lease of hay stumpage, or other revenue from such lands under the jurisdiction of the natural resources commissioner shall be paid into the general fund of the state.~~

(e) The county auditor, with the approval of the county board, may lease conservation lands remaining under the jurisdiction supervision of the county board and sell timber and hay stumpage thereon in the manner hereinafter provided, and all proceeds derived therefrom shall be distributed in the same manner as provided in section 282.04.

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 9. Minnesota Statutes 2008, section 282.01, subdivision 3, is amended to read:

Subd. 3. **Nonconservation lands; appraisal and sale.** (a) All parcels of land classified as nonconservation, except those which may be reserved, shall be sold as provided, if it is determined, by the county board of the county in which the parcels lie, that it is advisable to do so, having in mind their accessibility, their proximity to existing public improvements, and the effect of their sale and occupancy on the public burdens. Any parcels of land proposed to be sold shall be first appraised by the county board of the county in which the parcels lie. The parcels may be reappraised whenever the county board deems it necessary to carry out the intent of sections 282.01 to 282.13.

(b) In an appraisal the value of the land and any standing timber on it shall be separately determined. No parcel of land containing any standing timber may be sold until the appraised value of the timber on it and the sale of the land have been approved by the commissioner of natural resources. The commissioner shall base review of a proposed sale on the policy and considerations specified in subdivision 1. The decision of the commissioner shall be in writing and shall state the reasons for it. The commissioner's decision is exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply. The county may appeal the decision of the commissioner in accordance with chapter 14.

(c) In any county in which a state forest or any part of it is located, the county auditor shall

submit to the commissioner at least 60 days before the first publication of the list of lands to be offered for sale a list of all lands included on the list which are situated outside of any incorporated municipality. If, at any time before the opening of the sale, the commissioner notifies the county auditor in writing that there is standing timber on any parcel of such land, the parcel shall not be sold unless the requirements of this section respecting the separate appraisal of the timber and the approval of the appraisal by the commissioner have been complied with. The commissioner may waive the requirement of the 60-day notice as to any parcel of land which has been examined and the timber value approved as required by this section.

(d) If any public improvement is made by a municipality after any parcel of land has been forfeited to the state for the nonpayment of taxes, and the improvement is assessed in whole or in part against the property benefited by it, the clerk of the municipality shall certify to the county auditor, immediately upon the determination of the assessments for the improvement, the total amount that would have been assessed against the parcel of land if it had been subject to assessment; or if the public improvement is made, petitioned for, ordered in or assessed, whether the improvement is completed in whole or in part, at any time between the appraisal and the sale of the parcel of land, the cost of the improvement shall be included as a separate item and added to the appraised value of the parcel of land at the time it is sold. No sale of a parcel of land shall discharge or free the parcel of land from lien for the special benefit conferred upon it by reason of the public improvement until the cost of it, including penalties, if any, is paid. The county board shall determine the amount, if any, by which the value of the parcel was enhanced by the improvement and include the amount as a separate item in fixing the appraised value for the purpose of sale. ~~In classifying, appraising, and selling the lands, the county board may designate the tracts as assessed and acquired, or may by resolution provide for the subdivision of the tracts into smaller units or for the grouping of several tracts into one tract when the subdivision or grouping is deemed advantageous for the purpose of sale. Each such smaller tract or larger tract must be classified and appraised as such before being offered for sale. If any such lands have once been classified, the board of county commissioners, in its discretion, may, by resolution, authorize the sale of the smaller tract or larger tract without reclassification.~~

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 10. Minnesota Statutes 2008, section 282.01, subdivision 4, is amended to read:

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

auction for more than the appraised value, the amount bid in excess of the appraised value must be allocated between the land and the timber in proportion to their respective appraised values. In that case, standing timber or timber products must not be removed from the land until the amount of the excess bid allocated to timber or timber products has been paid in addition to the appraised value of the land. The purchaser is entitled to immediate possession, subject to the provisions of any existing valid lease made in behalf of the state.

For sales occurring on or after July 1, 1982, the unpaid balance of the purchase price is subject to interest at the rate determined pursuant to section 549.09. The unpaid balance of the purchase price for sales occurring after December 31, 1990, is subject to interest at the rate determined in section 279.03, subdivision 1a. The interest rate is subject to change each year on the unpaid balance in the manner provided for rate changes in section 549.09 or 279.03, subdivision 1a, whichever, is applicable. Interest on the unpaid contract balance on sales occurring before July 1, 1982, is payable at the rate applicable to the sale at the time that the sale occurred.

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 11. Minnesota Statutes 2008, section 282.01, subdivision 7, is amended to read:

