

## STATE OF MINNESOTA

## EIGHTY-EIGHTH SESSION — 2014

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 ONE HUNDRED FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 14, 2014

The House of Representatives convened at 10:00 p.m. and was called to order by Melissa Hortman, Speaker pro tempore.

Prayer was offered by Pastor Bruce Talso, Wyanett Evangelical Free Church, Princeton, Minnesota.

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

The roll was called and the following members were present:

|              |              |             |            |            |              |
|--------------|--------------|-------------|------------|------------|--------------|
| Abeler       | Dill         | Hertaus     | Lillie     | Newton     | Selcer       |
| Albright     | Dorholt      | Hilstrom    | Loeffler   | Nornes     | Simon        |
| Allen        | Drazkowski   | Holberg     | Lohmer     | Norton     | Simonson     |
| Anderson, P. | Erhardt      | Hoppe       | Loon       | O'Driscoll | Slocum       |
| Anderson, S. | Erickson, R. | Hornstein   | Mack       | O'Neill    | Sundin       |
| Anzelc       | Erickson, S. | Hortman     | Mahoney    | Paymar     | Swedzinski   |
| Atkins       | Fabian       | Howe        | Mariani    | Pelowski   | Theis        |
| Barrett      | Falk         | Huntley     | Marquart   | Peppin     | Torkelson    |
| Benson, J.   | Faust        | Isaacson    | Masin      | Persell    | Uglem        |
| Benson, M.   | Fischer      | Johnson, B. | McDonald   | Petersburg | Urdahl       |
| Bernardy     | Franson      | Johnson, C. | McNamara   | Poppe      | Wagenius     |
| Bly          | Freiberg     | Johnson, S. | McNamara   | Pugh       | Ward, J.E.   |
| Brynaert     | Fritz        | Kahn        | Melin      | Quam       | Wills        |
| Carlson      | Garofalo     | Kelly       | Metsa      | Radinovich | Winkler      |
| Clark        | Green        | Kiel        | Moran      | Rosenthal  | Woodard      |
| Cornish      | Gruenhagen   | Kresha      | Morgan     | Runbeck    | Yarusso      |
| Daudt        | Gunther      | Laine       | Mullery    | Sanders    | Zerwas       |
| Davids       | Hackbarth    | Leidiger    | Murphy, E. | Savick     | Spk. Thissen |
| Davnie       | Halverson    | Lenczewski  | Murphy, M. | Sawatzky   |              |
| Dean, M.     | Hamilton     | Lesch       | Myhra      | Schoen     |              |
| Dehn, R.     | Hansen       | Liebling    | Nelson     | Schomacker |              |
| Dettmer      | Hausman      | Lien        | Newberger  | Scott      |              |

A quorum was present.

Anderson, M.; Beard; FitzSimmons and Kieffer were excused.

Ward, J.A., was excused until 1:00 p.m. Zellers was excused until 1:50 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

**REPORTS OF CHIEF CLERK**

S. F. No. 1360 and H. F. No. 1585, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Cornish moved that the rules be so far suspended that S. F. No. 1360 be substituted for H. F. No. 1585 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2438 and H. F. No. 2947, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Mahoney moved that the rules be so far suspended that S. F. No. 2438 be substituted for H. F. No. 2947 and that the House File be indefinitely postponed. The motion prevailed.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 1360 and 2438 were read for the second time.

Murphy, E., moved that the House recess subject to the call of the Chair. The motion prevailed.

**RECESS****RECONVENED**

The House reconvened and was called to order by Speaker pro tempore Hortman.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1915, A bill for an act relating to peace officers; providing reciprocity for military experience; amending Minnesota Statutes 2013 Supplement, section 626.8517.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2188, A bill for an act relating to real property; making clarifying and conforming changes relating to ownership of real estate by spouses and mortgage redemption periods; modifying transfer on death deeds; amending Minnesota Statutes 2012, sections 287.20, subdivision 3a; 358.14; 507.02; 507.071, subdivisions 1, 2, 3, 6, 8, 10; 580.26; Minnesota Statutes 2013 Supplement, section 507.403, subdivision 5a.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2812, A bill for an act relating to state observances; creating Veterans' Voices Month; proposing coding for new law in Minnesota Statutes, chapter 10.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1851, A bill for an act relating to public safety; enhancing penalties for certain repeat criminal sexual conduct offenders; amending Minnesota Statutes 2012, sections 243.167, subdivision 1; 609.135, subdivision 2; 609.3451, subdivision 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2397, A bill for an act relating to education; providing for policy and technical modifications in early childhood and family, kindergarten through grade 12, and adult education including general education, education excellence, English learners and language proficiency, special programs, nutrition, libraries, unsession and conforming changes, and an interstate compact; amending Minnesota Statutes 2012, sections 13.32, subdivision 6; 119A.535; 120A.22, subdivision 2; 120A.32; 120B.022; 120B.12; 120B.31, by adding a subdivision; 120B.35, subdivision 4; 121A.36; 121A.582, subdivision 1; 122A.06, subdivision 4; 122A.09, subdivision 7; 122A.14, subdivisions 2, 3; 122A.18, subdivisions 2a, 4; 122A.19; 122A.40, subdivision 5; 122A.41, subdivision 2; 122A.413, subdivision 2; 122A.414, subdivision 2; 122A.48, subdivision 3; 122A.60, subdivisions 1a, 2, 3; 122A.68, subdivision 3; 122A.74; 123A.06, subdivision 2; 123B.04, subdivision 4; 123B.147, subdivision 3; 124D.03, subdivisions 3, 4, 5, 6, by adding a subdivision; 124D.08, by adding a subdivision; 124D.09, subdivision 9; 124D.111, subdivision 3; 124D.13, subdivision 2; 124D.141, subdivision 3; 124D.15, subdivision 3; 124D.49,

subdivision 3; 124D.52, as amended; 124D.522; 124D.59, subdivision 2, by adding a subdivision; 124D.895; 124D.8955; 124D.896; 125A.023, subdivisions 3, 4; 125A.027, subdivisions 1, 4; 125A.03; 125A.08; 125A.22; 127A.065; 127A.41, subdivision 7; 127A.70, subdivision 1, by adding a subdivision; 128C.02, subdivision 5; 134.355, subdivision 8; 260D.06, subdivision 2; Minnesota Statutes 2013 Supplement, sections 120A.22, subdivision 5; 120B.021, subdivision 4; 120B.11; 120B.115; 120B.125; 120B.30, subdivision 1; 120B.35, subdivision 3; 120B.36, subdivision 1; 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.23, subdivision 2; 122A.40, subdivision 8; 122A.41, subdivision 5; 124D.10, subdivisions 1, 3, 4, 6, 6a, 8, 9, 17a, 17b; 124D.11, subdivision 4; 124D.165, subdivisions 2, 4; 124D.4531, subdivisions 1, 3, 3a; 124D.52, subdivision 8; 124D.861, subdivision 3; 125A.30; 127A.70, subdivision 2; 626.556, subdivision 2; Laws 2011, First Special Session chapter 11, article 2, section 12; Laws 2012, chapter 263, section 1; proposing coding for new law in Minnesota Statutes, chapters 123A; 124D; 127A; repealing Minnesota Statutes 2012, sections 119A.04, subdivisions 3; 119A.08; 120A.30; 120B.19; 120B.24; 121A.17, subdivision 9; 122A.19, subdivision 3; 122A.52; 122A.53; 122A.61, subdivision 2; 123B.15; 123B.16; 123B.17; 123B.18; 123B.26; 123B.27; 124D.24; 124D.25; 124D.26; 124D.27; 124D.28; 124D.29; 124D.30; 124D.31; 125A.027, subdivision 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2925, A bill for an act relating to public safety; compensating exonerated persons; appropriating money; amending Minnesota Statutes 2012, section 609A.02, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 590; 611.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2948, A bill for an act relating to economic development; repealing obsolete, redundant, and unnecessary laws administered by the Department of Employment and Economic Development; making conforming changes; amending Minnesota Statutes 2012, sections 15.991, subdivision 1; 116C.34, subdivision 3; 116D.04, subdivision 2a; 116L.02; 116L.05, subdivision 5; 116L.20, subdivision 2; 256J.49, subdivision 4; 256J.51, subdivision 2; 268.105, subdivision 7; 268.186; repealing Minnesota Statutes 2012, sections 116C.22; 116C.23; 116C.24; 116C.25; 116C.26; 116C.261; 116C.27; 116C.28; 116C.29; 116C.30; 116C.31; 116C.32; 116C.33; 116J.037; 116J.422; 116J.658; 116J.68, subdivision 5; 116J.74, subdivision 7a; 116J.874, subdivisions 1, 2, 3, 4, 5;

116J.885; 116J.987; 116J.988; 116J.989; 116J.990, subdivisions 1, 2, 3, 4, 5, 6; 116L.06; 116L.10; 116L.11; 116L.12, subdivisions 1, 3, 4, 5, 6; 116L.13; 116L.14; 116L.15; 116L.361, subdivision 2; 116L.363; 116L.871; 116L.872; 469.109; 469.124; Minnesota Statutes 2013 Supplement, sections 116J.6581; 116J.70, subdivision 2a.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2236, A bill for an act relating to state government; making changes to the open meeting law; amending Minnesota Statutes 2012, section 13D.04, subdivision 6.

JOANNE M. ZOFF, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Freiberg moved that the House concur in the Senate amendments to H. F. No. 2236 and that the bill be repassed as amended by the Senate.

A roll call was requested and properly seconded.

The question was taken on the Freiberg motion and the roll was called. There were 71 yeas and 56 nays as follows:

Those who voted in the affirmative were:

|              |              |             |          |            |              |
|--------------|--------------|-------------|----------|------------|--------------|
| Allen        | Dill         | Hausman     | Liebling | Mullery    | Selcer       |
| Anderson, P. | Dorholt      | Hilstrom    | Lien     | Murphy, E. | Simon        |
| Anzelc       | Drazkowski   | Hornstein   | Lillie   | Nelson     | Simonson     |
| Atkins       | Erhardt      | Hortman     | Loeffler | Newton     | Slocum       |
| Benson, J.   | Erickson, R. | Huntley     | Mahoney  | Persell    | Sundin       |
| Bernardy     | Falk         | Isaacson    | Mariani  | Poppe      | Wagenius     |
| Bly          | Faust        | Johnson, C. | Marquart | Quam       | Ward, J.E.   |
| Carlson      | Fischer      | Johnson, S. | Masin    | Radinovich | Winkler      |
| Cornish      | Freiberg     | Kahn        | Melin    | Rosenthal  | Woodard      |
| Davids       | Fritz        | Laine       | Metsa    | Savick     | Yarusso      |
| Davnie       | Halverson    | Lenczewski  | Moran    | Sawatzky   | Spk. Thissen |
| Dehn, R.     | Hansen       | Lesch       | Morgan   | Schoen     |              |

Those who voted in the negative were:

|              |            |          |              |          |            |
|--------------|------------|----------|--------------|----------|------------|
| Abeler       | Barrett    | Clark    | Dettmer      | Franson  | Gruenhagen |
| Albright     | Benson, M. | Daut     | Erickson, S. | Garofalo | Gunther    |
| Anderson, S. | Brynaert   | Dean, M. | Fabian       | Green    | Hackbarth  |

|             |          |            |            |            |        |
|-------------|----------|------------|------------|------------|--------|
| Hamilton    | Kiel     | McNamar    | O'Neill    | Sanders    | Urdahl |
| Hertaus     | Kresha   | McNamara   | Paymar     | Schomacker | Wills  |
| Holberg     | Leidiger | Myhra      | Pelowski   | Scott      | Zerwas |
| Hoppe       | Lohmer   | Newberger  | Peppin     | Swedzinski |        |
| Howe        | Loon     | Nornes     | Petersburg | Theis      |        |
| Johnson, B. | Mack     | Norton     | Pugh       | Torkelson  |        |
| Kelly       | McDonald | O'Driscoll | Runbeck    | Uglen      |        |

The motion prevailed.

H. F. No. 2236, A bill for an act relating to state government; making changes to the open meeting law; amending Minnesota Statutes 2012, section 13D.04, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 13D.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 75 yeas and 52 nays as follows:

Those who voted in the affirmative were:

|              |              |             |          |            |              |
|--------------|--------------|-------------|----------|------------|--------------|
| Allen        | Dehn, R.     | Hansen      | Liebling | Mullery    | Simon        |
| Anderson, P. | Dill         | Hausman     | Lien     | Murphy, E. | Simonson     |
| Anzelc       | Dorholt      | Hilstrom    | Lillie   | Nelson     | Slocum       |
| Atkins       | Drazkowski   | Hornstein   | Loeffler | Newton     | Sundin       |
| Benson, J.   | Erhardt      | Hortman     | Mahoney  | Persell    | Wagenius     |
| Benson, M.   | Erickson, R. | Huntley     | Mariani  | Poppe      | Ward, J.E.   |
| Bernardy     | Falk         | Isaacson    | Marquart | Quam       | Winkler      |
| Bly          | Faust        | Johnson, C. | Masin    | Radinovich | Woodard      |
| Carlson      | Fischer      | Johnson, S. | McNamar  | Rosenthal  | Yarusso      |
| Clark        | Freiberg     | Kahn        | Melin    | Savick     | Spk. Thissen |
| Cornish      | Fritz        | Laine       | Metsa    | Sawatzky   |              |
| Davids       | Halverson    | Lenczewski  | Moran    | Schoen     |              |
| Davnie       | Hamilton     | Lesch       | Morgan   | Selcer     |              |

Those who voted in the negative were:

|              |            |             |            |            |            |
|--------------|------------|-------------|------------|------------|------------|
| Abeler       | Fabian     | Hoppe       | Mack       | Paymar     | Swedzinski |
| Albright     | Franson    | Howe        | McDonald   | Pelowski   | Theis      |
| Anderson, S. | Garofalo   | Johnson, B. | McNamara   | Peppin     | Torkelson  |
| Barrett      | Green      | Kelly       | Myhra      | Petersburg | Uglen      |
| Brynaert     | Gruenhagen | Kiel        | Newberger  | Pugh       | Urdahl     |
| Daudt        | Gunther    | Kresha      | Nornes     | Runbeck    | Wills      |
| Dean, M.     | Hackbarth  | Leidiger    | Norton     | Sanders    | Zerwas     |
| Dettmer      | Hertaus    | Lohmer      | O'Driscoll | Schomacker |            |
| Erickson, S. | Holberg    | Loon        | O'Neill    | Scott      |            |

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3073, A bill for an act relating to insurance; modifying certain regulations to reduce the incidence of insurance fraud; regulating no-fault auto benefits; regulating certain property and casualty coverages; limiting reimbursement for certain prescription drugs; regulating batch billing; modifying certain economic benefits under chapter 65B; establishing a task force on motor vehicle insurance coverage verification; amending Minnesota Statutes 2012, sections 13.7191, subdivision 16; 60A.952, subdivision 3; 65B.44, subdivisions 2, 3, 4, 6, by adding a subdivision; 65B.525, by adding a subdivision; 65B.54, subdivision 2; 72A.502, subdivision 2; 604.18, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 60A; 65B; repealing Minnesota Statutes 2012, section 72A.327.

JOANNE M. ZOFF, Secretary of the Senate

Atkins moved that the House refuse to concur in the Senate amendments to H. F. No. 3073, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3073:

Atkins, Fritz and McNamara.

The following Conference Committee Report was received:

#### CONFERENCE COMMITTEE REPORT ON H. F. No. 2180

A bill for an act relating to insurance; amending provisions relating to health coverage for school district employees; amending Minnesota Statutes 2012, sections 43A.316, subdivision 10, by adding a subdivision; 123B.09, subdivision 12; 123B.75, by adding a subdivision; 471.6161, subdivisions 1, 3, by adding a subdivision; 471.895, subdivision 1; Minnesota Statutes 2013 Supplement, section 124D.10, subdivisions 4a, 11, 21.

May 13, 2014

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

We, the undersigned conferees for H. F. No. 2180 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2180 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 43A.316, subdivision 10, is amended to read:

Subd. 10. **Exemption.** The public employee insurance program and, where applicable, the employers participating in it are exempt from chapters 60A, 62A, 62C, 62D, 62E, and 62H, section 471.617, subdivisions 2 and 3, and the bidding requirements of section 471.6161. The public employee insurance program must follow the requirements of section 471.6161, subdivision 8.

Sec. 2. Minnesota Statutes 2012, section 43A.316, is amended by adding a subdivision to read:

Subd. 11. **Proposal from school district; response required.** Upon receipt of a request for a proposal from a school district pursuant to section 471.6161, subdivision 8, the public employees insurance program shall respond to the request within 60 days.

Sec. 3. Minnesota Statutes 2012, section 123B.09, subdivision 12, is amended to read:

Subd. 12. **Board to fix compensation.** The clerk, treasurer, and superintendent of any district shall receive such compensation as may be fixed by the board. Unless otherwise provided by law, the other members of the board shall also receive such compensation as may be fixed by the board. All members of the board may receive reimbursement for transportation at the rate provided for in section 471.665. No board member or school district employee shall receive any compensation or benefits based on incentives or other money provided to the school district by or from a source of group insurance coverage referenced in section 471.6161, subdivision 1, except for a refund provided under section 123B.75, subdivision 10, or a wellness plan that is mutually agreed upon by the district and the exclusive representatives of employees.

Sec. 4. Minnesota Statutes 2012, section 123B.75, is amended by adding a subdivision to read:

Subd. 10. **Insurance premium refund.** (a) If money collected by an entity providing group insurance under section 471.6161, subdivision 1, for the payment of insurance premiums is above the cost of that coverage and returned to the school district purchasing that coverage as a refund, that school district must negotiate with the exclusive representative regarding the refund amount attributable to the proportionate number of insured lives covered by that exclusive representative.

(b) If there is no exclusive representative or if the employer and the exclusive representative are unable to come to an agreement within 150 days, the remaining refunds shall be used to pay the full premium to the program for any employees not covered by an agreement negotiated under this section until the proportionate refunds are depleted. These refunds shall be used for a proportional premium payment at the time it is necessary to deplete the balance.

Sec. 5. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 4a, is amended to read:

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



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

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

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

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

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

(e) The conflict of interest provisions under this subdivision do not apply to compensation paid to a teacher employed as a teacher by the charter school or a teacher who provides instructional services to the charter school through a cooperative formed under chapter 308A when the teacher also serves on the charter school board of directors.

(f) A charter school board member, employee, or officer is a local official for purposes of section 471.895 with regard to receipt of gifts as defined under section 10A.071, subdivision 1, paragraph (b). A board member, employee, or officer must not receive compensation from a group health insurance provider.

Sec. 6. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 11, is amended to read:

**Subd. 11. Employment and other operating matters.** (a) A charter school must employ or contract with necessary teachers, as defined by section 122A.15, subdivision 1, who hold valid licenses to perform the particular service for which they are employed in the school. The charter school's state aid may be reduced under section 127A.43 if the school employs a teacher who is not appropriately licensed or approved by the board of teaching. The school may employ necessary employees who are not required to hold teaching licenses to perform duties other than teaching and may contract for other services. The school may discharge teachers and nonlicensed employees. The charter school board is subject to section 181.932. When offering employment to a prospective employee, a charter school must give that employee a written description of the terms and conditions of employment and the school's personnel policies.

(b) A person, without holding a valid administrator's license, may perform administrative, supervisory, or instructional leadership duties. The board of directors shall establish qualifications for persons that hold administrative, supervisory, or instructional leadership roles. The qualifications shall include at least the following areas: instruction and assessment; human resource and personnel management; financial management; legal and compliance management; effective communication; and board, authorizer, and community relationships. The board of directors shall use those qualifications as the basis for job descriptions, hiring, and performance evaluations of those who hold administrative, supervisory, or instructional leadership roles. The board of directors and an individual who does not hold a valid administrative license and who serves in an administrative, supervisory, or instructional leadership position shall develop a professional development plan. Documentation of the implementation of the professional development plan of these persons shall be included in the school's annual report.

(c) The board of directors also shall decide and be responsible for policy matters related to the operation of the school, including budgeting, curriculum programming, personnel, and operating procedures. The board shall adopt a policy on nepotism in employment. The board shall adopt personnel evaluation policies and practices that, at a minimum:

- (1) carry out the school's mission and goals;
- (2) evaluate the execution of charter contract goals and commitments;
- (3) evaluate student achievement, postsecondary and workforce readiness, and student engagement and connection goals;
- (4) establish a teacher evaluation process under subdivision 8, paragraph (t); and
- (5) provide professional development related to the individual's job responsibilities.

(d) A charter school board with at least 25 employees or a teacher cooperative of licensed teachers providing instruction under a contract between a school and a cooperative that provides group health insurance coverage shall:

(1) request proposals for group health insurance coverage from a minimum of three sources at least every two years; and

(2) notify employees covered by the group health insurance coverage before the effective date of the changes in the group coverage policy contract.

A charter school board or a cooperative of teachers that provides group health insurance coverage must establish and publish on its Web site the policy for the purchase of group health insurance coverage. A charter school board policy must include a sealed proposal process, which requires all proposals to be opened at the same time. Upon the openings of the proposals in accordance with the school or cooperative policy, the proposals become public data under chapter 13.

Nothing in this section supersedes the right of an exclusive representative to negotiate over terms and conditions of employment.

Sec. 7. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 21, is amended to read:

Subd. 21. **Collective bargaining.** Employees of the board of directors of a charter school may, if otherwise eligible, organize under chapter 179A and comply with its provisions. The board of directors of a charter school is a public employer, for the purposes of chapter 179A, upon formation of one or more bargaining units at the school. Bargaining units at the school must be separate from any other units within an authorizing district, except that bargaining units may remain part of the appropriate unit within an authorizing district, if the employees of the school, the board of directors of the school, the exclusive representative of the appropriate unit in the authorizing district, and the board of the authorizing district agree to include the employees in the appropriate unit of the authorizing district. The board of directors of a charter school with employees organized under this subdivision must comply with sections 471.6161 and 471.895.

Sec. 8. Minnesota Statutes 2012, section 471.6161, subdivision 1, is amended to read:

Subdivision 1. **Group insurance coverage.** For purposes of this section, "group insurance coverage" means benefit coverage provided to a group through a carrier an entity authorized under chapters section 43A.316 or 123A.21, subdivision 7; or chapter 61A, 62A, 62C, and or 62D to do business in the state.

Sec. 9. Minnesota Statutes 2012, section 471.6161, subdivision 2, is amended to read:

Subd. 2. **Request for proposal.** Every political subdivision authorized by law to purchase group insurance for its employees and providing or intending to provide group insurance coverage and benefits for 25 or more of its employees shall request proposals from and enter into contracts with ~~carriers~~ entities referenced in subdivision 1 that in the judgment of the political subdivision are best qualified to provide coverage. The request for proposals shall be in writing and at a minimum shall include: coverage to be provided, criteria for evaluation of ~~carrier~~ proposals from entities referenced in subdivision 1, and the aggregate claims records for the appropriate period. A political subdivision may exclude from consideration proposals requiring self-insurance. Public notice of the request for proposals must be provided in a newspaper or trade journal at least 21 days before the final date for submitting proposals.

Sec. 10. Minnesota Statutes 2012, section 471.6161, subdivision 3, is amended to read:

Subd. 3. **Selection of carrier.** The political subdivision shall make benefit and cost comparisons and evaluate the proposals using the written criteria. The political subdivision may negotiate with ~~the carrier~~ an entity referenced in subdivision 1 on benefits, premiums, and other contract terms. ~~Carriers applying~~ Any entity providing group insurance coverage to the political subdivision must provide the political subdivision with aggregate claims records for the appropriate period. The political subdivision must prepare a written rationale for its decision before entering into a contract with ~~a carrier~~ an entity referenced in subdivision 1.

Sec. 11. Minnesota Statutes 2012, section 471.6161, is amended by adding a subdivision to read:

**Subd. 8. School districts; group health insurance coverage.** (a) Any entity providing group health insurance coverage to a school district must provide the school district with school district-specific nonidentifiable aggregate claims records for the most recent 24 months within 30 days of the request.

(b) School districts shall request proposals for group health insurance coverage as provided in subdivision 2 from a minimum of three potential sources of coverage. One of these requests must go to an administrator governed by chapter 43A. Entities referenced in subdivision 1 must respond to requests for proposals received directly from a school district. School districts that are self-insured must also follow these provisions, except as provided in paragraph (f). School districts must make requests for proposals at least 150 days prior to the expiration of the existing contract but not more frequently than once every 24 months. The request for proposals must include the most recently available 24 months of nonidentifiable aggregate claims data. The request for proposals must be publicly released at or prior to its release to potential sources of coverage.

(c) School district contracts for group health insurance must not be longer than two years unless the exclusive representative of the largest employment group and the school district agree otherwise.

(d) All initial proposals shall be sealed upon receipt until they are all opened no less than 90 days prior to the plan's renewal date in the presence of up to three representatives selected by the exclusive representative of the largest group of employees. Section 13.591, subdivision 3, paragraph (b), applies to data in the proposals. The representatives of the exclusive representative must maintain the data according to this classification and are subject to the remedies and penalties under sections 13.08 and 13.09 for a violation of this requirement.

(e) A school district, in consultation with the same representatives referenced in paragraph (d), may continue to negotiate with any entity that submitted a proposal under paragraph (d) in order to reduce costs or improve services under the proposal. Following the negotiations any entity that submitted an initial proposal may submit a final proposal incorporating the negotiations, which is due no less than 75 days prior to the plan's renewal date. All the final proposals submitted must be opened at the same time in the presence of up to three representatives selected by the exclusive representative of the largest group of employees. Notwithstanding section 13.591, subdivision 3, paragraph (b), following the opening of the final proposals, all the proposals, including any made under paragraph

(d), and other data submitted in connection with the proposals are public data. The school district may choose from any of the initial or final proposals without further negotiations and in accordance with subdivision 5, but not sooner than 15 days after the proposals become public data.

(f) School districts that are self-insured shall follow all of the requirements of this section, except that:

(1) their requests for proposals may be for third-party administrator services, where applicable;

(2) these requests for proposals must be from a minimum of three different sources, which may include both entities referenced in subdivision 1 and providers of third-party administrator services;

(3) for purposes of fulfilling the requirement to request a proposal for group insurance coverage from an administrator governed by chapter 43A, self-insured districts are not required to include in the request for proposal the coverage to be provided;

(4) a district that is self-insured on or before the date of enactment, or that is self-insured with more than 1,000 insured lives, may, but need not, request a proposal from an administrator governed by chapter 43A;

(5) requests for proposals must be sent to providers no less than 90 days prior to the expiration of the existing contract; and

(6) proposals must be submitted at least 60 days prior to the plan's renewal date and all proposals shall be opened at the same time and in the presence of the exclusive representative, where applicable.

(g) Nothing in this section shall restrict the authority granted to school district boards of education by section 471.59, except that districts will not be considered self-insured for purposes of this subdivision solely through participation in a joint powers arrangement.

(h) An entity providing group health insurance to a school district under a multiyear contract must give notice of any rate or plan design changes applicable under the contract at least 90 days before the effective date of any change. The notice must be given to the school district and to the exclusive representatives of employees.

Sec. 12. Minnesota Statutes 2012, section 471.617, subdivision 2, is amended to read:

Subd. 2. **Jointly.** Any two or more statutory or home rule charter cities, counties, school districts, or instrumentalities thereof which together have more than 100 employees may jointly self-insure for any employee health benefits including long-term disability, but not for employee life benefits, subject to the same requirements as an individual self-insurer under subdivision 1. Self-insurance pools under this section are subject to section 62L.045. A self-insurance pool established and operated by one or more service cooperatives governed by section 123A.21 to provide coverage described in this subdivision qualifies under this subdivision, but the individual school district members of such a pool shall not be considered to be self-insured for purposes of section 471.6161, subdivision 8, paragraph (f). The commissioner of commerce may adopt rules pursuant to chapter 14, providing standards or guidelines for the operation and administration of self-insurance pools.

Sec. 13. Minnesota Statutes 2012, section 471.895, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Gift" has the meaning given it in section 10A.071, subdivision 1.

(c) "Interested person" means a person or a representative of a person or association that has a direct financial interest in a decision that a local official is authorized to make.

(d) "Local official" means:

(1) an elected or appointed official of a county or city or of an agency, authority, or instrumentality of a county or city; and

(2) an elected or appointed member of a school board, a school superintendent, a school principal, or a district school officer of any independent school district.

Sec. 14. **EFFECTIVE DATE.**

Sections 3 to 7 and 13 are effective July 1, 2014. Sections 1, 2, 8 to 10, and 12 are effective the day following final enactment. Section 11 is effective the day following final enactment and applies to requests for proposals for group insurance coverage issued on or after that date."

Delete the title and insert:

"A bill for an act relating to insurance; amending provisions relating to health coverage for school district employees; amending Minnesota Statutes 2012, sections 43A.316, subdivision 10, by adding a subdivision; 123B.09, subdivision 12; 123B.75, by adding a subdivision; 471.6161, subdivisions 1, 2, 3, by adding a subdivision; 471.617, subdivision 2; 471.895, subdivision 1; Minnesota Statutes 2013 Supplement, section 124D.10, subdivisions 4a, 11, 21."

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

House Conferees: ERIN MURPHY, JOHN WARD and GREG DAVIDS.

Senate Conferees: KATIE SIEBEN, VICKI JENSEN and JEREMY R. MILLER.

Murphy, E., moved that the report of the Conference Committee on H. F. No. 2180 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2180, A bill for an act relating to insurance; amending provisions relating to health coverage for school district employees; amending Minnesota Statutes 2012, sections 43A.316, subdivision 10, by adding a subdivision; 123B.09, subdivision 12; 123B.75, by adding a subdivision; 471.6161, subdivisions 1, 3, by adding a subdivision; 471.895, subdivision 1; Minnesota Statutes 2013 Supplement, section 124D.10, subdivisions 4a, 11, 21.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 78 yeas and 50 nays as follows:

Those who voted in the affirmative were:

|              |            |          |          |              |          |
|--------------|------------|----------|----------|--------------|----------|
| Abeler       | Atkins     | Brynaert | Davids   | Dorholt      | Faust    |
| Allen        | Benson, J. | Carlson  | Davnie   | Erhardt      | Fischer  |
| Anderson, P. | Bernardy   | Clark    | Dehn, R. | Erickson, R. | Freiberg |
| Anzelc       | Bly        | Cornish  | Dill     | Falk         | Fritz    |

|           |             |          |            |            |              |
|-----------|-------------|----------|------------|------------|--------------|
| Halverson | Johnson, C. | Loeffler | Morgan     | Persell    | Simonson     |
| Hamilton  | Johnson, S. | Mahoney  | Mullery    | Poppe      | Slocum       |
| Hansen    | Kahn        | Mariani  | Murphy, E. | Radinovich | Sundin       |
| Hausman   | Laine       | Marquart | Murphy, M. | Rosenthal  | Urdahl       |
| Hilstrom  | Lenczewski  | Masin    | Nelson     | Savick     | Wagenius     |
| Hornstein | Lesch       | McNamar  | Newton     | Sawatzky   | Ward, J.E.   |
| Hortman   | Liebling    | Melin    | Norton     | Schoen     | Winkler      |
| Huntley   | Lien        | Metsa    | Paymar     | Selcer     | Yarusso      |
| Isaacson  | Lillie      | Moran    | Pelowski   | Simon      | Spk. Thissen |

Those who voted in the negative were:

|              |            |             |            |            |           |
|--------------|------------|-------------|------------|------------|-----------|
| Albright     | Fabian     | Hoppe       | Mack       | Petersburg | Torkelson |
| Anderson, S. | Franson    | Howe        | McDonald   | Pugh       | Uglen     |
| Barrett      | Garofalo   | Johnson, B. | McNamara   | Quam       | Wills     |
| Benson, M.   | Green      | Kelly       | Myhra      | Runbeck    | Woodard   |
| Daudt        | Gruenhagen | Kiel        | Newberger  | Sanders    | Zerwas    |
| Dean, M.     | Gunther    | Kresha      | Nornes     | Schomacker |           |
| Dettmer      | Hackbarth  | Leidiger    | O'Driscoll | Scott      |           |
| Drazkowski   | Hertaus    | Lohmer      | O'Neill    | Swedzinski |           |
| Erickson, S. | Holberg    | Loon        | Peppin     | Theis      |           |

The bill was repassed, as amended by Conference, and its title agreed to.

### CALENDAR FOR THE DAY

S. F. No. 2268 was reported to the House.

Loon moved to amend S. F. No. 2268 as follows:

Page 2, after line 28, insert:

"Sec. 3. Minnesota Statutes 2012, section 473.399, subdivision 1, is amended to read:

Subdivision 1. **General requirements.** (a) The council must identify in its transportation policy plan those heavily traveled corridors where development of a transit way may be feasible and cost-effective. Modes of providing service in a transit way may include bus rapid transit, light rail transit, commuter rail, or other available systems or technologies that improve transit service.

(b) After the completion of environmental studies and receipt of input from the governing body of each statutory and home rule charter city, county, and town in which a transit way is proposed to be constructed, the council must designate the locally preferred alternative transit mode with respect to the corridor.

(c) The council shall ensure that any light rail transit facilities that are designated as the locally preferred alternative and that are to be constructed in the metropolitan area will be acquired, developed, owned, and capable of operation in an efficient, cost-effective, and coordinated manner in coordination with buses and other transportation modes and facilities.

(d) Construction of light rail transit facilities in a particular transit corridor may not commence unless and until that mode is designated as the locally preferred alternative for that corridor by the council, and requirements under section 473.3994, subdivision 5a, are met.

(e) The council may not enter the federally authorized preliminary engineering phase on a light rail transit project until the project is specifically authorized by a law enacted by the legislature.

Sec. 4. Minnesota Statutes 2012, section 473.3994, subdivision 3, is amended to read:

Subd. 3. **Preliminary design plans; hearings and local approval.** ~~At least 30 days~~ (a) Before the hearing under subdivision 2, the responsible authority shall submit the physical design component of the preliminary design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located. ~~The~~ Within 60 days of submission of the preliminary design plans, and following public notice of at least 30 days, each statutory and home rule charter city, county, or town shall hold a public hearing, at which the responsible authority shall present the physical design component of the preliminary design plans.

~~(b) Within 45 days after the hearing under subdivision 2~~ 90 days of a hearing under paragraph (a), the city, county, or town shall review and approve or disapprove the preliminary design plans ~~for the route to be located in the city, county, or town in writing.~~ A local unit of government that disapproves ~~the plans~~ shall describe specific amendments to the plans that, if adopted, would cause the local unit of government to withdraw its disapproval. Failure to approve or disapprove the plans in writing within ~~45 days after the hearing~~ the time period is deemed to be approval, unless an extension of time is agreed to by the city, county, or town and the responsible authority.

~~(c) Following disapproval under this subdivision by one or more local units of government, the responsible authority shall (1) resubmit amended preliminary design plans, (2) prepare final design plans with amendments identified by the local unit of government, or (3) decide not to proceed with the project. Upon resubmission of amended preliminary design plans, each local unit of government shall follow the procedures under paragraphs (a) and (b).~~

Sec. 5. Minnesota Statutes 2012, section 473.3994, subdivision 4, is amended to read:

Subd. 4. **Preliminary design plans; council hearing and review.** If the governing body of one or more cities, counties, or towns disapproves the preliminary design plans within the period allowed under subdivision 3, the council ~~shall~~ may hold a hearing on the plans, giving the commissioner of transportation, if the responsible authority, any disapproving local governmental units, and other persons an opportunity to present their views on the plans. The council may conduct independent study as it deems desirable and may mediate and attempt to resolve disagreements about the plans. ~~Within 60 days after the hearing, the council shall review the plans and shall decide what amendments to the plans, if any, must be made to accommodate the objections presented by the disapproving local governmental units. Amendments to the plans as decided by the council must be made before continuing the planning and designing process.~~

Sec. 6. Minnesota Statutes 2012, section 473.3994, subdivision 5, is amended to read:

Subd. 5. **Final design plans; hearings and local approval.** (a) ~~If any of the following applies, the responsible authority shall submit the physical design component of the final design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located:~~

~~(1) the final design plans incorporate a substantial change from the preliminary design plans with respect to location, length, or termini of routes; general dimension, elevation, or alignment of routes and crossings; location of tracks above ground, below ground, or at ground level; or station locations, before beginning construction, the responsible authority shall submit the changed component of the final design plans to the governing body of each statutory and home rule city, county, and town in which the changed component is proposed to be located.; or~~

(2) a local unit of government disapproved the preliminary design plans under subdivision 3, following any resubmission if applicable.

(b) Within 60 days of submission of the final design plans, and following public notice of at least 30 days, each statutory and home rule charter city, county, or town shall hold a public hearing, at which the responsible authority shall present the physical design component of the final design plans.

(c) Within 60 days after the submission of the plans 90 days of a hearing under paragraph (b), the city, county, or town shall review and approve or disapprove the ~~changed component located in the city, county, or town~~ final design plans in writing. A local unit of government that disapproves ~~the change~~ shall describe specific amendments to the plans that, if adopted, would cause the local unit of government to withdraw its disapproval. Failure to approve or disapprove the changed plans in writing within the time period is deemed to be approval, unless an extension is agreed to by the city, county, or town and the responsible authority.

(b) If the governing body of one or more cities, counties, or towns disapproves the changed plans within the period allowed under paragraph (a), the council shall review the final design plans under the same procedure and with the same effect as provided in subdivision 4 for preliminary design plans.

(d) Following disapproval under this subdivision by one or more local units of government, the responsible authority shall (1) resubmit amended final design plans, or (2) decide not to proceed with the project. Upon resubmission of amended final design plans, each local unit of government shall follow the procedures under paragraphs (b) and (c).

Sec. 7. Minnesota Statutes 2012, section 473.3994, is amended by adding a subdivision to read:

Subd. 5a. **Municipal consent for construction.** The responsible authority may not commence construction on light rail transit facilities under sections 473.3993 to 473.3997 unless each statutory or home rule charter city, county, and town in which the route is proposed to be located approves the design plans as required under subdivision 3 and, if applicable, subdivision 5."

Page 2, delete line 30 and insert "This act is effective the day following final enactment. This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington. Section 3, paragraph (d), and sections 4 to 7 apply to a project in preliminary engineering, or final design, on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Loon amendment and the roll was called. There were 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

|              |            |              |            |           |             |
|--------------|------------|--------------|------------|-----------|-------------|
| Abeler       | Benson, M. | Dettmer      | Franson    | Hackbarth | Howe        |
| Albright     | Cornish    | Dill         | Garofalo   | Hamilton  | Johnson, B. |
| Anderson, P. | Daudt      | Drazkowski   | Green      | Hertaus   | Kelly       |
| Anderson, S. | Dauids     | Erickson, S. | Gruenhagen | Holberg   | Kiel        |
| Barrett      | Dean, M.   | Fabian       | Gunther    | Hoppe     | Kresha      |



|          |            |            |            |           |        |
|----------|------------|------------|------------|-----------|--------|
| Leidiger | McNamara   | O'Neill    | Runbeck    | Theis     | Zerwas |
| Lohmer   | Myhra      | Peppin     | Sanders    | Torkelson |        |
| Loon     | Newberger  | Petersburg | Schomacker | Urdahl    |        |
| Mack     | Nornes     | Pugh       | Scott      | Wills     |        |
| McDonald | O'Driscoll | Quam       | Swedzinski | Woodard   |        |

Those who voted in the negative were:

|            |              |             |            |            |              |
|------------|--------------|-------------|------------|------------|--------------|
| Allen      | Erickson, R. | Isaacson    | Marquart   | Paymar     | Sundin       |
| Anzelc     | Falk         | Johnson, C. | Masin      | Pelowski   | Uglen        |
| Atkins     | Faust        | Johnson, S. | McNamar    | Persell    | Wagenius     |
| Benson, J. | Fischer      | Kahn        | Melin      | Poppe      | Ward, J.A.   |
| Bernardy   | Freiberg     | Laine       | Metsa      | Radinovich | Ward, J.E.   |
| Bly        | Fritz        | Lenczewski  | Moran      | Rosenthal  | Winkler      |
| Brynaert   | Halverson    | Lesch       | Morgan     | Savick     | Yarusso      |
| Carlson    | Hansen       | Liebling    | Mullery    | Sawatzky   | Spk. Thissen |
| Clark      | Hausman      | Lien        | Murphy, E. | Schoen     |              |
| Davnie     | Hilstrom     | Lillie      | Murphy, M. | Selcer     |              |
| Dehn, R.   | Hornstein    | Loeffler    | Nelson     | Simon      |              |
| Dorholt    | Hortman      | Mahoney     | Newton     | Simonson   |              |
| Erhardt    | Huntley      | Mariani     | Norton     | Slocum     |              |

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

S. F. No. 2268, A bill for an act relating to metropolitan transit; expanding scope of jurisdiction of Transportation Accessibility Advisory Committee; amending Minnesota Statutes 2012, sections 473.375, by adding a subdivision; 473.386, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 83 yeas and 46 nays as follows:

Those who voted in the affirmative were:

|            |              |             |            |            |              |
|------------|--------------|-------------|------------|------------|--------------|
| Abeler     | Dorholt      | Hilstrom    | Loeffler   | Murphy, M. | Selcer       |
| Allen      | Erhardt      | Hornstein   | Loon       | Nelson     | Simon        |
| Anzelc     | Erickson, R. | Hortman     | Mahoney    | Newton     | Simonson     |
| Atkins     | Falk         | Huntley     | Mariani    | Norton     | Slocum       |
| Barrett    | Faust        | Isaacson    | Marquart   | Paymar     | Sundin       |
| Benson, J. | Fischer      | Johnson, C. | Masin      | Pelowski   | Uglen        |
| Bernardy   | Franson      | Johnson, S. | McNamar    | Persell    | Urdahl       |
| Bly        | Freiberg     | Kahn        | McNamara   | Petersburg | Wagenius     |
| Brynaert   | Fritz        | Laine       | Melin      | Poppe      | Ward, J.A.   |
| Carlson    | Gunther      | Lenczewski  | Metsa      | Radinovich | Ward, J.E.   |
| Clark      | Halverson    | Lesch       | Moran      | Rosenthal  | Winkler      |
| Davnie     | Hamilton     | Liebling    | Morgan     | Savick     | Yarusso      |
| Dehn, R.   | Hansen       | Lien        | Mullery    | Sawatzky   | Spk. Thissen |
| Dill       | Hausman      | Lillie      | Murphy, E. | Schoen     |              |

Those who voted in the negative were:

|              |            |          |              |            |           |
|--------------|------------|----------|--------------|------------|-----------|
| Albright     | Benson, M. | Davids   | Drazkowski   | Garofalo   | Hackbarth |
| Anderson, P. | Cornish    | Dean, M. | Erickson, S. | Green      | Hertaus   |
| Anderson, S. | Daudt      | Dettmer  | Fabian       | Gruenhagen | Holberg   |

|             |          |            |         |            |         |
|-------------|----------|------------|---------|------------|---------|
| Hoppe       | Kresha   | Myhra      | Peppin  | Schomacker | Wills   |
| Howe        | Leidiger | Newberger  | Pugh    | Scott      | Woodard |
| Johnson, B. | Lohmer   | Nornes     | Quam    | Swedzinski | Zerwas  |
| Kelly       | Mack     | O'Driscoll | Runbeck | Theis      |         |
| Kiel        | McDonald | O'Neill    | Sanders | Torkelson  |         |

The bill was passed and its title agreed to.

The following Conference Committee Reports were received:

#### CONFERENCE COMMITTEE REPORT ON H. F. No. 2092

A bill for an act relating to motor vehicles; license plates; authorizing a veteran's special motorcycle plate for combat wounded veterans; amending Minnesota Statutes 2012, section 168.123, subdivision 1.

May 12, 2014

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

We, the undersigned conferees for H. F. No. 2092 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2092 be further amended as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2012, section 168.12, subdivision 2b, is amended to read:

Subd. 2b. **Firefighters; special plates, rules.** (a) The commissioner shall issue special plates, or a single license plate in the case of a motorcycle plate, to any applicant who:

(1) is a member of a fire department receiving state aid under chapter 69, has a letter from the fire chief, and is an owner of a passenger automobile as defined in section 168.002, subdivision 24, a one-ton pickup truck as defined in section 168.002, subdivision 21b, or a motorcycle as defined in section 168.002, subdivision 19;

(2) pays a fee of \$10 and any other fees required by this chapter;

(3) pays the registration tax required by this chapter for the motor vehicle; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) In lieu of the identification required under subdivision 1, the special plates must bear an emblem of a Maltese Cross together with any numbers or characters prescribed by the commissioner.

