

1 A bill for an act

2 relating to criminal justice; appropriating money for  
3 the courts, public defenders, public safety,  
4 corrections, and other criminal justice agencies;  
5 establishing, funding, modifying, and regulating  
6 public safety, criminal justice, judiciary, law  
7 enforcement, corrections, crime victims, and CrimNet  
8 policies, programs, duties, activities, or practices;  
9 requiring studies and reports; imposing criminal and  
10 civil penalties; setting or increasing fines,  
11 surcharges, taxes, and fees; amending Minnesota  
12 Statutes 2004, sections 14.03, subdivision 3; 152.01,  
13 subdivision 10; 152.021, subdivisions 2a, 3; 168A.05,  
14 subdivision 3; 171.06, by adding a subdivision;  
15 171.20, subdivision 4; 171.26; 237.70, subdivision 7;  
16 241.06; 241.67, subdivisions 7, 8; 243.166, by adding  
17 a subdivision; 243.167; 244.04, subdivision 1; 244.05,  
18 subdivisions 2, 4, 5, 6, 7; 244.052, subdivisions 3,  
19 3, 4, by adding a subdivision; 244.09, subdivision 11;  
20 244.10, subdivision 2a, by adding a subdivision;  
21 244.18, subdivision 2; 253B.08, subdivision 1;  
22 253B.18, subdivision 5, by adding a subdivision;  
23 260C.171, by adding a subdivision; 297G.03,  
24 subdivisions 1, 2; 297G.04, subdivisions 1, 2;  
25 299A.38, subdivisions 2, 2a, 3; 299C.65, subdivisions  
26 1, 2, 5, by adding a subdivision; 340A.301,  
27 subdivision 6; 340A.302, subdivision 3; 340A.311;  
28 340A.404, subdivision 12; 340A.408, subdivision 4;  
29 340A.414, subdivision 6; 340A.504, subdivisions 3, 7;  
30 357.021, subdivisions 2, 6, 7; 357.18, subdivision 3;  
31 403.02, subdivisions 7, 13, 17, by adding a  
32 subdivision; 403.025, subdivisions 3, 7; 403.05,  
33 subdivision 3; 403.07, subdivision 3; 403.08,  
34 subdivision 10; 403.11, subdivisions 1, 3, 3a;  
35 403.113, subdivision 1; 403.27, subdivisions 1, 3;  
36 403.30, subdivision 1; 508.82, subdivision 1; 508A.82,  
37 subdivision 1; 518B.01, subdivision 22; 604.15,  
38 subdivision 2, by adding a subdivision; 609.108,  
39 subdivisions 1, 3, 4, 6; 609.109, subdivisions 2, 5;  
40 609.1095, subdivision 1; 609.115, by adding a  
41 subdivision; 609.117, subdivisions 1, 2; 609.119;  
42 609.1351; 609.185; 609.223, by adding a subdivision;  
43 609.2231, by adding a subdivision; 609.229,  
44 subdivision 3; 609.321, subdivisions 1, 7, by adding  
45 subdivisions; 609.325, by adding a subdivision;  
46 609.341, subdivision 14, by adding a subdivision;

1 609.342, subdivisions 2, 3; 609.343, subdivisions 2,  
2 3; 609.344, subdivisions 2, 3; 609.345, subdivisions  
3 2, 3; 609.3452, subdivision 1; 609.347; 609.3471;  
4 609.348; 609.353; 609.485, subdivisions 2, 4; 609.50,  
5 subdivision 1; 609.527, subdivisions 1, 3, 4, 6, by  
6 adding a subdivision; 609.531, subdivision 1;  
7 609.5315, subdivision 1, by adding a subdivision;  
8 609.746, subdivision 1; 609.748, subdivisions 2, 3a;  
9 609.749, subdivision 2; 609.79, subdivision 2;  
10 609.795, by adding a subdivision; 617.81, subdivision  
11 4, by adding a subdivision; 617.85; 626.556,  
12 subdivision 3; 628.26; 631.045; proposing coding for  
13 new law in Minnesota Statutes, chapters 152; 237; 243;  
14 244; 299A; 299C; 325F; 403; 446A; 609; repealing  
15 Minnesota Statutes 2004, sections 18C.005,  
16 subdivisions 1a, 35a; 18C.201, subdivisions 6, 7;  
17 18D.331, subdivision 5; 243.166, subdivisions 1, 8;  
18 299A.68; 299C.65, subdivisions 3, 4, 6, 7, 8, 8a, 9;  
19 403.30, subdivision 3; 609.108, subdivision 2;  
20 609.109, subdivision 7; 609.725.

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

22 ARTICLE 1

23 PUBLIC SAFETY APPROPRIATIONS

24 Section 1. [APPROPRIATIONS.]

25 The sums shown in the columns marked "APPROPRIATIONS" are  
26 added to or, if shown in parentheses, are subtracted from the  
27 appropriations to the specified agencies in 2005 S.F. No. 1879,  
28 article 9, if enacted. The appropriations are from the general  
29 fund, unless another fund is named, and are available for the  
30 fiscal year indicated for each purpose. The figures "2006" and  
31 "2007," where used in this article, mean that the additions to  
32 or subtractions from the appropriations listed under them are  
33 for the fiscal year ending June 30, 2006, or June 30, 2007,  
34 respectively. The term "first year" means the fiscal year  
35 ending June 30, 2006, and the term "second year" means the  
36 fiscal year ending June 30, 2007.

37 SUMMARY BY FUND

38		2006	2007	TOTAL
39	GENERAL	\$ 73,390,000	\$81,010,000	\$154,400,000
40	STATE GOVERNMENT			
41	SPECIAL REVENUE	16,368,000	16,688,000	33,056,000
42	BOND PROCEEDS	62,500,000	-0-	62,500,000
43	TOTAL	\$152,258,000	\$97,698,000	\$249,956,000

44 APPROPRIATIONS  
45 Available for the Year  
46 Ending June 30  
47 2006 2007

1	Sec. 2. SUPREME COURT	\$ 6,090,000	\$ 6,041,000
2	[CASELOAD INCREASES.] \$1,090,000 the		
3	first year and \$1,041,000 the second		
4	year are for caseload increases.		
5	[CIVIL LEGAL SERVICES.] \$5,000,000 each		
6	year is for legal services under		
7	Minnesota Statutes, sections 480.24 to		
8	480.244.		
9	[PROHIBITION ON USE OF APPROPRIATIONS		
10	FOR JUDICIAL SALARY INCREASES.] No		
11	portion of these appropriations may be		
12	used for judicial salary increases.		
13	Sec. 3. COURT OF APPEALS	250,000	250,000
14	For caseload increases.		
15	[PROHIBITION ON USE OF APPROPRIATIONS		
16	FOR JUDICIAL SALARY INCREASES.] No		
17	portion of these appropriations may be		
18	used for judicial salary increases.		
19	Sec. 4. DISTRICT COURTS	9,275,000	11,592,000
20	[CASELOAD INCREASES.] \$6,671,000 each		
21	year is for caseload increases.		
22	[SEX AND METHAMPHETAMINE OFFENSES.]		
23	\$3,600,000 the first year and		
24	\$7,200,000 the second year are for the		
25	sex and methamphetamine offense		
26	sentencing changes made in this act.		
27	[SPECIALTY COURTS.] \$250,000 each year		
28	is to develop or expand specialty		
29	courts such as drug courts and mental		
30	health courts.		
31	By January 15, 2008, the state court		
32	administrator shall report to the		
33	chairs and ranking minority members of		
34	the senate and house committees and		
35	divisions having jurisdiction over		
36	criminal justice policy and funding on		
37	how this money was used.		
38	[PROHIBITION ON USE OF APPROPRIATIONS		
39	FOR JUDICIAL SALARY INCREASES.] No		
40	portion of these appropriations may be		
41	used for judicial salary increases.		
42	Sec. 5. UNIFORM LAWS COMMISSION	5,000	5,000
43	For national conference dues.		
44	Sec. 6. BOARD OF PUBLIC DEFENSE	5,495,000	9,295,000
45	[CASELOAD INCREASES.] \$1,695,000 each		
46	year is for caseload increases.		
47	[SEX AND METHAMPHETAMINE OFFENSES.]		
48	\$3,800,000 the first year and		
49	\$7,600,000 the second year are for the		
50	sex and methamphetamine offense		
51	sentencing changes made in this act.		
52	Sec. 7. PUBLIC SAFETY		

1	Subdivision 1. Total		
2	Appropriation	91,944,000	29,811,000
3	Summary by Fund		
4	General	13,076,000	13,123,000
5	State Government		
6	Special Revenue	16,368,000	16,688,000
7	Bond Proceeds	62,500,000	-0-
8	[AGENCYWIDE ADMINISTRATIVE		
9	CUT.]	(175,000)	(175,000)

10 This is an agencywide administrative  
11 cut.

12 [APPROPRIATIONS FOR PROGRAMS.] The  
13 amounts that may be spent from this  
14 appropriation for each program are  
15 specified in the following subdivisions.

16	Subd. 2. Criminal Apprehension	4,976,000	5,023,000
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17 [AUTOMATED FINGERPRINT IDENTIFICATION  
18 SYSTEM.] \$1,533,000 the first year and  
19 \$2,318,000 the second year are to  
20 replace the automated fingerprint  
21 identification system (AFIS).

22 [PREDATORY OFFENDER REGISTRATION  
23 SYSTEM.] \$1,146,000 the first year and  
24 \$564,000 the second year are to upgrade  
25 the predatory offender registration  
26 (POR) system and to increase the  
27 monitoring and tracking of registered  
28 offenders who become noncompliant with  
29 the law.

30 [CRIMINAL JUSTICE INFORMATION SYSTEMS  
31 (CJIS) AUDIT TRAIL.] \$374,000 the first  
32 year and \$203,000 the second year are  
33 for the Criminal Justice Information  
34 Systems (CJIS) audit trail.

35 [DNA ANALYSIS OF FELON OFFENDERS.]  
36 \$857,000 the first year and \$869,000  
37 the second year are to fund the  
38 analyses of biological samples from  
39 felon offenders.

40 [LIVESCAN.] \$66,000 the first year and  
41 \$69,000 the second year are to fund the  
42 ongoing costs of Livescan.

43 [TEN NEW AGENTS.] \$1,000,000 each year  
44 is for ten Bureau of Criminal  
45 Apprehension agents to be assigned  
46 exclusively to methamphetamine  
47 enforcement, including the  
48 investigation of manufacturing and  
49 distributing methamphetamine and  
50 related violence. These appropriations  
51 are intended to increase the current  
52 allocation of Bureau of Criminal  
53 Apprehension resources dedicated to  
54 methamphetamine enforcement. Positions  
55 funded by these appropriations may not  
56 supplant existing agent assignments or  
57 positions.

1	Subd. 3. Fire Marshal	900,000	900,000
2	Subd. 4. Office of Justice		
3	Programs	7,375,000	7,375,000

4 [CRIME VICTIM ASSISTANCE GRANTS  
5 INCREASE.] \$1,270,000 each year is to  
6 increase funding for crime victim  
7 assistance grants for abused children,  
8 sexual assault, battered women, and  
9 general crime victims.

10 [BATTERED WOMEN'S SHELTER GRANTS.]  
11 \$2,131,000 each year is to increase  
12 funding for battered women's shelters  
13 under Minnesota Statutes, section  
14 611A.32, and for safe houses.

15 [GANG STRIKE FORCE.] \$2,374,000 each  
16 year is for the criminal gang strike  
17 force.

18 The superintendent of the Bureau of  
19 Criminal Apprehension shall convene a  
20 working group of stakeholders  
21 representing the multijurisdictional  
22 narcotics task forces in operation in  
23 Minnesota, the Criminal Gang Oversight  
24 Council and Strike Force, and other  
25 individuals knowledgeable in narcotics  
26 and gang issues. The working group  
27 shall review the operational structure  
28 and organization of the narcotics task  
29 forces and Criminal Gang Oversight  
30 Council and Strike Force, the  
31 legislative authority and laws  
32 governing them, and any needs related  
33 to them. In addition, the working  
34 group shall recommend whether a merger  
35 of these entities is advisable. By  
36 January 15, 2006, the superintendent  
37 shall report the working group's  
38 findings and recommendations to the  
39 chairs and ranking minority members of  
40 the senate and house committees and  
41 divisions having jurisdiction over  
42 criminal justice policy and funding.  
43 If the working group recommends a  
44 merger, the report must include  
45 legislation to accomplish this and, at  
46 a minimum, address: methods to ensure  
47 that the current focus on criminal  
48 gangs is not lost in any merger; how  
49 money will be allocated between  
50 narcotics and gang enforcement within  
51 any merged entity; and data privacy  
52 issues related to the merger.

53 [MINNESOTA FINANCIAL CRIMES TASK  
54 FORCE.] \$1,400,000 each year is for the  
55 Minnesota Financial Crimes Task Force.

56 [HOMELESSNESS PILOT PROJECTS.] \$200,000  
57 each year is for the homelessness pilot  
58 projects described in article 9,  
59 section 35.

60 [ADMINISTRATION COSTS.] Up to 2.5  
61 percent of the grant funds appropriated  
62 in this subdivision may be used to  
63 administer the grant program.

1	Subd. 5. 911 Emergency		
2	Services/ARMER	16,368,000	16,688,000

3 This appropriation is from the state  
4 government special revenue fund for 911  
5 emergency telecommunications services.

6 The total appropriation for this  
7 purpose, consisting of this  
8 appropriation plus the appropriation in  
9 2005 S.F. No. 1879, article 9, section  
10 9, subdivision 7, if enacted, must be  
11 spent as provided in this subdivision.

12 \$3,442,000 the first year and  
13 \$3,064,000 the second year are to fund  
14 a deficiency due to prior year  
15 obligations under Minnesota Statutes,  
16 section 403.11, that were estimated in  
17 the December 2004 911 fund statement to  
18 be \$6,504,700 on July 1, 2005. "Prior  
19 year obligations" means reimbursable  
20 costs under Minnesota Statutes, section  
21 403.11, subdivision 1, incurred under  
22 the terms and conditions of a contract  
23 with the state for a fiscal year  
24 preceding fiscal year 2004, that have  
25 been certified in a timely manner in  
26 accordance with Minnesota Statutes,  
27 section 403.11, subdivision 3a, and  
28 that are not barred by statute of  
29 limitation or other defense. The  
30 appropriations needed for this purpose  
31 are estimated to be none in fiscal year  
32 2008 and thereafter.

33 \$13,640,000 the first year and  
34 \$13,664,000 the second year are to be  
35 distributed as provided in Minnesota  
36 Statutes, section 403.113, subdivision  
37 2. This appropriation may only be used  
38 for public safety answering points that  
39 have implemented phase two wireless  
40 enhanced 911 service or whose  
41 governmental agency has made a binding  
42 commitment to the commissioner of  
43 public safety to implement phase two  
44 wireless enhanced 911 service by  
45 January 1, 2008. If revenue to the  
46 account is insufficient to support all  
47 appropriations from the account for a  
48 fiscal year, this appropriation takes  
49 priority over other appropriations,  
50 except the open appropriation in  
51 Minnesota Statutes, section 403.30,  
52 subdivision 1, for debt service on  
53 bonds previously sold.

54 \$682,000 the first year and \$683,000  
55 the second year are for grants to the  
56 Minnesota Emergency Medical Services  
57 Regulatory Board for the Metro East and  
58 Metro West Medical Resource  
59 Communication Centers that were in  
60 operation before January 1, 2000.

61 \$6,138,000 the first year and  
62 \$6,149,000 the second year are to the  
63 commissioner of finance to pay debt  
64 service on revenue bonds issued under  
65 new Minnesota Statutes, section

1 403.275. Any portion of this  
 2 appropriation not needed to pay debt  
 3 service in a fiscal year may be used by  
 4 the commissioner of public safety to  
 5 pay cash for any of the capital  
 6 improvements for which bond proceeds  
 7 have been appropriated in subdivision 6.

8 Subd. 6. 800 MHz Public Safety  
 9 Radio and Communication System 62,500,000

10 The appropriations in this subdivision  
 11 are from the 911 revenue bond proceeds  
 12 account to the commissioner of public  
 13 safety for the purposes indicated, to  
 14 be available until the project is  
 15 completed or abandoned, subject to  
 16 Minnesota Statutes, section 16A.642.

17 (a) Phase 2 Subsystems 8,000,000

18 For a grant to the Metropolitan  
 19 Emergency Services Board to pay up to  
 20 50 percent of the cost to a local  
 21 government unit of building a subsystem  
 22 as part of the second phase of the  
 23 public safety radio and communication  
 24 system plan under Minnesota Statutes,  
 25 section 403.36.

26 (b) Phase 3 System Backbone 45,000,000

27 For the Statewide Radio Board to  
 28 construct the system backbone in the  
 29 third phase of the public safety radio  
 30 and communication system plan under  
 31 Minnesota Statutes, section 403.36.

32 (c) Phase 3 Subsystems 9,500,000

33 To reimburse local units of government  
 34 for up to 50 percent of the cost of  
 35 building a subsystem of the public  
 36 safety radio and communication system  
 37 established under Minnesota Statutes,  
 38 section 403.36, in the southeast or  
 39 central district of the State Patrol.

40 (d) Bond Sale Authorization

41 To provide the money appropriated in  
 42 this subdivision, the commissioner of  
 43 finance shall sell and issue bonds of  
 44 the state in an amount up to  
 45 \$62,500,000 in the manner, upon the  
 46 terms, and with the effect prescribed  
 47 by new Minnesota Statutes, section  
 48 403.275.

49 Sec. 8. BOARD OF PEACE OFFICER  
 50 STANDARDS AND TRAINING 300,000 300,000

51 [OPERATION OF BOARD.] \$71,000 each year  
 52 is for the board's continued operation.

53 [TRAINING REIMBURSEMENTS.] \$89,000 each  
 54 year is for peace officer training  
 55 reimbursements to local units of  
 56 government.

57 [TECHNOLOGICAL UPDATES.] \$140,000 each

1 year is for technological updates.

2 [NOT INCLUDED IN BASE BUDGET.] These  
3 appropriations are not added to the  
4 board's base budget.

5 Sec. 9. CORRECTIONS

6	Subdivision 1. Total		
7	Appropriation	38,642,000	40,154,000

8 [APPROPRIATIONS FOR PROGRAMS.] The  
9 amounts that may be spent from this  
10 appropriation for each program are  
11 specified in the following subdivisions.

12	Subd. 2. Correctional		
13	Institutions	11,216,000	12,728,000

14 Notwithstanding any law to the  
15 contrary, the commissioner may use per  
16 diems collected under contracts for  
17 beds at MCF-Rush City to operate the  
18 state correctional system.

19 [LEVEL III OFFENDER TRACKING AND  
20 APPREHENSION.] \$70,000 each year is to  
21 track and apprehend level III predatory  
22 offenders.

23 [SEX OFFENDER TREATMENT AND  
24 TRANSITIONAL SERVICES.] \$1,500,000 each  
25 year is for sex offender treatment and  
26 transitional services.

27 [HEALTH SERVICES.] \$3,720,000 each year  
28 is for health services.

29 [SEX AND METHAMPHETAMINE OFFENSES.]  
30 \$351,000 the first year and \$1,863,000  
31 the second year are for the sex and  
32 methamphetamine offense sentencing  
33 changes made in this act.

34 [CHEMICAL DEPENDENCY TREATMENT.]  
35 \$4,500,000 each year is for chemical  
36 dependency treatment programs.

37 [MENTAL HEALTH TREATMENT.] \$2,000,000  
38 each year is for mental health  
39 treatment programs.

40 [WORKING GROUP ON INMATE LABOR.] The  
41 commissioner of corrections and the  
42 commissioner of the Minnesota Housing  
43 Finance Agency shall convene a working  
44 group to study the feasibility of using  
45 inmate labor to build low-income  
46 housing manufactured at MCF-Faribault.  
47 The working group consists of: the  
48 chief executive officer of MINNCOR  
49 Industries; representatives from the  
50 Builders Association of America,  
51 Minnesota AFL-CIO, Association of  
52 Minnesota Counties, Minnesota  
53 Manufactured Housing Association,  
54 Habitat for Humanity, and Minnesota  
55 Housing Partnership, selected by those  
56 organizations; and any other  
57 individuals deemed appropriate by the  
58 commissioners.

1 By January 15, 2006, the working group  
 2 shall report its findings and  
 3 recommendations to the chairs and  
 4 ranking minority members of the senate  
 5 and house of representatives committees  
 6 and divisions having jurisdiction over  
 7 criminal justice policy and funding and  
 8 jobs, housing, and community  
 9 development policy and funding.

10 Subd. 3. Community Services 27,751,000 27,751,000

11 [END OF CONFINEMENT REVIEWS.] \$94,000  
 12 each year is for end of confinement  
 13 reviews.

14 [SEX OFFENDER TRACKING.] \$162,000 each  
 15 year is for the acquisition of  
 16 bracelets equipped with tracking  
 17 devices designed to track and monitor  
 18 the movement and location of criminal  
 19 offenders. The commissioner shall use  
 20 the bracelets to monitor high-risk sex  
 21 offenders who are on supervised release  
 22 or probation to help ensure that the  
 23 offenders do not violate conditions of  
 24 their release or probation.

25 [COMMUNITY SURVEILLANCE AND  
 26 SUPERVISION.] \$1,370,000 each year is  
 27 to provide housing options to maximize  
 28 community surveillance and supervision.

29 [INCREASE IN INTENSIVE SUPERVISED  
 30 RELEASE SERVICES.] \$1,800,000 each year  
 31 is to increase intensive supervised  
 32 release services.

33 [SEX OFFENDER ASSESSMENT  
 34 REIMBURSEMENTS.] \$350,000 each year is  
 35 to provide grants to counties for  
 36 reimbursements for sex offender  
 37 assessments as required under Minnesota  
 38 Statutes, section 609.3452, subdivision  
 39 1.

40 [SEX OFFENDER TREATMENT AND  
 41 POLYGRAPHS.] \$1,250,000 each year is to  
 42 provide treatment for sex offenders on  
 43 community supervision and to pay for  
 44 polygraph testing.

45 [INCREASED SUPERVISION OF ADULT SEX  
 46 OFFENDERS, DOMESTIC VIOLENCE OFFENDERS,  
 47 AND OTHER VIOLENT OFFENDERS.]  
 48 \$19,600,000 each year is for enhanced  
 49 supervision of adult felony sex  
 50 offenders, domestic violence offenders,  
 51 and other violent offenders by  
 52 employing additional probation officers  
 53 to reduce the caseloads of probation  
 54 officers supervising these offenders on  
 55 probation or supervised release.

56 The commissioner shall distribute the  
 57 funds with 30 percent of the money  
 58 appropriated to non-Community  
 59 Corrections Act counties and 70 percent  
 60 appropriated to Community Corrections  
 61 Act counties. The commissioner shall  
 62 distribute the appropriation to

1 Community Corrections Act counties  
2 according to the formula contained in  
3 Minnesota Statutes, section 401.10.  
4 Each Community Corrections Act  
5 jurisdiction and the department's  
6 probation and supervised release unit  
7 shall submit to the commissioner an  
8 analysis of need along with a plan to  
9 meet these needs and reduce offender  
10 caseloads. Upon approval of the plans,  
11 the non-Community Corrections Act  
12 portion of these funds shall be  
13 appropriated to the department and the  
14 distribution shall be based on  
15 statewide need. The Community  
16 Corrections Act funds shall be  
17 disbursed as grants to each Community  
18 Corrections Act jurisdiction. These  
19 appropriations may not be used to  
20 supplant existing state or county  
21 probation officer positions.

22 [CHEMICAL DEPENDENCY TREATMENT AND  
23 AFTERCARE GRANTS.] \$2,500,000 each year  
24 is for grants to counties to provide  
25 community-based chemical dependency  
26 treatment and aftercare. The  
27 commissioner shall distribute the  
28 appropriation to counties according to  
29 the formula contained in Minnesota  
30 Statutes, section 401.10. In those  
31 counties where correctional services  
32 are shared by the Department of  
33 Corrections and county court services,  
34 the commissioner shall determine the  
35 distribution of the grants. Of this  
36 appropriation, \$500,000 each year is  
37 for grants to counties for programs  
38 designed to reduce underage drinking  
39 and for treatment and supervision of  
40 juvenile substance abuse offenders.

41 The commissioner shall ensure that any  
42 part of this appropriation spent on  
43 medical assistance-eligible individuals  
44 earns the maximum medical assistance  
45 match available from the federal  
46 government.

47 [INTENSIVE SUPERVISION AND AFTERCARE  
48 FOR CONTROLLED SUBSTANCES OFFENDERS.]  
49 \$625,000 each year is for intensive  
50 supervision and aftercare services for  
51 controlled substances offenders  
52 released from prison under Minnesota  
53 Statutes, section 244.055. These  
54 appropriations are not added to the  
55 department's base budget. By January  
56 15, 2008, the commissioner shall report  
57 to the chairs and ranking minority  
58 members of the senate and house  
59 committees and divisions having  
60 jurisdiction over criminal justice  
61 policy and funding on how this  
62 appropriation was spent, including an  
63 assessment on the offenders' transition  
64 from prison into the community and  
65 recidivism data.

66 [REPORT ON ELECTRONIC MONITORING OF SEX  
67 OFFENDERS.] By February 15, 2006, the

1 commissioner of corrections shall  
 2 report to the chairs and ranking  
 3 minority members of the senate and  
 4 house committees and divisions having  
 5 jurisdiction over criminal justice  
 6 policy and funding on implementing an  
 7 electronic monitoring system for sex  
 8 offenders who are under community  
 9 supervision. The report must address  
 10 the following:

11 (1) the advantages and disadvantages in  
 12 implementing this, including the impact  
 13 on public safety;

14 (2) the types of sex offenders who  
 15 should be subject to the monitoring;

16 (3) the time period that offenders  
 17 should be subject to the monitoring;

18 (4) the financial costs associated with  
 19 the monitoring and who should be  
 20 responsible for these costs; and

21 (5) the technology available for the  
 22 monitoring.

23	Subd. 4. Operations Support	(325,000)	(325,000)
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24 This is an agencywide administrative  
 25 cut.

26	Sec. 10. EMPLOYMENT AND		
27	ECONOMIC DEVELOPMENT	250,000	250,000

28 To carry out the public facilities  
 29 authority's duties involving the  
 30 methamphetamine laboratory cleanup  
 31 revolving fund under Minnesota  
 32 Statutes, section 446A.083.

33	Sec. 11. BOARD OF VETERINARY		
34	MEDICINE	7,000	-0-

35 For the study on animal products that  
 36 may be used in the manufacture of  
 37 methamphetamine described in article 6,  
 38 section 17.

39 ARTICLE 2

40 SEX OFFENDERS:

41 MANDATORY LIFE SENTENCES FOR CERTAIN EGREGIOUS AND

42 REPEAT SEX OFFENSES; CONDITIONAL RELEASE;

43 OTHER SENTENCING CHANGES

44 Section 1. Minnesota Statutes 2004, section 244.04,

45 subdivision 1, is amended to read:

46 Subdivision 1. [REDUCTION OF SENTENCE; INMATES SENTENCED

47 FOR CRIMES COMMITTED BEFORE 1993.] Notwithstanding the

48 provisions of section 609.11, subdivision 6, and section

49 609.109, subdivision 1, the term of imprisonment of any inmate

1 sentenced to a presumptive fixed sentence after May 1, 1980, and  
2 whose crime was committed before August 1, 1993, shall be  
3 reduced in duration by one day for each two days during which  
4 the inmate violates none of the disciplinary offense rules  
5 promulgated by the commissioner. The reduction shall accrue to  
6 the period of supervised release to be served by the inmate,  
7 except that the period of supervised release for a sex offender  
8 ~~sentenced and~~ conditionally released by the commissioner under  
9 section ~~609.108, subdivision 5,~~ 609.3455 is governed by that  
10 provision.

11 Except as otherwise provided in subdivision 2, if an inmate  
12 whose crime was committed before August 1, 1993, violates a  
13 disciplinary offense rule promulgated by the commissioner, good  
14 time earned prior to the violation may not be taken away, but  
15 the inmate may be required to serve an appropriate portion of  
16 the term of imprisonment after the violation without earning  
17 good time.

18 **[EFFECTIVE DATE.]** This section is effective August 1, 2005.

19 Sec. 2. Minnesota Statutes 2004, section 244.05,  
20 subdivision 2, is amended to read:

21 Subd. 2. **[RULES.]** The commissioner of corrections shall  
22 adopt by rule standards and procedures for the revocation of  
23 supervised or conditional release, and shall specify the period  
24 of revocation for each violation of supervised release.  
25 Procedures for the revocation of supervised release shall  
26 provide due process of law for the inmate.

27 **[EFFECTIVE DATE.]** This section is effective August 1, 2005,  
28 and applies to crimes committed on or after that date.

29 Sec. 3. Minnesota Statutes 2004, section 244.05,  
30 subdivision 4, is amended to read:

31 Subd. 4. **[MINIMUM IMPRISONMENT, LIFE SENTENCE.]** An inmate  
32 serving a mandatory life sentence under section 609.106 must not  
33 be given supervised release under this section. An inmate  
34 serving a mandatory life sentence under section 609.185, clause  
35 (1), (3), (5), or (6); or 609.109, subdivision 2a 3, must not be  
36 given supervised release under this section without having

1 served a minimum term of 30 years. An inmate serving a  
2 mandatory life sentence under section 609.385 must not be given  
3 supervised release under this section without having served a  
4 minimum term of imprisonment of 17 years. An inmate serving a  
5 mandatory life sentence under section 609.342, subdivision 2,  
6 paragraph (b); 609.343, subdivision 2, paragraph (b); or  
7 609.3455 must not be given supervised release under this section  
8 without having served the minimum term of imprisonment specified  
9 by the court in its sentence.

10 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
11 and applies to crimes committed on or after that date.

12 Sec. 4. Minnesota Statutes 2004, section 244.05,  
13 subdivision 5, is amended to read:

14 Subd. 5. [SUPERVISED RELEASE, LIFE SENTENCE.] (a) The  
15 commissioner of corrections may, under rules promulgated by the  
16 commissioner, give supervised release to an inmate serving a  
17 mandatory life sentence under section 609.185, clause (1), (3),  
18 (5), or (6); 609.109, subdivision 2a 3; 609.342, subdivision 2,  
19 paragraph (b); 609.343, subdivision 2, paragraph (b); 609.3455;  
20 or 609.385 after the inmate has served the minimum term of  
21 imprisonment specified in subdivision 4.

22 (b) The commissioner shall require the preparation of a  
23 community investigation report and shall consider the findings  
24 of the report when making a supervised release decision under  
25 this subdivision. The report shall reflect the sentiment of the  
26 various elements of the community toward the inmate, both at the  
27 time of the offense and at the present time. The report shall  
28 include the views of the sentencing judge, the prosecutor, any  
29 law enforcement personnel who may have been involved in the  
30 case, and any successors to these individuals who may have  
31 information relevant to the supervised release decision. The  
32 report shall also include the views of the victim and the  
33 victim's family unless the victim or the victim's family chooses  
34 not to participate.

35 (c) The commissioner shall make reasonable efforts to  
36 notify the victim, in advance, of the time and place of the

1 inmate's supervised release review hearing. The victim has a  
2 right to submit an oral or written statement at the review  
3 hearing. The statement may summarize the harm suffered by the  
4 victim as a result of the crime and give the victim's  
5 recommendation on whether the inmate should be given supervised  
6 release at this time. The commissioner must consider the  
7 victim's statement when making the supervised release decision.

8 (d) When considering whether to give supervised release to  
9 an inmate serving a life sentence under section 609.342,  
10 subdivision 2, paragraph (b); 609.343, subdivision 2, paragraph  
11 (b); or 609.3455, the commissioner shall consider, at a minimum,  
12 the following: the risk the inmate poses to the community if  
13 released, the inmate's progress in treatment, the inmate's  
14 behavior while incarcerated, psychological or other diagnostic  
15 evaluations of the inmate, the inmate's criminal history, and  
16 any other relevant conduct of the inmate while incarcerated or  
17 before incarceration. However, the commissioner may not give  
18 supervised release to the inmate unless:

19 (1) while in prison, the inmate has successfully completed  
20 appropriate sex offender treatment;

21 (2) while in prison, the inmate has been assessed for  
22 chemical dependency needs and, if appropriate, has successfully  
23 completed chemical dependency treatment;

24 (3) while in prison, the inmate has been assessed for  
25 mental health needs and, if appropriate, has successfully  
26 completed mental health treatment; and

27 (4) a comprehensive individual release plan is in place for  
28 the inmate that ensures that, after release, the inmate will  
29 have suitable housing and receive appropriate aftercare and  
30 community-based treatment, and includes a postprison employment  
31 or education plan for the inmate.

32 (e) As used in this subdivision, "victim" means the  
33 individual who suffered harm as a result of the inmate's crime  
34 or, if the individual is deceased, the deceased's surviving  
35 spouse or next of kin.

36 [EFFECTIVE DATE.] This section is effective August 1, 2005,

1 and applies to crimes committed on or after that date.

2 Sec. 5. Minnesota Statutes 2004, section 244.05,  
3 subdivision 6, is amended to read:

4 Subd. 6. [INTENSIVE SUPERVISED RELEASE.] The commissioner  
5 may order that an inmate be placed on intensive supervised  
6 release for all or part of the inmate's supervised release or  
7 parole term if the commissioner determines that the action will  
8 further the goals described in section 244.14, subdivision 1,  
9 clauses (2), (3), and (4). In addition, the commissioner may  
10 order that an inmate be placed on intensive supervised release  
11 for all of the inmate's conditional or supervised release term  
12 if the inmate was convicted of a sex offense under sections  
13 609.342 to 609.345 or was sentenced under the provisions of  
14 section 609.108. The commissioner may impose appropriate  
15 conditions of release on the inmate including but not limited to  
16 unannounced searches of the inmate's person, vehicle, or  
17 premises by an intensive supervision agent; compliance with  
18 court-ordered restitution, if any; random drug testing; house  
19 arrest; daily curfews; frequent face-to-face contacts with an  
20 assigned intensive supervision agent; work, education, or  
21 treatment requirements; and electronic surveillance. In  
22 addition, any sex offender placed on intensive supervised  
23 release may be ordered to participate in an appropriate sex  
24 offender program as a condition of release. If the inmate  
25 violates the conditions of the intensive supervised release, the  
26 commissioner shall impose sanctions as provided in subdivision 3  
27 and section ~~609.108~~ 609.3455.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
29 and applies to crimes committed on or after that date.

30 Sec. 6. Minnesota Statutes 2004, section 609.108,  
31 subdivision 1, is amended to read:

32 Subdivision 1. [MANDATORY INCREASED SENTENCE.] {a} A court  
33 shall commit a person to the commissioner of corrections for a  
34 period of time that is not less than double the presumptive  
35 sentence under the Sentencing Guidelines and not more than the  
36 statutory maximum, or if the statutory maximum is less than

1 double the presumptive sentence, for a period of time that is  
2 equal to the statutory maximum, if:

3 (1) ~~the court is imposing an executed sentence, based on a~~  
4 ~~Sentencing Guidelines presumptive imprisonment sentence or a~~  
5 ~~dispositional departure for aggravating circumstances or a~~  
6 ~~mandatory minimum sentence,~~ on a person convicted of committing  
7 or attempting to commit a violation of section 609.342, 609.343,  
8 609.344, or 609.345, ~~or on a person convicted of committing or~~  
9 ~~attempting to commit any other crime listed in subdivision 3 if~~  
10 ~~it reasonably appears to the court that the crime was motivated~~  
11 ~~by the offender's sexual impulses or was part of a predatory~~  
12 ~~pattern of behavior that had criminal sexual conduct as its goal~~  
13 609.3453;

14 (2) ~~the court finds~~ fact finder determines that the  
15 offender is a danger to public safety; and

16 (3) ~~the court finds~~ fact finder determines that the  
17 ~~offender needs long-term treatment or supervision~~ offender's  
18 criminal sexual behavior is so engrained that the risk of  
19 reoffending is great without intensive psychotherapeutic  
20 intervention or other long-term treatment or supervision  
21 extending beyond the presumptive term of imprisonment and  
22 supervised release. ~~The finding must be based on a professional~~  
23 ~~assessment by an examiner experienced in evaluating sex~~  
24 ~~offenders that concludes that the offender is a patterned sex~~  
25 ~~offender. The assessment must contain the facts upon which the~~  
26 ~~conclusion is based, with reference to the offense history of~~  
27 ~~the offender or the severity of the current offense, the social~~  
28 ~~history of the offender, and the results of an examination of~~  
29 ~~the offender's mental status unless the offender refuses to be~~  
30 ~~examined. The conclusion may not be based on testing alone. A~~  
31 ~~patterned sex offender is one whose criminal sexual behavior is~~  
32 ~~so engrained that the risk of reoffending is great without~~  
33 ~~intensive psychotherapeutic intervention or other long-term~~  
34 ~~controls.~~

35 (b) ~~The court shall consider imposing a sentence under this~~  
36 ~~section whenever a person is convicted of violating section~~

1 ~~609.342-or-609.343.~~

2 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
3 and applies to crimes committed on or after that date.

4 Sec. 7. Minnesota Statutes 2004, section 609.108,  
5 subdivision 3, is amended to read:

6 Subd. 3. [PREDATORY CRIME.] ~~A predatory crime is a felony~~  
7 ~~violation of section 609.185, 609.19, 609.195, 609.20, 609.205,~~  
8 ~~609.221, 609.222, 609.223, 609.24, 609.245, 609.25, 609.255,~~  
9 ~~609.342, 609.343, 609.344, 609.345, 609.365, 609.498, 609.561,~~  
10 ~~or 609.582, subdivision 1.~~ As used in this section, "predatory  
11 crime" has the meaning given in section 609.341, subdivision 22.

12 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
13 and applies to crimes committed on or after that date.

14 Sec. 8. Minnesota Statutes 2004, section 609.108,  
15 subdivision 4, is amended to read:

16 Subd. 4. [DANGER TO PUBLIC SAFETY.] ~~The court shall base~~  
17 ~~its finding~~ fact finder shall base its determination that the  
18 offender is a danger to public safety on any of the following  
19 factors:

20 (1) the crime involved an aggravating factor that would  
21 justify a durational departure from the presumptive sentence  
22 under the Sentencing Guidelines;

23 (2) the offender previously committed or attempted to  
24 commit a predatory crime or a violation of section 609.224 or  
25 609.2242, including:

26 (i) an offense committed as a juvenile that would have been  
27 a predatory crime or a violation of section 609.224 or 609.2242  
28 if committed by an adult; or

29 (ii) a violation or attempted violation of a similar law of  
30 any other state or the United States; or

31 (3) the offender planned or prepared for the crime prior to  
32 its commission.

33 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
34 and applies to crimes committed on or after that date.

35 Sec. 9. Minnesota Statutes 2004, section 609.108,  
36 subdivision 6, is amended to read:

1 Subd. 6. [CONDITIONAL RELEASE.] At the time of sentencing  
 2 under subdivision 1, the court shall provide that after the  
 3 offender has completed the sentence imposed, less any good time  
 4 earned by an offender whose crime was committed before August 1,  
 5 1993, the commissioner of corrections shall place the offender  
 6 on conditional release for the remainder of the statutory  
 7 maximum period, or for ten years, whichever is longer. The  
 8 terms of conditional release are governed by section 609.3455.

9 ~~The conditions of release may include successful completion~~  
 10 ~~of treatment and aftercare in a program approved by the~~  
 11 ~~commissioner, satisfaction of the release conditions specified~~  
 12 ~~in section 244.057, subdivision 6, and any other conditions the~~  
 13 ~~commissioner considers appropriate. Before the offender is~~  
 14 ~~released, the commissioner shall notify the sentencing court,~~  
 15 ~~the prosecutor in the jurisdiction where the offender was~~  
 16 ~~sentenced, and the victim of the offender's crime, where~~  
 17 ~~available, of the terms of the offender's conditional release.~~  
 18 ~~If the offender fails to meet any condition of release, the~~  
 19 ~~commissioner may revoke the offender's conditional release and~~  
 20 ~~order that the offender serve all or a part of the remaining~~  
 21 ~~portion of the conditional release term in prison. The~~  
 22 ~~commissioner shall not dismiss the offender from supervision~~  
 23 ~~before the conditional release term expires.~~

24 ~~Conditional release granted under this subdivision is~~  
 25 ~~governed by provisions relating to supervised release, except as~~  
 26 ~~otherwise provided in this subdivision, section 244.04,~~  
 27 ~~subdivision 1, or 244.05.~~

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
 29 and applies to crimes committed on or after that date.

30 Sec. 10. Minnesota Statutes 2004, section 609.341, is  
 31 amended by adding a subdivision to read:

32 Subd. 22. [PREDATORY CRIME.] "Predatory crime" means a  
 33 felony violation of section 609.185, 609.19, 609.195, 609.20,  
 34 609.205, 609.221, 609.222, 609.223, 609.24, 609.245, 609.25,  
 35 609.255, 609.498, 609.561, or 609.582, subdivision 1.

36 [EFFECTIVE DATE.] This section is effective August 1, 2005,

1 and applies to crimes committed on or after that date.

2 Sec. 11. Minnesota Statutes 2004, section 609.342,  
3 subdivision 2, is amended to read:

4 Subd. 2. [PENALTY.] (a) Except as otherwise provided  
5 in paragraph (b); section 609.109; or 609.3455, a person  
6 convicted under subdivision 1 may be sentenced to imprisonment  
7 for not more than 30 years ~~or to a payment of a fine of not more~~  
8 ~~than \$40,000, or both.~~

9 ~~(b)~~ Unless a longer mandatory minimum sentence is otherwise  
10 required by law or the Sentencing Guidelines provide for a  
11 longer presumptive executed sentence, the court shall presume  
12 that an executed sentence of 144 months must be imposed on an  
13 offender convicted of violating this section. Sentencing a  
14 person in a manner other than that described in this paragraph  
15 is a departure from the Sentencing Guidelines.

16 (b) The court shall sentence a person to imprisonment for  
17 life if the person is convicted under subdivision 1, clause (c),  
18 (d), (e), (f), or (h), and the fact finder determines beyond a  
19 reasonable doubt that any of the following circumstances exist:

20 (1) the offender tortured the complainant;

21 (2) the offender intentionally inflicted great bodily harm  
22 upon the complainant;

23 (3) the offender intentionally mutilated the complainant;

24 (4) the offender exposed the complainant to extreme  
25 inhumane conditions;

26 (5) the offender was armed with a dangerous weapon or any  
27 article used or fashioned in a manner to lead the complainant to  
28 reasonably believe it to be a dangerous weapon and used or  
29 threatened to use the weapon or article to cause the complainant  
30 to submit;

31 (6) the offense involved sexual penetration or sexual  
32 contact with more than one victim; or

33 (7) the offense involved more than one perpetrator engaging  
34 in sexual penetration or sexual contact with the complainant.

5 The fact finder may not consider a circumstance described  
36 in clauses (1) to (7), if it is an element of the underlying

1 specified violation of subdivision 1.

2 When sentencing an offender under this paragraph, the court  
3 shall specify a minimum term of imprisonment, based on the  
4 sentencing guidelines or any applicable mandatory minimum  
5 sentence, that must be served before the offender may be  
6 considered for supervised release.

7 (c) As used in this subdivision:

8 (1) "extreme inhumane conditions" means situations where,  
9 either before or after the sexual penetration, the offender  
10 knowingly causes or permits the complainant to be placed in a  
11 situation likely to cause the complainant severe ongoing mental,  
12 emotional, or psychological harm, or causes the complainant's  
13 death;

14 (2) "mutilation" means the intentional infliction of  
15 physical abuse designed to cause serious permanent disfigurement  
16 or permanent or protracted loss or impairment of the functions  
17 of any bodily member or organ, where the offender relishes the  
18 infliction of the abuse, evidencing debasement or perversion;  
19 and

20 (3) "torture" means the intentional infliction of extreme  
21 mental anguish, or extreme psychological or physical abuse, when  
22 committed in an especially depraved manner.

23 (d) In addition to the sentence imposed under paragraph (a)  
24 or (b), the person may also be sentenced to the payment of a  
25 fine of not more than \$40,000.

26 (e) Notwithstanding the statutory maximum sentence  
27 described in paragraph (a) or (b), the person is also subject to  
28 conditional release as provided in section 609.3455.

29 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
30 and applies to crimes committed on or after that date.

31 Sec. 12. Minnesota Statutes 2004, section 609.342,  
32 subdivision 3, is amended to read:

33 Subd. 3. [STAY.] Except when imprisonment is required  
34 under section 609.109 or 609.3455, if a person is convicted  
35 under subdivision 1, clause (g), the court may stay imposition  
36 or execution of the sentence if it finds that:

1 (a) a stay is in the best interest of the complainant or  
2 the family unit; and

3 (b) a professional assessment indicates that the offender  
4 has been accepted by and can respond to a treatment program.

5 If the court stays imposition or execution of sentence, it  
6 shall include the following as conditions of probation:

7 (1) incarceration in a local jail or workhouse;

8 (2) a requirement that the offender complete a treatment  
9 program; and

10 (3) a requirement that the offender have no unsupervised  
11 contact with the complainant until the offender has successfully  
12 completed the treatment program unless approved by the treatment  
13 program and the supervising correctional agent.

14 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
15 and applies to crimes committed on or after that date.

16 Sec. 13. Minnesota Statutes 2004, section 609.343,  
17 subdivision 2, is amended to read:

18 Subd. 2. [PENALTY.] (a) Except as otherwise provided in  
19 section 609.109 or 609.3455, a person convicted under  
20 subdivision 1 may be sentenced to imprisonment for not more than  
21 25 years ~~or to a payment of a fine of not more than \$357,0007 or~~  
22 both.

23 ~~(b)~~ Unless a longer mandatory minimum sentence is otherwise  
24 required by law or the Sentencing Guidelines provide for a  
25 longer presumptive executed sentence, the court shall presume  
26 that an executed sentence of 90 months must be imposed on an  
27 offender convicted of violating subdivision 1, clause (c), (d),  
28 (e), (f), or (h). Sentencing a person in a manner other than  
29 that described in this paragraph is a departure from the  
30 Sentencing Guidelines.

31 (b) The court shall sentence a person to imprisonment for  
32 life if the person is convicted under subdivision 1, clause (c),  
33 (d), (e), (f), or (h), and the fact finder determines beyond a  
34 reasonable doubt that any of the following circumstances exist:

35 (1) the offender tortured the complainant;

36 (2) the offender intentionally inflicted great bodily harm

1 upon the complainant;

2 (3) the offender intentionally mutilated the complainant;

3 (4) the offender exposed the complainant to extreme

4 inhumane conditions;

5 (5) the offender was armed with a dangerous weapon or any

6 article used or fashioned in a manner to lead the complainant to

7 reasonably believe it to be a dangerous weapon and used or

8 threatened to use the weapon or article to cause the complainant

9 to submit;

10 (6) the offense involved sexual penetration or sexual

11 contact with more than one victim; or

12 (7) the offense involved more than one perpetrator engaging

13 in sexual penetration or sexual contact with the complainant.

14 The fact finder may not consider a circumstance described

15 in clauses (1) to (7), if it is an element of the underlying

16 specified violation of subdivision 1.

17 When sentencing an offender under this paragraph, the court

18 shall specify a minimum term of imprisonment, based on the

19 sentencing guidelines or any applicable mandatory minimum

20 sentence, that must be served before the offender may be

21 considered for supervised release.

22 (c) As used in this subdivision:

23 (1) "extreme inhumane conditions" means situations where,

24 either before or after the sexual penetration, the offender

25 knowingly causes or permits the complainant to be placed in a

26 situation likely to cause the complainant severe ongoing mental,

27 emotional, or psychological harm, or causes the complainant's

28 death;

29 (2) "mutilation" means the intentional infliction of

30 physical abuse designed to cause serious permanent disfigurement

31 or permanent or protracted loss or impairment of the functions

32 of any bodily member or organ, where the offender relishes the

33 infliction of the abuse, evidencing debasement or perversion;

34 and

35 (3) "torture" means the intentional infliction of extreme

36 mental anguish, or extreme psychological or physical abuse, when

1 committed in an especially depraved manner.

2 (d) In addition to the sentence imposed under paragraph (a)  
3 or (b), the person may also be sentenced to the payment of a  
4 fine of not more than \$35,000.

5 (e) Notwithstanding the statutory maximum sentence  
6 described in paragraph (a) or (b), the person is also subject to  
7 conditional release as provided in section 609.3455.

8 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
9 and applies to crimes committed on or after that date.

10 Sec. 14. Minnesota Statutes 2004, section 609.343,  
11 subdivision 3, is amended to read:

12 Subd. 3. [STAY.] Except when imprisonment is required  
13 under section 609.109 or 609.3455, if a person is convicted  
14 under subdivision 1, clause (g), the court may stay imposition  
15 or execution of the sentence if it finds that:

16 (a) a stay is in the best interest of the complainant or  
17 the family unit; and

18 (b) a professional assessment indicates that the offender  
19 has been accepted by and can respond to a treatment program.

20 If the court stays imposition or execution of sentence, it  
21 shall include the following as conditions of probation:

22 (1) incarceration in a local jail or workhouse;

23 (2) a requirement that the offender complete a treatment  
24 program; and

25 (3) a requirement that the offender have no unsupervised  
26 contact with the complainant until the offender has successfully  
27 completed the treatment program unless approved by the treatment  
28 program and the supervising correctional agent.

29 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
30 and applies to crimes committed on or after that date.

31 Sec. 15. Minnesota Statutes 2004, section 609.344,  
32 subdivision 2, is amended to read:

33 Subd. 2. [PENALTY.] Except as otherwise provided in  
34 section 609.3455, a person convicted under subdivision 1 may be  
35 sentenced to imprisonment for not more than 15 years or to a  
36 payment of a fine of not more than \$30,000, or

1 both. Notwithstanding this statutory maximum sentence, the  
2 person is also subject to conditional release as provided in  
3 section 609.3455.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
5 and applies to crimes committed on or after that date.

6 Sec. 16. Minnesota Statutes 2004, section 609.344,  
7 subdivision 3, is amended to read:

8 Subd. 3. [STAY.] Except when imprisonment is required  
9 under section 609.109 or 609.3455, if a person is convicted  
10 under subdivision 1, clause (f), the court may stay imposition  
11 or execution of the sentence if it finds that:

12 (a) a stay is in the best interest of the complainant or  
13 the family unit; and

14 (b) a professional assessment indicates that the offender  
15 has been accepted by and can respond to a treatment program.

16 If the court stays imposition or execution of sentence, it  
17 shall include the following as conditions of probation:

18 (1) incarceration in a local jail or workhouse;

19 (2) a requirement that the offender complete a treatment  
20 program; and

21 (3) a requirement that the offender have no unsupervised  
22 contact with the complainant until the offender has successfully  
23 completed the treatment program unless approved by the treatment  
24 program and the supervising correctional agent.

25 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
26 and applies to crimes committed on or after that date.

27 Sec. 17. Minnesota Statutes 2004, section 609.345,  
28 subdivision 2, is amended to read:

29 Subd. 2. [PENALTY.] Except as otherwise provided in  
30 section 609.3455, a person convicted under subdivision 1 may be  
31 sentenced to imprisonment for not more than ten years or to a  
32 payment of a fine of not more than \$20,000, or  
33 both. Notwithstanding this statutory maximum sentence, the  
34 person is also subject to conditional release as provided in  
35 section 609.3455.

36 [EFFECTIVE DATE.] This section is effective August 1, 2005,

1 and applies to crimes committed on or after that date.

2 Sec. 18. Minnesota Statutes 2004, section 609.345,  
3 subdivision 3, is amended to read:

4 Subd. 3. [STAY.] Except when imprisonment is required  
5 under section 609.109 or 609.3455, if a person is convicted  
6 under subdivision 1, clause (f), the court may stay imposition  
7 or execution of the sentence if it finds that:

8 (a) a stay is in the best interest of the complainant or  
9 the family unit; and

10 (b) a professional assessment indicates that the offender  
11 has been accepted by and can respond to a treatment program.

12 If the court stays imposition or execution of sentence, it  
13 shall include the following as conditions of probation:

14 (1) incarceration in a local jail or workhouse;

15 (2) a requirement that the offender complete a treatment  
16 program; and

17 (3) a requirement that the offender have no unsupervised  
18 contact with the complainant until the offender has successfully  
19 completed the treatment program unless approved by the treatment  
20 program and the supervising correctional agent.

21 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
22 and applies to crimes committed on or after that date.

23 Sec. 19. [609.3453] [CRIMINAL SEXUAL PREDATORY CONDUCT.]

24 Subdivision 1. [CRIME DEFINED.] A person is guilty of  
25 criminal sexual predatory conduct if the person commits a  
26 predatory crime that was motivated by the offender's sexual  
27 impulses or was part of a predatory pattern of behavior that had  
28 criminal sexual conduct as its goal.

29 Subd. 2. [PENALTY.] (a) Except as provided in section  
30 609.3455, the statutory maximum sentence for a violation of  
31 subdivision 1 is: (1) 25 percent longer than for the underlying  
32 predatory crime; or (2) 50 percent longer than for the  
33 underlying predatory crime, if the violation is committed by a  
34 person with a previous sex offense conviction, as defined in  
35 section 609.3455, subdivision 1.

36 (b) In addition to the sentence imposed under paragraph

1 (a), the person may also be sentenced to the payment of a fine  
2 of not more than \$20,000.

3 (c) Notwithstanding the statutory maximum sentence  
4 described in paragraph (a), the person is also subject to  
5 conditional release as provided in section 609.3455.

6 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
7 and applies to crimes committed on or after that date.

8 Sec. 20. [609.3455] [DANGEROUS SEX OFFENDERS; LIFE  
9 SENTENCES; CONDITIONAL RELEASE.]

10 Subdivision 1. [DEFINITIONS.] (a) As used in this section,  
11 the following terms have the meanings given.

12 (b) "Conviction" includes a conviction as an extended  
13 jurisdiction juvenile under section 260B.130 for a violation of,  
14 or an attempt to violate, section 609.342, 609.343, 609.344, or  
15 609.3453.

16 (c) A conviction is considered a "previous sex offense  
17 conviction" if the offender was convicted and sentenced for a  
18 sex offense before the commission of the present offense.

19 (d) A conviction is considered a "prior sex offense  
20 conviction" if the offender was convicted of committing a sex  
21 offense before the offender has been convicted of the present  
22 offense, regardless of whether the offender was convicted for  
23 the first offense before the commission of the present offense,  
24 and the convictions involved separate behavioral incidents.

25 (e) "Sex offense" means any violation of, or attempt to  
26 violate, section 609.342, 609.343, 609.344, 609.345, 609.3451,  
27 609.3453, or any similar statute of the United States, this  
28 state, or any other state.

29 (f) An offender has "two previous sex offense convictions"  
30 only if the offender was convicted and sentenced for a sex  
31 offense committed after the offender was earlier convicted and  
32 sentenced for a sex offense and both convictions preceded the  
33 commission of the present offense of conviction.

34 Subd. 2. [MANDATORY LIFE SENTENCE.] (a) Notwithstanding  
35 the statutory maximum penalty otherwise applicable to the  
36 offense, the court shall sentence an offender to imprisonment

1 for life if the offender is convicted of violating section

2 609.342, 609.343, 609.344, 609.345, or 609.3453 if:

3 (1) the offender has two previous sex offense convictions;

4 (2) the offender has a previous sex offense conviction and:

5 (i) the present offense involved an aggravating factor that

6 would provide grounds for an upward departure under the

7 sentencing guidelines other than the aggravating factor

8 applicable to repeat criminal sexual conduct convictions;

9 (ii) the offender received an upward departure from the

10 sentencing guidelines for the previous sex offense conviction;

11 or

12 (iii) the offender was sentenced under section 609.108 for

13 the previous sex offense conviction; or

14 (3) the offender has two prior sex offense convictions, the

15 prior convictions and present offense involved at least three

16 separate victims, and:

17 (i) the present offense involved an aggravating factor that

18 would provide grounds for an upward departure under the

19 sentencing guidelines other than the aggravating factor

20 applicable to repeat criminal sexual conduct convictions;

21 (ii) the offender received an upward departure from the

22 sentencing guidelines for one of the prior sex offense

23 convictions; or

24 (iii) the offender was sentenced under section 609.108 for

25 one of the prior sex offense convictions.

26 (b) Notwithstanding paragraph (a), a court may not sentence

27 an offender to imprisonment for life under that paragraph for a

28 violation of section 609.345, unless the offender's previous or

29 prior sex offense convictions that are being used as the basis

30 for the sentence are for violations of section 609.342, 609.343,

31 609.344, 609.3453, or any similar statute of the United States,

32 this state, or any other state.

33 Subd. 3. [LIFE SENTENCES; MINIMUM TERM OF

34 IMPRISONMENT.] At the time of sentencing under subdivision 2,

35 the court shall specify a minimum term of imprisonment, based on

36 the sentencing guidelines or any applicable mandatory minimum

1 sentence, that must be served before the offender may be  
2 considered for supervised release.

3 Subd. 4. [MANDATORY TEN-YEAR CONDITIONAL RELEASE TERM.]  
4 Notwithstanding the statutory maximum sentence otherwise  
5 applicable to the offense and unless a longer conditional  
6 release term is required in subdivision 5, when a court commits  
7 an offender to the custody of the commissioner of corrections  
8 for a violation of section 609.342, 609.343, 609.344, 609.345,  
9 or 609.3453, the court shall provide that, after the offender  
10 has completed the sentence imposed, the commissioner shall place  
11 the offender on conditional release for ten years, minus the  
12 time the offender served on supervised release.

13 Subd. 5. [MANDATORY LIFETIME CONDITIONAL RELEASE TERM.] (a)  
14 When a court sentences an offender under subdivision 2 or  
15 section 609.342, subdivision 2, paragraph (b); or 609.343,  
16 subdivision 2, paragraph (b), the court shall provide that, if  
17 the offender is released from prison, the commissioner of  
18 corrections shall place the offender on conditional release for  
19 the remainder of the offender's life.

20 (b) Notwithstanding the statutory maximum sentence  
21 otherwise applicable to the offense, when the court commits an  
22 offender to the custody of the commissioner of corrections for a  
23 violation of section 609.342, 609.343, 609.344, 609.345, or  
24 609.3453, and the offender has a previous or prior sex offense  
25 conviction, the court shall provide that, after the offender has  
26 completed the sentence imposed, the commissioner shall place the  
27 offender on conditional release for the remainder of the  
28 offender's life.

29 (c) Notwithstanding paragraph (b), an offender may not be  
30 placed on lifetime conditional release under that paragraph for  
31 a violation of section 609.345, unless the offender's previous  
32 or prior sex offense conviction that is being used as the basis  
33 for the placement is for a violation of section 609.342,  
34 609.343, 609.344, 609.3453, or any similar statute of the United  
35 States, this state, or any other state.

36 Subd. 6. [TERMS OF CONDITIONAL RELEASE; APPLICABLE TO ALL

1 SEX OFFENDERS.] (a) The provisions of this subdivision apply to  
 2 all sex offenders placed on conditional release. Except as  
 3 provided in this subdivision, conditional release of sex  
 4 offenders is governed by provisions relating to supervised  
 5 release. The commissioner of corrections may not dismiss an  
 6 offender on conditional release from supervision until the  
 7 offender's conditional release term expires.

8 (b) The conditions of release may include successful  
 9 completion of treatment and aftercare in a program approved by  
 10 the commissioner, satisfaction of the release conditions  
 11 specified in section 244.05, subdivision 6, and any other  
 12 conditions the commissioner considers appropriate. Before the  
 13 offender is released, the commissioner shall notify the  
 14 sentencing court, the prosecutor in the jurisdiction where the  
 15 offender was sentenced, and the victim of the offender's crime,  
 16 where available, of the terms of the offender's conditional  
 17 release. If the offender fails to meet any condition of  
 18 release, the commissioner may revoke the offender's conditional  
 19 release and order that the offender serve all or a part of the  
 20 remaining portion of the conditional release term in prison.

21 [EFFECTIVE DATE.] This section is effective August 1, 2005.  
 22 and applies to crimes committed on or after that date.

23 Sec. 21. [REPEALER.]

24 Minnesota Statutes 2004, sections 609.108, subdivision 2;  
 25 and 609.109, subdivision 7, are repealed.

26 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
 27 and applies to crimes committed on or after that date.

28 ARTICLE 3

29 SEX OFFENDERS: PREDATORY OFFENDER REGISTRATION;  
 30 COMMUNITY NOTIFICATION; NONSENTENCING CHANGES

31 Section 1. Minnesota Statutes 2004, section 243.166, is  
 32 amended to read:

33 243.166 [REGISTRATION OF PREDATORY OFFENDERS.]

34 ~~Subdivision 1.---[REGISTRATION-REQUIRED.]--(a)--A person shall~~  
 35 ~~register under this section if:~~

36 ~~{1}--the person was charged with or petitioned for a felony~~

1 violation-of-or-attempt-to-violate-any-of-the-following,-and  
2 convicted-of-or-adjudicated-delinquent-for-that-offense-or  
3 another-offense-arising-out-of-the-same-set-of-circumstances:  
4 (i)-murder-under-section-609-185,-clause-(2)-or  
5 (ii)-kidnapping-under-section-609-25,-or  
6 (iii)-criminal-sexual-conduct-under-section-609-342-  
7 609-343,-609-344,-609-345,-or-609-3451,-subdivision-3,-or  
8 (iv)-indecent-exposure-under-section-617-23,-subdivision-3-  
9 or  
10 (2)-the-person-was-charged-with-or-petitioned-for-falsely  
11 imprisoning-a-minor-in-violation-of-section-609-255,-subdivision  
12 2,-soliciting-a-minor-to-engage-in-prostitution-in-violation-of  
13 section-609-322-or-609-324,-soliciting-a-minor-to-engage-in  
14 sexual-conduct-in-violation-of-section-609-352,-using-a-minor-in  
15 a-sexual-performance-in-violation-of-section-617-246,-or  
16 possessing-pornographic-work-involving-a-minor-in-violation-of  
17 section-617-247,-and-convicted-of-or-adjudicated-delinquent-for  
18 that-offense-or-another-offense-arising-out-of-the-same-set-of  
19 circumstances,-or  
20 (3)-the-person-was-convicted-of-a-predatory-crime-as  
21 defined-in-section-609-108,-and-the-offender-was-sentenced-as-a  
22 patterned-sex-offender-or-the-court-found-on-its-own-motion-or  
23 that-of-the-prosecutor-that-the-crime-was-part-of-a-predatory  
24 pattern-of-behavior-that-had-criminal-sexual-conduct-as-its  
25 goal,-or  
26 (4)-the-person-was-convicted-of-or-adjudicated-delinquent  
27 for,-including-pursuant-to-a-court-martial,-violating-a-law-of  
28 the-United-States,-including-the-Uniform-Code-of-Military  
29 Justice,-similar-to-the-offenses-described-in-clause-(1)-,-(2)-,  
30 or-(3)-  
31 (b)-A-person-also-shall-register-under-this-section-if:  
32 (1)-the-person-was-convicted-of-or-adjudicated-delinquent  
33 in-another-state-for-an-offense-that-would-be-a-violation-of-a  
34 law-described-in-paragraph-(a)-if-committed-in-this-state,  
35 (2)-the-person-enters-the-state-to-reside,-or-to-work-or  
36 attend-school,-and

1           (3)-ten-years-have-not-elapsed-since-the-person-was  
2 released-from-confinement-or,-if-the-person-was-not-confined,  
3 since-the-person-was-convicted-of-or-adjudicated-delinquent-for  
4 the-offense-that-triggers-registration,-unless-the-person-is  
5 subject-to-lifetime-registration,-in-which-case-the-person-must  
6 register-for-life-regardless-of-when-the-person-was-released  
7 from-confinement,-convicted,-or-adjudicated-delinquent.

8 For-purposes-of-this-paragraph:

9           (i)-"school"-includes-any-public-or-private-educational  
10 institution,-including-any-secondary-school,-trade-or  
11 professional-institution,-or-institution-of-higher-education,  
12 that-the-person-is-enrolled-in-on-a-full-time-or-part-time  
13 basis,-and

14           (ii)-"work"-includes-employment-that-is-full-time-or-part  
15 time-for-a-period-of-time-exceeding-14-days-or-for-an-aggregate  
16 period-of-time-exceeding-30-days-during-any-calendar-year,  
17 whether-financially-compensated,-volunteered,-or-for-the-purpose  
18 of-government-or-educational-benefit.

19           (c)-A-person-also-shall-register-under-this-section-if-the  
20 person-was-committed-pursuant-to-a-court-commitment-order-under  
21 section-253B.185-or-Minnesota-Statutes-1992,-section-526.10,-or  
22 a-similar-law-of-another-state-or-the-United-States,-regardless  
23 of-whether-the-person-was-convicted-of-any-offense.

24           (d)-A-person-also-shall-register-under-this-section-if:

25           (1)-the-person-was-charged-with-or-petitioned-for-a-felony  
26 violation-or-attempt-to-violate-any-of-the-offenses-listed-in  
27 paragraph-(a),-clause-(1),-or-a-similar-law-of-another-state-or  
28 the-United-States,-or-the-person-was-charged-with-or-petitioned  
29 for-a-violation-of-any-of-the-offenses-listed-in-paragraph-(a),  
30 clause-(2),-or-a-similar-law-of-another-state-or-the-United  
31 States,

32           (2)-the-person-was-found-not-guilty-by-reason-of-mental  
33 illness-or-mental-deficiency-after-a-trial-for-that-offense,-or  
34 found-guilty-but-mentally-ill-after-a-trial-for-that-offense,-in  
35 states-with-a-guilty-but-mentally-ill-verdict,-and

36           (3)-the-person-was-committed-pursuant-to-a-court-commitment

1 ~~order under section 253B-18 or a similar law of another state or~~  
2 ~~the United States.~~

3 Subd. 1a. [DEFINITIONS.] (a) As used in this section,  
4 unless the context clearly indicates otherwise, the following  
5 terms have the meanings given them.

6 (b) "Bureau" means the Bureau of Criminal Apprehension.

7 (c) "Dwelling" means the building where the person lives  
8 under a formal or informal agreement to do so.

9 (d) "Incarceration" and "confinement" do not include  
10 electronic home monitoring.

11 (e) "Law enforcement authority" or "authority" means, with  
12 respect to a home rule charter or statutory city, the chief of  
13 police, and with respect to an unincorporated area, the county  
14 sheriff.

15 (f) "Motor vehicle" has the meaning given for "vehicle" in  
16 section 169.01, subdivision 2.

17 (g) "Primary address" means the mailing address of the  
18 person's dwelling. If the mailing address is different from the  
19 actual location of the dwelling, "primary address" also includes  
20 the physical location of the dwelling described with as much  
21 specificity as possible.

22 (h) "School" includes any public or private educational  
23 institution, including any secondary school, trade, or  
24 professional institution, or institution of higher education,  
25 that the person is enrolled in on a full-time basis or part-time  
26 basis.

27 (i) "Secondary address" means the mailing address of any  
28 place where the person regularly or occasionally stays overnight  
29 when not staying at the person's primary address. If the  
30 mailing address is different from the actual location of the  
31 place, "secondary address" also includes the physical location  
32 of the place described with as much specificity as possible.

33 (j) "Treatment facility" means a residential facility, as  
34 defined in section 244.052, subdivision 1, and residential  
35 chemical dependency treatment programs and halfway houses  
36 licensed under chapter 245A, including, but not limited to,

1 those facilities directly or indirectly assisted by any  
2 department or agency of the United States.

3 (k) "Work" includes employment that is full time or part  
4 time for a period of time exceeding 14 days or for an aggregate  
5 period of time exceeding 30 days during any calendar year,  
6 whether financially compensated, volunteered, or for the purpose  
7 of government or educational benefit.

8 Subd. 1b. [REGISTRATION REQUIRED.] (a) A person shall  
9 register under this section if:

10 (1) the person was charged with or petitioned for a felony  
11 violation of or attempt to violate, or aiding, abetting, or  
12 conspiracy to commit, any of the following, and convicted of or  
13 adjudicated delinquent for that offense or another offense  
14 arising out of the same set of circumstances:

15 (i) murder under section 609.185, paragraph (a), clause  
16 (2); or

17 (ii) kidnapping under section 609.25; or

18 (iii) criminal sexual conduct under section 609.342;  
19 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453;  
20 or

21 (iv) indecent exposure under section 617.23, subdivision 3;

22 (2) the person was charged with or petitioned for a  
23 violation of or attempt to violate, or aiding, abetting, or  
24 conspiracy to commit false imprisonment in violation of section  
25 609.255, subdivision 2; soliciting a minor to engage in  
26 prostitution in violation of section 609.322 or 609.324;  
27 soliciting a minor to engage in sexual conduct in violation of  
28 section 609.352; using a minor in a sexual performance in  
29 violation of section 617.246; or possessing pornographic work  
30 involving a minor in violation of section 617.247, and convicted  
31 of or adjudicated delinquent for that offense or another offense  
32 arising out of the same set of circumstances;

33 (3) the person was sentenced as a patterned sex offender  
34 under section 609.108; or

35 (4) the person was convicted of or adjudicated delinquent  
36 for, including pursuant to a court martial, violating a law of

1 the United States, including the Uniform Code of Military  
2 Justice, similar to the offenses described in clause (1), (2),  
3 or (3).

4 (b) A person also shall register under this section if:

5 (1) the person was convicted of or adjudicated delinquent  
6 in another state for an offense that would be a violation of a  
7 law described in paragraph (a) if committed in this state;

8 (2) the person enters the state to reside, work, or attend  
9 school, or enters the state and remains for 14 days or longer;  
10 and

11 (3) ten years have not elapsed since the person was  
12 released from confinement or, if the person was not confined,  
13 since the person was convicted of or adjudicated delinquent for  
14 the offense that triggers registration, unless the person is  
15 subject to lifetime registration, in which case the person shall  
16 register for life regardless of when the person was released  
17 from confinement, convicted, or adjudicated delinquent.

18 A person described in this paragraph shall register with  
19 the bureau within five days after the registration requirement  
20 becomes applicable.

21 (c) A person also shall register under this section if the  
22 person was committed pursuant to a court commitment order under  
23 section 253B.185 or Minnesota Statutes 1992, section 526.10, or  
24 a similar law of another state or the United States, regardless  
25 of whether the person was convicted of any offense.

26 (d) A person also shall register under this section if:

27 (1) the person was charged with or petitioned for a felony  
28 violation or attempt to violate any of the offenses listed in  
29 paragraph (a), clause (1), or a similar law of another state or  
30 the United States, or the person was charged with or petitioned  
31 for a violation of any of the offenses listed in paragraph (a),  
32 clause (2), or a similar law of another state or the United  
33 States;

34 (2) the person was found not guilty by reason of mental  
35 illness or mental deficiency after a trial for that offense, or  
36 found guilty but mentally ill after a trial for that offense, in

1 states with a guilty but mentally ill verdict; and

2 (3) the person was committed pursuant to a court commitment  
3 order under section 253B.18 or a similar law of another state or  
4 the United States.

5 Subd. 2. [NOTICE.] When a person who is required to  
6 register under subdivision 1b, paragraph (a), is sentenced or  
7 becomes subject to a juvenile court disposition order, the court  
8 shall tell the person of the duty to register under this section  
9 and that, if the person fails to comply with the registration  
10 requirements, information about the offender may be made  
11 available to the public through electronic, computerized, or  
12 other accessible means. The court may not modify the person's  
13 duty to register in the pronounced sentence or disposition  
14 order. The court shall require the person to read and sign a  
15 form stating that the duty of the person to register under this  
16 section has been explained. The court shall forward the signed  
17 sex offender registration form, the complaint, and sentencing  
18 documents to the bureau of ~~Criminal~~-Apprehension. If a person  
19 required to register under subdivision 1b, paragraph (a), was  
20 not notified by the court of the registration requirement at the  
21 time of sentencing or disposition, the assigned corrections  
22 agent shall notify the person of the requirements of this  
23 section. When a person who is required to register under  
24 subdivision 1b, paragraph (c) or (d), is released from  
25 commitment, the treatment facility shall notify the person of  
26 the requirements of this section. The treatment facility shall  
27 also obtain the registration information required under this  
28 section and forward it to the bureau of ~~Criminal~~-Apprehension.

29 Subd. 3. [REGISTRATION PROCEDURE.] (a) Except as provided  
30 in subdivision 3a, a person required to register under this  
31 section shall register with the corrections agent as soon as the  
32 agent is assigned to the person. If the person does not have an  
33 assigned corrections agent or is unable to locate the assigned  
34 corrections agent, the person shall register with the law  
35 enforcement agency authority that has jurisdiction in the area  
36 of the person's residence primary address.

1           (b) Except as provided in subdivision 3a, at least five  
2 days before the person starts living at a new primary address,  
3 including living in another state, the person shall give written  
4 notice of the new primary ~~living~~ address to the assigned  
5 corrections agent or to the law enforcement authority with which  
6 the person currently is registered. If the person will be  
7 living in a new state and that state has a registration  
8 requirement, the person shall also give written notice of the  
9 new address to the designated registration agency in the new  
10 state. A person required to register under this section shall  
11 also give written notice to the assigned corrections agent or to  
12 the law enforcement authority that has jurisdiction in the area  
13 of the person's residence primary address that the person is no  
14 longer living or staying at an address, immediately after the  
15 person is no longer living or staying at that address. The  
16 corrections agent or law enforcement authority shall, within two  
17 business days after receipt of this information, forward it to  
18 the bureau ~~of-Criminal-Apprehension~~. The bureau ~~of-Criminal~~  
19 ~~Apprehension~~ shall, if it has not already been done, notify the  
20 law enforcement authority having primary jurisdiction in the  
21 community where the person will live of the new address. If the  
22 person is leaving the state, the bureau ~~of-Criminal-Apprehension~~  
23 shall notify the registration authority in the new state of the  
24 new address. ~~If-the-person's-obligation-to-register-arose-under~~  
25 ~~subdivision-17-paragraph-(b),~~ The person's registration  
26 requirements under this section terminate when after the person  
27 begins living in the new state and the bureau has confirmed the  
28 address in the other state through the annual verification  
29 process on at least one occasion.

30           (c) A person required to register under subdivision ~~±~~ 1b,  
31 paragraph (b), because the person is working or attending school  
32 in Minnesota shall register with the law enforcement  
33 agency authority that has jurisdiction in the area where the  
34 person works or attends school. In addition to other  
35 information required by this section, the person shall provide  
36 the address of the school or of the location where the person is

1 employed. A person ~~must~~ shall comply with this paragraph within  
2 five days of beginning employment or school. A person's  
3 obligation to register under this paragraph terminates when the  
4 person is no longer working or attending school in Minnesota.

5 (d) A person required to register under this section who  
6 works or attends school outside of Minnesota shall register as a  
7 predatory offender in the state where the person works or  
8 attends school. The person's corrections agent, or if the  
9 person does not have an assigned corrections agent, the law  
10 enforcement authority that has jurisdiction in the area of the  
11 person's ~~residence~~ primary address shall notify the person of  
12 this requirement.

13 Subd. 3a. [REGISTRATION PROCEDURE WHEN PERSON LACKS  
14 PRIMARY ADDRESS.] (a) If a person leaves a primary address and  
15 does not have a new primary address, the person shall register  
16 with the law enforcement authority that has jurisdiction in the  
17 area where the person is staying within 24 hours of the time the  
18 person no longer has a primary address.

19 (b) A person who lacks a primary address shall register  
20 with the law enforcement authority that has jurisdiction in the  
21 area where the person is staying within 24 hours after entering  
22 the jurisdiction. Each time a person who lacks a primary  
23 address moves to a new jurisdiction without acquiring a new  
24 primary address, the person shall register with the law  
25 enforcement authority that has jurisdiction in the area where  
26 the person is staying within 24 hours after entering the  
27 jurisdiction.

28 (c) Upon registering under this subdivision, the person  
29 shall provide the law enforcement authority with all of the  
30 information the individual is required to provide under  
31 subdivision 4a. However, instead of reporting the person's  
32 primary address, the person shall describe the location of where  
33 the person is staying with as much specificity as possible.

34 (d) Except as otherwise provided in paragraph (e), if a  
5 person continues to lack a primary address, the person shall  
36 report in person on a weekly basis to the law enforcement

1 authority with jurisdiction in the area where the person is  
2 staying. This weekly report shall occur between the hours of  
3 9:00 a.m. and 5:00 p.m. The person is not required to provide  
4 the registration information required under subdivision 4a each  
5 time the offender reports to an authority, but the person shall  
6 inform the authority of changes to any information provided  
7 under subdivision 4a or this subdivision and shall otherwise  
8 comply with this subdivision.

9 (e) If the law enforcement authority determines that it is  
10 impractical, due to the person's unique circumstances, to  
11 require a person lacking a primary address to report weekly and  
12 in person as required under paragraph (d), the authority may  
13 authorize the person to follow an alternative reporting  
14 procedure. The authority shall consult with the person's  
15 corrections agent, if the person has one, in establishing the  
16 specific criteria of this alternative procedure, subject to the  
17 following requirements:

18 (1) The authority shall document, in the person's  
19 registration record, the specific reasons why the weekly  
20 in-person reporting process is impractical for the person to  
21 follow.

22 (2) The authority shall explain how the alternative  
23 reporting procedure furthers the public safety objectives of  
24 this section.

25 (3) The authority shall require the person lacking a  
26 primary address to report in person at least monthly to the  
27 authority or the person's corrections agent and shall specify  
28 the location where the person shall report. If the authority  
29 determines it would be more practical and would further public  
30 safety for the person to report to another law enforcement  
31 authority with jurisdiction where the person is staying, it may,  
32 after consulting with the other law enforcement authority,  
33 include this requirement in the person's alternative reporting  
34 process.

35 (4) The authority shall require the person to comply with  
36 the weekly, in-person reporting process required under paragraph

1 (d), if the person moves to a new area where this process would  
2 be practical.

3 (5) The authority shall require the person to report any  
4 changes to the registration information provided under  
5 subdivision 4a and to comply with the periodic registration  
6 requirements specified under paragraph (f).

7 (6) The authority shall require the person to comply with  
8 the requirements of subdivision 3, paragraphs (b) and (c), if  
9 the person moves to a primary address.

10 (f) If a person continues to lack a primary address and  
11 continues to report to the same law enforcement authority, the  
12 person shall provide the authority with all of the information  
13 the individual is required to provide under subdivision 4a and  
14 this subdivision at least annually, unless the person is  
15 required to register under subdivision 1b, paragraph (c),  
16 following commitment pursuant to a court commitment under  
17 section 253B.185 or a similar law of another state or the United  
18 States. If the person is required to register under subdivision  
19 1b, paragraph (c), the person shall provide the law enforcement  
20 authority with all of the information the individual is required  
21 to report under subdivision 4a and this subdivision at least  
22 once every three months.

23 (g) A law enforcement authority receiving information under  
24 this subdivision shall forward registration information and  
25 changes to that information to the bureau within two business  
26 days of receipt of the information.

27 (h) For purposes of this subdivision, a person who fails to  
28 report a primary address will be deemed to be a person who lacks  
29 a primary address, and the person shall comply with the  
30 requirements for a person who lacks a primary address.

31 Subd. 4. [CONTENTS OF REGISTRATION.] (a) The registration  
32 provided to the corrections agent or law enforcement authority,  
33 must consist of a statement in writing signed by the person,  
34 giving information required by the bureau ~~of-Criminal~~  
35 ~~Apprehension~~, a fingerprint card, and photograph of the person  
36 taken at the time of the person's release from incarceration or,

1 if the person was not incarcerated, at the time the person  
2 initially registered under this section. The registration  
3 information also must include a written consent form signed by  
4 the person allowing a treatment facility or residential housing  
5 unit or shelter to release information to a law enforcement  
6 officer about the person's admission to, or residence in, a  
7 treatment facility or residential housing unit or shelter.  
8 Registration information on adults and juveniles may be  
9 maintained together notwithstanding section 260B.171,  
10 subdivision 3.

11 (b) For persons required to register under subdivision ~~1~~  
12 1b, paragraph (c), following commitment pursuant to a court  
13 commitment under section 253B.185 or a similar law of another  
14 state or the United States, in addition to other information  
15 required by this section, the registration provided to the  
16 corrections agent or law enforcement authority must include the  
17 person's offense history and documentation of treatment received  
18 during the person's commitment. This documentation ~~shall be~~ is  
19 limited to a statement of how far the person progressed in  
20 treatment during commitment.

21 (c) Within three days of receipt, the corrections agent or  
22 law enforcement authority shall forward the registration  
23 information to the bureau ~~of Criminal Apprehension~~. The bureau  
24 shall ascertain whether the person has registered with the law  
25 enforcement authority ~~where the person resides~~ in the area of  
26 the person's primary address, if any, or if the person lacks a  
27 primary address, where the person is staying, as required by  
28 subdivision 3a. If the person has not registered with the law  
29 enforcement authority, the bureau shall send one copy to that  
30 authority.

31 (d) The corrections agent or law enforcement authority may  
32 require that a person required to register under this section  
33 appear before the agent or authority to be photographed. The  
34 agent or authority shall require a person required to register  
35 under this section who is classified as a risk level III  
36 offender under section 244.052 to appear before the agent or

1 authority at least every six months to be photographed. The  
2 agent or authority shall forward the photograph to the bureau of  
3 ~~Criminal-Apprehension~~.

4 (e) During the period a person is required to register  
5 under this section, the following ~~shall~~ provisions apply:

6 (1) Except for persons registering under subdivision 3a,  
7 ~~the bureau of-Criminal-Apprehension~~ shall mail a verification  
8 form to the ~~last-reported-address-of-the~~ person's residence last  
9 reported primary address. This verification form ~~shall~~ must  
10 provide notice to the offender that, if the offender does not  
11 return the verification form as required, information about the  
12 offender may be made available to the public through electronic,  
13 computerized, or other accessible means. For persons who are  
14 registered under subdivision 3a, the bureau shall mail an annual  
15 verification form to the law enforcement authority where the  
16 offender most recently reported. The authority shall provide  
17 the verification form to the person at the next weekly meeting  
18 and ensure that the person completes and signs the form and  
19 returns it to the bureau.

20 (2) The person shall mail the signed verification form back  
21 to the ~~bureau of-Criminal-Apprehension~~ within ten days after  
22 receipt of the form, stating on the form the current and last  
23 address of the person's residence and the other information  
24 required under subdivision 4a.

25 (3) In addition to the requirements listed in this section,  
26 a person who, under section 244.052, is assigned to risk level  
27 II or risk level III, and who is no longer under correctional  
28 supervision, shall have an annual in-person contact with the law  
29 enforcement authority in the area of the person's primary  
30 address or, if the person has no primary address, where the  
31 person is staying. During the month of the person's birth date,  
32 the person shall report to the authority to verify the accuracy  
33 of the registration information and to be photographed. Within  
34 three days of this contact, the authority shall enter  
35 information as required by the bureau into the predatory  
36 offender registration database and submit an updated photograph

1 of the person to the bureau's predatory offender registration  
2 unit. The authority may waive the photograph requirement for a  
3 person assigned to risk level III who has recently been  
4 photographed under paragraph (d).

5 (4) If the person fails to mail the completed and signed  
6 verification form to the bureau ~~of Criminal Apprehension~~ within  
7 ten days after receipt of the form, or if the person fails to  
8 report to the law enforcement authority during the month of the  
9 person's birth date, the person shall-be is in violation of this  
10 section.

11 For persons required to register under subdivision ~~1~~ 1b,  
12 paragraph (c), following commitment pursuant to a court  
13 commitment under section 253B.185 or a similar law of another  
14 state or the United States, the bureau shall comply with clause  
15 (1) at least four times each year. For persons who under  
16 section 244.052 are assigned to risk level III and who are no  
17 longer under correctional supervision, the bureau shall comply  
18 with clause (1) at least two times each year. For all other  
19 persons required to register under this section, the bureau  
20 shall comply with clause (1) each year within 30 days of the  
21 anniversary date of the person's initial registration.

22 (f) When sending out a verification form, the bureau ~~of~~  
23 ~~Criminal Apprehension-must~~ shall determine whether the person to  
24 whom the verification form is being sent has signed a written  
25 consent form as provided for in paragraph (a). If the person  
26 has not signed such a consent form, the bureau ~~of Criminal~~  
27 ~~Apprehension-must~~ shall send a written consent form to the  
28 person along with the verification form. A person who receives  
29 this written consent form ~~must~~ shall sign and return it to the  
30 bureau ~~of Criminal Apprehension~~ at the same time as the  
31 verification form.

32 ~~(g)-For-the-purposes-of-this-subdivision, "treatment~~  
33 ~~facility" means a residential facility, as defined in section~~  
34 ~~244.052, subdivision 1, and residential chemical dependency~~  
35 ~~treatment programs and halfway houses licensed under chapter~~  
36 ~~245A, including, but not limited to, those facilities directly~~

1 ~~or indirectly assisted by any department or agency of the United~~  
2 ~~States.~~

3 Subd. 4a. [INFORMATION REQUIRED TO BE PROVIDED.] (a) As  
4 ~~used in this section:~~

5 ~~{1} "motor vehicle" has the meaning given "vehicle" in~~  
6 ~~section 169.017, subdivision 2;~~

7 ~~{2} "primary residence" means any place where the person~~  
8 ~~resides longer than 14 days or that is deemed a primary~~  
9 ~~residence by a person's corrections agent, if one is assigned to~~  
10 ~~the person; and~~

11 ~~{3} "secondary residence" means any place where the person~~  
12 ~~regularly stays overnight when not staying at the person's~~  
13 ~~primary residence, and includes, but is not limited to:~~

14 ~~{i} the person's parent's home if the person is a student~~  
15 ~~and stays at the home at times when the person is not staying at~~  
16 ~~school, including during the summer; and~~

17 ~~{ii} the home of someone with whom the person has a minor~~  
18 ~~child in common where the child's custody is shared.~~

19 ~~{b}~~ A person required to register under this section shall  
20 provide to the corrections agent or law enforcement authority  
21 the following information:

22 (1) ~~the address of the~~ person's primary residence address;

23 (2) ~~the addresses of~~ all of the person's secondary  
24 residences addresses in Minnesota, including all addresses used  
25 for residential or recreational purposes;

26 (3) the addresses of all Minnesota property owned, leased,  
27 or rented by the person;

28 (4) the addresses of all locations where the person is  
29 employed;

30 (5) the addresses of all residences schools where the  
31 person ~~resides while attending school~~ is enrolled; and

32 (6) the year, model, make, license plate number, and color  
33 of all motor vehicles owned or regularly driven by the person.

34 ~~{e}~~ (b) The person shall report to the agent or authority  
35 the information required to be provided under paragraph ~~{b}~~ (a),  
36 clauses (2) to (6), within five days of the date the clause

1 becomes applicable. If because of a change in circumstances any  
2 information reported under paragraph ~~(b)~~ (a), clauses (1) to  
3 (6), no longer applies, the person shall immediately inform the  
4 agent or authority that the information is no longer valid. If  
5 the person leaves a primary address and does not have a new  
6 primary address, the person shall register as provided in  
7 subdivision 3a.

8 Subd. 5. [CRIMINAL PENALTY.] (a) A person required to  
9 register under this section who knowingly violates any of its  
10 provisions or intentionally provides false information to a  
11 corrections agent, law enforcement authority, or the bureau of  
12 ~~Criminal Apprehension~~ is guilty of a felony and may be sentenced  
13 to imprisonment for not more than five years or to payment of a  
14 fine of not more than \$10,000, or both.

15 (b) Except as provided in paragraph (c), a person convicted  
16 of violating paragraph (a) shall be committed to the custody of  
17 the commissioner of corrections for not less than a year and a  
18 day, nor more than five years.

19 (c) A person convicted of violating paragraph (a), who has  
20 previously been convicted of or adjudicated delinquent for  
21 violating this section or a similar law of another state or the  
22 United States, shall be committed to the custody of the  
23 commissioner of corrections for not less than two years, nor  
24 more than five years.

25 (d) Prior to the time of sentencing, the prosecutor may  
26 file a motion to have the person sentenced without regard to the  
27 mandatory minimum sentence established by this subdivision. The  
28 motion ~~shall~~ must be accompanied by a statement on the record of  
29 the reasons for it. When presented with the motion, or on its  
30 own motion, the court may sentence the person without regard to  
31 the mandatory minimum sentence if the court finds substantial  
32 and compelling reasons to do so. Sentencing a person in the  
33 manner described in this paragraph is a departure from the  
34 Sentencing Guidelines.

35 (e) A person convicted and sentenced as required by this  
36 subdivision is not eligible for probation, parole, discharge,

1 work release, or supervised release, until that person has  
2 served the full term of imprisonment as provided by law,  
3 notwithstanding the provisions of sections 241.26, 242.19,  
4 243.05, 244.04, 609.12, and 609.135.

5 Subd. 5a. [TEN-YEAR CONDITIONAL RELEASE FOR VIOLATIONS  
6 COMMITTED BY LEVEL III OFFENDERS.] Notwithstanding the statutory  
7 maximum sentence otherwise applicable to the offense or any  
8 provision of the sentencing guidelines, when a court commits a  
9 person to the custody of the commissioner of corrections for  
10 violating subdivision 5 and, at the time of the violation, the  
11 person was assigned to risk level III under section 244.052, the  
12 court shall provide that after the person has completed the  
13 sentence imposed, the commissioner shall place the person on  
14 conditional release for ten years. The terms of conditional  
15 release are governed by section 609.3455, subdivision 6.

16 Subd. 6. [REGISTRATION PERIOD.] (a) Notwithstanding the  
17 provisions of section 609.165, subdivision 1, and except as  
18 provided in paragraphs (b), (c), and (d), a person required to  
19 register under this section shall continue to comply with this  
20 section until ten years have elapsed since the person initially  
21 registered in connection with the offense, or until the  
22 probation, supervised release, or conditional release period  
23 expires, whichever occurs later. For a person required to  
24 register under this section who is committed under section  
25 253B.18 or 253B.185, the ten-year registration period does not  
26 include the period of commitment.

27 (b) If a person required to register under this section  
28 fails to register following a change in residence the person's  
29 primary or secondary address, employment, school, or motor  
30 vehicle information; fails to report any property the person  
31 owns, leases, or rents; or fails to return the annual  
32 verification form within ten days, the commissioner of public  
33 safety may require the person to continue to register for an  
34 additional period of five years. This five-year period is added  
35 to the end of the offender's registration period.

36 (c) If a person required to register under this section is

1 subsequently incarcerated following a conviction for a new  
2 offense or following a revocation of probation, supervised  
3 release, or conditional release for that any offense,--or-a  
4 conviction-for-any-new-offense, the person shall continue to  
5 register until ten years have elapsed since the person was last  
6 released from incarceration or until the person's probation,  
7 supervised release, or conditional release period expires,  
8 whichever occurs later.

9 (d) A person shall continue to comply with this section for  
10 the life of that person:

11 (1) if the person is convicted of or adjudicated delinquent  
12 for any offense for which registration is required under  
13 subdivision ± 1b, or any offense from another state or any  
14 federal offense similar to the offenses described in subdivision  
15 ± 1b, and the person has a prior conviction or adjudication for  
16 an offense for which registration was or would have been  
17 required under subdivision ± 1b, or an offense from another  
18 state or a federal offense similar to an offense described in  
19 subdivision ± 1b;

20 (2) if the person is required to register based upon a  
21 conviction or delinquency adjudication for an offense under  
22 section 609.185, clause (2), or a similar statute from another  
23 state or the United States;

24 (3) if the person is required to register based upon a  
25 conviction for an offense under section 609.342, subdivision 1,  
26 paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision  
27 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344,  
28 subdivision 1, paragraph (a), (c), or (g); or 609.345,  
29 subdivision 1, paragraph (a), (c), or (g); or a statute from  
30 another state or the United States similar to the offenses  
31 described in this clause; or

32 (4) if the person is required to register under subdivision  
33 ± 1b, paragraph (c), following commitment pursuant to a court  
34 commitment under section 253B.185 or a similar law of another  
35 state or the United States.

36 Subd. 7. [USE OF INFORMATION.] Except as otherwise

1 provided in subdivision 7a or sections 244.052 and 299C.093, the  
2 information provided under this section is private data on  
3 individuals under section 13.02, subdivision 12. The  
4 information may be used only for law enforcement purposes.

5 Subd. 7a. [AVAILABILITY OF INFORMATION ON OFFENDERS WHO  
6 ARE OUT OF COMPLIANCE WITH REGISTRATION LAW.] (a) The bureau of  
7 ~~Criminal Apprehension~~ may make information available to the  
8 public about offenders who are 16 years of age or older and who  
9 are out of compliance with this section for 30 days or longer  
10 for failure to provide the ~~address-of-the~~ offenders' primary or  
11 secondary ~~residences~~ addresses. This information may be made  
12 available to the public through electronic, computerized, or  
13 other accessible means. The amount and type of information made  
14 available ~~shall-be~~ is limited to the information necessary for  
15 the public to assist law enforcement in locating the offender.

16 (b) An offender who comes into compliance with this section  
17 after the bureau of ~~Criminal Apprehension~~ discloses information  
18 about the offender to the public may send a written request to  
19 the bureau requesting the bureau to treat information about the  
20 offender as private data, consistent with subdivision 7. The  
21 bureau shall review the request and promptly take reasonable  
22 action to treat the data as private, if the offender has  
23 complied with the requirement that the offender provide the  
24 ~~addresses-of~~ the offender's primary and secondary  
25 ~~residences~~ addresses, or promptly notify the offender that the  
26 information will continue to be treated as public information  
27 and the reasons for the bureau's decision.