Subd. 7. **County sales; notice, purchase price, disposition.** The sale must commence at the time determined by the county board of the county in which the parcels are located. The county auditor shall offer the parcels of land in order in which they appear in the notice of sale, and shall sell them to the highest bidder, but not for a sum less than the appraised value, until all of the parcels of land have been offered. Then the county auditor shall sell any remaining parcels to anyone offering to pay the appraised value, except that if the person could have repurchased a parcel of property under section 282.012 or 282.241, that person may not purchase that same parcel of property at the sale under this subdivision for a purchase price less than the sum of all taxes, assessments, penalties, interest, and costs due at the time of forfeiture computed under section 282.251, and any special assessments for improvements certified as of the date of sale. The sale must continue until all the parcels are sold or until the county board orders a reappraisal or withdraws any or all of the parcels from sale. The list of lands may be added to and the added lands may be sold at any time by publishing the descriptions and appraised values. The added lands must be: (1) parcels of land that have become forfeited and classified as nonconservation since the commencement of any prior sale; (2) parcels classified as nonconservation that have been reappraised; (3) parcels that have been reclassified as nonconservation; or (4) other parcels that are subject to sale but were omitted from the existing list for any reason. The descriptions and appraised values must be published in the same manner as provided for the publication of the original list. Parcels added to the list must first be offered for sale to the highest bidder before they are sold at appraised value. All parcels of land not offered for immediate sale, as well as parcels that are offered and not immediately sold, continue to be held in trust by the state for the taxing districts interested in each of the parcels, under the supervision of the county board. Those parcels may be used for public purposes until sold, as directed by the county board.

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 12. Minnesota Statutes 2008, section 282.01, subdivision 7a, is amended to read:

Subd. 7a. **City sales; alternate procedures.** Land located in a home rule charter or statutory city, or in a town which cannot be improved because of noncompliance with local ordinances regarding minimum area, shape, frontage or access may be sold by the county auditor pursuant to

this subdivision if the auditor determines that a nonpublic sale will encourage the approval of sale of the land by the city or town and promote its return to the tax rolls. If the physical characteristics of the land indicate that its highest and best use will be achieved by combining it with an adjoining parcel and the city or town has not adopted a local ordinance governing minimum area, shape, frontage, or access, the land may also be sold pursuant to this subdivision. If the property consists of an undivided interest in land or land and improvements, the property may also be sold to the other owners under this subdivision. The sale of land pursuant to this subdivision shall be subject to any conditions imposed by the county board pursuant to section 282.03. The governing body of the city or town may recommend to the county board conditions to be imposed on the sale. The county auditor may restrict the sale to owners of lands adjoining the land to be sold. The county auditor shall conduct the sale by sealed bid or may select another means of sale. The land shall be sold to the highest bidder ~~but in no event shall the land~~ and may be sold for less than its appraised value. All owners of land adjoining the land to be sold shall be given a written notice at least 30 days prior to the sale.

This subdivision shall be liberally construed to encourage the sale and utilization of tax-forfeited land, to eliminate nuisances and dangerous conditions and to increase compliance with land use ordinances.

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 13. Minnesota Statutes 2008, section 282.01, is amended by adding a subdivision to read:

Subd. 12. **Notice; public hearing for use change.** If a governmental subdivision that acquired a parcel for public use under this section later determines to change the use, it must hold a public hearing on the proposed use change. The governmental subdivision must mail written notice of the proposed use change and the public hearing to each owner of property that is within 400 feet of the parcel at least ten days and no more than 60 days before it holds the hearing. The notice must identify: (1) the parcel, (2) its current use, (3) the proposed use, (4) the date, time, and place of the public hearing, and (5) where to submit written comments on the proposal and that the public is invited to testify at the public hearing.

**EFFECTIVE DATE.** This section is effective July 1, 2010, and applies to a change in use of a parcel acquired under Minnesota Statutes, section 282.01, whether acquired by the governmental subdivision before or after the effective date of this section.

Sec. 14. **REPEALER.**

Minnesota Statutes 2008, sections 282.01, subdivisions 9, 10, and 11; and 383A.76, are repealed.

**EFFECTIVE DATE.** This section is effective July 1, 2010."

Delete the title and insert:

"A bill for an act relating to real property; modifying procedures relating to uses and conveyances of tax-forfeited property; amending Minnesota Statutes 2008, section 282.01, subdivisions 1, 1a, 1b, 1c, 1d, 2, 3, 4, 7, 7a, by adding subdivisions; repealing Minnesota Statutes 2008, sections 282.01, subdivisions 9, 10, 11; 383A.76."

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. 2437:** A bill for an act relating to public safety; extending area for protection to a reasonable area around residence or dwelling in ex parte orders for protection; amending Minnesota Statutes 2008, section 518B.01, subdivision 7.

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

Delete everything after the enacting clause and insert:

"Section 1. [13.823] DOMESTIC ABUSE OR SEXUAL ATTACK PROGRAMS.

Subdivision 1. Definitions. For purposes of this section:

- (1) "domestic abuse" has the meaning given in section 518B.01, subdivision 2; and
- (2) "sexual attack" has the meaning given in section 611A.21, subdivision 2.

Subd. 2. Provisions not applicable. Except as otherwise provided in this subdivision, a program that provides shelter or support services to victims of domestic abuse or a sexual attack and whose employees or volunteers are not under the direct supervision of a government entity is not subject to this chapter, except that the program shall comply with sections 611A.32, subdivision 5, and 611A.371, subdivision 3.

Sec. 2. Minnesota Statutes 2008, section 299C.46, subdivision 6, is amended to read:

Subd. 6. Orders for protection and no contact orders. (a) As used in this subdivision, "no contact orders" include orders issued as pretrial orders under section 629.72, subdivision 2; orders under section 629.75; and orders issued as probationary or sentencing orders at the time of disposition in a criminal domestic abuse case.

(b) The data communications network must include orders for protection issued under section 518B.01 and no contact orders issued ~~under section 629.715, subdivision 4~~ against adults and juveniles. A no contact order must be accompanied by a photograph of the offender for the purpose of enforcement of the order, if a photograph is available and verified by the court to be an image of the defendant.

