

SIXTY-FIRST DAY

St. Paul, Minnesota, Friday, May 20, 2011

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Senator Michael J. Jungbauer.

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

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

Bakk	Gerlach	Kubly	Nienow	Sieben
Benson	Gimse	Langseth	Olson	Skoe
Berglin	Goodwin	Latz	Ortman	Sparks
Bonoff	Hall	Lillie	Pappas	Stumpf
Brown	Hann	Limmer	Parry	Thompson
Carlson	Harrington	Lourey	Pederson	Tomassoni
Chamberlain	Higgins	Magnus	Pogemiller	Torres Ray
Cohen	Hoffman	Marty	Rest	Vandever
Dahms	Howe	McGuire	Robling	Wiger
Daley	Ingebrigtsen	Metzen	Rosen	Wolf
DeKruif	Jungbauer	Michel	Saxhaug	
Dibble	Kelash	Miller	Scheid	
Fischbach	Koch	Nelson	Senjem	
Gazelka	Kruse	Newman	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

Madam President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 742.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 19, 2011

REPORTS OF COMMITTEES

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

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

H.F. No. 650 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
650	1042				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 988 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
988	952				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 988 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 988, the first engrossment; and insert the language after the enacting clause of S.F. No. 952, the first engrossment; further, delete the title of H.F. No. 988, the first engrossment; and insert the title of S.F. No. 952, the first engrossment.

And when so amended H.F. No. 988 will be identical to S.F. No. 952, and further recommends that H.F. No. 988 be given its second reading and substituted for S.F. No. 952, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1144 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1144	849				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1144 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1144, the first engrossment; and insert the language after the enacting clause of S.F. No. 849, the first engrossment; further, delete the title of H.F. No. 1144, the first engrossment; and insert the title of S.F. No. 849, the first engrossment.

And when so amended H.F. No. 1144 will be identical to S.F. No. 849, and further recommends that H.F. No. 1144 be given its second reading and substituted for S.F. No. 849, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. Nos. 650, 988 and 1144 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Sparks, Metzen and Rosen introduced—

S.F. No. 1451: A bill for an act relating to gambling; authorizing the director of the State Lottery to establish gaming machines; imposing a tax on gaming machine revenue; providing powers and duties to the director; establishing a multi-stadium revenue fund and dedicating money in the fund for financing and construction of a stadium for the Minnesota Vikings and a ballpark for the St. Paul Saints; amending Minnesota Statutes 2010, sections 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.10, subdivision 3; 349A.13; 541.20; 541.21; 609.75, subdivision 3; 609.761, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 297A; 349A.

Referred to the Committee on State Government Innovation and Veterans.

Senator Sparks introduced—

S.F. No. 1452: A bill for an act relating to capital investment; appropriating money for the Hormel Institute; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Ingebrigtsen introduced—

S.F. No. 1453: A bill for an act relating to capital improvements; appropriating money for flood hazard mitigation in Douglas County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Kubly introduced—

S.F. No. 1454: A bill for an act relating to capital investment; appropriating money for flood relief for the city of Maynard; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Howe introduced—

S.F. No. 1455: A bill for an act relating to state government; making provisions in the event of a government shutdown; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on State Government Innovation and Veterans.

MOTIONS AND RESOLUTIONS

Senator Howe moved that the name of Senator Nienow be added as a co-author to S.F. No. 1455. The motion prevailed.

Senators Reinert, Saxhaug, Tomassoni, Bakk and Lourey introduced –

Senate Resolution No. 91: A Senate resolution honoring John Bray on his retirement.

Referred to the Committee on Rules and Administration.

RECESS

Senator Koch moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate

reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 57, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 57 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 19, 2011

CONFERENCE COMMITTEE REPORT ON H. F. NO. 57

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

May 17, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

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

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

Delete everything after the enacting clause and insert:

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

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

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

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

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

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

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

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

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

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

(b) "Analog" does not include:

(1) a controlled substance;

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

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

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

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

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

(1) Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such the isomers, esters, ethers and salts is possible within the specific chemical designation: Acetylmethadol; Allylprodine; Alphacetylmethadol; Alphameprodine; Alphamethadol; Benzethidine; Betacetylmethadol; Betameprodine; Betamethadol; Betaprodine; Clonitazene; Dextromoramide; Dextrorphan; Diampromide; Diethylambutene; Dimenoxadol; Dimepheptanol; Dimethylambutene; Dioxaphetyl butyrate; Dipipanone; Ethylmethylthiambutene; Etonitazene; Etoxidine; Furethidine; Hydroxypethidine; Ketobemidone; Levomoramide; Levophenacilmorphan; Morpheridine; Noracymethadol; Norlevorphanol; Normethadone;

Norpipanone; Phenadoxone; Phenampromide; Phenomorphan; Phenoperidine; Piritramide; Proheptazine; Properidine; Racemoramide; Trimeperidine.

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

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

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

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

Mecloqualone;

Flunitrazepam.

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

Cathinone;

Methcathinone; 4-methylmethcathinone (mephedrone); 3,4-methylenedioxy-N-methylcathinone

(methylone); 4-methoxymethcathinone (methedrone); 3,4 - methylenedioxypropylvalerone (MDPV).

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

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

dimethylheptylpyran.

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

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

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

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

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

prescription.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Delete the title and insert:

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

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

House Conferees: John Kriesel, Denny McNamara, Kerry Gauthier

Senate Conferees: Dan D. Hall, Sandra L. Pappas, Carla J. Nelson

Senator Hall moved that the foregoing recommendations and Conference Committee Report on H.F. No. 57 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 57 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Kruse	Newman	Sheran
Benson	Gerlach	Kubly	Nienow	Skoe
Berglin	Gimse	Langseth	Olson	Sparks
Bonoff	Goodwin	Latz	Ortman	Stumpf
Brown	Hall	Lillie	Pappas	Thompson
Carlson	Hann	Limmer	Pederson	Tomassoni
Chamberlain	Harrington	Lourey	Pogemiller	Torres Ray
Cohen	Higgins	Magnus	Rest	Vanderveer
Dahms	Howe	Marty	Robling	Wiger
Daley	Ingebrigtsen	McGuire	Rosen	Wolf
DeKruif	Jungbauer	Metzen	Saxhaug	
Dibble	Kelash	Miller	Scheid	
Fischbach	Koch	Nelson	Senjem	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 186, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 186 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 19, 2011

CONFERENCE COMMITTEE REPORT ON H. F. NO. 186

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

May 17, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

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

That the Senate recede from its amendments.

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

House Conferees: Dean Urdahl, Bob Dettmer, Lyle Koenen

Senate Conferees: Theodore J. "Ted" Daley, Roger C. Chamberlain

Senator Daley moved that the foregoing recommendations and Conference Committee Report on H.F. No. 186 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 186 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Koch	Nelson	Senjem
Benson	Gerlach	Kruse	Newman	Sheran
Berglin	Gimse	Kubly	Nienow	Skoe
Bonoff	Goodwin	Langseth	Olson	Sparks
Brown	Hall	Latz	Ortman	Stumpf
Carlson	Hann	Lillie	Pappas	Thompson
Chamberlain	Harrington	Limmer	Pederson	Tomassoni
Cohen	Higgins	Lourey	Pogemiller	Torres Ray
Dahms	Hoffman	Magnus	Rest	Vanderveer
Daley	Howe	Marty	Robling	Wiger
DeKruif	Ingebrigtsen	McGuire	Rosen	Wolf
Dibble	Jungbauer	Metzen	Saxhaug	
Fischbach	Kelash	Miller	Scheid	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1326, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1326 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 19, 2011

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1326

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

May 17, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

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

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

Delete everything after the enacting clause and insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. COMMUNITY BASEBALL ALCOHOL ISSUES REVIEW.

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

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

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

Delete the title and insert:

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

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

House Conferees: Joe Atkins, Joe Hoppe, Jenifer Loon

Senate Conferees: Chris Gerlach, Gary H. Dahms, Linda Scheid

Senator Gerlach moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1326 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

Pursuant to Rule 41.2, Senator Stumpf moved that he be excused from voting on H.F. No. 1326. The motion prevailed.

H.F. No. 1326 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Koch	Miller	Scheid
Benson	Gerlach	Kruse	Nelson	Senjem
Berglin	Gimse	Kubly	Newman	Sheran
Bonoff	Goodwin	Langseth	Nienow	Sieben
Brown	Hall	Latz	Ortman	Skoe
Carlson	Hann	Lillie	Pappas	Sparks
Chamberlain	Harrington	Limmer	Parry	Thompson
Cohen	Higgins	Lourey	Pederson	Tomassoni
Dahms	Hoffman	Magnus	Pogemiller	Torres Ray
Daley	Howe	Marty	Rest	Vandever
DeKruif	Ingebrigtsen	McGuire	Robling	Wiger
Dibble	Jungbauer	Metzen	Rosen	Wolf
Fischbach	Kelash	Michel	Saxhaug	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 201, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 201 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 19, 2011

CONFERENCE COMMITTEE REPORT ON H. F. NO. 201

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

May 17, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

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

That the House concur in the Senate amendment.

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

House Conferees: Peggy Scott, Kurt Bills, Patti Fritz

Senate Conferees: Dave A. Thompson, Dan D. Hall, LeRoy A. Stumpf

Senator Thompson moved that the foregoing recommendations and Conference Committee Report on H.F. No. 201 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 201 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 40 and nays 26, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Jungbauer	Michel	Pederson
Brown	Gerlach	Koch	Miller	Robling
Carlson	Gimse	Kruse	Nelson	Rosen
Chamberlain	Hall	Kubly	Newman	Senjem
Dahms	Hann	Langseth	Nienow	Stumpf
Daley	Hoffman	Lillie	Olson	Thompson
DeKruif	Howe	Limmer	Ortman	Vandever
Fischbach	Ingebrigtsen	Magnus	Parry	Wolf

Those who voted in the negative were:

Bakk	Harrington	McGuire	Scheid	Torres Ray
Berglin	Higgins	Metzen	Sheran	Wiger
Bonoff	Kelash	Pappas	Sieben	
Cohen	Latz	Pogemiller	Skoe	
Dibble	Lourey	Rest	Sparks	
Goodwin	Marty	Saxhaug	Tomassoni	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

Pursuant to Rule 26, Senator Koch, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. No. 429, H.F. No. 844, S.F. Nos. 1268, 477, H.F. Nos. 1343, 229, 562, S.F. Nos. 1173, 1287, 1159 and 1340.

SPECIAL ORDER

S.F. No. 429: A bill for an act relating to civil actions; providing a factor for determining the amount of attorney fees awarded in certain actions; proposing coding for new law in Minnesota Statutes, chapter 549.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 21, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Koch	Nelson	Saxhaug
Bonoff	Gerlach	Kruse	Newman	Scheid
Brown	Gimse	Kubly	Nienow	Senjem
Carlson	Hall	Lillie	Olson	Sparks
Chamberlain	Hann	Limmer	Ortman	Thompson
Dahms	Hoffman	Magnus	Parry	Vandever
Daley	Howe	Metzen	Pederson	Wiger
DeKruif	Ingebrigtsen	Michel	Robling	Wolf
Fischbach	Jungbauer	Miller	Rosen	

Those who voted in the negative were:

Bakk	Higgins	Marty	Sheran	Torres Ray
Berglin	Kelash	McGuire	Sieben	
Cohen	Langseth	Pappas	Skoe	
Dibble	Latz	Pogemiller	Stumpf	
Goodwin	Lourey	Rest	Tomassoni	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 844: A bill for an act relating to workforce development; providing for a public library adviser to the Governor's Workforce Development Council; amending Minnesota Statutes 2010, section 116L.665, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Kruse	Nelson	Scheid
Benson	Gerlach	Kubly	Newman	Senjem
Berglin	Gimse	Langseth	Nienow	Sheran
Bonoff	Goodwin	Latz	Olson	Sieben
Brown	Hall	Lillie	Ortman	Skoe
Carlson	Hann	Limmer	Pappas	Sparks
Chamberlain	Higgins	Lourey	Parry	Stumpf
Cohen	Hoffman	Magnus	Pederson	Thompson
Dahms	Howe	Marty	Pogemiller	Tomassoni
Daley	Ingebrigtsen	McGuire	Rest	Torres Ray
DeKruif	Jungbauer	Metzen	Robling	Vandever
Dibble	Kelash	Michel	Rosen	Wiger
Fischbach	Koch	Miller	Saxhaug	Wolf

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1268: A bill for an act relating to commerce; regulating pay day lenders; authorizing the imposition of certain fees and charges; amending Minnesota Statutes 2010, section 47.59, subdivision 6.

Senator Thompson moved to amend S.F. No. 1268 as follows:

Page 2, line 19, after "following" insert "reasonable" and delete "licensee" and insert "financial institution organized under chapter 53"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Wiger moved to amend S.F. No. 1268 as follows:

Page 2, line 21, before the period, insert "provided that all fees under this clause shall be limited"

to no more than ten percent of the principal amount of the loan"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 40, as follows:

Those who voted in the affirmative were:

Berglin	Kubly	McGuire	Sieben	Torres Ray
Cohen	Langseth	Pappas	Skoe	Wiger
Dibble	Latz	Pogemiller	Sparks	
Higgins	Lourey	Rest	Stumpf	
Kelash	Marty	Saxhaug	Tomassoni	

Those who voted in the negative were:

Bakk	Fischbach	Ingebrigtsen	Michel	Robling
Benson	Gazelka	Jungbauer	Miller	Rosen
Bonoff	Gerlach	Koch	Nelson	Scheid
Carlson	Gimse	Kruse	Newman	Senjem
Chamberlain	Hall	Lillie	Nienow	Sheran
Dahms	Hann	Limmer	Olson	Thompson
Daley	Hoffman	Magnus	Ortman	Vandever
DeKruif	Howe	Metzen	Pederson	Wolf

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

Senator Wiger moved to amend S.F. No. 1268 as follows:

Page 3, after line 31, insert:

"Sec. 2. Minnesota Statutes 2010, section 47.60, is amended by adding a subdivision to read:

Subd. 2a. **Interest rate.** Notwithstanding subdivision 2, no interest rate may be charged on a consumer small loan in an amount that is in excess of that allowed for a loan to military service personnel under the federal 2007 Military Authorization Act."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 34, as follows:

Those who voted in the affirmative were:

Bakk	Higgins	Marty	Rest	Sparks
Berglin	Kelash	McGuire	Saxhaug	Stumpf
Bonoff	Kubly	Metzen	Scheid	Tomassoni
Cohen	Langseth	Ortman	Sheran	Torres Ray
Dibble	Latz	Pappas	Sieben	Wiger
Harrington	Lourey	Pogemiller	Skoe	

Those who voted in the negative were:

Benson	Gazelka	Jungbauer	Miller	Robling
Carlson	Gerlach	Koch	Nelson	Rosen
Chamberlain	Gimse	Kruse	Newman	Senjem
Dahms	Hann	Lillie	Nienow	Thompson
Daley	Hoffman	Limmer	Olson	Vandever
DeKruif	Howe	Magnus	Parry	Wolf
Fischbach	Ingebrigtsen	Michel	Pederson	

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

S.F. No. 1268 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 36 and nays 29, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Koch	Newman	Stumpf
Brown	Gerlach	Kruse	Nienow	Thompson
Carlson	Gimse	Lillie	Olson	Vandever
Chamberlain	Hall	Limmer	Ortman	Wolf
Dahms	Hann	Magnus	Parry	
Daley	Hoffman	Metzen	Pederson	
DeKruif	Howe	Michel	Robling	
Fischbach	Ingebrigtsen	Miller	Rosen	

Those who voted in the negative were:

Bakk	Higgins	Lourey	Rest	Skoe
Berglin	Jungbauer	Marty	Saxhaug	Sparks
Bonoff	Kelash	McGuire	Scheid	Tomassoni
Cohen	Kubly	Nelson	Senjem	Torres Ray
Dibble	Langseth	Pappas	Sheran	Wiger
Harrington	Latz	Pogemiller	Sieben	

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

SPECIAL ORDER

S.F. No. 477: A bill for an act relating to health; modifying provisions for food, beverage, and lodging establishments; amending Minnesota Statutes 2010, sections 157.15, subdivision 12b; 157.22.

Senator Howe moved to amend S.F. No. 477 as follows:

Page 3, line 1, delete "meals, fund-raisers," and insert "food served at fund-raisers"

Page 3, line 4, after "organizations" insert "at the state agricultural society or county fairs or to faith-based organizations"

Page 3, line 5, delete "for events"

The motion prevailed. So the amendment was adopted.

S.F. No. 477 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

Bakk	Chamberlain	Gazelka	Higgins	Koch
Benson	Cohen	Gerlach	Hoffman	Kruse
Berglin	Dahms	Gimse	Howe	Kubly
Bonoff	Daley	Hall	Ingebrigtsen	Langseth
Brown	DeKruif	Hann	Jungbauer	Lillie
Carlson	Fischbach	Harrington	Kelash	Limmer

Lourey	Nelson	Pogemiller	Senjem	Tomassoni
Magnus	Newman	Rest	Sheran	Vandevveer
Marty	Nienow	Robling	Sieben	Wiger
Metzen	Olson	Rosen	Skoe	Wolf
Michel	Parry	Saxhaug	Stumpf	
Miller	Pederson	Scheid	Thompson	

Those who voted in the negative were:

Dibble	Latz	McGuire	Pappas	Torres Ray
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1343: A bill for an act relating to civil actions; providing immunity in certain cases involving the use of school facilities for recreational activities; amending Minnesota Statutes 2010, section 466.03, subdivision 6e, by adding a subdivision.

Senator Daley moved that the amendment made to H.F. No. 1343 by the Committee on Rules and Administration in the report adopted May 18, 2011, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1343 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Latz	Olson	Skoe
Benson	Gimse	Lillie	Pappas	Sparks
Berglin	Hall	Limmer	Parry	Stumpf
Bonoff	Hann	Lourey	Pederson	Thompson
Brown	Harrington	Magnus	Pogemiller	Tomassoni
Carlson	Howe	Marty	Rest	Torres Ray
Chamberlain	Ingebrigtsen	McGuire	Robling	Vandevveer
Cohen	Jungbauer	Metzen	Rosen	Wiger
Dahms	Kelash	Michel	Saxhaug	Wolf
Daley	Koch	Miller	Scheid	
DeKruif	Kruse	Nelson	Senjem	
Dibble	Kubly	Newman	Sheran	
Fischbach	Langseth	Nienow	Sieben	

Those who voted in the negative were:

Ortman

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 229: A bill for an act relating to public safety; authorizing judges to prohibit certain juvenile sex offenders from residing near their victims; amending Minnesota Statutes 2010, section 260B.198, subdivision 1, by adding a subdivision.