(c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of a fire department as specified in this subdivision. When the individual to whom the special plates were issued is no longer a member of a fire department or when the motor vehicle ownership is transferred,

the owner shall remove the special plates from the motor vehicle. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. Upon removal or invalidation of the special plates, or special motorcycle plate, ~~either~~ the owner or purchaser of the motor vehicle shall obtain regular plates ~~or~~ a regular motorcycle plate, or special plates for the proper registration classification for the motor vehicle.

(d) A special motorcycle license plate issued under this subdivision must be the same size as a standard motorcycle license plate.

(e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger automobile or truck may be transferred to another passenger automobile or truck owned or jointly owned by the person to whom the plates were issued. On payment of a fee of \$5, a plate issued under this subdivision for a motorcycle may be transferred to another motorcycle owned or jointly owned by the person to whom the plate was issued.

(f) The commissioner may adopt rules under the Administrative Procedure Act, sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized in this subdivision.

Sec. 2. Minnesota Statutes 2012, section 168.12, is amended by adding a subdivision to read:

Subd. 2g. **Retired firefighters; special plates.** (a) The commissioner shall issue special retired firefighters plates to an applicant who:

(1) is a retired member of a fire department as defined in section 299N.01, subdivision 2, has a letter from the fire chief affirming that the applicant is a retired firefighter who served ten or more years and separated in good standing, and is a registered owner of a passenger automobile, a one-ton pickup truck, a recreational vehicle, or a motorcycle;

(2) pays a fee of \$10 for each set of license plates applied for along with any other fees required by this chapter; and

(3) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

(b) The commissioner shall design the special plate emblem so that it is distinguishable from the emblem on firefighter special plates issued under subdivision 2b.

(c) On payment of a transfer fee of \$5, plates issued under this subdivision may be transferred to another passenger automobile, one-ton pickup truck, recreational vehicle, or motorcycle registered to the individual to whom the special plates were issued.

(d) Fees collected under this subdivision must be credited to the vehicle services operating account in the special revenue fund.

(e) This subdivision is exempt from section 168.1293."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, before "veteran's" insert "retired firefighters special plate and a"

Page 1, line 3, after "veterans;" insert "making technical changes;"

Correct the title numbers accordingly

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

House Conferees: KATHY BRYNAERT, RON ERHARDT and TONY CORNISH.

Senate Conferees: KATHY SHERAN, ERIC R. PRATT and DAVID J. TOMASSONI.

Brynaert moved that the report of the Conference Committee on H. F. No. 2092 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2092, A bill for an act relating to motor vehicles; license plates; authorizing a veteran's special motorcycle plate for combat wounded veterans; amending Minnesota Statutes 2012, section 168.123, subdivision 1.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

|              |              |             |            |            |              |
|--------------|--------------|-------------|------------|------------|--------------|
| Abeler       | Dill         | Hertaus     | Lillie     | Newton     | Selcer       |
| Albright     | Dorholt      | Hilstrom    | Loeffler   | Nornes     | Simon        |
| Allen        | Drazkowski   | Holberg     | Lohmer     | Norton     | Simonson     |
| Anderson, P. | Erhardt      | Hoppe       | Loon       | O'Driscoll | Slocum       |
| Anderson, S. | Erickson, R. | Hornstein   | Mack       | O'Neill    | Sundin       |
| Anzelc       | Erickson, S. | Hortman     | Mahoney    | Paymar     | Swedzinski   |
| Atkins       | Fabian       | Howe        | Mariani    | Pelowski   | Theis        |
| Barrett      | Falk         | Huntley     | Marquart   | Peppin     | Torkelson    |
| Benson, J.   | Faust        | Isaacson    | Masin      | Persell    | Uglen        |
| Benson, M.   | Fischer      | Johnson, B. | McDonald   | Petersburg | Urdahl       |
| Bernardy     | Franson      | Johnson, C. | McNamar    | Poppe      | Wagenius     |
| Bly          | Freiberg     | Johnson, S. | McNamara   | Pugh       | Ward, J.A.   |
| Brynaert     | Fritz        | Kahn        | Melin      | Quam       | Ward, J.E.   |
| Carlson      | Garofalo     | Kelly       | Metsa      | Radinovich | Wills        |
| Clark        | Green        | Kiel        | Moran      | Rosenthal  | Winkler      |
| Cornish      | Gruenhagen   | Kresha      | Morgan     | Runbeck    | Woodard      |
| Daudt        | Gunther      | Laine       | Mullery    | Sanders    | Yarusso      |
| Davids       | Hackbarth    | Leidiger    | Murphy, E. | Savick     | Zerwas       |
| Davnie       | Halverson    | Lenczewski  | Murphy, M. | Sawatzky   | Spk. Thissen |
| Dean, M.     | Hamilton     | Lesch       | Myhra      | Schoen     |              |
| Dehn, R.     | Hansen       | Liebling    | Nelson     | Schomacker |              |
| Dettmer      | Hausman      | Lien        | Newberger  | Scott      |              |

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. No. 2446

A bill for an act relating to public safety; granting the Board of Pharmacy cease and desist authority to prevent the sale of synthetic drugs; modifying laws governing misbranding drugs, adulterated drugs; expanding the definition of drug; repealing the sunset and legislative reporting requirement for the Board of Pharmacy's emergency drug scheduling authority; providing for mandatory restitution when a person is convicted for selling controlled

substance under false pretense of being legal; establishing a public education plan; appropriating money; amending Minnesota Statutes 2012, sections 151.01, subdivision 5; 151.06, subdivision 1a, by adding a subdivision; 151.26, subdivision 1; 151.34; 151.35; 151.36; 152.02, subdivision 8b; proposing coding for new law in Minnesota Statutes, chapter 152.

May 12, 2014

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

We, the undersigned conferees for H. F. No. 2446 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2446 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 151.01, subdivision 5, is amended to read:

Subd. 5. **Drug.** The term "drug" means all medicinal substances and preparations recognized by the United States Pharmacopoeia and National Formulary, or any revision thereof, and all substances and preparations intended for external and internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals, and all substances and preparations, other than food, intended to affect the structure or any function of the bodies of humans or other animals. The term drug shall also mean any compound, substance, or derivative that is not approved for human consumption by the United States Food and Drug Administration or specifically permitted for human consumption under Minnesota law, and, when introduced into the body, induces an effect similar to that of a Schedule I or Schedule II controlled substance listed in section 152.02, subdivisions 2 and 3, or Minnesota Rules, parts 6800.4210 and 6800.4220, regardless of whether the substance is marketed for the purpose of human consumption.

**EFFECTIVE DATE.** This section is effective August 1, 2014.

Sec. 2. Minnesota Statutes 2012, section 151.06, subdivision 1a, is amended to read:

Subd. 1a. **Disciplinary action Cease and desist orders.** ~~It shall be grounds for disciplinary action by the Board of Pharmacy against the registration of the pharmacy if the Board of Pharmacy determines that any person with supervisory responsibilities at the pharmacy sets policies that prevent a licensed pharmacist from providing drug utilization review and patient counseling as required by rules adopted under subdivision 1. The Board of Pharmacy shall follow the requirements of chapter 14 in any disciplinary actions taken under this section.~~ (a) Whenever it appears to the board that a person has engaged in an act or practice constituting a violation of a law, rule, or other order related to the duties and responsibilities entrusted to the board, the board may issue and cause to be served upon the person an order requiring the person to cease and desist from violations.

(b) The cease and desist order must state the reasons for the issuance of the order and must give reasonable notice of the rights of the person to request a hearing before an administrative law judge. A hearing must be held not later than ten days after the request for the hearing is received by the board. After the completion of the hearing, the administrative law judge shall issue a report within ten days. Within 15 days after receiving the report of the administrative law judge, the board shall issue a further order vacating or making permanent the cease and desist order. The time periods provided in this provision may be waived by agreement of the executive director of the

board and the person against whom the cease and desist order was issued. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person is in default, and the proceeding may be determined against that person upon consideration of the cease and desist order, the allegations of which may be considered to be true. Unless otherwise provided, all hearings must be conducted according to chapter 14. The board may adopt rules of procedure concerning all proceedings conducted under this subdivision.

(c) If no hearing is requested within 30 days of service of the order, the cease and desist order will become permanent.

(d) A cease and desist order issued under this subdivision remains in effect until it is modified or vacated by the board. The administrative proceeding provided by this subdivision, and subsequent appellate judicial review of that administrative proceeding, constitutes the exclusive remedy for determining whether the board properly issued the cease and desist order and whether the cease and desist order should be vacated or made permanent.

**EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to violations occurring on or after that date.

Sec. 3. Minnesota Statutes 2012, section 151.06, is amended by adding a subdivision to read:

**Subd. 1b. Enforcement of violations of cease and desist orders.** (a) Whenever the board under subdivision 1a seeks to enforce compliance with a cease and desist order that has been made permanent, the allegations of the cease and desist order are considered conclusively established for purposes of proceeding under subdivision 1a for permanent or temporary relief to enforce the cease and desist order. Whenever the board under subdivision 1a seeks to enforce compliance with a cease and desist order when a hearing or hearing request on the cease and desist order is pending, or the time has not yet expired to request a hearing on whether a cease and desist order should be vacated or made permanent, the allegations in the cease and desist order are considered conclusively established for the purposes of proceeding under subdivision 1a for temporary relief to enforce the cease and desist order.

(b) Notwithstanding this subdivision or subdivision 1a, the person against whom the cease and desist order is issued and who has requested a hearing under subdivision 1a may, within 15 days after service of the cease and desist order, bring an action in Ramsey County District Court for issuance of an injunction to suspend enforcement of the cease and desist order pending a final decision of the board under subdivision 1a to vacate or make permanent the cease and desist order. The court shall determine whether to issue such an injunction based on traditional principles of temporary relief.

**EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to violations occurring on or after that date.

Sec. 4. Minnesota Statutes 2012, section 151.26, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Nothing in this chapter shall subject a person duly licensed in this state to practice medicine, dentistry, or veterinary medicine, to inspection by the State Board of Pharmacy, nor prevent the person from administering drugs, medicines, chemicals, or poisons in the person's practice, nor prevent a duly licensed practitioner from furnishing to a patient properly packaged and labeled drugs, medicines, chemicals, or poisons as may be considered appropriate in the treatment of such patient; unless the person is engaged in the dispensing, sale, or distribution of drugs and the board provides reasonable notice of an inspection.

Except for the provisions of section 151.37, nothing in this chapter applies to or interferes with the dispensing, in its original package and at no charge to the patient, of a legend drug, other than a controlled substance, that was packaged by a manufacturer and provided to the dispenser for distribution as a professional sample.

Nothing in this chapter shall prevent the sale of drugs, medicines, chemicals, or poisons at wholesale to licensed physicians, dentists and veterinarians for use in their practice, nor to hospitals for use therein.

Nothing in this chapter shall prevent the sale of drugs, chemicals, or poisons either at wholesale or retail for use for commercial purposes, or in the arts, nor interfere with the sale of insecticides, as defined in Minnesota Statutes 1974, section 24.069, and nothing in this chapter shall prevent the sale of common household preparations and other drugs, chemicals, and poisons sold exclusively for use for nonmedicinal purposes; provided that this exception does not apply to any compound, substance, or derivative that is not approved for human consumption by the United States Food and Drug Administration or specifically permitted for human consumption under Minnesota law, and, when introduced into the body, induces an effect similar to that of a Schedule I or Schedule II controlled substance listed in section 152.02, subdivisions 2 and 3, or Minnesota Rules, parts 6800.4210 and 6800.4220, regardless of whether the substance is marketed for the purpose of human consumption.

Nothing in this chapter shall apply to or interfere with the vending or retailing of any nonprescription medicine or drug not otherwise prohibited by statute which is prepackaged, fully prepared by the manufacturer or producer for use by the consumer, and labeled in accordance with the requirements of the state or federal Food and Drug Act; nor to the manufacture, wholesaling, vending, or retailing of flavoring extracts, toilet articles, cosmetics, perfumes, spices, and other commonly used household articles of a chemical nature, for use for nonmedicinal purposes; provided that this exception does not apply to any compound, substance, or derivative that is not approved for human consumption by the United States Food and Drug Administration or specifically permitted for human consumption under Minnesota law, and, when introduced into the body, induces an effect similar to that of a Schedule I or Schedule II controlled substance listed in section 152.02, subdivisions 2 and 3, or Minnesota Rules, parts 6800.4210 and 6800.4220, regardless of whether the substance is marketed for the purpose of human consumption. Nothing in this chapter shall prevent the sale of drugs or medicines by licensed pharmacists at a discount to persons over 65 years of age.

**EFFECTIVE DATE.** This section is effective August 1, 2014.

Sec. 5. Minnesota Statutes 2012, section 151.34, is amended to read:

**151.34 PROHIBITED ACTS.**

It shall be unlawful to:

- (1) manufacture, sell or deliver, hold or offer for sale any drug that is adulterated or misbranded;
- (2) adulterate or misbrand any drug;
- (3) receive in commerce any drug that is adulterated or misbranded, and to deliver or proffer delivery thereof for pay or otherwise;
- (4) refuse to permit entry or inspection, or to permit the taking of a sample, or to permit access to or copying of any record as authorized by this chapter;
- (5) remove or dispose of a detained or embargoed article in violation of this chapter;
- (6) alter, mutilate, destroy, obliterate, or remove the whole or any part of the labeling of, or to do any other act with respect to a drug, if such act is done while such drug is held for sale and results in such drug being adulterated or misbranded;

(7) use for a person's own advantage or to reveal other than to the board or its authorized representative or to the courts when required in any judicial proceeding under this chapter any information acquired under authority of this chapter concerning any method or process ~~which~~ that is a trade secret and entitled to protection;

(8) use on the labeling of any drug any representation or suggestion that an application with respect to such drug is effective under the federal act or that such drug complies with such provisions;

(9) in the case of a manufacturer, packer, or distributor offering legend drugs for sale within this state, fail to maintain for transmittal or to transmit, to any practitioner licensed by applicable law to administer such drug who makes written request for information as to such drug, true and correct copies of all printed matter ~~which~~ that is required to be included in any package in which that drug is distributed or sold, or such other printed matter as is approved under the federal act. Nothing in this paragraph shall be construed to exempt any person from any labeling requirement imposed by or under provisions of this chapter;

(10) conduct a pharmacy without a pharmacist in charge;

(11) dispense a legend drug without first obtaining a valid prescription for that drug;

(12) conduct a pharmacy without proper registration with the board;

(13) practice pharmacy without being licensed to do so by the board; ~~or~~

(14) sell at retail federally restricted medical gases without proper registration with the board except as provided in this chapter; ~~or~~

(15) sell any compound, substance, or derivative that is not approved for human consumption by the United States Food and Drug Administration or specifically permitted for human consumption under Minnesota law, and, when introduced into the body, induces an effect similar to that of a Schedule I or Schedule II controlled substance listed in section 152.02, subdivisions 2 and 3, or Minnesota Rules, parts 6800.4210 and 6800.4220, regardless of whether the substance is marketed for the purpose of human consumption.

**EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to sales on or after that date.

Sec. 6. Minnesota Statutes 2012, section 151.35, is amended to read:

**151.35 DRUGS, ADULTERATION.**

A drug shall be deemed to be adulterated:

(1) if it consists in whole or in part of any filthy, putrid or decomposed substance; or if it has been produced, prepared, packed, or held under unsanitary conditions whereby it may have been rendered injurious to health, or whereby it may have been contaminated with filth; or if the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice as required under the federal act to assure that such drug is safe and has the identity, strength, quality, and purity characteristics, which it purports or is represented to possess; or the facility in which it was produced was not registered by the United States Food and Drug Administration or licensed by the board; or, its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or it bears or contains, for purposes of coloring only, a color additive which is unsafe within the meaning of the federal act, or it is a color additive, the intended use of which in or on drugs is for the purposes of coloring only, and is unsafe within the meaning of the federal act;



(2) if it purports to be or is represented as a drug the name of which is recognized in the United States Pharmacopoeia or the National Formulary, and its strength differs from, or its quality or purity falls below, the standard set forth therein. Such determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, or in the absence of or inadequacy of such tests or methods of assay, those prescribed under authority of the federal act. No drug defined in the United States Pharmacopoeia or the National Formulary shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality, or purity therefor set forth in such compendium, if its difference in strength, quality, or purity from such standard is plainly stated on its label;

(3) if it is not subject to the provisions of paragraph (2) of this section and its strength differs from, or its purity or quality differs from that which it purports or is represented to possess;

(4) if any substance has been mixed or packed therewith so as to reduce its quality or strength, or substituted wholly or in part therefor.

**EFFECTIVE DATE.** This section is effective August 1, 2014.

Sec. 7. Minnesota Statutes 2012, section 151.36, is amended to read:

**151.36 DRUGS, MISBRANDING.**

A drug shall be deemed to be misbranded:

(1) if its labeling is false or misleading in any particular;

(2) if in package form and not dispensed pursuant to a prescription unless it bears a label containing (a) the name and place of business of the manufacturer, packer, or distributor, (b) a statement of ~~identity~~ ingredients, and (c) an accurate statement of the net quantity of the contents in terms of weight, measure, or numerical count, provided, however, that under (c) reasonable variations shall be permitted, and exceptions as to small packages shall be allowed in accordance with the federal act;

(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in such terms as to render it to be read and understood by the ordinary individual under customary conditions of purchase and use;

(4) if it otherwise fails to meet the labeling requirements of the federal act.

**EFFECTIVE DATE.** This section is effective August 1, 2014.

Sec. 8. Minnesota Statutes 2012, section 152.02, subdivision 8b, is amended to read:

Subd. 8b. **Board of Pharmacy; expedited scheduling of additional substances.** ~~(a)~~ The state Board of Pharmacy may, by rule, add a substance to Schedule I provided that it finds that the substance has a high potential for abuse, has no currently accepted medical use in the United States, has a lack of accepted safety for use under medical supervision, has known adverse health effects, and is currently available for use within the state. For the purposes of this subdivision only, the board may use the expedited rulemaking process under section 14.389. ~~The scheduling of a substance under this subdivision expires the day after the adjournment of the legislative session immediately following the substance's scheduling unless the legislature by law ratifies the action.~~

~~(b) If the board schedules a substance under this subdivision, the board shall notify in a timely manner the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice and health policy and finance of the action and the reasons for it. The notice must include a copy of the administrative law judge's decision on the matter.~~

~~(c) This subdivision expires August 1, 2014.~~

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

Sec. 9. **[152.0273] SYNTHETIC DRUG SALES; MANDATORY RESTITUTION.**

The court shall order a person convicted of selling a controlled substance or analog of a controlled substance under the false pretense that the substance is legal to pay restitution for the costs and expenses resulting from the crime. Costs and expenses include, but are not limited to, the medical costs of persons who consumed the substances sold by the offender and the reasonable costs incurred by public and private entities that provided an emergency response to a person who consumed the substances sold by the offender.

Sec. 10. **EDUCATIONAL AWARENESS CAMPAIGN; APPROPRIATION.**

\$163,000 in fiscal year 2014 is appropriated from the general fund to the Department of Human Services for increasing public awareness of the dangers of synthetic drugs. The appropriation is onetime and available until June 30, 2015. The educational awareness campaign should be designed to reach a broad audience but contain targeted messages for students and young adults. The commissioners of education, health, human services, and public safety shall cooperate in the formulation and implementation of the educational awareness campaign.

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

Sec. 11. **PHARMACY BOARD; APPROPRIATION.**

\$5,000 in fiscal year 2015 is appropriated from the state government special revenue fund to the Board of Pharmacy for the costs attributable to the board's cease and desist authority."

Delete the title and insert:

"A bill for an act relating to public safety; granting the Board of Pharmacy cease and desist authority to prevent the sale of synthetic drugs; modifying laws governing misbranding drugs, adulterated drugs; expanding the definition of drug; repealing the sunset and legislative reporting requirement for the Board of Pharmacy's emergency drug scheduling authority; providing for mandatory restitution when a person is convicted for selling controlled substance under false pretense of being legal; establishing a public education plan; appropriating money; amending Minnesota Statutes 2012, sections 151.01, subdivision 5; 151.06, subdivision 1a, by adding a subdivision; 151.26, subdivision 1; 151.34; 151.35; 151.36; 152.02, subdivision 8b; proposing coding for new law in Minnesota Statutes, chapter 152."

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

House Conferees: ERIK SIMONSON, JOHN WARD and KATHY LOHMER.

Senate Conferees: ROGER J. REINERT, CHRIS A. EATON and JEREMY R. MILLER.

Simonson moved that the report of the Conference Committee on H. F. No. 2446 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2446, A bill for an act relating to public safety; granting the Board of Pharmacy cease and desist authority to prevent the sale of synthetic drugs; modifying laws governing misbranding drugs, adulterated drugs; expanding the definition of drug; repealing the sunset and legislative reporting requirement for the Board of Pharmacy's emergency drug scheduling authority; providing for mandatory restitution when a person is convicted for selling controlled substance under false pretense of being legal; establishing a public education plan; appropriating money; amending Minnesota Statutes 2012, sections 151.01, subdivision 5; 151.06, subdivision 1a, by adding a subdivision; 151.26, subdivision 1; 151.34; 151.35; 151.36; 152.02, subdivision 8b; proposing coding for new law in Minnesota Statutes, chapter 152.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

|              |              |             |            |            |              |
|--------------|--------------|-------------|------------|------------|--------------|
| Abeler       | Dill         | Hertaus     | Lillie     | Newton     | Selcer       |
| Albright     | Dorholt      | Hilstrom    | Loeffler   | Nornes     | Simon        |
| Allen        | Drazkowski   | Holberg     | Lohmer     | Norton     | Simonson     |
| Anderson, P. | Erhardt      | Hoppe       | Loon       | O'Driscoll | Slocum       |
| Anderson, S. | Erickson, R. | Hornstein   | Mack       | O'Neill    | Sundin       |
| Anzelc       | Erickson, S. | Hortman     | Mahoney    | Paymar     | Swedzinski   |
| Atkins       | Fabian       | Howe        | Mariani    | Pelowski   | Theis        |
| Barrett      | Falk         | Huntley     | Marquart   | Peppin     | Torkelson    |
| Benson, J.   | Faust        | Isaacson    | Masin      | Persell    | Uglem        |
| Benson, M.   | Fischer      | Johnson, B. | McDonald   | Petersburg | Urdahl       |
| Bernardy     | Franson      | Johnson, C. | McNamar    | Poppe      | Wagenius     |
| Bly          | Freiberg     | Johnson, S. | McNamara   | Pugh       | Ward, J.A.   |
| Brynaert     | Fritz        | Kahn        | Melin      | Quam       | Ward, J.E.   |
| Carlson      | Garofalo     | Kelly       | Metsa      | Radinovich | Wills        |
| Clark        | Green        | Kiel        | Moran      | Rosenthal  | Winkler      |
| Cornish      | Gruenhagen   | Kresha      | Morgan     | Runbeck    | Woodard      |
| Daudt        | Gunther      | Laine       | Mullery    | Sanders    | Yarusso      |
| Davids       | Hackbarth    | Leidiger    | Murphy, E. | Savick     | Zerwas       |
| Davnie       | Halverson    | Lenczewski  | Murphy, M. | Sawatzky   | Spk. Thissen |
| Dean, M.     | Hamilton     | Lesch       | Myhra      | Schoen     |              |
| Dehn, R.     | Hansen       | Liebling    | Nelson     | Schomacker |              |
| Dettmer      | Hausman      | Lien        | Newberger  | Scott      |              |

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. No. 1863

A bill for an act relating to state government; modifying laws governing certain executive branch advisory groups; amending Minnesota Statutes 2012, sections 3.922, subdivision 8; 15B.11, subdivision 2; 16B.055, subdivision 1; 28A.21, subdivision 6; 43A.316, subdivisions 2, 3, 6; 62J.495, subdivision 2; 79A.02, subdivision 1; 85.0146, subdivision 1; 89A.03, subdivision 5; 89A.08, subdivision 1; 92.35; 93.0015, subdivision 3; 97A.055,

subdivision 4b; 103F.518, subdivision 1; 115.55, subdivision 12; 115.741, by adding a subdivision; 116U.25; 120B.365, subdivision 2; 134.31, subdivision 6; 144.1255, subdivision 1; 144.1481, subdivision 1; 144.608, subdivision 2; 144G.06; 145A.10, subdivision 10; 148.7805, subdivision 2; 153A.20, subdivision 2; 162.07, subdivision 5; 162.13, subdivision 3; 174.52, subdivision 3; 175.007, subdivision 1; 182.656, subdivision 3; 206.805; 214.13, subdivision 4; 216B.813, subdivision 2; 216B.815; 216C.02, subdivision 1; 240.18, subdivision 4; 241.021, subdivision 4c; 243.1606, subdivision 4; 252.30; 256B.0625, subdivisions 13c, 13i; 256B.27, subdivision 3; 256C.28, subdivision 1; 270C.12, subdivision 5; 298.2213, subdivision 5; 298.2214, subdivision 1; 298.297; 299A.62, subdivision 2; 299A.63, subdivision 2; 299E.04, subdivision 5; 326B.07, subdivision 1; 611A.32, subdivision 2; 611A.33; 611A.345; 611A.35; 629.342, subdivision 2; Minnesota Statutes 2013 Supplement, sections 103I.105; 125A.28; 136A.031, subdivision 3; 144.98, subdivision 10; 254A.035, subdivision 2; 254A.04; 256B.064, subdivision 1a; 256B.093, subdivision 1; 260.835, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 162; repealing Minnesota Statutes 2012, sections 6.81; 15.059, subdivision 5; 15B.32, subdivision 7; 16E.0475; 43A.316, subdivision 4; 43A.317, subdivision 4; 62U.09; 82B.021, subdivision 10; 82B.05, subdivisions 1, 3, 5, 6, 7; 82B.06; 84.964; 103F.518, subdivision 11; 116L.361, subdivision 2; 116L.363; 127A.70, subdivision 3; 136A.031, subdivision 5; 144.011, subdivision 2; 145.98, subdivisions 1, 3; 147E.35, subdivision 4; 162.02, subdivisions 2, 3; 162.09, subdivisions 2, 3; 196.30; 197.585, subdivision 4; 243.93; 245.97, subdivision 7; 252.31; 270C.991, subdivision 4; 298.2213, subdivision 5; 299C.156; 299M.02; 402A.15; 611A.34; Minnesota Statutes 2013 Supplement, sections 15.059, subdivision 5b; 197.585, subdivision 2.

May 8, 2014

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

We, the undersigned conferees for H. F. No. 1863 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1863 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1  
STATE GOVERNMENT

Section 1. Minnesota Statutes 2012, section 43A.316, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purpose of this section, the terms defined in this subdivision have the meaning given them.

(a) **Commissioner.** "Commissioner" means the commissioner of management and budget.

(b) **Employee.** "Employee" means:

(1) a person who is a public employee within the definition of section 179A.03, subdivision 14, who is insurance eligible and is employed by an eligible employer;

(2) an elected public official of an eligible employer who is insurance eligible;

(3) a person employed by a labor organization or employee association certified as an exclusive representative of employees of an eligible employer or by another public employer approved by the commissioner, so long as the plan meets the requirements of a governmental plan under United States Code, title 29, section 1002(32); or

(4) a person employed by a county or municipal hospital.

(c) **Eligible employer.** "Eligible employer" means:

(1) a public employer within the definition of section 179A.03, subdivision 15, that is a town, county, city, school district as defined in section 120A.05, service cooperative as defined in section 123A.21, intermediate district as defined in section 136D.01, Cooperative Center for Vocational Education as defined in section 123A.22, regional management information center as defined in section 123A.23, or an education unit organized under the joint powers action, section 471.59; or

(2) an exclusive representative of employees, as defined in paragraph (b);

(3) a county or municipal hospital; or

(4) another public employer approved by the commissioner.

(d) **Exclusive representative.** "Exclusive representative" means an exclusive representative as defined in section 179A.03, subdivision 8.

~~(e) **Labor Management Committee.** "Labor Management Committee" means the committee established by subdivision 4.~~

~~(f) (e) **Program.** "Program" means the statewide public employees insurance program created by subdivision 3.~~

Sec. 2. Minnesota Statutes 2012, section 43A.316, subdivision 3, is amended to read:

Subd. 3. **Public employee insurance program.** The commissioner shall be the administrator of the public employee insurance program and may determine its funding arrangements. The commissioner shall model the program after the plan established in section 43A.18, subdivision 2, but may modify that plan, ~~in consultation with the Labor Management Committee.~~

Sec. 3. Minnesota Statutes 2012, section 43A.316, subdivision 6, is amended to read:

Subd. 6. **Coverage.** (a) By January 1, 1989, the commissioner shall announce the benefits of the program. The program shall include employee hospital, medical, dental, and life insurance for employees and hospital and medical benefits for dependents. Health maintenance organization options and other delivery system options may be provided if they are available, cost-effective, and capable of servicing the number of people covered in the program. Participation in optional coverages may be provided by collective bargaining agreements. For employees not represented by an exclusive representative, the employer may offer the optional coverages to eligible employees and their dependents provided in the program.

(b) The commissioner, ~~with the assistance of the Labor Management Committee,~~ shall periodically assess whether it is financially feasible for the program to offer or to continue an individual retiree program that has competitive premium rates and benefits. If the commissioner determines it to be feasible to offer an individual retiree program, the commissioner shall announce the applicable benefits, premium rates, and terms of participation. Eligibility to participate in the individual retiree program is governed by subdivision 8, but applies to retirees of eligible employers that do not participate in the program and to those retirees' dependents and surviving spouses.

Sec. 4. Minnesota Statutes 2012, section 206.805, is amended to read:

**206.805 STATE VOTING SYSTEMS CONTRACTS.**

Subdivision 1. **Contracts required.** (a) The secretary of state, with the assistance of the commissioner of administration, shall establish one or more state voting systems contracts. The contracts should, if practical, include provisions for maintenance of the equipment purchased. The voting systems contracts must address precinct-based optical scan voting equipment, and ballot marking equipment for persons with disabilities and other voters. The contracts must give the state a perpetual license to use and modify the software. The contracts must include provisions to escrow the software source code, as provided in subdivision 2. Bids for voting systems and related election services must be solicited from each vendor selling or leasing voting systems that have been certified for use by the secretary of state. The contracts must be renewed from time to time.

~~(b) The secretary of state shall appoint an advisory committee, including representatives of the state chief information officer, county auditors, municipal clerks who have had operational experience with the use of electronic voting systems, and members of the disabilities community to advise the secretary of state in reviewing and evaluating the merits of proposals submitted from voting equipment vendors for the state contracts.~~

~~(c)~~ (b) Counties and municipalities may purchase or lease voting systems and obtain related election services from the state contracts. All counties and municipalities are members of the cooperative purchasing venture of the Department of Administration for the purpose of this section. For the purpose of township elections, counties must aggregate orders under contracts negotiated under this section for products and services and may apportion the costs of those products and services proportionally among the townships receiving the products and services. The county is not liable for the timely or accurate delivery of those products or services.

Sec. 5. **REPEALER.**

(a) Minnesota Statutes 2012, sections 6.81; 15.059, subdivision 5; 16E.0475; 43A.316, subdivision 4; 43A.317, subdivision 4; 196.30; 197.585, subdivision 4; and 270C.991, subdivision 4, are repealed.

(b) Minnesota Statutes 2013 Supplement, sections 15.059, subdivision 5b; and 197.585, subdivision 2, are repealed.

ARTICLE 2

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Section 1. Minnesota Statutes 2012, section 92.35, is amended to read:

**92.35 DUTIES AND POWERS.**

The commissioner of natural resources must classify all public and private lands in the state by the use to which the lands are adapted, but principally as to adaptability to present known uses, such as agriculture and forestry. This classification must be based on consideration of the known physical and economic factors affecting use of the land. The commissioner must consult private, state, and federal agencies concerned with land use. ~~The commissioner may appoint advisory committees of residents of the state concerned with and interested in land use. The advisory committees shall serve without pay, at the pleasure of the commissioner. The advisory committee must consider and report on land use problems submitted by the commissioner.~~ The classification must be done first in the counties having land classification committees. In determining the land classification, the commissioner must consult and cooperate with the land classification committee. The determination of the land classification committee is final.

Sec. 2. Minnesota Statutes 2012, section 103F.518, subdivision 1, is amended to read:

Subdivision 1. **Establishment of program.** (a) The board, ~~in consultation with the technical committee established in subdivision 11,~~ shall establish and administer a reinvest in Minnesota (RIM) clean energy program that is in addition to the program under section 103F.515. Selection of land for the clean energy program must be based on its potential benefits for bioenergy crop production, water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity, and wildlife habitat.

(b) For the purposes of this section, "diverse native prairie" means a prairie planted from a mix of local Minnesota native prairie species. A selection from all available native prairie species may be made so as to match species appropriate to local site conditions.

Sec. 3. Minnesota Statutes 2012, section 115.55, subdivision 12, is amended to read:

Subd. 12. **Advisory committee; county subsurface sewage treatment system management plan.** ~~(a) A county may adopt a subsurface sewage treatment system management plan that describes how the county plans on carrying out subsurface sewage treatment system needs. The commissioner of the Pollution Control Agency shall form an advisory committee to determine what the plans should address. The advisory committee shall be made up of representatives of the Association of Minnesota Counties, Pollution Control Agency, Board of Water and Soil Resources, Department of Health, and other public agencies or local units of government that have an interest in subsurface sewage treatment systems.~~

~~(b) The advisory committee shall advise the agency on the standards, management, monitoring, and reporting requirements for performance based systems.~~

Sec. 4. **REPEALER.**

Minnesota Statutes 2012, sections 84.964; and 103F.518, subdivision 11, are repealed.

### ARTICLE 3 EDUCATION

Section 1. Minnesota Statutes 2012, section 120B.365, subdivision 2, is amended to read:

Subd. 2. **Expiration.** Notwithstanding section 15.059, subdivision 5, the committee expires on June 30, ~~2014~~ 2016.

Sec. 2. Minnesota Statutes 2013 Supplement, section 136A.031, subdivision 3, is amended to read:

Subd. 3. **Student Advisory Council.** (a) A Student Advisory Council (SAC) to the ~~Minnesota~~ office of ~~Higher Education~~ is established. The members of SAC shall include: the chair of the University of Minnesota student senate; the state chair of the Minnesota State University Student Association; the president of the Minnesota State College Student Association and an officer of the Minnesota State College Student Association, one in a community college course of study and one in a technical college course of study; ~~the president of the Minnesota Association of Private College Students;~~ and a student who is enrolled in a private vocational school, ~~to be appointed by the Minnesota Career College Association~~ a student who is enrolled in a private nonprofit postsecondary institution, to be elected by students enrolled in Minnesota Private College Council institutions; and a student who is enrolled in a private for-profit postsecondary institution, to be elected by students enrolled in Minnesota Career College Association institutions. If students from the Minnesota Private College Council institutions do not elect a representative, the Minnesota Private College Council must appoint the private nonprofit representative. If students from the Minnesota Career College Association institutions do not elect a representative, the Minnesota Career College Association must appoint the private for-profit representative. A member may be represented by a student designee who attends an institution from the same system that the absent member represents. The SAC shall select one of its members to serve as chair.

(b) The ~~Minnesota office of Higher Education~~ shall inform the SAC of all matters related to student issues under consideration. The SAC shall report to the ~~Minnesota office of Higher Education~~ quarterly and at other times that the SAC considers desirable. The SAC shall determine its meeting times, but it shall also meet with the office within 30 days after the commissioner's request for a meeting.

(c) The SAC shall:

(1) bring to the attention of the ~~Minnesota office of Higher Education~~ any matter that the SAC believes needs the attention of the office;

(2) make recommendations to the ~~Minnesota office of Higher Education~~ as it finds appropriate; and

(3) approve student appointments by the ~~Minnesota office of Higher Education~~ for each advisory group as provided in subdivision 4.

Sec. 3. **REPEALER.**

Minnesota Statutes 2012, section 124D.94, is repealed.

ARTICLE 4  
TRANSPORTATION

Section 1. **[162.152] RULES; ADVISORY COMMITTEE.**

Subdivision 1. **Advisory committee membership.** The rules referenced in sections 162.02, subdivision 1, and 162.09, subdivision 1, shall be made and promulgated by the commissioner acting with the advice of a committee selected as follows:

(1) nine members must be selected by the county boards acting through the officers of the statewide association of county commissioners. The committee members shall be selected so that each member is from a different state highway construction district. Not more than five of the nine members shall be county commissioners, and the remaining members shall be county highway engineers; and

(2) 12 members must be selected by the governing bodies of cities, acting through the officers of the statewide association of municipal officials. The committee members shall be selected so that there is one member from each state highway construction district and one member from each city of the first class. Not more than six of the 12 members shall be elected officials of the cities, and the remaining members shall be city engineers.

Subd. 2. **Commissioner's determination.** If agreement cannot be reached on a rule, the commissioner's determination on what rule will be proposed for adoption is final.

Subd. 3. **Rules have force of law.** The rules have the force and effect of law as provided in chapter 14.

Subd. 4. **No expiration.** The committee created in this section does not expire.

Sec. 2. **REPEALER.**

Minnesota Statutes 2012, sections 162.02, subdivisions 2 and 3; and 162.09, subdivisions 2 and 3, are repealed.



ARTICLE 5  
COMMERCE AND ECONOMIC DEVELOPMENT

Section 1. Minnesota Statutes 2012, section 216B.813, subdivision 2, is amended to read:

Subd. 2. **Grants.** (a) The commissioner of commerce shall operate a competitive grant program for projects to assist the state in attaining its renewable hydrogen energy goals. ~~The commissioner of commerce shall assemble an advisory committee made up of industry, university, government, and nongovernment organizations to:~~

- ~~(1) help identify the most promising technology deployment projects for public investment;~~
- ~~(2) advise on the technical specifications for those projects; and~~
- ~~(3) make recommendations on project grants.~~

(b) The commissioner shall give preference to project concepts included in the department's most recent biennial report: Strategic Demonstration Projects to Accelerate the Commercialization of Renewable Hydrogen and Related Technologies in Minnesota. Projects eligible for funding must combine one or more of the hydrogen production options listed in the department's report with an end use that has significant commercial potential, preferably high visibility, and relies on fuel cells or related technologies. Each funded technology deployment must include an explicit education and awareness-raising component, be compatible with the renewable hydrogen deployment criteria defined in section 216B.812, and receive 50 percent of its total cost from nonstate sources. The 50 percent requirement does not apply for recipients that are public institutions.

Sec. 2. Minnesota Statutes 2012, section 216B.815, is amended to read:

**216B.815 REGIONAL ENERGY RESEARCH AND EDUCATION PARTNERSHIP.**

(a) The state's public research and higher education institutions should work with one another and with similar institutions in the region to establish Minnesota and the Upper Midwest as a center of research, education, outreach, and technology transfer for the production of renewable energy and products, including hydrogen, fuel cells, and related technologies. The partnership should be designed to create a critical mass of research and education capability that can compete effectively for federal and private investment in these areas.

~~(b) The partnership must include an advisory committee comprised of government, industry, academic, and nonprofit representatives to help focus its research and education efforts on the most critical issues.~~

~~(c)~~ (b) Initiatives undertaken by the partnership may include:

(1) collaborative and interdisciplinary research, demonstration projects, and commercialization of market-ready technologies;

(2) creation of undergraduate and graduate course offerings and eventually degreed and vocational programs with reciprocity;

(3) establishment of fellows programs at the region's institutes of higher learning that provide financial incentives for relevant study, research, and exchange; and

(4) development and field-testing of relevant curricula, teacher kits for all educational levels, and widespread teacher training, in collaboration with state energy offices, teachers, nonprofits, businesses, the United States Department of Energy, and other interested parties.

Sec. 3. Minnesota Statutes 2012, section 216C.02, subdivision 1, is amended to read:

Subdivision 1. **Powers.** (a) The commissioner may:

(1) apply for, receive, and spend money received from federal, municipal, county, regional, and other government agencies and private sources;

(2) apply for, accept, and disburse grants and other aids from public and private sources;

(3) contract for professional services if work or services required or authorized to be carried out by the commissioner cannot be satisfactorily performed by employees of the department or by another state agency;

(4) enter into interstate compacts to carry out research and planning jointly with other states or the federal government when appropriate;

(5) upon reasonable request, distribute informational material at no cost to the public; and

(6) enter into contracts for the performance of the commissioner's duties with federal, state, regional, metropolitan, local, and other agencies or units of government and educational institutions, including the University of Minnesota, without regard to the competitive bidding requirements of chapters 16A and 16C.

(b) The commissioner shall collect information on conservation and other energy-related programs carried on by other agencies, by public utilities, by cooperative electric associations, by municipal power agencies, by other fuel suppliers, by political subdivisions, and by private organizations. Other agencies, cooperative electric associations, municipal power agencies, and political subdivisions shall cooperate with the commissioner by providing information requested by the commissioner. The commissioner may by rule require the submission of information by other program operators. The commissioner shall make the information available to other agencies and to the public and, as necessary, shall recommend to the legislature changes in the laws governing conservation and other energy-related programs to ensure that:

(1) expenditures on the programs are adequate to meet identified needs;

(2) the needs of low-income energy users are being adequately addressed;

(3) duplication of effort is avoided or eliminated;

(4) a program that is ineffective is improved or eliminated; and

(5) voluntary efforts are encouraged through incentives for their operators.

~~The commissioner shall appoint an advisory task force to help evaluate the information collected and formulate recommendations to the legislature. The task force must include low income energy users.~~

(c) By January 15 of each year, the commissioner shall report to the legislature on the projected amount of federal money likely to be available to the state during the next fiscal year, including grant money and money received by the state as a result of litigation or settlements of alleged violations of federal petroleum-pricing regulations. The report must also estimate the amount of money projected as needed during the next fiscal year to finance a level of conservation and other energy-related programs adequate to meet projected needs, particularly the needs of low-income persons and households, and must recommend the amount of state appropriations needed to cover the difference between the projected availability of federal money and the projected needs.

Sec. 4. **CLARIFICATION OF CONTINUED EXISTENCE.**

This section clarifies that the Automobile Theft Prevention Advisory Board created in Minnesota Statutes, section 65B.84, subdivision 4, did not expire June 30, 2009. Actions taken by that group and public funds spent on behalf of the group are valid.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies retroactively from June 30, 2009.

Sec. 5. **REPEALER.**

Minnesota Statutes 2012, sections 82B.021, subdivision 10; 82B.05, subdivisions 1, 3, 5, 6, and 7; 82B.06; 116L.361, subdivision 2; and 116L.363, are repealed.

ARTICLE 6  
PUBLIC SAFETY

Section 1. Minnesota Statutes 2012, section 299A.62, subdivision 2, is amended to read:

Subd. 2. **Awarding grant.** Grants under this section shall be awarded by the commissioner of public safety. ~~Before any grants are awarded, a committee consisting of the attorney general, and representatives from the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace Officers Association, shall evaluate the grant applications. Before grants are awarded, the commissioner shall meet and consult with the committee concerning its evaluation of and recommendations on grant proposals.~~ A grant under subdivision 1, paragraph (b), clause (1), may be awarded only to a law enforcement agency that demonstrates in its application that it currently has a need for an additional officer to be assigned to: (1) community-oriented policing duties; or (2) the investigation and prevention of juvenile crime, based on the juvenile crime rate in the area over which the agency has jurisdiction. More than one grant under subdivision 1, paragraph (b), clause (1), may be awarded to an agency; however, each grant may fund only one position. At least 50 percent of the grants awarded under subdivision 1, paragraph (b), clause (1), must be awarded to the cities of Minneapolis and St. Paul.