28 (c) If an offender believes the information made public  
29 about the offender is inaccurate or incomplete, the offender may  
30 challenge the data under section 13.04, subdivision 4.

31 (d) The bureau of ~~Criminal Apprehension~~ is immune from any  
32 civil or criminal liability that might otherwise arise, based on  
33 the accuracy or completeness of any information made public  
34 under this subdivision, if the bureau acts in good faith.

35 ~~Subd.-8---[LAW-ENFORCEMENT-AUTHORITY.]-For-purposes-of-this~~  
36 ~~section-7-a-law-enforcement-authority-means-7-with-respect-to-a~~

1 ~~home-rule-charter-or-statutory-city,-the-chief-of-police,-and~~  
2 ~~with-respect-to-an-unincorporated-area,-the-sheriff-of-the~~  
3 ~~county-~~

4 Subd. 9. [OFFENDERS FROM OTHER STATES.] When the state  
5 accepts an offender from another state under a reciprocal  
6 agreement under the interstate compact authorized by section  
7 243.16 or 243.1605, or under any authorized interstate  
8 agreement, the acceptance is conditional on the offender  
9 agreeing to register under this section when the offender is  
10 living in Minnesota.

11 Subd. 10. [VENUE; AGGREGATION.] (a) A violation of this  
12 section may be prosecuted in any jurisdiction where an offense  
13 takes place. However, the prosecutorial agency in the  
14 jurisdiction where the person last registered a primary address  
15 is initially responsible to review the case for prosecution.

16 (b) When a person commits two or more offenses in two or  
17 more counties, the accused may be prosecuted for all of the  
18 offenses in any county in which one of the offenses was  
19 committed.

20 Subd. 11. [CERTIFIED COPIES AS EVIDENCE.] Certified copies  
21 of predatory offender registration records are admissible as  
22 substantive evidence when necessary to prove the commission of a  
23 violation of this section.

24 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
25 and applies to persons subject to predatory offender  
26 registration on or after that date.

27 Sec. 2. Minnesota Statutes 2004, section 243.167, is  
28 amended to read:

29 243.167 [REGISTRATION UNDER THE PREDATORY OFFENDER  
30 REGISTRATION LAW FOR OTHER OFFENSES.]

31 Subdivision 1. [DEFINITION.] As used in this section,  
32 "crime against the person" means a violation of any of the  
33 following or a similar law of another state or of the United  
34 States: section 609.165; 609.185; 609.19; 609.195; 609.20;  
35 609.205; 609.221; 609.222; 609.223; 609.2231; 609.224,  
36 subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.235;

1 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision  
2 2; 609.498, subdivision 1; 609.582, subdivision 1; or 617.23,  
3 subdivision 2; or any felony-level violation of section 609.229;  
4 609.377; 609.749; or 624.713.

5 Subd. 2. [WHEN REQUIRED.] (a) In addition to the  
6 requirements of section 243.166, a person also shall register  
7 under section 243.166 if:

8 (1) the person is convicted of a crime against the person;  
9 and

10 (2) the person was previously convicted of or adjudicated  
11 delinquent for an offense listed in section 243.166, subdivision  
12 ~~17-paragraph-(a)~~, but was not required to register for the  
13 offense because the registration requirements of that section  
14 did not apply to the person at the time the offense was  
15 committed or at the time the person was released from  
16 imprisonment.

17 (b) A person who was previously required to register under  
18 ~~section-243-166~~ in any state and who has completed the  
19 registration requirements of that ~~section~~ state shall again  
20 register under section 243.166 if the person commits a crime  
21 against the person.

22 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
23 and applies to crimes committed on or after that date.

24 Sec. 3. [243.95] [REPORT ON COMMUNITY CORRECTIONAL  
25 SUPERVISION.]

26 By January 15 of each year, the commissioner of corrections  
27 shall report to the chairs of the senate and house committees  
28 having jurisdiction over criminal justice policy on the number,  
29 geographic location, and aggregate and average caseloads for  
30 each caseload type of risk level II and risk level III sex  
31 offender residing in the state for the preceding calendar year.  
32 In addition, the commissioner shall provide this information for  
33 all other types of offenders. The commissioner shall compile  
34 and include in the report comparative historical data for the  
35 five calendar years preceding the year included in the report.

36 Sec. 4. Minnesota Statutes 2004, section 244.052,

1 subdivision 3, is amended to read:

2 Subd. 3. [END-OF-CONFINEMENT REVIEW COMMITTEE.] (a) The  
3 commissioner of corrections shall establish and administer  
4 end-of-confinement review committees at each state correctional  
5 facility and at each state treatment facility where predatory  
6 offenders are confined. The committees shall assess on a  
7 case-by-case basis the public risk posed by predatory offenders  
8 who are about to be released from confinement.

9 (b) Each committee shall be a standing committee and shall  
10 consist of the following members appointed by the commissioner:

11 (1) the chief executive officer or head of the correctional  
12 or treatment facility where the offender is currently confined,  
13 or that person's designee;

14 (2) a law enforcement officer;

15 (3) a treatment professional who is trained in the  
16 assessment of sex offenders;

17 (4) a caseworker experienced in supervising sex offenders;

18 and

19 (5) a victim's services professional.

20 Members of the committee, other than the facility's chief  
21 executive officer or head, shall be appointed by the  
22 commissioner to two-year terms. The chief executive officer or  
23 head of the facility or designee shall act as chair of the  
24 committee and shall use the facility's staff, as needed, to  
25 administer the committee, obtain necessary information from  
26 outside sources, and prepare risk assessment reports on  
27 offenders.

28 (c) The committee shall have access to the following data  
29 on a predatory offender only for the purposes of its assessment  
30 and to defend the committee's risk assessment determination upon  
31 administrative review under this section:

32 (1) private medical data under section 13.384 or 144.335,  
33 or welfare data under section 13.46 that relate to medical  
34 treatment of the offender;

35 (2) private and confidential court services data under  
36 section 13.84;

1 (3) private and confidential corrections data under section  
2 13.85; and

3 (4) private criminal history data under section 13.87.

4 Data collected and maintained by the committee under this  
5 paragraph may not be disclosed outside the committee, except as  
6 provided under section 13.05, subdivision 3 or 4. The predatory  
7 offender has access to data on the offender collected and  
8 maintained by the committee, unless the data are confidential  
9 data received under this paragraph.

10 (d) (i) Except as otherwise provided in item (ii), at least  
11 90 days before a predatory offender is to be released from  
12 confinement, the commissioner of corrections shall convene the  
13 appropriate end-of-confinement review committee for the purpose  
14 of assessing the risk presented by the offender and determining  
15 the risk level to which the offender shall be assigned under  
16 paragraph (e). The offender and the law enforcement agency that  
17 was responsible for the charge resulting in confinement shall be  
18 notified of the time and place of the committee's meeting. The  
19 offender has a right to be present and be heard at the meeting.  
20 The law enforcement agency may provide material in writing that  
21 is relevant to the offender's risk level to the chair of the  
22 committee. The committee shall use the risk factors described  
23 in paragraph (g) and the risk assessment scale developed under  
24 subdivision 2 to determine the offender's risk assessment score  
25 and risk level. Offenders scheduled for release from  
26 confinement shall be assessed by the committee established at  
27 the facility from which the offender is to be released.

28 (ii) If an offender is received for confinement in a  
29 facility with less than 90 days remaining in the offender's term  
30 of confinement, the offender's risk shall be assessed at the  
31 first regularly scheduled end of confinement review committee  
32 that convenes after the appropriate documentation for the risk  
33 assessment is assembled by the committee. The commissioner  
34 shall make reasonable efforts to ensure that offender's risk is  
35 assessed and a risk level is assigned or reassigned at least 30  
36 days before the offender's release date.

1 (e) The committee shall assign to risk level I a predatory  
2 offender whose risk assessment score indicates a low risk of  
3 reoffense. The committee shall assign to risk level II an  
4 offender whose risk assessment score indicates a moderate risk  
5 of reoffense. The committee shall assign to risk level III an  
6 offender whose risk assessment score indicates a high risk of  
7 reoffense.

8 (f) Before the predatory offender is released from  
9 confinement, the committee shall prepare a risk assessment  
10 report which specifies the risk level to which the offender has  
11 been assigned and the reasons underlying the committee's risk  
12 assessment decision. The committee shall give the report to the  
13 offender and to the law enforcement agency at least 60 days  
14 before an offender is released from confinement. If the risk  
15 assessment is performed under the circumstances described in  
16 paragraph (d), item (ii), the report shall be given to the  
17 offender and the law enforcement agency as soon as it is  
18 available. The committee also shall inform the offender of the  
19 availability of review under subdivision 6.

20 (g) As used in this subdivision, "risk factors" includes,  
21 but is not limited to, the following factors:

22 (1) the seriousness of the offense should the offender  
23 reoffend. This factor includes consideration of the following:

24 (i) the degree of likely force or harm;

25 (ii) the degree of likely physical contact; and

26 (iii) the age of the likely victim;

27 (2) the offender's prior offense history. This factor  
28 includes consideration of the following:

29 (i) the relationship of prior victims to the offender;

30 (ii) the number of prior offenses or victims;

31 (iii) the duration of the offender's prior offense history;

32 (iv) the length of time since the offender's last prior

33 offense while the offender was at risk to commit offenses; and

34 (v) the offender's prior history of other antisocial acts;

35 (3) the offender's characteristics. This factor includes  
36 consideration of the following:

- 1 (i) the offender's response to prior treatment efforts; and  
2 (ii) the offender's history of substance abuse;  
3 (4) the availability of community supports to the offender.

4 This factor includes consideration of the following:

5 (i) the availability and likelihood that the offender will  
6 be involved in therapeutic treatment;

7 (ii) the availability of residential supports to the  
8 offender, such as a stable and supervised living arrangement in  
9 an appropriate location;

10 (iii) the offender's familial and social relationships,  
11 including the nature and length of these relationships and the  
12 level of support that the offender may receive from these  
13 persons; and

14 (iv) the offender's lack of education or employment  
15 stability;

16 (5) whether the offender has indicated or credible evidence  
17 in the record indicates that the offender will reoffend if  
18 released into the community; and

19 (6) whether the offender demonstrates a physical condition  
20 that minimizes the risk of reoffense, including but not limited  
21 to, advanced age or a debilitating illness or physical condition.

22 (h) Upon the request of the law enforcement agency or the  
23 offender's corrections agent, the commissioner may reconvene the  
24 end-of-confinement review committee for the purpose of  
25 reassessing the risk level to which an offender has been  
26 assigned under paragraph (e). In a request for a reassessment,  
27 the law enforcement agency which was responsible for the charge  
28 resulting in confinement or agent shall list the facts and  
29 circumstances arising after the initial assignment or facts and  
30 circumstances known to law enforcement or the agent but not  
31 considered by the committee under paragraph (e) which support  
32 the request for a reassessment. The request for reassessment by  
33 the law enforcement agency must occur within 30 days of receipt  
34 of the report indicating the offender's risk level assignment.  
35 The offender's corrections agent, in consultation with the chief  
36 law enforcement officer in the area where the offender resides

1 or intends to reside, may request a review of a risk level at  
2 any time if substantial evidence exists that the offender's risk  
3 level should be reviewed by an end-of-confinement review  
4 committee. This evidence includes, but is not limited to,  
5 evidence of treatment failures or completions, evidence of  
6 exceptional crime-free community adjustment or lack of  
7 appropriate adjustment, evidence of substantial community need  
8 to know more about the offender or mitigating circumstances that  
9 would narrow the proposed scope of notification, or other  
10 practical situations articulated and based in evidence of the  
11 offender's behavior while under supervision. Upon review of the  
12 request, the end-of-confinement review committee may reassign an  
13 offender to a different risk level. If the offender is  
14 reassigned to a higher risk level, the offender has the right to  
15 seek review of the committee's determination under subdivision 6.

16 (i) An offender may request the end-of-confinement review  
17 committee to reassess the offender's assigned risk level after  
18 three years have elapsed since the committee's initial risk  
19 assessment and may renew the request once every two years  
20 following subsequent denials. In a request for reassessment,  
21 the offender shall list the facts and circumstances which  
22 demonstrate that the offender no longer poses the same degree of  
23 risk to the community. In order for a request for a risk level  
24 reduction to be granted, the offender must demonstrate full  
25 compliance with supervised release conditions, completion of  
26 required post-release treatment programming, and full compliance  
27 with all registration requirements as detailed in section  
28 243.166. The offender must also not have been convicted of any  
29 felony, gross misdemeanor, or misdemeanor offenses subsequent to  
30 the assignment of the original risk level. The committee shall  
31 follow the process outlined in paragraphs (a) to (c) in the  
32 reassessment. An offender who is incarcerated may not request a  
33 reassessment under this paragraph.

34 (j) Offenders returned to prison as release violators shall  
35 not have a right to a subsequent risk reassessment by the  
36 end-of-confinement review committee unless substantial evidence

1 indicates that the offender's risk to the public has increased.

2 (k) The commissioner shall establish an end-of-confinement  
3 review committee to assign a risk level to offenders who:

4 (1) are released from a any federal correctional facility  
5 in-Minnesota or from any state correctional facility of another  
6 state, and who intend to reside in Minnesota~~7--and-to-offenders;~~  
7 or

8 (2) are accepted from another state under a reciprocal  
9 agreement for parole supervision under the interstate compact  
10 authorized by section 243.16 or 243.1605.

11 The committee shall make reasonable efforts to conform to the  
12 same timelines as applied to Minnesota cases. Offenders  
13 accepted from another state under a reciprocal agreement for  
14 probation supervision are not assigned a risk level, but are  
15 considered downward dispositional departures. The probation or  
16 court services officer and law enforcement officer shall manage  
17 such cases in accordance with section 244.10, subdivision 2a.

18 The policies and procedures of the committee for federal  
19 offenders and interstate compact cases must be in accordance  
20 with all requirements as set forth in this section, unless  
21 restrictions caused by the nature of federal or interstate  
22 transfers prevents such conformance.

23 (1) If the committee assigns a predatory offender to risk  
24 level III, the committee shall determine whether residency  
25 restrictions shall be included in the conditions of the  
26 offender's release based on the offender's pattern of offending  
27 behavior.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
29 and applies to offenders entering the state, released from  
30 confinement, subject to community notification, or sentenced on  
31 or after that date.

32 Sec. 5. Minnesota Statutes 2004, section 244.052, is  
33 amended by adding a subdivision to read:

34 Subd. 3a. [OUT-OF-STATE OFFENDERS; NOTIFICATION  
35 AUTHORIZED.] (a) This subdivision applies to offenders who move  
36 or have moved to Minnesota from other states and who:

1       (1) at the time of the move are subject to a community  
2 notification statute similar to this section in the state from  
3 which the offender is moving; and

4       (2) are not assigned a risk level under subdivision 3,  
5 paragraph (k).

6       (b) The law enforcement agency in the area where an  
7 offender described in paragraph (a) resides, expects to reside,  
8 or is regularly found, may disclose information regarding the  
9 offender consistent with subdivision 4, paragraph (a). The  
10 extent of the notification must be consistent with the  
11 notification made about the offender in the state from which the  
12 offender is moving or has moved. However, the extent of the  
13 notification may not exceed that of a risk level II offender  
14 under subdivision 4, paragraph (b), unless the requirements of  
15 paragraph (c) have been met. Except as otherwise provided in  
16 this subdivision and unless clearly inapplicable, the provisions  
17 of subdivision 4 apply to notifications made under this  
18 paragraph.

19       (c) If the notification made concerning the offender in the  
20 state from which the offender is moving or has moved is broader  
21 than that authorized for a risk level II offender under  
22 subdivision 4, paragraph (b), and the agency wants to make a  
23 broader disclosure, the agency may request the  
24 end-of-confinement review committee at the nearest state  
25 correctional or treatment facility to assign a risk level to the  
26 offender. The agency shall provide to the committee all  
27 information concerning the offender's criminal history, the risk  
28 the offender poses to the community, and other relevant  
29 information. In addition, the committee shall attempt to obtain  
30 other information relevant to determining which risk level to  
31 assign the offender. Except as provided in this subdivision and  
32 unless clearly inapplicable, the provisions of subdivision 3  
33 govern the risk assessment under this paragraph. If the  
34 committee assigns the offender to risk level III, the agency may  
35 disclose information in a manner consistent with a risk level  
36 III offender under subdivision 4, paragraph (b).

1        [EFFECTIVE DATE.] This section is effective August 1, 2005,  
2 and applies to offenders entering the state, released from  
3 confinement, subject to community notification, or sentenced on  
4 or after that date.

5        Sec. 6. Minnesota Statutes 2004, section 244.052,  
6 subdivision 4, is amended to read:

7        Subd. 4. [LAW ENFORCEMENT AGENCY; DISCLOSURE OF  
8 INFORMATION TO PUBLIC.] (a) The law enforcement agency in the  
9 area where the predatory offender resides, expects to reside, is  
10 employed, or is regularly found, shall disclose to the public  
11 any information regarding the offender contained in the report  
12 forwarded to the agency under subdivision 3, paragraph (f), that  
13 is relevant and necessary to protect the public and to  
14 counteract the offender's dangerousness, consistent with the  
15 guidelines in paragraph (b). The extent of the information  
16 disclosed and the community to whom disclosure is made must  
17 relate to the level of danger posed by the offender, to the  
18 offender's pattern of offending behavior, and to the need of  
19 community members for information to enhance their individual  
20 and collective safety.

21        (b) The law enforcement agency shall employ the following  
22 guidelines in determining the scope of disclosure made under  
23 this subdivision:

24        (1) if the offender is assigned to risk level I, the agency  
25 may maintain information regarding the offender within the  
26 agency and may disclose it to other law enforcement agencies.  
27 Additionally, the agency may disclose the information to any  
28 victims of or witnesses to the offense committed by the  
29 offender. The agency shall disclose the information to victims  
30 of the offense committed by the offender who have requested  
31 disclosure and to adult members of the offender's immediate  
32 household;

33        (2) if the offender is assigned to risk level II, the  
34 agency also may disclose the information to agencies and groups  
35 that the offender is likely to encounter for the purpose of  
36 securing those institutions and protecting individuals in their

1 care while they are on or near the premises of the institution.  
2 These agencies and groups include the staff members of public  
3 and private educational institutions, day care establishments,  
4 and establishments and organizations that primarily serve  
5 individuals likely to be victimized by the offender. The agency  
6 also may disclose the information to individuals the agency  
7 believes are likely to be victimized by the offender. The  
8 agency's belief shall be based on the offender's pattern of  
9 offending or victim preference as documented in the information  
10 provided by the department of corrections or human services;

11 (3) if the offender is assigned to risk level III, the  
12 agency shall disclose the information to the persons and  
13 entities described in clauses (1) and (2) and to other members  
14 of the community whom the offender is likely to encounter,  
15 unless the law enforcement agency determines that public safety  
16 would be compromised by the disclosure or that a more limited  
17 disclosure is necessary to protect the identity of the victim.

18 Notwithstanding the assignment of a predatory offender to  
19 risk level II or III, a law enforcement agency may not make the  
20 disclosures permitted or required by clause (2) or (3), if: the  
21 offender is placed or resides in a residential facility.  
22 However, if an offender is placed or resides in a residential  
23 facility, the offender and the head of the facility shall  
24 designate the offender's likely residence upon release from the  
25 facility and the head of the facility shall notify the  
26 commissioner of corrections or the commissioner of human  
27 services of the offender's likely residence at least 14 days  
28 before the offender's scheduled release date. The commissioner  
29 shall give this information to the law enforcement agency having  
30 jurisdiction over the offender's likely residence. The head of  
31 the residential facility also shall notify the commissioner of  
32 corrections or human services within 48 hours after finalizing  
33 the offender's approved relocation plan to a permanent  
34 residence. Within five days after receiving this notification,  
35 the appropriate commissioner shall give to the appropriate law  
36 enforcement agency all relevant information the commissioner has

1 concerning the offender, including information on the risk  
2 factors in the offender's history and the risk level to which  
3 the offender was assigned. After receiving this information,  
4 the law enforcement agency shall make the disclosures permitted  
5 or required by clause (2) or (3), as appropriate.

6 (c) As used in paragraph (b), clauses (2) and (3), "likely  
7 to encounter" means that:

8 (1) the organizations or community members are in a  
9 location or in close proximity to a location where the offender  
10 lives or is employed, or which the offender visits or is likely  
11 to visit on a regular basis, other than the location of the  
12 offender's outpatient treatment program; and

13 (2) the types of interaction which ordinarily occur at that  
14 location and other circumstances indicate that contact with the  
15 offender is reasonably certain.

16 (d) A law enforcement agency or official who discloses  
17 information under this subdivision shall make a good faith  
18 effort to make the notification within 14 days of receipt of a  
19 confirmed address from the Department of Corrections indicating  
20 that the offender will be, or has been, released from  
21 confinement, or accepted for supervision, or has moved to a new  
22 address and will reside at the address indicated. If a change  
23 occurs in the release plan, this notification provision does not  
24 require an extension of the release date.

25 (e) A law enforcement agency or official who discloses  
26 information under this subdivision shall not disclose the  
27 identity or any identifying characteristics of the victims of or  
28 witnesses to the offender's offenses.

29 (f) A law enforcement agency shall continue to disclose  
30 information on an offender as required by this subdivision for  
31 as long as the offender is required to register under section  
32 243.166. This requirement on a law enforcement agency to  
33 continue to disclose information also applies to an offender who  
34 lacks a primary address and is registering under section  
35 243.166, subdivision 3a.

36 (g) A law enforcement agency that is disclosing information

1 on an offender assigned to risk level III to the public under  
2 this subdivision shall inform the commissioner of corrections  
3 what information is being disclosed and forward this information  
4 to the commissioner within two days of the agency's  
5 determination. The commissioner shall post this information on  
6 the Internet as required in subdivision 4b.

7 (h) A city council may adopt a policy that addresses when  
8 information disclosed under this subdivision must be presented  
9 in languages in addition to English. The policy may address  
10 when information must be presented orally, in writing, or both  
11 in additional languages by the law enforcement agency disclosing  
12 the information. The policy may provide for different  
13 approaches based on the prevalence of non-English languages in  
14 different neighborhoods.

15 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
16 and applies to offenders entering the state, released from  
17 confinement, subject to community notification, or sentenced on  
18 or after that date.

19 Sec. 7. Minnesota Statutes 2004, section 244.10,  
20 subdivision 2a, is amended to read:

21 Subd. 2a. [NOTICE OF INFORMATION REGARDING PREDATORY  
22 OFFENDERS.] (a) Subject to paragraph (b), in any case in which a  
23 person is convicted of an offense and the presumptive sentence  
24 under the Sentencing Guidelines is commitment to the custody of  
25 the commissioner of corrections, if the court grants a  
26 dispositional departure and stays imposition or execution of  
27 sentence, the probation or court services officer who is  
28 assigned to supervise the offender shall provide in writing to  
29 the following the fact that the offender is on probation and the  
30 terms and conditions of probation:

31 (1) a victim of and any witnesses to the offense committed  
32 by the offender, if the victim or the witness has requested  
33 notice; and

34 (2) the chief law enforcement officer in the area where the  
35 offender resides or intends to reside.

36 The law enforcement officer, in consultation with the

1 offender's probation officer, may provide all or part of this  
2 information to any of the following agencies or groups the  
3 offender is likely to encounter: public and private educational  
4 institutions, day care establishments, and establishments or  
5 organizations that primarily serve individuals likely to be  
6 victimized by the offender. The law enforcement officer, in  
7 consultation with the offender's probation officer, also may  
8 disclose the information to individuals the officer believes are  
9 likely to be victimized by the offender. The officer's belief  
10 shall be based on the offender's pattern of offending or victim  
11 preference as documented in the information provided by the  
12 Department of Corrections or Department of Human Services.

13 The probation officer is not required under this  
14 subdivision to provide any notice while the offender is placed  
15 or resides in a residential facility that is licensed under  
16 section 245A.02, subdivision 14, or 241.021, if the facility  
17 staff is trained in the supervision of sex offenders.

18 (b) Paragraph (a) applies only to offenders required to  
19 register under section 243.166, as a result of the conviction.

20 (c) The notice authorized by paragraph (a) shall be limited  
21 to data classified as public under section 13.84, subdivision 6,  
22 unless the offender provides informed consent to authorize the  
23 release of nonpublic data or unless a court order authorizes the  
24 release of nonpublic data.

25 (d) Nothing in this subdivision shall be interpreted to  
26 impose a duty on any person to use any information regarding an  
27 offender about whom notification is made under this subdivision.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
29 and applies to offenders entering the state, released from  
30 confinement, subject to community notification, or sentenced on  
31 or after that date.

32 Sec. 8. Minnesota Statutes 2004, section 253B.18,  
33 subdivision 5, is amended to read:

34 Subd. 5. [PETITION; NOTICE OF HEARING; ATTENDANCE; ORDER.]

35 (a) A petition for an order of transfer, discharge, provisional  
36 discharge, or revocation of provisional discharge shall be filed

1 with the commissioner and may be filed by the patient or by the  
2 head of the treatment facility. A patient may not petition the  
3 special review board for six months following commitment under  
4 subdivision 3 or following the final disposition of any previous  
5 petition and subsequent appeal by the patient. The medical  
6 director may petition at any time.

7 (b) Fourteen days prior to the hearing, the committing  
8 court, the county attorney of the county of commitment, the  
9 designated agency, interested person, the petitioner, and the  
10 petitioner's counsel shall be given written notice by the  
11 commissioner of the time and place of the hearing before the  
12 special review board. Only those entitled to statutory notice  
13 of the hearing or those administratively required to attend may  
14 be present at the hearing. The patient may designate interested  
15 persons to receive notice by providing the names and addresses  
16 to the commissioner at least 21 days before the hearing. The  
17 board shall provide the commissioner with written findings of  
18 fact and recommendations within 21 days of the hearing. The  
19 commissioner shall issue an order no later than 14 days after  
20 receiving the recommendation of the special review board. A  
21 copy of the order shall be sent by certified mail to every  
22 person entitled to statutory notice of the hearing within five  
23 days after it is signed. No order by the commissioner shall be  
24 effective sooner than 30 days after the order is signed, unless  
25 the county attorney, the patient, and the commissioner agree  
26 that it may become effective sooner.

27 (c) The special review board shall hold a hearing on each  
28 petition prior to making its recommendation to the  
29 commissioner. The special review board proceedings are not  
30 contested cases as defined in chapter 14. Any person or agency  
31 receiving notice that submits documentary evidence to the  
32 special review board prior to the hearing shall also provide  
33 copies to the patient, the patient's counsel, the county  
34 attorney of the county of commitment, the case manager, and the  
35 commissioner.

36 (d) Prior to the final decision by the commissioner, the

1 special review board may be reconvened to consider events or  
2 circumstances that occurred subsequent to the hearing.

3 (e) In making their recommendations and order, the special  
4 review board and commissioner must consider any statements  
5 received from victims under subdivision 5a.

6 [EFFECTIVE DATE.] This section is effective August 1, 2005.

7 Sec. 9. Minnesota Statutes 2004, section 253B.18, is  
8 amended by adding a subdivision to read:

9 Subd. 5a. [VICTIM NOTIFICATION OF PETITION AND RELEASE;  
10 RIGHT TO SUBMIT STATEMENT.] (a) As used in this subdivision:

11 (1) "crime" has the meaning given to "violent crime" in  
12 section 609.1095, and includes criminal sexual conduct in the  
13 fifth degree and offenses within the definition of "crime  
14 against the person" in section 253B.02, subdivision 4a, and also  
15 includes offenses listed in section 253B.02, subdivision 7a,  
16 paragraph (b), regardless of whether they are sexually  
17 motivated;

18 (2) "victim" means a person who has incurred loss or harm  
19 as a result of a crime the behavior for which forms the basis  
20 for a commitment under this section or section 253B.185; and

21 (3) "convicted" and "conviction" have the meanings given in  
22 section 609.02, subdivision 5, and also include juvenile court  
23 adjudications, findings under Minnesota Rules of Criminal  
24 Procedure, Rule 20.02, that the elements of a crime have been  
25 proved, and findings in commitment cases under this section or  
26 section 253B.185 that an act or acts constituting a crime  
27 occurred.

28 (b) A county attorney who files a petition to commit a  
29 person under this section or section 253B.185 shall make a  
30 reasonable effort to provide prompt notice of filing the  
31 petition to any victim of a crime for which the person was  
32 convicted. In addition, the county attorney shall make a  
33 reasonable effort to promptly notify the victim of the  
34 resolution of the petition.

35 (c) Before provisionally discharging, discharging, granting  
36 pass-eligible status, approving a pass plan, or otherwise

1 permanently or temporarily releasing a person committed under  
2 this section or section 253B.185 from a treatment facility, the  
3 head of the treatment facility shall make a reasonable effort to  
4 notify any victim of a crime for which the person was convicted  
5 that the person may be discharged or released and that the  
6 victim has a right to submit a written statement regarding  
7 decisions of the medical director, special review board, or  
8 commissioner with respect to the person. To the extent  
9 possible, the notice must be provided at least 14 days before  
10 any special review board hearing or before a determination on a  
11 pass plan.

12 (d) This subdivision applies only to victims who have  
13 requested notification by contacting, in writing, the county  
14 attorney in the county where the conviction for the crime  
15 occurred. A county attorney who receives a request for  
16 notification under this paragraph shall promptly forward the  
17 request to the commissioner of human services.

18 (e) The rights under this subdivision are in addition to  
19 rights available to a victim under chapter 611A. This provision  
20 does not give a victim all the rights of a "notified person" or  
21 a person "entitled to statutory notice" under subdivision 4a,  
22 4b, or 5.

23 [EFFECTIVE DATE.] This section is effective August 1, 2005.  
24 Sec. 10. [609.3456] [USE OF POLYGRAPHS FOR SEX OFFENDERS  
25 ON PROBATION OR CONDITIONAL RELEASE.]

26 (a) A court may order as an intermediate sanction under  
27 section 609.135 and the commissioner of corrections may order as  
28 a condition of release under section 244.05 or 609.3455 that an  
29 offender under supervision for a sex offense submit to  
30 polygraphic examinations to ensure compliance with the terms of  
31 probation or conditions of release.

32 (b) The court or commissioner may order the offender to pay  
33 all or a portion of the costs of the examinations. The fee may  
34 be waived if the offender is indigent or if payment would result  
35 in an economic hardship to the offender's immediate family.

36 [EFFECTIVE DATE.] This section is effective the day

1 following final enactment.

2 Sec. 11. [PROTOCOL ON USE OF POLYGRAPHS.]

3 By September 1, 2005, the chief justice of the Supreme  
4 Court, in consultation with the Conference of Chief Judges, is  
5 requested to develop a protocol for the use of polygraphic  
6 examinations for sex offenders placed on probation under  
7 Minnesota Statutes, section 609.3456. This protocol shall be  
8 distributed to judges across the state.

9 [EFFECTIVE DATE.] This section is effective the day  
10 following final enactment.

11 Sec. 12. [SUPREME COURT STUDY ON SEXUALLY DANGEROUS PERSON  
12 AND SEXUAL PSYCHOPATHIC PERSONALITY CIVIL COMMITMENTS.]

13 Subdivision 1. [ESTABLISHMENT.] The Minnesota Supreme  
14 Court is requested to study the following related to the civil  
15 commitment of sexually dangerous persons and sexual psychopathic  
16 personalities under Minnesota Statutes, section 253B.185:

17 (1) the development and use of a statewide panel of defense  
18 attorneys to represent those persons after a commitment petition  
19 is filed; and

20 (2) the development and use of a statewide panel of judges  
21 to hear these petitions.

22 Subd. 2. [REPORT.] The Supreme Court shall report its  
23 findings and recommendations to the chairs and ranking minority  
24 members of the house of representatives and senate committees  
25 and divisions having jurisdiction over criminal justice and  
26 civil law policy and funding by February 1, 2006.

27 [EFFECTIVE DATE.] This section is effective the day  
28 following final enactment.

29 Sec. 13. [REPORT ON SEX OFFENDERS BEING RELEASED FROM  
30 PRISON.]

31 By January 15, 2006, the commissioner of corrections shall  
32 report to the chairs and ranking minority members of the senate  
33 and house committees and divisions having jurisdiction over  
34 criminal justice policy and funding on the release of sex  
35 offenders from prison. The report must include information on  
36 the number of offenders that the commissioner estimates will be

1 released each year for the next five years, recommendations on  
2 how best to supervise these offenders, and recommendations on  
3 how best to fund this supervision.

4 Sec. 14. [REVISOR INSTRUCTION.]

5 The revisor of statutes shall change all references to  
6 section 243.166, subdivision 1, in Minnesota Statutes to section  
7 243.166. In addition, the revisor shall make other technical  
8 changes necessitated by this article.

9 [EFFECTIVE DATE.] This section is effective August 1, 2005.

10 Sec. 15. [REPEALER.]

11 Minnesota Statutes 2004, section 243.166, subdivisions 1  
12 and 8, are repealed.

13 [EFFECTIVE DATE.] This section is effective August 1, 2005.

14 ARTICLE 4

15 LEGISLATIVE AUDITOR'S RECOMMENDED CHANGES

16 Section 1. Minnesota Statutes 2004, section 241.06, is  
17 amended to read:

18 241.06 [RECORD OF INMATES; DEPARTMENT OF CORRECTIONS.]

19 Subdivision 1. [GENERAL.] The commissioner of corrections  
20 shall keep in the commissioner's office, accessible only by the  
21 commissioner's consent or on the order of a judge or court of  
22 record, a record showing the residence, sex, age, nativity,  
23 occupation, civil condition, and date of entrance or commitment  
24 of every person, inmate, or convict in the facilities under the  
25 commissioner's exclusive control, the date of discharge and  
26 whether such discharge was final, the condition of such person  
27 when the person left the facility, and the date and cause of all  
28 deaths. The records shall state every transfer from one  
29 facility to another, naming each. This information shall be  
30 furnished to the commissioner of corrections by each facility,  
31 with such other obtainable facts as the commissioner may from  
32 time to time require. The chief executive officer of each such  
33 facility, within ten days after the commitment or entrance  
34 thereto of a person, inmate, or convict, shall cause a true copy  
35 of the entrance record to be forwarded to the commissioner of  
36 corrections. When a person, inmate, or convict leaves, is

1 discharged or transferred, or dies in any facility, the chief  
2 executive officer, or other person in charge shall inform the  
3 commissioner of corrections within ten days thereafter on forms  
4 furnished by the commissioner.

5 The commissioner of corrections may authorize the chief  
6 executive officer of any facility under the commissioner's  
7 control to release to probation officers, local social services  
8 agencies or other specifically designated interested persons or  
9 agencies any information regarding any person, inmate, or  
10 convict thereat, if, in the opinion of the commissioner, it will  
11 be for the benefit of the person, inmate, or convict.

12 Subd. 2. [SEX OFFENDER INFORMATION PROVIDED TO SUPERVISING  
13 CORRECTIONS AGENCY.] When an offender who is required to  
14 register as a predatory offender under section 243.166 is being  
15 released from prison, the commissioner shall provide to the  
16 corrections agency that will supervise the offender, the  
17 offender's prison records relating to psychological assessments,  
18 medical and mental health issues, and treatment.

19 [EFFECTIVE DATE.] This section is effective August 1, 2005.

20 Sec. 2. Minnesota Statutes 2004, section 241.67,  
21 subdivision 7, is amended to read:

22 Subd. 7. [FUNDING PRIORITY; PROGRAM EFFECTIVENESS.] (a)  
23 Unless otherwise directed by the terms of a particular  
24 appropriations provision, the commissioner shall give priority  
25 to the funding of juvenile sex offender programs over the  
26 funding of adult sex offender programs.

27 (b) Every county or private sex offender program ~~that-seeks~~  
28 ~~new-or-continued-state-funding-or-reimbursement~~ shall provide  
29 the commissioner with any information relating to the program's  
30 effectiveness that the commissioner considers necessary. The  
31 commissioner shall deny state funding or reimbursement to any  
32 county or private program that fails to provide this information  
33 or that appears to be an ineffective program.

34 [EFFECTIVE DATE.] This section is effective August 1, 2005.

35 Sec. 3. Minnesota Statutes 2004, section 241.67,  
36 subdivision 8, is amended to read:

1 Subd. 8. [COMMUNITY-BASED SEX OFFENDER PROGRAM EVALUATION  
2 PROJECT.] (a) For the purposes of this project subdivision, a  
3 sex offender is an adult who has been convicted, or a juvenile  
4 who has been adjudicated, for a sex offense or a sex-related  
5 offense which would require registration under section 243.166.

6 (b) The commissioner shall ~~develop a long-term project to~~  
7 ~~accomplish the following~~:

8 (1) ~~provide~~ collect follow-up information on each sex  
9 offender for a period of three years following the offender's  
10 completion of or termination from treatment for the purpose of  
11 providing periodic reports to the legislature;

12 (2) provide treatment programs in several geographical  
13 areas in the state;

14 (3) provide the necessary data to form the basis to  
15 recommend a fiscally sound plan to provide a coordinated  
16 statewide system of effective sex offender treatment  
17 programming; and

18 (4) provide an opportunity to local and regional  
19 governments, agencies, and programs to establish models of sex  
20 offender programs that are suited to the needs of that region.

21 (c) The commissioner shall establish an advisory task force  
22 consisting of county probation officers from Community  
23 Corrections Act counties and other counties, court services  
24 providers, and other interested officials. The commissioner  
25 shall consult with the task force ~~concerning the establishment~~  
26 ~~and operation of the project~~ on how best to implement the  
27 requirements of this subdivision.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005.

29 Sec. 4. Minnesota Statutes 2004, section 243.166, is  
30 amended by adding a subdivision to read:

31 Subd. 4b. [HEALTH CARE FACILITY; NOTICE OF STATUS.] (a) As  
32 used in this subdivision, "health care facility" means a  
33 hospital or other entity licensed under sections 144.50 to  
34 144.58, a nursing home licensed to serve adults under section  
35 144A.02, or a group residential housing facility or an  
36 intermediate care facility for the mentally retarded licensed

1 under chapter 245A.

2 (b) Upon admittance to a health care facility, a person  
3 required to register under this section shall disclose to:

4 (1) the health care facility employee processing the  
5 admission the person's status as a registered predatory offender  
6 under this section; and

7 (2) the person's corrections agent, or if the person does  
8 not have an assigned corrections agent, the law enforcement  
9 authority with whom the person is currently required to  
10 register, that inpatient admission has occurred.

11 (c) A law enforcement authority or corrections agent who  
12 receives notice under paragraph (b) or who knows that a person  
13 required to register under this section has been admitted and is  
14 receiving health care at a health care facility shall notify the  
15 administrator of the facility.

16 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
17 and applies to persons who are subject to predatory offender  
18 registration on or after that date.

19 Sec. 5. [244.056] [SEX OFFENDER SEEKING HOUSING IN  
20 JURISDICTION OF DIFFERENT CORRECTIONS AGENCY.]

21 If a corrections agency supervising an offender who is  
22 required to register as a predatory offender under section  
23 243.166 and who is classified by the department as a public risk  
24 monitoring case has knowledge that the offender is seeking  
25 housing arrangements in a location under the jurisdiction of  
26 another corrections agency, the agency shall notify the other  
27 agency of this and initiate a supervision transfer request.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005.

29 Sec. 6. [244.057] [PLACEMENT OF SEX OFFENDER IN HOUSEHOLD  
30 WITH CHILDREN.]

31 A corrections agency supervising an offender required to  
32 register as a predatory offender under section 243.166 shall  
33 notify the appropriate child protection agency before  
34 authorizing the offender to live in a household where children  
35 are residing.

36 [EFFECTIVE DATE.] This section is effective August 1, 2005.

1       Sec. 7. Minnesota Statutes 2004, section 609.3452,  
2 subdivision 1, is amended to read:

3           Subdivision 1. [ASSESSMENT REQUIRED.] When a person is  
4 convicted of a sex offense, the court shall order an independent  
5 professional assessment of the offender's need for sex offender  
6 treatment to be completed before sentencing. The court may  
7 waive the assessment if: (1) the Sentencing Guidelines provide  
8 a presumptive prison sentence for the offender, or (2) an  
9 adequate assessment was conducted prior to the conviction. An  
10 assessor providing an assessment for the court must be  
11 experienced in the evaluation and treatment of sex offenders.

12       [EFFECTIVE DATE.] This section is effective August 1, 2005.

13       Sec. 8. Minnesota Statutes 2004, section 626.556,  
14 subdivision 3, is amended to read:

15           Subd. 3. [PERSONS MANDATED TO REPORT.] (a) A person who  
16 knows or has reason to believe a child is being neglected or  
17 physically or sexually abused, as defined in subdivision 2, or  
18 has been neglected or physically or sexually abused within the  
19 preceding three years, shall immediately report the information  
20 to the local welfare agency, agency responsible for assessing or  
21 investigating the report, police department, or the county  
22 sheriff if the person is:

23           (1) a professional or professional's delegate who is  
24 engaged in the practice of the healing arts, social services,  
25 hospital administration, psychological or psychiatric treatment,  
26 child care, education, correctional supervision, or law  
27 enforcement; or

28           (2) employed as a member of the clergy and received the  
29 information while engaged in ministerial duties, provided that a  
30 member of the clergy is not required by this subdivision to  
31 report information that is otherwise privileged under section  
32 595.02, subdivision 1, paragraph (c).

33           The police department or the county sheriff, upon receiving  
34 a report, shall immediately notify the local welfare agency or  
35 agency responsible for assessing or investigating the report,  
36 orally and in writing. The local welfare agency, or agency

1 responsible for assessing or investigating the report, upon  
2 receiving a report, shall immediately notify the local police  
3 department or the county sheriff orally and in writing. The  
4 county sheriff and the head of every local welfare agency,  
5 agency responsible for assessing or investigating reports, and  
6 police department shall each designate a person within their  
7 agency, department, or office who is responsible for ensuring  
8 that the notification duties of this paragraph and paragraph (b)  
9 are carried out. Nothing in this subdivision shall be construed  
10 to require more than one report from any institution, facility,  
11 school, or agency.

12 (b) Any person may voluntarily report to the local welfare  
13 agency, agency responsible for assessing or investigating the  
14 report, police department, or the county sheriff if the person  
15 knows, has reason to believe, or suspects a child is being or  
16 has been neglected or subjected to physical or sexual abuse.  
17 The police department or the county sheriff, upon receiving a  
18 report, shall immediately notify the local welfare agency or  
19 agency responsible for assessing or investigating the report,  
20 orally and in writing. The local welfare agency or agency  
21 responsible for assessing or investigating the report, upon  
22 receiving a report, shall immediately notify the local police  
23 department or the county sheriff orally and in writing.

24 (c) A person mandated to report physical or sexual child  
25 abuse or neglect occurring within a licensed facility shall  
26 report the information to the agency responsible for licensing  
27 the facility under sections 144.50 to 144.58; 241.021; 245A.01  
28 to 245A.16; or chapter 245B; or a nonlicensed personal care  
29 provider organization as defined in sections 256B.04,  
30 subdivision 16; and 256B.0625, subdivision 19. A health or  
31 corrections agency receiving a report may request the local  
32 welfare agency to provide assistance pursuant to subdivisions  
33 10, 10a, and 10b. A board or other entity whose licensees  
34 perform work within a school facility, upon receiving a  
35 complaint of alleged maltreatment, shall provide information  
36 about the circumstances of the alleged maltreatment to the

1 commissioner of education. Section 13.03, subdivision 4,  
2 applies to data received by the commissioner of education from a  
3 licensing entity.

4 (d) Any person mandated to report shall receive a summary  
5 of the disposition of any report made by that reporter,  
6 including whether the case has been opened for child protection  
7 or other services, or if a referral has been made to a community  
8 organization, unless release would be detrimental to the best  
9 interests of the child. Any person who is not mandated to  
10 report shall, upon request to the local welfare agency, receive  
11 a concise summary of the disposition of any report made by that  
12 reporter, unless release would be detrimental to the best  
13 interests of the child.

14 (e) For purposes of this subdivision, "immediately" means  
15 as soon as possible but in no event longer than 24 hours.

16 [EFFECTIVE DATE.] This section is effective August 1, 2005.

17 Sec. 9. [WORKING GROUP ON SEX OFFENDER MANAGEMENT.]

18 Subdivision 1. [WORKING GROUP ESTABLISHED.] The  
19 commissioner of corrections shall convene a working group of  
20 individuals knowledgeable in the supervision and treatment of  
21 sex offenders. The group must include individuals from both  
22 inside and outside of the Department of Corrections. The  
23 commissioner shall ensure broad representation in the group,  
24 including representatives from all three probation systems and  
25 from diverse parts of the state. The working group shall study  
26 and make recommendations on the issues listed in this section.  
27 To the degree feasible, the group shall consider how these  
28 issues are addressed in other states.

29 Subd. 2. [ISSUES TO BE STUDIED.] The working group shall  
30 review and make recommendations on:

31 (1) statewide standards regarding the minimum frequency of  
32 in-person contacts between sex offenders and their correctional  
33 agents, including, but not limited to, home visits;

34 (2) a model set of special conditions of sex offender  
35 supervision that can be used by courts and corrections agencies  
36 throughout Minnesota;

1 (3) statewide standards regarding the documentation by  
2 correctional agents of their supervision activities;

3 (4) standards to provide corrections agencies with guidance  
4 regarding sex offender assessment practices;

5 (5) policies that encourage sentencing conditions and  
6 prison release plans to clearly distinguish between sex offender  
7 treatment programs and other types of programs and services and  
8 to clearly specify which type of program the offender is  
9 required to complete;

10 (6) ways to improve the Department of Corrections' prison  
11 release planning practices for sex offenders, including sex  
12 offenders with chemical dependency needs or mental health needs;

13 (7) methods and timetables for periodic external reviews of  
14 sex offender supervision practices;

15 (8) statewide standards for the use of polygraphs by  
16 corrections agencies and sex offender treatment programs;

17 (9) statewide standards specifying basic program elements  
18 for community-based sex offender treatment programs, including,  
19 but not limited to, staff qualifications, case planning, use of  
20 polygraphs, and progress reports prepared for supervising  
21 agencies;

22 (10) a statewide protocol on the sharing of sex offender  
23 information between corrections agencies and child protection  
24 agencies in situations where offenders are placed in households  
25 where children reside;

26 (11) best practices for supervising sex offenders such as  
27 intensive supervised release, specialized caseloads, and other  
28 innovative methods, ideal caseload sizes for supervising agents,  
29 and methods to implement this in a manner that does not  
30 negatively impact the supervision of other types of offenders;  
31 and

32 (12) any other issues related to sex offender treatment and  
33 management that the working group deems appropriate.

34 Subd. 3. [REVIEW OF NEW LAWS.] The working group shall  
35 also review the provisions of any laws enacted in 2005 relating  
36 to sex offender supervision and treatment. The group shall make

1 recommendations on whether any changes to these provisions  
2 should be considered by the legislature.

3 Subd. 4. [REPORT.] By February 15, 2006, the working group  
4 shall report its recommendations to the chairs and ranking  
5 minority members of the senate and house committees having  
6 jurisdiction over criminal justice policy.

7 Subd. 5. [POLICIES REQUIRED.] After considering the  
8 recommendations of the working group, the commissioner of  
9 corrections shall implement policies and standards relating to  
10 the issues described in subdivision 2 over which the  
11 commissioner has jurisdiction.

12 [EFFECTIVE DATE.] This section is effective the day  
13 following final enactment.

14 Sec. 10. [PRISON-BASED SEX OFFENDER TREATMENT PROGRAMS;  
15 REPORT.]

16 By February 15, 2006, the commissioner of corrections shall  
17 report to the chairs and ranking minority members of the senate  
18 and house committees having jurisdiction over criminal justice  
19 policy on prison-based sex offender treatment programs. The  
20 report must:

21 (1) examine options for increasing the number of inmates  
22 participating in these programs;

23 (2) examine the adequacy of funding for these programs;

24 (3) examine options for treating inmates who have limited  
25 periods of time remaining in their terms of imprisonment;

26 (4) examine the merits and limitations of extending an  
27 inmate's term of imprisonment for refusing to participate in  
28 treatment; and

29 (5) examine any other related issues deemed relevant by the  
30 commissioner.

31 ARTICLE 5

32 SEX OFFENDERS:

33 TECHNICAL AND CONFORMING CHANGES

34 Section 1. Minnesota Statutes 2004, section 14.03,  
35 subdivision 3, is amended to read:

36 Subd. 3. [RULEMAKING PROCEDURES.] (a) The definition of a

1 rule in section 14.02, subdivision 4, does not include:

2 (1) rules concerning only the internal management of the  
3 agency or other agencies that do not directly affect the rights  
4 of or procedures available to the public;

5 (2) an application deadline on a form; and the remainder of  
6 a form and instructions for use of the form to the extent that  
7 they do not impose substantive requirements other than  
8 requirements contained in statute or rule;

9 (3) the curriculum adopted by an agency to implement a  
10 statute or rule permitting or mandating minimum educational  
11 requirements for persons regulated by an agency, provided the  
12 topic areas to be covered by the minimum educational  
13 requirements are specified in statute or rule;

14 (4) procedures for sharing data among government agencies,  
15 provided these procedures are consistent with chapter 13 and  
16 other law governing data practices.

17 (b) The definition of a rule in section 14.02, subdivision  
18 4, does not include:

19 (1) rules of the commissioner of corrections relating to  
20 the release, placement, term, and supervision of inmates serving  
21 a supervised release or conditional release term, the internal  
22 management of institutions under the commissioner's control, and  
23 rules adopted under section 609.105 governing the inmates of  
24 those institutions;

25 (2) rules relating to weight limitations on the use of  
26 highways when the substance of the rules is indicated to the  
27 public by means of signs;

28 (3) opinions of the attorney general;

29 (4) the data element dictionary and the annual data  
30 acquisition calendar of the Department of Education to the  
31 extent provided by section 125B.07;

32 (5) the occupational safety and health standards provided  
33 in section 182.655;

34 (6) revenue notices and tax information bulletins of the  
35 commissioner of revenue;

36 (7) uniform conveyancing forms adopted by the commissioner

1 of commerce under section 507.09; or

2 (8) the interpretive guidelines developed by the  
3 commissioner of human services to the extent provided in chapter  
4 245A.

5 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
6 and applies to crimes committed on or after that date.

7 Sec. 2. Minnesota Statutes 2004, section 244.05,  
8 subdivision 7, is amended to read:

9 Subd. 7. [SEX OFFENDERS; CIVIL COMMITMENT DETERMINATION.]

10 (a) Before the commissioner releases from prison any inmate  
11 convicted under ~~sections~~ section 609.342 ~~to~~, 609.343, 609.344,  
12 609.345, or 609.3453, or sentenced as a patterned offender under  
13 section 609.108, and determined by the commissioner to be in a  
14 high risk category, the commissioner shall make a preliminary  
15 determination whether, in the commissioner's opinion, a petition  
16 under section 253B.185 may be appropriate.

17 (b) In making this decision, the commissioner shall have  
18 access to the following data only for the purposes of the  
19 assessment and referral decision:

20 (1) private medical data under section 13.384 or 144.335,  
21 or welfare data under section 13.46 that relate to medical  
22 treatment of the offender;

23 (2) private and confidential court services data under  
24 section 13.84;

25 (3) private and confidential corrections data under section  
26 13.85; and

27 (4) private criminal history data under section 13.87.

28 (c) If the commissioner determines that a petition may be  
29 appropriate, the commissioner shall forward this determination,  
30 along with a summary of the reasons for the determination, to  
31 the county attorney in the county where the inmate was convicted  
32 no later than 12 months before the inmate's release date. If  
33 the inmate is received for incarceration with fewer than 12  
34 months remaining in the inmate's term of imprisonment, or if the  
35 commissioner receives additional information less than 12 months  
36 before release which makes the inmate's case appropriate for

1 referral, the commissioner shall forward the determination as  
2 soon as is practicable. Upon receiving the commissioner's  
3 preliminary determination, the county attorney shall proceed in  
4 the manner provided in section 253B.185. The commissioner shall  
5 release to the county attorney all requested documentation  
6 maintained by the department.

7 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
8 and applies to crimes committed on or after that date.

9 Sec. 3. Minnesota Statutes 2004, section 244.052,  
10 subdivision 3, is amended to read:

11 Subd. 3. [END-OF-CONFINEMENT REVIEW COMMITTEE.] (a) The  
12 commissioner of corrections shall establish and administer  
13 end-of-confinement review committees at each state correctional  
14 facility and at each state treatment facility where predatory  
15 offenders are confined. The committees shall assess on a  
16 case-by-case basis the public risk posed by predatory offenders  
17 who are about to be released from confinement.

18 (b) Each committee shall be a standing committee and shall  
19 consist of the following members appointed by the commissioner:

20 (1) the chief executive officer or head of the correctional  
21 or treatment facility where the offender is currently confined,  
22 or that person's designee;

23 (2) a law enforcement officer;

24 (3) a treatment professional who is trained in the  
25 assessment of sex offenders;

26 (4) a caseworker experienced in supervising sex offenders;  
27 and

28 (5) a victim's services professional.

29 Members of the committee, other than the facility's chief  
30 executive officer or head, shall be appointed by the  
31 commissioner to two-year terms. The chief executive officer or  
32 head of the facility or designee shall act as chair of the  
33 committee and shall use the facility's staff, as needed, to  
34 administer the committee, obtain necessary information from  
35 outside sources, and prepare risk assessment reports on  
36 offenders.

1 (c) The committee shall have access to the following data  
2 on a predatory offender only for the purposes of its assessment  
3 and to defend the committee's risk assessment determination upon  
4 administrative review under this section:

5 (1) private medical data under section 13.384 or 144.335,  
6 or welfare data under section 13.46 that relate to medical  
7 treatment of the offender;

8 (2) private and confidential court services data under  
9 section 13.84;

10 (3) private and confidential corrections data under section  
11 13.85; and

12 (4) private criminal history data under section 13.87.

13 Data collected and maintained by the committee under this  
14 paragraph may not be disclosed outside the committee, except as  
15 provided under section 13.05, subdivision 3 or 4. The predatory  
16 offender has access to data on the offender collected and  
17 maintained by the committee, unless the data are confidential  
18 data received under this paragraph.

19 (d)(i) Except as otherwise provided in ~~item~~ items (ii),  
20 (iii), and (iv), at least 90 days before a predatory offender is  
21 to be released from confinement, the commissioner of corrections  
22 shall convene the appropriate end-of-confinement review  
23 committee for the purpose of assessing the risk presented by the  
24 offender and determining the risk level to which the offender  
25 shall be assigned under paragraph (e). The offender and the law  
26 enforcement agency that was responsible for the charge resulting  
27 in confinement shall be notified of the time and place of the  
28 committee's meeting. The offender has a right to be present and  
29 be heard at the meeting. The law enforcement agency may provide  
30 material in writing that is relevant to the offender's risk  
31 level to the chair of the committee. The committee shall use  
32 the risk factors described in paragraph (g) and the risk  
33 assessment scale developed under subdivision 2 to determine the  
34 offender's risk assessment score and risk level. Offenders  
35 scheduled for release from confinement shall be assessed by the  
36 committee established at the facility from which the offender is

1 to be released.

2 (ii) If an offender is received for confinement in a  
3 facility with less than 90 days remaining in the offender's term  
4 of confinement, the offender's risk shall be assessed at the  
5 first regularly scheduled end of confinement review committee  
6 that convenes after the appropriate documentation for the risk  
7 assessment is assembled by the committee. The commissioner  
8 shall make reasonable efforts to ensure that offender's risk is  
9 assessed and a risk level is assigned or reassigned at least 30  
10 days before the offender's release date.

11 (iii) If the offender is subject to a mandatory life  
12 sentence under section 609.342, subdivision 2, paragraph (b), or  
13 609.3455, the commissioner of corrections shall convene the  
14 appropriate end-of-confinement review committee at least nine  
15 months before the offender's minimum term of imprisonment has  
16 been served. If the offender is received for confinement in a  
17 facility with less than nine months remaining before the  
18 offender's minimum term of imprisonment has been served, the  
19 committee shall conform its procedures to those outlined in item  
20 (ii) to the extent practicable.

21 (iv) If the offender is granted supervised release, the  
22 commissioner of corrections shall notify the appropriate  
23 end-of-confinement review committee that it needs to review the  
24 offender's previously determined risk level at its next  
25 regularly scheduled meeting. The commissioner shall make  
26 reasonable efforts to ensure that the offender's earlier risk  
27 level determination is reviewed and the risk level is confirmed  
28 or reassigned at least 60 days before the offender's release  
29 date. The committee shall give the report to the offender and  
30 to the law enforcement agency at least 60 days before an  
31 offender is released from confinement.

32 (e) The committee shall assign to risk level I a predatory  
33 offender whose risk assessment score indicates a low risk of  
34 reoffense. The committee shall assign to risk level II an  
35 offender whose risk assessment score indicates a moderate risk  
36 of reoffense. The committee shall assign to risk level III an

1 offender whose risk assessment score indicates a high risk of  
2 reoffense.

3 (f) Before the predatory offender is released from  
4 confinement, the committee shall prepare a risk assessment  
5 report which specifies the risk level to which the offender has  
6 been assigned and the reasons underlying the committee's risk  
7 assessment decision. Except for an offender subject to a  
8 mandatory life sentence under section 609.342, subdivision 2,  
9 paragraph (b), or 609.3455, who has not been granted supervised  
10 release, the committee shall give the report to the offender and  
11 to the law enforcement agency at least 60 days before an  
12 offender is released from confinement. If the offender is  
13 subject to a mandatory life sentence and has not yet served the  
14 entire minimum term of imprisonment, the committee shall give  
15 the report to the offender and to the commissioner at least six  
16 months before the offender is first eligible for release. If  
17 the risk assessment is performed under the circumstances  
18 described in paragraph (d), item (ii), the report shall be given  
19 to the offender and the law enforcement agency as soon as it is  
20 available. The committee also shall inform the offender of the  
21 availability of review under subdivision 6.

22 (g) As used in this subdivision, "risk factors" includes,  
23 but is not limited to, the following factors:

24 (1) the seriousness of the offense should the offender  
25 reoffend. This factor includes consideration of the following:

- 26 (i) the degree of likely force or harm;  
27 (ii) the degree of likely physical contact; and  
28 (iii) the age of the likely victim;

29 (2) the offender's prior offense history. This factor  
30 includes consideration of the following:

- 31 (i) the relationship of prior victims to the offender;  
32 (ii) the number of prior offenses or victims;  
33 (iii) the duration of the offender's prior offense history;  
34 (iv) the length of time since the offender's last prior  
35 offense while the offender was at risk to commit offenses; and  
36 (v) the offender's prior history of other antisocial acts;

1 (3) the offender's characteristics. This factor includes  
2 consideration of the following:

3 (i) the offender's response to prior treatment efforts; and

4 (ii) the offender's history of substance abuse;

5 (4) the availability of community supports to the offender.

6 This factor includes consideration of the following:

7 (i) the availability and likelihood that the offender will  
8 be involved in therapeutic treatment;

9 (ii) the availability of residential supports to the  
10 offender, such as a stable and supervised living arrangement in  
11 an appropriate location;

12 (iii) the offender's familial and social relationships,  
13 including the nature and length of these relationships and the  
14 level of support that the offender may receive from these  
15 persons; and

16 (iv) the offender's lack of education or employment  
17 stability;

18 (5) whether the offender has indicated or credible evidence  
19 in the record indicates that the offender will reoffend if  
20 released into the community; and

21 (6) whether the offender demonstrates a physical condition  
22 that minimizes the risk of reoffense, including but not limited  
23 to, advanced age or a debilitating illness or physical condition.

24 (h) Upon the request of the law enforcement agency or the  
25 offender's corrections agent, the commissioner may reconvene the  
26 end-of-confinement review committee for the purpose of  
27 reassessing the risk level to which an offender has been  
28 assigned under paragraph (e). In a request for a reassessment,  
29 the law enforcement agency which was responsible for the charge  
30 resulting in confinement or agent shall list the facts and  
31 circumstances arising after the initial assignment or facts and  
32 circumstances known to law enforcement or the agent but not  
33 considered by the committee under paragraph (e) which support  
34 the request for a reassessment. The request for reassessment by  
35 the law enforcement agency must occur within 30 days of receipt  
36 of the report indicating the offender's risk level assignment.

1 The offender's corrections agent, in consultation with the chief  
2 law enforcement officer in the area where the offender resides  
3 or intends to reside, may request a review of a risk level at  
4 any time if substantial evidence exists that the offender's risk  
5 level should be reviewed by an end-of-confinement review  
6 committee. This evidence includes, but is not limited to,  
7 evidence of treatment failures or completions, evidence of  
8 exceptional crime-free community adjustment or lack of  
9 appropriate adjustment, evidence of substantial community need  
10 to know more about the offender or mitigating circumstances that  
11 would narrow the proposed scope of notification, or other  
12 practical situations articulated and based in evidence of the  
13 offender's behavior while under supervision. Upon review of the  
14 request, the end-of-confinement review committee may reassign an  
15 offender to a different risk level. If the offender is  
16 reassigned to a higher risk level, the offender has the right to  
17 seek review of the committee's determination under subdivision 6.

18 (i) An offender may request the end-of-confinement review  
19 committee to reassess the offender's assigned risk level after  
20 three years have elapsed since the committee's initial risk  
21 assessment and may renew the request once every two years  
22 following subsequent denials. In a request for reassessment,  
23 the offender shall list the facts and circumstances which  
24 demonstrate that the offender no longer poses the same degree of  
25 risk to the community. In order for a request for a risk level  
26 reduction to be granted, the offender must demonstrate full  
27 compliance with supervised release conditions, completion of  
28 required post-release treatment programming, and full compliance  
29 with all registration requirements as detailed in section  
30 243.166. The offender must also not have been convicted of any  
31 felony, gross misdemeanor, or misdemeanor offenses subsequent to  
32 the assignment of the original risk level. The committee shall  
33 follow the process outlined in paragraphs (a) to (c) in the  
34 reassessment. An offender who is incarcerated may not request a  
35 reassessment under this paragraph.

36 (j) Offenders returned to prison as release violators shall

1 not have a right to a subsequent risk reassessment by the  
2 end-of-confinement review committee unless substantial evidence  
3 indicates that the offender's risk to the public has increased.

4 (k) The commissioner shall establish an end-of-confinement  
5 review committee to assign a risk level to offenders who are  
6 released from a federal correctional facility in Minnesota or  
7 another state and who intend to reside in Minnesota, and to  
8 offenders accepted from another state under a reciprocal  
9 agreement for parole supervision under the interstate compact  
10 authorized by section 243.16. The committee shall make  
11 reasonable efforts to conform to the same timelines as applied  
12 to Minnesota cases. Offenders accepted from another state under  
13 a reciprocal agreement for probation supervision are not  
14 assigned a risk level, but are considered downward dispositional  
15 departures. The probation or court services officer and law  
16 enforcement officer shall manage such cases in accordance with  
17 section 244.10, subdivision 2a. The policies and procedures of  
18 the committee for federal offenders and interstate compact cases  
19 must be in accordance with all requirements as set forth in this  
20 section, unless restrictions caused by the nature of federal or  
21 interstate transfers prevents such conformance.

22 (l) If the committee assigns a predatory offender to risk  
23 level III, the committee shall determine whether residency  
24 restrictions shall be included in the conditions of the  
25 offender's release based on the offender's pattern of offending  
26 behavior.

27 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
28 and applies to crimes committed on or after that date.

29 Sec. 4. Minnesota Statutes 2004, section 609.109,  
30 subdivision 2, is amended to read:

31 Subd. 2. [PRESUMPTIVE EXECUTED SENTENCE.] Except as  
32 provided in subdivision 3 or 4, if a person is convicted under  
33 sections 609.342 to ~~609.345~~ 609.3453, within 15 years of a  
34 previous sex offense conviction, the court shall commit the  
35 defendant to the commissioner of corrections for not less than  
36 three years, nor more than the maximum sentence provided by law

1 for the offense for which convicted, notwithstanding the  
2 provisions of sections 242.19, 243.05, 609.11, 609.12, and  
3 609.135. The court may stay the execution of the sentence  
4 imposed under this subdivision only if it finds that a  
5 professional assessment indicates the offender is accepted by  
6 and can respond to treatment at a long-term inpatient program  
7 exclusively treating sex offenders and approved by the  
8 commissioner of corrections. If the court stays the execution  
9 of a sentence, it shall include the following as conditions of  
10 probation:

- 11 (1) incarceration in a local jail or workhouse; and  
12 (2) a requirement that the offender successfully complete  
13 the treatment program and aftercare as directed by the court.

14 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
15 and applies to crimes committed on or after that date.

16 Sec. 5. Minnesota Statutes 2004, section 609.109,  
17 subdivision 5, is amended to read:

18 Subd. 5. [PREVIOUS SEX OFFENSE CONVICTIONS.] For the  
19 purposes of this section, a conviction is considered a previous  
20 sex offense conviction if the person was convicted of a sex  
21 offense before the commission of the present offense of  
22 conviction. A person has two previous sex offense convictions  
23 only if the person was convicted and sentenced for a sex offense  
24 committed after the person was earlier convicted and sentenced  
25 for a sex offense, both convictions preceded the commission of  
26 the present offense of conviction, and 15 years have not elapsed  
27 since the person was discharged from the sentence imposed for  
28 the second conviction. A "sex offense" is a violation of  
29 sections 609.342 to ~~609.345~~ 609.3453 or any similar statute of  
30 the United States, this state, or any other state.

31 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
32 and applies to crimes committed on or after that date.

33 Sec. 6. Minnesota Statutes 2004, section 609.115, is  
34 amended by adding a subdivision to read:

35 Subd. 2b. [INDETERMINATE AND MANDATORY LIFE SENTENCES;  
36 SENTENCING WORKSHEET.] If the defendant has been convicted of a

1 felony crime for which any type of indeterminate sentence or  
2 mandatory life sentence is provided by law, the court shall  
3 cause a sentencing worksheet as provided in subdivision 1,  
4 paragraph (e), to be completed and forwarded to the Minnesota  
5 Sentencing Guidelines Commission.

6 Sec. 7. Minnesota Statutes 2004, section 609.117,  
7 subdivision 1, is amended to read:

8 Subdivision 1. [UPON SENTENCING.] The court shall order an  
9 offender to provide a biological specimen for the purpose of DNA  
10 analysis as defined in section 299C.155 when:

11 (1) the court sentences a person charged with violating or  
12 attempting to violate any of the following, and the person is  
13 convicted of that offense or of any offense arising out of the  
14 same set of circumstances:

15 (i) murder under section 609.185, 609.19, or 609.195;

16 (ii) manslaughter under section 609.20 or 609.205;

17 (iii) assault under section 609.221, 609.222, or 609.223;

18 (iv) robbery under section 609.24 or aggravated robbery  
19 under section 609.245;

20 (v) kidnapping under section 609.25;

21 (vi) false imprisonment under section 609.255;

22 (vii) criminal sexual conduct under section 609.342,  
23 609.343, 609.344, 609.345, ~~or~~ 609.3451, subdivision 3, or  
24 609.3453;

25 (viii) incest under section 609.365;

26 (ix) burglary under section 609.582, subdivision 1; or

27 (x) indecent exposure under section 617.23, subdivision 3;

28 (2) the court sentences a person as a patterned sex  
29 offender under section 609.108; or

30 (3) the juvenile court adjudicates a person a delinquent  
31 child who is the subject of a delinquency petition for violating  
32 or attempting to violate any of the following, and the  
33 delinquency adjudication is based on a violation of one of those  
34 sections or of any offense arising out of the same set of  
35 circumstances:

36 (i) murder under section 609.185, 609.19, or 609.195;

- 1 (ii) manslaughter under section 609.20 or 609.205;  
2 (iii) assault under section 609.221, 609.222, or 609.223;  
3 (iv) robbery under section 609.24 or aggravated robbery  
4 under section 609.245;  
5 (v) kidnapping under section 609.25;  
6 (vi) false imprisonment under section 609.255;  
7 (vii) criminal sexual conduct under section 609.342,  
8 609.343, 609.344, 609.345, ~~or~~ 609.3451, subdivision 3, or  
9 609.3453;  
10 (viii) incest under section 609.365;  
11 (ix) burglary under section 609.582, subdivision 1; or  
12 (x) indecent exposure under section 617.23, subdivision 3.

13 The biological specimen or the results of the analysis shall be  
14 maintained by the Bureau of Criminal Apprehension as provided in  
15 section 299C.155.

16 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
17 and applies to crimes committed on or after that date.

18 Sec. 8. Minnesota Statutes 2004, section 609.117,  
19 subdivision 2, is amended to read:

20 Subd. 2. [BEFORE RELEASE.] The commissioner of corrections  
21 or local corrections authority shall order a person to provide a  
22 biological specimen for the purpose of DNA analysis before  
23 completion of the person's term of imprisonment when the person  
24 has not provided a biological specimen for the purpose of DNA  
25 analysis and the person:

26 (1) is currently serving a term of imprisonment for or has  
27 a past conviction for violating or attempting to violate any of  
28 the following or a similar law of another state or the United  
29 States or initially charged with violating one of the following  
30 sections or a similar law of another state or the United States  
31 and convicted of another offense arising out of the same set of  
32 circumstances:

- 33 (i) murder under section 609.185, 609.19, or 609.195;  
34 (ii) manslaughter under section 609.20 or 609.205;  
35 (iii) assault under section 609.221, 609.222, or 609.223;  
36 (iv) robbery under section 609.24 or aggravated robbery

1 under section 609.245;

2 (v) kidnapping under section 609.25;

3 (vi) false imprisonment under section 609.255;

4 (vii) criminal sexual conduct under section 609.342,

5 609.343, 609.344, 609.345, ~~or~~ 609.3451, subdivision 3, or

6 609.3453;

7 (viii) incest under section 609.365;

8 (ix) burglary under section 609.582, subdivision 1; or

9 (x) indecent exposure under section 617.23, subdivision 3;

10 or

11 (2) was sentenced as a patterned sex offender under section

12 609.108, and committed to the custody of the commissioner of

13 corrections; or

14 (3) is serving a term of imprisonment in this state under a

15 reciprocal agreement although convicted in another state of an

16 offense described in this subdivision or a similar law of the

17 United States or any other state. The commissioner of

18 corrections or local corrections authority shall forward the

19 sample to the Bureau of Criminal Apprehension.

20 [EFFECTIVE DATE.] This section is effective August 1, 2005,

21 and applies to crimes committed on or after that date.

22 Sec. 9. Minnesota Statutes 2004, section 609.1351, is

23 amended to read:

24 609.1351 [PETITION FOR CIVIL COMMITMENT.]

25 When a court sentences a person under section 609.108,

26 609.342, 609.343, 609.344, ~~or~~ 609.345, or 609.3453, the court

27 shall make a preliminary determination whether in the court's

28 opinion a petition under section 253B.185 may be appropriate and

29 include the determination as part of the sentencing order. If

30 the court determines that a petition may be appropriate, the

31 court shall forward its preliminary determination along with

32 supporting documentation to the county attorney.

33 [EFFECTIVE DATE.] This section is effective August 1, 2005,

34 and applies to crimes committed on or after that date.

35 Sec. 10. Minnesota Statutes 2004, section 609.347, is

36 amended to read:

1           609.347 [EVIDENCE IN CRIMINAL SEXUAL CONDUCT CASES.]

2           Subdivision 1. In a prosecution under sections 609.109 or,  
3 609.342 to 609.3451, or 609.3453, the testimony of a victim need  
4 not be corroborated.

5           Subd. 2. In a prosecution under sections 609.109 or,  
6 609.342 to 609.3451, or 609.3453, there is no need to show that  
7 the victim resisted the accused.

8           Subd. 3. In a prosecution under sections 609.109, 609.342  
9 to 609.3451, 609.3453, or 609.365, evidence of the victim's  
10 previous sexual conduct shall not be admitted nor shall any  
11 reference to such conduct be made in the presence of the jury,  
12 except by court order under the procedure provided in  
13 subdivision 4. The evidence can be admitted only if the  
14 probative value of the evidence is not substantially outweighed  
15 by its inflammatory or prejudicial nature and only in the  
16 circumstances set out in paragraphs (a) and (b). For the  
17 evidence to be admissible under paragraph (a), subsection (i),  
18 the judge must find by a preponderance of the evidence that the  
19 facts set out in the accused's offer of proof are true. For the  
20 evidence to be admissible under paragraph (a), subsection (ii)  
21 or paragraph (b), the judge must find that the evidence is  
22 sufficient to support a finding that the facts set out in the  
23 accused's offer of proof are true, as provided under Rule 901 of  
24 the Rules of Evidence.

25           (a) When consent of the victim is a defense in the case,  
26 the following evidence is admissible:

27           (i) evidence of the victim's previous sexual conduct  
28 tending to establish a common scheme or plan of similar sexual  
29 conduct under circumstances similar to the case at issue. In  
30 order to find a common scheme or plan, the judge must find that  
31 the victim made prior allegations of sexual assault which were  
32 fabricated; and

33           (ii) evidence of the victim's previous sexual conduct with  
34 the accused.

35           (b) When the prosecution's case includes evidence of semen,  
36 pregnancy, or disease at the time of the incident or, in the

1 case of pregnancy, between the time of the incident and trial,  
2 evidence of specific instances of the victim's previous sexual  
3 conduct is admissible solely to show the source of the semen,  
4 pregnancy, or disease.

5 Subd. 4. The accused may not offer evidence described in  
6 subdivision 3 except pursuant to the following procedure:

7 (a) A motion shall be made by the accused at least three  
8 business days prior to trial, unless later for good cause shown,  
9 setting out with particularity the offer of proof of the  
10 evidence that the accused intends to offer, relative to the  
11 previous sexual conduct of the victim;

12 (b) If the court deems the offer of proof sufficient, the  
13 court shall order a hearing out of the presence of the jury, if  
14 any, and in such hearing shall allow the accused to make a full  
15 presentation of the offer of proof;

16 (c) At the conclusion of the hearing, if the court finds  
17 that the evidence proposed to be offered by the accused  
18 regarding the previous sexual conduct of the victim is  
19 admissible under subdivision 3 and that its probative value is  
20 not substantially outweighed by its inflammatory or prejudicial  
21 nature, the court shall make an order stating the extent to  
22 which evidence is admissible. The accused may then offer  
23 evidence pursuant to the order of the court;

24 (d) If new information is discovered after the date of the  
25 hearing or during the course of trial, which may make evidence  
26 described in subdivision 3 admissible, the accused may make an  
27 offer of proof pursuant to clause (a) and the court shall order  
28 an in camera hearing to determine whether the proposed evidence  
29 is admissible by the standards herein.

30 Subd. 5. In a prosecution under sections 609.109 et  
31 609.342 to 609.3451, or 609.3453, the court shall not instruct  
32 the jury to the effect that:

33 (a) It may be inferred that a victim who has previously  
34 consented to sexual intercourse with persons other than the  
35 accused would be therefore more likely to consent to sexual  
36 intercourse again; or

1 (b) The victim's previous or subsequent sexual conduct in  
2 and of itself may be considered in determining the credibility  
3 of the victim; or

4 (c) Criminal sexual conduct is a crime easily charged by a  
5 victim but very difficult to disprove by an accused because of  
6 the heinous nature of the crime; or

7 (d) The jury should scrutinize the testimony of the victim  
8 any more closely than it should scrutinize the testimony of any  
9 witness in any felony prosecution.

10 Subd. 6. (a) In a prosecution under sections 609.109 ~~or~~  
11 609.342 to 609.3451, or 609.3453, involving a psychotherapist  
12 and patient, evidence of the patient's personal or medical  
13 history is not admissible except when:

14 (1) the accused requests a hearing at least three business  
15 days prior to trial and makes an offer of proof of the relevancy  
16 of the history; and

17 (2) the court finds that the history is relevant and that  
18 the probative value of the history outweighs its prejudicial  
19 value.

20 (b) The court shall allow the admission only of specific  
21 information or examples of conduct of the victim that are  
22 determined by the court to be relevant. The court's order shall  
23 detail the information or conduct that is admissible and no  
24 other evidence of the history may be introduced.

25 (c) Violation of the terms of the order is grounds for  
26 mistrial but does not prevent the retrial of the accused.

27 Subd. 7. [EFFECT OF STATUTE ON RULES.] Rule 412 of the  
28 Rules of Evidence is superseded to the extent of its conflict  
29 with this section.

30 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
31 and applies to crimes committed on or after that date.

32 Sec. 11. Minnesota Statutes 2004, section 609.3471, is  
33 amended to read:

34 609.3471 [RECORDS PERTAINING TO VICTIM IDENTITY  
35 CONFIDENTIAL.]

36 Notwithstanding any provision of law to the contrary, no

1 data contained in records or reports relating to petitions,  
2 complaints, or indictments issued pursuant to section 609.342~~7~~,  
3 609.343~~7~~, 609.344~~7-er~~, 609.345, or 609.3453, which  
4 specifically identifies a victim who is a minor shall be  
5 accessible to the public, except by order of the court. Nothing  
6 in this section authorizes denial of access to any other data  
7 contained in the records or reports, including the identity of  
8 the defendant.

9 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
10 and applies to crimes committed on or after that date.

11 Sec. 12. Minnesota Statutes 2004, section 609.348, is  
12 amended to read:

13 609.348 [MEDICAL PURPOSES; EXCLUSION.]

14 Sections 609.109 and, 609.342 to 609.3451, and 609.3453 do  
15 not apply to sexual penetration or sexual contact when done for  
16 a bona fide medical purpose.

17 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
18 and applies to crimes committed on or after that date.

19 Sec. 13. Minnesota Statutes 2004, section 609.353, is  
20 amended to read:

21 609.353 [JURISDICTION.]

22 A violation or attempted violation of section 609.342,  
23 609.343, 609.344, 609.345, 609.3451, 609.3453, or 609.352 may be  
24 prosecuted in any jurisdiction in which the violation originates  
25 or terminates.

26 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
27 and applies to crimes committed on or after that date.

28 Sec. 14. Minnesota Statutes 2004, section 631.045, is  
29 amended to read:

30 631.045 [EXCLUDING SPECTATORS FROM THE COURTROOM.]

31 At the trial of a complaint or indictment for a violation  
32 of sections 609.109, 609.341 to 609.3451, 609.3453, or 617.246,  
33 subdivision 2, when a minor under 18 years of age is the person  
34 upon, with, or against whom the crime is alleged to have been  
35 committed, the judge may exclude the public from the courtroom  
36 during the victim's testimony or during all or part of the

1 remainder of the trial upon a showing that closure is necessary  
2 to protect a witness or ensure fairness in the trial. The judge  
3 shall give the prosecutor, defendant and members of the public  
4 the opportunity to object to the closure before a closure order.  
5 The judge shall specify the reasons for closure in an order  
6 closing all or part of the trial. Upon closure the judge shall  
7 only admit persons who have a direct interest in the case.

8 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
9 and applies to crimes committed on or after that date.

10 Sec. 15. [REVISOR INSTRUCTION.]

11 (a) The revisor of statutes shall renumber Minnesota  
12 Statutes, section 609.3452, as Minnesota Statutes, section  
13 609.3457, and correct cross-references. In addition, the  
14 revisor shall delete the reference in Minnesota Statutes,  
15 section 13.871, subdivision 3, paragraph (d), to Minnesota  
16 Statutes, section 609.3452, and insert a reference to Minnesota  
17 Statutes, section 609.3457. The revisor shall include a  
18 notation in Minnesota Statutes to inform readers of the statutes  
19 of the renumbering of section 609.3457.

20 (b) In addition to the specific changes described in  
21 paragraph (a), the revisor of statutes shall make other  
22 technical changes necessitated by this act.

23 ARTICLE 6

24 CONTROLLED SUBSTANCES PROVISIONS

25 Section 1. Minnesota Statutes 2004, section 152.01,  
26 subdivision 10, is amended to read:

27 Subd. 10. [NARCOTIC DRUG.] "Narcotic drug" means any of  
28 the following, whether produced directly or indirectly by  
29 extraction from substances of vegetable origin, or independently  
30 by means of chemical synthesis, or by a combination of  
31 extraction and chemical synthesis:

32 (1) Opium, coca leaves, and opiates, and methamphetamine;

33 (2) A compound, manufacture, salt, derivative, or  
34 preparation of opium, coca leaves, or opiates, or  
35 methamphetamine;

36 (3) A substance, and any compound, manufacture, salt,

1 derivative, or preparation thereof, which is chemically  
 2 identical with any of the substances referred to in clauses (1)  
 3 and (2), except that the words "narcotic drug" as used in this  
 4 chapter shall not include decocainized coca leaves or extracts  
 5 of coca leaves, which extracts do not contain cocaine or  
 6 ecgonine.

7 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
 8 and applies to crimes committed on or after that date.

9 Sec. 2. Minnesota Statutes 2004, section 152.021,  
 10 subdivision 2a, is amended to read:

11 Subd. 2a. [METHAMPHETAMINE MANUFACTURE CRIMES CRIME;  
 12 POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE  
 13 METHAMPHETAMINE CRIME.] (a) Notwithstanding subdivision 1,  
 14 sections 152.022, subdivision 1, 152.023, subdivision 1, and  
 15 152.024, subdivision 1, a person is guilty of controlled  
 16 substance crime in the first degree if the person manufactures  
 17 any amount of methamphetamine.

18 ~~(b) Notwithstanding paragraph (a) and section 609.17, A~~  
 19 ~~person is guilty of attempted manufacture of methamphetamine a~~  
 20 ~~crime~~ if the person possesses any chemical reagents or  
 21 precursors with the intent to manufacture methamphetamine. As  
 22 used in this section, "chemical reagents or precursors" refers  
 23 ~~to one or more~~ includes any of the following substances, or any  
 24 similar substances that can be used to manufacture  
 25 methamphetamine, or their the salts, isomers, and salts of  
 26 isomers of a listed or similar substance:

- 27 (1) ephedrine;  
 28 (2) pseudoephedrine;  
 29 (3) phenyl-2-propanone;  
 30 (4) phenylacetone;  
 31 (5) anhydrous ammonia, ~~as defined in section 18E.005,~~  
 32 ~~subdivision 1a;~~  
 33 (6) organic solvents;  
 34 (7) hydrochloric acid;  
 35 (8) lithium metal;  
 36 (9) sodium metal;

- 1 (10) ether;
- 2 (11) sulfuric acid;
- 3 (12) red phosphorus;
- 4 (13) iodine;
- 5 (14) sodium hydroxide;
- 6 (15) benzaldehyde;
- 7 (16) benzyl methyl ketone;
- 8 (17) benzyl cyanide;
- 9 (18) nitroethane;
- 10 (19) methylamine;
- 11 (20) phenylacetic acid;
- 12 (21) hydriodic acid; or
- 13 (22) hydriotic acid.

14 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
15 and applies to crimes committed on or after that date.

16 Sec. 3. Minnesota Statutes 2004, section 152.021,  
17 subdivision 3, is amended to read:

18 Subd. 3. [PENALTY.] (a) A person convicted under  
19 subdivisions 1 to 2a, paragraph (a), may be sentenced to  
20 imprisonment for not more than 30 years or to payment of a fine  
21 of not more than \$1,000,000, or both; a person convicted under  
22 subdivision 2a, paragraph (b), may be sentenced to imprisonment  
23 for not more than ~~three~~ ten years or to payment of a fine of not  
24 more than ~~\$5,000~~ \$20,000, or both.

25 (b) If the conviction is a subsequent controlled substance  
26 conviction, a person convicted under subdivisions 1 to 2a,  
27 paragraph (a), shall be committed to the commissioner of  
28 corrections for not less than four years nor more than 40 years  
29 and, in addition, may be sentenced to payment of a fine of not  
30 more than \$1,000,000; a person convicted under subdivision 2a,  
31 paragraph (b), may be sentenced to imprisonment for not more  
32 than ~~four~~ 15 years or to payment of a fine of not more than  
33 ~~\$5,000~~ \$30,000, or both.

34 (c) In a prosecution under subdivision 1 involving sales by  
35 the same person in two or more counties within a 90-day period,  
36 the person may be prosecuted for all of the sales in any county

1 in which one of the sales occurred.

2 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
3 and applies to crimes committed on or after that date.

4 Sec. 4. [152.0275] [CERTAIN CONTROLLED SUBSTANCE OFFENSES;  
5 RESTITUTION; PROHIBITIONS ON PROPERTY USE; NOTICE PROVISIONS.]

6 Subdivision 1. [RESTITUTION.] (a) As used in this  
7 subdivision:

8 (1) "clandestine lab site" means any structure or  
9 conveyance or outdoor location occupied or affected by  
10 conditions or chemicals typically associated with the  
11 manufacturing of methamphetamine;

12 (2) "emergency response" includes, but is not limited to,  
13 removing and collecting evidence, securing the site, removal,  
14 remediation, and hazardous chemical assessment or inspection of  
15 the site where the relevant offense or offenses took place,  
16 regardless of whether these actions are performed by the public  
17 entities themselves or by private contractors paid by the public  
18 entities, or the property owner;

19 (3) "remediation" means proper cleanup, treatment, or  
20 containment of hazardous substances or methamphetamine at or in  
21 a clandestine lab site, and may include demolition or disposal  
22 of structures or other property when an assessment so indicates;  
23 and

24 (4) "removal" means the removal from the clandestine lab  
25 site of precursor or waste chemicals, chemical containers, or  
26 equipment associated with the manufacture, packaging, or storage  
27 of illegal drugs.

28 (b) A court may require a person convicted of manufacturing  
29 or attempting to manufacture a controlled substance or of an  
30 illegal activity involving a precursor substance, where the  
31 response to the crime involved an emergency response, to pay  
32 restitution to all public entities that participated in the  
33 response. The restitution ordered may cover the reasonable  
34 costs of their participation in the response.

35 (c) In addition to the restitution authorized in paragraph  
36 (b), a court may require a person convicted of manufacturing or

1 attempting to manufacture a controlled substance or of illegal  
2 activity involving a precursor substance to pay restitution to a  
3 property owner who incurred removal or remediation costs because  
4 of the crime.

5 Subd. 2. [PROPERTY-RELATED PROHIBITIONS; NOTICE; WEB  
6 SITE.] (a) As used in this subdivision:

7 (1) "clandestine lab site" has the meaning given in  
8 subdivision 1, paragraph (a);

9 (2) "property" means publicly or privately owned real  
10 property including buildings and other structures, motor  
11 vehicles as defined in section 609.487, subdivision 2a, public  
12 waters, and public rights-of-way;

13 (3) "remediation" has the meaning given in subdivision 1,  
14 paragraph (a); and

15 (4) "removal" has the meaning given in subdivision 1,  
16 paragraph (a).

17 (b) A peace officer who arrests a person at a clandestine  
18 lab site shall notify the appropriate county or local health  
19 department, state duty officer, and child protection services of  
20 the arrest and the location of the site.

21 (c) A county or local health department or sheriff shall  
22 order that any property or portion of a property that has been  
23 found to be a clandestine lab site and contaminated by  
24 substances, chemicals, or items of any kind used in the  
25 manufacture of methamphetamine or any part of the manufacturing  
26 process, or the by-products or degradates of manufacturing  
27 methamphetamine be prohibited from being occupied or used until  
28 it has been assessed and remediated as provided in the  
29 Department of Health's clandestine drug labs general cleanup  
30 guidelines. The remediation shall be accomplished by a  
31 contractor who will make the verification required under  
32 paragraph (e).

33 (d) Unless clearly inapplicable, the procedures specified  
34 in chapter 145A and any related rules adopted under that chapter  
35 addressing the enforcement of public health laws, the removal  
36 and abatement of public health nuisances, and the remedies

1 available to property owners or occupants apply to this  
2 subdivision.

3 (e) Upon the proper removal and remediation of any property  
4 used as a clandestine lab site, the contractor shall verify to  
5 the applicable authority that issued the order under paragraph  
6 (c) that the work was completed according to the Department of  
7 Health's clandestine drug labs general cleanup guidelines and  
8 best practices and that levels of contamination have been  
9 reduced to levels set forth in the guidelines. The contractor  
10 shall provide the verification to the property owner and the  
11 applicable authority within five days from the completion of the  
12 remediation. Following this, the applicable authority shall  
13 vacate its order.

14 (f) If a contractor issues a verification and the property  
15 was not remediated according to the Department of Health's  
16 clandestine drug labs general cleanup guidelines or the levels  
17 of contamination were not reduced to levels set forth in the  
18 guidelines, the contractor is liable to the property owner for  
19 the additional costs relating to the proper remediation of the  
20 property according to the guidelines and reducing the levels of  
21 contamination to levels set in the guidelines and for reasonable  
22 attorney fees for collection of costs by the property owner. An  
23 action under this paragraph must be commenced within six years  
24 from the date on which the verification was issued by the  
25 contractor.

26 (g) If the applicable authority determines under paragraph  
27 (c) that a motor vehicle has been contaminated by substances,  
28 chemicals, or items of any kind used in the manufacture of  
29 methamphetamine or any part of the manufacturing process, or the  
30 by-products or degradates of manufacturing methamphetamine and  
31 if the authority is able to obtain the certificate of title for  
32 the motor vehicle, the authority shall notify the registrar of  
33 motor vehicles of this fact and in addition, forward the  
34 certificate of title to the registrar. The authority shall also  
35 notify the registrar when it vacates its order under paragraph  
36 (e).

1       (h) The applicable authority issuing an order under  
2 paragraph (c) shall record with the county recorder or registrar  
3 of titles of the county where the clandestine lab is located an  
4 affidavit containing the name of the owner, a legal description  
5 of the property where the clandestine lab was located, and a map  
6 drawn from available information showing the boundary of the  
7 property and the location of the contaminated area on the  
8 property that is prohibited from being occupied or used that  
9 discloses to any potential transferee:

10       (1) that the property, or a portion of the property, was  
11 the site of a clandestine lab;

12       (2) the location, condition, and circumstances of the  
13 clandestine lab, to the full extent known or reasonably  
14 ascertainable; and

15       (3) that the use of the property or some portion of it may  
16 be restricted as provided by paragraph (c).

17 If an inaccurate drawing or description is filed, the authority,  
18 on request of the owner or another interested person, shall file  
19 a supplemental affidavit with a corrected drawing or description.

20 If the authority vacates its order under paragraph (e), the  
21 authority shall record an affidavit that contains the recording  
22 information of the above affidavit and states that the order is  
23 vacated. Upon filing the affidavit vacating the order, the  
24 affidavit and the affidavit filed under this paragraph, together  
25 with the information set forth in the affidavits, cease to  
26 constitute either actual or constructive notice.

27       (i) If proper removal and remediation has occurred on the  
28 property, an interested party may record an affidavit indicating  
29 that this has occurred. Upon filing the affidavit described in  
30 this paragraph, the affidavit and the affidavit filed under  
31 paragraph (h), together with the information set forth in the  
32 affidavits, cease to constitute either actual or constructive  
33 notice. Failure to record an affidavit under this section does  
34 not affect or prevent any transfer of ownership of the property.

35       (j) The county recorder or registrar of titles must record  
36 all affidavits presented under paragraph (h) or (i) in a manner

1 that assures their disclosure in the ordinary course of a title  
2 search of the subject property.

3 (k) The commissioner of health shall post on the Internet  
4 contact information for each local community health services  
5 administrator.

6 (l) Each local community health services administrator  
7 shall maintain information related to property within the  
8 administrator's jurisdiction that is currently or was previously  
9 subject to an order issued under paragraph (c). The information  
10 maintained must include the name of the owner, the location of  
11 the property, the extent of the contamination, the status of the  
12 removal and remediation work on the property, and whether the  
13 order has been vacated. The administrator shall make this  
14 information available to the public either upon request or by  
15 other means.

16 (m) Before signing an agreement to sell or transfer real  
17 property, the seller or transferor must disclose in writing to  
18 the buyer or transferee if, to the seller's or transferor's  
19 knowledge, methamphetamine production has occurred on the  
20 property. If methamphetamine production has occurred on the  
21 property, the disclosure shall include a statement to the buyer  
22 or transferee informing the buyer or transferee:

23 (1) whether an order has been issued on the property as  
24 described in paragraph (c);

25 (2) whether any orders issued against the property under  
26 paragraph (c) have been vacated under paragraph (i); or

27 (3) if there was no order issued against the property and  
28 the seller or transferor is aware that methamphetamine  
29 production has occurred on the property, the status of removal  
30 and remediation on the property.

31 Unless the buyer or transferee and seller or transferor  
32 agree to the contrary in writing before the closing of the sale,  
33 a seller or transferor who fails to disclose, to the best of  
34 their knowledge, at the time of sale any of the facts required  
35 above, and who knew or had reason to know of methamphetamine  
36 production on the property, is liable to the buyer or transferee

1 for:

2 (1) costs relating to remediation of the property according  
3 to the Department of Health's clandestine drug labs general  
4 cleanup guidelines and best practices so that contamination is  
5 reduced to levels set forth in the guidelines; and

6 (2) reasonable attorney fees for collection of costs from  
7 the seller or transferor.

8 An action under this paragraph must be commenced within six  
9 years after the date on which the buyer or transferee closed the  
10 purchase or transfer of the real property where the  
11 methamphetamine production occurred.

12 [EFFECTIVE DATE.] This section is effective January 1,  
13 2006, and applies to crimes committed on or after that date.

14 Sec. 5. [152.136] [ANHYDROUS AMMONIA; PROHIBITED CONDUCT;  
15 CRIMINAL PENALTIES; CIVIL LIABILITY.]

16 Subdivision 1. [DEFINITIONS.] As used in this section,  
17 "tamper" means action taken by a person not authorized to take  
18 that action by law or by the owner or authorized custodian of an  
19 anhydrous ammonia container or of equipment where anhydrous  
20 ammonia is used, stored, distributed, or transported.