Senator Latz moved to amend H.F. No. 229 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2010, section 260B.125, subdivision 8, is amended to read:

Subd. 8. Written findings; options. (a) The court shall decide whether to order certification within 15 days after the certification hearing was completed, unless additional time is needed, in which case the court may extend the period up to another 15 days. If the juvenile court orders certification, and the presumption described in subdivision 3 does not apply, the order shall contain in writing, findings of fact and conclusions of law as to why public safety is not served by retaining the proceeding in the juvenile court. A child certified under this paragraph may be detained pending the outcome of criminal proceedings in a secure juvenile detention facility.

(b) If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides not to order certification, the decision shall contain, in writing, findings of fact and conclusions of law as to why certification is not ordered. If the juvenile court decides not to order certification in a case in which the presumption described in subdivision 3 applies, the court shall designate the proceeding an extended jurisdiction juvenile prosecution and include in its decision written findings of fact and conclusions of law as to why the retention of the proceeding in juvenile court serves public safety, with specific reference to the factors listed in subdivision 4. If the court decides not to order certification in a case in which the presumption described in subdivision 3 does not apply, the court may designate the proceeding an extended jurisdiction juvenile prosecution, pursuant to the hearing process described in section 260B.130, subdivision 2."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 229 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Kubly	Newman	Sheran
Benson	Gimse	Langseth	Nienow	Sieben
Berglin	Hall	Latz	Olson	Skoe
Bonoff	Hann	Lillie	Pappas	Sparks
Brown	Harrington	Limmer	Parry	Stumpf
Carlson	Higgins	Lourey	Pederson	Thompson
Chamberlain	Hoffman	Magnus	Pogemiller	Tomassoni
Cohen	Howe	Marty	Rest	Torres Ray
Dahms	Ingebrigtsen	McGuire	Robling	Vandever
Daley	Jungbauer	Metzen	Rosen	Wiger
DeKruif	Kelash	Michel	Saxhaug	Wolf
Dibble	Koch	Miller	Scheid	
Fischbach	Kruse	Nelson	Senjem	

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

SPECIAL ORDER

H.F. No. 562: A bill for an act relating to manufactured homes; regulating water and sewer charges for manufactured home parks; regulating charges to manufactured home parks by public water suppliers; amending Minnesota Statutes 2010, sections 327C.01, by adding subdivisions; 327C.02, subdivision 2; 327C.04, subdivision 2, by adding subdivisions; 444.075, subdivision 3.

Senator Limmer moved to amend H.F. No. 562 as follows:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2010, section 103G.291, subdivision 4, is amended to read:

Subd. 4. **Conservation rate structure required.** (a) For the purposes of this section, "conservation rate structure" means a rate structure that encourages conservation and may include increasing block rates, seasonal rates, time of use rates, individualized goal rates, or excess use rates. The rate structure must consider each residential unit as an individual user in multiple-family dwellings and manufactured home parks, as that term is defined in section 327C.01, subdivision 5.

(b) To encourage conservation, a public water supplier serving more than 1,000 people in the metropolitan area, as defined in section 473.121, subdivision 2, shall use a conservation rate structure by January 1, 2010. All remaining public water suppliers serving more than 1,000 people shall use a conservation rate structure by January 1, 2013.

(c) A public water supplier without the proper measuring equipment to track the amount of water used by its users, as of July 1, 2008, is exempt from this subdivision and the conservation rate structure requirement under subdivision 3, paragraph (c).

Sec. 2. Minnesota Statutes 2010, section 327C.01, is amended by adding a subdivision to read:

Subd. 7b. **Municipality.** "Municipality" means the governing body of a county, statutory, or home rule charter city, or town or regional authority that operates facilities, as that term is defined in section 444.075, subdivision 1, paragraph (f)."

Page 1, line 16, delete "one" and insert "a"

Page 2, line 24, delete "(1)"

Page 2, line 25, delete the new language

Page 2, line 34, after "owner" insert "but only if the systems are allowed by the municipality pursuant to sections 412.221, subdivision 11, and 462.357, subdivision 7"

Page 3, line 8, delete "single charge made to" and insert "bill received by"

Page 3, line 9, after the first "by" insert "or on behalf of"

Page 3, line 15, delete "and"

Page 3, after line 15, insert:

"(3) comply with all applicable federal, state, and municipal requirements for private wells; and"

Page 3, delete line 16

Page 3, line 17, delete "(i)" and insert "(4)"

Page 3, line 19, delete the semicolon and insert a colon

Page 3, line 20, delete "(ii)" and insert "(i)"

Page 3, line 22, delete "(iii)" and insert "(ii)"

Page 4, after line 13, insert:

"(i) Nothing in this section shall be construed to limit any existing right or obligation of a municipality, including, but not limited to, the authority to:

(1) impose rates, fees, and charges on customers, as determined by the municipality or the local public utilities commission, or as authorized by ordinance or statute, including the rate structure required under section 103G.291, subdivision 4, and fees required to obtain and comply with permits;

(2) regulate the use of private wells, waterworks, and water supply, as provided under sections 412.221, subdivision 11, and 462.357, subdivision 1; or

(3) manage and operate a waterworks, sanitary sewer, or storm sewer, as those terms are defined in section 444.075, subdivision 1.

(j) Nothing in this section permits a municipality to impose any fees or charges for privately owned infrastructure, including meter charges or line charges, in manufactured home parks as defined in section 327.14, subdivision 3, and not owned by a municipality."

Page 5, line 13, delete "and"

Page 5, line 16, delete the period and insert "; and"

Page 5, after line 16, insert:

"(5) in a dispute over damage to a water metering device, investigate the cause of the damage and, if requested by the resident in writing, provide the resident with a written explanation as to the cause of the damage prior to imposing a charge for the damage to the meter."

Page 5, delete section 9

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Gazelka moved to amend H.F. No. 562 as follows:

Page 6, after line 6, insert:

"Sec. 10. **REPEALER.**

Minnesota Statutes 2010, section 326B.43, subdivision 6, is repealed.

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

Amend the title accordingly

Senator Tomassoni questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Senator Tomassoni appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 33 and nays 27, as follows:

Those who voted in the affirmative were:

Benson	Fischbach	Howe	Michel	Robling
Brown	Gazelka	Ingebrigtsen	Miller	Senjem
Carlson	Gerlach	Koch	Newman	Thompson
Chamberlain	Gimse	Kruse	Olson	Vandever
Dahms	Hall	Lillie	Ortman	Wolf
Daley	Hann	Limmer	Parry	
DeKruif	Hoffman	Magnus	Pederson	

Those who voted in the negative were:

Berglin	Kubly	Metzen	Scheid	Tomassoni
Dibble	Langseth	Nienow	Sheran	Torres Ray
Goodwin	Latz	Pappas	Sieben	Wiger
Harrington	Lourey	Pogemiller	Skoe	
Higgins	Marty	Rest	Sparks	
Kelash	McGuire	Saxhaug	Stumpf	

So the decision of the President was sustained.

The question was taken on the adoption of the Gazelka amendment.

The roll was called, and there were yeas 34 and nays 28, as follows:

Those who voted in the affirmative were:

Benson	Fischbach	Howe	Michel	Robling
Brown	Gazelka	Ingebrigtsen	Miller	Rosen
Carlson	Gerlach	Koch	Nelson	Senjem
Chamberlain	Gimse	Kruse	Olson	Thompson
Dahms	Hall	Lillie	Ortman	Vandever
Daley	Hann	Limmer	Parry	Wolf
DeKruif	Hoffman	Magnus	Pederson	

Those who voted in the negative were:

Bakk	Higgins	Marty	Rest	Stumpf
Berglin	Kelash	McGuire	Saxhaug	Tomassoni
Bonoff	Kubly	Metzen	Sheran	Torres Ray
Dibble	Langseth	Newman	Sieben	Wiger
Goodwin	Latz	Pappas	Skoe	
Harrington	Lourey	Pogemiller	Sparks	

The motion prevailed. So the amendment was adopted.

Senator Latz moved to amend H.F. No. 562 as follows:

Page 2, line 5, delete "made in compliance with section 327C.06"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 36, as follows:

Those who voted in the affirmative were:

Bakk	Harrington	Latz	Pogemiller	Stumpf
Berglin	Higgins	Lourey	Rest	Tomassoni
Bonoff	Jungbauer	Marty	Sheran	Torres Ray
Cohen	Kelash	McGuire	Sieben	Wiger
Dibble	Kubly	Metzen	Skoe	Wolf
Goodwin	Langseth	Pappas	Sparks	

Those who voted in the negative were:

Benson	Gazelka	Koch	Newman	Saxhaug
Brown	Gerlach	Kruse	Nienow	Senjem
Carlson	Gimse	Lillie	Olson	Thompson
Chamberlain	Hall	Limmer	Ortman	Vanderveer
Dahms	Hann	Magnus	Parry	
Daley	Hoffman	Michel	Pederson	
DeKruif	Howe	Miller	Robling	
Fischbach	Ingebrigtsen	Nelson	Rosen	

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

H.F. No. 562 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 39 and nays 26, as follows:

Those who voted in the affirmative were:

Benson	Fischbach	Howe	Miller	Robling
Bonoff	Gazelka	Ingebrigtsen	Nelson	Rosen
Brown	Gerlach	Koch	Newman	Saxhaug
Carlson	Gimse	Kruse	Nienow	Senjem
Chamberlain	Hall	Lillie	Olson	Thompson
Dahms	Hann	Limmer	Ortman	Vanderveer
Daley	Harrington	Magnus	Parry	Wolf
DeKruif	Hoffman	Michel	Pederson	

Those who voted in the negative were:

Bakk	Jungbauer	Marty	Sheran	Torres Ray
Berglin	Kelash	McGuire	Sieben	Wiger
Cohen	Kubly	Metzen	Skoe	
Dibble	Langseth	Pappas	Sparks	
Goodwin	Latz	Pogemiller	Stumpf	
Higgins	Lourey	Rest	Tomassoni	

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

SPECIAL ORDER

S.F. No. 1173: A bill for an act relating to human services; providing for child safety and permanency reform, including adoptions of children under guardianship of the commissioner; modifying certain child support statutory provisions; providing for criminal penalties; amending Minnesota Statutes 2010, sections 256.01, subdivision 14b; 257.01; 257.75, subdivision 7; 259.69; 259.73; 260.012; 260C.001; 260C.007, subdivision 4, by adding subdivisions; 260C.101,

subdivision 2; 260C.150, subdivision 1; 260C.157, subdivisions 1, 3; 260C.163, subdivisions 1, 4, 8; 260C.178, subdivisions 1, 7; 260C.193, subdivisions 3, 6; 260C.201, subdivisions 2, 10; 260C.212, subdivisions 5, 7; 260C.215, subdivisions 4, 6; 260C.301, subdivisions 1, 8; 260C.328; 260C.451; 260D.08; 518C.205; 626.556, subdivisions 2, 10, 10e, 10f, 10i, 10k; proposing coding for new law in Minnesota Statutes, chapters 260C; 611; proposing coding for new law as Minnesota Statutes, chapter 259A; repealing Minnesota Statutes 2010, sections 256.022; 259.67; 259.71; 260C.201, subdivision 11; 260C.215, subdivision 2; 260C.456; Minnesota Rules, parts 9560.0071; 9560.0082; 9560.0083; 9560.0091; 9560.0093, subparts 1, 3, 4; 9560.0101; 9560.0102.

Senator Ortman moved to amend S.F. No. 1173 as follows:

Page 69, after line 23, insert:

"Sec. 4. **RECIPROCAL AGREEMENT; CHILD SUPPORT ENFORCEMENT.**

The commissioner of human services shall initiate procedures no later than July 1, 2011, to enter into a reciprocal agreement with Bermuda for the establishment and enforcement of child support obligations pursuant to United States Code, title 42, section 659a(d).

EFFECTIVE DATE. This section is effective upon Bermuda's written acceptance and agreement to enforce Minnesota child support orders. If Bermuda does not accept and declines to enforce Minnesota orders, this section expires December 31, 2012."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1173 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Koch	Miller	Senjem
Benson	Gerlach	Kruse	Nelson	Sheran
Berglin	Gimse	Kubly	Newman	Sieben
Bonoff	Goodwin	Langseth	Nienow	Skoe
Brown	Hall	Latz	Olson	Sparks
Carlson	Hann	Lillie	Ortman	Stumpf
Chamberlain	Harrington	Limmer	Pappas	Thompson
Cohen	Higgins	Lourey	Parry	Tomassoni
Dahms	Hoffman	Magnus	Pederson	Torres Ray
Daley	Howe	Marty	Pogemiller	Vanderveer
DeKruif	Ingebrigtsen	McGuire	Rest	Wiger
Dibble	Jungbauer	Metzen	Robling	Wolf
Fischbach	Kelash	Michel	Rosen	

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

SPECIAL ORDER

S.F. No. 1287: A bill for an act relating to human services; modifying certain provisions

regarding the Minnesota sex offender program; amending Minnesota Statutes 2010, sections 253B.141, subdivision 2; 253B.185, subdivisions 1, 16, by adding subdivisions; 253B.19, subdivision 2; 609.485, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Kruse	Newman	Skoe
Benson	Gerlach	Kubly	Nienow	Sparks
Berglin	Gimse	Langseth	Olson	Stumpf
Bonoff	Goodwin	Latz	Pappas	Thompson
Brown	Hall	Lillie	Parry	Tomassoni
Carlson	Hann	Limmer	Pederson	Torres Ray
Chamberlain	Harrington	Lourey	Pogemiller	Vanderveer
Cohen	Higgins	Magnus	Rest	Wiger
Dahms	Hoffman	Marty	Robling	Wolf
Daley	Howe	McGuire	Rosen	
DeKruif	Ingebrigtsen	Metzen	Senjem	
Dibble	Jungbauer	Miller	Sheran	
Fischbach	Kelash	Nelson	Sieben	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1159: A bill for an act relating to workers' compensation; adopting recommendations of the Workers' Compensation Advisory Council; increasing amount available for remodeling or alteration projects; requiring rulemaking; appropriating money; amending Minnesota Statutes 2010, sections 14.48, subdivisions 2, 3; 14.49; 14.50; 176.106, subdivisions 1, 3, 5, 6, 7, 8, 9; 176.137, subdivisions 2, 4, 5; 176.238, subdivision 6; 176.305, subdivisions 1, 1a; 176.307; 176.341, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Fischbach	Jungbauer	Miller	Sheran
Benson	Gazelka	Kelash	Nelson	Sieben
Berglin	Gerlach	Kruse	Newman	Skoe
Bonoff	Gimse	Langseth	Olson	Sparks
Brown	Goodwin	Latz	Pappas	Stumpf
Carlson	Hall	Lillie	Parry	Thompson
Chamberlain	Hann	Limmer	Pederson	Tomassoni
Cohen	Harrington	Lourey	Pogemiller	Torres Ray
Dahms	Higgins	Magnus	Rest	Vanderveer
Daley	Hoffman	Marty	Robling	Wiger
DeKruif	Howe	McGuire	Rosen	Wolf
Dibble	Ingebrigtsen	Metzen	Senjem	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1340: A bill for an act relating to counties; giving counties authority to provide for the general welfare; establishing an alternative service delivery pilot program for waivers; amending Minnesota Statutes 2010, section 375.18, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 402A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Kruse	Nienow	Sieben
Benson	Gerlach	Kubly	Olson	Skoe
Berglin	Gimse	Langseth	Ortman	Sparks
Bonoff	Goodwin	Latz	Pappas	Stumpf
Brown	Hall	Lillie	Parry	Thompson
Carlson	Hann	Limmer	Pederson	Tomassoni
Chamberlain	Harrington	Lourey	Pogemiller	Torres Ray
Cohen	Higgins	Magnus	Rest	Vandever
Dahms	Hoffman	Marty	Robling	Wiger
Daley	Howe	McGuire	Rosen	Wolf
DeKruif	Ingebrigtsen	Metzen	Saxhaug	
Dibble	Jungbauer	Miller	Senjem	
Fischbach	Kelash	Nelson	Sheran	

Those who voted in the negative were:

Newman

So the bill passed and its title was agreed to.

RECESS

Senator Gerlach moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 264.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 20, 2011

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 264: A bill for an act relating to civil actions; prohibiting actions against certain persons for weight gain as a result of consuming certain foods; proposing coding for new law in Minnesota Statutes, chapter 604.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 160, now on General Orders.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 936, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 936 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 19, 2011

CONFERENCE COMMITTEE REPORT ON H. F. NO. 936

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

May 17, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

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

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

Delete everything after the enacting clause and insert:

"Section 1. SHORT TITLE.

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

Sec. 2. [8.40] LITIGATION DEFENSE FUND.

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

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

(c) The litigation account shall consist of:

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

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

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

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

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

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

(b) The form shall require the following information:

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

(2) the method used for each abortion;

- (3) the approximate gestational age expressed in one of the following increments:
- (i) less than nine weeks;
 - (ii) nine to ten weeks;
 - (iii) 11 to 12 weeks;
 - (iv) 13 to 15 weeks;
 - (v) 16 to 20 weeks;
 - (vi) 21 to 24 weeks;
 - (vii) 25 to 30 weeks;
 - (viii) 31 to 36 weeks; or
 - (ix) 37 weeks to term;
- (4) the age of the woman at the time the abortion was performed;
- (5) the specific reason for the abortion, including, but not limited to, the following:
- (i) the pregnancy was a result of rape;
 - (ii) the pregnancy was a result of incest;
 - (iii) economic reasons;
 - (iv) the woman does not want children at this time;
 - (v) the woman's emotional health is at stake;
 - (vi) the woman's physical health is at stake;
 - (vii) the woman will suffer substantial and irreversible impairment of a major bodily function if the pregnancy continues;
 - (viii) the pregnancy resulted in fetal anomalies; or
 - (ix) unknown or the woman refused to answer;
- (6) the number of prior induced abortions;
- (7) the number of prior spontaneous abortions;
- (8) whether the abortion was paid for by:
- (i) private coverage;
 - (ii) public assistance health coverage; or
 - (iii) self-pay;
- (9) whether coverage was under:

(i) a fee-for-service plan;

(ii) a capitated private plan; or

(iii) other;

(10) complications, if any, for each abortion and for the aftermath of each abortion. Space for a description of any complications shall be available on the form; ~~and~~

(11) the medical specialty of the physician performing the abortion;

(12) whether a determination of probable postfertilization age was made and the probable postfertilization age determined:

(i) the method used to make such a determination; or

(ii) if a determination was not made prior to performing an abortion, the basis of the determination that a medical emergency existed; and

(13) for abortions performed after a determination of postfertilization age of 20 or more weeks, the basis of the determination that the pregnant woman had a condition that so complicated her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

Sec. 4. [145.4141] DEFINITIONS.

