

## SEVENTY-EIGHTH DAY

St. Paul, Minnesota, Thursday, March 29, 2018

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

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rev. Paul J. Marzahn.

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

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

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

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received.

March 6, 2018

The Honorable Michelle L. Fischbach  
President of the Senate

Dear Senator Fischbach:

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

DESTINATION MEDICAL CENTER CORPORATION

Dana L. Bailey, MN.IT Services, 658 Cedar St., Saint Paul, in the county of Ramsey, effective March 11, 2018, for a term expiring on January 3, 2023.

Paul D. Williams, 1035 E. Franklin Ave., Minneapolis, in the county of Hennepin, effective March 11, 2018, for a term expiring on January 7, 2020.

(Referred to the Committee on Jobs and Economic Growth Finance and Policy.)

Sincerely,  
Mark Dayton, Governor

March 27, 2018

The Honorable Michelle L. Fischbach  
President of the Senate

Dear Madam President:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State, Chapter 102, S.F. No. 3154.

Sincerely,  
Mark Dayton, Governor

March 27, 2018

The Honorable Kurt L. Daudt  
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2018 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| S.F.<br>No. | H.F.<br>No. | Session Laws<br>Chapter No. | Time and<br>Date Approved<br>2018 | Date Filed<br>2018 |
|-------------|-------------|-----------------------------|-----------------------------------|--------------------|
| 3154        |             | 102                         | 3:16 p.m. March 27                | March 27           |

Sincerely,  
Steve Simon  
Secretary of State

**REPORTS OF COMMITTEES**

Senator Gazelka moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 3754, 3325, 2491, 3734, and 2490. The motion prevailed.

**Senator Osmek from the Committee on Energy and Utilities Finance and Policy, to which was referred**

**S.F. No. 3504:** A bill for an act relating to energy; establishing a carbon reduction facility designation for certain large electric generating facilities; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Delete everything after the enacting clause and insert:

"Section 1. **[216B.1697] CARBON REDUCTION FACILITIES; NUCLEAR ENERGY.**

Subdivision 1. **Qualifying facilities.** An existing large electric generating power plant, as defined in section 216B.2421, subdivision 2, clause (1), employing nuclear technology to generate electricity qualifies for designation as a carbon reduction facility as provided in this section.

Subd. 2. **Proposal submission.** (a) A public utility may submit a proposal to the commission for designation of a qualifying facility as a carbon reduction facility under this section. The proposal must be filed within a public utility's new resource plan filing no earlier than February 1, 2019. The proposal shall include:

(1) a showing that the facility meets the requirements of subdivision 1;

(2) a proposed statement of the total expected costs, including, but not limited to, capital investments and operation and maintenance costs, associated with operation of the facility. The total expected costs shall cover a period not to exceed the planning period of the public utility's new resource plan;

(3) details about all costs currently included in rates, current operating costs if different than those currently included in rates, and an evaluation of the utility's forecasted costs prepared by an independent evaluator; and

(4) an analysis of how the proposed capital investments and operation and maintenance costs would impact rates if that impact is different than any described in the utility's most recently filed resource plan.

(b) If the information submitted in the original proposal changes because it was unknown and not capable of being known at the time of the original proposal, a utility may at any time file additional proposals for the same facility.

(c) The proposal may ask the commission to establish a sliding scale rate-of-return mechanism for the capital investments to provide an additional incentive for the utility to complete the project at or under the proposed costs.

Subd. 3. **Proposal approval.** (a) The commission shall approve, reject, or modify the proposed designation of the facility and the total expected costs submitted by the public utility. The commission shall make a final determination on the proposed designation concurrent with its order in the resource plan, or sooner, should the commission determine that it is in the public interest.

(b) When conducting the review in paragraph (a), the commission shall allow intervention by the Department of Commerce, the Office of the Attorney General, ratepayer advocates, and other interested parties. The public utility shall pay the costs of any nuclear expert retained by the Department of Commerce.

(c) To the extent the commission modifies the proposal, the utility may choose whether to accept the modifications. If the utility does not accept the modifications, the commission shall deem the proposal withdrawn.

(d) With respect to any carbon reduction facility, the approval shall constitute a finding of prudence for the total costs contained in the proposal, meaning that the utility shall be entitled to recover, through a subsequent rate case, any actual costs not in excess of the costs provided in its proposal for designation as a carbon reduction facility.

(e) Upon approval of a proposed designation of a facility and the total expected costs submitted by the utility, the utility shall provide biennial updates to the commission regarding its progress with respect to adhering to the approved costs. The commission may issue orders it deems necessary to ensure that the carbon reduction facility remains cost-effective for customers and financially viable for the utility."

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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred**

**S.F. No. 3754:** A bill for an act relating to state government; prohibiting an exclusive representative from charging a fair share fee to nonmembers; amending Minnesota Statutes 2016, section 179A.06, subdivision 3.

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

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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred**

**S.F. No. 3325:** A bill for an act relating to elections; prohibiting political subdivisions from establishing or enforcing ranked-choice voting; proposing coding for new law in Minnesota Statutes, chapter 200.

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

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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred**

**S.F. No. 2777:** A bill for an act relating to state government; modifying the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans; amending Minnesota Statutes 2016, section 256C.28, subdivisions 1, 2, 3a, 5, by adding a subdivision.

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

Page 1, line 8, strike "Minnesotans"

Page 2, line 6, after the period, insert "The executive committee must have at least three members." and delete "enter into" and insert "approve"

Page 3, line 15, delete "advocate" and insert "present"

Page 3, line 25, delete "or" and insert "and"

Page 4, line 2, delete "MINNESOTANS"

Page 4, line 5, after "governor" insert "ending in January 2019"

Page 4, line 6, delete "one year after the terms of the other members" and insert "2020"

Page 4, line 7, delete "August 1, 2018," and insert "the first Monday in January 2019"

Page 4, after line 9, insert:

"Sec. 7. REVISOR'S INSTRUCTION.

The revisor of statutes shall change "Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans" to "Commission of the Deaf, DeafBlind, and Hard-of-Hearing" wherever these terms occur in Minnesota Statutes."

Amend the title as follows:

Page 1, line 2, after "of" insert "the"

Page 1, line 3, delete "Minnesotans"

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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred**

**S.F. No. 2857:** A bill for an act relating to environment; modifying terms of certain loan program; requiring rulemaking for disposal facility certificates; amending Minnesota Statutes 2016, section 116.993, subdivisions 2, 6.

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

Page 2, line 5, after "certificate" insert ", by April 30, 2019, or nine months after enactment of this section, whichever is earlier"

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

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

**S.F. No. 2491:** A bill for an act relating to government accountability; providing for state and local government settlement accountability and transparency; requiring reports; proposing coding for new law in Minnesota Statutes, chapters 3; 15; 465.

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

Page 1, line 19, after the period, insert "The requirements of this subdivision apply regardless of whether the parties have entered into a nondisclosure agreement."

Page 1, line 21, after "settlement" insert "in connection with an allegation of employee or employer misconduct"

Page 2, delete lines 7 to 10 and insert:

"(1) "employee misconduct" means conduct by an employee that results in an award or settlement for conduct that is prohibited by law or a policy of the employer;

"(2) "employer misconduct" means conduct by an employer that results in an award or settlement for conduct by the employer that is prohibited by law or a policy of the employer, or due to employee misconduct for which the employer may be responsible or liable; and"

Page 2, line 11, delete "(2)" and insert "(3)"

Page 2, after line 14, insert:

"Sec. 2. Minnesota Statutes 2016, section 13.43, subdivision 8, is amended to read:

Subd. 8. **Harassment data.** (a) When allegations of sexual or other types of harassment are made against an employee, the employee does not have access to data that would identify the complainant or other witnesses if the responsible authority determines that the employee's access to that data would:

- (1) threaten the personal safety of the complainant or a witness; or
- (2) subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.

(b) In addition to data that are public under subdivision 2, the following private personnel data regarding allegations of harassment may be disclosed to the complainant:

(1) whether the allegations were substantiated; and

(2) whether the allegations resulted in disciplinary or nondisciplinary corrective action.

A complainant who receives private personnel data under this paragraph may not further release the data except to a court; law enforcement agency; prosecuting authority; federal, state, or local civil rights enforcement authority; or an attorney representing the complainant when the data are relevant to obtaining a restraining order or to enable the complainant to pursue other legal remedies."

Page 2, line 24, after "settlement" insert "in connection with an allegation of employee or employer misconduct"

Page 2, line 26, delete "and"

Page 2, delete lines 27 and 28 and insert:

"(3) the employing agency or department; and

(4) if there has been final disposition of disciplinary action for purposes of section 13.43, the name of the individual who committed the violation."

Page 3, delete lines 1 to 4 and insert:

"(1) "employee misconduct" means conduct by an employee that results in an award or settlement for conduct that is prohibited by law or a policy of the employer;

(2) "employer misconduct" means conduct by an employer that results in an award or settlement for conduct by the employer that is prohibited by law or a policy of the employer, or due to employee misconduct for which the employer may be responsible or liable; and"

Page 3, line 5, delete "(2)" and insert "(3)"

Page 3, line 11, delete the second "public" and insert "political" and after the second comma, insert "if the political subdivision maintains a Web site,"

Page 3, line 16, after "settlement" insert "in connection with an allegation of employee or employer misconduct"

Page 3, delete lines 19 and 20 and insert:

"(3) if there has been a final disposition of disciplinary action for purposes of section 13.43, the name of the individual who committed the violation."

Page 3, delete lines 25 to 28 and insert:

"(1) "employee misconduct" means conduct by an employee that results in an award or settlement for conduct that is prohibited by law or a policy of the employer;

(2) "employer misconduct" means conduct by an employer that results in an award or settlement for conduct by the employer that is prohibited by law or a policy of the employer, or due to employee misconduct for which the employer may be responsible or liable;"

Page 3, line 29, delete "(2)" and insert "(3)"

Page 4, line 1, delete "(3)" and insert "(4)"

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

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

**S.F. No. 1589:** A bill for an act relating to public safety; enabling the reporting of information related to the use of electronic device location tracking warrants; amending Minnesota Statutes 2016, sections 626A.08, subdivision 2; 626A.37, subdivision 4.

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

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

**S.F. No. 2863:** A bill for an act relating to public safety; establishing procedure for handling sexual assault examination kits; providing notice to victims; amending Minnesota Statutes 2016, section 144.6586, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 299C; 611A.

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

Page 2, line 32, after "writing" insert ", by telephone, or by electronic communication"

Page 3, line 6, delete everything after the period

Page 3, line 7, delete everything before "Restricted"

Page 3, delete subdivision 4

Page 3, line 14, delete "5" and insert "4"

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

**Senator Ingebrigtsen from the Committee on Environment and Natural Resources Finance, to which was re-referred**

**S.F. No. 2983:** A bill for an act relating to environment; establishing findings and authorizing listing of wild-rice waters; nullifying and restricting the application of certain water quality standards;



requiring a report; appropriating money; amending Laws 2015, First Special Session chapter 4, article 4, section 136, as amended.

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

**Senator Newman from the Committee on Transportation Finance and Policy, to which was referred**

**S.F. No. 3836:** A bill for an act relating to transportation; appropriating money for certain reimbursements to deputy registrars.

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

Delete everything after the enacting clause and insert:

"Section 1. **DEPUTY REGISTRAR REIMBURSEMENTS.**

(a) \$9,000,000 in fiscal year 2018 is appropriated from the special revenue fund to the commissioner of management and budget for grants to deputy registrars under Minnesota Statutes, section 168.33. Of this amount, \$3,000,000 is from the vehicle services operating account and \$6,000,000 is from the driver services operating account. This is a onetime appropriation and is available in fiscal year 2019.

(b) The reimbursement to each deputy registrar is calculated as follows:

(1) 50 percent of available funds allocated proportionally based on (i) the number of transactions where a filing fee under Minnesota Statutes, section 168.33, subdivision 7, is retained by each deputy registrar from August 1, 2017, through January 31, 2018, compared to (ii) the total number of transactions where a filing fee is retained by all deputy registrars during that time period; and

(2) 50 percent of available funds, or 100 percent of available funds if there is insufficient data to perform the calculation under clause (1), allocated proportionally based on (i) the number of transactions where a filing fee is retained by each deputy registrar from July 1, 2014, through June 30, 2017, compared to (ii) the total number of transactions where a filing fee is retained by all deputy registrars during that time period.

(c) For a deputy registrar appointed after July 1, 2014, the commissioner of management and budget must identify whether a corresponding discontinued deputy registrar appointment exists. If a corresponding discontinued deputy registrar is identified, the commissioner must include the transactions of the discontinued deputy registrar in the calculations under paragraph (b) for the deputy registrar appointed after July 1, 2014.

(d) For a deputy registrar appointed after July 1, 2014, for which paragraph (c) does not apply, the commissioner of management and budget must calculate that deputy registrar's proportional share under paragraph (b), clause (1), based on the average number of transactions where a filing fee is retained among the deputy registrars, as calculated excluding any deputy registrars for which this paragraph applies.

(e) Except as provided in paragraph (c), in the calculations under paragraph (b) the commissioner of management and budget must exclude transactions for (1) a deputy registrar that is no longer operating as of the effective date of this section, and (2) a deputy registrar office operated by the state.

(f) A deputy registrar office operated by the state is not eligible to receive funds under this section.

(g) The commissioner of management and budget must make efforts to reimburse deputy registrars within 30 days of the effective date of this section. The commissioner must use existing resources to administer the reimbursements.

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

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

**Senator Newman from the Committee on Transportation Finance and Policy, to which was referred**

**S.F. No. 3569:** A bill for an act relating to transportation; establishing a moratorium on permits to mow or hay trunk highway rights-of-way.

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

**Senator Newman from the Committee on Transportation Finance and Policy, to which was referred**

**S.F. No. 2869:** A bill for an act relating to transportation; eliminating a tariff filing requirement for certain motor carriers; amending Minnesota Statutes 2016, sections 221.0252, subdivision 7; 221.036, subdivisions 1, 3; 221.122, subdivision 1; 221.221, subdivision 3; repealing Minnesota Statutes 2016, sections 221.161; 221.171.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2016, section 174.66, is amended to read:

**174.66 CONTINUATION OF CARRIER RULES.**

(a) Orders and directives in force, issued, or promulgated under authority of chapters 174A, 216A, 218, 219, 221, and 222 remain and continue in force and effect until repealed, modified, or superseded by duly authorized orders or directives of the commissioner of transportation. To the extent allowed under federal law or regulation, rules adopted under authority of the following sections are transferred to the commissioner of transportation and continue in force and effect until repealed, modified, or superseded by duly authorized rules of the commissioner:

(1) section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;

(2) section 219.40;

(3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits under section 221.031, subdivision 1; and

(4) ~~rules relating to rates, charges, and practices under section 221.161, subdivision 4; and~~

~~(5) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits under section 221.121.~~

(b) The commissioner shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives.

Sec. 2. Minnesota Statutes 2016, section 221.036, subdivision 1, is amended to read:

Subdivision 1. **Order.** The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for a violation of (1) section 221.021; (2) section 221.033, subdivision 2b; (3) section 221.171; (4) section 221.141; (5) a federal, state, or local law, regulation, rule, or ordinance pertaining to railroad-highway grade crossings; or (6) rules of the commissioner relating to the transportation of hazardous waste, motor carrier operations, or insurance, ~~or tariffs and accounting~~. An order must be issued as provided in this section.

Sec. 3. Minnesota Statutes 2016, section 221.036, subdivision 3, is amended to read:

Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an order assessing a penalty of up to \$5,000 for all violations identified during a single audit or investigation of (1) section 221.021<sup>1/2</sup>; 221.141<sup>1/2</sup>; or 221.171, or (2) rules of the commissioner relating to motor carrier operations; or insurance, ~~or tariffs and accounting, identified during a single inspection, audit, or investigation.~~

(b) The commissioner may issue an order assessing a penalty up to a maximum of \$10,000 for all violations of section 221.033, subdivision 2b, identified during a single inspection or audit.

(c) In determining the amount of a penalty, the commissioner shall consider:

(1) the willfulness of the violation;

(2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;

(3) the history of past violations, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified;

(4) the economic benefit gained by the person by allowing or committing the violation; and

(5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(d) The commissioner shall assess a penalty in accordance with Code of Federal Regulations, title 49, section 383.53, against:

(1) a driver who is convicted of a violation of an out-of-service order;

(2) an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order; or

(3) an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

Sec. 4. Minnesota Statutes 2016, section 221.122, subdivision 1, is amended to read:

Subdivision 1. **Registration, insurance, and filing requirements.** (a) An order issued by the commissioner which grants a certificate or permit must contain a service date.

(b) The person to whom the order granting the certificate or permit is issued shall do the following within 45 days from the service date of the order:

(1) register vehicles which will be used to provide transportation under the permit or certificate with the commissioner and pay the vehicle registration fees required by law; and

(2) file and maintain insurance or bond as required by section 221.141 and rules of the commissioner; ~~and~~

~~(3) file rates and tariffs as required by section 221.161 and rules of the commissioner.~~

Sec. 5. Minnesota Statutes 2016, section 221.161, subdivision 1, is amended to read:

Subdivision 1. **Filing; hearing upon commissioner initiative Tariff maintenance and contents.** A household goods ~~carrier mover~~ shall ~~file and maintain with the commissioner~~ a tariff showing rates and charges for transporting household goods. ~~Tariffs must be prepared and filed in accordance with the rules of the commissioner. When tariffs are filed in accordance with the rules and accepted by the commissioner, the filing constitutes notice to the public and interested parties of the contents of the tariffs. The commissioner shall not accept for filing tariffs that are unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted under this section. If the tariffs appear to be unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted under this section, after notification and investigation by the department, the commissioner may suspend and postpone the effective date of the tariffs and assign the tariffs for hearing upon notice to the household goods carrier filing the proposed tariffs and to other interested parties, including users of the service and competitive carriers by motor vehicle and rail. At the hearing, the burden of proof is on the household goods carrier filing the proposed tariff to sustain the validity of the proposed schedule of rates and charges. The tariffs and subsequent supplements to them or reissues of them must state the effective date, which may not be less than ten days following the~~

date of filing, unless the period of time is reduced by special permission of the commissioner. A household goods mover must prepare a tariff under this section in accordance with Code of Federal Regulations, title 49, part 1310.3, which is incorporated by reference.

Sec. 6. Minnesota Statutes 2016, section 221.161, is amended by adding a subdivision to read:

Subd. 5. **Tariff availability.** (a) A household goods mover subject to this section must maintain all of its effective tariffs at its principal place of business and at each of its terminal locations, and must make the tariffs available to the public for inspection at all times the household goods mover is open for business. Any publication referred to in a tariff must be maintained with that tariff.

(b) Upon request, a household goods mover must provide copies of tariffs, specific tariff provisions, or tariff subscriptions to the commissioner or any interested person.

Sec. 7. Minnesota Statutes 2016, section 221.171, subdivision 1, is amended to read:

Subdivision 1. **Compensation fixed by schedule on file.** ~~No~~ A household goods carrier shall mover must not charge or receive a greater, lesser, or different compensation for the transportation of persons or property or for related service provided; than the rates and charges named in the carrier's schedule on file and in effect with the commissioner including any rate fixed by the commissioner specified in the tariff under section 221.161; nor shall A household goods carrier mover must not refund or remit in any manner or by any device, directly or indirectly, the rates and charges required to be collected by the carrier mover under the carrier's mover's schedules ~~or under the rates, if any, fixed by the commissioner.~~

Sec. 8. **REPEALER.**

Minnesota Statutes 2016, section 221.161, subdivisions 2, 3, and 4, are repealed."

Amend the title numbers accordingly

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

**Senator Newman from the Committee on Transportation Finance and Policy, to which was referred**

**S.F. No. 3734:** A bill for an act relating to transportation; designating a segment of marked Trunk Highway 210 in Cass County as State Trooper Ray Krueger Memorial Highway; amending Minnesota Statutes 2016, section 161.14, by adding a subdivision.

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

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

**Senator Newman from the Committee on Transportation Finance and Policy, to which was referred**

**S.F. No. 3806:** A bill for an act relating to public safety; creating a fund in the state treasury; making technical and conforming changes; amending Minnesota Statutes 2016, sections 168A.29,

subdivision 1; 299A.705; Minnesota Statutes 2017 Supplement, section 171.06, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 2016, section 168.013, subdivision 21.

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

**Senator Weber from the Committee on Agriculture, Rural Development, and Housing Policy, to which was referred**

**S.F. No. 3222:** A bill for an act relating to agriculture; modifying eligibility requirements for the renewable chemical production incentive program; amending Minnesota Statutes 2016, section 41A.17, subdivision 1.

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

**Senator Weber from the Committee on Agriculture, Rural Development, and Housing Policy, to which was referred**

**S.F. No. 3537:** A bill for an act relating to agriculture; reducing noncommercial pesticide applicator license fee for certain persons; amending Minnesota Statutes 2016, section 18B.34, subdivision 5.

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

**Senator Weber from the Committee on Agriculture, Rural Development, and Housing Policy, to which was referred**

**S.F. No. 2661:** A bill for an act relating to local government; modifying expiration of metropolitan agricultural preserves; authorizing the sale and issuance of state bonds for predesign and design of the Gateway Trail; appropriating money; amending Minnesota Statutes 2016, section 473H.08, subdivisions 1, 4, by adding a subdivision.

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

Page 1, line 19, after "notice" insert "of the expiration under paragraph (a)" and delete "as"

Page 1, line 20, delete everything before the period

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

**Senator Pratt from the Committee on E-12 Policy, to which was referred**

**S.F. No. 3340:** A bill for an act relating to education; increasing funding for the Grow Your Own pathways to teacher licensure program; appropriating money; amending Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23.

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

Page 1, line 20, reinstate the stricken language and delete the new language

And when so amended the bill do pass and be re-referred to the Committee on E-12 Finance. Amendments adopted. Report adopted.

**Senator Pratt from the Committee on E-12 Policy, to which was referred**

**S.F. No. 3013:** A bill for an act relating to education; health; modifying child eligibility for the early learning scholarship program; modifying the administration of the early learning scholarship program; establishing a targeted home visiting grant program for high-risk populations; appropriating money; amending Minnesota Statutes 2017 Supplement, section 124D.165, subdivisions 2, 3; Laws 2017, First Special Session chapter 5, article 8, section 10, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 145A.