21 Subd. 2. [PROHIBITED CONDUCT.] (a) A person may not:

22 (1) steal or unlawfully take or carry away any amount of  
23 anhydrous ammonia;

24 (2) purchase, possess, transfer, or distribute any amount  
25 of anhydrous ammonia, knowing, or having reason to know, that it  
26 will be used to unlawfully manufacture a controlled substance;

27 (3) place, have placed, or possess anhydrous ammonia in a  
28 container that is not designed, constructed, maintained, and  
29 authorized to contain or transport anhydrous ammonia;

30 (4) transport anhydrous ammonia in a container that is not  
31 designed, constructed, maintained, and authorized to transport  
32 anhydrous ammonia;

33 (5) use, deliver, receive, sell, or transport a container  
34 designed and constructed to contain anhydrous ammonia without  
35 the express consent of the owner or authorized custodian of the  
36 container; or

1 (6) tamper with any equipment or facility used to contain,  
2 store, or transport anhydrous ammonia.

3 (b) For the purposes of this subdivision, containers  
4 designed and constructed for the storage and transport of  
5 anhydrous ammonia are described in rules adopted under section  
6 18C.121, subdivision 1, or in Code of Federal Regulations, title  
7 49.

8 Subd. 3. [NO CAUSE OF ACTION.] (a) Except as provided in  
9 paragraph (b), a person tampering with anhydrous ammonia  
10 containers or equipment under subdivision 2 shall have no cause  
11 of action for damages arising out of the tampering against:

12 (1) the owner or lawful custodian of the container or  
13 equipment;

14 (2) a person responsible for the installation or  
15 maintenance of the container or equipment; or

16 (3) a person lawfully selling or offering for sale the  
17 anhydrous ammonia.

18 (b) Paragraph (a) does not apply to a cause of action  
19 against a person who unlawfully obtained the anhydrous ammonia  
20 or anhydrous ammonia container or who possesses the anhydrous  
21 ammonia or anhydrous ammonia container for any unlawful purpose.

22 Subd. 4. [CRIMINAL PENALTY.] A person who knowingly  
23 violates subdivision 2 is guilty of a felony and may be  
24 sentenced to imprisonment for not more than five years or to  
25 payment of a fine of not more than \$50,000, or both.

26 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
27 and applies to crimes committed on or after that date.

28 Sec. 6. [152.137] [METHAMPHETAMINE-RELATED CRIMES  
29 INVOLVING CHILDREN AND VULNERABLE ADULTS.]

30 Subdivision 1. [DEFINITIONS.] (a) As used in this section,  
31 the following terms have the meanings given.

32 (b) "Chemical substance" means a substance intended to be  
33 used as a precursor in the manufacture of methamphetamine or any  
34 other chemical intended to be used in the manufacture of  
35 methamphetamine.

36 (c) "Child" means any person under the age of 18 years.

1        (d) "Methamphetamine paraphernalia" means all equipment,  
2 products, and materials of any kind that are used, intended for  
3 use, or designed for use in manufacturing, injecting, ingesting,  
4 inhaling, or otherwise introducing methamphetamine into the  
5 human body.

6        (e) "Methamphetamine waste products" means substances,  
7 chemicals, or items of any kind used in the manufacture of  
8 methamphetamine or any part of the manufacturing process, or the  
9 by-products or degradates of manufacturing methamphetamine.

10       (f) "Vulnerable adult" has the meaning given in section  
11 609.232, subdivision 11.

12       Subd. 2. [PROHIBITED CONDUCT.] (a) No person may knowingly  
13 engage in any of the following activities in the presence of a  
14 child or vulnerable adult; in the residence of a child or a  
15 vulnerable adult; in a building, structure, conveyance, or  
16 outdoor location where a child or vulnerable adult might  
17 reasonably be expected to be present; in a room offered to the  
18 public for overnight accommodation; or in any multiple unit  
19 residential building:

20       (1) manufacturing or attempting to manufacture  
21 methamphetamine;

22       (2) storing any chemical substance;

23       (3) storing any methamphetamine waste products; or

24       (4) storing any methamphetamine paraphernalia.

25       (b) No person may knowingly cause or permit a child or  
26 vulnerable adult to inhale, be exposed to, have contact with, or  
27 ingest methamphetamine, a chemical substance, or methamphetamine  
28 paraphernalia.

29       Subd. 3. [CRIMINAL PENALTY.] A person who violates  
30 subdivision 2 is guilty of a felony and may be sentenced to  
31 imprisonment for not more than five years or to payment of a  
32 fine of not more than \$10,000, or both.

33       Subd. 4. [MULTIPLE SENTENCES.] Notwithstanding sections  
34 609.035 and 609.04, a prosecution for or conviction under this  
35 section is not a bar to conviction of or punishment for any  
36 other crime committed by the defendant as part of the same

1 conduct.

2 Subd. 5. [PROTECTIVE CUSTODY.] A peace officer may take  
3 any child present in an area where any of the activities  
4 described in subdivision 2, paragraph (a), clauses (1) to (4),  
5 are taking place into protective custody in accordance with  
6 section 260C.175, subdivision 1, paragraph (b), clause (2). A  
7 child taken into protective custody under this subdivision shall  
8 be provided health screening to assess potential health concerns  
9 related to methamphetamine as provided in section 260C.188. A  
10 child not taken into protective custody under this subdivision  
11 but who is known to have been exposed to methamphetamine shall  
12 be offered health screening for potential health concerns  
13 related to methamphetamine as provided in section 260C.188.

14 Subd. 6. [REPORTING MALTREATMENT OF VULNERABLE ADULT.] (a)  
15 A peace officer shall make a report of suspected maltreatment of  
16 a vulnerable adult if the vulnerable adult is present in an area  
17 where any of the activities described in subdivision 2,  
18 paragraph (a), clauses (1) to (4), are taking place, and the  
19 peace officer has reason to believe the vulnerable adult  
20 inhaled, was exposed to, had contact with, or ingested  
21 methamphetamine, a chemical substance, or methamphetamine  
22 paraphernalia. The peace officer shall immediately report to  
23 the county common entry point as described in section 626.557,  
24 subdivision 9b.

25 (b) As required in section 626.557, subdivision 9b, law  
26 enforcement is the primary agency to conduct investigations of  
27 any incident when there is reason to believe a crime has been  
28 committed. Law enforcement shall initiate a response  
29 immediately. If the common entry point notified a county agency  
30 for adult protective services, law enforcement shall cooperate  
31 with that county agency when both agencies are involved and  
32 shall exchange data to the extent authorized in section 626.557,  
33 subdivision 12b, paragraph (g). County adult protection shall  
34 initiate a response immediately.

35 (c) The county social services agency shall immediately  
36 respond as required in section 626.557, subdivision 10, upon

1 receipt of a report from the common entry point staff.

2 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
3 and applies to crimes committed on or after that date.

4 Sec. 7. [152.139] [DISPOSING OF METHAMPHETAMINE WASTE  
5 PRODUCTS; CRIME.]

6 Subdivision 1. [DEFINITIONS.] As used in this section:

7 (1) "chemical substance" means a substance intended to be  
8 used as a precursor in the manufacture of methamphetamine or any  
9 other chemical intended to be used in the manufacture of  
10 methamphetamine; and

11 (2) "methamphetamine waste product" means a substance,  
12 chemical, or item of any kind used in the manufacture or  
13 attempted manufacture of methamphetamine or any part of the  
14 manufacturing process, or the by-product or degradate of  
15 manufacturing or attempting to manufacture methamphetamine.

16 Subd. 2. [CRIMES DESCRIBED; PENALTIES.] (a) Except as  
17 provided in paragraph (b), a person who knowingly disposes of or  
18 abandons any methamphetamine waste product or chemical substance  
19 is guilty of a felony and may be sentenced to imprisonment for  
20 not more than five years or to payment of a fine of not more  
21 than \$50,000, or both.

22 (b) A person who knowingly disposes of or abandons any  
23 methamphetamine waste product or chemical substance in a manner  
24 that places another person in imminent danger of death, great  
25 bodily harm, or substantial bodily harm, is guilty of a felony  
26 and may be sentenced to imprisonment for not more than ten years  
27 or to payment of a fine of not more than \$100,000, or both.

28 Subd. 3. [EXCEPTION.] This section does not apply to:

29 (1) a peace officer acting in the course of the officer's  
30 employment; or

31 (2) a person who lawfully disposes of any product or  
32 substance in a manner approved by the Pollution Control Agency.

33 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
34 and applies to crimes committed on or after that date.

35 Sec. 8. Minnesota Statutes 2004, section 168A.05,  
36 subdivision 3, is amended to read:

1 Subd. 3. [CONTENT OF CERTIFICATE.] Each certificate of  
2 title issued by the department shall contain:

3 (1) the date issued;

4 (2) the first, middle, and last names, the dates of birth,  
5 and addresses of all owners who are natural persons, the full  
6 names and addresses of all other owners;

7 (3) the names and addresses of any secured parties in the  
8 order of priority as shown on the application, or if the  
9 application is based on a certificate of title, as shown on the  
10 certificate, or as otherwise determined by the department;

11 (4) any liens filed pursuant to a court order or by a  
12 public agency responsible for child support enforcement against  
13 the owner;

14 (5) the title number assigned to the vehicle;

15 (6) a description of the vehicle including, so far as the  
16 following data exists, its make, model, year, identifying  
17 number, type of body, whether new or used, and if a new vehicle,  
18 the date of the first sale of the vehicle for use;

19 (7) with respect to motor vehicles subject to the  
20 provisions of section 325E.15, the true cumulative mileage  
21 registered on the odometer or that the actual mileage is unknown  
22 if the odometer reading is known by the owner to be different  
23 from the true mileage;

24 (8) with respect to vehicles subject to sections 325F.6641  
25 and 325F.6642, the appropriate term "flood damaged," "rebuilt,"  
26 "prior salvage," or "reconstructed"; and

27 (9) with respect to a vehicle contaminated by  
28 methamphetamine production, if the registrar has received the  
29 certificate of title and notice described in section 152.0275,  
30 subdivision 2, paragraph (g), the term "hazardous waste  
31 contaminated vehicle"; and

32 (10) any other data the department prescribes.

33 [EFFECTIVE DATE.] This section is effective August 1, 2005.

34 Sec. 9. [244.055] [CONDITIONAL RELEASE OF NONVIOLENT  
35 CONTROLLED SUBSTANCE OFFENDERS; OPPORTUNITY FOR DRUG TREATMENT.]

36 Subdivision 1. [CONDITIONAL RELEASE AUTHORITY.] The

1 commissioner of corrections has the authority to release  
2 offenders committed to the commissioner's custody who meet the  
3 requirements of this section and of any rules adopted by the  
4 commissioner.

5 Subd. 2. [CONDITIONAL RELEASE OF CERTAIN NONVIOLENT  
6 CONTROLLED SUBSTANCE OFFENDERS.] An offender who has been  
7 committed to the commissioner's custody may petition the  
8 commissioner for conditional release from prison before the  
9 offender's scheduled supervised release date or target release  
10 date if:

11 (1) the offender is serving a sentence for violating  
12 section 152.021, 152.022, 152.023, 152.024, or 152.025;

13 (2) the offender committed the crime as a result of a  
14 controlled substance addiction, and not primarily for profit;

15 (3) the offender has served at least 36 months or one-half  
16 of the offender's term of imprisonment, whichever is less;

17 (4) the offender successfully completed a chemical  
18 dependency treatment program while in prison; and

19 (5) the offender has not previously been conditionally  
20 released under this section.

21 Subd. 3. [OFFER OF CHEMICAL DEPENDENCY TREATMENT.] The  
22 commissioner shall offer all offenders meeting the criteria  
23 described in subdivision 2, clauses (1) and (2), the opportunity  
24 to begin a suitable chemical dependency treatment program within  
25 120 days after the offender's term of imprisonment begins.

26 Subd. 4. [RELEASE PROCEDURES.] The commissioner may not  
27 grant conditional release to an offender under this section  
28 unless the commissioner determines that the offender's release  
29 will not pose a danger to the public or an individual. In  
30 making this determination, the commissioner shall follow the  
31 procedures contained in section 244.05, subdivision 5, and the  
32 rules adopted by the commissioner under that subdivision. The  
33 commissioner shall also consider the offender's custody  
34 classification and level of risk of violence and the  
35 availability of appropriate community supervision for the  
36 offender. Conditional release granted under this section

1 continues until the offender's sentence expires, unless release  
2 is rescinded under subdivision 5.

3 Subd. 5. [CONDITIONAL RELEASE.] The conditions of release  
4 granted under this section are governed by the statutes and  
5 rules governing supervised release under this chapter, except  
6 that release may be rescinded without hearing by the  
7 commissioner if the commissioner determines that continuation of  
8 the conditional release poses a danger to the public or to an  
9 individual. If the commissioner rescinds an offender's  
10 conditional release, the offender shall be returned to prison  
11 and shall serve the remaining portion of the offender's sentence.

12 Subd. 6. [OFFENDERS SERVING OTHER SENTENCES.] An offender  
13 who is serving both a sentence for an offense described in  
14 subdivision 2 and an offense not described in subdivision 2, is  
15 not eligible for release under this section unless the offender  
16 has completed the offender's full term of imprisonment for the  
17 other offense.

18 [EFFECTIVE DATE.] This section is effective July 1, 2005,  
19 and applies to persons in prison on or after that date.

20 Sec. 10. Minnesota Statutes 2004, section 260C.171, is  
21 amended by adding a subdivision to read:

22 Subd. 6. [NOTICE TO SCHOOL.] (a) As used in this  
23 subdivision, the following terms have the meanings given.  
24 "Chemical substance," "methamphetamine paraphernalia," and  
25 "methamphetamine waste products" have the meanings given in  
26 section 152.137, subdivision 1. "School" means a charter school  
27 or a school as defined in section 120A.22, subdivision 4, except  
28 a home school.

29 (b) If a child has been taken into protective custody after  
30 being found in an area where methamphetamine was being  
31 manufactured or attempted to be manufactured or where any  
32 chemical substances, methamphetamine paraphernalia, or  
33 methamphetamine waste products were stored, and the child is  
34 enrolled in school, the officer who took the child into custody  
35 shall notify the chief administrative officer of the child's  
36 school of this fact.

1        [EFFECTIVE DATE.] This section is effective August 1, 2005,  
2 and applies to acts occurring on or after that date.

3        Sec. 11. [299C.90] [CITIZEN REPORTS OF METHAMPHETAMINE  
4 VIOLATIONS.]

5        The superintendent of the Bureau of Criminal Apprehension  
6 shall maintain and publicize a toll-free telephone number to  
7 enable citizens to report information about potential  
8 methamphetamine violations, including, but not limited to,  
9 illicit methamphetamine laboratories. The agency shall take  
10 appropriate steps after receiving a citizen report after  
11 considering the nature and trustworthiness of the information  
12 reported, including, but not limited to, contacting the  
13 appropriate law enforcement agency.

14        [EFFECTIVE DATE.] This section is effective July 1, 2005.

15        Sec. 12. [446A.083] [METHAMPHETAMINE LABORATORY CLEANUP  
16 REVOLVING FUND.]

17        Subdivision 1. [DEFINITIONS.] As used in this section:

18        (1) "clandestine lab site" has the meaning given in section  
19 152.0275, subdivision 1, paragraph (a);

20        (2) "property" has the meaning given in section 152.0275,  
21 subdivision 2, paragraph (a), but does not include motor  
22 vehicles; and

23        (3) "remediate" has the meaning given to remediation in  
24 section 152.0275, subdivision 1, paragraph (a).

25        Subd. 2. [FUND ESTABLISHED.] The authority shall establish  
26 a methamphetamine laboratory cleanup revolving fund to provide  
27 loans to counties and cities to remediate clandestine lab  
28 sites. The fund must be credited with repayments.

29        Subd. 3. [APPLICATIONS.] Applications by a county or city  
30 for a loan from the fund must be made to the authority on the  
31 forms prescribed by the authority. The application must  
32 include, but is not limited to:

33        (1) the amount of the loan requested and the proposed use  
34 of the loan proceeds;

35        (2) the source of revenues to repay the loan; and

36        (3) certification by the county or city that it meets the

1 loan eligibility requirements of subdivision 4.

2 Subd. 4. [LOAN ELIGIBILITY.] A county or city is eligible  
3 for a loan under this section if the county or city:

4 (1) identifies a site or sites designated by a local public  
5 health department or law enforcement as a clandestine lab site;

6 (2) has required the site's property owner to remediate the  
7 site at cost, under a local public health nuisance ordinance  
8 that addresses clandestine lab remediation;

9 (3) certifies that the property owner cannot pay for the  
10 remediation immediately;

11 (4) certifies that the property owner has not properly  
12 remediated the site; and

13 (5) issues a revenue bond payable to the authority to  
14 secure the loan.

15 Subd. 5. [USE OF LOAN PROCEEDS; REIMBURSEMENT BY PROPERTY  
16 OWNER.] (a) A loan recipient shall use the loan to remediate the  
17 clandestine lab site or if this has already been done to  
18 reimburse the applicable county or city fund for costs paid by  
19 the recipient to remediate the clandestine lab site.

20 (b) A loan recipient shall seek reimbursement from the  
21 owner of the property containing the clandestine lab site for  
22 the costs of the remediation. In addition to other lawful means  
23 of seeking reimbursement, the loan recipient may recover its  
24 costs through a property tax assessment by following the  
25 procedures specified in section 145A.08, subdivision 2,  
26 paragraph (c).

27 Subd. 6. [AWARD AND DISBURSEMENT OF FUNDS.] The authority  
28 shall award loans to recipients on a first-come, first-served  
29 basis, provided that the recipient is able to comply with the  
30 terms and conditions of the authority loan, which must be in  
31 conformance with this section. The authority shall make a  
32 single disbursement of the loan upon receipt of a payment  
33 request that includes a list of remediation expenses and  
34 evidence that a second-party sampling was undertaken to ensure  
35 that the remediation work was successful or a guarantee that  
36 such a sampling will be undertaken.

1        Subd. 7. [LOAN CONDITIONS AND TERMS.] (a) When making  
2 loans from the revolving fund, the authority shall comply with  
3 the criteria in paragraphs (b) to (e).

4        (b) Loans must be made at a two percent per annum interest  
5 rate for terms not to exceed ten years unless the recipient  
6 requests a 20-year term due to financial hardship.

7        (c) The annual principal and interest payments must begin  
8 no later than one year after completion of the clean up. Loans  
9 must be amortized no later than 20 years after completion of the  
10 clean up.

11       (d) A loan recipient must identify and establish a source  
12 of revenue for repayment of the loan and must undertake whatever  
13 steps are necessary to collect payments within one year of  
14 receipt of funds from the authority.

15       (e) The fund must be credited with all payments of  
16 principal and interest on all loans, except the costs as  
17 permitted under section 446A.04, subdivision 5, paragraph (a).

18       (f) Loans must be made only to recipients with a local  
19 public health nuisance ordinance that addresses clandestine lab  
20 remediation.

21       Subd. 8. [AUTHORITY TO INCUR DEBT.] Counties and cities  
22 may incur debt under this section by resolution of the board or  
23 council authorizing issuance of a revenue bond to the authority.

24       [EFFECTIVE DATE.] This section is effective July 1, 2005.

25       Sec. 13. Minnesota Statutes 2004, section 609.1095,  
26 subdivision 1, is amended to read:

27       Subdivision 1. [DEFINITIONS.] (a) As used in this section,  
28 the following terms have the meanings given.

29       (b) "Conviction" means any of the following accepted and  
30 recorded by the court: a plea of guilty, a verdict of guilty by  
31 a jury, or a finding of guilty by the court. The term includes  
32 a conviction by any court in Minnesota or another jurisdiction.

33       (c) "Prior conviction" means a conviction that occurred  
34 before the offender committed the next felony resulting in a  
35 conviction and before the offense for which the offender is  
36 being sentenced under this section.

1 (d) "Violent crime" means a violation of or an attempt or  
2 conspiracy to violate any of the following laws of this state or  
3 any similar laws of the United States or any other state:  
4 ~~section~~ sections 152.137; 609.165; 609.185; 609.19; 609.195;  
5 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228;  
6 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662;  
7 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;  
8 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1;  
9 609.561; 609.562; 609.582, subdivision 1; 609.66, subdivision  
10 1e; 609.687; and 609.855, subdivision 5; any provision of  
11 sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is  
12 punishable by a felony penalty; or any provision of chapter 152  
13 that is punishable by a maximum sentence of 15 years or more.

14 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
15 and applies to crimes committed on or after that date.

16 Sec. 14. Minnesota Statutes 2004, section 617.81, is  
17 amended by adding a subdivision to read:

18 Subd. 2b. [EXCEPTION; NUISANCES INVOLVING METHAMPHETAMINE  
19 MANUFACTURE.] Notwithstanding subdivision 2, for purposes of  
20 sections 617.80 to 617.87, a public nuisance exists upon proof  
21 of one or more behavioral incidents involving the manufacturing  
22 or attempted manufacture of methamphetamine in the previous 12  
23 months within the building. The requirement of two or more  
24 behavioral incidents in subdivision 2, paragraph (b), does not  
25 apply to incidents involving the manufacturing or attempted  
26 manufacture of methamphetamine.

27 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
28 and applies to acts committed on or after that date.

29 Sec. 15. Minnesota Statutes 2004, section 617.81,  
30 subdivision 4, is amended to read:

31 Subd. 4. [NOTICE.] (a) If a prosecuting attorney has  
32 reason to believe that a nuisance is maintained or permitted in  
33 the jurisdiction the prosecuting attorney serves, and intends to  
34 seek abatement of the nuisance, the prosecuting attorney shall  
35 provide the written notice described in paragraph (b), by  
36 personal service or certified mail, return receipt requested, to

1 the owner and all interested parties known to the prosecuting  
2 attorney.

3 (b) The written notice must:

4 (1) state that a nuisance as defined in subdivision 2 is  
5 maintained or permitted in the building and must specify the  
6 kind or kinds of nuisance being maintained or permitted;

7 (2) summarize the evidence that a nuisance is maintained or  
8 permitted in the building, including the date or dates on which  
9 nuisance-related activity or activities are alleged to have  
10 occurred;

11 (3) inform the recipient that failure to abate the conduct  
12 constituting the nuisance or to otherwise resolve the matter  
13 with the prosecuting attorney within 30 days of service of the  
14 notice may result in the filing of a complaint for relief in  
15 district court that could, among other remedies, result in  
16 enjoining the use of the building for any purpose for one year  
17 or, in the case of a tenant, could result in cancellation of the  
18 lease; and

19 (4) inform the owner of the options available under section  
20 617.85.

21 **[EFFECTIVE DATE.]** This section is effective August 1, 2005,  
22 and applies to acts committed on or after that date.

23 Sec. 16. Minnesota Statutes 2004, section 617.85, is  
24 amended to read:

25 617.85 [NUISANCE; MOTION TO CANCEL LEASE.]

26 Where notice is provided under section 617.81, subdivision  
27 4, that an abatement of a nuisance is sought and the  
28 circumstances that are the basis for the requested abatement  
29 involved the acts of a commercial or residential tenant or  
30 lessee of part or all of a building, the owner of the building  
31 that is subject to the abatement proceeding may file before the  
32 court that has jurisdiction over the abatement proceeding a  
33 motion to cancel the lease or otherwise secure restitution of  
34 the premises from the tenant or lessee who has maintained or  
35 conducted the nuisance. The owner may assign to the prosecuting  
36 attorney the right to file this motion. In addition to the

1 grounds provided in chapter 566, the maintaining or conducting  
2 of a nuisance as defined in section 617.81, subdivision 2, by a  
3 tenant or lessee, is an additional ground authorized by law for  
4 seeking the cancellation of a lease or the restitution of the  
5 premises. Service of motion brought under this section must be  
6 served in a manner that is sufficient under the Rules of Civil  
7 Procedure and chapter 566.

8 It is no defense to a motion under this section by the  
9 owner or the prosecuting attorney that the lease or other  
10 agreement controlling the tenancy or leasehold does not provide  
11 for eviction or cancellation of the lease upon the ground  
12 provided in this section.

13 Upon a finding by the court that the tenant or lessee has  
14 maintained or conducted a nuisance in any portion of the  
15 building, the court shall order cancellation of the lease or  
16 tenancy and grant restitution of the premises to the owner. The  
17 court must not order abatement of the premises if the court:

18 (a) cancels a lease or tenancy and grants restitution of  
19 that portion of the premises to the owner; and

20 (b) further finds that the act or acts constituting the  
21 nuisance as defined in section 617.81, subdivision 2, were  
22 committed by the tenant or lessee whose lease or tenancy has  
23 been canceled pursuant to this section and the tenant or lessee  
24 was not committing the act or acts in conjunction with or under  
25 the control of the owner.

26 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
27 and applies to acts committed on or after that date.

28 Sec. 17. [BOARD OF VETERINARY MEDICINE REPORT, PRECURSOR  
29 ANIMAL PRODUCTS.]

30 The Minnesota Board of Veterinary Medicine shall study and  
31 issue a report on animal products that may be used in the  
32 manufacture of methamphetamine. The report must include  
33 proposals for restricting access to such products only to  
34 legitimate users, specifically addressing the manufacturing,  
35 wholesaling, distributing, and retailing of precursor veterinary  
36 products. The board shall report its findings to the chairs and

1 ranking minority members of the senate and house committees  
2 having jurisdiction over criminal justice and veterinary policy  
3 by February 1, 2006.

4 [EFFECTIVE DATE.] This section is effective the day  
5 following final enactment.

6 Sec. 18. [REVISOR'S INSTRUCTION.]

7 The revisor of statutes shall recodify the provisions of  
8 Minnesota Statutes, section 152.021, subdivision 2a, paragraph  
9 (b), and subdivision 3, as amended by this article, that relate  
10 to the possession of chemical reagents or precursors with the  
11 intent to manufacture methamphetamine and the penalties for  
12 doing this into a new section of law codified as Minnesota  
13 Statutes, section 152.0262. The revisor shall make any  
14 necessary technical changes, including, but not limited to,  
15 changes to statutory cross-references, to Minnesota Statutes,  
16 section 152.021, and any other statutory sections to accomplish  
17 this.

18 Sec. 19. [REPEALER.]

19 Minnesota Statutes 2004, sections 18C.005, subdivisions 1a  
20 and 35a; 18C.201, subdivisions 6 and 7; and 18D.331, subdivision  
21 5, are repealed.

22 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
23 and applies to crimes committed on or after that date.

#### ARTICLE 7

##### GENERAL CRIME PROVISIONS

26 Section 1. Minnesota Statutes 2004, section 244.10, is  
27 amended by adding a subdivision to read:

28 Subd. 4. [PROOF OF AGGRAVATING FACTORS.] The court shall  
29 allow a prosecutor seeking to prove the existence of an  
30 aggravating factor justifying an upward departure under the  
31 Sentencing Guidelines the opportunity to prove this to the fact  
32 finder. The prosecutor shall provide reasonable notice to the  
33 defendant and the court of the prosecutor's intent to seek an  
34 upward departure and the aggravating factor on which the  
35 prosecutor intends to rely. Upon reasonable notice, the court  
36 shall allow the prosecutor the opportunity to prove the

1 aggravating factor either in a unitary or bifurcated trial.

2 [EFFECTIVE DATE.] This section is effective the day  
3 following final enactment and applies to sentencing departures  
4 sought on or after that date.

5 Sec. 2. [325F.696] [DEFINITIONS.]

6 Subdivision 1. [SCOPE.] For the purposes of sections  
7 325F.696 to 325F.699, the terms in this section have the  
8 meanings given them.

9 Subd. 2. [COMMERCIAL ELECTRONIC MAIL MESSAGE.] "Commercial  
10 electronic mail message" means any electronic mail message, the  
11 primary purpose of which is the commercial advertisement or  
12 promotion of a commercial product or service, including content  
13 on an Internet Web site operated for a commercial purpose, but  
14 does not include a transactional or relationship message. The  
15 inclusion of a reference to a commercial entity or a link to the  
16 Web site of a commercial entity does not, by itself, cause that  
17 message to be treated as a commercial electronic mail message  
18 for the purpose of this section if the contents or circumstances  
19 of the message indicate a primary purpose other than commercial  
20 advertisement or promotion of a commercial product or service.

21 Subd. 3. [COMPUTER.] "Computer" means an electronic device  
22 that performs logical, arithmetic, and memory functions by the  
23 manipulation of electronic or magnetic impulses. "Computer"  
24 includes, but is not limited to, all input, output, processing,  
25 storage, computer program, or communication facilities that are  
26 connected or related in a computer system or network to an  
27 electronic device of that nature.

28 Subd. 4. [COMPUTER NETWORK.] "Computer network" means a  
29 set of related and remotely connected computers and  
30 communication facilities that includes more than one computer  
31 system that has the capability to transmit among the connected  
32 computers and communication facilities through the use of  
33 computer facilities.

34 Subd. 5. [COMPUTER SYSTEM.] "Computer system" means a  
35 computer and related devices, whether connected or unconnected,  
36 including, but not limited to, data input, output, and storage

1 devices, data communication links, and computer programs and  
2 data that make the system capable of performing specified  
3 special purpose data processing tasks.

4 Subd. 6. [DOMAIN NAME.] "Domain name" means any  
5 alphanumeric designation that is registered with or assigned by  
6 any domain name registrar, domain name registry, or other domain  
7 name registration authority as part of an electronic address on  
8 the Internet.

9 Subd. 7. [ELECTRONIC MAIL.] "Electronic mail" means an  
10 electronic message that is transmitted between two or more  
11 telecommunications devices or electronic devices capable of  
12 receiving electronic messages, whether or not the message is  
13 converted to hard copy format after receipt, and whether or not  
14 the message is viewed upon the transmission or stored for later  
15 retrieval. "Electronic mail" includes electronic messages that  
16 are transmitted through a local, regional, or global computer  
17 network.

18 Subd. 8. [ORIGINATING ADDRESS.] "Originating address"  
19 means the string of characters used to specify the source of any  
20 electronic mail message.

21 Subd. 9. [RECEIVING ADDRESS.] "Receiving address" means  
22 the string of characters used to specify a recipient with each  
23 receiving address creating a unique and separate recipient.

24 Subd. 10. [ELECTRONIC MAIL MESSAGE.] "Electronic mail  
25 message" means each electronic mail addressed to a discrete  
26 addressee.

27 Subd. 11. [ELECTRONIC MAIL SERVICE PROVIDER.] "Electronic  
28 mail service provider" means any person, including an Internet  
29 service provider, that is an intermediary in sending and  
30 receiving electronic mail and that provides to the public  
31 electronic mail accounts or online user accounts from which  
32 electronic mail may be sent.

33 Subd. 12. [HEADER INFORMATION.] "Header information" means  
34 the source, destination, and routing information attached to an  
35 electronic mail message, including the originating domain name,  
36 originating address, and technical information that

1 authenticates the sender of an electronic mail message for  
2 computer network security or computer network management  
3 purposes.

4 Subd. 13. [INITIATE THE TRANSMISSION;  
5 INITIATED.] "Initiate the transmission" or "initiated" means to  
6 originate or transmit a commercial electronic mail message or to  
7 procure the origination or transmission of that message,  
8 regardless of whether the message reaches its intended  
9 recipients, but does not include actions that constitute routine  
10 conveyance of the message.

11 Subd. 14. [INTERNET.] "Internet" means collectively the  
12 myriad of computer and telecommunications facilities, including  
13 equipment and operating software, which comprise the  
14 interconnected worldwide network of networks that employ the  
15 Transmission Control Protocol/Internet Protocol, or any  
16 predecessor or successor protocols to this protocol, to  
17 communication information of all kinds by wire or radio.

18 Subd. 15. [INTERNET PROTOCOL ADDRESS.] "Internet protocol  
19 address" means the string of numbers by which locations on the  
20 Internet are identified by routers or other computers connected  
21 to the Internet.

22 Subd. 16. [MATERIALLY FALSIFY.] "Materially falsify" means  
23 to alter or conceal in a manner that would impair the ability of  
24 a recipient of an electronic mail message, an electronic mail  
25 service provider processing an electronic mail message on behalf  
26 of a recipient, a person alleging a violation of section  
27 325F.697, or a law enforcement agency to identify, locate, or  
28 respond to the person that initiated the electronic mail message  
29 or to investigate an alleged violation of this section.

30 Subd. 17. [MULTIPLE.] "Multiple" means more than ten  
31 commercial electronic mail messages during a 24-hour period,  
32 more than 100 commercial electronic mail messages during a  
33 30-day period, or more than 1,000 commercial electronic mail  
34 messages during a one-year period.

35 Subd. 18. [RECIPIENT.] "Recipient" means a person who  
36 receives a commercial electronic mail message at any one of the

1 following receiving addresses:

2 (1) a receiving address furnished by an electronic mail  
3 service provider that bills for furnishing and maintaining that  
4 receiving address to a mailing address within this state;

5 (2) a receiving address ordinarily accessed from a computer  
6 located within this state or by a person domiciled within this  
7 state; or

8 (3) any other receiving address with respect to which this  
9 section can be imposed consistent with the United States  
10 Constitution.

11 Subd. 19. [ROUTINE CONVEYANCE.] "Routine conveyance" means  
12 the transmission, routing, relaying, handling, or storing,  
13 through an automated technical process, of an electronic mail  
14 message for which another person has identified the recipients  
15 or provided the recipient addresses.

16 Subd. 20. [TRANSACTIONAL OR RELATIONSHIP  
17 MESSAGE.] "Transactional or relationship message" means an  
18 electronic mail message the primary purpose of which is to do  
19 any of the following:

20 (1) facilitate, complete, or confirm a commercial  
21 transaction that the recipient has previously agreed to enter  
22 into with the sender;

23 (2) provide warranty information, product recall  
24 information, or safety or security information with respect to a  
25 commercial product or service used or purchased by the  
26 recipient;

27 (3) provide notification concerning a change in the terms  
28 or features of; a change in the recipient's standing or status  
29 with respect to; or, at regular periodic intervals, account  
30 balance information or other type of account statement with  
31 respect to a subscription, membership, account, loan, or  
32 comparable ongoing commercial relationship involving the ongoing  
33 purchase or use by the recipient of products or services offered  
34 by the sender;

35 (4) provide information directly related to an employment  
36 relationship or related benefit plan in which the recipient is

1 currently involved, participating, or enrolled; or

2 (5) deliver goods or services, including product updates or  
3 upgrades, that the recipient is entitled to receive under the  
4 terms of a transaction that the recipient has previously agreed  
5 to enter into with the sender.

6 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
7 and applies to crimes committed on or after that date.

8 Sec. 3. [325F.697] [FALSE, MISLEADING, OR DECEPTIVE  
9 COMMERCIAL ELECTRONIC MAIL MESSAGES PROHIBITED.]

10 No person, with regard to commercial electronic mail  
11 messages sent from or to a computer in this state, shall do any  
12 of the following:

13 (1) knowingly use a computer to relay or retransmit  
14 multiple commercial electronic mail messages, with the intent to  
15 deceive or mislead recipients or any electronic mail service  
16 provider, as to the origin of those messages;

17 (2) knowingly and materially falsify header information in  
18 multiple commercial electronic mail messages and purposely  
19 initiate the transmission of those messages;

20 (3) knowingly register, using information that materially  
21 falsifies the identity of the actual registrant, for five or  
22 more electronic mail accounts or online user accounts or two or  
23 more domain names and purposely initiate the transmission of  
24 multiple commercial electronic mail messages from one, or any  
25 combination, of those accounts or domain names;

26 (4) knowingly falsely represent the right to use five or  
27 more Internet protocol addresses and purposely initiate the  
28 transmission of multiple commercial electronic mail messages  
29 from those addresses.

30 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
31 and applies to crimes committed on or after that date.

32 Sec. 4. [325F.698] [ILLEGAL TRANSMISSION OF MULTIPLE  
33 MESSAGES; CRIMINAL PENALTIES.]

34 (a) Whoever violates section 325F.697 is guilty of  
35 illegally transmitting multiple commercial electronic mail  
36 messages. Except as otherwise provided in paragraph (b) or

1 section 325F.699, subdivision 3, illegally transmitting multiple  
2 commercial electronic mail messages is a misdemeanor.

3 (b) Illegally transmitting multiple commercial electronic  
4 mail messages is a gross misdemeanor if any of the following  
5 apply:

6 (1) regarding a violation of section 325F.697, clause (3),  
7 the offender, using information that materially falsifies the  
8 identity of the actual registrant, knowingly registers for 20 or  
9 more electronic mail accounts or online user accounts or ten or  
10 more domain names, and purposely initiates, or conspires to  
11 initiate, the transmission of multiple commercial electronic  
12 mail messages from the accounts or domain names;

13 (2) regarding any violation of section 325F.697, the volume  
14 of commercial electronic mail messages the offender transmitted  
15 in committing the violation exceeds 250 during any 24-hour  
16 period, 2,500 during any 30-day period, or 25,000 during any  
17 one-year period;

18 (3) regarding any violation of section 325F.697, during any  
19 one-year period the aggregate loss to the victim or victims of  
20 the violation is \$500 or more, or during any one-year period the  
21 aggregate value of the property or services obtained by any  
22 offender as a result of the violation is \$500 or more;

23 (4) regarding any violation of section 325F.697, the  
24 offender committed the violation with three or more other  
25 persons with respect to whom the offender was the organizer or  
26 leader of the activity that resulted in the violation;

27 (5) regarding any violation of section 325F.697, the  
28 offender knowingly assisted in the violation through the  
29 provision or selection of electronic mail addresses to which the  
30 commercial electronic mail message was transmitted, if that  
31 offender knew that the electronic mail addresses of the  
32 recipients were obtained using an automated means from an  
33 Internet Web site or proprietary online service operated by  
34 another person, and that Web site or online service included, at  
35 the time the electronic mail addresses were obtained, a notice  
36 stating that the operator of that Web site or online service

1 will not transfer addresses maintained by that Web site or  
2 online service to any other party for the purposes of initiating  
3 the transmission of, or enabling others to initiate the  
4 transmission of, electronic mail messages; or

5 (6) regarding any violation of section 325F.697, the  
6 offender knowingly assisted in the violation through the  
7 provision or selection of electronic mail addresses of the  
8 recipients obtained using an automated means that generates  
9 possible electronic mail addresses by combining names, letters,  
10 or numbers into numerous permutations.

11 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
12 and applies to crimes committed on or after that date.

13 Sec. 5. [325F.699] [UNAUTHORIZED ACCESS TO A COMPUTER;  
14 CRIMINAL PENALTIES.]

15 Subdivision 1. [PROHIBITION.] No person, with regard to  
16 commercial electronic mail messages sent from or to a computer  
17 in this state, shall knowingly access a computer without  
18 authorization and purposely initiate the transmission of  
19 multiple commercial electronic mail messages from or through the  
20 computer.

21 Subd. 2. [GROSS MISDEMEANOR.] Except as otherwise provided  
22 in subdivision 3, whoever violates subdivision 1 is guilty of  
23 unauthorized access of a computer, a gross misdemeanor.

24 Subd. 3. [FELONY.] Illegally transmitting multiple  
25 commercial electronic mail messages and unauthorized access of a  
26 computer in violation of this section are felonies if the  
27 offender previously has been convicted of a violation of this  
28 section, or a violation of a law of another state or the United  
29 States regarding the transmission of electronic mail messages or  
30 unauthorized access to a computer, or if the offender committed  
31 the violation of this section in the furtherance of a felony.

32 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
33 and applies to crimes committed on or after that date.

34 Sec. 6. Minnesota Statutes 2004, section 518B.01,  
35 subdivision 22, is amended to read:

36 Subd. 22. [~~VIOLATION-OF-A~~ DOMESTIC ABUSE NO CONTACT

1 ORDER.] (a) A domestic abuse no contact order is an order issued  
2 by a court against a defendant in a criminal proceeding for:

3 (1) domestic abuse;

4 (2) harassment or stalking charged under section 609.749  
5 and committed against a family or household member;

6 (3) violation of an order for protection charged under  
7 subdivision 14; or

8 (4) violation of a prior domestic abuse no contact order  
9 charged under this subdivision.

10 It includes pretrial orders before final disposition of the case  
11 and probationary orders after sentencing.

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

15 (c) A peace officer shall arrest without a warrant and take  
16 into custody a person whom the peace officer has probable cause  
17 to believe has violated a domestic abuse no contact order, even  
18 if the violation of the order did not take place in the presence  
19 of the peace officer, if the existence of the order can be  
20 verified by the officer. The person shall be held in custody  
21 for at least 36 hours, excluding the day of arrest, Sundays, and  
22 holidays, unless the person is released earlier by a judge or  
23 judicial officer. A peace officer acting in good faith and  
24 exercising due care in making an arrest pursuant to this  
25 paragraph is immune from civil liability that might result from  
26 the officer's actions.

27 **[EFFECTIVE DATE.] This section is effective August 1, 2005.**

28 **Sec. 7. Minnesota Statutes 2004, section 609.119, is**  
29 **amended to read:**

30 **609.119 [ADDITIONAL COLLECTION OF BIOLOGICAL SPECIMENS FOR**  
31 **DNA TESTING.]**

32 **(a) ~~From July 17, 2003, to June 30, 2005,~~ The court shall**  
33 **order an offender to provide a biological specimen for the**  
34 **purpose of future DNA analysis as described in section 299C.155**  
35 **when:**

36 **(1) the court sentences a person charged with committing or**

1 attempting to commit a felony offense not described in section  
2 609.117, subdivision 1, and the person is convicted of that  
3 offense or of any felony offense arising out of the same set of  
4 circumstances; or

5 (2) the juvenile court adjudicates a person a delinquent  
6 child who is petitioned for committing or attempting to commit a  
7 felony offense not described in section 609.117, subdivision 1,  
8 and is adjudicated delinquent for that offense or any  
9 felony-level offense arising out of the same set of  
10 circumstances.

11 The biological specimen shall be maintained by the Bureau of  
12 Criminal Apprehension as provided in section 299C.155.

13 (b) ~~From July 17, 2003, to June 30, 2005,~~ The commissioner  
14 of corrections or local corrections authority shall order a  
15 person to provide a biological specimen for the purpose of  
16 ~~future~~ DNA analysis as described in section 299C.155 before  
17 completion of the person's term of imprisonment when the person  
18 has not provided a biological specimen for the purpose of DNA  
19 analysis, and the person:

20 (1) was initially charged with committing or attempting to  
21 commit a felony offense not described in section 609.117,  
22 subdivision 1, and was convicted of that offense or of any  
23 felony offense arising out of the same set of circumstances; or

24 (2) is serving a term of imprisonment in this state under a  
25 reciprocal agreement although convicted in another state of  
26 committing or attempting to commit a felony offense not  
27 described in section 609.117, subdivision 1, or of any felony  
28 offense arising out of the same set of circumstances if the  
29 person was initially charged with committing or attempting to  
30 commit a felony offense not described in section 609.117,  
31 subdivision 1.

32 The commissioner of corrections or local corrections authority  
33 shall forward the sample to the Bureau of Criminal Apprehension.

34 (c) ~~From July 17, 2003, to June 30, 2005,~~ When the state  
35 accepts an offender from another state under the interstate  
36 compact authorized by section 243.16 or 243.1605, the acceptance

1 is conditional on the offender providing a biological specimen  
2 for the purposes of future DNA analysis as described in section  
3 299C.155, if the offender was initially charged with committing  
4 or attempting to commit a felony offense not described in  
5 section 609.117, subdivision 1, and was convicted of that  
6 offense or of any felony offense arising out of the same set of  
7 circumstances. The specimen must be provided under supervision  
8 of staff from the Department of Corrections or a Community  
9 Corrections Act county within 15 business days after the  
10 offender reports to the supervising agent. The cost of  
11 obtaining the biological specimen is the responsibility of the  
12 agency providing supervision.

13 [EFFECTIVE DATE.] This section is effective July 1, 2005.  
14 Sec. 8. Minnesota Statutes 2004, section 609.185, is  
15 amended to read:

16 609.185 [MURDER IN THE FIRST DEGREE.]

17 (a) Whoever does any of the following is guilty of murder  
18 in the first degree and shall be sentenced to imprisonment for  
19 life:

20 (1) causes the death of a human being with premeditation  
21 and with intent to effect the death of the person or of another;

22 (2) causes the death of a human being while committing or  
23 attempting to commit criminal sexual conduct in the first or  
24 second degree with force or violence, either upon or affecting  
25 the person or another;

26 (3) causes the death of a human being with intent to effect  
27 the death of the person or another, while committing or  
28 attempting to commit burglary, aggravated robbery, kidnapping,  
29 arson in the first or second degree, a drive-by shooting,  
30 tampering with a witness in the first degree, escape from  
31 custody, or any felony violation of chapter 152 involving the  
32 unlawful sale of a controlled substance;

33 (4) causes the death of a peace officer or a guard employed  
34 at a Minnesota state or local correctional facility, with intent  
35 to effect the death of that person or another, while the peace  
36 officer or guard is engaged in the performance of official

1 duties;

2 (5) causes the death of a minor while committing child  
3 abuse, when the perpetrator has engaged in a past pattern of  
4 child abuse upon ~~the~~ a child and the death occurs under  
5 circumstances manifesting an extreme indifference to human life;

6 (6) causes the death of a human being while committing  
7 domestic abuse, when the perpetrator has engaged in a past  
8 pattern of domestic abuse upon the victim or upon another family  
9 or household member and the death occurs under circumstances  
10 manifesting an extreme indifference to human life; or

11 (7) causes the death of a human being while committing,  
12 conspiring to commit, or attempting to commit a felony crime to  
13 further terrorism and the death occurs under circumstances  
14 manifesting an extreme indifference to human life.

15 (b) For purposes of paragraph (a), clause (5), "child abuse"  
16 means an act committed against a minor victim that constitutes a  
17 violation of the following laws of this state or any similar  
18 laws of the United States or any other state: section 609.221;  
19 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344;  
20 609.345; 609.377; 609.378; or 609.713.

21 (c) For purposes of paragraph (a), clause (6), "domestic  
22 abuse" means an act that:

23 (1) constitutes a violation of section 609.221, 609.222,  
24 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345,  
25 609.713, or any similar laws of the United States or any other  
26 state; and

27 (2) is committed against the victim who is a family or  
28 household member as defined in section 518B.01, subdivision 2,  
29 paragraph (b).

30 (d) For purposes of paragraph (a), clause (7), "further  
31 terrorism" has the meaning given in section 609.714, subdivision  
32 1.

33 [EFFECTIVE DATE.] This section is effective the day  
34 following final enactment and applies to crimes committed on or  
35 after that date.

36 Sec. 9. Minnesota Statutes 2004, section 609.223, is

1 amended by adding a subdivision to read:

2       Subd. 4. [ASSAULT BY STRANGULATION OR ASPHYXIATION.] (a)  
3 As used in this subdivision, "strangulation" means intentionally  
4 impeding normal breathing or circulation of the blood by  
5 applying pressure on the throat or neck or by blocking the nose  
6 or mouth of another person.

7       (b) Unless a greater penalty is provided elsewhere, whoever  
8 assaults another by strangulation or asphyxiation is guilty of a  
9 felony and may be sentenced to imprisonment for not more than  
10 five years or to payment of a fine of not more than \$10,000, or  
11 both.

12       [EFFECTIVE DATE.] This section is effective August 1, 2005,  
13 and applies to crimes committed on or after that date.

14       Sec. 10. Minnesota Statutes 2004, section 609.2231, is  
15 amended by adding a subdivision to read:

16       Subd. 3a. [SECURE TREATMENT FACILITY PERSONNEL.] (a) As  
17 used in this subdivision, "secure treatment facility" has the  
18 meaning given in section 253B.02, subdivision 18a.

19       (b) Whoever, while committed under section 253B.185 or  
20 Minnesota Statutes 1992, section 526.10, commits either of the  
21 following acts against an employee or other individual who  
22 provides care or treatment at a secure treatment facility while  
23 the person is engaged in the performance of a duty imposed by  
24 law, policy, or rule is guilty of a felony and may be sentenced  
25 to imprisonment for not more than two years or to payment of a  
26 fine of not more than \$4,000, or both:

27       (1) assaults the person and inflicts demonstrable bodily  
28 harm; or

29       (2) intentionally throws or otherwise transfers bodily  
30 fluids or feces at or onto the person.

31       (c) The court shall commit a person convicted of violating  
32 paragraph (b) to the custody of the commissioner of corrections  
33 for not less than a year and a day. The court may not, on its  
34 own motion or the prosecutor's motion, sentence a person without  
35 regard to this paragraph. A person convicted and sentenced as  
36 required by this paragraph is not eligible for probation,

1 parole, discharge, work release, or supervised release, until  
2 that person has served the full term of imprisonment as provided  
3 by law, notwithstanding the provisions of sections 241.26,  
4 242.19, 243.05, 244.04, 609.12, and 609.135.

5 (d) Notwithstanding the statutory maximum sentence provided  
6 in paragraph (b), when a court sentences a person to the custody  
7 of the commissioner of corrections for a violation of paragraph  
8 (b), the court shall provide that after the person has completed  
9 the sentence imposed, the commissioner shall place the person on  
10 conditional release for five years. The terms of conditional  
11 release are governed by sections 609.109 and 244.05.

12 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
13 and applies to crimes committed on or after that date.

14 Sec. 11. Minnesota Statutes 2004, section 609.229,  
15 subdivision 3, is amended to read:

16 Subd. 3. [PENALTY.] (a) If the crime committed in  
17 violation of subdivision 2 is a felony, the statutory maximum  
18 for the crime is five years longer than the statutory maximum  
19 for the underlying crime. If the crime committed in violation  
20 of subdivision 2 is a felony, and the victim of the crime is a  
21 child under the age of 18 years, the statutory maximum for the  
22 crime is ten years longer than the statutory maximum for the  
23 underlying crime.

24 (b) If the crime committed in violation of subdivision 2 is  
25 a misdemeanor, the person is guilty of a gross misdemeanor.

26 (c) If the crime committed in violation of subdivision 2 is  
27 a gross misdemeanor, the person is guilty of a felony and may be  
28 sentenced to imprisonment for not more than three years or to  
29 payment of a fine of not more than \$15,000, or both.

30 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
31 and applies to crimes committed on or after that date.

32 Sec. 12. [609.281] [DEFINITIONS.]

33 Subdivision 1. [GENERALLY.] As used in sections 609.281 to  
34 609.284, the following terms have the meanings given.

35 Subd. 2. [BLACKMAIL.] "Blackmail" means a threat to expose  
36 any fact or alleged fact tending to cause shame or to subject

1 any person to hatred, contempt, or ridicule.

2 Subd. 3. [DEBT BONDAGE.] "Debt bondage" means the status  
3 or condition of a debtor arising from a pledge by the debtor of  
4 the debtor's personal services or those of a person under the  
5 debtor's control as a security for debt, if the value of those  
6 services as reasonably assessed is not applied toward the  
7 liquidation of the debt or the length and nature of those  
8 services are not respectively limited and defined.

9 Subd. 4. [FORCED LABOR OR SERVICES.] "Forced labor or  
10 services" means labor or services that are performed or provided  
11 by another person and are obtained or maintained through an  
12 actor's:

13 (1) threat, either implicit or explicit, scheme, plan, or  
14 pattern, or other action intended to cause a person to believe  
15 that, if the person did not perform or provide the labor or  
16 services, that person or another person would suffer bodily harm  
17 or physical restraint;

18 (2) physically restraining or threatening to physically  
19 restrain a person;

20 (3) abuse or threatened abuse of the legal process;

21 (4) knowingly destroying, concealing, removing,  
22 confiscating, or possessing any actual or purported passport or  
23 other immigration document, or any other actual or purported  
24 government identification document, of another person; or

25 (5) use of blackmail.

26 Subd. 5. [LABOR TRAFFICKING.] "Labor trafficking" means  
27 the recruitment, transportation, transfer, harboring,  
28 enticement, provision, obtaining, or receipt of a person by any  
29 means, whether a United States citizen or foreign national, for  
30 the purpose of:

31 (1) debt bondage or forced labor or services;

32 (2) slavery or practices similar to slavery; or

33 (3) the removal of organs through the use of coercion or  
34 intimidation.

35 Subd. 6. [LABOR TRAFFICKING VICTIM.] "Labor trafficking  
36 victim" means a person subjected to the practices in subdivision

1 5.

2 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
3 and applies to crimes committed on or after that date.

4 Sec. 13. [609.282] [LABOR TRAFFICKING.]

5 Whoever knowingly engages in the labor trafficking of  
6 another is guilty of a crime and may be sentenced to  
7 imprisonment for not more than 15 years or to payment of a fine  
8 of not more than \$30,000, or both. In a prosecution under this  
9 section the consent or age of the victim is not a defense.

10 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
11 and applies to crimes committed on or after that date.

12 Sec. 14. [609.283] [UNLAWFUL CONDUCT WITH RESPECT TO  
13 DOCUMENTS IN FURTHERANCE OF LABOR OR SEX TRAFFICKING.]

14 Unless the person's conduct constitutes a violation of  
15 section 609.282, a person who knowingly destroys, conceals,  
16 removes, confiscates, or possesses any actual or purported  
17 passport or other immigration document, or any other actual or  
18 purported government identification document, of another person:

19 (1) in the course of a violation of section 609.282 or  
20 609.322;

21 (2) with intent to violate section 609.282 or 609.322; or

22 (3) to prevent or restrict or to attempt to prevent or  
23 restrict, without lawful authority, a person's liberty to move  
24 or travel, in order to maintain the labor or services of that  
25 person, when the person is or has been a victim of a violation  
26 of section 609.282 or 609.322;

27 is guilty of a crime and may be sentenced to imprisonment for  
28 not more than five years or to payment of a fine of not more  
29 than \$10,000, or both. In a prosecution under this section the  
30 consent or age of the victim is not a defense.

31 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
32 and applies to crimes committed on or after that date.

33 Sec. 15. [609.284] [LABOR OR SEX TRAFFICKING CRIMES;  
34 DEFENSES; CIVIL LIABILITY; CORPORATE LIABILITY.]

35 Subdivision 1. [CONSENT OR AGE OF VICTIM NOT A  
36 DEFENSE.] In an action under this section the consent or age of

1 the victim is not a defense.

2 Subd. 2. [CIVIL LIABILITY.] A labor trafficking victim may  
3 bring a cause of action against a person who violates section  
4 609.282 or 609.283. The court may award damages, including  
5 punitive damages, reasonable attorney fees, and other litigation  
6 costs reasonably incurred by the victim. This remedy is in  
7 addition to potential criminal liability.

8 Subd. 3. [CORPORATE LIABILITY.] If a corporation or other  
9 business enterprise is convicted of violating section 609.282,  
10 609.283, or 609.322, in addition to the criminal penalties  
11 described in those sections and other remedies provided  
12 elsewhere in law, the court may, when appropriate:

13 (1) order its dissolution or reorganization;

14 (2) order the suspension or revocation of any license,  
15 permit, or prior approval granted to it by a state agency; or

16 (3) order the surrender of its charter if it is organized  
17 under Minnesota law or the revocation of its certificate to  
18 conduct business in Minnesota if it is not organized under  
19 Minnesota law.

20 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
21 and applies to crimes committed on or after that date.

22 Sec. 16. Minnesota Statutes 2004, section 609.321,  
23 subdivision 1, is amended to read:

24 Subdivision 1. [SCOPE.] For the purposes of sections  
25 609.321 to ~~609.324~~ 609.325, the following terms have the  
26 meanings given.

27 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
28 and applies to crimes committed on or after that date.

29 Sec. 17. Minnesota Statutes 2004, section 609.321,  
30 subdivision 7, is amended to read:

31 Subd. 7. [PROMOTES THE PROSTITUTION OF AN INDIVIDUAL.]

32 "Promotes the prostitution of an individual" means any of the  
33 following wherein the person knowingly:

34 (1) solicits or procures patrons for a prostitute; or

35 (2) provides, leases or otherwise permits premises or  
36 facilities owned or controlled by the person to aid the

1 prostitution of an individual; or

2 (3) owns, manages, supervises, controls, keeps or operates,  
3 either alone or with others, a place of prostitution to aid the  
4 prostitution of an individual; or

5 (4) owns, manages, supervises, controls, operates,  
6 institutes, aids or facilitates, either alone or with others, a  
7 business of prostitution to aid the prostitution of an  
8 individual; or

9 (5) admits a patron to a place of prostitution to aid the  
10 prostitution of an individual; or

11 (6) transports an individual from one point within this  
12 state to another point either within or without this state, or  
13 brings an individual into this state to aid the prostitution of  
14 the individual; or

15 (7) engages in the sex trafficking of an individual.

16 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
17 and applies to crimes committed on or after that date.

18 Sec. 18. Minnesota Statutes 2004, section 609.321, is  
19 amended by adding a subdivision to read:

20 Subd. 7a. [SEX TRAFFICKING.] "Sex trafficking" means  
21 receiving, recruiting, enticing, harboring, providing, or  
22 obtaining by any means an individual to aid in the prostitution  
23 of the individual.

24 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
25 and applies to crimes committed on or after that date.

26 Sec. 19. Minnesota Statutes 2004, section 609.321, is  
27 amended by adding a subdivision to read:

28 Subd. 7b. [SEX TRAFFICKING VICTIM.] "Sex trafficking  
29 victim" means a person subjected to the practices in subdivision  
30 7a.

31 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
32 and applies to crimes committed on or after that date.

33 Sec. 20. [609.3243] [LOITERING WITH INTENT TO PARTICIPATE  
34 IN PROSTITUTION.]

35 A person who loiters in a public place with intent to  
36 participate in prostitution is guilty of a misdemeanor.

1        [EFFECTIVE DATE.] This section is effective August 1, 2005,  
2 and applies to crimes committed on or after that date.

3        Sec. 21. Minnesota Statutes 2004, section 609.325, is  
4 amended by adding a subdivision to read:

5        Subd. 4. [AFFIRMATIVE DEFENSE.] It is an affirmative  
6 defense to a charge under section 609.324 if the defendant  
7 proves by a preponderance of the evidence that the defendant is  
8 a labor trafficking victim, as defined in section 609.281, or a  
9 sex trafficking victim, as defined in section 609.321, and that  
10 the defendant committed the act only under compulsion by another  
11 who by explicit or implicit threats created a reasonable  
12 apprehension in the mind of the defendant that if the defendant  
13 did not commit the act, the person would inflict bodily harm  
14 upon the defendant.

15        [EFFECTIVE DATE.] This section is effective August 1, 2005,  
16 and applies to crimes committed on or after that date.

17        Sec. 22. Minnesota Statutes 2004, section 609.341,  
18 subdivision 14, is amended to read:

19        Subd. 14. [COERCION.] "Coercion" means the use by the  
20 actor of words or circumstances that cause the complainant  
21 reasonably to fear that the actor will inflict bodily harm upon,  
22 or hold-in-confinement, the complainant or another, or force the  
23 use by the actor of confinement, or superior size or strength,  
24 against the complainant that causes the complainant to submit to  
25 sexual penetration or contact, but against the complainant's  
26 will. Proof of coercion does not require proof of a specific  
27 act or threat.

28        [EFFECTIVE DATE.] This section is effective August 1, 2005,  
29 and applies to crimes committed on or after that date.

30        Sec. 23. Minnesota Statutes 2004, section 609.485,  
31 subdivision 2, is amended to read:

32        Subd. 2. [ACTS PROHIBITED.] Whoever does any of the  
33 following may be sentenced as provided in subdivision 4:

- 34        (1) escapes while held pursuant to a lawful arrest, in  
35 lawful custody on a charge or conviction of a crime, or while  
36 held in lawful custody on an allegation or adjudication of a

1 delinquent act;

2 (2) transfers to another, who is in lawful custody on a  
3 charge or conviction of a crime, or introduces into an  
4 institution in which the latter is confined, anything usable in  
5 making such escape, with intent that it shall be so used;

6 (3) having another in lawful custody on a charge or  
7 conviction of a crime, intentionally permits the other to  
8 escape;

9 (4) escapes while in a facility designated under section  
10 253B.18, subdivision 1, pursuant to a court commitment order  
11 after a finding of not guilty by reason of mental illness or  
12 mental deficiency of a crime against the person, as defined in  
13 section 253B.02, subdivision 4a. Notwithstanding section  
14 609.17, no person may be charged with or convicted of an attempt  
15 to commit a violation of this clause; ~~or~~

16 (5) escapes while in a facility designated under section  
17 253B.18, subdivision 1, pursuant to a court commitment order  
18 under section 253B.185 or Minnesota Statutes 1992, section  
19 526.10; or

20 (6) knowingly absconds or fails to return to custody  
21 following the revocation of provisional discharge under section  
22 253B.18 of a person committed under section 253B.185 or  
23 Minnesota Statutes 1992, section 526.10.

24 For purposes of clause (1), "escapes while held in lawful  
25 custody" includes absconding from electronic monitoring or  
26 absconding after removing an electronic monitoring device from  
27 the person's body.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
29 and applies to crimes committed on or after that date.

30 Sec. 24. Minnesota Statutes 2004, section 609.485,  
31 subdivision 4, is amended to read:

32 Subd. 4. [SENTENCE.] (a) Except as otherwise provided in  
33 subdivision 3a, whoever violates this section may be sentenced  
34 as follows:

35 (1) if the person who escapes is in lawful custody for a  
36 felony, to imprisonment for not more than five years or to

1 payment of a fine of not more than \$10,000, or both;

2 (2) if the person who escapes is in lawful custody after a  
3 finding of not guilty by reason of mental illness or mental  
4 deficiency of a crime against the person, as defined in section  
5 253B.02, subdivision 4a, or pursuant to a court commitment order  
6 under section 253B.185 or Minnesota Statutes 1992, section  
7 526.10, or violates subdivision 2, clause (6), to imprisonment  
8 for not more than one year and one day or to payment of a fine  
9 of not more than \$3,000, or both; or

10 (3) if the person who escapes is in lawful custody for a  
11 gross misdemeanor or misdemeanor, or if the person who escapes  
12 is in lawful custody on an allegation or adjudication of a  
13 delinquent act, to imprisonment for not more than one year or to  
14 payment of a fine of not more than \$3,000, or both.

15 (b) If the escape was a violation of subdivision 2, clause  
16 (1), (2), or (3), and was effected by violence or threat of  
17 violence against a person, the sentence may be increased to not  
18 more than twice those permitted in paragraph (a), clauses (1)  
19 and (3).

20 (c) Unless a concurrent term is specified by the court, a  
21 sentence under this section shall be consecutive to any sentence  
22 previously imposed or which may be imposed for any crime or  
23 offense for which the person was in custody when the person  
24 escaped.

25 (d) Notwithstanding paragraph (c), if a person who was  
26 committed to the commissioner of corrections under section  
27 260B.198 escapes from the custody of the commissioner while 18  
28 years of age, the person's sentence under this section shall  
29 commence on the person's 19th birthday or on the person's date  
30 of discharge by the commissioner of corrections, whichever  
31 occurs first. However, if the person described in this clause  
32 is convicted under this section after becoming 19 years old and  
33 after having been discharged by the commissioner, the person's  
34 sentence shall commence upon imposition by the sentencing court.

35 (e) Notwithstanding paragraph (c), if a person who is in  
36 lawful custody on an allegation or adjudication of a delinquent

1 act while 18 years of age escapes from a local juvenile  
 2 correctional facility, the person's sentence under this section  
 3 begins on the person's 19th birthday or on the person's date of  
 4 discharge from the jurisdiction of the juvenile court, whichever  
 5 occurs first. However, if the person described in this  
 6 paragraph is convicted after becoming 19 years old and after  
 7 discharge from the jurisdiction of the juvenile court, the  
 8 person's sentence begins upon imposition by the sentencing court.

9 (f) Notwithstanding paragraph (a), any person who escapes  
 10 or absconds from electronic monitoring or removes an electric  
 11 monitoring device from the person's body is guilty of a crime  
 12 and shall be sentenced to imprisonment for not more than one  
 13 year or to a payment of a fine of not more than \$3,000, or  
 14 both. A person in lawful custody for a violation of section  
 15 609.185, 609.19, 609.195, 609.20, 609.205, 609.21, 609.221,  
 16 609.222, 609.223, 609.2231, 609.342, 609.343, 609.344, 609.345,  
 17 or 609.3451 who escapes or absconds from electronic monitoring  
 18 or removes an electronic monitoring device while under sentence  
 19 may be sentenced to imprisonment for not more than five years or  
 20 to a payment of a fine of not more than \$10,000, or both.

21 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
 22 and applies to crimes committed on or after that date.

23 Sec. 25. Minnesota Statutes 2004, section 609.50,  
 24 subdivision 1, is amended to read:

25 Subdivision 1. [CRIME.] Whoever intentionally does any of  
 26 the following may be sentenced as provided in subdivision 2:

27 (1) obstructs, hinders, or prevents the lawful execution of  
 28 any legal process, civil or criminal, or apprehension of another  
 29 on a charge or conviction of a criminal offense;

30 (2) obstructs, resists, or interferes with a peace officer  
 31 while the officer is engaged in the performance of official  
 32 duties;

33 (3) ~~interferes with or obstructs the prevention or~~  
 34 ~~extinguishing of a fire, or disobeys the lawful order of a~~  
 35 ~~firefighter present at the fire~~ while the firefighter is engaged  
 36 in the performance of official duties; or

1       (4) interferes with or obstructs a member of an ambulance  
2 service personnel crew, as defined in section 144E.001,  
3 subdivision 3a, who is providing, or attempting to provide,  
4 emergency care; or

5       (5) by force or threat of force endeavors to obstruct any  
6 employee of the Department of Revenue while the employee is  
7 lawfully engaged in the performance of official duties for the  
8 purpose of deterring or interfering with the performance of  
9 those duties.

10       [EFFECTIVE DATE.] This section is effective August 1, 2005,  
11 and applies to crimes committed on or after that date.

12       Sec. 26. Minnesota Statutes 2004, section 609.527,  
13 subdivision 1, is amended to read:

14       Subdivision 1. [DEFINITIONS.] (a) As used in this section,  
15 the following terms have the meanings given them in this  
16 subdivision.

17       (b) "Direct victim" means any person or entity described in  
18 section 611A.01, paragraph (b), whose identity has been  
19 transferred, used, or possessed in violation of this section.

20       (c) "False pretense" means any false, fictitious,  
21 misleading, or fraudulent information or pretense or pretext  
22 depicting or including or deceptively similar to the name, logo,  
23 Web site address, e-mail address, postal address, telephone  
24 number, or any other identifying information of a for-profit or  
25 not-for-profit business or organization or of a government  
26 agency, to which the user has no legitimate claim of right.

27       (d) "Identity" means any name, number, or data transmission  
28 that may be used, alone or in conjunction with any other  
29 information, to identify a specific individual or entity,  
30 including any of the following:

31       (1) a name, Social Security number, date of birth, official  
32 government-issued driver's license or identification number,  
33 government passport number, or employer or taxpayer  
34 identification number;

35       (2) unique electronic identification number, address,  
36 account number, or routing code; or

1 (3) telecommunication identification information or access  
2 device.

3 ~~(d)~~ (e) "Indirect victim" means any person or entity  
4 described in section 611A.01, paragraph (b), other than a direct  
5 victim.

6 ~~(e)~~ (f) "Loss" means value obtained, as defined in section  
7 609.52, subdivision 1, clause (3), and expenses incurred by a  
8 direct or indirect victim as a result of a violation of this  
9 section.

10 ~~(f)~~ (g) "Unlawful activity" means:

11 (1) any felony violation of the laws of this state or any  
12 felony violation of a similar law of another state or the United  
13 States; and

14 (2) any nonfelony violation of the laws of this state  
15 involving theft, theft by swindle, forgery, fraud, or giving  
16 false information to a public official, or any nonfelony  
17 violation of a similar law of another state or the United States.

18 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
19 and applies to crimes committed on or after that date.

20 Sec. 27. Minnesota Statutes 2004, section 609.527,  
21 subdivision 3, is amended to read:

22 Subd. 3. [PENALTIES.] A person who violates subdivision 2  
23 may be sentenced as follows:

24 (1) if the offense involves a single direct victim and the  
25 total, combined loss to the direct victim and any indirect  
26 victims is \$250 or less, the person may be sentenced as provided  
27 in section 609.52, subdivision 3, clause (5);

28 (2) if the offense involves a single direct victim and the  
29 total, combined loss to the direct victim and any indirect  
30 victims is more than \$250 but not more than \$500, the person may  
31 be sentenced as provided in section 609.52, subdivision 3,  
32 clause (4);

33 (3) if the offense involves two or three direct victims or  
34 the total, combined loss to the direct and indirect victims is  
35 more than \$500 but not more than \$2,500, the person may be  
36 sentenced as provided in section 609.52, subdivision 3, clause

1 (3);

2 (4) if the offense involves more than three but not more  
3 than seven direct victims, or if the total combined loss to the  
4 direct and indirect victims is more than \$2,500, the person may  
5 be sentenced as provided in section 609.52, subdivision 3,  
6 clause (2); and

7 (5) if the offense involves eight or more direct victims;  
8 or if the total, combined loss to the direct and indirect  
9 victims is more than \$35,000; or if the offense is related to  
10 possession or distribution of pornographic work in violation of  
11 section 617.246 or 617.247; the person may be sentenced as  
12 provided in section 609.52, subdivision 3, clause (1).

13 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
14 and applies to crimes committed on or after that date.

15 Sec. 28. Minnesota Statutes 2004, section 609.527,  
16 subdivision 4, is amended to read:

17 Subd. 4. [RESTITUTION; ITEMS PROVIDED TO VICTIM.] (a) A  
18 direct or indirect victim of an identity theft crime shall be  
19 considered a victim for all purposes, including any rights that  
20 accrue under chapter 611A and rights to court-ordered  
21 restitution.

22 (b) Upon the written request of a direct victim or the  
23 prosecutor setting forth with specificity the facts and  
24 circumstances of the offense in a proposed order, the court  
25 shall provide to the victim, without cost, a certified copy of  
26 the complaint filed in the matter, the judgment of conviction,  
27 and an order setting forth the facts and circumstances of the  
28 offense.

29 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
30 and applies to crimes committed on or after that date.

31 Sec. 29. Minnesota Statutes 2004, section 609.527, is  
32 amended by adding a subdivision to read:

33 Subd. 5a. [CRIME OF ELECTRONIC USE OF FALSE PRETENSE TO  
34 OBTAIN IDENTITY.] (a) A person who, with intent to obtain the  
35 identity of another, uses a false pretense in an e-mail to  
36 another person or in a Web page, electronic communication,

1 advertisement, or any other communication on the Internet, is  
2 guilty of a crime.

3 (b) Whoever commits such offense may be sentenced to  
4 imprisonment for not more than five years or to payment of a  
5 fine of not more than \$10,000, or both.

6 (c) In a prosecution under this subdivision, it is not a  
7 defense that:

8 (1) the person committing the offense did not obtain the  
9 identity of another;

10 (2) the person committing the offense did not use the  
11 identity; or

12 (3) the offense did not result in financial loss or any  
13 other loss to any person.

14 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
15 and applies to crimes committed on or after that date.

16 Sec. 30. Minnesota Statutes 2004, section 609.527,  
17 subdivision 6, is amended to read:

18 Subd. 6. [VENUE.] Notwithstanding anything to the contrary  
19 in section 627.01, an offense committed under subdivision 2 or  
20 5a may be prosecuted in:

21 (1) the county where the offense occurred; ~~or~~

22 (2) the county of residence or place of business of the  
23 direct victim or indirect victim; or

24 (3) in the case of a violation of subdivision 5a, the  
25 county or place of residence of the person whose identity was  
26 obtained or sought.

27 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
28 and applies to crimes committed on or after that date.

29 Sec. 31. Minnesota Statutes 2004, section 609.531,  
30 subdivision 1, is amended to read:

31 Subdivision 1. [DEFINITIONS.] For the purpose of sections  
32 609.531 to 609.5318, the following terms have the meanings given  
33 them.

34 (a) "Conveyance device" means a device used for  
35 transportation and includes, but is not limited to, a motor  
36 vehicle, trailer, snowmobile, airplane, and vessel and any

1 equipment attached to it. The term "conveyance device" does not  
2 include property which is, in fact, itself stolen or taken in  
3 violation of the law.

4 (b) "Weapon used" means a dangerous weapon as defined under  
5 section 609.02, subdivision 6, that the actor used or had in  
6 possession in furtherance of a crime.

7 (c) "Property" means property as defined in section 609.52,  
8 subdivision 1, clause (1).

9 (d) "Contraband" means property which is illegal to possess  
10 under Minnesota law.

11 (e) "Appropriate agency" means the Bureau of Criminal  
12 Apprehension, the Minnesota Division of Driver and Vehicle  
13 Services, the Minnesota State Patrol, a county sheriff's  
14 department, the Suburban Hennepin Regional Park District park  
15 rangers, the Department of Natural Resources Division of  
16 Enforcement, the University of Minnesota Police Department, or a  
17 city or airport police department.

18 (f) "Designated offense" includes:

19 (1) for weapons used: any violation of this chapter,  
20 chapter 152, or chapter 624;

21 (2) for driver's license or identification card  
22 transactions: any violation of section 171.22; and

23 (3) for all other purposes: a felony violation of, or a  
24 felony-level attempt or conspiracy to violate, section 325E.17;  
25 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222;  
26 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282;  
27 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f);  
28 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision  
29 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1,  
30 clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466;  
31 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53;  
32 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59;  
33 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions  
34 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88;  
35 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or  
36 felony violation of section 609.891 or 624.7181; or any

1 violation of section 609.324.

2 (g) "Controlled substance" has the meaning given in section  
3 152.01, subdivision 4.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
5 and applies to crimes committed on or after that date.

6 Sec. 32. Minnesota Statutes 2004, section 609.5315,  
7 subdivision 1, is amended to read:

8 Subdivision 1. [DISPOSITION.] (a) Subject to paragraph  
9 (b), if the court finds under section 609.5313, 609.5314, or  
10 609.5318 that the property is subject to forfeiture, it shall  
11 order the appropriate agency to do one of the following:

12 (1) unless a different disposition is provided under clause  
13 (3) or (4), either destroy firearms, ammunition, and firearm  
14 accessories that the agency decides not to use for law  
15 enforcement purposes under clause (8), or sell them to federally  
16 licensed firearms dealers, as defined in section 624.7161,  
17 subdivision 1, and distribute the proceeds under subdivision  
18 5 or 5b;

19 (2) sell property that is not required to be destroyed by  
20 law and is not harmful to the public and distribute the proceeds  
21 under subdivision 5 or 5b;

22 (3) sell antique firearms, as defined in section 624.712,  
23 subdivision 3, to the public and distribute the proceeds under  
24 subdivision 5 or 5b;

25 (4) destroy or use for law enforcement purposes  
26 semiautomatic military-style assault weapons, as defined in  
27 section 624.712, subdivision 7;

28 (5) take custody of the property and remove it for  
29 disposition in accordance with law;

30 (6) forward the property to the federal drug enforcement  
31 administration;

32 (7) disburse money as provided under subdivision 5 or 5b;  
33 or

34 (8) keep property other than money for official use by the  
35 agency and the prosecuting agency.

36 (b) Notwithstanding paragraph (a), the Hennepin or Ramsey

1 county sheriff may not sell firearms, ammunition, or firearms  
2 accessories if the policy is disapproved by the applicable  
3 county board.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
5 and applies to crimes committed on or after that date.

6 Sec. 33. Minnesota Statutes 2004, section 609.5315, is  
7 amended by adding a subdivision to read:

8 Subd. 5b. [DISPOSITION OF CERTAIN FORFEITED PROCEEDS;  
9 TRAFFICKING OF PERSONS; REPORT REQUIRED.] (a) For forfeitures  
10 resulting from violations of section 609.282, 609.283, or  
11 609.322, the money or proceeds from the sale of forfeited  
12 property, after payment of seizure, storage, forfeiture, and  
13 sale expenses, and satisfaction of valid liens against the  
14 property, must be distributed as follows:

15 (1) 40 percent of the proceeds must be forwarded to the  
16 appropriate agency for deposit as a supplement to the agency's  
17 operating fund or similar fund for use in law enforcement;

18 (2) 20 percent of the proceeds must be forwarded to the  
19 county attorney or other prosecuting agency that handled the  
20 forfeiture for deposit as a supplement to its operating fund or  
21 similar fund for prosecutorial purposes; and

22 (3) the remaining 40 percent of the proceeds must be  
23 forwarded to the commissioner of public safety and are  
24 appropriated to the commissioner for distribution to crime  
25 victims services organizations that provide services to victims  
26 of trafficking offenses.

27 (b) By February 15 of each year, the commissioner of public  
28 safety shall report to the chairs and ranking minority members  
29 of the senate and house committees or divisions having  
30 jurisdiction over criminal justice funding on the money  
31 collected under paragraph (a), clause (3). The report must  
32 indicate the following relating to the preceding calendar year:

33 (1) the amount of money appropriated to the commissioner;

34 (2) how the money was distributed by the commissioner; and

35 (3) what the organizations that received the money did with  
36 it.

1            [EFFECTIVE DATE.] This section is effective August 1, 2005,  
2 and applies to crimes committed on or after that date.

3            Sec. 34. Minnesota Statutes 2004, section 609.746,  
4 subdivision 1, is amended to read:

5            Subdivision 1. [SURREPTITIOUS INTRUSION; OBSERVATION  
6 DEVICE.] (a) A person is guilty of a gross misdemeanor who:

7            (1) enters upon another's property;

8            (2) surreptitiously gazes, stares, or peeps in the window  
9 or any other aperture of a house or place of dwelling of  
10 another; and

11            (3) does so with intent to intrude upon or interfere with  
12 the privacy of a member of the household.

13            (b) A person is guilty of a gross misdemeanor who:

14            (1) enters upon another's property;

15            (2) surreptitiously installs or uses any device for  
16 observing, photographing, recording, amplifying, or broadcasting  
17 sounds or events through the window or any other aperture of a  
18 house or place of dwelling of another; and

19            (3) does so with intent to intrude upon or interfere with  
20 the privacy of a member of the household.

21            (c) A person is guilty of a gross misdemeanor who:

22            (1) surreptitiously gazes, stares, or peeps in the window  
23 or other aperture of a sleeping room in a hotel, as defined in  
24 section 327.70, subdivision 3, a tanning booth, or other place  
25 where a reasonable person would have an expectation of privacy  
26 and has exposed or is likely to expose their intimate parts, as  
27 defined in section 609.341, subdivision 5, or the clothing  
28 covering the immediate area of the intimate parts; and

29            (2) does so with intent to intrude upon or interfere with  
30 the privacy of the occupant.

31            (d) A person is guilty of a gross misdemeanor who:

32            (1) surreptitiously installs or uses any device for  
33 observing, photographing, recording, amplifying, or broadcasting  
34 sounds or events through the window or other aperture of a  
35 sleeping room in a hotel, as defined in section 327.70,  
36 subdivision 3, a tanning booth, or other place where a

1 reasonable person would have an expectation of privacy and has  
2 exposed or is likely to expose their intimate parts, as defined  
3 in section 609.341, subdivision 5, or the clothing covering the  
4 immediate area of the intimate parts; and

5 (2) does so with intent to intrude upon or interfere with  
6 the privacy of the occupant.

7 (e) A person is guilty of a ~~gross-misdemeanor~~ felony and  
8 may be sentenced to imprisonment for not more than two years or  
9 to payment of a fine of not more than \$5,000, or both, if the  
10 person:

11 (1) violates this subdivision after a previous conviction  
12 under this subdivision or section 609.749; or

13 (2) violates this subdivision against a minor under the age  
14 of ~~16~~ 18, knowing or having reason to know that the minor is  
15 present.

16 (f) Paragraphs (b) and (d) do not apply to law enforcement  
17 officers or corrections investigators, or to those acting under  
18 their direction, while engaged in the performance of their  
19 lawful duties. Paragraphs (c) and (d) do not apply to conduct  
20 in: (1) a medical facility; or (2) a commercial establishment  
21 if the owner of the establishment has posted conspicuous signs  
22 warning that the premises are under surveillance by the owner or  
23 the owner's employees.

24 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
25 and applies to crimes committed on or after that date.

26 Sec. 35. Minnesota Statutes 2004, section 609.748,  
27 subdivision 2, is amended to read:

28 Subd. 2. [RESTRAINING ORDER; JURISDICTION.] A person who  
29 is a victim of harassment may seek a restraining order from the  
30 district court in the manner provided in this section. The  
31 parent ~~or~~, guardian, or stepparent of a minor who is a victim of  
32 harassment may seek a restraining order from the district court  
33 on behalf of the minor.

34 [EFFECTIVE DATE.] This section is effective August 1, 2005.

35 Sec. 36. Minnesota Statutes 2004, section 609.748,  
36 subdivision 3a, is amended to read:

1 Subd. 3a. [FILING FEE; COST OF SERVICE.] The filing fees  
2 for a restraining order under this section are waived for the  
3 petitioner if the petition alleges acts that would constitute a  
4 violation of section 609.749, subdivision 2 or 3, or sections  
5 609.342 to 609.3451. The court administrator and the sheriff of  
6 any county in this state shall perform their duties relating to  
7 service of process without charge to the petitioner. The court  
8 shall direct payment of the reasonable costs of service of  
9 process if served by a private process server when the sheriff  
10 is unavailable or if service is made by publication. The court  
11 may direct a respondent to pay to the court administrator the  
12 petitioner's filing fees and reasonable costs of service of  
13 process if the court determines that the respondent has the  
14 ability to pay the petitioner's fees and costs.

15 [EFFECTIVE DATE.] This section is effective July 1, 2005.

16 Sec. 37. Minnesota Statutes 2004, section 609.749,  
17 subdivision 2, is amended to read:

18 Subd. 2. [HARASSMENT AND STALKING CRIMES.] (a) A person  
19 who harasses another by committing any of the following acts is  
20 guilty of a gross misdemeanor:

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

24 (2) stalks, follows, monitors, or pursues another, whether  
25 in person or through technological or other means;

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

29 (4) repeatedly makes telephone calls, or induces a victim  
30 to make telephone calls to the actor, whether or not  
31 conversation ensues;

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

34 (6) repeatedly mails or delivers or causes the delivery by  
35 any means, including electronically, of letters, telegrams,  
36 messages, packages, or other objects; or

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

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

15 (c) A peace officer may not make a warrantless, custodial  
16 arrest of any person for a violation of paragraph (a), clause  
17 (7).

18 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
19 and applies to crimes committed on or after that date.

20 Sec. 38. Minnesota Statutes 2004, section 609.79,  
21 subdivision 2, is amended to read:

22 Subd. 2. [VENUE.] The offense may be prosecuted either at  
23 the place where the call is made or where it is received or,  
24 additionally in the case of wireless or electronic  
25 communication, where the sender or receiver resides.

26 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
27 and applies to crimes committed on or after that date.

28 Sec. 39. Minnesota Statutes 2004, section 609.795, is  
29 amended by adding a subdivision to read:

30 Subd. 3. [VENUE.] The offense may be prosecuted either at  
31 the place where the letter, telegram, or package is sent or  
32 received or, alternatively in the case of wireless electronic  
33 communication, where the sender or receiver resides.

34 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
35 and applies to crimes committed on or after that date.

36 Sec. 40. Minnesota Statutes 2004, section 628.26, is

1 amended to read:

2 628.26 [LIMITATIONS.]

3 (a) Indictments or complaints for any crime resulting in  
4 the death of the victim may be found or made at any time after  
5 the death of the person killed.

6 (b) Indictments or complaints for a violation of section  
7 609.25 may be found or made at any time after the commission of  
8 the offense.

9 (c) Indictments or complaints for violation of section  
10 609.282 may be found or made at any time after the commission of  
11 the offense if the victim was under the age of 18 at the time of  
12 the offense.

13 (d) Indictments or complaints for violation of section  
14 609.282 where the victim was 18 years of age or older at the  
15 time of the offense, or 609.42, subdivision 1, clause (1) or  
16 (2), shall be found or made and filed in the proper court within  
17 six years after the commission of the offense.

18 ~~(d)~~ (e) Indictments or complaints for violation of sections  
19 609.342 to 609.345 if the victim was under the age of 18 years  
20 at the time the offense was committed, shall be found or made  
21 and filed in the proper court within nine years after the  
22 commission of the offense or, if the victim failed to report the  
23 offense within this limitation period, within three years after  
24 the offense was reported to law enforcement authorities.

25 ~~(e)~~ (f) Notwithstanding the limitations in paragraph (d),  
26 indictments or complaints for violation of sections 609.342 to  
27 609.344 may be found or made and filed in the proper court at  
28 any time after commission of the offense, if physical evidence  
29 is collected and preserved that is capable of being tested for  
30 its DNA characteristics. If this evidence is not collected and  
31 preserved and the victim was 18 years old or older at the time  
32 of the offense, the prosecution must be commenced within nine  
33 years after the commission of the offense.

34 ~~(f)~~ (g) Indictments or complaints for violation of sections  
35 609.466 and 609.52, subdivision 2, clause (3), item (iii), shall  
36 be found or made and filed in the proper court within six years

1 after the commission of the offense.

2 ~~(g)~~ (h) Indictments or complaints for violation of section  
3 609.52, subdivision 2, clause (3), items (i) and (ii), (4),  
4 (15), or (16), 609.631, or 609.821, where the value of the  
5 property or services stolen is more than \$35,000, shall be found  
6 or made and filed in the proper court within five years after  
7 the commission of the offense.

8 ~~(h)~~ (i) Except for violations relating to false material  
9 statements, representations or omissions, indictments or  
10 complaints for violations of section 609.671 shall be found or  
11 made and filed in the proper court within five years after the  
12 commission of the offense.

13 ~~(i)~~ (j) Indictments or complaints for violation of sections  
14 609.561 to 609.563, shall be found or made and filed in the  
15 proper court within five years after the commission of the  
16 offense.

17 ~~(j)~~ (k) In all other cases, indictments or complaints shall  
18 be found or made and filed in the proper court within three  
19 years after the commission of the offense.

20 ~~(k)~~ (l) The limitations periods contained in this section  
21 shall exclude any period of time during which the defendant was  
22 not an inhabitant of or usually resident within this state.

23 ~~(l)~~ (m) The limitations periods contained in this section  
24 for an offense shall not include any period during which the  
25 alleged offender participated under a written agreement in a  
26 pretrial diversion program relating to that offense.

27 ~~(m)~~ (n) The limitations periods contained in this section  
28 shall not include any period of time during which physical  
29 evidence relating to the offense was undergoing DNA analysis, as  
30 defined in section 299C.155, unless the defendant demonstrates  
31 that the prosecuting or law enforcement agency purposefully  
32 delayed the DNA analysis process in order to gain an unfair  
33 advantage.

34 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
35 and applies to crimes committed on or after that date.

36 Sec. 41. [CERTAIN MINNESOTA SENTENCING GUIDELINES

1 COMMISSION RECOMMENDATIONS ADOPTED; OTHERS REJECTED.]

2 The following modifications proposed by the Minnesota  
3 Sentencing Guidelines Commission in its January 2005 report to  
4 the legislature are adopted and take effect on August 1, 2005:

5 (1) those described as "I. Modifications Related to  
6 Blakely Decision" on pages 11 to 18 of the report; and

7 (2) those described as "II. Other Adopted Modifications"  
8 on page 19 of the report.

9 The modifications described as "III. Adopted Modifications  
10 Related to Sex Offenses" on pages 20 to 42 of the report are  
11 rejected and do not go into effect.

12 [EFFECTIVE DATE.] This section is effective the day  
13 following final enactment.

14 Sec. 42. [REPEALER.]

15 Minnesota Statutes 2004, section 609.725, is repealed.

16 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
17 and applies to crimes committed on or after that date.

18 ARTICLE 8

19 911 EMERGENCY TELECOMMUNICATIONS SERVICES

20 Sec. 43. [237.491] [COMBINED PER NUMBER FEE.]

21 Subdivision 1. [DEFINITIONS.] (a) The definitions in this  
22 subdivision apply to this section.

23 (b) "911 emergency and public safety communications program"  
24 means the program governed by chapter 403.

25 (c) "Minnesota telephone number" means a ten-digit  
26 telephone number being used to connect to the public switched  
27 telephone network and starting with area code 218, 320, 507,  
28 612, 651, 763, or 952, or any subsequent area code assigned to  
29 this state.

30 (d) "Service provider" means a provider doing business in  
31 this state who provides real time, two-way voice service with a  
32 Minnesota telephone number.

33 (e) "Telecommunications access Minnesota program" means the  
34 program governed by sections 237.50 to 237.55.

35 (f) "Telephone assistance program" means the program  
36 governed by sections 237.69 to 237.711.

1        Subd. 2. [PER NUMBER FEE.] (a) By January 15, 2006, the  
2 commissioner of commerce shall report to the legislature and to  
3 the senate Committee on Jobs, Energy, and Community Development  
4 and the house Committee on Regulated Industries, recommendations  
5 for the amount of and method for assessing a fee that would  
6 apply to each service provider based upon the number of  
7 Minnesota telephone numbers in use by current customers of the  
8 service provider. The fee would be set at a level calculated to  
9 generate only the amount of revenue necessary to fund:

10        (1) the telephone assistance program and the  
11 telecommunications access Minnesota program at the levels  
12 established by the commission under sections 237.52, subdivision  
13 2, and 237.70; and

14        (2) the 911 emergency and public safety communications  
15 program at the levels appropriated by law to the commissioner of  
16 public safety and the commissioner of finance for purposes of  
17 sections 403.11, 403.113, 403.27, 403.30, and 403.31 for each  
18 fiscal year.

19        (b) The recommendations must include any changes to  
20 Minnesota Statutes necessary to establish the procedures whereby  
21 each service provider, to the extent allowed under federal law,  
22 would collect and remit the fee proceeds to the commissioner of  
23 revenue. The commissioner of revenue would allocate the fee  
24 proceeds to the three funding areas in paragraph (a) and credit  
25 the allocations to the appropriate accounts.

26        (c) The recommendations must be designed to allow the  
27 combined per telephone number fee to be collected beginning July  
28 1, 2006. The per access line fee used to collect revenues to  
29 support the TAP, TAM, and 911 programs remains in effect until  
30 the statutory changes necessary to implement the per telephone  
31 number fee have been enacted into law and taken effect.

32        (d) As part of the process of developing the  
33 recommendations and preparing the report to the legislature  
34 required under paragraph (a), the commissioner of commerce must,  
35 at a minimum, consult regularly with the Departments of Public  
36 Safety, Finance, and Administration, the Public Utilities

1 Commission, service providers, the chairs and ranking minority  
 2 members of the senate and house committees, subcommittees, and  
 3 divisions having jurisdiction over telecommunications and public  
 4 safety, and other affected parties.

5 Sec. 44. Minnesota Statutes 2004, section 237.70,  
 6 subdivision 7, is amended to read:

7 Subd. 7. [APPLICATION, NOTICE, FINANCIAL ADMINISTRATION,  
 8 COMPLAINT INVESTIGATION.] The telephone assistance plan must be  
 9 administered jointly by the commission, the Department of  
 10 Commerce, and the local service providers in accordance with the  
 11 following guidelines:

12 (a) The commission and the Department of Commerce shall  
 13 develop an application form that must be completed by the  
 14 subscriber for the purpose of certifying eligibility for  
 15 telephone assistance plan credits to the local service  
 16 provider. The application must contain the applicant's Social  
 17 Security number. Applicants who refuse to provide a Social  
 18 Security number will be denied telephone assistance plan  
 19 credits. The application form must also include a statement  
 20 that the applicant household is currently eligible for one of  
 21 the programs that confers eligibility for the federal Lifeline  
 22 Program. The application must be signed by the applicant,  
 23 certifying, under penalty of perjury, that the information  
 24 provided by the applicant is true.

25 (b) Each local service provider shall annually mail a  
 26 notice of the availability of the telephone assistance plan to  
 27 each residential subscriber in a regular billing and shall mail  
 28 the application form to customers when requested.

29 The notice must state the following:

30 YOU MAY BE ELIGIBLE FOR ASSISTANCE IN PAYING YOUR TELEPHONE  
 31 BILL IF YOU RECEIVE BENEFITS FROM CERTAIN LOW-INCOME ASSISTANCE  
 32 PROGRAMS. FOR MORE INFORMATION OR AN APPLICATION FORM PLEASE  
 33 CONTACT .....

34 (c) An application may be made by the subscriber, the  
 35 subscriber's spouse, or a person authorized by the subscriber to  
 36 act on the subscriber's behalf. On completing the application

1 certifying that the statutory criteria for eligibility are  
2 satisfied, the applicant must return the application to the  
3 subscriber's local service provider. On receiving a completed  
4 application from an applicant, the subscriber's local service  
5 provider shall provide telephone assistance plan credits against  
6 monthly charges in the earliest possible month following receipt  
7 of the application. The applicant must receive telephone  
8 assistance plan credits until the earliest possible month  
9 following the service provider's receipt of information that the  
10 applicant is ineligible.

11 If the telephone assistance plan credit is not itemized on the  
12 subscriber's monthly charges bill for local telephone service,  
13 the local service provider must notify the subscriber of the  
14 approval for the telephone assistance plan credit.

15 (d) The commission shall serve as the coordinator of the  
16 telephone assistance plan and be reimbursed for its  
17 administrative expenses from the surcharge revenue pool. As the  
18 coordinator, the commission shall:

19 (1) establish a uniform statewide surcharge in accordance  
20 with subdivision 6;

21 (2) establish a uniform statewide level of telephone  
22 assistance plan credit that each local service provider shall  
23 extend to each eligible household in its service area;

24 (3) require each local service provider to account to the  
25 commission on a periodic basis for surcharge revenues collected  
26 by the provider, expenses incurred by the provider, not to  
27 include expenses of collecting surcharges, and credits extended  
28 by the provider under the telephone assistance plan;

29 (4) require each local service provider to remit surcharge  
30 revenues to the Department of ~~Administration~~ Public Safety for  
31 deposit in the fund; and

32 (5) remit to each local service provider from the surcharge  
33 revenue pool the amount necessary to compensate the provider for  
34 expenses, not including expenses of collecting the surcharges,  
35 and telephone assistance plan credits. When it appears that the  
36 revenue generated by the maximum surcharge permitted under

1 subdivision 6 will be inadequate to fund any particular  
2 established level of telephone assistance plan credits, the  
3 commission shall reduce the credits to a level that can be  
4 adequately funded by the maximum surcharge. Similarly, the  
5 commission may increase the level of the telephone assistance  
6 plan credit that is available or reduce the surcharge to a level  
7 and for a period of time that will prevent an unreasonable  
8 overcollection of surcharge revenues.