Sec. 2. Minnesota Statutes 2012, section 299A.63, subdivision 2, is amended to read:

Subd. 2. **Awarding grant.** The commissioner of public safety shall act as fiscal agent for the grant program and shall be responsible for receiving applications for grants and awarding grants under this section. ~~Before any grants are awarded, a committee consisting of the attorney general, and representatives from the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace Officers Association, shall evaluate the grant applications. Before grants are awarded, the commissioner shall meet and consult with the committee concerning its evaluation of and recommendations on grant proposals.~~ At least 50 percent of the grants awarded under this section must be awarded to the cities of Minneapolis and St. Paul.

Sec. 3. Minnesota Statutes 2012, section 611A.32, subdivision 2, is amended to read:

Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the commissioner for a grant to provide emergency shelter services to battered women, support services to domestic abuse victims, or both, to battered women and their children. The application shall be submitted in a form approved by the commissioner by rule adopted under chapter 14, ~~after consultation with the advisory council,~~ and shall include:

(1) a proposal for the provision of emergency shelter services for battered women, support services for domestic abuse victims, or both, for battered women and their children;

(2) a proposed budget;

(3) the agency's overall operating budget, including documentation on the retention of financial reserves and availability of additional funding sources;

(4) evidence of an ability to integrate into the proposed program the uniform method of data collection and program evaluation established under ~~sections~~ section 611A.33 and 611A.34;

(5) evidence of an ability to represent the interests of battered women and domestic abuse victims and their children to local law enforcement agencies and courts, county welfare agencies, and local boards or departments of health;

(6) evidence of an ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and

(7) any other content the commissioner may require by rule adopted under chapter 14, after considering the recommendations of the advisory council.

Programs which have been approved for grants in prior years may submit materials which indicate changes in items listed in clauses (1) to (7), in order to qualify for renewal funding. Nothing in this subdivision may be construed to require programs to submit complete applications for each year of renewal funding.

Sec. 4. Minnesota Statutes 2012, section 611A.33, is amended to read:

**611A.33 DUTIES OF COMMISSIONER.**

The commissioner shall:

(1) review applications for and award grants to a program pursuant to section 611A.32, subdivision 1, ~~after considering the recommendation of the advisory council;~~

~~(2) appoint the members of the advisory council created under section 611A.34, and provide consultative staff and other administrative services to the advisory council;~~

~~(3) after considering the recommendation of the advisory council,~~ (2) appoint a program director to perform the duties set forth in section 611A.35;

~~(4)~~ (3) design and implement a uniform method of collecting data on domestic abuse victims to be used to evaluate the programs funded under section 611A.32;

~~(5)~~ (4) provide technical aid to applicants in the development of grant requests and provide technical aid to programs in meeting the data collection requirements established by the commissioner; and

~~(6)~~ (5) adopt, under chapter 14, all rules necessary to implement the provisions of sections 611A.31 to 611A.36.

Sec. 5. Minnesota Statutes 2012, section 611A.345, is amended to read:

**611A.345 ~~ADVISORY COUNCIL~~ DIRECTOR RECOMMENDATIONS.**

The commissioner shall consider the ~~advisory council's~~ domestic abuse program director's recommendations before awarding grants or adopting policies regarding the planning, development, data collection, rulemaking, funding or evaluation of programs and services for battered women and domestic abuse victims funded under

section 611A.32. Before taking action on matters related to programs and services for battered women and domestic abuse victims and their children, except day-to-day administrative operations, the commissioner shall notify the ~~advisory council~~ domestic abuse program director of the intended action. Notification of grant award decisions shall be given to the ~~advisory council~~ domestic abuse program director in time to allow the ~~council~~ director to request reconsideration.

Sec. 6. Minnesota Statutes 2012, section 611A.35, is amended to read:

**~~611A.35 ADVISORY COUNCIL ON BATTERED WOMEN AND DOMESTIC ABUSE PROGRAM DIRECTOR.~~**

The commissioner shall appoint a program director. ~~In appointing the program director the commissioner shall give due consideration to the list of applicants submitted to the commissioner pursuant to section 611A.34, subdivision 3, clause (3).~~ The program director shall administer the funds appropriated for sections 611A.31 to 611A.36, ~~consult with and provide staff to the advisory council,~~ and perform other duties related to battered women's and domestic abuse programs as the commissioner may assign. The program director shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 7. Minnesota Statutes 2012, section 629.342, subdivision 2, is amended to read:

Subd. 2. **Policies required.** (a) By July 1, 1993, each law enforcement agency shall develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents. In the development of a policy, each law enforcement agency shall consult with domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents. The policy shall discourage dual arrests, include consideration of whether one of the parties acted in self defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated.

(b) The Bureau of Criminal Apprehension, and the Board of Peace Officer Standards and Training, ~~and the Advisory Council on Battered Women and Domestic Abuse appointed by the commissioner of corrections under section 611A.34,~~ in consultation with the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace Officers Association, shall develop a written model policy regarding arrest procedures for domestic abuse incidents for use by local law enforcement agencies. Each law enforcement agency may adopt the model policy in lieu of developing its own policy under the provisions of paragraph (a).

(c) Local law enforcement agencies that have already developed a written policy regarding arrest procedures for domestic abuse incidents before July 1, 1992, are not required to develop a new policy but must review their policies and consider the written model policy developed under paragraph (b).

Sec. 8. **CLARIFICATION OF CONTINUED EXISTENCE.**

This section clarifies that the Fire Service Advisory Committee, created in Minnesota Statutes, section 299F.012, subdivision 2, did not expire June 30, 2009. Action taken by that group and public funds spent on behalf of that group are valid.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies retroactively from June 30, 2009.

Sec. 9. **REPEALER.**

Minnesota Statutes 2012, sections 299C.156; 299M.02; and 611A.34, are repealed.

ARTICLE 7  
HEALTH AND HUMAN SERVICES

Section 1. Minnesota Statutes 2012, section 115.741, is amended by adding a subdivision to read:

Subd. 5. **Repeal.** This section is repealed June 30, 2019.

Sec. 2. Minnesota Statutes 2013 Supplement, section 144.98, subdivision 10, is amended to read:

Subd. 10. **Establishing a selection committee.** (a) The commissioner shall establish a selection committee for the purpose of recommending approval of qualified laboratory assessors and assessment bodies. Committee members shall demonstrate competence in assessment practices. The committee shall initially consist of seven members appointed by the commissioner as follows:

- (1) one member from a municipal laboratory accredited by the commissioner;
  - (2) one member from an industrial treatment laboratory accredited by the commissioner;
  - (3) one member from a commercial laboratory located in this state and accredited by the commissioner;
  - (4) one member from a commercial laboratory located outside the state and accredited by the commissioner;
  - (5) one member from a nongovernmental client of environmental laboratories;
  - (6) one member from a professional organization with a demonstrated interest in environmental laboratory data and accreditation; and
  - (7) one employee of the laboratory accreditation program administered by the department.
- (b) Committee appointments begin on January 1 and end on December 31 of the same year.
- (c) The commissioner shall appoint persons to fill vacant committee positions, expand the total number of appointed positions, or change the designated positions upon the advice of the committee.
- (d) The commissioner shall rescind the appointment of a selection committee member for sufficient cause as the commissioner determines, such as:
- (1) neglect of duty;
  - (2) failure to notify the commissioner of a real or perceived conflict of interest;
  - (3) nonconformance with committee procedures;
  - (4) failure to demonstrate competence in assessment practices; or
  - (5) official misconduct.

(e) Members of the selection committee shall be compensated according to the provisions in section 15.059, subdivision 3.

(f) The selection committee expires June 30, 2018.

Sec. 3. Minnesota Statutes 2012, section 144G.06, is amended to read:

**144G.06 UNIFORM CONSUMER INFORMATION GUIDE.**

~~(a) The commissioner of health shall establish an advisory committee consisting of representatives of consumers, providers, county and state officials, and other groups the commissioner considers appropriate. The advisory committee shall present recommendations to the commissioner on:~~

~~(1) a format for a guide to be used by individual providers of assisted living, as defined in section 144G.01, that includes information about services offered by that provider, which services may be covered by Medicare, service costs, and other relevant provider-specific information, as well as a statement of philosophy and values associated with assisted living, presented in uniform categories that facilitate comparison with guides issued by other providers; and~~

~~(2) requirements for informing assisted living clients, as defined in section 144G.01, of their applicable legal rights.~~

~~(b) The commissioner, after reviewing the recommendations of the advisory committee, shall adopt a uniform format for the guide to be used by individual providers, and the required components of materials to be used by providers to inform assisted living clients of their legal rights, and shall make the uniform format and the required components available to assisted living providers.~~

Sec. 4. Minnesota Statutes 2012, section 152.126, subdivision 3, is amended to read:

Subd. 3. **Prescription Electronic Reporting Advisory Committee.** (a) The board shall convene an advisory committee. The committee must include at least one representative of:

(1) the Department of Health;

(2) the Department of Human Services;

(3) each health-related licensing board that licenses prescribers;

(4) a professional medical association, which may include an association of pain management and chemical dependency specialists;

(5) a professional pharmacy association;

(6) a professional nursing association;

(7) a professional dental association;

(8) a consumer privacy or security advocate; and

(9) a consumer or patient rights organization.

(b) The advisory committee shall advise the board on the development and operation of the electronic reporting system, including, but not limited to:

- (1) technical standards for electronic prescription drug reporting;
  - (2) proper analysis and interpretation of prescription monitoring data; and
  - (3) an evaluation process for the program.
- (c) The advisory committee expires June 30, 2018.

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

Sec. 5. Minnesota Statutes 2012, section 252.30, is amended to read:

**252.30 AUTHORIZATION TO MAKE GRANTS FOR COMMUNITY RESIDENTIAL FACILITIES.**

The commissioner of human services may make grants to nonprofit organizations, municipalities or local units of government to provide up to 25 percent of the cost of constructing, purchasing or remodeling small community residential facilities for persons with developmental disabilities allowing such persons to live in a homelike atmosphere near their families. Operating capital grants may also be made for up to three months of reimbursable operating costs after the facility begins processing applications for admission and prior to reimbursement for services. Repayment of the operating grants shall be made to the commissioner of human services at the end of the provider's first fiscal year, or at the conclusion of the interim rate period, whichever occurs first. No aid under this section shall be granted to a facility providing for more than 16 residents in a living unit and with more than two living units. ~~The advisory council established by section 252.31 shall recommend to the commissioner appropriate disbursement of the funds appropriated by Laws 1973, chapter 673, section 3.~~ Prior to any disbursement of funds the commissioner shall review the plans and location of any proposed facility to determine whether such a facility is needed. The commissioner shall promulgate such rules for the making of grants and for the administration of this section as the commissioner deems proper. The remaining portion of the cost of constructing, purchasing, remodeling facilities, or of operating capital shall be borne by nonstate sources including federal grants, local government funds, funds from charitable sources, gifts and mortgages.

Sec. 6. Minnesota Statutes 2013 Supplement, section 254A.035, subdivision 2, is amended to read:

Subd. 2. **Membership terms, compensation, removal and expiration.** The membership of this council shall be composed of 17 persons who are American Indians and who are appointed by the commissioner. The commissioner shall appoint one representative from each of the following groups: Red Lake Band of Chippewa Indians; Fond du Lac Band, Minnesota Chippewa Tribe; Grand Portage Band, Minnesota Chippewa Tribe; Leech Lake Band, Minnesota Chippewa Tribe; Mille Lacs Band, Minnesota Chippewa Tribe; Bois Forte Band, Minnesota Chippewa Tribe; White Earth Band, Minnesota Chippewa Tribe; Lower Sioux Indian Reservation; Prairie Island Sioux Indian Reservation; Shakopee Mdewakanton Sioux Indian Reservation; Upper Sioux Indian Reservation; International Falls Northern Range; Duluth Urban Indian Community; and two representatives from the Minneapolis Urban Indian Community and two from the St. Paul Urban Indian Community. The terms, compensation, and removal of American Indian Advisory Council members shall be as provided in section 15.059. The council expires June 30, ~~2014~~ 2018.

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



Sec. 7. Minnesota Statutes 2013 Supplement, section 254A.04, is amended to read:

**254A.04 CITIZENS ADVISORY COUNCIL.**

There is hereby created an Alcohol and Other Drug Abuse Advisory Council to advise the Department of Human Services concerning the problems of alcohol and other drug dependency and abuse, composed of ten members. Five members shall be individuals whose interests or training are in the field of alcohol dependency and abuse; and five members whose interests or training are in the field of dependency and abuse of drugs other than alcohol. The terms, compensation and removal of members shall be as provided in section 15.059. The council expires June 30, 2014 2018. The commissioner of human services shall appoint members whose terms end in even-numbered years. The commissioner of health shall appoint members whose terms end in odd-numbered years.

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

Sec. 8. Minnesota Statutes 2012, section 256B.0625, subdivision 13c, is amended to read:

Subd. 13c. **Formulary committee.** The commissioner, after receiving recommendations from professional medical associations and professional pharmacy associations, and consumer groups shall designate a Formulary Committee to carry out duties as described in subdivisions 13 to 13g. The Formulary Committee shall be comprised of four licensed physicians actively engaged in the practice of medicine in Minnesota one of whom must be actively engaged in the treatment of persons with mental illness; at least three licensed pharmacists actively engaged in the practice of pharmacy in Minnesota; and one consumer representative; the remainder to be made up of health care professionals who are licensed in their field and have recognized knowledge in the clinically appropriate prescribing, dispensing, and monitoring of covered outpatient drugs. Members of the Formulary Committee shall not be employed by the Department of Human Services, but the committee shall be staffed by an employee of the department who shall serve as an ex officio, nonvoting member of the committee. The department's medical director shall also serve as an ex officio, nonvoting member for the committee. Committee members shall serve three-year terms and may be reappointed by the commissioner. The Formulary Committee shall meet at least twice per year. The commissioner may require more frequent Formulary Committee meetings as needed. An honorarium of \$100 per meeting and reimbursement for mileage shall be paid to each committee member in attendance. The Formulary Committee expires June 30, 2018.

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

Sec. 9. Minnesota Statutes 2013 Supplement, section 256B.064, subdivision 1a, is amended to read:

Subd. 1a. **Grounds for sanctions against vendors.** The commissioner may impose sanctions against a vendor of medical care for any of the following: (1) fraud, theft, or abuse in connection with the provision of medical care to recipients of public assistance; (2) a pattern of presentation of false or duplicate claims or claims for services not medically necessary; (3) a pattern of making false statements of material facts for the purpose of obtaining greater compensation than that to which the vendor is legally entitled; (4) suspension or termination as a Medicare vendor; (5) refusal to grant the state agency access during regular business hours to examine all records necessary to disclose the extent of services provided to program recipients and appropriateness of claims for payment; (6) failure to repay an overpayment or a fine finally established under this section; (7) failure to correct errors in the maintenance of health service or financial records for which a fine was imposed or after issuance of a warning by the commissioner; and (8) any reason for which a vendor could be excluded from participation in the Medicare program under section 1128, 1128A, or 1866(b)(2) of the Social Security Act. ~~The determination of services not medically necessary may be made by the commissioner in consultation with a peer advisory task force appointed by the commissioner on the recommendation of appropriate professional organizations. The task force expires as provided in section 15.059, subdivision 5.~~

Sec. 10. Minnesota Statutes 2013 Supplement, section 256B.093, subdivision 1, is amended to read:

Subdivision 1. **State traumatic brain injury program.** The commissioner of human services shall:

- (1) maintain a statewide traumatic brain injury program;
- (2) supervise and coordinate services and policies for persons with traumatic brain injuries;
- (3) contract with qualified agencies or employ staff to provide statewide administrative case management and consultation;
- (4) maintain an advisory committee to provide recommendations in reports to the commissioner regarding program and service needs of persons with brain injuries;
- (5) investigate the need for the development of rules or statutes for the brain injury home and community-based services waiver;
- (6) investigate present and potential models of service coordination which can be delivered at the local level; and
- (7) the advisory committee required by clause (4) must consist of no fewer than ten members and no more than 30 members. The commissioner shall appoint all advisory committee members to one- or two-year terms and appoint one member as chair. ~~Notwithstanding section 15.059, subdivision 5,~~ The advisory committee does not terminate until June 30, ~~2014~~ 2018.

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

Sec. 11. Minnesota Statutes 2012, section 256B.27, subdivision 3, is amended to read:

Subd. 3. **Access to medical records.** The commissioner of human services, with the written consent of the recipient, on file with the local welfare agency, shall be allowed access to all personal medical records of medical assistance recipients solely for the purposes of investigating whether or not: (a) a vendor of medical care has submitted a claim for reimbursement, a cost report or a rate application which is duplicative, erroneous, or false in whole or in part, or which results in the vendor obtaining greater compensation than the vendor is legally entitled to; or (b) the medical care was medically necessary. The vendor of medical care shall receive notification from the commissioner at least 24 hours before the commissioner gains access to such records. The determination of provision of services not medically necessary shall be made by the commissioner. ~~The commissioner may consult with an advisory task force of vendors the commissioner may appoint, on the recommendation of appropriate professional organizations. The task force expires as provided in section 15.059, subdivision 6.~~ Notwithstanding any other law to the contrary, a vendor of medical care shall not be subject to any civil or criminal liability for providing access to medical records to the commissioner of human services pursuant to this section.

Sec. 12. Minnesota Statutes 2013 Supplement, section 260.835, subdivision 2, is amended to read:

Subd. 2. **Expiration.** Notwithstanding section 15.059, subdivision 5, the American Indian Child Welfare Advisory Council expires June 30, ~~2014~~ 2018.

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

Sec. 13. **CLARIFICATION OF CONTINUED EXISTENCE.**

This section clarifies that the groups listed in this section did not expire June 30, 2009. Actions taken by the groups listed in this section and public funds spent on behalf of these groups since June 30, 2009, are valid:

(1) Medical Assistance Drug Formulary Committee, created in Minnesota Statutes, section 256B.0625, subdivision 13c;

(2) Environmental Health Tracking and Biomonitoring Advisory Panel, created in Minnesota Statutes, section 144.998;

(3) Water Supply Systems and Wastewater Treatment Facilities Advisory Council, created in Minnesota Statutes, section 115.741; and

(4) Prescription Electronic Reporting Advisory Committee, created in Minnesota Statutes, section 152.126, subdivision 3.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies retroactively from June 30, 2009.

Sec. 14. **REPEALER.**

Minnesota Statutes 2012, sections 62U.09; 252.31; and 402A.15, are repealed.

ARTICLE 8  
CONFORMING CHANGES

Section 1. Minnesota Statutes 2012, section 3.922, subdivision 8, is amended to read:

Subd. 8. **Advisory board.** An advisory board on urban Indians shall advise the council on the unique problems and concerns of Minnesota Indians who reside in urban areas of the state. The board must be appointed by the council at the direction of the elected tribal leadership and consist of six Indians residing in the vicinity of Minneapolis, St. Paul, Bemidji, and Duluth. At least one member of the board must be a resident of each city. The terms, compensation, and removal of members are as provided in section 15.059, ~~but the expiration dates provided in that section do not apply.~~

Sec. 2. Minnesota Statutes 2012, section 15B.11, subdivision 2, is amended to read:

Subd. 2. **Advisory committee.** (a) A three-member advisory committee to the CAAPB is established. Each of the three must be either an architect or a planner. One must be appointed by the CAAPB; one, by the State Board of the Arts; and one, by the Minnesota Society of the American Institute of Architects.

(b) The advisory committee must advise the CAAPB on all architectural and planning matters.

~~(c) Notwithstanding section 15.059, subdivision 5, or other law, the authority for appointment of an advisory committee does not expire.~~

~~(d)~~ (c) An advisory committee member must not be a contestant in a CAAPB competition.

Sec. 3. Minnesota Statutes 2012, section 16B.055, subdivision 1, is amended to read:

Subdivision 1. **Federal Assistive Technology Act.** (a) The Department of Administration is designated as the lead agency to carry out all the responsibilities under the Assistive Technology Act of 1998, as provided by Public Law 108-364, as amended. The Minnesota Assistive Technology Advisory Council is established to fulfill the responsibilities required by the Assistive Technology Act, as provided by Public Law 108-364, as amended. Because the existence of this council is required by federal law, this council does not expire ~~and the expiration date provided in section 15.059, subdivision 5, does not apply.~~

(b) The governor shall appoint the membership of the council as required by the Assistive Technology Act of 1998, as provided by Public Law 108-364, as amended. After the governor has completed the appointments required by this subdivision, the commissioner of administration, or the commissioner's designee, shall convene the first meeting of the council following the appointments. Members shall serve two-year terms commencing July 1 of each odd-numbered year, and receive the compensation specified by the Assistive Technology Act of 1998, as provided by Public Law 108-364, as amended. The members of the council shall select their chair at the first meeting following their appointment.

Sec. 4. Minnesota Statutes 2012, section 28A.21, subdivision 6, is amended to read:

Subd. 6. **Expiration.** ~~Notwithstanding section 15.059, subdivision 5,~~ This section expires June 30, 2017.

Sec. 5. Minnesota Statutes 2012, section 62J.495, subdivision 2, is amended to read:

Subd. 2. **E-Health Advisory Committee.** (a) The commissioner shall establish an e-Health Advisory Committee governed by section 15.059 to advise the commissioner on the following matters:

(1) assessment of the adoption and effective use of health information technology by the state, licensed health care providers and facilities, and local public health agencies;

(2) recommendations for implementing a statewide interoperable health information infrastructure, to include estimates of necessary resources, and for determining standards for clinical data exchange, clinical support programs, patient privacy requirements, and maintenance of the security and confidentiality of individual patient data;

(3) recommendations for encouraging use of innovative health care applications using information technology and systems to improve patient care and reduce the cost of care, including applications relating to disease management and personal health management that enable remote monitoring of patients' conditions, especially those with chronic conditions; and

(4) other related issues as requested by the commissioner.

(b) The members of the e-Health Advisory Committee shall include the commissioners, or commissioners' designees, of health, human services, administration, and commerce and additional members to be appointed by the commissioner to include persons representing Minnesota's local public health agencies, licensed hospitals and other licensed facilities and providers, private purchasers, the medical and nursing professions, health insurers and health plans, the state quality improvement organization, academic and research institutions, consumer advisory organizations with an interest and expertise in health information technology, and other stakeholders as identified by the commissioner to fulfill the requirements of section 3013, paragraph (g), of the HITECH Act.

(c) The commissioner shall prepare and issue an annual report not later than January 30 of each year outlining progress to date in implementing a statewide health information infrastructure and recommending action on policy and necessary resources to continue the promotion of adoption and effective use of health information technology.

(d) ~~Notwithstanding section 15.059,~~ This subdivision expires June 30, 2015.

Sec. 6. Minnesota Statutes 2012, section 79A.02, subdivision 1, is amended to read:

Subdivision 1. **Membership.** For the purposes of assisting the commissioner, there is established a Workers' Compensation Self-insurers' Advisory Committee of five members that are employers authorized to self-insure in Minnesota. Three of the members and three alternates shall be elected by the self-insurers' security fund board of trustees and two members and two alternates shall be appointed by the commissioner. ~~Notwithstanding section 15.059, the advisory committee does not expire.~~

Sec. 7. Minnesota Statutes 2012, 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. ~~Notwithstanding section 15.059, the council does not expire.~~ Membership on the advisory council shall include:

- (1) a representative of the Cuyuna Range Mineland Recreation Area Joint Powers Board;
- (2) a representative of the Croft Mine Historical Park Joint Powers Board;
- (3) a designee of the Cuyuna Range Mineland Reclamation Committee who has worked as a miner in the local area;
- (4) a representative of the Crow Wing County Board;
- (5) an elected state official;
- (6) a representative of the Grand Rapids regional office of the Department of Natural Resources;
- (7) a designee of the Iron Range Resources and Rehabilitation Board;
- (8) a designee of the local business community selected by the area chambers of commerce;
- (9) a designee of the local environmental community selected by the Crow Wing County District 5 commissioner;
- (10) a designee of a local education organization selected by the Crosby-Ironton School Board;
- (11) a designee of one of the recreation area user groups selected by the Cuyuna Range Chamber of Commerce; and
- (12) a member of the Cuyuna Country Heritage Preservation Society.

Sec. 8. Minnesota Statutes 2012, section 89A.03, subdivision 5, is amended to read:

Subd. 5. **Membership regulation.** Terms, compensation, nomination, appointment, and removal of council members are governed by section 15.059. ~~Section 15.059, subdivision 5, does not govern the expiration date of the council.~~

Sec. 9. Minnesota Statutes 2012, section 89A.08, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The council shall appoint a Forest Resources Research Advisory Committee. ~~Notwithstanding section 15.059, the council does not expire.~~ The committee must consist of representatives of:

- (1) the College of Natural Resources, University of Minnesota;

- (2) the Natural Resources Research Institute, University of Minnesota;
- (3) the department;
- (4) the North Central Forest Experiment Station, United States Forest Service; and
- (5) other organizations as deemed appropriate by the council.

Sec. 10. Minnesota Statutes 2012, section 93.0015, subdivision 3, is amended to read:

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

Sec. 11. Minnesota Statutes 2012, section 97A.055, subdivision 4b, is amended to read:

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

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

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

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

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

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

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

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

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

Sec. 12. Minnesota Statutes 2013 Supplement, section 103I.105, is amended to read:

**103I.105 ADVISORY COUNCIL ON WELLS AND BORINGS.**

(a) The Advisory Council on Wells and Borings is established as an advisory council to the commissioner. The advisory council shall consist of 18 voting members. Of the 18 voting members:

- (1) one member must be from the Department of Health, appointed by the commissioner of health;
  - (2) one member must be from the Department of Natural Resources, appointed by the commissioner of natural resources;
  - (3) one member must be a member of the Minnesota Geological Survey of the University of Minnesota, appointed by the director;
  - (4) one member must be a responsible individual for a licensed explorer;
  - (5) one member must be a certified representative of a licensed elevator boring contractor;
  - (6) two members must be members of the public who are not connected with the boring or well drilling industry;
  - (7) one member must be from the Pollution Control Agency, appointed by the commissioner of the Pollution Control Agency;
  - (8) one member must be from the Department of Transportation, appointed by the commissioner of transportation;
  - (9) one member must be from the Board of Water and Soil Resources appointed by its chair;
  - (10) one member must be a certified representative of a monitoring well contractor;
  - (11) six members must be residents of this state appointed by the commissioner, who are certified representatives of licensed well contractors, with not more than two from the seven-county metropolitan area and at least four from other areas of the state who represent different geographical regions; and
  - (12) one member must be a certified representative of a licensed bored geothermal heat exchanger contractor.
- (b) An appointee of the well drilling industry may not serve more than two consecutive terms.
- (c) The appointees to the advisory council from the well drilling industry must:
- (1) have been residents of this state for at least three years before appointment; and
  - (2) have at least five years' experience in the well drilling business.
- (d) The terms of the appointed members and the compensation and removal of all members are governed by section 15.059, ~~except section 15.059, subdivision 5, relating to expiration of the advisory council does not apply.~~

Sec. 13. Minnesota Statutes 2012, section 116U.25, is amended to read:

**116U.25 EXPLORE MINNESOTA TOURISM COUNCIL.**

(a) The director shall be advised by the Explore Minnesota Tourism Council consisting of up to 28 voting members appointed by the governor for four-year terms, including:

- (1) the director of Explore Minnesota Tourism who serves as the chair;
- (2) eleven representatives of statewide associations representing bed and breakfast establishments, golf, festivals and events, counties, convention and visitor bureaus, lodging, resorts, trails, campgrounds, restaurants, and chambers of commerce;
- (3) one representative from each of the tourism marketing regions of the state as designated by the office;
- (4) six representatives of the tourism business representing transportation, retail, travel agencies, tour operators, travel media, and convention facilities;
- (5) one or more ex officio nonvoting members including at least one from the University of Minnesota Tourism Center;
- (6) four legislators, two from each house, one each from the two largest political party caucuses in each house, appointed according to the rules of the respective houses; and
- (7) other persons, if any, as designated from time to time by the governor.

(b) The council shall act to serve the broader interests of tourism in Minnesota by promoting activities that support, maintain, and expand the state's domestic and international travel market, thereby generating increased visitor expenditures, tax revenue, and employment.

(c) Filling of membership vacancies is as provided in section 15.059. The terms of one-half of the members shall be coterminous with the governor and the terms of the remaining one-half of the members shall end on the first Monday in January one year after the terms of the other members. Members may serve until their successors are appointed and qualify. Members are not compensated. A member may be reappointed.

(d) The council shall meet at least four times per year and at other times determined by the council. ~~Notwithstanding section 15.059, the council does not expire.~~

(e) If compliance with section 13D.02 is impractical, the Explore Minnesota Tourism Council may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

- (1) all members of the council participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;
- (2) members of the public present at the regular meeting location of the council can hear clearly all discussion and testimony and all votes of members of the council and, if needed, receive those services required by sections 15.44 and 15.441;
- (3) at least one member of the council is physically present at the regular meeting location; and
- (4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.



(f) Each member of the council participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(g) If telephone or other electronic means is used to conduct a meeting, the council, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The council may require the person making such a connection to pay for documented marginal costs that the council incurs as a result of the additional connection.

(h) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the council shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (g). The timing and method of providing notice is governed by section 13D.04.

Sec. 14. Minnesota Statutes 2013 Supplement, section 125A.28, is amended to read:

**125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

An Interagency Coordinating Council of at least 17, but not more than 25 members is established, in compliance with Public Law 108-446, section 641. The members must be appointed by the governor and reasonably represent the population of Minnesota. Council members must elect the council chair, who may not be a representative of the Department of Education. The council must be composed of at least five parents, including persons of color, of children with disabilities under age 12, including at least three parents of a child with a disability under age seven, five representatives of public or private providers of services for children with disabilities under age five, including a special education director, county social service director, local Head Start director, and a community health services or public health nursing administrator, one member of the senate, one member of the house of representatives, one representative of teacher preparation programs in early childhood-special education or other preparation programs in early childhood intervention, at least one representative of advocacy organizations for children with disabilities under age five, one physician who cares for young children with special health care needs, one representative each from the commissioners of commerce, education, health, human services, a representative from the state agency responsible for child care, foster care, mental health, homeless coordinator of education of homeless children and youth, and a representative from Indian health services or a tribal council. Section 15.059, subdivisions 2 to ~~5~~ 4, apply to the council. The council must meet at least quarterly.

The council must address methods of implementing the state policy of developing and implementing comprehensive, coordinated, multidisciplinary interagency programs of early intervention services for children with disabilities and their families.

The duties of the council include recommending policies to ensure a comprehensive and coordinated system of all state and local agency services for children under age five with disabilities and their families. The policies must address how to incorporate each agency's services into a unified state and local system of multidisciplinary assessment practices, individual intervention plans, comprehensive systems to find children in need of services, methods to improve public awareness, and assistance in determining the role of interagency early intervention committees.

On the date that Minnesota Part C Annual Performance Report is submitted to the federal Office of Special Education, the council must recommend to the governor and the commissioners of education, health, human services, commerce, and employment and economic development policies for a comprehensive and coordinated system.

Annually, the council must prepare and submit a report to the governor and the secretary of the federal Department of Education on the status of early intervention services and programs for infants and toddlers with disabilities and their families under the Individuals with Disabilities Education Act, United States Code, title 20, sections 1471 to 1485 (Part C, Public Law 102-119), as operated in Minnesota. The Minnesota Part C annual performance report may serve as the report.

Notwithstanding any other law to the contrary, the State Interagency Coordinating Council does not expire unless federal law no longer requires the existence of the council or committee.

Sec. 15. Minnesota Statutes 2012, section 134.31, subdivision 6, is amended to read:

Subd. 6. **Advisory committee.** The commissioner shall appoint an advisory committee of five members to advise the staff of the Minnesota Braille and Talking Book Library on long-range plans and library services. Members shall be people who use the library. Section 15.059 governs this committee ~~except that the committee shall not expire.~~

Sec. 16. Minnesota Statutes 2012, section 144.1255, subdivision 1, is amended to read:

Subdivision 1. **Creation and membership.** (a) By July 1, 2003, the commissioner of health shall appoint an advisory committee to provide advice and recommendations to the commissioner concerning tests and treatments for heritable and congenital disorders found in newborn children. Membership of the committee shall include, but not be limited to, at least one member from each of the following representative groups:

- (1) parents and other consumers;
- (2) primary care providers;
- (3) clinicians and researchers specializing in newborn diseases and disorders;
- (4) genetic counselors;
- (5) birth hospital representatives;
- (6) newborn screening laboratory professionals;
- (7) nutritionists; and
- (8) other experts as needed representing related fields such as emerging technologies and health insurance.

(b) The terms and removal of members are governed by section 15.059. Members shall not receive per diems but shall be compensated for expenses. ~~Notwithstanding section 15.059, subdivision 5, the advisory committee does not expire.~~

Sec. 17. Minnesota Statutes 2012, section 144.1481, subdivision 1, is amended to read:

Subdivision 1. **Establishment; membership.** The commissioner of health shall establish a 15-member Rural Health Advisory Committee. The committee shall consist of the following members, all of whom must reside outside the seven-county metropolitan area, as defined in section 473.121, subdivision 2:

(1) two members from the house of representatives of the state of Minnesota, one from the majority party and one from the minority party;

(2) two members from the senate of the state of Minnesota, one from the majority party and one from the minority party;

(3) a volunteer member of an ambulance service based outside the seven-county metropolitan area;

(4) a representative of a hospital located outside the seven-county metropolitan area;

(5) a representative of a nursing home located outside the seven-county metropolitan area;

- (6) a medical doctor or doctor of osteopathy licensed under chapter 147;
- (7) a midlevel practitioner;
- (8) a registered nurse or licensed practical nurse;
- (9) a licensed health care professional from an occupation not otherwise represented on the committee;
- (10) a representative of an institution of higher education located outside the seven-county metropolitan area that provides training for rural health care providers; and
- (11) three consumers, at least one of whom must be an advocate for persons who are mentally ill or developmentally disabled.

The commissioner will make recommendations for committee membership. Committee members will be appointed by the governor. In making appointments, the governor shall ensure that appointments provide geographic balance among those areas of the state outside the seven-county metropolitan area. The chair of the committee shall be elected by the members. The advisory committee is governed by section 15.059, except that the members do not receive per diem compensation. ~~Notwithstanding section 15.059, the advisory committee does not expire.~~

Sec. 18. Minnesota Statutes 2012, section 144.608, subdivision 2, is amended to read:

Subd. 2. **Council administration.** (a) The council must meet at least twice a year but may meet more frequently at the call of the chair, a majority of the council members, or the commissioner.

(b) The terms, compensation, and removal of members of the council are governed by section 15.059, ~~except that~~. The council expires June 30, 2015.

(c) The council may appoint subcommittees and work groups. Subcommittees shall consist of council members. Work groups may include noncouncil members. Noncouncil members shall be compensated for work group activities under section 15.059, subdivision 3, but shall receive expenses only.

Sec. 19. Minnesota Statutes 2012, section 145A.10, subdivision 10, is amended to read:

Subd. 10. **State and local advisory committees.** (a) A State Community Health Advisory Committee is established to advise, consult with, and make recommendations to the commissioner on the development, maintenance, funding, and evaluation of community health services. Each community health board may appoint a member to serve on the committee. The committee must meet at least quarterly, and special meetings may be called by the committee chair or a majority of the members. Members or their alternates may be reimbursed for travel and other necessary expenses while engaged in their official duties. ~~Notwithstanding section 15.059, the State Community Health Advisory Committee does not expire.~~

(b) The city councils or county boards that have established or are members of a community health board may appoint a community health advisory committee to advise, consult with, and make recommendations to the community health board on the duties under subdivision 5a.

Sec. 20. Minnesota Statutes 2012, section 148.7805, subdivision 2, is amended to read:

Subd. 2. **Administration.** The advisory council is established and administered under section 15.059. ~~Notwithstanding section 15.059, subdivision 5, the council shall not expire.~~

Sec. 21. Minnesota Statutes 2012, section 153A.20, subdivision 2, is amended to read:

Subd. 2. **Organization.** The advisory council shall be organized and administered according to section 15.059, ~~except that, notwithstanding any other law to the contrary, the advisory council shall not expire.~~ The council may form committees to carry out its duties.

Sec. 22. Minnesota Statutes 2012, section 162.07, subdivision 5, is amended to read:

Subd. 5. **Screening board.** ~~(a)~~ On or before September 1 of each year the county engineer of each county shall forward to the commissioner, on forms prepared by the commissioner, all information relating to the mileage, in lane-miles, of the county state-aid highway system in the county, and the money needs of the county that the commissioner deems necessary in order to apportion the county state-aid highway fund in accordance with the formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board consisting of the following county engineers:

- (1) two county engineers from the metropolitan highway construction district;
- (2) one county engineer from each nonmetropolitan highway district; and
- (3) one additional county engineer from each county with a population of 175,000 or more.

No county engineer shall be appointed under clause (1) or (2) so as to serve consecutively for more than four years. The board shall investigate and review the information submitted by each county and shall on or before the first day of November of each year submit its findings and recommendations in writing as to each county's lane-mileage and money needs to the commissioner on a form prepared by the commissioner. Final determination of the lane-mileage of each system and the money needs of each county shall be made by the commissioner.

~~(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.~~

Sec. 23. Minnesota Statutes 2012, section 162.13, subdivision 3, is amended to read:

Subd. 3. **Screening board.** ~~(a)~~ On or before September 1 of each year, the engineer of each city having a population of 5,000 or more shall forward to the commissioner on forms prepared by the commissioner, all information relating to the money needs of the city that the commissioner deems necessary in order to apportion the municipal state-aid street fund in accordance with the apportionment formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board of city engineers. The board shall be composed of one engineer from each state highway construction district, and in addition thereto, one engineer from each city of the first class. The board shall investigate and review the information submitted by each city. On or before November 1 of each year, the board shall submit its findings and recommendations in writing as to each city's money needs to the commissioner on a form prepared by the commissioner. Final determination of the money needs of each city shall be made by the commissioner. In the event that any city shall fail to submit the information provided for herein, the commissioner shall estimate the money needs of the city. The estimate shall be used in solving the apportionment formula. The commissioner may withhold payment of the amount apportioned to the city until the information is submitted.

~~(b) Notwithstanding section 15.059, subdivision 5, the board does not expire.~~

Sec. 24. Minnesota Statutes 2012, section 174.52, subdivision 3, is amended to read:

Subd. 3. **Advisory committee.** ~~(a)~~ The commissioner shall establish an advisory committee consisting of five members, including:

- (1) one county commissioner;

- (2) one county engineer;
- (3) one city engineer;
- (4) one city council member or city administrator representing a city with a population over 5,000; and

(5) one city council member or city administrator representing a city with a population under 5,000. The advisory committee shall provide recommendations to the commissioner regarding expenditures from the trunk highway corridor projects account.

~~(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.~~

Sec. 25. Minnesota Statutes 2012, section 175.007, subdivision 1, is amended to read:

Subdivision 1. **Creation; composition.** (a) There is created a permanent Council on Workers' Compensation consisting of 12 voting members as follows: the presidents of the largest statewide Minnesota business and organized labor organizations as measured by the number of employees of its business members and in its affiliated labor organizations in Minnesota on July 1, 1992, and every five years thereafter; five additional members representing business, and five additional members representing organized labor. The commissioner of labor and industry shall serve as chair of the council and shall be a nonvoting member. ~~Notwithstanding section 15.059,~~ This council does not expire unless the council no longer fulfills the purpose for which the council was established, the council has not met in the last 18 months, or the council does not comply with the registration requirements of section 15.0599, subdivision 3.

(b) The governor, the majority leader of the senate, the speaker of the house, the minority leader of the senate, and the minority leader of the house of representatives shall each select a business and a labor representative. At least four of the labor representatives shall be chosen from the affiliated membership of the Minnesota AFL-CIO. At least two of the business representatives shall be representatives of small employers as defined in section 177.24, subdivision 1, paragraph (a), clause (2). None of the council members shall represent attorneys, health care providers, qualified rehabilitation consultants, or insurance companies. If the appointing officials cannot agree on a method of appointing the required number of Minnesota AFL-CIO and small business representatives by the second Monday in June of the year in which appointments are made, they shall notify the secretary of state. The distribution of appointments shall then be determined publicly by lot by the secretary of state or a designee in the presence of the appointing officials or their designees on the third Monday in June.

(c) Each council member shall appoint an alternate. Alternates shall serve in the absence of the member they replace.

(d) The ten appointed voting members shall serve for terms of five years and may be reappointed.

(e) The council shall designate liaisons to the council representing workers' compensation insurers; medical, hospital, and rehabilitation providers; and the legal profession. The speaker and minority leader of the house of representatives shall each appoint a caucus member as a liaison to the council. The majority and minority leaders of the senate shall each appoint a caucus member to serve as a liaison to the council.

(f) The compensation and removal of members shall be as provided in section 15.059.

Sec. 26. Minnesota Statutes 2012, section 182.656, subdivision 3, is amended to read:

Subd. 3. **Meetings.** A majority of the council members constitutes a quorum. The council shall meet at the call of its chair, or upon request of any six members. A tape recording of the meeting with the tape being retained for a one-year period will be available upon the request and payment of costs to any interested party. The council shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059, ~~except that the council shall not expire.~~

Sec. 27. Minnesota Statutes 2012, section 214.13, subdivision 4, is amended to read:

Subd. 4. **Delegation of regulation activities.** The commissioner of health shall wherever possible delegate the administration of regulation activities to a health-related licensing board with the concurrence of that board. If the commissioner of health delegates this function, the licensing board may regularly bill the commissioner of health for the cost of performing this function. The licensing board may directly set and charge fees in accordance with the provisions of section 214.06. The commissioner of health may establish an advisory council to advise the commissioner or the appropriate health-related licensing board on matters relating to the registration and regulation of an occupation. A council shall have seven members appointed by the commissioner of which five are members of the registered occupation or related registered or licensed occupations, and two are public members. ~~A council shall expire, and~~ The terms, compensation, and removal of members shall be as provided in section 15.059.

Sec. 28. Minnesota Statutes 2012, section 240.18, subdivision 4, is amended to read:

Subd. 4. **Rules; advisory committees.** The commission shall adopt rules governing the distribution of the fund. The commission may establish advisory committees to advise it on the distribution of money under this section, provided that the members of an advisory committee shall serve without compensation. ~~The expiration date provided in section 15.059, subdivision 5, does not apply to this subdivision.~~

Sec. 29. Minnesota Statutes 2012, section 241.021, subdivision 4c, is amended to read:

Subd. 4c. **Duration of peer review committee.** The peer review committee under subdivision 4b does not expire ~~and the expiration date provided in section 15.059, subdivision 5, does not apply to this section.~~

Sec. 30. Minnesota Statutes 2012, section 243.1606, subdivision 4, is amended to read:

Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council ~~except that it does not expire.~~

Sec. 31. Minnesota Statutes 2012, section 256B.0625, subdivision 13i, is amended to read:

Subd. 13i. **Drug Utilization Review Board; report.** (a) A nine-member Drug Utilization Review Board is established. The board must be comprised of at least three but no more than four licensed physicians actively engaged in the practice of medicine in Minnesota; at least three licensed pharmacists actively engaged in the practice of pharmacy in Minnesota; and one consumer representative. The remainder must be made up of health care professionals who are licensed in their field and have recognized knowledge in the clinically appropriate prescribing, dispensing, and monitoring of covered outpatient drugs. Members of the board must be appointed by the commissioner, shall serve three-year terms, and may be reappointed by the commissioner. The board shall annually elect a chair from among its members.

(b) The board must be staffed by an employee of the department who shall serve as an ex officio nonvoting member of the board.

(c) The commissioner shall, with the advice of the board:

(1) implement a medical assistance retrospective and prospective drug utilization review program as required by United States Code, title 42, section 1396r-8, subsection (g), paragraph (3);

(2) develop and implement the predetermined criteria and practice parameters for appropriate prescribing to be used in retrospective and prospective drug utilization review;

(3) develop, select, implement, and assess interventions for physicians, pharmacists, and patients that are educational and not punitive in nature;

(4) establish a grievance and appeals process for physicians and pharmacists under this section;

(5) publish and disseminate educational information to physicians and pharmacists regarding the board and the review program;

(6) adopt and implement procedures designed to ensure the confidentiality of any information collected, stored, retrieved, assessed, or analyzed by the board, staff to the board, or contractors to the review program that identifies individual physicians, pharmacists, or recipients;

(7) establish and implement an ongoing process to:

(i) receive public comment regarding drug utilization review criteria and standards; and

(ii) consider the comments along with other scientific and clinical information in order to revise criteria and standards on a timely basis; and

(8) adopt any rules necessary to carry out this section.