Sec. 3. Minnesota Statutes 2008, section 518B.01, subdivision 7, is amended to read:

Subd. 7. Ex parte order. (a) Where an application under this section alleges an immediate and present danger of domestic abuse, the court may grant an ex parte order for protection and granting relief as the court deems proper, including an order:

- (1) restraining the abusing party from committing acts of domestic abuse;
- (2) excluding any party from the dwelling they share or from the residence of the other, including a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order, except by further order of the court;
- (3) excluding the abusing party from the place of employment of the petitioner or otherwise limiting access to the petitioner by the abusing party at the petitioner's place of employment;
- (4) ordering the abusing party to have no contact with the petitioner whether in person, by



telephone, mail, e-mail, through electronic devices, or through a third party; and

(5) continuing all currently available insurance coverage without change in coverage or beneficiary designation.

(b) A finding by the court that there is a basis for issuing an ex parte order for protection constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte relief.

(c) Subject to paragraph (d), an ex parte order for protection shall be effective for a fixed period set by the court, as provided in subdivision 6, paragraph (b), or until modified or vacated by the court pursuant to a hearing. When signed by a referee, the ex parte order becomes effective upon the referee's signature. Upon request, a hearing, as provided by this section, shall be set. Except as provided in paragraph (d), the respondent shall be personally served forthwith a copy of the ex parte order along with a copy of the petition and, if requested by the petitioner, notice of the date set for the hearing. If the petitioner does not request a hearing, an order served on a respondent under this subdivision must include a notice advising the respondent of the right to request a hearing, must be accompanied by a form that can be used by the respondent to request a hearing and must include a conspicuous notice that a hearing will not be held unless requested by the respondent within five days of service of the order.

(d) Service of the ex parte order may be made by published notice, as provided under subdivision 5, provided that the petitioner files the affidavit required under that subdivision. If personal service is not made or the affidavit is not filed within 14 days of issuance of the ex parte order, the order expires. If the petitioner does not request a hearing, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing and notice described in paragraph (c). Unless personal service is completed, if service by published notice is not completed within 28 days of issuance of the ex parte order, the order expires.

(e) If the petitioner seeks relief under subdivision 6 other than the relief described in paragraph (a), the petitioner must request a hearing to obtain the additional relief.

(f) Nothing in this subdivision affects the right of a party to seek modification of an order under subdivision 11.

Sec. 4. Minnesota Statutes 2008, section 609.498, is amended by adding a subdivision to read:

Subd. 2a. **Tampering with a witness in the third degree.** (a) Unless a greater penalty is applicable under subdivision 1, 1b, or 2, whoever does any of the following is guilty of tampering with a witness in the third degree and may be sentenced as provided in subdivision 3:

(1) intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of intimidation, a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law;

(2) by means of intimidation, intentionally influences or attempts to influence a person who is or may become a witness to testify falsely at any trial, proceeding, or inquiry authorized by law;

(3) intentionally prevents or dissuades, or attempts to prevent or dissuade by means of intimidation, a person from providing information to law enforcement authorities concerning a crime; or

(4) by means of intimidation, intentionally influences or attempts to influence a person to provide false information concerning a crime to law enforcement authorities.

(b) In a prosecution under this subdivision, proof of intimidation may be based on a specific act or on the totality of the circumstances.

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2008, section 609.498, subdivision 3, is amended to read:

Subd. 3. **Sentence.** (a) Whoever violates subdivision 2 may be sentenced to imprisonment for not more than one year or to payment of a fine not to exceed \$3,000 is guilty of a gross misdemeanor.

(b) Whoever violates subdivision 2a is guilty of a misdemeanor.

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2008, section 609.749, is amended to read:

**609.749 HARASSMENT; STALKING; PENALTIES.**

Subdivision 1. **Definition.** As used in this section, "harass" "stalking" means to engage in intentional conduct which: (1) the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated; and (2) causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

Subd. 1a. **No proof of specific intent required.** In a prosecution under this section, the state is not required to prove that the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted, or intimidated, or except as otherwise provided in subdivision 3, paragraph (a), clause (4), or paragraph (b), that the actor intended to cause any other result.

Subd. 1b. **Venue.** (a) When acts constituting a violation of this section are committed in two or more counties, the accused may be prosecuted in any county in which one of the acts was committed for all acts in violation of this section.

(b) The conduct described in subdivision 2, clause (4), (5), or (8), may be prosecuted at the place where any call is made or received or, in the case of wireless or electronic communication or any communication made through any available technologies, where the actor or victim resides or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established by chapter 5B. The conduct described in subdivision 2, clause (2), may be prosecuted where the actor or victim resides. The conduct described in subdivision 2, clause (6), may be prosecuted where any letter, telegram, message, package, or other object is sent or received or, in the case of wireless or electronic communication or communication made through other available technologies, where the actor or victim resides or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established by chapter 5B.

Subd. 1c. **Arrest.** For all violations under this section, except a violation of subdivision 2, clause (8), a peace officer may make an arrest under the provisions of section 629.34. A peace officer may

not make a warrantless, custodial arrest of any person for a violation of subdivision 2, clause (8).