9 (e) Each local service provider shall maintain adequate  
10 records of surcharge revenues, expenses, and credits related to  
11 the telephone assistance plan and shall, as part of its annual  
12 report or separately, provide the commission and the Department  
13 of Commerce with a financial report of its experience under the  
14 telephone assistance plan for the previous year. That report  
15 must also be adequate to satisfy the reporting requirements of  
16 the federal matching plan.

17 (f) The Department of Commerce shall investigate complaints  
18 against local service providers with regard to the telephone  
19 assistance plan and shall report the results of its  
20 investigation to the commission.

21 Sec. 45. Minnesota Statutes 2004, section 403.02,  
22 subdivision 7, is amended to read:

23 Subd. 7. [AUTOMATIC LOCATION IDENTIFICATION.] "Automatic  
24 location identification" means the process of electronically  
25 identifying and displaying ~~on-a-special-viewing-screen~~ the name  
26 of the subscriber and the location, where available, of the  
27 calling telephone number to a person answering a 911 emergency  
28 call.

29 Sec. 46. Minnesota Statutes 2004, section 403.02,  
30 subdivision 13, is amended to read:

31 Subd. 13. [ENHANCED 911 SERVICE.] "Enhanced 911 service"  
32 means the use of ~~selective-routing~~, automatic location  
33 identification, or local location identification as part of  
34 local 911 service provided by an enhanced 911 system consisting  
35 of a common 911 network and database and customer data and  
36 network components connecting to the common 911 network and

1 database.

2 Sec. 47. Minnesota Statutes 2004, section 403.02,  
3 subdivision 17, is amended to read:

4 Subd. 17. [911 SERVICE.] "911 service" means a  
5 telecommunications service that automatically connects a person  
6 dialing the digits 911 to an established public safety answering  
7 point. 911 service includes:

8 (1) ~~equipment-for-connecting-and-outswitching-911-calls~~  
9 ~~within-a-telephone-central-office,-trunking-facilities-from-the~~  
10 ~~central-office-to-a-public-safety-answering-point~~ customer data  
11 and network components connecting to the common 911 network and  
12 database;

13 (2) common 911 network and database equipment, as  
14 appropriate, for automatically selectively routing 911 calls in  
15 ~~situations-where-one-telephone-central-office-serves-more-than~~  
16 ~~one~~ to the public safety answering point serving the caller's  
17 jurisdiction; and

18 (3) provision of automatic location identification if the  
19 public safety answering point has the capability of providing  
20 that service.

21 Sec. 48. Minnesota Statutes 2004, section 403.02, is  
22 amended by adding a subdivision to read:

23 Subd. 17a. [911 EMERGENCY TELECOMMUNICATIONS SERVICE  
24 PROVIDER.] "911 emergency telecommunications service provider"  
25 means a telecommunications service provider or other entity,  
26 determined by the commissioner to be capable of providing  
27 effective and efficient components of the 911 system, that  
28 provides all or portions of the network and database for  
29 automatically selectively routing 911 calls to the public safety  
30 answering point serving the caller's jurisdiction.

31 Sec. 49. Minnesota Statutes 2004, section 403.025,  
32 subdivision 3, is amended to read:

33 Subd. 3. [~~WIRE-LINE~~ CONNECTED TELECOMMUNICATIONS SERVICE  
34 PROVIDER REQUIREMENTS.] Every owner and operator of a  
35 wire-line or wireless circuit switched or packet-based  
36 telecommunications system connected to the public switched

1 telephone network shall design and maintain the system to dial  
2 the 911 number without charge to the caller.

3 Sec. 50. Minnesota Statutes 2004, section 403.025,  
4 subdivision 7, is amended to read:

5 Subd. 7. [CONTRACTUAL REQUIREMENTS.] (a) The state,  
6 together with the county or other governmental agencies  
7 operating public safety answering points, shall contract with  
8 the appropriate wire-line telecommunications service  
9 providers or other entities determined by the commissioner to be  
10 capable of providing effective and efficient components of the  
11 911 system for the operation, maintenance, enhancement, and  
12 expansion of the 911 system.

13 (b) The state shall contract with the appropriate wireless  
14 telecommunications service providers for maintaining, enhancing,  
15 and expanding the 911 system.

16 (c) The contract language or subsequent amendments to the  
17 contract must include a description of the services to be  
18 ~~furnished by wireless and wire-line telecommunications service~~  
19 ~~providers~~ to the county or other governmental agencies operating  
20 public safety answering points, ~~as well as compensation based on~~  
21 ~~the effective tariff or price list approved by the Public~~  
22 ~~Utilities Commission.~~ The contract language or subsequent  
23 amendments must include the terms of compensation based on the  
24 effective tariff or price list filed with the Public Utilities  
25 Commission or the prices agreed to by the parties.

26 (d) The contract language or subsequent amendments to  
27 contracts between the parties must contain a provision for  
28 resolving disputes.

29 Sec. 51. Minnesota Statutes 2004, section 403.05,  
30 subdivision 3, is amended to read:

31 Subd. 3. [AGREEMENTS FOR SERVICE.] Each county and any  
32 other governmental agency shall contract with the state and  
33 wire-line telecommunications service providers or other entities  
34 determined by the commissioner to be capable of providing  
35 effective and efficient components of the 911 system for the  
36 recurring and nonrecurring costs associated with operating and

1 maintaining 911 emergency communications systems.

2 Sec. 52. Minnesota Statutes 2004, section 403.07,  
3 subdivision 3, is amended to read:

4 Subd. 3. [DATABASE.] In 911 systems that have been  
5 approved by the commissioner for a local location identification  
6 database, each wire-line telecommunications service provider  
7 shall provide current customer names, service addresses, and  
8 telephone numbers to each public safety answering point within  
9 the 911 system and shall update the information according to a  
10 schedule prescribed by the county 911 plan. Information  
11 provided under this subdivision must be provided in accordance  
12 with the transactional record disclosure requirements of the  
13 federal ~~Electronic~~ Communications Privacy Act of ~~1986~~ 1932,  
14 United States Code, title ~~18~~ 47, section ~~2703~~ 222,  
15 subsection ~~(e)~~, ~~paragraph-(1)~~, ~~subparagraph-(B)~~ ~~(iv)~~ (g).

16 Sec. 53. Minnesota Statutes 2004, section 403.08,  
17 subdivision 10, is amended to read:

18 Subd. 10. [PLAN INTEGRATION.] Counties shall incorporate  
19 the statewide design when modifying county 911 plans to provide  
20 for integrating wireless 911 service into existing county 911  
21 systems. The commissioner shall contract with the involved  
22 wireless service providers and 911 emergency telecommunications  
23 service providers to integrate cellular and other wireless  
24 services into existing 911 systems where feasible.

25 Sec. 54. Minnesota Statutes 2004, section 403.11,  
26 subdivision 1, is amended to read:

27 Subdivision 1. [EMERGENCY TELECOMMUNICATIONS SERVICE FEE;  
28 ACCOUNT.] (a) Each customer of a wireless or wire-line switched  
29 or packet-based telecommunications service provider connected to  
30 the public switched telephone network that furnishes service  
31 capable of originating a 911 emergency telephone call is  
32 assessed a fee based upon the number of wired or wireless  
33 telephone lines, or their equivalent, to cover the costs of  
34 ongoing maintenance and related improvements for trunking and  
35 central office switching equipment for 911 emergency  
36 telecommunications service, plus administrative and staffing

1 costs of the commissioner related to managing the 911 emergency  
2 telecommunications service program. Recurring charges by a  
3 wire-line telecommunications service provider for updating the  
4 information required by section 403.07, subdivision 3, must be  
5 paid by the commissioner if the wire-line telecommunications  
6 service provider is included in an approved 911 plan and the  
7 charges are made pursuant to ~~tariff, price-list, or~~ contract.  
8 The fee assessed under this section must also be used for the  
9 purpose of offsetting the costs, including administrative and  
10 staffing costs, incurred by the State Patrol Division of the  
11 Department of Public Safety in handling 911 emergency calls made  
12 from wireless phones.

13 (b) Money remaining in the 911 emergency telecommunications  
14 service account after all other obligations are paid must not  
15 cancel and is carried forward to subsequent years and may be  
16 appropriated from time to time to the commissioner to provide  
17 financial assistance to counties for the improvement of local  
18 emergency telecommunications services. The improvements may  
19 include providing access to 911 service for telecommunications  
20 service subscribers currently without access and upgrading  
21 existing 911 service to include automatic number identification,  
22 local location identification, automatic location  
23 identification, and other improvements specified in revised  
24 county 911 plans approved by the commissioner.

25 (c) The fee may not be less than eight cents nor more than  
26 ~~40~~ 65 cents a month for each customer access line or other basic  
27 access service, including trunk equivalents as designated by the  
28 Public Utilities Commission for access charge purposes and  
29 including wireless telecommunications services. With the  
30 approval of the commissioner of finance, the commissioner of  
31 public safety shall establish the amount of the fee within the  
32 limits specified and inform the companies and carriers of the  
33 amount to be collected. When the revenue bonds authorized under  
34 section 403.27, subdivision 1, have been fully paid or defeased,  
35 the commissioner shall reduce the fee to reflect that debt  
36 service on the bonds is no longer needed. The commissioner

1 shall provide companies and carriers a minimum of 45 days'  
2 notice of each fee change. The fee must be the same for all  
3 customers.

4 (d) The fee must be collected by each wireless or wire-line  
5 telecommunications service provider subject to the fee. Fees  
6 are payable to and must be submitted to the commissioner monthly  
7 before the 25th of each month following the month of collection,  
8 except that fees may be submitted quarterly if less than \$250 a  
9 month is due, or annually if less than \$25 a month is due.  
10 Receipts must be deposited in the state treasury and credited to  
11 a 911 emergency telecommunications service account in the  
12 special revenue fund. The money in the account may only be used  
13 for 911 telecommunications services.

14 (e) This subdivision does not apply to customers of  
15 interexchange carriers.

16 (f) The installation and recurring charges for integrating  
17 wireless 911 calls into enhanced 911 systems must be paid by the  
18 commissioner if the 911 service provider is included in the  
19 statewide design plan and the charges are made pursuant to  
20 ~~tariff, price list, or~~ contract.

21 (g) Notwithstanding any provision of this chapter to the  
22 contrary, the commissioner need not contract for or agree to pay  
23 for any services that a wire-line or wireless telecommunication  
24 service provider is required by federal law or federal  
25 regulation to provide.

26 Sec. 55. Minnesota Statutes 2004, section 403.11,  
27 subdivision 3, is amended to read:

28 Subd. 3. [METHOD OF PAYMENT.] (a) Any wireless or  
29 wire-line telecommunications service provider incurring  
30 reimbursable costs under subdivision 1 shall submit an invoice  
31 itemizing rate elements by county or service area to the  
32 commissioner for 911 services furnished under ~~tariff, price~~  
33 ~~list, or~~ contract. Any wireless or wire-line telecommunications  
34 service provider is eligible to receive payment for 911 services  
35 rendered according to the terms and conditions specified in the  
36 contract. Competitive local exchange carriers holding

1 certificates of authority from the Public Utilities Commission  
2 are eligible to receive payment for recurring 911 services  
3 provided after July 1, 2001. The commissioner shall pay the  
4 invoice within 30 days following receipt of the invoice unless  
5 the commissioner notifies the service provider that the  
6 commissioner disputes the invoice.

7 (b) The commissioner shall estimate the amount required to  
8 reimburse 911 emergency telecommunications service providers and  
9 wireless and wire-line telecommunications service providers for  
10 the state's obligations under subdivision 1 and the governor  
11 shall include the estimated amount in the biennial budget  
12 request.

13 Sec. 56. Minnesota Statutes 2004, section 403.11,  
14 subdivision 3a, is amended to read:

15 Subd. 3a. [TIMELY CERTIFICATION.] A certification must be  
16 submitted to the commissioner no later than ~~two-years~~ one year  
17 after commencing a new or additional eligible 911 service. Any  
18 ~~wireless-or-wire-line-telecommunications-service-provider~~  
19 ~~incurring-reimbursable-costs-under-this-section-at-any-time~~  
20 ~~before-January-17-2003--may-certify-these-costs-for-payment-to~~  
21 ~~the-commissioner-according-to-this-section-for-a-period-of-90~~  
22 ~~days-after-January-17-2003---During-this-period,-the~~  
23 ~~commissioner-shall-reimburse-any-wireless-or-wire-line~~  
24 ~~telecommunications-service-provider-for-approved,-certified~~  
25 ~~costs-without-regard-to-any-contrary-provision-of-this~~  
26 subdivision Each applicable contract must provide that, if  
27 certified expenses under the contract deviate from estimates in  
28 the contract by more than ten percent, the commissioner may  
29 reduce the level of service without incurring any termination  
30 fees.

31 Sec. 57. Minnesota Statutes 2004, section 403.113,  
32 subdivision 1, is amended to read:

33 Subdivision 1. [FEE.] (a) Each customer receiving service  
34 from a wireless or wire-line switched or packet-based  
35 telecommunications service provider connected to the public  
36 telephone network that furnishes service capable of originating

1 a 911 emergency telephone call is assessed a fee to fund  
2 implementation, operation, maintenance, enhancement, and  
3 expansion of enhanced 911 service, including acquisition of  
4 necessary equipment and the costs of the commissioner to  
5 administer the program. The actual fee assessed under section  
6 403.11 and the enhanced 911 service fee must be collected as one  
7 amount and may not exceed the amount specified in section  
8 403.11, subdivision 1, paragraph (c).

9 (b) The enhanced 911 service fee must be collected and  
10 deposited in the same manner as the fee in section 403.11 and  
11 used solely for the purposes of paragraph (a) and subdivision 3.

12 (c) The commissioner, in consultation with counties and 911  
13 system users, shall determine the amount of the enhanced 911  
14 service fee. ~~The fee must include at least ten cents per month~~  
15 ~~to be distributed under subdivision 2.~~ The commissioner shall  
16 inform wireless and wire-line telecommunications service  
17 providers that provide service capable of originating a 911  
18 emergency telephone call of the total amount of the 911 service  
19 fees in the same manner as provided in section 403.11.

20 Sec. 58. Minnesota Statutes 2004, section 403.27,  
21 subdivision 1, is amended to read:

22 Subdivision 1. [AUTHORIZATION.] ~~(a)~~ After consulting with  
23 the commissioner of finance, the council, if requested by a vote  
24 of at least two-thirds of all of the members of the Metropolitan  
25 Radio Board, may, by resolution, authorize the issuance of its  
26 revenue bonds for any of the following purposes to:

27 (1) provide funds for regionwide mutual aid and emergency  
28 medical services communications;

29 (2) provide funds for the elements of the first phase of  
30 the regionwide public safety radio communication system that the  
31 board determines are of regionwide benefit and support mutual  
32 aid and emergency medical services communication including, but  
33 not limited to, costs of master controllers of the backbone;

34 (3) provide money for the second phase of the public safety  
35 radio communication system;

36 (4) to the extent money is available after meeting the

1 needs described in clauses (1) to (3), provide money to  
2 reimburse local units of government for amounts expended for  
3 capital improvements to the first phase system previously paid  
4 for by the local government units; or

5 (5) refund bonds issued under this section.

6 ~~(b)-After-consulting-with-the-commissioner-of-finance,-the~~  
7 ~~council,-if-requested-by-a-vote-of-at-least-two-thirds-of-all-of~~  
8 ~~the-members-of-the-Statewide-Radio-Board,-may,-by-resolution,-~~  
9 ~~authorize-the-issuance-of-its-revenue-bonds-to-provide-money-for~~  
10 ~~the-third-phase-of-the-public-safety-radio-communication-system.~~

11 Sec. 59. Minnesota Statutes 2004, section 403.27,  
12 subdivision 3, is amended to read:

13 Subd. 3. [LIMITATIONS.] (a) The principal amount of the  
14 bonds issued pursuant to subdivision 1, exclusive of any  
15 original issue discount, shall not exceed the amount of  
16 \$10,000,000 plus the amount the council determines necessary to  
17 pay the costs of issuance, fund reserves, debt service, and pay  
18 for any bond insurance or other credit enhancement.

19 (b) In addition to the amount authorized under paragraph  
20 (a), the council may issue bonds under subdivision 1 in a  
21 principal amount of \$3,306,300, plus the amount the council  
22 determines necessary to pay the cost of issuance, fund reserves,  
23 debt service, and any bond insurance or other credit  
24 enhancement. The proceeds of bonds issued under this paragraph  
25 may not be used to finance portable or subscriber radio sets.

26 ~~(c)-In-addition-to-the-amount-authorized-under-paragraphs~~  
27 ~~(a)-and-(b),-the-council-may-issue-bonds-under-subdivision-1-in~~  
28 ~~a-principal-amount-of-\$10,000,000,-plus-the-amount-the-council~~  
29 ~~determines-necessary-to-pay-the-costs-of-issuance,-fund~~  
30 ~~reserves,-debt-service,-and-any-bond-insurance-or-other-credit~~  
31 ~~enhancement.--The-proceeds-of-bonds-issued-under-this-paragraph~~  
32 ~~must-be-used-to-pay-up-to-50-percent-of-the-cost-to-a-local~~  
33 ~~government-unit-of-building-a-subsystem-and-may-not-be-used-to~~  
34 ~~finance-portable-or-subscriber-radio-sets.--The-bond-proceeds~~  
35 ~~may-be-used-to-make-improvements-to-an-existing-800-MHz-radio~~  
36 ~~system-that-will-interoperate-with-the-regionwide-public-safety~~

1 radio-communication-system, provided that the improvements  
 2 conform to the board's plan and technical standards. The  
 3 council must time the sale and issuance of the bonds so that the  
 4 debt service on the bonds can be covered by the additional  
 5 revenue that will become available in the fiscal year ending  
 6 June 30, 2005, generated under section 403.11 and appropriated  
 7 under section 403.30.

8 (d) In addition to the amount authorized under paragraphs  
 9 (a) to (c), the council may issue bonds under subdivision 1 in a  
 10 principal amount of up to \$27,000,000, plus the amount the  
 11 council determines necessary to pay the costs of issuance, fund  
 12 reserves, debt service, and any bond insurance or other credit  
 13 enhancement. The proceeds of bonds issued under this paragraph  
 14 are appropriated to the commissioner of public safety for phase  
 15 three of the public safety radio communication system. In  
 16 anticipation of the receipt by the commissioner of public safety  
 17 of the bond proceeds, the Metropolitan Radio Board may advance  
 18 money from its operating appropriation to the commissioner of  
 19 public safety to pay for design and preliminary engineering for  
 20 phase three. The commissioner of public safety must return  
 21 these amounts to the Metropolitan Radio Board when the bond  
 22 proceeds are received.

23 Sec. 60. [403.275] [STATE 911 REVENUE BONDS.]

24 Subdivision 1. [BONDING AUTHORITY.] (a) The commissioner  
 25 of finance, if requested by a vote of at least two-thirds of all  
 26 the members of the Statewide Radio Board, shall sell and issue  
 27 state revenue bonds for the following purposes:

28 (1) to pay the costs of the statewide public safety radio  
 29 communication system that the board determines are of regional  
 30 or statewide benefit and support mutual aid and emergency  
 31 medical services communication, including, but not limited to,  
 32 costs of master controllers of the backbone;

33 (2) to pay the costs of issuance, debt service, and bond  
 34 insurance or other credit enhancements, and to fund reserves;  
 35 and

36 (3) to refund bonds issued under this section.

1       (b) The amount of bonds that may be issued for the purposes  
2 of clause (1) will be set from time to time by law; the amount  
3 of bonds that may be issued for the purposes of clauses (2) and  
4 (3) is not limited.

5       (c) The bond proceeds may be used to to pay up to 50  
6 percent of the cost to a local government unit of building a  
7 subsystem. The bond proceeds may be used to make improvements  
8 to an existing 800 MHz radio system that will interoperate with  
9 the regionwide public safety radio communication system,  
10 provided that the improvements conform to the board's plan and  
11 technical standards. The bond proceeds may not be used to pay  
12 for portable or subscriber radio sets.

13       Subd. 2. [PROCEDURE.] (a) The commissioner may sell and  
14 issue the bonds on the terms and conditions the commissioner  
15 determines to be in the best interests of the state. The bonds  
16 may be sold at public or private sale. The commissioner may  
17 enter any agreements or pledges the commissioner determines  
18 necessary or useful to sell the bonds that are not inconsistent  
19 with sections 403.21 to 403.40. Sections 16A.672 to 16A.675  
20 apply to the bonds. The proceeds of the bonds issued under this  
21 section must be credited to a special 911 revenue bond proceeds  
22 account in the state treasury.

23       (b) Before the proceeds are received in the 911 revenue  
24 bond proceeds account, the commissioner of finance may transfer  
25 to the account from the 911 emergency telecommunications service  
26 account amounts not exceeding the expected proceeds from the  
27 next bond sale. The commissioner of finance shall return these  
28 amounts to the 911 emergency telecommunications service account  
29 by transferring proceeds when received. The amounts of these  
30 transfers are appropriated from the 911 emergency  
31 telecommunications service account and from the 911 revenue bond  
32 proceeds account.

33       Subd. 3. [REVENUE SOURCES.] The debt service on the bonds  
34 is payable only from the following sources:

35       (1) revenue credited to the 911 emergency  
36 telecommunications service account from the fee imposed and

1 collected under section 237.491 or 403.11, subdivision 1, or  
2 from any other source; and

3 (2) other revenues pledged to the payment of the bonds.

4 Subd. 4. [REFUNDING BONDS.] The commissioner may issue  
5 bonds to refund outstanding bonds issued under subdivision 1,  
6 including the payment of any redemption premiums on the bonds  
7 and any interest accrued or to accrue to the first redemption  
8 date after delivery of the refunding bonds. The proceeds of the  
9 refunding bonds may, in the discretion of the commissioner, be  
10 applied to the purchases or payment at maturity of the bonds to  
11 be refunded, or the redemption of the outstanding bonds on the  
12 first redemption date after delivery of the refunding bonds and  
13 may, until so used, be placed in escrow to be applied to the  
14 purchase, retirement, or redemption. Refunding bonds issued  
15 under this subdivision must be issued and secured in the manner  
16 provided by the commissioner.

17 Subd. 5. [NOT A GENERAL OR MORAL OBLIGATION.] Bonds issued  
18 under this section are not public debt, and the full faith,  
19 credit, and taxing powers of the state are not pledged for their  
20 payment. The bonds may not be paid, directly in whole or in  
21 part from a tax of statewide application on any class of  
22 property, income, transaction, or privilege. Payment of the  
23 bonds is limited to the revenues explicitly authorized to be  
24 pledged under this section. The state neither makes nor has a  
25 moral obligation to pay the bonds if the pledged revenues and  
26 other legal security for them is insufficient.

27 Subd. 6. [TRUSTEE.] The commissioner may contract with and  
28 appoint a trustee for bond holders. The trustee has the powers  
29 and authority vested in it by the commissioner under the bond  
30 and trust indentures.

31 Subd. 7. [PLEDGES.] Any pledge made by the commissioner is  
32 valid and binding from the time the pledge is made. The money  
33 or property pledged and later received by the commissioner is  
34 immediately subject to the lien of the pledge without any  
35 physical delivery of the property or money or further act, and  
36 the lien of any pledge is valid and binding as against all

1 parties having claims of any kind in tort, contract, or  
2 otherwise against the commissioner, whether or not those parties  
3 have notice of the lien or pledge. Neither the order nor any  
4 other instrument by which a pledge is created need be recorded.

5 Subd. 8. [BONDS; PURCHASE AND CANCELLATION.] The  
6 commissioner, subject to agreements with bondholders that may  
7 then exist, may, out of any money available for the purpose,  
8 purchase bonds of the commissioner at a price not exceeding (1)  
9 if the bonds are then redeemable, the redemption price then  
10 applicable plus accrued interest to the next interest payment  
11 date thereon, or (2) if the bonds are not redeemable, the  
12 redemption price applicable on the first date after the purchase  
13 upon which the bonds become subject to redemption plus accrued  
14 interest to that date.

15 Subd. 9. [STATE PLEDGE AGAINST IMPAIRMENT OF CONTRACTS.]  
16 The state pledges and agrees with the holders of any bonds that  
17 the state will not limit or alter the rights vested in the  
18 commissioner to fulfill the terms of any agreements made with  
19 the bondholders, or in any way impair the rights and remedies of  
20 the holders until the bonds, together with interest on them,  
21 with interest on any unpaid installments of interest, and all  
22 costs and expenses in connection with any action or proceeding  
23 by or on behalf of the bondholders, are fully met and  
24 discharged. The commissioner may include this pledge and  
25 agreement of the state in any agreement with the holders of  
26 bonds issued under this section.

27 Sec. 61. Minnesota Statutes 2004, section 403.30,  
28 subdivision 1, is amended to read:

29 Subdivision 1. [STANDING APPROPRIATION; COSTS COVERED.]  
30 ~~For each fiscal year beginning with the fiscal year commencing~~  
31 ~~July 17, 1997~~ The amount necessary to pay the following debt  
32 service costs and reserves for bonds issued by the Metropolitan  
33 Council under section 403.27 or by the commissioner of finance  
34 under section 403.275 is appropriated to the commissioner of  
35 public safety from the 911 emergency telecommunications service  
36 account established under section 403.11.



1 amended by adding a subdivision to read:

2 Subd. 2c. [\$1 SURCHARGE.] In addition to the fees required  
3 in subdivision 2, the commissioner shall impose and deposit into  
4 the general fund a \$1 surcharge on every license or  
5 identification card issued under this section.

6 [EFFECTIVE DATE.] This section is effective July 1, 2005.

7 Sec. 2. Minnesota Statutes 2004, section 171.20,  
8 subdivision 4, is amended to read:

9 Subd. 4. [REINSTATEMENT FEE.] (a) Before the license is  
10 reinstated, (1) a person whose driver's license has been  
11 suspended under section 171.16, subdivision subdivisions 2 and  
12 3; 171.187-except-subdivision-17-clause-(10); or 171.182, or who  
13 has been disqualified from holding a commercial driver's license  
14 under section 171.165, and (2) a person whose driver's license  
15 has been suspended under section 171.186 and who is not exempt  
16 from such a fee, must pay a fee of \$20.

17 (b) Before the license is reinstated, a person whose  
18 license has been suspended under sections 169.791 to 169.798  
19 must pay a \$20 reinstatement fee.

20 (c) When fees are collected by a licensing agent appointed  
21 under section 171.061, a handling charge is imposed in the  
22 amount specified under section 171.061, subdivision 4. The  
23 reinstatement fee and surcharge must be deposited in an approved  
24 state depository as directed under section 171.061, subdivision  
25 4.

26 (d) Reinstatement fees collected under paragraph (a) for  
27 suspensions under sections 171.16, subdivision 3, and 171.18,  
28 subdivision 1, clause (10), shall be deposited in the special  
29 revenue fund and are appropriated to the Peace Officer Standards  
30 and Training Board for peace officer training reimbursement to  
31 local units of government.

32 (e) A suspension may be rescinded without fee for good  
33 cause.

34 [EFFECTIVE DATE.] This section is effective July 1, 2005.

35 Sec. 3. Minnesota Statutes 2004, section 171.26, is  
36 amended to read:

1 171.26 [MONEY CREDITED TO FUNDS.]

2 All money received under this chapter must be paid into the  
3 state treasury and credited to the trunk highway fund, except as  
4 provided in sections 171.06, subdivision 2a; 171.07, subdivision  
5 11, paragraph (g); 171.12, subdivision 8; 171.20, subdivision 4,  
6 paragraph (d); and 171.29, subdivision 2, paragraph (b).

7 [EFFECTIVE DATE.] This section is effective July 1, 2005.

8 Sec. 4. Minnesota Statutes 2004, section 244.09,  
9 subdivision 11, is amended to read:

10 Subd. 11. [MODIFICATION.] The commission shall meet as  
11 necessary for the purpose of modifying and improving the  
12 guidelines. Any modification which amends the Sentencing  
13 Guidelines grid, including severity levels and criminal history  
14 scores, or which would result in the reduction of any sentence  
15 or in the early release of any inmate, with the exception of a  
16 modification mandated or authorized by the legislature or  
17 relating to a crime created or amended by the legislature in the  
18 preceding session, shall be submitted to the legislature by  
19 January ± 15 of any year in which the commission wishes to make  
20 the change and shall be effective on August 1 of that year,  
21 unless the legislature by law provides otherwise. All other  
22 modifications shall take effect according to the procedural  
23 rules of the commission. On or before January ± 15 of each  
24 year, the commission shall submit a written report to the  
25 committees of the senate and the house of representatives with  
26 jurisdiction over criminal justice policy that identifies and  
27 explains all modifications made during the preceding 12 months  
28 and all proposed modifications that are being submitted to the  
29 legislature that year.

30 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
31 and applies to reports submitted on or after that date.

32 Sec. 5. Minnesota Statutes 2004, section 244.18,  
33 subdivision 2, is amended to read:

34 Subd. 2. [LOCAL CORRECTIONAL FEES.] A local correctional  
35 agency may establish a schedule of local correctional fees to  
36 charge persons ~~convicted-of-a-crime-and~~ under the supervision

1 and control of the local correctional agency to defray costs  
2 associated with correctional services. The local correctional  
3 fees on the schedule must be reasonably related to defendants'  
4 abilities to pay and the actual cost of correctional services.

5 [EFFECTIVE DATE.] This section is effective July 1, 2005.

6 Sec. 6. Minnesota Statutes 2004, section 253B.08,  
7 subdivision 1, is amended to read:

8 Subdivision 1. [TIME FOR COMMITMENT HEARING.] The hearing  
9 on the commitment petition shall be held within 14 days from the  
10 date of the filing of the petition, except that the hearing on a  
11 commitment petition pursuant to section 253B.185 shall be held  
12 within 90 days from the date of the filing of the petition. For  
13 good cause shown, the court may extend the time of hearing up to  
14 an additional 30 days. The proceeding shall be dismissed if the  
15 proposed patient has not had a hearing on a commitment petition  
16 within the allowed time. The proposed patient, or the head of  
17 the treatment facility in which the person is held, may demand  
18 in writing at any time that the hearing be held immediately.  
19 Unless the hearing is held within five days of the date of the  
20 demand, exclusive of Saturdays, Sundays and legal holidays, the  
21 petition shall be automatically discharged if the patient is  
22 being held in a treatment facility pursuant to court order. For  
23 good cause shown, the court may extend the time of hearing on  
24 the demand for an additional ten days.

25 [EFFECTIVE DATE.] This section is effective July 1, 2005.

26 Sec. 7. Minnesota Statutes 2004, section 297G.03,  
27 subdivision 1, is amended to read:

28 Subdivision 1. [GENERAL RATE; DISTILLED SPIRITS AND WINE.]  
29 The following excise tax is imposed on all distilled spirits and  
30 wine manufactured, imported, sold, or possessed in this state:

	Standard	Metric
31 (a) Distilled spirits,	<del>\$5.03</del> <u>\$6.30</u>	<del>\$1.33</del> <u>\$1.67</u>
32 liqueurs, cordials,	per gallon	per liter
33 and specialties regardless		
34 of alcohol content		
35 (excluding ethyl alcohol)		

1	(b) Wine containing	<del>\$--30</del> <u>\$ .51</u>	<del>\$--08</del> <u>\$ .14</u>
2	14 percent or less	per gallon	per liter
3	alcohol by volume		
4	(except cider as defined		
5	in section 297G.01,		
6	subdivision 3a)		
7	(c) Wine containing	<del>\$--95</del> <u>\$1.16</u>	<del>\$--25</del> <u>\$ .31</u>
8	more than 14 percent	per gallon	per liter
9	but not more than 21		
10	percent alcohol by volume		
11	(d) Wine containing more	<del>\$1-82</del> <u>\$2.03</u>	<del>\$--48</del> <u>\$ .54</u>
12	than 21 percent but not	per gallon	per liter
13	more than 24 percent		
14	alcohol by volume		
15	(e) Wine containing more	<del>\$3-52</del> <u>\$3.72</u>	<del>\$--93</del> <u>\$ .99</u>
16	than 24 percent alcohol	per gallon	per liter
17	by volume		
18	(f) Natural and	<del>\$1-82</del> <u>\$2.03</u>	<del>\$--48</del> <u>\$ .54</u>
19	artificial sparkling wines	per gallon	per liter
20	containing alcohol		
21	(g) Cider as defined in	<del>\$--15</del> <u>\$ .36</u>	<del>\$--04</del> <u>\$ .10</u>
22	section 297G.01,	per gallon	per liter
23	subdivision 3a		
24	(h) Low alcohol dairy	\$ .08 per gallon	\$ .02 per liter
25	cocktails		

26 In computing the tax on a package of distilled spirits or  
 27 wine, a proportional tax at a like rate on all fractional parts  
 28 of a gallon or liter must be paid, except that the tax on a  
 29 fractional part of a gallon less than 1/16 of a gallon is the  
 30 same as for 1/16 of a gallon.

31 **[EFFECTIVE DATE.]** This section is effective July 1, 2005.  
 32 Sec. 8. Minnesota Statutes 2004, section 297G.03,  
 33 subdivision 2, is amended to read:

34 Subd. 2. **[TAX ON MINIATURES; DISTILLED SPIRITS.]** The tax  
 35 on miniatures is ~~14~~ 15 cents per bottle.

36 **[EFFECTIVE DATE.]** This section is effective July 1, 2005.

1           Sec. 9. Minnesota Statutes 2004, section 297G.04,  
2 subdivision 1, is amended to read:

3           Subdivision 1. [TAX IMPOSED.] The following excise tax is  
4 imposed on all fermented malt beverages that are imported,  
5 directly or indirectly sold, or possessed in this state:

6           (1) on fermented malt beverages containing not more than  
7 3.2 percent alcohol by weight, ~~\$2.40~~ \$5.69 per 31-gallon barrel;  
8 and

9           (2) on fermented malt beverages containing more than 3.2  
10 percent alcohol by weight, ~~\$4.60~~ \$7.89 per 31-gallon barrel.

11           For fractions of a 31-gallon barrel, the tax rate is  
12 calculated proportionally.

13           [EFFECTIVE DATE.] This section is effective July 1, 2005.

14           Sec. 10. Minnesota Statutes 2004, section 297G.04,  
15 subdivision 2, is amended to read:

16           Subd. 2. [TAX CREDIT.] A qualified brewer producing  
17 fermented malt beverages is entitled to a tax credit  
18 of ~~\$4.60~~ \$7.89 per barrel on 25,000 barrels sold in any fiscal  
19 year beginning July 1, regardless of the alcohol content of the  
20 product. Qualified brewers may take the credit on the 18th day  
21 of each month, but the total credit allowed may not exceed in  
22 any fiscal year the lesser of:

23           (1) the liability for tax; or

24           (2) ~~\$115,000~~ \$197,250.

25           For purposes of this subdivision, a "qualified brewer"  
26 means a brewer, whether or not located in this state,  
27 manufacturing less than 100,000 barrels of fermented malt  
28 beverages in the calendar year immediately preceding the  
29 calendar year for which the credit under this subdivision is  
30 claimed. In determining the number of barrels, all brands or  
31 labels of a brewer must be combined. All facilities for the  
32 manufacture of fermented malt beverages owned or controlled by  
33 the same person, corporation, or other entity must be treated as  
34 a single brewer.

35           [EFFECTIVE DATE.] This section is effective July 1, 2005.

36           Sec. 11. Minnesota Statutes 2004, section 299A.38,

1 subdivision 2, is amended to read:

2 Subd. 2. [STATE AND LOCAL REIMBURSEMENT.] Peace officers  
3 and heads of local law enforcement agencies who buy vests for  
4 the use of peace officer employees may apply to the commissioner  
5 for reimbursement of funds spent to buy vests. On approving an  
6 application for reimbursement, the commissioner shall pay the  
7 applicant an amount equal to the lesser of one-half of the  
8 vest's purchase price or ~~300~~ \$600, as adjusted according to  
9 subdivision 2a. The political subdivision that employs the  
10 peace officer shall pay at least the lesser of one-half of the  
11 vest's purchase price or ~~300~~ \$600, as adjusted according to  
12 subdivision 2a. The political subdivision may not deduct or pay  
13 its share of the vest's cost from any clothing, maintenance, or  
14 similar allowance otherwise provided to the peace officer by the  
15 law enforcement agency.

16 [EFFECTIVE DATE.] This section is effective the day  
17 following final enactment.

18 Sec. 12. Minnesota Statutes 2004, section 299A.38,  
19 subdivision 2a, is amended to read:

20 Subd. 2a. [ADJUSTMENT OF REIMBURSEMENT AMOUNT.] On October  
21 1, ~~1997~~ 2006, the commissioner of public safety shall adjust  
22 the ~~300~~ \$600 reimbursement amounts specified in subdivision 2,  
23 and in each subsequent year, on October 1, the commissioner  
24 shall adjust the reimbursement amount applicable immediately  
25 preceding that October 1 date. The adjusted rate must reflect  
26 the annual percentage change in the Consumer Price Index for all  
27 urban consumers, published by the federal Bureau of Labor  
28 Statistics, occurring in the one-year period ending on the  
29 preceding June 1.

30 [EFFECTIVE DATE.] This section is effective the day  
31 following final enactment.

32 Sec. 13. Minnesota Statutes 2004, section 299A.38,  
33 subdivision 3, is amended to read:

34 Subd. 3. [ELIGIBILITY REQUIREMENTS.] (a) Only vests that  
35 either meet or exceed the requirements of standard 0101.03 of  
36 the National Institute of Justice or that meet or exceed the

1 requirements of that standard, except wet armor conditioning,  
2 are eligible for reimbursement.

3 (b) Eligibility for reimbursement is limited to vests  
4 bought after December 31, 1986, by or for peace officers (1) who  
5 did not own a vest meeting the requirements of paragraph (a)  
6 before the purchase, or (2) who owned a vest that was at least  
7 ~~six~~ five years old.

8 [EFFECTIVE DATE.] This section is effective the day  
9 following final enactment.

10 Sec. 14. [299A.681] [MINNESOTA FINANCIAL CRIMES OVERSIGHT  
11 COUNCIL AND TASK FORCE.]

12 Subdivision 1. [OVERSIGHT COUNCIL.] The Minnesota  
13 Financial Crimes Oversight Council shall provide guidance  
14 related to the investigation and prosecution of identity theft  
15 and financial crime.

16 Subd. 2. [MEMBERSHIP.] The oversight council consists of  
17 the following individuals, or their designees:

18 (1) the commissioner of public safety;

19 (2) the attorney general;

20 (3) two chiefs of police, selected by the Minnesota Chiefs  
21 of Police Association from police departments that participate  
22 in the Minnesota Financial Crimes Task Force;

23 (4) two sheriffs, selected by the Minnesota Sheriffs  
24 Association from sheriff departments that participate in the  
25 task force;

26 (5) the United States attorney for the district of  
27 Minnesota;

28 (6) a county attorney, selected by the Minnesota County  
29 Attorneys Association;

30 (7) a representative from the United States Postal  
31 Inspector's Office, selected by the oversight council;

32 (8) a representative from a not-for-profit retail merchants  
33 industry, selected by the oversight council;

34 (9) a representative from a not-for-profit banking and  
35 credit union industry, selected by the oversight council;

36 (10) a representative from a not-for-profit association

1 representing senior citizens, selected by the oversight council;  
2 (11) the statewide commander of the task force; and  
3 (12) two additional members selected by the oversight  
4 council.

5 The oversight council may adopt procedures to govern its conduct  
6 and shall select a chair from among its members.

7 Subd. 3. [DUTIES.] The oversight council shall develop an  
8 overall strategy to ameliorate the harm caused to the public by  
9 identity theft and financial crime within Minnesota. The  
10 strategy may include the development of protocols and procedures  
11 to investigate financial crimes and a structure for best  
12 addressing these issues in a multijurisdictional manner.  
13 Additionally, the oversight council shall:

14 (1) establish a multijurisdictional statewide Minnesota  
15 Financial Crimes Task Force to investigate major financial  
16 crimes;

17 (2) select a statewide commander of the task force who  
18 serves at the pleasure of the oversight council;

19 (3) assist the Department of Public Safety in developing an  
20 objective grant review application process that is free from  
21 conflicts of interest;

22 (4) make funding recommendations to the commissioner of  
23 public safety on grants to support efforts to combat identity  
24 theft and financial crime;

25 (5) assist law enforcement agencies and victims in  
26 developing a process to collect and share information to improve  
27 the investigation and prosecution of identity theft and  
28 financial crime;

29 (6) develop and approve an operational budget for the  
30 office of the statewide commander and the oversight council; and

31 (7) enter into any contracts necessary to establish and  
32 maintain a relationship with retailers, financial institutions,  
33 and other businesses to deal effectively with identity theft and  
34 financial crime.

35 The task force described in clause (1) may consist of members  
36 from local law enforcement agencies, federal law enforcement

1 agencies, state and federal prosecutors' offices, and  
2 representatives from elderly victims, retail, financial  
3 institutions, and not-for-profit organizations.

4 Subd. 4. [STATEWIDE COMMANDER.] (a) The Financial Crimes  
5 Task Force commander under Minnesota Statutes 2004, section  
6 299A.68, shall oversee the transition of that task force into  
7 the task force described in subdivision 3 and remain in place as  
8 its commander until July 1, 2008. On that date, the  
9 commissioner of public safety shall appoint as statewide  
10 commander the individual selected by the oversight council under  
11 subdivision 3. The commander serves in the unclassified service.

12 (b) The commander shall:

13 (1) coordinate and monitor all multijurisdictional identity  
14 theft and financial crime enforcement activities;

15 (2) facilitate local efforts and ensure statewide  
16 coordination with efforts to combat identity theft and financial  
17 crime;

18 (3) facilitate training for law enforcement and other  
19 personnel;

20 (4) monitor compliance with investigative protocols;

21 (5) implement an outcome evaluation and data quality  
22 control process;

23 (6) be responsible for the selection and for cause removal  
24 of assigned task force investigators who are designated  
25 participants under a memorandum of understanding or who receive  
26 grant funding;

27 (7) provide supervision of assigned task force  
28 investigators;

29 (8) submit a task force operational budget to the oversight  
30 council for approval; and

31 (9) submit quarterly task force activity reports to the  
32 oversight council.

33 Subd. 5. [PARTICIPATING OFFICERS; EMPLOYMENT STATUS.] All  
34 law enforcement officers selected to participate in the task  
35 force must be licensed peace officers as defined in section  
36 626.84, subdivision 1, or qualified federal law enforcement

1 officers as defined in section 626.8453. Participating officers  
2 remain employees of the same entity that employed them before  
3 joining any multijurisdictional entity established under this  
4 section. Participating officers are not employees of the state.

5 Subd. 6. [JURISDICTION AND POWERS.] Law enforcement  
6 officers participating in any multijurisdictional entity  
7 established under this section have statewide jurisdiction to  
8 conduct criminal investigations and have the same powers of  
9 arrest as those possessed by a sheriff. The task force shall  
10 retain from its predecessor the assigned originating reporting  
11 number for case reporting purposes.

12 Subd. 7. [GRANTS AUTHORIZED.] The commissioner of public  
13 safety, upon recommendation of the oversight council, shall make  
14 grants to state and local units of government to combat identity  
15 theft and financial crime. The commander, as funding permits,  
16 may prepare a budget to establish four regional districts and  
17 funding grant allocations programs outside the counties of  
18 Hennepin, Ramsey, Anoka, Washington, and Dakota. The budget  
19 must be reviewed and approved by the oversight council and  
20 recommended to the commissioner to support these efforts.

21 Subd. 8. [VICTIMS ASSISTANCE PROGRAM.] (a) The oversight  
22 council may establish a victims assistance program to assist  
23 victims of economic crimes and provide prevention and awareness  
24 programs. The oversight council may retain the services of  
25 not-for-profit organizations to assist in the development and  
26 delivery systems in aiding victims of financial crime. The  
27 program may not provide any financial assistance to victims, but  
28 may assist victims in obtaining police assistance and advise  
29 victims in how to protect personal accounts and identities.  
30 Services may include a victim toll-free telephone number, fax  
31 number, Web site, Monday through Friday telephone service,  
32 e-mail response, and interfaces to other helpful Web sites.  
33 Victims' information compiled are governed under chapter 13.

34 (b) The oversight council may post or communicate through  
35 public service announcements in newspapers, radio, television,  
36 cable access, billboards, Internet, Web sites, and other normal

1 advertising channels, a financial reward of up to \$2,000 for  
2 tips leading to the apprehension and successful prosecution of  
3 individuals committing economic crime. All rewards must meet  
4 the oversight council's standards. The release of funds must be  
5 made to an individual whose information leads to the  
6 apprehension and prosecution of offenders committing economic or  
7 financial crimes against citizens or businesses in Minnesota.  
8 All rewards paid to an individual must be reported to the  
9 Department of Revenue along with the individual's Social  
10 Security number.

11 Subd. 9. [OVERSIGHT COUNCIL AND TASK FORCE IS PERMANENT.]  
12 Notwithstanding section 15.059, this section does not expire.

13 Subd. 10. [FUNDING.] The oversight council may accept  
14 lawful grants and in-kind contributions from any federal source  
15 or legal business or individual not funded by this section for  
16 general operation support, including personnel costs. These  
17 grants or in-kind contributions are not to be directed toward  
18 the case of a particular victim or business. The oversight  
19 council's fiscal agent shall handle all funds approved by the  
20 oversight council, including in-kind contributions.

21 Subd. 11. [FORFEITURE.] Property seized by the task force  
22 is subject to forfeiture pursuant to sections 609.531, 609.5312,  
23 609.5313, and 609.5315 if ownership cannot be established. The  
24 council shall receive the proceeds from the sale of all property  
25 properly seized and forfeited.

26 Subd. 12. [TRANSFER EQUIPMENT FROM CURRENT TASK  
27 FORCE.] All equipment possessed by the task force described in  
28 Minnesota Statutes 2004, section 299A.68, is transferred to the  
29 oversight council for use by the task force described in this  
30 section.

31 [EFFECTIVE DATE.] This section is effective July 1, 2005.

32 Sec. 15. Minnesota Statutes 2004, section 299C.65,  
33 subdivision 1, is amended to read:

34 Subdivision 1. [MEMBERSHIP, DUTIES.] (a) The Criminal and  
35 Juvenile Justice Information Policy Group consists of the  
36 commissioner of corrections, the commissioner of public safety,

1 the commissioner of administration, the commissioner of finance,  
2 and four members of the judicial branch appointed by the chief  
3 justice of the Supreme Court, and the chair and first vice chair  
4 of the Criminal and Juvenile Justice Information Task Force.

5 The policy group may appoint additional, nonvoting members as  
6 necessary from time to time.

7 (b) The commissioner of public safety is designated as the  
8 chair of the policy group. The commissioner and the policy  
9 group have overall responsibility for the successful completion  
10 of statewide criminal justice information system integration  
11 (CrimNet). The policy group may hire ~~a-program-manager~~ an  
12 executive director to manage the CrimNet projects and to be  
13 responsible for the day-to-day operations of CrimNet. The  
14 executive director shall serve at the pleasure of the policy  
15 group in unclassified service. The policy group must ensure  
16 that generally accepted project management techniques are  
17 utilized for each CrimNet project, including:

- 18 (1) clear sponsorship;
- 19 (2) scope management;
- 20 (3) project planning, control, and execution;
- 21 (4) continuous risk assessment and mitigation;
- 22 (5) cost management;
- 23 (6) quality management reviews;
- 24 (7) communications management; and
- 25 (8) proven methodology; and
- 26 (9) education and training.

27 (c) Products and services for CrimNet project management,  
28 system design, implementation, and application hosting must be  
29 acquired using an appropriate procurement process, which  
30 includes:

- 31 (1) a determination of required products and services;
- 32 (2) a request for proposal development and identification  
33 of potential sources;
- 34 (3) competitive bid solicitation, evaluation, and  
35 selection; and
- 36 (4) contract administration and close-out.

1 (d) The policy group shall study and make recommendations  
2 to the governor, the Supreme Court, and the legislature on:

3 (1) a framework for integrated criminal justice information  
4 systems, including the development and maintenance of a  
5 community data model for state, county, and local criminal  
6 justice information;

7 (2) the responsibilities of each entity within the criminal  
8 and juvenile justice systems concerning the collection,  
9 maintenance, dissemination, and sharing of criminal justice  
10 information with one another;

11 (3) actions necessary to ensure that information maintained  
12 in the criminal justice information systems is accurate and  
13 up-to-date;

14 (4) the development of an information system containing  
15 criminal justice information on gross misdemeanor-level and  
16 felony-level juvenile offenders that is part of the integrated  
17 criminal justice information system framework;

18 (5) the development of an information system containing  
19 criminal justice information on misdemeanor arrests,  
20 prosecutions, and convictions that is part of the integrated  
21 criminal justice information system framework;

22 (6) comprehensive training programs and requirements for  
23 all individuals in criminal justice agencies to ensure the  
24 quality and accuracy of information in those systems;

25 (7) continuing education requirements for individuals in  
26 criminal justice agencies who are responsible for the  
27 collection, maintenance, dissemination, and sharing of criminal  
28 justice data;

29 (8) a periodic audit process to ensure the quality and  
30 accuracy of information contained in the criminal justice  
31 information systems;

32 (9) the equipment, training, and funding needs of the state  
33 and local agencies that participate in the criminal justice  
34 information systems;

35 (10) the impact of integrated criminal justice information  
36 systems on individual privacy rights;

1 (11) the impact of proposed legislation on the criminal  
2 justice system, including any fiscal impact, need for training,  
3 changes in information systems, and changes in processes;

4 (12) the collection of data on race and ethnicity in  
5 criminal justice information systems;

6 (13) the development of a tracking system for domestic  
7 abuse orders for protection;

8 (14) processes for expungement, correction of inaccurate  
9 records, destruction of records, and other matters relating to  
10 the privacy interests of individuals; and

11 (15) the development of a database for extended  
12 jurisdiction juvenile records and whether the records should be  
13 public or private and how long they should be retained.

14 [EFFECTIVE DATE.] This section is effective July 1, 2005.

15 Sec. 16. Minnesota Statutes 2004, section 299C.65,  
16 subdivision 2, is amended to read:

17 Subd. 2. [REPORT, TASK FORCE.] ~~{a}-The-policy-group-shall  
18 file-an-annual-report-with-the-governor,-Supreme-Court,-and  
19 chairs-and-ranking-minority-members-of-the-senate-and-house  
20 committees-and-divisions-with-jurisdiction-over-criminal-justice  
21 funding-and-policy-by-December-1-of-each-year-~~

22 ~~{b)-The-report-must-make-recommendations-concerning-any  
23 legislative-changes-or-appropriations-that-are-needed-to-ensure  
24 that-the-criminal-justice-information-systems-operate-accurately  
25 and-efficiently.--To-assist-them-in-developing-their~~

26 ~~recommendations,~~ The policy group shall appoint a task force  
27 consisting to assist them in their duties. The task force shall

28 monitor, review, and report to the policy group on

29 CrimNet-related projects and provide oversight to ongoing

30 operations as directed by the policy group. The task force

31 shall consist of its-members-or-their-designees-and the

32 following additional members:

33 (1) ~~the-director-of-the-Office-of-Strategic-and-Long-Range  
34 Planning,~~

35 ~~{2} two sheriffs recommended by the Minnesota Sheriffs  
36 Association;~~

1       {3} (2) two police chiefs recommended by the Minnesota  
2 Chiefs of Police Association;

3       {4} (3) two county attorneys recommended by the Minnesota  
4 County Attorneys Association;

5       {5} (4) two city attorneys recommended by the Minnesota  
6 League of Cities;

7       {6} (5) two public defenders appointed by the Board of  
8 Public Defense;

9       {7} (6) two district judges appointed by the Conference of  
10 Chief Judges, one of whom is currently assigned to the juvenile  
11 court;

12       {8} (7) two community corrections administrators  
13 recommended by the Minnesota Association of Counties, one of  
14 whom represents a community corrections act county;

15       {9} (8) two probation officers;

16       {10} (9) four public members, one of whom has been a victim  
17 of crime, and two who are representatives of the private  
18 business community who have expertise in integrated information  
19 systems;

20       {11} (10) two court administrators;

21       {12} (11) one member of the house of representatives  
22 appointed by the speaker of the house;

23       {13} (12) one member of the senate appointed by the  
24 majority leader;

25       {14} (13) the attorney general or a designee;

26       ~~{15} the commissioner of administration or a designee;~~

27       {16} (14) an individual recommended by the Minnesota League  
28 of Cities; and

29       {17} (15) an individual recommended by the Minnesota  
30 Association of Counties;

31       (16) the director of the Sentencing Guidelines Commission;

32       (17) one member appointed by the commissioner of public  
33 safety;

34       (18) one member appointed by the commissioner of  
35 corrections;

36       (19) one member appointed by the commissioner of

1 administration; and

2 (20) one member appointed by the chief justice of the  
3 Supreme Court.

4 In making these appointments, the appointing authority shall  
5 select members with expertise in integrated data systems or best  
6 practices.

7 ~~(e)~~ The commissioner of public safety may appoint  
8 additional, nonvoting members to the task force as necessary  
9 from time to time.

10 [EFFECTIVE DATE.] This section is effective July 1, 2005.

11 Sec. 17. Minnesota Statutes 2004, section 299C.65, is  
12 amended by adding a subdivision to read:

13 Subd. 3a. [REPORT.] The policy group, with the assistance  
14 of the task force, shall file an annual report with the  
15 governor, Supreme Court, and chairs and ranking minority members  
16 of the senate and house committees and divisions with  
17 jurisdiction over criminal justice funding and policy by January  
18 15 of each year. The report must provide the following:

19 (a) status and review of current integration efforts and  
20 projects;

21 (b) recommendations concerning any legislative changes or  
22 appropriations that are needed to ensure that the criminal  
23 justice information systems operate accurately and efficiently;  
24 and

25 (c) summary of the activities of the policy group and task  
26 force.

27 [EFFECTIVE DATE.] This section is effective July 1, 2005.

28 Sec. 18. Minnesota Statutes 2004, section 299C.65,  
29 subdivision 5, is amended to read:

30 Subd. 5. [REVIEW OF FUNDING AND GRANT REQUESTS.] (a) The  
31 Criminal and Juvenile Justice Information Policy Group shall  
32 review the funding requests for criminal justice information  
33 systems from state, county, and municipal government agencies.  
34 The policy group shall review the requests for compatibility to  
35 statewide criminal justice information system standards. The  
36 review shall be forwarded to the chairs and ranking minority

1 members of the house and senate committees and divisions with  
2 jurisdiction over criminal justice funding and policy.

3 ~~(b) The policy-group-shall-also-review-funding-requests-for~~  
4 ~~criminal-justice-information-systems-grants-to-be-made-by-the~~  
5 ~~commissioner-of-public-safety-as-provided-in-this-section.~~  
6 ~~Within-the-limits-of-available-appropriations, the commissioner~~  
7 ~~of-public-safety-shall-make-grants-for-projects-that-have-been~~  
8 ~~approved-by-the-policy-group.~~ CrimNet program office, in  
9 consultation with the Criminal and Juvenile Justice Information  
10 Task Force and with the approval of the policy group, shall  
11 create the requirements for any grant request and determine the  
12 integration priorities for the grant period. The CrimNet  
13 program office shall also review the requests submitted for  
14 compatibility to statewide criminal justice information systems  
15 standards.

16 ~~(c) If-a-funding-request-is-for-development-of-a~~  
17 ~~comprehensive-criminal-justice-information-integration-plan, the~~  
18 ~~policy-group-shall-ensure-that-the-request-contains-the~~  
19 ~~components-specified-in-subdivision-6. If-a-funding-request-is~~  
20 ~~for-implementation-of-a-plan-or-other-criminal-justice~~  
21 ~~information-systems-project, the-policy-group-shall-ensure-that:~~

22 ~~{1}-the-government-agency-has-adopted-a-comprehensive-plan~~  
23 ~~that-complies-with-subdivision-6;~~

24 ~~{2}-the-request-contains-the-components-specified-in~~  
25 ~~subdivision-7; and~~

26 ~~{3}-the-request-demonstrates-that-it-is-consistent-with-the~~  
27 ~~government-agency's-comprehensive-plan.~~ The task force shall  
28 review funding requests for criminal justice information systems  
29 grants and make recommendations to the policy group. The policy  
30 group shall review the recommendations of the task force and  
31 shall make a final recommendation for criminal justice  
32 information systems grants to be made by the commissioner of  
33 public safety. Within the limits of available state  
34 appropriations and federal grants, the commissioner of public  
35 safety shall make grants for projects that have been recommended  
36 by the policy group.

1       (d) The policy group may approve grants only if the  
2 applicant provides an appropriate share of matching funds as  
3 determined by the policy group to help pay up to one-half of the  
4 costs of the grant request. The matching requirement must be  
5 constant for all counties. The policy group shall adopt  
6 policies concerning the use of in-kind resources to satisfy the  
7 match requirement and the sources from which matching funds may  
8 be obtained. Local operational or technology staffing costs may  
9 be considered as meeting this match requirement. Each grant  
10 recipient shall certify to the policy group that it has not  
11 reduced funds from local, county, federal, or other sources  
12 which, in the absence of the grant, would have been made  
13 available to the grant recipient to improve or integrate  
14 criminal justice technology.

15       (e) All grant recipients shall submit to the CrimNet  
16 program office all requested documentation including grant  
17 status, financial reports, and a final report evaluating how the  
18 grant funds improved the agency's criminal justice integration  
19 priorities. The CrimNet program office shall establish the  
20 recipient's reporting dates at the time funds are awarded.

21       [EFFECTIVE DATE.] This section is effective July 1, 2005.

22       Sec. 19. Minnesota Statutes 2004, section 340A.301,  
23 subdivision 6, is amended to read:

24       Subd. 6. [FEES.] The annual fees for licenses under this  
25 section are as follows:

26       (a) Manufacturers (except as provided		
27           in clauses (b) and (c))		\$ <del>15,000</del> <u>\$30,000</u>
28           Duplicates		\$ 3,000
29       (b) Manufacturers of wines of not more		
30           than 25 percent alcohol by volume		\$ 500
31       (c) Brewers other than those described		
32           in clauses (d) and (i)		\$ <del>2,500</del> <u>4,000</u>
33       (d) Brewers who also hold one or more		
34           retail on-sale licenses and who		
35           manufacture fewer than 3,500 barrels		
36           of malt liquor in a year, at any one		

1 licensed premises, using only wort produced  
 2 in Minnesota, the entire  
 3 production of which is solely  
 4 for consumption on tap on the  
 5 licensed premises or for off-sale  
 6 from that licensed premises.

7 A brewer licensed  
 8 under this clause must obtain a separate  
 9 license for each licensed premises where  
 10 the brewer brews malt liquor. A brewer  
 11 licensed under this clause may not be  
 12 licensed as an importer under this chapter \$ 500

- 13 (e) Wholesalers (except as provided in
- 14 clauses (f), (g), and (h)) \$15,000
- 15 Duplicates \$ 3,000
- 16 (f) Wholesalers of wines of not more
- 17 than 25 percent alcohol by volume \$ ~~27,000~~ 3,750
- 18 (g) Wholesalers of intoxicating
- 19 malt liquor \$ ~~600~~ 1,000
- 20 Duplicates \$ 25
- 21 (h) Wholesalers of 3.2 percent
- 22 malt liquor \$ 10
- 23 (i) Brewers who manufacture fewer than
- 24 2,000 barrels of malt liquor in a year \$ 150

25 If a business licensed under this section is destroyed, or  
 26 damaged to the extent that it cannot be carried on, or if it  
 27 ceases because of the death or illness of the licensee, the  
 28 commissioner may refund the license fee for the balance of the  
 29 license period to the licensee or to the licensee's estate.

30 [EFFECTIVE DATE.] This section is effective July 1, 2005.

31 Sec. 20. Minnesota Statutes 2004, section 340A.302,  
 32 subdivision 3, is amended to read:

33 Subd. 3. [FEES.] Annual fees for licenses under this  
 34 section, which must accompany the application, are as follows:

35 Importers of distilled spirits, wine,  
 36 or ethyl alcohol \$420

1 Importers of malt liquor \$800  
 2 \$1,600

3 If an application is denied, \$100 of the fee shall be  
 4 retained by the commissioner to cover costs of investigation.

5 [EFFECTIVE DATE.] This section is effective July 1, 2005.

6 Sec. 21. Minnesota Statutes 2004, section 340A.311, is  
 7 amended to read:

8 340A.311 [BRAND REGISTRATION.]

9 (a) A brand of intoxicating liquor or 3.2 percent malt  
 10 liquor may not be manufactured, imported into, or sold in the  
 11 state unless the brand label has been registered with and  
 12 approved by the commissioner. A brand registration must be  
 13 renewed every three years in order to remain in effect. The fee  
 14 for an initial brand registration is ~~\$30~~ \$40. The fee for brand  
 15 registration renewal is ~~\$20~~ \$30. The brand label of a brand of  
 16 intoxicating liquor or 3.2 percent malt liquor for which the  
 17 brand registration has expired, is conclusively deemed abandoned  
 18 by the manufacturer or importer.

19 (b) In this section "brand" and "brand label" include  
 20 trademarks and designs used in connection with labels.

21 (c) The label of any brand of wine or intoxicating or  
 22 nonintoxicating malt beverage may be registered only by the  
 23 brand owner or authorized agent. No such brand may be imported  
 24 into the state for sale without the consent of the brand owner  
 25 or authorized agent. This section does not limit the provisions  
 26 of section 340A.307.

27 (d) The commissioner shall refuse to register a malt liquor  
 28 brand label, and shall revoke the registration of a malt liquor  
 29 brand label already registered, if the brand label states or  
 30 implies in a false or misleading manner a connection with an  
 31 actual living or dead American Indian leader. This paragraph  
 32 does not apply to a brand label registered for the first time in  
 33 Minnesota before January 1, 1992.

34 [EFFECTIVE DATE.] This section is effective July 1, 2005.

35 Sec. 22. Minnesota Statutes 2004, section 340A.404,  
 36 subdivision 12, is amended to read:

1 Subd. 12. [CATERER'S PERMIT.] The commissioner may issue a  
2 caterer's permit to a restaurant that holds an on-sale  
3 intoxicating liquor license issued by any municipality. The  
4 holder of a caterer's permit may sell intoxicating liquor as an  
5 incidental part of a food service that serves prepared meals at  
6 a place other than the premises for which the holder's on-sale  
7 intoxicating liquor license is issued.

8 (a) A caterer's permit is auxiliary to the primary on-sale  
9 license held by the licensee.

10 (b) The restrictions and regulations which apply to the  
11 sale of intoxicating liquor on the licensed premises also apply  
12 to the sale under the authority of a caterer's permit, and any  
13 act that is prohibited on the licensed premises is also  
14 prohibited when the licensee is operating other than on the  
15 licensed premises under a caterer's permit.

16 (c) Any act, which if done on the licensed premises would  
17 be grounds for cancellation or suspension of the on-sale  
18 licensee, is grounds for cancellation of both the on-sale  
19 license and the caterer's permit if done when the permittee is  
20 operating away from the licensed premises under the authority of  
21 the caterer's permit.

22 (d) The permittee shall notify prior to any catered event:

23 (1) the police chief of the city where the event will take  
24 place, if the event will take place within the corporate limits  
25 of a city; or

26 (2) the county sheriff of the county where the event will  
27 take place, if the event will be outside the corporate limits of  
28 any city.

29 (e) If the primary license ceases to be valid for any  
30 reason, the caterer's permit ceases to be valid.

31 (f) Permits issued under this subdivision are subject to  
32 all laws and ordinances governing the sale of intoxicating  
33 liquor except those laws and ordinances which by their nature  
34 are not applicable.

35 (g) The annual state fee for a caterer's permit  
36 is ~~\$200~~ \$300.

1            [EFFECTIVE DATE.] This section is effective July 1, 2005.

2            Sec. 23. Minnesota Statutes 2004, section 340A.408,  
3 subdivision 4, is amended to read:

4            Subd. 4. [LAKE SUPERIOR, ST. CROIX RIVER, AND MISSISSIPPI  
5 RIVER TOUR BOATS; COMMON CARRIERS.] (a) The annual license fee  
6 for licensing of Lake Superior, St. Croix River, and Mississippi  
7 River tour boats under section 340A.404, subdivision 8, shall be  
8 ~~\$17,000~~ \$1,500. The commissioner shall transmit one-half of this  
9 fee to the governing body of the city that is the home port of  
10 the tour boat or to the county in which the home port is located  
11 if the home port is outside a city.

12            (b) The annual license fee for common carriers licensed  
13 under section 340A.407 is:

14            (1) \$50 for 3.2 percent malt liquor, and \$20 for a  
15 duplicate license; and

16            (2) ~~\$200~~ \$250 for intoxicating liquor, and ~~\$20~~ \$30 for a  
17 duplicate license.

18            [EFFECTIVE DATE.] This section is effective July 1, 2005.

19            Sec. 24. Minnesota Statutes 2004, section 340A.414,  
20 subdivision 6, is amended to read:

21            Subd. 6. [PERMIT FEES.] The annual fee for issuance of a  
22 permit under this section is ~~\$150~~ \$250. The governing body of a  
23 city or county where the establishment is located may impose an  
24 additional fee of not more than \$300.

25            [EFFECTIVE DATE.] This section is effective July 1, 2005.

26            Sec. 25. Minnesota Statutes 2004, section 340A.504,  
27 subdivision 3, is amended to read:

28            Subd. 3. [INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE.] (a)  
29 A restaurant, club, bowling center, or hotel with a seating  
30 capacity for at least 30 persons and which holds an on-sale  
31 intoxicating liquor license may sell intoxicating liquor for  
32 consumption on the premises in conjunction with the sale of food  
33 between the hours of 12:00 noon on Sundays and 2:00 a.m. on  
34 Mondays.

35            (b) The governing body of a municipality may after one  
36 public hearing by ordinance permit a restaurant, hotel, bowling

1 center, or club to sell alcoholic beverages for consumption on  
2 the premises in conjunction with the sale of food between the  
3 hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays,  
4 provided that the licensee is in conformance with the Minnesota  
5 Clean Air Act.

6 (c) An establishment serving intoxicating liquor on Sundays  
7 must obtain a Sunday license. The license must be issued by the  
8 governing body of the municipality for a period of one year, and  
9 the fee for the license may not exceed \$200.

10 (d) A city may issue a Sunday intoxicating liquor license  
11 only if authorized to do so by the voters of the city voting on  
12 the question at a general or special election. A county may  
13 issue a Sunday intoxicating liquor license in a town only if  
14 authorized to do so by the voters of the town as provided in  
15 paragraph (e). A county may issue a Sunday intoxicating liquor  
16 license in unorganized territory only if authorized to do so by  
17 the voters of the election precinct that contains the licensed  
18 premises, voting on the question at a general or special  
19 election.

20 (e) An election conducted in a town on the question of the  
21 issuance by the county of Sunday sales licenses to  
22 establishments located in the town must be held on the day of  
23 the annual election of town officers.

24 (f) Voter approval is not required for licenses issued by  
25 the Metropolitan Airports Commission or common carrier licenses  
26 issued by the commissioner. Common carriers serving  
27 intoxicating liquor on Sunday must obtain a Sunday license from  
28 the commissioner at an annual fee of \$50 \$75, plus \$20 \$30 for  
29 each duplicate.

30 **[EFFECTIVE DATE.] This section is effective July 1, 2005.**

31 Sec. 26. Minnesota Statutes 2004, section 340A.504,  
32 subdivision 7, is amended to read:

33 Subd. 7. [SALES AFTER 1:00 A.M.; PERMIT FEE.] (a) No  
34 licensee may sell intoxicating liquor or 3.2 percent malt liquor  
35 on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the  
36 licensee has obtained a permit from the commissioner.

1 Application for the permit must be on a form the commissioner  
2 prescribes. Permits are effective for one year from date of  
3 issuance. For retailers of intoxicating liquor, the fee for the  
4 permit is based on the licensee's gross receipts from on-sales  
5 of alcoholic beverages in the 12 months prior to the month in  
6 which the permit is issued, and is at the following rates:

7 (1) up to \$100,000 in gross receipts, ~~\$200~~ \$300;

8 (2) over \$100,000 but not over \$500,000 in gross receipts,  
9 ~~\$500~~ \$750; and

10 (3) over \$500,000 in gross receipts, ~~\$600~~ \$1,000.

11 For a licensed retailer of intoxicating liquor who did not sell  
12 intoxicating liquor at on-sale for a full 12 months prior to the  
13 month in which the permit is issued, the fee is \$200. For a  
14 retailer of 3.2 percent malt liquor, the fee is \$200.

15 (b) The commissioner shall deposit all permit fees received  
16 under this subdivision in the alcohol enforcement account in the  
17 special revenue fund.

18 (c) Notwithstanding any law to the contrary, the  
19 commissioner of revenue may furnish to the commissioner the  
20 information necessary to administer and enforce this subdivision.

21 [EFFECTIVE DATE.] This section is effective July 1, 2005.

22 Sec. 27. Minnesota Statutes 2004, section 357.021,  
23 subdivision 2, is amended to read:

24 Subd. 2. [FEE AMOUNTS.] The fees to be charged and  
25 collected by the court administrator shall be as follows:

26 (1) In every civil action or proceeding in said court,  
27 including any case arising under the tax laws of the state that  
28 could be transferred or appealed to the Tax Court, the  
29 plaintiff, petitioner, or other moving party shall pay, when the  
30 first paper is filed for that party in said action, a fee of  
31 ~~\$235~~ \$240.

32 The defendant or other adverse or intervening party, or any  
33 one or more of several defendants or other adverse or  
34 intervening parties appearing separately from the others, shall  
35 pay, when the first paper is filed for that party in said  
36 action, a fee of \$235.

1 The party requesting a trial by jury shall pay \$75.

2 The fees above stated shall be the full trial fee  
3 chargeable to said parties irrespective of whether trial be to  
4 the court alone, to the court and jury, or disposed of without  
5 trial, and shall include the entry of judgment in the action,  
6 but does not include copies or certified copies of any papers so  
7 filed or proceedings under chapter 103E, except the provisions  
8 therein as to appeals.

9 (2) Certified copy of any instrument from a civil or  
10 criminal proceeding, \$10, and \$5 for an uncertified copy.

11 (3) Issuing a subpoena, \$12 for each name.

12 (4) Filing a motion or response to a motion in civil,  
13 family, excluding child support, and guardianship cases, \$55.

14 (5) Issuing an execution and filing the return thereof;  
15 issuing a writ of attachment, injunction, habeas corpus,  
16 mandamus, quo warranto, certiorari, or other writs not  
17 specifically mentioned, \$40.

18 (6) Issuing a transcript of judgment, or for filing and  
19 docketing a transcript of judgment from another court, \$30.

20 (7) Filing and entering a satisfaction of judgment, partial  
21 satisfaction, or assignment of judgment, \$5.

22 (8) Certificate as to existence or nonexistence of  
23 judgments docketed, \$5 for each name certified to.

24 (9) Filing and indexing trade name; or recording basic  
25 science certificate; or recording certificate of physicians,  
26 osteopaths, chiropractors, veterinarians, or optometrists, \$5.

27 (10) For the filing of each partial, final, or annual  
28 account in all trusteeships, \$40.

29 (11) For the deposit of a will, \$20.

30 (12) For recording notary commission, \$100, of which,  
31 notwithstanding subdivision 1a, paragraph (b), \$80 must be  
32 forwarded to the commissioner of finance to be deposited in the  
33 state treasury and credited to the general fund.

34 (13) Filing a motion or response to a motion for  
35 modification of child support, a fee fixed by rule or order of  
36 the Supreme Court.

1 (14) All other services required by law for which no fee is  
2 provided, such fee as compares favorably with those herein  
3 provided, or such as may be fixed by rule or order of the court.

4 (15) In addition to any other filing fees under this  
5 chapter, a surcharge in the amount of \$75 must be assessed in  
6 accordance with section 259.52, subdivision 14, for each  
7 adoption petition filed in district court to fund the fathers'  
8 adoption registry under section 259.52.

9 The fees in clauses (3) and (5) need not be paid by a  
10 public authority or the party the public authority represents.

11 **[EFFECTIVE DATE.] This section is effective July 1, 2005.**

12 Sec. 28. Minnesota Statutes 2004, section 357.021,  
13 subdivision 6, is amended to read:

14 Subd. 6. [SURCHARGES ON CRIMINAL AND TRAFFIC OFFENDERS.]

15 (a) The court shall impose and the court administrator shall  
16 collect a \$60 \$71 surcharge on every person convicted of any  
17 felony, gross misdemeanor, misdemeanor, or petty misdemeanor  
18 offense, other than a violation of a law or ordinance relating  
19 to vehicle parking, for which there shall be a \$3 surcharge. In  
20 the Second Judicial District, the court shall impose, and the  
21 court administrator shall collect, an additional \$1 surcharge on  
22 every person convicted of any felony, gross misdemeanor, or  
23 petty misdemeanor offense, other than a violation of a law or  
24 ordinance relating to vehicle parking, if the Ramsey County  
25 Board of Commissioners authorizes the \$1 surcharge. The  
26 surcharge shall be imposed whether or not the person is  
27 sentenced to imprisonment or the sentence is stayed.

28 (b) If the court fails to impose a surcharge as required by  
29 this subdivision, the court administrator shall show the  
30 imposition of the surcharge, collect the surcharge and correct  
31 the record.

32 (c) The court may not waive payment of the surcharge  
33 required under this subdivision. Upon a showing of indigency or  
34 undue hardship upon the convicted person or the convicted  
35 person's immediate family, the sentencing court may authorize  
36 payment of the surcharge in installments.

1 (d) The court administrator or other entity collecting a  
2 surcharge shall forward it to the commissioner of finance.

3 (e) If the convicted person is sentenced to imprisonment  
4 and has not paid the surcharge before the term of imprisonment  
5 begins, the chief executive officer of the correctional facility  
6 in which the convicted person is incarcerated shall collect the  
7 surcharge from any earnings the inmate accrues from work  
8 performed in the facility or while on conditional release. The  
9 chief executive officer shall forward the amount collected to  
10 the commissioner of finance.

11 [EFFECTIVE DATE.] This section is effective July 1, 2005.

12 Sec. 29. Minnesota Statutes 2004, section 357.021,  
13 subdivision 7, is amended to read:

14 Subd. 7. [DISBURSEMENT OF SURCHARGES BY COMMISSIONER OF  
15 FINANCE.] (a) Except as provided in paragraphs (b), (c), and  
16 (d), the commissioner of finance shall disburse surcharges  
17 received under subdivision 6 and section 97A.065, subdivision 2,  
18 as follows:

19 (1) one percent shall be credited to the game and fish fund  
20 to provide peace officer training for employees of the  
21 Department of Natural Resources who are licensed under sections  
22 626.84 to 626.863, and who possess peace officer authority for  
23 the purpose of enforcing game and fish laws;

24 (2) 39 percent shall be credited to the peace officers  
25 training account in the special revenue fund; and

26 (3) 60 percent shall be credited to the general fund.

27 (b) The commissioner of finance shall credit \$3 of each  
28 surcharge received under subdivision 6 and section 97A.065,  
29 subdivision 2, to the general fund.

30 (c) In addition to any amounts credited under paragraph  
31 (a), the commissioner of finance shall credit ~~\$32~~ \$43 of each  
32 surcharge received under subdivision 6 and section 97A.065,  
33 subdivision 2, and the \$3 parking surcharge, to the general fund.

34 (d) If the Ramsey County Board of Commissioners authorizes  
35 imposition of the additional \$1 surcharge provided for in  
36 subdivision 6, paragraph (a), the court administrator in the

1 Second Judicial District shall withhold \$1 from each surcharge  
2 collected under subdivision 6. The court administrator must use  
3 the withheld funds solely to fund the petty misdemeanor  
4 diversion program administered by the Ramsey County Violations  
5 Bureau. The court administrator must transfer any unencumbered  
6 portion of the funds received under this subdivision to the  
7 commissioner of finance for distribution according to paragraphs  
8 (a) to (c).

9 [EFFECTIVE DATE.] This section is effective July 1, 2005.

10 Sec. 30. Minnesota Statutes 2004, section 357.18,  
11 subdivision 3, is amended to read:

12 Subd. 3. [SURCHARGE.] In addition to the fees imposed in  
13 subdivision 1, a ~~\$4-50~~ \$10.50 surcharge shall be collected: on  
14 each fee charged under subdivision 1, clauses (1) and (6), and  
15 for each abstract certificate under subdivision 1, clause (4).  
16 Fifty cents of each surcharge shall be retained by the county to  
17 cover its administrative costs and ~~\$4~~ \$10 shall be paid to the  
18 state treasury and credited to the general fund.

19 [EFFECTIVE DATE.] This section is effective July 1, 2005.

20 Sec. 31. Minnesota Statutes 2004, section 508.82,  
21 subdivision 1, is amended to read:

22 Subdivision 1. [STANDARD DOCUMENTS.] The fees to be paid  
23 to the registrar shall be as follows:

24 (1) of the fees provided herein, five percent of the fees  
25 collected under clauses (3), (5), (11), (13), (14), (16), and  
26 (17), for filing or memorializing shall be paid to the  
27 commissioner of finance and credited to the general fund; plus a  
28 ~~\$4-50~~ \$10.50 surcharge shall be charged and collected in  
29 addition to the total fees charged for each transaction under  
30 clauses (2), (3), (5), (11), (13), (14), (16), and (17), with 50  
31 cents of this surcharge to be retained by the county to cover  
32 its administrative costs, and ~~\$4~~ \$10 to be paid to the state  
33 treasury and credited to the general fund;

34 (2) for registering a first certificate of title, including  
35 issuing a copy of it, \$30;

36 (3) for registering each instrument transferring the fee

1 simple title for which a new certificate of title is issued and  
2 for the registration of the new certificate of title, including  
3 a copy of it, \$30;

4 (4) for issuance of a CECT pursuant to section 508.351,  
5 \$15;

6 (5) for the entry of each memorial on a certificate, \$15;

7 (6) for issuing each residue certificate, \$20;

8 (7) for exchange certificates, \$10 for each certificate  
9 canceled and \$10 for each new certificate issued;

10 (8) for each certificate showing condition of the register,  
11 \$10;

12 (9) for any certified copy of any instrument or writing on  
13 file in the registrar's office, the same fees allowed by law to  
14 county recorders for like services;

15 (10) for a noncertified copy of any certificate of title,  
16 other than the copies issued under clauses (2) and (3), any  
17 instrument or writing on file in the office of the registrar of  
18 titles, or any specified page or part of it, an amount as  
19 determined by the county board for each page or fraction of a  
20 page specified. If computer or microfilm printers are used to  
21 reproduce the instrument or writing, a like amount per image;

22 (11) for filing two copies of any plat in the office of the  
23 registrar, \$30;

24 (12) for any other service under this chapter, such fee as  
25 the court shall determine;

26 (13) for filing an amendment to a declaration in accordance  
27 with chapter 515, \$10 for each certificate upon which the  
28 document is registered and \$30 for an amended floor plan filed  
29 in accordance with chapter 515;

30 (14) for filing an amendment to a common interest community  
31 declaration and plat or amendment complying with section  
32 515B.2-110, subsection (c), \$10 for each certificate upon which  
33 the document is registered and \$30 for the filing of the  
34 condominium or common interest community plat or amendment;

35 (15) for a copy of a condominium floor plan filed in  
36 accordance with chapter 515, or a copy of a common interest

1 community plat complying with section 515B.2-110, subsection  
2 (c), the fee shall be \$1 for each page of the floor plan or  
3 common interest community plat with a minimum fee of \$10;

4 (16) for the filing of a certified copy of a plat of the  
5 survey pursuant to section 508.23 or 508.671, \$10;

6 (17) for filing a registered land survey in triplicate in  
7 accordance with section 508.47, subdivision 4, \$30; and

8 (18) for furnishing a certified copy of a registered land  
9 survey in accordance with section 508.47, subdivision 4, \$10.

10 [EFFECTIVE DATE.] This section is effective July 1, 2005.

11 Sec. 32. Minnesota Statutes 2004, section 508A.82,  
12 subdivision 1, is amended to read:

13 Subdivision 1. [STANDARD DOCUMENTS.] The fees to be paid  
14 to the registrar shall be as follows:

15 (1) of the fees provided herein, five percent of the fees  
16 collected under clauses (3), (5), (11), (13), (14), and (17),  
17 for filing or memorializing shall be paid to the commissioner of  
18 finance and credited to the general fund; plus a ~~\$4-50~~ \$10.50  
19 surcharge shall be charged and collected in addition to the  
20 total fees charged for each transaction under clauses (2), (3),  
21 (5), (11), (13), (14), and (17), with 50 cents of this surcharge  
22 to be retained by the county to cover its administrative costs,  
23 and ~~\$4~~ \$10 to be paid to the state treasury and credited to the  
24 general fund;

25 (2) for registering a first CPT, including issuing a copy  
26 of it, \$30;

27 (3) for registering each instrument transferring the fee  
28 simple title for which a new CPT is issued and for the  
29 registration of the new CPT, including a copy of it, \$30;

30 (4) for issuance of a CECT pursuant to section 508A.351,  
31 \$15;

32 (5) for the entry of each memorial on a CPT, \$15;

33 (6) for issuing each residue CPT, \$20;

34 (7) for exchange CPTs or combined certificates of title,  
35 \$10 for each CPT and certificate of title canceled and \$10 for  
36 each new CPT or combined certificate of title issued;

1 (8) for each CPT showing condition of the register, \$10;

2 (9) for any certified copy of any instrument or writing on  
3 file in the registrar's office, the same fees allowed by law to  
4 county recorders for like services;

5 (10) for a noncertified copy of any CPT, other than the  
6 copies issued under clauses (2) and (3), any instrument or  
7 writing on file in the office of the registrar of titles, or any  
8 specified page or part of it, an amount as determined by the  
9 county board for each page or fraction of a page specified. If  
10 computer or microfilm printers are used to reproduce the  
11 instrument or writing, a like amount per image;

12 (11) for filing two copies of any plat in the office of the  
13 registrar, \$30;

14 (12) for any other service under sections 508A.01 to  
15 508A.85, the fee the court shall determine;

16 (13) for filing an amendment to a declaration in accordance  
17 with chapter 515, \$10 for each certificate upon which the  
18 document is registered and \$30 for an amended floor plan filed  
19 in accordance with chapter 515;

20 (14) for filing an amendment to a common interest community  
21 declaration and plat or amendment complying with section  
22 515B.2-110, subsection (c), and issuing a CECT if required, \$10  
23 for each certificate upon which the document is registered and  
24 \$30 for the filing of the condominium or common interest  
25 community plat or amendment;

26 (15) for a copy of a condominium floor plan filed in  
27 accordance with chapter 515, or a copy of a common interest  
28 community plat complying with section 515B.2-110, subsection  
29 (c), the fee shall be \$1 for each page of the floor plan, or  
30 common interest community plat with a minimum fee of \$10;

31 (16) in counties in which the compensation of the examiner  
32 of titles is paid in the same manner as the compensation of  
33 other county employees, for each parcel of land contained in the  
34 application for a CPT, as the number of parcels is determined by  
35 the examiner, a fee which is reasonable and which reflects the  
36 actual cost to the county, established by the board of county

1 commissioners of the county in which the land is located;

2 (17) for filing a registered land survey in triplicate in  
3 accordance with section 508A.47, subdivision 4, \$30; and

4 (18) for furnishing a certified copy of a registered land  
5 survey in accordance with section 508A.47, subdivision 4, \$10.

6 [EFFECTIVE DATE.] This section is effective July 1, 2005.

7 Sec. 33. Minnesota Statutes 2004, section 604.15,  
8 subdivision 2, is amended to read:

9 Subd. 2. [ACTS CONSTITUTING.] (a) The owner of a vehicle  
10 that receives motor fuel that was not paid for is liable to the  
11 retailer for the price of the motor fuel received and a service  
12 charge of ~~up-to-\$20,-or-the-actual-costs-of-collection-not-to~~  
13 ~~exceed~~ \$30. This charge may be imposed immediately upon the  
14 mailing of the notice under subdivision 3, if notice of the  
15 service charge was conspicuously displayed on the premises from  
16 which the motor fuel was received. The notice must include a  
17 statement that additional civil penalties will be imposed if  
18 payment is not received within 30 days. Only one service charge  
19 may be imposed under this paragraph for each incident. If a law  
20 enforcement agency obtains payment for the motor fuel on behalf  
21 of the retailer, the service charge may be retained by the law  
22 enforcement agency for its expenses.

23 (b) If the price of the motor fuel received is not paid  
24 within 30 days after the retailer has mailed notice under  
25 subdivision 3, the owner is liable to the retailer for the price  
26 of the motor fuel received, the service charge as provided in  
27 paragraph (a), plus a civil penalty not to exceed \$100 or the  
28 price of the motor fuel, whichever is greater. In determining  
29 the amount of the penalty, the court shall consider the amount  
30 of the fuel taken and the reason for the nonpayment. The  
31 retailer shall also be entitled to:

32 (1) interest at the legal rate for judgments under section  
33 549.09 from the date of nonpayment; and

34 (2) reasonable attorney fees, but not to exceed \$500.

35 The civil penalty may not be imposed until 30 days after  
36 the mailing of the notice under subdivision 3.

1        [EFFECTIVE DATE.] This section is effective July 1, 2005,  
2 and applies to acts committed on or after that date.

3        Sec. 34. Minnesota Statutes 2004, section 604.15, is  
4 amended by adding a subdivision to read:

5        Subd. 5. [NOT A BAR TO CRIMINAL LIABILITY.] Civil  
6 liability under this section does not preclude criminal  
7 liability under applicable law.

8        [EFFECTIVE DATE.] This section is effective the day  
9 following final enactment.

10       Sec. 35. [HOMELESSNESS PILOT PROJECTS; GRANTS.]

11       Subdivision 1. [GRANTS.] The commissioner of public  
12 safety, in consultation with the director of ending long-term  
13 homelessness, the Ending Long-Term Homelessness Advisory  
14 Council, and the Department of Human Services Office of Economic  
15 Opportunity, shall award grants for homeless outreach and to  
16 provide a bridge to stable housing and services. The  
17 commissioner shall award grants to qualified applicants in  
18 Hennepin County, Ramsey County, and one county outside the  
19 seven-county metropolitan area. An entity outside the  
20 seven-county metropolitan area receiving a grant under this  
21 section shall provide a 25 percent match. An entity within the  
22 seven-county metropolitan area receiving a grant under this  
23 section shall provide a 50 percent match. Grants must be used  
24 for homelessness pilot projects of a two-year duration that  
25 reduce recidivism and promote stronger communities through  
26 street and shelter outreach to connect people experiencing  
27 homelessness to housing and services.

28       Subd. 2. [APPLICATIONS.] An applicant for a grant under  
29 subdivision 1 must establish that:

30       (1) the applicant is experienced in homeless outreach  
31 services and will have staff qualified to work with people with  
32 serious mental illness, chemical dependency, and other factors  
33 contributing to homelessness;

34       (2) the applicant employs outreach staff who are trained  
35 and qualified to work with racially and culturally diverse  
36 populations;

1       (3) outreach services will be targeted to, but not limited  
2 to, people experiencing long-term homelessness, and people who  
3 have had repeated interactions with law enforcement;

4       (4) outreach services will provide intervention strategies  
5 linking people to housing and services as an alternative to  
6 arrest;

7       (5) the applicant has a plan to connect people experiencing  
8 homelessness to services for which they may be eligible such as  
9 supplemental security income, veterans benefits, health care,  
10 housing assistance, and long-term support programs for those  
11 with serious mental illness;

12       (6) the applicant's project will promote community  
13 collaboration with local law enforcement, local and county  
14 governments, social services providers, mental health crisis  
15 providers, and other community organizations to address  
16 homelessness;

17       (7) the applicant has a plan to leverage resources from the  
18 entities listed in clause (6) and other private sources to  
19 accomplish the goal of moving people into housing and services;  
20 and

21       (8) the applicant has a plan for evaluation of the  
22 applicant's pilot project that is designed to measure the  
23 program's effectiveness in connecting people experiencing  
24 homelessness to housing and services and reducing the use of  
25 public safety and corrections resources.

26       Subd. 3. [ANNUAL REPORT.] Grant recipients shall report to  
27 the commissioner by June 30, 2006, and June 30, 2007, on the  
28 services provided, expenditures of grant money, and an  
29 evaluation of the program's success in: (1) connecting  
30 individuals experiencing homelessness to housing and services;  
31 and (2) reducing the use of public safety and corrections  
32 resources. The commissioner shall submit reports to the chairs  
33 and ranking minority members of the house of representatives and  
34 senate committees having jurisdiction over public safety and  
35 health and human services by November 1, 2006, and November 1,  
36 2007. The commissioner's reports must explain how the grant

1 proceeds were used and evaluate the effectiveness of the pilot  
2 projects funded by the grants.

3 [EFFECTIVE DATE.] This section is effective July 1, 2005.

4 Sec. 36. [SPECIAL REVENUE SPENDING AUTHORIZATION FROM  
5 CRIMINAL JUSTICE SPECIAL PROJECTS ACCOUNT.]

6 Remaining balances in the special revenue fund from  
7 spending authorized by Laws 2001, First Special Session chapter  
8 8, article 7, section 14, subdivision 1, for which spending  
9 authorization ended June 30, 2003, under Laws 2001, First  
10 Special Session chapter 8, article 7, section 14, subdivision 3,  
11 are transferred to the general fund.

12 [EFFECTIVE DATE.] This section is effective July 1, 2005.

13 Sec. 37. [MCF-FARIBAULT DEDICATION OF SPACE.]

14 While planning, designing, and constructing new facilities  
15 on the campus of the Minnesota correctional facility in  
16 Faribault, the commissioner of corrections shall designate a  
17 space on the campus sufficient in size to build one additional  
18 prison building. This space must be preserved and designated  
19 for the benefit of Rice County for the future construction of a  
20 county correctional facility.

21 [EFFECTIVE DATE.] This section is effective the day  
22 following final enactment and expires on July 1, 2015.

23 Sec. 38. [REPEALER.]

24 Minnesota Statutes 2004, sections 299A.68; and 299C.65,  
25 subdivisions 3, 4, 6, 7, 8, 8a, and 9, are repealed.

26 [EFFECTIVE DATE.] This section is effective July 1, 2005.

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**Senate**

State of Minnesota

**SC4098-1 - Omnibus Public Safety Policy and Funding Bill**

**Author:** Senator Jane B. Ranum

**Prepared by:** Kenneth P. Backhus, Senate Counsel (651/296-4396) *KB*  
Chris Turner, Senate Research (651/296-4350) *CT*

**Date:** April 24, 2005

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**ARTICLE 1**

**Public Safety Appropriations**

Overview

**Article 1** contains the bill's appropriations, cuts, and riders.

**Section 1** summarizes the total appropriations in the bill.

**Section 2** appropriates \$12.1 million to the Supreme Court. Of this amount, \$5 million each year is for civil legal services and approximately \$1 million each year is for caseload increases. None of the money may be used for judicial salary increases.

**Section 3** appropriates \$250,000 each year to the Court of Appeals. None of the money may be used for judicial salary increases.

**Section 4** appropriates \$20.9 million to the district courts. Of this amount, \$6.7 million each year is for caseload increases. \$3.6 million the first year and \$7.2 million the second year are for sex and methamphetamine offense caseloads. \$500,000 each year is for specialty drug and mental health courts. None of the money may be used for judicial salary increases.

**Section 5** appropriates \$5,000 each year to the Uniform Laws Commission to pay national conference dues.

**Section 6** appropriates \$5.5 million the first year and \$9.3 million the second year for general caseload increases and sex and methamphetamine offense caseload increases.

**Section 7, subdivision 1**, appropriates \$26.2 million from the general fund, \$33.1 million from the state government special revenue fund, and \$62.5 million from the bond proceeds fund to the Department of Public Safety.

**Subdivision 2** appropriates \$10 million to the Bureau of Criminal Apprehension for agents to ensure compliance with the predatory offender law, the automated fingerprint identification system, criminal justice information system audit trail, DNA felony database analysis and ten new special agents to investigate methamphetamine crimes.

**Subdivision 3** increases Fire Marshall base funding by \$900,000 each year.

**Subdivision 4** appropriates \$14.8 million to the Office of Justice Programs, including \$2.5 million for increased crime victim grants, \$4.3 million for battered women’s shelters and safe houses, \$4.7 million for the Gang Strike Force, \$2.8 million for the Financial Crimes Task Force, and \$400,000 for homelessness pilot projects. Requires a report to the Legislature on a potential merger of the Gang Strike Force and the narcotics task forces.

**Subdivision 5** makes the following appropriations, based on the 25-cent increase on the 911 fee, from the state government special revenue fund.

	2006	2007
Telephone Prior Year Obligations (5-cents)	3,442,000	3,064,000
Public Safety Answering Points (20-cents)	13,640,000	13,664,000
Medical Resource Comm. Centers (1-cent)	682,000	683,000
Debt Service and Capital Costs (9-cents)	6,138,000	6,149,000
<b>Total</b>	<b>\$ 23,902,000</b>	<b>\$ 23,560,000</b>

The total appropriation in the bill is less than the itemized appropriations because the bill directs spending included in the base appropriation for the program in S.F. No. 1879.