(d) The board may establish advisory committees. The commissioner may contract with appropriate organizations to assist the board in carrying out the board's duties. The commissioner may enter into contracts for services to develop and implement a retrospective and prospective review program.

(e) The board shall report to the commissioner annually on the date the drug utilization review annual report is due to the Centers for Medicare and Medicaid Services. This report must cover the preceding federal fiscal year. The commissioner shall make the report available to the public upon request. The report must include information on the activities of the board and the program; the effectiveness of implemented interventions; administrative costs; and any fiscal impact resulting from the program. An honorarium of \$100 per meeting and reimbursement for mileage must be paid to each board member in attendance.

(f) This subdivision is exempt from the provisions of section 15.059. ~~Notwithstanding section 15.059, subdivision 5, the board is permanent and does not expire.~~

Sec. 32. Minnesota Statutes 2012, section 256C.28, subdivision 1, is amended to read:

Subdivision 1. **Membership.** The Commission of Deaf, DeafBlind and Hard-of-Hearing Minnesotans consists of seven members appointed at large and one member from each advisory committee established under section 256C.24, subdivision 3. At least 50 percent of the members must be deaf or deafblind or hard of hearing. Members shall include persons who are deaf, deafblind, and hard of hearing, parents of children who are deaf, deafblind, and hard of hearing, and representatives of county and regional human services, including representatives of private service providers. Commission members are appointed by the governor for a three-year term and shall serve no more than two consecutive terms. The commission shall select one member as chair. ~~Notwithstanding section 15.059, the commission does not expire.~~

Sec. 33. Minnesota Statutes 2012, section 270C.12, subdivision 5, is amended to read:

Subd. 5. **Duration.** Notwithstanding the provisions of any statutes to the contrary, ~~including section 15.059,~~ the coordinating committee as established by this section to oversee and coordinate preparation of the microdata samples of income tax returns and other information shall not expire.

Sec. 34. Minnesota Statutes 2012, section 298.2213, subdivision 5, is amended to read:

Subd. 5. **Advisory committees.** Before submission to the board of a proposal for a project for expenditure of money appropriated under this section, the commissioner of Iron Range resources and rehabilitation shall appoint a technical advisory committee consisting of at least seven persons who are knowledgeable in areas related to the objectives of the proposal. If the project involves investment in a scientific research proposal, at least four of the committee members must be knowledgeable in the specific scientific research area relating to the project. Members of the committees must be compensated as provided in section 15.059, subdivision 3. The board shall not act on a proposal until it has received the evaluation and recommendations of the technical advisory committee. ~~Notwithstanding section 15.059, the committees do not expire.~~

Sec. 35. Minnesota Statutes 2012, section 298.2214, subdivision 1, is amended to read:

Subdivision 1. **Creation of committee; purpose.** A committee is created to advise the commissioner of Iron Range resources and rehabilitation on providing higher education programs in the taconite assistance area defined in section 273.1341. The committee is subject to section 15.059 ~~but does not expire.~~

Sec. 36. Minnesota Statutes 2012, section 298.297, is amended to read:

#### **298.297 ADVISORY COMMITTEES.**

Before submission of a project to the board, the commissioner of Iron Range resources and rehabilitation shall appoint a technical advisory committee consisting of one or more persons who are knowledgeable in areas related to the objectives of the proposal. Members of the committees shall be compensated as provided in section 15.059, subdivision 3. The board shall not act on a proposal until it has received the evaluation and recommendations of the technical advisory committee or until 15 days have elapsed since the proposal was transmitted to the advisory committee, whichever occurs first. ~~Notwithstanding section 15.059, the committees do not expire.~~

Sec. 37. Minnesota Statutes 2012, section 299E.04, subdivision 5, is amended to read:

Subd. 5. **Expiration.** ~~Notwithstanding section 15.059, subdivision 5,~~ The advisory committee on Capitol Area Security expires June 30, 2022.

Sec. 38. Minnesota Statutes 2012, section 326B.07, subdivision 1, is amended to read:

Subdivision 1. **Membership.** (a) The Construction Codes Advisory Council consists of the following members:

(1) the commissioner or the commissioner's designee representing the department's Construction Codes and Licensing Division;

(2) the commissioner of public safety or the commissioner of public safety's designee representing the Department of Public Safety's State Fire Marshal Division;

(3) one member, appointed by the commissioner, engaged in each of the following occupations or industries:

(i) certified building officials;

(ii) fire chiefs or fire marshals;

(iii) licensed architects;



- (iv) licensed professional engineers;
- (v) commercial building owners and managers;
- (vi) the licensed residential building industry;
- (vii) the commercial building industry;
- (viii) the heating and ventilation industry;
- (ix) a member of the Plumbing Board;
- (x) a member of the Board of Electricity;
- (xi) a member of the Board of High Pressure Piping Systems;
- (xii) the boiler industry;
- (xiii) the manufactured housing industry;
- (xiv) public utility suppliers;
- (xv) the Minnesota Building and Construction Trades Council; and
- (xvi) local units of government.

(b) The commissioner or the commissioner's designee representing the department's Construction Codes and Licensing Division shall serve as chair of the advisory council. For members who are not state officials or employees, compensation and removal of members of the advisory council are governed by section 15.059. The terms of the members of the advisory council shall be four years. The terms of eight of the appointed members shall be coterminous with the governor and the terms of the remaining nine appointed members shall end on the first Monday in January one year after the terms of the other appointed members expire. An appointed member may be reappointed. Each council member shall appoint an alternate to serve in their absence. ~~The committee is not subject to the expiration provision of section 15.059, subdivision 5.~~

Sec. 39. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall: (1) remove cross-references to the sections repealed in articles 1 to 8 wherever they appear in Minnesota Statutes and Minnesota Rules; and (2) make changes necessary to correct the punctuation, grammar, or structure of the remaining text and preserve its meaning.

Sec. 40. **REPEALER.**

Minnesota Statutes 2012, sections 15B.32, subdivision 7; 127A.70, subdivision 3; 136A.031, subdivision 5; 147E.35, subdivision 4; and 245.97, subdivision 7, are repealed."

Delete the title and insert:

"A bill for an act relating to state government; modifying laws governing certain executive branch advisory groups; amending Minnesota Statutes 2012, sections 3.922, subdivision 8; 15B.11, subdivision 2; 16B.055, subdivision 1; 28A.21, subdivision 6; 43A.316, subdivisions 2, 3, 6; 62J.495, subdivision 2; 79A.02, subdivision 1;

85.0146, subdivision 1; 89A.03, subdivision 5; 89A.08, subdivision 1; 92.35; 93.0015, subdivision 3; 97A.055, subdivision 4b; 103F.518, subdivision 1; 115.55, subdivision 12; 115.741, by adding a subdivision; 116U.25; 120B.365, subdivision 2; 134.31, subdivision 6; 144.1255, subdivision 1; 144.1481, subdivision 1; 144.608, subdivision 2; 144G.06; 145A.10, subdivision 10; 148.7805, subdivision 2; 152.126, subdivision 3; 153A.20, subdivision 2; 162.07, subdivision 5; 162.13, subdivision 3; 174.52, subdivision 3; 175.007, subdivision 1; 182.656, subdivision 3; 206.805; 214.13, subdivision 4; 216B.813, subdivision 2; 216B.815; 216C.02, subdivision 1; 240.18, subdivision 4; 241.021, subdivision 4c; 243.1606, subdivision 4; 252.30; 256B.0625, subdivisions 13c, 13i; 256B.27, subdivision 3; 256C.28, subdivision 1; 270C.12, subdivision 5; 298.2213, subdivision 5; 298.2214, subdivision 1; 298.297; 299A.62, subdivision 2; 299A.63, subdivision 2; 299E.04, subdivision 5; 326B.07, subdivision 1; 611A.32, subdivision 2; 611A.33; 611A.345; 611A.35; 629.342, subdivision 2; Minnesota Statutes 2013 Supplement, sections 103I.105; 125A.28; 136A.031, subdivision 3; 144.98, subdivision 10; 254A.035, subdivision 2; 254A.04; 256B.064, subdivision 1a; 256B.093, subdivision 1; 260.835, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 162; repealing Minnesota Statutes 2012, sections 6.81; 15.059, subdivision 5; 15B.32, subdivision 7; 16E.0475; 43A.316, subdivision 4; 43A.317, subdivision 4; 62U.09; 82B.021, subdivision 10; 82B.05, subdivisions 1, 3, 5, 6, 7; 82B.06; 84.964; 103F.518, subdivision 11; 116L.361, subdivision 2; 116L.363; 124D.94; 127A.70, subdivision 3; 136A.031, subdivision 5; 147E.35, subdivision 4; 162.02, subdivisions 2, 3; 162.09, subdivisions 2, 3; 196.30; 197.585, subdivision 4; 245.97, subdivision 7; 252.31; 270C.991, subdivision 4; 299C.156; 299M.02; 402A.15; 611A.34; Minnesota Statutes 2013 Supplement, sections 15.059, subdivision 5b; 197.585, subdivision 2."

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

House Conferees: DIANE LOEFFLER, MARY LIZ HOLBERG and ZACHARY DORHOLT.

Senate Conferees: KATIE SIEBEN, SCOTT J. NEWMAN and MELISSA H. WIKLUND.

Loeffler moved that the report of the Conference Committee on H. F. No. 1863 be adopted and that the bill be repassed as amended by the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the Loeffler motion and the roll was called. There were 98 yeas and 31 nays as follows:

Those who voted in the affirmative were:

|              |              |           |             |            |            |
|--------------|--------------|-----------|-------------|------------|------------|
| Abeler       | Cornish      | Fritz     | Johnson, B. | Mack       | Murphy, M. |
| Allen        | Davids       | Gunther   | Johnson, C. | Mahoney    | Nelson     |
| Anderson, P. | Davnie       | Halverson | Johnson, S. | Mariani    | Newton     |
| Anderson, S. | Dehn, R.     | Hamilton  | Kahn        | Marquart   | Nornes     |
| Anzelc       | Dill         | Hansen    | Kelly       | Masin      | Norton     |
| Atkins       | Dorholt      | Hausman   | Kiel        | McNamar    | Paymar     |
| Barrett      | Erhardt      | Hilstrom  | Laine       | McNamara   | Pelowski   |
| Benson, J.   | Erickson, R. | Holberg   | Lenczewski  | Melin      | Persell    |
| Bernardy     | Fabian       | Hoppe     | Lesch       | Metsa      | Petersburg |
| Bly          | Falk         | Hornstein | Liebling    | Moran      | Poppe      |
| Brynaert     | Faust        | Hortman   | Lien        | Morgan     | Radinovich |
| Carlson      | Fischer      | Huntley   | Lillie      | Mullery    | Rosenthal  |
| Clark        | Freiberg     | Isaacson  | Loeffler    | Murphy, E. | Runbeck    |

|            |          |           |            |              |
|------------|----------|-----------|------------|--------------|
| Savick     | Scott    | Slocum    | Urdahl     | Winkler      |
| Sawatzky   | Selcer   | Sundin    | Wagenius   | Yarusso      |
| Schoen     | Simon    | Torkelson | Ward, J.A. | Zerwas       |
| Schomacker | Simonson | Uglem     | Ward, J.E. | Spk. Thissen |

Those who voted in the negative were:

|            |              |          |            |            |         |
|------------|--------------|----------|------------|------------|---------|
| Albright   | Erickson, S. | Hertaus  | McDonald   | Pugh       | Woodard |
| Benson, M. | Franson      | Howe     | Myhra      | Quam       |         |
| Daudt      | Garofalo     | Kresha   | Newberger  | Sanders    |         |
| Dean, M.   | Green        | Leidiger | O'Driscoll | Swedzinski |         |
| Dettmer    | Gruenhagen   | Lohmer   | O'Neill    | Theis      |         |
| Drazkowski | Hackbarth    | Loon     | Peppin     | Wills      |         |

The motion prevailed.

H. F. No. 1863, A bill for an act relating to state government; modifying laws governing certain executive branch advisory groups; amending Minnesota Statutes 2012, sections 3.922, subdivision 8; 15B.11, subdivision 2; 16B.055, subdivision 1; 28A.21, subdivision 6; 43A.316, subdivisions 2, 3, 6; 62J.495, subdivision 2; 79A.02, subdivision 1; 85.0146, subdivision 1; 89A.03, subdivision 5; 89A.08, subdivision 1; 92.35; 93.0015, subdivision 3; 97A.055, subdivision 4b; 103F.518, subdivision 1; 115.55, subdivision 12; 115.741, by adding a subdivision; 116U.25; 120B.365, subdivision 2; 134.31, subdivision 6; 144.1255, subdivision 1; 144.1481, subdivision 1; 144.608, subdivision 2; 144G.06; 145A.10, subdivision 10; 148.7805, subdivision 2; 153A.20, subdivision 2; 162.07, subdivision 5; 162.13, subdivision 3; 174.52, subdivision 3; 175.007, subdivision 1; 182.656, subdivision 3; 206.805; 214.13, subdivision 4; 216B.813, subdivision 2; 216B.815; 216C.02, subdivision 1; 240.18, subdivision 4; 241.021, subdivision 4c; 243.1606, subdivision 4; 252.30; 256B.0625, subdivisions 13c, 13i; 256B.27, subdivision 3; 256C.28, subdivision 1; 270C.12, subdivision 5; 298.2213, subdivision 5; 298.2214, subdivision 1; 298.297; 299A.62, subdivision 2; 299A.63, subdivision 2; 299E.04, subdivision 5; 326B.07, subdivision 1; 611A.32, subdivision 2; 611A.33; 611A.345; 611A.35; 629.342, subdivision 2; Minnesota Statutes 2013 Supplement, sections 103I.105; 125A.28; 136A.031, subdivision 3; 144.98, subdivision 10; 254A.035, subdivision 2; 254A.04; 256B.064, subdivision 1a; 256B.093, subdivision 1; 260.835, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 162; repealing Minnesota Statutes 2012, sections 6.81; 15.059, subdivision 5; 15B.32, subdivision 7; 16E.0475; 43A.316, subdivision 4; 43A.317, subdivision 4; 62U.09; 82B.021, subdivision 10; 82B.05, subdivisions 1, 3, 5, 6, 7; 82B.06; 84.964; 103F.518, subdivision 11; 116L.361, subdivision 2; 116L.363; 127A.70, subdivision 3; 136A.031, subdivision 5; 144.011, subdivision 2; 145.98, subdivisions 1, 3; 147E.35, subdivision 4; 162.02, subdivisions 2, 3; 162.09, subdivisions 2, 3; 196.30; 197.585, subdivision 4; 243.93; 245.97, subdivision 7; 252.31; 270C.991, subdivision 4; 298.2213, subdivision 5; 299C.156; 299M.02; 402A.15; 611A.34; Minnesota Statutes 2013 Supplement, sections 15.059, subdivision 5b; 197.585, subdivision 2.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 103 yeas and 26 nays as follows:

Those who voted in the affirmative were:

|              |            |          |          |              |            |
|--------------|------------|----------|----------|--------------|------------|
| Abeler       | Atkins     | Brynaert | Davnie   | Erickson, R. | Franson    |
| Allen        | Barrett    | Carlson  | Dehn, R. | Fabian       | Freiberg   |
| Anderson, P. | Benson, J. | Clark    | Dill     | Falk         | Fritz      |
| Anderson, S. | Bernardy   | Cornish  | Dorholt  | Faust        | Gruenhagen |
| Anzelc       | Bly        | Davids   | Erhardt  | Fischer      | Gunther    |

|             |             |            |            |            |              |
|-------------|-------------|------------|------------|------------|--------------|
| Halverson   | Johnson, S. | Mariani    | Nelson     | Sawatzky   | Wagenius     |
| Hamilton    | Kahn        | Marquart   | Newton     | Schoen     | Ward, J.A.   |
| Hansen      | Kelly       | Masin      | Nornes     | Schomacker | Ward, J.E.   |
| Hausman     | Kiel        | McNamar    | Norton     | Scott      | Wills        |
| Hilstrom    | Laine       | McNamara   | Paymar     | Selcer     | Winkler      |
| Holberg     | Lenczewski  | Melin      | Pelowski   | Simon      | Yarusso      |
| Hoppe       | Lesch       | Metsa      | Persell    | Simonson   | Zerwas       |
| Hornstein   | Liebling    | Moran      | Petersburg | Slocum     | Spk. Thissen |
| Hortman     | Lien        | Morgan     | Poppe      | Sundin     |              |
| Huntley     | Lillie      | Mullery    | Radinovich | Swedzinski |              |
| Isaacson    | Loeffler    | Murphy, E. | Rosenthal  | Torkelson  |              |
| Johnson, B. | Mack        | Murphy, M. | Runbeck    | Uglen      |              |
| Johnson, C. | Mahoney     | Myhra      | Savick     | Urdahl     |              |

Those who voted in the negative were:

|            |              |          |            |         |         |
|------------|--------------|----------|------------|---------|---------|
| Albright   | Drazkowski   | Hertaus  | Loon       | Peppin  | Woodard |
| Benson, M. | Erickson, S. | Howe     | McDonald   | Pugh    |         |
| Daudt      | Garofalo     | Kresha   | Newberger  | Quam    |         |
| Dean, M.   | Green        | Leidiger | O'Driscoll | Sanders |         |
| Dettmer    | Hackbarth    | Lohmer   | O'Neill    | Theis   |         |

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. No. 2214

A bill for an act relating to transportation; making technical changes to provisions affecting the Department of Transportation; clarifying contracting requirements; modifying U-turn rules; providing bridge inspection authority in certain instances; modifying seasonal load restrictions; modifying Web site requirements to advertise for bids; modifying reporting requirements; modifying appropriations; amending Minnesota Statutes 2012, sections 16A.124, subdivision 5; 161.32, subdivision 5; 162.06, subdivision 1; 162.081, subdivision 4; 162.12, subdivision 1; 165.03, subdivision 3; 165.12, subdivision 1; 169.19, subdivision 2; 169.781, subdivision 10; 169.782, subdivision 4; 169.865, subdivision 2; 169.87, subdivision 6; 171.02, subdivision 2; 171.03; 174.37, subdivision 6; 221.031, by adding subdivisions; 331A.12; Minnesota Statutes 2013 Supplement, sections 161.44, subdivision 1a; 169.19, subdivision 1; 174.12, subdivision 2; Laws 2010, chapter 189, sections 15, subdivision 12; 26, subdivision 4; Laws 2012, chapter 287, article 2, sections 1; 3; Laws 2012, First Special Session chapter 1, article 1, section 28; Laws 2013, chapter 127, section 67; repealing Minnesota Statutes 2012, section 161.115, subdivision 240; Minnesota Statutes 2013 Supplement, section 221.0314, subdivision 9a.

May 13, 2014

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

We, the undersigned conferees for H. F. No. 2214 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2214 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 16A.124, subdivision 5, is amended to read:

Subd. 5. **Payment of interest on late payments required.** (a) A state agency shall pay interest to a vendor for undisputed billings when the agency has not paid the billing within 30 days following receipt of the invoice, merchandise, or service whichever is later. A negotiated contract or agreement between a vendor and a state agency which requires an audit by the state agency prior to acceptance and payment of the vendor's invoice shall not be considered past due until 30 days after the completion of the audit by the state agency. Before any interest payment is made, the vendor must invoice the state agency for such interest. For a construction contract utilizing partial payments based on an engineer's estimate or a payment application approved by an architect, an invoice includes an engineer's estimate or a payment application, as applicable, if made in regular intervals that are: (1) as specified in the contract, and (2) no less frequent than once per month.

(b) The rate of interest paid by the agency on undisputed bills not paid within 30 days shall be 1-1/2 percent per month or any part thereof.

(c) All interest penalties and collection costs must be paid from the agency's current operating budget. No agency may seek to increase its appropriation for the purpose of obtaining funds to pay interest penalties or collection costs.

(d) Any vendor who prevails in a civil action to collect interest penalties from a state agency shall be awarded its costs and disbursements, including attorney's fees, incurred in bringing the actions.

(e) No interest penalties may accrue against an agency that delays payment of a bill due to a disagreement with the vendor; provided, that the dispute must be settled within 30 days after the bill became overdue. Upon the resolution of the dispute, the agency must pay the vendor accrued interest on all proper invoices for which payment was not received within the applicable time limit contained in subdivision 3. No interest penalties accrue under this section against an agency for claims made by a contractor under a construction contract.

(f) The minimum monthly interest penalty payment that a state agency shall pay a vendor for the unpaid balance for any one overdue bill equal to or in excess of \$100 is \$10. For unpaid balances of less than \$100, the state agency shall pay the actual penalty due to the vendor.

Sec. 2. Minnesota Statutes 2012, section 161.14, is amended by adding a subdivision to read:

Subd. 76. **Michael Duane Clickner Memorial Bridge.** The bridge over the Mississippi River on marked Trunk Highway 60 at the city of Wabasha, is designated "Michael Duane Clickner Memorial Bridge." The commissioner of transportation shall adopt a suitable design to mark this bridge and erect appropriate signs, subject to section 161.139.

Sec. 3. Minnesota Statutes 2012, section 161.32, subdivision 5, is amended to read:

Subd. 5. **Default by contractor.** In cases where work is being done under contract and the commissioner finds that the contractor has failed to comply within ~~60 days~~ the period specified in the contract from the date of receipt of a written demand to make arrangements, satisfactory to the commissioner, to correct specified delays, neglect, or default, within the control of the contractor, the commissioner may negotiate with others, with the approval of the defaulting contractor's surety, for the completion of the contract according to the terms and provisions of the contract.

Sec. 4. Minnesota Statutes 2013 Supplement, section 161.44, subdivision 1a, is amended to read:

Subd. 1a. **Periodic review.** (a) The commissioner is encouraged to examine all real property owned by the state and under the custodial control of the department to decide whether any real property may be suitable for sale or some other means of disposal.

(b) The commissioner may not sell or otherwise dispose of property under this subdivision unless: (1) an analysis ~~has been performed of suitability of the property for bicycle or pedestrian facilities, which must take into account~~ consider any relevant nonmotorized transportation plans or in the absence of such plans, demographic and development factors affecting the region; ~~and (2) the analysis,~~ demonstrates that (i) the property or a portion of it is not reasonably suitable for bicycle or pedestrian facilities, and (ii) there is not a likelihood of bicycle or pedestrian facility development involving the property; ~~or (2) the use of the property for bicycle or pedestrian facilities is protected by deed restriction, easement, agreement, or other means.~~

(c) The commissioner shall report the findings under paragraph (a) to the house of representatives and senate committees with jurisdiction over transportation policy and finance by March 1 of each odd-numbered year. The report may be submitted electronically, ~~and is subject to section 3.195, subdivision 1.~~

Sec. 5. Minnesota Statutes 2012, section 162.06, subdivision 1, is amended to read:

Subdivision 1. **Estimate.** (a) By December 15 of each year the commissioner shall estimate the amount of money that will be available to the county state-aid highway fund during that fiscal year. The amount available must be based on actual receipts ~~from July 1 through October 31,~~ at the time of the allocation calculation, the unallocated fund balance, and the projected receipts for the remainder of the fiscal year. The amount available, except for deductions as provided in this section, shall be apportioned by the commissioner to the counties as provided in section 162.07.

(b) For purposes of this section, "amount available" means the amount estimated in paragraph (a).

Sec. 6. Minnesota Statutes 2012, section 162.081, subdivision 4, is amended to read:

Subd. 4. **Formula for distribution to towns; purposes.** (a) Money apportioned to a county from the town road account must be distributed to the treasurer of each town within the county, according to a distribution formula adopted by the county board. The formula must take into account each town's ~~levy for road and bridge purposes,~~ its population and town road mileage, and other factors the county board deems advisable in the interests of achieving equity among the towns. Distribution of town road funds to each town treasurer must be made by March 1, annually, or within 30 days after receipt of payment from the commissioner. Distribution of funds to town treasurers in a county which has not adopted a distribution formula under this subdivision must be made according to a formula prescribed by the commissioner by rule.

(b) Money distributed to a town under this subdivision may be expended by the town only for the construction, reconstruction, and gravel maintenance of town roads within the town.

Sec. 7. Minnesota Statutes 2012, section 162.12, subdivision 1, is amended to read:

Subdivision 1. **Estimate of accruals.** By December 15 of each year the commissioner shall estimate the amount of money that will be available to the municipal state-aid street fund during that fiscal year. The amount available is based on actual receipts ~~from July 1 through October 31,~~ at the time of the allocation calculation, the unallocated fund balance, and the projected receipts for the remainder of the fiscal year. The total available, except for deductions as provided herein, shall be apportioned by the commissioner to the cities having a population of 5,000 or more as hereinafter provided.

Sec. 8. Minnesota Statutes 2012, section 165.03, subdivision 3, is amended to read:

Subd. 3. **County inventory and inspection records and reports.** The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (b), clause (2), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed the intervals outlined in subdivision 1a. A report of the inspections must be filed annually, on or before February 15 of each year, with the county auditor or town clerk, or the governing body of the municipality. The report must ~~contain recommendations for the correction of or~~ identify any deficiency requiring action, including the legal posting of load limits or the need to have a load rating analysis performed, on any bridge or structure that is found to be understrength or unsafe. The report may also contain other recommendations for improving the safety of understrength or unsafe bridges.

Sec. 9. Minnesota Statutes 2012, section 165.12, subdivision 1, is amended to read:

Subdivision 1. **Duty Authority of county when town fails.** (a) Notwithstanding any law to the contrary, a county has the following authority regarding town bridges within its jurisdictional boundaries.

(b) When it becomes necessary to reconstruct or repair a bridge on any town road in any town or upon any town line in this state, and the bridge is unsafe for travel or has been condemned by the proper authorities, and the town or towns charged with the duty of maintaining the bridge fail, neglect, or omit to construct, reconstruct, or repair the same or provide for the expense or cost of so constructing, reconstructing, or repairing the same, as identified in the report provided to the town or towns under section 165.03, subdivision 3, the county board of the county in which the town or towns are located shall have the power and authority to reconstruct and repair the bridge upon giving notice to the town board of the town or towns of its intention to do so and fixing a time and place for a hearing as to the necessity and advisability of the reconstruction or repair.

(c) If a load rating analysis is required and has not been performed within 90 days of the date the report required in section 165.03, subdivision 3, was delivered to the town, the county is authorized to perform the analysis. Before it performs an analysis on a town bridge, the county shall notify the town or towns that if the town or towns do not perform the analysis within 90 days the county will perform the analysis and bill the town or towns for all related expenses. If the town performs the analysis, a copy shall be provided to the county engineer. If the county performs the analysis, a copy shall be provided to the town clerk.

(d) If a load rating analysis determines a new or different load posting is required on a town bridge, the town or towns charged with the duty of maintaining the bridge shall provide the required posting within 30 days. If the town or towns fail to provide the required posting, the county is authorized to provide the required posting. Before posting a load limit on a town bridge, the county shall notify the town or towns that if the town or towns do not provide the posting within 30 days the county will provide the required posting and bill the town or towns for all related expenses, unless the town or towns and the county agree to post the bridge in less than 30 days and at an agreed-upon cost.

(e) If a bridge constitutes a critical risk to public safety because its deficiencies, if not immediately corrected, could result in collapse or partial collapse, the county engineer is authorized to immediately close the bridge. The bridge shall remain closed until the necessary steps are taken to remove the threat of collapse or partial collapse, or until a subsequent inspection determines the issues resulting in closure are resolved. The county may bill the town or towns for all related expenses.

(f) A county is not liable for a town's or towns' failure to act as required by this section or section 165.03.

Sec. 10. Minnesota Statutes 2013 Supplement, section 169.19, subdivision 1, is amended to read:

Subdivision 1. **Turning at intersection.** The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Except as otherwise provided in this paragraph, both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. When necessary to accommodate vehicle configuration, a driver is permitted to make a right turn into the farthest lane of a roadway with two or more lanes in the same direction in order to make a U-turn at a reduced conflict intersection, if it is safe to do so.

(b) Approach for a left turn on other than one-way roadways shall be made in that portion of the right half of the roadway nearest the centerline thereof, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) Approach for a left turn from a two-way roadway into a one-way roadway shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection.

(d) A left turn from a one-way roadway into a two-way roadway shall be made from the left-hand lane and by passing to the right of the centerline of the roadway being entered upon leaving the intersection.

(e) Where both streets or roadways are one way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

(f) Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

(g) Whenever it is necessary for the driver of a motor vehicle to cross a bicycle lane adjacent to the driver's lane of travel to make a turn, the driver shall first signal the movement, then drive the motor vehicle into the bicycle lane prior to making the turn, but only after it is safe to do so. The driver shall then make the turn consistent with any traffic markers, buttons, or signs, yielding the right-of-way to any vehicles or bicycles approaching so close thereto as to constitute an immediate hazard.

Sec. 11. Minnesota Statutes 2012, section 169.19, subdivision 2, is amended to read:

Subd. 2. **U-turn.** No vehicle shall be turned ~~so as~~ to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where ~~such~~ the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 1,000 feet, nor shall the driver of a vehicle turn the vehicle ~~so as~~ to proceed in the opposite direction unless the movement can be made safely and without interfering with other traffic. When necessary to accommodate vehicle configuration on a roadway with two or more lanes in the same direction, a driver may turn the vehicle into the farthest lane and temporarily use the shoulder to make a U-turn.

Sec. 12. Minnesota Statutes 2012, section 169.771, subdivision 2, is amended to read:

Subd. 2. **Inspection by state trooper.** (a) The commissioner of public safety is directed to accelerate spot-check inspections for unsafe motor vehicles and motor vehicle equipment. Such inspections shall be conducted by the personnel of the State Patrol who shall give the operator of a commercial motor vehicle a signed and dated document as evidence of the inspection.



(b) However, personnel of the State Patrol may not conduct another spot inspection of a commercial motor vehicle if (1) the operator of the vehicle can show evidence of an inspection, which is free of critical defects, conducted in Minnesota according to this section or section 169.781 within the previous 90 days and (2) a state trooper does not have probable cause to believe the vehicle or its equipment is unsafe or that the operator has engaged in illegal activity. In addition, if the operator shows the state trooper evidence that the commercial motor vehicle has been inspected within the previous 90 days, but the officer has probable cause to believe the vehicle or its equipment is unsafe or to suspect illegal activity, then the vehicle may be inspected to confirm the existence or absence of an unsafe condition or of the suspected illegal activity.

(c) A vehicle stopped under this section and determined to be a covered farm vehicle as defined in Code of Federal Regulations, title 49, section 390.5, and not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with Code of Federal Regulations, title 49, section 172.504, is exempt from further inspection under this section. If probable cause exists to believe the vehicle or its equipment is unsafe or illegal activity is suspected, enforcement action may be initiated.

Sec. 13. Minnesota Statutes 2012, section 169.781, subdivision 10, is amended to read:

Subd. 10. ~~Exemption~~ **Exemptions.** (a) This section does not apply to a vehicle operated by a motor carrier of passengers, as defined in section 221.012, subdivision 26, if the vehicle has been inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within the previous 12 months.

(b) This section does not apply to a covered farm vehicle, as defined in Code of Federal Regulations, title 49, section 390.5, that is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with Code of Federal Regulations, title 49, section 172.504.

Sec. 14. Minnesota Statutes 2012, section 169.782, subdivision 4, is amended to read:

Subd. 4. **Exceptions.** (a) With the exception of subdivision 2, paragraph (a), clause (2), this section does not apply to a commercial motor vehicle that is a farm truck that may be operated by a person not holding a commercial driver's license.

(b) This section does not apply to a commercial motor vehicle held for resale by a motor vehicle dealer licensed under section 168.27.

(c) This section does not apply to a covered farm vehicle as defined in Code of Federal Regulations, title 49, section 390.5, that is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with Code of Federal Regulations, title 49, section 172.504.

Sec. 15. Minnesota Statutes 2012, section 169.865, subdivision 2, is amended to read:

Subd. 2. **Seven-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of seven or more axles to haul raw or unprocessed agricultural products and be operated with a gross ~~vehicle~~ weight of up to:

(1) 97,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Drivers of vehicles operating under this subdivision must comply with driver qualification requirements adopted under section 221.0314, subdivisions 2 to 5, and Code of Federal Regulations, title 49, parts 40 and 382, unless exempt under section 221.031, subdivision 2c.

(c) The fee for a permit issued under this subdivision is \$500.

Sec. 16. Minnesota Statutes 2012, section 171.02, subdivision 2, is amended to read:

Subd. 2. **Driver's license classifications, endorsements, exemptions.** (a) Drivers' licenses are classified according to the types of vehicles that may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly.

(b) Except as provided in paragraph (c), clauses (1) and (2), and subdivision 2a, no class of license is valid to operate a motorcycle, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed. There are four general classes of licenses as described in paragraphs (c) through (f).

(c) Class D drivers' licenses are valid for:

(1) operating all farm trucks if the farm truck is:

(i) controlled and operated by a farmer, including operation by an immediate family member or an employee of the farmer;

(ii) used to transport agricultural products, farm machinery, or farm supplies, including hazardous materials, to or from a farm;

(iii) not used in the operations of a common or contract motor carrier as governed by Code of Federal Regulations, title 49, part 365; and

(iv) used within 150 miles of the farm;

(2) notwithstanding paragraph (b), operating an authorized emergency vehicle, as defined in section 169.011, subdivision 3, whether or not in excess of 26,000 pounds gross vehicle weight;

(3) operating a recreational vehicle as defined in section 168.002, subdivision 27, that is operated for personal use;

(4) operating all single-unit vehicles except vehicles with a gross vehicle weight of more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials;

(5) notwithstanding paragraph (d), operating a type A school bus or a multifunction school activity bus without a school bus endorsement if the requirements of subdivision 2a are satisfied, as determined by the commissioner;

(6) operating any vehicle or combination of vehicles when operated by a licensed peace officer while on duty; ~~and~~

(7) towing vehicles if:

(i) the towed vehicles have a gross vehicle weight of 10,000 pounds or less; or

(ii) the towed vehicles have a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a gross vehicle weight of 26,000 pounds or less; and

(8) operating a covered farm vehicle as defined in Code of Federal Regulations, title 49, section 390.5, that is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with Code of Federal Regulations, title 49, section 172.504.

(d) Class C drivers' licenses are valid for:

- (1) operating class D motor vehicles;
- (2) with a hazardous materials endorsement, operating class D vehicles to transport hazardous materials;
- (3) with a passenger endorsement, operating buses; and
- (4) with a passenger endorsement and school bus endorsement, operating school buses.

(e) Class B drivers' licenses are valid for:

(1) operating all class C motor vehicles, class D motor vehicles, and all other single-unit motor vehicles including, with a passenger endorsement, buses; and

(2) towing only vehicles with a gross vehicle weight of 10,000 pounds or less.

(f) Class A drivers' licenses are valid for operating any vehicle or combination of vehicles.

Sec. 17. Minnesota Statutes 2012, section 171.03, is amended to read:

**171.03 PERSONS EXEMPT.**

The following persons are exempt from license hereunder:

(a) A person in the employ or service of the United States federal government is exempt while driving or operating a motor vehicle owned by or leased to the United States federal government.

(b) A person in the employ or service of the United States federal government is exempt from the requirement to possess a valid class A, class B, or class C commercial driver's license while driving or operating for military purposes a commercial motor vehicle for the United States federal government if the person is:

- (1) on active duty in the U.S. Coast Guard;
- (2) on active duty in a branch of the U.S. armed forces, which includes the Army, Air Force, Navy, and Marine Corps;
- (3) a member of a reserve component of the U.S. armed forces; or

(4) on active duty in the Army National Guard or Air National Guard, which includes (i) a member on full-time National Guard duty, (ii) a member undergoing part-time National Guard training, and (iii) a National Guard military technician, who is a civilian required to wear a military uniform.

The exemption provided under this paragraph does not apply to a U.S. armed forces reserve technician.

(c) A person operating a covered farm vehicle as defined in Code of Federal Regulations, title 49, section 390.05, that is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with Code of Federal Regulations, title 49, section 172.504, is exempt from the requirement to possess a valid class A, class B, or class C commercial driver's license.

(e) (d) Any person while driving or operating any farm tractor or implement of husbandry temporarily on a highway is exempt. For purposes of this section, an all-terrain vehicle, as defined in section 84.92, subdivision 8, an off-highway motorcycle, as defined in section 84.787, subdivision 7, and an off-road vehicle, as defined in section 84.797, subdivision 7, are not implements of husbandry.

(d) (e) A nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver.

(e) (f) A nonresident who has in immediate possession a valid commercial driver's license issued by a state or jurisdiction in accordance with the standards of Code of Federal Regulations, title 49, part 383, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state or jurisdiction is exempt.

(f) (g) Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, but only for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of the nonresident.

(g) (h) Any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or jurisdiction or by military authorities of the United States may operate a motor vehicle as a driver, but only for a period of not more than 60 days after becoming a resident of this state, without being required to have a Minnesota driver's license as provided in this chapter.

(h) (i) Any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state or jurisdiction in accordance with the standards of Code of Federal Regulations, title 49, part 383, is exempt for not more than 30 days after becoming a resident of this state.

(i) (j) Any person operating a snowmobile, as defined in section 84.81, is exempt.

(j) (k) A railroad operator, as defined in section 169.035, subdivision 4, paragraph (a), is exempt while operating a railroad locomotive or train, or on-track equipment while being operated upon rails. This exemption includes operation while crossing a street or highway, whether public or private.

Sec. 18. Minnesota Statutes 2013 Supplement, section 174.12, subdivision 2, is amended to read:

Subd. 2. **Transportation economic development accounts.** (a) A transportation economic development account is established in the special revenue fund under the budgetary jurisdiction of the legislative committees having jurisdiction over transportation finance. Money in the account may be expended only as appropriated by law. The account may not contain money transferred or otherwise provided from the trunk highway fund.

(b) A transportation economic development account is established in the trunk highway fund. The account consists of funds donated, allotted, transferred, or otherwise provided to the account. Money in the account may be used only for trunk highway purposes. All funds in the account ~~available prior to August 1, 2013,~~ are available until expended.

Sec. 19. Minnesota Statutes 2012, section 174.37, subdivision 6, is amended to read:

Subd. 6. **Expiration.** Notwithstanding section 15.059, subdivision 5, the committee expires June 30, ~~2014~~ 2018.

Sec. 20. Minnesota Statutes 2012, section 221.031, is amended by adding a subdivision to read:

Subd. 2c. **Exemptions for covered farm vehicles.** (a) For the purposes of this subdivision, "covered farm vehicle" has the meaning given in Code of Federal Regulations, title 49, section 390.5.

(b) A covered farm vehicle that is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with Code of Federal Regulations, title 49, section 172.504, including the operator of the vehicle, is exempt from the federal regulations incorporated by reference in:

(1) section 221.0314, subdivision 2, that consist of Code of Federal Regulations, title 49, parts 391.41 to 391.45, for physical qualifications and examinations;

(2) section 221.0314, subdivision 9, for hours of service; and

(3) section 221.0314, subdivision 10, for inspection, repair, and maintenance.

Sec. 21. Minnesota Statutes 2012, section 221.031, is amended by adding a subdivision to read:

Subd. 2d. **Hours of service exemptions.** The federal regulations incorporated in section 221.0314, subdivision 9, for maximum driving and on-duty time, do not apply to drivers engaged in intrastate transportation within a 150-air-mile radius from the source of the commodities or from the retail or wholesale distribution point of the farm supplies for:

(1) agricultural commodities or farm supplies for agricultural purposes from March 15 to December 15 of each year; or

(2) sugar beets from September 1 to May 15 of each year.

Sec. 22. Minnesota Statutes 2012, section 331A.12, is amended to read:

### **331A.12 WEB SITE ADVERTISEMENT FOR TRANSPORTATION PROJECT BIDS.**

Subdivision 1. **Definitions.** (a) The terms defined in this subdivision and section 331A.01 apply to this section.

(b) "Web site" means a specific, addressable location provided on a server connected to the Internet and hosting World Wide Web pages and other files that are generally accessible on the Internet all or most of the day.

Subd. 2. **Designation.** At the meeting of the governing body of ~~the local public corporation~~ a political subdivision at which the governing body ~~must designate~~ designates its official newspaper for the year, the governing body may designate in the same manner publication of transportation projects on the ~~local public corporation's~~ political subdivision's Web site. Publication on the Web site may be used in place of or in addition to any other required form of publication. Each year after designating publication on the Web site for transportation projects, the ~~local public corporation~~ political subdivision must publish in a qualified newspaper in the jurisdiction and on the Web site, notice that the ~~local public corporation~~ political subdivision will publish any advertisements for bids on its Web site.

Subd. 3. **Form, time for publication same.** A ~~local public corporation~~ political subdivision that publishes on its Web site under this section must post the information in substantially the same format and for the same period of time as required for publication in an official newspaper or other print publication.

Subd. 4. **Record retention.** A ~~local public corporation~~ political subdivision that publishes notice on its Web site under this section must ensure that a permanent record of publication is maintained in a form accessible by the public.

Sec. 23. Laws 2013, chapter 127, section 67, is amended to read:

Sec. 67. **LEGISLATIVE ROUTE NO. 256 REMOVED.**

(a) Minnesota Statutes, section 161.115, subdivision 187, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the governing body of Blue Earth County and a copy of the agreement between the commissioner and the governing body of the city of Mankato to transfer jurisdiction of Legislative Route No. 256 and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor electronically or in writing that the conditions required to transfer the route have been satisfied.

Sec. 24. **INTERSTATE HIGHWAY 494 REHABILITATION PROJECT.**

Subdivision 1. **Definition.** For purposes of this section, "I-494 rehabilitation project" means the trunk highway project programmed on the effective date of this section to reconstruct marked Interstate Highway 494, maintain associated bridges from the interchange with marked Interstate Highway 394 to the interchange with marked Interstate Highways 94 and 694, and establish dynamic shoulder lanes along the segment of marked Interstate Highway 494 from the interchange with marked Trunk Highway 55 to the overpass at East Fish Lake Road.

Subd. 2. **Project requirements.** The commissioner of transportation shall continue the I-494 rehabilitation project, but shall modify the project by replacing the planned dynamic shoulder lanes with an additional general purpose lane in each direction of travel. The additional general purpose lanes shall be constructed for the entire segment over which dynamic shoulder lanes had been planned.

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

Sec. 25. **PARKING RAMP; REQUIRED USER FINANCING.**

Debt service on the design and construction costs allocated to the parking garage to be located on the block bounded by Sherburne Avenue on the north, Park Street on the west, University Avenue on the south, and North Capitol Boulevard on the east must be user-financed from parking fees collected and deposited into the state parking account and credited to the debt service account for the Legislative Office Facility.

Sec. 26. **REPEALER.**

(a) Minnesota Statutes 2012, section 161.115, subdivision 240, is repealed.

(b) Minnesota Statutes 2013 Supplement, section 221.0314, subdivision 9a, is repealed."

Delete the title and insert:

"A bill for an act relating to transportation; making technical changes to provisions affecting the Department of Transportation; clarifying contract and project requirements; designating the Michael Duane Clickner Memorial Bridge; providing bridge inspection authority in certain instances; modifying U-turn rules; modifying requirements for covered farm vehicles; extending an expiration date; providing an hours of service exemption; requiring user financing for a certain parking facility; modifying reporting requirements; amending Minnesota Statutes 2012, sections 16A.124, subdivision 5; 161.14, by adding a subdivision; 161.32, subdivision 5; 162.06, subdivision 1; 162.081, subdivision 4; 162.12, subdivision 1; 165.03, subdivision 3; 165.12, subdivision 1; 169.19, subdivision 2; 169.771, subdivision 2; 169.781, subdivision 10; 169.782, subdivision 4; 169.865, subdivision 2; 171.02,

subdivision 2; 171.03; 174.37, subdivision 6; 221.031, by adding subdivisions; 331A.12; Minnesota Statutes 2013 Supplement, sections 161.44, subdivision 1a; 169.19, subdivision 1; 174.12, subdivision 2; Laws 2013, chapter 127, section 67; repealing Minnesota Statutes 2012, section 161.115, subdivision 240; Minnesota Statutes 2013 Supplement, section 221.0314, subdivision 9a."