Subd. 2. **Harassment and Stalking crimes.** ~~(a)~~ A person who ~~harasses~~ stalks another by committing any of the following acts is guilty of a gross misdemeanor:

(1) directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;

(2) ~~stalks,~~ follows, monitors, or pursues another, whether in person or through any available technological or other means;

(3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;

(4) repeatedly makes telephone calls, sends text messages, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;

(5) makes or causes the telephone of another repeatedly or continuously to ring;

(6) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistive devices for the visually or hearing impaired, or any communication made through any available technologies or other objects; or

(7) engages in harassment as defined in section 609.748, subdivision 1, paragraph (a); or

(8) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties.

~~(b) The conduct described in paragraph (a), clauses (4) and (5), may be prosecuted at the place where any call is either made or received or, additionally in the case of wireless or electronic communication, where the actor or victim resides. The conduct described in paragraph (a), clause (2), may be prosecuted where the actor or victim resides. The conduct described in paragraph (a), clause (6), may be prosecuted where any letter, telegram, message, package, or other object is either sent or received or, additionally in the case of wireless or electronic communication, where the actor or victim resides.~~

~~(c) A peace officer may not make a warrantless, custodial arrest of any person for a violation of paragraph (a), clause (7).~~

Subd. 3. **Aggravated violations.** (a) A person who commits any of the following acts is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

(1) commits any offense described in subdivision 2 because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin;

(2) commits any offense described in subdivision 2 by falsely impersonating another;

(3) commits any offense described in subdivision 2 and possesses a dangerous weapon at the time of the offense;

(4) ~~harasses~~ stalks another, as defined in subdivision 1, with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(5) commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim.

(b) A person who commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

**Subd. 4. Second or subsequent violations; felony.** (a) A person is guilty of a felony who violates any provision of subdivision 2 within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency, and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) A person is guilty of a felony who violates any provision of subdivision 2 within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency, and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

**Subd. 5. Pattern of harassing stalking conduct.** (a) A person who engages in a pattern of ~~harassing~~ stalking conduct with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) For purposes of this subdivision, a "pattern of ~~harassing~~ stalking conduct" means two or more acts within a five-year period that violate or attempt to violate the provisions of any of the following or a similar law of another state, the United States, the District of Columbia, ~~tribal lands~~ tribe, or United States territories:

(1) this section;

(2) sections 609.185 to 609.205 (first- to third-degree murder and first- and second-degree manslaughter);

~~(2)~~ (3) section 609.713 (terroristic threats);

(4) section 609.221 (first-degree assault);

(5) section 609.222 (second-degree assault);

(6) section 609.223 (third-degree assault);

~~(3)~~ (7) section 609.224 (fifth-degree assault);

~~(4)~~ (8) section 609.2242 (domestic assault);

- (9) section 609.2247 (domestic assault by strangulation);
- ~~(5)~~ (10) section 518B.01, subdivision 14 (violations of domestic abuse orders for protection);
- ~~(6)~~ (11) section 609.748, subdivision 6 (violations of harassment restraining orders);
- ~~(7)~~ (12) section 609.605, subdivision 1, paragraph (b), clauses (3), (4), and (7) (certain trespass offenses);
- (13) section 609.78, subdivision 2 (interference with an emergency call);
- ~~(8)~~ (14) section 609.79 (obscene or harassing telephone calls);
- ~~(9)~~ (15) section 609.795 (letter, telegram, or package; opening; harassment);
- ~~(10)~~ (16) section 609.582 (burglary);
- ~~(11)~~ (17) section 609.595 (damage to property);
- ~~(12)~~ (18) section 609.765 (criminal defamation); or
- ~~(13)~~ (19) sections 609.342 to 609.3451 (first- to fifth-degree criminal sexual conduct); or
- (20) section 629.75, subdivision 2 (violations of domestic abuse no contact orders).

(c) ~~When acts constituting a violation of this subdivision are committed in two or more counties, the accused may be prosecuted in any county in which one of the acts was committed for all acts constituting the pattern~~ Words set forth in parentheses after references to statutory sections in paragraph (b) are mere catchwords included solely for convenience in reference. They are not substantive and may not be used to construe or limit the meaning of the cited statutory provision.

**Subd. 6. Mental health assessment and treatment.** (a) When a person is convicted of a felony offense under this section, or another felony offense arising out of a charge based on this section, the court shall order an independent professional mental health assessment of the offender's need for mental health treatment. The court may waive the assessment if an adequate assessment was conducted prior to the conviction.

(b) Notwithstanding sections 13.384, 13.85, 144.291 to 144.298, 260B.171, or 260C.171, the assessor has access to the following private or confidential data on the person if access is relevant and necessary for the assessment:

- (1) medical data under section 13.384;
- (2) welfare data under section 13.46;
- (3) corrections and detention data under section 13.85;
- (4) health records under sections 144.291 to 144.298; and
- (5) juvenile court records under sections 260B.171 and 260C.171.

Data disclosed under this section may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law.

- (c) If the assessment indicates that the offender is in need of and amenable to mental health

treatment, the court shall include in the sentence a requirement that the offender undergo treatment.

(d) The court shall order the offender to pay the costs of assessment under this subdivision unless the offender is indigent under section 563.01.

Subd. 7. **Exception.** Conduct is not a crime under this section if it is performed under terms of a valid license, to ensure compliance with a court order, or to carry out a specific lawful commercial purpose or employment duty, is authorized or required by a valid contract, or is authorized, required, or protected by state ~~or~~, federal, or tribal law or the state ~~or~~, federal, or tribal constitutions. Subdivision 2, clause (2), does not impair the right of any individual or group to engage in speech protected by the federal ~~Constitution~~, state, or tribal constitutions, ~~the state Constitution~~, or federal ~~or~~, state, or tribal law, including peaceful and lawful handbilling and picketing.