**Subdivision 6** authorizes the sale of \$62.5 million in 911 revenue bonds by the Commissioner of Finance and appropriates the money in the following manner.

Phase 2 Public Safety Radio Subsystems	8,000,000
Phase 3 Public Safety Radio Backbone	45,000,000
Phase 3 Radio Subsystem Local Reimbursements	9,500,000
<b>Total</b>	<b>\$ 62,500,000</b>

The bill replaces the bond authorizations given to the Metropolitan Radio Board in 2002 and 2003. It reduces the bond sale amount for phase two (building local radio subsystems in the metropolitan area) to \$8 million to reflect the fact that \$13 million of federal Homeland Security money was used for this purpose in 2004. An additional \$3 million was added to include Chisago and Isanti Counties. It increases the bond sale authorization for phase three (building the system backbone of the transmission towers and related equipment in the Rochester and St. Cloud districts of the State Patrol) to \$45 million to reflect the most recent Department of Transportation cost estimate. Finally, it authorizes \$9.5 million of 911 bonds to be sold to reimburse local units of government for up to 50 percent of the cost of building subsystems in either the southeast or central district of the State Patrol.

**Section 8** makes a onetime appropriation of \$600,000 to the POST Board. Of this amount, \$142,000 is for the board's continued operation, \$178,000 is for reimbursements to local units of government for peace officer training, and \$280,000 is for technological updates.

**Section 9, subdivision 1**, appropriates a total of \$78.8 million to the Department of Corrections

**Subdivision 2** appropriates \$23.9 million to the institution's division of the department. This appropriation includes \$140,000 for tracking and apprehending level III predatory offenders, \$3 million for sex offender treatment in the prisons and transitional services, \$7.4 million for increased health services, and \$2.2 million for increased incarceration costs associated with the bill. In addition, there is a \$9 million increase for chemical dependency treatment programs and a \$4 million increase for mental health services in the institutions. Requires a working group to study and report to the Legislature on the feasibility of using inmate labor to build low-income housing manufactured at MCF-Faribault.

**Subdivision 3** appropriates \$55.6 million to the community services division of the department. Of this amount, \$188,000 is for end of confinement reviews, \$324,000 is for the GPS monitoring of sex offenders, \$2.7 million is for transitional services for sex offenders on supervised release, and \$3.6 million is for 18 new intensive supervised release agents. \$700,000 is for reimbursements to counties for sex offender assessments and \$2.5 million is for outpatient sex offender treatment and polygraph tests. Finally, \$39.2 million is for supervision caseload reduction for sex offenders, domestic abuse offenders and other violent offenders, \$5 million is for community-based chemical dependency treatment and aftercare grants, and \$1.25 million (onetime appropriation) is for intensive supervision and aftercare services for controlled substances offenders released from prison early under **article 6, section 9**. Requires the commissioner to report to the Legislature on the intensive supervision and aftercare services appropriation and on electronic monitoring of sex offenders.

**Section 10** appropriates \$500,000 to the Department of Employment and Economic Development for a methamphetamine lab clean-up revolving fund.

**Section 11** appropriates \$7,000 to the Board of Veterinary Medicine to study animal products that may be used to manufacture methamphetamine.

## ARTICLE 2

### **Sex Offenders: Mandatory Life Sentences for Certain Egregious and Repeat Sex Offenses; Conditional Release; Other Sentencing Changes**

#### Overview

**Article 2** contains the sex offender sentencing changes, including the indeterminate life sentences, the conditional release changes, and the new crime of criminal sexual predatory conduct.

**Section 1** makes a conforming change related to **article 2, section 20**.

**Section 2** clarifies that the Commissioner of Corrections' rulemaking authority relating to the revocation of supervised release also applies to conditional release.

**Section 3** provides that an offender serving an indeterminate life sentence (see **article 2, sections 11, 13, and 20**) may not be given supervised release without having served the minimum term of imprisonment as specified by the sentencing court.

**Section 4** requires the Commissioner of Corrections, when considering whether to give supervised release to an offender serving an indeterminate life sentence (see **article 2, sections 11, 13, and 20**), to consider at a minimum:

- ▶ the risk the offender poses to the community if released;
- ▶ the offender's progress in treatment;
- ▶ the offender's behavior while incarcerated;
- ▶ psychological or other diagnostic evaluations of the offender;
- ▶ the offender's criminal history; and
- ▶ any other relevant conduct of the offender while incarcerated or before incarceration.

The commissioner may not give supervised release to the offender unless:

- ▶ while in prison, the offender has successfully completed appropriate sex offender treatment;

- ▶ while in prison, the offender has been assessed for chemical dependency and mental health needs and, if appropriate, has successfully completed necessary treatment; and
- ▶ a comprehensive individual release plan is in place for the offender that ensures that the offender will have suitable housing and receive appropriate aftercare and treatment, and includes an employment/education plan for the offender.

Also makes a conforming change relating to **article 2, section 3**.

**Section 5** makes a conforming change related to **article 2, section 20**.

**Sections 6 to 9** amend the patterned and predatory offender sentencing law.

**Section 6** adds a cross-reference to the new crime of criminal sexual predatory conduct (see **article 2, section 19**). Strikes language relating to court findings regarding whether the necessary prongs of the law have been met. Substitutes for this a determination by the fact finder. These changes are necessary in light of the 2004 United States Supreme court decision, Blakely v. Washington. Strikes other language that is no longer necessary in light of the changes made by this article.

**Section 7** strikes the definition of “predatory crime.” Replaces this with a cross-reference to what is essentially the same definition in **article 2, section 10**.

**Section 8** makes the same substitution of a fact finder determination for a court finding as was made in **article 2, section 6**.

**Section 9** strikes language relating to the conditional release of offenders sentenced under this law. Instead, adds a cross-reference to **article 2, section 20**.

**Section 10** defines “predatory crime” for purposes of the criminal sexual conduct laws. This definition is nearly identical to the definition stricken from the patterned and predatory offender sentencing law in **article 2, section 7**. The new definition does not include criminal sexual conduct in the first- to fourth-degrees because a reference to these crimes is unnecessary under the changes made by the article. In addition, it does not include incest.

**Sections 11 and 12** amend the first-degree criminal sexual conduct crime.

**Section 11** requires a court to sentence an offender to an indeterminate life sentence if the offender is convicted of certain clauses of the first-degree criminal sexual conduct crime involving force or violence (i.e., where circumstances exist that cause the victim to have a reasonable fear of great bodily harm; where the offender is armed with a dangerous weapon; where the offender causes personal injury to the victim under specified conditions; where the offender is aided or abetted by one or more accomplices under specified conditions; or where the offender has a family-type relationship to a victim under 16 and specified conditions exist) and the fact finder determines, beyond a reasonable doubt, that:

- ▶ the offender tortured the victim;
- ▶ the offender intentionally inflicted great bodily harm upon the victim;
- ▶ the offender intentionally mutilated the victim;
- ▶ the offender exposed the victim to extreme inhumane conditions;
- ▶ the offender was armed with a dangerous weapon and used or threatened to use the weapon to cause the victim to submit;
- ▶ the offense involved sexual penetration or sexual contact with more than one victim;  
or
- ▶ the offense involved more than one perpetrator engaging in sexual penetration or sexual contact with the victim.

Defines “extreme inhumane conditions,” “mutilation,” and “torture.” Prohibits the fact finder from considering a listed heinous factor if it was an element of the underlying first-degree criminal sexual conduct violation. Requires a court to specify a minimum term of imprisonment, based on the sentencing guidelines or applicable mandatory sentences, that must be served before the offender may be considered for supervised release. Makes other structural and conforming changes.

**Section 12** makes a conforming change relating to **article 2, section 20**.

**Sections 13 and 14** amend the second-degree criminal sexual conduct crime.

**Section 13** requires a court to sentence an offender to an indeterminate life sentence if the offender is convicted of certain clauses of the second-degree criminal sexual conduct crime involving force or violence (i.e., where circumstances exist that cause the victim to have a reasonable fear of great bodily harm; where the offender is armed with a dangerous weapon; where the offender causes personal injury to the victim under specified conditions; where the offender is aided or abetted by one or more accomplices under specified conditions; or where the offender has a family-type relationship to a victim under 16 and specified conditions exist) and the fact finder determines, beyond a reasonable doubt, that:

- ▶ the offender tortured the victim;
- ▶ the offender intentionally inflicted great bodily harm upon the victim;
- ▶ the offender intentionally mutilated the victim;
- ▶ the offender exposed the victim to extreme inhumane conditions;

- ▶ the offender was armed with a dangerous weapon and used or threatened to use the weapon to cause the victim to submit;
- ▶ the offense involved sexual penetration or sexual contact with more than one victim; or
- ▶ the offense involved more than one perpetrator engaging in sexual penetration or sexual contact with the victim.

Defines “extreme inhumane conditions,” “mutilation,” and “torture.” Prohibits the fact finder from considering a listed heinous factor if it was an element of the underlying second-degree criminal sexual conduct violation. Requires a court to specify a minimum term of imprisonment, based on the sentencing guidelines or applicable mandatory sentences, that must be served before the offender may be considered for supervised release. Makes other structural and conforming changes.

**Section 14** makes a conforming change relating to **article 2, section 20**.

**Sections 15 and 16** amend the third-degree criminal sexual conduct crime to make conforming changes related to **article 2, section 20**.

**Sections 17 and 18** amend the fourth-degree criminal sexual conduct crime to make conforming changes related to **article 2, section 20**.

**Section 19** creates a new substantive crime known as “criminal sexual predatory conduct.” This crime occurs if an offender commits a predatory crime (see definition in **article 2, section 10**) that was motivated by the offender’s sexual impulses or was committed as part of a predatory pattern of behavior that had criminal sexual conduct as its goal. Provides that the statutory maximum sentence for this offense is 25 percent longer than for the underlying predatory crime. If the violation is committed by a person with a previous sex offense conviction, as defined in **article 2, section 20**, the statutory maximum is 50 percent longer than for the underlying predatory crime. Also authorizes a fine of up to \$20,000. An offender convicted of violating this section may be subject to the life sentence and conditional release provisions of **article 2, section 20**.

**Section 20** creates a new section of law addressing indeterminate life sentences for certain repeat offenders and the conditional release of sex offenders.

**Subdivision 1** defines “conviction,” “previous sex offense conviction,” “prior sex offense conviction,” “sex offense,” and “two previous sex offense convictions.” Of note, “conviction” includes convictions as an extended jurisdiction juvenile for violations of first-through third-degree criminal sexual conduct or the new criminal sexual predatory conduct crime. “Previous sex offense conviction” is defined to be a “true prior” offense. That is to say that the offender must have committed, been convicted, and been sentenced for the previous sex offense before the commission of the present sex offense. “Prior sex offense conviction” does not require this sequencing of events. Thus, a person who has committed

two sex offenses but has not been convicted of either would be considered to have a prior sex offense conviction once the offender has been convicted for the first offense even though the present offense occurred before the actual conviction for the prior offense. "Sex offense" includes first- through fifth-degree criminal sexual conduct offenses and criminal sexual predatory conduct, and similar laws from other jurisdictions.

**Subdivision 2** provides for a mandatory indeterminate life sentence for an offender convicted of violating first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct if:

- ▶ the offender has two previous sex offense convictions (i.e., true priors);
- ▶ the offender has a previous sex offense conviction (i.e., a true prior), and:
  - the present offense involved an aggravating factor that would provide grounds for an upward sentencing departure; or
  - the offender received an upward sentencing departure for the previous sex conviction or was sentenced under the patterned and predatory sex offender sentencing law for the previous sex offense conviction; or
- ▶ the offender has two prior sex offense convictions (not necessarily true priors) and the prior convictions and present offense involved at least three separate victims, and:
  - the present offense involved an aggravating factor that would provide grounds for an upward sentencing departure; or
  - the offender received an upward sentencing departure for one of the prior sex offense convictions or was sentenced under the patterned and predatory offender sentencing law for one of the prior sex offense convictions.

Of note, if the present offense is a fourth-degree criminal sexual conduct offense, the offender is not subject to the indeterminate life sentence unless the offender's previous or prior sex offense convictions that are being used to enhance the sentence were for first-through third-degree criminal sexual conduct or criminal sexual predatory conduct.

**Subdivision 3** requires courts sentencing offenders to indeterminate life sentences under **subdivision 2** to specify a minimum term of imprisonment, based on the sentencing guidelines or applicable mandatory sentences, that must be served before the offender may be considered for release.

**Subdivision 4** provides that when an offender is released from prison for a violation of first-through fourth-degree criminal sexual conduct or criminal sexual predatory conduct, the person must be placed on conditional release for ten years. Under current law, offenders

released from prison for violating first- through fourth-degree criminal sexual conduct receive a five-year conditional release term unless the offender is a repeat offender, in which case the conditional release term is ten years.

**Subdivision 5** provides that if an offender sentenced to an indeterminate life sentence under **subdivision 2** or **section 11 or 13** is released from prison, the offender must be placed on conditional release for the remainder of the offender's life. Also provides that if an offender is released from prison for a violation of first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct, and the offender has a previous or prior sex offense conviction, the offender must be placed on conditional release for the remainder of the offender's life. Similar to the eligibility for the indeterminate life sentence in **subdivision 2**, if an offender is released from prison for a violation of fourth-degree criminal sexual conduct, the offender will only be placed on lifetime conditional release if the offender's previous or prior sex offense conviction that is being used as the basis for the lifetime conditional release term is for first- through third-degree criminal sexual conduct or criminal sexual predatory conduct.

**Subdivision 6** specifies the conditional release terms that are applicable to all sex offenders placed on conditional release (i.e., any offender released from prison after a conviction for first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct, or after being sentenced under the patterned and predatory offender sentencing law). This language is substantively the same as that being stricken from the patterned and predatory offender sentencing law in **article 2, section 9**.

**Section 21** repeals a provision of the patterned and predatory offender sentencing law providing for an increased statutory maximum penalty. This provision is no longer necessary based on the changes made in this article. Also repeals a subdivision of the repeat sex offender sentencing law addressing conditional release of sex offenders. This provision is superceded by **article 2, section 20**.

### ARTICLE 3

#### Sex Offenders: Predatory Offender Registration; Community Notification; Nonsentencing Changes

##### Overview

**Article 3** makes numerous substantive and technical changes to the Predatory Offender Registration Law and the Community Notification Law. In addition, it specifically authorizes the use of polygraphic examinations for sex offenders under correctional supervision and provides for victim notification in certain situations regarding the release of offenders civilly committed as mentally ill and dangerous, as having a sexual psychopathic personality, or as being a sexually dangerous person.

**Section 1** makes numerous changes to the Predatory Offender Registration (POR) Law. The primary substantive changes involve homeless predatory offenders, for whom there is presently no clearly applicable registration procedure. Requires homeless predatory offenders who lack a primary address or who leave a primary address without having a new primary address to register with the law enforcement authority of the area in which the offender is staying within 24 hours. Each time an offender lacking a primary address moves to an area served by a different law enforcement authority, reregistration is required. If an offender continues to lack a primary address but remains in the same area, the offender must report weekly to the law enforcement authority in the area in which the offender is staying and inform the authority of any changes to the information required for predatory offender registration, with complete reregistration required annually. Offenders with no primary address whose registration is required because of a civil commitment are subject to the general homeless offender registration provisions but must completely reregister every three months. Authorizes the law enforcement authority to allow an offender to follow an alternative reporting procedure if it determines that due to an offender's unique circumstances it is impractical to require the offender to report weekly.

**Section 1** also makes the following changes to the POR Law.

- ▶ Reorganizes it by repealing subdivisions 1 (Registration Required) and 8 (Definition of Law Enforcement Authority); creating a definitions subdivision 1a (placing all definitions at the beginning of the section); recodifying subdivision 1 as subdivision 1b; and making conforming and clarifying amendments to the remainder of the section.
- ▶ Adds new definitions for "bureau," "dwelling," "incarceration," and "confinement." The existing definitions of "primary residence," "secondary residence," and "law enforcement agency" are changed to "primary address," "secondary address," and "law enforcement authority" respectively. In addition, the definitions of "primary address" and "secondary address" are substantively overhauled.
- ▶ Provides that it applies to offenders who aid, abet, or conspire to commit an offense currently requiring registration.
- ▶ Expands it to require registration for nonchild false imprisonment offenses.
- ▶ Requires offenders who enter Minnesota to reside, work, or attend school, or enter the state and remain for 14 days or longer, to register within five days of when the registration requirement becomes applicable.
- ▶ Clarifies that if a person subject to registration moves out of the state, registration with Minnesota terminates when the BCA confirms the address in the new state.
- ▶ Requires an offender subject to registration to consent to allowing the offender's residential housing unit or shelter to release information on the offender to law enforcement.

- ▶ Requires all level III predatory offenders to be photographed every six months by their supervising authority.
- ▶ Requires level II and III predatory offenders who are no longer under correctional supervision to have an annual in-person contact with the law enforcement authority with jurisdiction over where the offender lives during which the offender must be photographed and verify the accuracy of the offender's registration information.
- ▶ Requires verification of registration information by mail twice annually for level III predatory offenders who are no longer under correctional supervision (current law requires verification by mail annually).
- ▶ Authorizes the Commissioner of Public Safety to extend an offender's registration period for five additional years for failure to register a change in the offender's primary or secondary address, employment, school, or motor vehicle information; failure to report any property the offender owns, leases, or rents; or failure to return the annual verification letter within ten days.
- ▶ Provides that when determining whether an offender is a repeat offender, and thus subject to the longer mandatory minimum sentence under the POR law, violations of similar statutes from other states or the United States "count."
- ▶ Provides for a ten-year conditional release term for a violation of the POR Law by a level III predatory offender. The terms of the conditional release are governed by **article 2, section 20**.
- ▶ Provides that a violation of the POR Law may be prosecuted in any jurisdiction where an offense takes place. However, the prosecutorial agency in the jurisdiction where the offender last registered a primary address is initially responsible to review the case. When an offender commits two or more offenses in two or more counties, the offenses may be aggregated and prosecuted in any of the counties in which one of the offenses was committed.
- ▶ Provides that certified copies of predatory offender registration records are admissible as substantive evidence when necessary to prove the commission of a violation of the POR Law.
- ▶ Adds to the list of offenses that require registration a reference to the new criminal sexual predatory conduct crime created in **article 2, section 19**.
- ▶ Makes other technical and clarifying changes.

**Section 2** amends section 243.167 (registration under the POR Law for other offenses). This law requires registration under the POR Law for offenders who commit a crime against the person and

who previously registered under the POR Law but whose registration period ended or who would have had to register except the POR Law did not apply to the offender at the time of the offense. Expands the definition of "crime against the person" to include fourth-degree assault. Expands this law to apply to offenders who are convicted of a crime against the person and who previously completed registration in another state.

**Section 3** requires the Commissioner of Corrections to report annually to the Legislature as specified on community supervision of level II and level III sex offenders and on other types of offenders.

**Section 4** amends the Community Notification Law provision relating to non-Minnesotan offenders. Requires the Commissioner of Corrections to establish an end of confinement review committee to assign risk levels for offenders released from any federal correctional facility or from any state correctional facility of another state, and for offenders accepted from another state for parole supervision under the new interstate compact on adult offender supervision.

**Section 5** allows for community notification for offenders who move to Minnesota from another state who, at the time of the move, are subject to a community notification statute in the other state and who are not already assigned a risk level under the community notification law. Authorizes the law enforcement agency in the area where the offender resides, expects to reside, or is regularly found to disclose information regarding the offender. The extent of the notification must be consistent with the notification made in the state from which the offender is moving. Caps the level of notification to that of a risk level II offender, unless the notification made concerning the offender in the state from which the offender is moving is broader than that authorized for a level II offender and the end of confinement review committee at the nearest state correctional or treatment facility at the request of the agency, assigns the offender to risk level III.

**Section 6** clarifies that the Community Notification Law applies to homeless predatory offenders.

**Section 7** authorizes law enforcement to disclose the probationary status of predatory offenders granted mitigated dispositional departures (sentences where the presumptive guidelines' disposition is commitment to the Commissioner of Corrections but where this disposition is stayed by the court) to individuals that law enforcement believes may be victimized by the offender (thus, conforming this notification provision to the one in the Community Notification Law governing level II offenders).

**Section 8** amends the law relating to the civil commitment of persons as being mentally ill and dangerous. Requires the special review board and Commissioner of Human Services to consider statements received from victims under **article 3, section 9**, when making recommendations and orders regarding release.

**Section 9** amends the law relating to the civil commitment of persons as being mentally ill and dangerous. Requires a county attorney who files a civil commitment petition alleging that a person is mentally ill and dangerous, has a sexual psychopathic personality, or is a sexually dangerous person to make a reasonable effort to provide prompt notice of the filing of the petition to a victim

and to notify the victim of the resolution of the petition. Also requires the head of a treatment facility to make a reasonable effort to notify victims that a person civilly committed as being mentally ill and dangerous, as having a sexual psychopathic personality, or as being a sexually dangerous person may be discharged or released and that the victim has a right to submit a written statement regarding the release decision. Requires victims to request these notifications by contacting in writing the county attorney in the county where the conviction for the crime occurred. Defines key terms used in this section. Of note, defines "convicted" and "conviction" in a manner that includes certain mental illness procedures where the elements of the crime have been proven but the person has not actually been convicted and findings in certain civil commitment cases that the act or acts occurred.

**Section 10** authorizes a court or the Commissioner of Corrections to require a sex offender to submit to a polygraph exam as a probationary intermediate sanction or a condition of release from confinement. Allows the court or the commissioner to order all or part of the cost of the exam to be borne by the offender.

**Section 11** requests the Chief Justice of the Supreme Court, in consultation with the Conference of Chief Judges, to develop, by September 1, 2005, a protocol for the use of polygraph examinations for sex offenders on probation.

**Section 12** requests the Supreme Court to study and report to the Legislature on the development and use of a statewide panel of defense attorneys to represent persons petitioned for civil commitment for being sexually dangerous persons or sexual psychopathic personalities and a statewide panel of judges to hear these petitions.

**Section 13** requires the Commissioner of Corrections to report to the Legislature on the number of sex offenders that the commissioner estimates will be released from prison each year for the next five years, recommendations on how best to supervise these offenders, and recommendations on how best to fund the supervision.

**Section 14** requires the Revisor of Statutes to make conforming changes to statutes as necessitated by this article.

**Section 15** repeals two subdivisions in the POR Law superceded by changes made in this article.

## ARTICLE 4

### Legislative Auditor's Recommended Changes

#### Overview

**Article 4** implements the Legislative Auditor's recommendations from the auditor's 2005 report to the Legislature on sex offender supervision.

**Section 1** requires that when an offender who is subject to the POR law is being released from prison, the Commissioner of Corrections must provide the offender's prison records relating to psychological assessments, medical and mental health issues, and treatment to the corrections agency that is going to supervise the offender.

**Section 2** amends the law requiring county and private sex offender programs to provide the Commissioner of Corrections with information related to program effectiveness. Strikes language that limits this provision to programs that seek new or continued state funding or reimbursements.

**Section 3** clarifies that the law requiring the Commissioner of Corrections to provide follow-up information on sex offenders for three years following their completion or termination from treatment programs, provide treatment programs in different geographical areas of the state, provide necessary data relating to sex offender treatment programming, etc., is not a onetime project, but rather an ongoing obligation.

**Section 4** amends the POR law to require offenders subject to registration to disclose their status as a registered offender to a health care facility upon admittance. The offender must also notify the offender's corrections agent or the applicable law enforcement authority when an inpatient admission has occurred. Requires a law enforcement authority or corrections agent who has received this notice or who knows that an offender has been admitted to a health care facility to notify the administrator of the facility.

**Section 5** provides that when a corrections agency supervising an offender who is required to register under the POR law and who is classified as a public risk monitoring case has knowledge that the offender is seeking housing arrangements in a location under the jurisdiction of a different corrections agency, the supervising agency must notify the other agency of this and initiate a supervision transfer request.

**Section 6** requires a corrections agency supervising an offender who is required to register under the POR law to notify the appropriate child protection agency before authorizing the offender to live in a household where children are residing.

**Section 7** clarifies that an independent professional assessment of a sex offender's need for sex offender treatment must be conducted before sentencing.

**Section 8** adds to the list of mandatory reporters of child abuse individuals involved in correctional supervision.

**Section 9** requires the Commissioner of Corrections to convene a working group related to sex offender management and supervision. Requires the working group to study and make recommendations on specified issues. Also requires the working group to review the provisions of any laws enacted in the 2005 legislative session relating to sex offender supervision and treatment. Requires the working group to report recommendations to the Legislature. Requires the

Commissioner of Corrections to implement policies and standards relating to the issues studied by the working group over which the commissioner has jurisdiction.

**Section 10** requires the Commissioner of Corrections to report specified information to the Legislature on prison-based sex offender treatment programs.

## ARTICLE 5

### Sex Offenders: Technical and Conforming Changes

#### Overview

**Article 5** makes technical and conforming changes relating to the substantive changes made in **article 2**.

**Sections 1 to 14** make technical and conforming changes to various statutes necessitated by **article 2** of this bill. Of note, **section 1** clarifies that the definition of “rule” in chapter 14 does not include rules of the Commissioner of Corrections relating to the release or release term of inmates on supervised or conditional release. **Section 3** provides timetables for the actions of the end of confinement review committees relating to offenders subject to indeterminate life sentences under **article 2**. **Section 6** requires courts to complete and forward to the Sentencing Guidelines Commission sentencing worksheets for offenders subject to indeterminate life sentences.

**Section 14** instructs the Revisor of Statutes to renumber the sex offender assessment statute so that it does not fall numerically between fifth-degree criminal sexual conduct and the new criminal sexual predatory conduct crime created in **article 2, section 19**. Also directs the Revisor to make other technical changes to statutes necessitated by this act.

## ARTICLE 6

### Controlled Substances Provisions

#### Overview

**Article 6** makes numerous changes to laws relating to methamphetamine including: increasing methamphetamine-related criminal penalties and creating new crimes; placing property restrictions on methamphetamine laboratory sites; establishing a toll-free telephone number for citizen tips; amending the nuisance law to make it easier to establish nuisances involving methamphetamine manufacturing; requiring the Board of Veterinary Medicine to report on animal products that may be used to manufacture methamphetamine; and creating a methamphetamine laboratory cleanup revolving loan fund. In addition, it amends the definition of narcotic drug in the controlled substances chapter of law to include methamphetamine, requires that schools be notified when students have been taken into protective custody after being found at methamphetamine lab

sites, and recodifies the possession of methamphetamine precursors with the intent to manufacture methamphetamine crime into a stand-alone section of law. Authorizes the Commissioner of Corrections to grant conditional early release from prison to certain nonviolent controlled substance offenders.

**Section 1** amends the definition of “narcotic drug” in the controlled substance chapter of law to specifically include methamphetamine. Doing this ensures that methamphetamine sales and possession crimes are treated the same as cocaine and heroin throughout the controlled substances laws. Currently, this occurs for the most part. However, because methamphetamine is not defined as a narcotic drug, the sale of a small amount of methamphetamine is a fourth-degree controlled substance crime. The sale of a small amount of a narcotic drug (including heroin or cocaine) is a third-degree controlled substance crime.

**Section 2** amends the attempted manufacture of methamphetamine crime enacted in the 2003 First Special Session. Makes mostly technical changes to clarify that this crime is not an “attempt crime” as much as a “possession of certain substances with intent to manufacture methamphetamine crime.” These changes are consistent with the intent of the 2003 legislation and essentially “clean up” some confusing language in the provision. Strikes the cross-referenced definition of “anhydrous ammonia.” Provides that the list of chemical reagents and precursors is not exclusive.

**Section 3** increases the maximum criminal penalty for a violation of **article 6, section 2**, from a three-year/\$5,000 felony to a ten-year/\$20,000 felony and for a repeat offense from a four-year/\$5,000 felony to a 15-year/\$30,000 felony.

**Section 4** authorizes courts to order persons convicted of manufacturing/attempting to manufacture controlled substances or of illegal activities involving precursor substances where the response to the crime involved an emergency response to pay restitution to public entities that participated in the response. Also authorizes courts to order these persons to pay restitution to property owners who incurred removal or remediation costs because of the crime.

Requires an arresting officer to notify various authorities about the location of a methamphetamine lab. Requires the local health authority to prohibit occupation of the property until it has been remediated following state health guidelines. Makes the remedial provisions of the public health law in Minnesota Statutes, chapter 145, applicable to affected property. Requires the contractor who remediates the property to verify that the work has been done to the local health authority and the owner. After notice of the remediation, the health authority is to vacate its nonoccupation order. Imposes liability for additional costs of remediation on a contractor who improperly verifies that remediation has been completed. Attorney fees are allowed in an action under the provision and a six year statute of limitation is imposed. Requires that the registrar of motor vehicles be informed if a motor vehicle has been contaminated by methamphetamine manufacture. Requires that a legal description of affected property be recorded in the county title records and that verification of remediation also be recorded. Provision is made for the correction of descriptions and for the notice effects of the record of the recording of the description and mediation verification. Allows other

interested parties to file affidavits that remediation has occurred. Provides for the notice effects of the filed verification. Requires the county recorder or registrar to record the affidavits.

Requires the Commissioner of Health to post contact information on the Internet. Requires the local health authority to maintain an information file on property subject to orders and lists minimum information requirements. Requires disclosures from sellers to transferors of the methamphetamine history of affected property and imposes certain liability on the seller if the seller fails to make the required disclosures. Attorney fees may be allowed in an action and a six year statute of limitations is provided.

Defines key terms.

**Section 5** recodifies the prohibited fertilizer activities currently codified at sections 18C.201 and 18D.331. (These provisions are repealed in **article 6, section 19**.) In addition, adds two new crimes: stealing or unlawfully taking or carrying away any amount of anhydrous ammonia; and purchasing/possessing/transferring/distributing any amount of anhydrous ammonia, knowing or having reason to know that it will be used to unlawfully manufacture a controlled substance. Violation of either provision is a five-year/\$50,000 felony.

**Section 6** criminalizes various methamphetamine-related activities that may impact children or vulnerable adults. The prohibited activities include manufacturing or attempting to manufacture methamphetamine, storing chemical substances, storing methamphetamine waste products, and storing methamphetamine paraphernalia. A person may not engage in these activities in the presence of a child or vulnerable adult; in the residence of a child or vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; in a room offered to the public for overnight accommodation; or in any multiple unit residential building. Also prohibits persons from knowingly causing or permitting a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia. Violation of these provisions is a five-year/\$10,000 felony. Provides that a prosecution for or conviction under this section is not a bar to conviction or punishment for any other crime committed by the defendant as part of the same conduct. Authorizes peace officers to take into protective custody children present in areas where prohibited activities under this section are occurring. Provides for health screening both for children taken into protective custody and for those who were not but who are known to have been exposed to methamphetamine. Requires peace officers to make reports of suspected maltreatment of vulnerable adults in certain situations involving methamphetamine exposure. Defines key terms.

**Section 7** creates a new crime for disposing or abandoning methamphetamine waste products or chemical substances. A knowing violation is a five year/\$50,000 felony, but if it places another person in imminent danger of death, great bodily harm, or substantial bodily harm, it is a ten-year/\$100,000 felony. Provides an exception for peace officers acting in the course of their employment and persons who lawfully dispose of any product or substance in a manner approved by the Pollution Control Agency. Defines key terms.

**Section 8** requires the Registrar of Motor Vehicles to include the term “hazardous waste contaminated vehicle” on a motor vehicle’s title if the Registrar has received the notice and the vehicle’s title as required in **article 6, section 4**.

**Section 9, subdivision 1**, authorizes the Commissioner of Corrections to grant conditional early release to nonviolent drug offenders who have met the criteria outlined in subdivision 2.

**Subdivision 2** provides the following offender criteria for consideration for conditional early release:

- the crime of conviction must be a first- to fifth-degree controlled substance crime (Minnesota Statutes, sections 152.021 to 152.025);
- the offender must have committed the crime as a result of drug addiction and not primarily for profit;
- the offender has served at least 36 months or one-half of the offender’s term of imprisonment;
- the offender has successfully completed a chemical dependency treatment program while in prison; and
- the offender has not previously been conditionally released under this section.

**Subdivision 3** requires the commissioner to offer chemical dependency treatment to the offenders described in subdivision 2 within 120 days after their term of imprisonment begins.

**Subdivision 4** requires the commissioner to make a determination that an offender does not pose a threat to public safety before the commissioner grants a conditional release. In making the determination, the commissioner must follow the release procedures established in Minnesota Statutes, section 244.05, subdivision 2, and applicable rules.

**Subdivision 5** provides that the commissioner may rescind a conditional release without a hearing if the commissioner determines that continuation of the release poses a danger to the public or to an individual.

**Subdivision 6** prohibits the conditional release of an offender serving concurrent sentences for an offense eligible for conditional release and an offense ineligible for release under this section until the offender has served the entire term of imprisonment for the ineligible offense.

**Section 10** requires that if a child who is enrolled in school is taken into protective custody after being found in an area where methamphetamine was being manufactured or where chemical substances, methamphetamine paraphernalia, or methamphetamine waste products were stored, the

officer who took the child into custody must notify the chief administrative officer of the child's school of this fact. Defines key terms.

**Section 11** requires the superintendent of the Bureau of Criminal Apprehension to maintain and publicize a toll-free telephone number to enable citizens to report suspected methamphetamine crimes.

**Section 12** requires the Public Facilities Authority to establish a methamphetamine laboratory cleanup revolving fund. The purpose of the fund is to provide low-interest loans to counties and cities to remediate clandestine lab sites. Specifies the criteria for awarding loans, the loan application process, the eligibility requirements for loans, the loan conditions and terms, etc. Defines key terms.

**Section 13** expands the definition of "violent crime" in the criminal code's sentencing provision for certain dangerous and repeat felony offenders to include within it the new child/vulnerable adult methamphetamine endangerment crime created in **article 6, section 6**.

**Section 14** amends the nuisance law to allow a public nuisance involving the manufacture of methamphetamine to be established upon a showing of a single methamphetamine manufacturing incident within the building in the previous 12 months. The nuisance law generally requires two incidents to have occurred in a 12-month period.

**Sections 15 and 16** are technical changes related to **article 6, section 14**.

**Section 17** requires the Minnesota Board of Veterinary Medicine to study and issue a report to the Legislature by February 1, 2006, on animal products that may be used in the manufacture of methamphetamine.

**Section 18** directs the Revisor to recodify the possession of methamphetamine precursors with the intent to manufacture methamphetamine crime enacted in the 2003 First Special Session (as amended by **article 6, sections 2 and 3**) into a new stand-alone section of law.

**Section 19** repeals statutory provisions in chapters 18C and 18D, relating to anhydrous ammonia that are recodified by this bill in chapter 152 (see **article 6, section 5**).

## ARTICLE 7

### General Crime Provisions

#### Overview

**Article 7** contains the bill's nonsex offense, noncontrolled substances offense changes to substantive crimes. The article creates new crimes, amends existing crimes, and increases criminal penalties. It addresses such topics as identity theft, unlawful trafficking in persons, assaults, and

commercial e-mail spam. In addition, it addresses subjects closely relating to substantive crimes such as the collection of biological samples for DNA testing and responding to the U.S. Supreme Court's Blakely decision.

**Section 1** requires a court to allow a prosecutor seeking an upward departure to prove the existence of the aggravating factor to the fact finder. This may be proven either in a unitary or bifurcated trial.

**Sections 2 to 5** relate to new criminal penalties against senders of spam e-mail messages.

**Section 2** defines key terms for the purposes of the new crimes.

**Section 3** prohibits the following actions involving an e-mail message sent from or to a computer in this state:

- relaying or retransmitting multiple commercial e-mails, with the intent to hide the origin of the messages;
- falsifying header information in multiple commercial e-mail messages and then sending them;
- registering five or more e-mail accounts or online user accounts, or two or more domain names, in a way that falsifies the identity of the registrant, and then sending commercial e-mails from them; and
- falsely representing the right to use five or more Internet protocol addresses and sending commercial e-mails from those addresses.

**Section 4** creates a misdemeanor crime of illegally transmitting multiple commercial electronic mail messages for violating any of the provisions of **article 7, section 3**.

Creates a gross misdemeanor crime of illegally transmitting multiple commercial electronic mail messages if the perpetrator does any of the following:

- uses 20 or more e-mail or online accounts or ten or more domain names;
- sends more than 250 such messages within 24 hours, 2,500 within 30 days, or 25,000 within a year;
- causes aggregate loss of \$500 or more to victims, or obtains that value of property, within a one-year period;
- commits the violation with three or more other persons, with the perpetrator as the leader;

- provides or selects e-mail addresses obtained illegally by automated means; or
- provides or selects e-mail addresses through an automated means that generates permutation of names, letters, or numbers.

**Section 5** prohibits accessing a computer without authorization and using it to send illegal e-mail messages. Creates a gross misdemeanor crime of unauthorized access of a computer for persons violating this section. Creates a felony crime of unauthorized access of a computer for second or subsequent offenses, or if the crime was committed in the furtherance of a felony.

**Section 6** amends the domestic abuse law by enlarging the definition of a “domestic abuse no contact order” to include orders in criminal proceedings relating to violations of protection orders, violations of domestic abuse no contact orders, and harassment/stalking.

**Section 7** removes the June 30, 2005, sunset on the collection of biological specimens for DNA testing for persons convicted or adjudicated delinquent for felonies.

**Section 8** expands the crime of first-degree murder for child abusers. Currently, the crime applies to offenders who cause the death of a child while committing child abuse where the offender has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life. Expands the applicability of the provision to include situations where the past pattern of child abuse was upon any child, not just the victim.

**Section 9** expands the third-degree assault law to address assault by strangulation or asphyxiation. Makes it a five-year felony to assault a person by strangulation or asphyxiation. Defines “strangulation.”

**Section 10** expands the fourth-degree assault law to include persons civilly committed as being sexually dangerous persons or having sexual psychopathic personalities who commit certain acts against an employee or other individual providing care or treatment at a secure treatment facility. The prohibited acts include assaulting the person and inflicting demonstrable bodily harm or intentionally throwing or otherwise transferring bodily fluids or feces at or onto the person. The statutory maximum sentence for this crime is imprisonment for two years and/or a fine of not more than \$4,000. Provides for a mandatory minimum prison sentence of a year and a day. Also provides that when the offender is released from prison, the offender must be placed on conditional release for five years.

**Section 11** provides for an enhanced penalty for a felony crime committed for the benefit of a gang when the victim is under the age of 18 years. The statutory maximum penalty for this crime is ten years longer than the statutory maximum for the underlying crime (as opposed to five years longer, which is the case for other felony-level gang crimes).

**Section 12** defines “blackmail,” “debt bondage,” “forced labor or services,” “labor trafficking,” and “labor trafficking victim” for purposes of **article 7, sections 13 to 15**.

**Section 13** makes it a felony (statutory maximum sentence of 15 years imprisonment and/or a \$30,000 fine) for a person to knowingly engage in the labor trafficking of another.

**Section 14** makes it a felony (statutory maximum sentence of five years imprisonment and/or a \$10,000 fine) for a person to knowingly destroy, conceal, remove, confiscate, or possess any passport, immigration document, or other government identification document of another person:

- in the course of violating **article 7, section 13**, or Minnesota Statutes, section 609.322 (solicitation, inducement, and promotion of prostitution);
- with the intent to violate those sections; or
- to prevent or restrict a person's liberty to move or travel, in order to maintain the person's labor or services, if that person is or has been a victim of those sections.

**Section 15** provides:

- that consent or the age of the victim is not a defense to an action under this section;
- that a labor trafficking victim may bring a civil lawsuit against a person who violates **article 7, section 13 or 14**; and
- that if a corporation or business enterprise is convicted of violating **article 7, section 13 or 14**, or Minnesota Statutes, section 609.322, in addition to other applicable criminal penalties, the court may order specified remedies relating to the entity's business status (i.e., order its dissolution or reorganization, etc.).

**Section 16** makes a conforming change relating to **article 7, sections 20 and 21**.

**Section 17** expands the definition of promoting prostitution under Minnesota Statutes, section 609.321, by adding sex trafficking (see **article 7, section 18**).

**Section 18** amends the criminal code's prostitution definitions to define "sex trafficking" (see **article 7, section 17**) as "receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual." This makes sex trafficking either a 20-year or a 15-year felony under Minnesota Statutes, section 609.322, depending on the age of the victim.

**Section 19** amends the criminal code's prostitution definitions to define "sex trafficking victim."

**Section 20** makes it a misdemeanor to loiter in a public place with the intent to participate in prostitution. **Article 7, section 42**, repeals the vagrancy crime which contains a similar provision.

**Section 21** amends the criminal code's prostitution provisions by providing an affirmative defense to a charge under Minnesota Statutes, section 609.324 (prostitution crime involving patrons,

prostitutes, and individuals housing prostitutes). Applies if a defendant charged with violating that section proves by a preponderance of the evidence that the defendant is a labor trafficking victim (see **article 7, section 12**) or a sex trafficking victim (see **article 7, section 19**) and that the defendant committed the act only under compulsion by another who by explicit or implicit threats created a reasonable apprehension in the mind of the defendant that if the defendant did not commit act, the other person would inflict bodily harm upon the defendant.

**Section 22** amends the definition of “coercion” for the purposes of Minnesota Statutes, sections 609.341 to 609.351 (Criminal Sexual Conduct provisions). Clarifies the language by explicitly including the use by the actor of confinement, or superior size or strength, against the victim, that causes the victim to submit to sexual penetration or contact against the victim’s will.

**Section 23** expands Minnesota Statutes, section 609.485 (Escape from Custody), to include persons civilly committed as sexual psychopathic personalities and sexually dangerous persons who abscond following the revocation of provisional discharge.

**Section 24** provides that an escape described in **article 7, section 23**, is a felony offense, punishable by imprisonment for up to a year and one day.

**Section 25** expands Minnesota Statutes, section 609.50 (obstructing legal process; arrest, or firefighting), by making it a crime to interfere with or obstruct a member of an ambulance service personnel crew in the performance of their official duties. Also expands the existing crime relating to interfering with or obstructing the prevention or extinguishing of a fire or disobeying a lawful order of a firefighter present at a fire by adding broader language relating to interfering or obstructing a firefighter while the firefighter is engaged in a performance of official duties.

**Section 26** defines “false pretense” as any false, fictitious, misleading, or fraudulent information depicting or including or deceptively similar to the name, logo, Web site address, e-mail address, postal address, or telephone number of a for-profit or not-for-profit business or organization or of a government agency, to which the user has not legitimate claim of right. (See **article 7, section 29**.)

**Section 27** expands the crime of identity theft by creating a 20-year felony for crimes involving the possession or distribution of child pornography (Minnesota Statutes, sections 609.246 and 609.247).

**Section 28** requires a court, upon the written request of a direct victim or the prosecutor in the identify theft crime, to provide a copy of the complaint, the judgment of conviction, and an order setting forth the facts and circumstances of the offense.

**Section 29** expands the crime of identity theft by creating a five-year felony for using a false pretense (see **article 7, section 26**) in an electronic communication with the intent to obtain the identity of another. Failure to obtain, use, or gain from the identity is not a defense.

**Section 30** provides that the venue for prosecuting a violation of **article 7, section 29**, includes the county or place of residence of the person whose identity was obtained or sought.

**Section 31** expands the definition of “designated offense” in the criminal code’s forfeiture law to include violations of **article 7, sections 13 and 14**. Generally, all personal property that is used or intended for use to commit or facilitate the commission of a designated offense is subject to forfeiture. In addition, all money and other property, real and personal, that represent the proceeds of a designated offense and all contraband property are also subject to forfeiture. A person must be convicted of a designated offense to trigger the forfeiture.

**Section 32** amends Minnesota Statutes, section 609.5315 (Disposition of Forfeited Property), by adding a cross-reference to **article 7, section 33**, regarding disposition of proceeds from prostitution and trafficking offenses.

**Section 33** creates a new subdivision under Minnesota Statutes, section 609.5315, providing that proceeds from forfeitures resulting from prostitution and trafficking offenses be distributed as follows:

- 40 percent of the proceeds must be forwarded to the appropriate local agency for the use of law enforcement;
- 20 percent must be forwarded to the prosecuting agency that handled the forfeiture; and
- 40 percent must be forwarded to the Commissioner of Public Safety for distribution to crime victim organizations providing services to victims of trafficking offenses.

Also requires the Commissioner of Public Safety to report annually to the Legislature on the money forwarded to the commissioner under this section and distributed to crime victims’ organizations providing services to trafficking victims.

**Section 34** enhances the misdemeanor “interference with privacy” crime (Minnesota Statutes, section 609.746) to a gross misdemeanor, and the gross misdemeanor crime (applicable to repeat offenders and crimes involving victims under the age of 18) to a felony. Increases the maximum age from 16 to 18 of the victim for purposes of triggering the enhanced penalty.

**Section 35** provides that a stepparent of a minor who is a victim of harassment may seek a restraining order on behalf of the minor. Under current law, only a parent or guardian may act on behalf of the minor.

**Section 36** waives harassment restraining order filing fees if the petition alleges acts that would constitute a violation of Minnesota Statutes, sections 609.342 to 609.3451 (Criminal Sexual Conduct in the 1st through 5th Degrees). Under current law, filing fees are waived only if the petition alleges conduct that would violate Minnesota Statutes, section 609.749 (Harassment and Stalking).

**Section 37** expands harassment and stalking crimes to include monitoring a person, whether in person or by technological or other means. Provides that the venue for prosecution of harassment

or stalking crimes using wireless or electronic communication may be where either the victim or the actor resides.

**Section 38** expands the venue for prosecution of obscene or harassing telephone calls using wireless or electronic communication to include where the sender or the receiver resides. Under current law, the offense may only be prosecuted at the place where the call is made or where it is received.

**Section 39** provides that the venue for prosecution of harassment by letter, telegram, or package be where the missive was sent or received, or, in the case of wireless electronic communication, where the sender or receiver resides.

**Section 40** amends the criminal statute of limitations law to allow a criminal case to be commenced for a violation of **article 7, section 13**, at any time if the victim was under the age of 18 at the time of the offense. If the offense did not involve a minor victim, the statute of limitations is six years.

**Section 41** specifically adopts certain modifications proposed by the Minnesota Sentencing Guidelines Commission in its 2005 report to the Legislature.

The most significant of the adopted modifications relate to the Commission's response to the U.S. Supreme Court's 2004 decision in Washington v. Blakely. They expand individual cells within the sentencing guidelines' grid to the full 15 percent range authorized by law, adopt a list of offenses for which permissive consecutive sentencing is authorized, and make changes to the guidelines text related to the Blakely decision.

In addition, specifically adopts the proposed modification relating to ranking the anhydrous ammonia tampering/theft crime as a severity level III offense.

Finally, it specifically rejects the Commission's proposed modifications relating to sex offenses (i.e., creating a separate grid for sex offenses, making changes to the way in which criminal history is calculated for sex offenders, etc.).

Minnesota Statutes, section 244.09, subdivision 11, requires the Sentencing Guidelines Commission to submit to the Legislature proposed changes to the guidelines by January 1 of the year in which the Commission wishes to make the change. These modifications go into effect automatically on the following August 1 unless the Legislature by law provides otherwise. The report in which these modifications were proposed was not submitted to the Legislature in a timely fashion. Therefore, the Legislature has to specifically adopt these modifications if they are to go into effect on August 1, 2005. Of note, **article 9, section 4**, changes the reporting deadline from January 1 to January 15.

**Section 42** repeals Minnesota Statutes, section 609.725 (Vagrancy). This statute provides a misdemeanor penalty for the following acts of vagrancy:

- a person, with ability to work, who is without lawful means of support, does not seek employment, and is not under 18 year of age;

- a person found in or loitering near any structure, vehicle, or private grounds who is there without the consent of the owner and is unable to account for being there;
- a prostitute who loiters on the streets or in a public place or in a place open to the public with intent to solicit for immoral purposes; or
- a person who derives support in whole or in part from begging or as a fortune teller or similar imposter.

## ARTICLE 8

### 911 Emergency Telecommunications Services

#### Overview

**Article 8** provides for a transition of the 911 fee from one that is based on each telephone line to one that is based on each telephone number, with the change to become effective July 1, 2006. It increases the current 911 emergency telephone services fee by 25 cents to fund the current deficiency in the costs of operating the 911 telephone system, to pay off prior year obligations of the 911 telephone fund, and to help defray the cost of operating PSAPs. It authorizes the Commissioner of Public Safety to impose certain cost controls on 911 emergency telephone services contracts. It shortens the time limit for telephone companies to certify to the Commissioner their costs for providing 911 service. It replaces the current authorization for the Metropolitan Council to sell 911 revenue bonds for phases two and three of the 800 MHz public safety radio communications system with a similar authorization for the Commissioner of Finance to sell the bonds. It reduces the bond authorization for the second phase (in the metropolitan area) and increases the bond authorization for the third phase (in the areas around Rochester and St. Cloud). Finally, it sets priorities for payment of debt service costs from the 911 account.

Bonds for phases two and three of the 800 MHz radio system were previously authorized but not sold. They were authorized by Laws 2002, ch. 401, art. 1, § 7, and Laws 2003, First Sp. Sess. ch. 1, art. 2, §§ 116, and were to be paid for with fee increases totaling nine cents authorized by Laws 2002 ch. 401, art. 1, §§ 3, 8, and Laws 2003, First Sp. Sess. ch.1, art. 2, §§ 108, 117. The bonds were not sold because the Governor chose to divert the revenue from the nine-cent fee increase to pay operating costs of the telephone service when it became clear in the February 2004 forecast that actual revenue would fall short of the amounts forecast in February 2003.

**Section 1** provides for a transition of the 911 fee from one that is based on each telephone line to one that is based on each telephone number, with the change to become effective July 1, 2006. It requires the Commissioner of Commerce to recommend to the Legislature by January 15, 2006, the new method for assessing the fee, which will become effective when enacted into law.

**Section 2** transfers administration of the telephone assistance plan (TAP) from the Department of Administration to the Department of Public Safety. This is a conforming change to reflect a transfer that has already taken place.

**Section 3** strikes a reference to a “special viewing screen” for the enhanced 911 program, which no longer uses one.

**Section 4** updates the definition of enhanced 911 service to distinguish between the common network and database and the connections to the network.

**Section 5** provides a more generic definition of the three elements of the 911 service to accommodate changing technology whereby telephones are looking more like computer networks.

**Section 6** adds a new definition of “911 emergency telecommunications service provider” to enable contracting with entities other than telephone companies.

**Section 7** adds wireless providers and packet-based telecommunication (VoIP) to the statute requiring phone companies to design their systems to provide 911 service. In spite of being included in the definition, VoIP providers like Vonage are not subject to state regulation without their consent, since they have been exempted by the FCC and federal court decisions.

**Section 8** allows the state to contract with providers other than wire-line telecommunications service providers, in recognition of the growing role of nontelephone companies in providing 911 service.

**Section 9** allows the state to contract with providers other than wire-line telecommunications service providers, in recognition of the growing role of nontelephone companies in providing 911 service.

**Section 10** replaces a reference to a specified provision in the federal Electronic Communications Privacy Act of 1986 with a reference to a specified provision in the federal Communications Act of 1932.

**Section 11** allows the state to contract with providers other than wire-line telecommunications service providers, in recognition of the growing role of nontelephone companies in providing 911 service.

**Section 12** adds a reference to packet-based telecommunications service providers and increases the 911 emergency telephone services fee from 40 to 65 cents a month, limits the payment of telephone company charges for providing 911 service to those costs set forth in the company’s contract with the Commissioner of Public Safety, and authorizes the Commissioner not to contract to pay for services required by federal law or regulation.

**Section 13** limits the payment of telephone company charges for providing 911 service to those costs set forth in the company’s contract with the Commissioner of Public Safety and adds a reference to include packet-based telecommunications service providers.

**Section 14** shortens from two years to one year the time limit for a telephone company to certify to the Commissioner of Public Safety its charges for providing 911 services and requires each contract to provide that the Commissioner may limit payment of costs to 110 percent of the amount estimated when the contract was signed.

**Section 15** adds a reference to include packet-based telecommunications service providers and strikes the current dedication of ten cents of the fee to paying the costs of operating PSAPs, since the future amount of the fee under the new system is unknown. The bill includes a direct appropriation of the amount raised by 20 cents of the fee, ten cents under current law plus ten cents of the increase.

**Section 16** strikes language authorizing the Metropolitan Council to sell bonds for phase three.

**Section 17** strikes language authorizing the Metropolitan Council to sell bonds for phases two and three.

**Section 18** authorizes the Commissioner of Finance to sell 911 revenue bonds to pay the costs of the 800 MHz statewide public safety radio communication system that the Statewide Radio Board determines are of regional or statewide benefit. The bonds are payable from revenue to the 911 account. This section is modeled on Minnesota Statutes, section 473I.06, baseball park revenue bonds. The authority to borrow from the 911 account in anticipation of bond proceeds is modeled on Minnesota Statutes, section 16A.641, subdivision 8(b), for state general obligation bonds.

**Section 19** provides an open appropriation for the payment of debt service on the bonds once they have been sold, and sets this appropriation as a first priority for the use of all the revenue in the 911 account so as to insure that the debt service will be paid on time.

**Section 20** is a repealer.

**Section 21** makes the article effective immediately and applies it to 911 services contracts executed on or after that date.

## **ARTICLE 9**

### **Miscellaneous Provisions**

#### Overview

**Article 9** contains miscellaneous criminal justice provisions (those unrelated to substantive crimes). This article imposes, increases, and extends various fees and surcharges relating to driver's license and state identification card issuance, driver's license reinstatements, alcoholic beverage licensing, filing civil actions in court, and criminal and traffic offenders. It also raises the alcohol excise tax. In addition, the article establishes a new Minnesota Financial Crimes Oversight Council

and Task Force, makes changes related to CrimNet, addresses gasoline theft drive-offs, and creates a homelessness pilot project under the administration of the Commissioner of Public Safety.

**Section 1** imposes a \$1 surcharge on every driver's license or state identification card issued. This money is to be deposited into the general fund.

**Sections 2 and 3** extend the non-DWI driver's license reinstatement fee of \$20 to driver's licenses suspended for failure to appear and for unpaid fines. The receipts are deposited into the Special Revenue Fund and dedicated to the POST Board for reimbursement of local units of government for continuing education of peace officers.

**Section 4** changes the statutory deadline for the Minnesota Sentencing Guidelines Commission to submit reports to the Legislature relating to proposed guidelines modifications from January 1 to January 15.

**Section 5** amends the provision in current law that authorizes a local jail to collect local correctional fees only from convicted offenders. Authorizes facilities to charge fees to persons who are under the control and supervision of the facility. "Local correctional fees" include fees for the following correctional services:

- (1) community service work placement and supervision;
- (2) restriction collection;
- (3) supervision;
- (4) court-ordered investigations;
- (5) any other court-ordered service;
- (6) postprison supervision or other form of release; or
- (7) supervision or other services provided to probationers or parolees.

**Section 6** provides that hearings on civil commitment petitions relating to sexually dangerous persons or persons with sexual psychopathic personalities must be held within 90 days from the date of the petition's filing. Currently, the deadline is 14 days from filing.

**Sections 7 and 8** increase the alcohol excise tax on all distilled spirits and wine manufactured, imported, sold, or possessed in this state. The excise tax increase is intended to be the equivalent of a point of sale increase of one cent per drink.

**Section 9** increases the alcohol excise tax on all fermented malt beverages that are imported, directly or indirectly sold, or possessed in this state. The excise tax increase is intended to be the equivalent of a point of sale increase of one cent per drink.

**Section 10** increases the brewer's tax credit to conform with the increase in the excise tax on beer. The tax credit applies to brewers who manufacture less than 100,000 barrels of beer annually.

**Section 11** increases from \$300 to \$600 the state reimbursement ceiling for bullet-proof vests purchased by peace officers and law enforcement agencies.

**Section 12** is a conforming amendment relating to **article 9, section 11**, indexing the reimbursement rate to the Consumer Price Index.

**Section 13** amends the provision limiting eligibility for bullet-proof vest reimbursements. Authorizes reimbursements for vests that are at least five years old (current law requires that they be at least six years old).

**Section 14** creates the Minnesota Financial Crimes Oversight Council to provide guidance related to the investigation and prosecution of identity theft and financial crimes. Provides for the oversight council's membership, specifies its duties (which includes developing an overall strategy to ameliorate the harm caused to the public by identity theft and financial crime within Minnesota and establishing a multijurisdictional statewide Minnesota Financial Crimes Task Force to investigate major financial crimes). Provides for a statewide commander for the task force and specifies the commander's responsibilities. Addresses the status of participating officers in the task force, including their powers and jurisdiction. Provides for grants to combat identity theft and financial crime. Authorizes the oversight council to establish a victims' assistance program to assist victims of economic crimes and provide prevention and awareness programs. Provides that the oversight council and task force are permanent. Authorizes the oversight council to accept lawful grants and in-kind contributions. Provides that proceeds received from property seized by the task force and forfeited go to the oversight council. Provides that equipment possessed by the current Minnesota Financial Crimes Task Force (that is being repealed in **article 9, section 38**) are transferred to the oversight council for use by the task force created in this section.

**Section 15** adds the chair and first vice chair of the Criminal and Juvenile Justice Information Task Force to the Criminal and Juvenile Justice Information Policy Group. Authorizes the policy group to hire an executive director in the unclassified service.

**Sections 16 and 17** change the reporting requirement of the Criminal and Juvenile Justice Information Policy Group from December 1 to January 15 of each year. Amends the membership of the Criminal and Juvenile Justice Information Task Force (formed to assist the policy group with its duties) by removing the policy group members, the Director of the Office of Long-Range and Strategic Planning, and the Commissioner of Administration and adding the following members:

- the director of the Sentencing Guidelines Commission;

- one member appointed by the Commissioner of Public Safety;
- one member appointed by the Commissioner of Corrections;
- one member appointed by the Commissioner of Administration; and
- one member appointed by the Chief Justice of the Supreme Court.

The report must provide the status of current integration efforts, recommendations concerning legislative changes or appropriations, and a summary of the work of the policy group and the task force.

**Section 18** transfers authority to determine system integration priorities from the Criminal and Juvenile Justice Information Policy Group to the CrIMNet program office, in consultation with the task force and the approval of the policy group. Authorizes the task force to review funding requests and make recommendations to the policy group. Reserves authority to make final grant recommendations to the policy group. Provides a grant applicant matching fund requirement of up to 50 percent, to be constant across all applicants.

**Sections 19 to 26** increase various fees relating to alcoholic beverage licensees.

**Section 27** increases the fee for filing a civil action in court from \$235 to \$240.

**Sections 28 and 29** increase the criminal/traffic surcharge from \$60 to \$71 and deposit the increase in the general fund.

**Section 30** increases from \$4.50 to \$10.50 the surcharge on recording transaction fees collected by county recorders (Minnesota Statutes, section 357.18, subdivision 3).

**Sections 31 and 32** increase from \$4.50 to \$10.50 the surcharge on registrars' fees collected by county registrars (Minnesota Statutes, sections 508.82, subdivision 1, and 508A.82, subdivision 1).

**Section 33** amends the law authorizing service charges and civil penalties for persons who receive gasoline and then drive off without paying. Sets the service charge at \$30 and authorizes a law enforcement agency to keep this charge when the agency obtains payment for the gasoline on behalf of the retailer. Clarifies how the civil penalty is to be set.

**Section 34** clarifies that civil liability under **article 9, section 33**, is not a bar to criminal liability for the gasoline drive-off.

**Section 35, subdivision 1**, authorizes the Commissioner of Public Safety to award two-year grants for homeless outreach programs in Hennepin County, Ramsey County and one county outside the seven-county metropolitan area. Requires a grant recipient from outside the seven-county

metropolitan area to provide a 25 percent match. A grant recipient from within the seven-county metropolitan area must provide a 50 percent match.

**Subdivision 2** provides criteria for grant awards.

**Subdivision 3** requires grant recipients to report annually, by June 30, on the services provided, expenditures of grant money and effectiveness of the programs. The commissioner must submit the reports to Legislature by November 1 of each year.

**Section 36** transfers money remaining in the criminal justice special projects account in the special revenue fund to the general fund. There is currently money in this account left over from the 2001 racial profiling legislation. However, the authority to spend the money expired on June 30, 2003.

**Section 37** requires that space be kept available at MCF-Faribault to allow Rice County to construct a local correctional facility there. This section sunsets in ten years.

**Section 38** repeals Minnesota Statutes 2004, sections 299A.68 (Minnesota Financial Crimes Strike Force); and 299C.65, subdivisions 3, 4, 6, 7, 8, 8a, and 9, relating to the Criminal and Juvenile Justice Information Policy Group:

Subdivision 3 (Continuing Education Program);

Subdivision 4 (Criminal Code Numbering Scheme);

Subdivision 6 (Development of Integration Plan);

Subdivision 7 (Implementation of Integration Plan);

Subdivision 8 (Local Match);

Subdivision 8a (Criminal Justice Technology Infrastructure Improvements);

Subdivision 9 (Documentation and Reporting Requirements).

KPB:CT:ph

**Senate Files 1875/1879 Public Safety Budget Bill FY2006-07**

Dollars in 000's, general fund unless otherwise noted

Agency/Program	Fund	Governor's Recom			SC 4098 Pub Safety Funding Bill			Chair's Recommendation (Combined SF 1879/SC 4098)			Chair's Recommendation (Combined Tails)			Difference Sen/Gov FY06-07
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	
<b>1 SUPREME COURT</b>														
2														
3 Supreme Court Operations		28,764	28,764	57,528				28,764	28,764	57,528	28,764	28,764	57,528	-
4 Decision Items:														
5 Caseload Increases		1,134	1,134	2,268	1,134	1,134	2,268	1,134	1,134	2,268	1,134	1,134	2,268	-
6 Judge's Salary Increase Increment Cut					(44)	(93)	(137)	(44)	(93)	(137)	(93)	(93)	(186)	(137)
7														
8 <i>Total Supreme Court Operations</i>		29,898	29,898	59,796	1,090	1,041	2,131	29,854	29,805	59,659	29,805	29,805	59,610	(137)
9														
10 Civil Legal Services		7,320	7,320	14,640				7,320	7,320	14,640	7,320	7,320	14,640	-
11 Decision Items:														
12 Increased Funding (from surcharge fee increase)					5,000	5,000	10,000	5,000	5,000	10,000	5,000	5,000	10,000	10,000
13														
14 <i>Total Civil Legal Services</i>		7,320	7,320	14,640	5,000	5,000	10,000	12,320	12,320	24,640	12,320	12,320	24,640	10,000
15														
16 Total Supreme Court		37,218	37,218	74,436	6,090	6,041	12,131	42,174	42,125	84,299	42,125	42,125	84,250	9,863
17														
18 Total Supreme Court		37,218	37,218	74,436	6,090	6,041	12,131	42,174	42,125	84,299	42,125	42,125	84,250	9,863
19														
20 <b>COURT OF APPEALS</b>		7,939	7,939	15,878				7,939	7,939	15,878	7,939	7,939	15,878	-
21														
22 Decision Items:														
23 Caseload Increases		250	250	500	250	250	500	250	250	500	250	250	500	-
24														
25 <i>Total Court of Appeals</i>		8,189	8,189	16,378	250	250	500	8,189	8,189	16,378	8,189	8,189	16,378	-
26														
27 <b>DISTRICT COURTS</b>		220,191	220,221	440,412				220,191	220,221	440,412	220,221	220,221	440,442	-
28														
29 Decision Items:														
30 Caseload Increases		6,921	6,921	13,842	6,671	6,671	13,342	6,671	6,671	13,342	6,671	6,671	13,342	(500)
31 Sex and Meth Offender Sentencing Changes		3,600	7,200	10,800	3,600	7,200	10,800	3,600	7,200	10,800	7,200	7,200	14,400	-
32 Specialty Drug and Mental Health Courts					250	250	500	250	250	500	250	250	500	500
33 Judge's Salary Increase Increment Cut					(1,246)	(2,529)	(3,775)	(1,246)	(2,529)	(3,775)	(2,529)	(2,529)	(5,058)	(3,775)
34														
35 <i>Total District Courts</i>		230,712	234,342	465,054	9,275	11,592	20,867	229,466	231,813	461,279	231,813	231,813	463,626	(3,775)
36														
37 <b>TAX COURT</b>		726	726	1,452				726	726	1,452	726	726	1,452	-
38														
39 <i>Total Tax Court</i>		726	726	1,452				726	726	1,452	726	726	1,452	-

Agency/Program	Fund	Governor's Recom			SC 4098 Pub Safety Funding Bill			(Combined SF 1879/SC 4098)			(Combined Tails)			Sen/Gov FY06-07	
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09		
40															
41			39	39	78				39	39	78	39	39	78	-
42															
43															
44															
45			39	39	78				44	44	88	44	44	88	10
46															
47			252	252	504				252	252	504	252	252	504	-
48															
49			252	252	504				252	252	504	252	252	504	-
50															
51			53,908	53,956	107,864				53,908	53,956	107,864	53,956	53,956	107,912	-
52															
53															
54			1,695	1,695	3,390	1,695	1,695	3,390	1,695	1,695	3,390	1,695	1,695	3,390	-
55			3,800	7,600	11,400	3,800	7,600	11,400	3,800	7,600	11,400	7,600	7,600	15,200	-
56															
57			59,403	63,251	122,654	5,495	9,295	14,790	59,403	63,251	122,654	63,251	63,251	126,502	-
58															
59															
60		EN	49	49	98				49	49	98	49	49	98	-
61		GF	2,854	2,854	5,708				2,854	2,854	5,708	2,854	2,854	5,708	-
62															
63			(309)	(309)	(618)				(309)	(309)	(618)	(309)	(309)	(618)	-
64															
65		GF	2,545	2,545	5,090				2,545	2,545	5,090	2,545	2,545	5,090	-
66		EN	49	49	98				49	49	98	49	49	98	-
67															
68		SGSR	7	7	14				7	7	14	7	7	14	-
69		SR	440	439	879				440	439	879	439	439	878	-
70		TH	361	361	722				361	361	722	361	361	722	-
71		GF	36,829	36,829	73,658				36,829	36,829	73,658	36,829	36,829	73,658	-
72															
73			(2,000)	(2,000)	(4,000)				(2,000)	(2,000)	(4,000)	(2,000)	(2,000)	(4,000)	-
74			1,533	2,318	3,851	1,533	2,318	3,851	1,533	2,318	3,851	1,562	1,604	3,166	-
75			1,146	564	1,710	1,146	564	1,710	1,146	564	1,710	636	564	1,200	-
76			374	203	577	374	203	577	374	203	577	203	203	406	-
77			857	869	1,726	857	869	1,726	857	869	1,726	869	869	1,738	-
78			66	69	135	66	69	135	66	69	135	69	69	138	-
79			1,040	1,000	2,040	1,000	1,000	2,000	1,000	1,000	2,000	1,000	1,000	2,000	(40)
80		GF	39,845	39,852	79,697	4,976	5,023	9,999	39,805	39,852	79,657	39,168	39,138	78,306	(40)
81		SGSR	7	7	14				7	7	14	7	7	14	-
82		SR	440	439	879				440	439	879	439	439	878	-
83		TH	361	361	722				361	361	722	361	361	722	-
84															

Agency/Program	Fund	Governor's Recom			SC 4098 Pub Safety Funding Bill			(Combined SF 1879/SC 4098)			(Combined Tails)			Sen/Gov FY06-07	
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09		
85															
86	Fire Marshal		2,445	2,432	4,877				2,445	2,432	4,877	2,432	2,432	4,864	-
87	Decision Items:														
88	Additional Funding					900	900	1,800	900	900	1,800	900	900	1,800	1,800
89															
90	Total Fire Marshall		2,445	2,432	4,877	900	900	1,800	3,345	3,332	6,677	3,332	3,332	6,664	1,800
91		SR	150	150	300				150	150	300	150	150	300	-
92	Gambling & Alcohol Enforcement	GF	1,622	1,622	3,244				1,622	1,622	3,244	1,622	1,622	3,244	-
93	Decision Items:														
94															
95	Total Gambling & Alcohol Enforcement	GF	1,622	1,622	3,244				1,622	1,622	3,244	1,622	1,622	3,244	-
96		SR	150	150	300				150	150	300	150	150	300	-
97	Office of Justice Programs		26,994	26,989	53,983				26,994	26,989	53,983	26,989	26,989	53,978	-
98	Decision Items:														
99	Crime Victim Grants Funding Increase		532	532	1,064	1,270	1,270	2,540	1,270	1,270	2,540	1,270	1,270	2,540	1,476
100	Battered Women's Shelters and Safe Houses					2,131	2,131	4,262	2,131	2,131	4,262	2,131	2,131	4,262	4,262
101	Criminal Gang Strike Force/Narcotics Task Force		2,374	2,374	4,748	2,374	2,374	4,748	2,374	2,374	4,748	2,374	2,374	4,748	-
102	Transfer of Youth Intervention Program		1,452	1,452	2,904										(2,904)
103	Financial Crimes Task Force		300	300	600	1,400	1,400	2,800	1,400	1,400	2,800	1,400	1,400	2,800	2,200
104	Homelessness Pilot Project (art 9, sec 34)					200	200	400	200	200	400				400
105															
106	Total Office of Justice Programs		31,652	31,647	63,299	7,375	7,375	14,750	34,369	34,364	68,733	34,164	34,164	68,328	5,434
107															
108	911 Emergency Services/ARMER	SGSR	27,287	27,720	55,007				27,287	27,720	55,007	27,720	27,720	55,440	-
109	Decision Items:														
110	Increase in 911 fee (Gov 25-10-10-10)	SGSR	16,368	6,335	22,703	16,368	16,688	33,056	16,368	16,688	33,056				10,353
111	(Senate 25-25-25-25)														
112															
113	Total 911 Emergency Services/ARMER	SGSR	43,655	34,055	77,710	16,368	16,688	33,056	43,655	44,408	88,063	27,720	27,720	55,440	10,353
114															
115	800 MHz Public Safety Radio System Rev Bonds														
116	Decision Items:														
117	Phase 2 Bonding: Pub Saf Radio Subsystems	BPF				8,000		8,000	8,000		8,000				8,000
118	Phase 3 Bonding: Backbone Pub Saf Radio Sys	BPF				45,000		45,000	45,000		45,000				45,000
119	Phase 3 Bonding: Subsystem Local Reimburs	BPF				9,500		9,500	9,500		9,500				9,500
120															
121	Total 800 MHz Public Safety Radio Sys Rev Bonds	BPF				62,500		62,500	62,500		62,500				62,500
122															
123	Public Safety - Other														
124	DPS Agency-wide Admin. Cut					(175)	(175)	(350)	(175)	(175)	(350)	(175)	(175)	(350)	(350)
125															
126	Total Public Safety - Other					(175)	(175)	(350)	(175)	(175)	(350)	(175)	(175)	(350)	(350)

Agency/Program	Fund	Governor's Recom			SC 4098 Pub Safety Funding Bill			(Combined SF 1879/SC 4098)			(Combined Tails)			Sen/Gov
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	FY06-07
127														
128	GF	78,109	78,098	156,207	13,076	13,123	26,199	81,511	81,540	163,051	80,656	80,626	161,282	6,844
129	EN	49	49	98				49	49	98	49	49	98	-
130	SGSR	43,662	34,062	77,724	16,368	16,688	33,056	43,662	44,415	88,077	27,727	27,727	55,454	10,353
131	SR	590	589	1,179				590	589	1,179	589	589	1,178	-
132	TH	361	361	722				361	361	722	361	361	722	-
133	BPF			-	62,500		62,500	62,500		62,500				62,500
134		122,771	113,159	235,930	91,944	29,811	121,755	188,673	126,954	315,627	109,382	109,352	218,734	79,697
135														
136	SR	3,943	3,943	7,886				3,943	3,943	7,886	3,943	3,943	7,886	-
137														
138	SR													
139														
140					89	89	178	89	89	178				178
141					71	71	142	71	71	142				142
142					140	140	280	140	140	280				280
143														
144	SR	3,943	3,943	7,886				3,943	3,943	7,886	3,943	3,943	7,886	-
145	GF				300	300	600	300	300	600	300	300	600	600
146														
147		126	126	252				126	126	252	126	126	252	-
148														
149		126	126	252				126	126	252	126	126	252	-
150														
151		3,490	3,490	6,980				3,490	3,490	6,980	3,490	3,490	6,980	-
152														
153		3,490	3,490	6,980				3,490	3,490	6,980	3,490	3,490	6,980	-
154														
155	SR	580	580	1,160				580	580	1,160	473	473	946	-
156		252,961	252,961	505,922				252,961	252,961	505,922	252,961	252,961	505,922	-
157		28,759	42,447	71,206				28,759	42,447	71,206	52,999	61,528	114,527	-
158														
159														
160		70	70	140	70	70	140	70	70	140	70	70	140	-
161		1,500	1,500	3,000	1,500	1,500	3,000	1,500	1,500	3,000	1,500	1,500	3,000	-
162		3,720	3,720	7,440	3,720	3,720	7,440	3,720	3,720	7,440	3,720	3,720	7,440	-
163		351	1,863	2,214	351	1,863	2,214	351	1,863	2,214	3,586	5,813	9,399	-
164					4,500	4,500	9,000	4,500	4,500	9,000	4,500	4,500	9,000	9,000
165					2,000	2,000	4,000	2,000	2,000	4,000	2,000	2,000	4,000	4,000
166					(925)	(925)	(1,850)	(925)	(925)	(1,850)				(1,850)
167														
168	GF	287,361	302,561	589,922	11,216	12,728	23,944	292,936	308,136	601,072	321,336	332,092	653,428	11,150
169	SR	580	580	1,160				580	580	1,160	473	473	946	-

Agency/Program	Fund	Governor's Recom			SC 4098 Pub Safety Funding Bill			(Combined SF 1879/SC 4098)			(Combined Tails)			Sen/Gov FY06-07	
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09		
170															
171	SR	100	100	200				100	100	200	80	80	160	-	
172	Community Services	95,492	95,643	191,135				95,492	95,643	191,135	95,643	95,643	191,286	-	
173	Decision Items:														
174															
175	End of Confinement Review	94	94	188	94	94	188	94	94	188	94	94	188	-	
176	GPS Monitoring	162	162	324	162	162	324	162	162	324	162	162	324	-	
177	Appropriate Transitional Housing and Supervision	1,370	1,370	2,740	1,370	1,370	2,740	1,370	1,370	2,740	1,370	1,370	2,740	-	
178	18 ISR Agents - 6 DOC/12 CCA	1,800	1,800	3,600	1,800	1,800	3,600	1,800	1,800	3,600	1,800	1,800	3,600	-	
179	Sex Off. Assessment Reimbursement	350	350	700	350	350	700	350	350	700	350	350	700	-	
180	Sex Off. Trtmt/Sup Rel and Polygraphs	1,250	1,250	2,500	1,250	1,250	2,500	1,250	1,250	2,500	1,250	1,250	2,500	-	
181	Sex Off. Policy Board	5	5	10										(10)	
182	Sex Off. Specialized Caseloads (DOC/CCA/CPO)				19,600	19,600	39,200	19,600	19,600	39,200	19,600	19,600	39,200	39,200	
183	Chem Dep Trtmt/Aftercare Comm Grants				2,500	2,500	5,000	2,500	2,500	5,000	2,500	2,500	5,000	5,000	
184	Int. Supervision/Aftercare Controlled Subs Off.				625	625	1,250	625	625	1,250				1,250	
185															
186	Total Community Services	GF	100,523	100,674	201,197	27,751	27,751	55,502	123,243	123,394	246,637	122,769	122,769	245,538	45,440
187		SR	100	100	200				100	100	200	80	80	160	-
188															
189	Operations Support	SR	210	210	420				210	210	420	170	170	340	-
190	Decision Items:	GF	15,348	15,348	30,696				15,348	15,348	30,696	15,348	15,348	30,696	-
191	DOC Agency-wide Admin Cut				(325)	(325)	(650)	(325)	(325)	(650)	(325)	(325)	(650)	(650)	
192															
193	Total Operations Support	GF	15,348	15,348	30,696	(325)	(325)	(650)	15,023	15,023	30,046	15,023	15,023	30,046	(650)
194		SR	210	210	420				210	210	420	170	170	340	-
195															
196	Total Corrections	GF	403,232	418,583	821,815	38,642	40,154	78,796	431,202	446,553	877,755	459,128	469,884	929,012	55,940
197		SR	890	890	1,780	-	-	-	890	890	1,780	723	723	1,446	-
198			404,122	419,473	823,595	38,642	40,154	78,796	432,092	447,443	879,535	459,851	470,607	930,458	55,940
199															
200	SENTENCING GUIDELINES		436	436	872				436	436	872	436	436	872	-
201															
202	Total Sentencing Guidelines		436	436	872				436	436	872	436	436	872	-

Agency/Program	Fund	Governor's Recom			SC 4098 Pub Safety Funding Bill			(Combined SF 1879/SC 4098)			(Combined Tails)			Sen/Gov FY06-07	
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09		
203															
204	<b>ATTORNEY GENERAL</b>	SGSR	1,778	1,794	3,572				1,778	1,794	3,572	1,778	1,794	3,572	-
205		EN	145	145	290				145	145	290	145	145	290	-
206		REM	484	484	968				484	484	968	484	484	968	-
207	Decision Items:	GF	22,834	22,859	45,693				22,834	22,859	45,693	22,859	22,859	45,718	-
208	Reduction - 2.5 percent	GF	(564)	(564)	(1,128)						-			-	1,128
209															
210	Total Attorney General	GF	22,270	22,295	44,565				22,834	22,859	45,693	22,859	22,859	45,718	1,128
211		SGSR	1,778	1,794	3,572				1,778	1,794	3,572	1,778	1,794	3,572	-
212		EN	145	145	290				145	145	290	145	145	290	-
213		REM	484	484	968				484	484	968	484	484	968	-
214			24,677	24,718	49,395				25,241	25,282	50,523	25,266	25,282	50,548	1,128
215															
216	<b>Dept. of Employment and Economic Development</b>														
217															
218	Decision Items:														
219	Meth Lab Cleanup Revolving Loan Fund					250	250	500	250	250	500	250	250	500	500
220															
221	Total Department of Employment and Ec Dev					250	250	500	250	250	500	250	250	500	500
222															
223	<b>Board of Veterinary Medicine</b>														
224															
225	Decision Items:														
226	Meth Manufacture From Animal Products Study					7		7	7		7				7
227															
228	Total Board of Veterinary Medicine					7		7	7		7				7
229	<b>FUND TOTALS</b>	TH	361	361	722				361	361	722	361	361	722	-
230		EN	194	194	388				194	194	388	194	194	388	-
231		SGSR	45,440	35,856	81,296	16,368	16,688	33,056	45,440	46,209	91,649	29,505	29,521	59,026	10,353
232		SR	5,423	5,422	10,845				5,423	5,422	10,845	5,255	5,255	10,510	-
233		REM	484	484	968				484	484	968	484	484	968	-
234		BPF				62,500		62,500							
235		GF	844,202	867,045	1,711,247	73,390	81,010	154,400	880,410	901,954	1,782,364	913,645	924,371	1,838,016	71,117
236	<b>TOTAL ALL FUNDS</b>		896,104	909,362	1,805,466	152,258	97,698	249,956	932,312	954,624	1,886,936	949,444	960,186	1,909,630	81,470

Agency/Program	Fund	Governor's Recom			SC 4098 Pub Safety Funding Bill			(Combined SF 1879/SC 4098)			(Combined Tails)			Sen/Gov
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	FY06-07
237	<b>Revenue Adjustments</b>													
238	GF	4,900	6,500	11,400	5,390	7,150	12,540	5,390	7,150	12,540	7,150	7,150	14,300	1,140
239	GF				23,597	26,052	49,649	23,597	26,052	49,649	26,315	26,641	52,956	49,649
240	GF				1,009	921	1,930	1,009	921	1,930	930	941	1,871	1,930
241	GF				5,877	5,923	11,800	5,877	5,923	11,800	5,923	5,923	11,846	11,800
242	GF				757	757	1,514	757	757	1,514	757	757	1,514	1,514
243	GF				594	594	1,188	594	594	1,188	594	594	1,188	1,188
244	GF				1,400	1,400	2,800	1,400	1,400	2,800	1,400	1,400	2,800	2,800
245	GF				1,500		1,500	1,500		1,500				1,500
246	GF	1,452	1,452	2,904										(2,904)
247														
248	GF	6,352	7,952	14,304	40,124	42,797	82,921	40,124	42,797	82,921	43,069	43,406	86,475	68,617
249														
250	GF	837,850	859,093	1,696,943	33,266	38,213	71,479	840,286	859,157	1,699,443	870,576	880,965	1,751,541	2,500
251														
252										2,500				
253					3673	3673	7,346	3,673	3673	7,346	3,673	3673	7,346	
254										(4,846)				
255														
256	<b>Dedicated Statutory Fee Increases</b>													
257	SR	75	75	150			-			-	75	75	150	(150)
258	SR	240	240	480			-			-			-	(480)
260	SR	763	832	1,595	763	832	1,595	763	832	1,595	832	832	1,664	-
261														
262	SR	1,078	1,147	2,225	763	832	1,595	763	832	1,595	907	907	1,814	(630)

# The need for a penny for public safety

Testimony before the Senate Finance Committee

April 26, 2005

Andy Erickson, DFO Director, 507.287.1686

## Why a drink tax?

### The correlation between alcohol/drugs and crime in MN

- An estimated 85% of open probation cases are either alcohol or drug related
- DFO has had a 28.6% increase in positive drug tests for meth since 2001
- Greater numbers of offenders are being violated for subsequent alcohol and drug use while on probation (a 24% increase in Olmsted County probation violations from 2002-2003) (see chart on p.2)
- The legislature has enacted tougher drinking laws, i.e., .08 and felony DUI, which impact probation caseloads without state funding
- A drink tax, then, is arguably a user fee, shifting the burden for contributing to the cost of crimes associated with alcohol and drugs away from the property taxpayer TO consumers of alcoholic beverages.

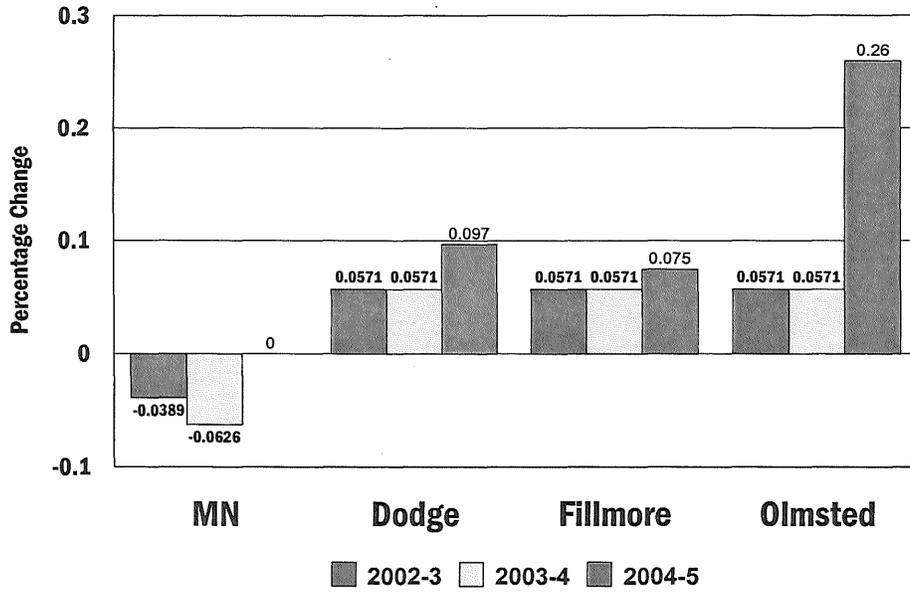
### Public Safety:

- The risk score of those receiving active supervision has been raised in many counties in MN
  - Many offenders who would have been supervised directly by a probation officer a few years back are now on “paper” supervision or on a kiosk
- The “contact standards” (the frequency with which offenders are seen by probation officers) have been reduced in many counties

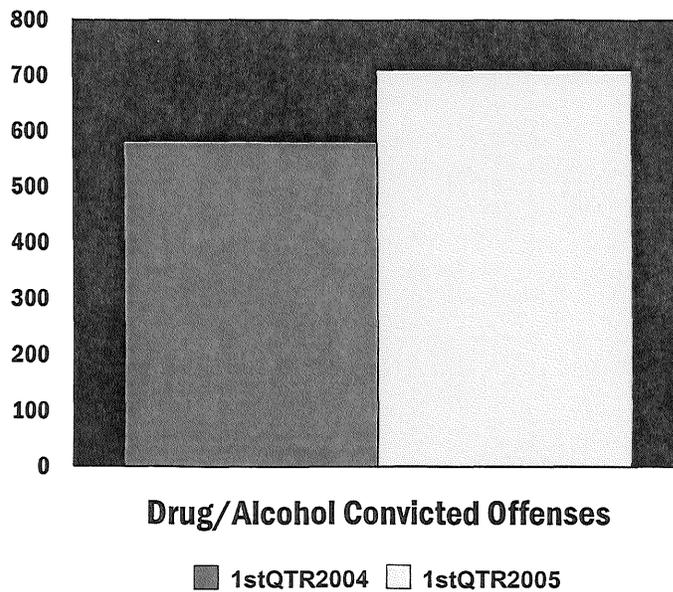
### The need for additional revenue

- (see chart on p. 2) the property tax has been increased to offset state reductions
- This restores previous cuts. If the Senate Omnibus Crime Bill is enacted, most counties would only revert to the level of real dollars from the state they received in SFY2002.
- Minnesota has the 46th lowest per capita spending on corrections in the U.S.
- Approximately 15 offenders can be supervised safely in the community for every offender placed in prison
- The growth in the cost for operating state prisons in MN has grown at four times the rate of increase for funding of probation services, even if this bill passes

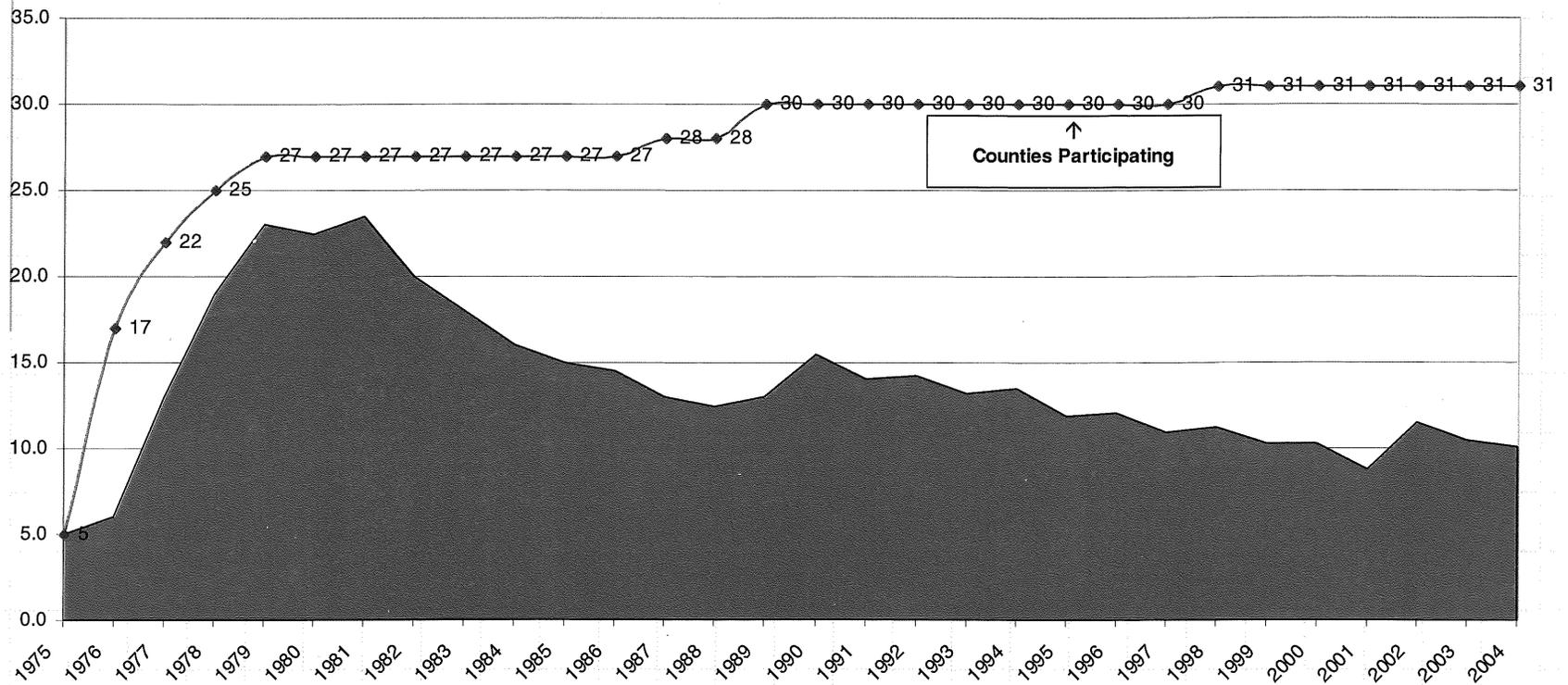
**Funding of DFO Community Corrections  
Percentage Change; MN -vs - Local Levy  
2002-2005**



**Increase in Drug/Alcohol Convicted Offenses  
DFO Community Corrections  
1st quarter 2004 - 1st quarter 2005**



# CCA Subsidy as a Percent of DOC Budget 1975-2004



Sources: MN Department of Corrections; Department of Finance

Testimony on behalf Community Corrections Counties - Senate Criminal Justice Finance Committee -  
April 13, 2005

Tom Adkins, Director, Washington County Community Corrections #651-430-6902  
Andy Erickson, Director, Dodge-Fillmore-Olmsted County Community Corrections; #507-287-1686

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We appreciate this opportunity to address the Senate Omnibus Public Safety Finance Bill regarding resources available to manage offenders in the community over the past few years, and provide a preliminary response to the Department of Corrections' memo on probation caseload trends dated March 29. We are representing our respective counties as probation directors, as well as members of MACCAC, the community corrections organization. As you often hear, three quarters of the convicted offenders in Minnesota are supervised in the community, by probation staff working for a community corrections agency.

In essence, the March 29 DOC memo suggests that probation caseloads have remained relatively flat since 2001, intimating a neutral impact from the budget reductions enacted for SFY04-05.

We have several responses to the Department's memo, and to the general area of probation funding, as follows:

1. A statewide probation task force presented its report to the MN Legislature in 1995, which concluded the probation system was underfunded by \$40 million. Legislative action provided \$18 million in new dollars toward that shortfall in 2002, and has since cut that by 8%. Since the report in 1995, probation cases have grown by 27.4%.
2. Counties throughout Minnesota have relied on a variety of techniques to balance growing probation pressure with declining resources, including:
  - a. Raising the risk level of offenders who are actively supervised (DFO has raised the threshold on the LSI risk assessment from 17 to 21, Washington has raised it from 17 to 19, and Dakota has raised it from 17 to 26).
  - b. Reducing "contact standards" for agents (the frequency with which offenders who are actively supervised are seen in their office or in their homes)
  - c. Shifting increasing numbers of offenders to either kiosks or paper supervision
  - d. Reducing treatment, educational classes
3. Minnesota has the 49<sup>th</sup> lowest incarceration rate in the nation, and is 46<sup>th</sup> lowest on per capita spending on corrections. 15 offenders can be supervised safely in the community for every offender placed in state prison (on an annualized basis). Probation is cost effective and more effective in reducing offender recidivism than prison alone.
4. A number of the programs that contribute to the success of probation and supervision of offenders in the community, namely treatment and cognitive behavioral programming, have been greatly reduced as opposed to laying off probation staff
5. The impact of the state funding reductions (effective date of 07/01/03) were primarily felt in the 2004 budget year by counties. As the 2004 State Probation Survey is still unfinished, caseloads for 2004 cannot yet be calculated on a statewide basis and the true impact of those reductions is uncertain.
6. In order to stave off further staffing reductions, local governments have stepped up to the plate with - in some cases - record levy increases for corrections.
7. Not only are the cases left on probation harder to supervise (as lower risk offenders are moved to paper), but the duties of officers have grown - from DNA collection, to co-facilitation of

cognitive skills classes and sometimes treatment groups, to pretrial supervision (which does not appear in probation counts), drug testing, and assuming responsibility for apprehension of low level offenders to relieve overburdened local law enforcement.

### The Dodge-Fillmore-Olmsted Experience since 2001

1. The probationers have become more difficult to supervise
  - Today's offenders present more risk, have more violations (a DFO increase of 24% from 2002 to 2003) and are more likely to engage in behavior which results in probation revocation (which is then followed by a commitment to the DOC Commissioner and a return to the community on supervised release).
  - The outstate growth in methamphetamine production and addition:
    - There has been a significant increase in positive drug tests for meth in DFO (28.6% increase since 2001)
    - ½ of felony drug cases in last half of 2003 were meth-related
    - There has been a 35% increase in new drug felony cases since '02
2. DFO has enacted a 21% reduction in staff since 2001, with a concurrent 24% increase in offenders on probation. In order to stave off cuts to probation staff, the three counties have stepped up to the plate (26% levy increase in Olmsted, 7.5% in Fillmore, and 9.75% in Dodge County for 2005- See chart in Appendix). Had each of the counties levied their historical increase (of 5.71%), DFO would have laid off six staff.
3. DFO has enacted other measures to manage declining resources, including:
  - Raised LSI-R cut-off level from 17 to 21, increasing risk level of all caseloads
  - Decrease/eliminate service to Misdemeanor DUI offenders (men only)
  - Reduce supervision for Gross Misdemeanor property offenders
  - We have reduced our budget for cognitive skills for offenders by 40%. Our own study suggests that adult males who complete cog skills are 15% less likely to reoffend than those who don't.
  - Increased workload for Kiosk and Administrative Supervision, including handling of violations.