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

Page 4, delete section 3

Page 5, line 10, after "funding" insert "under the child care and development block grant authorized under Public Law 101-508"

Page 5, delete section 5 and insert:

"Sec. 4. Laws 2017, First Special Session chapter 6, article 18, section 3, subdivision 2, is amended to read:

**Subd. 2. Health Improvement**

|                    | Appropriations by Fund |            |
|--------------------|------------------------|------------|
| General            | 81,438,000             | 78,100,000 |
| State Government   |                        |            |
| Special Revenue    | 6,215,000              | 6,182,000  |
| Health Care Access | 36,643,000             | 36,258,000 |
| Federal TANF       | 11,713,000             | 11,713,000 |

(a) **TANF Appropriations.** (1) \$3,579,000 of the TANF fund each year is for home visiting and nutritional services listed under Minnesota Statutes, section 145.882, subdivision 7, clauses (6) and (7). Funds must be distributed to community health boards according to Minnesota Statutes, section 145A.131, subdivision 1.

(2) \$2,000,000 of the TANF fund each year is for decreasing racial and ethnic disparities

in infant mortality rates under Minnesota Statutes, section 145.928, subdivision 7.

(3) \$4,978,000 of the TANF fund each year is for the family home visiting grant program according to Minnesota Statutes, section 145A.17. \$4,000,000 of the funding must be distributed to community health boards according to Minnesota Statutes, section 145A.131, subdivision 1. \$978,000 of the funding must be distributed to tribal governments according to Minnesota Statutes, section 145A.14, subdivision 2a.

(4) \$1,156,000 of the TANF fund each year is for family planning grants under Minnesota Statutes, section 145.925.

(5) The commissioner may use up to 6.23 percent of the funds appropriated each year to conduct the ongoing evaluations required under Minnesota Statutes, section 145A.17, subdivision 7, and training and technical assistance as required under Minnesota Statutes, section 145A.17, subdivisions 4 and 5.

(b) **TANF Carryforward.** Any unexpended balance of the TANF appropriation in the first year of the biennium does not cancel but is available for the second year.

(c) **Evidence-Based Home Visiting to Pregnant Women and Families with Young Children.** \$6,000,000 in fiscal year 2018 and ~~\$6,000,000~~ \$..... in fiscal year 2019 are from the general fund to start up or expand ~~evidence-based~~ home visiting programs to pregnant women and families with young children. The commissioner shall award grants to community health boards, nonprofits, or tribal nations in urban and rural areas of the state. Grant funds must be used to start up or expand evidence-based or targeted home visiting programs in the county, reservation, or region to serve families, such as parents with high risk or high needs, parents with a history of mental



illness, domestic abuse, or substance abuse, or first-time mothers prenatally until the child is four years of age, who are eligible for medical assistance under Minnesota Statutes, chapter 256B, or the federal Special Supplemental Nutrition Program for Women, Infants, and Children. For fiscal year 2019, the commissioner shall allocate at least 75 percent of the grant funds not yet awarded to evidence-based home visiting programs and up to 25 percent to other targeted home visiting programs in order to promote innovation and serve high-need families. Priority for grants to rural areas shall be given to community health boards, nonprofits, and tribal nations that expand services within regional partnerships that provide the ~~evidence-based~~ home visiting programs. This funding shall only be used to supplement, not to replace, funds being used for evidence-based ~~or targeted~~ home visiting services as of June 30, 2017. Up to seven percent of the appropriation may be used for training, technical assistance, evaluation, and other costs to administer the grants. The general fund base for this program is \$16,500,000 in fiscal year 2020 and \$16,500,000 in fiscal year 2021.

**(d) Safe Harbor for Sexually Exploited Youth Services.** \$250,000 in fiscal year 2018 and \$250,000 in fiscal year 2019 are from the general fund for trauma-informed, culturally specific services for sexually exploited youth. Youth 24 years of age or younger are eligible for services under this paragraph.

**(e) Safe Harbor Program Technical Assistance and Evaluation.** \$200,000 in fiscal year 2018 and \$200,000 in fiscal year 2019 are from the general fund for training, technical assistance, protocol implementation, and evaluation activities related to the safe harbor program. Of these amounts:

(1) \$90,000 each fiscal year is for providing training and technical assistance to individuals and organizations that provide safe harbor services and receive funds for that purpose from the commissioner of human services or commissioner of health;

(2) \$90,000 each fiscal year is for protocol implementation, which includes providing technical assistance in establishing best practices-based systems for effectively identifying, interacting with, and referring sexually exploited youth to appropriate resources; and

(3) \$20,000 each fiscal year is for program evaluation activities in compliance with Minnesota Statutes, section 145.4718.

**(f) Promoting Safe Harbor Capacity.** In funding services and activities under paragraphs (d) and (e), the commissioner shall emphasize activities that promote capacity-building and development of resources in greater Minnesota.

**(g) Administration of Safe Harbor Program.** \$60,000 in fiscal year 2018 and \$60,000 in fiscal year 2019 are for administration of the safe harbor for sexually exploited youth program.

**(h) Palliative Care Advisory Council.** \$44,000 in fiscal year 2018 and \$44,000 in fiscal year 2019 are from the general fund for the Palliative Care Advisory Council under Minnesota Statutes, section 144.059. This is a onetime appropriation.

**(i) Transfer; Minnesota Biomedicine and Bioethics Innovation Grants.** \$2,500,000 in fiscal year 2018 is from the general fund for transfer to the Board of Regents of the University of Minnesota for Minnesota biomedicine and bioethics innovation grants under Minnesota Statutes, section 137.67. The full amount of the appropriation is for grants, and the University of Minnesota shall

not use any portion for administrative or monitoring expenses. The steering committee of the University of Minnesota and Mayo Foundation partnership must submit a preliminary report by April 1, 2018, and a final report by April 1, 2019, on all grant activities funded under Minnesota Statutes, section 137.67, to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services finance. This is a onetime appropriation and is available until June 30, 2021.

**(j) Statewide Strategic Plan for Victims of Sex Trafficking.** \$73,000 in fiscal year 2018 is from the general fund for the development of a comprehensive statewide strategic plan and report to address the needs of sex trafficking victims statewide. This is a onetime appropriation.

**(k) Home and Community-Based Services Employee Scholarship Program.** \$500,000 in fiscal year 2018 and \$500,000 in fiscal year 2019 are from the general fund for the home and community-based services employee scholarship program under Minnesota Statutes, section 144.1503.

**(l) Comprehensive Advanced Life Support Educational Program.** \$100,000 in fiscal year 2018 and \$100,000 in fiscal year 2019 are from the general fund for the comprehensive advanced life support educational program under Minnesota Statutes, section 144.6062. This is a onetime appropriation.

**(m) Opioid Abuse Prevention.** \$1,028,000 in fiscal year 2018 is to establish and evaluate accountable community for health opioid abuse prevention pilot projects. \$28,000 of this amount is for administration. This is a onetime appropriation and is available until June 30, 2021.

(n) **Advanced Care Planning.** \$250,000 in fiscal year 2018 and \$250,000 in fiscal year 2019 are from the general fund for a grant to a statewide advanced care planning resource organization that has expertise in convening and coordinating community-based strategies to encourage individuals, families, caregivers, and health care providers to begin conversations regarding end-of-life care choices that express an individual's health care values and preferences and are based on informed health care decisions. Of this amount, \$9,000 each year is for administration. This is a onetime appropriation.

(o) **Health Professionals Clinical Training Expansion Grant Program.** \$526,000 in fiscal year 2018 and \$526,000 in fiscal year 2019 are from the general fund for the primary care and mental health professions clinical training expansion grant program under Minnesota Statutes, section 144.1505. Of this amount, \$26,000 each year is for administration.

(p) **Federally Qualified Health Centers.** \$500,000 in fiscal year 2018 and \$500,000 in fiscal year 2019 are from the general fund to provide subsidies to federally qualified health centers under Minnesota Statutes, section 145.9269. This is a onetime appropriation.

(q) **Base Level Adjustments.** The general fund base is \$87,656,000 in fiscal year 2020 and \$87,706,000 in fiscal year 2021. The health care access fund base is \$36,858,000 in fiscal year 2020 and \$36,258,000 in fiscal year 2021."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete "populations" and insert "modifying the administration of home-visiting programs"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on E-12 Finance. Amendments adopted. Report adopted.

**Senator Pratt from the Committee on E-12 Policy, to which was referred**

**S.F. No. 2703:** A bill for an act relating to education finance; increasing funding for the Sanneh Foundation programs; appropriating money; amending Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 34.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on E-12 Finance. Report adopted.

**Senator Pratt from the Committee on E-12 Policy, to which was referred**

**S.F. No. 3030:** A bill for an act relating to education finance; appropriating money for the Girls in Action program.

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

Page 1, line 15, delete "2019" and insert "2020"

And when so amended the bill do pass and be re-referred to the Committee on E-12 Finance. Amendments adopted. Report adopted.

**Senator Pratt from the Committee on E-12 Policy, to which was referred**

**S.F. No. 3743:** A bill for an act relating to education finance; providing incentive grants for character development education; appropriating money.

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

Page 1, line 19, after "purpose" insert "consistent with Minnesota Statutes, section 120B.232"

And when so amended the bill do pass and be re-referred to the Committee on E-12 Finance. Amendments adopted. Report adopted.

**Senator Pratt from the Committee on E-12 Policy, to which was referred**

**S.F. No. 2774:** A bill for an act relating to education finance; appropriating money for suicide prevention training for teachers.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on E-12 Finance. Report adopted.

**Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred**

**S.F. No. 3180:** A bill for an act relating to health; modifying temporary license suspensions and background checks for certain health-related professions; amending Minnesota Statutes 2016, sections 214.075, subdivisions 1, 4, 5, 6; 214.077; 214.10, subdivision 8; Minnesota Statutes 2017 Supplement, section 364.09; repealing Minnesota Statutes 2016, section 214.075, subdivision 8.

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

Page 6, line 25, after "to" insert "the licensing or registration process for, or to"

Page 6, line 26, after "by" insert a comma and after "health" insert "-related"

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

**Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred**

**S.F. No. 3318:** A bill for an act relating to health; modifying the health professionals permitted to authorize prescription eyeglasses using old lenses or last prescription available; amending Minnesota Statutes 2017 Supplement, section 145.7131.

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

**Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred**

**S.F. No. 3415:** A bill for an act relating to health licensing; converting allied health professions to a birth month renewal cycle; making technical corrections; amending Minnesota Statutes 2016, sections 147.012; 147.02, by adding a subdivision; 147A.06; 147A.07; 147B.02, subdivision 9, by adding a subdivision; 147C.15, subdivision 7, by adding a subdivision; 147D.17, subdivision 6, by adding a subdivision; 147D.27, by adding a subdivision; 147E.15, subdivision 5, by adding a subdivision; 147E.40, subdivision 1; 147F.07, subdivision 5, by adding subdivisions; 147F.17, subdivision 1; 148.7815, subdivision 1; Minnesota Statutes 2017 Supplement, sections 147.01, subdivision 7; 147A.28; 147B.08; 147C.40; proposing coding for new law in Minnesota Statutes, chapters 147A; 147B; 147C; 147D; 147E; 147F; repealing Minnesota Rules, part 5600.0605, subparts 5, 8.

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

**Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred**

**S.F. No. 2897:** A bill for an act relating to health insurance; establishing a step therapy protocol and override for prescription drug coverage; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Delete everything after the enacting clause and insert:

"Section 1. **[62Q.184] STEP THERAPY OVERRIDE.**

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

(b) "Clinical practice guideline" means a systematically developed statement to assist health care providers and enrollees in making decisions about appropriate health care services for specific clinical circumstances and conditions developed independently of a health plan company, pharmaceutical manufacturer, or any entity with a conflict of interest.

(c) "Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols, and clinical practice guidelines used by a health plan company to determine the medical necessity and appropriateness of health care services.

(d) "Health plan company" has the meaning given in section 62Q.01, subdivision 4, but does not include a managed care organization or county-based purchasing plan participating in a public program under chapter 256B or 256L, or an integrated health partnership under section 256B.0755.

(e) "Step therapy protocol" means a protocol or program that establishes the specific sequence in which prescription drugs for a specified medical condition, including self-administered and physician-administered drugs, are medically appropriate for a particular enrollee and are covered under a health plan.

(f) "Step therapy override" means that the step therapy protocol is overridden in favor of coverage of the selected prescription drug of the prescribing health care provider because at least one of the conditions of subdivision 3, paragraph (a), exists.

Subd. 2. **Establishment of a step therapy protocol.** A health plan company shall consider available recognized evidence-based and peer-reviewed clinical practice guidelines when establishing a step therapy protocol. Upon written request of an enrollee, a health plan company shall provide any clinical review criteria applicable to a specific prescription drug covered by the health plan.

Subd. 3. **Step therapy override process; transparency.** (a) When coverage of a prescription drug for the treatment of a medical condition is restricted for use by a health plan company through the use of a step therapy protocol, enrollees and prescribing health care providers shall have access to a clear, readily accessible, and convenient process to request a step therapy override. The process shall be made easily accessible on the health plan company's Web site. A health plan company may use its existing medical exceptions process to satisfy this requirement. A health plan company shall grant an override to the step therapy protocol if at least one of the following conditions exist:

(1) the prescription drug required under the step therapy protocol is contraindicated pursuant to the pharmaceutical manufacturer's prescribing information for the drug or, due to a documented adverse event with a previous use or a documented medical condition, including a comorbid condition, is likely to do any of the following:

(i) cause an adverse reaction to the enrollee;

(ii) decrease the ability of the enrollee to achieve or maintain reasonable functional ability in performing daily activities; or

(iii) cause physical or mental harm to the enrollee;

(2) the enrollee has had a trial of the required prescription drug covered by the enrollee's current or previous health plan, or another prescription drug in the same pharmacologic class or with the same mechanism of action, and was adherent during such trial for a period of time sufficient to allow for a positive treatment outcome, and the prescription drug was discontinued by the enrollee's health care provider due to lack of effectiveness, or an adverse event. This clause does not prohibit a health plan company from requiring an enrollee to try another drug in the same pharmacologic class or with the same mechanism of action if that therapy sequence is supported by the evidence-based and peer-reviewed clinical practice guideline, Food and Drug Administration label, or pharmaceutical manufacturer's prescribing information; or

(3) the enrollee is currently receiving a positive therapeutic outcome on a prescription drug for the medical condition under consideration if, while on the enrollee's current health plan or the immediately preceding health plan, the enrollee received coverage for the prescription drug and the enrollee's prescribing health care provider gives documentation to the health plan company that the change in prescription drug required by the step therapy protocol is expected to be ineffective or cause harm to the enrollee based on the known characteristics of the specific enrollee and the known characteristics of the required prescription drug.

(b) Upon granting a step therapy override, a health plan company shall authorize coverage for the prescription drug if the prescription drug is a covered prescription drug under the enrollee's health plan.

(c) The enrollee, or the prescribing health care provider if designated by the enrollee, may appeal the denial of a step therapy override by a health plan company using the complaint procedure under sections 62Q.68 to 62Q.73.

(d) In a denial of an override request and any subsequent appeal, a health plan company's decision must specifically state why the step therapy override request did not meet the condition under paragraph (a) cited by the prescribing health care provider in requesting the step therapy override and information regarding the procedure to request external review of the denial pursuant to section 62Q.73. A denial of a request for a step therapy override that is upheld on appeal is a final adverse determination for purposes of section 62Q.73 and is eligible for a request for external review by an enrollee pursuant to section 62Q.73.

(e) A health plan company shall respond to a step therapy override request or an appeal within five days of receipt of a complete request. In cases where exigent circumstances exist, a health plan company shall respond within 72 hours of receipt of a complete request. If a health plan company does not send a response to the enrollee or prescribing health care provider if designated by the enrollee within the time allotted, the override request or appeal is granted and binding on the health plan company.



(f) Step therapy override requests must be accessible to and submitted by health care providers, and accepted by group purchasers electronically through secure electronic transmission, as described under section 62J.497, subdivision 5.

(g) Nothing in this section prohibits a health plan company from:

(1) requesting relevant documentation from an enrollee's medical record in support of a step therapy override request; or

(2) requiring an enrollee to try a generic equivalent drug pursuant to section 151.21, or a biosimilar, as defined under United States Code, chapter 42, section 262(i)(2), prior to providing coverage for the equivalent branded prescription drug.

(h) This section shall not be construed to allow the use of a pharmaceutical sample for the primary purpose of meeting the requirements for a step therapy override.

**EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to health plans offered, issued, or sold on or after that date."

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

**Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred**

**S.F. No. 2849:** A bill for an act relating to health; requiring physicians to allow viewing of ultrasound imaging prior to an abortion; amending Minnesota Statutes 2016, section 145.4242.

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

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

**S.F. No. 837:** A bill for an act relating to transportation; prohibiting certain use of cellular phones while driving; amending Minnesota Statutes 2016, sections 169.011, subdivision 94; 169.475.

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

Page 1, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2016, section 169.475, is amended to read:

**169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.**

Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the definitions have the meaning given.

(b) "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, e-mail, a text message, an instant message, a command or request to access a World Wide

Web page; e-mail; a text message; an instant message; a command or request to access a World Wide Web page; video content, whether Web-based, stored on the device, or accessed in any other manner; images; pictures; or other data that uses a commonly recognized electronic communications protocol. An electronic message does not include voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communications device without direct initiation by a person.

(c) A motor vehicle is not considered to be "in motion or a part of traffic" if the vehicle is legally pulled over to the side of the road and not obstructing traffic.

(d) "Voice-activated or hands-free mode" means an attachment, accessory, application, wireless connection, or built-in feature of a wireless communications device or vehicle that allows the user to:

(1) vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate or deactivate a feature or function; or

(2) engage in a phone call without the use of either hand except to activate or deactivate a feature or function.

Subd. 2. **Prohibition on use; penalty.** (a) ~~No~~ Except as provided in subdivision 3, when a motor vehicle is in motion or a part of traffic, the person ~~may operate a motor~~ operating the vehicle while is prohibited from using:

(1) a wireless communications device to initiate, compose, read, or send an electronic message; ~~when the vehicle is in motion or a part of traffic;~~ or

(2) a cellular phone, including but not limited to initiating a cellular phone call and talking or listening on the phone.

(b) When a motor vehicle is in motion or a part of traffic, the person operating the vehicle is prohibited from using a wireless communication device to view video content, whether Web-based, stored on the device, or accessed in any other manner. This paragraph does not apply to viewing a global positioning system or navigation system.

(c) A person who violates ~~paragraph~~ paragraphs (a) and (b) a second or subsequent time must pay a fine of \$225, plus the amount specified in the uniform fine schedule established by the Judicial Council.

Subd. 3. **Exceptions.** ~~This section does~~ (a) The prohibitions in subdivision 2, paragraph (a), do not apply if a wireless communications device is used:

(1) solely in a voice-activated or ~~other~~ hands-free mode to make or participate in a phone call or to initiate, compose, read, or send an electronic message;

(2) ~~for making a cellular phone call;~~

(3) ~~for obtaining~~ to obtain emergency assistance to (i) report a traffic accident, medical emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;

(4) (3) in the reasonable belief that a person's life or safety is in immediate danger; or

(5) (4) in an authorized emergency vehicle while in the performance of official duties.

(b) This section does not apply to a device that is functioning solely as a global positioning system or navigation system that is temporarily affixed to the vehicle.

(c) The prohibition in subdivision 2, paragraph (a), clause (2), does not apply to the use of a cellular phone that is temporarily affixed to the vehicle to listen to audio-based content.

**EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to acts committed on or after that date."

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

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

**S.F. No. 3673:** A bill for an act relating to human services; modifying provisions relating to discharge from civil commitment for persons committed as mentally ill and dangerous, sexually dangerous, or persons with a sexual psychopathic personality; amending Minnesota Statutes 2016, sections 253B.18, subdivision 15; 253D.31.

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

Page 1, line 19, delete everything after the first "dangerous,"

Page 1, line 20, delete "person with a sexual psychopathic personality, and" and insert "including"

Page 1, line 21, after "unless" insert ", for such a pending petition,"

Page 1, line 22, delete everything after "has" and insert "been issued."

Page 1, delete lines 23 and 24

Page 2, line 15, delete "mentally ill and dangerous," and delete the comma

Page 2, line 17, after "unless" insert ", for such a pending petition," and delete "the commissioner or"

Page 2, line 18, delete everything after "has" and insert "been issued."

Page 2, delete lines 19 and 20

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

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

**S.F. No. 3300:** A bill for an act relating to public safety; requiring ignition interlock for repeat offenders to reinstate driving privileges; providing that driving without a license after a DWI-related offense is not a payable offense; amending Minnesota Statutes 2016, sections 169A.55, subdivision 4; 171.24, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2016, section 169A.55, subdivision 4, is amended to read:

**Subd. 4. Reinstatement of driving privileges; multiple incidents.** (a) A person whose driver's license has been revoked as a result of an offense listed under clause (1) or (2) shall not be eligible for reinstatement of driving privileges without an ignition interlock restriction until the commissioner certifies that either: during the applicable revocation period, and based on records available to the commissioner and on the person's attestation under penalty of perjury, the person has neither owned nor leased a vehicle, nor committed a violation of chapter 169A or 171; or the person has used the ignition interlock device and complied with section 171.306 for a period of not less than:

(1) one year, for a person whose driver's license was revoked for:

(i) an offense occurring within ten years of a qualified prior impaired driving incident; or

(ii) an offense occurring after two qualified prior impaired driving incidents; or

(2) two years, for a person whose driver's license was revoked for:

(i) an offense occurring under clause (1), and where the test results indicated an alcohol concentration of twice the legal limit or more; or

(ii) an offense occurring under clause (1), and where the current offense is for a violation of section 169A.20, subdivision 2 (test refusal).

As used in this paragraph, "family or household member" has the meaning given in section 169A.63, subdivision 1, paragraph (f).

(b) A person whose driver's license has been canceled or denied as a result of three or more qualified impaired driving incidents shall not be eligible for reinstatement of driving privileges without an ignition interlock restriction until the person:

(1) has completed rehabilitation according to rules adopted by the commissioner or been granted a variance from the rules by the commissioner; and

(2) has submitted verification of abstinence from alcohol and controlled substances under paragraph (c), as evidenced by the person's use of an ignition interlock device or other chemical monitoring device approved by the commissioner.