Subd. 8. **Stalking; firearms.** (a) When a person is convicted of a ~~harassment or~~ stalking crime under this section and the court determines that the person used a firearm in any way during commission of the crime, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant whether and for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(b) Except as otherwise provided in paragraph (a), when a person is convicted of a stalking ~~or harassment~~ crime under this section, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.

(c) Except as otherwise provided in paragraph (a), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1996, of a stalking ~~or harassment~~ crime under this section, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.

(d) If the court determines that a person convicted of a stalking ~~or harassment~~ crime under this section owns or possesses a firearm and used it in any way during the commission of the crime, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2008, section 629.471, subdivision 3, is amended to read:

Subd. 3. **Six times fine.** For offenses under sections ~~518B.01, 609.224, 609.2242, and 609.377,~~ the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is six times the highest cash fine that may be imposed for the offense.

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes committed

on or after that date.

Sec. 8. Minnesota Statutes 2008, section 629.471, is amended by adding a subdivision to read:

Subd. 3a. **Ten times fine.** For offenses under sections 518B.01 and 609.2242, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is ten times the highest cash fine that may be imposed for the offense.

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2008, section 629.72, subdivision 1, is amended to read:

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

(b) "Domestic abuse" has the meaning given in section 518B.01, subdivision 2.

(c) "Harassment" has the meaning given in section 609.749.

(d) "Violation of a domestic abuse no contact order" has the meaning given in section ~~518B.01, subdivision 22~~ 629.75.

(e) "Violation of an order for protection" has the meaning given in section 518B.01, subdivision 14.

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2008, section 629.72, subdivision 2a, is amended to read:

Subd. 2a. **Electronic monitoring; condition of pretrial release.** (a) Until the commissioner of corrections has adopted standards governing electronic monitoring devices used to protect victims of domestic abuse, the court, as a condition of release, may not order a person arrested for a crime described in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring device to protect a victim's safety.

(b) Notwithstanding paragraph (a), ~~district courts in the Tenth~~ a judicial district may establish a pilot project to allow courts in the district to order, as a condition of a release, a person arrested on a charge of a crime described in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring device to protect the victim's safety. The chief judge of a judicial district conducting a pilot project under this paragraph shall convene an advisory group consisting of representatives from law enforcement, prosecutors, defense attorneys, court administrators, judges, and battered women's organizations. A judicial district must develop standards for the use of electronic monitoring devices to protect victims of domestic abuse and for evaluating the effectiveness of electronic monitoring. The ~~courts~~ judicial district shall make data on the use of electronic monitoring devices to protect a victim's safety in the Tenth Judicial District available to the commissioner of corrections to evaluate and to aid in development of standards for the use of devices to protect victims of domestic abuse. A district shall report information on the pilot project to the state court administrator's office as directed by that office. By January 15, 2013, the state court administrator shall report by electronic means to the chairs and ranking minority members of the senate and house committees having jurisdiction over criminal justice policy on the experience of any pilot projects established under this paragraph.

**SUNSET.** The amendments to this section expire on January 15, 2013.

Sec. 11. **[629.75] DOMESTIC ABUSE NO CONTACT ORDER.**

Subdivision 1. **Establishment; description.** (a) A domestic abuse no contact order is an order issued by a court against a defendant in a criminal proceeding or a juvenile offender in a delinquency proceeding for:

- (1) domestic abuse as defined in section 518B.01, subdivision 2;
- (2) harassment or stalking under section 609.749 when committed against a family or household member as defined in section 518B.01, subdivision 2;
- (3) violation of an order for protection under section 518B.01, subdivision 14; or
- (4) violation of a prior domestic abuse no contact order under this subdivision or section 518B.01, subdivision 22.

(b) A domestic abuse no contact order may be issued as a pretrial order before final disposition of the underlying criminal case or as a postconviction probationary order. A domestic abuse no contact order is independent of any condition of pretrial release or probation imposed on the defendant. A domestic abuse no contact order may be issued in addition to a similar restriction imposed as a condition of pretrial release or probation. In the context of a postconviction probationary order, a domestic abuse no contact order may be issued for an offense listed in paragraph (a) or for a conviction for any offense arising out of the same set of circumstances as an offense listed in paragraph (a).

(c) A no contact order under this section shall be issued in a proceeding that is separate from but held immediately following one in which any pretrial release or sentencing issues are decided.

Subd. 2. **Criminal penalties.** (a) As used in this subdivision "qualified domestic violence-related offense" has the meaning given in section 609.02, subdivision 16.

(b) A person who knows of the existence of a domestic abuse no contact order issued against the person and violates the order is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor who knowingly violates this subdivision within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days' imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court as provided in section 518B.02. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person knowingly violates this subdivision: (1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency; or (2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6. Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order



that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

Subd. 3. **Warrantless custodial arrest.** A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a domestic abuse no contact order, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this subdivision is immune from civil liability that might result from the officer's actions.

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes committed on or after that date.

Sec. 12. **REVISOR'S INSTRUCTION.**

(a) The revisor of statutes shall replace references to Minnesota Statutes, section 518B.01, subdivision 22, in statutes and rules with a reference to Minnesota Statutes, section 629.75.