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

House Conferees: MARY SAWATZKY, MIKE SUNDIN and FRANK HORNSTEIN.

Senate Conferees: ROGER J. REINERT, D. SCOTT DIBBLE and PAUL E. GAZELKA.

Sawatzky moved that the report of the Conference Committee on H. F. No. 2214 be adopted and that the bill be repassed as amended by the Conference Committee.

A roll call was requested and properly seconded.

McNamara moved that the House refuse to adopt the Conference Committee Report on H. F. No. 2214, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the McNamara motion and the roll was called. There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

|              |              |             |            |            |            |
|--------------|--------------|-------------|------------|------------|------------|
| Abeler       | Dettmer      | Hamilton    | Lohmer     | O'Neill    | Swedzinski |
| Albright     | Erickson, S. | Holberg     | Loon       | Peppin     | Theis      |
| Anderson, P. | Fabian       | Hoppe       | Mack       | Petersburg | Torkelson  |
| Anderson, S. | Franson      | Howe        | McDonald   | Pugh       | Uglen      |
| Barrett      | Garofalo     | Johnson, B. | McNamara   | Quam       | Urdahl     |
| Benson, M.   | Green        | Kelly       | Myhra      | Runbeck    | Wills      |
| Daudt        | Gruenhagen   | Kiel        | Newberger  | Sanders    | Woodard    |
| Davids       | Gunther      | Kresha      | Nornes     | Schomacker | Zellers    |
| Dean, M.     | Hackbarth    | Leidiger    | O'Driscoll | Scott      | Zerwas     |

Those who voted in the negative were:

|            |              |           |             |          |            |
|------------|--------------|-----------|-------------|----------|------------|
| Allen      | Davnie       | Freiberg  | Isaacson    | Loeffler | Mullery    |
| Anzelc     | Dehn, R.     | Fritz     | Johnson, C. | Mahoney  | Murphy, E. |
| Atkins     | Dill         | Halverson | Johnson, S. | Mariani  | Murphy, M. |
| Benson, J. | Dorholt      | Hansen    | Kahn        | Marquart | Nelson     |
| Bernardy   | Drazkowski   | Hausman   | Laine       | Masin    | Newton     |
| Bly        | Erhardt      | Hertaus   | Lenczewski  | McNamar  | Norton     |
| Brynaert   | Erickson, R. | Hilstrom  | Lesch       | Melin    | Paymar     |
| Carlson    | Falk         | Hornstein | Liebling    | Metsa    | Pelowski   |
| Clark      | Faust        | Hortman   | Lien        | Moran    | Persell    |
| Cornish    | Fischer      | Huntley   | Lillie      | Morgan   | Poppe      |

|            |          |          |            |            |              |
|------------|----------|----------|------------|------------|--------------|
| Radinovich | Sawatzky | Simon    | Sundin     | Ward, J.E. | Spk. Thissen |
| Rosenthal  | Schoen   | Simonson | Wagenius   | Winkler    |              |
| Savick     | Selcer   | Slocum   | Ward, J.A. | Yarusso    |              |

The motion did not prevail.

The question recurred on the Sawatzky motion that the report of the Conference Committee on H. F. No. 2214 be adopted and that the bill be repassed as amended by the Conference Committee and the roll was called. There were 83 yeas and 46 nays as follows:

Those who voted in the affirmative were:

|            |              |             |            |            |              |
|------------|--------------|-------------|------------|------------|--------------|
| Allen      | Dorholt      | Hilstrom    | Lillie     | Nelson     | Selcer       |
| Anzelc     | Drazkowski   | Hornstein   | Loeffler   | Newton     | Simon        |
| Atkins     | Erhardt      | Hortman     | Mahoney    | Norton     | Simonson     |
| Benson, J. | Erickson, R. | Howe        | Mariani    | O'Driscoll | Slocum       |
| Benson, M. | Falk         | Huntley     | Marquart   | Paymar     | Sundin       |
| Bernardy   | Faust        | Isaacson    | Masin      | Pelowski   | Theis        |
| Bly        | Fischer      | Johnson, C. | McNamar    | Persell    | Torkelson    |
| Brynaert   | Freiberg     | Johnson, S. | Melin      | Poppe      | Wagenius     |
| Carlson    | Fritz        | Kahn        | Metsa      | Quam       | Ward, J.A.   |
| Clark      | Gruenhagen   | Laine       | Moran      | Radinovich | Ward, J.E.   |
| Cornish    | Halverson    | Lenczewski  | Morgan     | Rosenthal  | Winkler      |
| Davnie     | Hansen       | Lesch       | Mullery    | Savick     | Yarusso      |
| Dehn, R.   | Hausman      | Liebling    | Murphy, E. | Sawatzky   | Spk. Thissen |
| Dill       | Hertaus      | Lien        | Murphy, M. | Schoen     |              |

Those who voted in the negative were:

|              |              |             |           |            |         |
|--------------|--------------|-------------|-----------|------------|---------|
| Abeler       | Dettmer      | Hamilton    | Loon      | Peppin     | Uglem   |
| Albright     | Erickson, S. | Holberg     | Mack      | Petersburg | Urdahl  |
| Anderson, P. | Fabian       | Hoppe       | McDonald  | Pugh       | Wills   |
| Anderson, S. | Franson      | Johnson, B. | McNamara  | Runbeck    | Woodard |
| Barrett      | Garofalo     | Kelly       | Myhra     | Sanders    | Zellers |
| Daudt        | Green        | Kiel        | Newberger | Schomacker | Zerwas  |
| Davids       | Gunther      | Kresha      | Nornes    | Scott      |         |
| Dean, M.     | Hackbarth    | Lohmer      | O'Neill   | Swedzinski |         |

The motion prevailed.

H. F. No. 2214, A bill for an act relating to transportation; making technical changes to provisions affecting the Department of Transportation; clarifying contracting requirements; modifying U-turn rules; providing bridge inspection authority in certain instances; modifying seasonal load restrictions; modifying Web site requirements to advertise for bids; modifying reporting requirements; modifying appropriations; amending Minnesota Statutes 2012, sections 16A.124, subdivision 5; 161.32, subdivision 5; 162.06, subdivision 1; 162.081, subdivision 4; 162.12, subdivision 1; 165.03, subdivision 3; 165.12, subdivision 1; 169.19, subdivision 2; 169.781, subdivision 10; 169.782, subdivision 4; 169.865, subdivision 2; 169.87, subdivision 6; 171.02, subdivision 2; 171.03; 174.37, subdivision 6; 221.031, by adding subdivisions; 331A.12; Minnesota Statutes 2013 Supplement, sections 161.44, subdivision 1a; 169.19, subdivision 1; 174.12, subdivision 2; Laws 2010, chapter 189, sections 15, subdivision 12;



26, subdivision 4; Laws 2012, chapter 287, article 2, sections 1; 3; Laws 2012, First Special Session chapter 1, article 1, section 28; Laws 2013, chapter 127, section 67; repealing Minnesota Statutes 2012, section 161.115, subdivision 240; Minnesota Statutes 2013 Supplement, section 221.0314, subdivision 9a.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 111 yeas and 19 nays as follows:

Those who voted in the affirmative were:

|              |              |             |            |            |              |
|--------------|--------------|-------------|------------|------------|--------------|
| Abeler       | Dorholt      | Hilstrom    | Loeffler   | Nornes     | Simon        |
| Allen        | Drazkowski   | Hoppe       | Mack       | Norton     | Simonson     |
| Anderson, P. | Erhardt      | Hornstein   | Mahoney    | O'Driscoll | Slocum       |
| Anderson, S. | Erickson, R. | Hortman     | Mariani    | O'Neill    | Sundin       |
| Anzelc       | Erickson, S. | Howe        | Marquart   | Paymar     | Swedzinski   |
| Atkins       | Fabian       | Huntley     | Masin      | Pelowski   | Theis        |
| Benson, J.   | Falk         | Isaacson    | McDonald   | Peppin     | Torkelson    |
| Benson, M.   | Faust        | Johnson, C. | McNamar    | Persell    | Uglem        |
| Bernardy     | Fischer      | Johnson, S. | Melin      | Petersburg | Urdahl       |
| Bly          | Freiberg     | Kahn        | Metsa      | Poppe      | Wagenius     |
| Brynaert     | Fritz        | Kelly       | Moran      | Pugh       | Ward, J.A.   |
| Carlson      | Green        | Kiel        | Morgan     | Quam       | Ward, J.E.   |
| Clark        | Gruenhagen   | Kresha      | Mullery    | Radinovich | Winkler      |
| Cornish      | Gunther      | Laine       | Murphy, E. | Rosenthal  | Yarusso      |
| Daudt        | Halverson    | Lenczewski  | Murphy, M. | Savick     | Zellers      |
| Davids       | Hamilton     | Lesch       | Myhra      | Sawatzky   | Spk. Thissen |
| Davnie       | Hansen       | Liebling    | Nelson     | Schoen     |              |
| Dehn, R.     | Hausman      | Lien        | Newberger  | Schomacker |              |
| Dill         | Hertaus      | Lillie      | Newton     | Selcer     |              |

Those who voted in the negative were:

|          |           |             |          |         |
|----------|-----------|-------------|----------|---------|
| Albright | Franson   | Johnson, B. | McNamara | Wills   |
| Barrett  | Garofalo  | Leidiger    | Runbeck  | Woodard |
| Dean, M. | Hackbarth | Lohmer      | Sanders  | Zerwas  |
| Dettmer  | Holberg   | Loon        | Scott    |         |

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. No. 2166

A bill for an act relating to elections; providing a study of the use of electronic rosters in elections; requiring secretary of state to evaluate electronic rosters in 2014 election; authorizing the use of electronic rosters statewide; proposing coding for new law in Minnesota Statutes, chapter 201.

May 12, 2014

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

We, the undersigned conferees for H. F. No. 2166 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2166 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1  
ELECTRONIC ROSTER AUTHORIZATION

Section 1. **[201.225] ELECTRONIC ROSTER AUTHORIZATION.**

Subdivision 1. **Authority.** A county, municipality, or school district may use electronic rosters for any election. In a county, municipality, or school district that uses electronic rosters, the head elections official may designate that some or all of the precincts use electronic rosters. An electronic roster must comply with all of the requirements of this section. An electronic roster must include information required in section 201.221, subdivision 3, and any rules adopted pursuant to that section.

Subd. 2. **Technology requirements.** An electronic roster must:

(1) be able to be loaded with a data file that includes voter registration data in a file format prescribed by the secretary of state;

(2) allow for data to be exported in a file format prescribed by the secretary of state;

(3) allow for data to be entered manually or by scanning a Minnesota driver's license or identification card to locate a voter record or populate a voter registration application that would be printed and signed and dated by the voter. The printed registration application can be either a printed form, labels printed with voter information to be affixed to a preprinted form, or a combination of both;

(4) allow an election judge to update data that was populated from a scanned driver's license or identification card;

(5) cue an election judge to ask for and input data that is not populated from a scanned driver's license or identification card that is otherwise required to be collected from the voter or an election judge;

(6) immediately alert the election judge if the voter has provided information that indicates that the voter is not eligible to vote;

(7) immediately alert the election judge if the electronic roster indicates that a voter has already voted in that precinct, the voter's registration status is challenged, or it appears the voter resides in a different precinct;

(8) provide immediate instructions on how to resolve a particular type of challenge when a voter's record is challenged;

(9) provide for a printed voter signature certificate, containing the voter's name, address of residence, date of birth, voter identification number, the oath required by section 204C.10, and a space for the voter's original signature. The printed voter signature certificate can be either a printed form or a label printed with the voter's information to be affixed to the oath;

(10) contain only preregistered voters within the precinct, and not contain preregistered voter data on voters registered outside of the precinct;

(11) be only networked within the polling location on election day, except for the purpose of updating absentee ballot records;

(12) meet minimum security, reliability, and networking standards established by the Office of the Secretary of State in consultation with MN.IT;

(13) be capable of providing a voter's correct polling place; and

(14) perform any other functions necessary for the efficient and secure administration of the participating election, as determined by the secretary of state.

Electronic rosters used only for election day registration do not need to comply with clauses (1), (8), and (10). Electronic rosters used only for preregistered voter processing do not need to comply with clauses (4) and (5).

Subd. 3. **Minnesota Election Law; other law.** Unless otherwise provided, the provisions of the Minnesota Election Law apply to the use of electronic rosters. Voters participating in the safe at home program must be allowed to vote pursuant to section 5B.06. Nothing in this section shall be construed to amend absentee voting provisions in chapter 203B.

Subd. 4. **Election records retention.** All voter signature certificates and voter registration applications printed from an electronic roster must be retained pursuant to section 204B.40. The electronic rosters must print voter signature certificates and voter registration applications on material that will remain legible through the period prescribed by section 204B.40. Data on election day registrants and voter history must be uploaded to the statewide voter registration system for processing by county auditors.

Subd. 5. **Election day.** (a) Precincts may use electronic rosters for election day registration, to process preregistered voters, or both. The printed election day registration applications must be reviewed when electronic records are processed in the statewide voter registration system. The election judges shall determine the number of ballots to be counted by counting the number of original voter signature certificates or the number of voter receipts.

(b) Each precinct using electronic rosters shall have a paper backup system approved by the secretary of state present at the polling place to use in the event that the election judges are unable to use the electronic roster.

Subd. 6. **Reporting; certification.** (a) A county, municipality, or school district that intends to use electronic rosters in an upcoming election must notify the Office of the Secretary of State at least 90 days before the first election in which the county, municipality, or school district intends to use electronic rosters. The notification must specify whether all precincts will use electronic rosters, and if not, specify which precincts will be using electronic rosters. The notification is valid for all subsequent elections, unless revoked by the county, municipality, or school district. If precincts within a county, municipality, or school district that were not included in the initial notification intend to use electronic rosters, a new notification must be submitted.

(b) The county, municipality, or school district that intends to use electronic rosters must certify to the Office of the Secretary of State at least 30 days before the election that the electronic rosters meet all of the requirements in this section.

## Sec. 2. **EVALUATION OF ELECTRONIC ROSTER USE; 2014 STATE GENERAL ELECTION.**

The secretary of state must evaluate the use of electronic rosters in the 2014 state general election, and submit a report detailing the results of the evaluation to the chairs and ranking minority members of the committees in the house of representatives and the senate with primary jurisdiction over elections no later than April 1, 2015.

## Sec. 3. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

ARTICLE 2  
DEFINITIONS AND CONFORMING CHANGES

Section 1. Minnesota Statutes 2012, section 200.02, is amended by adding a subdivision to read:

Subd. 25. **Polling place roster.** "Polling place roster" or "roster" refers to a roster in (1) printed format; or (2) electronic format as permitted by section 201.225.

Sec. 2. Minnesota Statutes 2012, section 200.02, is amended by adding a subdivision to read:

Subd. 26. **Voter signature certificate.** "Voter signature certificate" means a printed form or label generated from an electronic polling place roster that contains the voter's name, address of residence, date of birth, voter identification number, the oath required by section 204C.10, and a space for the voter's original signature. A voter signature certificate is not a "voter certificate" under section 204C.12.

Sec. 3. Minnesota Statutes 2012, section 201.221, subdivision 3, is amended to read:

Subd. 3. **Procedures for polling place rosters.** The secretary of state shall prescribe the form of paper polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. An electronic roster and the voter signature certificate together must include the same information as a paper polling place roster. The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle; the same information may not be placed on the polling place roster for a second state primary and general election cycle unless specified in this subdivision. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for 22 months following the election.

Sec. 4. Minnesota Statutes 2012, section 204B.14, subdivision 2, is amended to read:

Subd. 2. **Separate precincts; combined polling place.** (a) The following shall constitute at least one election precinct:

(1) each city ward; and

(2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than May 1 of any year:

(1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;

(2) for contiguous precincts in the same municipality;

(3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 200.02, subdivision 24, that are contained in the same county; or

(4) for noncontiguous precincts located in one or more counties.

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A polling place combined under clause (4) must be approved by the governing body of each participating municipality and the secretary of state and may be located outside any of the noncontiguous precincts. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than April 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place, except that in a precinct that uses electronic rosters the secretary of state shall provide separate data files for each precinct. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

Sec. 5. Minnesota Statutes 2012, section 204C.10, is amended to read:

**204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.**

(a) An individual seeking to vote shall sign a polling place roster or voter signature certificate which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) A judge may, before the applicant signs the roster or voter signature certificate, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster or voter signature certificate, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

Sec. 6. Minnesota Statutes 2012, section 204C.12, subdivision 4, is amended to read:

Subd. 4. **Refusal to answer questions or sign a polling place roster.** A challenged individual who refuses to answer questions or sign a polling place roster or voter signature certificate as required by this section must not be allowed to vote. A challenged individual who leaves the polling place and returns later willing to answer questions or sign a polling place roster or voter signature certificate must not be allowed to vote.

Sec. 7. Minnesota Statutes 2013 Supplement, section 204C.14, subdivision 2, is amended to read:

Subd. 2. **Signature on roster as evidence of intent.** For purposes of proving a violation of this section, the signature of an individual on a polling place roster or voter signature certificate is prima facie evidence of the intent of the individual to vote at that election.

Sec. 8. Minnesota Statutes 2012, section 211B.11, subdivision 1, is amended to read:

Subdivision 1. **Soliciting near polling places.** A person may not display campaign material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within a polling place or within 100 feet of the building in which a polling place is situated, or anywhere on the public property on which a polling place is situated, on primary or election day to vote for or refrain from voting for a candidate or ballot question. A person may not provide political badges, political buttons, or other political insignia to be worn at or about the polling place on the day of a primary or election. A political badge, political button, or other political insignia may not be worn at or about the polling place on primary or election day. This section applies to areas established by the county auditor or municipal clerk for absentee voting as provided in chapter 203B.

The secretary of state, county auditor, municipal clerk, or school district clerk may provide stickers which contain the words "I VOTED" and nothing more. Election judges may offer a sticker of this type to each voter who has signed the polling place roster or voter signature certificate.

Sec. 9. **EFFECTIVE DATE.**

This article is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to elections; authorizing the use of electronic rosters; requiring an evaluation of the use of electronic rosters in the 2014 election; making various technical and conforming changes; providing definitions; amending Minnesota Statutes 2012, sections 200.02, by adding subdivisions; 201.221, subdivision 3; 204B.14, subdivision 2; 204C.10; 204C.12, subdivision 4; 211B.11, subdivision 1; Minnesota Statutes 2013 Supplement, section 204C.14, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 201."

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

House Conferees: CAROLYN LAINE, LAURIE HALVERSON and TIM SANDERS.

Senate Conferees: TERRIE. BONOFF and ANN H. REST.

Laine moved that the report of the Conference Committee on H. F. No. 2166 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2166, A bill for an act relating to elections; providing a study of the use of electronic rosters in elections; requiring secretary of state to evaluate electronic rosters in 2014 election; authorizing the use of electronic rosters statewide; proposing coding for new law in Minnesota Statutes, chapter 201.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

|          |              |            |            |          |         |
|----------|--------------|------------|------------|----------|---------|
| Abeler   | Anderson, P. | Atkins     | Benson, M. | Brynaert | Cornish |
| Albright | Anderson, S. | Barrett    | Bernardy   | Carlson  | Daudt   |
| Allen    | Anzelc       | Benson, J. | Bly        | Clark    | Dauids  |

|              |             |            |            |            |              |
|--------------|-------------|------------|------------|------------|--------------|
| Davnie       | Gruenhagen  | Kahn       | McDonald   | Pelowski   | Slocum       |
| Dean, M.     | Gunther     | Kelly      | McNamar    | Peppin     | Sundin       |
| Dehn, R.     | Hackbarth   | Kiel       | McNamara   | Persell    | Swedzinski   |
| Dettmer      | Halverson   | Kresha     | Melin      | Petersburg | Theis        |
| Dill         | Hamilton    | Laine      | Metsa      | Poppe      | Torkelson    |
| Dorholt      | Hansen      | Leidiger   | Moran      | Pugh       | Uglem        |
| Drazkowski   | Hausman     | Lenczewski | Morgan     | Quam       | Urdahl       |
| Erhardt      | Hertaus     | Lesch      | Mullery    | Radinovich | Wagenius     |
| Erickson, R. | Hilstrom    | Liebling   | Murphy, E. | Rosenthal  | Ward, J.A.   |
| Erickson, S. | Holberg     | Lien       | Murphy, M. | Runbeck    | Ward, J.E.   |
| Fabian       | Hoppe       | Lillie     | Myhra      | Sanders    | Wills        |
| Falk         | Hornstein   | Loeffler   | Nelson     | Savick     | Winkler      |
| Faust        | Hortman     | Lohmer     | Newberger  | Sawatzky   | Woodard      |
| Fischer      | Howe        | Loon       | Newton     | Schoen     | Yarusso      |
| Franson      | Huntley     | Mack       | Nornes     | Schomacker | Zellers      |
| Freiberg     | Isaacson    | Mahoney    | Norton     | Scott      | Zerwas       |
| Fritz        | Johnson, B. | Mariani    | O'Driscoll | Selcer     | Spk. Thissen |
| Garofalo     | Johnson, C. | Marquart   | O'Neill    | Simon      |              |
| Green        | Johnson, S. | Masin      | Paymar     | Simonson   |              |

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. No. 2852

A bill for an act relating to natural resources; modifying game and fish laws; modifying use of vehicles for hunting; modifying oversight committee provisions; modifying provisions for wildlife management areas; modifying license provisions and fees; modifying invasive species provisions; providing for certain grants; requiring development of certain master plan; modifying provisions for taking wild animals; authorizing nonlethal hazing of Canada geese; modifying disability-related angling and hunting licenses and special permit provisions; providing for designations on driver's license and Minnesota identification card; updating and eliminating certain obsolete language; modifying prior appropriations; requiring issuance of general permit; requiring a report; requiring rulemaking; amending Minnesota Statutes 2012, sections 84.154, subdivisions 1, 2, 3; 84.777, subdivision 2; 84.87, by adding a subdivision; 84.944, subdivision 2; 84A.10; 84A.50; 84D.01, subdivision 8b; 97A.025; 97A.055, subdivision 4b; 97A.131; 97A.137, subdivision 3, by adding a subdivision; 97A.311, subdivision 5, by adding a subdivision; 97A.434, subdivision 1; 97A.441, subdivisions 1, 5; 97A.473, subdivisions 2a, 2b, 5, 5a; 97A.502; 97B.031, subdivision 5; 97B.081, subdivision 3; 97B.086; 97B.095; 97B.111, subdivision 1; 97B.516; 97B.605; 97B.646; 97B.655, subdivision 1; 97B.667, subdivisions 3, 4; 97B.731, subdivision 1; 97C.821; 171.07, subdivision 15, by adding a subdivision; Minnesota Statutes 2013 Supplement, sections 97A.441, subdivisions 6, 6a; 97A.475, subdivisions 2, 3; 97A.485, subdivision 6; Laws 2008, chapter 363, article 5, section 4, subdivision 7, as amended; proposing coding for new law in Minnesota Statutes, chapters 87A; 97B; 97C; repealing Minnesota Statutes 2012, sections 84.154, subdivision 5; 84A.04; 84A.08; 84A.11; 97A.081; 97A.083; 97A.445, subdivision 3; 97A.4742, subdivision 3; 97B.061; 97B.611; 97B.615; 97B.621, subdivisions 1, 4; 97B.625; 97B.631; 97B.635; 97B.711; 97B.715, subdivision 2; 97B.803; 97B.911; 97B.915; 97B.921; 97B.925; 97C.011; 97C.827; Minnesota Rules, part 6100.5100.

May 13, 2014

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

We, the undersigned conferees for H. F. No. 2852 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2852 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 84.154, subdivision 1, is amended to read:

Subdivision 1. **Conservation project.** The commissioner is hereby authorized, with the approval of the Executive Council, and on such terms as may be deemed advantageous to the state, to sell and convey to the United States the fee title, free from any mineral reservation, of lands acquired by the state for the Lac qui Parle River water control project upon which dams and appurtenant structures have been or may be constructed and such rights-of-way as may be required by the United States to provide access thereto for the purposes of construction, maintenance and operation, and to grant, sell and convey either such fee title to, or flowage rights over, all lands acquired for the project on and above Lac qui Parle Lake which lie below the 935.7 foot elevation on project datum, and to grant, sell and convey flowage rights only over all lands so acquired on or above Marsh Lake which lie below the 939.5 foot elevation on project datum and over all of such lands on and above either of these lakes which lie above such elevations, and to lease to any appropriate agency of the United States for conservation purposes, subject to such flowage rights, any of such lands the ownership of which is retained by the state, or to enter into a cooperative agreement with any such agency for the development and management of any wild life or other conservation activity thereon; provided, that no such conveyance or agreement shall waive any claim of the state for reimbursement from the United States ~~under the Flood Control Act of June 28, 1938, and any amendments thereof.~~ Each such lease for conservation purposes and each such cooperative agreement for the development and management of wild life or other conservation activity on such lands shall contain specific conditions reserving to the public during all open seasons for hunting wild waterfowl at least 40 percent of the area of these lands suitable for hunting waterfowl as public shooting grounds.

Sec. 2. Minnesota Statutes 2012, section 84.154, subdivision 2, is amended to read:

Subd. 2. **Commissioner may complete Lac qui Parle and Big Stone Lake projects.** ~~Inasmuch as the cessation of the work relief program of the federal government and the entry of the United States into the present war prevented completion of certain contemplated features of the Lac qui Parle and Big Stone Lake water control projects heretofore undertaken by the Executive Council, in cooperation with federal agencies, and it is desirable that such projects be completed in order to secure effective control and utilization of the waters affected for the purposes of prevention and control of floods, water conservation, improvement of conditions for game and fish, and other authorized public uses,~~ The commissioner of natural resources is authorized to construct all works and improvements pertaining or incidental to said projects which the commissioner deems necessary for such purposes, and to maintain and operate the same so far as not transferred to the United States pursuant to law.

Sec. 3. Minnesota Statutes 2012, section 84.154, subdivision 3, is amended to read:

Subd. 3. **Powers of commissioner.** The commissioner of natural resources may use for any project herein authorized any land of the state under the commissioner's jurisdiction or control so far as is not inconsistent with the laws governing the same, may acquire by purchase, gift, or condemnation any additional lands or interests in lands required for such projects, including lands or interests in adjacent states if authorized by the laws thereof, may accept gifts or grants of money or property from the United States or any other source for such projects, may use and apply any money or property so received in accordance with the terms of the gift or grant so far as is not inconsistent with the provisions of this section or other laws, may act in behalf of the state as sponsor for any such project undertaken or authorized by the United States, may make any sponsor's contributions required for any such project ~~out of money appropriated by Laws 1943, chapter 476, or otherwise made available therefor,~~ and may cooperate with the United States or any adjacent state or any authorized agency of either in constructing, maintaining and operating any such project upon such terms and conditions as the commissioner may deem proper not inconsistent with the laws of this state.



Sec. 4. Minnesota Statutes 2012, section 84.777, subdivision 2, is amended to read:

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

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

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

Sec. 5. Minnesota Statutes 2012, section 84.87, is amended by adding a subdivision to read:

Subd. 5. **Snowmobile operation during the firearms deer season.** Snowmobile operation during the firearms deer hunting season is restricted as provided in section 84.777, subdivision 2, and rules adopted by the commissioner.

Sec. 6. Minnesota Statutes 2012, section 84.92, subdivision 8, is amended to read:

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

Sec. 7. Minnesota Statutes 2012, section 84.92, subdivision 9, is amended to read:

Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than ~~4,000~~ 1,200 pounds.

Sec. 8. Minnesota Statutes 2012, section 84.92, subdivision 10, is amended to read:

Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of ~~4,000~~ 1,200 to 1,800 pounds.

Sec. 9. Minnesota Statutes 2012, section 84.944, subdivision 2, is amended to read:

Subd. 2. **Designation of acquired sites.** The critical natural habitat acquired in fee title by the commissioner under this section shall be designated by the commissioner as: (1) an outdoor recreation unit pursuant to section 86A.07, subdivision 3, or (2) as provided in sections 89.018, subdivision 2, paragraph (a), 97A.101, 97A.125, and 97C.001, ~~and 97C.011~~. The commissioner may so designate any critical natural habitat acquired in less than fee title.

Sec. 10. Minnesota Statutes 2012, section 84A.10, is amended to read:

#### **84A.10 EMINENT DOMAIN.**

The department has the power of eminent domain in chapter 117. The department may acquire, by eminent domain or by purchase, lands or interests in lands in the preserve that the department considers necessary for state ownership, use, or development for the purposes of sections 84A.01 to ~~84A.11~~ 84A.101. ~~No money shall be used to~~

~~acquire the lands or interests until the department determines that the money will not be required to meet the requisitions of the counties authorized under section 84A.04, or for payment of certificates of indebtedness and their interest.~~

Sec. 11. Minnesota Statutes 2012, section 84A.50, is amended to read:

**84A.50 CERTAIN CERTIFICATES ACCEPTED AND VALIDATED.**

Certificates relating to bonds issued to finance or refinance public drainage ditches, the principal and interest of the bonds, the amount of money collected from drainage assessments and credited to ditches, and the amount of the deficit in the ditch fund made by a county auditor under section ~~84A.04~~, 84A.23, or 84A.33 to the commissioner of management and budget on which payment has been made by the state are accepted as correct and are validated.

Sec. 12. Minnesota Statutes 2012, section 84D.01, subdivision 8b, is amended to read:

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

Sec. 13. **[87A.10] TRAP SHOOTING SPORTS FACILITY GRANTS.**

The commissioner of natural resources shall administer a program to provide cost-share grants to local recreational shooting clubs for up to 50 percent of the costs of developing or rehabilitating trap shooting sports facilities for public use. A facility rehabilitated or developed with a grant under this section must be open to the general public at reasonable times and for a reasonable fee on a walk-in basis. The commissioner shall give preference to projects that will provide the most opportunities for youth.

Sec. 14. Minnesota Statutes 2012, section 97A.025, is amended to read:

**97A.025 OWNERSHIP OF WILD ANIMALS.**

The ownership of wild animals of the state is in the state, in its sovereign capacity for the benefit of all the people of the state. A person may not acquire a property right in wild animals, or destroy them, unless authorized under the game and fish laws, ~~sections 84.091 to 84.15~~, or sections 17.47 to 17.498.

Sec. 15. Minnesota Statutes 2012, section 97A.055, subdivision 4b, is amended to read:

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

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

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

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

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

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

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

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

(g) ~~Notwithstanding section 15.059, subdivision 5, or other law to the contrary, The committees authorized under this subdivision are not advisory councils or committees governed by section 15.059 and are not subject to section 15.059. Committee members appointed by the commissioner may request reimbursement for mileage expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. Committee members must not receive daily compensation for oversight activities.~~ The Fisheries Oversight Committee, the Wildlife Oversight Committee, and the Budgetary Oversight Committee ~~do not~~ expire ~~until~~ June 30, 2015.

Sec. 16. Minnesota Statutes 2012, section 97A.131, is amended to read:

**97A.131 GAME FARMS AND HATCHERIES.**

The commissioner may acquire property by gift, lease, purchase, or condemnation and may construct, maintain, operate, and alter facilities for ~~game farms and~~ hatcheries.

Sec. 17. Minnesota Statutes 2012, section 97A.137, subdivision 3, is amended to read:

Subd. 3. **Use of motorized vehicles by disabled hunters.** The commissioner may issue a special permit, without a fee, authorizing a hunter with a permanent physical disability to use a snowmobile ~~or, highway-licensed vehicle, all-terrain vehicle, or motor boat~~ in wildlife management areas. To qualify for a permit under this subdivision, the disabled person must possess:

- (1) the required hunting licenses; and
- (2) a permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.

Sec. 18. Minnesota Statutes 2012, section 97A.137, is amended by adding a subdivision to read:

**Subd. 6. Crossing state lands.** (a) The commissioner may grant a permit to cross state lands within wildlife management areas for temporary right-of-way access to federal, county-managed, or privately owned lands for resource management purposes. A permit for crossing state lands within wildlife management areas is revocable at any time subject to conditions identified in the permit.

(b) The commissioner may grant a permit to a private landowner or leaseholder to cross state lands within wildlife management areas by motorized vehicle for temporary right-of-way access to a permit applicant's land, when it is the only reasonable access and is consistent with the maintenance and management of wildlife lands.

Sec. 19. Minnesota Statutes 2012, section 97A.311, subdivision 5, is amended to read:

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

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

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

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

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

(5) evidence is provided to the commissioner that demonstrates the license was issued incorrectly by the department or license agent.

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

Sec. 20. Minnesota Statutes 2012, section 97A.311, is amended by adding a subdivision to read:

Subd. 6. **License corrections.** The commissioner may correct a license or license type and refund the difference or charge the difference of the corrected license fee if:

(1) the licensee provides evidence that the license was issued incorrectly by the department or license agent;

(2) the request is made within 30 days of the original license purchase;

(3) the season or license activities for the original license have not yet started at the time of the request; and

(4) the licensee is entitled to the corrected license.

Sec. 21. Minnesota Statutes 2012, section 97A.405, subdivision 4a, is amended to read:

Subd. 4a. **Replacement turkey licenses.** (a) The commissioner may permit licensed turkey hunters to change permit areas, licenses, or time periods within the fall turkey season, or within the spring turkey season. The commissioner may issue a replacement turkey license if the applicant submits the original turkey license and unused tags that are being replaced, and the applicant pays the fee for a replacement license under section 97A.475, subdivision 44.

(b) A replacement turkey license may be issued only if the applicant has not used the tag from the original turkey license and meets the requirements of paragraph (c). The original turkey licenses and all unused tags for the turkey licenses being replaced must be submitted to the issuing agent at the time the replacement turkey license is issued.

(c) A turkey replacement license may be issued under the following conditions, or as otherwise prescribed by rule of the commissioner:

(1) when the permit area or time period for the turkey license being surrendered has not yet opened; and

(2) licenses are available for the replacement turkey license permit area or time period for (i) areas that are not lottery areas, (ii) lottery areas that have remaining licenses, or (iii) the applicant is a youth hunter age 17 or younger.

Sec. 22. Minnesota Statutes 2012, section 97A.434, subdivision 1, is amended to read:

Subdivision 1. **Number of licenses to be issued.** If the commissioner establishes an open season for prairie chickens ~~under section 97B.711~~, the commissioner shall also determine, by rule, the number of licenses to be issued.

Sec. 23. Minnesota Statutes 2012, section 97A.441, subdivision 1, is amended to read:

Subdivision 1. **Angling and spearing; disabled residents.** (a) A person authorized to issue licenses must issue, without a fee, licenses to take fish by angling or spearing shall be issued without a fee to a resident who is:

(1) blind;

(2) a recipient of supplemental security income for the aged, blind, and disabled;

(3) a recipient of Social Security aid to the disabled under United States Code, title 42, section 416, paragraph (i)(1), or section 423(d);

(4) a recipient of workers' compensation based on a finding of total and permanent disability; ~~or~~

(5) 65 years of age or older and was qualified under clause (2) or (3) at the age of 64; or

(6) permanently disabled and meets the disability requirements for Supplemental Security Income or Social Security aid to the disabled under United States Code, title 42, section 416, paragraph (i)(1), or section 423(d).

(b) A driver's license or Minnesota identification card bearing the applicable designation under section 171.07, subdivision 17, serves as satisfactory evidence to obtain a license under this subdivision at all agent locations.

Sec. 24. Minnesota Statutes 2012, section 97A.441, subdivision 5, is amended to read:

Subd. 5. **Angling; disabled veterans.** (a) A person authorized to issue licenses must issue, without a fee, a permanent license to take fish by angling to a resident who is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

(b) A driver's license or Minnesota identification card bearing the designation under section 171.07, subdivision 15, paragraph (a), clause (2), serves as satisfactory evidence to obtain a license under this subdivision at all agent locations.

Sec. 25. Minnesota Statutes 2013 Supplement, section 97A.441, subdivision 6, is amended to read:

Subd. 6. **Taking deer; disabled veterans.** (a) A person authorized to issue licenses must issue, without a fee, a license to take deer with firearms or by archery to a resident that is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

(b) The commissioner, upon request, must issue a permanent card documenting satisfactory evidence of 100 percent permanently disabled status.

(c) The ~~card serves~~ following serve as satisfactory evidence to obtain a license under this subdivision at all agent locations:

(1) a card issued under paragraph (b); or

(2) a driver's license or Minnesota identification card bearing the designation under section 171.07, subdivision 15, paragraph (a), clause (2).

Sec. 26. Minnesota Statutes 2013 Supplement, section 97A.441, subdivision 6a, is amended to read:

Subd. 6a. **Taking small game; disabled veterans.** (a) A person authorized to issue licenses must issue, without a fee, a license to take small game to a resident who is a veteran, as defined in section 197.447, and who has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

(b) The commissioner, upon request, must issue a permanent card documenting satisfactory evidence of 100 percent permanently disabled status.

(c) The ~~card serves~~ following serve as satisfactory evidence to obtain a license under this subdivision at all agent locations:

(1) a card issued under paragraph (b); or

(2) a driver's license or Minnesota identification card bearing the designation under section 171.07, subdivision 15, paragraph (a), clause (2).

Sec. 27. Minnesota Statutes 2012, section 97A.473, subdivision 2a, is amended to read:

Subd. 2a. **Lifetime spearing license; fee.** (a) A resident lifetime spearing license authorizes a person to take fish by spearing in the state. The license authorizes those activities authorized by the annual resident spearing license.

(b) The fees for a resident lifetime spearing license are:

(1) age 3 and under, ~~\$258~~ \$77;

(2) age 4 to age 15, ~~\$320~~ \$106;

(3) age 16 to age 50, ~~\$372~~ \$100; and

(4) age 51 and over, ~~\$173~~ \$52.

Sec. 28. Minnesota Statutes 2012, section 97A.473, subdivision 2b, is amended to read:

Subd. 2b. **Lifetime angling and spearing license; fee.** (a) A resident lifetime angling and spearing license authorizes a person to take fish by angling or spearing in the state. The license authorizes those activities authorized by the annual resident angling and spearing licenses.

(b) The fees for a resident lifetime angling and spearing license are:

- (1) age 3 and under, \$380;
- (2) age 4 to age 15, \$509;
- (3) age 16 to age 50, ~~\$617~~ \$596; and
- (4) age 51 and over, \$386.

Sec. 29. Minnesota Statutes 2012, section 97A.473, subdivision 5, is amended to read:

Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt and trap small game, other than wolves, in the state. The license authorizes those activities authorized by the annual resident angling and resident small game hunting licenses and the resident trapping license for fur-bearing animals other than wolves. The license does not include a trout and salmon stamp validation, a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required by law.

(b) The fees for a resident lifetime sporting license are:

- (1) age 3 and under, ~~\$528~~ \$485;
- (2) age 4 to age 15, ~~\$728~~ \$659;
- (3) age 16 to age 50, \$861; and
- (4) age 51 and over, ~~\$602~~ \$560.

Sec. 30. Minnesota Statutes 2012, section 97A.473, subdivision 5a, is amended to read:

Subd. 5a. **Lifetime sporting with spearing option license; fee.** (a) A resident lifetime sporting with spearing option license authorizes a person to take fish by angling or spearing and hunt and trap small game, other than wolves, in the state. The license authorizes those activities authorized by the annual resident angling, spearing, and resident small game hunting licenses and the resident trapping license for fur-bearing animals other than wolves. The license does not include a trout and salmon stamp validation, a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required by law.

(b) The fees for a resident lifetime sporting with spearing option license are:

- (1) age 3 and under, ~~\$615~~ \$562;
- (2) age 4 to age 15, ~~\$800~~ \$765;
- (3) age 16 to age 50, ~~\$985~~ \$961; and
- (4) age 51 and over, ~~\$586~~ \$612.

Sec. 31. Minnesota Statutes 2013 Supplement, section 97A.475, subdivision 2, is amended to read:

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

- (1) for persons age 18 or over and under age 65 to take small game, \$15.50;

- (2) for persons age 65 or over, \$7 to take small game;
- (3) for persons age 18 or over to take turkey, \$26;
- (4) for persons age 13 or over and under age 18 to take turkey, \$5;
- (5) for persons age 18 or over to take deer with firearms during the regular firearms season, \$30;
- (6) for persons age 18 or over to take deer by archery, \$30;
- (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$30;
- (8) to take moose, for a party of not more than six persons, \$356;
- (9) for persons age 18 or over to take bear, \$44;
- (10) to take elk, for a party of not more than two persons, \$287;
- (11) to take Canada geese during a special season, \$4;
- (12) to take prairie chickens, \$23;
- (13) for persons age 13 or over and under age 18 to take deer with firearms during the regular firearms season, \$5;
- (14) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- (15) for persons age 13 or over and under age 18 to take deer by muzzleloader during the muzzleloader season, \$5;
- (16) for persons age 10, 11, or 12 to take bear, no fee;
- (17) for persons age 13 or over and under age 18 to take bear, \$5;

~~(16)~~ (18) for persons age 18 or over to take small game for a consecutive 72-hour period selected by the licensee, \$19, of which an amount equal to: one-half of the fee for the migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half of the small game surcharge under subdivision 4, shall be deposited in the wildlife acquisition account;

- ~~(17)~~ (19) for persons age 16 or over and under age 18 to take small game, \$5;
- ~~(18)~~ (20) to take wolf, \$30;
- ~~(19)~~ (21) for persons age 12 and under to take turkey, no fee;
- ~~(20)~~ (22) for persons age 10, 11, or 12 to take deer by firearm, no fee;
- ~~(24)~~ (23) for persons age 10, 11, or 12 to take deer by archery, no fee; and
- ~~(22)~~ (24) for persons age 10, 11, or 12 to take deer by muzzleloader during the muzzleloader season, no fee.

**EFFECTIVE DATE.** This section is effective July 1, 2014.



Sec. 32. Minnesota Statutes 2013 Supplement, section 97A.475, subdivision 3, is amended to read:

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

- (1) for persons age 18 or over to take small game, \$90.50;
- (2) for persons age 18 or over to take deer with firearms during the regular firearms season, \$160;
- (3) for persons age 18 or over to take deer by archery, \$160;
- (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$160;
- (5) for persons age 18 or over to take bear, \$225;
- (6) for persons age 18 or over to take turkey, \$91;
- (7) for persons age 13 or over and under age 18 to take turkey, \$5;
- (8) to take raccoon or bobcat, \$178;
- (9) to take Canada geese during a special season, \$4;
- (10) for persons age 13 or over and under age 18 to take deer with firearms during the regular firearms season in any open season option or time period, \$5;
- (11) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- (12) for persons age 13 or over and under age 18 to take deer during the muzzleloader season, \$5;
- (13) for persons age 13 or over and under 18 to take bear, \$5;
- (14) for persons age 18 or over to take small game for a consecutive 72-hour period selected by the licensee, \$75, of which an amount equal to: one-half of the fee for the migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half of the small game surcharge under subdivision 4, shall be deposited into the wildlife acquisition account;
- ~~(14)~~ (15) for persons age 16 or 17 to take small game, \$5;
- ~~(15)~~ (16) to take wolf, \$250;
- ~~(16)~~ (17) for persons age 12 and under to take turkey, no fee;
- ~~(17)~~ (18) for persons age ten, 11, or 12 to take deer by firearm, no fee;
- ~~(18)~~ (19) for persons age ten, 11, or 12 to take deer by archery, no fee; ~~and~~
- ~~(19)~~ (20) for persons age ten, 11, or 12 to take deer by muzzleloader during the muzzleloader season, no fee; and
- (21) for persons age 10, 11, or 12 to take bear, no fee.

(b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph (a), clauses (1) to (6) and (8). An additional commission may not be assessed on this surcharge.