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

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

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

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

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

based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

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

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

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

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

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

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

Sec. 5. [145.4142] LEGISLATIVE FINDINGS.

(a) The legislature makes the following findings.

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

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

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

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

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

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

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

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

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

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

(l) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain by 20 weeks after fertilization.

(m) It is the purpose of the state to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

Sec. 6. [145.4143] DETERMINATION OF POSTFERTILIZATION AGE.

Subdivision 1. **Determination of postfertilization age.** Except in the case of a medical emergency, no abortion shall be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, the physician shall make those inquiries of the woman and perform or cause to be performed those medical examinations and tests that a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to postfertilization age.

Subd. 2. **Unprofessional conduct.** Failure by any physician to conform to any requirement of this section constitutes unprofessional conduct under section 147.091, paragraph (k).

Sec. 7. [145.4144] ABORTION OF UNBORN CHILD OF 20 OR MORE WEEKS POSTFERTILIZATION AGE PROHIBITED; CAPABLE OF FEELING PAIN.

Subdivision 1. **Abortion prohibition; exemption.** No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion, or by another physician upon whose determination that physician relies, that the probable postfertilization age of the woman's unborn child is 20 or more weeks unless, in reasonable medical judgment, she has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such condition shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

Subd. 2. **When abortion not prohibited.** When an abortion upon a woman whose unborn child has been determined to have a probable postfertilization age of 20 or more weeks is not prohibited by this section, the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. No such greater risk shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

Sec. 8. [145.4145] ENFORCEMENT.

Subdivision 1. **Criminal penalties.** A person who intentionally or recklessly performs or induces or attempts to perform or induce an abortion in violation of sections 145.4141 to 145.4148 shall be guilty of a felony. No penalty may be assessed against the woman upon whom the abortion is performed or induced or attempted to be performed or induced.

Subd. 2. **Civil remedies.** (a) A woman upon whom an abortion has been performed or induced in violation of sections 145.4141 to 145.4148, or the father of the unborn child who was the subject of such an abortion, may maintain an action against the person who performed or induced the abortion in intentional or reckless violation of sections 145.4141 to 145.4148 for damages. A woman upon whom an abortion has been attempted in violation of sections 145.4141 to 145.4148 may maintain an action against the person who attempted to perform or induce the abortion in an intentional or reckless violation of sections 145.4141 to 145.4148 for damages.

(b) A cause of action for injunctive relief against a person who has intentionally violated sections 145.4141 to 145.4148 may be maintained by the woman upon whom an abortion was performed or induced or attempted to be performed or induced in violation of sections 145.4141 to 145.4148; by a person who is the father of the unborn child subject to an abortion, parent, sibling, or guardian of, or a current or former licensed health care provider of, the woman upon whom an abortion has been performed or induced or attempted to be performed or induced in violation of sections 145.4141 to 145.4148; by a county attorney with appropriate jurisdiction; or by the attorney general. The injunction shall prevent the abortion provider from performing or inducing or attempting to perform or induce further abortions in this state in violation of sections 145.4141 to 145.4148.

(c) If judgment is rendered in favor of the plaintiff in an action described in this section, the court shall also render judgment for reasonable attorney fees in favor of the plaintiff against the defendant.

(d) If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for reasonable attorney fees in favor of the defendant against the plaintiff.

(e) No damages or attorney fees may be assessed against the woman upon whom an abortion was performed or induced or attempted to be performed or induced except according to paragraph (d).

Sec. 9. [145.4146] PROTECTION OF PRIVACY IN COURT PROCEEDINGS.

In every civil or criminal proceeding or action brought under the Pain-Capable Unborn Child Protection Act, the court shall rule on whether the anonymity of a woman upon whom an abortion has been performed or induced or attempted to be performed or induced shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable, less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or induced or attempted to be performed or induced, anyone, other than a public official, who brings an action under section 145.4145, subdivision 2, shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

Sec. 10. [145.4147] SEVERABILITY.

If any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of sections 145.4141 to 145.4148, or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of sections 145.4141 to 145.4148 shall remain effective notwithstanding such unconstitutionality. The legislature hereby declares that it would have passed sections 145.4141 to 145.4148, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of sections 145.4141 to 145.4148, or the application of sections 145.4141 to 145.4148, would be declared unconstitutional."

Delete the title and insert:

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

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

House Conferees: Mary Liz Holberg, Mike LeMieur, Larry Hosch

Senate Conferees: Gretchen Hoffman, Paul Gazelka

Senator Hoffman moved that the foregoing recommendations and Conference Committee Report on H.F. No. 936 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 936 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 41 and nays 20, as follows:

Those who voted in the affirmative were:

Benson	Gerlach	Kruse	Nienow	Sparks
Brown	Gimse	Kubly	Olson	Stumpf
Carlson	Hall	Lillie	Ortman	Thompson
Chamberlain	Hann	Limmer	Parry	Vanderveer
Dahms	Hoffman	Magnus	Pederson	Wolf
Daley	Howe	Michel	Robling	
DeKruif	Ingebrigtsen	Miller	Rosen	
Fischbach	Jungbauer	Nelson	Saxhaug	
Gazelka	Koch	Newman	Senjem	

Those who voted in the negative were:

Bakk	Dibble	Kelash	McGuire	Sheran
Berglin	Goodwin	Latz	Pappas	Sieben
Bonoff	Harrington	Lourey	Pogemiller	Torres Ray
Cohen	Higgins	Marty	Rest	Wiger

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1115 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1115

A bill for an act relating to natural resources; modifying nonnative species provisions; modifying certain requirements for public waters work permits; modifying requirements for permits to control or harvest aquatic plants; providing criminal penalties and civil penalties; amending Minnesota Statutes 2010, sections 84D.01, subdivisions 8a, 16, 21, by adding subdivisions; 84D.02, subdivision 6; 84D.03, subdivisions 3, 4; 84D.08; 84D.09; 84D.10, subdivisions 1, 3, 4; 84D.11, subdivision 2a; 84D.13, subdivisions 3, 4, 5, 6, 7; 84D.15, subdivision 2; 97C.081, subdivision 4; 103G.311, subdivision 5; 103G.615, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 84D; 86B; repealing Minnesota Statutes 2010, section 84D.02, subdivision 4.

May 17, 2011

The Honorable Michelle L. Fischbach
President of the Senate

The Honorable Kurt Zellers
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1115 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1115 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 17.117, subdivision 6a, is amended to read:

Subd. 6a. **Review and ranking of applications.** (a) The commissioner shall chair ~~the~~ a subcommittee ~~established in section 103F.761, subdivision 2, paragraph (b),~~ for purposes of reviewing and ranking applications and recommending to the commissioner allocation amounts. The subcommittee consists of representatives of the Departments of Agriculture, Natural Resources, and Health; the Pollution Control Agency; the Board of Water and Soil Resources; the Farm Service Agency and the Natural Resource Conservation Service of the United States Department of Agriculture; the Association of Minnesota Counties; the Minnesota Association of Soil and Water Conservation Districts; and other agencies or associations the commissioner determines are appropriate.

(b) The subcommittee must use the criteria in clauses (1) to (9) as well as other criteria it determines appropriate in carrying out the review and ranking:

(1) whether the proposed activities are identified in a comprehensive water management plan or other appropriate local planning documents as priorities;

(2) the potential that the proposed activities have for improving or protecting environmental quality;

(3) the extent that the proposed activities support areawide or multijurisdictional approaches to protecting environmental quality based on defined watershed or similar geographic areas;

(4) whether the activities are needed for compliance with existing environmental laws or rules;

(5) whether the proposed activities demonstrate participation, coordination, and cooperation between local units of government and other public agencies;

(6) whether there is coordination with other public and private funding sources and programs;

(7) whether the applicant has targeted specific best management practices to resolve specific environmental problems;

(8) past performance of the applicant in completing projects identified in prior applications and allocation agreements; and

(9) whether there are off-site public benefits.

Sec. 2. Minnesota Statutes 2010, section 18B.03, subdivision 1, as amended by Laws 2011, chapter 14, section 7, is amended to read:

Subdivision 1. **Administration by commissioner.** The commissioner shall administer, implement, and enforce this chapter and the Department of Agriculture is the lead state agency for the regulation of pesticides. The commissioner has the sole regulatory authority over the terrestrial application of pesticides, including, but not limited to, the application of pesticides to agricultural crops, structures, and other nonaquatic environments. Except as provided in subdivision 3, a state agency other than the Department of Agriculture shall not regulate or require permits for the terrestrial or nonaquatic application of pesticides.

Sec. 3. Minnesota Statutes 2010, section 41A.105, is amended by adding a subdivision to read:

Subd. 1a. **Definitions.** For the purpose of this section:

(1) "biobutanol facility" means a facility at which biobutanol is produced; and

(2) "biobutanol" means fermentation isobutyl alcohol that is derived from agricultural products, including potatoes, cereal grains, cheese whey, and sugar beets; forest products; or other renewable resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources.

Sec. 4. Minnesota Statutes 2010, section 84.033, subdivision 1, is amended to read:

Subdivision 1. **Acquisition; designation.** The commissioner of natural resources may acquire by gift, lease, easement, exchange, or purchase, in the manner prescribed under chapter 117, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining scientific and natural areas. The commissioner shall designate any land so acquired as a scientific and natural area by written order published in the State Register and shall administer any land so acquired and designated as provided by section 86A.05. Designations of scientific and natural areas are exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 5. Minnesota Statutes 2010, section 84.035, subdivision 6, is amended to read:

Subd. 6. **Management plans.** The commissioner shall develop in consultation with the affected local government unit a management plan for each peatland scientific and natural area designated under section 84.036 ~~in a manner prescribed by section 86A.09.~~

The management plan shall address recreational trails. In those peatland scientific and natural areas where no corridor of disturbance was used as a recreational trail on or before January 1, 1992, the plan may permit only one corridor of disturbance, in each peatland scientific and natural area, to be used as a recreational motorized trail.

Sec. 6. Minnesota Statutes 2010, section 84.777, subdivision 2, is amended to read:

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

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

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

Sec. 7. Minnesota Statutes 2010, section 84.788, is amended by adding a subdivision to read:

Subd. 12. **Dual registration.** (a) An off-highway motorcycle registered under this section may also be registered as a motorcycle under chapter 168 for use on public roads and highways.

(b) If the off-highway motorcycle was not originally constructed primarily for use on public roads and highways, the off-highway motorcycle must be equipped with mirrors and a headlight, taillight, and horn and be otherwise modified as necessary to meet the requirements of chapter 169, the safety standards of the National Traffic and Motor Safety Act, Code of Federal Regulations, title 49, part 571, and the regulations adopted under that federal act, for motorcycles regarding safety and acceptability to operate on public roads and highways.

(c) An applicant for registration under chapter 168 must submit a form, prescribed by the commissioner of public safety.

(d) For the purposes of this subdivision, off-highway motorcycle according to section 84.787, subdivision 7, does not include a golf cart; mini truck; dune buggy; go-cart; moped; pocket bike; gray market vehicle; or vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 8. [84.8035] NONRESIDENT OFF-ROAD VEHICLE STATE TRAIL PASS.

Subdivision 1. **Pass required; fee.** (a) A nonresident may not operate an off-road vehicle on a state or grant-in-aid off-road vehicle trail unless the vehicle displays a nonresident off-road vehicle state trail pass sticker issued according to this section. The pass must be viewable by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) The fee for an annual pass is \$20. The pass is valid from January 1 through December 31. The fee for a three-year pass is \$30. The commissioner of natural resources shall issue a pass upon application and payment of the fee. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the off-road vehicle account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to counties and municipalities for off-road vehicle organizations to construct and maintain off-road vehicle trails and use areas.

(c) A nonresident off-road vehicle state trail pass is not required for:

(1) an off-road vehicle that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.798, subdivision 2;

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

(3) a nonresident operating an off-road vehicle that is registered according to section 84.798.

Subd. 2. **License agents.** The commissioner may appoint agents to issue and sell nonresident off-road vehicle state trail passes. The commissioner may revoke the appointment of an agent at any time. The commissioner may adopt additional rules as provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted by the commissioner for accounting and handling of passes pursuant to section 97A.485, subdivision 11. An agent shall promptly deposit and remit all money received from the sale of the passes, exclusive of the issuing fee, to the commissioner.

Subd. 3. **Issuance of passes.** The commissioner and agents shall issue and sell nonresident

off-road vehicle state trail passes. The commissioner shall also make the passes available through the electronic licensing system established under section 84.027, subdivision 15.

Subd. 4. **Agent's fee.** In addition to the fee for a pass, an issuing fee of \$1 per pass shall be charged. The issuing fee may be retained by the seller of the pass. Issuing fees for passes issued by the commissioner shall be deposited in the off-road vehicle account in the natural resources fund and retained for the operation of the electronic licensing system.

Subd. 5. **Duplicate passes.** The commissioner and agents shall issue a duplicate pass to persons whose pass is lost or destroyed using the process established under section 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate nonresident off-road vehicle state trail pass is \$4, with an issuing fee of 50 cents.

Sec. 9. Minnesota Statutes 2010, section 84.92, subdivision 8, is amended to read:

Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than ~~960~~ 1,000 cubic centimeters and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.

Sec. 10. Minnesota Statutes 2010, section 84.925, subdivision 1, is amended to read:

Subdivision 1. **Program established.** (a) The commissioner shall establish a comprehensive all-terrain vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course.

(b) For the purpose of administering the program and to defray ~~a portion of~~ the expenses of training and certifying vehicle operators, the commissioner shall collect a fee ~~of \$15~~ from each person who receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The commissioner shall establish ~~the fee for a duplicate all-terrain vehicle safety certificate~~ both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the service services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the programs. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses.

(c) The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance

testing that leads to the certification of vehicle operators. ~~By June 30, 2003,~~ The commissioner shall incorporate a riding component in the safety education and training program.

Sec. 11. Minnesota Statutes 2010, section 84.9257, is amended to read:

84.9257 PASSENGERS.

(a) A person 18 years of age or older may operate a class 1 all-terrain vehicle carrying only one passenger.

(b) A person 18 years of age or older may operate a class 2 all-terrain vehicle while carrying a only one passenger, or up to the number of passengers for which the vehicle was designed, whichever is greater.

(c) A person 12 to 17 years of age may operate a class 1 all-terrain vehicle carrying only one passenger and the passenger must be the person's parent or legal guardian.

Sec. 12. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision to read:

Subd. 3a. **Decontaminate.** "Decontaminate" means to wash, drain, dry, or thermally or otherwise treat water-related equipment in order to remove or destroy aquatic invasive species using the "Recommended Uniform Minimum Protocols and Standards for Watercraft Interception Programs for Dreissenid Mussels in the Western United States" (September 2009) prepared for the Western Regional Panel on Aquatic Nuisance Species, or other protocols developed by the commissioner.

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

Sec. 13. Minnesota Statutes 2010, section 84D.01, subdivision 8a, is amended to read:

Subd. 8a. **Introduce.** "Introduce" means to place, release, or allow the escape of a nonnative species into a free-living state. Introduce does not include:

(1) the immediate return of a nonnative species to waters of the state from which the nonnative species was removed; or

(2) the seasonal return of nonnative species attached to water-related equipment, such as a dock or boat lift, that has been stored on riparian property and directly returned to the same waters of the state from which the water-related equipment was removed.

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

Sec. 14. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision to read:

Subd. 8b. **Inspect.** "Inspect" means to examine water-related equipment to determine whether aquatic invasive species, aquatic macrophytes, or water is present and includes removal, drainage, decontamination, or treatment to prevent the transportation and spread of aquatic invasive species, aquatic macrophytes, and water.

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

Sec. 15. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision to read:

Subd. 8c. **Inspector.** "Inspector" means: (1) an individual trained and authorized by the commissioner to inspect water-related equipment under section 84D.105, subdivision 2, paragraph (a); or (2) a conservation officer or a licensed peace officer.

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

Sec. 16. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision to read:

Subd. 15a. **Service provider.** "Service provider" means an individual who installs or removes water-related equipment or structures from waters of the state for hire. "Service provider" does not include a person working under the supervision of an individual with a valid service provider permit issued under section 84D.108.

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

Sec. 17. Minnesota Statutes 2010, section 84D.01, subdivision 16, is amended to read:

Subd. 16. **Transport.** "Transport" means to cause or attempt to cause a species to be carried or moved into or within the state, and includes accepting or receiving the species for transportation or shipment. Transport does not include:

(1) the ~~transport~~ movement of infested water or a nonnative species within a water of the state or to a connected water of the state where the species being transported is already present; or

(2) the movement of a nonnative species attached to water-related equipment or other water-related structures from a water of the state to the shore of riparian property on that water or the return of water-related equipment or structures from the shore into the same water of the state.

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

Sec. 18. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision to read:

Subd. 18a. **Water-related equipment.** "Water-related equipment" means a motor vehicle, boat, watercraft, dock, boat lift, raft, vessel, trailer, tool, implement, device, or any other associated equipment or container, including but not limited to portable bait containers, live wells, ballast tanks except for those vessels permitted under the Pollution Control Agency vessel discharge program, bilge areas, and water-hauling equipment that is capable of containing or transporting aquatic invasive species, aquatic macrophytes, or water.

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

Sec. 19. Minnesota Statutes 2010, section 84D.01, subdivision 21, is amended to read:

Subd. 21. **Wild animal.** "Wild animal" means ~~a living creature, not human, wild by nature, endowed with sensation and power of voluntary motion~~ has the meaning given under section 97A.015, subdivision 55.