~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the use of alcohol and controlled substances for a period of not less than:

(1) three years, for a person whose driver's license was canceled or denied for an offense occurring within ten years of the first of two qualified prior impaired driving incidents, or occurring after three qualified prior impaired driving incidents;

(2) four years, for a person whose driver's license was canceled or denied for an offense occurring within ten years of the first of three qualified prior impaired driving incidents; or

(3) six years, for a person whose driver's license was canceled or denied for an offense occurring after four or more qualified prior impaired driving incidents.

~~(e)~~ (d) The commissioner shall establish performance standards and a process for certifying chemical monitoring devices. The standards and procedures are not rules and are exempt from chapter 14, including section 14.386.

**EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses committed on or after that date.

Sec. 2. Minnesota Statutes 2016, section 171.24, is amended by adding a subdivision to read:

Subd. 4a. **Driving after a DWI-related suspension, revocation, or cancellation; misdemeanor.**

(a) Except as otherwise provided in subdivision 5, a person is guilty of a misdemeanor if:

(1) the person's driver's license or driving privilege has been suspended, revoked, or canceled under section 169A.52, 169A.54, or 171.177;

(2) the person has been given notice of or reasonably should know of the suspension, revocation, or cancellation; and

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is suspended, revoked, or canceled.

(b) Notwithstanding section 609.101, subdivision 4, the Judicial Council may not add a violation of this subdivision to the Statewide Payables List.

**EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes committed on or after that date."

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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred**

**S.F. No. 3705:** A bill for an act relating to natural resources; recognizing Red River Basin Commission; providing for membership and duties of commission; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 103B.

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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred**

**S.F. No. 2979:** A bill for an act relating to children; requiring commissioner of human services to modify the Child Welfare Training System; requiring a report; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 260C.

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

Page 3, line 18, after "rules" insert "by December 31, 2020,"

Page 3, line 19, after the period, insert "If the commissioner of human services does not adopt rules by December 31, 2020, rulemaking authority under this section is repealed. Rulemaking authority under this section is not continuing authority to amend or repeal rules. Any additional action on rules after adoption must be under specific statutory authority to take the additional action."

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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred**

**S.F. No. 3512:** A bill for an act relating to state lands; requiring approval of state acquisition of real property in fee; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

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

**H.F. No. 3418** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

| <b>GENERAL ORDERS</b> |          | <b>CONSENT CALENDAR</b> |          | <b>CALENDAR</b> |          |
|-----------------------|----------|-------------------------|----------|-----------------|----------|
| H.F. No.              | S.F. No. | H.F. No.                | S.F. No. | H.F. No.        | S.F. No. |
| 3418                  | 3524     |                         |          |                 |          |

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

**H.F. No. 2982** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

| <b>GENERAL ORDERS</b> |          | <b>CONSENT CALENDAR</b> |          | <b>CALENDAR</b> |          |
|-----------------------|----------|-------------------------|----------|-----------------|----------|
| H.F. No.              | S.F. No. | H.F. No.                | S.F. No. | H.F. No.        | S.F. No. |
| 2982                  | 2550     |                         |          |                 |          |

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

**H.F. No. 3157** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| <b>GENERAL ORDERS</b> |          | <b>CONSENT CALENDAR</b> |          | <b>CALENDAR</b> |          |
|-----------------------|----------|-------------------------|----------|-----------------|----------|
| H.F. No.              | S.F. No. | H.F. No.                | S.F. No. | H.F. No.        | S.F. No. |
| 3157                  | 2646     |                         |          |                 |          |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3157 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3157, the first engrossment; and insert the language after the enacting clause of S.F. No. 2646, the first engrossment; further, delete the title of H.F. No. 3157, the first engrossment; and insert the title of S.F. No. 2646, the first engrossment.

And when so amended H.F. No. 3157 will be identical to S.F. No. 2646, and further recommends that H.F. No. 3157 be given its second reading and substituted for S.F. No. 2646, 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 Dahms from the Committee on Commerce and Consumer Protection Finance and Policy, to which was referred**

**S.F. No. 2028:** A bill for an act relating to insurance; requiring parity between mental health benefits and other medical benefits; defining mental health and substance use disorder; requiring health plan transparency; requiring accountability from the commissioners of health and commerce; amending Minnesota Statutes 2016, sections 62Q.01, by adding subdivisions; 62Q.47.

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

Delete everything after the enacting clause and insert:

"Section 1. **MENTAL HEALTH AND SUBSTANCE USE DISORDER WORK GROUP.**

Subdivision 1. **Work group created.** (a) The commissioners of health and commerce shall convene a 13-member work group to make recommendations and report on the most effective approach to determine and demonstrate mental health and substance use disorder parity, in accordance with state and federal law for individual and group health plans offered in Minnesota. The work group shall include the following:

(1) two members representing health plan companies that offer health plans in the individual market;

(2) two members representing health plan companies that offer health plans in the group markets;

(3) the commissioner of health;

(4) the commissioner of commerce;

(5) the commissioner of management and budget;

(6) two members representing employers;

(7) two members who are providers representing the mental health and substance use disorder community; and

(8) two members who are advocates representing the mental health and substance use disorder community.

(b) Members of the work group must have expertise in standards for evidence-based care, benefit design, or development or knowledge relating to the analysis of the mental health and substance use disorder parity under federal and state law, including nonquantitative treatment limitations. The final report must include recommendations for the most effective approach to both demonstrate parity for regulatory purposes and communicate parity determinations publicly in a manner that is meaningful to consumers.

(c) The final report must be written in nontechnical, readily understandable language and be made available to the public by, among such other means as the work group finds appropriate, posting the report on the Department of Health and Department of Commerce Web sites.

(d) In developing its report and recommendations, the work group may consult with the Substance Abuse and Mental Health Services Agency and the National Association of Insurance Commissioners for the latest developments on evaluation of mental health and substance use disorder parity.

(e) The report must include the following:

(1) a summary of completed state enforcement actions relating to individual and group health plans offered in Minnesota during the preceding 12-month period regarding compliance with parity in mental health and substance use disorders benefits in accordance with state and federal law, and summarize the results of completed state enforcement actions. Data that is protected under state or



federal law as nonpublic, private, or confidential shall remain nonpublic, private, or confidential. This summary must include:

(i) the number of formal enforcement actions taken;

(ii) the benefit classifications examined in each enforcement action; and

(iii) the subject matter of each enforcement action, including quantitative and nonquantitative treatment limitations;

(2) detailed information about any regulatory actions the commissioners of health or commerce have taken as a result of a completed state enforcement action pertaining to health plan compliance with sections 62Q.47 and 62Q.53 and United States Code, title 42, section 18031(j); and

(3) a description of the work group's recommendations on educating the public about alcoholism, mental health, or chemical dependency parity protections under state and federal law.

Subd. 2. **Report.** By February 15, 2019, the commissioners of health and commerce shall jointly report the recommendations of the work group to the chairs and ranking minority members of the legislative committees with jurisdiction over health care policy and finance.

Subd. 3. **First meeting.** The commissioner of commerce shall convene the first meeting of the work group on or before August 1, 2018."

Delete the title and insert:

"A bill for an act relating to insurance; establishing a mental health and substance use disorder work group; requiring a report."

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

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

**S.F. No. 327:** A bill for an act relating to consumer protection; prohibiting the assignment of military pay or benefits; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Page 2, delete subdivision 3 and insert:

"Subd. 3. **Penalties; remedies.** In addition to any other remedies available under the law, the military beneficiary injured by a violation of this section may bring a cause of action to recover damages, reasonable attorney fees and costs, or equitable relief related to a violation of subdivision 2. The attorney general may enforce this section pursuant to applicable law."

Page 2, lines 10 and 11, delete "2017" and insert "2018"

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

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

**S.F. No. 2973:** A bill for an act relating to health care; requiring coverage for certain breast cancer screening procedures; amending Minnesota Statutes 2016, section 62A.30, by adding a subdivision.

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

**Senator Miller from the Committee on Jobs and Economic Growth Finance and Policy, to which was referred**

**S.F. No. 2741:** A bill for an act relating to mines; modifying inspection requirements; amending Minnesota Statutes 2016, sections 180.015, subdivision 2; 180.03, subdivisions 2, 3, 4; 180.10.

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

Page 1, delete section 1

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

**S.F. No. 3141:** A bill for an act relating to natural resources; modifying licensing requirements; modifying commissioner's duties; providing for training and licensing of wildland firefighters; prohibiting bear feeding; modifying Wildfire Act; modifying tagging requirements for gear used in commercial fishing; modifying restrictions on using cast nets; modifying penalties related to approved firewood; providing for legal counsel to vacate roads; providing for lease security; modifying requirements of public land sales; adding to and deleting from state parks, recreation areas, and forests; providing criminal penalties; amending Minnesota Statutes 2016, sections 88.10, by adding a subdivision; 88.75, subdivision 1; 89.551; 92.50, by adding a subdivision; 94.10, subdivision 2; 97A.051, subdivision 2; 97A.433, subdivisions 4, 5; 97C.345, subdivision 3a; Minnesota Statutes 2017 Supplement, sections 84.01, subdivision 6; 84D.03, subdivisions 3, 4; 89.17; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Laws 2008, chapter 368, article 1, section 21, subdivision 2.

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

Delete everything after the enacting clause and insert:

**"ARTICLE 1****ENVIRONMENT AND NATURAL RESOURCES POLICY**

Section 1. Minnesota Statutes 2016, section 17.494, is amended to read:

**17.494 AQUACULTURE PERMITS; RULES.**

(a) The commissioner shall act as permit or license coordinator for aquatic farmers and shall assist aquatic farmers to obtain licenses or permits.

~~By July 1, 1992,~~ (b) A state agency issuing multiple permits or licenses for aquaculture shall consolidate the permits or licenses required for every aquatic farm location. The Department of Natural Resources transportation permits are exempt from this requirement. State agencies shall adopt rules or issue commissioner's orders that establish permit and license requirements, approval timelines, and compliance standards. Saltwater aquatic farms, as defined in section 17.4982, and processing facilities for saltwater aquatic life, as defined in section 17.4982, must be classified as agricultural operations for purposes of any construction, discharge, or other permit issued by the Pollution Control Agency.

Nothing in this section modifies any state agency's regulatory authority over aquaculture production.

Sec. 2. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to read:

Subd. 20a. **Saltwater aquaculture.** "Saltwater aquaculture" means the commercial propagation and rearing of saltwater aquatic life including, but not limited to, crustaceans, primarily for consumption as human food.

Sec. 3. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to read:

Subd. 20b. **Saltwater aquatic farm.** "Saltwater aquatic farm" means a facility used for saltwater aquaculture including but not limited to artificial ponds, vats, tanks, raceways, and other facilities that an aquatic farmer owns or has exclusive control of for the sole purpose of producing saltwater aquatic life.

Sec. 4. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to read:

Subd. 20c. **Saltwater aquatic life.** "Saltwater aquatic life" means aquatic species that are saltwater obligates or perform optimally when raised in salinities closer to that of natural seawater and need saltwater to survive.

**Sec. 5. [17.499] TRANSPORTATION OR IMPORTATION OF SALTWATER AQUATIC LIFE; QUARANTINE REQUIREMENT.**

Subdivision 1. **Purpose.** The legislature finds that it is in the public interest to increase private saltwater aquaculture production and processing in this state under the coordination of the commissioner of agriculture. Additional private production will reduce dependence on foreign suppliers and benefit the rural economy by creating new jobs and economic activity.

Subd. 2. **Transportation permit.** (a) Notwithstanding the requirements in section 17.4985, saltwater aquatic life transportation and importation requirements are governed by this section. A transportation permit is required prior to any importation or intrastate transportation of saltwater aquatic life not exempted under subdivision 3. A transportation permit may be used for multiple shipments within the 30-day term of the permit if the source and the destination remain the same. Transportation permits must be obtained from the commissioner prior to shipment of saltwater aquatic life.

(b) An application for a transportation permit must be made in the form required by the commissioner. The commissioner may reject an incomplete application.

(c) An application for a transportation permit must be accompanied by satisfactory evidence, as determined by the commissioner, that the shipment is free of any nonindigenous species of animal other than the saltwater aquatic species and either:

(1) the facility from which the saltwater aquatic life originated has provided documentation of 36 or more consecutive months of negative testing by an approved laboratory as free of any disease listed by OIE - the World Organisation for Animal Health for that species following the testing guidelines outlined in the OIE Aquatic Animal Health Code for crustaceans or the AFS Fish Health Blue Book for other species, as appropriate; or

(2) the saltwater aquatic life to be imported or transported includes documentation of negative testing for that specific lot by an approved laboratory as free of any disease listed by OIE - the World Organisation for Animal Health for crustaceans or in the AFS Fish Health Blue Book for other species, as appropriate.

If a shipment authorized by the commissioner under clause (1) includes saltwater aquatic life that originated in a foreign country, the shipment must be quarantined at the receiving facility according to a quarantine plan approved by the commissioner. A shipment authorized by the commissioner under clause (2) must be quarantined at the receiving facility according to a quarantine plan approved by the commissioner.

(d) For purposes of this subdivision, "approved laboratory" means a laboratory approved by the commissioner or the United States Department of Agriculture, Animal and Plant Health Inspection Services.

(e) No later than 14 calendar days after a completed transportation permit application is received, the commissioner must approve or deny the transportation permit application.

(f) A copy of the transportation permit must accompany a shipment of saltwater aquatic life while in transit and must be available for inspection by the commissioner.

(g) A vehicle used by a licensee for transporting aquatic life must be identified with the license number and the licensee's name and town of residence as it appears on the license. A vehicle used by a licensee must have identification displayed so that it is readily visible from either side of the vehicle in letters and numbers not less than 2-1/2 inches high and three-eighths inch wide. Identification may be permanently affixed to vehicles or displayed on removable plates or placards placed on opposite doors of the vehicle or on the tanks carried on the vehicle.

(h) An application to license a vehicle for brood stock or larvae transport or for use as a saltwater aquatic life vendor that is received by the commissioner is a temporary license until approved or denied by the commissioner.

Subd. 3. **Exemptions.** (a) A transportation permit is not required to transport or import saltwater aquatic life:

(1) previously processed for use as food or other purposes unrelated to propagation;

(2) transported directly to an outlet for processing as food or for other food purposes if accompanied by shipping documents;

(3) that is being exported if accompanied by shipping documents;

(4) that is being transported through the state if accompanied by shipping documents; or

(5) transported intrastate within or between facilities licensed for saltwater aquaculture by the commissioner if accompanied by shipping documents.

(b) Shipping documents required under paragraph (a) must include the place of origin, owner or consignee, destination, number, species, and satisfactory evidence, as determined by the commissioner, of the disease-free certification required under subdivision 2, paragraph (c), clauses (1) and (2).

Sec. 6. Minnesota Statutes 2017 Supplement, section 84.01, subdivision 6, is amended to read:

Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys or outside counsel to render title opinions, represent the department in severed mineral interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute to the contrary, represent the state in quiet title or title registration actions affecting land or interests in land administered by the commissioner and in all proceedings relating to road vacations.

Sec. 7. Minnesota Statutes 2016, section 84.0895, subdivision 2, is amended to read:

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

(1) plants on land classified for property tax purposes as class 2a or 2c agricultural land under section 273.13, or on ~~ditches and roadways~~ a ditch, or on an existing public road right-of-way as defined in section 84.92, subdivision 6a; and

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

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

(c) The taking or killing of an endangered plant species on land adjacent to class 3 or 3b agricultural land as a result of the application of pesticides or other agricultural chemical on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in the application of the pesticide or other chemical to avoid impact on adjacent lands. For the purpose of this paragraph,

class 3 or 3b agricultural land does not include timber land, waste land, or other land for which the owner receives a state paid wetlands or native prairie tax credit.

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

Sec. 8. Minnesota Statutes 2016, section 84.86, subdivision 1, is amended to read:

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

- (1) Registration of snowmobiles and display of registration numbers.
- (2) Use of snowmobiles insofar as game and fish resources are affected.
- (3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.
- (4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.
- (5) Specifications relating to snowmobile mufflers.
- (6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray expenses of training and certifying snowmobile operators, the commissioner shall collect a fee from each person who receives the youth or adult training. The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate snowmobile safety certificate. The commissioner shall establish both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails and enforcement account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of such programs. In addition to the fee established by the commissioner, instructors may charge each person any fee paid by the instructor for the person's online training course and up to the established fee amount for class materials and expenses. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

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

Sec. 9. Minnesota Statutes 2017 Supplement, section 84.925, subdivision 1, is amended to read:

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

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

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

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

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

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

Sec. 10. Minnesota Statutes 2017 Supplement, section 84.9256, subdivision 1, is amended to read:

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

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

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

(2) operate an all-terrain vehicle on a public road right-of-way in the state; or

(3) operate an all-terrain vehicle on public lands or waters, except as provided in paragraph (f).

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

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

(1) successfully complete the safety education and training program under section 84.925, subdivision 1, including a riding component; and

(2) be able to properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

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

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

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

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

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

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



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

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

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

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

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

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

Sec. 11. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~This paragraph expires December 1, 2017.~~

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

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

**EFFECTIVE DATE.** This section is effective retroactively from December 1, 2017.

Sec. 12. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 4, is amended to read:

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

resources in the state. This tagging requirement does not apply to commercial fishing equipment used in Lake Superior.

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

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

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

Sec. 13. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2b, is amended to read:

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

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

(c) This subdivision expires December 1, 2019.

Sec. 14. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2c, is amended to read:

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

(b) If an additional targeted pilot project for Cross Lake is implemented under this section, the report to the chairs and ranking minority members of the senate and house of representatives

committees having jurisdiction over natural resources required under Laws 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot study recommendations and assessments.

(c) This subdivision expires December 1, 2019.

Sec. 15. Minnesota Statutes 2017 Supplement, section 85.0146, subdivision 1, is amended to read:

Subdivision 1. **Advisory council created.** The Cuyuna Country State Recreation Area Citizens Advisory Council is established. Membership on the advisory council shall include:

(1) a representative of ~~the Cuyuna Range Mineland Recreation Area Joint Powers Board~~ Cuyuna Range Economic Development, Inc.;

(2) a representative ~~of~~ for the Croft Mine Historical Park ~~Joint Powers Board~~ appointed by the members of the Cuyuna Country State Recreation Area Citizens Advisory Council who are appointed under clauses (1) and (4) to (13);

(3) a ~~designee of the Cuyuna Range Mineland Reclamation Committee who has worked as a miner in the local area~~ member at large appointed by the members of the Cuyuna Country State Recreation Area Citizens Advisory Council who are appointed under clauses (1) and (4) to (13);

(4) a representative of the Crow Wing County Board;

(5) ~~an elected state official~~ the state senator representing the state recreation area;

(6) the member from the state house of representatives representing the state recreation area;

(7) a representative of the Grand Rapids regional office of the Department of Natural Resources;

~~(7)~~ (8) a designee of the commissioner of Iron Range resources and rehabilitation;

~~(8)~~ (9) a designee of the local business community selected by the area chambers of commerce;

~~(9)~~ (10) a designee of the local environmental community selected by the Crow Wing County District 5 commissioner;

~~(10)~~ (11) a designee of a local education organization selected by the Crosby-Ironton School Board;

~~(11)~~ (12) a designee of one of the recreation area user groups selected by the Cuyuna Range Chamber of Commerce; and

~~(12)~~ (13) a member of the Cuyuna Country Heritage Preservation Society.

Sec. 16. Minnesota Statutes 2016, section 86B.005, subdivision 8a, is amended to read:

Subd. 8a. **Marine carbon monoxide detection system.** "Marine carbon monoxide detection system" means a device or system ~~that meets the requirements of the American Boat and Yacht Council Standard A-24, July, 2015, for carbon monoxide detection systems.~~ for detecting carbon

monoxide that is certified by a nationally recognized testing laboratory to conform to current UL Standards for use on recreational boats.

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

Sec. 17. Minnesota Statutes 2016, section 86B.532, subdivision 1, is amended to read:

Subdivision 1. **Requirements; installation.** (a) No motorboat that has an enclosed accommodation compartment may be operated on any waters of the state unless the motorboat is equipped with a functioning marine carbon monoxide detection system installed according to the manufacturer's instructions and this subdivision.

(b) ~~After May 1, 2017,~~ No new motorboat that has an enclosed accommodation compartment may be sold or offered for sale in Minnesota unless the motorboat is equipped with a new functioning marine carbon monoxide detection system installed according to the manufacturer's instructions and this subdivision.

(c) A marine carbon monoxide detection system must be located:

(1) to monitor the atmosphere of the enclosed accommodation compartment; and

(2) within ten feet or 3.048 meters of any designated sleeping accommodations.

(d) A marine carbon monoxide detection system, including a sensor, must not be located within five feet or 1.52 meters of any cooking appliance.

**EFFECTIVE DATE.** This section is effective May 1, 2018.

Sec. 18. Minnesota Statutes 2016, section 88.10, is amended by adding a subdivision to read:

Subd. 3. **Wildland firefighters; training and licensing.** Forest officers and all individuals employed as wildland firefighters under this chapter are not subject to the requirements of chapter 299N.

Sec. 19. Minnesota Statutes 2016, section 88.75, subdivision 1, is amended to read:

Subdivision 1. **Misdemeanor offenses; damages; injunctive relief.** (a) Any person who violates any of the provisions of sections 88.03 to 88.22 for which no specific penalty is therein prescribed shall be guilty of a misdemeanor and be punished accordingly.

(b) Failure by any person to comply with any provision or requirement of sections 88.03 to 88.22 to which such person is subject shall be deemed a violation thereof.

(c) Any person who violates ~~any provisions of~~ sections 88.03 to 88.22, in addition to any penalties therein prescribed, or hereinbefore in this section prescribed, for such violation, shall also be liable in full damages to any and every person suffering loss or injury by reason of such violation, including liability to the state, and any of its political subdivisions, for all expenses incurred in fighting or preventing the spread of, or extinguishing, any fire caused by, or resulting from, any violation of these sections. Notwithstanding any statute to the contrary, an attorney who is licensed to practice law in Minnesota and is an employee of the Department of Natural Resources may represent the

commissioner in proceedings under this subdivision that are removed to district court from conciliation court. All expenses so collected by the state shall be deposited in the general fund. When a fire set by any person spreads to and damages or destroys property belonging to another, the setting of the fire shall be prima facie evidence of negligence in setting and allowing the same to spread.