**EFFECTIVE DATE.** This section is effective July 1, 2014.

Sec. 33. Minnesota Statutes 2013 Supplement, section 97A.485, subdivision 6, is amended to read:

Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell licenses under this section must issue the following licenses for the license fee and the following issuing fees:

- (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;
  - (2) Minnesota sporting, the issuing fee is \$1;
  - (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing animals, the issuing fee is \$1;
  - (4) to apply for a limited hunt drawing, the issuing fee is \$1 unless the application requires a license purchase at the time of application and the license purchase requires an application fee;
  - (5) for a prairie chicken license, the issuing fee is \$1;
  - (6) for a turkey license, the issuing fee is \$1;
  - (7) for an elk license, the issuing fee is \$1;
  - (8) for a moose license, the issuing fee is \$1;
  - (9) for a wolf license, the issuing fee is \$1;
  - (10) for a stamp validation that is not issued simultaneously with a license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller;
  - (11) for stamp validations issued simultaneously with a license, there is no fee;
  - (12) for licenses, seals, tags, or coupons issued without a fee under section 97A.441, subdivisions 1 to 6a, or 97A.465, ~~the issuing there is no fee is \$1~~;
  - (13) for lifetime licenses, there is no fee; and
  - (14) for all other licenses, permits, renewals, or applications or any other transaction through the electronic licensing system under this chapter or any other chapter when an issuing fee is not specified, an issuing fee of \$1 may be charged at the discretion of the authorized seller.
- (b) Only one issuing fee may be collected when selling more than one stamp in the same transaction after the end of the season for which the stamp was issued.
- (c) The agent shall keep the issuing fee as a commission for selling the licenses.
- (d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) For duplicate licenses, including licenses issued without a fee, the issuing fees are:

(1) for licenses to take big game, 75 cents; and

(2) for other licenses, 50 cents.

(g) The commissioner may issue one-day angling licenses in books of ten licenses each to fishing guides operating charter boats upon receipt of payment of all license fees, excluding the issuing fee required under this section. Copies of sold and unsold licenses shall be returned to the commissioner. The commissioner shall refund the charter boat captain for the license fees of all unsold licenses. Copies of sold licenses shall be maintained by the commissioner for one year.

**EFFECTIVE DATE.** This section is effective July 1, 2014.

Sec. 34. Minnesota Statutes 2012, section 97A.502, is amended to read:

**97A.502 DEER KILLED BY MOTOR VEHICLES.**

(a) Deer killed by a motor vehicle on a public road must be removed by the road authority, as defined by section 160.02, subdivision 25, unless the driver of the motor vehicle is allowed to possess the deer under paragraph (b). ~~The commissioner of natural resources must provide to all road authorities standard forms for statistical purposes and the tracking of wild animals.~~

(b) The driver of a motor vehicle that has collided with and killed a deer on a public road has priority for a possession permit for the entire deer if the facts indicate that the deer was not taken illegally.

Sec. 35. Minnesota Statutes 2012, section 97B.001, subdivision 3, is amended to read:

Subd. 3. **Remaining on land prohibited after notice.** Except as provided in subdivision 6, a person may not remain on or return within one year to any land for outdoor recreation purposes after being ~~orally told~~ personally notified not to do so by the owner, occupant, or lessee.

Sec. 36. Minnesota Statutes 2012, section 97B.001, subdivision 4, is amended to read:

Subd. 4. **Entering posted land prohibited; signs.** (a) Except as provided in subdivision 6, a person may not:

(1) enter, for outdoor recreation purposes, any land that is posted under this subdivision without first obtaining permission of the owner, occupant, or lessee; or

(2) knowingly enter, for outdoor recreation purposes, any land that is posted under this subdivision without first obtaining permission of the owner, occupant, or lessee. A person who violates this clause is subject to the penalty provided in section 97A.315, subdivision 1, paragraph (b).

(b) The owner, occupant, or lessee of private land, or an authorized manager of public land may prohibit outdoor recreation on the land by posting signs once each year that:

(1) state "no trespassing" or similar terms;

(2) display letters at least two inches high;

(3) either:

(i) are signed by the owner, occupant, lessee, or authorized manager; or

(ii) include the legible name and telephone number of the owner, occupant, lessee, or authorized manager; and

(4) either:

(i) are at intervals of 1,000 feet or less along the boundary of the area, or in a wooded area where boundary lines are not clear, at intervals of 500 feet or less; or

(ii) mark the primary corners of each parcel of land and access roads and trails at the point of entrance to each parcel of land except that corners only accessible through agricultural land need not be posted.

(c) A person may not erect a sign that prohibits outdoor recreation or trespassing where the person does not have a property right, title, or interest to use the land.

Sec. 37. Minnesota Statutes 2012, section 97B.001, subdivision 7, is amended to read:

Subd. 7. **Use of firearms and taking in certain areas.** (a) ~~A~~ Unless otherwise provided by law, a person may not take a wild animal with discharge a firearm within 500 feet of a building occupied by a human or livestock without the written permission of the owner, occupant, or lessee:

(1) on another person's private land, if the land is not a licensed shooting preserve; or

(2) on a public road right-of-way.

(b) No person may ~~shoot~~ discharge a firearm within 500 feet of a stockade or corral ~~containing~~ confining livestock for the purpose of normal livestock holding or sorting operations without the permission of the owner, occupant, or lessee. This paragraph does not apply to persons hunting during an established hunting season on state-owned or local government-owned land that is not a road right-of-way. For the purposes of this paragraph, a "stockade or corral" means a fenced enclosure for ~~containing~~ confining livestock that does not enclose an area greater than one acre.

(c) A person may not take a wild animal on any land where the person is prohibited from entering by this section.

Sec. 38. Minnesota Statutes 2012, section 97B.031, subdivision 5, is amended to read:

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

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

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

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

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

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

(g) A permit is not required under this subdivision to use an electronic range finder according to section 97B.081, subdivision 3, paragraph (c).

Sec. 39. **97B.037] CROSSBOW HUNTING; AGE 60 OR OVER.**

Notwithstanding section 97B.035, subdivisions 1 and 2, a person age 60 or over may take deer, bear, turkey, or rough fish by crossbow during the respective regular archery seasons. The transportation requirements of section 97B.051 apply to crossbows during the regular archery deer, bear, turkey, or rough fish season. Crossbows must meet the requirements of section 97B.106, subdivision 2. A person age 60 or over taking deer, bear, turkey, or rough fish by crossbow under this section must have a valid license to take the respective game.

Sec. 40. Minnesota Statutes 2012, section 97B.081, subdivision 3, is amended to read:

Subd. 3. **Exceptions.** (a) It is not a violation of this section for a person to:

(1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

(2) hunt fox or coyote from January 1 to March 15 while using a handheld artificial light, provided that the person is:

(i) on foot;

(ii) using a shotgun;

(iii) not within a public road right-of-way;

(iv) using a handheld or electronic calling device; and

(v) not within 200 feet of a motor vehicle; or

(3) cast the rays of a handheld artificial light to retrieve wounded or dead big game animals, provided that the person is:

(i) on foot; and

(ii) not in possession of a firearm or bow.

(b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight, headlight, or other artificial light to:

(1) carry out any agricultural, safety, emergency response, normal vehicle operation, or occupation-related activities that do not involve taking wild animals; or

(2) carry out outdoor recreation as defined in section 97B.001 that is not related to spotting, locating, or taking a wild animal.

(c) Except as otherwise provided by the game and fish laws, it is not a violation of this section for a person to use an electronic range finder device from one-half hour before sunrise until one-half hour after sunset while lawfully hunting wild animals.

Sec. 41. Minnesota Statutes 2012, section 97B.086, is amended to read:

**97B.086 POSSESSION OF NIGHT VISION OR THERMAL IMAGING EQUIPMENT.**

(a) A person may not possess night vision or thermal imaging equipment while taking wild animals or while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to take wild animals.

(b) This section does not apply to a firearm that is:

(1) unloaded;

(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and

(3) in the closed trunk of a motor vehicle.

(c) This section does not apply to a bow that is:

(1) completely encased or unstrung; and

(2) in the closed trunk of a motor vehicle.

(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.

(e) This section does not apply to night vision or thermal imaging equipment possessed by peace officers or military personnel while exercising their duties.

Sec. 42. Minnesota Statutes 2012, section 97B.095, is amended to read:

**97B.095 DISTURBING AND TAKING FROM BURROWS AND DENS.**

Subdivision 1. Disturbing burrows or dens. A person may not disturb the burrow or den of a wild animal between November 1 and April 1 without a permit.

Subd. 2. Fox dens. A person may not remove a fox from a den or trap fox within 300 feet of a fox den from April 1 to August 31.

Subd. 3. Raccoon dens. A person may not take a raccoon in a den or hollow tree.

Sec. 43. **[97B.099] PROHIBITED HUNTING METHODS.**

Subdivision 1. **Open fire or smoke.** A person may not take a protected wild animal with the aid of an open fire or smoke.

Subd. 2. **Cutting trees.** A person may not take a protected wild animal by cutting down a tree occupied by a protected wild animal.

Sec. 44. Minnesota Statutes 2012, section 97B.111, subdivision 1, is amended to read:

Subdivision 1. **Establishment; requirements.** (a) The commissioner may establish criteria, special seasons, and limits for persons who have a physical disability to take big game and small game with firearms and by archery in designated areas. A person hunting under this section who has a physical disability must:

(1) have:

(i) a verified statement of the disability by a licensed physician; or

(ii) a driver's license or Minnesota identification card bearing the applicable designation under section 171.07, subdivision 17; and ~~must~~

(2) be participating in a program for physically disabled hunters sponsored by a nonprofit organization that is permitted under subdivision 2.

(b) Notwithstanding section 97B.055, subdivision 3, the commissioner may authorize hunt participants to shoot from a stationary motor vehicle. A license is not required for a person to assist a ~~physically disabled~~ person with a physical disability who is hunting during a special season under this section.

Sec. 45. **[97B.331] WOLVES.**

A person who unlawfully takes, transports, or possesses a wolf in violation of the game and fish laws, and has one or more prior convictions involving the taking of wolves, is liable for a civil penalty equal to the restitution value for the wolf.

Sec. 46. Minnesota Statutes 2012, section 97B.516, is amended to read:

**97B.516 ELK MANAGEMENT PLAN.**

The commissioner of natural resources must adopt an elk management plan that:

(1) recognizes the value and uniqueness of elk;

(2) provides for integrated management of an elk population in harmony with the environment; and

(3) affords optimum recreational opportunities; ~~and~~

(4) ~~restricts elk to nonagricultural land in the state.~~

Sec. 47. Minnesota Statutes 2012, section 97B.605, is amended to read:

**97B.605 COMMISSIONER MAY RESTRICT TAKING OF ~~CERTAIN~~ SMALL GAME ANIMALS.**

The commissioner may by rule set open seasons for, prescribe limits and restrictions on, and designate areas where ~~gray and fox squirrels, cottontail and jack rabbits, snowshoe hare, raccoon, bobcat, red fox and gray fox, fisher, pine marten, opossum, wolves, and badger~~ small game as defined in section 97A.015 may be taken and possessed.

Sec. 48. Minnesota Statutes 2012, section 97B.646, is amended to read:

**97B.646 WOLF MANAGEMENT PLAN.**

(a) The commissioner, in consultation with the commissioner of agriculture, shall adopt a wolf management plan that includes goals to ensure the long-term survival of the wolf in Minnesota, to reduce conflicts between wolves and humans, to minimize depredation of livestock and domestic pets, and to manage the ecological impact of wolves on prey species and other predators.

(b) The commissioner shall compile a list that is updated quarterly on known wolf deaths, based on reporting by conservation officers. The list must specify the date and location of each wolf death and must be available on the department Web site.

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

Sec. 49. Minnesota Statutes 2012, section 97B.655, subdivision 1, is amended to read:

Subdivision 1. **Owners and occupants may take certain animals.** A person may take mink, squirrel, rabbit, hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the person where the animal is causing damage. The person may take the animal without a license and in any manner except by poison, or artificial lights in the closed season. Raccoons may be taken under this subdivision with artificial lights during open season. A person that kills mink, raccoon, bobcat, fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer or employee of the Fish and Wildlife Division within 24 hours after the animal is killed.

Sec. 50. Minnesota Statutes 2012, section 97B.667, subdivision 3, is amended to read:

Subd. 3. **Permits and notice; requirements.** (a) Before killing or arranging to kill a beaver under this section, the road authority or local government unit must contact a conservation officer for a special beaver permit. The conservation officer must issue the permit for any beaver subject to this section.

(b) A road authority or local government unit that kills or arranges to have killed a beaver under this section must notify a conservation officer or employee of the Fish and Wildlife Division within ten days after the animal is killed.

Sec. 51. Minnesota Statutes 2012, section 97B.667, subdivision 4, is amended to read:

Subd. 4. **Local beaver control programs.** A road authority or local government unit may, after consultation with the Fish and Wildlife Division, implement a local beaver control program designed to reduce the number of incidents of beaver:

(1) interfering with or damaging a public road; or



(2) causing damage, including damage to silvicultural projects and drainage ditches, on property owned or managed by the local government unit.

The local control program may include the offering of a bounty for the lawful taking of beaver.

Sec. 52. **[97B.668] CANADA GEESE CAUSING DAMAGE.**

Notwithstanding sections 97B.091 and 97B.805, subdivisions 1 and 2, a person or agent of that person on lands and nonpublic waters owned or operated by the person may nonlethally scare, haze, chase, or harass Canada geese that are causing property damage from March 11 to August 31. This section does not apply to public waters as defined under section 103G.005, subdivision 15, or geese on nests unless a permit is obtained under section 97A.401.

Sec. 53. Minnesota Statutes 2012, section 97B.731, subdivision 1, is amended to read:

Subdivision 1. **Migratory game birds.** (a) Migratory game birds may be taken and possessed. A person may not take, buy, sell, possess, transport, or ship migratory game birds in violation of federal law.

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

Sec. 54. **[97C.502] MINNOWS AND LEECHES; INVASIVE SPECIES TRAINING REQUIRED.**

Subdivision 1. **Minnows; invasive species training required.** A minnow dealer, and each person working under the minnow dealer's license, must annually satisfactorily complete aquatic invasive species-related training provided by the commissioner before taking, selling, or transporting for sale minnows within the state.

Subd. 2. **Training certification required.** Minnow dealers, and each person working under the minnow dealer's license, must have a valid invasive species training certification in possession while taking, selling, or transporting for sale minnows within the state. A person who only sells minnows for the licensed minnow dealer at a retail location is not required to have a training certification.

Subd. 3. **Leeches; invasive species training required.** A resident under age 18 must annually satisfactorily complete aquatic invasive species-related training provided by the commissioner before taking, selling, or transporting for sale leeches within the state. A resident under age 18 must have a valid invasive species training certification in possession while taking, selling, or transporting for sale leeches within the state.

**EFFECTIVE DATE.** This section is effective March 1, 2015.

Sec. 55. Minnesota Statutes 2012, section 97C.821, is amended to read:

**97C.821 POSSESSION, SALE, AND TRANSPORTATION OF COMMERCIAL FISH.**

Subdivision 1. **Transporting and holding commercial fish.** Subject to the applicable provisions of the game and fish laws, fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold, and transported at any time. Commercial fishing licensees may transport their catch live to holding facilities, if the licensee has exclusive control of the facilities. Licensees must annually provide the legal description and verification of exclusive control on forms provided by the commissioner with the license application. Commercial fishing licensees may harvest fish from their holding facilities at any time with their licensed gear. The commissioner may prohibit the transport of live fish taken under a commercial fishing license from waters that contain nonnative species, are designated as infested waters, or are infected with any certifiable disease.

**Subd. 2. Invasive species permit certification.** (a) A commercial fishing licensee, and each apprentice working under the licensee's commercial fishing license, must annually complete invasive species training provided by the commissioner and pass an examination to qualify to take, sell, or transport commercial fish within the state.

(b) A commercial fishing licensee, and each apprentice working under the licensee's commercial fishing license, must have a valid invasive species training certification in possession while taking, selling, or transporting commercial fish within the state.

**EFFECTIVE DATE.** This section is effective March 1, 2015.

Sec. 56. Minnesota Statutes 2012, section 171.07, subdivision 15, is amended to read:

**Subd. 15. Veteran designation.** (a) At the request of ~~the~~ an eligible applicant and on payment of the required fee, the department shall issue, renew, or reissue to the applicant a driver's license or Minnesota identification card bearing ~~the~~ a designation of:

(1) "Veteran" to an applicant who is a veteran, as defined in section 197.447; or

(2) "Veteran 100% T&P."

(b) At the time of the initial application for the designation provided under this subdivision, the applicant must:

(1) be a veteran, as defined in section 197.447;

(2) have a certified copy of the veteran's discharge papers; and

(3) if the applicant is seeking the disability designation under paragraph (a), clause (2), provide satisfactory evidence of a 100 percent total and permanent service-connected disability as determined by the United States Department of Veterans Affairs.

(c) The commissioner of public safety is required to issue drivers' licenses and Minnesota identification cards with the veteran designation only after entering a new contract or in coordination with producing a new card design with modifications made as required by law.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to applications submitted on or after January 1, 2016, or the date the new driver and vehicle services information technology system is implemented, whichever comes later.

Sec. 57. Minnesota Statutes 2012, section 171.07, is amended by adding a subdivision to read:

**Subd. 17. Disability designation.** At the request of an applicant with permanent eligibility for a disability designation and on payment of the required fee, the department shall issue, renew, or reissue to the applicant a driver's license or Minnesota identification card bearing a physical disability designation based on the following medical conditions:

(1) type 1, to an applicant who is permanently blind or disabled and meets the requirements for a free license to take fish under section 97A.441, subdivision 1, paragraph (a), clause (1), (4), (5), or (6); or

(2) type 2, to an applicant who permanently meets the requirements for disability under section 97B.111, subdivision 1, paragraph (a), clause (1), item (i).

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to applications submitted on or after January 1, 2016, or the date the new driver and vehicle services information technology system is implemented, whichever comes later.

Sec. 58. Minnesota Statutes 2012, section 349.173, is amended to read:

**349.173 CONDUCT OF RAFFLES.**

(a) Raffle tickets or certificates of participation at a minimum must list the three most expensive prizes to be awarded and include the location, date, and time of the selection of the winning entries. If additional prizes will be awarded, a complete list of additional prizes must be publicly posted at the event and copies of the complete prize list made available upon request. Raffles conducted under the exemptions in section 349.166 may use tickets that contain only the sequential number of the raffle ticket and no other information if the organization makes a list of prizes and a statement of other relevant information required by rule available to persons purchasing tickets and if tickets are only sold at the event and on the date when the tickets are drawn.

(b) Raffles must be conducted in a manner that ensures:

(1) all entries in the raffle have an equal chance of selection;

(2) entry in the raffle is not conditioned upon any other purchase, except that a certificate of participation may be a button with a nominal value of less than \$5;

(3) the method of selection is conducted in a public forum;

(4) the method of selection cannot be manipulated or based on the outcome of an event not under the control of the organization;

(5) physical presence at the raffle is not a requirement to win; and

(6) all sold and unsold tickets or certificates of participation are accounted for.

(c) An organization that is permitted under this section and authorized by the Gambling Control Board to conduct raffles, may conduct a raffle in conjunction with a wild game or fish taking event. The wild game or fish must be legally taken under chapters 97A to 97C, and rules adopted pursuant to those chapters. The organization may sell a combined ticket for a single price for the event and raffle, provided that the combined ticket states the amount of the price that applies to the wild game or fish event, and the amount that applies to the raffle. All other provisions of sections 349.11 to 349.23 apply to the raffle.

~~(d)~~ (d) Methods of selecting winning entries from a raffle other than prescribed in rule may be used with the prior written approval of the board.

Sec. 59. Laws 2008, chapter 363, article 5, section 4, subdivision 7, as amended by Laws 2009, chapter 37, article 1, section 61, is amended to read:

|  |         |           |         |
|--|---------|-----------|---------|
| Subd. 7. <b>Fish and Wildlife Management</b> |         | 123,000   | 119,000 |
| Appropriations by Fund                       |         |           |         |
| General                                      | -0-     | (427,000) |         |
| Game and Fish                                | 123,000 | 546,000   |         |

\$329,000 in 2009 is a reduction for fish and wildlife management.

\$46,000 in 2009 is a reduction in the appropriation for the Minnesota Shooting Sports Education Center.

\$52,000 in 2009 is a reduction for licensing.

\$123,000 in 2008 and \$246,000 in 2009 are from the game and fish fund to implement fish virus surveillance, prepare infrastructure to handle possible outbreaks, and implement control procedures for highest risk waters and fish production operations. This is a onetime appropriation.

Notwithstanding Minnesota Statutes, section 297A.94, paragraph (e), \$300,000 in 2009 is from the second year appropriation in Laws 2007, chapter 57, article 1, section 4, subdivision 7, from the heritage enhancement account in the game and fish fund ~~to study, pre-design, and design a shooting sports facility in the seven-county metropolitan area~~ for shooting sports facilities. Of this amount, \$100,000 is for a grant to the Itasca County Gun Club for shooting sports facility improvements; and the remaining balance is for trap shooting facility grants under Minnesota Statutes, section 87A.10. This is available onetime only and is available until expended.

\$300,000 in 2009 is appropriated from the game and fish fund for only activities that improve, enhance, or protect fish and wildlife resources. This is a onetime appropriation.

Sec. 60. **HYBRID AND NARROW-LEAVED CATTAIL CONTROL; LORING PARK LAKE.**

Pursuant to permits issued by the Department of Natural Resources in 1997 and 2014 and this section, the Minneapolis Park and Recreation Board is authorized to remove all hybrid and narrow-leaved cattails by mechanical removal and chemical control at Loring Lake in Hennepin County, and replant the shoreland with native species in accordance with the permits issued by the Department of Natural Resources. The authority to remove all cattails under the 1997 and 2014 permits and this section is continuous.

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

Sec. 61. **REFUNDS; LIFETIME LICENSES.**

On or after the effective date of sections 27 to 30, the commissioner of natural resources may issue refunds for the difference of the price of lifetime licenses purchased between March 1, 2013, and the effective date of sections 27 to 30.

Sec. 62. **GRAY PARTRIDGE BAG LIMIT; RULEMAKING.**

(a) The commissioner of natural resources shall amend Minnesota Rules, part 6234.0500, by adding a new subpart to read: "A person may not take more than five gray partridge per day or possess more than ten gray partridge at a time."

(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 in Minnesota Statutes, section 14.388.

Sec. 63. **RULEMAKING; SNOWMOBILE OPERATION DURING FIREARMS DEER SEASON.**

(a) The commissioner of natural resources shall amend Minnesota Rules, part 6232.0300, subpart 7, item C, by:

(1) adding a new subitem (3) to read: "(3) a licensed deer hunter may operate a snowmobile on state and grant-in-aid trails during the deer season"; and

(2) deleting "Legal use of snowmobiles during the open deer season is governed by part 6100.5100."

(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. 64. **RULEMAKING; USE OF RABBITS AND HARES TO TRAIN DOGS.**

(a) The commissioner of natural resources shall amend Minnesota Rules, part 6234.0600, to add the following language: "A person may use dogs to pursue rabbits and hares without killing or capturing the rabbits and hares at any time during the year except from April 16 to July 14 or under permit."

(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. 65. **MINNESOTA RIVER VALLEY; MASTER PLAN.**

The commissioner of natural resources shall develop a master plan in accordance with Minnesota Statutes, section 86A.09, to conserve the natural and cultural resources of the Minnesota River Valley area in Redwood and Renville Counties and to provide for the shared use, enjoyment, and understanding of these resources through a broad selection of outdoor recreational opportunities and recreational travel routes that connect units of the outdoor recreation system in the river valley, including a connection to the Minnesota River State Trail authorized in Minnesota Statutes, section 85.015, subdivision 22. The plan shall address the impacts to the natural and cultural resources, interpretive services, recreational opportunities, and administrative activities in the area and also provide recommendations on the unit designation of the area under the Outdoor Recreation Act.

Sec. 66. **MUSKELLUNGE MINIMUM SIZE LIMIT; RULEMAKING.**

By March 1, 2015, the commissioner of natural resources shall amend Minnesota Rules, part 6262.0200, to provide that the minimum size limit for muskellunge in all inland waters is 54 inches, except for: (1) muskellunge-northern pike hybrid lakes in the seven-county metropolitan area; and (2) individual lakes where the commissioner establishes a minimum size limit of 48 inches. Minnesota Statutes, section 97C.005, does not apply to establishment of size limits for individual lakes under this section. 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. 67. **QUAIL RECOVERY PLAN; REPORT.**

The commissioner of natural resources, in consultation with interested parties, must develop a detailed feasibility study for the restoration of a wild population of quail in Minnesota. No later than January 15, 2015, the commissioner must report on the study's progress to the legislative committees with jurisdiction over environment and natural resources policy and finance.

Sec. 68. **FISHING PIER ON LONG LAKE; STEARNS COUNTY.**

The commissioner of natural resources shall work with a nonstate entity to establish a fishing pier on Long Lake in Stearns County.

Sec. 69. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall delete the range reference "84A.01 to 84A.11" and insert "84A.01 to 84A.101" wherever it appears in Minnesota Statutes.

Sec. 70. **REPEALER.**

Minnesota Statutes 2012, sections 84.154, subdivision 5; 84A.04; 84A.08; 84A.11; 97A.081; 97A.083; 97A.445, subdivision 3; 97A.4742, subdivision 3; 97B.061; 97B.611; 97B.615; 97B.621, subdivisions 1 and 4; 97B.625; 97B.631; 97B.635; 97B.711; 97B.715, subdivision 2; 97B.803; 97B.911; 97B.915; 97B.921; 97B.925; 97C.011; 97C.081, subdivision 5; and 97C.827, and Minnesota Rules, part 6100.5100, are repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying game and fish laws; modifying use of vehicles for hunting; modifying all-terrain vehicle definitions; modifying oversight committee provisions; modifying provisions for wildlife management areas; modifying trespass provisions; modifying license provisions and fees; requiring certain invasive species training; providing for certain grants; requiring development of certain master plan; modifying provisions for taking wild animals; authorizing nonlethal hazing of Canada geese; modifying disability-related angling and hunting licenses and special permit provisions; providing for designations on driver's license and Minnesota identification card; modifying requirements of raffles with a wild game or fish taking event; updating and eliminating certain obsolete language; modifying prior appropriations; authorizing certain cattail removal; requiring a report; requiring rulemaking; amending Minnesota Statutes 2012, sections 84.154, subdivisions 1, 2, 3; 84.777, subdivision 2; 84.87, by adding a subdivision; 84.92, subdivisions 8, 9, 10; 84.944, subdivision 2; 84A.10; 84A.50; 84D.01, subdivision 8b; 97A.025; 97A.055, subdivision 4b; 97A.131; 97A.137, subdivision 3, by adding a subdivision; 97A.311, subdivision 5, by adding a subdivision; 97A.405, subdivision 4a; 97A.434, subdivision 1; 97A.441, subdivisions 1, 5; 97A.473, subdivisions 2a, 2b, 5, 5a; 97A.502; 97B.001, subdivisions 3, 4, 7; 97B.031, subdivision 5; 97B.081, subdivision 3; 97B.086; 97B.095; 97B.111, subdivision 1; 97B.516; 97B.605; 97B.646; 97B.655, subdivision 1; 97B.667, subdivisions 3, 4; 97B.731, subdivision 1; 97C.821; 171.07, subdivision 15, by adding a subdivision; 349.173; Minnesota Statutes 2013 Supplement, sections 97A.441, subdivisions 6, 6a; 97A.475, subdivisions 2, 3; 97A.485, subdivision 6; Laws 2008, chapter 363, article 5, section 4, subdivision 7, as amended; proposing coding for new law in Minnesota Statutes, chapters 87A; 97B; 97C; repealing Minnesota Statutes 2012, sections 84.154, subdivision 5; 84A.04; 84A.08; 84A.11; 97A.081; 97A.083; 97A.445, subdivision 3; 97A.4742, subdivision 3; 97B.061; 97B.611; 97B.615; 97B.621, subdivisions 1, 4; 97B.625; 97B.631; 97B.635; 97B.711; 97B.715, subdivision 2; 97B.803; 97B.911; 97B.915; 97B.921; 97B.925; 97C.011; 97C.081, subdivision 5; 97C.827; Minnesota Rules, part 6100.5100."

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

House Conferees: DAVID DILL, JASON ISAACSON and DENNY MCNAMARA.

Senate Conferees: MATT SCHMIT, JOHN A. HOFFMAN and CARRIE RUUD.

Dill moved that the report of the Conference Committee on H. F. No. 2852 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2852, A bill for an act relating to natural resources; modifying game and fish laws; modifying use of vehicles for hunting; modifying oversight committee provisions; modifying provisions for wildlife management areas; modifying license provisions and fees; modifying invasive species provisions; providing for certain grants; requiring development of certain master plan; modifying provisions for taking wild animals; authorizing nonlethal hazing of Canada geese; modifying disability-related angling and hunting licenses and special permit provisions; providing for designations on driver's license and Minnesota identification card; updating and eliminating certain obsolete language; modifying prior appropriations; requiring issuance of general permit; requiring a report; requiring rulemaking; amending Minnesota Statutes 2012, sections 84.154, subdivisions 1, 2, 3; 84.777, subdivision 2; 84.87, by adding a subdivision; 84.944, subdivision 2; 84A.10; 84A.50; 84D.01, subdivision 8b; 97A.025; 97A.055, subdivision 4b; 97A.131; 97A.137, subdivision 3, by adding a subdivision; 97A.311, subdivision 5, by adding a subdivision; 97A.434, subdivision 1; 97A.441, subdivisions 1, 5; 97A.473, subdivisions 2a, 2b, 5, 5a; 97A.502; 97B.031, subdivision 5; 97B.081, subdivision 3; 97B.086; 97B.095; 97B.111, subdivision 1; 97B.516; 97B.605; 97B.646; 97B.655, subdivision 1; 97B.667, subdivisions 3, 4; 97B.731, subdivision 1; 97C.821; 171.07, subdivision 15, by adding a subdivision; Minnesota Statutes 2013 Supplement, sections 97A.441, subdivisions 6, 6a; 97A.475, subdivisions 2, 3; 97A.485, subdivision 6; Laws 2008, chapter 363, article 5, section 4, subdivision 7, as amended; proposing coding for new law in Minnesota Statutes, chapters 87A; 97B; 97C; repealing Minnesota Statutes 2012, sections 84.154, subdivision 5; 84A.04; 84A.08; 84A.11; 97A.081; 97A.083; 97A.445, subdivision 3; 97A.4742, subdivision 3; 97B.061; 97B.611; 97B.615; 97B.621, subdivisions 1, 4; 97B.625; 97B.631; 97B.635; 97B.711; 97B.715, subdivision 2; 97B.803; 97B.911; 97B.915; 97B.921; 97B.925; 97C.011; 97C.827; Minnesota Rules, part 6100.5100.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

|              |              |             |            |            |            |
|--------------|--------------|-------------|------------|------------|------------|
| Abeler       | Dehn, R.     | Hackbarth   | Kiel       | McNamara   | Persell    |
| Albright     | Dettmer      | Halverson   | Kresha     | Melin      | Petersburg |
| Allen        | Dill         | Hamilton    | Laine      | Metsa      | Poppe      |
| Anderson, S. | Dorholt      | Hansen      | Leidiger   | Moran      | Pugh       |
| Anzelc       | Drazkowski   | Hausman     | Lenczewski | Morgan     | Quam       |
| Atkins       | Erhardt      | Hertaus     | Lesch      | Mullery    | Radinovich |
| Barrett      | Erickson, R. | Hilstrom    | Liebling   | Murphy, E. | Rosenthal  |
| Benson, J.   | Erickson, S. | Holberg     | Lien       | Murphy, M. | Runbeck    |
| Benson, M.   | Fabian       | Hoppe       | Lillie     | Myhra      | Sanders    |
| Bernardy     | Falk         | Hornstein   | Loeffler   | Nelson     | Savick     |
| Bly          | Faust        | Hortman     | Lohmer     | Newberger  | Sawatzky   |
| Brynaert     | Fischer      | Howe        | Loon       | Newton     | Schoen     |
| Carlson      | Franson      | Huntley     | Mack       | Nornes     | Schomacker |
| Clark        | Freiberg     | Isaacson    | Mahoney    | Norton     | Scott      |
| Cornish      | Fritz        | Johnson, B. | Mariani    | O'Driscoll | Selcer     |
| Daudt        | Garofalo     | Johnson, C. | Marquart   | O'Neill    | Simon      |
| Davids       | Green        | Johnson, S. | Masin      | Paymar     | Simonson   |
| Davnie       | Gruenhagen   | Kahn        | McDonald   | Pelowski   | Slocum     |
| Dean, M.     | Gunther      | Kelly       | McNamara   | Peppin     | Sundin     |

|            |          |            |         |              |
|------------|----------|------------|---------|--------------|
| Swedzinski | Uglen    | Ward, J.A. | Winkler | Zellers      |
| Theis      | Urdahl   | Ward, J.E. | Woodard | Zerwas       |
| Torkelson  | Wagenius | Wills      | Yarusso | Spk. Thissen |

Those who voted in the negative were:

Anderson, P.

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. No. 2733

A bill for an act relating to natural resources; modifying all-terrain vehicle and off-highway motorcycle provisions; providing for certain regulatory efficiencies; modifying invasive species provisions; modifying definition of snowmobile; prohibiting tampering with off-road recreational vehicle odometers; modifying use of forest trails; modifying outdoor recreation system provisions; modifying Water Law; modifying forestry provisions; modifying provision related to environmental impact statements; amending Minnesota Statutes 2012, sections 17.4982, subdivision 18a; 84.027, subdivisions 13a, 14a; 84.0857; 84.791, subdivision 4; 84.81, subdivision 3; 84.92, subdivisions 8, 9, 10; 84.925, subdivision 3; 84.926, subdivision 4; 84D.01, subdivisions 8, 8b, 13, 15, 17, 18; 84D.03, as amended; 84D.06; 84D.10, subdivision 3; 84D.11, subdivision 2a; 84D.12; 84D.13, subdivision 5; 86A.09; 86A.11; 89A.02; 89A.03, subdivisions 1, 6; 89A.04; 89A.05, subdivisions 1, 3; 89A.06, subdivisions 1, 2, 4; 89A.07; 89A.08, subdivisions 1, 2, 3; 89A.09; 89A.10; 89A.11; 97C.821; 103E.065; 103F.121, subdivisions 2, 5; 103F.165, subdivision 3; 103G.245, subdivision 2; 103G.287, subdivision 2; 103G.305, subdivision 1; 103G.615, subdivision 3a; 116D.04, subdivision 2a; 325E.13, by adding a subdivision; 325E.14, subdivisions 1, 3, 4, 6; Minnesota Statutes 2013 Supplement, sections 84.027, subdivision 13; 84.9256, subdivision 1; 84D.10, subdivision 4; 84D.105, subdivision 2; 103C.311, subdivision 2; 103G.287, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 89A; repealing Minnesota Statutes 2012, sections 84.521; 89.01, subdivision 7; 89A.05, subdivisions 2a, 4; 89A.06, subdivision 2a; 103F.121, subdivisions 3, 4; 103F.165, subdivision 2.

May 5, 2014

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

We, the undersigned conferees for H. F. No. 2733 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2733 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 17.4982, subdivision 18a, is amended to read:

Subd. 18a. **Nonindigenous species.** "Nonindigenous species" means a species of fish or other aquatic life that is:

- (1) not known to have been historically present in the state;
- (2) not known to be naturally occurring in a particular part of the state; or
- (3) ~~designated~~ listed by rule as a prohibited or regulated invasive species.



Sec. 2. Minnesota Statutes 2012, section 84.027, subdivision 12, is amended to read:

Subd. 12. **Property disposal; gift acknowledgment; advertising sales.** ~~(a) The commissioner may give away to members of the public items with a value of less than \$50 that are intended to promote conservation of natural resources or create awareness of the state and its resources or natural resource management programs. The total value of items given to the public under this paragraph may not exceed \$25,000 per year.~~

~~(b)~~ (a) The commissioner may recognize the contribution of money or in-kind services on plaques, signs, publications, audio-visual materials, and media advertisements by allowing the organization's contribution to be acknowledged in print of readable size.

~~(c)~~ (b) The commissioner may accept paid advertising for departmental publications. Advertising revenues received are appropriated to the commissioner to be used to defray costs of publications, media productions, or other informational materials. The commissioner may not accept paid advertising from any elected official or candidate for elective office.

Sec. 3. Minnesota Statutes 2013 Supplement, section 84.027, subdivision 13, is amended to read:

Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game and fish, to prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife disease, to open or close bodies of water or portions of bodies of water for night bow fishing, and to prohibit or allow importation, transportation, or possession of a wild animal;

(2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and

(3) section 84D.12 to ~~designate~~ list prohibited invasive species, regulated invasive species, unregulated nonnative species, and infested waters.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, including the need to adjust season variables on an annual basis based upon current biological and harvest data, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the conditions and a copy of the rule in the notice. The conditions for opening a water body or portion of a water body for night bow fishing under this section may include the need to temporarily open the area to evaluate compatibility of the activity on that body of water prior to permanent rulemaking. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is effective.

Sec. 4. Minnesota Statutes 2012, section 84.027, subdivision 13a, is amended to read:

Subd. 13a. **Game and fish expedited permanent rules.** In addition to the authority granted in subdivision 13, the commissioner of natural resources may adopt rules under section 14.389 that are authorized under:

(1) chapters 97A, 97B, and 97C to describe zone or permit area boundaries, to designate fish spawning beds or fish preserves, to select hunters or anglers for areas, to provide for registration of game or fish, to prevent or control wildlife disease, or to correct errors or omissions in rules that do not have a substantive effect on the intent or application of the original rule; or

(2) section 84D.12 to ~~designate~~ list prohibited invasive species, regulated invasive species, and unregulated nonnative species.

Sec. 5. Minnesota Statutes 2012, section 84.027, subdivision 14a, is amended to read:

Subd. 14a. **Permitting efficiency.** (a) It is the goal of the state that environmental and resource management permits be issued or denied within 150 days of the submission of a permit application. The commissioner of natural resources shall establish management systems designed to achieve the goal.

(b) The commissioner shall prepare ~~semiannual~~ a permitting efficiency reports report that ~~include~~ includes statistics on meeting the goal in paragraph (a). ~~The reports are report is~~ report is due ~~February 1 and~~ February 1 and August 1 each year. For permit applications that have not met the goal, the report must state the reasons for not meeting the goal. In stating the reasons for not meeting the goal, the commissioner shall separately identify delays caused by the responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the level of public engagement. The report must specify the number of days from initial submission of the application to the day of determination that the application is complete. ~~The report for August 1 each year~~ must aggregate the data for the year and assess whether program or system changes are necessary to achieve the goal. The report must be posted on the department's Web site and submitted to the governor and the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over natural resources policy and finance.

(c) The commissioner shall allow electronic submission of environmental review and permit documents to the department.

(d) Beginning July 1, 2011, within 30 business days of application for a permit subject to paragraph (a), the commissioner of natural resources shall notify the project proposer, in writing, whether the application is complete or incomplete. If the commissioner determines that an application is incomplete, the notice to the applicant must enumerate all deficiencies, citing specific provisions of the applicable rules and statutes, and advise the applicant on how the deficiencies can be remedied. This paragraph does not apply to an application for a permit that is subject to a grant or loan agreement under chapter 446A.

Sec. 6. Minnesota Statutes 2012, section 84.0857, is amended to read:

**84.0857 FACILITIES MANAGEMENT ACCOUNT.**

(a) The commissioner of natural resources may bill organizational units within the Department of Natural Resources and other governmental units, including tribal governments, for the costs of providing them with building and infrastructure facilities. Costs billed may include modifications and adaptations to allow for appropriate building occupancy, building code compliance, insurance, utility services, maintenance, repair, and other direct costs as determined by the commissioner. Receipts shall be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made.

(b) Money deposited in the special account from the proceeds of a sale under section 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire facilities or renovate existing buildings for administrative use or to acquire land for, design, and construct administrative buildings for the Department of Natural Resources.

(c) The commissioner of natural resources may bill organizational units within the Department of Natural Resources and other governmental units, including tribal governments, for the costs of operating facilities. Receipts shall be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made.

Sec. 7. Minnesota Statutes 2012, section 84.791, subdivision 4, is amended to read:

Subd. 4. **Off-highway motorcycle safety courses; reciprocity with other states; accepted equivalencies.** (a) The commissioner may enter into reciprocity agreements or otherwise certify off-highway motorcycle environment and safety education and training courses from other states that are substantially similar to in-state courses. Proof of completion of a course subject to a reciprocity agreement or certified as substantially similar is adequate to meet the safety certificate requirements of sections 84.787 to 84.795.

(b) Proof of completion of the Motorcycle Safety Foundation Dirtbike School is adequate to meet the safety certificate requirements of sections 84.787 to 84.795.

Sec. 8. Minnesota Statutes 2012, section 84.81, subdivision 3, is amended to read:

Subd. 3. **Snowmobile.** "Snowmobile" means a self-propelled vehicle originally manufactured and designed for travel on snow or ice steered by skis or runners. Snowmobile does not include the following vehicles equipped with aftermarket ski and track configurations:

(1) an all-terrain vehicle defined in section 84.92;

(2) an off-highway motorcycle defined in section 84.787;

(3) an off-road vehicle defined in section 84.797;

(4) a mini truck defined in section 169.011;

(5) a utility task vehicle described in section 169.045; or

(6) any other vehicle being operated off road.

Sec. 9. Minnesota Statutes 2012, section 84.92, subdivision 8, is amended to read:

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

Sec. 10. Minnesota Statutes 2012, section 84.92, subdivision 9, is amended to read:

Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than ~~4,000~~ 1,200 pounds.

Sec. 11. Minnesota Statutes 2012, section 84.92, subdivision 10, is amended to read:

Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of ~~4,000~~ 1,200 to 1,800 pounds.

Sec. 12. Minnesota Statutes 2012, section 84.925, subdivision 3, is amended to read:

Subd. 3. **All-terrain vehicle safety courses; reciprocity with other states; accepted equivalencies.** (a) The commissioner may enter into reciprocity agreements or otherwise certify all-terrain vehicle environmental and safety education and training courses from other states that are substantially similar to in-state courses. Proof of completion of a course subject to a reciprocity agreement or certified as substantially similar is adequate to meet the safety certificate requirements of sections 84.92 to 84.928.

(b) Proof of completion of the ATV RiderCourse offered by the All-Terrain Vehicle Safety Institute is adequate to meet the safety certificate requirements of sections 84.92 to 84.928.

Sec. 13. Minnesota Statutes 2013 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 ~~18~~ 16 years old, must:

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

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

(e) A person at least 11 years of age may take the safety education and training program and may receive an all-terrain vehicle safety certificate under paragraph (d), but the certificate is not valid until the person reaches age 12.

(f) A person at least ten years of age but under 12 years of age may operate an all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if accompanied by a parent or legal guardian.

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

(h) A person under the age of 16 may not operate an all-terrain vehicle on public lands or waters or on state or grant-in-aid trails if the person cannot properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

(i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate an all-terrain vehicle on public lands 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 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. 14. Minnesota Statutes 2012, section 84.926, subdivision 4, is amended to read:

Subd. 4. **Off-road and all-terrain vehicles; limited or managed forests; trails.** Notwithstanding section 84.777, but subject to the commissioner's authority under subdivision 5, on state forest lands classified as limited or managed, other than the Richard J. Dorer Memorial Hardwood Forest, a person may use vehicles registered under chapter 168 or section 84.798 or 84.922, including class 2 all-terrain vehicles, on forest trails designated for off-road vehicle use and on forest trails that are not designated for a specific use when:

(1) hunting big game or transporting or installing hunting stands during October, November, and December, when in possession of a valid big game hunting license;

(2) retrieving big game in September, when in possession of a valid big game hunting license;

(3) tending traps during an open trapping season for protected furbearers, when in possession of a valid trapping license; or

(4) trapping minnows, when in possession of a valid minnow dealer, private fish hatchery, or aquatic farm license.

Sec. 15. Minnesota Statutes 2012, section 84D.01, subdivision 8, is amended to read:

Subd. 8. **Infested waters.** "Infested waters" means waters of the state ~~designated~~ listed by the commissioner under sections 84D.03, subdivision 1, and 84D.12.

Sec. 16. Minnesota Statutes 2012, section 84D.01, subdivision 8b, is amended to read:

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

Sec. 17. Minnesota Statutes 2012, section 84D.01, subdivision 13, is amended to read:

Subd. 13. **Prohibited invasive species.** "Prohibited invasive species" means a nonnative species that has been ~~designated~~ listed as a prohibited invasive species in a rule adopted by the commissioner under section 84D.12.