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

Sec. 20. Minnesota Statutes 2010, section 84D.02, subdivision 6, is amended to read:

Subd. 6. **Annual report.** By January 15 each year, the commissioner shall submit a report on invasive species of aquatic plants and wild animals to the legislative committees having jurisdiction over environmental and natural resource issues. The report must include:

(1) detailed information on expenditures for administration, education, management, inspections, and research;

(2) an analysis of the effectiveness of management activities conducted in the state, including chemical control, harvesting, educational efforts, and inspections;

(3) information on the participation of other state agencies, local government units, and interest groups in control efforts;

(4) information on the progress made in the management of each species; and

(5) an assessment of future management needs and additional measures to protect the state's water resources from human transport and introduction of invasive species.

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

Sec. 21. Minnesota Statutes 2010, section 84D.03, subdivision 3, is amended to read:

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

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

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

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

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

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

Sec. 22. Minnesota Statutes 2010, section 84D.03, subdivision 4, is amended to read:

Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is designated because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, may not be used in any other waters. If a commercial licensee operates in ~~both~~ an infested water designated because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, ~~and other waters,~~ all nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in waters ~~not~~ designated as infested with invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be tagged with tags provided by the commissioner, as specified in the commercial licensee's license or permit, ~~and may not be used in infested waters designated because the waters contain invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982.~~ This tagging requirement does not apply to commercial fishing equipment used in Lake Superior.

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

(c) A commercial licensee must remove all aquatic macrophytes from nets and other equipment when the nets and equipment are removed from waters of the state.

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

(e) A person harvesting aquatic life from waters of the state for the purpose of transporting and stocking shall transport the aquatic life to a holding facility. The aquatic life shall remain in the holding facility for at least ten hours and be examined for the presence of invasive species.

(f) This subdivision applies to the state and its departments and agencies.

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

Sec. 23. Minnesota Statutes 2010, section 84D.09, is amended to read:

84D.09 AQUATIC MACROPHYTES.

Subdivision 1. **Transportation prohibited.** A person may not transport aquatic macrophytes ~~on any state forest road as defined by section 89.001, subdivision 14, any road or highway as defined in section 160.02, subdivision 26, or any other public road,~~ except as provided in this section.

Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may transport aquatic macrophytes:

(1) that are duckweeds in the family Lemnaceae;

(2) for disposal as part of a harvest or control activity conducted under an aquatic plant management permit pursuant to section 103G.615, under permit pursuant to section 84D.11, or as specified by the commissioner;

(3) for purposes of constructing shooting or observation blinds in amounts sufficient for that purpose, provided that the aquatic macrophytes are emergent and cut above the waterline;

(4) when legally purchased or traded by or from commercial or hobbyist sources for aquarium, wetland or lakeshore restoration, or ornamental purposes;

(5) when harvested for personal or commercial use if in a motor vehicle;

(6) to the department, or another destination as the commissioner may direct, in a sealed container for purposes of identifying a species or reporting the presence of a species;

(7) when transporting commercial aquatic plant harvesting or control equipment to a suitable location for purposes of cleaning any remaining aquatic macrophytes;

(8) that are wild rice harvested under section 84.091; ~~or~~

(9) in the form of fragments of emergent aquatic macrophytes incidentally transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl season; or

(10) when removing water-related equipment from waters of the state for purposes of cleaning off aquatic macrophytes before leaving a water access site.

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

Sec. 24. Minnesota Statutes 2010, section 84D.10, subdivision 1, is amended to read:

Subdivision 1. **Launching prohibited.** A person may not place or attempt to place into waters of the state a watercraft, a trailer, or aquatic plant harvesting or control equipment that has aquatic macrophytes, zebra mussels, or prohibited invasive species attached except as provided in this section.

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

Sec. 25. Minnesota Statutes 2010, section 84D.10, subdivision 3, is amended to read:

Subd. 3. **Removal and confinement.** (a) A conservation officer or other licensed peace officer may order:

(1) the removal of aquatic macrophytes or prohibited invasive species from ~~a trailer or watercraft~~ water-related equipment before it is placed into waters of the state;

(2) confinement of the ~~watercraft~~ water-related equipment at a mooring, dock, or other location until the ~~watercraft~~ water-related equipment is removed from the water; ~~and~~

(3) removal of ~~a watercraft~~ water-related equipment from waters of the state to remove prohibited invasive species if the water has not been designated by the commissioner as being infested with that species; and

(4) a prohibition on placing water-related equipment into waters of the state when the water-related equipment has aquatic macrophytes or prohibited invasive species attached in violation of subdivision 1 or when water has not been drained or the drain plug has not been removed in violation of subdivision 4.

(b) An inspector who is not a licensed peace officer may issue orders under paragraph (a), clauses (1), (3), and (4).

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

Sec. 26. Minnesota Statutes 2010, section 84D.10, subdivision 4, is amended to read:

Subd. 4. ~~Persons leaving public waters; report transporting water-related equipment.~~ (a) A person ~~When leaving waters of the state a person must drain boating-related water-related equipment holding water and live wells and bilges by removing the drain plug before transporting the watercraft and associated water-related equipment on public roads off the water access site or riparian property.~~

(b) Drain plugs, bailers, valves, or other devices used to control the draining of water from ballast tanks, bilges, and live wells must be removed or opened while transporting watercraft on a public road water-related equipment.

(c) Emergency response vehicles and equipment may be transported on a public road with the drain plug or other similar device replaced only after all water has been drained from the equipment upon leaving the water body.

(d) ~~Portable bait containers used by licensed aquatic farms and marine sanitary systems and portable bait containers are excluded exempt from this requirement subdivision.~~

(e) A person must not dispose of bait in waters of the state.

~~(b) The commissioner shall report, by January 15 of each odd-numbered year, to the chairs and ranking minority members of the house of representatives and senate committees and divisions having jurisdiction over water resources policy and finance. The report shall advise the legislature on additional measures to protect state water resources from human transport of invasive species.~~

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

Sec. 27. **[84D.105] INSPECTION OF WATER-RELATED EQUIPMENT.**

Subdivision 1. **Compliance inspections.** Compliance with aquatic invasive species inspection requirements is an express condition of operating or transporting water-related equipment. An inspector may prohibit an individual from placing or operating water-related equipment in waters of the state if the individual refuses to allow an inspection of the individual's water-related equipment or refuses to remove and dispose of aquatic invasive species, aquatic macrophytes, and water.

Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive species, and water.

(b) Inspectors may visually and tactilely inspect watercraft and water-related equipment to determine whether aquatic invasive species, aquatic macrophytes, or water is present. If a person

transporting watercraft or water-related equipment refuses to take required corrective actions or fails to comply with an order under section 84D.10, subdivision 3, an inspector who is not a licensed peace officer shall refer the violation to a conservation officer or other licensed peace officer.

(c) In addition to paragraph (b), a conservation officer or other licensed peace officer may inspect any watercraft or water-related equipment that is stopped at a water access site, any other public location in the state, or a private location where the watercraft or water-related equipment is in plain view, if the officer determines there is reason to believe that aquatic invasive species, aquatic macrophytes, or water is present on the watercraft or water-related equipment.

(d) Conservation officers or other licensed peace officers may utilize check stations in locations, or in proximity to locations, where watercraft or other water-related equipment is placed into or removed from waters of the state. Any check stations shall be operated in a manner that minimizes delays to vehicles, equipment, and their occupants.

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

Sec. 28. [84D.108] SERVICE PROVIDER PERMIT.

Subdivision 1. **Service provider permit required.** (a) Service providers must apply for and obtain a permit from the commissioner before providing any services described in section 84D.01, subdivision 15a.

(b) Service providers must have a valid permit in possession while providing services described in section 84D.01, subdivision 15a.

Subd. 2. **Permit requirements.** (a) Service providers must complete invasive species training provided by the commissioner and pass an examination to qualify for a permit. Service provider permits are valid for three calendar years.

(b) A \$50 application and testing fee is required for service provider permit applications.

(c) Persons working for a permittee must satisfactorily complete aquatic invasive species-related training provided by the commissioner.

Subd. 3. **Standard for issuing.** The commissioner may issue, deny, modify, or revoke a permit as provided in section 84D.11, subdivision 3.

Subd. 4. **Appeal of permit decision.** Permit decisions may be appealed as provided in section 84D.11, subdivision 4.

Sec. 29. Minnesota Statutes 2010, section 84D.11, subdivision 2a, is amended to read:

Subd. 2a. **Harvest of bait from infested waters.** (a) The commissioner may issue a permit to allow the harvest of bait from waters that are designated as infested waters, except those designated because they contain prohibited invasive species of fish. The permit shall include conditions necessary to avoid spreading aquatic invasive species.

(b) Before receiving a permit, or working for a permittee, a person annually must satisfactorily complete aquatic invasive species-related training provided by the commissioner.

Sec. 30. Minnesota Statutes 2010, section 84D.13, subdivision 3, is amended to read:

Subd. 3. **Criminal penalties.** (a) A person who violates a provision of ~~section~~ sections 84D.03 or 84D.06, 84D.07, 84D.08, or 84D.10 to 84D.11, or a rule adopted under section 84D.12, is guilty of a misdemeanor.

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

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

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

Sec. 31. Minnesota Statutes 2010, section 84D.13, subdivision 4, is amended to read:

Subd. 4. **Warnings; civil citations.** After appropriate training, conservation officers, other licensed peace officers, and other department personnel designated by the commissioner may issue warnings or citations to a person who:

(1) unlawfully transports prohibited invasive species or aquatic macrophytes;

(2) unlawfully places or attempts to place into waters of the state ~~a trailer, a watercraft, or plant harvesting~~ water-related equipment that has aquatic macrophytes or prohibited invasive species attached;

(3) intentionally damages, moves, removes, or sinks a buoy marking, as prescribed by rule, Eurasian water milfoil;

(4) fails to ~~remove plugs, open valves, and drain water, as required by rule, from watercraft and water-related equipment before leaving~~ designated zebra mussel, spiny water flea, or other invasive plankton infested waters of the state or when transporting water-related equipment as provided in section 84D.10, subdivision 4; or

(5) transports infested water, in violation of rule, off riparian property.

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

Sec. 32. Minnesota Statutes 2010, section 84D.13, subdivision 5, is amended to read:

Subd. 5. **Civil penalties.** A civil citation issued under this section must impose the following penalty amounts:

(1) for transporting aquatic macrophytes ~~on a forest road as defined by section 89.001, subdivision 14, road or highway as defined by section 160.02, subdivision 26, or any other public road,~~ \$50 in violation of section 84D.09, \$50;

(2) for placing or attempting to place into waters of the state ~~a watercraft, a trailer, or aquatic plant harvesting~~ water-related equipment that has aquatic macrophytes attached, \$100;

(3) for unlawfully possessing or transporting a prohibited invasive species other than an aquatic macrophyte, \$250;

(4) for placing or attempting to place into waters of the state ~~a watercraft, a trailer, or aquatic plant harvesting~~ water-related equipment that has prohibited invasive species attached when the waters are not designated by the commissioner as being infested with that invasive species, \$500 for the first offense and \$1,000 for each subsequent offense;

(5) for intentionally damaging, moving, removing, or sinking a buoy marking, as prescribed by rule, Eurasian water milfoil, \$100;

(6) for failing to remove plugs, open valves, and drain water, ~~as required by rule, for infested waters and from watercraft and~~ water-related equipment, other than marine sanitary systems ~~and portable bait containers~~, before leaving waters of the state, \$50; and

(7) for transporting infested water off riparian property without a permit as required by rule, \$200.

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

Sec. 33. Minnesota Statutes 2010, section 84D.13, subdivision 6, is amended to read:

Subd. 6. **Watercraft license suspension.** A civil citation may be issued to suspend, for up to a year, the watercraft license of an owner or person in control of a watercraft or trailer who refuses to submit to an inspection under section ~~84D.02, subdivision 4,~~ 84D.105 or who refuses to comply with a removal order given under this section 84D.13.

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

Sec. 34. Minnesota Statutes 2010, section 84D.13, subdivision 7, is amended to read:

Subd. 7. **Satisfaction of civil penalties.** A civil penalty is due and a watercraft license suspension is effective 30 days after issuance of the civil citation. A civil penalty collected under this section ~~is payable to~~ must be paid to either: (1) the commissioner if the citation was issued by a conservation officer and must be credited to the invasive species account; or (2) the treasury of the unit of government employing the officer who issued the civil citation.

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

Sec. 35. Minnesota Statutes 2010, section 84D.15, subdivision 2, is amended to read:

Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under section 86B.415, subdivision 7, ~~and~~ civil penalties under section 84D.13, and service provider permits under section 84D.108, shall be deposited in the invasive species account. Each year, the commissioner of management and budget shall transfer from the game and fish fund to the invasive species account, the annual surcharge collected on nonresident fishing licenses under section 97A.475, subdivision 7, paragraph (b). In fiscal years 2010 and 2011, the commissioner of management and budget shall transfer \$725,000 from the water recreation account under section 86B.706 to the invasive species account.

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

Sec. 36. Minnesota Statutes 2010, section 85.018, subdivision 5, is amended to read:

Subd. 5. **Motorized vehicle trails restricted.** (a) From December 1 to April 1 in any year no use of a motorized vehicle other than a snowmobile, unless authorized by permit, lease, or easement, shall be permitted on a trail designated for use by snowmobiles.

(b) ~~From December 1 to April 1 in any year~~ No use of a motorized vehicle other than an all-terrain or off-road vehicle and an off-highway motorcycle, unless authorized by permit, lease, or easement, shall be permitted on a trail designated for use by all-terrain vehicles, off-road vehicles, or both, and off-highway motorcycles.

Sec. 37. Minnesota Statutes 2010, section 85.019, subdivision 4b, is amended to read:

Subd. 4b. **Regional trails.** The commissioner shall administer a program to provide grants to units of government for acquisition and betterment of public land and improvements needed for trails outside the metropolitan area deemed to be of regional significance according to criteria published by the commissioner. Recipients must provide a nonstate cash match of at least ~~one-half~~ 25 percent of total eligible project costs. If land used for the trails is not in full public ownership, then the recipients must prove it is dedicated to the purposes of the grants for at least 20 years. The commissioner shall make payment to a unit of government upon receiving documentation of reimbursable expenditures. A unit of government may enter into a lease or management agreement for the trail, subject to section 16A.695.

Sec. 38. Minnesota Statutes 2010, section 85.019, subdivision 4c, is amended to read:

Subd. 4c. **Trail connections.** The commissioner shall administer a program to provide grants to units of government for acquisition and betterment of public land and improvements needed for trails that connect communities, trails, and parks and thereby increase the effective length of trail experiences. Recipients must provide a nonstate cash match of at least ~~one-half~~ 25 percent of total eligible project costs. If land used for the trails is not in full public ownership, then the recipients must prove it is dedicated to the purposes of the grants for at least 20 years. The commissioner shall make payment to a unit of government upon receiving documentation of reimbursable expenditures. A unit of government may enter into a lease or management agreement for the trail, subject to section 16A.695.

Sec. 39. Minnesota Statutes 2010, section 85.32, subdivision 1, is amended to read:

Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized in cooperation with local units of government and private individuals and groups when feasible to mark state water trails on the Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, Redwood, Blue Earth, Cedar, and Crow Rivers which have historic and scenic values and to mark appropriately points of interest, portages, camp sites, and all dams, rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe, kayak, and watercraft travelers.

Sec. 40. **[86B.508] AQUATIC INVASIVE SPECIES RULES DECAL.**

(a) A watercraft owner or operator must obtain and display an aquatic invasive species rules decal issued by the commissioner on the owner or operator's watercraft prior to launching on, entering into, or operating on any waters of the state.

(b) The aquatic invasive species rules decal must be attached to the watercraft.

Sec. 41. Minnesota Statutes 2010, section 86B.811, is amended by adding a subdivision to read:

Subd. 1a. **Petty misdemeanor.** A watercraft owner who fails to obtain or display an aquatic invasive species rules decal or a person who operates a watercraft that does not display an aquatic invasive species rule decal in violation of section 86B.508 is guilty of a petty misdemeanor.

Sec. 42. Minnesota Statutes 2010, section 86B.825, subdivision 3, is amended to read:

Subd. 3. **Voluntary titling.** The owner of a device used or designed for navigation on water and used on the waters of this state may obtain a certificate of title for the device, even though it is not a watercraft as defined in section 86B.820, subdivision 14, in the same manner and with the same effect as the owner of a watercraft required to be titled under ~~Laws 1989, chapter 335~~ sections 86B.820 to 86B.920. Once titled, the device is a titled watercraft as defined in section 86B.820, subdivision 13, and is and remains subject to ~~Laws 1989, chapter 335~~ sections 86B.820 to 86B.920, to the same extent as a watercraft required to be titled.

Sec. 43. Minnesota Statutes 2010, section 86B.830, subdivision 2, is amended to read:

Subd. 2. **Issuance.** (a) The commissioner shall issue a certificate of title for a watercraft upon verification that:

- (1) the application is genuine;
- (2) the applicant is the owner of the watercraft; and
- (3) payment of the required fee.

(b) The original certificate of title must be mailed to the ~~first secured party disclosed in the application or, if none, to the owner named in the application.~~ Secured parties, if any, must be mailed notification of their security interest filed.

Sec. 44. Minnesota Statutes 2010, section 86B.850, subdivision 1, is amended to read:

Subdivision 1. **Form and issuance.** (a) The commissioner may issue a duplicate certificate of title under this section. The duplicate certificate of title must be a certified copy plainly marked "duplicate" across its face and must contain the legend: "This duplicate certificate of title may be subject to the rights of a person under the original certificate." It must be mailed to the ~~first secured party named in it or, if none,~~ to the owner. The commissioner shall indicate in the department records that a duplicate has been issued.

(b) As a condition to issuing a duplicate certificate of title, the commissioner may require a bond from the applicant in the manner and form prescribed in section 86B.830, subdivision 4, paragraph (b).

Sec. 45. Minnesota Statutes 2010, section 86B.885, is amended to read:

86B.885 OWNER-CREATED SECURITY INTEREST.

Paragraphs (a) to (d) apply if an owner creates a security interest in a titled watercraft.

(a) The owner shall immediately execute the application in the space provided on the certificate of title or on a separate form prescribed by the commissioner, show the name and address of the secured party on the certificate, and have the certificate, application, and required fee delivered to the secured party.

(b) The secured party shall immediately have the certificate, application, and required fee mailed or delivered to the commissioner.