(b) The revisor of statutes shall make any cross-reference and technical language changes to Minnesota Statutes made necessary by section 6.

Sec. 13. **REPEALER.**

Minnesota Statutes 2008, section 518B.01, subdivision 22, is repealed.

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to public safety; recodifying and clarifying the domestic abuse no contact order law; expanding the tampering with a witness crime; increasing the maximum bail for nonfelony domestic assault and domestic abuse order for protection violations; clarifying the requirement that the data communications network include orders for protection and no contact orders; exempting certain domestic abuse or sexual attack programs from data practices requirements; extending area for protection to a reasonable area around residence or dwelling in ex parte orders for protection; modifying crime of stalking; authorizing a pilot project to allow judges to order electronic monitoring for domestic abuse offenders on pretrial release; imposing criminal penalties; amending Minnesota Statutes 2008, sections 299C.46, subdivision 6; 518B.01, subdivision 7; 609.498, subdivision 3, by adding a subdivision; 609.749; 629.471, subdivision 3, by adding a subdivision; 629.72, subdivisions 1, 2a; proposing coding for new law in Minnesota Statutes, chapters 13; 629; repealing Minnesota Statutes 2008, section 518B.01, subdivision 22."

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 3127, 2843, 2759, 3210, 2364, 2598, 2533, 3145, 2517, 2663, 3116, 1126 and 2437 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. No. 2624 was read the second time.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senator Berglin introduced—**

**S.F. No. 3309:** A bill for an act relating to chemical dependency rates; modifying the maximum rate; amending Laws 2009, chapter 79, article 13, section 3, subdivision 8, as amended.

Referred to the Committee on Finance.

**Senator Berglin introduced—**

**S.F. No. 3310:** A bill for an act relating to human services; expanding medical assistance eligibility to include certain adults without children; appropriating money; including a repealer; amending Minnesota Statutes 2008, sections 256B.055, by adding a subdivision; 256B.056, subdivision 4.

Referred to the Committee on Finance.

**Senators Parry, Vickerman, Koering and Gimse introduced—**

**S.F. No. 3311:** A resolution urging the federal government to provide funding so the state can reimburse medical providers for performing routine procedures and tests on certain veterans.

Referred to the Committee on Health, Housing and Family Security.

**Senators Sieben, Carlson, Doll, Kelash and Higgins introduced—**

**S.F. No. 3312:** A bill for an act relating to taxation; reducing the corporate franchise tax rate; repealing the JOBZ program; amending Minnesota Statutes 2008, sections 123B.53, subdivision 1; 270B.14, subdivision 3; 290.01, subdivision 29; 290.06, subdivision 1; 290.0921, subdivisions 1, 3; 290.0922, subdivisions 2, 3; 297A.75, as amended; 297B.03; Minnesota Statutes 2009 Supplement, section 290.01, subdivision 19b; repealing Minnesota Statutes 2008, sections 272.02, subdivision 64; 272.029, subdivision 7; 289A.12, subdivision 15; 290.06, subdivision 29; 297A.68, subdivision 37; 469.310; 469.311; 469.312, subdivisions 1, 2, 3, 4; 469.313; 469.314; 469.315; 469.316; 469.317; 469.318; 469.3192; 469.3193; 469.320.

Referred to the Committee on Taxes.

**Senators Clark and Fischbach introduced–**

**S.F. No. 3313:** A bill for an act relating to health; providing a grant to a nonprofit memory care clinic located in the city of St. Cloud; appropriating money.

Referred to the Committee on Finance.

**Senator Anderson introduced–**

**S.F. No. 3314:** A bill for an act relating to labor and industry; modifying the packinghouse workers bill of rights; amending Minnesota Statutes 2008, section 179.86.

Referred to the Committee on Business, Industry and Jobs.

**Senator Dibble introduced–**

**S.F. No. 3315:** A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 23; eliminating the governor's item veto authority.

Referred to the Committee on State and Local Government Operations and Oversight.

## MOTIONS AND RESOLUTIONS

Senator Michel moved that the name of Senator Robling be added as a co-author to S.F. No. 487. The motion prevailed.

Senator Johnson moved that her name be stricken as a co-author to S.F. No. 2980. The motion prevailed.

Senator Bonoff moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 3205. The motion prevailed.

Senator Lynch moved that the name of Senator Prettner Solon be added as a co-author to S.F. No. 3296. The motion prevailed.

Senator Prettner Solon moved that the name of Senator Bakk be added as a co-author to S.F. No. 3305. The motion prevailed.

**Senators Fobbe and Jungbauer introduced –**

**Senate Resolution No. 163:** A Senate resolution congratulating The Things Robotics Team from Elk River on winning the Minnesota State Robotics championship.

Referred to the Committee on Rules and Administration.

**Senator Michel introduced –**

**Senate Resolution No. 164:** A Senate resolution congratulating the Edina High School boys

hockey team on winning the 2010 State High School Class AA boys hockey championship.

Referred to the Committee on Rules and Administration.

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 Betzold reported that the committee had considered the following:

S.F. Nos. 2855, 2852, 2933, 2935, 2690, 2700, 2908, 2705, 2713, 333, 2322, 2755, 2590, 1605, 2735, 2840, 2844, 2817, 3128, 612, 2641, 2738, 2152, 2879, 2595, 2822, 2957 and H.F. Nos. 2709, 2729 and 2918, which the committee recommends to pass.