Sec. 18. Minnesota Statutes 2012, section 84D.01, subdivision 15, is amended to read:

Subd. 15. **Regulated invasive species.** "Regulated invasive species" means a nonnative species that has been ~~designated~~ listed as a regulated invasive species in a rule adopted by the commissioner under section 84D.12.

Sec. 19. Minnesota Statutes 2012, section 84D.01, subdivision 17, is amended to read:

Subd. 17. **Unlisted nonnative species.** "Unlisted nonnative species" means a nonnative species that has not been ~~designated~~ listed as a prohibited invasive species, a regulated invasive species, or an unregulated nonnative species in a rule adopted by the commissioner under section 84D.12.

Sec. 20. Minnesota Statutes 2012, section 84D.01, subdivision 18, is amended to read:

Subd. 18. **Unregulated nonnative species.** "Unregulated nonnative species" means a nonnative species that has been ~~designated~~ listed as an unregulated nonnative species in a rule adopted by the commissioner under section 84D.12.

Sec. 21. Minnesota Statutes 2012, section 84D.03, as amended by Laws 2013, chapter 121, section 10, is amended to read:

#### **84D.03 INFESTED WATERS; RESTRICTED ACTIVITIES.**

Subdivision 1. **Infested waters; restricted activities.** (a) The commissioner shall ~~designate~~ list a water of the state as an infested water if the commissioner determines that:

(1) the water contains a population of an aquatic invasive species that could spread to other waters if use of the water and related activities are not regulated to prevent this; or

(2) the water is highly likely to be infested by an aquatic invasive species because it is connected to a water that contains a population of an aquatic invasive species.

(b) When determining which invasive species comprise infested waters, the commissioner shall consider:

(1) the extent of a species distribution within the state;

(2) the likely means of spread for a species; and

(3) whether regulations specific to infested waters containing a specific species will effectively reduce that species' spread.

(c) The presence of common carp and curly-leaf pondweed shall not be the basis for ~~designating~~ listing a water as infested.

(d) The ~~designation of infested waters by the~~ commissioner shall ~~be by written order published in the State Register~~ maintain a list of infested waters and provide access to a copy of the listed waters. ~~Designations Listings~~ are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

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) and section 97C.341.

(b) In waters that are ~~designated listed~~ as infested waters, except those ~~designated listed~~ because they contain 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 according to a permit issued under section 84D.11, subject to rules adopted by the commissioner;

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

(3) harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait from streams or rivers ~~designated listed~~ as infested waters, by hook and line for noncommercial personal use. Other provisions that apply to this clause are:

(i) fish taken under this clause must be used on the same body of water where caught and while still on that water body;

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

(iii) fish harvested under this clause may only be used in accordance with this section;

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

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

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

(c) Equipment authorized for minnow harvest in a ~~designated 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.

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

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

(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 ~~designated~~ listed infested waters at the time that a license or permit is issued.

Sec. 22. Minnesota Statutes 2012, section 84D.06, is amended to read:

#### **84D.06 UNLISTED NONNATIVE SPECIES.**

Subdivision 1. **Process.** A person may not introduce an unlisted nonnative aquatic plant or wild animal species unless:

- (1) the person has notified the commissioner in a manner and form prescribed by the commissioner;
- (2) the commissioner has made the classification determination required in subdivision 2 and ~~designated~~ listed the species as appropriate; and
- (3) the introduction is allowed under the applicable provisions of this chapter.

Subd. 2. **Classification.** (a) If the commissioner determines that a species for which a notification is received under subdivision 1 should be classified as a prohibited invasive species, the commissioner shall:

- (1) adopt a rule under section 84D.12, subdivision 3, ~~designating~~ listing the species as a prohibited invasive species; and
- (2) notify the person from which the notification was received that the species is subject to section 84D.04.

(b) If the commissioner determines that a species for which a notification is received under subdivision 1 should be classified as an unregulated nonnative species, the commissioner shall:



(1) adopt a rule under section 84D.12, subdivision 3, ~~designating listing~~ the species as an unregulated nonnative species; and

(2) notify the person from which the notification was received that the species is not subject to regulation under this chapter.

(c) If the commissioner determines that a species for which a notification is received under subdivision 1 should be classified as a regulated invasive species, the commissioner shall notify the applicant that the species is subject to the requirements in section 84D.07.

Sec. 23. Minnesota Statutes 2012, section 84D.10, subdivision 3, is amended to read:

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

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

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

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

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

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

Sec. 24. Minnesota Statutes 2013 Supplement, section 84D.10, subdivision 4, is amended to read:

Subd. 4. **Persons transporting water-related equipment.** (a) When leaving waters of the state a person must drain water-related equipment holding water and live wells and bilges by removing the drain plug before transporting the water-related equipment off the water access site or riparian property.

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

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

(d) Portable bait containers used by licensed aquatic farms, portable bait containers when fishing through the ice except on waters ~~designated~~ listed infested for viral hemorrhagic septicemia, and marine sanitary systems are exempt from this subdivision.

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

(f) A boat lift, dock, swim raft, or associated equipment that has been removed from any water body may not be placed in another water body until a minimum of 21 days have passed.

(g) A person who transports water that is appropriated from noninfested surface water bodies and that is transported by a commercial vehicle, excluding watercraft, or commercial trailer, which vehicle or trailer is specifically designed and used for water hauling, is exempt from paragraphs (a) and (b), provided that the person does not discharge the transported water to other surface waters or within 100 feet of a surface water body.

(h) A person transporting water from noninfested surface water bodies for firefighting or emergencies that threaten human safety or property is exempt from paragraphs (a) and (b).

Sec. 25. Minnesota Statutes 2013 Supplement, section 84D.105, subdivision 2, is amended to read:

Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive species, and water. The commissioner may enter into a delegation agreement with a tribal or local government where inspection authority as provided under paragraphs (b), (g), and (h) is delegated to tribal and local governments ~~that assume all~~. The delegation agreements may provide for the assumption of legal, financial, and administrative responsibilities for inspection programs on some or all public waters within their jurisdiction.

(b) Inspectors may visually and tactilely inspect watercraft and water-related equipment to determine whether aquatic invasive species, aquatic macrophytes, or water is present. If a person transporting watercraft or water-related equipment refuses to take required corrective actions or fails to comply with an order under section 84D.10, subdivision 3, an inspector who is not a licensed peace officer shall refer the violation to a conservation officer or other licensed peace officer.

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

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

(e) Conservation officers or other licensed peace officers may order water-related equipment to be removed from a water body if the commissioner determines such action is needed to implement aquatic invasive species control measures.

(f) The commissioner may require mandatory inspections of water-related equipment before a person places or removes water-related equipment into or out of a water body. Inspection stations may be located at or near public water accesses or in locations that allow for servicing individual or multiple water bodies. The commissioner shall ensure that inspection stations:

- (1) have adequate staffing to minimize delays to vehicles and their occupants;
- (2) allow for reasonable travel times between public accesses and inspection stations if inspection is required before placing water-related equipment into a water body;
- (3) are located so as not to create traffic delays or public safety issues;
- (4) have decontamination equipment available to bring water-related equipment into compliance; and
- (5) do not reduce the capacity or hours of operation of public water accesses.

(g) The commissioner may authorize tribal and local governments that enter into a delegation agreement with the commissioner to conduct mandatory inspections of water-related equipment at specified locations within a defined area before a person places or removes water-related equipment into or out of a water body. Tribal and local governments that are authorized to conduct inspections under this paragraph must:

(1) to the extent called for in the delegation agreement, assume all legal, financial, and administrative responsibilities for implementing the mandatory inspections, alone or in agreement with other tribal or local governments;

(2) employ inspectors that have been trained and authorized by the commissioner;

(3) conduct inspections and decontamination measures in accordance with guidelines approved by the commissioner;

(4) have decontamination equipment available at inspection stations or identify alternative decontamination equipment locations within a reasonable distance of the inspection station that can bring water-related equipment into compliance;

(5) provide for inspection station locations that do not create traffic delays or public safety issues; and

(6) submit a plan approved by the commissioner according to paragraph (h).

(h) Plans required under paragraph (g) must address:

(1) no reduction in capacity or hours of operation of public accesses and fees that do not discourage or limit use;

(2) reasonable travel times between public accesses and inspection stations;

(3) adequate staffing to minimize wait times and provide adequate hours of operation at inspection stations and public accesses;

(4) adequate enforcement capacity;

(5) measures to address inspections of water-related equipment at public water accesses for commercial entities and private riparian land owners; and

(6) other elements as required by the commissioner to ensure statewide consistency, appropriate inspection and decontamination protocols, and protection of the state's resources, public safety, and access to public waters.

(i) A government unit authorized to conduct inspections under this subdivision must submit an annual report to the commissioner summarizing the results and issues related to implementing the inspection program.

(j) The commissioner may waive the plan requirement in paragraph (g) for inspection programs where authorized inspectors are placed directly at one or more water access sites, with no requirement for a person to travel from the water access for inspection or decontamination, and no local ordinance or other regulation requiring a mandatory inspection before placing watercraft or water-related equipment into a water body or after watercraft or water-related equipment are removed from a water body.

Sec. 26. Minnesota Statutes 2012, section 84D.11, subdivision 2a, is amended to read:

Subd. 2a. **Harvest of bait from infested waters.** (a) The commissioner may issue a permit to allow the harvest of bait:

(1) from waters that are ~~designated~~ listed as infested waters, except those ~~designated~~ listed because they contain prohibited invasive species of fish or certifiable diseases of fish as defined in section 17.4982, subdivision 6; and

(2) from infested waters as allowed under section 97C.341, paragraph (c).

The permit shall include conditions necessary to avoid spreading aquatic invasive species.

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

Sec. 27. Minnesota Statutes 2012, section 84D.12, is amended to read:

**84D.12 RULES.**

Subdivision 1. **Required rules.** The commissioner shall adopt rules:

(1) ~~designating listing~~ prohibited invasive species, regulated invasive species, and unregulated nonnative species of aquatic plants and wild animals;

(2) governing the application for and issuance of permits under this chapter, which rules may include a fee schedule; and

(3) governing notification under section 84D.08.

Subd. 2. **Authorized rules.** The commissioner may adopt rules:

(1) regulating the possession, importation, purchase, sale, propagation, transport, and introduction of invasive species of aquatic plants and wild animals; and

(2) regulating the appropriation, use, and transportation of water from listed infested waters.

Subd. 3. **Expedited rules.** The commissioner may adopt rules under section 84.027, subdivision 13, that ~~designate list~~ list:

(1) prohibited invasive species of aquatic plants and wild animals;

(2) regulated invasive species of aquatic plants and wild animals; and

(3) unregulated nonnative species of aquatic plants and wild animals.

Sec. 28. Minnesota Statutes 2012, section 84D.13, subdivision 5, is amended to read:

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

(1) for transporting aquatic macrophytes in violation of section 84D.09, \$100;

(2) for placing or attempting to place into waters of the state water-related equipment that has aquatic macrophytes attached, \$200;

(3) for unlawfully possessing or transporting a prohibited invasive species other than an aquatic macrophyte, \$500;

(4) for placing or attempting to place into waters of the state water-related equipment that has prohibited invasive species attached when the waters are not ~~designated~~ listed by the commissioner as being infested with that invasive species, \$500;

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

(6) for failing to have drain plugs or similar devices removed or opened while transporting water-related equipment or for failing to remove plugs, open valves, and drain water from water-related equipment, other than marine sanitary systems, before leaving waters of the state, \$100; and

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

(b) A civil citation that is issued to a person who has one or more prior convictions or final orders for violations of this chapter is subject to twice the penalty amounts listed in paragraph (a).

Sec. 29. Minnesota Statutes 2012, section 86A.09, is amended to read:

#### **86A.09 DEVELOPMENT AND ESTABLISHMENT OF UNITS.**

Subdivision 1. **Master plan required.** No construction of new facilities or other development of an authorized unit, other than repairs and maintenance, shall commence until the managing agency has prepared ~~and submitted to the commissioner of natural resources and the commissioner has reviewed, pursuant to this section,~~ a master plan for administration of the unit in conformity with this section. No master plan is required for wildlife management areas that do not have resident managers, for scientific and natural areas, for water access sites, for aquatic management areas, for rest areas, or for boater waysides.

Subd. 2. **Master plan; preparation and ~~content~~ public review.** The managing agency shall supervise preparation of the master plan and shall utilize the professional staffs of any agency of the state when the expertise of the staff of such agency is necessary to adequately prepare the master plan; the master plan shall present the information in a format and detail that is appropriate to the size and complexity of the authorized unit. When the master plan has been completed the managing agency shall announce to the public in a manner reasonably designed to inform interested persons that the master plan is available for public review and in the case of any major unit shall hold at least one public hearing meeting on the plan in the vicinity of the unit. The managing agency shall make the master plan available for review and comment by the public and other state agencies for at least 15 days prior to the public meeting and shall accept comments on the plan for at least 30 days following the announcement and before submitting the master plan to the commissioner of natural resources. ~~Copies of the plan shall be provided to members of the Outdoor Recreation Advisory Council and to any other person on request approval.~~ The managing agency shall prepare a record of the public meeting and any comments received during the comment period.

Subd. 3. **Master plan; ~~review and approval~~ content.** All master plans required by this section shall ~~be submitted to the commissioner of natural resources for review pursuant to this subdivision. The commissioner of natural resources shall review the master plan to determine whether the plan:~~ (a) provides:

(1) provide for administration of the unit in a manner that is consistent with the purposes for which the unit was authorized and with the principles governing the administration of the unit, as specified in section 86A.05 and the statutes relating to each type of unit; and

~~(b) recognizes~~ (2) recognize values and resources within the unit that are primarily the responsibility of another managing agency to protect or develop; and ~~provides~~ provide for their protection or development either through a cooperative agreement with the other managing agency or through designation of the appropriate area as a secondary unit. ~~In reviewing any master plan, the commissioner of natural resources shall consult with other state agencies. Within 60 days after receiving the master plan, the commissioner of natural resources shall notify the managing agency that the plan has been reviewed and forward its recommendations for any changes it might suggest. The managing agency shall review the recommendations and notify the commissioner of natural resources of the disposition made of them. Failure to comment on a master plan within the time specified shall be considered approval of the plan by the commissioner of natural resources. If the commissioner of natural resources feels that the master plan still fails significantly to comply with this subdivision, the commissioner may request review of the master plan by the governor. In that event review shall not be deemed completed until after the master plan has been approved by the governor or 60 days have elapsed without action by the governor to approve or reject the plan, whichever occurs first.~~

Subd. 4. **Development.** Construction of necessary facilities and other development of the unit shall commence as soon as practicable ~~after review of the master plan by the commissioner of natural resources, and the governor if requested,~~ and shall be carried out in conformity with the master plan.

Subd. 5. **Establishment.** When, in the opinion of the managing agency, acquisition and development of the unit are sufficiently complete to permit operation and administration of the unit in substantial conformity with the master plan as approved, the managing agency shall declare the unit established and ready for use.

Subd. 6. **Master plan amendment.** The managing agency shall prepare an amendment to a master plan to address changes proposed for a unit that would vary from the approved master plan. The master plan amendment shall address the impacts of the proposed changes to the natural and cultural resources, interpretive services, recreational opportunities, and administrative activities at the unit. The master plan amendment supersedes the master plan for those areas addressed by the amendment. The managing agency shall hold a public meeting for master plan amendments that constitute a significant change in public use or access to the unit or that may be controversial. Public notice and approval of the master plan amendment shall follow the process described in subdivision 2. Construction of necessary facilities and other development of the unit shall commence as soon as practicable after the master plan amendment is adopted.

Sec. 30. Minnesota Statutes 2012, section 86A.11, is amended to read:

#### **86A.11 REGISTRY OF UNITS.**

The commissioner of natural resources and the director of the Minnesota Historical Society shall each compile and maintain a current registry of the name, location, size, and description of all units of the outdoor recreation system under ~~the commissioner's jurisdiction and under the jurisdiction of the Minnesota Historical Society and the commissioner of transportation.~~ their respective jurisdictions, and shall publish and distribute the information contained in the registry in a form and manner suitable to assist persons wishing to use these units. ~~The Minnesota Historical Society and the commissioner of transportation shall cooperate with and assist the commissioner of natural resources in preparing and distributing the registry.~~

Sec. 31. Minnesota Statutes 2012, section 89A.02, is amended to read:

**89A.02 POLICY.**

It is the policy of the state to:

(1) pursue the sustainable management, use, and protection of the state's forest resources to achieve the state's economic, environmental, and social goals;

(2) encourage cooperation and collaboration between public and private sectors in the management of the state's forest resources;

(3) recognize and consider forest resource issues, concerns, and impacts at the site level and landscape ~~levels~~ level; and

(4) recognize the broad array of perspectives regarding the management, use, and protection of the state's forest resources, and establish and maintain processes and mechanisms that seek and incorporate these perspectives in the planning and management of the state's forest resources.

Nothing in this chapter abolishes, repeals, or negates any existing authorities related to managing and protecting the state's forest resources.

Sec. 32. Minnesota Statutes 2012, section 89A.03, subdivision 1, is amended to read:

Subdivision 1. **Membership.** The governor must appoint a chair and 15 other members to the Minnesota Forest Resources Council. The Indian Affairs Council will appoint one additional member. When making appointments to the council, the governor must appoint knowledgeable individuals with an understanding of state forest resource issues who ~~fairly~~ reflect a balance of the various interests in the sustainable management, use, and protection of the state's forest resources in order to achieve the purpose and policies specified in subdivision 2 and section 89A.02. The council membership ~~appointed by the governor~~ must include the following individuals:

(1) two representatives from organizations representing environmental interests within the state;

(2) a representative from an organization representing the interests of management of game species;

(3) a representative from a conservation organization;

(4) a representative from an association representing forest products industry within the state;

(5) a commercial logging contractor active in a forest product association;

(6) a representative from a statewide association representing the resort and tourism industry;

(7) a faculty or researcher of a Minnesota research or higher educational institution;

(8) a representative from an association representing family forest woodlands who is an owner of nonindustrial, private forest land of 40 acres or more;

(9) an owner of nonindustrial, private forest land;

(10) a representative from the department;

(11) a county land commissioner who is a member of the Minnesota Association of County Land Commissioners;

(12) a representative from the United States Department of Agriculture Forest Service unit with land management responsibility in Minnesota;

(13) a representative from a labor organization with membership having an interest in forest resource issues;

(14) an individual representing a secondary wood products manufacturing organization; ~~and~~

(15) a chair; and

(16) an individual representing the Minnesota Indian Affairs Council.

Sec. 33. Minnesota Statutes 2012, section 89A.03, subdivision 6, is amended to read:

Subd. 6. **Biennial report.** The council must report to the governor and to the legislative committees and divisions with jurisdiction over environment and natural resource policy and finance by February 1 of each odd-numbered year. The report must describe the progress and accomplishments made by the council during the preceding ~~year~~ two years.

Sec. 34. Minnesota Statutes 2012, section 89A.04, is amended to read:

#### **89A.04 PARTNERSHIP.**

It is the policy of the state to encourage forest landowners, forest managers, and loggers to ~~establish~~ maintain a partnership in which the implementation of council recommendations can occur in a timely and coordinated manner across ownerships. The partnership shall serve as a forum for discussing operational implementation issues and problem solving related to forest resources management and planning concerns, and be responsive to the recommendations of the council. This partnership shall also actively foster collaboration and coordination among forest managers, landowners, and ~~landowners~~ loggers in addressing landscape-level operations and concerns. In fulfilling its responsibilities as identified in this chapter, the partnership may advise the council. Nothing in this section shall imply extra rights or influence for the partnership.

Sec. 35. Minnesota Statutes 2012, section 89A.05, subdivision 1, is amended to read:

Subdivision 1. **Development and revision.** The council shall coordinate the development and periodic revision of comprehensive timber harvesting and forest management guidelines based on the information derived from forest resources, practices, implementation, and effectiveness monitoring programs, and other information deemed appropriate by the council. The guidelines must address the water, air, soil, biotic, recreational, cultural, and aesthetic resources found in forest ecosystems by focusing on those impacts commonly associated with applying site-level forestry practices. The guidelines must reflect a range of practical and sound practices based on the best available scientific information, and be integrated to minimize conflicting recommendations while being easy to understand and implement. ~~By June 30, 2003, the council shall review the guidelines and identify potential revisions. If deemed necessary, the council shall update the guidelines by June 30, 2005.~~ Changes to the guidelines shall be peer reviewed prior to final adoption by the council. ~~By December 1999, the council must undertake a peer review of the recommendations in the forest management guidelines adopted in December 1998 for protecting forest riparian areas and seasonal ponds.~~



Sec. 36. Minnesota Statutes 2012, section 89A.05, subdivision 3, is amended to read:

Subd. 3. **Application.** The timber harvesting and forest management guidelines are voluntary. ~~Prior to their actual use,~~ The council must develop and periodically assess guideline implementation goals ~~for each major forest land ownership category that will sustain forest resources.~~ If the information developed as a result of forest resources, practices, ~~compliance~~ implementation, and effectiveness monitoring programs conducted by the department or other information obtained by the council indicates the implementation goals for the guidelines are not being met and the council determines significant adverse impacts are occurring, the council shall recommend to the governor additional measures to address those impacts. The council must incorporate the recommendations as part of the council's biennial report required by section 89A.03, subdivision 6.

Sec. 37. Minnesota Statutes 2012, section 89A.06, subdivision 1, is amended to read:

Subdivision 1. **Framework.** The council must ~~establish~~ maintain a framework that will enable long-range strategic planning and ~~landscape~~ coordination to occur, to the extent possible, across all forested regions of the state and across all ownerships. The framework must include:

(1) identification of the landscapes within which long-range strategic planning of forest resources can occur, provided that the landscapes must be delineated based on broadly defined ecological units and existing classification systems, yet recognize existing political and administrative boundaries and planning processes;

(2) a statement of principles and goals for landscape-based forest resource planning; and

(3) identification of a general process by which landscape-based forest resource planning occurs, provided that the process must give considerable latitude to design planning processes that fit the unique needs and resources of each landscape; reflect a balanced consideration of the economic, social, and environmental conditions and needs of each landscape; and interface and establish formats that are compatible with other landscape-based forest resource plans.

Sec. 38. Minnesota Statutes 2012, section 89A.06, subdivision 2, is amended to read:

Subd. 2. **Regional forest resource committees.** To foster landscape-based forest resource planning, the council must ~~establish~~ maintain regional forest resource committees. Each regional committee shall:

(1) include representative interests in a particular region that are committed to and involved in landscape planning and coordination activities;

(2) serve as a forum for landowners, managers, and representative interests to discuss landscape forest resource issues;

(3) ~~identify and~~ implement an open and public process whereby landscape-based strategic planning of forest resources can occur;

(4) integrate its ~~report~~ landscape planning efforts with existing public and private ~~landscape~~ land management planning efforts in the region;

(5) facilitate landscape coordination between ~~existing regional landscape planning efforts of~~ land managers in the region, both public and private;

(6) identify and facilitate opportunities for public participation in ~~existing~~ landscape planning and coordination efforts in ~~this~~ the region;

- (7) identify sustainable forest resource goals for the landscape and ~~strategies objectives~~ to achieve those goals; ~~and~~
- ~~(8) periodically recommend that the council undertake revisions of the region's landscape plan; and~~
- ~~(8) (9) provide a regional perspective perspectives~~ to the council with respect to council activities.

Sec. 39. Minnesota Statutes 2012, section 89A.06, subdivision 4, is amended to read:

Subd. 4. **Report.** By November 1 of each even-numbered year, each regional committee must report to the council its work activities and accomplishments.

Sec. 40. Minnesota Statutes 2012, section 89A.07, is amended to read:

#### **89A.07 MONITORING.**

Subdivision 1. **Forest resource monitoring.** The commissioner shall ~~establish~~ maintain a program for monitoring broad trends and conditions in the state's forest resources at statewide, landscape, and site levels. The council shall provide oversight and program direction for the ~~development and~~ implementation of the monitoring program. To the extent possible, the information generated under the monitoring program must be reported in formats consistent with the landscape regions used to accomplish the planning and coordination activities specified in section 89A.06. To the extent possible, the program must incorporate data generated by existing resource monitoring programs. ~~The commissioner shall report to the council information on current conditions and recent trends in the state's forest resources.~~

Subd. 2. ~~Practices and compliance~~ **Implementation monitoring.** The commissioner shall ~~establish~~ maintain a program for monitoring ~~silvicultural practices and~~ application of the timber harvesting and forest management guidelines at statewide, landscape, and site levels. The council shall provide oversight and program direction for the ~~development and~~ implementation of the monitoring program. To the extent possible, the information generated by the monitoring program must be reported in formats consistent with the landscape regions used to accomplish the planning and coordination activities specified in section 89A.06. The commissioner shall report to the council on the nature and extent of ~~silvicultural practices used, and compliance with the~~ implementation of the timber harvesting and forest management guidelines.

Subd. 3. **Effectiveness monitoring evaluation.** ~~The commissioner~~ council, in cooperation with ~~other~~ research and land management organizations, shall evaluate the effectiveness of practices to mitigate impacts of timber harvesting and forest management activities on the state's forest resources. ~~The council shall provide oversight and program direction for the development and implementation of this monitoring program. The commissioner shall report to the council on the effectiveness of these practices.~~

Subd. 4. ~~Other studies and programs.~~ ~~The council shall monitor the implementation of other programs, formal studies, and initiatives affecting Minnesota's forest resources.~~

Subd. 5. **Citizen concerns.** The council shall ~~facilitate the establishment of~~ administer a public concerns registration process to accept comments from the public on ~~negligent~~ timber harvesting or forest management practices.

Sec. 41. Minnesota Statutes 2012, section 89A.08, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The council chair shall appoint a Forest Resources Research Advisory Committee and a chair of that committee. ~~Notwithstanding section 15.059, the council does not expire.~~ The committee must consist of representatives of:

- (1) the College of ~~Natural Resources~~ Food, Agricultural and Natural Resource Sciences, University of Minnesota;

(2) the Natural Resources Research Institute, University of Minnesota, Duluth;

(3) the department;

(4) the ~~North Central Forest Experiment~~ Northern Research Station, United States Department of Agriculture Forest Service; and

(5) other organizations as deemed appropriate by the council.

Sec. 42. Minnesota Statutes 2012, section 89A.08, subdivision 2, is amended to read:

Subd. 2. **Purpose.** The purpose of the advisory committee is to ~~foster the identification~~ identify and ~~undertaking of~~ initiate priority forest resources research activities by encouraging:

(1) collaboration between organizations with responsibilities for conducting forest resources research;

(2) linkages between researchers in different disciplines in conducting forest resources research; ~~and~~

(3) interaction and communication between researchers and practitioners in the development and use of forest resources research; and

(4) communication with the legislature on funding the council's priority forest resources research activities.

Sec. 43. Minnesota Statutes 2012, section 89A.08, subdivision 3, is amended to read:

Subd. 3. **Research assessment.** The advisory committee shall periodically undertake an assessment of strategic directions in forest resources research. The assessment must be based on input provided by administrators, researchers, practitioners, and the general public, and include:

(1) an assessment of the current status of ~~forestry~~ forest resources research in the state;

(2) an identification of important forest resource issues in need of research;

(3) an identification of priority forest research activities whose results will enable a better understanding of site-level and landscape-level impacts resulting from timber harvesting and forest management activities; and

(4) an assessment of the progress toward addressing the priority forest resources research needs identified.

The forest resources research assessment must be made widely available to the research community, forest managers and users, and the public.

Sec. 44. Minnesota Statutes 2012, section 89A.09, is amended to read:

#### **89A.09 INTERAGENCY INFORMATION COOPERATIVE.**

Subdivision 1. **Establishment.** The dean of the ~~University of Minnesota,~~ College of Food, Agricultural and Natural Resources Resource Sciences, University of Minnesota, ~~shall be~~ is encouraged to ~~coordinate the establishment of~~ maintain an Interagency Information Cooperative. ~~Members of the cooperative that~~ must include members from:

(1) the ~~University of Minnesota,~~ College of Food, Agricultural and Natural Resources Resource Sciences, University of Minnesota;

- (2) the ~~University of Minnesota~~, Natural Resources Research Institute, University of Minnesota, Duluth;
- (3) the department;
- (4) the Minnesota Geospatial Information Office;
- (5) the Minnesota Association of County Land Commissioners;
- (6) the United States Department of Agriculture Forest Service; and
- (7) other organizations as deemed appropriate by the members of the cooperative.

Subd. 2. **Purpose.** The purposes of the cooperative are to:

- (1) coordinate the development and use of forest resources data in the state;
- (2) promote the development of statewide guidelines and common language to enhance the ability of public and private organizations and institutions to share forest resources data;
- (3) promote the development of information systems that support access to important forest resources data;
- (4) promote improvement in the accuracy, reliability, and statistical soundness of fundamental forest resources data;
- (5) promote linkages and integration of forest resources data to other natural resource information;
- (6) promote access and use of forest resources data and information systems in decision-making by a variety of public and private organizations; and
- (7) promote expanding the capacity and reliability of forest growth, succession, and other types of ecological models; ~~and~~
- (8) ~~conduct a needs assessment for improving the quality and quantity of information systems.~~

Subd. 3. **Report.** By November 1 of each even-numbered year, the information cooperative shall report to the council its accomplishments in fulfilling the responsibilities identified in this section.

Sec. 45. Minnesota Statutes 2012, section 89A.10, is amended to read:

**89A.10 CONTINUING EDUCATION; ~~CERTIFICATION.~~**

It is the policy of the state to encourage timber harvesters and forest resource professionals to ~~establish~~ maintain continuing education programs within their respective professions that promote sustainable forest management, including the Minnesota Logger Education Program and the University of Minnesota Sustainable Forests Education Cooperative, respectively. ~~The council shall, where appropriate, facilitate the development of these programs.~~

Sec. 46. **[89A.105] IMPLEMENTATION.**

Implementation of this chapter is subject to biennial appropriations of the legislature.

Sec. 47. Minnesota Statutes 2012, section 89A.11, is amended to read:

**89A.11 REPEALER SUNSET.**

Sections 89A.01; 89A.02; 89A.03; 89A.04; 89A.05; 89A.06; 89A.07; 89A.08; 89A.09; 89A.10; 89A.105; and 89A.11, are repealed June 30, ~~2017~~ 2021.

Sec. 48. Minnesota Statutes 2012, section 97C.417, is amended to read:

**97C.417 REPORTING ASIAN INVASIVE CARP.**

A person who takes any of the following ~~Asian~~ invasive carp species must report the type of carp taken to the commissioner within seven days of taking:

- (1) grass carp (*Ctenopharyngodon idella*);
- (2) bighead carp (*Hypophthalmichthys nobilis*); or
- (3) silver carp (*Hypophthalmichthys molitrix*).

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

Sec. 49. Minnesota Statutes 2012, section 97C.821, is amended to read:

**97C.821 POSSESSION, SALE, AND TRANSPORTATION OF COMMERCIAL FISH.**

Subject to the applicable provisions of the game and fish laws, fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold, and transported at any time. Commercial fishing licensees may transport their catch live to holding facilities, if the licensee has exclusive control of the facilities. Commercial fishing licensees may harvest fish from their holding facilities at any time with their licensed gear. The commissioner may prohibit the transport of live fish taken under a commercial fishing license from waters that contain nonnative species, are ~~designated~~ listed as infested waters, or are infected with any certifiable disease.

Sec. 50. Minnesota Statutes 2012, section 103E.065, is amended to read:

**103E.065 DRAINAGE INSPECTORS.**

In counties or watershed districts having drainage systems constructed in accordance with this chapter, the drainage authority shall appoint a competent person as drainage inspector. The inspector must not be a county commissioner. The inspector may be the county highway engineer. The inspector shall examine the drainage systems designated by the drainage authority. The drainage authority shall specify the appointment period and compensation.

**EFFECTIVE DATE.** This section is effective August 1, 2015.

Sec. 51. Minnesota Statutes 2012, section 103F.121, subdivision 2, is amended to read:

Subd. 2. **Adoption procedure.** (a) The commissioner, upon determining that sufficient technical information is available for the delineation of floodplains and floodways on a watercourse, ~~shall~~ may notify affected local governmental units that technical information is available. ~~Within six months after receiving this notice,~~ The local governmental units shall prepare or amend their floodplain management ordinances in conformance with the provisions of sections 103F.101 to 103F.155 and shall submit the ordinance to the commissioner for review and approval before adoption.

(b) The commissioner shall approve or disapprove the proposed ordinance within 120 days after receiving it.

(c) If the proposed ordinance is disapproved, the commissioner shall return it to the local governmental unit with a written statement of reasons for disapproval. Within 90 days after disapproval, the local governmental unit shall resubmit an amended proposed ordinance for further review and approval before adoption. The local governmental unit shall adopt a floodplain management ordinance within 90 days after approval by the commissioner.

(d) A floodplain management ordinance adopted by a local governmental unit is invalid unless it is approved by the commissioner.

(e) A local governmental unit may adopt a floodplain management ordinance in the absence of notification by the commissioner that the required technical data is available, provided that any such ordinance is submitted to the commissioner prior to its adoption for approval.

(f) A local governmental unit may adopt a floodplain management ordinance that is more restrictive than required under sections 103F.101 to 103F.155.

(g) Floodplain management ordinances may be amended by a local governmental unit upon the approval of the commissioner.

Sec. 52. Minnesota Statutes 2012, section 103F.121, subdivision 5, is amended to read:

Subd. 5. **Major Alterations and hazardous uses prohibited.** (a) If a floodplain has been delineated by a floodplain management ordinance under sections 103F.101 to 103F.155, ~~a major alteration to a structure in existence on the effective date of the ordinance or a new fill, structure, deposit, or other floodplain use that is unreasonably hazardous to the public or that unduly restricts the capacity of the floodplain to carry and discharge a regional flood not in accordance with the local governmental unit's adopted floodplain management ordinance~~ may not be permitted after the effective date of the ordinance delineating the floodplain.

~~(b) As used in this subdivision, major alterations of existing structures do not include repair or maintenance and do not include repairs, maintenance, or alterations to structures made under the authority of another authorized agency of the state or federal government.~~

~~(c)~~ (b) This subdivision does not apply to alterations, repair, or maintenance reasonably done under emergency circumstances to preserve or protect life ~~or property~~.

~~(d)~~ (c) This subdivision applies to alterations to existing structures and to new fill, structures, deposits, or other floodplain uses by the state and state agencies.

Sec. 53. Minnesota Statutes 2012, section 103F.165, subdivision 3, is amended to read:

Subd. 3. **Application for flood insurance.** ~~Within 120 days~~ After receiving notice of inclusion on the amended list, from the commissioner or the Federal Emergency Management Agency that flood hazard areas have been identified, each local governmental unit ~~shall~~ is encouraged to apply for participation in the national flood insurance program in the manner prescribed by federal laws and regulations.

Sec. 54. Minnesota Statutes 2012, section 103G.245, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** A public waters work permit is not required for:

(1) work in altered natural watercourses that are part of drainage systems established under chapter 103D or 103E if the work in the waters is undertaken according to chapter 103D or 103E; or

(2) a drainage project for a drainage system established under chapter 103E that does not substantially affect public waters; ~~or,~~

~~(3) removal of debris, including logs that are at or near the water surface, dead trees and branches, and trash, that does not alter the original alignment, slope, or cross section of the waters.~~

Sec. 55. Minnesota Statutes 2012, section 103G.287, subdivision 2, is amended to read:

Subd. 2. **Relationship to surface water resources.** Groundwater appropriations that will have ~~potential negative~~ impacts to surface waters are subject to applicable provisions in section 103G.285.

Sec. 56. Minnesota Statutes 2013 Supplement, section 103G.287, subdivision 4, is amended to read:

Subd. 4. **Groundwater management areas.** (a) The commissioner may designate groundwater management areas and limit total annual water appropriations and uses within a designated area to ensure sustainable use of groundwater that protects ecosystems, water quality, and the ability of future generations to meet their own needs. Water appropriations and uses within a designated management area must be consistent with a groundwater management area plan approved by the commissioner that addresses water conservation requirements and water allocation priorities established in section 103G.261. At least 30 days prior to implementing or modifying a groundwater management area plan under this subdivision, the commissioner shall consult with the advisory team established in paragraph (c).

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

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

Sec. 57. Minnesota Statutes 2012, section 103G.305, subdivision 1, is amended to read:

Subdivision 1. **General ~~30-day~~ 150-day limit.** (a) Except as provided in subdivision 2, the commissioner must act on a water use permit within ~~30~~ 150 days after the completed application for the permit ~~and the required data are filed in the commissioner's office~~ has been submitted. Within 30 business days of application for a water use permit, the commissioner shall notify the applicant, in writing, whether the application is complete or incomplete.

(b) The commissioner must direct a hearing to be held on a water use permit application or make an order issuing a permit or denying a permit.

Sec. 58. Minnesota Statutes 2012, section 103G.615, subdivision 3a, is amended to read:

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

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

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

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

Sec. 59. Minnesota Statutes 2012, section 115B.39, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) In addition to the definitions in this subdivision, the definitions in sections 115A.03 and 115B.02 apply to sections 115B.39 to 115B.445, except as specifically modified in this subdivision.

(b) "Cleanup order" means a consent order between responsible persons and the agency or an order issued by the United States Environmental Protection Agency under section 106 of the federal Superfund Act.

(c) "Closure" means actions to prevent or minimize the threat to public health and the environment posed by a mixed municipal solid waste disposal facility that has stopped accepting waste by controlling the sources of releases or threatened releases at the facility. "Closure" includes removing contaminated equipment and liners; applying final cover; grading and seeding final cover; installing wells, borings, and other monitoring devices; constructing groundwater and surface water diversion structures; and installing gas control systems and site security systems, as necessary. The commissioner may authorize use of final cover that includes processed materials that meet the requirements in Code of Federal Regulations, title 40, section 503.32, paragraph (a).

(d) "Closure upgrade" means construction activity that will, at a minimum, modify an existing cover so that it satisfies current rule requirements for mixed municipal solid waste land disposal facilities.

(e) "Contingency action" means organized, planned, or coordinated courses of action to be followed in case of fire, explosion, or release of solid waste, waste by-products, or leachate that could threaten human health or the environment.

(f) "Corrective action" means steps taken to repair facility structures including liners, monitoring wells, separation equipment, covers, and aeration devices and to bring the facility into compliance with design, construction, groundwater, surface water, and air emission standards.



(g) "Decomposition gases" means gases produced by chemical or microbial activity during the decomposition of solid waste.

(h) "Dump materials" means nonhazardous mixed municipal solid wastes disposed at a Minnesota waste disposal site other than a qualified facility prior to 1973.

(i) "Environmental response action" means response action at a qualified facility, including corrective action, closure, postclosure care; contingency action; environmental studies, including remedial investigations and feasibility studies; engineering, including remedial design; removal; remedial action; site construction; and other similar cleanup-related activities.

(j) "Environmental response costs" means:

(1) costs of environmental response action, not including legal or administrative expenses; and

(2) costs required to be paid to the federal government under section 107(a) of the federal Superfund Act, as amended.

(k) "Postclosure" or "postclosure care" means actions taken for the care, maintenance, and monitoring of closure actions at a mixed municipal solid waste disposal facility.

(l) "Qualified facility" means a mixed municipal solid waste disposal facility as described in the most recent agency permit, including adjacent property used for solid waste disposal that did not occur under a permit from the agency, that:

(1)(i) is or was permitted by the agency;

(ii) stopped accepting solid waste, except demolition debris, for disposal by April 9, 1994; and

(iii) stopped accepting demolition debris for disposal by June 1, 1994, except that demolition debris may be accepted until May 1, 1995, at a permitted area where disposal of demolition debris is allowed, if the area where the demolition debris is deposited is at least 50 feet from the fill boundary of the area where mixed municipal solid waste was deposited; or

(2) ~~(i)~~ is or was permitted by the agency; and

~~(i)~~ (i) stopped accepting waste by January 1, 2000, except that demolition debris, industrial waste, and municipal solid waste combustor ash may be accepted until January 1, 2001, at a permitted area where disposal of such waste is allowed, if the area where the waste is deposited is at least 50 feet from the fill boundary of the area where mixed municipal solid waste was deposited; or

(ii) stopped accepting waste by January 1, 2019, and is located in a county that meets all applicable recycling goals in section 115A.551 and that has arranged for all mixed municipal solid waste generated in the county to be delivered to and processed by a resource recovery facility located in the county for at least 20 years.

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

Sec. 60. Minnesota Statutes 2012, section 116D.04, subdivision 2a, is amended to read:

Subd. 2a. **When prepared.** Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible governmental unit. The environmental impact statement shall be an analytical rather than an

encyclopedic document which describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment, and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision-making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action.

(a) The board shall by rule establish categories of actions for which environmental impact statements and for which environmental assessment worksheets shall be prepared as well as categories of actions for which no environmental review is required under this section. A mandatory environmental assessment worksheet shall not be required for the expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity of the expanded or converted facility to produce alcohol fuel, but must be required if the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories of actions for which environmental assessment worksheets must be prepared. The responsible governmental unit for an ethanol plant or biobutanol facility project for which an environmental assessment worksheet is prepared shall be the state agency with the greatest responsibility for supervising or approving the project as a whole.

A mandatory environmental impact statement shall not be required for a facility or plant located outside the seven-county metropolitan area that produces less than 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined in section 41A.105, subdivision 1a, clause (1); or a cellulosic biofuel facility, as defined in section 41A.10, subdivision 1, paragraph (d). A facility or plant that only uses a cellulosic feedstock to produce chemical products for use by another facility as a feedstock shall not be considered a fuel conversion facility as used in rules adopted under this chapter.

(b) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet by publishing the notice in at least one newspaper of general circulation in the geographic area where the project is proposed, by posting the notice on a Web site that has been designated as the official publication site for publication of proceedings, public notices, and summaries of a political subdivision in which the project is proposed, or in any other manner determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30-day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit's decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chair may extend the 15-day period by not more than 15 additional days upon the request of the responsible governmental unit.

(c) An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 100 individuals who reside or own property in the state, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental assessment worksheet shall be submitted to the board. The chair of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chair may extend the 15-day period by not more than 15 additional days upon request of the responsible governmental unit.

(d) Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental review under this chapter and rules of the board, if:

(1) the proposed action is:

(i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

(ii) an expansion of an existing animal feedlot facility with a total cumulative capacity of less than 1,000 animal units;

(2) the application for the animal feedlot facility includes a written commitment by the proposer to design, construct, and operate the facility in full compliance with Pollution Control Agency feedlot rules; and

(3) the county board holds a public meeting for citizen input at least ten business days prior to the Pollution Control Agency or county issuing a feedlot permit for the animal feedlot facility unless another public meeting for citizen input has been held with regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition to other exemptions provided under other law and rules of the board.

(e) The board may, prior to final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.

(f) An early and open process shall be utilized to limit the scope of the environmental impact statement to a discussion of those impacts, which, because of the nature or location of the project, have the potential for significant environmental effects. The same process shall be utilized to determine the form, content and level of detail of the statement as well as the alternatives which are appropriate for consideration in the statement. In addition, the permits which will be required for the proposed action shall be identified during the scoping process. Further, the process shall identify those permits for which information will be developed concurrently with the environmental impact statement. The board shall provide in its rules for the expeditious completion of the scoping process. The determinations reached in the process shall be incorporated into the order requiring the preparation of an environmental impact statement.

(g) The responsible governmental unit shall, to the extent practicable, avoid duplication and ensure coordination between state and federal environmental review and between environmental review and environmental permitting. Whenever practical, information needed by a governmental unit for making final decisions on permits or other actions required for a proposed project shall be developed in conjunction with the preparation of an environmental impact statement. When an environmental impact statement is prepared for a project requiring multiple permits for which two or more agencies' decision processes include either mandatory or discretionary hearings before a hearing officer prior to the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to the contrary, conduct the hearings in a single consolidated hearing process if requested by the proposer. All agencies having jurisdiction over a permit that is included in the consolidated hearing shall participate. The responsible governmental unit shall establish appropriate procedures for the consolidated hearing process, including procedures to ensure that the consolidated hearing process is consistent with the applicable requirements for each permit regarding the rights and duties of parties to the hearing, and shall utilize the earliest applicable hearing procedure to initiate the hearing. The procedures of section 116C.28, subdivision 2, apply to the consolidated hearing.