(c) ~~Upon request of the owner or~~ A second or subordinate secured party, a secured party in possession of the certificate of title shall either (1) mail or deliver the certificate to the subordinate secured party for delivery to the commissioner, or (2) upon receiving from the subordinate secured party the owner's application and the required fee, mail or deliver them to the commissioner with the certificate. The delivery of the certificate does not affect the rights of the first secured party under the security agreement.

(d) Upon receiving the certificate of title, application, and required fee, the commissioner shall either endorse on the certificate or issue a new certificate containing the name and address of the new secured party, and mail or deliver the certificate to the ~~first secured party named on it~~ owner. The secured party or parties shall be issued a notification that the security interest has been recorded.

Sec. 46. Minnesota Statutes 2010, section 89.17, is amended to read:

89.17 LEASES AND PERMITS.

(a) Notwithstanding the permit procedures of chapter 90, the commissioner shall have power to grant and execute, in the name of the state, leases and permits for the use of any forest lands under the authority of the commissioner for any purpose which in the commissioner's opinion is not inconsistent with the maintenance and management of the forest lands, on forestry principles for timber production. Every such lease or permit shall be revocable at the discretion of the commissioner at any time subject to such conditions as may be agreed on in the lease. The approval of the commissioner of administration shall not be required upon any such lease or permit. No such lease or permit for a period exceeding 21 years shall be granted except with the approval of the Executive Council.

(b) Public access to the leased land for outdoor recreation shall be the same as access would be under state management.

(c) Notwithstanding section 16A.125, subdivision 5, after deducting the reasonable costs incurred for preparing and issuing the lease, all remaining proceeds from the leasing of school trust land and university land for roads on forest lands must be deposited into the respective permanent fund for the lands.

Sec. 47. Minnesota Statutes 2010, section 93.0015, subdivision 1, is amended to read:

Subdivision 1. **Establishment; membership.** The Mineral Coordinating Committee is established to plan for diversified mineral development. The Mineral Coordinating Committee consists of:

- (1) the commissioner of natural resources;
- (2) the ~~deputy~~ commissioner of the Minnesota Pollution Control Agency;
- ~~(3) the director of United Steelworkers of America, District 11, or the director's designee;~~
- ~~(4)~~ (3) the commissioner of Iron Range resources and rehabilitation;
- ~~(5)~~ (4) the director of the Minnesota Geological Survey;
- ~~(6)~~ (5) the dean of the University of Minnesota Institute of Technology;
- ~~(7)~~ (6) the director of the Natural Resources Research Institute; and
- ~~(8) three~~ (7) four individuals appointed by the governor for a four-year term, one each representing the iron ore and taconite, nonferrous metallic minerals, and industrial minerals industries within the state and one representing labor.

Sec. 48. Minnesota Statutes 2010, section 93.0015, subdivision 3, is amended to read:

Subd. 3. **Expiration.** Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the committee expires June 30, ~~2014~~ 2016.

Sec. 49. Minnesota Statutes 2010, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. **Citizen oversight subcommittees committees.** (a) The commissioner shall appoint ~~subcommittees~~ committees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following ~~subcommittees~~ committees, each comprised of at least ~~three~~ ten affected persons:

(1) a Fisheries ~~Operations Subcommittee~~ Oversight Committee to review fisheries funding and expenditures, ~~excluding~~ including activities related to trout and salmon ~~stamp~~ stamps and walleye ~~stamp funding~~ stamps; and

(2) a Wildlife ~~Operations Subcommittee~~ Oversight Committee to review wildlife funding and expenditures, excluding ~~including~~ activities related to migratory waterfowl, pheasant, and wild turkey management funding and ~~excluding~~ including review of the amounts available under section 97A.075, ~~subdivision 1, paragraphs (b) and (c); deer and big game management.~~

~~(3) a Big Game Subcommittee to review the report required in subdivision 4, paragraph (a), clause (2);~~

~~(4) an Ecological Resources Subcommittee to review ecological services funding;~~

~~(5) a subcommittee to review game and fish fund funding of enforcement and operations support;~~

~~(6) a subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;~~

~~(7) a subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;~~

~~(8) a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants;~~

~~(9) a subcommittee to review the report on the wild turkey management account and address funding issues related to wild turkeys; and~~

~~(10) a subcommittee to review the walleye stamp and address funding issues related to walleye stocking.~~

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

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house of representatives committees with jurisdiction over natural resources finance.

~~(e) Each subcommittee shall choose its own chair, except that~~ The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee shall be chosen by their respective committees. The chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of any of the subcommittees either of the other oversight committees.

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

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the Fisheries Oversight Committee, the Wildlife Oversight Committee, and the Budgetary Oversight Committee and subcommittees do not expire until June 30, 2010 2015.

Sec. 50. ~~[97A.134]~~ **ADOPT-A-WMA PROGRAM.**

Subdivision 1. **Creation.** The Minnesota adopt-a-WMA (wildlife management area) program is established. The commissioner shall coordinate the program through the regional offices of the Department of Natural Resources.

Subd. 2. **Agreements.** (a) The commissioner shall enter into informal agreements with sporting, outdoor, business, and civic groups or individuals for volunteer services to maintain and make improvements to real property on state wildlife management areas in accordance with plans devised by the commissioner after consultation with the groups or individuals.

(b) The commissioner may erect appropriate signs to recognize and express appreciation to

groups and individuals providing volunteer services under the adopt-a-WMA program.

(c) The commissioner may provide assistance to enhance the comfort and safety of volunteers and to facilitate the implementation and administration of the adopt-a-WMA program.

Sec. 51. Minnesota Statutes 2010, section 97C.081, subdivision 4, is amended to read:

Subd. 4. **Restrictions.** (a) The commissioner may by rule establish restrictions on fishing contests to protect fish and fish habitat, to restrict activities during high use periods, to restrict activities that affect research or management work, to restrict the number of boats, and for the safety of contest participants. The commissioner may require mandatory decontamination of boats participating in fishing contests on infested waters.

(b) By March 1, 2011, the commissioner shall develop a best practices certification program for fishing contest organizers to ensure the proper handling and release of fish.

Sec. 52. Minnesota Statutes 2010, section 103B.661, subdivision 2, is amended to read:

Subd. 2. **Powers.** Subject to the provisions of chapters 97A, 103D, 103E, 103G, and 115, and the rules and regulations of the respective agencies and governing bodies vested with jurisdiction and authority under those chapters, the district has the following powers to:

- (1) regulate the types of boats permitted to use the lake and set service fees;
- (2) limit the use of motors, including their types and horsepower, on the lake;
- (3) regulate, maintain, and police public beaches, public docks, and other public facilities for access to the lake within the territory of the municipalities;
- (4) limit by rule the use of the lake at various times and the use of various parts of the lake;
- (5) regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety of the public and the most general public use;
- (6) contract with other law enforcement agencies to police the lake and its shores;
- (7) regulate the construction, installation, and maintenance of permanent and temporary docks and moorings consistent with federal and state law;
- (8) regulate the construction and use of mechanical and chemical means of deicing the lake and to regulate the mechanical and chemical means of removal of weeds and algae from the lake;
- (9) regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities. The regulation shall be consistent with the applicable municipal building codes and zoning ordinances where said marinas are situated;
- (10) contract with other governmental bodies to perform any of the functions of the district;
- (11) undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the Pollution Control Agency and other interested authorities; and to develop a comprehensive program to eliminate pollution;
- (12) receive financial assistance from and join in projects or enter into contracts with federal

and state agencies for the study and treatment of pollution problems and demonstration programs related to them;

(13) petition the board of managers of a watershed district where the White Bear Lake Conservation District is located for improvements under section 103D.705, for which a bond may not be required of the district; and

(14) to require the submission of all plans pertaining to or affecting construction or other lakeshore use on any lot or parcel of land abutting the shoreline including: length of setback from the shoreline, adjoining property, or any street or highway; problems of population density; possible water, air or visual pollution; or height of construction. The board shall have 60 days after submission of plans or any part thereof for review. If, within 60 days of submission the board finds the plan or any part is inconsistent with its plans or ordinances, it may recommend that the plan or any part be revised and resubmitted.

Sec. 53. Minnesota Statutes 2010, section 103F.705, is amended to read:

103F.705 PURPOSE.

(a) It is the purpose of the legislature in enacting sections 103F.701 to ~~103F.761~~ 103F.755 to protect ~~and improve, enhance, and restore~~ surface and ground water in the state, through financial and technical assistance to local units of government to ~~control~~ prevent water pollution, including that associated with land use and land management activities, and

(b) ~~It is also the purpose of the legislature to:~~

~~(1) identify water quality problems and their causes;~~

~~(2) direct technical and financial resources to resolve water quality problems and to abate their causes;~~

~~(3) provide technical and financial resources to local units of government for implementation of water quality protection and improvement projects;~~

~~(4) coordinate a nonpoint source pollution control program with elements of the existing state water quality program and other existing resource management programs; and~~

~~(5) to provide a legal basis for state implementation of federal laws controlling nonpoint source water pollution.~~

Sec. 54. Minnesota Statutes 2010, section 103F.711, subdivision 8, is amended to read:

Subd. 8. **Project.** "Project" means the ~~diagnostic study~~ identification of water pollution ~~caused by nonpoint sources of water pollution and its causes, a plan to implement best management practices prevent water pollution or protect and improve water quality, and the physical features constructed or actions taken by a local unit of government to implement best management practices~~ measures taken to prevent water pollution or protect and improve water quality.

Sec. 55. Minnesota Statutes 2010, section 103F.715, is amended to read:

103F.715 CLEAN WATER PARTNERSHIP PROGRAM ESTABLISHED.

A clean water partnership program is established as provided in sections 103F.701 to ~~103F.761~~

103F.755. The agency shall administer the program in accordance with these sections. ~~As a basis for the program, the agency and the Metropolitan Council shall conduct an assessment of waters in accordance with section 103F.721.~~ The agency shall then provide financial and technical assistance in accordance with section 103F.725 to local units of government for projects in geographical areas that contribute to surface or ground water flows. The projects shall provide for protection ~~and improvement, enhancement, or restoration~~ of surface and ground water ~~from nonpoint sources of water pollution.~~

Sec. 56. Minnesota Statutes 2010, section 103F.725, subdivision 1, is amended to read:

Subdivision 1. **Grants.** (a) The agency may award grants for up to 50 percent of the eligible cost ~~for projects.~~

~~(1) the development of a diagnostic study and implementation plan; and~~

~~(2) the implementation of that plan.~~

(b) The agency shall determine which costs are eligible costs and grants shall be made and used only for eligible costs.

Sec. 57. Minnesota Statutes 2010, section 103F.725, subdivision 1a, is amended to read:

Subd. 1a. **Loans.** (a) Up to ~~\$36,000,000~~ \$50,000,000 of the balance in the clean water revolving fund in section 446A.07, as determined by the Public Facilities Authority, may be provided to the commissioner for ~~the establishment of~~ a clean water partnership loan program.

(b) The agency may award loans for up to 100 percent of the costs associated with activities identified by the agency as best management practices pursuant to section 319 and section 320 of the federal Water Quality Act of 1987, as amended, including associated administrative costs.

(c) Loans may be used to finance clean water partnership grant project eligible costs not funded by grant assistance.

(d) The interest rate, at or below market rate, and the term, not to exceed 20 years, shall be determined by the agency in consultation with the Public Facilities Authority.

(e) The repayment must be deposited in the clean water revolving fund under section 446A.07.

(f) The local unit of government receiving the loan is responsible for repayment of the loan.

(g) For the purpose of obtaining a loan from the agency, a local government unit may provide to the agency its general obligation note. All obligations incurred by a local government unit in obtaining a loan from the agency must be in accordance with chapter 475, except that so long as the obligations are issued to evidence a loan from the agency to the local government unit, an election is not required to authorize the obligations issued, and the amount of the obligations shall not be included in determining the net indebtedness of the local government unit under the provisions of any law or chapter limiting the indebtedness.

Sec. 58. Minnesota Statutes 2010, section 103F.731, subdivision 2, is amended to read:

Subd. 2. **Eligibility; documents required.** (a) Local units of government are eligible to apply for assistance. ~~An applicant for assistance shall submit the following to the agency:~~

- (1) ~~an application~~ a project proposal form as prescribed by the agency; and
- (2) evidence that the applicant has consulted with the involved local soil and water conservation districts and watershed districts, where they exist, in preparing the application; ~~and.~~
- ~~(3)~~ (b) The proposed project must be identified in at least one of the following documents:
- ~~(i)~~ (1) the comprehensive water plan authorized under sections 103B.301 to 103B.355;
- ~~(ii)~~ (2) a surface water management plan required under section 103B.231;
- ~~(iii)~~ (3) an overall plan required under chapter 103D; or
- ~~(iv)~~ (4) any other local plan that provides an inventory of existing physical and hydrologic information on the area, a general identification of water quality problems and goals, and that demonstrates a local commitment to water quality protection or improvement, enhancement, or restoration;
- (5) an approved total maximum daily load (TMDL) or a TMDL implementation plan; or
- (6) a watershed protection and restoration strategy implementation plan.

~~(b) After July 1, 1991, only projects that are a part of, or are responsive to, a local water plan under the Comprehensive Local Water Management Act, chapter 103D, or sections 103B.211 to 103B.255, will be eligible under paragraph (a), clause (3).~~

~~(c) The document submitted in compliance with paragraph (a), clause (2), must identify existing and potential nonpoint source water pollution problems and must recognize the need and demonstrate the applicant's commitment to abate or prevent water pollution from nonpoint sources in the geographic areas for which the application is submitted.~~

Sec. 59. Minnesota Statutes 2010, section 103F.735, is amended to read:

103F.735 AGENCY REVIEW OF APPLICATIONS PROPOSALS.

Subdivision 1. **Ranking of applications proposals.** The agency shall rank applications proposals for technical and financial assistance in order of priority and shall, within the limits of available appropriations, grant those applications proposals having the highest priority. The agency shall by rule adopt appropriate criteria to determine the priority of projects.

Subd. 2. **Criteria.** (a) The criteria shall give the highest priority to projects that best demonstrate compliance with the objectives in paragraphs (b) to ~~(e)~~ (d).

(b) The project demonstrates participation, coordination, and cooperation between local units of government and other public agencies, including soil and water conservation districts or watershed districts, or both those districts and local stakeholders.

(c) The degree of water quality improvement or protection, enhancement, or restoration is maximized relative to the cost of implementing the best management practices.

(d) Best management practices provide a feasible means to abate or prevent nonpoint source water pollution.

~~(e) The project goals and objectives are consistent with the state water quality management~~

~~plans, the statewide resource assessment conducted under section 103F.721, and other applicable state and local resource management programs.~~

Sec. 60. Minnesota Statutes 2010, section 103F.741, subdivision 1, is amended to read:

Subdivision 1. **Implementation according to law and contract.** A local unit of government receiving technical or financial assistance, or both, from the agency shall carry out the ~~implementation plan~~ project approved by the agency according to the terms of the plan, the provisions of a contract or grant agreement made with the agency and according to sections 103F.701 to ~~103F.761~~ 103F.755, the rules of the agency, and applicable federal requirements.

Sec. 61. Minnesota Statutes 2010, section 103F.745, is amended to read:

103F.745 RULES.

(a) The agency shall adopt rules necessary to implement sections 103F.701 to ~~103F.761~~ 103F.755. The rules shall contain at a minimum:

(1) procedures to be followed by local units of government in applying for technical or financial assistance or both;

(2) conditions for the administration of assistance;

~~(3) procedures for the development, evaluation, and implementation of best management practices requirements for a project;~~

(4) ~~requirements for a diagnostic study and implementation plan~~ criteria for the evaluation and approval of a project;

~~(5) criteria for the evaluation and approval of a diagnostic study and implementation plan;~~

~~(6) criteria for the evaluation of best management practices;~~

~~(7) criteria for the ranking of projects in order of priority for assistance;~~

~~(8) (6) criteria for defining and evaluating eligible costs and cost-sharing by local units of government applying for assistance;~~

(7) requirements for providing measurable outcomes; and

~~(9) (8) other matters as the agency and the commissioner find necessary for the proper administration of sections 103F.701 to ~~103F.761~~ 103F.755, including any rules determined by the commissioner to be necessary for the implementation of federal programs to control nonpoint source water pollution~~ protect, enhance, or restore water quality.

(b) For financial assistance by loan under section 103F.725, subdivision 1a, criteria established by rule ~~for the clean water partnership grants program~~ shall guide requirements and administrative procedures ~~for the loan program until January 1, 1996, or the effective date of the administrative rules for the clean water partnership loan program, whichever occurs first.~~

Sec. 62. Minnesota Statutes 2010, section 103F.751, is amended to read:

103F.751 NONPOINT SOURCE POLLUTION ~~CONTROL~~ MANAGEMENT PLAN AND PROGRAM EVALUATION.

To coordinate the programs and activities used to control nonpoint sources of pollution to achieve the state's water quality goals, the agency shall:

~~(1) develop a state plan for the control of nonpoint source water pollution to meet the requirements of the federal Clean Water Act; and,~~

~~(2) work through the Environmental Quality Board to coordinate the activities and programs of federal, state, and local agencies involved in nonpoint source pollution control and, as appropriate, develop agreements with federal and state agencies to accomplish the purposes and objectives of the state nonpoint source pollution control management plan; and,~~

~~(3) evaluate the effectiveness of programs in achieving water quality goals and recommend to the legislature, under section 3.195, subdivision 1, any necessary amendments to sections 103F.701 to 103F.761.~~

Sec. 63. Minnesota Statutes 2010, section 103G.005, subdivision 10e, is amended to read:

Subd. 10e. **Local government unit.** "Local government unit" means:

(1) outside of the seven-county metropolitan area, a city council, county board of commissioners, or a soil and water conservation district or their delegate;

(2) in the seven-county metropolitan area, a city council, a town board under section 368.01, a watershed management organization under section 103B.211, or a soil and water conservation district or their delegate; and

(3) on state land, the agency with administrative responsibility for the land; and

(4) for wetland banking projects established solely for replacing wetland impacts under a permit to mine under section 93.481, the commissioner of natural resources.

Sec. 64. Minnesota Statutes 2010, section 103G.005, is amended by adding a subdivision to read:

Subd. 10f. **Electronic transmission.** "Electronic transmission" means the transfer of data or information through an electronic data interchange system consisting of, but not limited to, computer modems and computer networks. Electronic transmission specifically means electronic mail, unless other means of electronic transmission are mutually agreed to by the sender and recipient.