The initial cuts in DFO (to volunteer, program evaluation, contracted services) have had negligible impact on public safety. However, the cuts of the past two years have now begun to compromise public safety. Three specific case scenarios are provided in the appendix - these are the types of cases probation agents used to supervise (home visits, etc). All three of these cases are now on a kiosk, where they check in once per month at an electronic station.

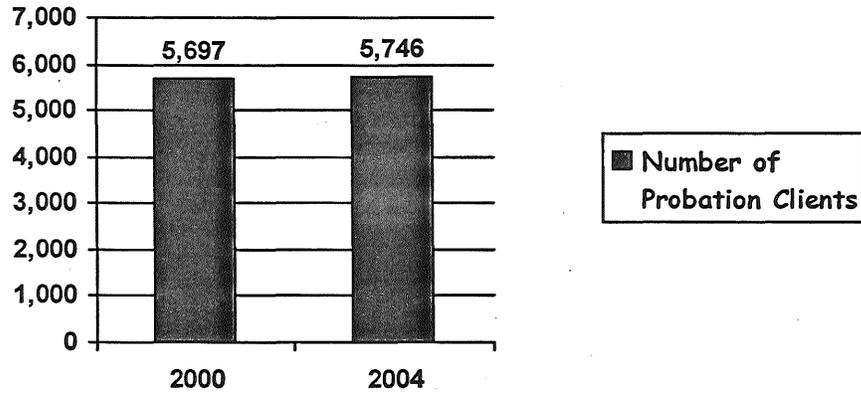
Therefore, behind the numbers of a relatively flat caseload size average for probation agents across Minnesota lies a very different story. Adequate funding of probation needs to be considered in the context of public safety, along with law enforcement, the state department of Corrections, and state correctional facilities. Thank you.

**APPENDIX**

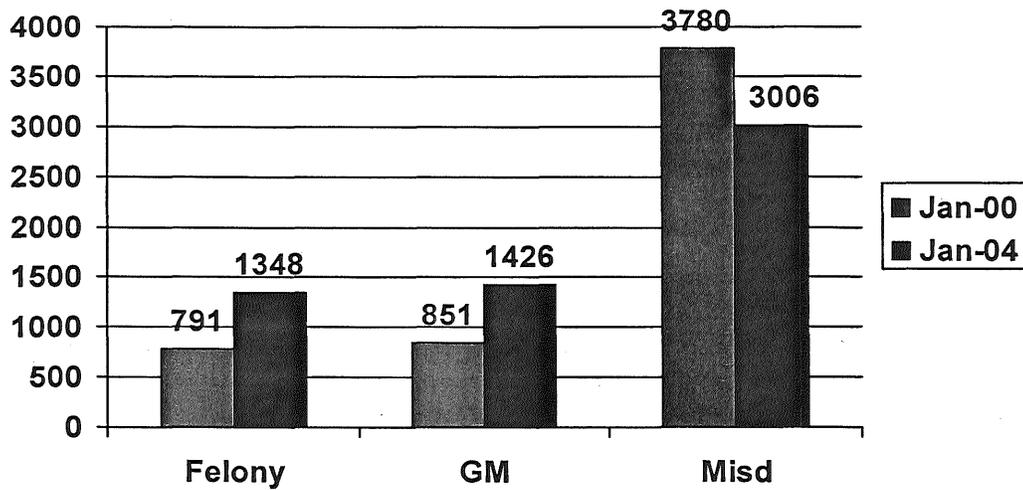
**Tom Adkins, Director, Washington County Community Corrections**  
**Andy Erickson, Director, Dodge-Fillmore-Olmsted County Community Corrections**

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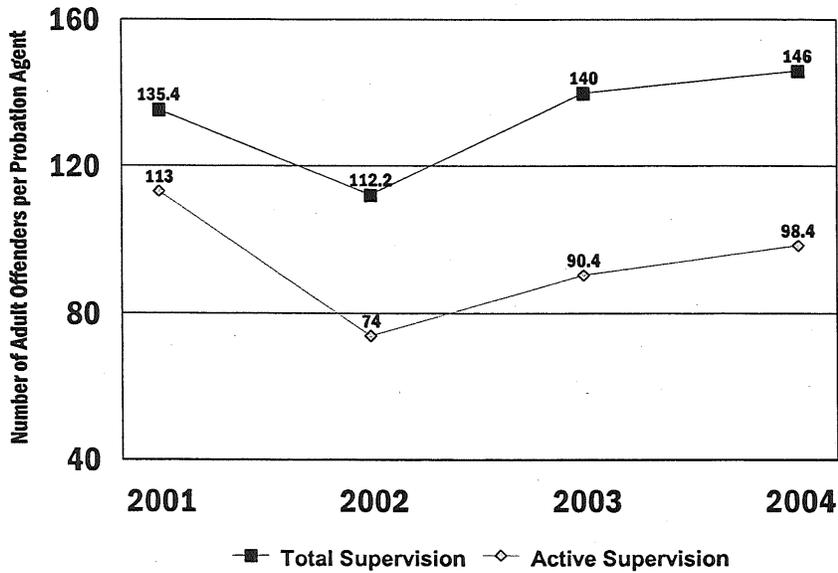
**Washington County Community Corrections  
Offenders on probation - 2000 and 2004**



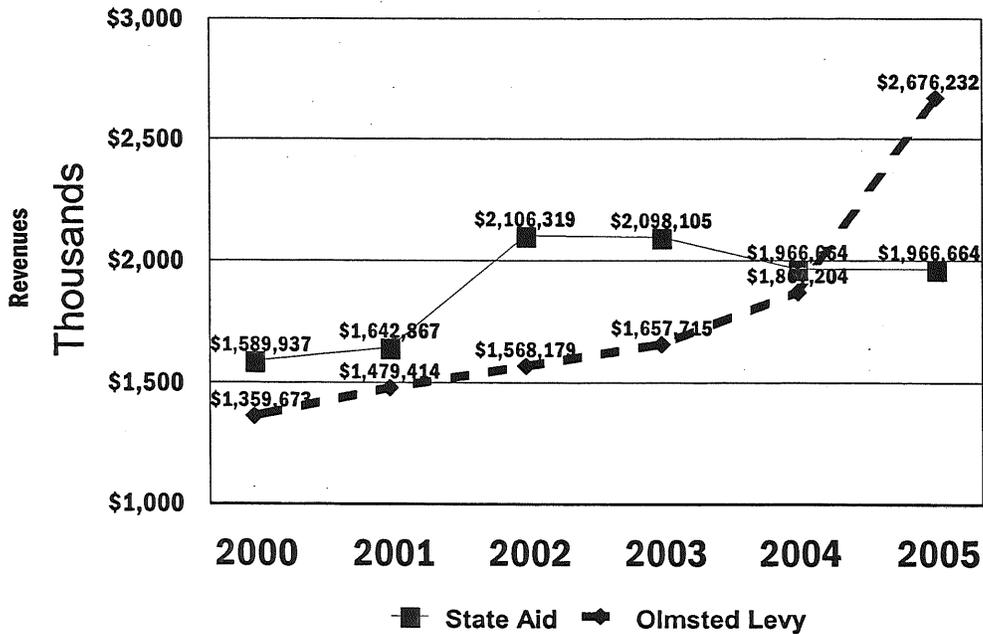
**Washington County Community Corrections  
Breakdown by Offense Level  
2000 and 2004**



Olmsted County Adult Probation Caseload Trends - DFO Community Corrections  
 2001-2004



Funding for DFO Community Corrections  
 State Aid vs Olmsted Local Levy  
 2000-2005





**Three examples of offenders currently on kiosk supervision in DFO**

**33 year-old white male, currently on probation for two felony counts of Violation of Order for Protection. (The second count occurred approximately two months after being sentenced for the first count). The victim is his ex-wife. He has three previous convictions for OFP violations, as well as 2 DWI's and other miscellaneous driving offenses. He was convicted of 3<sup>rd</sup> degree Burglary as a juvenile. He has been violated for failing to remain abstinent and failing to remain law-abiding. He is chemically dependent and has been through both CD treatment and domestic violence programming. We continue to get calls from the victim with concerns about her safety.**

**38 year-old white male, currently on probation for felony 5<sup>th</sup> Degree Controlled Substance and Terroristic Threats. His wife is the victim of the terroristic threats conviction. The defendant has a lengthy criminal history, including Burglary as a juvenile, two Domestic Assault convictions, three Disorderly Conduct Convictions, two alcohol/drug related convictions, three Theft convictions, a 2<sup>nd</sup> degree Burglary conviction and 3<sup>rd</sup> degree Criminal Sexual Conduct conviction, as well as numerous driving offenses. He has had at least 27 detox admissions, 8 chemical dependency treatment admissions as well as domestic violence programming at least twice. He has violated his current sentences by failing to remain abstinent and failing to comply with domestic violence programming.**

**29 year-old white female, currently on probation for two counts of misdemeanor Theft and one count of misdemeanor 5<sup>th</sup> Degree Assault. Ten days after sentencing on these convictions she allegedly committed a new offense and has pending charges of 1<sup>st</sup> and 2<sup>nd</sup> degree Aggravated Robbery. The charges allege she entered the home of persons unknown to her and demanded money. When they refused she pulled a knife on them. She had her two small children with her during the commission of the crime. She has a lengthy criminal history that includes felony drug crimes, felony Fleeing a Peace Officer, felony Theft, and Prostitution. She also appears to having pending charges in Minneapolis of 1<sup>st</sup> Degree Controlled Substance. She has a history of chemical dependency.**

**Portrait of a Meth Case in DFO Community Corrections**  
**NOTE: this case was only supervised by our electronic kiosk**  
**February, 2005**

- Corrections officers get tip from Narcotics Task Force that one of our female probationers is using/selling meth. Female probationer is on probation for DUI.
- Police and probation go to home of probationer to conduct a search. First three people they encounter in the home do not live there. They are stoned and in their late teens and early 20s.
- Husband of probationer comes out of bedroom. He has sores all over from meth use. Meth found in bedroom and appears to be the highly addictive crystal meth version.
- Marijuana and drug paraphernalia found under the couch in the living room.
- While at the home an older daughter comes home. She is concerned about the situation and about her 11 year old brother who is at school.
- Mom (probationer) arrives in a car with another young person. Mom tries to deny her identity. Older daughter helps confirm her identity.
- Young person in car with probationer is daughter of law enforcement official from another jurisdiction. Claims she does not use. Meth found in vehicle and appears to be more crystal meth.
- Older daughter agrees to pick up brother and care for him.
- Dad to jail with new felony charges.
- Mom tests positive for Meth and Cocaine. Mom goes to jail.
- Both already have pending First Degree Controlled Substance offenses pending in a neighboring county.
- One week previous, oldest son committed to prison for a sex offense, with the probation violation being use of methamphetamine.

**How Supervision levels are Determined**

Services and supervision levels are determined by:

- Specialized assessment tools
- Offense severity
- Court ordered conditions
- Cooperation and compliance with probation

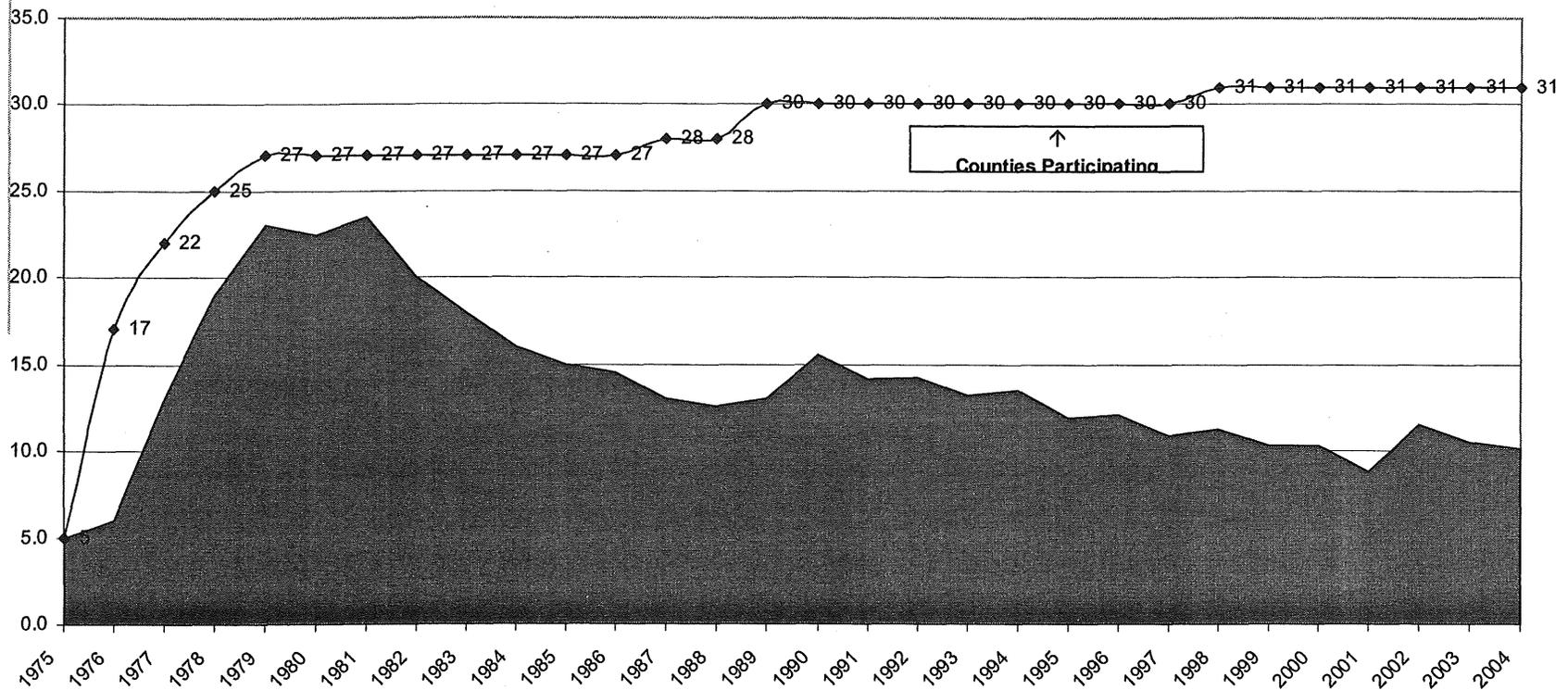
**Supervision principles**

- Community Corrections philosophy relies heavily on local decision making – the bench, community advisory panels, etc
- Utilize most resources on high-risk offenders, minimal for lower risk clients (*Best Practices*)
- Address small misbehaviors in the community before they escalate (*Broken Windows*)
- Utilize Restorative Justice Principles with a balance between victim, offender, and community risks and needs

**Offender outcomes**

- Offenders remain Law Abiding-Recidivism
- The Community Receives Restorative Services
- Restoring the Crime Victim – Victims Receive Court Ordered Restitution
- Develop Offenders Competencies and Assist Offenders to Change

## CCA Subsidy as a Percent of DOC Budget 1975-2004



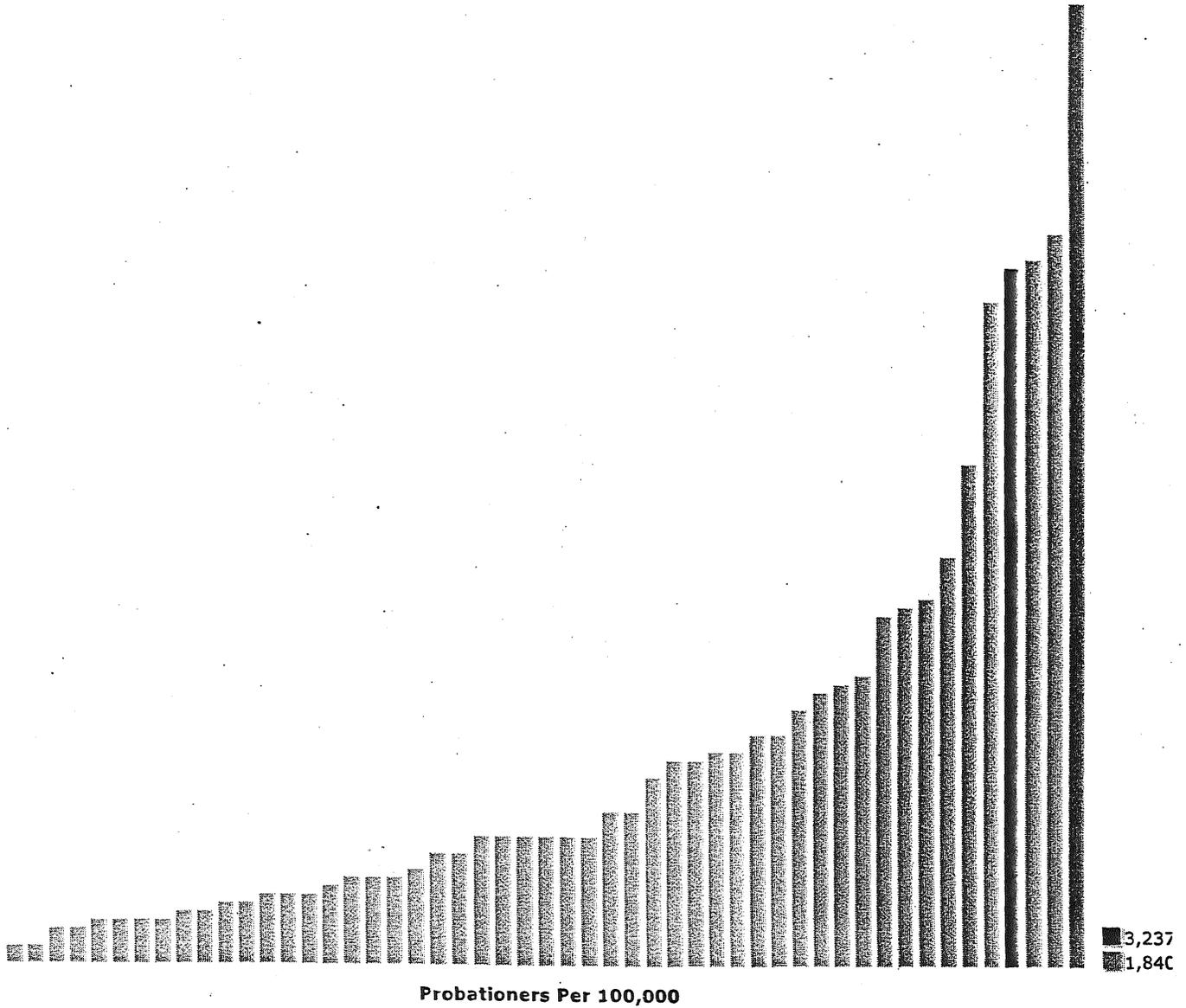
Sources: MN Department of Corrections; Department of Finance

Grade - D

**At-A-Glance**

The following graph displays Minnesota's rankings compared to all U.S. states.

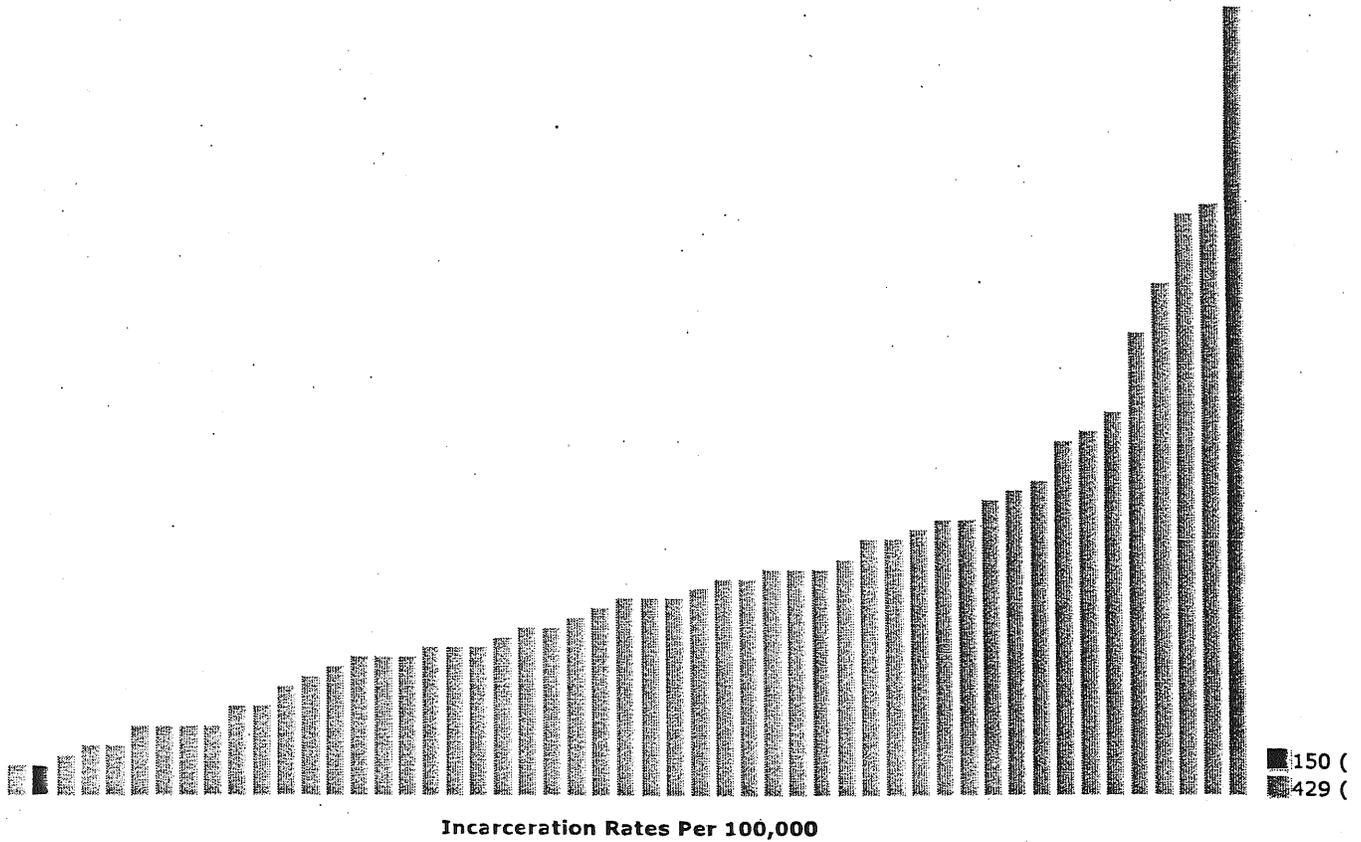
- Minnesota's Rates (per 100,000)
- U.S. National Average (per 100,000)



**At-A-Glance**

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- Minnesota's Rates (per 100,000)
- U.S. National Average (per 100,000)

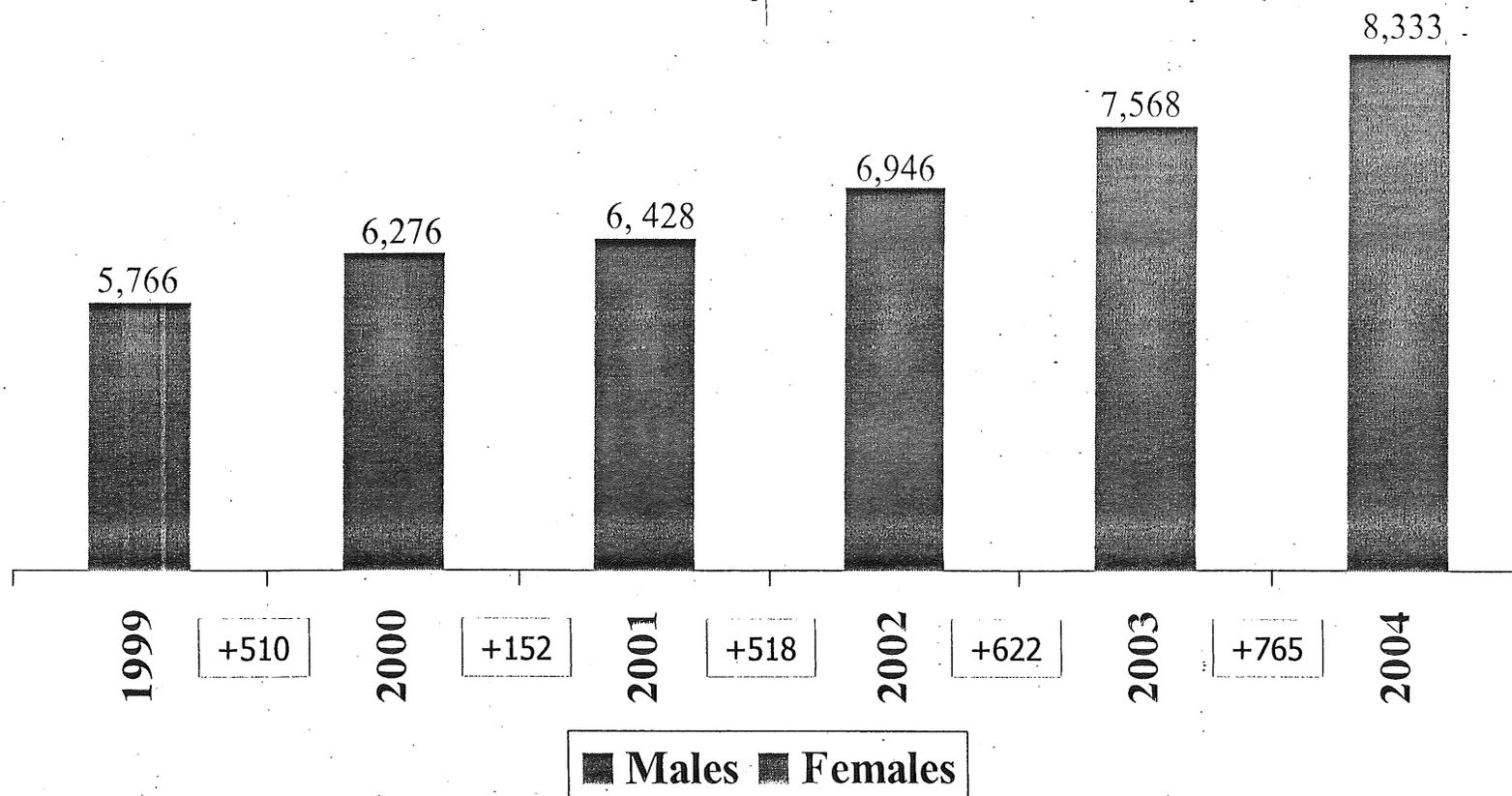


# Minnesota Department of Corrections

## Actual Prison Populations\*

(July 1 of each year)

**45 Percent Overall Increase from 1999 to 2004**



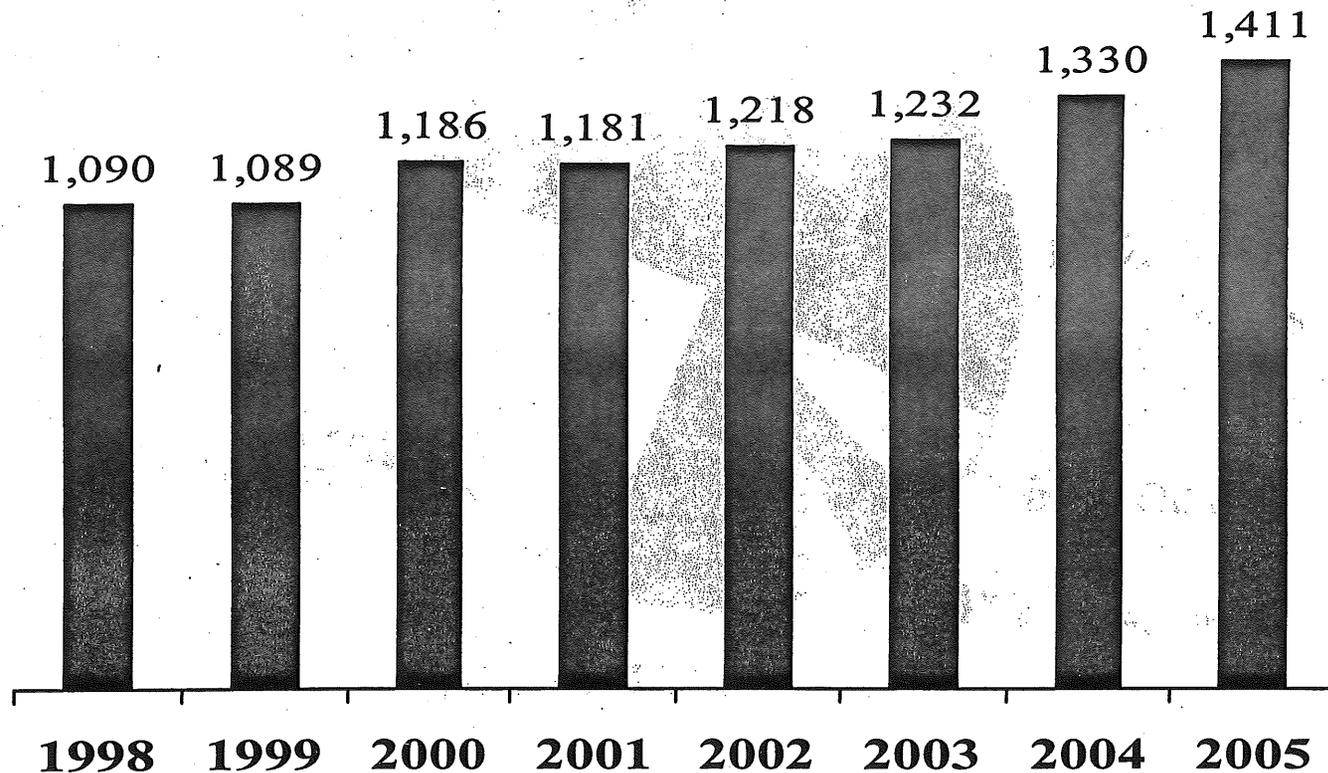
\* Actual prison population include those housed in a DOC facility or contracted to be housed in a local jail/private facility.

# Minnesota Prison Population

## Sex Offenders- Governing Offense

January 1, 2005

30 percent increase from 1998 to 2005



- 1 Senator ..... moves to amend SC4098-1 as follows:
- 2 Pages 169 to 171, delete sections 7 to 10
- 3 Renumber the sections in sequence and correct the internal
- 4 references
- 5 Amend the title accordingly

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## Roll Call Vote

Committee: Finance

Bill/Amendment: A<sup>35</sup>~~33~~ to Public Safety Budget Bill SC#4098-1

Date: 4/26/05

Action: Failed

Member	Aye	Nay	Pass
Cohen		X	
Berglin		X	
Chaudhary		X	
Dille		X	
Fischbach			
Frederickson	X		
Gerlach	X		
Hottinger		X	
Kierlin	X		
Kiscaden		X	
Langseth	X		
Larson	X		
Metzen	X		
Murphy		X	
Neuville		X	
Nienow	X		
Olson	X		
Ourada			
Pappas		X	
Pariseau	X		
Ranum		X	
Sams	X		
Stumpf	X		
Wiger		X	
Results:	11	11	

1 Senator ..... moves to amend SC4098-1 as follows:

2 Pages 194 to 198, delete sections 30 to 32 and insert:

3 "Sec. 30. Minnesota Statutes 2004, section 357.18, is  
4 amended to read:

5 357.18 [COUNTY RECORDER.]

6 Subdivision 1. [COUNTY RECORDER FEES.] The fees to be  
7 charged by the county recorder shall be ~~as-fellows~~ and not  
8 exceed the following:

9 (1) for indexing and recording any deed or other instrument  
10 ~~\$1-for-each-page-of-an-instrument,-with-a-minimum-fee-of-\$15 a~~  
11 fee of \$46; \$10.50 shall be paid to the state treasury and  
12 credited to the general fund; \$10 shall be deposited in the  
13 technology fund pursuant to subdivision 3; and \$25.50 to the  
14 county general fund;

15 (2) for documents containing multiple assignments, partial  
16 releases or satisfactions ~~\$10-for-each-document-number-or-book~~  
17 ~~and-page-cited~~ a fee of \$40; if the document cites more than  
18 four recorded instruments, an additional fee of \$10 for each  
19 additional instrument cited over the first four citations;

20 (3) for certified copies of any records or papers, ~~\$1-for~~  
21 ~~each-page-of-an-instrument-with-a-minimum-fee-of-\$5~~ \$10;

22 (4) for a noncertified copy of any instrument or writing on  
23 file or recorded in the office of the county recorder, or any  
24 specified page or part of it, an amount as determined by the  
25 county board for each page or fraction of a page specified. If  
26 computer or microfilm printers are used to reproduce the  
27 instrument or writing, a like amount per image;

28 (5) for an abstract of title, the fees shall be determined  
29 by resolution of the county board duly adopted upon the  
30 recommendation of the county recorder, and the fees shall not  
31 exceed ~~\$5~~ \$10 for every entry, ~~\$50~~ \$100 for abstract  
32 certificate, \$1 per page for each exhibit included within an  
33 abstract as a part of an abstract entry, and \$2 ~~\$5~~ \$5 per name for  
34 each required name search certification;

35 ~~(5)~~ (6) for a copy of an official plat filed pursuant to  
36 section 505.08, the fee shall be ~~\$9-50~~ \$10 and an additional 50

1 eents \$5 shall be charged for the certification of each plat;

2 ~~(6)~~ (7) for filing an amended floor plan in accordance with  
3 chapter 515, an amended condominium plat in accordance with  
4 chapter 515A, or a common interest community plat or amendment  
5 complying with section 515B.2-110, subsection (c), the fee shall  
6 be 50 cents per apartment or unit with a minimum fee of ~~\$30~~ \$50;

7 ~~(7)~~ (8) for a copy of a floor plan filed pursuant to  
8 chapter 515, a copy of a condominium plat filed in accordance  
9 with chapter 515A, or a copy of a common interest community plat  
10 complying with section 515B.2-110, subsection (c), the fee shall  
11 be \$1 for each page of the floor plan, condominium plat or  
12 common interest community plat with a minimum fee of \$10;

13 (9) for recording any plat, a fee of \$56, of which \$10.50  
14 must be paid to the state treasury and credited to the general  
15 fund, \$10 must be deposited in the technology fund pursuant to  
16 subdivision 3, and \$35.50 must be deposited in the county  
17 general fund; and

18 (10) for a noncertified copy of any document submitted for  
19 recording, if the original document is accompanied by a copy or  
20 duplicate original, \$2. Upon receipt of the copy or duplicate  
21 original and payment of the fee, a county recorder shall return  
22 it marked "copy" or "duplicate," showing the recording date and,  
23 if available, the document number assigned to the original.

24 Subd. 1a. [ABSTRACTING SERVICE FEES.] Fees fixed by or  
25 established pursuant to subdivision 1 shall be the maximum fee  
26 charged in all counties where the county recorder performs  
27 abstracting services and shall be charged by persons authorized  
28 to perform abstracting services in county buildings pursuant to  
29 section 386.18.

30 Subd. 2. [FEES FOR RECORDING INSTRUMENTS IN COUNTY  
31 RECORDER OFFICE.] Notwithstanding the provisions of any ~~general~~  
32 ~~or~~ special law to the contrary, the established fees pursuant to  
33 subdivision 1 shall be the fee charged in fees-prescribed-by  
34 this-section-shall-govern all counties for the specified  
35 service, the-filing-or-recording-of-all-instruments-in-the  
36 office-of-the-county-recorder other than Uniform Commercial Code

1 documents, and documents filed or recorded pursuant to sections  
2 270.69, subdivision 2, paragraph (c), 272.481 to 272.488,  
3 277.20, and 386.77.

4 Subd. 3. ~~{SURCHARGE.}~~ ~~In-addition-to-the-fees-imposed-in~~  
5 ~~subdivision-1,-a-\$4.50-surcharge-shall-be-collected:--on-each~~  
6 ~~fee-charged-under-subdivision-1,-clauses-(1)-and-(6),-and-for~~  
7 ~~each-abstract-certificate-under-subdivision-1,-clause-(4):~~  
8 ~~Fifty-cents-of-each-surcharge-shall-be-retained-by-the-county-to~~  
9 ~~cover-its-administrative-costs-and-\$4-shall-be-paid-to-the-state~~  
10 ~~treasury-and-credited-to-the-general-fund.~~

11 Subd. ~~4.~~ [EQUIPMENT TECHNOLOGY FUND.] ~~\$1-of-each~~ The \$10  
12 fee collected under subdivision 1, clause (1), shall be  
13 deposited in an ~~equipment~~ a technology fund ~~to~~ for obtaining,  
14 maintaining, and updating current technology and equipment to  
15 provide services from the record system. The fund shall be  
16 disbursed at the county recorder's discretion to provide modern  
17 information services from the records system. The fund is a  
18 supplemental fund and shall not be construed to diminish the  
19 duty of the county governing body to furnish funding for  
20 expenses and personnel necessary in the performance of the  
21 duties of the office pursuant to section 386.015, subdivision 6,  
22 paragraph (a), clause (2), and to comply with the requirements  
23 of section 357.182.

24 Subd. 5 4. [VARIANCE FROM STANDARDS.] A document ~~that does~~  
25 ~~not~~ should conform to the standards in section 507.093,  
26 paragraph (a), ~~shall-not-be-recorded-except-upon-payment-of-an~~  
27 ~~additional-fee-of-\$10-per-document~~ but should not be rejected  
28 unless the document is not legible or cannot be archived. This  
29 subdivision applies only to documents dated after July 31, 1997,  
30 and does not apply to Minnesota uniform conveyancing  
31 blanks ~~contained-in-the-book-of-forms~~ on file in the office of  
32 the commissioner of commerce provided for under section 507.09,  
33 certified copies, or any other form provided for under Minnesota  
34 Statutes.

35 Subd. 5. [REGISTRAR OF TITLES' FEES.] The fees to be  
36 charged by the registrar of titles are in sections 508.82 and

1 508A.82.

2 Sec. 31. [357.182] [COUNTY FEES AND RECORDING STANDARDS  
3 FOR THE RECORDING OF REAL ESTATE DOCUMENTS.]

4 Subdivision 1. [APPLICATION.] Unless otherwise specified  
5 in this section and notwithstanding any other law to the  
6 contrary, effective August 1, 2005, this section applies to each  
7 county in Minnesota. Documents presented for recording within  
8 60 days after the effective date of this section and that are  
9 acknowledged, sworn to before a notary, or certified before the  
10 effective date of this section must not be rejected for failure  
11 to include the new filing fee.

12 Subd. 2. [FEE RESTRICTIONS.] Notwithstanding any local law  
13 or ordinance to the contrary, no county may charge or collect  
14 any fee, special or otherwise, or however described, other than  
15 a fee denominated or prescribed by state law, for any service,  
16 task, or step performed by any county officer or employee in  
17 connection with the receipt, recording, and return of any  
18 recordable instrument by the county recorder or registrar of  
19 titles, whether received by mail, in person, or by electronic  
20 delivery, including, but not limited to, opening mail; handling,  
21 transferring, or transporting the instrument; certifying no  
22 delinquent property taxes; payment of state deed tax, mortgage  
23 registry tax, or conservation fee; recording of approved plats,  
24 subdivision splits, or combinations; or any other prerequisites  
25 to recording, and returning the instrument by regular mail or in  
26 person to the person identified in the instrument for that  
27 purpose.

28 Subd. 3. [RECORDING REQUIREMENTS.] Each county recorder  
29 and registrar of titles shall, within 15 business days after any  
30 instrument in recordable form accompanied by payment of  
31 applicable fees by customary means is delivered to the county  
32 for recording or is otherwise received by the county recorder or  
33 registrar of titles for that purpose, record and index the  
34 instrument in the manner provided by law and return it by  
35 regular mail or in person to the person identified in the  
36 instrument for that purpose, if the instrument does not require

1 certification of no-delinquent taxes, payment of state deed tax,  
2 mortgage registry tax, or conservation fee. Each county must  
3 establish a policy for the timely handling of instruments that  
4 require certification of no-delinquent taxes, payment of state  
5 deed tax, mortgage registry tax, or conservation fee and that  
6 policy may allow up to an additional five business days at the  
7 request of the office or offices responsible to complete the  
8 payment and certification process.

9 For calendar years 2009 and 2010, the maximum time allowed  
10 for completion of the recording process for documents presented  
11 in recordable form will be 15 business days.

12 For calendar year 2011 and thereafter, the maximum time  
13 allowed for completion of the recording process for documents  
14 presented in recordable form will be ten business days.

15 Instruments recorded electronically must be returned no  
16 later than five business days after receipt by the county in a  
17 recordable format.

18 Subd. 4. [COMPLIANCE WITH RECORDING REQUIREMENTS.] For  
19 calendar year 2007, a county is in compliance with the recording  
20 requirements prescribed by subdivision 3 if at least 60 percent  
21 of all recordable instruments described in subdivision 3 and  
22 received by the county in that year are recorded and returned  
23 within the time limits prescribed in subdivision 3. In calendar  
24 year 2008, at least 70 percent of all recordable instruments  
25 must be recorded and returned in compliance with the recording  
26 requirements; for calendar year 2009, at least 80 percent of all  
27 recordable instruments must be recorded and returned in  
28 compliance with the recording requirements; and for calendar  
29 year 2010 and later years, at least 90 percent of all recordable  
30 instruments must be recorded and returned in compliance with the  
31 recording requirements.

32 Subd. 5. [TEMPORARY SUSPENSION OF COMPLIANCE WITH  
33 RECORDING REQUIREMENTS.] Compliance with the requirements of  
34 subdivision 4 may be suspended for up to six months when a  
35 county undertakes material enhancements to its systems for  
36 receipt, handling, paying of deed and mortgage tax and

1 conservation fees, recording, indexing, certification, and  
2 return of instruments. The six-month suspension may be extended  
3 for up to an additional six months if a county board finds by  
4 resolution that the additional time is necessary because of the  
5 difficulties of implementing the enhancement.

6 Subd. 6. [CERTIFICATION OF COMPLIANCE WITH RECORDING  
7 REQUIREMENTS.] Effective beginning in 2007 for the 2008 county  
8 budget and in each year thereafter, the county recorder and  
9 registrar of titles for each county shall file with the county  
10 commissioners, as part of their budget request, a report that  
11 establishes the status for the previous year of their compliance  
12 with the requirements established in subdivision 3. If the  
13 office has not achieved compliance with the recording  
14 requirements, the report must include an explanation of the  
15 failure to comply, recommendations by the recorder or registrar  
16 to cure the noncompliance and to prevent a reoccurrence and a  
17 proposal identifying actions, deadlines, and funding necessary  
18 to bring the county into compliance.

19 Subd. 7. [RESTRICTION ON USE OF RECORDING  
20 FEEES.] Notwithstanding any law to the contrary, for county  
21 budgets adopted after January 1, 2006, each county shall  
22 segregate the additional unallocated fee authorized by sections  
23 357.18, 508.82, and 508A.82 from the application of the  
24 provisions of chapters 386, 507, 508, and 508A, in an  
25 appropriate account. This money is available as authorized by  
26 the Board of County Commissioners for supporting enhancements to  
27 the recording process, including electronic recording, to fund  
28 compliance efforts specified in subdivision 5 and for use in  
29 undertaking data integration and aggregation projects. Money  
30 remains in the account until expended for any of the authorized  
31 purposes set forth in this subdivision. This money must not be  
32 used to supplant the normal operating expenses for the office of  
33 county recorder or registrar of titles.

34 Sec. 32. Minnesota Statutes 2004, section 505.08,  
35 subdivision 2, is amended to read:

36 Subd. 2. [PUBLIC CERTIFIED COPIES.] The copies of the

1 official plat or of the exact reproducible copy shall be  
2 compared and certified to by the county recorder in the manner  
3 in which certified copies of records are issued in the  
4 recorder's office, and the copy thereof shall be bound in a  
5 proper volume for the use of the general public and anyone shall  
6 have access to and may inspect such certified copy at their  
7 pleasure. When the plat includes both registered and  
8 nonregistered land two copies thereof shall be so certified and  
9 bound, one for such general public use in each of the offices of  
10 the county recorder and registrar of titles; provided, however,  
11 that only one such copy so certified and bound shall be provided  
12 for general public use in those counties wherein the office  
13 quarters of the county recorder and registrar of titles are one  
14 and the same. When the copy, or any part thereof, shall become  
15 unintelligible from use or wear or otherwise, at the request of  
16 the county recorder it shall be the duty of the county surveyor  
17 to make a reproduction copy of the official plat, or the exact  
18 transparent reproducible copy under the direct supervision of  
19 the county recorder, who shall compare the copy, certify that it  
20 is a correct copy thereof, by proper certificate as above set  
21 forth, and it shall be bound in the volume, and under the page,  
22 and in the place of the discarded copy. In counties not having  
23 a county surveyor the county recorder shall employ a licensed  
24 land surveyor to make such reproduction copy, at the expense of  
25 the county. The county recorder shall receive as a fee for  
26 filing these plats, as aforesaid described, ~~50-cents-per-plot,~~  
27 ~~but-shall-receive-not-less-than-\$30-for-any-plat-filed-in-the~~  
28 ~~recorder's-office~~ pursuant to section 357.18, subdivision 1.  
29 Reproductions from the exact transparent reproducible copy shall  
30 be available to any person upon request and the cost of such  
31 reproductions shall be paid by the person making such request.  
32 If a copy of the official plat is requested the county recorder  
33 shall prepare it and duly certify that it is a copy of the  
34 official plat and the cost of such copy shall be paid by the  
35 person making such request.

36 Sec. 33. Minnesota Statutes 2004, section 508.82, is

1 amended to read:

2 508.82 [REGISTRAR'S REGISTRAR OF TITLES' FEES.]

3 Subdivision 1. [STANDARD DOCUMENTS.] The fees to be paid  
4 ~~to~~ charged by the registrar of titles shall be as follows and  
5 not exceed the following:

6 (1) of the fees provided herein, ~~five-percent~~ \$1.50 of the  
7 fees collected under clauses (3), ~~(5), (11), (13),~~ (4), (10),  
8 (12), (14), (16), and (17), for filing or memorializing shall be  
9 paid to the ~~commissioner-of-finance~~ state treasury pursuant to  
10 section 508.75 and credited to the general fund; ~~plus-a-\$4.50~~  
11 ~~surcharge-shall-be-charged-and-collected-in-addition-to-the~~  
12 ~~total-fees-charged-for-each-transaction-under-clauses-(2)-(3)-~~  
13 ~~(5)-(11)-(13)-(14)-(16)-and-(17)-with-50-cents-of-this~~  
14 ~~surcharge-to-be-retained-by-the-county-to-cover-its~~  
15 ~~administrative-costs,-and-\$4-to-be-paid-to-the-state-treasury~~  
16 ~~and-credited-to-the-general-fund;~~

17 (2) for registering a first certificate of title, including  
18 issuing a copy of it, ~~\$30~~ \$46. Pursuant to clause (1),  
19 distribution of this fee is as follows:

20 (i) \$10.50 shall be paid to the state treasury and credited  
21 to the general fund;

22 (ii) \$10 shall be deposited in the technology fund pursuant  
23 to section 357.18, subdivision 3; and

24 (iii) \$25.50 shall be deposited in the county general fund;

25 (3) for registering each instrument transferring the fee  
26 simple title for which a new certificate of title is issued and  
27 for the registration of the new certificate of title, including  
28 a copy of it, ~~\$30~~ \$46. Pursuant to clause (1), distribution of  
29 this fee is as follows:

30 (i) \$12 shall be paid to the state treasury and credited to  
31 the general fund;

32 (ii) \$10 shall be deposited in the technology fund pursuant  
33 to section 357.18, subdivision 3; and

34 (iii) \$24 shall be deposited in the county general fund;

35 (4) ~~for-issuance-of-a-CECT-pursuant-to-section-508-351,~~  
36 ~~\$15,~~

1       ~~(5)~~ for the entry of each memorial on a  
2 certificate, ~~\$15~~ \$46. For multiple certificate entries, \$20  
3 thereafter. Pursuant to clause (1), distribution of this fee is  
4 as follows:

5       (i) \$12 shall be paid to the state treasury and credited to  
6 the general fund;

7       (ii) \$10 shall be deposited in the technology fund pursuant  
8 to section 357.18, subdivision 3;

9       (iii) \$24 shall be deposited in the county general fund;  
10 and

11       (iv) \$20 shall be deposited in the county general fund for  
12 each multiple entry used;

13       ~~(6)~~ (5) for issuing each residue certificate, ~~\$20~~ \$40;

14       ~~(7)~~ (6) for exchange certificates, ~~\$10~~ \$20 for each  
15 certificate canceled and ~~\$10~~ \$20 for each new certificate  
16 issued;

17       ~~(8)~~ (7) for each certificate showing condition of the  
18 register, ~~\$10~~ \$50;

19       ~~(9)~~ (8) for any certified copy of any instrument or writing  
20 on file or recorded in the ~~registrar's~~ registrar of titles'  
21 ~~office, the same fees allowed by law to county recorders for~~ \$10  
22 ~~like services;~~

23       ~~(10)~~ (9) for a noncertified copy of any certificate of  
24 title, other than the copies issued under clauses (2) and (3),  
25 any instrument or writing on file or recorded in the office of  
26 the registrar of titles, or any specified page or part of it, an  
27 amount as determined by the county board for each page or  
28 fraction of a page specified. If computer or microfilm printers  
29 are used to reproduce the instrument or writing, a like amount  
30 per image;

31       ~~(11)~~ (10) for a noncertified copy of any document submitted  
32 for recording, if the original document is accompanied by a copy  
33 or duplicate original, \$2. Upon receipt of the copy or duplicate  
34 original and payment of the fee, a registrar of titles shall  
35 return it marked "copy" or "duplicate," showing the recording  
36 date and, if available, the document number assigned to the

1 original;

2 (11) for filing two copies of any plat in the office of the  
3 registrar, ~~30~~ \$56. Pursuant to clause (1), distribution of  
4 this fee is as follows:

5 (i) \$12 shall be paid to the state treasury and credited to  
6 the general fund;

7 (ii) \$10 shall be deposited in the technology fund pursuant  
8 to section 357.18, subdivision 3; and

9 (iii) \$34 shall be deposited in the county general fund;

10 (12) for any other service under this chapter, such fee as  
11 the court shall determine;

12 (13) for filing an amendment to a declaration in  
13 accordance with chapter 515, ~~10~~ \$46 for each certificate upon  
14 which the document is registered and ~~30~~ for multiple  
15 certificate entries, \$20 thereafter; \$56 for an amended floor  
16 plan filed in accordance with chapter 515. Pursuant to clause  
17 (1), distribution of this fee is as follows:

18 (i) \$12 shall be paid to the state treasury and credited to  
19 the general fund;

20 (ii) \$10 shall be deposited in the technology fund pursuant  
21 to section 357.18, subdivision 3;

22 (iii) \$24 shall be deposited in the county general fund for  
23 amendment to a declaration;

24 (iv) \$20 shall be deposited in the county general fund for  
25 each multiple entry used; and

26 (v) \$34 shall be deposited in the county general fund for  
27 an amended floor plan;

28 (14) for issuance of a CECT pursuant to section 508.351,  
29 \$40;

30 ~~{14}~~ (15) for filing an amendment to a common interest  
31 community declaration and plat or amendment complying with  
32 section 515B.2-110, subsection (c), ~~10~~ \$46 for each certificate  
33 upon which the document is registered and ~~30~~ for multiple  
34 certificate entries, \$20 thereafter and \$56 for the filing of  
35 the condominium or common interest community plat or amendment.  
36 Pursuant to clause (1), distribution of this fee is as follows:

1 (i) \$12 shall be paid to the state treasury and credited to  
2 the general fund;

3 (ii) \$10 shall be deposited in the technology fund pursuant  
4 to section 357.18, subdivision 3;

5 (iii) \$24 shall be deposited in the county general fund for  
6 the filing of an amendment complying with section 515B.2-110,  
7 subsection (c);

8 (iv) \$20 shall be deposited in the county general fund for  
9 each multiple entry used; and

10 (v) \$34 shall be deposited in the county general fund for  
11 the filing of a condominium or CIC plat or amendment;

12 ~~(15)~~ (16) for a copy of a condominium floor plan filed in  
13 accordance with chapter 515, or a copy of a common interest  
14 community plat complying with section 515B.2-110, subsection  
15 (c), the fee shall be \$1 for each page of the floor plan or  
16 common interest community plat with a minimum fee of \$10;

17 ~~(16)~~ (17) for the filing of a certified copy of a plat of  
18 the survey pursuant to section 508.23 or 508.671, ~~\$10~~ \$46.

19 Pursuant to clause (1), distribution of this fee is as follows:

20 (i) \$12 shall be paid to the state treasury and credited to  
21 the general fund;

22 (ii) \$10 shall be deposited in the technology fund pursuant  
23 to section 357.18, subdivision 3; and

24 (iii) \$24 shall be deposited in the county general fund;

25 ~~(17)~~ (18) for filing a registered land survey in triplicate  
26 in accordance with section 508.47, subdivision 4, ~~\$30~~ \$56.

27 Pursuant to clause (1), distribution of this fee is as follows:

28 (i) \$12 shall be paid to the state treasury and credited to  
29 the general fund;

30 (ii) \$10 shall be deposited in the technology fund pursuant  
31 to section 357.18, subdivision 3; and

32 (iii) \$34 shall be deposited in the county general fund;

33 and

34 ~~(18)~~ (19) for furnishing a certified copy of a registered  
35 land survey in accordance with section 508.47, subdivision  
36 4, ~~\$10~~ \$15.

1        Subd. 1a. [FEES FOR RECORDING INSTRUMENTS WITH REGISTRAR  
 2 OF TITLES' OFFICE.] Notwithstanding the provisions of any  
 3 general or special law to the contrary, and pursuant to section  
 4 357.182, the established fees pursuant to subdivision 1 shall be  
 5 the fee charged in all counties for the specified service, other  
 6 than Uniform Commercial Code documents and documents filed or  
 7 recorded pursuant to sections 270.69, subdivision 2, paragraph  
 8 (c); 272.481 to 272.488; 277.20; and 386.77.

9        Subd. 2. [VARIANCE FROM STANDARDS.] A document that does  
 10 not should conform to the standards in section 507.093,  
 11 paragraph (a), ~~shall not be filed except upon payment of an~~  
 12 ~~additional fee of \$10 per document~~ but should not be rejected  
 13 unless the document is not legible or cannot be archived. This  
 14 subdivision applies only to documents dated after July 31, 1997,  
 15 and does not apply to Minnesota uniform conveyancing  
 16 ~~blanks contained in the book of forms~~ on file in the office of  
 17 the commissioner of commerce provided for under section 507.09,  
 18 certified copies, or any other form provided for under Minnesota  
 19 Statutes.

20        Sec. 34. Minnesota Statutes 2004, section 508A.82, is  
 21 amended to read:

22        508A.82 [REGISTRAR'S REGISTRAR OF TITLES' FEES.]

23        Subdivision 1. [STANDARD DOCUMENTS.] The fees to be paid  
 24 ~~to~~ charged by the registrar of titles shall be ~~as follows~~ and  
 25 not exceed the following:

26        (1) of the fees provided herein, ~~five percent~~ \$1.50 of the  
 27 fees collected under clauses (3), (5), (11), (13), ~~(14)~~ (15),  
 28 and ~~(17)~~ (18) for filing or memorializing shall be paid to the  
 29 ~~commissioner of finance~~ state treasury pursuant to section  
 30 508.75 and credited to the general fund; ~~plus a \$4.50 surcharge~~  
 31 ~~shall be charged and collected in addition to the total fees~~  
 32 ~~charged for each transaction under clauses (2), (3), (5), (11),~~  
 33 ~~(13), (14), and (17), with 50 cents of this surcharge to be~~  
 34 ~~retained by the county to cover its administrative costs, and \$4~~  
 35 ~~to be paid to the state treasury and credited to the general~~  
 36 ~~fund.~~

1 (2) for registering a first CPT, including issuing a copy  
2 of it, ~~\$30~~ \$46. Pursuant to clause (1), distribution of the  
3 fee is as follows:

4 (i) \$10.50 shall be paid to the state treasury and credited  
5 to the general fund;

6 (ii) \$10 shall be deposited in the technology fund pursuant  
7 to section 357.18, subdivision 3; and

8 (iii) \$25.50 shall be deposited in the county general fund;

9 (3) for registering each instrument transferring the fee  
10 simple title for which a new CPT is issued and for the  
11 registration of the new CPT, including a copy of it, ~~\$30~~ \$46.  
12 Pursuant to clause (1), distribution of the fee is as follows:

13 (i) \$12 shall be paid to the state treasury and credited to  
14 the general fund;

15 (ii) \$10 shall be deposited in the technology fund pursuant  
16 to section 357.18, subdivision 3; and

17 (iii) \$24 shall be deposited in the county general fund;

18 (4) for issuance of a CECT pursuant to section 508A.351,  
19 \$15;

20 (5) for the entry of each memorial on a CPT, ~~\$15~~ \$46; for  
21 multiple certificate entries, \$20 thereafter. Pursuant to  
22 clause (1) distribution of the fee is as follows:

23 (i) \$12 shall be paid to the state treasury and credited to  
24 the general fund;

25 (ii) \$10 shall be deposited in the technology fund pursuant  
26 to section 357.18, subdivision 3;

27 (iii) \$24 shall be deposited in the county general fund;

28 and

29 (iv) \$20 shall be deposited in the county general fund for  
30 each multiple entry used;

31 (6) for issuing each residue CPT, ~~\$20~~ \$40;

32 (7) for exchange CPTs or combined certificates of title,  
33 ~~\$10~~ \$20 for each CPT and certificate of title canceled and  
34 ~~\$10~~ \$20 for each new CPT or combined certificate of title  
35 issued;

36 (8) for each CPT showing condition of the

1 register, ~~to~~ \$50;

2 (9) for any certified copy of any instrument or writing on  
3 file or recorded in the ~~registrar's~~ registrar of titles' office,  
4 ~~the same fees allowed by law to county recorders for like~~  
5 ~~services~~ \$10;

6 (10) for a noncertified copy of any CPT, other than the  
7 copies issued under clauses (2) and (3), any instrument or  
8 writing on file or recorded in the office of the registrar of  
9 titles, or any specified page or part of it, an amount as  
10 determined by the county board for each page or fraction of a  
11 page specified. If computer or microfilm printers are used to  
12 reproduce the instrument or writing, a like amount per image;

13 (11) for a noncertified copy of any document submitted for  
14 recording, if the original document is accompanied by a copy or  
15 duplicate original, \$2. Upon receipt of the copy or duplicate  
16 original and payment of the fee, a registrar of titles shall  
17 return it marked "copy" or "duplicate," showing the recording  
18 date and, if available, the document number assigned to the  
19 original;

20 (12) for filing two copies of any plat in the office of the  
21 registrar, ~~to~~ \$56. Pursuant to clause (1), distribution of  
22 the fee is as follows:

23 (i) \$12 shall be paid to the state treasury and credited to  
24 the general fund;

25 (ii) \$10 shall be deposited in the technology fund pursuant  
26 to section 357.18, subdivision 3; and

27 (iii) \$34 shall be deposited in the county general fund;

28 ~~(12)~~ (13) for any other service under sections 508A.01 to  
29 508A.85, the fee the court shall determine;

30 ~~(13)~~ (14) for filing an amendment to a declaration in  
31 accordance with chapter 515, ~~to~~ \$46 for each certificate upon  
32 which the document is registered and ~~to~~ for multiple  
33 certificate entries, \$20 thereafter; \$56 for an amended floor  
34 plan filed in accordance with chapter 515. Pursuant to clause  
35 (1), distribution of the fee is as follows:

36 (i) \$12 shall be paid to the state treasury and credited to

1 the general fund;

2 (ii) \$10 shall be deposited in the technology fund pursuant  
3 to section 357.18, subdivision 3;

4 (iii) \$24 shall be deposited in the county general fund for  
5 amendment to a declaration;

6 (iv) \$20 shall be deposited in the county general fund for  
7 each multiple entry used; and

8 (v) \$34 shall be deposited in the county general fund for  
9 an amended floor plan;

10 ~~{14}~~ (15) for issuance of a CECT pursuant to section  
11 508.351, \$40;

12 (16) for filing an amendment to a common interest community  
13 declaration and plat or amendment complying with section  
14 515B.2-110, subsection (c), and issuing a CECT if  
15 required, \$10 \$46 for each certificate upon which the document  
16 is registered and \$30 for multiple certificate entries, \$20  
17 thereafter; \$56 for the filing of the condominium or common  
18 interest community plat or amendment; Pursuant to clause (1),  
19 distribution of the fee is as follows:

20 (i) \$12 shall be paid to the state treasury and credited to  
21 the general fund;

22 (ii) \$10 shall be deposited in the technology fund pursuant  
23 to section 357.18, subdivision 3;

24 (iii) \$24 shall be deposited in the county general fund for  
25 the filing of an amendment complying with section 515B.2-110,  
26 subsection (c);

27 (iv) \$20 shall be deposited in the county general fund for  
28 each multiple entry used; and

29 (v) \$34 shall be deposited in the county general fund for  
30 the filing of a condominium or CIC plat or amendment;

31 ~~{15}~~ (17) for a copy of a condominium floor plan filed in  
32 accordance with chapter 515, or a copy of a common interest  
33 community plat complying with section 515B.2-110, subsection  
34 (c), the fee shall be \$1 for each page of the floor plan, or  
35 common interest community plat with a minimum fee of \$10;

36 ~~{16}~~ (18) in counties in which the compensation of the

1 examiner of titles is paid in the same manner as the  
2 compensation of other county employees, for each parcel of land  
3 contained in the application for a CPT, as the number of parcels  
4 is determined by the examiner, a fee which is reasonable and  
5 which reflects the actual cost to the county, established by the  
6 board of county commissioners of the county in which the land is  
7 located;

8 ~~{17}~~ (19) for filing a registered land survey in triplicate  
9 in accordance with section 508A.47, subdivision 4, ~~\$30~~ and \$56.

10 Pursuant to clause (1), distribution of the fee is as follows:

11 (i) \$12 shall be paid to the state treasury and credited to  
12 the general fund;

13 (ii) \$10 shall be deposited in the technology fund pursuant  
14 to section 357.18, subdivision 3; and

15 (iii) \$34 shall be deposited in the county general fund;  
16 and

17 ~~{18}~~ (20) for furnishing a certified copy of a registered  
18 land survey in accordance with section 508A.47, subdivision  
19 4, ~~\$10~~ \$15.

20 Subd. 1a. [FEES TO RECORD INSTRUMENTS WITH REGISTRAR OF  
21 TITLES.] Notwithstanding any special law to the contrary, and  
22 pursuant to section 357.182, the established fees pursuant to  
23 subdivision 1 shall be the fee charged in all counties for the  
24 specified service, other than Uniform Commercial Code documents,  
25 and documents filed or recorded pursuant to sections 270.69,  
26 subdivision 2, paragraph (c); 272.481 to 272.488; 277.20; and  
27 386.77.

28 Subd. 2. [VARIANCE FROM STANDARDS.] A document ~~that does~~  
29 ~~not~~ should conform to the standards in section 507.093,  
30 paragraph (a), ~~shall not be filed except upon payment of an~~  
31 ~~additional fee of \$10 per document~~ but should not be rejected  
32 unless the document is not legible or cannot be archived. This  
33 subdivision applies only to documents dated after July 31, 1997,  
34 and does not apply to Minnesota uniform conveyancing  
35 blanks ~~contained in the book of forms~~ on file in the office of  
36 the commissioner of commerce provided for under section 507.09,

1 certified copies, or any other form provided for under Minnesota  
2 Statutes.

3 Sec. 35. Minnesota Statutes 2004, section 515B.1-116, is  
4 amended to read:

5 515B.1-116 [RECORDING.]

6 (a) A declaration, bylaws, any amendment to a declaration  
7 or bylaws, and any other instrument affecting a common interest  
8 community shall be entitled to be recorded. In those counties  
9 which have a tract index, the county recorder shall enter the  
10 declaration in the tract index for each unit affected. The  
11 registrar of titles shall file the declaration in accordance  
12 with section 508.351 or 508A.351.

13 (b) The recording officer shall upon request promptly  
14 assign a number (CIC number) to a common interest community to  
15 be formed or to a common interest community resulting from the  
16 merger of two or more common interest communities.

17 (c) Documents recorded pursuant to this chapter shall in  
18 the case of registered land be filed, and references to the  
19 recording of documents shall mean filed in the case of  
20 registered land.

21 (d) Subject to any specific requirements of this chapter,  
22 if a recorded document relating to a common interest community  
23 purports to require a certain vote or signatures approving any  
24 restatement or amendment of the document by a certain number or  
25 percentage of unit owners or secured parties, and if the  
26 amendment or restatement is to be recorded pursuant to this  
27 chapter, an affidavit of the president or secretary of the  
28 association stating that the required vote or signatures have  
29 been obtained shall be attached to the document to be recorded  
30 and shall constitute prima facie evidence of the representations  
31 contained therein.

32 (e) If a common interest community is located on registered  
33 land, the recording fee for any document affecting two or more  
34 units shall be ~~the-then-current-fee-for-registering-the-document~~  
35 ~~on-the-certificates-of-title-for-the-first-ten-affected~~  
36 ~~certificates-and-one-third-of-the-then-current-fee-for-each~~

1 ~~additional-affected-certificate~~ \$40 for the first ten affected  
2 certificates and \$10 for each additional affected certificate.  
3 This provision shall not apply to recording fees for deeds of  
4 conveyance, with the exception of deeds given pursuant to  
5 sections 515B.2-119 and 515B.3-112.

6 (f) Except as permitted under this subsection, a recording  
7 officer shall not file or record a declaration creating a new  
8 common interest community, unless the county treasurer has  
9 certified that the property taxes payable in the current year  
10 for the real estate included in the proposed common interest  
11 community have been paid. This certification is in addition to  
12 the certification for delinquent taxes required by section  
13 272.12. In the case of preexisting common interest communities,  
14 the recording officer shall accept, file, and record the  
15 following instruments, without requiring a certification as to  
16 the current or delinquent taxes on any of the units in the  
17 common interest community: (i) a declaration subjecting the  
18 common interest community to this chapter; (ii) a declaration  
19 changing the form of a common interest community pursuant to  
20 section 515B.2-123; or (iii) an amendment to or restatement of  
21 the declaration, bylaws, or CIC plat. In order for an  
22 instrument to be accepted and recorded under the preceding  
23 sentence, the instrument must not create or change unit or  
24 common area boundaries."

25 Page 201, line 24, before "Minnesota" insert "(a)"

26 Page 201, after line 26, insert:

27 "(b) Minnesota Statutes 2004, section 386.30, is repealed."

28 Renumber the sections in sequence and correct the internal  
29 references

30 Amend the title accordingly

1 Senator ..... moves to amend SC4098-1 as follows:

2 Page 9, delete line 10 and insert:

3 "Subd. 3. Community Services 27,244,000 27,244,000"

4 Page 9, line 48, delete "\$19,600,000" and insert

5 "\$19,093,000"

6 Page 11, delete lines 26 to 32

7 Pages 108 to 110, delete section 12

8 Renumber the sections in sequence and correct the internal

9 references

10 Amend the title accordingly

1 Senator ..... moves to amend SC4098-1 as follows:

2 Page 167, delete lines 2 to 5 and insert:

3 "Subd. 2c. [\$1 SURCHARGE.] In addition to the fees  
4 required in subdivision 2, the commissioner shall collect a \$1  
5 surcharge on every license or identification card issued under  
6 this section. The proceeds of the surcharge must be deposited  
7 in the state treasury and credited to the Minnesota Financial  
8 Crimes Oversight Council account created in section 299A.68,  
9 subdivision 10."

10 Page 177, line 13, after "[FUNDING.]" insert "(a) The  
11 Minnesota Financial Crimes Oversight Council account is created  
12 in the special revenue fund. Money received for the purposes of  
13 the council under section 171.06, subdivision 2c, this  
14 subdivision, or from any other source must be credited to the  
15 account. All money in the account is appropriated to the  
16 commissioner for the purposes of this section.

17 (b) "

18 Page 177, line 14, after "federal" insert ", state, or  
19 local"

1 A bill for an act

2 relating to state government; appropriating money for  
3 environmental, natural resources, agricultural, and  
4 economic development purposes; establishing and  
5 modifying certain programs; providing for regulation  
6 of certain activities and practices; providing for  
7 accounts, assessments, and fees; amending Minnesota  
8 Statutes 2004, sections 11A.24, subdivision 6; 13.635,  
9 by adding a subdivision; 16A.125, subdivision 5;  
10 16B.61, subdivision 1; 16B.70, subdivisions 2, 3;  
11 17.03, subdivision 13; 17.117, by adding a  
12 subdivision; 17B.03, subdivision 1; 18B.05,  
13 subdivision 1; 18B.08, subdivision 4; 18B.26,  
14 subdivision 3; 18B.31, subdivision 5; 18B.315,  
15 subdivision 6; 18B.32, subdivision 6; 18B.33,  
16 subdivision 7; 18B.34, subdivision 5; 18C.141,  
17 subdivisions 1, 3, 5; 18C.425, subdivision 6; 18E.03,  
18 subdivision 2; 18G.10, subdivisions 5, 7; 18G.16,  
19 subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 14; 18H.07,  
20 subdivisions 1, 2, 3; 19.64, subdivision 1; 25.341,  
21 subdivision 2; 25.39, subdivisions 1, 4; 41A.09,  
22 subdivisions 2a, 2a, 3a, by adding subdivisions;  
23 41B.046, subdivision 5; 41B.049, subdivision 2;  
24 60A.14, subdivision 1; 60K.55, subdivision 2; 72B.04,  
25 subdivision 10; 82B.09, subdivision 1; 84.027,  
26 subdivisions 12, 15; 84.0911, subdivision 2; 84.780;  
27 84.788, subdivision 3, by adding a subdivision;  
28 84.791, subdivision 2; 84.798, by adding a  
29 subdivision; 84.82, subdivision 2, by adding a  
30 subdivision; 84.8205, subdivisions 1, 3, 4, 6; 84.83,  
31 subdivisions 3, 4; 84.86, subdivision 1; 84.922,  
32 subdivision 2, by adding a subdivision; 84.925,  
33 subdivision 1; 84D.03, subdivision 4; 85.054,  
34 subdivision 1, by adding a subdivision; 85.055,  
35 subdivision 2, by adding a subdivision; 85.43;  
36 86B.415, by adding a subdivision; 88.6435, subdivision  
37 4; 89.039, subdivision 1; 89.37, by adding a  
38 subdivision; 90.195; 97A.055, subdivision 4b; 97A.061,  
39 subdivision 1; 97A.075, subdivision 3; 97A.4742,  
40 subdivision 4; 97A.482; 97A.485, subdivision 7;  
41 97A.551, by adding a subdivision; 97B.015, subdivision  
42 7; 97B.025; 97C.085; 103E.081, by adding subdivisions;  
43 103G.271, subdivision 6; 103G.301, subdivision 2;  
44 103G.615, subdivision 2; 103I.681, subdivision 11;  
45 115.03, subdivision 4a; 115.551; 115B.48, subdivision  
46 8; 115B.49, by adding a subdivision; 115C.07,

1 subdivision 3; 115C.09, subdivisions 3h, 3j; 115C.13;  
 2 116J.571; 116J.572; 116J.574; 116J.575; 116L.20,  
 3 subdivision 1; 116L.30, subdivisions 1, 2, by adding  
 4 subdivisions; 116O.09, subdivision 1a; 116P.05,  
 5 subdivision 2; 120A.40; 129D.02, subdivision 3;  
 6 160.232; 168.1296, subdivision 1; 176.136, subdivision  
 7 1a; 183.41, by adding a subdivision; 183.411,  
 8 subdivisions 2a, 3; 183.42; 183.44, subdivision 1;  
 9 183.51, subdivision 2, by adding a subdivision;  
 10 183.545; 183.57; 216B.2424, subdivisions 1, 2, 5a, 6,  
 11 8, by adding a subdivision; 223.17, subdivision 3;  
 12 231.16; 232.22, subdivision 3; 236.02, subdivision 4;  
 13 237.11; 237.295, subdivisions 1, 2; 237.701,  
 14 subdivision 1; 239.011, subdivision 2; 239.05,  
 15 subdivision 10b, by adding a subdivision; 239.09;  
 16 239.101, subdivision 3; 239.75, subdivisions 1, 5;  
 17 239.761; 239.77, by adding a subdivision; 239.79,  
 18 subdivision 4; 239.791, subdivisions 1, 7, 8, 15;  
 19 239.792; 282.08; 282.38, subdivision 1; 296A.01,  
 20 subdivisions 2, 7, 8, 14, 19, 20, 22, 23, 24, 25, 26,  
 21 28; 296A.18, subdivision 2; 298.22, by adding a  
 22 subdivision; 357.021, subdivisions 1a, 2; 462.357,  
 23 subdivision 1e; 469.050, subdivision 5; 469.1082,  
 24 subdivision 1; 469.310, subdivision 11; 469.319,  
 25 subdivision 1, by adding a subdivision; 469.320,  
 26 subdivision 3; 469.330, subdivision 11; 469.340,  
 27 subdivision 1; 473.197, subdivision 4; 517.08,  
 28 subdivisions 1b, 1c; Laws 1999, chapter 224, section  
 29 7; Laws 2003, chapter 128, article 1, section 9; Laws  
 30 2003, chapter 128, article 1, section 172; proposing  
 31 coding for new law in Minnesota Statutes, chapters  
 32 16B; 25; 41B; 45; 84; 86B; 97C; 103F; 116H; 116P; 181;  
 33 219; 237; 325F; 354B; 446A; 473; repealing Minnesota  
 34 Statutes 2004, sections 18B.065, subdivision 5; 19.64,  
 35 subdivision 4a; 41B.046, subdivision 3; 84.901;  
 36 115B.49, subdivision 4a; 116J.573; 178.12; 239.05,  
 37 subdivisions 6a, 6b; 473.156; 473.197, subdivisions 1,  
 38 2, 3, 5; Laws 1999, chapter 125, section 4; Laws 2002,  
 39 chapter 398, section 7.

40 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

41 ARTICLE 1

42 ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

43 Section 1. [ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE  
 44 APPROPRIATIONS.]

45 The sums in the columns marked "APPROPRIATIONS" are added  
 46 to, or if shown in parentheses, are subtracted from the  
 47 appropriations to the specific agencies in 2005 S.F. No. 1879,  
 48 article 6, if enacted. The appropriations are from the general  
 49 fund, unless another fund is named, and are available for the  
 50 fiscal year indicated for each purpose. The figures "2006" and  
 51 "2007," where used in this act, mean that the appropriation or  
 52 appropriations listed under them are available for the year  
 53 ending June 30, 2006, or June 30, 2007, respectively. The term  
 54 "the first year" means the year ending June 30, 2006, and the  
 55 term "the second year" means the year ending June 30, 2007. The

1 biennium is fiscal years 2006 and 2007.

2 SUMMARY BY FUND

3	2006	2007	TOTAL
4 General	\$ (60,000)	\$ (828,000)	(888,000)
5 Environmental	8,832,000	9,139,000	17,971,000
6 Natural			
7 Resources	9,541,000	8,255,000	17,996,000
8 Game and Fish	3,262,000	3,111,000	6,373,000
9 Great Lakes			
10 Protection	28,000	-0-	28,000
11 Environment and			
12 Natural Resources	18,829,000	18,829,000	37,658,000
13 Remediation	35,000	35,000	70,000
14 Bond Proceeds	18,000,000	-0-	18,000,000
15 Permanent School	50,000	50,000	100,000
16 Total	58,717,000	38,591,000	97,308,000

17 Sec. 2. POLLUTION CONTROL  
18 AGENCY

19 Subdivision 1. Total  
20 Appropriation \$6,428,000 \$6,735,000

21 Summary by Fund

22 General	\$ (2,404,000)	\$ (2,404,000)
23 Environmental	8,832,000	9,139,000

24 The amounts that may be spent from this  
25 appropriation for each program are  
26 specified in the following subdivisions.

27 Subd. 2. Water

28 \$ 6,296,000 \$ 6,296,000

29 Summary by Fund

30 General	(2,004,000)	(2,004,000)
31 Environmental	8,300,000	8,300,000

32 Subd. 3. Air

33 532,000 839,000

34 Summary by Fund

35 Environmental	532,000	839,000
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36 Subd. 4. Land

37 \$8,300,000 each year is transferred  
38 from the remediation fund to the  
39 environmental fund. This is a onetime  
40 transfer.

41 Of the money appropriated from the

1 remediation fund under Minnesota  
2 Statutes, section 116.155, subdivision  
3 2, \$6,800,000 for the biennium must be  
4 used for cleanup at Mankato Plating;  
5 Gopher Oil; Whiteway Cleaners; Reserve  
6 Mining; Valentine Clark; and old  
7 unpermitted solid waste disposal  
8 facilities.

9 Subd. 5. Administrative Support

10 (400,000) (400,000)

11 Summary by Fund

12 General (400,000) (400,000)

13 By December 1, 2005, the commissioner  
14 shall submit a report to the  
15 Environment and Natural Resources  
16 Policy and Finance Committees of the  
17 house and senate that provides a  
18 benchmarking matrix and analysis that  
19 compares the environmental review and  
20 permitting requirements for forest  
21 products and mining industry projects  
22 in Minnesota with requirements in other  
23 states and countries. The matrix and  
24 analysis must include an assessment of  
25 whether the requirements in Minneosta  
26 and other states and countries are more  
27 strict, less strict, or equivalent to  
28 requirements of the federal  
29 Environmental Protection Agency and  
30 requirements under the National  
31 Environmental Policy Act.

32 Sec. 3. OFFICE OF ENVIRONMENTAL  
33 ASSISTANCE

34 Notwithstanding Minnesota Statutes,  
35 section 16B.37, the commissioner of  
36 administration shall not issue a  
37 reorganization order affecting the  
38 Office of Environmental Assistance or  
39 direct work by the office for another  
40 agency before July 1, 2007. The  
41 director of the Office of Environmental  
42 Assistance shall not enter into or  
43 continue any memorandum of  
44 understanding or other agreement that  
45 directs work by the office for another  
46 agency before July 1, 2007.

47 Sec. 4. ZOOLOGICAL BOARD 8,000 10,000

48 Summary by Fund

49 Natural Resources 8,000 10,000

50 \$8,000 the first year and \$10,000 the  
51 second year are from the natural  
52 resources fund. This appropriation is  
53 from the revenue deposited in the  
54 natural resources fund under Minnesota  
55 Statutes, section 297A.94, paragraph  
56 (e), clause (5).

57 Sec. 5. NATURAL RESOURCES

58 Subdivision 1. Total

1 Appropriation 9,289,000 8,189,000

2 Summary by Fund

3 General (1,861,000) (2,836,000)

4 Natural Resources 7,838,000 7,864,000

5 Game and Fish 3,262,000 3,111,000

6 Permanent School 50,000 50,000

7 The amounts that may be spent from this  
8 appropriation for each program are  
9 specified in the following subdivisions.

10 Subd. 2. Land and Mineral Resources  
11 Management

12 737,000 487,000

13 Summary by Fund

14 General 593,000 343,000

15 Natural Resources 20,000 20,000

16 Game and Fish 74,000 74,000

17 Permanent School 50,000 50,000

18 \$50,000 the first year and \$50,000 the  
19 second year are from the state forest  
20 suspense account in the permanent  
21 school fund to identify, evaluate, and  
22 lease construction aggregate located on  
23 school trust lands.

24 \$250,000 the first year is for a grant  
25 to the Board of Regents of the  
26 University of Minnesota to drill a  
27 5,000 foot core sampling bore hole at  
28 the Tower-Soudan mine complex in  
29 support of a National Science  
30 Foundation grant.

31 Subd. 3. Water Resources Management

32 408,000 408,000

33 Summary by Fund

34 General 408,000 408,000

35 Subd. 4. Forest Management

36 2,789,000 2,789,000

37 Summary by Fund

38 General (1,261,000) (1,261,000)

39 Natural Resources 3,800,000 3,800,000

40 Game and Fish 250,000 250,000

41 \$3,800,000 the first year and  
42 \$3,800,000 the second year are from the  
43 forest management investment account in  
44 the natural resources fund for only the  
45 purposes specified in Minnesota

1 Statutes, section 89.039, subdivision 2.  
 2 \$200,000 the first year and \$200,000  
 3 the second year are for grants to the  
 4 Natural Resources Research Institute  
 5 for silvicultural research to improve  
 6 the quality and quantity of timber  
 7 fiber. The appropriation must be  
 8 matched in the amount of \$200,000 each  
 9 year, in cash or in-kind contributions,  
 10 from the forest products industry  
 11 members of the Minnesota Forest  
 12 Productivity Research Cooperative.

13 \$250,000 the first year and \$250,000  
 14 the second year are from the game and  
 15 fish fund to implement Ecological  
 16 Classification Systems (ECS) standards  
 17 on forested landscapes. This  
 18 appropriation is from revenue deposited  
 19 in the game and fish fund under  
 20 Minnesota Statutes, section 297A.94,  
 21 paragraph (e), clause (1).

22 Subd. 5. Parks and Recreation  
 23 Management

24 3,764,000 3,836,000

25 Summary by Fund

26 General	3,518,000	3,518,000
27 Natural Resources	246,000	318,000

28 \$246,000 the first year and \$318,000  
 29 the second year are from the natural  
 30 resources fund for state park and  
 31 recreation area operations. This  
 32 appropriation is from the revenue  
 33 deposited to the natural resources fund  
 34 under Minnesota Statutes, section  
 35 297A.94, paragraph (e), clause (2).

36 Subd. 6. Trails and Waterways  
 37 Management

38 4,583,000 4,129,000

39 Summary by Fund

40 General	450,000	50,000
41 Natural Resources	3,726,000	3,676,000
42 Game and Fish	407,000	403,000

43 \$500,000 the first year and \$500,000  
 44 the second year are from the snowmobile  
 45 trails and enforcement account in the  
 46 natural resources fund for snowmobile  
 47 grants-in-aid. Any unencumbered  
 48 balance does not cancel at the end of  
 49 the first year and is available for the  
 50 second year.

51 \$500,000 in fiscal year 2006 and  
 52 \$500,000 in fiscal year 2007 are  
 53 appropriated from the snowmobile trails  
 54 and enforcement account to the  
 55 commissioner of natural resources to

1 acquire easements for permanent  
2 recreational snowmobile trails.

3 The commissioner must work with trail  
4 providers to increase grooming rates  
5 and maintenance reimbursements,  
6 consistent with funding appropriated by  
7 the legislature, for grants provided  
8 under Minnesota Statutes, section 84.83.

9 \$75,000 the first year is from the  
10 all-terrain vehicle account in the  
11 natural resources fund for a study to  
12 determine the amount of gasoline used  
13 each year by all-terrain vehicle riders  
14 in the state. The commissioners of  
15 natural resources, revenue, and  
16 transportation shall jointly determine  
17 the amount of unrefunded gasoline tax  
18 attributable to all-terrain vehicle use  
19 in the state and shall report to the  
20 legislature by March 1, 2006, with an  
21 appropriate proposed revision to  
22 Minnesota Statutes, section 296A.18.

23 With money appropriated from the  
24 natural resources fund in S.F. No.  
25 1879, article 6, section 5, subdivision  
26 6, if enacted, the department shall  
27 establish a boat launch and ramp at  
28 Horseshoe Bay in Cook County, and  
29 rehabilitate the historic fishing pier  
30 on Dower Lake in Todd County.

31 \$100,000 the first year is for a grant  
32 to the Duluth Port Authority to  
33 determine the cause of freshwater  
34 corrosion of harbor sheet piling,  
35 provided these state funds are matched  
36 on a dollar-for-dollar basis by  
37 nonstate funds.

38 \$300,000 is for a grant to the St.  
39 Louis and Lake Counties Regional  
40 Railroad Authority to complete  
41 constructing, furnishing, and equipping  
42 Mesabi Station along the 132-mile  
43 recreational trail known as Mesabi  
44 Trail and located at the intersection  
45 of U.S. 53 and marked Trunk Highway  
46 37. This appropriation is dependent  
47 upon a matching contribution of  
48 \$800,000 from other sources, public or  
49 private.

50 The appropriation in Laws 2003, chapter  
51 128, article 1, section 5, subdivision  
52 6, from the water recreation account in  
53 the natural resources fund for a  
54 cooperative project with the United  
55 States Army Corps of Engineers to  
56 develop the Mississippi Whitewater Park  
57 is available until June 30, 2007.

58 Subd. 7. Fish and Wildlife Management

59           5,820,000           5,348,000

60                           Summary by Fund

61 General                           425,000           100,000

1	Natural Resources	348,000	348,000
2	Game and Fish	5,047,000	4,900,000

3 \$150,000 the second year is a reduction  
4 from the trout and salmon management  
5 account for the purposes specified in  
6 Minnesota Statutes, section 97A.075,  
7 subdivision 3.

8 \$983,000 the first year and \$983,000  
9 the second year are from the wildlife  
10 acquisition surcharge account for only  
11 the purposes specified in Minnesota  
12 Statutes, section 97A.071, subdivision  
13 2a.

14 \$142,000 the first year and \$142,000  
15 the second year are from the deer  
16 habitat improvement account for only  
17 the purposes specified in Minnesota  
18 Statutes, section 97A.075, subdivision  
19 1, paragraph (b).

20 \$65,000 the first year and \$65,000 the  
21 second year are from the deer and bear  
22 management account for only the  
23 purposes specified in Minnesota  
24 Statutes, section 97A.075, subdivision  
25 1, paragraph (c).

26 \$35,000 the first year and \$35,000 the  
27 second year are a reduction from the  
28 waterfowl habitat improvement account  
29 for only the purposes specified in  
30 Minnesota Statutes, section 97A.075,  
31 subdivision 2.

32 \$344,000 the first year and \$344,000  
33 the second year are from the pheasant  
34 habitat improvement account for only  
35 the purposes specified in Minnesota  
36 Statutes, section 97A.075, subdivision  
37 4.

38 \$22,000 the first year and \$22,000 the  
39 second year are from the wild turkey  
40 management account for only the  
41 purposes specified in Minnesota  
42 Statutes, section 97A.075, subdivision  
43 5. Of this amount, \$8,000 the first  
44 year and \$8,000 the second year are  
45 appropriated from the game and fish  
46 fund for transfer to the wild turkey  
47 management account for purposes  
48 specified in Minnesota Statutes,  
49 section 97A.075, subdivision 5.

50 \$675,000 the first year and \$675,000  
51 the second year are from the heritage  
52 enhancement account in the game and  
53 fish fund for only the purposes  
54 specified in Minnesota Statutes,  
55 section 297A.94, paragraph (e), clause  
56 (1).

57 \$100,000 the first year and \$100,000  
58 the second year are for coordination  
59 and implementation of the roadsides for  
60 wildlife program, including roadside  
61 wildlife management training for road

1 managers and adjacent landowners,  
 2 development of local partnerships to  
 3 maximize roadside habitat benefits,  
 4 identification and cataloguing of  
 5 existing and needed technical  
 6 resources, and development of a  
 7 steering group to monitor the progress  
 8 of the program and identify and resolve  
 9 issues of concern for wildlife  
 10 management in roadsides.

11 \$325,000 the first year is for a grant  
 12 to "Let's Go Fishing" of Minnesota to  
 13 promote opportunities for fishing.

14 Subd. 8. Ecological Services

15           889,000           889,000

16                           Summary by Fund

17	General	75,000	75,000
18	Natural Resources	426,000	426,000
19	Game and Fish	388,000	388,000

20 Notwithstanding Minnesota Statutes,  
 21 section 290.431, \$100,000 the first  
 22 year and \$100,000 the second year from  
 23 the nongame wildlife management account  
 24 is for nongame information, education,  
 25 and promotion.

26 \$325,000 the first year and \$325,000  
 27 the second year are from the heritage  
 28 enhancement account in the game and  
 29 fish fund for only the purposes  
 30 specified in Minnesota Statutes,  
 31 section 297A.94, paragraph (e), clause  
 32 (1).

33 \$370,000 the first year and \$370,000  
 34 the second year are for a cost-share  
 35 program with local government, lake  
 36 associations, and conservation  
 37 organizations for aquatic invasive  
 38 species prevention and management  
 39 activities, including: (1) development  
 40 of prevention plans; (2) aquatic  
 41 invasive species surveys and  
 42 monitoring; (3) public education and  
 43 training programs; or (4) conducting  
 44 watercraft inspection programs. Of  
 45 this amount, \$154,000 each year is from  
 46 the general fund and \$216,000 each year  
 47 is from the heritage enhancement  
 48 account in the game and fish fund.

49 The general fund appropriation in this  
 50 subdivision includes a \$250,000 per  
 51 year general fund reduction and a  
 52 \$171,000 increase for operations  
 53 support reallocation.

54 Subd. 9. Enforcement

55           735,000           735,000

56                           Summary by Fund

1	General	(240,000)	(240,000)
2	Natural Resources	347,000	347,000
3	Game and Fish	628,000	628,000
4	Subd. 10. Operations Support		
5	(10,436,000)	(10,432,000)	
6	Summary by Fund		
7	General	(5,829,000)	(5,829,000)
8	Natural Resources	(1,075,000)	(1,071,000)
9	Game and Fish	(3,532,000)	(3,532,000)

10 \$18,000 the first year and \$22,000 the  
11 second year are from the natural  
12 resources fund for grants to be divided  
13 equally between the city of St. Paul  
14 for the Como Zoo and Conservatory and  
15 the city of Duluth Zoo. This  
16 appropriation is from the revenue  
17 deposited to the natural resources fund  
18 under Minnesota Statutes, section  
19 297A.94, paragraph (e), clause (5).

20 The natural resources fund  
21 appropriation in this subdivision  
22 includes a reduction of \$1,093,000 each  
23 year for operations support  
24 reallocation.

25 Any reduction in general fund  
26 appropriations in S.F. No. 1879,  
27 article 10, section 33, if enacted,  
28 must be taken from administrative costs  
29 of the central office in St. Paul.

30	Sec. 6. BOARD OF WATER AND		
31	SOIL RESOURCES	194,000	85,000

32 \$35,000 the first year and \$35,000 the  
33 second year are for grants to the  
34 Minnesota River basin study area 2 for  
35 administration and flood reduction  
36 programs.

37 \$109,000 the first year is for an  
38 implementation assessment of public  
39 drainage system buffers and their use,  
40 maintenance, and benefits. The  
41 assessment must be done in consultation  
42 with farm groups, watershed districts,  
43 soil and water conservation districts,  
44 counties, and conservation  
45 organizations, as well as federal  
46 agencies implementing voluntary buffer  
47 programs. The board shall report the  
48 results to the senate and house of  
49 representatives committees with  
50 jurisdiction over drainage systems by  
51 January 15, 2006.

52 \$50,000 the first year and \$50,000 the  
53 second year are for beaver damage  
54 control grants under new Minnesota  
55 Statutes, section 103F.950.

1 The appropriations for grants in this  
 2 section are available until expended.  
 3 If an appropriation for grants in  
 4 either year is insufficient, the  
 5 appropriation in the other year is  
 6 available for it.

7 Sec. 7. METROPOLITAN COUNCIL 495,000 581,000

8 Summary by Fund

9 General 200,000 200,000

10 Natural Resources 295,000 381,000

11 \$295,000 the first year and \$381,000  
 12 the second year are from the natural  
 13 resources fund for metropolitan area  
 14 regional parks and trails maintenance  
 15 and operations. This appropriation is  
 16 from the revenue deposited in the  
 17 natural resources fund under Minnesota  
 18 Statutes, section 297A.94, paragraph  
 19 (e), clause (3).

20 Sec. 8. AGRICULTURE

21 Subdivision 1. Total  
 22 Appropriation 21,390,000 3,704,000

23 Summary by Fund

24 General 3,355,000 3,669,000

25 Remediation 35,000 35,000

26 Bond Proceeds 18,000,000 -0-

27 The amounts that may be spent from this  
 28 appropriation for each program are  
 29 specified in the following subdivisions.

30 Subd. 2. Protection Services

31 35,000 35,000

32 Summary by Fund

33 Remediation 35,000 35,000

34 Subd. 3. Value-Added Agricultural Products

35 600,000 100,000

36 \$500,000 in the first year is for  
 37 grants to gasoline service station  
 38 owners who, after the effective date of  
 39 this section, install pumps in this  
 40 state for dispensing E85 gasoline. The  
 41 commissioner may reimburse owners of  
 42 gasoline service stations for up to 50  
 43 percent of the total cost of installing  
 44 an E85 pump, including the tank and any  
 45 related components, up to a maximum of  
 46 \$15,000 per E85 pump. The commissioner  
 47 shall grant priority for E85 pumps  
 48 installed in areas of the state where  
 49 gasoline service stations with E85  
 50 pumps are not reasonably available to  
 51 the general public. This appropriation  
 52 is available until spent.

1 \$100,000 the first year and \$100,000  
2 the second year is for ethanol  
3 combustion efficiency grants under  
4 Minnesota Statutes, section 41A.09,  
5 subdivision 9.