(h) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement.

(i) The proposer of a specific action may include in the information submitted to the responsible governmental unit a preliminary draft environmental impact statement under this section on that action for review, modification, and determination of completeness and adequacy by the responsible governmental unit. A preliminary draft environmental impact statement prepared by the project proposer and submitted to the responsible governmental unit shall identify or include as an appendix all studies and other sources of information used to substantiate the analysis contained in the preliminary draft environmental impact statement. The responsible governmental unit shall require additional studies, if needed, and obtain from the project proposer all additional studies and information necessary for the responsible governmental unit to perform its responsibility to review, modify, and determine the completeness and adequacy of the environmental impact statement.

Sec. 61. Minnesota Statutes 2012, section 325E.13, is amended by adding a subdivision to read:

Subd. 5. **Off-road recreational vehicle.** "Off-road recreational vehicle" means a snowmobile as defined in section 84.81, subdivision 3, and an off-highway vehicle, as defined in section 84.771.

**EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes committed on or after that date.

Sec. 62. Minnesota Statutes 2012, section 325E.14, subdivision 1, is amended to read:

Subdivision 1. **Tampering.** No person shall knowingly tamper with, adjust, alter, change, set back, disconnect or, with intent to defraud, fail to connect the odometer of any motor vehicle or off-road recreational vehicle, or cause any of the foregoing to occur to an odometer of a motor vehicle or off-road recreational vehicle, so as to reflect a lower mileage than has actually been driven by the motor vehicle or off-road recreational vehicle.

**EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes committed on or after that date.

Sec. 63. Minnesota Statutes 2012, section 325E.14, subdivision 3, is amended to read:

Subd. 3. **Sales and use restrictions.** No person shall advertise for sale, sell, use or install on any part of a motor vehicle or off-road recreational vehicle, or on any odometer in a motor vehicle or off-road recreational vehicle, any device ~~which~~ that causes the odometer to register any mileage other than the true mileage.

**EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes committed on or after that date.

Sec. 64. Minnesota Statutes 2012, section 325E.14, subdivision 4, is amended to read:

Subd. 4. **Sales restriction.** No person shall sell or offer for sale any motor vehicle or off-road recreational vehicle with knowledge that the mileage registered on the odometer has been altered so as to reflect a lower mileage than has actually been driven by the motor vehicle or off-road recreational vehicle without disclosing ~~such~~ the fact to prospective purchasers.

**EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes committed on or after that date.

Sec. 65. Minnesota Statutes 2012, section 325E.14, subdivision 6, is amended to read:

Subd. 6. **Repair or replacement restriction.** Nothing in this section shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before ~~such~~ the service, repair, or replacement, the odometer shall be adjusted to read zero and a written notice shall be attached to the left door frame of the motor vehicle by the owner or an agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. No person shall remove or alter ~~such~~ a notice so affixed.

**EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes committed on or after that date.

Sec. 66. **MINNESOTA RIVER VALLEY; MASTER PLAN.**

The commissioner of natural resources shall develop a master plan in accordance with Minnesota Statutes, section 86A.09, to conserve the natural and cultural resources of the Minnesota River Valley area in Redwood and Renville Counties and to provide for the shared use, enjoyment, and understanding of these resources through a broad selection of outdoor recreational opportunities and recreational travel routes that connect units of the outdoor recreation system in the river valley, including a connection to the Minnesota River State Trail authorized in Minnesota Statutes, section 85.015, subdivision 22. The plan shall address the impacts to the natural and cultural resources, interpretive services, recreational opportunities, and administrative activities in the area and also provide recommendations on the unit designation of the area under the Outdoor Recreation Act.

Sec. 67. **INVASIVE CARP.**

The commissioner of natural resources shall not propose laws to the legislature that contain the term "Asian carp." The commissioner shall use the term "invasive carp" or refer to the specific species in any proposed laws, rules, or official documents when referring to carp species that are not naturalized to the waters of this state.

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

Sec. 68. **RULEMAKING; USE OF RABBITS AND HARES TO TRAIN DOGS.**

(a) The commissioner of natural resources shall amend Minnesota Rules, part 6234.0600, to add the following language: "A person may use dogs to pursue rabbits and hares without killing or capturing the rabbits and hares at any time during the year except from April 16 to July 14 or under permit."

(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. 69. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall delete the term in column A and insert the term in column B in Minnesota Rules, parts 6216.0100, 6216.0250, 6216.0260, 6216.0270, 6216.0290, 6216.0300, 6216.0400, 6216.0500, and 6260.0300.

Column A

designate  
designated  
designation  
designating

Column B

list  
listed  
listing  
listing

Sec. 70. **REPEALER.**

Minnesota Statutes 2012, sections 84.521; 89.01, subdivision 7; 89A.05, subdivisions 2a and 4; 89A.06, subdivision 2a; 103F.121, subdivisions 3 and 4; and 103F.165, subdivision 2, are repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying all-terrain vehicle and off-highway motorcycle provisions; providing for certain regulatory efficiencies; modifying commissioner's authority; modifying landfill cleanup program; modifying invasive species provisions; modifying definition of snowmobile; prohibiting

tampering with off-road recreational vehicle odometers; modifying use of forest trails; modifying outdoor recreation system provisions; modifying Water Law; modifying forestry provisions; modifying provision related to environmental impact statements; requiring rulemaking; amending Minnesota Statutes 2012, sections 17.4982, subdivision 18a; 84.027, subdivisions 12, 13a, 14a; 84.0857; 84.791, subdivision 4; 84.81, subdivision 3; 84.92, subdivisions 8, 9, 10; 84.925, subdivision 3; 84.926, subdivision 4; 84D.01, subdivisions 8, 8b, 13, 15, 17, 18; 84D.03, as amended; 84D.06; 84D.10, subdivision 3; 84D.11, subdivision 2a; 84D.12; 84D.13, subdivision 5; 86A.09; 86A.11; 89A.02; 89A.03, subdivisions 1, 6; 89A.04; 89A.05, subdivisions 1, 3; 89A.06, subdivisions 1, 2, 4; 89A.07; 89A.08, subdivisions 1, 2, 3; 89A.09; 89A.10; 89A.11; 97C.417; 97C.821; 103E.065; 103F.121, subdivisions 2, 5; 103F.165, subdivision 3; 103G.245, subdivision 2; 103G.287, subdivision 2; 103G.305, subdivision 1; 103G.615, subdivision 3a; 115B.39, subdivision 2; 116D.04, subdivision 2a; 325E.13, by adding a subdivision; 325E.14, subdivisions 1, 3, 4, 6; Minnesota Statutes 2013 Supplement, sections 84.027, subdivision 13; 84.9256, subdivision 1; 84D.10, subdivision 4; 84D.105, subdivision 2; 103G.287, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 89A."

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

House Conferees: DAVID DILL, PETER FISCHER and TOM HACKBARTH.

Senate Conferees: JOHN MARTY, FOUNG HAWJ and BILL WEBER.

Dill moved that the report of the Conference Committee on H. F. No. 2733 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2733, A bill for an act relating to natural resources; modifying all-terrain vehicle and off-highway motorcycle provisions; providing for certain regulatory efficiencies; modifying invasive species provisions; modifying definition of snowmobile; prohibiting tampering with off-road recreational vehicle odometers; modifying use of forest trails; modifying outdoor recreation system provisions; modifying Water Law; modifying forestry provisions; modifying provision related to environmental impact statements; amending Minnesota Statutes 2012, sections 17.4982, subdivision 18a; 84.027, subdivisions 13a, 14a; 84.0857; 84.791, subdivision 4; 84.81, subdivision 3; 84.92, subdivisions 8, 9, 10; 84.925, subdivision 3; 84.926, subdivision 4; 84D.01, subdivisions 8, 8b, 13, 15, 17, 18; 84D.03, as amended; 84D.06; 84D.10, subdivision 3; 84D.11, subdivision 2a; 84D.12; 84D.13, subdivision 5; 86A.09; 86A.11; 89A.02; 89A.03, subdivisions 1, 6; 89A.04; 89A.05, subdivisions 1, 3; 89A.06, subdivisions 1, 2, 4; 89A.07; 89A.08, subdivisions 1, 2, 3; 89A.09; 89A.10; 89A.11; 97C.821; 103E.065; 103F.121, subdivisions 2, 5; 103F.165, subdivision 3; 103G.245, subdivision 2; 103G.287, subdivision 2; 103G.305, subdivision 1; 103G.615, subdivision 3a; 116D.04, subdivision 2a; 325E.13, by adding a subdivision; 325E.14, subdivisions 1, 3, 4, 6; Minnesota Statutes 2013 Supplement, sections 84.027, subdivision 13; 84.9256, subdivision 1; 84D.10, subdivision 4; 84D.105, subdivision 2; 103C.311, subdivision 2; 103G.287, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 89A; repealing Minnesota Statutes 2012, sections 84.521; 89.01, subdivision 7; 89A.05, subdivisions 2a, 4; 89A.06, subdivision 2a; 103F.121, subdivisions 3, 4; 103F.165, subdivision 2.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 106 yeas and 24 nays as follows:

Those who voted in the affirmative were:

|              |              |            |          |          |         |
|--------------|--------------|------------|----------|----------|---------|
| Abeler       | Anderson, S. | Barrett    | Bernardy | Daudt    | Dettmer |
| Albright     | Anzelc       | Benson, J. | Carlson  | Dauids   | Dill    |
| Anderson, P. | Atkins       | Benson, M. | Cornish  | Dean, M. | Dorholt |

|              |             |          |            |            |              |
|--------------|-------------|----------|------------|------------|--------------|
| Drazkowski   | Hamilton    | Lesch    | Morgan     | Petersburg | Slocum       |
| Erhardt      | Hertaus     | Lien     | Murphy, E. | Poppe      | Sundin       |
| Erickson, R. | Hilstrom    | Lillie   | Murphy, M. | Pugh       | Swedzinski   |
| Erickson, S. | Holberg     | Lohmer   | Myhra      | Quam       | Theis        |
| Fabian       | Hoppe       | Loon     | Nelson     | Radinovich | Torkelson    |
| Faust        | Howe        | Mack     | Newberger  | Rosenthal  | Uglem        |
| Fischer      | Huntley     | Mahoney  | Newton     | Runbeck    | Urdahl       |
| Franson      | Isaacson    | Marquart | Nornes     | Sanders    | Ward, J.E.   |
| Fritz        | Johnson, B. | Masin    | Norton     | Sawatzky   | Wills        |
| Garofalo     | Johnson, C. | McDonald | O'Driscoll | Schoen     | Woodard      |
| Green        | Kelly       | McNamar  | O'Neill    | Schomacker | Zellers      |
| Gruenhagen   | Kiel        | McNamara | Paymar     | Scott      | Zerwas       |
| Gunther      | Kresha      | Melin    | Pelowski   | Selcer     | Spk. Thissen |
| Hackbarth    | Leidiger    | Metsa    | Peppin     | Simon      |              |
| Halverson    | Lenczewski  | Moran    | Persell    | Simonson   |              |

Those who voted in the negative were:

|          |          |           |             |          |            |
|----------|----------|-----------|-------------|----------|------------|
| Allen    | Davnie   | Hansen    | Johnson, S. | Loeffler | Wagenius   |
| Bly      | Dehn, R. | Hausman   | Kahn        | Mariani  | Ward, J.A. |
| Brynaert | Falk     | Hornstein | Laine       | Mullery  | Winkler    |
| Clark    | Freiberg | Hortman   | Liebling    | Savick   | Yarusso    |

The bill was repassed, as amended by Conference, and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2546, A bill for an act relating to legislative enactments; correcting erroneous, ambiguous, and omitted text and obsolete references; removing redundant, conflicting, and superseded provisions; making miscellaneous corrections to laws, statutes, and rules; amending Minnesota Statutes 2012, sections 10A.322, subdivision 1; 13.7191, by adding a subdivision; 47.58, subdivision 1; 62J.495, subdivision 11; 62J.691; 62Q.471; 62U.04, subdivisions 4, 5; 93.2235, subdivision 2; 116V.01, subdivision 10; 120B.021, subdivision 1a; 122A.415, subdivision 1; 124D.041, subdivision 3; 124D.895, subdivision 3; 125A.78, as amended; 137.022, subdivision 2; 144A.10, subdivision 16; 144A.441; 144A.442; 145.8821; 148F.105, subdivision 2; 148F.2051; 168D.07; 176.081, subdivision 9; 216B.39, subdivision 6; 245.4712, subdivision 2; 245A.04, subdivision 7; 252.41, subdivision 1; 252.451, subdivision 2; 256B.038; 256B.0625, subdivision 33; 256B.0918, subdivision 2; 256B.0947, subdivision 3a; 256B.431, subdivision 28; 256B.69, subdivision 23; 256B.765; 256J.95, subdivision 10; 257.73, subdivision 1; 260C.307; 268.095, subdivision 5; 270.12, subdivision 3; 273.1398, subdivision 8; 273.42, subdivision 2; 275.065, subdivision 3; 276A.01, subdivision 4; 297B.01, subdivision 12; 298.01, subdivisions 4b, 4c; 299C.54, subdivision 4; 299D.02, subdivision 1; 322B.925; 326B.32, subdivision 4; 327B.12, subdivision 1; 353.27, subdivision 1a; 353.28, subdivision 6; 353.65, subdivisions 1, 6; 353D.03, subdivision 4; 356.99, subdivision 1; 374.21, subdivision

3; 375.192, subdivision 3; 383A.405, subdivision 3; 383B.219, subdivision 3; 424B.12, subdivision 2; 461.15; 462A.05, subdivision 24; 469.175, subdivision 6; 469.1764, subdivision 1; 469.1771, subdivision 1; 469.310, subdivision 7; 473.641, subdivision 1; 473.661, subdivision 4; 473F.02, subdivision 4; 475.53, subdivision 7; 484.90, subdivision 6; 518C.613; 548.091, subdivision 2a; 572B.04; 604A.33, subdivision 1; 609B.203; Minnesota Statutes 2013 Supplement, sections 10A.01, subdivision 35; 62L.045, subdivision 2; 62Q.186, subdivision 4; 69.021, subdivision 10; 69.031, subdivision 5; 69.041; 69.051, subdivision 3; 72A.2032, subdivision 5; 85.055, subdivision 1; 125A.79, subdivision 1; 144A.4792, subdivision 3; 145A.061, subdivision 3; 149A.93, subdivision 3; 152.126, subdivision 6; 245.94, subdivision 2a; 245A.192, subdivisions 2, 5, 6, 7, 11, 12; 245D.02, subdivisions 4d, 8c, 23b; 245D.03, subdivision 1; 245D.04, subdivision 3; 245D.051, subdivision 1; 245D.10, subdivision 4; 245D.11, subdivision 4; 245D.31, subdivision 10; 256B.057, subdivision 8; 256B.0911, subdivision 6; 256B.0917, subdivision 1a; 256B.0949, subdivision 11; 256B.5015, subdivision 1; 256B.694; 256B.85, subdivisions 2, 5, 8; 256N.02, subdivision 13; 256N.24, subdivisions 6, 7, 8, 9, 12, 13; 256N.25, subdivisions 2, 3; 256N.26, subdivisions 6, 15; 256N.27, subdivision 3; 290B.04, subdivision 2; 292.16; 296A.17, subdivision 3; 297A.66, subdivisions 3, 4a; 352.03, subdivision 4; 353.29, subdivision 3; 354A.31, subdivisions 4, 4a; 356.47, subdivision 1; 356A.01, subdivision 19; 383B.158, subdivision 1; 423A.02, subdivision 3; 424A.02, subdivision 7; 469.177, subdivision 1d; 473.606, subdivision 3; 473F.08, subdivision 3c; 490.121, subdivisions 25, 26; 490.124, subdivision 1; 626.556, subdivision 2; Laws 1969, chapter 223, section 1, as amended; Laws 2010, chapter 216, section 55, as amended; Laws 2013, chapter 108, article 1, section 68; article 3, section 48; article 11, sections 33; 34; article 12, section 108; article 15, section 3; Laws 2013, chapter 111, article 16, section 1; repealing Minnesota Statutes 2012, sections 144.214, subdivisions 1, 2, 3; 270B.14, subdivision 14; 353.026; Minnesota Statutes 2013 Supplement, sections 256B.021, subdivision 7; 256I.05, subdivision 1o; 356.315, subdivision 8a; Laws 2013, chapter 107, article 4, section 19; Laws 2013, chapter 108, article 1, section 66; Laws 2013, chapter 116, article 1, section 49, subdivisions 5, 6; Laws 2013, chapter 134, section 7; Laws 2013, chapter 138, article 4, section 1.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2995, A bill for an act relating to public safety; towing; clarifying towing order requirements; amending Minnesota Statutes 2012, section 168B.035, subdivision 2.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3073, A bill for an act relating to insurance; modifying certain regulations to reduce the incidence of insurance fraud; regulating no-fault auto benefits; regulating certain property and casualty coverages; limiting reimbursement for certain prescription drugs; regulating batch billing; modifying certain economic benefits under chapter 65B; establishing a task force on motor vehicle insurance coverage verification; amending Minnesota Statutes 2012, sections 13.7191, subdivision 16; 60A.952, subdivision 3; 65B.44, subdivisions 2, 3, 4, 6, by adding a subdivision; 65B.525, by adding a subdivision; 65B.54, subdivision 2; 72A.502, subdivision 2; 604.18, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 60A; 65B; repealing Minnesota Statutes 2012, section 72A.327.



The Senate has appointed as such committee:

Senators Jensen, Kent and Metzen.

Said House File is herewith returned to the House.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2466.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

JOANNE M. ZOFF, Secretary of the Senate

#### CONFERENCE COMMITTEE REPORT ON S. F. No. 2466

A bill for an act relating to public safety; requiring law enforcement to secure a tracking warrant in order to receive cell phone tracking data; amending Minnesota Statutes 2012, section 626A.28, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 626A.

May 12, 2014

The Honorable Sandra L. Pappas  
President of the Senate

The Honorable Paul Thissen  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2466 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2466 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 626A.28, subdivision 3, is amended to read:

Subd. 3. **Records concerning electronic communication service or remote computing service.** (a) Except as provided in paragraph (b) or chapter 325M, a provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber to or customer of the service, not including the contents of communications covered by subdivision 1 or 2, to any person other than a governmental entity.

(b) A provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber to or customer of the service, not including the contents of communications covered by subdivision 1 or 2, to a governmental entity only when the governmental entity:

- (1) uses an administrative subpoena authorized by statute, or a grand jury subpoena;
- (2) obtains a warrant;
- (3) obtains a court order for such disclosure under subdivision 4; or
- (4) has the consent of the subscriber or customer to the disclosure.

(c) A governmental entity receiving records or information under this subdivision is not required to provide notice to a subscriber or customer.

(d) Notwithstanding paragraph (b), a provider of electronic communication service or remote computing service may not disclose location information covered by section 626A.42 to a government entity except as provided in that section.

Sec. 2. **[626A.42] ELECTRONIC DEVICE LOCATION INFORMATION.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Electronic communication service" has the meaning given in section 626A.01, subdivision 17.

(c) "Electronic device" means a device that enables access to or use of an electronic communication service, remote computing service, or location information service.

(d) "Government entity" means a state or local agency, including but not limited to a law enforcement entity or any other investigative entity, agency, department, division, bureau, board, or commission or an individual acting or purporting to act for or on behalf of a state or local agency.

(e) "Location information" means information concerning the location of an electronic device that, in whole or in part, is generated or derived from or obtained by the operation of an electronic device.

(f) "Location information service" means the provision of a global positioning service or other mapping, locational, or directional information service.

(g) "Remote computing service" has the meaning given in section 626A.34.

(h) "Tracking warrant" means an order in writing, in the name of the state, signed by a court other than a court exercising probate jurisdiction, directed to a peace officer, granting the officer access to location information of an electronic device.

Subd. 2. **Tracking warrant required for location information.** (a) Except as provided in paragraph (b), a government entity may not obtain the location information of an electronic device without a tracking warrant. A warrant granting access to location information must be issued only if the government entity shows that there is probable cause the person who possesses an electronic device is committing, has committed, or is about to commit a crime. An application for a warrant must be made in writing and include:

(1) the identity of the government entity's peace officer making the application, and the officer authorizing the application; and

(2) a full and complete statement of the facts and circumstances relied on by the applicant to justify the applicant's belief that a warrant should be issued, including (i) details as to the particular offense that has been, is being, or is about to be committed, and (ii) the identity of the person, if known, committing the offense whose location information is to be obtained.

(b) A government entity may obtain location information without a tracking warrant:

(1) when the electronic device is reported lost or stolen by the owner;

(2) in order to respond to the user's call for emergency services;

(3) with the informed, affirmative, documented consent of the owner or user of the electronic device;

(4) with the informed, affirmative consent of the legal guardian or next of kin of the owner or user if the owner or user is believed to be deceased or reported missing and unable to be contacted; or

(5) in an emergency situation that involves the risk of death or serious physical harm to a person who possesses an electronic communications device pursuant to sections 237.82 and 237.83.

**Subd. 3. Time period and extensions.** (a) A tracking warrant issued under this section must authorize the collection of location information for a period not to exceed 60 days, or the period of time necessary to achieve the objective of the authorization, whichever is less.

(b) Extensions of a tracking warrant may be granted, but only upon an application for an order and upon the judicial finding required by subdivision 2, paragraph (a). The period of extension must be for a period not to exceed 60 days, or the period of time necessary to achieve the objective for which it is granted, whichever is less.

(c) Paragraphs (a) and (b) apply only to tracking warrants issued for the contemporaneous collection of electronic device location information.

**Subd. 4. Notice; temporary nondisclosure of tracking warrant.** (a) Within a reasonable time but not later than 90 days after the court unseals the tracking warrant under this subdivision, the issuing or denying judge shall cause to be served on the persons named in the warrant and the application an inventory which shall include notice of:

(1) the fact of the issuance of the warrant or the application;

(2) the date of the issuance and the period of authorized, approved, or disapproved collection of location information, or the denial of the application; and

(3) the fact that during the period location information was or was not collected.

(b) A tracking warrant authorizing collection of location information must direct that:

(1) the warrant be sealed for a period of 90 days or until the objective of the warrant has been accomplished, whichever is shorter; and

(2) the warrant be filed with the court administrator within ten days of the expiration of the warrant.

(c) The prosecutor may request that the tracking warrant, supporting affidavits, and any order granting the request not be filed. An order must be issued granting the request in whole or in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable grounds exist to believe that filing the warrant may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation.

(d) The tracking warrant must direct that following the commencement of any criminal proceeding utilizing evidence obtained in or as a result of the search, the supporting application or affidavit must be filed either immediately or at any other time as the court directs. Until such filing, the documents and materials ordered withheld from filing must be retained by the judge or the judge's designee.

**Subd. 5. Report concerning collection of location information.** (a) At the same time as notice is provided under subdivision 4, the issuing or denying judge shall report to the state court administrator:

(1) the fact that a tracking warrant or extension was applied for;

(2) the fact that the warrant or extension was granted as applied for, was modified, or was denied;

(3) the period of collection authorized by the warrant, and the number and duration of any extensions of the warrant;

(4) the offense specified in the warrant or application, or extension of a warrant;

(5) whether the collection required contemporaneous monitoring of an electronic device's location; and

(6) the identity of the applying investigative or peace officer and agency making the application and the person authorizing the application.

(b) On or before November 15 of each even-numbered year, the state court administrator shall transmit to the legislature a report concerning: (1) all tracking warrants authorizing the collection of location information during the two previous calendar years; and (2) all applications that were denied during the two previous calendar years. Each report shall include a summary and analysis of the data required to be filed under this subdivision. The report is public and must be available for public inspection at the Legislative Reference Library and the state court administrator's office and Web site.

**Subd. 6. Prohibition on use of evidence.** (a) Except as proof of a violation of this section, no evidence obtained in violation of this section shall be admissible in any criminal, civil, administrative, or other proceeding.

(b) Any location information obtained pursuant to this chapter or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in a federal or state court unless each party, not less than ten days before the trial, hearing, or proceeding, has been furnished with a copy of the tracking warrant, and accompanying application, under which the information was obtained. This ten-day period may be waived by the judge if the judge finds that it was not possible to furnish a party with the required information ten days before the trial, hearing, or proceeding and that a party will not be prejudiced by the delay in receiving the information."

Delete the title and insert:

"A bill for an act relating to public safety; requiring law enforcement to secure a tracking warrant in order to receive electronic device location information; amending Minnesota Statutes 2012, section 626A.28, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 626A."

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

Senate Conferees: BRANDEN PETERSEN, D. SCOTT DIBBLE and BOBBY JOE CHAMPION.

House Conferees: JOE ATKINS and TONY CORNISH.

Atkins moved that the report of the Conference Committee on S. F. No. 2466 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

Speaker pro tempore Hortman called Pelowski to the Chair.

S. F. No. 2466, A bill for an act relating to public safety; requiring law enforcement to secure a tracking warrant in order to receive cell phone tracking data; amending Minnesota Statutes 2012, section 626A.28, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 626A.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

|              |              |             |            |            |              |
|--------------|--------------|-------------|------------|------------|--------------|
| Abeler       | Dill         | Hertaus     | Lillie     | Newton     | Selcer       |
| Albright     | Dorholt      | Hilstrom    | Loeffler   | Nornes     | Simon        |
| Allen        | Drazkowski   | Holberg     | Lohmer     | Norton     | Simonson     |
| Anderson, P. | Erhardt      | Hoppe       | Loon       | O'Driscoll | Slocum       |
| Anderson, S. | Erickson, R. | Hornstein   | Mack       | O'Neill    | Sundin       |
| Anzelc       | Erickson, S. | Hortman     | Mahoney    | Paymar     | Swedzinski   |
| Atkins       | Fabian       | Howe        | Mariani    | Pelowski   | Theis        |
| Barrett      | Falk         | Huntley     | Marquart   | Peppin     | Torkelson    |
| Benson, J.   | Faust        | Isaacson    | Masin      | Persell    | Uglem        |
| Benson, M.   | Fischer      | Johnson, B. | McDonald   | Petersburg | Urdahl       |
| Bernardy     | Franson      | Johnson, C. | McNamar    | Poppe      | Wagenius     |
| Bly          | Freiberg     | Johnson, S. | McNamara   | Pugh       | Ward, J.A.   |
| Brynaert     | Fritz        | Kahn        | Melin      | Quam       | Ward, J.E.   |
| Carlson      | Garofalo     | Kelly       | Metsa      | Radinovich | Wills        |
| Clark        | Green        | Kiel        | Moran      | Rosenthal  | Winkler      |
| Cornish      | Gruenhagen   | Kresha      | Morgan     | Runbeck    | Woodard      |
| Daudt        | Gunther      | Laine       | Mullery    | Sanders    | Yarusso      |
| Davids       | Hackbarth    | Leidiger    | Murphy, E. | Savick     | Zellers      |
| Davnie       | Halverson    | Lenczewski  | Murphy, M. | Sawatzky   | Zerwas       |
| Dean, M.     | Hamilton     | Lesch       | Myhra      | Schoen     | Spk. Thissen |
| Dehn, R.     | Hansen       | Liebling    | Nelson     | Schomacker |              |
| Dettmer      | Hausman      | Lien        | Newberger  | Scott      |              |

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2192.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

JOANNE M. ZOFF, Secretary of the Senate

## CONFERENCE COMMITTEE REPORT ON S. F. No. 2192

A bill for an act relating to environment; prohibiting and regulating certain lead and mercury products; regulating certain products containing formaldehyde; amending Minnesota Statutes 2012, sections 115A.932, subdivision 1; 116.92, subdivisions 4, 5, 6, 8j, by adding a subdivision; Minnesota Statutes 2013 Supplement, sections 325F.176; 325F.177; proposing coding for new law in Minnesota Statutes, chapter 116.

May 12, 2014

The Honorable Sandra L. Pappas  
President of the Senate

The Honorable Paul Thissen  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2192 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2192 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 115A.932, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions and recycling requirements.** (a) A person may not place mercury or a ~~thermostat, thermometer, electric switch, appliance, gauge, medical or scientific instrument, fluorescent or high-intensity discharge lamp, electric relay, or other electrical~~ mercury-containing device or product, as defined under section 116.92, subdivision 10, from which the mercury has not been removed for reuse or recycling:

(1) in solid waste; or

(2) in a wastewater disposal system.

(b) A person may not knowingly place mercury or a ~~thermostat, thermometer, electric switch, appliance, gauge, medical or scientific instrument, fluorescent or high-intensity discharge lamp, electric relay, or other electrical~~ mercury-containing device or product, as defined under section 116.92, subdivision 10, from which the mercury has not been removed for reuse or recycling:

(1) in a solid waste processing facility; or

(2) in a solid waste disposal facility.

(c) A fluorescent or high-intensity discharge lamp must be recycled by delivery of the lamp to a lamp recycling facility, as defined in section 116.93, subdivision 1, or to a facility that collects and stores lamps for the purpose of delivering them to a lamp recycling facility, including, but not limited to, a household hazardous waste collection or recycling facility, retailer take-back and utility provider program sites, or other sites designated by an electric utility under section 216B.241, subdivisions 2 and 4.

Sec. 2. Minnesota Statutes 2012, section 116.92, subdivision 4, is amended to read:

Subd. 4. **Removal from service; products containing mercury.** (a) When an item listed in ~~subdivision 3~~ this section is removed from service, the mercury in the item must be reused, recycled, or otherwise managed to ensure compliance with section 115A.932.

(b) A person who is in the business of replacing or repairing an item listed in ~~subdivision 3~~ this section in households shall ensure, or deliver the item to a facility that will ensure, that the mercury contained in an item that is replaced or repaired is reused or recycled or otherwise managed in compliance with section 115A.932.

(c) A person may not crush a motor vehicle unless the person has first made a good faith effort to remove all of the mercury switches in the motor vehicle.

(d) An item managed according to the requirements of this section must be transported in a container designed to prevent the escape of mercury into the environment by volatilization or any other means.

Sec. 3. Minnesota Statutes 2012, section 116.92, subdivision 5, is amended to read:

Subd. 5. **Thermostats.** (a) The definitions in this paragraph apply to this subdivision:

(1) "contractor" means a person engaged in the business of installing, servicing, or removing thermostats and other heating, ventilation, and air conditioning components, including a contractor removing thermostats in conjunction with renovation and demolition activities in accordance with Minnesota Rules, part 7035.0805;

(2) "qualified contractor" means a contractor:

(i) who employs seven or more service technicians or installers;

(ii) who is located in an area outside of an urban area, as defined by the United States Census Bureau; or

(iii) whose primary business consists of renovation and demolition activities;

(3) "retailer" means a person who sells thermostats of any kind directly to homeowners or other end-users through any selling or distribution mechanism;

(4) "thermostat" means a temperature control device that may contain elemental mercury in a sealed component that serves as a switch or temperature-sensing element and a sealed component that has been removed from a temperature control device; and

(5) "wholesaler" means a person engaged in the distribution and wholesale sale of thermostats and other heating, ventilation, and air conditioning components to contractors who install heating, ventilation, and air conditioning components.

(b) A manufacturer of thermostats that contain mercury or that may replace thermostats that contain mercury is responsible for the costs of collecting and managing the replaced mercury-containing thermostats to ensure that the thermostats do not become part of the solid waste stream.

(c) A manufacturer of thermostats that contain mercury or that may replace thermostats that contain mercury shall, in addition to the requirements of subdivision 3, provide incentives for and sufficient information to purchasers and consumers of the thermostats for the purchasers or consumers to ensure that mercury in thermostats being removed from service is reused or recycled or otherwise managed in compliance with section 115A.932. A manufacturer that has complied with this subdivision is not liable for improper disposal by purchasers or consumers of thermostats.

(d) A manufacturer of thermostats subject to this subdivision, or an organization of manufacturers of thermostats and its officers, members, employees, and agents, may participate in projects or programs to collect and properly manage waste thermostats. Any person who participates in a project or program is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce for activities related to the collection and management of the thermostats under this subdivision.

(e) A manufacturer of thermostats or organization of manufacturers of thermostats that participates in a thermostat collection and management program under this subdivision must report at least annually to the agency. The report must include:

(1) a description of how the program operates;

(2) a description of program components, including incentives provided under this subdivision, and an evaluation of the program components' effectiveness in promoting participation and recovery of thermostats;

(3) eligibility criteria for program participants;

(4) a list of program participants; and

(5) the number of thermostats remitted by each program participant during the reporting period.

(f) A wholesaler, qualified contractor, or retailer may participate as a collection site in a manufacturer's mercury thermostat collection and management program required under this subdivision. A wholesaler or retailer that participates as a collection site in a manufacturer's mercury thermostat collection and management program shall post prominent signs at the wholesaler's or retailer's business location regarding the collection and management of mercury thermostats.

Sec. 4. Minnesota Statutes 2012, section 116.92, subdivision 6, is amended to read:

Subd. 6. **Mercury thermometers prohibited.** (a) A manufacturer, wholesaler, or retailer may not sell or distribute at no cost a thermometer containing mercury that was manufactured after June 1, 2001.

(b) Paragraph (a) does not apply to:

~~(1) an electronic thermometer with a battery containing mercury if the battery is in compliance with section 325E.125;~~

~~(2) a mercury thermometer used for food research and development or food processing, including meat, dairy products, and pet food processing;~~

~~(3) a mercury thermometer that is a component of an animal agriculture climate control system or industrial measurement system until such time as the system is replaced or a nonmercury component for the system is available; or~~

~~(4) a mercury thermometer used for calibration of other thermometers, apparatus, or equipment, unless a nonmercury calibration standard is approved for the application by the National Institute of Standards and Technology.~~

(c) A manufacturer is in compliance with this subdivision if the manufacturer:



(1) has received an exclusion or exemption from a state that is a member of the Interstate Mercury Education and Reduction Clearinghouse (IMERC) for replacement parts when no alternative is available or for an application when no feasible alternative is available;

(2) submits a copy of the approved exclusion or exemption to the commissioner; and

(3) meets all of the requirements in the approved exclusion or exemption for the manufacturer's activities within the state.

Sec. 5. Minnesota Statutes 2012, section 116.92, subdivision 8j, is amended to read:

Subd. 8j. **Exclusion for existing equipment.** The prohibitions in subdivisions 6 and 8b to 8g do not apply if a thermometer, switch, relay, or measuring device is used to replace a thermometer, switch, relay, or measuring device that is a component of a larger product in use prior to January 1, 2008, provided the owner of that equipment has made every reasonable effort to determine that no compatible nonmercury replacement component exists an industrial measurement system or control system until the system is replaced or a nonmercury component for the system is available. The owner of the system shall notify the commissioner within 30 days of replacing the component and identify the replacement mercury component that was installed.

Sec. 6. Minnesota Statutes 2012, section 116.92, is amended by adding a subdivision to read:

Subd. 8k. **Ban; mercury in balancing and dampening products and equipment.** A person may not sell, offer for sale, distribute, install, or use in the state a mercury-containing product or mercury-containing equipment that is used for balancing, dampening, or providing a weight or counterweight function.

**EFFECTIVE DATE.** This section is effective January 1, 2015.

Sec. 7. **[116.931] WHEEL WEIGHTS AND BALANCING PRODUCTS; LEAD AND MERCURY PROHIBITION.**

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

(b) "Motor vehicle" means a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle that is operated on a highway, on a railroad track, on the ground, in the water, or in the air.

(c) "New motor vehicle" means a motor vehicle that has not been previously sold to a person except a distributor, wholesaler, or motor vehicle dealer for resale.

Subd. 2. **Tire service.** When replacing or balancing a tire on a motor vehicle or aircraft, a person may not use a wheel weight or other product for balancing motor vehicle or aircraft wheels if the weight or other balancing product contains lead or mercury that was intentionally added during the manufacture of the product.

Subd. 3. **Sales ban.** A person may not sell or offer to sell or distribute weights or other products for balancing motor vehicle or aircraft wheels if the weight or other balancing product contains lead or mercury that was intentionally added during the manufacture of the product.

Subd. 4. **New motor vehicles.** A person may not sell a new motor vehicle or aircraft that is equipped with a weight or other product for balancing wheels if the weight or other balancing product contains lead or mercury that was intentionally added during the manufacture of the product.

Subd. 5. **Salvage.** A person may not shred or crush, or market for shredding or crushing, any motor vehicle, aircraft, watercraft, or railroad or industrial equipment, or any portion thereof, without:

(1) inspecting the vehicle or equipment; and

(2) removing all weights or other products for balancing wheels or other equipment if the weights or balancing products contain lead or mercury that was intentionally added during the manufacture of the weights or balancing products.

Subd. 6. **Management of wheel weights and balancing products.** Mercury in wheel weights and other balancing products for motor vehicle and aircraft wheels must be recycled or otherwise managed to comply with sections 115A.932 and 116.92 and to ensure that it does not become part of the solid waste stream and is not released to the environment. Lead in wheel weights and other balancing products for motor vehicle and aircraft wheels must be recycled to ensure that it does not become part of the solid waste stream and is not released to the environment.

Subd. 7. **Educational materials; outreach.** Prior to the effective date of this section, the agency shall produce and distribute educational materials on the prohibitions required under this section to businesses subject to the prohibitions and shall conduct additional outreach and education activities to those businesses.

**EFFECTIVE DATE.** This section is effective January 1, 2016.

Sec. 8. **[145.945] CERTAIN SALES OF CLEANING PRODUCTS PROHIBITED.**

Subdivision 1. **Prohibition.** In order to prevent the spread of infectious disease and avoidable infections and to promote best practices in sanitation, no person shall offer for retail sale in Minnesota any cleaning product that contains triclosan and is used by consumers for sanitizing or hand and body cleansing.

Subd. 2. **Exception.** The prohibition in subdivision 1 shall not apply to individual products for which specific United States Food and Drug Administration approval for consumer use has been secured.

**EFFECTIVE DATE.** This section is effective January 1, 2017.

Sec. 9. Minnesota Statutes 2013 Supplement, section 325F.176, is amended to read:

**325F.176 DEFINITIONS.**

(a) For the purposes of sections 325F.176 to 325F.178, the following terms have the meanings given them.

(b) "Child" means a person under eight years of age.

(c) "Children's product" means a product primarily designed or intended by a manufacturer to be physically applied to or introduced into a child's body, including any article used as a component of such a product and excluding a food, beverage, dietary supplement, pharmaceutical product or biologic, children's toys that are covered by the ASTM International F963 standard for Toy Safety, or a medical device as defined in the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321(h), as amended through February 15, 2013.

(d) "Intentionally added chemical" means a chemical in a product that serves an intended function in the product.

Sec. 10. Minnesota Statutes 2013 Supplement, section 325F.177, is amended to read:

**325F.177 FORMALDEHYDE IN CHILDREN'S PRODUCTS; BAN.**

(a) Beginning August 1, 2014, no manufacturer or wholesaler may sell or offer for sale in this state a children's product that intentionally contains:

(1) formaldehyde, including formaldehyde contained in a solution; or

(2) intentionally added chemical ingredients that chemically degrade under normal conditions of temperature and pressure to release free formaldehyde at levels exceeding a de minimis level of 0.05 percent.

(b) Beginning August 1, 2015, no retailer may sell or offer for sale in this state a children's product that intentionally contains:

(1) formaldehyde, including formaldehyde contained in a solution; or

(2) intentionally added chemical ingredients that chemically degrade under normal conditions of temperature and pressure to release free formaldehyde at levels exceeding a de minimis level of 0.05 percent."

Delete the title and insert:

"A bill for an act relating to environment; prohibiting and regulating certain lead and mercury products; modifying ban on formaldehyde in children's products; prohibiting certain cleaning products containing triclosan; amending Minnesota Statutes 2012, sections 115A.932, subdivision 1; 116.92, subdivisions 4, 5, 6, 8j, by adding a subdivision; Minnesota Statutes 2013 Supplement, sections 325F.176; 325F.177; proposing coding for new law in Minnesota Statutes, chapters 116; 145."

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

Senate Conferees: JOHN MARTY, JOHN A. HOFFMAN and DAVID J. OSMEK.

House Conferees: MELISSA HORTMAN, JOE MULLERY and DENNY MCNAMARA.

Hortman moved that the report of the Conference Committee on S. F. No. 2192 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2192, A bill for an act relating to environment; prohibiting and regulating certain lead and mercury products; regulating certain products containing formaldehyde; amending Minnesota Statutes 2012, sections 115A.932, subdivision 1; 116.92, subdivisions 4, 5, 6, 8j, by adding a subdivision; Minnesota Statutes 2013 Supplement, sections 325F.176; 325F.177; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 110 yeas and 19 nays as follows:

Those who voted in the affirmative were:

|              |              |             |            |            |              |
|--------------|--------------|-------------|------------|------------|--------------|
| Abeler       | Erhardt      | Hornstein   | Loon       | Norton     | Simonson     |
| Albright     | Erickson, R. | Hortman     | Mack       | O'Driscoll | Slocum       |
| Allen        | Fabian       | Howe        | Mahoney    | Paymar     | Sundin       |
| Anderson, P. | Falk         | Huntley     | Mariani    | Pelowski   | Swedzinski   |
| Anzelc       | Faust        | Isaacson    | Marquart   | Persell    | Theis        |
| Atkins       | Fischer      | Johnson, B. | Masin      | Petersburg | Torkelson    |
| Barrett      | Franson      | Johnson, C. | McNamar    | Poppe      | Uglen        |
| Benson, J.   | Freiberg     | Johnson, S. | McNamara   | Quam       | Urdahl       |
| Bernardy     | Fritz        | Kahn        | Melin      | Radinovich | Wagenius     |
| Bly          | Green        | Kelly       | Metsa      | Rosenthal  | Ward, J.A.   |
| Brynaert     | Gruenhagen   | Kiel        | Moran      | Runbeck    | Ward, J.E.   |
| Carlson      | Gunther      | Kresha      | Morgan     | Sanders    | Wills        |
| Clark        | Halverson    | Laine       | Mullery    | Savick     | Winkler      |
| Cornish      | Hamilton     | Lenczewski  | Murphy, E. | Sawatzky   | Yarusso      |
| Davids       | Hansen       | Lesch       | Murphy, M. | Schoen     | Spk. Thissen |
| Davnie       | Hausman      | Liebling    | Myhra      | Schomacker |              |
| Dehn, R.     | Hilstrom     | Lien        | Nelson     | Scott      |              |
| Dill         | Holberg      | Lillie      | Newton     | Selcer     |              |
| Dorholt      | Hoppe        | Loeffler    | Nornes     | Simon      |              |

Those who voted in the negative were:

|              |              |           |           |         |
|--------------|--------------|-----------|-----------|---------|
| Anderson, S. | Dettmer      | Hackbarth | McDonald  | Pugh    |
| Benson, M.   | Drazkowski   | Hertaus   | Newberger | Woodard |
| Daudt        | Erickson, S. | Leidiger  | O'Neill   | Zerwas  |
| Dean, M.     | Garofalo     | Lohmer    | Peppin    |         |

The bill was repassed, as amended by Conference, and its title agreed to.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Murphy, E., from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Friday, May 16, 2014 and established a prefiling requirement for amendments offered to the following bills:

S. F. Nos. 2438 and 1360; and H. F. Nos. 2491 and 2031.

#### MOTIONS AND RESOLUTIONS

Drazkowski moved that the name of Fabian be added as an author on H. F. No. 419. The motion prevailed.

Bernardy moved that her name be stricken as an author on H. F. No. 422. The motion prevailed.

Bernardy moved that her name be stricken as an author on H. F. No. 1176. The motion prevailed.

Fabian moved that the name of Draskowski be added as an author on H. F. No. 2007. The motion prevailed.

Fischer moved that the name of Dean, M., be added as an author on H. F. No. 2350. The motion prevailed.

Isaacson moved that the name of Erhardt be added as an author on H. F. No. 2680. The motion prevailed.

Draskowski moved that the name of Pugh be added as an author on H. F. No. 3374. The motion prevailed.

#### ADJOURNMENT

Murphy, E., moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, May 15, 2014. The motion prevailed.

Murphy, E., moved that the House adjourn. The motion prevailed, and Speaker pro tempore Pelowski declared the House stands adjourned until 10:00 a.m., Thursday, May 15, 2014.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