Sec. 65. Minnesota Statutes 2010, section 103G.2212, is amended to read:

103G.2212 CONTRACTOR'S RESPONSIBILITY WHEN WORK DRAINS OR FILLS WETLANDS.

Subdivision 1. **Conditions for employees and agents to drain or fill wetlands.** An agent or employee of another may not drain or fill a wetland, wholly or partially, unless the agent or employee has:

(1) obtained a signed statement from the property owner stating that the wetland replacement plan required for the work has been obtained or that a replacement plan is not required; and

(2) mailed or sent by electronic transmission a copy of the statement to the local government unit with jurisdiction over the wetland.

Subd. 2. **Violation is separate offense.** Violation of this section is a separate and independent offense from other violations of sections 103G.2212 to 103G.237.

Subd. 3. **Form for compliance with this section.** The board shall develop a form to be distributed to contractors' associations, local government units, and soil and water conservation districts to comply with this section. The form must include:

- (1) a listing of the activities for which a replacement plan is required;
- (2) a description of the penalties for violating sections 103G.2212 to 103G.237;
- (3) the telephone number to call for information on the responsible local government unit;
- (4) a statement that national wetland inventory maps are on file with the soil and water conservation district office; and
- (5) spaces for a description of the work and the names, mailing addresses or other contact information, and telephone numbers of the person authorizing the work and the agent or employee proposing to undertake it.

Sec. 66. Minnesota Statutes 2010, section 103G.222, subdivision 1, is amended to read:

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

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

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

(6) compensating for the impact by replacing or providing substitute wetland resources or environments.

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

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

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

(e) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected and ponds that are created primarily to fulfill storm water management, and water quality treatment requirements may not be used to satisfy replacement requirements under this chapter unless the design includes pretreatment of runoff and the pond is functioning as a wetland.

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

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

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

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

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

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

(l) For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph. For the purposes of this paragraph, "transportation project" does not include an airport project.

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

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

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

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

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

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

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

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

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

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

Sec. 67. Minnesota Statutes 2010, section 103G.222, subdivision 3, is amended to read:

Subd. 3. **Wetland replacement siting.** (a) ~~Siting wetland replacement~~ Impacted wetlands in a 50 to 80 percent area must be replaced in a 50 to 80 percent area or in a less than 50 percent area. Impacted wetlands in a less than 50 percent area must be replaced in a less than 50 percent area. All wetland replacement must follow this priority order:

- (1) on site or in the same minor watershed as the ~~affected~~ impacted wetland;
- (2) in the same watershed as the ~~affected~~ impacted wetland;
- (3) in the same county or wetland bank service area as the ~~affected~~ impacted wetland;
- (4) ~~for replacement by wetland banking, in the same wetland bank service area as the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area;~~
- (5) ~~for project specific replacement, in an adjacent watershed to the affected wetland, or for replacement by wetland banking, in an adjacent~~ another wetland bank service area, ~~except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area; and~~
- (6)-(5) statewide for public transportation projects, except that wetlands ~~affected~~ impacted in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands ~~affected~~ impacted in the seven-county metropolitan area must be replaced at a ratio of two to one in: (i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.

(b) ~~Notwithstanding paragraph (a), siting wetland replacement in greater than 80 percent areas may follow the priority order under this paragraph: (1) by wetland banking after evaluating on-site replacement and replacement within the watershed; (2) replaced in an adjacent wetland bank service area if wetland bank credits are not reasonably available in the same wetland bank service area as~~

~~the affected wetland, as determined by a comprehensive inventory approved by the board; and (3) statewide.~~

~~(e) Notwithstanding paragraph (a), siting wetland replacement in the seven-county metropolitan area must follow the priority order under this paragraph: (1) in the affected county; (2) in another of the seven metropolitan counties; or (3) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.~~

~~(d)~~ The exception in paragraph (a), clause ~~(6)~~ (5), does not apply to replacement completed using wetland banking credits established by a person who submitted a complete wetland banking application to a local government unit by April 1, 1996.

~~(e)~~ (c) When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in paragraph (a), the applicant may seek opportunities at the next level.

~~(f)~~ (d) For the purposes of this section, "reasonable, practicable, and environmentally beneficial replacement opportunities" are defined as opportunities that:

(1) take advantage of naturally occurring hydrogeomorphological conditions and require minimal landscape alteration;

(2) have a high likelihood of becoming a functional wetland that will continue in perpetuity;

(3) do not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area; and

(4) are available and capable of being done after taking into consideration cost, existing technology, and logistics consistent with overall project purposes.

(e) Applicants and local government units shall rely on board-approved comprehensive inventories of replacement opportunities and watershed conditions, including the Northeast Minnesota Wetland Mitigation Inventory and Assessment (January 2010), in determining whether reasonable, practicable, and environmentally beneficial replacement opportunities are available.

~~(g)~~ (f) Regulatory agencies, local government units, and other entities involved in wetland restoration shall collaborate to identify potential replacement opportunities within their jurisdictional areas.

Sec. 68. Minnesota Statutes 2010, section 103G.2242, subdivision 2a, is amended to read:

Subd. 2a. **Wetland boundary or type determination.** (a) A landowner may apply for a wetland boundary or type determination from the local government unit. The landowner applying for the determination is responsible for submitting proof necessary to make the determination, including, but not limited to, wetland delineation field data, observation well data, topographic mapping, survey mapping, and information regarding soils, vegetation, hydrology, and groundwater both within and outside of the proposed wetland boundary.

(b) A local government unit that receives an application under paragraph (a) may seek the advice of the Technical Evaluation Panel as described in subdivision 2, and, if necessary, expand the Technical Evaluation Panel. The local government unit may delegate the decision authority

for wetland boundary or type determinations to designated staff, or establish other procedures it considers appropriate.

(c) The local government unit decision must be made in compliance with section 15.99. Within ten calendar days of the decision, the local government unit decision must be mailed or sent by electronic transmission to the landowner, members of the Technical Evaluation Panel, the watershed district or watershed management organization, if one exists, and individual members of the public who request a copy.

~~(d) Appeals of decisions made by designated local government staff must be made to the local government unit. Notwithstanding any law to the contrary, a ruling on an appeal must be made by the local government unit within 30 days from the date of the filing of the appeal.~~

~~(e) The local government unit decision is valid for three~~ five years unless the Technical Evaluation Panel determines that natural or artificial changes to the hydrology, vegetation, or soils of the area have been sufficient to alter the wetland boundary or type.

Sec. 69. Minnesota Statutes 2010, section 103G.2242, subdivision 6, is amended to read:

Subd. 6. **Notice of application.** ~~(a) Except as provided in paragraph (b), within ten days of receiving an~~ Application for approval of a replacement plan under this section, must be reviewed by the local government according to section 15.99, subdivision 3, paragraph (a). Copies of the complete application must be mailed or sent by electronic transmission to the members of the Technical Evaluation Panel, the managers of the watershed district if one exists, and the commissioner of natural resources. Individual members of the public who request a copy shall be provided information to identify the applicant and the location and scope of the project.

~~(b) Within ten days of receiving an application for approval of a replacement plan under this section for an activity affecting less than 10,000 square feet of wetland, a summary of the application must be mailed to the members of the Technical Evaluation Panel, individual members of the public who request a copy, and the commissioner of natural resources.~~

~~(c) For the purpose of this subdivision, "application" includes a revised application for replacement plan approval and an application for a revision to an approved replacement plan if:~~

~~(1) the wetland area to be drained or filled under the revised replacement plan is at least ten percent larger than the area to be drained or filled under the original replacement plan; or~~

~~(2) the wetland area to be drained or filled under the revised replacement is located more than 500 feet from the area to be drained or filled under the original replacement plan.~~

Sec. 70. Minnesota Statutes 2010, section 103G.2242, subdivision 7, is amended to read:

Subd. 7. **Notice of decision.** Within ten days of the approval or denial of a replacement plan under this section, a summary of the approval or denial notice of the decision must be mailed or sent by electronic transmission to members of the Technical Evaluation Panel, the applicant, individual members of the public who request a copy, the managers of the watershed district, if one exists, and the commissioner of natural resources.

Sec. 71. Minnesota Statutes 2010, section 103G.2242, subdivision 9, is amended to read:

Subd. 9. **~~Appeal~~ Appeals to the board.** (a) Appeal of a replacement plan, sequencing,

exemption, wetland banking, wetland boundary or type determination, or no-loss decision, or restoration order may be obtained by mailing a petition and payment of a filing fee, which shall be retained by the board to defray administrative costs, to the board within 30 days after the postmarked date of the mailing or date of sending by electronic transmission specified in subdivision 7. If appeal is not sought within 30 days, the decision becomes final. If the petition for hearing is accepted, the amount posted must be returned to the petitioner. Appeal may be made by:

- (1) the wetland owner;
 - (2) any of those to whom notice is required to be mailed or sent by electronic transmission under subdivision 7; or
 - (3) 100 residents of the county in which a majority of the wetland is located.
- (b) Within 30 days after receiving a petition, the board shall decide whether to grant the petition and hear the appeal. The board shall grant the petition unless the board finds that:
- (1) the appeal is ~~meritless~~ without significant merit, trivial, or brought solely for the purposes of delay;
 - (2) the petitioner has not exhausted all local administrative remedies;
 - (3) expanded technical review is needed;
 - (4) the local government unit's record is not adequate; or
 - (5) the petitioner has not posted a letter of credit, cashier's check, or cash if required by the local government unit.
- (c) In determining whether to grant the appeal, the board, executive director, or dispute resolution committee shall also consider the size of the wetland, other factors in controversy, any patterns of similar acts by the local government unit or petitioner, and the consequences of the delay resulting from the appeal.
- (d) ~~All appeals~~ If an appeal is granted, the appeal must be heard by the committee for dispute resolution of the board, and a decision must be made by the board within 60 days of filing the local government unit's record and the written briefs submitted for the appeal and the hearing. The decision must be served by mail ~~or~~ or by electronic transmission to the parties to the appeal, and is not subject to the provisions of chapter 14. A decision whether to grant a petition for appeal and a decision on the merits of an appeal must be considered the decision of an agency in a contested case for purposes of judicial review under sections 14.63 to 14.69.
- (e) Notwithstanding section 16A.1283, the board shall establish a fee schedule to defray the administrative costs of appeals made to the board under this subdivision. Fees established under this authority shall not exceed \$1,000. Establishment of the fee is not subject to the rulemaking process of chapter 14 and section 14.386 does not apply.

Sec. 72. Minnesota Statutes 2010, section 103G.2242, is amended by adding a subdivision to read:

Subd. 9a. Appeals of restoration or replacement orders. A landowner or other responsible party may appeal the terms and conditions of a restoration or replacement order within 30 days of

receipt of written notice of the order. The time frame for the appeal may be extended beyond 30 days by mutual agreement, in writing, between the landowner or responsible party, the local government unit, and the enforcement authority. If the written request is not submitted within 30 days, the order is final. The board's executive director must review the request and supporting evidence and render a decision within 60 days of receipt of a petition. A decision on an appeal must be considered the decision of an agency in a contested case for purposes of judicial review under sections 14.63 to 14.69.

Sec. 73. Minnesota Statutes 2010, section 103G.2242, subdivision 14, is amended to read:

Subd. 14. **Fees established.** (a) Fees must be assessed for managing wetland bank accounts and transactions as follows:

- (1) account maintenance annual fee: one percent of the value of credits not to exceed \$500;
- (2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to exceed \$1,000 per establishment, deposit, or transfer; and
- (3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

(b) The board may establish fees at or below the amounts in paragraph (a) for single-user or other dedicated wetland banking accounts.

(c) Fees for single-user or other dedicated wetland banking accounts established pursuant to section 103G.005, subdivision 10e, clause (4), are limited to establishment of a wetland banking account and are assessed at the rate of 6.5 percent of the value of the credits not to exceed \$1,000.

Sec. 74. Minnesota Statutes 2010, section 103G.2251, is amended to read:

103G.2251 STATE CONSERVATION EASEMENTS; WETLAND BANK CREDIT.

In greater than 80 percent areas, preservation of wetlands ~~owned by the state or a local unit of government,~~ protected by a permanent conservation easement as defined under section 84C.01 and held by the board, may be eligible for wetland replacement or mitigation credits, according to rules adopted by the board. To be eligible for credit under this section, a conservation easement must be established after May 24, 2008, and approved by the board. Wetland areas on private lands preserved under this section are not eligible for replacement or mitigation credit if the area has been protected using public conservation funds.

Sec. 75. [103G.2373] ELECTRONIC TRANSMISSION.

For purposes of sections 103G.2212 to 103G.2372, notices and other documents may be sent by electronic transmission unless the recipient has provided a mailing address and specified that mailing is preferred.

Sec. 76. Minnesota Statutes 2010, section 103G.311, subdivision 5, is amended to read:

Subd. 5. **Demand for hearing.** (a) If a hearing is waived and an order is made issuing or denying the permit, the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the ~~mayor~~ governing body of the municipality may file a demand for hearing on the application. The demand for a hearing must be filed within 30 days after mailed notice of the order with the bond required by subdivision 6.

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

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

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

Sec. 77. Minnesota Statutes 2010, section 103G.615, subdivision 1, is amended to read:

Subdivision 1. **Authorization Issuance; validity.** (a) The commissioner may issue permits, with or without a fee, to:

- (1) gather or harvest aquatic plants, or plant parts, other than wild rice from public waters;
- (2) transplant aquatic plants into public waters;
- (3) destroy harmful or undesirable aquatic vegetation or organisms in public waters under prescribed conditions to protect the waters, desirable species of fish, vegetation, other forms of aquatic life, and the public.

(b) Application for a permit must be accompanied by a permit fee, if required.

(c) An aquatic plant management permit is valid for one growing season and expires on December 31 of the year it is issued unless the commissioner stipulates a different expiration date in rule or in the permit.

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

Sec. 78. Minnesota Statutes 2010, section 103G.615, is amended by adding a subdivision to read:

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

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

(c) If the signature requirement is waived under paragraph (b) because obtaining signatures would create an undue burden on the permittee, the commissioner shall require an alternate form of landowner notification, including news releases or public notices in a local newspaper, a public meeting, or a mailing to the most recent permanent address of affected landowners. The notification

must be given annually and must include: the proposed date of treatment, the target species, the method of control or product being used, and instructions on how the landowner may request that control not occur adjacent to the landowner's property.

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

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

Sec. 79. Minnesota Statutes 2010, section 115.03, is amended by adding a subdivision to read:

Subd. 11. **Aquatic application of pesticides.** (a) The agency may issue under requirement of the federal government national pollutant discharge elimination system permits for pesticide applications for the following designated use patterns:

- (1) mosquitoes and other flying insect pests;
- (2) forest canopy pests;
- (3) aquatic nuisance animals; and
- (4) vegetative pests and algae.

If the federal government no longer requires a permit for a designated use pattern, the agency must immediately terminate the permit. The agency shall not require permits for aquatic pesticide applications other than those designated use patterns required by the federal government.

(b) The agency shall not regulate or require permits for the terrestrial application of pesticides or any other pesticide related permit except as provided in paragraph (a).

Sec. 80. Minnesota Statutes 2010, section 115.55, subdivision 2, is amended to read:

Subd. 2. **Local ordinances.** (a) All counties must adopt ordinances that comply with revisions to the subsurface sewage treatment system rules within two years of the final adoption by the agency unless all towns and cities in the county have adopted the ordinances. County ordinances must apply to all areas of the county other than cities or towns that have adopted ordinances that comply with this section and are as strict as the applicable county ordinances.

(b) A copy of each ordinance adopted under this subdivision must be submitted to the commissioner upon adoption.

(c) A local unit of government must make available to the public upon request a written list of any differences between its ordinances and rules adopted under this section.

Sec. 81. Minnesota Statutes 2010, section 115A.03, subdivision 25a, is amended to read:

Subd. 25a. **Recyclable materials.** "Recyclable materials" means materials that are separated from mixed municipal solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, and batteries, and source-separated compostable materials. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Sec. 82. Minnesota Statutes 2010, section 115A.95, is amended to read:

115A.95 RECYCLABLE MATERIALS.

(a) Recyclable materials must be delivered to the appropriate materials processing facility as outlined in rules of the agency or any other facility permitted to recycle or compost the materials.

(b) A disposal facility or a resource recovery facility that is composting mixed municipal solid waste, burning waste, or converting waste to energy or to materials for combustion may not accept source-separated recyclable materials, and a solid waste collector or transporter may not deliver source-separated recyclable materials to such a facility, except for recycling or transfer to a recycler, unless the commissioner determines that no other person is willing to accept the recyclable materials.

Sec. 83. Minnesota Statutes 2010, section 115B.412, subdivision 8, is amended to read:

Subd. 8. **Transfer of title; disposal of property.** The owner of a qualified facility may, as part of the owner's activities under section 115B.40, subdivision 4 or 5, offer to transfer title to all or any portion of the property described in the facility's most recent permit, including any property adjacent to that property the owner wishes to transfer, to the commissioner. The commissioner may accept the transfer of title if the commissioner determines that to do so is in the best interest of the state. If, after transfer of title to the property, the commissioner determines that no further response actions are required on the portion of the property being disposed of under sections 115B.39 to 115B.445 and it is in the best interest of the state to dispose of property acquired under this subdivision, the commissioner may do so under section 115B.17, subdivision 16. The property disposed of under this subdivision is no longer part of the qualified facility.

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

Sec. 84. Minnesota Statutes 2010, section 115B.412, is amended by adding a subdivision to read:

Subd. 8a. **Boundary modification.** The commissioner may modify the boundaries of a qualified facility to exclude certain property if the commissioner determines that no further response actions are required to be conducted under sections 115B.39 to 115B.445 on the excluded property and the excluded property is not affected by disposal activities on the remaining portions of the qualified facility. Any property excluded under this subdivision is no longer part of the qualified facility.

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

Sec. 85. Minnesota Statutes 2010, section 115B.412, is amended by adding a subdivision to read:

Subd. 8b. **Delisting.** If all solid waste from a qualified facility has been relocated outside the qualified facility's boundaries and the commissioner has determined that no further response actions are required on the property under sections 115B.39 to 115B.445, the commissioner may delist the facility by removing it from the priority list established under section 115B.40, subdivision 2, after which the property shall no longer be a qualified facility. The commissioner has no further responsibilities under sections 115B.39 to 115B.445 for a facility delisted under this subdivision.