**S.F. No. 2563**, which the committee recommends to pass, subject to the following motions:

Senator Robling moved to amend S.F. No. 2563 as follows:

Page 1, line 8, before "The" insert "(a)"

Page 1, after line 16, insert:

"(b) A conveyance under this section to an entity other than a political subdivision is subject to the right of first refusal in section 117.226."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 44, as follows:

Those who voted in the affirmative were:

Dille	Gimse	Jungbauer	Olson, G.	Robling
Doll	Hann	Koch	Ortman	Rosen
Fischbach	Ingebrigtsen	Limmer	Pariseau	Senjem
Gerlach	Johnson	Michel	Parry	Vandever

Those who voted in the negative were:

Anderson	Dahle	Langseth	Pappas	Sieben
Bakk	Dibble	Latz	Pogemiller	Skoe
Berglin	Erickson Ropes	Lourey	Prettner Solon	Skogen
Betzold	Fobbe	Lynch	Rest	Sparks
Bonoff	Foley	Marty	Rummel	Stumpf
Carlson	Frederickson	Metzen	Saltzman	Torres Ray
Chaudhary	Higgins	Moua	Saxhaug	Vickerman
Clark	Kelash	Murphy	Scheid	Wiger
Cohen	Kubly	Olseen	Sheran	

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

The question was taken on the recommendation to pass S.F. No. 2563.

The roll was called, and there were yeas 46 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Langseth	Pariseau	Skogen
Bakk	Dille	Latz	Pogemiller	Sparks
Berglin	Doll	Lourey	Prettner Solon	Stumpf
Betzold	Erickson Ropes	Lynch	Rest	Torres Ray
Bonoff	Fobbe	Marty	Rummel	Vickerman
Carlson	Foley	Moua	Saltzman	Wiger
Chaudhary	Frederickson	Murphy	Scheid	
Clark	Higgins	Olseen	Sheran	
Cohen	Kelash	Olson, G.	Sieben	
Dahle	Kubly	Pappas	Skoe	

Those who voted in the negative were:

Fischbach	Ingebrigtsen	Koering	Ortman	Senjem
Gerlach	Johnson	Limmer	Parry	Vandevveer
Gimse	Jungbauer	Metzen	Robling	
Hann	Koch	Michel	Rosen	

The motion prevailed. So S.F. No. 2563 was recommended to pass.

**S.F. No. 3147**, which the committee recommends to pass, subject to the following motion:

Senator Latz moved to amend S.F. No. 3147 as follows:

Page 1, line 13, delete "not"

Page 1, line 15, delete "a plea of guilty,"

Senator Latz requested division of his amendment as follows:

First portion:

Page 1, line 13, delete "not"

The question was taken on the adoption of the first portion of the amendment.

The roll was called, and there were yeas 20 and nays 42, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Latz	Ortman	Robling
Berglin	Dille	Lynch	Pappas	Scheid
Betzold	Higgins	Marty	Pogemiller	Tomassoni
Dahle	Koering	Moua	Prettner Solon	Torres Ray

Those who voted in the negative were:

Bakk	Foley	Kubly	Pariseau	Sieben
Bonoff	Frederickson	Langseth	Parry	Skogen
Carlson	Gerlach	Limmer	Rest	Stumpf
Chaudhary	Gimse	Lourey	Rosen	Vandevveer
Clark	Hann	Metzen	Rummel	Vickerman
Doll	Ingebrigtsen	Michel	Saltzman	Wiger
Erickson Ropes	Johnson	Murphy	Saxhaug	
Fischbach	Kelash	Olseen	Senjem	
Fobbe	Koch	Olson, G.	Sheran	

The motion did not prevail. So the first portion of the amendment was not adopted.

Second portion:

Page 1, line 15, delete "a plea of guilty,"

The question was taken on the adoption of the second portion of the amendment.

The roll was called, and there were yeas 36 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Lourey	Pariseau	Skogen
Berglin	Doll	Lynch	Prettner Solon	Stumpf
Betzold	Foley	Marty	Rest	Tomassoni
Bonoff	Hann	Metzen	Rummel	Torres Ray
Carlson	Higgins	Moua	Saxhaug	
Chaudhary	Kubly	Murphy	Scheid	
Dahle	Langseth	Olson, G.	Sieben	
Dibble	Latz	Pappas	Skoe	

Those who voted in the negative were:

Clark	Gimse	Limmer	Rosen	Vickerman
Erickson Ropes	Ingebrigtsen	Michel	Saltzman	Wiger
Fischbach	Johnson	Olseen	Senjem	
Fobbe	Kelash	Ortman	Sheran	
Frederickson	Koch	Parry	Sparks	
Gerlach	Koering	Robling	Vandever	

The motion prevailed. So the second portion of the amendment was adopted.

S.F. No. 3147 was then recommended to pass.

**S.F. No. 2990**, which the committee recommends to pass with the following amendment offered by Senator Dibble:

Page 3, line 24, delete "structure" and insert "substance"

The motion prevailed. So the amendment was adopted.

**S.F. No. 2885**, which the committee recommends to pass, subject to the following motion:

The question was taken on the recommendation to pass S.F. No. 2885.