6 Subd. 4. Administration and  
7 Financial Assistance

8 20,755,000 3,569,000

9 Summary by Fund

10 General 2,755,000 3,569,000

11 Bond Proceeds 18,000,000 -0-

12 \$85,000 is to conduct a study, in close  
13 consultation with the commissioner of  
14 transportation, of the feasibility and  
15 desirability of constructing a rail  
16 container load-out facility in or near  
17 the city of Willmar or the city of  
18 Clara City. The study must include an  
19 estimate of the costs and benefits of a  
20 facility to the city and region and to  
21 the state transportation system. The  
22 commissioner shall report to the  
23 governor and legislature on the results  
24 of the study by January 15, 2006.

25 \$100,000 in the first year and \$100,000  
26 in the second year are for transfer to  
27 the Board of Trustees of the Minnesota  
28 State Colleges and Universities for  
29 mental health counseling support to  
30 farm families and business operators  
31 through farm business management  
32 programs at Central Lakes College and  
33 Ridgewater College.

34 \$35,000 the first year and \$35,000 the  
35 second year are for grants to the  
36 Minnesota Horticultural Society.

37 \$75,000 the first year and \$75,000 the  
38 second year are for annual grants to  
39 the Northern Minnesota Forage-Turf Seed  
40 Advisory Committee for basic and  
41 applied research on the improved  
42 production of forage and turf seed  
43 related to new and improved varieties.  
44 The grant recipient may subcontract  
45 with a qualified third party for some  
46 or all of the basic and applied  
47 research.

48 \$100,000 the first year and \$100,000  
49 the second year are to provide training  
50 and technical assistance to county and  
51 town officials relating to livestock  
52 siting issues and local zoning and land  
53 use planning including a checklist  
54 template that would clarify the  
55 federal, state, and local government  
56 requirements for consideration of an  
57 animal agriculture modernization or  
58 expansion project. In developing the  
59 training and technical assistance  
60 program, the commissioner may seek  
61 assistance from the local planning

1 assistance center of the Department of  
2 Administration and shall seek guidance,  
3 advice, and support of livestock  
4 producer organizations, general  
5 agricultural organizations, local  
6 government associations, academic  
7 institutions, other government  
8 agencies, and others with expertise in  
9 land use and agriculture.

10 \$220,000 the first year is to contract  
11 with the University of Minnesota for  
12 further research and development of  
13 livestock odor and air quality  
14 management.

15 \$325,000 the first year and \$325,000  
16 the second year are for grants to  
17 Second Harvest Heartland on behalf of  
18 Minnesota's six Second Harvest food  
19 banks for the purchase of milk for  
20 distribution to Minnesota's food  
21 shelves and other charitable  
22 organizations that are eligible to  
23 receive food from the food banks. Milk  
24 purchased under the grants must be  
25 acquired from Minnesota milk processors  
26 and based on low-cost bids. The milk  
27 must be allocated to each Second  
28 Harvest food bank serving Minnesota  
29 according to the formula used in the  
30 distribution of United States  
31 Department of Agriculture commodities  
32 under The Emergency Food Assistance  
33 Program (TEFAP). Second Harvest  
34 Heartland must submit quarterly reports  
35 to the commissioner on forms prescribed  
36 by the commissioner. The reports must  
37 include, but are not limited to,  
38 information on the expenditure of  
39 funds, the amount of milk purchased,  
40 and the organizations to which the milk  
41 was distributed. Second Harvest  
42 Heartland may enter into contracts or  
43 agreements with food banks for shared  
44 funding or reimbursement of the direct  
45 purchase of milk. Each food bank  
46 receiving money from this appropriation  
47 may use up to two percent of the grant  
48 for administrative expenses.

49 \$18,000,000 is appropriated from the  
50 bond proceeds fund for purposes as set  
51 forth in the Minnesota Constitution,  
52 article XI, section 5, clause (h), to  
53 the Rural Finance Authority to purchase  
54 participation interests in or to make  
55 direct agricultural loans to farmers  
56 under Minnesota Statutes, chapter 41B.  
57 This appropriation is for the beginning  
58 farmer program under Minnesota  
59 Statutes, section 41B.039, the loan  
60 restructuring program under Minnesota  
61 Statutes, section 41B.04, the  
62 seller-sponsored program under  
63 Minnesota Statutes, section 41B.042,  
64 the agricultural improvement loan  
65 program under Minnesota Statutes,  
66 section 41B.043, and the livestock  
67 expansion loan program under Minnesota  
68 Statutes, section 41B.045. All debt

1 service on bond proceeds used to  
 2 finance this appropriation must be  
 3 repaid by the Rural Finance Authority  
 4 under Minnesota Statutes, section  
 5 16A.643. Loan participations must be  
 6 priced to provide full interest and  
 7 principal coverage and a reserve for  
 8 potential losses. Priority for loans  
 9 must be given first to basic beginning  
 10 farmer loans; second, to  
 11 seller-sponsored loans; and third, to  
 12 agricultural improvement loans.

13 Sec. 9. BOND SALE

14 To provide the money appropriated in  
 15 this act from the bond proceeds fund,  
 16 the commissioner of finance shall sell  
 17 and issue bonds of the state in an  
 18 amount up to \$18,000,000 in the manner,  
 19 upon the terms, and with the effect  
 20 prescribed by Minnesota Statutes,  
 21 sections 16A.631 to 16A.675, and by the  
 22 Minnesota Constitution, article XI,  
 23 sections 4 to 7.

24 Sec. 10. BOARD OF ANIMAL		
25 HEALTH	456,000	458,000

26 \$300,000 the first year and \$300,000  
 27 the second year are for a grant to the  
 28 Veterinary Diagnostic Laboratory at the  
 29 University of Minnesota to expand  
 30 animal disease surveillance and to  
 31 protect animal agriculture and public  
 32 health. This appropriation is  
 33 available until June 30, 2007.

34 Sec. 11. MINNESOTA RESOURCES

35 Subdivision 1. Total		
36 Appropriation		
37	\$20,457,000	\$18,829,000

38 Summary by Fund

39 State Land and Water Conservation		
40 Account (LAWCON) 1,600,000	-0-	
41 Environment and Natural Resources		
42 Trust Fund 18,829,000	18,829,000	
43 Great Lakes Protection		
44 Account 28,000	-0-	

45 Appropriations from the LAWCON account  
 46 and Great Lakes protection account are  
 47 available for either year of the  
 48 biennium.

49 For appropriations from the environment  
 50 and natural resources trust fund, any  
 51 unencumbered balance remaining in the  
 52 first year does not cancel and is  
 53 available for the second year of the  
 54 biennium. Unless otherwise provided,  
 55 the amounts in this section are  
 56 available until June 30, 2007, when  
 57 projects must be completed and final  
 58 products delivered.

## 1 Subd. 2. Definitions

2 (a) "State Land and Water Conservation  
3 Account (LAWCON)" means the state land  
4 and water conservation account in the  
5 natural resources fund referred to in  
6 Minnesota Statutes, section 116P.14.

7 (b) "Great Lakes Protection Account"  
8 means the Great Lakes protection  
9 account referred to in Minnesota  
10 Statutes, section 116Q.02, subdivision  
11 1.

12 (c) "Trust fund" means the Minnesota  
13 environment and natural resources trust  
14 fund referred to in Minnesota Statutes,  
15 section 116P.02, subdivision 6.

16 Subd. 3. Administration 524,000 525,000

## 17 Summary by Fund

18 Trust Fund 524,000 525,000

## 19 (a) Legislative Commission on Minnesota Resources

20 \$449,000 the first year and \$450,000  
21 the second year are from the trust fund  
22 for administration as provided in  
23 Minnesota Statutes, section 116P.09,  
24 subdivision 5.

## 25 (b) Contract Administration

26 \$75,000 the first year and \$75,000 the  
27 second year are from the trust fund to  
28 the commissioner of natural resources  
29 for contract administration activities  
30 assigned to the commissioner in this  
31 section. This appropriation is  
32 available until June 30, 2008.

33 Subd. 4. Citizen Advisory Committee 10,000 10,000

## 34 Summary by Fund

35 Trust Fund 10,000 10,000

36 \$10,000 the first year and \$10,000 the  
37 second year are from the trust fund to  
38 the Legislative Commission on Minnesota  
39 Resources for expenses of the citizen  
40 advisory committee as provided in  
41 Minnesota Statutes, section 116P.06.  
42 Notwithstanding Minnesota Statutes,  
43 section 16A.281, the availability of  
44 \$15,000 of the appropriation from Laws  
45 2003, chapter 128, article 1, section  
46 9, subdivision 4, advisory committee,  
47 is extended to June 30, 2007.

48 Subd. 5. Fish and Wildlife Habitat 5,038,000 5,038,000

## 49 Summary by Fund

50 Trust Fund 5,038,000 5,038,000

51 (a) Restoring Minnesota's Fish and Wildlife  
52 Habitat Corridors-Phase III

1 \$2,031,000 the first year and  
 2 \$2,031,000 the second year are from the  
 3 trust fund to the commissioner of  
 4 natural resources for the third  
 5 biennium for acceleration of agency  
 6 programs and cooperative agreements  
 7 with Pheasants Forever, Minnesota Deer  
 8 Hunters Association, Ducks Unlimited,  
 9 Inc., National Wild Turkey Federation,  
 10 the Nature Conservancy, Minnesota Land  
 11 Trust, the Trust for Public Land,  
 12 Minnesota Valley National Wildlife  
 13 Refuge Trust, Inc., U.S. Fish and  
 14 Wildlife Service, Red Lake Band of  
 15 Chippewa, Leech Lake Band of Chippewa,  
 16 Fond du Lac Band of Chippewa,  
 17 USDA-Natural Resources Conservation  
 18 Service, and the Board of Water and  
 19 Soil Resources to plan, restore, and  
 20 acquire fragmented landscape corridors  
 21 that connect areas of quality habitat  
 22 to sustain fish, wildlife, and plants.  
 23 Expenditures are limited to the 11  
 24 project areas as defined in the work  
 25 program. Land acquired with this  
 26 appropriation must be sufficiently  
 27 improved to meet at least minimum  
 28 habitat and facility management  
 29 standards as determined by the  
 30 commissioner of natural resources.  
 31 This appropriation may not be used for  
 32 the purchase of residential structures,  
 33 unless expressly approved in the work  
 34 program. Any land acquired in fee  
 35 title by the commissioner of natural  
 36 resources with money from this  
 37 appropriation must be designated: (1)  
 38 as an outdoor recreation unit under  
 39 Minnesota Statutes, section 86A.07; or  
 40 (2) as provided in Minnesota Statutes,  
 41 sections 89.018, subdivision 2,  
 42 paragraph (a); 97A.101; 97A.125;  
 43 97C.001; and 97C.011. The commissioner  
 44 may similarly designate any lands  
 45 acquired in less than fee title. This  
 46 appropriation is available until June  
 47 30, 2008, at which time the project  
 48 must be completed and final products  
 49 delivered, unless an earlier date is  
 50 specified in the work program.

51 (b) Metropolitan Area Wildlife  
 52 Corridors-Phase II

53 \$1,765,000 the first year and  
 54 \$1,765,000 the second year are from the  
 55 trust fund to the commissioner of  
 56 natural resources for the second  
 57 biennium for acceleration of agency  
 58 programs and cooperative agreements  
 59 with the Trust for Public Land, Ducks  
 60 Unlimited, Inc., Friends of the  
 61 Mississippi River, Great River  
 62 Greening, Minnesota Land Trust,  
 63 Minnesota Valley National Wildlife  
 64 Refuge Trust, Inc., Pheasants Forever,  
 65 Inc., and Friends of the Minnesota  
 66 Valley for the purposes of planning,  
 67 improving, and protecting important  
 68 natural areas in the metropolitan  
 69 region, as defined by Minnesota

1 Statutes, section 473.121, subdivision  
2 2, and portions of the surrounding  
3 counties, through grants, contracted  
4 services, conservation easements, and  
5 fee acquisition. Land acquired with  
6 this appropriation must be sufficiently  
7 improved to meet at least minimum  
8 management standards as determined by  
9 the commissioner of natural resources.  
10 Expenditures are limited to the  
11 identified project areas as defined in  
12 the work program. This appropriation  
13 may not be used for the purchase of  
14 residential structures, unless  
15 expressly approved in the work  
16 program. Any land acquired in fee  
17 title by the commissioner of natural  
18 resources with money from this  
19 appropriation must be designated: (1)  
20 as an outdoor recreation unit under  
21 Minnesota Statutes, section 86A.07; or  
22 (2) as provided in Minnesota Statutes,  
23 sections 89.018, subdivision 2,  
24 paragraph (a); 97A.101; 97A.125;  
25 97C.001; and 97C.011. The commissioner  
26 may similarly designate any lands  
27 acquired in less than fee title. This  
28 appropriation is available until June  
29 30, 2008, at which time the project  
30 must be completed and final products  
31 delivered, unless an earlier date is  
32 specified in the work program.

33 (c) Development of Scientific and Natural Areas

34 \$67,000 the first year and \$67,000 the  
35 second year are from the trust fund to  
36 the commissioner of natural resources  
37 to develop and enhance lands designated  
38 as scientific and natural areas. This  
39 appropriation is available until June  
40 30, 2008, at which time the project  
41 must be completed and final products  
42 delivered, unless an earlier date is  
43 specified in the work program.

44 (d) Prairie Stewardship of Private Lands

45 \$50,000 the first year and \$50,000 the  
46 second year are from the trust fund to  
47 the commissioner of natural resources  
48 to develop stewardship plans and  
49 implement prairie management on private  
50 prairie lands on a cost-share basis  
51 with private or federal funds. This  
52 appropriation is available until June  
53 30, 2008, at which time the project  
54 must be completed and final products  
55 delivered, unless an earlier date is  
56 specified in the work program.

57 (e) Local Initiative Grants-Conservation  
58 Partners and Environmental Partnerships

59 \$250,000 the first year and \$250,000  
60 the second year are from the trust fund  
61 to the commissioner of natural  
62 resources to provide matching grants of  
63 up to \$20,000 to local government and  
64 private organizations for enhancement,  
65 restoration, research, and education

1 associated with natural habitat and  
2 environmental service projects.  
3 Subdivision 16 applies to grants  
4 awarded in the approved work program.  
5 This appropriation is available until  
6 June 30, 2008, at which time the  
7 project must be completed and final  
8 products delivered, unless an earlier  
9 date is specified in the work program.

10 (f) Minnesota ReLeaf Community Forest  
11 Development and Protection

12 \$250,000 the first year and \$250,000  
13 the second year are from the trust fund  
14 to the commissioner of natural  
15 resources for acceleration of the  
16 agency program and a cooperative  
17 agreement with Tree Trust to protect  
18 forest resources, develop  
19 inventory-based management plans, and  
20 provide matching grants to communities  
21 to plant native trees. At least  
22 \$390,000 of this appropriation must be  
23 used for grants to communities. For  
24 the purposes of this paragraph, the  
25 match must be a nonstate contribution,  
26 but may be either cash or qualifying  
27 in-kind. This appropriation is  
28 available until June 30, 2008, at which  
29 time the project must be completed and  
30 final projects delivered, unless an  
31 earlier date is specified in the work  
32 program.

33 (g) Integrated and Pheromonal Control of  
34 Common Carp

35 \$275,000 the first year and \$275,000  
36 the second year are from the trust fund  
37 to the University of Minnesota for the  
38 second biennium to research new options  
39 for controlling common carp. This  
40 appropriation is available until June  
41 30, 2009, at which time the project  
42 must be completed and final products  
43 delivered, unless an earlier date is  
44 specified in the work program.

45 (h) Biological Control of European Buckthorn  
46 and Garlic Mustard

47 \$100,000 the first year and \$100,000  
48 the second year are from the trust fund  
49 to the commissioner of natural  
50 resources to research potential insects  
51 for biological control of invasive  
52 European buckthorn species for the  
53 second biennium and to introduce and  
54 evaluate insects for biological control  
55 of garlic mustard. This appropriation  
56 is available until June 30, 2008, at  
57 which time the project must be  
58 completed and final products delivered,  
59 unless an earlier date is specified in  
60 the work program.

61 (i) Land Exchange Revolving Fund for  
62 Aitkin, Cass, and Crow Wing Counties

63 \$250,000 the first year and \$250,000

1 the second year are from the trust fund  
 2 to the commissioner of natural  
 3 resources for an agreement with Aitkin  
 4 County for a six-year revolving loan  
 5 fund to improve public and private land  
 6 ownership patterns, increase management  
 7 efficiency, and protect critical  
 8 habitat in Aitkin, Cass, and Crow Wing  
 9 Counties. By June 30, 2011, Aitkin  
 10 County shall repay the \$500,000 to the  
 11 commissioner of finance for deposit in  
 12 the environment and natural resources  
 13 trust fund.

14 Subd. 6. Recreation	7,160,000	5,559,000
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15 Summary by Fund

16 Trust Fund	5,560,000	5,559,000
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17 State Land and Water Conservation		
18 Account (LAWCON)	1,600,000	-0-

19 (a) State Park and Recreation Area  
 20 Land Acquisition

21 \$1,000,000 the first year and  
 22 \$1,000,000 the second year are from the  
 23 trust fund to the commissioner of  
 24 natural resources to acquire  
 25 in-holdings for state park and  
 26 recreation areas. Land acquired with  
 27 this appropriation must be sufficiently  
 28 improved to meet at least minimum  
 29 management standards as determined by  
 30 the commissioner of natural resources.  
 31 This appropriation is available until  
 32 June 30, 2008, at which time the  
 33 project must be completed and final  
 34 products delivered, unless an earlier  
 35 date is specified in the work program.

36 (b) LAWCON Federal Reimbursements

37 \$1,600,000 is from the State Land and  
 38 Water Conservation Account (LAWCON) in  
 39 the natural resources fund to the  
 40 commissioner of natural resources for  
 41 priorities established by the  
 42 commissioner for eligible state  
 43 projects and administrative and  
 44 planning activities consistent with  
 45 Minnesota Statutes, section 116P.14,  
 46 and the federal Land and Water  
 47 Conservation Fund Act. Subdivision 16  
 48 applies to grants awarded in the  
 49 approved work program. This  
 50 appropriation is contingent upon  
 51 receipt of the federal obligation and  
 52 remains available until June 30, 2008,  
 53 at which time the project must be  
 54 completed and final products delivered,  
 55 unless an earlier date is specified in  
 56 the work program.

57 (c) State Park and Recreation Area  
 58 Revenue-Enhancing Development

59 \$100,000 the first year and \$100,000  
 60 the second year are from the trust fund  
 61 to the commissioner of natural

1 resources to enhance revenue generation  
2 in the state's park and recreation  
3 system.

4 (d) Best Management Practices for Parks  
5 and Outdoor Recreation

6 \$100,000 the first year and \$100,000  
7 the second year are from the trust fund  
8 to the commissioner of natural  
9 resources for an agreement with the  
10 Minnesota Recreation and Park  
11 Association to develop and evaluate  
12 opportunities to more efficiently  
13 manage Minnesota's parks and outdoor  
14 recreation areas.

15 (e) Metropolitan Regional Parks Acquisition,  
16 Rehabilitation, and Development

17 \$1,000,000 the first year and  
18 \$1,000,000 the second year are from the  
19 trust fund to the Metropolitan Council  
20 for subgrants for the acquisition,  
21 development, and rehabilitation in the  
22 metropolitan regional park system,  
23 consistent with the Metropolitan  
24 Council regional recreation open space  
25 capital improvement plan. This  
26 appropriation may not be used for the  
27 purchase of residential structures, may  
28 be used to reimburse implementing  
29 agencies for acquisition as expressly  
30 approved in the work program, and must  
31 be matched by at least 40 percent of  
32 nonstate money. Subdivision 16 applies  
33 to grants awarded in the approved work  
34 program. This appropriation is  
35 available until June 30, 2008, at which  
36 time the project must be completed and  
37 final products delivered, unless an  
38 earlier date is specified in the work  
39 program. If a project financed under  
40 this program receives a federal grant  
41 award, the availability of the  
42 financing from this paragraph for that  
43 project is extended to equal the period  
44 of the federal grant.

45 (f) Gitchi-Gami State Trail

46 \$250,000 the first year and \$250,000  
47 the second year are from the trust fund  
48 to the commissioner of natural  
49 resources, in cooperation with the  
50 Gitchi-Gami Trail Association, for the  
51 fourth biennium, to design and  
52 construct approximately two miles of  
53 Gitchi-Gami State Trail segments. This  
54 appropriation is available until June  
55 30, 2008, at which time the project  
56 must be completed and final products  
57 delivered. If this project receives a  
58 federal grant award, the availability  
59 of the financing from this paragraph  
60 for the project is extended to equal  
61 the period of the federal grant.

62 (g) Casey Jones State Trail

63 \$600,000 the first year and \$600,000

1 the second year are from the trust fund  
2 to the commissioner of natural  
3 resources in cooperation with the  
4 Friends of the Casey Jones Trail  
5 Association for land acquisition and  
6 development of the Casey Jones State  
7 Trail in southwest Minnesota. This  
8 appropriation is available until June  
9 30, 2008, at which time the project  
10 must be completed and final products  
11 delivered. If this project receives a  
12 federal grant award, the availability  
13 of the financing from this paragraph  
14 for the project is extended to equal  
15 the period of the federal grant.

16 (h) Paul Bunyan State Trail Connection

17 \$200,000 the first year and \$200,000  
18 the second year are from the trust fund  
19 to the commissioner of natural  
20 resources to acquire land to connect  
21 the Paul Bunyan State Trail within the  
22 city of Bemidji.

23 (i) Minnesota River Trail Planning

24 \$100,000 the first year and \$100,000  
25 the second year are from the trust fund  
26 to the commissioner of natural  
27 resources for an agreement with the  
28 University of Minnesota to provide  
29 trail planning assistance to three  
30 communities along the Minnesota River  
31 State Trail.

32 (j) Local Initiative Grants-Parks and Natural Areas

33 \$600,000 the first year and \$600,000  
34 the second year are from the trust fund  
35 to the commissioner of natural  
36 resources to provide matching grants to  
37 local governments for acquisition and  
38 development of natural and scenic areas  
39 and local parks as provided in  
40 Minnesota Statutes, section 85.019,  
41 subdivisions 2 and 4a, and regional  
42 parks outside of the metropolitan  
43 area. Grants may provide up to 50  
44 percent of the nonfederal share of the  
45 project cost, except nonmetropolitan  
46 regional park grants may provide up to  
47 60 percent of the nonfederal share of  
48 the project cost. \$500,000 of this  
49 appropriation is for land acquisition  
50 for a proposed county regional park on  
51 Kraemer Lake in Stearns County. The  
52 commission will monitor the grants for  
53 approximate balance over extended  
54 periods of time between the  
55 metropolitan area, under Minnesota  
56 Statutes, section 473.121, subdivision  
57 2, and the nonmetropolitan area through  
58 work program oversight and periodic  
59 allocation decisions. For the purposes  
60 of this paragraph, the match must be a  
61 nonstate contribution, but may be  
62 either cash or qualifying in-kind.  
63 Recipients may receive funding for more  
64 than one project in any given grant  
65 period. Subdivision 16 applies to

1 grants awarded in the approved work  
2 program. This appropriation is  
3 available until June 30, 2008, at which  
4 time the project must be completed and  
5 final products delivered.

6 (k) Regional Park Planning for Nonmetropolitan  
7 Urban Areas

8 \$43,000 the first year and \$43,000 the  
9 second year are from the trust fund to  
10 the commissioner of natural resources  
11 for an agreement with the University of  
12 Minnesota to develop a plan for a  
13 system of regional recreation areas for  
14 major outstate urban complexes in  
15 Minnesota.

16 (l) Local and Regional Trail Grant Initiative Program

17 \$350,000 the first year and \$350,000  
18 the second year are from the trust fund  
19 to the commissioner of natural  
20 resources to provide matching grants to  
21 local units of government for the cost  
22 of acquisition, development,  
23 engineering services, and enhancement  
24 of existing and new trail facilities.  
25 Subdivision 16 applies to grants  
26 awarded in the approved work program.  
27 This appropriation is available until  
28 June 30, 2008, at which time the  
29 project must be completed and final  
30 products delivered, unless an earlier  
31 date is specified in the work program.  
32 In addition, if a project financed  
33 under this program receives a federal  
34 grant award, the availability of the  
35 financing from this paragraph for that  
36 project is extended to equal the period  
37 of the federal grant.

38 (m) Mesabi Trail

39 \$500,000 the first year and \$500,000  
40 the second year are from the trust fund  
41 to the commissioner of natural  
42 resources for an agreement with St.  
43 Louis and Lake Counties Regional Rail  
44 Authority for the seventh biennium to  
45 acquire and develop segments for the  
46 Mesabi Trail. This appropriation is  
47 available until June 30, 2008, at which  
48 time the project must be completed and  
49 final products delivered. If this  
50 project receives a federal grant award,  
51 the availability of the financing from  
52 this paragraph for the project is  
53 extended to equal the period of the  
54 federal grant.

55 (n) Cannon Valley Trail Belle Creek Bridge  
56 Replacement

57 \$150,000 the first year and \$150,000  
58 the second year are from the trust fund  
59 to the commissioner of natural  
60 resources for an agreement with the  
61 Cannon Valley Trail Joint Powers Board  
62 for bridge replacement of the Belle  
63 Creek Bridge on the Cannon Valley

1 Trail. This appropriation must be  
2 matched by at least \$44,000 of nonstate  
3 money.

4 (o) Arrowhead Regional Bike Trail Connections Plan

5 \$42,000 the first year and \$41,000 the  
6 second year are from the trust fund to  
7 the commissioner of natural resources  
8 for an agreement with the Arrowhead  
9 Regional Development Commission to  
10 analyze the Arrowhead's major bike  
11 trails and plan new trail connections.

12 (p) Land Acquisition, Minnesota Landscape Arboretum

13 \$325,000 the first year and \$325,000  
14 the second year are from the trust fund  
15 to the University of Minnesota for an  
16 agreement with the University of  
17 Minnesota Landscape Arboretum  
18 Foundation for the sixth biennium to  
19 acquire land from willing sellers.  
20 This appropriation must be matched by  
21 an equal amount of nonstate money.  
22 This appropriation is available until  
23 June 30, 2008, at which time the  
24 project must be completed and final  
25 products delivered, unless an earlier  
26 date is specified in the work program.

27 (q) Development and Rehabilitation of Minnesota  
28 Shooting Ranges

29 \$150,000 the first year and \$150,000  
30 the second year are from the trust fund  
31 to the commissioner of natural  
32 resources to provide technical  
33 assistance and matching grants to local  
34 communities and recreational shooting  
35 and archery clubs for the purpose of  
36 developing or rehabilitating shooting  
37 and archery facilities for public use.  
38 Recipient facilities must be open to  
39 the general public at reasonable times  
40 and for a reasonable fee on a walk-in  
41 basis. This appropriation is available  
42 until June 30, 2008, at which time the  
43 project must be completed and final  
44 products delivered, unless an earlier  
45 date is specified in the work program.

46 (r) Birding Maps

47 \$50,000 the first year and \$50,000 the  
48 second year are from the trust fund to  
49 the commissioner of natural resources  
50 for an agreement with Audubon Minnesota  
51 to create a new birding trail guide for  
52 the North Shore/Arrowhead region and  
53 reprint and distribute guides for three  
54 existing birding trails.

55 Subd. 7. Water Resources 3,027,000 3,000,000

56 Summary by Fund

57 Trust Fund 2,999,000 3,000,000

58 Great Lakes Protection  
59 Account 28,000

## 1 (a) Local Water Management Matching Challenge Grants

2 \$500,000 the first year and \$500,000  
3 the second year are from the trust fund  
4 to the Board of Water and Soil  
5 Resources to accelerate the local water  
6 management challenge grant program  
7 under Minnesota Statutes, sections  
8 103B.3361 to 103B.3369, through  
9 matching grants to implement high  
10 priority activities in state-approved  
11 comprehensive water management plans.  
12 For the purposes of this paragraph, the  
13 match must be a nonstate contribution,  
14 but may be either cash or qualifying  
15 in-kind. The grants may be provided on  
16 an advance basis as specified in the  
17 work program. This appropriation is  
18 available until June 30, 2008, at which  
19 time the project must be completed and  
20 final products delivered, unless an  
21 earlier date is specified in the work  
22 program.

23 (b) Accelerating and Enhancing Surface Water  
24 Monitoring for Lakes and Streams

25 \$300,000 the first year and \$300,000  
26 the second year are from the trust fund  
27 to the commissioner of the Pollution  
28 Control Agency for acceleration of  
29 agency programs and cooperative  
30 agreements with the Minnesota Lakes  
31 Association, Rivers Council of  
32 Minnesota, and the University of  
33 Minnesota to accelerate monitoring  
34 efforts through assessments, citizen  
35 training, and implementation grants.  
36 This appropriation is available until  
37 June 30, 2008, at which time the  
38 project must be completed and final  
39 products delivered, unless an earlier  
40 date is specified in the work program.

41 (c) Effects of Land Retirements on the  
42 Minnesota River

43 \$150,000 the first year and \$150,000  
44 the second year are from the trust fund  
45 to the Board of Water and Soil  
46 Resources for a cooperative agreement  
47 with the U.S. Geological Survey to  
48 evaluate effects of retired or  
49 set-aside agricultural lands on the  
50 water quality and aquatic habitat of  
51 streams in the Minnesota River Basin in  
52 order to enhance prioritization of  
53 future land retirements. This  
54 appropriation must be matched by an  
55 equal amount of nonstate money. This  
56 appropriation is available until June  
57 30, 2008, at which time the project  
58 must be completed and final products  
59 delivered, unless an earlier date is  
60 specified in the work program.

61 (d) Recycling Treated Municipal Wastewater for  
62 Industrial Water Use

63 \$150,000 the first year and \$150,000

1 the second year are from the trust fund  
2 to the commissioner of natural  
3 resources for an agreement with the  
4 Metropolitan Council to determine the  
5 feasibility of recycling treated  
6 municipal wastewater for industrial  
7 use, characterize industrial water  
8 demand and quality, and determine the  
9 costs to treat municipal wastewater to  
10 meet specific industrial needs.

11 (e) Unwanted Hormone Therapy: Protecting Water  
12 and Public Health

13 \$150,000 the first year and \$150,000  
14 the second year are from the trust fund  
15 to the University of Minnesota to  
16 determine where behavior-altering  
17 estrogenic compounds come from and how  
18 they are distributed in wastewater  
19 treatment plants. This appropriation  
20 is available until June 30, 2008, at  
21 which time the project must be  
22 completed and final products delivered,  
23 unless an earlier date is specified in  
24 the work program.

25 (f) Climate Change Impacts on Minnesota's  
26 Aquatic Resources

27 \$125,000 the first year and \$125,000  
28 the second year are from the trust fund  
29 to the University of Minnesota, Natural  
30 Resources Research Institute, to  
31 quantify climate, hydrologic, and  
32 ecological variability and trends; and  
33 identify indicators of future climate  
34 change effects on aquatic systems.  
35 This appropriation is available until  
36 June 30, 2008, at which time the  
37 project must be completed and final  
38 products delivered, unless an earlier  
39 date is specified in the work program.

40 (g) Green Roof Cost Share and Monitoring

41 \$175,000 the first year and \$175,000  
42 the second year are from the trust fund  
43 to the commissioner of natural  
44 resources for an agreement with Ramsey  
45 Conservation District to install green,  
46 vegetated roofs on four commercial or  
47 industrial buildings in Roseville and  
48 Falcon Heights and to monitor their  
49 effectiveness for stormwater  
50 management, flood reduction, water  
51 quality, and energy efficiency. The  
52 cost of the installations must be  
53 matched by at least 50 percent nonstate  
54 money.

55 (h) Woodchip Biofilter Treatment of Feedlot Runoff

56 \$135,000 the first year and \$135,000  
57 the second year are from the trust fund  
58 to the commissioner of natural  
59 resources for agreements with Stearns  
60 County Soil and Water Conservation  
61 District and the University of  
62 Minnesota to treat feedlot runoff with  
63 woodchip biofilters to remove

1 pollutants and assess improvements to  
2 surface water quality. This  
3 appropriation is available until June  
4 30, 2008, at which time the project  
5 must be completed and final products  
6 delivered, unless an earlier date is  
7 specified in the work program.

8 (i) Improving Water Quality on the Central Sands

9 \$294,000 the first year and \$293,000  
10 the second year are from the trust fund  
11 to the commissioner of natural  
12 resources for agreements with the  
13 University of Minnesota and the Central  
14 Lakes College Agricultural Center to  
15 reduce nitrate and phosphorus losses to  
16 groundwater and surface waters of sandy  
17 ecoregions through the development,  
18 promotion, and adoption of new farming  
19 and land management practices and  
20 techniques. This appropriation is  
21 available until June 30, 2008, at which  
22 time the project must be completed and  
23 final products delivered, unless an  
24 earlier date is specified in the work  
25 program.

26 (j) Improving Impaired Watersheds: Conservation  
27 Drainage Research

28 \$150,000 the first year and \$150,000  
29 the second year are from the trust fund  
30 to the commissioner of agriculture to  
31 analyze conservation drainage systems  
32 at University of Minnesota research and  
33 outreach centers for opportunities to  
34 retrofit drainage infrastructure with  
35 water quality improvement  
36 technologies. This appropriation is  
37 available until June 30, 2008, at which  
38 time the project must be completed and  
39 final products delivered, unless an  
40 earlier date is specified in the work  
41 program.

42 (k) Hydrology, Habitat, and Energy Potential  
43 of Mine Lakes

44 \$188,000 the first year and \$211,000  
45 the second year are from the trust fund  
46 to the commissioner of natural  
47 resources for agency work and  
48 agreements with Architectural  
49 Resources, Inc., and Northeast  
50 Technical Services, Inc., for a  
51 coordinated effort of the Central Iron  
52 Range Initiative to establish ultimate  
53 mine water elevations, outflows, and  
54 quality; design optimum future mineland  
55 configurations for fish habitat and  
56 lakeshore development; and evaluate  
57 wind-pumped hydropower potential.  
58 \$62,000 the first year and \$39,000 the  
59 second year are from the trust fund to  
60 the Minnesota Geological Survey at the  
61 University of Minnesota to assess the  
62 geology and mine pit morphometry.

63 (l) Hennepin County Beach Water Quality  
64 Monitoring Project

1 \$50,000 the first year and \$50,000 the  
 2 second year are from the trust fund to  
 3 the commissioner of natural resources  
 4 for an agreement with Hennepin County  
 5 to develop a predictive model for  
 6 on-site determination of beach water  
 7 quality to prevent outbreaks of  
 8 waterborne illnesses and provide  
 9 related water safety outreach to the  
 10 public.

11 (m) Southwest Minnesota Floodwater Retention Projects

12 \$250,000 the first year and \$250,000  
 13 the second year are from the trust fund  
 14 to the commissioner of natural  
 15 resources for an agreement with Area II  
 16 MN River Basin Projects, Inc., to  
 17 acquire easements and construct four  
 18 floodwater retention projects in the  
 19 Minnesota River Basin to improve water  
 20 quality and waterfowl habitat.

21 (n) Upgrades to Blue Heron Research Vessel

22 \$28,000 is from the Great Lakes  
 23 protection account in the first year  
 24 and \$133,000 the first year and  
 25 \$134,000 the second year are from the  
 26 trust fund to the University of  
 27 Minnesota, Large Lakes Observatory, to  
 28 upgrade and overhaul the Blue Heron  
 29 Research Vessel.

30 (o) Bassett Creek Valley Channel Restoration

31 \$87,000 the first year and \$88,000 the  
 32 second year are from the trust fund to  
 33 the commissioner of natural resources  
 34 for an agreement with the city of  
 35 Minneapolis for design and engineering  
 36 activities for habitat restoration and  
 37 water quality and channel improvements  
 38 for Bassett Creek Valley.

39 (p) Restoration of Indian Lake

40 \$100,000 the first year and \$100,000  
 41 the second year are from the trust fund  
 42 to the commissioner of natural  
 43 resources for agreements with MN  
 44 Environmental Services and Bemidji  
 45 State University to demonstrate the  
 46 removal of excess nutrients from Indian  
 47 Lake in Wright County. This  
 48 appropriation is available until June  
 49 30, 2008, at which time the project  
 50 must be completed and final products  
 51 delivered, unless an earlier date is  
 52 specified in the work program, and is  
 53 contingent on all appropriate permits  
 54 being obtained.

55 Subd. 8. Land Use and Natural Resource  
 56 Information 1,000,000 1,000,000

57 Summary by Fund

58 Trust Fund 1,000,000 1,000,000

- 1 (a) Minnesota County Biological Survey
- 2 \$500,000 the first year and \$500,000
- 3 the second year are from the trust fund
- 4 to the commissioner of natural
- 5 resources for the tenth biennium to
- 6 accelerate the survey that identifies
- 7 significant natural areas and
- 8 systematically collects and interprets
- 9 data on the distribution and ecology of
- 10 native plant communities, rare plants,
- 11 and rare animals.
- 12 (b) Soil Survey
- 13 \$250,000 the first year and \$250,000
- 14 the second year are from the trust fund
- 15 to the Board of Water and Soil
- 16 Resources to accelerate digitizing of
- 17 completed soil surveys for Web-based
- 18 user application and for agreements
- 19 with Pine and Crow Wing Counties to
- 20 begin soil surveys. The new soil
- 21 surveys must be done on a cost-share
- 22 basis with local and federal funds.
- 23 This appropriation is available until
- 24 June 30, 2008, at which time the
- 25 project must be completed and final
- 26 products delivered, unless an earlier
- 27 date is specified in the work program.
- 28 (c) Land Cover Mapping for Natural Resource Protection
- 29 \$125,000 the first year and \$125,000
- 30 the second year are from the trust fund
- 31 to the commissioner of natural
- 32 resources for an agreement with
- 33 Hennepin County to develop GIS tools
- 34 for prioritizing natural areas for
- 35 protection and restoration and to
- 36 update and complete land cover
- 37 classification mapping.
- 38 (d) Open Space Planning and Protection
- 39 \$125,000 the first year and \$125,000
- 40 the second year are from the trust fund
- 41 to the commissioner of natural
- 42 resources for an agreement with Anoka
- 43 Conservation District to protect open
- 44 space by identifying high priority
- 45 natural resource corridors through
- 46 planning, conservation easements, and
- 47 land dedication as part of development
- 48 processes.
- 49 Subd. 9. Agriculture and Natural
- 50 Resource Industries 1,342,000 1,341,000
- 51 Summary by Fund
- 52 Trust Fund 1,342,000 1,341,000
- 53 (a) Completing Third-Party Certification
- 54 of DNR Forest Lands
- 55 \$125,000 the first year and \$125,000
- 56 the second year are from the trust fund
- 57 to the commissioner of natural
- 58 resources for third-party assessment
- 59 and certification of 4,470,000 acres of

1 DNR-administered lands under forest  
2 sustainability standards established by  
3 two internationally recognized forest  
4 certification systems, the Forest  
5 Stewardship Council system, and the  
6 Sustainable Forestry Initiative system.

7 (b) Third-Party Certification of Private Woodlands

8 \$188,000 the first year and \$188,000  
9 the second year are from the trust fund  
10 to the University of Minnesota, Cloquet  
11 Forestry Center, to pilot a third-party  
12 certification assessment framework for  
13 nonindustrial private forest owners.

14 (c) Sustainable Management of Private Forest Lands

15 \$437,000 the first year and \$437,000  
16 the second year are from the trust fund  
17 to the commissioner of natural  
18 resources to develop stewardship plans  
19 for private forested lands, implement  
20 stewardship plans on a cost-share basis  
21 and for conservation easements matching  
22 federal funds. This appropriation is  
23 available until June 30, 2008, at which  
24 time the project must be completed and  
25 final products delivered, unless an  
26 earlier date is specified in the work  
27 program.

28 (d) Evaluating Riparian Timber Harvesting  
29 Guidelines: Phase 2

30 \$167,000 the first year and \$166,000  
31 the second year are from the trust fund  
32 to the University of Minnesota for a  
33 second biennium to assess the timber  
34 harvesting riparian management  
35 guidelines for postharvest impacts on  
36 terrestrial, aquatic, and wildlife  
37 habitat. This appropriation is  
38 available until June 30, 2008, at which  
39 time the project must be completed and  
40 final products delivered, unless an  
41 earlier date is specified in the work  
42 program.

43 (e) Third Crops for Water Quality-Phase 2

44 \$250,000 the first year and \$250,000  
45 the second year are from the trust fund  
46 to the commissioner of natural  
47 resources for cooperative agreements  
48 with Rural Advantage and the University  
49 of Minnesota to accelerate adoption of  
50 third crops to enhance water quality,  
51 diversify cropping systems, supply  
52 bioenergy, and provide wildlife habitat  
53 through demonstration, research, and  
54 education. This appropriation is  
55 available until June 30, 2008, at which  
56 time the project must be completed and  
57 final products delivered, unless an  
58 earlier date is specified in the work  
59 program.

60 (f) Bioconversion of Potato Waste into  
61 Marketable Biopolymers

1 \$175,000 the first year and \$175,000  
 2 the second year are from the trust fund  
 3 to the commissioner of natural  
 4 resources for an agreement with Bemidji  
 5 State University to evaluate the  
 6 bioconversion of potato waste into  
 7 plant-based plastics. This  
 8 appropriation is available until June  
 9 30, 2008, at which time the project  
 10 must be completed and final products  
 11 delivered, unless an earlier date is  
 12 specified in the work program.

13 Subd. 10. Energy 1,896,000 1,896,000

14 Summary by Fund

15 Trust Fund 1,896,000 1,896,000

16 (a) Clean Energy Resource Teams and Community Wind  
 17 Energy Rebate Program

18 \$350,000 the first year and \$350,000  
 19 the second year are from the trust fund  
 20 to the commissioner of commerce.  
 21 \$300,000 of this appropriation is to  
 22 provide technical assistance to  
 23 implement cost-effective conservation,  
 24 energy efficiency, and renewable energy  
 25 projects. \$400,000 of this  
 26 appropriation is to assist two  
 27 Minnesota communities in developing  
 28 locally owned wind energy projects by  
 29 offering financial assistance rebates.

30 (b) Planning for Economic Development  
 31 via Energy Independence

32 \$120,000 the first year and \$120,000  
 33 the second year are from the trust fund  
 34 to the commissioner of natural  
 35 resources for an agreement with the  
 36 University of Minnesota-Duluth to  
 37 evaluate the socioeconomic benefits of  
 38 statewide and community renewable  
 39 energy production and distribution by  
 40 analyzing system installation,  
 41 technical capabilities,  
 42 cost-competitiveness, economic impacts,  
 43 and policy incentives.

44 (c) Manure Methane Digester Compatible Wastes  
 45 and Electrical Generation

46 \$50,000 the first year and \$50,000 the  
 47 second year are from the trust fund to  
 48 the commissioner of agriculture to  
 49 research the potential for a centrally  
 50 located, multifarm manure digester and  
 51 the potential use of compatible waste  
 52 streams with manure digesters.

53 (d) Dairy Farm Digesters

54 \$168,000 the first year and \$168,000  
 55 the second year are from the trust fund  
 56 to the commissioner of natural  
 57 resources for an agreement with the  
 58 Minnesota Project for a pilot project  
 59 to evaluate anaerobic digester  
 60 technology on average size dairy farms



1 (a) Enhancing Civic Understanding of Groundwater

2 \$75,000 the first year and \$75,000 the  
3 second year are from the trust fund to  
4 the commissioner of natural resources  
5 for an agreement with the Science  
6 Museum of Minnesota to create  
7 groundwater exhibits and a statewide  
8 traveling groundwater classroom  
9 program. This appropriation is  
10 available until June 30, 2008, at which  
11 time the project must be completed and  
12 final products delivered, unless an  
13 earlier date is specified in the work  
14 program.

15 (b) Cedar Creek Natural History Area Interpretive  
16 Center and Restoration

17 \$200,000 the first year and \$200,000  
18 the second year are from the trust fund  
19 to the commissioner of natural  
20 resources for an agreement with the  
21 University of Minnesota, Cedar Creek  
22 Natural History Area, to restore 400  
23 acres of savanna and prairie; construct  
24 a Science Interpretive Center to  
25 publicly demonstrate technologies for  
26 energy efficiency; and create  
27 interpretive trails. This  
28 appropriation is available until June  
29 30, 2008, at which time the project  
30 must be completed and final products  
31 delivered, unless an earlier date is  
32 specified in the work program.

33 (c) Environmental Problem-Solving Model  
34 for Twin Cities Schools

35 \$38,000 the first year and \$37,000 the  
36 second year are from the trust fund to  
37 the commissioner of natural resources  
38 for an agreement with Eco Education to  
39 train high school students and teachers  
40 on environmental problem solving.

41 (d) Tamarack Nature Center Exhibits

42 \$47,000 the first year and \$48,000 the  
43 second year are from the trust fund to  
44 the commissioner of natural resources  
45 for an agreement with Ramsey County  
46 Parks and Recreation Department to  
47 develop interactive ecological exhibits  
48 at Tamarack Nature Center.

49 Subd. 12. Children's Environmental  
50 Health 100,000 100,000

51 Summary by Fund

52 Trust Fund 100,000 100,000

53 Minnesota Children's Pesticide Exposure  
54 Reduction Initiative

55 \$100,000 the first year and \$100,000  
56 the second year are appropriated to the  
57 commissioner of agriculture to reduce  
58 children's pesticide exposure through  
59 parent education on alternative pest

1 control methods and safe pesticide use.

2 Subd. 13. Data Availability Requirements

3 (a) During the biennium ending June 30,  
4 2007, data collected by the projects  
5 funded under this section that have  
6 value for planning and management of  
7 natural resource, emergency  
8 preparedness, and infrastructure  
9 investments must conform to the  
10 enterprise information architecture  
11 developed by the Office of Technology.  
12 Spatial data must conform to geographic  
13 information system guidelines and  
14 standards outlined in that architecture  
15 and adopted by the Minnesota Geographic  
16 Data Clearinghouse at the Land  
17 Management Information Center. A  
18 description of these data that adheres  
19 to Office of Technology geographic  
20 metadata standards must be submitted to  
21 the Land Management Information Center  
22 to be made available on-line through  
23 the clearinghouse, and the data  
24 themselves must be accessible and free  
25 to the public unless made private under  
26 the Data Practices Act, Minnesota  
27 Statutes, chapter 13.

28 (b) To the extent practicable, summary  
29 data and results of projects funded  
30 under this section should be readily  
31 accessible on the Internet and  
32 identified as an environment and  
33 natural resources trust fund project.

34 (c) As part of project expenditures,  
35 recipients of land acquisition  
36 appropriations must provide the  
37 information necessary to update public  
38 recreation information maps to the  
39 Department of Natural Resources in the  
40 form specified by the department.

41 Subd. 14. Project Requirements

42 It is a condition of acceptance of the  
43 appropriations in this section that any  
44 agency or entity receiving the  
45 appropriation must comply with  
46 Minnesota Statutes, chapter 116P, and  
47 vegetation planted must be native to  
48 Minnesota and preferably of the local  
49 ecotype unless the work program  
50 approved by the commission expressly  
51 allows the planting of species that are  
52 not native to Minnesota. Bridges that  
53 are constructed with appropriations  
54 under this section must be made out of  
55 iron, concrete, or wood.

56 Subd. 15. Match Requirements

57 Unless specifically authorized,  
58 appropriations in this section that  
59 must be matched and for which the match  
60 has not been committed by December 31,  
61 2005, are canceled, and in-kind  
62 contributions may not be counted as  
63 matching funds.

## 1 Subd. 16. Payment Conditions and Capital Equipment Expenditures

2 All agreements, grants, or contracts  
3 referred to in this section must be  
4 administered on a reimbursement basis  
5 unless otherwise provided in this  
6 section. Notwithstanding Minnesota  
7 Statutes, section 16A.41, expenditures  
8 made on or after July 1, 2005, or the  
9 date the work program is approved,  
10 whichever is later, are eligible for  
11 reimbursement unless otherwise provided  
12 in this section. Payment must be made  
13 upon receiving documentation that  
14 project-eligible, reimbursable dollar  
15 amounts have been expended, except that  
16 reasonable amounts may be advanced to  
17 projects to accommodate cash flow needs  
18 or match federal funds. The advances  
19 must be approved as part of the work  
20 program. No expenditures for capital  
21 equipment are allowed unless expressly  
22 authorized in the project work program.

## 23 Subd. 17. Purchase of Recycled and Recyclable Materials

24 A political subdivision, public or  
25 private corporation, or other entity  
26 that receives an appropriation in this  
27 section must use the appropriation in  
28 compliance with Minnesota Statutes,  
29 sections 16B.121 and 16B.122, requiring  
30 the purchase of recycled, repairable,  
31 and durable materials; the purchase of  
32 uncoated paper stock; and the use of  
33 soy-based ink, the same as if it were a  
34 state agency.

## 35 Subd. 18. Energy Conservation

36 A recipient to whom an appropriation is  
37 made in this section for a capital  
38 improvement project shall ensure that  
39 the project complies with the  
40 applicable energy conservation  
41 standards contained in law, including  
42 Minnesota Statutes, sections 216C.19  
43 and 216C.20, and rules adopted  
44 thereunder. The recipient may use the  
45 energy planning, advocacy, and state  
46 energy office units of the Department  
47 of Commerce to obtain information and  
48 technical assistance on energy  
49 conservation and alternative energy  
50 development relating to the planning  
51 and construction of the capital  
52 improvement project.

## 53 Subd. 19. Accessibility

54 Structural and nonstructural facilities  
55 must meet the design standards in the  
56 Americans with Disability Act (ADA)  
57 accessibility guidelines.

58 Sec. 12. Minnesota Statutes 2004, section 16A.125,  
59 subdivision 5, is amended to read:

60 Subd. 5. [FOREST TRUST LANDS.] (a) The term "state forest

1 trust fund lands" as used in this subdivision, means public land  
2 in trust under the Constitution set apart as "forest lands under  
3 the authority of the commissioner" of natural resources as  
4 defined by section 89.001, subdivision 13.

5 (b) The commissioner of finance shall credit the revenue  
6 from the forest trust fund lands to the forest suspense  
7 account. The account must specify the trust funds interested in  
8 the lands and the respective receipts of the lands.

9 (c) After a fiscal year, the commissioner of finance shall  
10 certify the total costs incurred for forestry during that year  
11 under appropriations for the protection, improvement,  
12 administration, and management of state forest trust fund lands  
13 and construction and improvement of forest roads to enhance the  
14 forest value of the lands. The certificate must specify the  
15 trust funds interested in the lands. The commissioner of  
16 natural resources shall supply the commissioner of finance with  
17 the information needed for the certificate.

18 (d) After a fiscal year, the commissioner shall distribute  
19 the receipts credited to the suspense account during that fiscal  
20 year as follows:

21 (a) (1) the amount of the certified costs incurred by the  
22 state for forest management, forest improvement, and road  
23 improvement during the fiscal year shall be transferred to  
24 the ~~general-fund-~~ forest management investment account  
25 established under section 89.039;

26 (2) the balance of the certified costs incurred by the  
27 state during the fiscal year shall be transferred to the general  
28 fund; and

29 (b) (3) the balance of the receipts shall then be returned  
30 prorated to the trust funds in proportion to their respective  
31 interests in the lands which produced the receipts.

32 Sec. 13. Minnesota Statutes 2004, section 17.03,  
33 subdivision 13, is amended to read:

34 Subd. 13. [SEMIANNUAL REPORTS.] (a) ~~By-October-15-and~~  
35 ~~April-15-of-each-year,~~ The commissioner shall submit to the  
36 legislative committees having jurisdiction over appropriations

1 from the agricultural fund in section 16A.531 ~~a-report~~ reports  
2 on the amount of revenue raised in each fee account within the  
3 fund, the expenditures from each account, and the purposes for  
4 which the expenditures were made. The reports must be issued in  
5 February and November each year, to coincide with the forecasts  
6 of revenue and expenditures prepared under section 16A.103.

7 (b) The report delivered ~~on-October-15~~ in February of each  
8 year must include the commissioner's recommendations, if any,  
9 for changes in statutes relating to the fee accounts of the  
10 agricultural fund.

11 Sec. 14. Minnesota Statutes 2004, section 17.117, is  
12 amended by adding a subdivision to read:

13 Subd. 5b. [APPLICATION FEE.] The commissioner may impose a  
14 nonrefundable application fee of \$50 for each loan issued under  
15 the program. The fees must be credited to the agricultural best  
16 management practices administration account, which is hereby  
17 established in the agricultural fund. Interest earned in the  
18 account accrues to the account. Money in the account and  
19 interest earned in the accounts established in the agricultural  
20 fund under subdivision 5a are appropriated to the commissioner  
21 for administrative expenses of the program.

22 Sec. 15. Minnesota Statutes 2004, section 17B.03,  
23 subdivision 1, is amended to read:

24 Subdivision 1. [COMMISSIONER'S POWERS.] The commissioner  
25 of agriculture shall exercise general supervision over the  
26 inspection, grading, weighing, sampling, and analysis of grain  
27 subject to the provisions of the United States Grain Standards  
28 Act of 1976 and the rules promulgated thereunder by the United  
29 States Department of Agriculture. This activity may take place  
30 within or outside the state of Minnesota. Scale testing must be  
31 performed at export locations or, upon request from and with the  
32 consent of the delegated authority, at domestic locations. Fees  
33 for the testing of scales and weighing equipment shall be fixed  
34 by the commissioner and must be uniform with those charged by  
35 the Division of Weights and Measures of the Department of  
36 Commerce.

1           Sec. 16. Minnesota Statutes 2002, section 18B.05,  
2 subdivision 1, is amended to read:

3           Subdivision 1. [ESTABLISHMENT.] A pesticide regulatory  
4 account is established in the agricultural fund. Fees,  
5 assessments, and penalties collected under this chapter must be  
6 deposited in the agricultural fund and credited to the pesticide  
7 regulatory account. Money in the account, including interest,  
8 is appropriated to the commissioner for the administration and  
9 enforcement of this chapter.

10          Sec. 17. Minnesota Statutes 2004, section 18B.08,  
11 subdivision 4, is amended to read:

12          Subd. 4. [APPLICATION FEE.] A person ~~initially~~ applying  
13 for a chemigation permit must pay a nonrefundable application  
14 fee of ~~\$50~~ \$250. A person who holds a fertilizer chemigation  
15 permit under section 18C.205, is exempt from the fee in this  
16 subdivision.

17          Sec. 18. Minnesota Statutes 2004, section 18B.26,  
18 subdivision 3, is amended to read:

19          Subd. 3. [APPLICATION FEE.] (a) A registrant shall pay an  
20 annual application fee for each pesticide to be registered, and  
21 this fee is set at one-tenth of one percent for calendar year  
22 1990, at one-fifth of one percent for calendar year 1991, and at  
23 two-fifths of one percent for calendar year 1992 and thereafter  
24 of annual gross sales within the state and annual gross sales of  
25 pesticides used in the state, with a minimum nonrefundable fee  
26 of \$250. The registrant shall determine when and which  
27 pesticides are sold or used in this state. The registrant shall  
28 secure sufficient sales information of pesticides distributed  
29 into this state from distributors and dealers, regardless of  
30 distributor location, to make a determination. Sales of  
31 pesticides in this state and sales of pesticides for use in this  
32 state by out-of-state distributors are not exempt and must be  
33 included in the registrant's annual report, as required under  
34 paragraph (c), and fees shall be paid by the registrant based  
35 upon those reported sales. Sales of pesticides in the state for  
36 use outside of the state are exempt from the application fee in

1 this paragraph if the registrant properly documents the sale  
2 location and distributors. A registrant paying more than the  
3 minimum fee shall pay the balance due by March 1 based on the  
4 gross sales of the pesticide by the registrant for the preceding  
5 calendar year. The fee for disinfectants and sanitizers shall  
6 be the minimum. The minimum fee is due by December 31 preceding  
7 the year for which the application for registration is made.  
8 The commissioner shall spend at least \$300,000 per fiscal year  
9 from the pesticide regulatory account for the purposes of the  
10 waste pesticide collection program.

11 (b) An additional fee of \$100 must be paid by the applicant  
12 for each pesticide to be registered if the application is a  
13 renewal application that is submitted after December 31.

14 (c) A registrant must annually report to the commissioner  
15 the amount and type of each registered pesticide sold, offered  
16 for sale, or otherwise distributed in the state. The report  
17 shall be filed by March 1 for the previous year's registration.  
18 The commissioner shall specify the form of the report and  
19 require additional information deemed necessary to determine the  
20 amount and type of pesticides annually distributed in the  
21 state. The information required shall include the brand name,  
22 amount, and formulation of each pesticide sold, offered for  
23 sale, or otherwise distributed in the state, but the information  
24 collected, if made public, shall be reported in a manner which  
25 does not identify a specific brand name in the report.

26 (d) A registrant who is required to pay more than the  
27 minimum fee for any pesticide under paragraph (a) must pay a  
28 late fee penalty of \$100 for each pesticide application fee paid  
29 after March 1 in the year for which the license is to be issued.

30 Sec. 19. Minnesota Statutes 2004, section 18B.31,  
31 subdivision 5, is amended to read:

32 Subd. 5. [APPLICATION FEE.] (a) An application for a  
33 pesticide dealer license must be accompanied by a nonrefundable  
34 application fee of ~~\$50~~ \$150.

35 (b) If an application for renewal of a pesticide dealer  
36 license is not filed before January 1 of the year for which the

1 license is to be issued, an additional fee of \$20 must be paid  
2 by the applicant before the license is issued.

3 Sec. 20. Minnesota Statutes 2004, section 18B.315,  
4 subdivision 6, is amended to read:

5 Subd. 6. [FEES.] (a) An applicant for an aquatic pest  
6 control license for a business must pay a nonrefundable  
7 application fee of ~~\$100~~ \$200. An employee of a licensed  
8 business must pay a nonrefundable application fee of \$50 for an  
9 individual aquatic pest control license.

10 (b) An application received after expiration of the aquatic  
11 pest control license is subject to a penalty of 50 percent of  
12 the application fee.

13 (c) An applicant that meets renewal requirements by  
14 reexamination instead of attending workshops must pay the  
15 equivalent workshop fee for the reexamination as determined by  
16 the commissioner.

17 Sec. 21. Minnesota Statutes 2004, section 18B.32,  
18 subdivision 6, is amended to read:

19 Subd. 6. [FEES.] (a) An applicant for a structural pest  
20 control license for a business must pay a nonrefundable  
21 application fee of ~~\$100~~ \$200. An employee of a licensed  
22 business must pay a nonrefundable application fee of \$50 for an  
23 individual structural pest control license.

24 (b) An application received after expiration of the  
25 structural pest control license is subject to a penalty fee of  
26 50 percent of the application fee.

27 (c) An applicant that meets renewal requirements by  
28 reexamination instead of attending workshops must pay the  
29 equivalent workshop fee for the reexamination as determined by  
30 the commissioner.

31 Sec. 22. Minnesota Statutes 2004, section 18B.33,  
32 subdivision 7, is amended to read:

33 Subd. 7. [APPLICATION FEES.] (a) A person initially  
34 applying for or renewing a commercial applicator license must  
35 pay a nonrefundable application fee of \$50.

36 (b) ~~If~~ A license renewal application ~~is not filed~~

1 ~~before received after~~ March 1 ~~of~~ in the year for which the  
2 license is to be issued, ~~an additional~~ is subject to a penalty  
3 ~~fee of \$10-must-be-paid-before-the-commercial-applicator~~ 50  
4 percent of the application fee. The penalty fee must be paid  
5 before the renewal license may be issued.

6 (c) An application for a duplicate commercial applicator  
7 license must be accompanied by a nonrefundable application fee  
8 of \$10.

9 Sec. 23. Minnesota Statutes 2004, section 18B.34,  
10 subdivision 5, is amended to read:

11 Subd. 5. [FEES.] (a) A person initially applying for or  
12 renewing a noncommercial applicator license must pay a  
13 nonrefundable application fee of \$50, except an applicant who is  
14 a government or Minnesota Conservation Corps employee who uses  
15 pesticides in the course of performing official duties must pay  
16 a nonrefundable application fee of \$10.

17 (b) ~~If-an~~ A license renewal application ~~for-renewal-of-a~~  
18 ~~noncommercial-license-is-not-filed-before~~ received after March 1  
19 in the year for which the license is to be issued, ~~an additional~~  
20 is subject to a penalty fee of \$10-must-be-paid-before-the 50  
21 percent of the application fee. The penalty fee must be paid  
22 before the renewal license may be issued.

23 (c) An application for a duplicate noncommercial applicator  
24 license must be accompanied by a nonrefundable application fee  
25 of \$10.

26 Sec. 24. Minnesota Statutes 2004, section 18C.141,  
27 subdivision 1, is amended to read:

28 Subdivision 1. [PROGRAM ESTABLISHMENT.] The commissioner  
29 shall establish ~~a-program~~ voluntary programs to certify the  
30 accuracy of analyses from soil and manure testing laboratories  
31 and ~~promote~~ standardization of soil and manure testing  
32 procedures and analytical results.

33 Sec. 25. Minnesota Statutes 2004, section 18C.141,  
34 subdivision 3, is amended to read:

35 Subd. 3. [ANALYSES REPORTING STANDARDS.] (a) The results  
36 obtained from soil, manure, or plant analysis must be reported

1 in accordance with standard reporting units established by the  
2 commissioner by rule. The standard reporting units must conform  
3 as far as practical to uniform standards that are adopted on a  
4 regional or national basis.

5 (b) If a certified laboratory offers a recommendation for  
6 use in Minnesota, the University of Minnesota recommendation or  
7 that of another land grant college in a contiguous state must be  
8 offered in addition to other recommendations, and the source of  
9 the recommendation must be identified on the recommendation  
10 form. If relative levels such as low, medium, or high are  
11 presented to classify the analytical results, the corresponding  
12 relative levels based on the analysis as designated by the  
13 University of Minnesota or the land grant college in a  
14 contiguous state must also be presented.

15 Sec. 26. Minnesota Statutes 2004, section 18C.141,  
16 subdivision 5, is amended to read:

17 Subd. 5. [~~CERTIFICATION FEES.~~] (a) The commissioner may  
18 charge the actual costs for check sample preparation and  
19 shipping.

20 (b) ~~A laboratory applying for certification shall pay an~~  
21 ~~application fee of \$100 and a certification fee of \$100 before~~  
22 ~~the certification is issued~~ may be charged a nonrefundable  
23 certification fee to cover the actual costs for administration  
24 of the program.

25 ~~(c) Certification is valid for one year and the renewal~~  
26 ~~fee is \$100. The commissioner shall charge an additional~~  
27 ~~application fee of \$100 if a certified laboratory allows~~  
28 ~~certification to lapse before applying for renewed certification~~  
29 renewable on an annual basis.

30 ~~(e) The commissioner shall notify a certified lab that its~~  
31 ~~certification lapses within 30 to 60 days of the date when the~~  
32 ~~certification lapses.~~

33 (d) The commissioner may accept donations to support the  
34 development and operation of soil and manure programs.

35 (e) Revenues under this section are deposited in the  
36 fertilizer account of the agricultural fund.

1           Sec. 27. Minnesota Statutes 2004, section 18C.425,  
2 subdivision 6, is amended to read:

3           Subd. 6. [INSPECTION FEES.] The person responsible for  
4 payment of the inspection fees for fertilizers, soil amendments,  
5 or plant amendments sold and used in this state must pay an  
6 inspection fee of ~~±5~~ 30 cents per ton of fertilizer, soil  
7 amendment, and plant amendment sold or distributed in this  
8 state, with a minimum of \$10 on all tonnage reports. Products  
9 sold or distributed to manufacturers or exchanged between them  
10 are exempt from the inspection fee imposed by this subdivision  
11 if the products are used exclusively for manufacturing purposes.

12           Sec. 28. Minnesota Statutes 2004, section 18E.03,  
13 subdivision 2, is amended to read:

14           Subd. 2. [EXPENDITURES.] (a) Money in the agricultural  
15 chemical response and reimbursement account may only be used:

16           (1) to pay for the commissioner's responses to incidents  
17 under chapters 18B, 18C, and 18D that are not eligible for  
18 payment under section 115B.20, subdivision 2;

19           (2) to pay for emergency responses that are otherwise  
20 unable to be funded;

21           (3) to reimburse and pay corrective action costs under  
22 section 18E.04; and

23           (4) by the board to reimburse the commissioner for board  
24 staff and other administrative costs up to ~~\$175,000~~ \$225,000 per  
25 fiscal year.

26           (b) Money in the agricultural chemical response and  
27 reimbursement account is appropriated to the commissioner to  
28 make payments as provided in this subdivision.

29           Sec. 29. Minnesota Statutes 2004, section 18G.10,  
30 subdivision 5, is amended to read:

31           Subd. 5. [CERTIFICATE FEES.] (a) The commissioner shall  
32 assess the fees in paragraphs (b) to (f) for the inspection,  
33 service, and work performed in carrying out the issuance of a  
34 phytosanitary certificate or export certificate. The inspection  
35 fee must be based on mileage and inspection time.

36           (b) Mileage charge: current United States Internal Revenue

1 Service mileage rate.

2 (c) Inspection time: \$50 per hour minimum or fee necessary  
3 to cover department costs. Inspection time includes the driving  
4 time to and from the location in addition to the time spent  
5 conducting the inspection.

6 ~~(d) A fee must be charged for any certificate issued that~~  
7 ~~requires laboratory analysis before issuance. The fee must be~~  
8 ~~deposited into the laboratory account as authorized in section~~  
9 ~~17.85.~~ If laboratory analysis or other technical analysis is  
10 required to issue a certificate, the commissioner must set and  
11 collect the fee to recover this additional cost.

12 (e) Certificate fee for product value greater than \$250:  
13 \$75 for each phytosanitary or export certificate issued for any  
14 single shipment valued at more than \$250 in addition to any  
15 mileage or inspection time charges that are assessed.

16 (f) Certificate fee for product value less than \$250: \$25  
17 for each phytosanitary or export certificate issued for any  
18 single shipment valued at less than \$250 in addition to any  
19 mileage or inspection time charges that are assessed.

20 (g) For services provided for in subdivision 7 that are  
21 goods and services provided for the direct and primary use of a  
22 private individual, business, or other entity, the commissioner  
23 must set and collect the fees to cover the cost of the services  
24 provided.

25 Sec. 30. Minnesota Statutes 2004, section 18G.10,  
26 subdivision 7, is amended to read:

27 Subd. 7. [~~PLANT-PROTECTION-INSPECTIONS, SUPPLEMENTAL,~~  
28 ~~ADDITIONAL, OR OTHER CERTIFICATES, AND PERMITS, AND FEES.] (a)  
29 The commissioner may provide inspection, sampling, or  
30 certification services to ensure that Minnesota plant products  
31 or commodities meet import requirements of other states or  
32 countries.~~

33 (b) The state plant regulatory official may issue permits  
34 and certificates verifying that various Minnesota agricultural  
35 products or commodities meet specified phytosanitary plant  
36 health requirements, treatment requirements, or pest absence

1 assurances based on determinations by the commissioner. The  
2 commissioner-may-collect-fees-sufficient-to-recover-costs-for  
3 these-permits-or-certificates.--The-fees-must-be-deposited-in  
4 the-nursery-and-phytosanitary-account.

5 Sec. 31. Minnesota Statutes 2004, section 18G.16,  
6 subdivision 1, is amended to read:

7 Subdivision 1. [DEFINITIONS.] (a) The definitions in this  
8 subdivision apply to this section.

9 (b) "Metropolitan area" means the counties of Anoka,  
10 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

11 (c) "Municipality" means a home rule charter or statutory  
12 city or a town located in the metropolitan area that exercises  
13 municipal powers under section 368.01 or any general or special  
14 law; a special park district organized under chapter 398; a  
15 special-purpose park and recreation board organized under the  
16 city charter of a city of the first class located in the  
17 metropolitan area; a county in the metropolitan area for the  
18 purposes of county-owned property or any portion of a county  
19 located outside the geographic boundaries of a city or a town  
20 exercising municipal powers; and a municipality or county  
21 located outside the metropolitan area with an approved disease  
22 control program.

23 (d) "Shade tree disease pest" means Dutch-elm-disease, oak  
24 wilt, or any disorder pests or pathogens affecting the growth  
25 and life of shade trees.

26 (e) "Wood utilization or disposal system" means facilities,  
27 equipment, or systems used for the removal and disposal of  
28 diseased or pest-infested shade trees, including collection,  
29 transportation, processing, or storage of wood and assisting in  
30 the recovery of materials or energy from wood.

31 (f) "Approved disease pest control program" means a  
32 municipal plan approved by the commissioner to control or  
33 eradicate a shade tree disease pest.

34 (g) "Disease Pest control area" means an area approved by  
35 the commissioner within which a municipality will conduct an  
36 approved disease pest control program.

1 (h) "Sanitation" means the identification, inspection,  
2 disruption of a common root system, girdling, trimming, removal,  
3 and disposal of dead, pest-infested or diseased wood of shade  
4 trees, including subsidies for trees removed pursuant to  
5 subdivision 4, on public or private property within a disease  
6 control area.

7 (i) "Reforestation" means the replacement of shade trees  
8 removed from public property and the planting of a tree as part  
9 of a municipal disease control program. For purposes of this  
10 paragraph, "public property" includes private property within  
11 five feet of the boulevard or street terrace in a city that  
12 enacted an ordinance on or before January 1, 1977, that  
13 prohibits or requires a permit for the planting of trees in the  
14 public right-of-way.

15 (j) "Shade tree" means a woody perennial grown primarily  
16 for aesthetic or environmental purposes.

17 Sec. 32. Minnesota Statutes 2004, section 18G.16,  
18 subdivision 2, is amended to read:

19 Subd. 2. [COMMISSIONER TO ADOPT RULES.] The commissioner  
20 may adopt rules relating to shade tree pest and disease control  
21 in any municipality. The rules must prescribe control measures  
22 to be used to prevent the spread of shade tree pests and  
23 diseases and must include the following:

- 24 (1) a definition of shade tree;
- 25 (2) qualifications for tree inspectors;
- 26 (3) methods of identifying diseased or pest-infested shade  
27 trees;
- 28 (4) procedures for giving reasonable notice of inspection  
29 of private real property;
- 30 (5) measures for the removal of any shade tree which may  
31 contribute to the spread of shade tree pests or disease and for  
32 reforestation of pest or disease control areas;
- 33 (6) approved methods of treatment of shade trees;
- 34 (7) criteria for priority designation areas in an approved  
35 pest or disease control program; and
- 36 (8) any other matters determined necessary by the

1 commissioner to prevent the spread of shade tree pests or  
2 disease and enforce this section.

3 Sec. 33. Minnesota Statutes 2004, section 18G.16,  
4 subdivision 3, is amended to read:

5 Subd. 3. [DIAGNOSTIC LABORATORY.] The commissioner shall  
6 operate a diagnostic laboratory for culturing diseased or pest-  
7 infested trees for positive identification of diseased or pest-  
8 infested shade trees.

9 Sec. 34. Minnesota Statutes 2004, section 18G.16,  
10 subdivision 4, is amended to read:

11 Subd. 4. [COOPERATION BY UNIVERSITY.] The University of  
12 Minnesota College of Natural Resources shall cooperate with the  
13 department in control of shade tree disease, pests, and  
14 disorders and management of shade tree populations. The College  
15 of Natural Resources shall cooperate with the department to  
16 conduct tree inspector certification and recertification  
17 workshops for certified tree inspectors. The College of Natural  
18 Resources shall also conduct research into means for identifying  
19 diseased or pest-infested shade trees, develop and evaluate  
20 control measures, and develop means for disposing of and using  
21 diseased or pest-infested shade trees.

22 Sec. 35. Minnesota Statutes 2004, section 18G.16,  
23 subdivision 5, is amended to read:

24 Subd. 5. [EXPERIMENTAL PROGRAMS.] The commissioner may  
25 establish experimental programs for sanitation or treatment of  
26 shade tree diseases and for research into tree varieties most  
27 suitable for municipal reforestation. The research must include  
28 considerations of disease resistance, energy conservation, and  
29 other factors considered appropriate. The commissioner may make  
30 grants to municipalities or enter into contracts with  
31 municipalities, nurseries, colleges, universities, or state or  
32 federal agencies in connection with experimental shade tree  
33 programs including research to assist municipalities in  
34 establishing priority designation areas for shade tree disease  
35 pest control and energy conservation.

36 Sec. 36. Minnesota Statutes 2004, section 18G.16,

1 subdivision 6, is amended to read:

2 Subd. 6. [REMOVAL OF DISEASED OR PEST-INFESTED TREES.]

3 After reasonable notice of inspection, an owner of real property  
4 containing a shade tree that is diseased, infested, or may  
5 contribute to the spread of pests or disease, must remove or  
6 treat the tree within the period of time and in the manner  
7 established by the commissioner. Trees that are not removed in  
8 compliance with the commissioner's rules must be declared a  
9 public nuisance and removed or treated by approved methods by  
10 the municipality, which may assess all or part of the expense,  
11 limited to the lowest contract rates available that include wage  
12 levels which meet Minnesota minimum wage standards, to the  
13 property and the expense becomes a lien on the property. A  
14 municipality may assess not more than 50 percent of the expense  
15 of treating with an approved method or removing diseased or  
16 pest-infested shade trees located on street terraces or  
17 boulevards to the abutting properties and the assessment becomes  
18 a lien on the property.

19 Sec. 37. Minnesota Statutes 2004, section 18G.16,  
20 subdivision 7, is amended to read:

21 Subd. 7. [RULES; APPLICABILITY TO MUNICIPALITIES.] The  
22 rules of the commissioner apply in a municipality unless the  
23 municipality adopts an ordinance determined by the commissioner  
24 to be more stringent than the rules of the commissioner. The  
25 rules of the commissioner or the municipality apply to all state  
26 agencies, special purpose districts, and metropolitan  
27 commissions as defined in section 473.121, subdivision 5a, that  
28 own or control land adjacent to or within a shade tree ~~disease~~  
29 pest control area.

30 Sec. 38. Minnesota Statutes 2004, section 18G.16,  
31 subdivision 8, is amended to read:

32 Subd. 8. [GRANTS TO MUNICIPALITIES.] (a) The commissioner  
33 may, in the name of the state and within the limit of  
34 appropriations provided, make a grant to a municipality with an  
35 approved ~~disease~~ pest control program for the partial funding of  
36 municipal sanitation and reforestation programs to replace trees

1 lost to pest, disease or natural disaster. The commissioner may  
2 make a grant to a home rule charter or statutory city, a special  
3 purpose park and recreation board organized under a charter of a  
4 city of the first class, a nonprofit corporation serving a city  
5 of the first class, or a county having an approved disease  
6 control program for the acquisition or implementation of a wood  
7 use or disposal system.

8 (b) The commissioner shall adopt rules for the  
9 administration of grants under this subdivision. The rules must  
10 contain:

11 (1) procedures for grant applications;

12 (2) conditions and procedures for the administration of  
13 grants;

14 (3) criteria of eligibility for grants including, but not  
15 limited to, those specified in this subdivision; and

16 (4) other matters the commissioner may find necessary to  
17 the proper administration of the grant program.

18 (c) Grants for wood utilization and disposal systems made  
19 by the commissioner under this subdivision must not exceed 50  
20 percent of the total cost of the system. Grants for sanitation  
21 and reforestation must be combined into one grant program.  
22 Grants to a municipality for sanitation must not exceed 50  
23 percent of sanitation costs approved by the commissioner  
24 including any amount of sanitation costs paid by special  
25 assessments, ad valorem taxes, federal grants, or other funds.  
26 A municipality must not specially assess a property owner an  
27 amount greater than the amount of the tree's sanitation cost  
28 minus the amount of the tree's sanitation cost reimbursed by the  
29 commissioner. Grants to municipalities for reforestation must  
30 not exceed 50 percent of the wholesale cost of the trees planted  
31 under the reforestation program; provided that a reforestation  
32 grant to a county may include 90 percent of the cost of the  
33 first 50 trees planted on public property in a town not included  
34 in the definition of municipality in subdivision 1 and with less  
35 than 1,000 population when the town applies to the county.  
36 Reforestation grants to towns and home rule charter or statutory

1 cities of less than 4,000 population with an approved ~~disease~~  
2 pest control program may include 90 percent of the cost of the  
3 first 50 trees planted on public property. The governing body  
4 of a municipality that receives a reforestation grant under this  
5 section must appoint up to seven residents of the municipality  
6 or designate an existing municipal board or committee to serve  
7 as a reforestation advisory committee to advise the governing  
8 body of the municipality in the administration of the  
9 reforestation program. For the purpose of this subdivision,  
10 "cost" does not include the value of a gift or dedication of  
11 trees required by a municipal ordinance but does include  
12 documented "in-kind" services or voluntary work for  
13 municipalities with a population of less than 1,000 according to  
14 the most recent federal census.

15 (d) Based upon estimates submitted by the municipality to  
16 the commissioner, which state the estimated costs of sanitation  
17 and reforestation in the succeeding quarter under an approved  
18 program, the commissioner shall direct quarterly advance  
19 payments to be made by the state to the municipality commencing  
20 April 1. The commissioner shall direct adjustment of any  
21 overestimate in a succeeding quarter. A municipality may elect  
22 to receive the proceeds of its sanitation and reforestation  
23 grants on a periodic cost reimbursement basis.

24 (e) A home rule charter or statutory city, county outside  
25 the metropolitan area, or any municipality, as defined in  
26 subdivision 1, may submit an application for a grant authorized  
27 by this subdivision concurrently with its request for approval  
28 of a ~~disease~~ pest control program.

29 (f) The commissioner shall not make grants for sanitation  
30 and reforestation or wood utilization and disposal systems in  
31 excess of 67 percent of the amounts appropriated for those  
32 purposes to the municipalities located within the metropolitan  
33 area, as defined in subdivision 1.

34 Sec. 39. Minnesota Statutes 2004, section 18G.16,  
35 subdivision 9, is amended to read:

36 Subd. 9. [SUBSIDIES TO CERTAIN OWNERS.] A municipality may

1 provide subsidies to nonprofit organizations, to owners of  
2 private residential property of five acres or less, to owners of  
3 property used for a homestead of more than five acres but less  
4 than 20 acres, and to nonprofit cemeteries for the approved  
5 treatment or removal of diseased or pest-infested shade trees.

6 Notwithstanding any law to the contrary, an owner of  
7 property on which shade trees are located may contract with a  
8 municipality to provide protection against the cost of approved  
9 treatment or removal of diseased or pest-infested shade trees or  
10 shade trees that will contribute to the spread of shade tree  
11 diseases or pest infestations. Under the contract, the  
12 municipality must pay for the removal or approved treatment  
13 under terms and conditions determined by its governing body.

14 Sec. 40. Minnesota Statutes 2004, section 18G.16,  
15 subdivision 14, is amended to read:

16 Subd. 14. [MUNICIPAL OPTION TO PARTICIPATE IN PROGRAM.]  
17 The term "municipality" shall include only those municipalities  
18 which have informed the commissioner of their intent to continue  
19 an approved disease pest control program. Any municipality  
20 desiring to participate in the grants-in-aid for the partial  
21 funding of municipal sanitation and reforestation programs must  
22 notify the commissioner in writing before the beginning of the  
23 calendar year in which it wants to participate and must have an  
24 approved disease pest control program during any year in which  
25 it receives grants-in-aid. Notwithstanding the provisions of  
26 any law to the contrary, no municipality shall be required to  
27 have an approved disease control program after December 31, 1981.

28 Sec. 41. Minnesota Statutes 2004, section 18H.07,  
29 subdivision 1, is amended to read:

30 Subdivision 1. [ESTABLISHMENT OF FEES.] The commissioner  
31 shall establish fees sufficient to allow for the administration  
32 and enforcement of this chapter and rules adopted under this  
33 chapter, including the portion of general support costs and  
34 statewide indirect costs of the agency attributable to that  
35 function, with a reserve sufficient for up to six months. The  
36 commissioner shall review the fee schedule annually in

1 consultation with the Minnesota Nursery and Landscape Advisory  
2 Committee. For the certificate year beginning January 1, ~~2004~~  
3 2006, the fees are as described in this section.

4 Sec. 42. Minnesota Statutes 2004, section 18H.07,  
5 subdivision 2, is amended to read:

6 Subd. 2. [NURSERY STOCK GROWER CERTIFICATE.] (a) A nursery  
7 stock grower must pay an annual fee based on the area of all  
8 acreage on which nursery stock is grown for certification as  
9 follows:

- 10 (1) less than one-half acre, \$150;
- 11 (2) from one-half acre to two acres, \$200;
- 12 (3) over two acres up to five acres, \$300;
- 13 (4) over five acres up to ten acres, \$350;
- 14 (5) over ten acres up to 20 acres, \$500;
- 15 (6) over 20 acres up to 40 acres, \$650;
- 16 (7) over 40 acres up to 50 acres, \$800;
- 17 (8) over 50 acres up to 200 acres, \$1,100;
- 18 (9) over 200 acres up to 500 acres, \$1,500; and
- 19 (10) over 500 acres, \$1,500 plus \$2 for each additional  
20 acre.

21 (b) In addition to the fees in paragraph (a), a penalty of  
22 ten percent of the fee due must be charged for each month, or  
23 portion thereof, that the fee is delinquent up to a maximum of  
24 30 percent for any application for renewal not received by  
25 January 1 of the year following expiration of a certificate.

26 Sec. 43. Minnesota Statutes 2004, section 18H.07,  
27 subdivision 3, is amended to read:

28 Subd. 3. [NURSERY STOCK DEALER CERTIFICATE.] (a) A nursery  
29 stock dealer must pay an annual fee based on the dealer's gross  
30 sales of certified nursery stock per location during the  
31 ~~preceeding~~ most recent certificate year. A certificate applicant  
32 operating for the first time must pay the minimum fee. The fees  
33 per sales location are:

- 34 (1) gross sales up to ~~\$20,000~~ \$5,000, \$150;
- 35 (2) gross sales over ~~\$20,000~~ \$5,000 up to ~~\$100,000~~ \$20,000,  
36 \$175;

1 (3) gross sales over ~~\$100,000~~ \$20,000 up to  
2 ~~\$250,000~~ \$50,000, \$300;

3 (4) gross sales over ~~\$250,000~~ \$50,000 up to  
4 ~~\$500,000~~ \$75,000, \$425;

5 (5) gross sales over ~~\$500,000~~ \$75,000 up to  
6 ~~\$1,000,000~~ \$100,000, \$550;

7 (6) gross sales over ~~\$1,000,000~~ \$100,000 up to  
8 ~~\$2,000,000~~ \$200,000, \$675; and

9 (7) gross sales over ~~\$2,000,000~~ \$200,000, \$800.

10 (b) In addition to the fees in paragraph (a), a penalty of  
11 ten percent of the fee due must be charged for each month, or  
12 portion thereof, that the fee is delinquent up to a maximum of  
13 30 percent for any application for renewal not received by  
14 January 1 of the year following expiration of a certificate.

15 Sec. 44. Minnesota Statutes 2004, section 19.64,  
16 subdivision 1, is amended to read:

17 Subdivision 1. [REGISTRATION.] Every person who owns,  
18 leases, or possesses colonies of bees ~~or who intends to bring~~  
19 ~~bees into the state under an entry permit~~ shall register the  
20 bees with the commissioner on or before ~~April 15~~ June 1 of each  
21 year or within 15 days of entry into Minnesota or taking  
22 possession of hives, whichever comes first. The registration  
23 application shall include the name and address of the applicant,  
24 a description of the exact location of each of the applicant's  
25 apiaries by county, township, range and quarter section, and  
26 other information required by the commissioner. The fee for  
27 registration under this subdivision is ~~\$10~~ \$25 for beekeepers  
28 with less than 50 colonies and \$50 for beekeepers with 50  
29 colonies or more maintained in the state. ~~The commissioner~~  
30 ~~shall provide registered beekeepers with the Minnesota pest~~  
31 ~~report.~~

32 The registration required by this section is not  
33 transferable. At least one colony in each location must be  
34 plainly and legibly marked with the owner's name and telephone  
35 number and address, and other information required by the  
36 commissioner. The department shall provide information on

1 colony locations as reported on the registrations on an Internet  
 2 Web site or through other appropriate measures.

3 Sec. 45. Minnesota Statutes 2004, section 25.341,  
 4 subdivision 2, is amended to read:

5 Subd. 2. [APPLICATION; FEE; TERM.] A person who is  
 6 required to have a commercial feed license shall submit an  
 7 application on a form provided or approved by the commissioner  
 8 accompanied by a license fee of \$25 paid to the commissioner for  
 9 each ~~faciility~~ location. A license is not transferable from one  
 10 person to another, from one ownership to another, or from one  
 11 location to another. The license year is the calendar year. A  
 12 license expires on December 31 of the year for which it is  
 13 issued, except that a license is valid through January 31 of the  
 14 next year or until the issuance of the renewal license,  
 15 whichever comes first, if the licensee has filed a renewal  
 16 application with the commissioner on or before December 31 of  
 17 the year for which the current license was issued. ~~A-new~~  
 18 ~~applicant-who~~ Any person who is required to have, but fails to  
 19 obtain a license within-15-working-days-of-notification-of-the  
 20 requirement-to-obtain-a-license, or a licensee who fails to  
 21 comply with license renewal requirements, shall pay a \$50 late  
 22 fee in addition to the license fee. ~~The-commissioner-may-issue~~  
 23 ~~a-withdrawal-from-distribution-order-on-any-commercial-feed-that~~  
 24 ~~an-unlicensed-person-produces-or-distributes-in-the-state-until~~  
 25 ~~a-license-is-issued.~~

26 Sec. 46. [25.342] [CERTIFICATES, FREE SALE.]

27 A nonrefundable application fee of \$25 must accompany all  
 28 free sale certificate requests to facilitate the movement of  
 29 Minnesota processed and manufactured feeds destined for export  
 30 from the state. Each label submitted for review must be  
 31 accompanied by a nonrefundable \$50 application fee.

32 Sec. 47. Minnesota Statutes 2004, section 25.39,  
 33 subdivision 1, is amended to read:

34 Subdivision 1. [AMOUNT OF FEE.] (a) An inspection fee at  
 35 the rate of 16 cents per ton must be paid to the commissioner on  
 36 commercial feeds distributed in this state by the person who

1 first distributes the commercial feed, except that:

2 (1) no fee needs-~~to~~ need be paid on:

3 ~~(1)~~ (i) a commercial feed if the payment has been made by a  
4 previous distributor; or

5 ~~(2)~~ (ii) customer formula feeds if the inspection fee is  
6 paid on the commercial feeds which are used as ingredients; or

7 ~~(3)-commercial-feeds-used-as-ingredients-for-the~~  
8 ~~manufacture-of-commercial-feeds-if-the-fee-has-been-paid-by-a~~  
9 ~~previous-distributor---if-the-fee-has-already-been-paid,-credit~~  
10 ~~must-be-given-for-that-payment.~~ (2) a Minnesota feed distributor  
11 who distributes can substantiate that greater than 50 percent of  
12 the distribution of commercial feed is to purchasers outside the  
13 state may purchase commercial feeds, without payment by any  
14 person of the inspection fee required on these purchases, under  
15 a tonnage fee exemption permit issued by the commissioner. Such  
16 location specific permits shall only be issued on a calendar  
17 year basis to commercial feed distributors who submit a \$100  
18 nonrefundable application fee and comply with rules adopted by  
19 the commissioner relative to record keeping, tonnage of  
20 commercial feed distributed in Minnesota, total of all  
21 commercial feed tonnage distributed, and all other information  
22 which the commissioner may require so as to ensure that proper  
23 inspection fee payment has been made.

24 (b) In the case of pet food distributed in the state only  
25 in packages of ten pounds or less, a listing of each product and  
26 a current label for each product must be submitted annually on  
27 forms provided by the commissioner and accompanied by an annual  
28 fee of \$50 for each product in lieu of the inspection fee. This  
29 annual fee is due by July 1. The inspection fee required by  
30 paragraph (a) applies to pet food distributed in packages  
31 exceeding ten pounds.

32 (c) In the case of specialty pet food distributed in the  
33 state only in packages of ten pounds or less, a listing of each  
34 product and a current label for each product must be submitted  
35 annually on forms provided by the commissioner and accompanied  
36 by an annual fee of \$25 for each product in lieu of the

1 inspection fee. This annual fee is due by July 1. The  
2 inspection fee required by paragraph (a) applies to specialty  
3 pet food distributed in packages exceeding ten pounds.

4 (d) The minimum inspection fee is \$10 per annual reporting  
5 period.

6 Sec. 48. Minnesota Statutes 2004, section 25.39,  
7 subdivision 4, is amended to read:

8 Subd. 4. [COMMERCIAL FEED INSPECTION ACCOUNT.] A  
9 commercial feed inspection account is established in the  
10 agricultural fund. Fees and penalties collected under ~~sections~~  
11 ~~25:35-to-25:43~~ this chapter and interest attributable to money  
12 in the account must be deposited in the agricultural fund and  
13 credited to the commercial feed inspection account. Money in  
14 the account, including interest earned, is appropriated to the  
15 commissioner for the administration and enforcement of ~~sections~~  
16 ~~25:341-to-25:43~~ this chapter.

17 Sec. 49. Minnesota Statutes 2004, section 41A.09,  
18 subdivision 2a, is amended to read:

19 Subd. 2a. [DEFINITIONS.] For the purposes of this section,  
20 the terms defined in this subdivision have the meanings given  
21 them.

22 (a) "Ethanol" means fermentation ethyl alcohol derived from  
23 agricultural products, including potatoes, cereal grains, cheese  
24 whey, and sugar beets; forest products; or other renewable  
25 resources, including residue and waste generated from the  
26 production, processing, and marketing of agricultural products,  
27 forest products, and other renewable resources, that:

28 (1) meets all of the specifications in ASTM specification  
29 D4806-01; and

30 (2) is denatured as specified in Code of Federal  
31 Regulations, title 27, parts 20 and 21.

32 (b) "Ethanol plant" means a plant at which ethanol is  
33 produced.

34 (c) "Commissioner" means the commissioner of agriculture.

35 (d) "Rural economic infrastructure" means the development  
36 activities that will enhance the value of agricultural crop or

1 livestock commodities or by-products or waste from farming  
2 operations.

3 Sec. 50. Minnesota Statutes 2004, section 41A.09,  
4 subdivision 3a, is amended to read:

5 Subd. 3a. [ETHANOL PRODUCER PAYMENTS.] (a) The  
6 commissioner shall make cash payments to producers of ethanol  
7 located in the state that have begun production at a specific  
8 location by June 30, 2000. For the purpose of this subdivision,  
9 an entity that holds a controlling interest in more than one  
10 ethanol plant is considered a single producer. The amount of  
11 the payment for each producer's annual production, except as  
12 provided in paragraph (c), is 20 cents per gallon for each  
13 gallon of ethanol produced at a specific location on or before  
14 June 30, 2000, or ten years after the start of production,  
15 whichever is later. Annually, within 90 days of the end of its  
16 fiscal year, an ethanol producer receiving payments under this  
17 subdivision must file a disclosure statement on a form provided  
18 by the commissioner. The initial disclosure statement must  
19 include a summary description of the organization of the  
20 business structure of the claimant, a listing of the percentages  
21 of ownership by any person or other entity with an ownership  
22 interest of five percent or greater, and a copy of its annual  
23 audited financial statements, including the auditor's report and  
24 footnotes. The disclosure statement must include information  
25 demonstrating what percentage of the entity receiving payments  
26 under this section is owned by farmers or other entities  
27 eligible to farm or own agricultural land in Minnesota under the  
28 provisions of section 500.24. Subsequent annual reports must  
29 reflect noncumulative changes in ownership of ten percent or  
30 more of the entity. The report need not disclose the identity  
31 of the persons or entities eligible to farm or own agricultural  
32 land with ownership interests, individuals residing within 30  
33 miles of the plant, or of any other entity with less than ten  
34 percent ownership interest, but the claimant must retain  
35 information within its files confirming the accuracy of the data  
36 provided. This data must be made available to the commissioner

1 upon request. Not later than the 15th day of February in each  
2 year the commissioner shall deliver to the chairs of the  
3 standing committees of the senate and the house of  
4 representatives that deal with agricultural policy and  
5 agricultural finance issues an annual report summarizing  
6 aggregated data from plants receiving payments under this  
7 section during the preceding calendar year. Audited financial  
8 statements and notes and disclosure statements submitted to the  
9 commissioner are nonpublic data under section 13.02, subdivision  
10 9. Notwithstanding the provisions of chapter 13 relating to  
11 nonpublic data, summaries of the submitted audited financial  
12 reports and notes and disclosure statements will be contained in  
13 the report to the committee chairs and will be public data.

14 (b) No payments shall be made for ethanol production that  
15 occurs after June 30, 2010. A producer of ethanol shall not  
16 transfer the producer's eligibility for payments under this  
17 section to an ethanol plant at a different location.

18 (c) If the level of production at an ethanol plant  
19 increases due to an increase in the production capacity of the  
20 plant, the payment under paragraph (a) applies to the additional  
21 increment of production until ten years after the increased  
22 production began. Once a plant's production capacity reaches  
23 15,000,000 gallons per year, no additional increment will  
24 qualify for the payment.

25 (d) Total payments under paragraphs (a) and (c) to a  
26 producer in a fiscal year may not exceed \$3,000,000.

27 (e) By the last day of October, January, April, and July,  
28 each producer shall file a claim for payment for ethanol  
29 production during the preceding three calendar months. A  
30 producer that files a claim under this subdivision shall include  
31 a statement of the producer's total ethanol production in  
32 Minnesota during the quarter covered by the claim. For each  
33 claim and statement of total ethanol production filed under this  
34 subdivision, the volume of ethanol production must be examined  
35 by an independent certified public accountant in accordance with  
36 standards established by the American Institute of Certified

1 Public Accountants.

2 (f) Payments shall be made November 15, February 15, May  
3 15, and August 15. A separate payment shall be made for each  
4 claim filed. Except as provided in paragraph (g), the total  
5 quarterly payment to a producer under this paragraph may not  
6 exceed \$750,000.