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

Sec. 86. **[116C.261] ENVIRONMENTAL PERMIT PLAN TIMELINE REQUIREMENT.**

(a) If environmental review under chapter 116D will be conducted for a project and a state agency

is the responsible government unit, that state agency shall prepare:

(1) a plan that will coordinate administrative decision-making practices, including monitoring, analysis and reporting, and public comments and hearings; and

(2) a timeline for the issuance of all federal, state, and local permits required for the project.

(b) The plan and timeline shall be delivered to the project proposer by the time the environmental assessment worksheet or draft environmental impact statement is published in the EQB Monitor.

Sec. 87. Minnesota Statutes 2010, section 116D.04, subdivision 2a, as amended by Laws 2011, chapter 4, section 6, is amended to read:

Subd. 2a. **When prepared.** Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible governmental unit. The environmental impact statement shall be an analytical rather than an encyclopedic document which describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision-making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action. No mandatory environmental impact statement may be required for an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than 125,000,000 gallons of ethanol annually and is located outside of the seven-county metropolitan area.

(a) The board shall by rule establish categories of actions for which environmental impact statements and for which environmental assessment worksheets shall be prepared as well as categories of actions for which no environmental review is required under this section. A mandatory environmental assessment worksheet shall not be required for the expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity of the expanded or converted facility to produce alcohol fuel, but must be required if the ethanol plant meets or exceeds thresholds of other categories of actions for which environmental assessment worksheets must be prepared. The responsible governmental unit for an ethanol plant project for which an environmental assessment worksheet is prepared shall be the state agency with the greatest responsibility for supervising or approving the project as a whole.

(b) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet in a manner to be determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30-day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit's decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chair may extend the 15-day period by not more than 15 additional days upon the request of the responsible governmental unit.

(c) An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 25 100 individuals who reside or own property in the state, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental assessment worksheet shall be submitted to the board. The chair of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chair may extend the 15-day period by not more than 15 additional days upon request of the responsible governmental unit.

(d) Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental review under this chapter and rules of the board, if:

(1) the proposed action is:

(i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

(ii) an expansion of an existing animal feedlot facility with a total cumulative capacity of less than 1,000 animal units;

(2) the application for the animal feedlot facility includes a written commitment by the proposer to design, construct, and operate the facility in full compliance with Pollution Control Agency feedlot rules; and

(3) the county board holds a public meeting for citizen input at least ten business days prior to the Pollution Control Agency or county issuing a feedlot permit for the animal feedlot facility unless another public meeting for citizen input has been held with regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition to other exemptions provided under other law and rules of the board.

(e) The board may, prior to final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.

(f) An early and open process shall be utilized to limit the scope of the environmental impact statement to a discussion of those impacts, which, because of the nature or location of the project, have the potential for significant environmental effects. The same process shall be utilized to determine the form, content and level of detail of the statement as well as the alternatives which are appropriate for consideration in the statement. In addition, the permits which will be required for the proposed action shall be identified during the scoping process. Further, the process shall identify those permits for which information will be developed concurrently with the environmental impact statement. The board shall provide in its rules for the expeditious completion of the scoping process. The determinations reached in the process shall be incorporated into the order requiring the preparation of an environmental impact statement.

(g) The responsible governmental unit shall, to the extent practicable, avoid duplication and

ensure coordination between state and federal environmental review and between environmental review and environmental permitting. Whenever practical, information needed by a governmental unit for making final decisions on permits or other actions required for a proposed project shall be developed in conjunction with the preparation of an environmental impact statement.

(h) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement.

(i) The proposer of a specific action may include in the information submitted to the responsible governmental unit a preliminary draft environmental impact statement under this section on that action for review, modification, and determination of completeness and adequacy by the responsible governmental unit. A preliminary draft environmental impact statement prepared by the project proposer and submitted to the responsible governmental unit shall identify or include as an appendix all studies and other sources of information used to substantiate the analysis contained in the preliminary draft environmental impact statement. The responsible governmental unit shall require additional studies, if needed, and obtain from the project proposer all additional studies and information necessary for the responsible governmental unit to perform its responsibility to review, modify, and determine the completeness and adequacy of the environmental impact statement.

Sec. 88. Minnesota Statutes 2010, section 168.002, subdivision 18, is amended to read:

Subd. 18. **Motor vehicle.** (a) "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily on highways, and not operated exclusively upon railroad tracks. It includes any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys that are propelled by electric power obtained from overhead trolley wires but not operated upon rails. It does not include snowmobiles, manufactured homes, or park trailers.

(b) "Motor vehicle" includes an all-terrain vehicle only if the all-terrain vehicle (1) has at least four wheels, (2) is owned and operated by a physically disabled person, and (3) displays both disability plates and a physically disabled certificate issued under section 169.345.

(c) "Motor vehicle" does not include an all-terrain vehicle except (1) an all-terrain vehicle described in paragraph (b), or (2) an all-terrain vehicle licensed as a motor vehicle before August 1, 1985. The owner may continue to license an all-terrain vehicle described in clause (2) as a motor vehicle until it is conveyed or otherwise transferred to another owner, is destroyed, or fails to comply with the registration and licensing requirements of this chapter.

(d) "Motor vehicle" does not include an electric personal assistive mobility device as defined in section 169.011, subdivision 26.

(e) "Motor vehicle" does not include a motorized foot scooter as defined in section 169.011, subdivision 46.

(f) "Motor vehicle" includes an off-highway motorcycle modified to meet the requirements of chapter 169 according to section 84.788, subdivision 12.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 89. Minnesota Statutes 2010, section 169.045, subdivision 1, is amended to read:

Subdivision 1. **Designation of roadway, permit.** The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, ~~four-wheel~~ all-terrain vehicles, utility task vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart, ~~four-wheel~~ all-terrain vehicle, utility task vehicle, or mini truck is by permit only. For purposes of this section, ~~a four-wheel~~:

(1) ~~an all-terrain vehicle is a motorized flotation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds, and has the meaning given in section 84.92;~~

(2) a mini truck has the meaning given in section 169.011, subdivision 40a; and

(3) a utility task vehicle means a side-by-side four-wheel drive off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

Sec. 90. Minnesota Statutes 2010, section 169.045, subdivision 2, is amended to read:

Subd. 2. **Ordinance.** The ordinance shall designate the roadways, prescribe the form of the application for the permit, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5 and may prescribe conditions, not inconsistent with the provisions of this section, under which a permit may be granted. Permits may be granted for a period ~~of~~ not to exceed ~~one year~~ three years, and may be ~~annually~~ renewed. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized golf cart, ~~four-wheel~~ all-terrain vehicle, utility task vehicle, or mini truck on the designated roadways. The ordinance may require, as a condition to obtaining a permit, that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, ~~four-wheel~~ all-terrain vehicle, utility task vehicle, or mini truck on the roadways designated.

Sec. 91. Minnesota Statutes 2010, section 169.045, subdivision 3, is amended to read:

Subd. 3. **Times of operation.** Motorized golf carts ~~and four-wheel~~, all-terrain vehicles, and utility task vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They shall not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient ~~light~~ visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Sec. 92. Minnesota Statutes 2010, section 169.045, subdivision 5, is amended to read:

Subd. 5. **Crossing intersecting highways.** The operator, under permit, of a motorized golf cart, ~~four-wheel~~ all-terrain vehicle, utility task vehicle, or mini truck may cross any street or highway

intersecting a designated roadway.

Sec. 93. Minnesota Statutes 2010, section 169.045, subdivision 6, is amended to read:

Subd. 6. **Application of traffic laws.** Every person operating a motorized golf cart, ~~four-wheel~~ all-terrain vehicle, utility task vehicle, or mini truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to motorized golf carts, ~~four-wheel~~ all-terrain vehicles, utility task vehicles, or mini trucks and except as otherwise specifically provided in subdivision 7.

Sec. 94. Minnesota Statutes 2010, section 169.045, subdivision 7, is amended to read:

Subd. 7. **Nonapplication of certain laws.** The provisions of chapter 171 are applicable to persons operating mini trucks, but are not applicable to persons operating motorized golf carts, utility task vehicles, or ~~four-wheel~~ all-terrain vehicles under permit on designated roadways pursuant to this section. Except for the requirements of section 169.70, the provisions of this chapter relating to equipment on vehicles are not applicable to motorized golf carts, utility task vehicles, or ~~four-wheel~~ all-terrain vehicles operating, under permit, on designated roadways.

Sec. 95. Minnesota Statutes 2010, section 169.045, subdivision 8, is amended to read:

Subd. 8. **Insurance.** In the event persons operating a motorized golf cart, ~~four-wheel~~ utility task vehicle, all-terrain vehicle, or mini truck under this section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage, from the Minnesota Automobile Insurance Plan under sections 65B.01 to 65B.12, at a rate to be determined by the commissioner of commerce.

Sec. 96. Minnesota Statutes 2010, section 239.791, is amended by adding a subdivision to read:

Subd. 16. **Exemption for recreational vehicle manufacturer.** A person responsible for the product may offer for sale, sell, or dispense gasoline that is not oxygenated according to subdivision 1 if the gasoline is intended to be used exclusively for research and development by a manufacturer of snowmobiles, all-terrain vehicles, motorcycles, or recreational vehicles.

Sec. 97. Minnesota Statutes 2010, section 398.33, subdivision 2, is amended to read:

Subd. 2. **Fees.** For the purposes of sections 398.31 to 398.36, the county board of any county may prescribe and provide for the collection of fees for the use of any county park or other unit of the county park system or any facilities, accommodations, or services provided for public use therein, ~~such fees not to exceed that prescribed in state parks.~~

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

Sec. 98. Laws 2010, chapter 361, article 4, section 73, is amended to read:

Sec. 73. 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~~ 2014, to comply with the February 4, 2008, revisions to subsurface sewage treatment system rules. By April 4, 2011, the Pollution Control Agency shall adopt the final

rule amendments to the February 4, 2008, 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 chairs and ranking minority members of 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.

Sec. 99. Laws 2011, chapter 14, section 16, is amended to read:

Sec. 16. **REPEALER.**

Minnesota Statutes 2010, section 41A.09, subdivisions 1a, ~~2a~~, 3a, 4, and 10, are repealed.

Sec. 100. **SHALLOW LAKES MANAGEMENT REPORT.**

By January 1, 2012, the commissioner of natural resources shall submit a report to the senate and house of representatives committees and divisions with jurisdiction over natural resources policy that includes:

(1) a summary of the science and ecology of shallow lakes;

(2) a summary of the significance of shallow lakes to continental and state waterfowl populations and Minnesota's waterfowl heritage;

(3) examples and documented results of previous temporary water-level management activities;

(4) a list of current statutes and rules applicable to shallow lakes including, but not limited to, water-level management of shallow lakes; and

(5) a list of any changes to statute necessary that would allow the commissioner of natural resources, through shallow lake management, to better achieve the state's wildlife habitat and clean water goals and address the threats of invasive species.

Sec. 101. **CONSUMPTIVE USE OF WATER.**

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

Poplar River resumes to 15 cubic feet per second or greater. The permit shall be for a term of five years.

Sec. 102. RULEMAKING; SOLID WASTE LAND DISPOSAL FACILITY PERMITS.

(a) The commissioner of the Pollution Control Agency shall amend Minnesota Rules, part 7001.3500, subpart 1, to extend permit terms to ten years and take into account site capacity for a solid waste land disposal facility.

(b) In amending the rules under this section, the commissioner of the Pollution Control Agency may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota Statutes, section 14.386, does not apply, except as provided in Minnesota Statutes, section 14.388.

Sec. 103. TERRY MCGAUGHEY MEMORIAL BRIDGE.

The commissioner of natural resources shall designate the Paul Bunyan Trail bridge that crosses Excelsior Road in Baxter as the Terry McGaughey Memorial Bridge. The commissioner shall place signs with the designation on both ends of the bridge.

Sec. 104. CAMP FIVE TOWNSHIP EASEMENT LEASE.

(a) By September 1, 2011, the commissioner of natural resources shall grant to the local township a road easement across state land administered by the commissioner in Sections 16 and 21, Township 66 N, Range 19 W, St. Louis County.

(b) Provided, however, if the local township will not accept the above-described easement, the commissioner of natural resources shall grant at fair market value to the lessee of former State Lease No. 144-012-0425, a 20-year road lease across state land administered by the commissioner in Sections 16 and 21, Township 66 N, Range 19 W, St. Louis County.

(c) Notwithstanding Minnesota Statutes, section 16A.125, subdivision 5, the market value fee for the school lands must be deposited into the permanent school fund.

Sec. 105. TEMPORARY WARNING REQUIREMENTS; AQUATIC INVASIVE SPECIES RULES DECAL.

A violation of Minnesota Statutes, section 86B.508, prior to August 1, 2014, shall not result in a penalty, but is punishable only by a warning.

Sec. 106. AQUATIC INVASIVE SPECIES MANAGEMENT IMPLEMENTATION COSTS; REPORT.

By January 15, 2012, the commissioner of natural resources shall report to the house of representatives and senate committees with jurisdiction over environment and natural resources policy and finance on the long-term funding needed to implement and enforce Minnesota Statutes, chapter 84D, including recommendations on the appropriate amount of the watercraft surcharge.

Sec. 107. REVISOR'S INSTRUCTION.

The revisor of statutes shall change the range reference "sections 103F.701 to 103F.761" wherever it appears in Minnesota Statutes and Minnesota Rules to "sections 103F.701 to 103F.755."

Sec. 108. **REPEALER.**

(a) Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 6, 7, and 8; 85.013, subdivision 2b; 86B.850, subdivision 2; 103F.711, subdivision 7; 103F.721; 103F.731, subdivision 1; and 103F.761, are repealed.

(b) Minnesota Statutes 2010, section 84D.02, subdivision 4, is repealed.

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

Delete the title and insert:

"A bill for an act relating to natural resources; modifying pesticide control; providing for certain acquisition by exchange; modifying peatland protection; modifying fees and fee disposition; modifying invasive species provisions; modifying cash match requirement for local recreation grants; modifying state water trails and waysides; modifying Mineral Coordinating Committee; providing for citizen oversight committees; creating adopt-a-WMA program; modifying definitions; modifying operating provisions for certain recreational vehicles; providing for dual registration of certain motorcycles; requiring nonresident off-road vehicle state trail pass; modifying watercraft titling; modifying special vehicle use on roadways; modifying oxygenated gasoline requirements; modifying Water Law; modifying certain local ordinance requirements; modifying waste management provisions; modifying landfill cleanup program; modifying environmental review requirements; modifying disposition of certain lease revenue; providing for certain easement or lease; providing for bridge designation; requiring rulemaking; requiring reports; appropriating money; amending Minnesota Statutes 2010, sections 17.117, subdivision 6a; 18B.03, subdivision 1, as amended; 41A.105, by adding a subdivision; 84.033, subdivision 1; 84.035, subdivision 6; 84.777, subdivision 2; 84.788, by adding a subdivision; 84.92, subdivision 8; 84.925, subdivision 1; 84.9257; 84D.01, subdivisions 8a, 16, 21, by adding subdivisions; 84D.02, subdivision 6; 84D.03, subdivisions 3, 4; 84D.09; 84D.10, subdivisions 1, 3, 4; 84D.11, subdivision 2a; 84D.13, subdivisions 3, 4, 5, 6, 7; 84D.15, subdivision 2; 85.018, subdivision 5; 85.019, subdivisions 4b, 4c; 85.32, subdivision 1; 86B.811, by adding a subdivision; 86B.825, subdivision 3; 86B.830, subdivision 2; 86B.850, subdivision 1; 86B.885; 89.17; 93.0015, subdivisions 1, 3; 97A.055, subdivision 4b; 97C.081, subdivision 4; 103B.661, subdivision 2; 103F.705; 103F.711, subdivision 8; 103F.715; 103F.725, subdivisions 1, 1a; 103F.731, subdivision 2; 103F.735; 103F.741, subdivision 1; 103F.745; 103F.751; 103G.005, subdivision 10e, by adding a subdivision; 103G.2212; 103G.222, subdivisions 1, 3; 103G.2242, subdivisions 2a, 6, 7, 9, 14, by adding a subdivision; 103G.2251; 103G.311, subdivision 5; 103G.615, subdivision 1, by adding a subdivision; 115.03, by adding a subdivision; 115.55, subdivision 2; 115A.03, subdivision 25a; 115A.95; 115B.412, subdivision 8, by adding subdivisions; 116D.04, subdivision 2a, as amended; 168.002, subdivision 18; 169.045, subdivisions 1, 2, 3, 5, 6, 7, 8; 239.791, by adding a subdivision; 398.33, subdivision 2; Laws 2010, chapter 361, article 4, section 73; Laws 2011, chapter 14, section 16; proposing coding for new law in Minnesota Statutes, chapters 84; 84D; 86B; 97A; 103G; 116C; repealing Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 6, 7, 8; 84D.02, subdivision 4; 85.013, subdivision 2b; 86B.850, subdivision 2; 103F.711, subdivision 7; 103F.721; 103F.731, subdivision 1; 103F.761."

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

Senate Conferees: Bill G. Ingebrigtsen, Gary H. Dahms, Rod Skoe, Paul Gazelka, John J. Carlson

House Conferees: Denny McNamara, Connie Doepke, David Hancock, Mike LeMieur, David Dill

Senator Ingebrigtsen moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1115 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1115 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Koch	Nelson	Saxhaug
Benson	Gerlach	Kruse	Newman	Senjem
Berglin	Gimse	Kubly	Nienow	Sheran
Bonoff	Goodwin	Langseth	Olson	Sieben
Brown	Hall	Latz	Ortman	Skoe
Carlson	Hann	Lillie	Pappas	Sparks
Chamberlain	Harrington	Limmer	Parry	Stumpf
Cohen	Higgins	Lourey	Pederson	Thompson
Dahms	Hoffman	Magnus	Pogemiller	Torres Ray
Daley	Howe	Metzen	Rest	Vandever
DeKruif	Ingebrigtsen	Michel	Robling	Wiger
Fischbach	Kelash	Miller	Rosen	Wolf

Those who voted in the negative were:

Dibble	Marty	McGuire
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So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

Pursuant to Rule 26, Senator Koch, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 881, 1286, 1284, 612, H.F. No. 1405 and S.F. No. 1101.