(d) At any time the state, or any political subdivision thereof, either of its own motion, or at the suggestion or request of the director, may bring an action in any court of competent jurisdiction to restrain, enjoin, or otherwise prohibit any violation of sections 88.03 to 88.22, whether therein described as a crime or not, and likewise to restrain, enjoin, or prohibit any person from proceeding further in, with, or at any timber cutting or other operations without complying with the provisions of those sections, or the requirements of the director pursuant thereto; and the court may grant such relief, or any other appropriate relief, whenever it shall appear that the same may prevent loss of life or property by fire, or may otherwise aid in accomplishing the purposes of sections 88.03 to 88.22.

Sec. 20. Minnesota Statutes 2017 Supplement, section 89.17, is amended to read:

**89.17 LEASES AND PERMITS.**

(a) Notwithstanding the permit procedures of chapter 90, the commissioner may 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 that 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 is 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 is not 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 is 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 leasing school trust land and university land for roads on forest lands must be deposited into the respective permanent fund for the lands.

(d) The commissioner may require a performance bond, security deposit, or other form of security for removing any improvements or personal property left on the leased premises by the lessee upon termination or cancellation of the lease.

Sec. 21. Minnesota Statutes 2016, section 89.551, is amended to read:

**89.551 APPROVED FIREWOOD REQUIRED.**

(a) After the commissioner issues an order under paragraph (b), a person may not possess firewood on land administered by the commissioner of natural resources unless the firewood:

(1) was obtained from a firewood distribution facility located on land administered by the commissioner;

(2) was obtained from a firewood dealer who is selling firewood that is approved by the commissioner under paragraph (b); or

(3) has been approved by the commissioner of natural resources under paragraph (b).

(b) The commissioner of natural resources shall, by written order published in the State Register, approve firewood for possession on lands administered by the commissioner. The order is not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply.

(c) A violation under this section is subject to confiscation of firewood ~~and after May 1, 2008, confiscation and a \$100 penalty. A firewood dealer shall be subject to confiscation and assessed a \$100 penalty for each sale of firewood not approved under the provisions of this section and sold for use on land administered by the commissioner.~~

(d) For the purposes of this section, "firewood" means any wood that is intended for use in a campfire, as defined in section 88.01, subdivision 25.

Sec. 22. Minnesota Statutes 2016, section 92.50, is amended by adding a subdivision to read:

Subd. 3. **Security requirement.** The commissioner may require a performance bond, security deposit, or other form of security for removing any improvements or personal property left on the leased premises by the lessee upon termination or cancellation of the lease.

Sec. 23. Minnesota Statutes 2016, section 94.10, subdivision 2, is amended to read:

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

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

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

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

(e) The commissioner may retain the services of a licensed real estate broker to find a buyer for parcels remaining unsold after the offering. The sale price may be negotiated by the broker, but

must not be less than 90 percent of the appraised value as determined by the commissioner. The broker's fee must be established by prior agreement between the commissioner and the broker and must not exceed ten percent of the sale price for sales of \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

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

Sec. 24. Minnesota Statutes 2016, section 97A.051, subdivision 2, is amended to read:

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

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

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

Sec. 25. Minnesota Statutes 2017 Supplement, section 97A.075, subdivision 1, is amended to read:

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

(b) \$16 from each annual deer license issued under section 97A.475, subdivisions 2, clauses (5), (6), and (7); 3, paragraph (a), clauses (2), (3), and (4); and 8, paragraph (b); \$2 from each annual deer license and \$2 issued under sections 97A.475, subdivisions 2, clauses (13), (14), and (15); and 3, paragraph (a), clauses (10), (11), and (12); and 97B.301, subdivision 4; \$16 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued to a person 18 years of age or older under section 97A.473, subdivision 4; and \$2 annually from the lifetime fish and wildlife trust fund for each license issued to a person under 18 years of age shall be credited to the deer management account and is appropriated to the commissioner for deer habitat improvement or deer management programs.

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

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild Cervidae health-management account and is appropriated for emergency deer feeding and wild Cervidae health management. Money appropriated for emergency deer feeding and wild Cervidae health management is available until expended.



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

**EFFECTIVE DATE.** This section is effective retroactively from March 1, 2018.

Sec. 26. Minnesota Statutes 2016, section 97A.433, subdivision 4, is amended to read:

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

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

Sec. 27. Minnesota Statutes 2016, section 97A.433, subdivision 5, is amended to read:

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

Sec. 28. Minnesota Statutes 2016, section 97B.015, subdivision 6, is amended to read:

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

Sec. 29. Minnesota Statutes 2016, section 97B.1055, is amended to read:

**97B.1055 HUNTING BY PERSONS WITH A PERMANENT PHYSICAL OR DEVELOPMENTAL DISABILITY.**

Subdivision 1. **Definitions.** For purposes of this section and section 97B.015, subdivision 6:

(a) A "person with developmental disability" means a person who has been diagnosed as having substantial limitations in present functioning, manifested as significantly subaverage intellectual functioning, existing concurrently with demonstrated deficits in adaptive behavior, and who manifests these conditions before the person's 22nd birthday.

(b) A "person with a related condition" means a person who meets the diagnostic definition under section 252.27, subdivision 1a.

(c) A "person with a permanent physical disability" means a person who has a physical disability that prevents them from being able to navigate natural terrain or hold a firearm for the purpose of a required field component for the firearm safety training program under section 97B.020.

Subd. 2. **Obtaining a license.** (a) Notwithstanding section 97B.020, a person with a permanent physical disability or developmental disability may obtain a firearms hunting license with a provisional firearms safety certificate issued under section 97B.015, subdivision 6.

(b) Any person accompanying or assisting a person with a permanent physical disability or developmental disability under this section must possess a valid firearms safety certificate issued by the commissioner.

Subd. 3. **Assistance required.** A person who obtains a firearms hunting license under subdivision 2 must be accompanied and assisted by a parent, guardian, or other adult person designated by a parent or guardian when hunting. A person who is not hunting but is solely accompanying and assisting a person with a permanent physical disability or developmental disability need not obtain a hunting license.

Subd. 4. **Prohibited activities.** (a) This section does not entitle a person to possess a firearm if the person is otherwise prohibited from possessing a firearm under state or federal law or a court order.

(b) No person shall knowingly authorize or permit a person, who by reason of a permanent physical disability or developmental disability is incapable of safely possessing a firearm, to possess a firearm to hunt in the state or on any boundary water of the state.

Sec. 30. Minnesota Statutes 2016, section 97C.345, subdivision 3a, is amended to read:

Subd. 3a. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take gizzard shad for use as bait for angling:

(1) from July 1 to November 30; and

(2) from the Minnesota River downstream of Granite Falls, Mississippi River downstream of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items A and B, that are listed as infested waters as allowed under section 84D.03, subdivision 3.

(b) Cast nets used under this subdivision must be monofilament and may not exceed ~~seven~~ five feet in ~~diameter~~ radius, and mesh size must be from three-eighths to five-eighths inch bar measure. No more than two cast nets may be used at one time.

~~(c) This subdivision expires December 1, 2017. The commissioner must report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over environment and natural resources by March 1, 2018, on the number of permits issued,~~

conservation impacts from the use of east nets, and recommendations for any necessary changes in statutes or rules.

**EFFECTIVE DATE.** This section is effective retroactively from December 1, 2017.

Sec. 31. Minnesota Statutes 2016, section 103F.361, subdivision 2, is amended to read:

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

Sec. 32. Minnesota Statutes 2016, section 103F.363, subdivision 1, is amended to read:

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

Sec. 33. Minnesota Statutes 2016, section 103F.365, is amended by adding a subdivision to read:

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

Sec. 34. Minnesota Statutes 2016, section 103F.371, is amended to read:

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

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

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

Sec. 35. Minnesota Statutes 2016, section 103F.373, subdivision 1, is amended to read:

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

(1) the adoption or amendment of an ordinance regulating the use of land, including rezoning of particular tracts of land;

(2) the granting of a variance from provisions of the land use ordinance; and

(3) the approval of a plat which is inconsistent with the land use ordinance.

Sec. 36. Minnesota Statutes 2016, section 103F.373, subdivision 3, is amended to read:

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

Sec. 37. Minnesota Statutes 2016, section 103F.373, subdivision 4, is amended to read:

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

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

(1) affirm its disapproval of the proposed action; or

(2) certify approval of the proposed action.

Sec. 38. **[115.455] EFFLUENT LIMITATIONS; COMPLIANCE.**

To the extent allowable under federal law, for a municipality that constructs a publicly owned treatment works to comply with a new or modified effluent limitation, compliance with any new or modified effluent limitation adopted after construction begins that would require additional capital investment is required no sooner than 16 years after the date the facility begins operating.

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

Sec. 39. Minnesota Statutes 2016, section 115A.94, subdivision 2, is amended to read:

Subd. 2. **Local authority.** A city or town may organize collection, after public notification and hearing as required in subdivisions 4a to ~~4d~~ 4f. A county may organize collection as provided in subdivision 5. A city or town that has organized collection as of May 1, 2013, is exempt from subdivisions 4a to ~~4d~~ 4f.

**EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after that date.

Sec. 40. Minnesota Statutes 2016, section 115A.94, subdivision 4a, is amended to read:

Subd. 4a. **Committee establishment.** (a) Before implementing an ordinance, franchise, license, contract, or other means of organizing collection, a city or town, by resolution of the governing body, must establish ~~an organized~~ a solid waste collection options committee to identify, examine,

and evaluate various methods of organized solid waste collection. The governing body shall appoint the committee members.

(b) The organized solid waste collection options committee is subject to chapter 13D.

**EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after that date.

Sec. 41. Minnesota Statutes 2016, section 115A.94, subdivision 4b, is amended to read:

Subd. 4b. **Committee duties.** The committee established under subdivision 4a shall:

(1) determine which methods of organized solid waste collection to examine, which must include:

(i) the existing system of collection;

(~~ii~~) (ii) a system in which a single collector collects solid waste from all sections of a city or town; and

(~~iii~~) (iii) a system in which multiple collectors, either singly or as members of an organization of collectors, collect solid waste from different sections of a city or town;

(2) establish a list of criteria on which the organized solid waste collection methods selected for examination will be evaluated, which may include: costs to residential subscribers, impacts on residential subscribers' ability to choose a provider of solid waste service based on the desired level of service, costs and other factors, the impact of miles driven by collection vehicles on city streets and alleys and the incremental impact of miles driven by collection vehicles, initial and operating costs to the city of implementing the organized solid waste collection system, providing incentives for waste reduction, impacts on solid waste collectors, and other physical, economic, fiscal, social, environmental, and aesthetic impacts;

(3) collect information regarding the operation and efficacy of existing methods of organized solid waste collection in other cities and towns;

(4) seek input from, at a minimum:

(i) the governing body of the city or town;

(ii) the local official of the city or town responsible for solid waste issues;

(iii) persons currently licensed to operate solid waste collection and recycling services in the city or town; and

(iv) residents of the city or town who currently pay for residential solid waste collection services; and

(5) issue a report on the committee's research, findings, and any recommendations to the governing body of the city or town.

**EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after that date.

Sec. 42. Minnesota Statutes 2016, section 115A.94, subdivision 4c, is amended to read:

Subd. 4c. **Governing body; implementation.** The governing body of the city or town shall consider the report and recommendations of the ~~organized~~ solid waste collection options committee. The governing body must provide public notice and hold at least one public hearing before deciding whether to implement organized collection. Organized collection may begin no sooner than six months after the effective date of the decision of the governing body of the city or town to implement organized collection.

**EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after that date.

Sec. 43. Minnesota Statutes 2016, section 115A.94, subdivision 4d, is amended to read:

Subd. 4d. **Participating collectors proposal requirement.** ~~Prior to~~ Before establishing a committee under subdivision 4a to consider organizing residential solid waste collection, a city or town with more than one licensed collector must notify the public and all licensed collectors in the community. The city or town must provide a ~~60-day~~ period of at least 60 days in which meetings and negotiations shall occur exclusively between licensed collectors and the city or town to develop a proposal in which interested licensed collectors, as members of an organization of collectors, collect solid waste from designated sections of the city or town. The proposal shall include identified city or town priorities, including issues related to zone creation, traffic, safety, environmental performance, service provided, and price, and shall reflect existing haulers maintaining their respective market share of business as determined by each hauler's average customer count during the six months prior to the commencement of the ~~60-day~~ exclusive negotiation period. If an existing hauler opts to be excluded from the proposal, the city may allocate their customers proportionally based on market share to the participating collectors who choose to negotiate. The initial organized collection agreement executed under this subdivision must be for ~~a period of three to~~ seven years. Upon execution of an agreement between the participating licensed collectors and city or town, the city or town shall establish organized collection through appropriate local controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except that the governing body must provide the public notification and hearing required under subdivision 4c.

**EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after that date.

Sec. 44. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision to read:

Subd. 4e. **Parties to meet and confer.** Before the exclusive meetings and negotiations under subdivision 4d, participating licensed collectors and elected officials of the city or town must meet and confer regarding waste collection issues, including but not limited to road deterioration, public safety, pricing mechanisms, and contractual considerations unique to organized collection.

**EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after that date.

Sec. 45. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision to read:

Subd. 4f. **Joint liability limited.** Notwithstanding section 604.02, an organized collection agreement must not obligate a participating licensed collector for damages to third parties solely caused by another participating licensed collector. The organized collection agreement may include joint obligations for actions that are undertaken by all the participating licensed collectors under this section.

**EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after that date.

Sec. 46. Minnesota Statutes 2016, section 115A.94, subdivision 5, is amended to read:

Subd. 5. **County organized collection.** (a) A county may by ordinance require cities and towns within the county to organize collection. Organized collection ordinances of counties may:

(1) require cities and towns to require the separation and separate collection of recyclable materials;

(2) specify the material to be separated; and

(3) require cities and towns to meet any performance standards for source separation that are contained in the county solid waste plan.

(b) A county may itself organize collection under subdivisions 4a to ~~4d~~ 4f in any city or town that does not comply with a county organized collection ordinance adopted under this subdivision, and the county may implement, as part of its organized collection, the source separation program and performance standards required by its organized collection ordinance.

**EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after that date.

Sec. 47. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to read:

Subd. 2c. **Exemption from standards for temporary storage facilities subject to control.** (a) A temporary storage facility located at a commodity facility that is required to be controlled under Minnesota Rules, part 7011.1005, subpart 3, is not subject to Minnesota Rules, parts 7011.1000 to 7011.1015. For all portable equipment and fugitive dust emissions directly associated with the temporary storage facility, it is determined that there is no applicable specific standard of performance.

(b) For the purposes of this subdivision, the following terms have the meanings given to them:

(1) "temporary storage facility" means a facility storing grain that:

(i) uses an asphalt, concrete, or comparable base material;

(ii) has rigid, self-supporting sidewalls;

(iii) provides adequate aeration; and

(iv) provides an acceptable covering; and

(2) "portable equipment" means equipment that is not fixed at any one spot and can be moved, including but not limited to portable receiving pits, portable augers and conveyors, and portable reclaim equipment directly associated with the temporary storage facility.

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

Sec. 48. Minnesota Statutes 2017 Supplement, section 116.0714, is amended to read:

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

(a) The commissioner of the Pollution Control Agency or a county board shall not approve any permits for the construction of new open-air swine basins, except that existing facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment program for resolving pollution problems or to allow conversion of an existing basin of less than 1,000,000 gallons to a different animal type, provided all standards are met. This section expires June 30, 2022.

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

Sec. 49. Minnesota Statutes 2016, section 116.993, subdivision 2, is amended to read:

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

- (1) be a small business corporation, sole proprietorship, partnership, or association;
- (2) be a potential emitter of pollutants to the air, ground, or water;
- (3) need capital for equipment purchases that will meet or exceed environmental regulations or need capital for site investigation and cleanup;
- (4) have ~~less~~ fewer than 50 ~~100~~ full-time equivalent employees; and
- (5) have an ~~after-tax~~ after-tax profit of less than \$500,000; and
- ~~(6) have a net worth of less than \$1,000,000.~~

Sec. 50. Minnesota Statutes 2016, section 116.993, subdivision 6, is amended to read:

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

- (1) an interest rate that is ~~four percent or~~ at or below one-half the prime rate, ~~whichever is greater~~ not to exceed five percent;
- (2) a term of payment of not more than seven years; and
- (3) an amount not less than \$1,000 or exceeding ~~\$50,000~~ \$75,000.

Sec. 51. **[383A.606] DISCONTINUANCE OF RAMSEY SOIL AND WATER CONSERVATION DISTRICT; TRANSFER OF DUTIES.**



Subdivision 1. **Discontinuance.** Notwithstanding section 103C.225, the Ramsey Soil and Water Conservation District is discontinued effective July 1, 2018, and its duties and authorities are transferred to the Ramsey County Board of Commissioners.

Subd. 2. **Transfer of duties and authorities.** The Ramsey County Board of Commissioners has the duties and authorities of a soil and water conservation district. All contracts in effect on the date of the discontinuance of the district to which Ramsey Soil and Water Conservation District is a party remain in force and effect for the period provided in the contracts. The Ramsey County Board of Commissioners shall be substituted for the Ramsey Soil and Water Conservation District as party to the contracts and succeed to the district's rights and duties.

Subd. 3. **Transfer of assets.** The Ramsey Soil and Water Conservation District Board of Supervisors shall transfer the assets of the district to the Ramsey County Board of Commissioners. The Ramsey County Board of Commissioners shall use the transferred assets for the purposes of implementing the transferred duties and authorities.

Subd. 4. **Reestablishment.** The Ramsey County Board of Commissioners may petition the Minnesota Board of Water and Soil Resources to reestablish the Ramsey Soil and Water Conservation District. Alternatively, the Minnesota Board of Water and Soil Resources under its authority in section 103C.201, and after giving notice of corrective actions and time to implement the corrective actions, may reestablish the Ramsey Soil and Water Conservation District if it determines the goals established in section 103C.005 are not being achieved. The Minnesota Board of Water and Soil Resources may reestablish the Ramsey Soil and Water Conservation District under this subdivision without a referendum.

Sec. 52. Minnesota Statutes 2016, section 473.8441, subdivision 4, is amended to read:

Subd. 4. **Grant conditions.** The commissioner shall administer grants so that the following conditions are met:

(a) A county must apply for a grant in the manner determined by the commissioner. The application must describe the activities for which the grant will be used.

(b) The activities funded must be consistent with the metropolitan policy plan and the county master plan.

(c) A grant must be matched by equal ~~county~~ local expenditures for the activities for which the grant is made. A local expenditure may include, but is not limited to, an expenditure by a local unit of government, tribal government, or private sector or nonprofit organization.

(d) All grant funds must be used for new activities or to enhance or increase the effectiveness of existing activities in the county. Grant funds shall not be used for research or development of a product that would be patented, copyrighted, or a subject of trade secrets.

(e) Counties shall provide support to maintain effective municipal recycling where it is already established.

Sec. 53. **ADDITIONS TO STATE PARKS.**

Subdivision 1. **[85.012] [Subd. 21.] Frontenac State Park, Goodhue County.** The following area is added to Frontenac State Park, Goodhue County:

That part of the Northeast Quarter of Section 10, that part of the Southeast Quarter of Section 10, that part of the Northwest Quarter of Section 11, and that part of the Southwest Quarter of Section 11, all in Township 112 North, Range 13 West, Goodhue County, Minnesota, described as follows:

Commencing at the east quarter corner of said Section 10; thence on an assumed bearing South 00 degrees 25 minutes 27 seconds East, along the east line of the Southeast Quarter of said Section 10, a distance of 1,654.63 feet; thence South 89 degrees 34 minutes 33 seconds West, a distance of 2,219.43 feet to the point of beginning of the land to be described; thence North 19 degrees 04 minutes 33 seconds East, a distance of 3,905.90 feet to the centerline of Hill Avenue; thence southeasterly, along said centerline, to the northwesterly right-of-way boundary of County Road Number 2, as designated on Goodhue County Highway Right-Of-Way Plat No. 25, as recorded in the Goodhue County Recorder's Office; thence southwesterly along said northwesterly right-of-way boundary and along the northwesterly right-of-way boundary of County Road Number 2, as designated in Goodhue County Highway Right-Of-Way Plat No. 24, and along the northwesterly right-of-way boundary of County Road Number 2, as designated in Goodhue County Highway Right-of-Way Plat No. 23, to the intersection with a line bearing South 76 degrees 25 minutes 27 seconds East from the point of beginning; thence North 76 degrees 25 minutes 27 seconds West, a distance of 907.89 feet to the point of beginning.

EXCEPT that part lying within the boundaries of the following described parcel:

That part of the Southeast Quarter of Section 10, Township 112 North, Range 13 West, and that part of the Southwest Quarter of Section 11, Township 112 North, Range 13 West, Goodhue County, Minnesota, described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 10; thence southerly on an assumed azimuth from North of 179 degrees 34 minutes 33 seconds, along the east line of the Southeast Quarter of said Section 10, a distance of 1,100.31 feet; thence westerly 269 degrees 34 minutes 33 seconds azimuth, a distance of 80.53 feet to the point of beginning of the land to be described; thence northerly 340 degrees 42 minutes 19 seconds azimuth, a distance of 300.00 feet; thence easterly 100 degrees 22 minutes 46 seconds azimuth, a distance of 286.97 feet to the centerline of County Road Number 2, as now located and established; thence southerly and southwesterly, along said centerline, to the intersection with a line drawn southerly 160 degrees 42 minutes 19 seconds azimuth from the point of beginning; thence northerly 340 degrees 42 minutes 19 seconds azimuth, a distance of 51.66 feet to the point of beginning.

EXCEPT that part lying within the boundaries of the following described parcel:

That part of the Southeast Quarter of Section 10, Township 112, Range 13, Goodhue County, Minnesota, described as follows:

Commencing at the northeast corner of said Southeast Quarter; thence southerly, on an assumed azimuth from North of 179 degrees 34 minutes 33 seconds, along the east line of said Southeast Quarter; a distance of 1,491.88 feet; thence westerly 269 degrees 34 minutes 33 seconds azimuth, a distance of 870.79 feet to an iron pipe on the centerline of County Road Number 2, as now located and established, being the point of beginning of the land to be described; thence northerly 24 degrees

07 minutes 23 seconds azimuth, a distance of 132.28 feet to an iron pipe; thence northwesterly 301 degrees 14 minutes 43 seconds azimuth, a distance of 524.46 feet to an iron pipe; thence southerly 180 degrees 51 minutes 58 seconds azimuth a distance of 342.82 feet to an iron pipe; thence southeasterly 118 degrees 29 minutes 28 seconds azimuth, a distance of 273.01 feet to an iron pipe on the centerline of said County Road Number 2, as now located and established; thence northeasterly along said centerline to the point of beginning.