The roll was called, and there were yeas 35 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Kubly	Moua	Skoe
Berglin	Dibble	Langseth	Olseen	Skogen
Betzold	Erickson Ropes	Latz	Pogemiller	Stumpf
Carlson	Fobbe	Lourey	Prettner Solon	Tomassoni
Chaudhary	Foley	Lynch	Saxhaug	Torres Ray
Clark	Higgins	Marty	Scheid	Vickerman
Cohen	Kelash	Metzen	Sieben	Wiger

Those who voted in the negative were:

Dille	Gimse	Koering	Parry	Saltzman
Doll	Hann	Limmer	Rest	Senjem
Fischbach	Ingebrigtsen	Michel	Robling	Sparks
Frederickson	Johnson	Olson, G.	Rosen	Vandever
Gerlach	Koch	Ortman	Rummel	

The motion prevailed. So S.F. No. 2885 was recommended to pass.

**S.F. No. 2594**, which the committee recommends to pass with the following amendment offered by Senator Gerlach:

Page 1, line 14, delete "the employees of" and insert "a practitioner, as defined by section 151.01, subdivision 23, in"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

**S.F. No. 2341**, which the committee recommends to pass with the following amendment offered by Senator Bonoff:

Page 1, line 12, delete "of" and strike "the United States armed forces"

Page 1, line 14, before the period, insert ", and who was a resident of this state: (1) within six months of entering the United States armed forces, or (2) for the six months preceding the veteran's date of death"

Page 1, line 16, delete ", step," and strike "son or daughter" and before "of" insert "child or stepchild"

The motion prevailed. So the amendment was adopted.

**S.F. No. 2944**, which the committee recommends to pass with the following amendment offered by Senator Tomassoni:

Page 3, line 28, delete "must be approved by the" and insert "shall be consistent with current"

Page 3, line 29, after "(IDECC)" insert "standards"

Page 3, line 30, delete everything after the first period

Page 4, line 3, after "instructor" insert "or course sponsor"

The motion prevailed. So the amendment was adopted.

**S.F. No. 1568**, which the committee recommends to pass with the following amendment offered by Senator Doll:

Page 1, line 18, delete the second "or"

Page 1, line 21, delete the period and insert "; or"

Page 1, after line 21, insert:

"(6) a sanitary district organized under chapter 115, or a special law."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

**S.F. No. 2226**, which the committee recommends to pass with the following amendment offered by Senator Rummel:

Page 1, line 8, delete "prohibited" and insert "defined"

The motion prevailed. So the amendment was adopted.

**S.F. No. 3102**, which the committee recommends to pass with the following amendment offered by Senator Pappas:

Page 1, line 16, delete the second "the" and insert "its"

The motion prevailed. So the amendment was adopted.

**S.F. No. 2985**, which the committee recommends to pass with the following amendment offered by Senator Latz:

Page 2, line 18, strike the second semicolon and insert "of"

Page 2, line 22, after "in" insert a comma

Page 3, line 9, after "(d)," insert "and" and strike "(f), and (h),"

Page 5, line 9, delete "515B.3-104,"

Page 5, after line 13, insert:

"(j) Section 515B.3-104, as amended by this act, is effective August 1, 2010, and applies to transfers of special declarant rights that are effective on or after that date."

Page 11, line 34, delete "the owner"

Page 11, line 35, delete "or owners of"

Page 12, delete lines 5 and 6 and insert "(1) if the vacated property accrues to one or more units in a condominium or a planned community, title to the vacated property shall vest in the owner or owners of the unit or the units, but the"

Page 12, line 8, delete "and"

Page 12, delete lines 9 to 12 and insert:

"(2) if the vacated property accrues to common elements in a condominium, title to the vacated property shall vest in the unit owners in accordance with their allocated interests and the vacated property shall be treated as a part of the common elements; and

(3) if the vacated property accrues to common elements in a cooperative or planned community, title to the vacated property shall vest in the association and the vacated property shall be treated as a part of the common elements."

Page 18, line 7, delete the new language

Page 18, line 8, delete the new language

Page 20, line 26, delete everything after the stricken "(f)"

Page 20, line 27, delete the new language and strike the comma



Page 20, line 31, delete "more than one" and insert "one or more"

The motion prevailed. So the amendment was adopted.

**S.F. No. 2314**, which the committee reports progress, subject to the following motion:

Senator Sieben moved to amend S.F. No. 2314 as follows:

Page 1, line 15, before "lane" insert "through"

Page 2, line 1, before "lane" insert "through"

The motion prevailed. So the amendment was adopted.

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Moua moved that S.F. No. 2493, No. 164 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Scheid moved that S.F. No. 1761, No. 9 on General Orders, be stricken re-referred to the Committee on Finance. The motion prevailed.

### **MEMBERS EXCUSED**

Senator Olson, M. was excused from the Session of today. Senator Jungbauer was excused from the Session of today from 1:30 to 4:05 p.m. Senator Cohen was excused from the Session of today from 2:00 to 4:15 p.m. Senator Sheran was excused from the Session of today at 3:25 p.m. Senator Murphy was excused from the Session of today from 3:40 to 4:20 p.m. Senator Erickson Ropes was excused from the Session of today at 3:50 p.m. Senator Olseen was excused from the Session of today at 4:00 p.m. Senator Saltzman was excused from the Session of today from 4:00 to 4:15 p.m. Senator Dille was excused from the Session of today at 4:10 p.m. Senator Senjem was excused from the Session of today from 4:15 to 5:15 p.m.

### **ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 12:30 p.m., Wednesday, March 24, 2010. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