SPECIAL ORDER

S.F. No. 881: A bill for an act relating to public safety; expanding e-charging to include citations, juvenile adjudication, and implied consent test refusal or failure; amending Minnesota Statutes 2010, section 299C.41, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Kruse	Nelson	Senjem
Benson	Gerlach	Kubly	Newman	Sheran
Berglin	Gimse	Langseth	Nienow	Sieben
Bonoff	Goodwin	Latz	Olson	Skoe
Brown	Hall	Lillie	Ortman	Sparks
Carlson	Hann	Limmer	Pappas	Stumpf
Chamberlain	Harrington	Lourey	Parry	Thompson
Cohen	Higgins	Magnus	Pederson	Tomassoni
Dahms	Hoffman	Marty	Pogemiller	Torres Ray
Daley	Howe	McGuire	Rest	Vandever
DeKruif	Jungbauer	Metzen	Robling	Wiger
Dibble	Kelash	Michel	Rosen	Wolf
Fischbach	Koch	Miller	Saxhaug	

Those who voted in the negative were:

Ingebrigtsen

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1286: A bill for an act relating to health; changing provisions to resident case mix classification; amending Minnesota Statutes 2010, section 144.0724, subdivisions 2, 3, 4, 5, 6, 9, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Koch	Miller	Saxhaug
Benson	Gerlach	Kruse	Nelson	Senjem
Berglin	Gimse	Kubly	Newman	Sheran
Bonoff	Goodwin	Langseth	Nienow	Sieben
Brown	Hall	Latz	Olson	Skoe
Carlson	Hann	Lillie	Ortman	Sparks
Chamberlain	Harrington	Limmer	Pappas	Stumpf
Cohen	Higgins	Lourey	Parry	Thompson
Dahms	Hoffman	Magnus	Pederson	Tomassoni
Daley	Howe	Marty	Pogemiller	Torres Ray
DeKruif	Ingebrigtsen	McGuire	Rest	Vandever
Dibble	Jungbauer	Metzen	Robling	Wiger
Fischbach	Kelash	Michel	Rosen	Wolf

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1284: A bill for an act relating to human services; making changes to health

care program provisions; making technical and policy changes; clarifying obsolete language; making federal conformity changes; clarifying eligibility requirements; modifying pharmaceutical provisions; clarifying certain covered services; eliminating the elderly waiver payment; providing a right to appeal and appeal processes; imposing provider requirements; requiring a report on nonemergency medical transportation; requiring reporting of managed care and county-based purchasing data; amending Minnesota Statutes 2010, sections 256B.056, subdivisions 1c, 3, 3c; 256B.057, subdivision 9; 256B.0625, subdivisions 13, 13d, 13e, 17a, 22, 30, 31; 256B.0659, subdivision 30; 256B.199; 256B.69, subdivisions 5, 28, by adding a subdivision; 256B.76, subdivision 4; 256L.04, subdivision 7b; 256L.05, subdivision 3; 256L.11, subdivision 6; 256L.15, subdivision 1; Laws 2010, First Special Session chapter 1, article 16, sections 8; 9; 10; repealing Minnesota Statutes 2010, section 256.01, subdivision 18b.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Kruse	Nelson	Senjem
Benson	Gimse	Kubly	Newman	Sheran
Berglin	Goodwin	Langseth	Nienow	Sieben
Bonoff	Hall	Latz	Olson	Skoe
Brown	Hann	Lillie	Ortman	Sparks
Carlson	Harrington	Limmer	Pappas	Stumpf
Chamberlain	Higgins	Lourey	Parry	Thompson
Dahms	Hoffman	Magnus	Pederson	Tomassoni
Daley	Howe	Marty	Pogemiller	Torres Ray
DeKruif	Ingebrigtsen	McGuire	Rest	Vandever
Dibble	Jungbauer	Metzen	Robling	Wiger
Fischbach	Kelash	Michel	Rosen	Wolf
Gazelka	Koch	Miller	Saxhaug	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 612: A bill for an act relating to health; establishing policies for youth athletes with concussions resulting from participation in youth athletic activities; amending Minnesota Statutes 2010, sections 124D.10, subdivision 8; 128C.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 121A.

Senator Benson moved to amend S.F. No. 612 as follows:

Page 1, line 21, after the semicolon, insert "and"

Page 1, line 25, delete "; and" and insert a period

Page 2, delete lines 1 to 4

Page 2, line 20, delete the third "or" and insert a comma

Page 2, line 21, after "employee" insert ", or volunteer"

Page 2, line 22, delete "includes" and insert "means"

Page 3, line 5, after "any" insert "sport or other"

Page 3, line 6, after "exercises" insert "which is intended for youth athletes and at which a coach or official is present in an official capacity as a coach or official"

Page 4, line 12, delete the third "or" and insert a comma and after "employee" insert ", or volunteer"

The motion prevailed. So the amendment was adopted.

S.F. No. 612 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 54 and nays 10, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Kubly	Miller	Rosen
Benson	Gimse	Langseth	Nelson	Saxhaug
Berglin	Goodwin	Latz	Newman	Sheran
Bonoff	Hall	Lillie	Nienow	Sieben
Brown	Hann	Limmer	Olson	Skoe
Carlson	Harrington	Lourey	Ortman	Sparks
Dahms	Higgins	Magnus	Pappas	Stumpf
DeKruif	Ingebrigtsen	Marty	Pederson	Tomassoni
Dibble	Jungbauer	McGuire	Pogemiller	Torres Ray
Fischbach	Kelash	Metzen	Rest	Wiger
Gazelka	Koch	Michel	Robling	

Those who voted in the negative were:

Chamberlain	Hoffman	Kruse	Senjem	Vandev eer
Daley	Howe	Parry	Thompson	Wolf

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

SPECIAL ORDER

H.F. No. 1405: A bill for an act relating to insurance; regulating claims processing for insurance on portable electronics products; permitting use of an automated claims processing system subject to certain requirements and safeguards; amending Minnesota Statutes 2010, sections 72B.02, by adding a subdivision; 72B.03, subdivision 1; 72B.041, subdivision 2, by adding a subdivision.

Senator Thompson moved to amend H.F. No. 1405, as amended pursuant to Rule 45, adopted by the Senate May 10, 2011, as follows:

(The text of the amended House File is identical to S.F. No. 1125.)

Page 1, line 19, delete everything after "effective" and insert "January 1, 2012."

Page 3, line 6, delete everything after "effective" and insert "January 1, 2012."

Page 4, line 15, delete everything after "effective" and insert "January 1, 2012."

Page 5, lines 13 and 24, delete everything after "effective" and insert "January 1, 2012."

Page 6, line 24, delete everything after "effective" and insert "January 1, 2012."

The motion prevailed. So the amendment was adopted.

H.F. No. 1405 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Koch	Nelson	Saxhaug
Benson	Gerlach	Kruse	Newman	Senjem
Berglin	Gimse	Kubly	Nienow	Sieben
Bonoff	Hall	Langseth	Olson	Skoe
Brown	Hann	Latz	Ortman	Stumpf
Carlson	Harrington	Lillie	Pappas	Thompson
Chamberlain	Higgins	Limmer	Parry	Tomassoni
Cohen	Hoffman	Lourey	Pederson	Vanderveer
Dahms	Howe	Magnus	Pogemiller	Wiger
Daley	Ingebrigtsen	Metzen	Rest	Wolf
DeKruif	Jungbauer	Michel	Robling	
Fischbach	Kelash	Miller	Rosen	

Those who voted in the negative were:

Dibble	Goodwin	Marty	McGuire	Torres Ray
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1101: A bill for an act relating to human services; establishing the My Life, My Choices Task Force.

Senator Hann moved to amend S.F. No. 1101 as follows:

Page 1, after line 3, insert:

"Section 1. **[15.996] PERFORMANCE-BASED ORGANIZATIONS.**

Subdivision 1. **Designation.** The governor may designate one or more programs within the Department of Human Services and within up to two other executive branch state agencies whose missions involve people with disabilities as performance-based organizations. The goal of the performance-based organization designation is to provide the best services in the most cost-effective manner to people with disabilities. For a program that is designated as a performance-based organization, the agency providing services or another governmental or private organization under contract with the agency may enter into a performance-based agreement that allows the agency or the entity under contract with the agency more flexibility in its operations in exchange for a greater level of accountability. With any required legislative approval, a performance-based organization agreement may exempt an agency or an outside entity providing services from one or more procedural laws, rules, or policies that otherwise would govern the program.

Subd. 2. **Performance-based organization agreement.** Designation of a performance-based organization must be implemented through a performance-based organization agreement. A performance-based organization agreement may be between the governor and an agency, if an agency is to provide services under the agreement, or between an agency and an outside entity, if the outside entity is to provide the services. A performance-based organization agreement must:

- (1) describe the programs subject to the agreement;
- (2) specify the procedural laws, rules, or policies that will not apply to the performance-based organization, why waiver or variance from these laws, rules, or policies is necessary to achieve desired outcomes, and a description of alternative means of accomplishing the purposes of those laws, rules, or policies;
- (3) contain procedures for oversight of the performance-based organization, including requirements and procedures for program and financial audits;
- (4) if the performance-based organization involves a nonstate entity, contain provisions governing assumption of liability, and types and amounts of insurance coverage to be obtained;
- (5) specify the duration of the agreement; and
- (6) specify measurable performance-based outcomes for achieving program goals, time periods during which these outcomes will be measured and reported, and consequences for not meeting the performance-based outcomes.

Subd. 3. **Duration; legislative approval; reporting.** (a) A performance-based organization agreement may be up to three years, and may be renewed.

(b) The chief executive of the state agency whose program is subject to a performance-based organization must report to the chairs and ranking minority members of legislative policy and finance committees with jurisdiction over the program on the proposed content of the performance-based organization, and specifically describing any procedural laws, rules, and policies that will not apply. The legislature must approve a performance-based organization before the state agency may enter into a performance-based agreement."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1101 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Chamberlain	Fischbach	Hann	Jungbauer
Benson	Cohen	Gazelka	Harrington	Kelash
Berglin	Dahms	Gerlach	Higgins	Koch
Bonoff	Daley	Gimse	Hoffman	Kruse
Brown	DeKruif	Goodwin	Howe	Kubly
Carlson	Dibble	Hall	Ingebrigtsen	Langseth

Latz
Lillie
Limmer
Lourey
Magnus
Marty
McGuire

Metzen
Michel
Miller
Nelson
Newman
Nienow
Olson

Ortman
Pappas
Parry
Pederson
Pogemiller
Rest
Robling

Rosen
Saxhaug
Senjem
Sieben
Skoe
Stumpf
Thompson

Tomassoni
Torres Ray
Vandeveer
Wiger
Wolf

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

MOTIONS AND RESOLUTIONS - CONTINUED

RECONSIDERATION

Having voted on the prevailing side, Senator Ingebrigtsen moved that the vote hereby his motion to not concur in the House amendments to S.F. No. 943, was adopted by the Senate on May 19, 2011, be now reconsidered. The motion prevailed.

Senator Ingebrigtsen withdrew his motion to not concur.

Senator Ingebrigtsen moved that the Senate do not concur in the amendments by the House to S.F. No. 943, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Koch moved that H.F. No. 808 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Koch, Chair of the Committee on Rules and Administration, designated H.F. No. 808 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 808: A bill for an act relating to motor vehicles; providing for \$2 donation for public information and education on anatomical gifts; creating anatomical gift account; appropriating money; amending Minnesota Statutes 2010, sections 168.12, subdivision 5; 171.06, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 171.

Senator Senjem moved to amend H.F. No. 808 as follows:

Page 4, after line 2, insert:

"Sec. 5. **EFFECTIVE DATE.**

This act is effective January 1, 2012."

The motion prevailed. So the amendment was adopted.

H.F. No. 808 as read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Kubly	Newman	Sheran
Benson	Gimse	Langseth	Nienow	Sieben
Berglin	Goodwin	Latz	Olson	Skoe
Bonoff	Hall	Lillie	Ortman	Sparks
Brown	Hann	Limmer	Pappas	Stumpf
Carlson	Harrington	Lourey	Parry	Thompson
Chamberlain	Higgins	Magnus	Pederson	Tomassoni
Dahms	Hoffman	Marty	Pogemiller	Vanderveer
Daley	Howe	McGuire	Rest	Wiger
DeKruif	Jungbauer	Metzen	Robling	Wolf
Dibble	Kelash	Michel	Rosen	
Fischbach	Koch	Miller	Saxhaug	
Gazelka	Kruse	Nelson	Senjem	

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

RECESS

Senator Koch moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

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

H.F. No. 821: Senators Fischbach, Robling and Brown.

H.F. No. 387: Senators Newman, Lillie and Harrington.

S.F. No. 943: Senators Ingebrigtsen, Carlson, Gazelka, Skoe and Hall.

S.F. No. 55: Senators Hann, Olson and Bonoff.

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

RECESS

Senator Koch moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1179, 1332, 1384, 232 and 1219.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 20, 2011

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 1179: A bill for an act relating to pupil transportation; modifying pupil transportation provisions; clarifying Department of Education's role in maintaining training programs; including use of certain lift buses in the category of revenue authorized for reimbursement; including actual contracted transportation costs as a method for allocating pupil transportation costs; amending Minnesota Statutes 2010, sections 123B.88, subdivision 13; 123B.90, subdivision 3; 123B.92, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 939, now on General Orders.

H.F. No. 1332: A bill for an act relating to state government; modifying provisions governing the legislative auditor; amending Minnesota Statutes 2010, section 37.06; Laws 2010, chapter 361, article 3, section 8.

Referred to the Committee on State Government Innovation and Veterans.

H.F. No. 1384: A bill for an act relating to fraudulent transfers; excluding certain transfers to charitable or religious organizations from the fraudulent transfers act; amending Minnesota Statutes 2010, section 513.41.

Senator Ortman, designee of the Chair of the Committee on Rules and Administration, moved that H.F. No. 1384 be laid on the table. The motion prevailed.

H.F. No. 232: A bill for an act relating to state government; expanding eligibility for gold star license plates to surviving legal guardians and siblings; regulating certain motor vehicle fees; regulating the Department of Veterans Affairs and veterans homes; amending Minnesota Statutes 2010, sections 168.1253, subdivision 1; 168.33, subdivision 7; 171.06, subdivision 2; 198.261; 299A.705, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 196.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 179, now on General Orders.

H.F. No. 1219: A bill for an act relating to taxation; omnibus policy bill; making policy, technical, administrative, and clarifying changes to income, withholding, estate, property, sales and use, mortgage registry, lodging, insurance, minerals, gasoline, and other various taxes and tax-related provisions; making changes to provisions related to horses, certain aids, payments,

delinquent tax liabilities, and tax-forfeited lands; providing for inclusion of property in a tax increment financing district; providing a property tax exemption for certain fairgrounds property; making changes to certain housing and redevelopment authority; amending Minnesota Statutes 2010, sections 17.459, subdivision 2; 69.031, subdivision 1; 116J.8737, subdivisions 1, 2, 4; 270.87; 270A.03, subdivision 7; 270C.13, subdivision 2; 270C.30; 270C.32, subdivision 3, by adding a subdivision; 270C.34, subdivision 1; 270C.64; 270C.7101, subdivision 2; 270C.711; 272.029, by adding a subdivision; 273.1231, subdivision 4; 273.124, subdivisions 1, 8, 14; 273.13, subdivisions 22, 23; 273.33, subdivision 2; 273.37, subdivision 2; 273.3711; 274.175; 278.05, subdivision 6; 282.01, subdivisions 1a, 1c, 1d; 282.014; 282.12; 287.05, subdivision 2; 289A.08, subdivisions 1, 7; 289A.12, by adding a subdivision; 289A.18, subdivision 3; 289A.25, subdivisions 1, 6, by adding a subdivision; 289A.26, subdivision 1; 289A.35; 289A.50, subdivision 10; 289A.60, subdivision 31; 290.01, subdivisions 19a, 19b; 290.06, subdivision 2c; 290.091, subdivision 2; 290.0922, subdivisions 2, 3; 290.095, subdivision 11; 290.92, subdivision 26; 291.03, subdivision 1b; 296A.083, by adding a subdivision; 296A.18, subdivision 7, by adding a subdivision; 297A.61, subdivision 3; 297A.62, by adding a subdivision; 297A.63, by adding a subdivision; 297A.668, subdivision 7, by adding a subdivision; 297A.71, subdivision 23; 297A.89, subdivision 2; 297B.08; 297I.15, by adding a subdivision; 298.28, subdivision 2; 383C.16, subdivision 1; 469.176, subdivisions 4c, 4m; 469.1763, subdivision 2; 469.319, subdivision 5; Laws 1974, chapter 475, sections 1; 2, as amended; Laws 1986, chapter 462, section 31, as amended; Laws 2010, chapter 389, article 1, section 12; article 7, section 22; proposing coding for new law in Minnesota Statutes, chapters 270C; 383C; repealing Minnesota Statutes 2010, sections 17.459, subdivision 3; 272.02, subdivision 34; 273.124, subdivision 10; 281.37; 290.06, subdivision 10; 290A.27; 296A.18, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 869, now on General Orders.

MEMBERS EXCUSED

Senator Reinert was excused from the Session of today. Senator Sieben was excused from the Session of today from 10:00 to 11:55 a.m. Senator Michel was excused from the Session of today from 11:40 a.m. to 12:00 noon. Senator Harrington was excused from the Session of today from 12:15 to 12:40 p.m. Senator Brown was excused from the Session of today from 12:30 to 12:45 p.m. Senator Ortman was excused from the Session of today from 12:50 to 1:50 p.m. Senator Goodwin was excused from the Session of today from 1:00 to 2:00 p.m. Senator Sparks was excused from the Session of today from 1:20 to 1:40 p.m. Senator Bakk was excused from the Session of today from 2:10 to 2:20 p.m. Senator Scheid was excused from the Session of today at 2:15 p.m. Senator Saxhaug was excused from the Session of today from 2:45 to 3:05 p.m. Senators Koch and Michel were excused from the Session of today from 3:00 to 3:10 p.m. Senators Langseth, Metzen and Skoe were excused from the Session of today from 7:45 to 8:05 p.m. Senator Tomassoni was excused from the Session of today from 7:45 to 8:15 p.m. Senator Jungbauer was excused from the Session of today from 8:05 to 8:15 p.m. Senators Sheran and Sparks were excused from the Session of today from 8:35 to 9:05 p.m. Senator Torres Ray was excused from the Session of today from 9:00 to 9:05 p.m.

ADJOURNMENT

Senator Ortman moved that the Senate do now adjourn until 11:00 a.m., Saturday, May 21, 2011. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