EXCEPT that part described as follows:

That part of the Southeast Quarter of Section 10, Township 112 North, Range 13 West, Goodhue County, Minnesota, described as follows:

Commencing at the northeast corner of said Southeast Quarter of Section 10; thence southerly, on an assumed azimuth from North of 179 degrees 34 minutes 33 seconds, along the east line of said Southeast Quarter of Section 10, a distance of 1,100.31 feet; thence westerly 269 degrees 34 minutes 33 seconds azimuth, a distance of 80.53 feet to the point of beginning of the land to be described; thence northerly 340 degrees 42 minutes 19 seconds azimuth, a distance of 300.00 feet; thence westerly 250 degrees 42 minutes 19 seconds azimuth, a distance of 300.00 feet; thence southerly 160 degrees 42 minutes 19 seconds azimuth, a distance of 384.25 feet, to the northwesterly right-of-way boundary of County Road Number 2, as designated in Goodhue County Highway Right-of-Way Plat No. 23, as recorded in the Goodhue County Recorder's Office; thence northeasterly, along said northwesterly right-of-way boundary, to the intersection with a line drawn southerly 160 degrees 42 minutes 19 seconds azimuth from the point of beginning; thence northerly 340 degrees 42 minutes 19 seconds azimuth, a distance of 10.01 feet to the point of beginning.

Subd. 2. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County. The following areas are added to the Frontenac State Park, Goodhue County:

(1) all that part of Sections 31 and 32, Township 113 North, Range 13 West, in the County of Goodhue and State of Minnesota, described as follows:

All of Block 7, Wacouta Beach, in said Section 32 lying on the south side of and adjoining Lake View Drive and adjoining the south and west lines of said Section 32. Also that part of said Section 31 described as follows:

Beginning at the southeast corner of said Section 31; thence run North along the east line of said Section 31 a distance of 961.0 feet more or less to the southerly right-of-way line of Lake View Drive; thence run North 61 degrees 30 minutes West along the southerly right-of-way of Lake View Drive a distance of 170.0 feet; thence run South 34 degrees West 320.0 feet; thence run North 77 degrees East 125.0 feet; thence run South 13 degrees West 610.0 feet; thence run South 76 degrees West 600.0 feet; thence run South 88 degrees 30 minutes West 1,100.0 feet; thence run North 54 degrees 45 minutes West 1,140.0 feet; thence run North 37 degrees 15 minutes West 400.0 feet; thence run North 72 degrees West 1,000.0 feet; thence run South 89 degrees 45 minutes West 200.0 feet; thence run North 70 degrees 45 minutes West 250.0 feet to a point on or near the east right-of-way line of public road; thence run South 15 degrees 45 minutes West 720.0 feet along or near said east right-of-way line of public road to a point at or near the northerly right-of-way line of State Trunk Highway 61; thence run easterly along said northerly right-of-way line of State Trunk

Highway 61 a distance of 2,050.0 feet more or less to the south line of said Section 31; thence run East 2,925.0 feet more or less along said south line of Section 31 to the point of beginning;

(2) the West Half of the Northeast Quarter of Section 6, Township 112 North, Range 13 West, EXCEPT THE FOLLOWING:

All that part of the West Half of the Northeast Quarter of Section 6, Township 112 North, Range 13 West, in Goodhue County and State of Minnesota, described as follows:

Beginning at the center of said Section 6; thence North 1,970 feet to the centerline of State Trunk Highway 61; thence southeasterly along the centerline of said highway for 335 feet; thence North 66 degrees 31 minutes East 380 feet; thence deflect to the left on a six degree curve for 570 feet to the south line of Borrow Pit No. 225; (Borrow Pit No. 225 being described in that certain Notice of Lis Pendens dated May 19, 1952, and recorded May 20, 1952, in Book 115 of Mortgages, page 77); thence East 430 feet to the east line of the West Half of said Northeast Quarter; thence South 2,250 feet to the southeast corner of said West Half of the Northeast Quarter; thence West 1,320 feet to the place of beginning. EXCEPTING from the above all rights-of-way of state highway and excepting the right-of-way of the railroad company.

ALSO an easement for right-of way purposes on a strip of land 50 feet in width adjoining and northwesterly of the northwesterly line of the above conveyed tract;

(3) that part of the Northwest Quarter of Section 6, Township 112 North, Range 13 West, Goodhue County, Minnesota, lying northeasterly of the northeasterly right-of-way line of the Canadian Pacific Railroad (formerly the Chicago, Milwaukee and St. Paul Railway Co.); and

(4) Block 8 and Block 9, Wacouta Beach, according to the plat thereof, on file and of record in the Goodhue County Recorder's Office.

Subd. 3. [85.012] [Subd. 43.] Minneopa State Park, Blue Earth County. The following area is added to Minneopa State Park, Blue Earth County: the East Half of Government Lot 5, Section 2, Township 108 North, Range 28 West, together with an easement 33 feet in width for access to said property, as now located, extending from the southwest corner of the East Half of Government Lot 5 in said Section 2, Township 108, Range 28, to Minnesota Highway 68.

Subd. 4. [85.012] [Subd. 49.] St. Croix State Park, Pine County. The following area is added to the St. Croix State Park, Pine County: the Northwest Quarter of the Northwest Quarter, Section 30, Township 41 North, Range 17 West.

Sec. 54. DELETION FROM STATE PARK.

[85.012] [Subd. 49.] St. Croix State Park, Pine County. The following area is deleted from St. Croix State Park, Pine County: all that part of the Southeast Quarter of the Southeast Quarter, Section 21, and that part of the Southwest Quarter of the Southwest Quarter, Section 22, Township 41 North, Range 18 West, bounded by the following described lines: beginning at the southeast corner of Section 21; thence West 1,025 feet along the south section line; thence North 515 feet; thence East 350 feet; thence northeasterly 1,070 feet to a point on the centerline of County State-Aid Highway 22 a distance of 1,130 feet northerly of the southeast corner of Section 21 as measured

along said County State-Aid Highway 22; thence southerly 1,130 feet along the centerline of County State-Aid Highway 22 to the point of beginning.

Sec. 55. **ADDITIONS TO STATE FORESTS.**

Subdivision 1. [89.021] [Subd. 2.] Badoura State Forest. The following areas are added to Badoura State Forest, Hubbard County:

(1) the Southwest Quarter, Section 35, Township 140 North, Range 32 West;

(2) the Northeast Quarter of the Northeast Quarter and the Northwest Quarter of the Northeast Quarter, Section 11, Township 139 North, Range 33 West;

(3) the South Half of the Northeast Quarter, the West Half, and the Southeast Quarter, Section 26, Township 140 North, Range 33 West; and

(4) the North Half, Section 26, Township 139 North, Range 33 West.

Subd. 2. [89.021] [Subd. 48a.] Snake River State Forest. The following areas are added to Snake River State Forest, Kanabec County:

(1) the Northwest Quarter and the Southwest Quarter of the Northeast Quarter, Section 8, Township 42 North, Range 22 West;

(2) Section 17, Township 42 North, Range 22 West;

(3) Section 20, Township 42 North, Range 22 West;

(4) the West Half of the Northwest Quarter and the West Half of the Southwest Quarter, Section 21, Township 42 North, Range 22 West;

(5) the Northeast Quarter and the East Half of the Southeast Quarter, Section 8, Township 42 North, Range 23 West;

(6) Section 9, Township 42 North, Range 23 West;

(7) the Southwest Half of the Southwest Quarter, Section 10, Township 42 North, Range 23 West;

(8) the Northwest Quarter, the North Half of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter, Section 15, Township 42 North, Range 23 West;

(9) Section 16, Township 42 North, Range 23 West;

(10) the Northeast Quarter and the East Half of the Northwest Quarter, Section 17, Township 42 North, Range 23 West; and

(11) Section 23, Township 42 North, Range 23 West.

Sec. 56. **TEMPORARY ENFORCEMENT OF GROUNDWATER APPROPRIATION PERMIT REQUIREMENTS.**

(a) Until July 1, 2019, the commissioner of natural resources must not expend funds to suspend or revoke a water appropriation permit, issue an order requiring a violation to be corrected, assess monetary penalties, or otherwise take enforcement action against a water appropriation permit holder if the suspension, revocation, order, penalty, or other enforcement action is based solely on a violation of a permit requirement added as a result of a court order issued in 2017.

(b) The commissioner of natural resources may continue to use all the authorities granted to the commissioner under Minnesota Statutes, section 103G.287, to manage groundwater resources within the north and east groundwater management area.

**Sec. 57. GROUNDWATER MANAGEMENT AREA PERMIT REQUIREMENTS.**

(a) Notwithstanding water appropriation permit requirements added by the commissioner of natural resources as a result of a court order issued in 2017, a public water supplier located in the seven-county metropolitan area within a designated groundwater management area:

(1) is not required to revise a water supply plan to include contingency plans to fully or partially convert its water supplies to surface water;

(2) may prepare, enact, and enforce commercial or residential irrigation bans or alternative measures that achieve similar water use reductions when notified by the commissioner of natural resources that lake levels have fallen below court-ordered levels; and

(3) is not required to use per capita residential water use as a measure for purposes of water use reduction goals, plans, and implementation and may submit water use plans and reports that use a measure other than per capita residential water use.

(b) This section expires July 1, 2019.

**Sec. 58. VOLKSWAGEN SETTLEMENT; LIMITATION ON ADMINISTRATIVE EXPENSES; PROHIBITION ON HIRING.**

Subdivision 1. **Definition.** For purposes of this section, "settlement money" means money awarded to the state under the Environmental Mitigation Trust Agreement for State Beneficiaries described in Attachment A to the United States' Notice of Filing of Trust Agreements in the case of United States v. Volkswagen AG et al., Case No. 16-cv-295 (N.D. Cal.).

Subd. 2. **Limitation on administrative expenses.** The commissioner of the Pollution Control Agency must use no more than three percent of any settlement money for administering grant programs, delivering technical services, providing fiscal oversight, and ensuring accountability.

Subd. 3. **Prohibition on hiring.** The commissioner of the Pollution Control Agency must not hire additional staff using settlement money or to administer settlement money.

**Sec. 59. RULEMAKING; DISPOSAL FACILITY CERTIFICATES.**

(a) The commissioner of the Pollution Control Agency must amend Minnesota Rules, part 7048.1000, subpart 4, item D, to require six contact hours of required training to renew a type IV disposal facility certificate, by April 30, 2019, or nine months after enactment of this section, whichever is earlier.

(b) The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

Sec. 60. **APPLICATION OF STORM WATER RULES TO TOWNSHIPS.**

Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part 7090.1010, subpart 1, item B, subitem (1), only applies to the portions of the city or township that are designated as urbanized under Code of Federal Regulations, title 40, section 122.26(a)(9)(i)(A) and other platted areas within that jurisdiction.

Sec. 61. **REPEALER.**

Laws 2008, chapter 368, article 1, section 21, subdivision 2, is repealed.

**ARTICLE 2**

**ACCELERATED BUFFER STRIP IMPLEMENTATION**

Section 1. Minnesota Statutes 2016, section 17.117, subdivision 1, is amended to read:

Subdivision 1. **Purpose.** The purpose of the agriculture best management practices loan program is to provide low or no interest financing to farmers, agriculture supply businesses, ~~rural~~ landowners, and ~~water-quality cooperatives~~ approved environmental service providers for the implementation of agriculture and other best management practices that reduce environmental pollution.

Sec. 2. Minnesota Statutes 2016, section 17.117, subdivision 4, is amended to read:

Subd. 4. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Agricultural and environmental revolving accounts" means accounts in the agricultural fund, controlled by the commissioner, which hold funds available to the program.

(c) "Agriculture supply business" means a person, partnership, joint venture, corporation, limited liability company, association, firm, public service company, or cooperative that provides materials, equipment, or services to farmers or agriculture-related enterprises.

(d) "Allocation" means the funds awarded to an applicant for implementation of best management practices through a competitive or noncompetitive application process.

(e) "Applicant" means a local unit of government eligible to participate in this program that requests an allocation of funds as provided in subdivision 6b.

(f) "Best management practices" has the meaning given in sections 103F.711, subdivision 3, and 103H.151, subdivision 2. Best management practices also means other practices, techniques, and measures that have been demonstrated to the satisfaction of the commissioner: (1) to prevent or reduce adverse environmental impacts by using the most effective and practicable means of achieving environmental goals; or (2) to achieve drinking water quality standards under chapter 103H or under Code of Federal Regulations, title 40, parts 141 and 143, as amended.

(g) "Borrower" means a farmer, an agriculture supply business, ~~or a rural~~ a landowner, or an approved environmental service provider applying for a low-interest loan.

(h) "Commissioner" means the commissioner of agriculture, including when the commissioner is acting in the capacity of chair of the Rural Finance Authority, or the designee of the commissioner.

(i) "Committed project" means an eligible project scheduled to be implemented at a future date:

~~(1)~~ that has been approved and certified by the local government unit; ~~and~~

~~(2) for which a local lender has obligated itself to offer a loan.~~

(j) "Comprehensive water management plan" means a state-approved and locally adopted plan authorized under section 103B.231, 103B.255, 103B.311, 103C.331, 103D.401, or 103D.405.

(k) "Cost incurred" means expenses for implementation of a project accrued because the borrower has agreed to purchase equipment or is obligated to pay for services or materials already provided as a result of implementing an approved eligible project.

(l) "Environmental service providers" means public or private organizations and businesses approved by the commissioner that provide services or materials for implementation of eligible best management practices for, or on behalf of, eligible individuals or multiple individuals, including but not limited to drainage authorities, watershed districts, municipalities, counties, water-quality cooperatives, or private businesses providing environment-related services or materials, except as expressly limited in this section.

~~(m)~~ (m) "Farmer" means a person, partnership, joint venture, corporation, limited liability company, association, firm, public service company, or cooperative that regularly participates in physical labor or operations management of farming and files a Schedule F as part of filing United States Internal Revenue Service Form 1040 or indicates farming as the primary business activity under Schedule C, K, or S, or any other applicable report to the United States Internal Revenue Service.

(n) "Landowner" means the owner of record of Minnesota real estate on which the project is located.

~~(o)~~ (o) "Lender agreement" means an agreement entered into between the commissioner and a local lender which contains terms and conditions of participation in the program.

~~(p)~~ (p) "Local government unit" means a county, soil and water conservation district, or an organization formed for the joint exercise of powers under section 471.59 with the authority to participate in the program.

~~(q)~~ (q) "Local lender" means a local government unit as defined in paragraph ~~(p)~~ (p), a local municipality or county with taxing or special assessment authority, a watershed district, a drainage authority, a township, a state or federally chartered bank, a savings association, a state or federal credit union, Agribank and its affiliated organizations, or a nonprofit economic development organization or other financial lending institution approved by the commissioner.



~~(p)~~ (r) "Local revolving loan account" means the account held by a local government unit and a local lender into which principal repayments from borrowers are deposited and new loans are issued in accordance with the requirements of the program and lender agreements.

~~(q)~~ (s) "Nonpoint source" has the meaning given in section 103F.711, subdivision 6.

~~(r)~~ (t) "Program" means the agriculture best management practices loan program in this section.

~~(s)~~ (u) "Project" means one or more components or activities located within Minnesota that are required by the local government unit to be implemented for satisfactory completion of an eligible best management practice.

~~(t)~~ "Rural landowner" means the owner of record of Minnesota real estate located in an area determined by the local government unit to be rural after consideration of local land use patterns, zoning regulations, jurisdictional boundaries, local community definitions, historical uses, and other pertinent local factors.

~~(u)~~ "Water quality cooperative" has the meaning given in section 115.58, paragraph (d), except as expressly limited in this section.

Sec. 3. Minnesota Statutes 2016, section 17.117, subdivision 11, is amended to read:

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

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

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

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

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

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

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

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

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

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

(3) not be based on participation program; and

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

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

(g) Environmental service providers may request loans to finance projects implemented on behalf of multiple eligible individuals in excess of the limits in paragraph (c), not to exceed the total of the number of represented landowners multiplied by the limit in paragraph (c), clause (1).

Sec. 4. Minnesota Statutes 2016, section 103E.021, subdivision 6, is amended to read:

**Subd. 6. Incremental ~~implementation~~ establishment of vegetated ditch buffer strips and side inlet controls.** (a) Notwithstanding other provisions of this chapter requiring appointment of viewers and redetermination of benefits and damages, a drainage authority may ~~implement~~ make findings and order the establishment of permanent buffer strips of perennial vegetation ~~approved by the drainage authority~~ or side inlet controls, or both, adjacent to a public drainage ditch, where necessary to control erosion and sedimentation, improve water quality, or maintain the efficiency of the drainage system. The drainage authority's finding that the establishment of permanent buffer strips of perennial vegetation or side inlet controls is necessary to control erosion and sedimentation, improve water quality, or maintain the efficiency of the drainage system is sufficient to confer jurisdiction under this subdivision. Preference should be given to planting native species of a local ecotype. The approved perennial vegetation shall not impede future maintenance of the ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width measured outward from the top edge of the existing constructed channel. Drainage system rights-of-way for the acreage and additional property required for the permanent strips must be acquired by the authority having jurisdiction.

(b) A project under this subdivision shall be implemented as a repair according to section 103E.705, except that the drainage authority may appoint an engineer to examine the drainage system and prepare an engineer's repair report for the project.

(c) Damages shall be determined by the drainage authority, or viewers, appointed by the drainage authority, according to section 103E.315, subdivision 8. A damages statement shall be prepared, including an explanation of how the damages were determined for each property affected by the project, and filed with the auditor or watershed district. Within 30 days after the damages statement is filed, the auditor or watershed district shall prepare property owners' reports according to section 103E.323, subdivision 1, clauses (1), (2), (6), (7), and (8), and mail a copy of the property owner's report and damages statement to each owner of property affected by the proposed project.

(d) After a damages statement is filed, the drainage authority shall set a time, by order, not more than 30 days after the date of the order, for a hearing on the project. At least ten days before the hearing, the auditor or watershed district shall give notice by mail of the time and location of the hearing to the owners of property and political subdivisions likely to be affected by the project.

(e) The drainage authority shall make findings and order the repairs to be made if the drainage authority determines from the evidence presented at the hearing and by the viewers and engineer, if appointed, that the repairs are necessary for the drainage system and the costs of the repairs are within the limitations of section 103E.705.

Sec. 5. Minnesota Statutes 2016, section 103E.071, is amended to read:

**103E.071 COUNTY ATTORNEY.**

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

Sec. 6. Minnesota Statutes 2016, section 103E.351, subdivision 1, is amended to read:

Subdivision 1. **Conditions to redetermine benefits and damages; appointment of viewers.** If the drainage authority determines that the ~~original~~ benefits or damages of record determined in a drainage proceeding do not reflect reasonable present day land values or that the benefited or damaged areas have changed, or if more than ~~50~~ 26 percent of the owners of property, or owners of 26 percent of the property, benefited or damaged by a drainage system petition for ~~correction of an error that was made at the time of the proceedings that established the drainage system~~ a redetermination of benefits and damages, the drainage authority may appoint three viewers to redetermine and report the benefits and damages and the benefited and damaged areas.

**Sec. 7. PUBLIC DRAINAGE DITCH BUFFER STRIP; PLANTING AND MAINTENANCE.**

With the consent of the property owner where the drainage ditch buffer will be located, a drainage authority, as defined in Minnesota Statutes, section 103E.005, subdivision 9, may plant and maintain 16-1/2-foot ditch buffer strips that meet the width and vegetation requirements of Minnesota Statutes, section 103E.021, before acquiring and compensating for the buffer strip land rights according to Minnesota Statutes, chapter 103E. Planting and maintenance costs may be paid in accordance with Minnesota Statutes, chapter 103E. This section expires June 30, 2019.

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

**ARTICLE 3****RUNOFF AND SEDIMENT DELIVERY OPTION**

Section 1. Minnesota Statutes 2016, section 103E.005, is amended by adding a subdivision to read:

Subd. 27a. **Relative runoff.** "Relative runoff" includes the surface and subsurface runoff potential from a specific property compared on an equitable basis to all other properties contributing runoff to the drainage system.

Sec. 2. Minnesota Statutes 2016, section 103E.005, is amended by adding a subdivision to read:

Subd. 27b. **Relative sediment delivery.** "Relative sediment delivery" means the sediment delivery potential from a specific property compared on an equitable basis to all other properties contributing runoff to the drainage system.

Sec. 3. Minnesota Statutes 2016, section 103E.095, is amended to read:

**103E.095 APPEAL FROM ORDERS OF AN ORDER DISMISSING OR ESTABLISHING A DRAINAGE SYSTEMS PROJECT, OR OF A REPAIR COST APPORTIONMENT REPORT.**

Subdivision 1. **Notice of appeal.** A party may appeal an order made by the board that dismisses drainage project proceedings ~~or~~, establishes ~~or refuses to establish~~ a drainage project, or approves a repair cost apportionment report to the district court of the county where the drainage proceedings or drainage system repair are pending. The appellant must serve notice of the appeal to the auditor or secretary within 30 days after the order is filed. ~~After notice of the appeal is served, the appeal may be brought to trial by the appellant or the drainage authority after notifying the other party at least ten days before the trial date.~~

Subd. 2. **Trial.** The appeal must be tried by the court without a jury. The court shall examine the entire drainage proceeding and related matters and receive evidence to determine whether the findings made by the board can be sustained. At the trial the findings made by the board are prima facie evidence of the matters stated in the findings, and the board's order is prima facie reasonable. If the court finds that the order appealed is lawful and reasonable, it shall be affirmed. If the court finds that the order appealed is arbitrary, unlawful, or not supported by the evidence, it shall make an order, justified by the court record, to take the place of the appealed order or repair cost apportionment report, or remand the order or report to the board for further proceedings. After the appeal has been determined by the court, the board shall proceed in conformity with the court order.

Subd. 3. **Determination of benefits and damages after court order.** If the order establishing a drainage project is appealed, the trial of appeals related to benefits or damages in the drainage proceeding must be stayed until the establishment appeal is determined. If the order establishing the drainage project is affirmed, appeals related to benefits and damages must then be tried.

Subd. 4. **Procedure if appeal order establishes drainage project.** If an order refusing to establish a drainage project is appealed, and the court, by order, establishes the drainage project, the auditor shall give notice by publication of the filed order. The notice is sufficient if it refers to the drainage project or system by number or other descriptive designation, states the meaning of the order, and states the date the court order was filed. A person may appeal the establishment order to the district court as provided in this section.

Subd. 5. **Appeal of appellate order.** A party aggrieved by a final order or judgment rendered on appeal to the district court may appeal as in other civil cases. The appeal must be made and perfected within 30 days after the filing of the order or entry of judgment.

Sec. 4. Minnesota Statutes 2016, section 103E.215, subdivision 5, is amended to read:

Subd. 5. **Subsequent proceedings.** When a petition and the bond required by section 103E.202 are filed, the auditor shall present the petition to the board at its next meeting or, for a joint county drainage system, to the joint county drainage authority within ten days after the petition is filed. The drainage authority shall appoint an engineer to examine the drainage system and make an improvement report. The improvement proceedings must be conducted under this chapter as provided for the original proceedings for the establishment of a drainage project. The benefits and damages determined must be as a result of the proposed improvement. ~~Assessments for the repair of the improvement must be based on the benefits determined for the improvement.~~

Sec. 5. Minnesota Statutes 2016, section 103E.401, subdivision 4, is amended to read:

Subd. 4. **Hearing.** At the hearing the drainage authority shall consider the capacity of the outlet drainage system. If express authority is given to use the drainage system as an outlet, the drainage authority shall state, by order, the terms and conditions for use of the established drainage system as an outlet and shall set the amount to be paid as an outlet fee. The order must describe the property to be benefited by the drainage system and must state the amount of benefits to the property for the outlet. The property benefited is liable for repair assessments levied after that time in the drainage system, ~~on the basis of the benefits as if the benefits had been determined in the order establishing the drainage system~~ in accordance with section 103E.728.

Sec. 6. Minnesota Statutes 2016, section 103E.411, subdivision 5, is amended to read:

Subd. 5. **Benefits and assessments if drainage system established.** If the drainage system is established, the drainage authority must determine the amount the municipality must pay for the privilege of using the drainage system as an outlet. The amount must be paid to the ~~affected counties~~ drainage authority and credited to the account of the drainage system used as an outlet. The municipality is liable for all subsequent liens and assessments for the repair and maintenance of the drainage system in ~~proportion to the benefits, as though the benefits were determined in the order establishing the drainage system~~ accordance with section 103E.728.

Sec. 7. Minnesota Statutes 2016, section 103E.615, subdivision 1, is amended to read:

Subdivision 1. **Municipalities.** Assessments filed ~~for benefits~~ to a municipality are a liability of the municipality and are due and payable with interest in installments on November 1 of each year as provided in section 103E.611. If the installments and interest are not paid on or before November 1, the amount due with interest added as provided in section 103E.611 must be extended by the county auditor against all property in the municipality that is liable to taxation. A levy must be made and the amount due must be paid and collected in the same manner and time as other taxes.

Sec. 8. Minnesota Statutes 2016, section 103E.615, subdivision 2, is amended to read:

Subd. 2. **County or state-aid road.** If a public road ~~benefited~~ assessed is a county or state-aid road, the assessment filed is against the county and must be paid out of the road and bridge fund of the county.

Sec. 9. Minnesota Statutes 2016, section 103E.615, subdivision 3, is amended to read:

Subd. 3. **State trunk highway.** An assessment against the state ~~for benefits~~ to trunk highways is chargeable to and payable out of the trunk highway fund. The commissioner of transportation shall pay assessments from the trunk highway fund after receipt of a certified copy of the assessment against the state ~~for benefits~~ to a trunk highway.

Sec. 10. Minnesota Statutes 2016, section 103E.615, subdivision 5, is amended to read:

Subd. 5. **State property.** State property, including rural credit property, is assessable for benefits received, or repair costs in accordance with section 103E.728. The assessment must be paid by the state from funds appropriated and available for drainage assessments after the state officer having

jurisdiction over the assessed property certifies the assessment to the commissioner of management and budget.

Sec. 11. Minnesota Statutes 2016, section 103E.615, subdivision 7, is amended to read:

Subd. 7. **Railroad and utility property.** Property owned by a railroad or other utility corporation benefited by a drainage project is liable for the assessments ~~of~~ for benefits on the property, and for repair costs apportioned in accordance with section 103E.728, as other taxable property. From the date the drainage lien is recorded, the amount of the assessment with interest is a lien against all property of the corporation within the county. Upon default the assessment may be collected by civil action or the drainage lien may be foreclosed by action in the same manner as provided by law for the foreclosure of mortgage liens. The county where the drainage lien is filed has the right of action against the corporation to enforce and collect the assessment.

Sec. 12. Minnesota Statutes 2016, section 103E.711, subdivision 1, is amended to read:

Subdivision 1. **Repair cost statement.** For a joint county drainage system the auditor of a county that has made repairs may present a repair cost statement at the end of each year, or other convenient period after completion, to each affected county. The repair cost statement must show the nature and cost of the repairs to the drainage system and must be ~~based on the original apportionment of cost following the establishment of the drainage system~~ apportioned in accordance with section 103E.728. If a board approves the repair costs, the amount of the statement must be paid to the county submitting the statement.

Sec. 13. Minnesota Statutes 2016, section 103E.715, subdivision 4, is amended to read:

Subd. 4. **Hearing on repair report.** (a) The drainage authority shall make findings and order the repair to be made if:

(1) the drainage authority determines from the repair report and the evidence presented that the repairs recommended are necessary for the best interests of the affected property owners; or

(2) the repair petition is signed by the owners of at least 26 percent of the property area affected by and assessed for ~~the original construction~~ benefits of the drainage system, and the drainage authority determines that the drainage system is in need of repair so that it no longer serves its ~~original~~ purpose and the cost of the repair will not exceed the total benefits ~~determined in the original drainage system proceeding~~ of record for the drainage system.

(b) The order must direct the auditor and the chair of the board or, for a joint county drainage system, the auditors of the affected counties to proceed and prepare and award a contract for the repair of the drainage system. The contract must be for the repair described in the repair report and as determined necessary by the drainage authority, and be prepared in the manner provided in this chapter ~~for the original drainage system construction.~~

Sec. 14. Minnesota Statutes 2016, section 103E.715, subdivision 5, is amended to read:

Subd. 5. **Apportionment of repair cost for joint county drainage system.** For the repair of a joint county drainage system, the drainage authority shall, by order, apportion the repair cost

among affected counties in ~~the same manner required in the original construction of the drainage system~~ accordance with section 103E.728.

Sec. 15. Minnesota Statutes 2016, section 103E.725, is amended to read:

**103E.725 COST OF REPAIR.**

All fees and costs incurred for proceedings relating to the repair of a drainage system, including inspections, engineering, viewing, determination and administration of repair cost apportionment, hearings, and publications, as applicable, are costs of the repair ~~and must be assessed against the property and entities benefited.~~

Sec. 16. Minnesota Statutes 2016, section 103E.728, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Except as otherwise provided in this section, the cost of repairing a drainage system shall be apportioned:

(1) pro rata on all property and entities that have been assessed benefits for the drainage system except as provided in this section based on an applicable confirmed viewers' report of benefits and damages; or

(2) on all property contributing runoff to the drainage system, based on relative runoff and relative sediment delivery in an approved repair cost apportionment report, in accordance with subdivision 1a.

Repair costs apportioned using the method in clause (2) are charges for property contributing runoff to the drainage system that shall be considered repair cost assessments in this chapter.

Sec. 17. Minnesota Statutes 2016, section 103E.728, is amended by adding a subdivision to read:

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

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

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

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

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

(e) At the hearing, the drainage authority shall hear and consider the testimony presented by all interested parties. At least one person responsible for preparing the repair cost apportionment report shall be present at the initial hearing.

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

(g) After consideration of the repair cost apportionment report, any amended report, and all evidence presented, the drainage authority shall make findings, approve the report, and apportion repair costs consistent with the values in the repair cost apportionment report if it finds that the cost apportionment is equitable based on:

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

(2) the data inputs are reliable; and

(3) the computation method is reliable.

(h) The drainage authority may continue to apportion repair costs consistent with the values in the repair cost apportionment report of record. After a repair cost apportionment report has been approved under this subdivision, an owner of property, a political subdivision, or a utility assessed in the repair cost apportionment report of record may request in writing that the drainage authority update the report based on changed land use. The request shall be filed with the auditor of the county where the property is located or the secretary. Prior to the next approval by the drainage authority of a repair cost assessment for the drainage system, the drainage authority shall determine if the repair cost apportionment report of record reasonably reflects current land use, relative runoff, and relative sediment delivery. If it does not, the drainage authority shall make findings and shall appoint



one or more persons to prepare and file an updated repair cost apportionment report for the drainage system in accordance with paragraphs (c), (d), (e), (f), and (g).

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

(j) The owner of any property subject to cost apportionment listed in the adopted repair cost apportionment report may appeal findings of the drainage authority under paragraph (g) as provided in section 103E.095.

Sec. 18. Minnesota Statutes 2016, section 103E.728, subdivision 2, is amended to read:

Subd. 2. **Additional assessment for agricultural practices on permanent strip of perennial vegetation.** (a) The drainage authority may, after notice and hearing, charge an additional assessment on property that has agricultural practices on or otherwise violates provisions related to the permanent strip of perennial vegetation acquired under section 103E.021.

(b) The drainage authority may determine the cost of the repair per mile of open ditch on the ditch system. Property that is in violation of the ~~grass~~ section 103E.021 perennial buffer strip requirement shall be assessed ~~a~~ an additional cost of 20 percent of the repair cost per open ditch mile multiplied by the length of open ditch in miles on the property in violation.

(c) After the amount of the additional assessment is determined and applied to the repair cost, the balance of the repair cost may be apportioned ~~pro rata~~ as provided in subdivision 1.

Sec. 19. Minnesota Statutes 2016, section 103E.731, subdivision 1, is amended to read:

Subdivision 1. **Repair cost of assessments.** If there is not enough money in the drainage system account to make a repair, the board shall assess the costs of the repairs ~~on all property and entities that have been assessed benefits for the drainage system~~ in accordance with section 103E.728.

Sec. 20. Minnesota Statutes 2016, section 103E.731, subdivision 2, is amended to read:

Subd. 2. **Number of installments.** The assessments may be paid in up to 15 annual installments specified in the assessment order. ~~If the assessments are not more than 50 percent of the original cost of the drainage system, the installments may not exceed ten. If the assessments are greater than 50 percent of the original cost of the drainage system, the board may order the assessments to be paid in 15 or less installments.~~

Sec. 21. Minnesota Statutes 2016, section 103E.731, subdivision 6, is amended to read:

Subd. 6. **Repair of state drainage system when no benefits assessed.** For the repair of a drainage system established by the state where benefits were not assessed to the property, the drainage authority shall ~~proceed to appoint viewers to determine the benefits resulting from the repair~~ apportion repair costs in accordance with section 103E.728, and collect assessments for the repair as provided in this chapter.

Sec. 22. Minnesota Statutes 2016, section 103E.735, subdivision 1, is amended to read:

Subdivision 1. **Authority and limits of fund.** To create or maintain a repair fund for a drainage system to be used only for repairs, the drainage authority may apportion and assess an amount ~~against all property and entities assessed for benefits in proceedings for establishment of the drainage system, including property not originally assessed and subsequently found to be benefited according to law~~ in accordance with section 103E.728. The fund may not exceed 20 percent of the assessed benefits of the drainage system or \$100,000, whichever is greater. If the account in a fund for a drainage system exceeds the larger of 20 percent of the assessed benefits of the drainage system or \$100,000, assessments for the fund may not be made until the account is less than the larger of 20 percent of the assessed benefits or \$100,000. ~~Assessments must be made pro rata according to the determined benefits.~~ Assessments may be made payable, by order, in equal annual installments. The auditor shall file a tabular statement as provided in section 103E.731, subdivision 4, with the county recorder. Assessments must be collected as provided in section 103E.731."

Delete the title and insert:

"A bill for an act relating to environment; modifying environment and natural resources provisions; adding to and deleting from state parks, recreation areas, and forests; modifying drainage law; requiring rulemaking; amending Minnesota Statutes 2016, sections 17.117, subdivisions 1, 4, 11; 17.494; 17.4982, by adding subdivisions; 84.0895, subdivision 2; 84.86, subdivision 1; 86B.005, subdivision 8a; 86B.532, subdivision 1; 88.10, by adding a subdivision; 88.75, subdivision 1; 89.551; 92.50, by adding a subdivision; 94.10, subdivision 2; 97A.051, subdivision 2; 97A.433, subdivisions 4, 5; 97B.015, subdivision 6; 97B.1055; 97C.345, subdivision 3a; 103E.005, by adding subdivisions; 103E.021, subdivision 6; 103E.071; 103E.095; 103E.215, subdivision 5; 103E.351, subdivision 1; 103E.401, subdivision 4; 103E.411, subdivision 5; 103E.615, subdivisions 1, 2, 3, 5, 7; 103E.711, subdivision 1; 103E.715, subdivisions 4, 5; 103E.725; 103E.728, subdivisions 1, 2, by adding a subdivision; 103E.731, subdivisions 1, 2, 6; 103E.735, subdivision 1; 103F.361, subdivision 2; 103F.363, subdivision 1; 103F.365, by adding a subdivision; 103F.371; 103F.373, subdivisions 1, 3, 4; 115A.94, subdivisions 2, 4a, 4b, 4c, 4d, 5, by adding subdivisions; 116.07, by adding a subdivision; 116.993, subdivisions 2, 6; 473.8441, subdivision 4; Minnesota Statutes 2017 Supplement, sections 84.01, subdivision 6; 84.925, subdivision 1; 84.9256, subdivision 1; 84D.03, subdivisions 3, 4; 84D.108, subdivisions 2b, 2c; 85.0146, subdivision 1; 89.17; 97A.075, subdivision 1; 116.0714; proposing coding for new law in Minnesota Statutes, chapters 17; 115; 383A; repealing Laws 2008, chapter 368, article 1, section 21, subdivision 2."

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

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

**S.F. No. 3638:** A bill for an act relating to public safety; fully incorporating snowmobiles, all-terrain vehicles, and motorboats in operation into the DWI law; amending Minnesota Statutes 2017 Supplement, sections 84.91, subdivision 1; 86B.331, subdivision 1; repealing Minnesota Statutes 2016, section 169A.33, subdivision 1; Minnesota Statutes 2017 Supplement, section 169A.07.

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

**Senator Ingebrigtsen from the Committee on Environment and Natural Resources Finance, to which was re-referred**

**S.F. No. 3168:** A bill for an act relating to state lands; modifying lease provisions; modifying requirements of public land sales; adding to and deleting from state parks and forests; providing for sales and conveyances of interests in state lands; amending Minnesota Statutes 2016, sections 92.50, by adding a subdivision; 92.502; 94.10, subdivision 2; Minnesota Statutes 2017 Supplement, section 89.17; Laws 2015, chapter 25, section 7; Laws 2017, chapter 93, article 2, section 155, subdivision 4; repealing Laws 2008, chapter 368, article 1, section 21, subdivision 2.

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

Page 2, after line 19, insert:

"(d) Notwithstanding section 282.04 or other law to the contrary, Lake and St. Louis Counties may enter into 30-year leases of tax-forfeited land for recreational trails and facilities."

Page 9, line 9, delete the second "Northeast" and insert "Northwest"

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

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

**S.F. No. 2934:** A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; correcting previous appropriations; modifying requirements for receipt of fund money; amending Minnesota Statutes 2016, sections 116P.08, subdivision 2; 116P.12, subdivision 1; Laws 2015, chapter 76, section 2, subdivision 9; Laws 2017, chapter 96, section 2, subdivision 8.

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

Page 1, line 21, delete "-0-" and insert "89,000" and delete "45,828,000" and insert "45,739,000"

Page 6, line 21, delete "-0-" and insert "89,000" and delete "5,275,000" and insert "5,186,000"

Page 6, line 24, delete "\$700,000" and insert "\$89,000 the first year and \$611,000" and delete "is" and insert "are"

Page 14, line 2, after the period, insert "Net income generated as part of this appropriation may be reinvested in the project if a plan for reinvestment is approved in the work plan."

Page 14, line 18, after the period, insert "Net income generated by Better Futures as part of this or a previous related appropriation from the environment and natural resources trust fund may be reinvested in the project if a plan for reinvestment is approved in the work plan."

Page 24, line 3, after the period, insert "Of this amount, up to \$59,000 may be contributed to an easement stewardship account established under Minnesota Statutes, section 103B.103, as approved in the work plan."

Page 24, line 14, delete "About" and insert "Up to"

Page 25, line 34, after "sellers" insert a period

Page 25, delete line 35

Page 26, delete lines 1 to 5

Page 26, line 6, delete everything before "A"

Page 36, after line 3, insert:

"(4) Laws 2015, chapter 76, section 2, subdivision 4, paragraph (a), Understanding Water Scarcity, Threats, and Values to Improve Management;"

Page 36, line 4, delete "(4)" and insert "(5)"

Page 36, line 7, delete "(5)" and insert "(6)"

Page 36, line 10, delete "(6)" and insert "(7)"

Page 36, line 14, delete "(7)" and insert "(8)"

Page 36, line 19, delete "(8)" and insert "(9)"

Page 36, line 21, delete "(9)" and insert "(10)"

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

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

**S.F. No. 2949:** A bill for an act relating to housing; amending requirements for residential leases; amending Minnesota Statutes 2016, section 504B.111; proposing coding for new law in Minnesota Statutes, chapter 504B.

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

Page 1, line 20, delete "whether or not the rent is prorated" and insert "the amount of the prorated rent"

Page 1, line 21, delete everything after "lease"

Page 1, line 22, delete everything before the period

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

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

**S.F. No. 3183:** A bill for an act relating to real property; modifying the definition of residential use under the Minnesota Common Interest Ownership Act; amending Minnesota Statutes 2016, section 515B.4-111; Minnesota Statutes 2017 Supplement, section 515B.1-103.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2016, section 515B.1-102, is amended to read:

**515B.1-102 APPLICABILITY.**

(a) Except as provided in this section, this chapter, and not chapters 515 and 515A, applies to all common interest communities created within this state on and after June 1, 1994.

(b) The applicability of this chapter to common interest communities created prior to June 1, 1994, shall be as follows:

(1) This chapter shall apply to condominiums created under chapter 515A with respect to events and circumstances occurring on and after June 1, 1994; provided (i) that this chapter shall not invalidate the declarations, bylaws or condominium plats of those condominiums, and (ii) that chapter 515A, and not this chapter, shall govern all rights and obligations of a declarant of a condominium created under chapter 515A, and the rights and claims of unit owners against that declarant.

(2) The following sections in this chapter apply to condominiums created under chapter 515: 515B.1-104 (Variation by Agreement); 515B.1-105 (Separate Titles and Taxation); 515B.1-106 (Applicability of Local Requirements); 515B.1-107 (Eminent Domain); 515B.1-108 (This Chapter Prevails; Supplemental Law); 515B.1-109 (Construction Against Implicit Repeal); 515B.1-112 (Unconscionable Agreement or Term of Contract); 515B.1-113 (Obligation of Good Faith); 515B.1-114 (Remedies to be Liberally Administered); 515B.1-115 (Notice); 515B.1-116 (Recording); 515B.2-103 (Construction and Validity of Declaration and Bylaws); 515B.2-104 (Description of Units); 515B.2-108(d) (Allocation of Interests); 515B.2-109(f) (Common Elements and Limited Common Elements); 515B.2-112 (Subdivision, Combination, or Conversion of Units); 515B.2-113 (Alteration of Units); 515B.2-114 (Relocation of Boundaries Between Adjoining Units); 515B.2-115 (Minor Variations in Boundaries); 515B.2-118 (Amendment of Declaration); 515B.2-119 (Termination of Common Interest Community); 515B.3-102 (Powers of Unit Owners' Association); 515B.3-103(a), (b), and (g) (Board of Directors, Officers, and Declarant Control); 515B.3-107 (Upkeep of Common Interest Community); 515B.3-108 (Meetings); 515B.3-109 (Quorums); 515B.3-110 (Voting; Proxies); 515B.3-111 (Tort and Contract Liability); 515B.3-112 (Conveyance of, or Creation of Security Interests in, Common Elements); 515B.3-113 (Insurance); 515B.3-114 (Replacement Reserves); 515B.3-115 (c), (e), (f), (g), (h), and (i) (Assessments for Common Expenses); 515B.3-116 (Lien for Assessments); 515B.3-117 (Other Liens); 515B.3-118 (Association Records); 515B.3-119 (Association as Trustee); 515B.3-121 (Accounting Controls); 515B.4-107 (Resale of Units); 515B.4-108 (Purchaser's Right to Cancel Resale); and 515B.4-116 (Rights of Action; Attorney's Fees). Section 515B.1-103 (Definitions) shall apply to the extent necessary in

construing any of the sections referenced in this section. Sections 515B.1-105, 515B.1-106, 515B.1-107, 515B.1-116, 515B.2-103, 515B.2-104, 515B.2-118, 515B.3-102, 515B.3-110, 515B.3-111, 515B.3-113, 515B.3-116, 515B.3-117, 515B.3-118, 515B.3-121, 515B.4-107, 515B.4-108, and 515B.4-116 apply only with respect to events and circumstances occurring on and after June 1, 1994. All other sections referenced in this section apply only with respect to events and circumstances occurring after July 31, 1999. A section referenced in this section does not invalidate the declarations, bylaws or condominium plats of condominiums created before August 1, 1999. But all sections referenced in this section prevail over the declarations, bylaws, CIC plats, rules and regulations under them, of condominiums created before August 1, 1999, except to the extent that this chapter defers to the declarations, bylaws, CIC plats, or rules and regulations issued under them.

(3) This chapter shall not apply to cooperatives and planned communities created prior to June 1, 1994, or to planned communities that were created on or after June 1, 1994, and before August 1, 2006, and that consist of more than two but fewer than 13 units; except by election pursuant to subsection (d), and except that sections 515B.1-116, subsections (a), (c), (d), and (e), 515B.4-107, and 515B.4-108, apply to all planned communities and cooperatives regardless of when they are created, unless they are exempt under subsection (e).

(c) This chapter shall not invalidate any amendment to the declaration, bylaws or condominium plat of any condominium created under chapter 515 or 515A if the amendment was recorded before June 1, 1994. Any amendment recorded on or after June 1, 1994, shall be adopted in conformity with the procedures and requirements specified by those instruments and by this chapter. If the amendment grants to any person any rights, powers or privileges permitted by this chapter, all correlative obligations, liabilities and restrictions contained in this chapter shall also apply to that person.

(d) Any condominium created under chapter 515, any planned community or cooperative which would be exempt from this chapter under subsection (e), or any planned community or cooperative created prior to June 1, 1994, or any planned community that was created on or after June 1, 1994, and prior to August 1, 2006, and that consists of more than two but fewer than 13 units, may elect to be subject to this chapter, as follows:

(1) The election shall be accomplished by recording a declaration or amended declaration, and a new or amended CIC plat where required, and by approving bylaws or amended bylaws, which conform to the requirements of this chapter, and which, in the case of amendments, are adopted in conformity with the procedures and requirements specified by the existing declaration and bylaws of the common interest community, and by any applicable statutes.

(2) In a condominium, the preexisting condominium plat shall be the CIC plat and an amended CIC plat shall be required only if the amended declaration or bylaws contain provisions inconsistent with the preexisting condominium plat. The condominium's CIC number shall be the apartment ownership number or condominium number originally assigned to it by the recording officer. In a cooperative in which the unit owners' interests are characterized as real estate, a CIC plat shall be required. In a planned community, the preexisting plat or registered land survey recorded pursuant to chapter 505, 508, or 508A, or the part of the plat or registered land survey upon which the common interest community is located, shall be the CIC plat.

(3) The amendment shall comply with section 515B.2-118(a)(3) and (c); except that the unanimous consent of the unit owners shall not be required for (i) a clarification of the unit boundary description if the clarified boundary description is substantially consistent with the preexisting CIC plat, or (ii) changes from common elements to limited common elements that occur by operation of section 515B.2-109(c) and (d).

(4) Except as permitted by paragraph (3), no declarant, affiliate of declarant, association, master association nor unit owner may acquire, increase, waive, reduce or revoke any previously existing warranty rights or causes of action that one of said persons has against any other of said persons by reason of exercising the right of election under this subsection.

(5) A common interest community which elects to be subject to this chapter may, as a part of the election process, change its form of ownership by complying with section 515B.2-123.

(e) Except as otherwise provided in this subsection, this chapter shall not apply, except by election pursuant to subsection (d), to the following:

(1) a planned community which consists of two units, which utilizes a CIC plat complying with section 515B.2-110(d)(1) and (2), or section 515B.2-1101(d)(1) and (2), which is not subject to any rights to subdivide or convert units or to add additional real estate, and which is not subject to a master association;

(2) a common interest community that consists solely of platted lots or other separate parcels of real estate designed or utilized for detached single family dwellings or agricultural purposes, with or without common property, where no association or master association has an obligation to maintain any building containing a dwelling or any agricultural building located or to be located on such platted lots or parcels; except that section 515B.4-101(e) shall apply to the sale of such platted lots or parcels of real estate if the common interest community is or will be subject to a master declaration;

(3) a cooperative where, at the time of creation of the cooperative, the unit owners' interests in the dwellings as described in the declaration consist solely of proprietary leases having an unexpired term of fewer than 20 years, including renewal options;

(4) planned communities utilizing a CIC plat complying with section 515B.2-110(d)(1) and (2), or section 515B.2-1101(d)(1) and (2), and cooperatives, which are limited by the declaration to nonresidential uses ~~alone or in combination with residential rental uses in which individual dwellings do not constitute units or other separate parcels of real estate;~~ or

(5) real estate subject only to an instrument or instruments filed primarily for the purpose of creating or modifying rights with respect to access, utilities, parking, ditches, drainage, or irrigation.

(f) Section 515B.4-101(e) applies to any platted lot or other parcel of real estate that is subject to a master declaration and is not subject to or is exempt from this chapter.

(g) Section 515B.1-106 shall apply to all common interest communities.

(h) Sections 515B.1-103(33a), 515B.2-110, 515B.3-105, 515B.3-115, 515B.4-102, and 515B.4-115 apply only to common interest communities created before August 1, 2010. Sections

515B.1-103(33b), 515B.2-1101, 515B.3-1051, 515B.3-1151, 515B.4-1021, and 515B.4-1151 apply only to common interest communities created on or after August 1, 2010.

(i) Section 515B.3-114 applies to common interest communities only for the association's fiscal years commencing before January 1, 2012. Section 515B.3-1141 applies to common interest communities only for the association's fiscal years commencing on or after January 1, 2012.

(j) Section 515B.3-104 applies only to transfers of special declarant rights that are effective before August 1, 2010. Section 515B.3-1041, subsections (a) through (i), apply only to transfers of special declarant rights that are effective on or after August 1, 2010. Section 515B.3-1041, subsections (j) and (k), apply only to special declarant rights reserved in a declaration that is first recorded on or after August 1, 2010.

Sec. 2. Minnesota Statutes 2017 Supplement, section 515B.1-103, is amended to read:

**515B.1-103 DEFINITIONS.**

In the declaration and bylaws, unless specifically provided otherwise or the context otherwise requires, and in this chapter:

(1) "Additional real estate" means real estate that may be added to a flexible common interest community.

(2) "Affiliate of a declarant" means any person who controls, is controlled by, or is under common control with a declarant.

(A) A person "controls" a declarant if the person (i) is a general partner, officer, director, or employer of the declarant, (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 percent of the voting interest in the declarant, (iii) controls in any manner the election of a majority of the directors of the declarant, or (iv) has contributed more than 20 percent of the capital of the declarant.

(B) A person "is controlled by" a declarant if the declarant (i) is a general partner, officer, director, or employer of the person, (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 percent of the voting interest in the person, (iii) controls in any manner the election of a majority of the directors of the person, or (iv) has contributed more than 20 percent of the capital of the person.

(C) Control does not exist if the powers described in this subsection are held solely as a security interest and have not been exercised.

(3) "Allocated interests" means the following interests allocated to each unit: (i) in a condominium, the undivided interest in the common elements, the common expense liability, and votes in the association; (ii) in a cooperative, the common expense liability and the ownership interest and votes in the association; and (iii) in a planned community, the common expense liability and votes in the association.



(4) "Association" means the unit owners' association organized under section 515B.3-101.

(5) "Board" means the body, regardless of name, designated in the articles of incorporation, bylaws or declaration to act on behalf of the association, or on behalf of a master association when so identified.

(6) "CIC plat" means a common interest community plat described in section 515B.2-110.

(7) "Common elements" means all portions of the common interest community other than the units.

(8) "Common expenses" means expenditures made or liabilities incurred by or on behalf of the association, or master association when so identified, together with any allocations to reserves.

(9) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to section 515B.2-108.

(10) "Common interest community" or "CIC" means contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on, one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate which satisfies the definition of a common interest community is a common interest community whether or not it is subject to this chapter. Real estate subject to a master declaration, regardless of when the master declaration was recorded, shall not collectively constitute a separate common interest community unless so stated in the master declaration.

(11) "Condominium" means a common interest community in which (i) portions of the real estate are designated as units, (ii) the remainder of the real estate is designated for common ownership solely by the owners of the units, and (iii) undivided interests in the common elements are vested in the unit owners.

(11a) "Construction defect claim" means a civil action or an arbitration proceeding based on any legal theory including, but not limited to, claims under chapter 327A for damages, indemnity, or contribution brought against a development party to assert a claim, counterclaim, cross-claim, or third-party claim for damages or loss to, or the loss of use of, real or personal property caused by a defect in the initial design or construction of an improvement to real property that is part of a common interest community, including an improvement that is constructed on additional real estate pursuant to section 515B.2-111. "Construction defect claim" does not include claims related to subsequent maintenance, repairs, alterations, or modifications to, or the addition of, improvements that are part of the common interest community, and that are contracted for by the association or a unit owner.

(12) "Conversion property" means real estate on which is located a building that at any time within two years before creation of the common interest community was occupied, in whole or in part, for (i) residential use wholly or partially or (ii) for residential rental purposes by persons other than purchasers and persons who occupy with the consent of purchasers.

(13) "Cooperative" means a common interest community in which the real estate is owned by an association, each of whose members is entitled to a proprietary lease by virtue of the member's ownership interest in the association.

(14) "Dealer" means a person in the business of selling units for the person's own account.

(15) "Declarant" means:

(i) if the common interest community has been created, (A) any person who has executed a declaration, or a supplemental declaration or amendment to a declaration adding additional real estate, except secured parties, a spouse holding only an inchoate interest, persons whose interests in the real estate will not be transferred to unit owners, or, in the case of a leasehold common interest community, a lessor who possesses no special declarant rights and who is not an affiliate of a declarant who possesses special declarant rights, or (B) any person who reserves, or succeeds under section 515B.3-104 to any special declarant rights; or

(ii) any person or persons acting in concert who have offered prior to creation of the common interest community to transfer their interest in a unit to be created and not previously transferred; or

(iii) if (A) a unit has been restricted to nonresidential use and sold to a purchaser who has agreed to modify or waive, in whole or in part, sections 515B.4-101 to 515B.4-118, and (B) the restriction expires or is modified or terminated such that residential use of the unit is permitted, the unit owner at the time the restriction expires or is so modified or terminated is a declarant with respect to that unit and any improvements subject to use rights by a purchaser of the unit.

(16) "Declaration" means any instrument, however denominated, that creates a common interest community.

(16a) "Development party" means an architect, contractor, construction manager, subcontractor, developer, declarant, engineer, or private inspector performing or furnishing the design, supervision, inspection, construction, coordination, or observation of the construction of any improvement to real property that is part of a common interest community, or any of the person's affiliates, officers, directors, shareholders, members, or employees.

(17) "Dispose" or "disposition" means a voluntary transfer to a purchaser of any legal or equitable interest in the common interest community, but the term does not include the transfer or release of a security interest.

(18) "Flexible common interest community" means a common interest community to which additional real estate may be added.

(19) "Leasehold common interest community" means a common interest community in which all or a portion of the real estate is subject to a lease the expiration or termination of which will terminate the common interest community or reduce its size.

(20) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of section 515B.2-109(c) or (d) for the exclusive use of one or more but fewer than all of the units.

(21) "Master association" means an entity created on or after June 1, 1994, that directly or indirectly exercises any of the powers set forth in section 515B.3-102 on behalf of one or more members described in section 515B.2-121(b), (i), (ii) or (iii), whether or not it also exercises those powers on behalf of one or more property owners' associations described in section 515B.2-121(b)(iv). A person (i) hired by an association to perform maintenance, repair, accounting, bookkeeping or management services, or (ii) granted authority under an instrument recorded primarily for the purpose of creating rights or obligations with respect to utilities, access, drainage, or recreational amenities, is not, solely by reason of that relationship, a master association.

(22) "Master declaration" means a written instrument, however named, (i) recorded on or after June 1, 1994, and (ii) complying with section 515B.2-121, subsection (e).

(23) "Master developer" means a person who is designated in the master declaration as a master developer or, in the absence of such a designation, the owner or owners of the real estate subject to the master declaration at the time the master declaration is recorded, except (i) secured parties and (ii) a spouse holding only an inchoate interest. A master developer is not a declarant unless the master declaration states that the real estate subject to the master declaration collectively is or collectively will be a separate common interest community.

(24) "Period of declarant control" means the time period provided for in section 515B.3-103(c) during which the declarant may appoint and remove officers and directors of the association.

(25) "Person" means an individual, corporation, limited liability company, partnership, trustee under a trust, personal representative, guardian, conservator, government, governmental subdivision or agency, or other legal or commercial entity capable of holding title to real estate.

(26) "Planned community" means a common interest community that is not a condominium or a cooperative. A condominium or cooperative may be a part of a planned community.

(27) "Proprietary lease" means an agreement with a cooperative association whereby a member of the association is entitled to exclusive possession of a unit in the cooperative.

(28) "Purchaser" means a person, other than a declarant, who by means of a voluntary transfer acquires a legal or equitable interest in a unit other than (i) a leasehold interest of less than 20 years, including renewal options, or (ii) a security interest.

(29) "Real estate" means any fee simple, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests that by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" may include spaces with or without upper or lower boundaries, or spaces without physical boundaries.

(30) "Residential use" means use as a dwelling, whether primary, secondary or seasonal, but not (i) transient use such as hotels or motels, or (ii) use for residential rental purposes if the individual dwellings are not separate units or if the individual dwellings are not located on separate parcels of real estate. For purposes of this chapter, a unit is restricted to nonresidential use if the unit is subject to a restriction that prohibits residential use as defined in this section whether or not the restriction also prohibits the uses described in this paragraph.

(31) "Secured party" means the person owning a security interest as defined in paragraph (32).

(32) "Security interest" means a perfected interest in real estate or personal property, created by contract or conveyance, which secures payment or performance of an obligation. The term includes a mortgagee's interest in a mortgage, a vendor's interest in a contract for deed, a lessor's interest in a lease intended as security, a holder's interest in a sheriff's certificate of sale during the period of redemption, an assignee's interest in an assignment of leases or rents intended as security, in a cooperative, a lender's interest in a member's ownership interest in the association, a pledgee's interest in the pledge of an ownership interest, or any other interest intended as security for an obligation under a written agreement.

(33a) This definition of special declarant rights applies only to common interest communities created before August 1, 2010. "Special declarant rights" means rights reserved in the declaration for the benefit of a declarant to:

(i) complete improvements indicated on the CIC plat, planned by the declarant consistent with the disclosure statement or authorized by the municipality in which the CIC is located;

(ii) add additional real estate to a common interest community;

(iii) subdivide or combine units, or convert units into common elements, limited common elements, or units;

(iv) maintain sales offices, management offices, signs advertising the common interest community, and models;

(v) use easements through the common elements for the purpose of making improvements within the common interest community or any additional real estate;

(vi) create a master association and provide for the exercise of authority by the master association over the common interest community or its unit owners;

(vii) merge or consolidate a common interest community with another common interest community of the same form of ownership; or

(viii) appoint or remove any officer or director of the association, or the master association where applicable, during any period of declarant control.

(33b) This definition of special declarant rights applies only to common interest communities created on or after August 1, 2010. "Special declarant rights" means rights reserved in the declaration for the benefit of a declarant and expressly identified in the declaration as special declarant rights. Such special declarant rights may include but are not limited to the following:

(i) to complete improvements indicated on the CIC plat, planned by the declarant consistent with the disclosure statement or authorized by the municipality in which the common interest community is located, and to have and use easements for itself and its employees, agents, and contractors through the common elements for such purposes;

(ii) to add additional real estate to a common interest community;

(iii) to subdivide or combine units, or convert units into common elements, limited common elements and/or units, pursuant to section 515B.2-112;

(iv) to maintain and use sales offices, management offices, signs advertising the common interest community, and models, and to have and use easements for itself and its employees, agents, and invitees through the common elements for such purposes;

(v) to appoint or remove any officer or director of the association during any period of declarant control;

(vi) to utilize an alternate common expense plan as provided in section 515B.3-115(a)(2);

(vii) to grant common element licenses as provided in section 515B.2-109(e); or

(viii) to review, and approve or disapprove, the exterior design, materials, size, site location, and other exterior features of buildings and other structures, landscaping and other exterior improvements, located within the common interest community, and any modifications or alterations thereto.

Special declarant rights shall not be reserved or utilized for the purpose of evading any limitation or obligation imposed on declarants by this chapter.

(34) "Time share" means a right to occupy a unit or any of several units during three or more separate time periods over a period of at least three years, including renewal options, whether or not coupled with a fee title interest in the common interest community or a specified portion thereof.

(35) "Unit" means a portion of a common interest community the boundaries of which are described in the common interest community's declaration and which is intended for separate ownership, or separate occupancy pursuant to a proprietary lease.

(36) "Unit identifier" means English letters or Arabic numerals, or a combination thereof, which identify only one unit in a common interest community and which meet the requirements of section 515B.2-104.

(37) "Unit owner" means a declarant or other person who owns a unit, a lessee under a proprietary lease, or a lessee of a unit in a leasehold common interest community whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the common interest community, but does not include a secured party. In a common interest community, the declarant is the unit owner of a unit until that unit has been conveyed to another person.

Sec. 3. Minnesota Statutes 2016, section 515B.1-106, is amended to read:

**515B.1-106 APPLICABILITY OF LOCAL REQUIREMENTS.**

(a) Except as provided in subsections (b) and (c), a zoning, subdivision, building code, or other real estate use law, ordinance, charter provision, or regulation may not directly or indirectly prohibit the common interest community form of ownership or impose any requirement upon a common interest community, upon the creation or disposition of a common interest community or upon any part of the common interest community conversion process which it would not impose upon a physically similar development under a different form of ownership. Otherwise, no provision of

this chapter invalidates or modifies any provision of any zoning, subdivision, building code, or other real estate use law, ordinance, charter provision, or regulation.

(b) Subsection (a) shall not apply to any ordinance, rule, regulation, charter provision or contract provision relating to the financing of housing construction, rehabilitation, or purchases provided by or through a housing finance program established and operated pursuant to state or federal law by a state or local agency or local unit of government.

(c) A statutory or home rule charter city, pursuant to an ordinance or charter provision establishing standards to be applied uniformly within its jurisdiction, may prohibit or impose reasonable conditions upon the conversion of buildings occupied wholly or partially for (i) residential use or (ii) residential rental purposes to the common interest community form of ownership only if there exists within the city a significant shortage of suitable rental dwellings available to low and moderate income individuals or families or to establish or maintain the city's eligibility for any federal or state program providing direct or indirect financial assistance for housing to the city. Prior to the adoption of an ordinance pursuant to the authority granted in this subsection, the city shall conduct a public hearing. Any ordinance or charter provision adopted pursuant to this subsection shall not apply to any existing or proposed conversion common interest community (i) for which a bona fide loan commitment for a consideration has been issued by a lender and is in effect on the date of adoption of the ordinance or charter provision, or (ii) for which a notice of conversion or intent to convert required by section 515B.4-111, containing a termination of tenancy, has been given to at least 75 percent of the tenants and subtenants in possession prior to the date of adoption of the ordinance or charter provision.

(d) For purposes of providing marketable title, a statement in the declaration that the common interest community is not subject to an ordinance or that any conditions required under an ordinance have been complied with shall be prima facie evidence that the common interest community was not created in violation of the ordinance.

(e) A violation of an ordinance or charter provision adopted pursuant to the provisions of subsection (b) or (c) shall not affect the validity of a common interest community. This subsection shall not be construed to in any way limit the power of a city to enforce the provisions of an ordinance or charter provision adopted pursuant to subsection (b) or (c).

(f) Any ordinance or charter provision enacted hereunder that prohibits the conversion of buildings to the common interest community form of ownership shall not be effective for a period exceeding 18 months.

Sec. 4. Minnesota Statutes 2016, section 515B.2-113, is amended to read:

**515B.2-113 ALTERATION OF UNITS.**

(a) Subject to the provisions of the declaration and applicable law, a unit owner may, at the unit owner's expense, make any improvements or alterations to the unit, provided: (i) that they do not impair the structural integrity or mechanical systems, affect the common elements, or impair the support of any portion of the common interest community; (ii) that prior arrangements are made with the association to ensure that other unit owners are not disturbed; (iii) that the common elements are not damaged; and (iv) that the common elements and other units are protected against mechanics' liens.

(b) Subject to the provisions of applicable law, a unit owner of a unit ~~in residential use~~ that is used as a dwelling, whether primary, secondary, or seasonal, may, at the unit owner's expense, make improvements or alterations to the unit as necessary for the full enjoyment of the unit by any person residing in the unit who has a disability, as provided in the Fair Housing Amendments Act, United States Code, title 42, section 3601, et seq., and the Minnesota Human Rights Act, chapter 363A, and any amendments to those acts. This subsection applies to all common interest communities subject to this chapter, chapter 515, or 515A, notwithstanding any contrary provision of section 515B.1-102.

(c) The declaration, bylaws, rules, and regulations, or agreements with the association may not prohibit the improvements or alterations referred to in subsection (b), but may reasonably regulate the type, style, and quality of the improvements or alterations, as they relate to health, safety, and architectural standards. In addition, improvements or alterations made pursuant to subsection (b) must comply with subsection (a)(i), (ii), (iii), and (iv).

(d) The unit owner's rights under this section may not be waived.

(e) Subsection (b) does not apply to restrictions on improvements or alterations imposed by statute, rule, or ordinance.

(f) Subject to the provisions of the declaration and applicable law, a unit owner may, at the unit owner's expense, after acquiring title to an adjoining unit or an adjoining part of an adjoining unit, with the prior written approval of the association and first mortgagees of the affected units, remove or alter any intervening partition or create apertures therein, even if the partition is part of the common elements, if those acts do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common interest community. The adjoining unit owners shall have the exclusive license to use the space occupied by the removed partition, but the use shall not create an easement or vested right. Removal of partitions or creation of apertures under this subsection is not an alteration of boundaries. The association may require that the owner or owners of units affected replace or restore any removed partition, that the unit owner comply with subsection (a)(i), (ii) and (iii), and that the unit owner pay all fees and costs incurred by the association in connection with the alteration.

Sec. 5. Minnesota Statutes 2016, section 515B.4-111, is amended to read:

**515B.4-111 CONVERSION PROPERTY.**

(a) A unit owner of a unit ~~occupied for residential use~~ in a common interest community containing conversion property shall not, for a period of one year following the recording of the declaration creating the common interest community, require any occupant ~~of the unit who was residing in the unit at the time the declaration was recorded~~ to vacate the unit unless the unit owner gives notice to the occupant in the manner described in this section. The notice shall be given no later than 120 days before the occupant is required to vacate the unit. The notice shall be sufficient as to all occupants of a unit if it is hand delivered or mailed to the unit to be vacated, addressed to the occupants thereof. If the holder of the lessee's interest in the unit has given the unit owner an address different than that of the unit, then the notice shall also be given to the holder of the lessee's interest at the designated address. The notice shall comply with the following requirements:

(1) The notice shall set forth generally the rights conferred by this section.

(2) The notice shall have attached a form of purchase agreement setting forth the proposed terms of sale of the unit to the holder of the lessee's interest as contemplated by subsection (d) and a statement of any significant restrictions imposed by the declaration on the use and occupancy of the unit.

(3) The notice shall state that the occupants of the ~~residential~~ unit may demand to be given 60 additional days before being required to vacate, if any of them, or any person residing with them, is (i) 62 years of age or older, (ii) a person with a disability as defined in section 268A.01, or (iii) a minor child on the date the notice is given. This demand must be in writing, contain reasonable proof of qualification, and be given to the declarant within 30 days after the notice of conversion is delivered or mailed.

(4) The notice shall be contained in an envelope upon which the following shall be boldly printed: "Notice of Conversion."

(b) Notwithstanding subsection (a), an occupant may be required to vacate a unit upon less than 120 days' notice by reason of nonpayment of rent, utilities or other monetary obligations, violations of law, waste, or conduct that disturbs other occupants' peaceful enjoyment of the premises. The terms of the tenancy may not be altered during the notice period, except that the holder of the lessee's interest or other party in possession may vacate and terminate the tenancy upon one month's written notice to the declarant. Nothing in this section prevents the unit owner and any occupant from agreeing to a right of occupancy on a month-to-month basis beyond the 120-day notice period, or to an earlier termination of the right of occupancy.

(c) No repair work or remodeling may be commenced or undertaken in the occupied units or common areas of the building during the notice period, unless reasonable precautions are taken to ensure the safety and security of the occupants.

(d) For 60 days after delivery or mailing of the notice described in subsection (a), the holder of the lessee's interest in the unit on the date the notice is mailed or delivered shall have an option to purchase that unit on the terms set forth in the purchase agreement attached to the notice. The purchase agreement shall contain no terms or provisions which violate any state or federal law relating to discrimination in housing. If the holder of the lessee's interest fails to sign a binding purchase agreement for the unit during that 60-day period, the unit owner may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the holder. This subsection and subsection (a)(2) do not apply to any unit in a conversion property if that unit will be restricted exclusively to nonresidential use or if the boundaries of the converted unit do not substantially conform to the boundaries of the residential unit before conversion.

(e) If a unit owner, in violation of subsection (b), conveys a unit to a purchaser for value who has no knowledge of the violation, the recording of the deed conveying the unit or, in a cooperative, the conveyance of the right to possession of the unit, extinguishes any right a holder of a lessee's interest who is not in possession of the unit may have under subsection (d) to purchase that unit, but the conveyance does not affect the right of the holder to recover damages from the unit owner for a violation of subsection (d).



(f) If a notice described in subsection (a) specifies a date by which a unit or proposed unit must be vacated or otherwise complies with the provisions of chapter 504B, the notice also constitutes a notice to vacate specified by that statute.

(g) An occupant ~~of residing in space for residential use~~ in a conversion property shall not have any of the rights set out in this section or under any municipal ordinance if the holder of the lessee's interest in the space received written notice of intent to convert to a common interest community (i) before signing a lease or a lease renewal or before occupying the space and (ii) less than two years before the common interest community is created.

(h) A notice of intent to convert to a common interest community shall identify the conversion property by both legal description and street address and state that (i) the declarant intends to convert the property to a planned community, condominium, or cooperative form of common interest community, specifying the intended form, and (ii) persons entering into leases subsequent to the receipt of the notice of intent to convert will not have the rights available to an occupant or a person holding the lessee's interest under this section.

(i) Nothing in this section permits a unit owner to terminate a lease in violation of its terms.

(j) Failure to give notice as required by subsection (a) is a defense to an action for possession."

Amend the title numbers accordingly

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

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

**S.F. No. 3301:** A bill for an act relating to taxation; income; insurance; establishing a Minnesota housing tax credit contribution fund; providing a tax credit for certain contributions; requiring a report; appropriating money; amending Minnesota Statutes 2016, section 297I.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 290; 462A.

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

Page 4, after line 10, insert:

"(d) The commissioner shall set aside 35 percent of the financing under this section for single-family homes and 20 percent for cities with a population under 10,000. A project that meets both set asides may count toward both requirements. If by June 1 each year, the commissioner does not receive requests to use all of the financing set aside under this paragraph, the commissioner may use any remaining financing for other projects eligible under this section."

Page 4, line 14, after the first comma, insert "a public housing authority or agency authorized by law to exercise any of the powers granted by sections 469.001 to 469.047,"

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

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

**S.F. No. 3658:** A bill for an act relating to state government; modifying the effective date of certain provisions governing the preparation of fiscal notes; modifying provisions governing the Legislative Budget Office; amending Minnesota Statutes 2016, sections 10A.01, subdivision 35; 13.64, by adding a subdivision; Minnesota Statutes 2017 Supplement, sections 3.8853, subdivisions 1, 2, by adding subdivisions; 3.98, subdivision 1; 477A.03, subdivision 2b; Laws 2017, First Special Session chapter 4, article 2, sections 1; 3; 58; repealing Minnesota Statutes 2017 Supplement, section 3.98, subdivision 4.

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

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

**S.F. No. 1961:** A bill for an act relating to education; providing for student online privacy; amending Minnesota Statutes 2016, section 13.321, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 125B.

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

Page 2, line 13, after the period, insert "Operator includes:"

Page 2, after line 13, insert:

"(1) an agent or assignee of the operator or a person acting under the supervision or control of the operator; or

(2) a vendor."

Page 2, line 20, delete "(h)" and insert "(g)"

Page 2, after line 26, insert:

"(h) "Vendor" means a person who contracts with a school or school district to provide access to an Internet Web site, online service, online application, or mobile application for school purposes."

Page 2, line 27, delete "knowingly"

Page 2, line 30, after "application" insert ", or by any other means,"

Page 4, delete subdivision 3 and insert:

"Subd. 3. Security procedures and practices; return or destruction of information. (a) An operator must implement and maintain reasonable security procedures and practices in writing that are appropriate to the nature of the covered information and designed to ensure protection of covered information from unauthorized access, destruction, use, modification, or disclosure.

(b) Within 30 days of a request from a student, parent, or legal guardian, an operator that is not a vendor must destroy or return the covered information to the student, parent, or legal guardian. A vendor must comply with the provisions of subdivision 7 governing destruction or return of data to the school."

Page 4, line 30, after the semicolon, insert "or"

Page 4, delete line 31

Page 5, delete lines 1 to 6

Page 5, line 7, delete "(5)" and insert "(4)"

Page 5, after line 31, insert:

"Subd. 7. **Special requirements applicable to vendors.** (a) In addition to the requirements of subdivisions 2 to 6, a vendor must comply with this subdivision.

(b) A vendor is subject to the provisions of section 13.05, subdivision 11. Covered information created, received, or maintained by a vendor pursuant or incidental to the contract are the property of the school and are not the property of the vendor. Unless renewal of the contract is reasonably anticipated, within 30 days of expiration of the contract, or within 30 days of a request from the school, the vendor must destroy or return the covered information to the school."

And when so amended the bill do pass and be re-referred to the Committee on E-12 Policy. Amendments adopted. Report adopted.

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

**S.F. No. 3250:** A bill for an act relating to motor vehicles; modifying various provisions governing motor vehicle titling and registration; amending Minnesota Statutes 2016, sections 80E.13; 168.013, subdivision 6; 168.27, by adding subdivisions; 168.301, subdivision 3; 168.33, subdivision 8a; 168.346, subdivision 1; 168A.05, by adding a subdivision; 168A.12, subdivision 2; 168A.17, by adding a subdivision; Minnesota Statutes 2017 Supplement, section 168.013, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 168A.

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

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

**S.F. No. 3096:** A bill for an act relating to natural resources; providing for training and licensing of wildland firefighters; amending Minnesota Statutes 2016, section 88.10, by adding a subdivision.

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

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

**S.F. No. 3068:** A bill for an act relating to public safety; appropriating money for public school security audits.

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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred**

**S.F. No. 3004:** A bill for an act relating to state government; veterans; directing secretary of state to collect veteran status data from applicants for appointments to state agencies, boards, councils, commissions, and task forces; amending Minnesota Statutes 2016, sections 15.0597, subdivisions 2, 5, 7; 15.0599, subdivision 4.

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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred**

**S.F. No. 2786:** A bill for an act relating to health; establishing an advisory council on rare diseases to advise the commissioner of health on issues related to rare diseases; proposing coding for new law in Minnesota Statutes, chapter 137.

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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred**

**S.F. No. 2490:** A bill for an act relating to health; requiring the commissioner of health to convene the older adult social isolation working group; appropriating money; requiring a report.

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

Page 3, line 7, after "possible" insert ", and consistent with Minnesota Statutes, section 13D.015"

Page 3, line 20, after "committees" insert "or January 15, 2019, whichever is earlier"

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

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

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred**

**S.F. No. 3702:** A bill for an act relating to pari-mutuel horse racing; modifying provisions relating to licensing and regulation; amending Minnesota Statutes 2016, sections 240.01, by adding a subdivision; 240.02, subdivision 6; 240.08, subdivision 5; 240.131, subdivision 7; 240.135; 240.22.

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

Page 2, delete lines 8 to 28 and insert:

"(b) ~~A license revocation or suspension~~ If the commission revokes or suspends a license for more than ~~90~~ 180 days ~~is, in lieu of appealing to the commission under paragraph (a), the license holder has the right to request a contested case hearing under sections 14.57 to 14.69 of the Administrative Procedure Act and is in addition to criminal penalties imposed for a violation of law or rule.~~ chapter 14. The request must be made in writing to the commission by certified mail or personal service. A request sent by certified mail must be postmarked within ten days after the license holder receives the revocation or suspension order from the commission. A request sent by personal service must be received by the commission within ten days after the license holder receives the revocation or suspension order from the commission.

(c) The commission may summarily suspend a license for ~~more than~~ up to 90 days ~~prior to a contested case hearing~~ where it is necessary to ensure the integrity of racing or to protect the public health, welfare, or safety. The license holder may appeal a summary suspension by making a written request to the commission within five calendar days after the license holder receives notice of the summary suspension. A ~~contested case~~ hearing must be held within ~~30~~ ten days of the commission's receipt of the request for appeal of a summary suspension and the administrative law judge's report must be issued within 30 days from the close of the hearing record. In all cases involving summary suspension the commission must issue its final decision within 30 days from receipt of the report of the administrative law judge and subsequent exceptions and argument under section 14.61."

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 3504, 2777, 2857, 1589, 2863, 3569, 2869, 3537, 3318, 3415, 2849, 3673, 327, 2973, 2741, 3638, 2949, 3183, 3096, 3004, and 3702 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 3418, 2982, and 3157 were read the second time.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senator Benson introduced--**

**S.F. No. 3847:** A bill for an act relating to human services; making human services forecast adjustments; appropriating money.

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

**Senators Housley, Cohen, Hayden, Tomassoni, and Utke introduced--**

**S.F. No. 3848:** A bill for an act relating to economic development; appropriating money for the Snowbate program.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

**Senators Nelson, Rest, Relph, and Miller introduced--**

**S.F. No. 3849:** A bill for an act relating to taxation; individual income and corporate franchise; providing for federal conformity to section 179 expensing; modifying state treatment of section 179 expensing; amending Minnesota Statutes 2017 Supplement, sections 289A.02, subdivision 7; 290.01, subdivisions 19, 31; 290.0131, subdivision 10; 290.0133, subdivision 12.

Referred to the Committee on Taxes.

**Senators Rest, Chamberlain, Wiger, Gazelka, and Miller introduced--**

**S.F. No. 3850:** A bill for an act relating to taxation; individual income; modifying the requirement for eligibility for the credit; amending Minnesota Statutes 2016, section 290.0685, subdivision 1.

Referred to the Committee on Taxes.

**Senator Kiffmeyer introduced--**

**S.F. No. 3851:** A bill for an act relating to state lands; authorizing conveyance of certain tax-forfeited land.

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

**Senators Champion and Dzedzic introduced--**

**S.F. No. 3852:** A bill for an act relating to capital investment; appropriating money for the Water Works project in the Central Mississippi Riverfront Regional Park in the city of Minneapolis; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Hall introduced--**

**S.F. No. 3853:** A bill for an act relating to government contracting; modifying best value contract requirements; amending Minnesota Statutes 2016, section 16C.28, subdivision 1b.

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

**Senator Sparks introduced--**

**S.F. No. 3854:** A bill for an act relating to taxation; liquor; modifying the small winery excise tax credit; amending Minnesota Statutes 2017 Supplement, section 297G.03, subdivision 6.

Referred to the Committee on Taxes.

**Senators Newton and Hoffman introduced--**

**S.F. No. 3855:** A bill for an act relating to capital investment; appropriating money for capital improvements at Anoka-Ramsey Community College in Coon Rapids; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Lang introduced--**

**S.F. No. 3856:** A bill for an act relating to game and fish; lowering the minimum age to take big game; amending Minnesota Statutes 2016, section 97A.451, subdivision 4; Minnesota Statutes 2017 Supplement, section 97A.475, subdivision 2.

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

**Senator Benson introduced--**

**S.F. No. 3857:** A bill for an act relating to the metropolitan council; allowing a local government to challenge metropolitan system plans; amending Minnesota Statutes 2017 Supplement, section 473.857, subdivision 2.

Referred to the Committee on Local Government.

**Senator Newman introduced--**

**S.F. No. 3858:** A bill for an act relating to capital investment; appropriating money for improvements to the wastewater treatment facility and infrastructure in the city of Glencoe; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Pappas and Simonson introduced--**

**S.F. No. 3859:** A bill for an act relating to military officers; providing for reimbursement grants to local units of government for public safety personnel on authorized leave; amending Minnesota Statutes 2016, sections 190.16, by adding a subdivision; 192.26, by adding a subdivision.

Referred to the Committee on Veterans and Military Affairs Finance and Policy.

**Senator Gazelka introduced--**

**S.F. No. 3860:** A bill for an act relating to capital investment; appropriating money for environmental cleanup and storm water infrastructure in the city of Wadena; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Relph introduced--**

**S.F. No. 3861:** A bill for an act relating to education finance; providing for special education equity aid; appropriating money; amending Minnesota Statutes 2016, section 125A.76, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 125A.

Referred to the Committee on E-12 Policy.

**Senator Senjem introduced--**

**S.F. No. 3862:** A bill for an act relating to airports; amending an appropriation to the Civil Air Patrol; amending Laws 2017, First Special Session chapter 3, article 1, section 2, subdivision 2.

Referred to the Committee on Transportation Finance and Policy.

**Senator Rosen introduced--**

**S.F. No. 3863:** A bill for an act relating to human services; modifying medical assistance coverage for care coordination to include tribes; amending Minnesota Statutes 2017 Supplement, section 256B.0625, subdivision 56a.

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

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

**S.F. No. 3864:** A bill for an act relating to education; establishing the Help Me Grow program; proposing coding for new law in Minnesota Statutes, chapter 124D.

Referred to the Committee on E-12 Policy.



**Senator Jasinski introduced--**

**S.F. No. 3865:** A bill for an act relating to human services; providing a rate increase for an intermediate care facility for persons with developmental disabilities; amending Minnesota Statutes 2016, section 256B.5012, by adding a subdivision.

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

**Senator Nelson introduced--**

**S.F. No. 3866:** A bill for an act relating to economic development; extending the small business investment credit for one year; amending Minnesota Statutes 2016, section 116J.8737, subdivisions 5, 12.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

**Senators Nelson and Draheim introduced--**

**S.F. No. 3867:** A bill for an act relating to taxation; estate; modifying the exclusion amount for the Minnesota taxable estate; making conforming changes; amending Minnesota Statutes 2017 Supplement, sections 289A.10, subdivision 1; 291.016, subdivision 3; 291.03, subdivision 1; repealing Minnesota Statutes 2016, sections 289A.10, subdivision 1a; 289A.12, subdivision 18; 289A.18, subdivision 3a; 289A.20, subdivision 3a; 291.03, subdivisions 8, 10; Minnesota Statutes 2017 Supplement, section 291.03, subdivisions 9, 11.

Referred to the Committee on Taxes.

**Senator Lang introduced--**

**S.F. No. 3868:** A bill for an act relating to human services; modifying substance use disorder treatment provider requirements; amending Minnesota Statutes 2016, section 254B.12, subdivision 1; Minnesota Statutes 2017 Supplement, section 245G.05, subdivision 1.

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

**Senator Mathews introduced--**

**S.F. No. 3869:** A bill for an act relating to health; insurance; requiring coverage for ectodermal dysplasia; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

**Senator Osmek introduced--**

**S.F. No. 3870:** A bill for an act relating to energy; amending the utility's annual contribution to the renewable development account; amending Minnesota Statutes 2017 Supplement, sections 116C.779, subdivision 1; 116C.7792.

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

**Senator Osmek introduced--**

**S.F. No. 3871:** A bill for an act relating to energy; modifying the solar energy standard; amending Minnesota Statutes 2017 Supplement, section 216B.1691, subdivision 2f.

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

**Senator Osmek introduced--**

**S.F. No. 3872:** A bill for an act relating to energy; modifying the definition of large customer facility under the conservation improvement program; amending Minnesota Statutes 2016, section 216B.241, subdivision 1.

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

**Senator Kiffmeyer introduced--**

**S.F. No. 3873:** A bill for an act relating to capital investment; appropriating money for the city of Big Lake's wastewater treatment facility; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Hoffman and Limmer introduced--**

**S.F. No. 3874:** A bill for an act relating to capital investment; appropriating money for marked U.S. Highway 169/101st Avenue N interchange project and local road improvements in Brooklyn Park; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Eichorn introduced--**

**S.F. No. 3875:** A bill for an act relating to taxation; providing authority for a municipality to withdraw from the Iron Range fiscal disparities program; proposing coding for new law in Minnesota Statutes, chapter 276A.

Referred to the Committee on Taxes.

**Senator Eichorn introduced--**

**S.F. No. 3876:** A bill for an act relating to taxation; expanding the area of the Iron Range fiscal disparities program and providing authority for a municipality to withdraw from the program; amending Minnesota Statutes 2016, section 276A.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 276A.

Referred to the Committee on Taxes.

**Senators Osmek and Anderson, B. introduced--**

**S.F. No. 3877:** A bill for an act relating to employment; granting employees the right to work without being required to become a member or pay fees to a labor organization; creating penalties and jurisdiction; providing for other unfair labor practices; amending Minnesota Statutes 2016, sections 179.01, subdivision 3; 179.10, by adding subdivisions; 179A.06, subdivision 6, by adding subdivisions; 179A.60, subdivision 7; repealing Minnesota Statutes 2016, sections 179A.03, subdivision 9; 179A.06, subdivision 3.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

**Senators Wiklund and Franzen introduced--**

**S.F. No. 3878:** A bill for an act relating to the city of Bloomington; modifying the city's special TIF authority for the Central Station district; amending Laws 2008, chapter 366, article 5, section 26, as amended.

Referred to the Committee on Taxes.

**Senator Latz introduced--**

**S.F. No. 3879:** A bill for an act relating to public safety; requiring the Police Officer Standards and Training Board to develop a domestic violence policy for state and local law enforcement agencies; proposing coding for new law in Minnesota Statutes, chapter 626.

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

**Senator Eken introduced--**

**S.F. No. 3880:** A bill for an act relating to taxation; individual income; providing a subtraction for foster child dependents; amending Minnesota Statutes 2016, section 290.0132, by adding a subdivision; Minnesota Statutes 2017 Supplement, section 290.091, subdivision 2.

Referred to the Committee on Taxes.

**Senator Sparks introduced--**

**S.F. No. 3881:** A bill for an act relating to consumer protection; regulating security freezes on consumer credit reports; modifying fees; amending Minnesota Statutes 2016, section 13C.016, subdivision 8.

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

**Senator Carlson introduced--**

**S.F. No. 3882:** A bill for an act relating to environment; modifying lien provisions for environmental response costs; amending Minnesota Statutes 2017 Supplement, section 115B.406, subdivision 9.

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

**Senators Latz, Dzedzic, Hayden, and Dibble introduced--**

**S.F. No. 3883:** A bill for an act relating to local government; providing that a city charter does not restrict the ability of a city to issue a liquor license; amending Minnesota Statutes 2016, section 410.121.

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

**Senator Osmek introduced--**

**S.F. No. 3884:** A bill for an act relating to taxation; sales and use; expanding the exemption for certain nonprofit ice facilities; amending Minnesota Statutes 2017 Supplement, section 297A.70, subdivision 20.

Referred to the Committee on Taxes.

### MOTIONS AND RESOLUTIONS

Senator Anderson, P. moved that the names of Senators Rest and Senjem be added as co-authors to S.F. No. 1668. The motion prevailed.

Senator Abeler moved that the name of Senator Jensen be added as a co-author to S.F. No. 2254. The motion prevailed.

Senator Mathews moved that the name of Senator Hall be added as a co-author to S.F. No. 2364. The motion prevailed.

Senator Benson moved that the name of Senator Anderson, B. be added as a co-author to S.F. No. 2740. The motion prevailed.

Senator Koran moved that the name of Senator Torres Ray be added as a co-author to S.F. No. 2871. The motion prevailed.

Senator Nelson moved that the name of Senator Johnson be added as a co-author to S.F. No. 2895. The motion prevailed.

Senator Pappas moved that the name of Senator Hayden be added as a co-author to S.F. No. 3340. The motion prevailed.

Senator Lang moved that the name of Senator Johnson be added as a co-author to S.F. No. 3359. The motion prevailed.

Senator Hall moved that the name of Senator Ingebrigtsen be added as a co-author to S.F. No. 3389. The motion prevailed.

Senator Fischbach moved that the name of Senator Bigham be added as a co-author to S.F. No. 3612. The motion prevailed.

Senator Jasinski moved that the name of Senator Kiffmeyer be added as a co-author to S.F. No. 3660. The motion prevailed.

Senator Koran moved that the name of Senator Torres Ray be added as a co-author to S.F. No. 3663. The motion prevailed.

Senator Nelson moved that the name of Senator Lourey be added as a co-author to S.F. No. 3745. The motion prevailed.

Senator Dziejczic moved that the name of Senator Little be added as a co-author to S.F. No. 3807. The motion prevailed.

Senator Utke moved that the name of Senator Abeler be added as a co-author to S.F. No. 3814. The motion prevailed.

Senator Rest moved that S.F. No. 3046 be withdrawn from the Committee on Transportation Finance and Policy and returned to its author. The motion prevailed.

Senator Mathews moved that S.F. No. 3253 be withdrawn from the Committee on Local Government and re-referred to the Committee on Taxes. The motion prevailed.

Senator Relph moved that S.F. No. 893, No. 40 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Goggin moved that S.F. No. 3558, No. 69 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Jasinski moved that S.F. No. 3090, No. 79 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Franzen moved that S.F. No. 2399 be withdrawn from the Committee on Judiciary and Public Safety Finance and Policy, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 2399 was read the second time.

**Senators Anderson, B. and Osmek introduced --**

**Senate Resolution No. 195:** A Senate resolution congratulating the Delano High School boys' basketball team on winning the 2018 State High School Class 3A boys' basketball championship.

Referred to the Committee on Rules and Administration.

**ADJOURNMENT**

Senator Gazelka moved that the Senate do now adjourn until 11:00 a.m., Monday, April 9, 2018. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