7 (g) Notwithstanding the quarterly payment limits of  
8 paragraph (f), the commissioner shall make an additional payment  
9 in the fourth quarter of each fiscal year to ethanol producers  
10 for the lesser of: (1) 20 cents per gallon of production in the  
11 fourth quarter of the year that is greater than 3,750,000  
12 gallons; or (2) the total amount of payments lost during the  
13 first three quarters of the fiscal year due to plant outages,  
14 repair, or major maintenance. Total payments to an ethanol  
15 producer in a fiscal year, including any payment under this  
16 paragraph, must not exceed the total amount the producer is  
17 eligible to receive based on the producer's approved production  
18 capacity. The provisions of this paragraph apply only to  
19 production losses that occur in quarters beginning after  
20 December 31, 1999.

21 (h) The commissioner shall reimburse ethanol producers for  
22 any deficiency in payments during earlier quarters if the  
23 deficiency occurred because of unallotment or because  
24 appropriated money was insufficient to make timely payments in  
25 the full amount provided in paragraph (a). Notwithstanding the  
26 quarterly or annual payment limitations in this subdivision, the  
27 commissioner shall begin making payments for earlier  
28 deficiencies in each fiscal year that appropriations for ethanol  
29 payments exceed the amount required to make eligible scheduled  
30 payments. Payments for earlier deficiencies must continue until  
31 the deficiencies for each producer are paid in full.

32 (i) The commissioner may make direct payments to producers  
33 of rural economic infrastructure with any amount of the annual  
34 appropriation for ethanol producer payments and rural economic  
35 infrastructure that is in excess of the amount required to make  
36 scheduled ethanol producer payments and deficiency payments

1 under paragraphs (a) to (h).

2 Sec. 51. Minnesota Statutes 2004, section 41A.09, is  
3 amended by adding a subdivision to read:

4 Subd. 9. [MOTOR VEHICLES; ETHANOL COMBUSTION EFFICIENCY  
5 GRANTS.] From within the appropriation for each fiscal year to  
6 the ethanol development program under this section, or from  
7 other appropriated money, the commissioner shall make up to two  
8 grants, each in an amount not exceeding \$50,000, to qualified  
9 applicants proposing to do research on, but not limited to,  
10 ethanol's effect on fuel system materials compatibility and ways  
11 to improve the energy efficiency of ethanol fuel blends in motor  
12 vehicles while meeting all requirements for control of tailpipe  
13 emissions. A grant recipient may receive funding for no more  
14 than two consecutive years. A research project must be matched  
15 by \$2 of nonstate money for each \$3 of state grant money.

16 Sec. 52. Minnesota Statutes 2004, section 41A.09, is  
17 amended by adding a subdivision to read:

18 Subd. 10. [GUIDELINES.] The commissioner shall establish  
19 guidelines not subject to chapter 14 for the submission and  
20 review of applications and the awarding of grants under  
21 subdivision 9.

22 Sec. 53. Minnesota Statutes 2004, section 41B.046,  
23 subdivision 5, is amended to read:

24 Subd. 5. [LOANS.] (a) The authority may participate in a  
25 stock loan with an eligible lender to a farmer who is eligible  
26 under subdivision 4. Participation is limited to 45 percent of  
27 the principal amount of the loan or \$40,000, whichever is less.  
28 The interest rates and repayment terms of the authority's  
29 participation interest may differ from the interest rates and  
30 repayment terms of the lender's retained portion of the loan,  
31 but the authority's interest rate must not exceed 50 percent of  
32 the lender's interest rate.

33 (b) No more than 95 percent of the purchase price of the  
34 stock may be financed under this program.

35 (c) Security for stock loans must be the stock purchased, a  
36 personal note executed by the borrower, and whatever other

1 security is required by the eligible lender or the authority.

2 (d) The authority may impose a reasonable nonrefundable  
3 application fee for each application for a stock loan. The  
4 authority may review the fee annually and make adjustments as  
5 necessary. The application fee is initially \$50. Application  
6 fees received by the authority must be deposited in the  
7 value-added agricultural product revolving fund.

8 (e) Stock loans under this program will be made using money  
9 in the ~~value-added-agricultural-product~~ revolving fund loan  
10 account established under subdivision 3 in section 41B.06.

11 (f) The authority may not grant stock loans in a cumulative  
12 amount exceeding \$2,000,000 for the financing of stock purchases  
13 in any one cooperative.

14 (g) Repayments of financial assistance under this section,  
15 including principal and interest, must be deposited into the  
16 revolving loan account established in section 41B.06.

17 Sec. 54. Minnesota Statutes 2004, section 41B.049,  
18 subdivision 2, is amended to read:

19 Subd. 2. [~~REVOLVING-FUND DEPOSIT OF REPAYMENTS.~~] ~~There is~~  
20 ~~established in the state treasury a revolving fund, which is~~  
21 ~~eligible to receive appropriations and the transfer of funds~~  
22 ~~from other services.~~ All repayments of financial assistance  
23 granted under subdivision 1, including principal and interest,  
24 must be deposited into ~~this fund.~~ ~~Interest earned on money in~~  
25 ~~the fund accrues to the fund, and money in the fund is~~  
26 ~~appropriated to the commissioner of agriculture for purposes of~~  
27 ~~the manure digester loan program, including costs incurred by~~  
28 ~~the authority to establish and administer the program~~ the  
29 revolving loan account established in section 41B.06.

30 Sec. 55. [41B.055] [LIVESTOCK EQUIPMENT PILOT LOAN  
31 PROGRAM.]

32 Subdivision 1. [ESTABLISHMENT.] The authority must  
33 establish and implement a livestock equipment pilot loan program  
34 to help finance the first purchase of livestock-related  
35 equipment and make livestock facilities improvements.

36 Subd. 2. [ELIGIBILITY.] Notwithstanding section 41B.03, to

1 be eligible for this program a borrower must:

2 (1) be a resident of Minnesota or general partnership or a  
3 family farm corporation, authorized farm corporation, family  
4 farm partnership, or authorized farm partnership as defined in  
5 section 500.24, subdivision 2;

6 (2) be the principal operator of a livestock farm;

7 (3) have a total net worth, including assets and  
8 liabilities of the borrower's spouse and dependents, no greater  
9 than the amount stipulated in section 41B.03, subdivision 3;

10 (4) demonstrate an ability to repay the loan; and

11 (5) hold an appropriate feedlot registration or be using  
12 the loan under this program to meet registration requirements.

13 In addition to the requirements in clauses (1) to (5),  
14 preference must be given to applicants who have farmed less than  
15 ten years as evidenced by their filing of schedule F in their  
16 federal tax returns.

17 Subd. 3. [LOANS.] (a) The authority may participate in a  
18 livestock equipment loan equal to 90 percent of the purchased  
19 equipment value with an eligible lender to a farmer who is  
20 eligible under subdivision 2. Participation is limited to 45  
21 percent of the principal amount of the loan or \$40,000,  
22 whichever is less. The interest rates and repayment terms of  
23 the authority's participation interest may differ from the  
24 interest rates and repayment terms of the lender's retained  
25 portion of the loan, but the authority's interest rate must not  
26 exceed three percent. The authority may review the interest  
27 annually and make adjustments as necessary.

28 (b) Standards for loan amortization must be set by the  
29 rural finance authority and must not exceed seven years.

30 (c) Security for a livestock equipment loan must be a  
31 personal note executed by the borrower and whatever other  
32 security is required by the eligible lender or the authority.

33 (d) Refinancing of existing debt is not an eligible purpose.

34 (e) The authority may impose a reasonable, nonrefundable  
35 application fee for a livestock equipment loan. The authority  
36 may review the fee annually and make adjustments as necessary.

1 The initial application fee is \$50. Application fees received  
2 by the authority must be deposited in the revolving loan account  
3 established in section 41B.06.

4 (f) Loans under this program must be made using money in  
5 the revolving loan account established in section 41B.06.

6 Subd. 4. [ELIGIBLE EXPENDITURES.] Money may be used for  
7 loans for the acquisition of equipment for animal housing,  
8 confinement, animal feeding, milk production, and waste  
9 management, including the following, if related to animal  
10 husbandry:

11 (1) fences;

12 (2) watering facilities;

13 (3) feed storage and handling equipment;

14 (4) milking parlors;

15 (5) milking equipment;

16 (6) scales;

17 (7) milk storage and cooling facilities;

18 (8) manure pumping and storage facilities; and

19 (9) capital investment in pasture.

20 Sec. 56. [41B.06] [RURAL FINANCE AUTHORITY REVOLVING LOAN  
21 ACCOUNT.]

22 There is established in the rural finance administration  
23 fund a rural finance authority revolving loan account that is  
24 eligible to receive appropriations and the transfer of loan  
25 funds from other programs. All repayments of financial  
26 assistance granted from this account, including principal and  
27 interest, must be deposited into this account. Interest earned  
28 on money in the account accrues to the account, and the money in  
29 the account is appropriated to the commissioner of agriculture  
30 for purposes of the rural finance authority livestock equipment,  
31 methane digester, and value-added agricultural product loan  
32 programs, including costs incurred by the authority to establish  
33 and administer the programs.

34 Sec. 57. Minnesota Statutes 2004, section 84.027,  
35 subdivision 12, is amended to read:

36 Subd. 12. [PROPERTY DISPOSAL; GIFT ACKNOWLEDGMENT;

1 ADVERTISING SALES.] (a) The commissioner may give away to  
2 members of the public items with a value of less than ~~the~~ \$50  
3 that are intended to promote conservation of natural resources  
4 or create awareness of the state and its resources or natural  
5 resource management programs. The total value of items given to  
6 the public under this paragraph may not exceed \$25,000 per year.

7 (b) The commissioner may recognize the contribution of  
8 money or in-kind services on plaques, signs, publications,  
9 audio-visual materials, and media advertisements by allowing the  
10 organization's contribution to be acknowledged in print of  
11 readable size.

12 (c) The commissioner may accept paid advertising for  
13 departmental publications. Advertising revenues received are  
14 appropriated to the commissioner to be used to defray costs of  
15 publications, media productions, or other informational  
16 materials. The commissioner may not accept paid advertising  
17 from any elected official or candidate for elective office.

18 Sec. 58. Minnesota Statutes 2004, section 84.027,  
19 subdivision 15, is amended to read:

20 Subd. 15. [ELECTRONIC TRANSACTIONS.] (a) The commissioner  
21 may receive an application for, sell, and issue any license,  
22 stamp, permit, pass, sticker, duplicate safety training  
23 certification, registration, or transfer under the jurisdiction  
24 of the commissioner by electronic means, including by telephone.  
25 Notwithstanding section 97A.472, electronic and telephone  
26 transactions may be made outside of the state. The commissioner  
27 may:

28 (1) provide for the electronic transfer of funds generated  
29 by electronic transactions, including by telephone;

30 (2) assign a ~~license~~ an identification number to an  
31 applicant who purchases a hunting or fishing license or  
32 recreational vehicle registration by electronic means, to serve  
33 as temporary authorization to engage in the ~~licensed~~ activity  
34 requiring a license or registration until the license or  
35 registration is received or expires;

36 (3) charge and permit agents to charge a fee of individuals

1 who make electronic transactions and transactions by  
 2 telephone or Internet, including the issuing fee-under-section  
 3 97A-4857-subdivision-67 fees and an additional transaction fee  
 4 not to exceed \$3.50;

5 (4) ~~collect-issuing-or-filing-fees-as-provided-under~~  
 6 ~~sections-84-7887-subdivision-37-paragraph-(e)7-84-7987~~  
 7 ~~subdivision-37-paragraph-(b)7-84-827-subdivision-27-paragraph~~  
 8 ~~(d)7-84-82057-subdivisions-5-and-67-84-9227-subdivision-27~~  
 9 ~~paragraph-(e)7-85-417-subdivision-57-86B-4157-subdivision-87-and~~  
 10 97A-4857-subdivision-67-and-collect establish, by written order,  
 11 an electronic licensing system commission en to be paid by  
 12 revenues generated from all sales of licenses-as-provided-under  
 13 sections-85-437-paragraph-(b)7-and-97A-4857-subdivision-7 made  
 14 through the electronic licensing system. The commissioner shall  
 15 establish the commission in a manner that neither significantly  
 16 overrecovers nor underrecovers costs involved in providing the  
 17 electronic licensing system; and

18 (5) adopt rules to administer the provisions of this  
 19 subdivision.

20 (b) ~~Establishment-of The transaction-fee fees established~~  
 21 under paragraph (a), clause (3), and the commission established  
 22 under paragraph (a), clause (4), is are not subject to the  
 23 rulemaking procedures of chapter 14 and section 14.386 does not  
 24 apply.

25 (c) Money received from fees and commissions collected  
 26 under this subdivision, including interest earned, is annually  
 27 appropriated from the game and fish fund and the natural  
 28 resources fund to the commissioner for the cost of electronic  
 29 licensing.

30 **[EFFECTIVE DATE.]** This section is effective on July 6, 2005.

31 Sec. 59. Minnesota Statutes 2004, section 84.0911,  
 32 subdivision 2, is amended to read:

33 Subd. 2. **[RECEIPTS.]** Money received from the sale of wild  
 34 rice licenses issued by the commissioner under section 84.091,  
 35 subdivision 3, paragraph (a), clauses (1), (3), and (4), and  
 36 subdivision 3, paragraph (b), except for the electronic

1 licensing system commission established by the commissioner  
2 under section 84.027, subdivision 15, shall be credited to the  
3 wild rice management account.

4 [EFFECTIVE DATE.] This section is effective on July 1, 2006.

5 Sec. 60. Minnesota Statutes 2004, section 84.780, is  
6 amended to read:

7 84.780 [OFF-HIGHWAY VEHICLE DAMAGE ACCOUNT.]

8 (a) The off-highway vehicle damage account is created in  
9 the natural resources fund. Money in the off-highway vehicle  
10 damage account is appropriated to the commissioner of natural  
11 resources for the repair or restoration of property damaged by  
12 the operation of off-highway vehicles in an unpermitted area  
13 after August 1, 2003, and for the costs of administration for  
14 this section.

15 Before the commissioner may make a payment from this  
16 account, the commissioner must determine whether the damage to  
17 the property was caused by the unpermitted use of off-highway  
18 vehicles, that the applicant has made reasonable efforts to  
19 identify the responsible individual and obtain payment from the  
20 individual, and that the applicant has made reasonable efforts  
21 to prevent reoccurrence. By June 30, ~~2005~~ 2007, the  
22 commissioner of finance must transfer the remaining balance in  
23 the account to the off-highway motorcycle account under section  
24 84.794, the off-road vehicle account under section 84.803, and  
25 the all-terrain vehicle account under section 84.927. The  
26 amount transferred to each account must be proportionate to the  
27 amounts received in the damage account from the relevant  
28 off-highway vehicle accounts.

29 (b) Determinations of the commissioner under this section  
30 may be made by written order and are exempt from the rulemaking  
31 provisions of chapter 14. Section 14.386 does not apply.

32 (c) This section expires July 1, ~~2005~~ 2007.

33 Sec. 61. [84.785] [OFF-HIGHWAY VEHICLE SAFETY AND  
34 CONSERVATION GRANT PROGRAM.]

35 Subdivision 1. [CREATION.] The commissioner of natural  
36 resources shall establish an off-highway vehicle safety and

1 conservation grant program to make grants to organizations that  
2 meet the eligibility requirements under subdivision 3.

3 Subd. 2. [PURPOSE.] The purpose of the off-highway vehicle  
4 safety and conservation grant program is to encourage  
5 off-highway vehicle clubs to assist in safety training;  
6 environmental education; and improving, maintaining, and  
7 monitoring public trails. This section does not grant law  
8 enforcement authority.

9 Subd. 3. [ELIGIBILITY.] To be eligible for a grant under  
10 this section, an organization must:

11 (1) be a statewide, nonprofit organization that promotes  
12 the operation of off-highway vehicles in a manner that is safe  
13 and responsible;

14 (2) support the safe operation of off-highway vehicles in a  
15 manner that does not conflict with the laws and rules that  
16 relate to the operation of off-highway vehicles;

17 (3) have an interest in the safe, lawful, and responsible  
18 operation of off-highway vehicles;

19 (4) be governed by a board of directors that has a majority  
20 of members who are representatives of off-highway vehicle clubs;  
21 and

22 (5) provide support to off-highway vehicle clubs.

23 Subd. 4. [USE OF GRANT.] An organization receiving a grant  
24 under this section shall use the grant money to promote and  
25 provide support to the Department of Natural Resources by:

26 (1) training volunteers to assist in improving,  
27 maintaining, and monitoring public trails and other public  
28 lands;

29 (2) providing assistance to the department in locating,  
30 recruiting, and training instructors;

31 (3) publishing a manual in cooperation with the  
32 commissioner to be used to train volunteers in monitoring the  
33 operation of off-highway vehicles for safety, environmental, and  
34 other issues that relate to the responsible operation of  
35 off-highway vehicles;

36 (4) collecting data on the operation of off-highway

1 vehicles in the state; and

2 (5) publishing an annual report outlining accomplishments  
3 and annual costs related to the efforts under this subdivision.

4 The report must be approved by the commissioner.

5 Subd. 5. [VOLUNTEER STATUS.] Volunteers of the nonprofit  
6 organization and any volunteers under this section are not  
7 volunteers for purposes of section 84.089.

8 Subd. 6. [WORKER DISPLACEMENT PROHIBITED.] The  
9 commissioner may not enter into any agreement that has the  
10 purpose of or results in the displacement of public employees by  
11 volunteers participating in the off-highway vehicle safety and  
12 conservation grant program under this section. The commissioner  
13 must certify to the appropriate bargaining agent that the work  
14 performed by a volunteer will not result in the displacement of  
15 currently employed workers or workers on seasonal layoff or  
16 layoff from a substantially equivalent position, including  
17 partial displacement such as reduction in hours of nonovertime  
18 work, wages, or other employment benefits.

19 Sec. 62. Minnesota Statutes 2004, section 84.788,  
20 subdivision 3, is amended to read:

21 Subd. 3. [APPLICATION; ISSUANCE; REPORTS.] (a) Application  
22 for registration or continued registration must be made to the  
23 commissioner or an authorized deputy registrar of motor vehicles  
24 in a form prescribed by the commissioner. The form must state  
25 the name and address of every owner of the off-highway  
26 motorcycle.

27 (b) A person who purchases from a retail dealer an  
28 off-highway motorcycle shall make application for registration  
29 to the dealer at the point of sale. The dealer shall issue a  
30 dealer temporary ten-day registration permit to each purchaser  
31 who applies to the dealer for registration. The dealer shall  
32 submit the completed registration applications and fees to the  
33 deputy registrar at least once each week. No fee may be charged  
34 by a dealer to a purchaser for providing the temporary permit.

35 (c) Upon receipt of the application and the appropriate  
36 fee, the commissioner or deputy registrar shall issue to the

1 applicant, or provide to the dealer, ~~a-60-day-temporary-receipt~~  
2 ~~and-shall-assign-a~~ an assigned registration number ~~that~~ or a  
3 commissioner or deputy registrar temporary ten-day permit. Once  
4 issued, the registration number must be affixed to the  
5 ~~motorcycle in-a-manner-prescribed-by-the-commissioner~~ according  
6 to paragraph (f). A dealer subject to paragraph (b) shall  
7 provide the registration materials ~~and~~ or temporary ~~receipt~~  
8 permit to the purchaser within the ten-day temporary permit  
9 period.

10 (d) The commissioner shall develop a registration system to  
11 register vehicles under this section. A deputy registrar of  
12 motor vehicles acting under section 168.33, is also a deputy  
13 registrar of off-highway motorcycles. The commissioner of  
14 natural resources in agreement with the commissioner of public  
15 safety may prescribe the accounting and procedural requirements  
16 necessary to ensure efficient handling of registrations and  
17 registration fees. Deputy registrars shall strictly comply with  
18 the accounting and procedural requirements.

19 (e) In addition to other fees prescribed by law, a filing  
20 fee of \$4.50 is charged for each off-highway motorcycle  
21 registration renewal, duplicate or replacement registration  
22 card, and replacement decal and a filing fee of \$7 is charged  
23 for each off-highway motorcycle registration and registration  
24 transfer issued by:

25 (1) a deputy registrar and must be deposited in the  
26 treasury of the jurisdiction where the deputy is appointed, or  
27 kept if the deputy is not a public official; or

28 (2) the commissioner and must be deposited in the state  
29 treasury and credited to the off-highway motorcycle account.

30 (f) Unless exempted under paragraph (g), the owner of an  
31 off-highway motorcycle must display a registration decal issued  
32 by the commissioner. If the motorcycle is licensed as a motor  
33 vehicle, a registration decal must be affixed on the upper left  
34 corner of the rear license plate. If the motorcycle is not  
35 licensed as a motor vehicle, the decal must be attached on the  
36 side of the motorcycle and may be attached to the fork tube.

1 The decal must be attached so that it is visible while a rider  
2 is on the motorcycle. The decals must not exceed three inches  
3 high and three inches wide.

4 (g) Display of a registration decal is not required for an  
5 off-highway motorcycle while being operated on private property  
6 or while competing in a closed-course competition event.

7 Sec. 63. Minnesota Statutes 2004, section 84.788, is  
8 amended by adding a subdivision to read:

9 Subd. 11. [REFUNDS.] The commissioner may issue a refund  
10 on a registration, not including any issuing fees paid under  
11 subdivision 3, paragraph (e), or section 84.027, subdivision 15,  
12 paragraph (a), clause (3), if the refund request is received  
13 within 12 months of the original registration and:

14 (1) the off-highway motorcycle was registered incorrectly  
15 by the commissioner or the deputy registrar; or

16 (2) the off-highway motorcycle was registered twice, once  
17 by the dealer and once by the customer.

18 Sec. 64. Minnesota Statutes 2004, section 84.791,  
19 subdivision 2, is amended to read:

20 Subd. 2. [FEES.] For the purposes of administering the  
21 program and to defray a portion of the expenses of training and  
22 certifying vehicle operators, the commissioner shall collect a  
23 fee not to exceed \$5 from each person who receives the training.  
24 The commissioner shall collect a fee for issuing a duplicate  
25 off-highway motorcycle safety certificate. The commissioner  
26 shall establish the fee for a duplicate off-highway motorcycle  
27 safety certificate, to include a \$1 issuing fee for licensing  
28 agents, that neither significantly overrecovers nor  
29 underrecovers costs, including overhead costs, involved in  
30 providing the service. The fees must, except for the issuing  
31 fee for licensing agents under this subdivision, shall be  
32 deposited in the state treasury and credited to the off-highway  
33 motorcycle account in the natural resources fund.

34 [EFFECTIVE DATE.] This section is effective on July 1, 2005.

35 Sec. 65. Minnesota Statutes 2004, section 84.798, is  
36 amended by adding a subdivision to read:

1        Subd. 10. [REFUNDS.] The commissioner may issue a refund  
2 on a registration, not including any issuing fees paid under  
3 subdivision 3, paragraph (b), or section 84.027, subdivision 15,  
4 paragraph (a), clause (3), if the refund request is received  
5 within 12 months of the original registration and the vehicle  
6 was registered incorrectly by the commissioner or the deputy  
7 registrar.

8        Sec. 66. Minnesota Statutes 2004, section 84.82,  
9 subdivision 2, is amended to read:

10        Subd. 2. [APPLICATION, ISSUANCE, REPORTS, ADDITIONAL FEE.]

11        (a) Application for registration or reregistration shall be made  
12 to the commissioner or an authorized deputy registrar of motor  
13 vehicles in a format prescribed by the commissioner and shall  
14 state the legal name and address of every owner of the  
15 snowmobile.

16        (b) A person who purchases a snowmobile from a retail  
17 dealer shall make application for registration to the dealer at  
18 the point of sale. The dealer shall issue a dealer temporary  
19 ten-day registration permit to each purchaser who applies to the  
20 dealer for registration. ~~The temporary registration is valid~~  
21 ~~for 60 days from the date of issue.~~ Each retail dealer shall  
22 submit completed registration and fees to the deputy registrar  
23 at least once a week. No fee may be charged by a dealer to a  
24 purchaser for providing the temporary permit.

25        (c) Upon receipt of the application and the appropriate fee  
26 as hereinafter provided, ~~such snowmobile shall be registered and~~  
27 a the commissioner or deputy registrar shall issue to the  
28 applicant, or provide to the dealer, an assigned registration  
29 number assigned which shall or a commissioner or deputy  
30 registrar temporary ten-day permit. Once issued, the  
31 registration number must be affixed to the snowmobile in a  
32 clearly visible and permanent manner for enforcement purposes as  
33 the commissioner of natural resources shall prescribe. A dealer  
34 subject to paragraph (b) shall provide the registration  
35 materials or temporary permit to the purchaser within the  
36 temporary ten-day permit period. The registration is not valid

1 unless signed by at least one owner.

2 ~~(e)~~ (d) Each deputy registrar of motor vehicles acting  
3 pursuant to section 168.33, shall also be a deputy registrar of  
4 snowmobiles. The commissioner of natural resources in agreement  
5 with the commissioner of public safety may prescribe the  
6 accounting and procedural requirements necessary to assure  
7 efficient handling of registrations and registration fees.  
8 Deputy registrars shall strictly comply with these accounting  
9 and procedural requirements.

10 ~~(d)~~ (e) A fee of \$2 in addition to that otherwise  
11 prescribed by law shall be charged for:

12 (1) each snowmobile registered by the registrar or a deputy  
13 registrar and the additional fee shall be disposed of in the  
14 manner provided in section 168.33, subdivision 2; or

15 (2) each snowmobile registered by the commissioner and the  
16 additional fee shall be deposited in the state treasury and  
17 credited to the snowmobile trails and enforcement account in the  
18 natural resources fund.

19 Sec. 67. Minnesota Statutes 2004, section 84.82, is  
20 amended by adding a subdivision to read:

21 Subd. 11. [REFUNDS.] The commissioner may issue a refund  
22 on a registration, not including any issuing fees paid under  
23 subdivision 2, paragraph (e), or section 84.027, subdivision 15,  
24 paragraph (a), clause (3), if the refund request is received  
25 within 12 months of the original registration and:

26 (1) the snowmobile was registered incorrectly by the  
27 commissioner or the deputy registrar; or

28 (2) the snowmobile was registered twice, once by the dealer  
29 and once by the customer.

30 Sec. 68. Minnesota Statutes 2004, section 84.8205,  
31 subdivision 1, is amended to read:

32 Subdivision 1. [STICKER REQUIRED; FEE.] A person may not  
33 operate a snowmobile ~~that-is-not-registered-in-this-state~~ on a  
34 state or grant-in-aid snowmobile trail unless a snowmobile state  
35 trail sticker is affixed to the snowmobile. The commissioner of  
36 natural resources shall issue a sticker upon application and

1 payment of a \$15 fee. The fee for a three-year snowmobile state  
 2 trail sticker that is purchased at the time of snowmobile  
 3 registration is \$30. In addition to other penalties prescribed  
 4 by law, a person in violation of this subdivision must purchase  
 5 an annual state trail sticker for a fee of \$30. The sticker is  
 6 valid from November 1 through April 30. Fees collected under  
 7 this section, except for the issuing fee for licensing agents  
 8 under this section and for the electronic licensing system  
 9 commission established by the commissioner under section 84.027,  
 10 subdivision 15, shall be deposited in the state treasury and  
 11 credited to the snowmobile trails and enforcement account in the  
 12 natural resources fund and must be used for grants-in-aid or  
 13 acquisition of easements for permanent recreational snowmobile  
 14 trails.

15 [EFFECTIVE DATE.] This section is effective on July 6, 2005.

16 Sec. 69. Minnesota Statutes 2004, section 84.8205,  
 17 subdivision 3, is amended to read:

18 Subd. 3. [LICENSE AGENTS.] ~~County-auditors-are-appointed~~  
 19 ~~agents-of-the-commissioner-for-the-sale-of-snowmobile-state~~  
 20 ~~trail-stickers.~~ The commissioner may appoint other-state  
 21 ~~agencies-as~~ agents for-the-sale-of-the to issue and sell state  
 22 trail stickers. ~~A-county-auditor-may-appoint-subagents-within~~  
 23 ~~the-county-or-within-adjacent-counties-to-sell-stickers.--Upon~~  
 24 ~~appointment-of-a-subagent, the-auditor-shall-notify-the~~  
 25 ~~commissioner-of-the-name-and-address-of-the-subagent.--The~~  
 26 ~~auditor-may-revoke-the-appointment-of-a-subagent, and~~ The  
 27 commissioner may revoke the appointment of a-state-agency an  
 28 agent at any time. ~~The-commissioner-may-require-an-auditor-to~~  
 29 ~~revoke-a-subagent's-appointment.--The-auditor-shall-furnish~~  
 30 ~~stickers-on-consignment-to-any-subagent-who-furnishes-a-surety~~  
 31 ~~bond-in-favor-of-the-county-in-an-amount-at-least-equal-to-the~~  
 32 ~~value-of-the-stickers-to-be-consigned-to-that-subagent.--A~~  
 33 ~~surety-bond-is-not-required-for-a-state-agency-appointed-by-the~~  
 34 ~~commissioner.--The-county-auditor-shall-be-responsible-for-all~~  
 35 ~~stickers-issued-to-and-user-fees-received-by-agents-except-in-a~~  
 36 ~~county-where-the-county-auditor-does-not-retain-fees-paid-for~~

1 ~~license-purposes.--In-these-counties,-the-responsibilities~~  
 2 ~~imposed-by-this-section-upon-the-county-auditor-are-imposed-upon~~  
 3 ~~the-county.~~ The commissioner may promulgate adopt additional  
 4 rules governing ~~the-accounting-and-procedures-for-handling-state~~  
 5 ~~trail-stickers~~ as provided in section 97A.485, subdivision 11.

6 ~~Any-resident-desiring-to-sell-snowmobile-state-trail~~  
 7 ~~stickers-may-either-purchase-for-cash-or-obtain-on-consignment~~  
 8 ~~stickers-from-a-county-auditor-in-groups-of-not-less-than-ten~~  
 9 ~~individual-stickers.--In-selling-stickers,-the-resident-shall-be~~  
 10 ~~deemed-a-subagent-of-the-county-auditor-and-the-commissioner,~~  
 11 and An agent shall observe all rules promulgated adopted by the  
 12 commissioner for accounting and handling of ~~licenses-and~~  
 13 ~~stickers~~ pursuant to section 97A.485, subdivision 11.

14 ~~The-county-auditor~~ An agent shall promptly deposit and  
 15 remit all money received from the sale of the stickers with ~~the~~  
 16 ~~county-treasurer-and-shall-promptly-transmit-any-reports~~  
 17 ~~required-by-the-commissioner,-plus-96-percent-of-the-price-paid~~  
 18 ~~by-each-stickerholder,~~ exclusive of the issuing fee, for each  
 19 ~~sticker-sold-or-consigned-by-the-auditor-and-subsequently-sold~~  
 20 ~~to-a-stickerholder-during-the-accounting-period.--The-county~~  
 21 ~~auditor-shall-retain-as-a-commission-four-percent-of-all-sticker~~  
 22 ~~fees,-excluding-the-issuing-fee-for-stickers-consigned-to~~  
 23 ~~subagents-and-the-issuing-fee-on-stickers-sold-by-the-auditor-to~~  
 24 ~~stickerholders~~ to the commissioner.

25 ~~Unsold-stickers-in-the-hands-of-any-subagent-shall-be~~  
 26 ~~redeemed-by-the-commissioner-if-presented-for-redemption-within~~  
 27 ~~the-time-prescribed-by-the-commissioner.--Any-stickers-not~~  
 28 ~~presented-for-redemption-within-the-period-prescribed-shall-be~~  
 29 ~~conclusively-presumed-to-have-been-sold,-and-the-subagent~~  
 30 ~~possessing-the-same-or-to-whom-they-are-charged-shall-be~~  
 31 ~~accountable.~~

32 [EFFECTIVE DATE.] This section is effective on July 6, 2005.

33 Sec. 70. Minnesota Statutes 2004, section 84.8205,  
 34 subdivision 4, is amended to read:

35 Subd. 4. [DISTRIBUTION ISSUANCE OF STICKERS.] The  
 36 commissioner and agents shall provide issue and sell snowmobile

1 ~~state trail stickers to all agents authorized to issue stickers~~  
2 ~~by the commissioner.~~

3 [EFFECTIVE DATE.] This section is effective on July 6, 2005.

4 Sec. 71. Minnesota Statutes 2004, section 84.8205,  
5 subdivision 6, is amended to read:

6 Subd. 6. [DUPLICATE STATE TRAIL STICKERS.] The  
7 commissioner and agents shall issue a duplicate sticker to  
8 persons whose sticker is lost or destroyed using the process  
9 established under section 97A.405, subdivision 3, and rules  
10 promulgated thereunder. The fee for a duplicate state trail  
11 sticker is \$2, with an issuing fee of 50 cents.

12 [EFFECTIVE DATE.] This section is effective on July 6, 2005.

13 Sec. 72. Minnesota Statutes 2002, section 84.83,  
14 subdivision 3, is amended to read:

15 Subd. 3. [PURPOSES FOR THE ACCOUNT.] The money deposited  
16 in the account and interest earned on that money may be expended  
17 only as appropriated by law for the following purposes:

18 (1) for a grant-in-aid program to counties and  
19 municipalities for construction and maintenance of snowmobile  
20 trails, including maintenance of trails on lands and waters of  
21 Voyageurs National Park, on Lake of the Woods, on Rainy Lake,  
22 and on the following lakes in St. Louis County: Burntside,  
23 Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion;

24 (2) for acquisition, development, and maintenance of state  
25 recreational snowmobile trails;

26 (3) for snowmobile safety programs; and

27 (4) for the administration and enforcement of sections  
28 84.81 to 84.91 and appropriated grants to local law enforcement  
29 agencies.

30 Sec. 73. Minnesota Statutes 2002, section 84.83,  
31 subdivision 4, is amended to read:

32 Subd. 4. [PROVISIONS APPLICABLE TO FUNDING RECIPIENTS.]

33 (a) Recipients of Minnesota trail assistance program funds must  
34 be afforded the same protection and be held to the same standard  
35 of liability as a political subdivision under chapter 466 for  
36 activities associated with the administration, design,

1 construction, maintenance, and grooming of snowmobile trails.

2 (b) Recipients of Minnesota trail assistance program funds  
3 who maintain ice trails on public waters listed under  
4 subdivision 3, clause (1), or on waters of Voyageurs National  
5 Park are expressly immune from liability under section 466.03,  
6 subdivision 6e.

7 Sec. 74. Minnesota Statutes 2004, section 84.86,  
8 subdivision 1, is amended to read:

9 Subdivision 1. [REQUIRED RULES.] With a view of achieving  
10 maximum use of snowmobiles consistent with protection of the  
11 environment the commissioner of natural resources shall adopt  
12 rules in the manner provided by chapter 14, for the following  
13 purposes:

14 (1) Registration of snowmobiles and display of registration  
15 numbers.

16 (2) Use of snowmobiles insofar as game and fish resources  
17 are affected.

18 (3) Use of snowmobiles on public lands and waters, or on  
19 grant-in-aid trails.

20 (4) Uniform signs to be used by the state, counties, and  
21 cities, which are necessary or desirable to control, direct, or  
22 regulate the operation and use of snowmobiles.

23 (5) Specifications relating to snowmobile mufflers.

24 (6) A comprehensive snowmobile information and safety  
25 education and training program, including but not limited to the  
26 preparation and dissemination of snowmobile information and  
27 safety advice to the public, the training of snowmobile  
28 operators, and the issuance of snowmobile safety certificates to  
29 snowmobile operators who successfully complete the snowmobile  
30 safety education and training course. For the purpose of  
31 administering such program and to defray expenses of training  
32 and certifying snowmobile operators, the commissioner shall  
33 collect a fee from each person who receives the youth or adult  
34 training. The commissioner shall collect a fee, to include a \$1  
35 issuing fee for licensing agents, for issuing a duplicate  
36 snowmobile safety certificate. The commissioner shall establish

1 both fees in a manner that neither significantly overrecovers  
2 nor underrecovers costs, including overhead costs, involved in  
3 providing the services. The fees are not subject to the  
4 rulemaking provisions of chapter 14 and section 14.386 does not  
5 apply. The fees may be established by the commissioner  
6 notwithstanding section 16A.1283. The fees must, except for the  
7 issuing fee for licensing agents under this subdivision, shall  
8 be deposited in the snowmobile trails and enforcement account in  
9 the natural resources fund and the amount thereof, except for  
10 the electronic licensing system commission established by the  
11 commissioner under section 84.027, subdivision 15, and issuing  
12 fees collected by the commissioner, is appropriated annually to  
13 the Enforcement Division of the Department of Natural Resources  
14 for the administration of such programs. In addition to the fee  
15 established by the commissioner, instructors may charge each  
16 person up to the established fee amount for class materials and  
17 expenses. The commissioner shall cooperate with private  
18 organizations and associations, private and public corporations,  
19 and local governmental units in furtherance of the program  
20 established under this clause. School districts may cooperate  
21 with the commissioner and volunteer instructors to provide space  
22 for the classroom portion of the training. The commissioner  
23 shall consult with the commissioner of public safety in regard  
24 to training program subject matter and performance testing that  
25 leads to the certification of snowmobile operators.

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

35 [EFFECTIVE DATE.] This section is effective on July 6, 2005.

36 Sec. 75. Minnesota Statutes 2004, section 84.922,

1 subdivision 2, is amended to read:

2 Subd. 2. [APPLICATION, ISSUANCE, REPORTS.] (a) Application  
3 for registration or continued registration shall be made to the  
4 commissioner ~~of-natural-resources,-the-commissioner-of-public~~  
5 ~~safety~~ or an authorized deputy registrar of motor vehicles in a  
6 form prescribed by the commissioner. The form must state the  
7 name and address of every owner of the vehicle.

8 (b) A person who purchases an all-terrain vehicle from a  
9 retail dealer shall make application for registration to the  
10 dealer at the point of sale. The dealer shall issue a dealer  
11 temporary ten-day registration permit to each purchaser who  
12 applies to the dealer for registration. The dealer shall submit  
13 the completed registration application and fees to the deputy  
14 registrar at least once each week. No fee may be charged by a  
15 dealer to a purchaser for providing the temporary permit.

16 (c) Upon receipt of the application and the appropriate  
17 fee, the commissioner or deputy registrar shall issue to the  
18 applicant, or provide to the dealer, ~~a-60-day-temporary-receipt~~  
19 ~~and-shall-assign-a~~ an assigned registration number ~~that~~ or a  
20 commissioner or deputy registrar temporary ten-day permit. Once  
21 issued, the registration number must be affixed to the vehicle  
22 in a manner prescribed by the commissioner. A dealer subject to  
23 paragraph (b) shall provide the registration materials ~~and~~ or  
24 ~~temporary receipt~~ permit to the purchaser within the ten-day  
25 temporary permit period. The commissioner shall use the  
26 snowmobile registration system to register vehicles under this  
27 section.

28 (d) Each deputy registrar of motor vehicles acting under  
29 section 168.33, is also a deputy registrar of all-terrain  
30 vehicles. The commissioner of natural resources in agreement  
31 with the commissioner of public safety may prescribe the  
32 accounting and procedural requirements necessary to assure  
33 efficient handling of registrations and registration fees.  
34 Deputy registrars shall strictly comply with the accounting and  
35 procedural requirements.

36 (e) In addition to other fees prescribed by law, a filing

1 fee of \$4.50 is charged for each all-terrain vehicle  
2 registration renewal, duplicate or replacement registration  
3 card, and replacement decal and a filing fee of \$7 is charged  
4 for each all-terrain vehicle registration and registration  
5 transfer issued by:

6 (1) a deputy registrar and shall be deposited in the  
7 treasury of the jurisdiction where the deputy is appointed, or  
8 retained if the deputy is not a public official; or

9 (2) the commissioner and shall be deposited to the state  
10 treasury and credited to the all-terrain vehicle account in the  
11 natural resources fund.

12 Sec. 76. Minnesota Statutes 2004, section 84.922, is  
13 amended by adding a subdivision to read:

14 Subd. 12. [REFUNDS.] The commissioner may issue a refund  
15 on a registration, not including any issuing fees paid under  
16 subdivision 2, paragraph (e), or section 84.027, subdivision 15,  
17 paragraph (a), clause (3), if the refund request is received  
18 within 12 months of the original registration and:

19 (1) the vehicle was registered incorrectly by the  
20 commissioner or the deputy registrar; or

21 (2) the vehicle was registered twice, once by the dealer  
22 and once by the customer.

23 Sec. 77. Minnesota Statutes 2004, section 84.925,  
24 subdivision 1, is amended to read:

25 Subdivision 1. [PROGRAM ESTABLISHED.] (a) The commissioner  
26 shall establish a comprehensive all-terrain vehicle  
27 environmental and safety education and training program,  
28 including the preparation and dissemination of vehicle  
29 information and safety advice to the public, the training of  
30 all-terrain vehicle operators, and the issuance of all-terrain  
31 vehicle safety certificates to vehicle operators over the age of  
32 12 years who successfully complete the all-terrain vehicle  
33 environmental and safety education and training course.

34 (b) For the purpose of administering the program and to  
35 defray a portion of the expenses of training and certifying  
36 vehicle operators, the commissioner shall collect a fee of \$15

1 from each person who receives the training. The commissioner  
2 shall collect a fee, to include a \$1 issuing fee for licensing  
3 agents, for issuing a duplicate all-terrain vehicle safety  
4 certificate. The commissioner shall establish the fee for a  
5 duplicate all-terrain vehicle safety certificate that neither  
6 significantly overrecovers nor underrecovers costs, including  
7 overhead costs, involved in providing the service. Fee  
8 proceeds, except for the issuing fee for licensing agents under  
9 this subdivision, shall be deposited in the all-terrain vehicle  
10 account in the natural resources fund.

11 (c) The commissioner shall cooperate with private  
12 organizations and associations, private and public corporations,  
13 and local governmental units in furtherance of the program  
14 established under this section. School districts may cooperate  
15 with the commissioner and volunteer instructors to provide space  
16 for the classroom portion of the training. The commissioner  
17 shall consult with the commissioner of public safety in regard  
18 to training program subject matter and performance testing that  
19 leads to the certification of vehicle operators. By June 30,  
20 2003, the commissioner shall incorporate a riding component in  
21 the safety education and training program.

22 [EFFECTIVE DATE.] This section is effective on July 6, 2005.

23 Sec. 78. Minnesota Statutes 2004, section 84D.03,  
24 subdivision 4, is amended to read:

25 Subd. 4. [COMMERCIAL FISHING AND TURTLE, FROG, AND  
26 CRAYFISH HARVESTING RESTRICTIONS IN INFESTED AND NONINFESTED  
27 WATERS.] (a) All nets, traps, buoys, anchors, stakes, and lines  
28 used for commercial fishing or turtle, frog, or crayfish  
29 harvesting in an infested waters, water that is designated  
30 because ~~the-waters-contain~~ it contains invasive fish or  
31 invertebrates, may not be used in ~~noninfested~~ any other waters.  
32 If a commercial licensee operates in both ~~noninfested-waters-and~~  
33 an infested waters water designated because ~~the-waters-contain~~  
34 it contains invasive fish or invertebrates and other waters, all  
35 nets, traps, buoys, anchors, stakes, and lines used for  
36 commercial fishing or turtle, frog, or crayfish harvesting in

1 noninfested waters not designated as infested with invasive fish  
 2 or invertebrates must be tagged with tags provided by the  
 3 commissioner, as specified in the commercial licensee's license  
 4 or permit, and may not be used in infested waters designated  
 5 because the waters contain invasive fish or invertebrates.

6 (b) ~~In infested waters designated solely because the waters~~  
 7 ~~contain Eurasian water milfoil~~, All nets, traps, buoys, anchors,  
 8 stakes, and lines used for commercial fishing or turtle, frog,  
 9 or crayfish harvesting in an infested water that is designated  
 10 solely because it contains Eurasian water milfoil must be dried  
 11 for a minimum of ten days or frozen for a minimum of two days  
 12 before they are used in noninfested any other waters, except as  
 13 provided in this paragraph. Commercial operators licensees must  
 14 notify the department's regional or area fisheries office or a  
 15 conservation officer when before removing nets or equipment from  
 16 an infested waters water designated solely because it contains  
 17 Eurasian water milfoil and before resetting those nets or  
 18 equipment in noninfested any other waters. ~~All aquatic~~  
 19 ~~macrophytes~~ Upon notification, the commissioner may authorize a  
 20 commercial licensee to move nets or equipment to another water  
 21 without freezing or drying, if that water is designated as  
 22 infested solely because it contains Eurasian water milfoil.

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

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

29 Sec. 79. Minnesota Statutes 2004, section 85.054,  
 30 subdivision 1, is amended to read:

31 Subdivision 1. [STATE PARK OPEN HOUSE DAY.] (a) A state  
 32 park permit is not required for a motor vehicle to enter a state  
 33 park, state monument, state recreation area, or state wayside,  
 34 on one day each calendar year at each park, which the  
 35 commissioner may designate as State Park Open House Day. The  
 36 commissioner may designate two consecutive days as State Park

1 Open House Day, if the open house is held in conjunction with a  
2 special pageant described in section 85.052, subdivision 2.

3 (b) The commissioner shall announce the date of each state  
4 park open house day at least 30 days in advance of the date it  
5 occurs.

6 (c) The state park open house day is to acquaint the  
7 public with state parks, recreation areas, and waysides.

8 Sec. 80. Minnesota Statutes 2004, section 85.054, is  
9 amended by adding a subdivision to read:

10 Subd. 11. [BIG BOG STATE RECREATION AREA.] A state park  
11 permit is not required and a fee may not be charged for motor  
12 vehicle entry or parking at the parking area located north of  
13 Tamarac River in the southern unit of Big Bog State Recreation  
14 Area, Beltrami County.

15 Sec. 81. Minnesota Statutes 2004, section 85.055, is  
16 amended by adding a subdivision to read:

17 Subd. 1b. [DISCOUNTS.] Except as otherwise specified in  
18 law, and notwithstanding section 16A.1285, subdivision 2, the  
19 commissioner may by written order authorize waiver or reduction  
20 of state park entrance fees.

21 Sec. 82. Minnesota Statutes 2004, section 85.055,  
22 subdivision 2, is amended to read:

23 Subd. 2. [FEE DEPOSIT AND APPROPRIATION.] The fees  
24 collected under this section shall be deposited in the natural  
25 resources fund and credited to a the state parks account. Money  
26 in the account, except for the electronic licensing system  
27 commission established by the commissioner under section 84.027,  
28 subdivision 15, is annually appropriated to the commissioner to  
29 operate and maintain the state park system.

30 [EFFECTIVE DATE.] This section is effective on July 6, 2005.

31 Sec. 83. Minnesota Statutes 2004, section 85.43, is  
32 amended to read:

33 85.43 [DISPOSITION OF RECEIPTS; PURPOSE.]

34 {a} Fees from cross-country ski passes shall be deposited  
35 in the state treasury and credited to a cross-country ski  
36 account in the natural resources fund and, ~~except as provided in~~

1 ~~paragraph-(b)~~ for the electronic licensing system commission  
2 established by the commissioner under section 84.027,  
3 subdivision 15, are appropriated to the commissioner of natural  
4 resources for:

5 (1) grants-in-aid for cross-country ski trails sponsored by  
6 local units of government and special park districts as provided  
7 in section 85.44; and

8 (2) maintenance, winter grooming, and associated  
9 administrative costs for cross-country ski trails under the  
10 jurisdiction of the commissioner.

11 ~~(b)-The-commissioner-shall-retain-for-the-operation-of-the~~  
12 ~~electronic-licensing-system-a-commission-of-4.7-percent-of-all~~  
13 ~~cross-country-ski-pass-fees-collected.~~

14 [EFFECTIVE DATE.] This section is effective on July 6, 2005.

15 Sec. 84. Minnesota Statutes 2004, section 86B.415, is  
16 amended by adding a subdivision to read:

17 Subd. 11. [REFUNDS.] The commissioner may issue a refund  
18 on a license or title, not including any issuing fees paid under  
19 subdivision 8 or section 84.027, subdivision 15, paragraph (a),  
20 clause (3), or 86B.870, subdivision 1, paragraph (b), if the  
21 refund request is received within 12 months of the original  
22 license or title and:

23 (1) the watercraft was licensed or titled incorrectly by  
24 the commissioner or the deputy registrar;

25 (2) the customer was incorrectly charged a title fee; or

26 (3) the watercraft was licensed or titled twice, once by  
27 the dealer and once by the customer.

28 Sec. 85. [86B.706] [WATER RECREATION ACCOUNT; RECEIPTS AND  
29 PURPOSE.]

30 Subdivision 1. [CREATION.] The water recreation account is  
31 created in the state treasury in the natural resources fund.

32 Subd. 2. [MONEY DEPOSITED IN ACCOUNT.] The following shall  
33 be deposited in the state treasury and credited to the water  
34 recreation account:

35 (1) fees and surcharges from titling and licensing of  
36 watercraft under this chapter;

1       (2) fines, installment payments, and forfeited bail  
2 according to section 86B.705, subdivision 2;

3       (3) civil penalties according to section 84D.13;

4       (4) mooring fees and receipts from the sale of marine gas  
5 at state-operated or state-assisted small craft harbors and  
6 mooring facilities according to section 86A.21;

7       (5) the unrefunded gasoline tax attributable to watercraft  
8 use under section 296A.18; and

9       (6) fees for permits issued to control or harvest aquatic  
10 plants other than wild rice under section 103G.615, subdivision  
11 2.

12       Subd. 3. [PURPOSES.] The money in the account may be  
13 expended only as appropriated by law for the following purposes:

14       (1) as directed under section 296A.18, subdivision 2, for  
15 acquisition, development, maintenance, and rehabilitation of  
16 public water access and boating facilities on public waters;  
17 lake and river improvements; and boat and water safety;

18       (2) from the fees collected at state-operated or  
19 state-assisted small craft harbors and mooring facilities from  
20 daily and seasonal moorings and the sale of marine gas, for  
21 maintenance, operation, replacement, and expansion of these  
22 facilities and for the debt service on state bonds sold to  
23 finance these facilities;

24       (3) for administration and enforcement of this chapter as  
25 it pertains to titling and licensing of watercraft and use and  
26 safe operation of watercraft; grants for county-sponsored and  
27 administered boat and water safety programs; and state boat and  
28 water safety efforts;

29       (4) for management of aquatic invasive species and the  
30 implementation of chapter 84D as it pertains to aquatic invasive  
31 species, including control, public awareness, law enforcement,  
32 assessment and monitoring, management planning, and research;  
33 and

34       (5) for management of aquatic plants and the implementation  
35 of section 103G.615 as it pertains to aquatic plants, including  
36 plant removal permitting, control, public awareness, law

1 enforcement, assessment and monitoring, management planning, and  
2 research.

3 Sec. 86. Minnesota Statutes 2004, section 88.6435,  
4 subdivision 4, is amended to read:

5 Subd. 4. [FOREST BOUGH ACCOUNT; DISPOSITION OF PERMIT FEES  
6 AND-PENALTIES.] (a) The forest bough account is established in  
7 the state treasury within the natural resources fund.

8 (b) Fees for permits issued under this section shall be  
9 deposited in the state treasury and credited to the ~~special~~  
10 revenue-fund forest bough account and, except for the electronic  
11 licensing system commission established by the commissioner  
12 under section 84.027, subdivision 15, are annually appropriated  
13 to the commissioner of natural resources for costs associated  
14 with balsam bough educational programs for harvesters and buyers.

15 [EFFECTIVE DATE.] This section is effective on July 6, 2005.

16 Sec. 87. Minnesota Statutes 2004, section 89.039,  
17 subdivision 1, is amended to read:

18 Subdivision 1. [ACCOUNT ESTABLISHED; SOURCES.] The forest  
19 management investment account is created in the natural  
20 resources fund in the state treasury and money in the account  
21 may be spent only for the purposes provided in subdivision 2.  
22 The following revenue shall be deposited in the forest  
23 management investment account:

24 (1) timber sales receipts transferred from the consolidated  
25 conservation areas account as provided in section 84A.51,  
26 subdivision 2;

27 (2) timber sales receipts from forest lands as provided in  
28 section 89.035; and

29 (3) money transferred from the forest suspense account  
30 according to section 16A.125, subdivision 5; and

31 (4) interest accruing from investment of the account.

32 Sec. 88. Minnesota Statutes 2004, section 89.37, is  
33 amended by adding a subdivision to read:

34 Subd. 4a. [SURCHARGE.] For tree seedlings sold according  
35 to this section, the commissioner may assess a 2.5 cent  
36 surcharge on each tree seedling. All surcharges collected under

1 this subdivision must be deposited in the state treasury and  
2 credited to the forest nursery account and are annually  
3 appropriated to the commissioner for the purpose of forestry  
4 education and technical assistance.

5 Sec. 89. Minnesota Statutes 2004, section 90.195, is  
6 amended to read:

7 90.195 [SPECIAL USE PERMIT.]

8 The commissioner may issue a permit to salvage or cut not  
9 to exceed 12 cords of fuelwood per year for personal use from  
10 either or both of the following sources: (1) dead, down, and  
11 diseased trees; (2) other trees that are of negative value under  
12 good forest management practices. The permits may be issued for  
13 a period not to exceed one year. The commissioner shall charge  
14 a fee, ~~not less than \$5, in an amount up to the stumpage~~ for the  
15 permit that shall cover the commissioner's cost of issuing the  
16 permit and shall not exceed the current market value of fuelwood  
17 of similar species, grade, and volume that is being sold in the  
18 area where the salvage or cutting is authorized under the permit.

19 Sec. 90. Minnesota Statutes 2004, section 97A.055,  
20 subdivision 4b, is amended to read:

21 Subd. 4b. [CITIZEN OVERSIGHT SUBCOMMITTEES.] (a) The  
22 commissioner shall appoint subcommittees of affected persons to  
23 review the reports prepared under subdivision 4; review the  
24 proposed work plans and budgets for the coming year; propose  
25 changes in policies, activities, and revenue enhancements or  
26 reductions; review other relevant information; and make  
27 recommendations to the legislature and the commissioner for  
28 improvements in the management and use of money in the game and  
29 fish fund.

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

32 (1) a Fisheries Operations Subcommittee to review fisheries  
33 funding, excluding activities related to trout and salmon stamp  
34 funding;

35 (2) a Wildlife Operations Subcommittee to review wildlife  
36 funding, excluding activities related to migratory waterfowl,

1 pheasant, and turkey stamp funding and excluding review of the  
2 amounts available under section 97A.075, subdivision 1,  
3 paragraphs (b) and (c);

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

6 (4) an Ecological Services Operations Subcommittee to  
7 review ecological services funding;

8 (5) a subcommittee to review game and fish fund funding of  
9 enforcement, support services, and Department of Natural  
10 Resources administration;

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

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

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

18 (9) a subcommittee to review the report on the turkey stamp  
19 and address funding issues related to wild turkeys.

20 (c) The chairs of each of the subcommittees shall form a  
21 Budgetary Oversight Committee to coordinate the integration of  
22 the subcommittee reports into an annual report to the  
23 legislature; recommend changes on a broad level in policies,  
24 activities, and revenue enhancements or reductions; provide a  
25 forum to address issues that transcend the subcommittees; and  
26 submit a report for any subcommittee that fails to submit its  
27 report in a timely manner.

28 (d) The Budgetary Oversight Committee shall develop  
29 recommendations for a biennial budget plan and report for  
30 expenditures on game and fish activities. By August 15 of each  
31 even-numbered year, the committee shall submit the budget plan  
32 recommendations to the commissioner.

33 (e) Each subcommittee shall choose its own chair, except  
34 that the chair of the Budgetary Oversight Committee shall be  
35 appointed by the commissioner and may not be the chair of any of  
36 the subcommittees.

1 (f) The Budgetary Oversight Committee must make  
2 recommendations to the commissioner for outcome goals from  
3 expenditures.

4 (g) Notwithstanding section 15.059, subdivision 5, or other  
5 law to the contrary, the Budgetary Oversight Committee and  
6 subcommittees do not expire until June 30, ~~2005~~ 2010.

7 [EFFECTIVE DATE.] This section is effective the day  
8 following final enactment.

9 Sec. 91. Minnesota Statutes 2004, section 97A.061,  
10 subdivision 1, is amended to read:

11 Subdivision 1. [APPLICABILITY; AMOUNT.] (a) The  
12 commissioner shall annually make a payment to each county having  
13 public hunting areas and game refuges. Money to make the  
14 payments is annually appropriated for that purpose from the  
15 general fund. Except as provided in paragraph (b), this section  
16 does not apply to state trust fund land and other state land not  
17 purchased for game refuge or public hunting purposes. Except as  
18 provided in paragraph (b), the payment shall be the greatest of:

19 (1) 35 percent of the gross receipts from all special use  
20 permits and leases of land acquired for public hunting and game  
21 refuges;

22 (2) 50 cents per acre on land purchased actually used for  
23 public hunting or game refuges; or

24 (3) three-fourths of one percent of the appraised value of  
25 purchased land actually used for public hunting and game refuges.

26 (b) The payment shall be 50 percent of the dollar amount  
27 adjusted for inflation as determined under section 477A.12,  
28 subdivision 1, paragraph (a), clause (1), multiplied by the  
29 number of acres of land in the county that are owned by another  
30 state agency for military purposes and designated as a game  
31 refuge under section 97A.085.

32 (c) The payment must be reduced by the amount paid under  
33 subdivision 3 for croplands managed for wild geese.

34 (e) (d) The appraised value is the purchase price for five  
35 years after acquisition. The appraised value shall be  
36 determined by the county assessor every five years after

1 acquisition.

2 [EFFECTIVE DATE.] This section is effective for aids paid  
3 in calendar year 2007 and thereafter.

4 Sec. 92. Minnesota Statutes 2004, section 97A.075,  
5 subdivision 3, is amended to read:

6 Subd. 3. [TROUT AND SALMON STAMP.] (a) Ninety percent of  
7 the revenue from trout and salmon stamps must be credited to the  
8 trout and salmon management account. Money in the account may  
9 be used only for:

10 (1) the development, restoration, maintenance, improvement,  
11 protection, and preservation of habitat for trout and salmon in  
12 trout streams and lakes, including, but not limited to,  
13 evaluating habitat; stabilizing eroding stream banks; adding  
14 fish cover; modifying stream channels; managing vegetation to  
15 protect, shade, or reduce runoff on stream banks; and purchasing  
16 equipment to accomplish these tasks;

17 (2) rearing of trout and salmon and, including utility and  
18 service costs associated with coldwater hatchery buildings and  
19 systems; stocking of trout and salmon in streams and lakes and  
20 Lake Superior; and monitoring and evaluating stocked trout and  
21 salmon;

22 (3) acquisition of easements and fee title along trout  
23 waters;

24 (4) identifying easement and fee title areas along trout  
25 waters; and

26 (5) research and special management projects on trout  
27 streams, trout lakes, and Lake Superior and the-anadromeous  
28 portions of its tributaries.

29 (b) Money in the account may not be used for costs unless  
30 they are directly related to a specific parcel of land or body  
31 of water under paragraph (a) or, to specific fish rearing  
32 activities under paragraph (a), clause (2), or for costs  
33 associated with supplies and equipment to implement trout and  
34 salmon management activities under paragraph (a).

35 Sec. 93. Minnesota Statutes 2004, section 97A.4742,  
36 subdivision 4, is amended to read:

1 Subd. 4. [ANNUAL REPORT.] By December 15 each year, the  
2 commissioner shall submit a report to the legislative committees  
3 having jurisdiction over environment and natural resources  
4 appropriations and environment and natural resources policy.  
5 The report shall state the amount of revenue received in and  
6 expenditures made from revenue transferred from the lifetime  
7 fish and wildlife trust fund to the game and fish fund and shall  
8 describe projects funded, locations of the projects, and results  
9 and benefits from the projects. The report may be included in  
10 the game and fish fund report required by section 97A.055,  
11 subdivision 4. The commissioner shall make the annual report  
12 available to the public.

13 Sec. 94. Minnesota Statutes 2004, section 97A.482, is  
14 amended to read:

15 97A.482 [LICENSE APPLICATIONS; COLLECTION OF SOCIAL  
16 SECURITY NUMBERS.]

17 (a) All applicants for individual noncommercial game and  
18 fish licenses under this chapter and chapters 97B and 97C must  
19 include the applicant's social security number on the license  
20 application. If an applicant does not have a Social Security  
21 number, the applicant must certify that the applicant does not  
22 have a Social Security number.

23 (b) The Social Security numbers collected by the  
24 commissioner on game and fish license applications are private  
25 data under section 13.49, subdivision 1, and must be provided by  
26 the commissioner to the commissioner of human services for child  
27 support enforcement purposes. Title IV-D of the Social Security  
28 Act, United States Code, title 42, section 666(a)(13), requires  
29 the collection of Social Security numbers on game and fish  
30 license applications for child support enforcement purposes.

31 (c) The commissioners of human services and natural  
32 resources shall request a waiver from the secretary of health  
33 and human services to exclude any applicant under the age of 16  
34 from the requirement under this section to provide the  
35 applicant's Social Security number. If a waiver is granted,  
36 this section will be so amended effective January 1, 2006, or

1 upon the effective date of the waiver, whichever is later.

2 Sec. 95. Minnesota Statutes 2004, section 97A.485,  
3 subdivision 7, is amended to read:

4 Subd. 7. [ELECTRONIC LICENSING SYSTEM COMMISSION.] The  
5 commissioner shall retain for the operation of the electronic  
6 licensing system a-commission-of-4-7-percent-of the commission  
7 established under section 84.027, subdivision 15, and issuing  
8 fees collected by the commissioner on all license fees  
9 collected, excluding:

- 10 (1) the small game surcharge; and  
11 (2) ~~all-issuing-fees;~~ and  
12 ~~{3}~~ \$2.50 of the license fee for the licenses in section  
13 97A.475, subdivisions 6, clauses (1), (2), and (4), 7, 8, 12,  
14 and 13.

15 [EFFECTIVE DATE.] This section is effective on July 6, 2005.

16 Sec. 96. Minnesota Statutes 2004, section 97A.551, is  
17 amended by adding a subdivision to read:

18 Subd. 6. [TAGGING AND REGISTRATION.] The commissioner may,  
19 by rule, require persons taking, possessing, and transporting  
20 certain species of fish to tag the fish with a special fish  
21 management tag and may require registration of tagged fish. A  
22 person may not possess or transport a fish species taken in the  
23 state for which a special fish management tag is required unless  
24 a tag is attached to the fish in a manner prescribed by the  
25 commissioner. The commissioner shall prescribe the manner of  
26 issuance and the type of tag as authorized under section  
27 97C.087. The tag must be attached to the fish as prescribed by  
28 the commissioner immediately upon reducing the fish to  
29 possession and must remain attached to the fish until the fish  
30 is processed or consumed. Species for which a special fish  
31 management tag is required must be transported undressed.

32 Sec. 97. Minnesota Statutes 2004, section 97B.015,  
33 subdivision 7, is amended to read:

34 Subd. 7. [FEE FOR DUPLICATE CERTIFICATE.] The commissioner  
35 shall collect a fee, to include a \$1 issuing fee for licensing  
36 agents, for issuing a duplicate firearms safety certificate.

1 The commissioner shall establish a fee that neither  
2 significantly overrecovers nor underrecovers costs, including  
3 overhead costs, involved in providing the service. The fee is  
4 not subject to the rulemaking provisions of chapter 14 and  
5 section 14.386 does not apply. The commissioner may establish  
6 the fee notwithstanding section 16A.1283. The duplicate  
7 certificate fees, except for the issuing fee for licensing  
8 agents under this subdivision, shall be deposited in the game  
9 and fish fund and, except for the electronic licensing system  
10 commission established by the commissioner under section 84.027,  
11 subdivision 15, and issuing fees collected by the commissioner,  
12 are appropriated annually to the Enforcement Division of the  
13 Department of Natural Resources for the administration of the  
14 firearm safety course program.

15 [EFFECTIVE DATE.] This section is effective on July 6, 2005.

16 Sec. 98. Minnesota Statutes 2004, section 97B.025, is  
17 amended to read:

18 97B.025 [HUNTER AND TRAPPER EDUCATION.]

19 (a) The commissioner may establish education courses for  
20 hunters and trappers. The commissioner shall collect a fee from  
21 each person attending a course. A fee, to include a \$1 issuing  
22 fee for licensing agents, shall be collected for issuing a  
23 duplicate certificate. The commissioner shall establish the  
24 fees in a manner that neither significantly overrecovers nor  
25 underrecovers costs, including overhead costs, involved in  
26 providing the services. The fees are not subject to the  
27 rulemaking provisions of chapter 14 and section 14.386 does not  
28 apply. The commissioner may establish the fees notwithstanding  
29 section 16A.1283. The fees, except for the issuing fee for  
30 licensing agents under this subdivision, shall be deposited in  
31 the game and fish fund and the amount thereof, except for the  
32 electronic licensing system commission established by the  
33 commissioner under section 84.027, subdivision 15, is  
34 appropriated annually to the Enforcement Division of the  
35 Department of Natural Resources for the administration of the  
36 program. In addition to the fee established by the commissioner

1 for each course, instructors may charge each person up to the  
2 established fee amount for class materials and expenses. School  
3 districts may cooperate with the commissioner and volunteer  
4 instructors to provide space for the classroom portion of the  
5 training.

6 (b) The commissioner shall enter into an agreement with a  
7 statewide nonprofit trappers association to conduct a trapper  
8 education program. At a minimum, the program must include at  
9 least six hours of classroom and in the field training. The  
10 program must include a review of state trapping laws and  
11 regulations, trapping ethics, the setting and tending of traps  
12 and snares, tagging and registration requirements, and the  
13 preparation of pelts. The association shall be responsible for  
14 all costs of conducting the education program, and shall not  
15 charge any fee for attending the course.

16 [EFFECTIVE DATE.] This section is effective on July 6, 2005.

17 Sec. 99. Minnesota Statutes 2004, section 97C.085, is  
18 amended to read:

19 97C.085 [PERMIT REQUIRED FOR TAGGING FISH.]

20 A person may not tag or otherwise mark a live fish for  
21 identification without a permit from the commissioner, except  
22 for special fish management tags as authorized under section  
23 97A.551.

24 Sec. 100. [97C.087] [SPECIAL FISH MANAGEMENT TAGS.]

25 Subdivision 1. [TAGS TO BE ISSUED.] If the commissioner  
26 determines it is necessary to require that a species of fish be  
27 tagged with a special fish management tag, the commissioner  
28 shall prescribe, by rule, the species to be tagged, tagging  
29 procedures, and eligibility requirements.

30 Subd. 2. [APPLICATION FOR TAG.] Application for special  
31 fish management tags must be accompanied by a \$5, nonrefundable  
32 application fee for each tag. A person may not make more than  
33 one tag application each year. If a person makes more than one  
34 application, the person is ineligible for a special fish  
35 management tag for that season after determination by the  
36 commissioner, without a hearing.

1           Sec. 101. Minnesota Statutes 2004, section 103E.081, is  
2 amended by adding a subdivision to read:

3           Subd 2a. [PLANTING TREES OVER PUBLIC TILE.] A person must  
4 not knowingly plant trees over a public drain tile, unless the  
5 person planting the trees receives permission from the drainage  
6 authority.

7           Sec. 102. Minnesota Statutes 2004, section 103E.081, is  
8 amended by adding a subdivision to read:

9           Subd. 2b. [PLANTING TREES OVER PRIVATE TILE.] A person  
10 must not knowingly plant trees over a private drain tile that  
11 provides for the drainage of land owned or leased by another  
12 person, unless the person planting the trees receives permission  
13 from all persons who receive drainage benefits from the drain  
14 tile.

15           Sec. 103. [103F.950] [BEAVER DAMAGE CONTROL GRANTS.]

16           Subdivision 1. [ESTABLISHMENT.] The Board of Water and  
17 Soil Resources shall establish a beaver damage control grant  
18 program to provide grants for the control of beaver activities  
19 causing damage to public waters, roads, and ditches and adjacent  
20 private property. The grants may be made to:

21           (1) a joint powers board established under section 471.59  
22 by two or more governmental units;

23           (2) soil and water conservation districts; and

24           (3) Indian tribal governments.

25           Subd. 2. [GRANT AMOUNT.] The board may provide up to 50  
26 percent of the costs of implementing a beaver damage control  
27 program by a joint powers board.

28           Subd. 3. [AWARDING OF GRANTS.] Applications for grants  
29 must be made to the board on forms prescribed by the  
30 commissioner. The board shall consult with town supervisors and  
31 county commissioners representing different areas of the state  
32 in developing the application form. A joint powers board  
33 seeking a grant may be required to supply information on the  
34 beaver control program it has adopted, the extent of the problem  
35 in the geographic area covered by the joint powers agreement,  
36 and the ability of the joint powers board to match the state

1 grant. The board may prioritize the grant applications based  
2 upon the information requested as part of the grant application.

3 Subd. 4. [REPORT.] (a) Within one year after receiving a  
4 grant under this section, a joint powers board must report to  
5 the Board of Water and Soil Resources on the joint powers  
6 board's efforts to control beaver in the area.

7 (b) By December 15 of each even-numbered year, the board  
8 shall report to the senate and house environment and natural  
9 resources policy and finance committees on the efforts under  
10 this section to control beaver.

11 Sec. 104. Minnesota Statutes 2004, section 103G.271,  
12 subdivision 6, is amended to read:

13 Subd. 6. [WATER USE PERMIT PROCESSING FEE.] (a) Except as  
14 described in paragraphs (b) to (f), a water use permit  
15 processing fee must be prescribed by the commissioner in  
16 accordance with the schedule of fees in this subdivision for  
17 each water use permit in force at any time during the year. The  
18 schedule is as follows, with the stated fee in each clause  
19 applied to the total amount appropriated:

20 (1) \$101 for amounts not exceeding 50,000,000 gallons per

21 (2) \$3 per 1,000,000 gallons for amounts greater than  
22 50,000,000 gallons but less than 100,000,000 gallons per year;

23 (3) \$3.50 per 1,000,000 gallons for amounts greater than  
24 100,000,000 gallons but less than 150,000,000 gallons per year;

25 (4) \$4 per 1,000,000 gallons for amounts greater than  
26 150,000,000 gallons but less than 200,000,000 gallons per year;

27 (5) \$4.50 per 1,000,000 gallons for amounts greater than  
28 200,000,000 gallons but less than 250,000,000 gallons per year;

29 (6) \$5 per 1,000,000 gallons for amounts greater than  
30 250,000,000 gallons but less than 300,000,000 gallons per year;

31 (7) \$5.50 per 1,000,000 gallons for amounts greater than  
32 300,000,000 gallons but less than 350,000,000 gallons per year;

33 (8) \$6 per 1,000,000 gallons for amounts greater than  
34 350,000,000 gallons but less than 400,000,000 gallons per year;

35 (9) \$6.50 per 1,000,000 gallons for amounts greater than  
36 400,000,000 gallons but less than 450,000,000 gallons per year;

1 (10) \$7 per 1,000,000 gallons for amounts greater than  
2 450,000,000 gallons but less than 500,000,000 gallons per year;  
3 and

4 (11) \$7.50 per 1,000,000 gallons for amounts greater than  
5 500,000,000 gallons per year.

6 (b) For once-through cooling systems, a water use  
7 processing fee must be prescribed by the commissioner in  
8 accordance with the following schedule of fees for each water  
9 use permit in force at any time during the year:

10 (1) for nonprofit corporations and school districts, \$150  
11 per 1,000,000 gallons; and

12 (2) for all other users, ~~\$200~~ \$300 per 1,000,000 gallons.

13 (c) The fee is payable based on the amount of water  
14 appropriated during the year and, except as provided in  
15 paragraph (f), the minimum fee is \$100.

16 (d) For water use processing fees other than once-through  
17 cooling systems:

18 (1) the fee for a city of the first class may not exceed  
19 \$250,000 per year;

20 (2) the fee for other entities for any permitted use may  
21 not exceed:

22 (i) \$50,000 per year for an entity holding three or fewer  
23 permits;

24 (ii) \$75,000 per year for an entity holding four or five  
25 permits;

26 (iii) \$250,000 per year for an entity holding more than  
27 five permits;

28 (3) the fee for agricultural irrigation may not exceed \$750  
29 per year;

30 (4) the fee for a municipality that furnishes electric  
31 service and cogenerates steam for home heating may not exceed  
32 \$10,000 for its permit for water use related to the cogeneration  
33 of electricity and steam; and

34 (5) no fee is required for a project involving the  
35 appropriation of surface water to prevent flood damage or to  
36 remove flood waters during a period of flooding, as determined

1 by the commissioner.

2 (e) Failure to pay the fee is sufficient cause for revoking  
3 a permit. A penalty of two percent per month calculated from  
4 the original due date must be imposed on the unpaid balance of  
5 fees remaining 30 days after the sending of a second notice of  
6 fees due. A fee may not be imposed on an agency, as defined in  
7 section 16B.01, subdivision 2, or federal governmental agency  
8 holding a water appropriation permit.

9 (f) The minimum water use processing fee for a permit  
10 issued for irrigation of agricultural land is \$20 for years in  
11 which:

12 (1) there is no appropriation of water under the permit; or

13 (2) the permit is suspended for more than seven consecutive  
14 days between May 1 and October 1.

15 (g) A surcharge of \$20 per million gallons in addition to  
16 the fee prescribed in paragraph (a) shall be applied to the  
17 volume of water used in June, July, and August that exceeds the  
18 volume of water used in January for municipal water use,  
19 irrigation of golf courses, and landscape irrigation.

20 Sec. 105. Minnesota Statutes 2004, section 103G.301,  
21 subdivision 2, is amended to read:

22 Subd. 2. [PERMIT APPLICATION FEES.] (a) An application for  
23 a permit authorized under this chapter, and each request to  
24 amend or transfer an existing permit, must be accompanied by a  
25 permit application fee to defray the costs of receiving,  
26 recording, and processing the application or request to amend or  
27 transfer.

28 (b) The fee to apply for a permit to appropriate water, a  
29 permit to construct or repair a dam that is subject to dam  
30 safety inspection, or a state general permit or to apply for the  
31 state water bank program is ~~\$75~~ \$150. The application fee for a  
32 permit to work in public waters or to divert waters for mining  
33 must be at least ~~\$75~~ \$150, but not more than ~~\$500~~ \$1,000,  
34 according to a schedule of fees adopted under section 16A.1285.

35 Sec. 106. Minnesota Statutes 2004, section 103G.615,  
36 subdivision 2, is amended to read:

1 Subd. 2. [FEES.] (a) The commissioner shall establish a  
2 fee schedule for permits to control or harvest aquatic plants  
3 other than wild rice. The fees must be set by rule, and section  
4 16A.1283 does not apply. The fees may not exceed \$750 per  
5 permit based upon the cost of receiving, processing, analyzing,  
6 and issuing the permit, and additional costs incurred after the  
7 application to inspect and monitor the activities authorized by  
8 the permit, and enforce aquatic plant management rules and  
9 permit requirements.

10 (b) The fee for a permit for the control of rooted aquatic  
11 vegetation is \$35 for each contiguous parcel of shoreline owned  
12 by an owner. This fee may not be charged for permits issued in  
13 connection with purple loosestrife control or lakewide Eurasian  
14 water milfoil control programs.

15 (c) A fee may not be charged to the state or a federal  
16 governmental agency applying for a permit.

17 (d) The money received for the permits under this  
18 subdivision shall be deposited in the treasury and credited to  
19 the ~~game-and-fish-fund~~ water recreation account.

20 Sec. 107. Minnesota Statutes 2004, section 103I.681,  
21 subdivision 11, is amended to read:

22 Subd. 11. [PERMIT FEE SCHEDULE.] (a) The commissioner of  
23 natural resources shall adopt a permit fee schedule under  
24 chapter 14. The schedule may provide minimum fees for various  
25 classes of permits, and additional fees, which may be imposed  
26 subsequent to the application, based on the cost of receiving,  
27 processing, analyzing, and issuing the permit, and the actual  
28 inspecting and monitoring of the activities authorized by the  
29 permit, including costs of consulting services.

30 (b) A fee may not be imposed on a state or federal  
31 governmental agency applying for a permit.

32 (c) The fee schedule may provide for the refund of a fee,  
33 in whole or in part, under circumstances prescribed by the  
34 commissioner of natural resources. ~~Permit Fees~~ received must be  
35 deposited in the state treasury and credited to the general  
36 fund. ~~The-amount-of-money-necessary-to-pay-the-refunds-is~~

1 Permit fees received are appropriated annually from the general  
2 fund to the commissioner of natural resources for the costs of  
3 inspecting and monitoring the activities authorized by the  
4 permit, including costs of consulting services.

5 Sec. 108. Minnesota Statutes 2004, section 115.03,  
6 subdivision 4a, is amended to read:

7 Subd. 4a. [SECTION 401 CERTIFICATIONS.] (a) The following  
8 definitions apply to this subdivision:

9 (1) "section 401 certification" means a water quality  
10 certification required under section 401 of the federal Clean  
11 Water Act, United States Code, title 33, section 1341; and

12 (2) "~~nati~~nationwide federal general permit" means a ~~nati~~nationwide  
13 general permit issued by the United States Army Corps of  
14 Engineers and listed in Code of Federal Regulations, title 40,  
15 part 330, appendix A under section 404 of the federal Clean  
16 Water Act, United States Code, title 33, section 1344; and

17 (3) "professional review" means review of federal permits  
18 or licenses that require section 401 certification before  
19 issuance by professional or technical agency staff experienced  
20 with 401 water quality certification.

21 (b) The agency commissioner is responsible for providing  
22 section 401 certifications for ~~nati~~nationwide federal permits or  
23 licenses that require section 401 certification before issuance  
24 of the federal permit or license.

25 (c) Before making a final decision on a section 401  
26 certification for regional conditions on a ~~nati~~nationwide federal  
27 general permit, the agency commissioner shall hold at least one  
28 public meeting outside the seven-county metropolitan area.

29 (d) In addition to other notice required by law, the agency  
30 shall provide written notice of a meeting at which the agency  
31 will be considering a section 401 certification for regional  
32 conditions on a ~~nati~~nationwide federal general permit at least 21  
33 days before the date of the meeting to the members of the senate  
34 and house ~~of representatives environment and natural resources~~  
35 ~~committees, the senate Agriculture and Rural Development~~  
36 ~~Committee, and the house of representatives Agriculture~~

1 Committee policy committees with jurisdiction over environment  
2 and agriculture.

3 (e) Beginning July 1, 2005, the commissioner shall collect  
4 a fee on individual section 401 certifications that are not  
5 subject to a federal general permit or a letter of permission in  
6 the amount of \$350 per certification and an additional \$200 for  
7 each acre of wetland or surface water that is subject to the  
8 section 401 certification. All fees collected by the  
9 commissioner under this section shall be deposited in the  
10 environmental fund and are appropriated to the agency for the  
11 purpose of providing professional review and notification.

12 (f) A decision by the commissioner to waive review of  
13 section 401 certification must include a written notice to  
14 project applicants that they remain responsible for complying  
15 with all water quality standards and other applicable statutes  
16 and rules and that the commissioner retains the authority to  
17 enforce violations of applicable standards, statutes, and rules,  
18 including assessment of penalties.

19 (g) The commissioner shall provide access to all public  
20 notices of applications for section 401 certification, their  
21 status, and the decision to certify, deny, or waive any  
22 application on the agency's Internet Web site, and may publish  
23 these documents in any other appropriate public medium. All  
24 public comments must be attached to the official public record  
25 waiver decision and be available for review upon request. All  
26 publications shall include the project's location, including  
27 county, township, range and section, street address or  
28 directions.

29 [EFFECTIVE DATE.] This section is effective the day  
30 following final enactment.

31 Sec. 109. Minnesota Statutes 2004, section 115.551, is  
32 amended to read:

33 115.551 [TANK FEE.]

34 (a) An installer shall pay a fee of \$25 for each septic  
35 system tank installed in the previous calendar year. The fees  
36 required under this section must be paid to the commissioner by

1 January 30 of each year. The revenue derived from the fee  
2 imposed under this section shall be deposited in the  
3 environmental fund and is exempt from section 16A.1285.

4 (b) Notwithstanding paragraph (a), for the purposes of  
5 performance based individual sewage treatment systems, the tank  
6 fee is limited to \$25 per household system installation.

7 Sec. 110. Minnesota Statutes 2004, section 115B.48,  
8 subdivision 8, is amended to read:

9 Subd. 8. [FULL-TIME EQUIVALENCE.] "Full-time equivalence"  
10 means 2,000 hours worked by employees, owners, and others in a  
11 dry cleaning facility during a 12-month period beginning July 1  
12 of the preceding year and running through June 30 of the year in  
13 which the annual registration fee is due. For those dry  
14 cleaning facilities that were in business less than the 12-month  
15 period, full-time equivalence means the total of all of the  
16 hours worked in the dry cleaning facility, divided by 2,000 and  
17 multiplied by a fraction, the numerator of which is 50 and the  
18 denominator of which is the number of weeks in business during  
19 the reporting period. For the purposes of section 115B.49, an  
20 owner working 2,000 hours or more shall be considered as one  
21 full-time equivalent.

22 Sec. 111. Minnesota Statutes 2004, section 115B.49, is  
23 amended by adding a subdivision to read:

24 Subd. 4b. [FEE ADJUSTMENT.] Notwithstanding section  
25 16A.1285, each fiscal year the commissioner shall adjust the  
26 fees in subdivision 4 as necessary to maintain an annual income  
27 to the account of \$650,000.

28 Sec. 112. [116H.55] [DEFINITIONS.]

29 Subdivision 1. [SCOPE.] For the purposes of this chapter,  
30 the following terms have the meanings given.

31 Subd. 2. [CATHODE RAY TUBE OR CRT.] "Cathode ray tube" or  
32 "CRT" means a vacuum tube or picture tube used to convert an  
33 electronic signal into a visual image. It is composed primarily  
34 of glass, and is the video display component of a television or  
35 computer monitor, and includes other items integrally attached  
36 to the CRT.

1        Subd. 3. [COMPUTER MONITOR.] "Computer monitor" means an  
2 electronic device that is a cathode ray tube or flat panel  
3 display primarily intended to display information from a central  
4 processing unit or the Internet. Computer monitor includes a  
5 laptop computer.

6        Subd. 4. [FULL TRUCKLOAD.] "Full truckload" means a  
7 quantity weighing 25,000 pounds or more of video display devices.

8        Subd. 5. [HENNEPIN COUNTY STUDY.] "Hennepin County study"  
9 means the Hennepin County Consumer Electronics Brand Tally,  
10 published January 2005.

11       Subd. 6. [HOUSEHOLD.] "Household" means an occupant of a  
12 single detached dwelling unit or a single unit of a multiple  
13 dwelling unit who has used a video display device at a dwelling  
14 unit primarily for personal use.

15       Subd. 7. [INTERMEDIATE CONSOLIDATION POINT.] "Intermediate  
16 consolidation point" means a facility in the state approved by  
17 the Office of Environmental Assistance pursuant to section  
18 116H.65, paragraph (d), clause (3), where local governments and  
19 households can deliver for consolidation video display devices  
20 generated by households and destined for recycling,  
21 refurbishment, or reuse. The facility may be operated by a  
22 private entity or a local unit of government, and must be  
23 capable of consolidating a full truckload of video display  
24 devices from households in accordance with all applicable  
25 federal, state, and local laws, rules, regulations, and  
26 ordinances.

27       Subd. 8. [MANUFACTURER.] "Manufacturer" means a person  
28 who: (1) manufactures video display devices to be sold under  
29 its own brand as identified by its own brand label; or (2) sells  
30 video display devices manufactured by others under its own brand  
31 as identified by its own brand label.

32       Subd. 9. [MANUFACTURER'S BRANDS.] "Manufacturer's brands"  
33 means a manufacturer's name, brand name, or brand label, and all  
34 manufacturer's names, brand names, and brand labels for which  
35 the manufacturer has legal responsibility, including those  
36 manufacturer's names, brand names, and brand labels of companies

1 that have been acquired by the manufacturer.

2 Subd. 10. [OFFICE.] "Office" means the Office of  
3 Environmental Assistance.

4 Subd. 11. [ORPHAN WASTE.] "Orphan waste" means a video  
5 display device covered by this section for which (1) no  
6 manufacturer can be identified, or (2) the manufacturer no  
7 longer exists and no successor can be identified.

8 Subd. 12. [PRO RATA SHARE.] "Pro rata share" means the  
9 percentage that is the proportion, multiplied by 100, of the  
10 total weight of video display devices, of the manufacturer's  
11 brands registered by a registrant, as required by section  
12 116H.60, paragraph (e), received at intermediate consolidation  
13 points divided by the total weight of video display devices  
14 received at intermediate consolidation points, as determined by  
15 the sampling program at intermediate consolidation points  
16 pursuant to section 116H.65, paragraph (d), clause (1). The pro  
17 rata share for the first program year shall be based on the  
18 Hennepin County study.

19 Subd. 13. [REGISTRANT.] "Registrant" means a manufacturer  
20 that submits the registration required by section 116H.60,  
21 paragraph (a), or an independent party that submits the  
22 registration required by section 116H.60, paragraph (a), in lieu  
23 of a manufacturer.

24 Subd. 14. [SELL OR SALE.] "Sell" or "sale" means any  
25 transfer for consideration of title or of the right to use, by  
26 lease or sales contract, including, but not limited to,  
27 transactions conducted through sales outlets, catalogs, or the  
28 Internet, or any other similar electronic means either inside or  
29 outside of the state, by a person who conducts the transaction  
30 and controls the delivery of a video display device to a  
31 consumer in the state, but does not include a wholesale  
32 transaction with a distributor or a retailer.

33 Subd. 15. [TELEVISION.] "Television" means an electronic  
34 device that is a cathode ray tube or flat panel display  
35 primarily intended to receive video programming via broadcast,  
36 cable, or satellite transmission or video from surveillance or

1 other similar cameras.

2 Subd. 16. [VIDEO DISPLAY DEVICE.] "Video display device"  
3 means a computer monitor or television with a screen size  
4 greater than eight inches measured diagonally. The term "video  
5 display device" does not include a video display device that is  
6 part of or contained in a motor vehicle; industrial, commercial,  
7 or medical equipment; or any appliance.

8 Sec. 113. [116H.60] [REGISTRATION PROGRAM.]

9 (a) On and after July 1, 2006, a retailer or manufacturer  
10 may not sell or offer for sale a new video display device to any  
11 person in the state unless:

12 (1) the video display device is labeled with the  
13 manufacturer's brand, which label is permanently affixed and  
14 readily visible; and

15 (2) the video display device is subject to a registration  
16 filed by a registrant with the office according to this section,  
17 with the registration effective upon receipt by the office.

18 (b) A retailer or manufacturer who sells or offers for sale  
19 a new video display device to a consumer in this state must,  
20 before initial offer for sale of the device, submit to the  
21 office a certification that the retailer or manufacturer has  
22 reviewed the office's Web site specified in paragraph (h), and  
23 has determined that all new video display devices that the  
24 retailer or manufacturer is then offering for sale are labeled  
25 with manufacturer's brands that are subject to registration  
26 statements filed with the office. After the initial submittal,  
27 the certification must be submitted to the office annually by  
28 July 10 of each year, effective as of July 1 of each year. A  
29 retailer is not responsible for an unlawful sale under this  
30 paragraph if the registration expired or was revoked and the  
31 retailer took possession of the video display device prior to  
32 the expiration or revocation of the registration and the  
33 unlawful sale occurred within six months after the expiration or  
34 revocation.

35 (c) By February 1, 2006, a manufacturer of video display  
36 devices sold to a consumer in this state must submit a

1 registration to the office that includes a certification that a  
2 registrant will participate in the intermediate consolidation  
3 point program as specified in paragraph (m) beginning July 1,  
4 2006. A manufacturer who begins to sell or offer for sale video  
5 display devices after February 1, 2006, and has not filed a  
6 registration pursuant to this section must submit a registration  
7 to the office within ten days of beginning to sell or offer for  
8 sale video display devices to consumers in the state. The  
9 registration is effective upon receipt by the office.

10 (d) The registration must list the manufacturer's brands.  
11 The registration must be updated within ten days after a change  
12 in the manufacturer's brands, such as in the event of an  
13 acquisition, merger, or divestiture.

14 (e) A registrant may partner with one or more manufacturers  
15 or other parties, collectively a "registrant," to prepare and  
16 submit to the office a joint video display device recycling,  
17 refurbishment, or reuse program.

18 (f) Each manufacturer who registers under this section must  
19 pay an annual fee which is deposited in an electronic waste  
20 account established in the environmental fund. The fee is equal  
21 to \$2,000 multiplied by the manufacturer's pro rata share of  
22 video display devices as determined under section 116H.55,  
23 subdivision 12. A manufacturer registered under this section  
24 whose pro rata share is less than 0.25 percent must pay a  
25 minimum fee of \$500. Money in the electronic waste account is  
26 appropriated to the office for the purpose of administering the  
27 program.

28 (g) The office shall develop procedures to administer and  
29 implement the registration program under this section and shall  
30 present them to the legislature by January 15, 2006.

31 (h) The office must review each registration and notify the  
32 registrant if the registration does not include the information  
33 required by this section. Within 30 days of receipt of a  
34 notification from the office, the registrant must file with the  
35 office a revised registration providing the information noted by  
36 the office.

1       (i) The office must maintain on its Web site the names of  
2 the registrants and the manufacturers' brands that are listed in  
3 registrations filed with the office. The office must update the  
4 Web site information promptly upon receipt of a new registration  
5 or an updated registration.

6       (j) The obligations of a manufacturer or registrant apply  
7 only to video display devices received from households in this  
8 state and do not apply to video display devices received from  
9 owners other than households.

10       (k) Persons who receive a video display device for  
11 recycling, refurbishment, or reuse pursuant to a registration  
12 may recycle, refurbish, or reuse, including resell, the video  
13 display device. Except to the extent otherwise required by law,  
14 such persons have no responsibility for any data that may be on  
15 the video display device if an information storage device is  
16 included with the video display device.

17       (l) A city, county, or other public agency may not require  
18 households to use the intermediate consolidation point program  
19 to recycle their video display devices to the exclusion of other  
20 programs legally available. Nothing in this chapter prohibits or  
21 restricts any video display recycling programs that are in  
22 addition to those provided by manufacturers or registrants or  
23 prohibits or restricts any persons from receiving, storing,  
24 transporting, or recycling video display devices.

25       (m) By October 1 of each year, each registrant must submit  
26 a report to the office that describes the implementation of the  
27 program during the preceding program year. The program year is  
28 July 1 through June 30. The first report must be submitted by  
29 October 1, 2007. The report must:

30       (1) identify the total weight of the video display devices  
31 that the registrant has arranged for pickup from intermediate  
32 consolidation points during the preceding year, and the total  
33 weight of video display devices that the registrant has received  
34 from households through other methods during the preceding year  
35 and for which the registrant has used such video display devices  
36 to satisfy all or a portion of its pro rata share responsibility

1 during the preceding year; and

2 (2) describe the processes and methods used to recycle,  
3 refurbish, or reuse video display devices that the registrant  
4 has arranged for pickup from intermediate collection points  
5 during the preceding year and that the registrant has received  
6 from households through other methods, and for which the  
7 registrant has used such video display devices to satisfy all or  
8 a portion of its pro rata share responsibility during the  
9 preceding year; and, in particular, identify any disassembly,  
10 physical recovery operation including crushing, shredding,  
11 grinding, or glass to glass recycling, or any other operation  
12 that was used and describe where it took place. The report must  
13 also discuss whether these activities included procedures  
14 described in the United States Environmental Protection Agency's  
15 guidelines for the environmentally sound management of  
16 electronic equipment.

17 (n) Participation in the intermediate consolidation point  
18 program requires that a registrant must:

19 (1) arrange for the pickup and recycling of a full  
20 truckload or full truckloads of computer monitor video display  
21 devices or television video display devices received by  
22 intermediate consolidation points after July 1, 2006, up to the  
23 registrant's pro rata share of computer monitor video display  
24 devices or television video display devices, from intermediate  
25 consolidation points, pursuant to procedures developed under  
26 paragraph (g), capable of consolidating a full truckload of  
27 video display devices from households in accordance with all  
28 applicable federal, state, and local laws, rules, regulations,  
29 and ordinances; and

30 (2) arrange for the pickup and recycling of the  
31 registrant's pro rata share of orphan waste by weight from  
32 intermediate consolidation points, pursuant to procedures  
33 developed under paragraph (g).

34 (o) Registrants are responsible for the costs of pickup and  
35 recycling of the video display devices. A registrant may  
36 satisfy a portion or all of its pro rata share responsibility by

1 receipt of video display devices from households through other  
2 methods if the registrant has not charged for the recycling,  
3 refurbishment, or reuse of the video display devices that the  
4 registrant has received from households in this state through  
5 the other methods. A registrant who intends to satisfy a  
6 portion or all of its pro rata share responsibility by receipt  
7 of the video display devices from households through other  
8 methods must provide the office with a report of its receipt of  
9 video display devices through the other methods on a quarterly  
10 basis.

11 (p) After receipt of the report required by paragraph (m)  
12 to be filed on October 1, 2009, the office must review the  
13 performance of the program and may issue performance standards  
14 related to the number of units collected per household.

15 Sec. 114. [116H.65] [DUTIES OF OFFICE.]

16 (a) The office must administer and enforce this chapter.

17 (b) The office must establish procedures for:

18 (1) receipt and maintenance of the registration statements  
19 and certifications filed with the office pursuant to section  
20 116H.60; and

21 (2) making the statements and certifications easily  
22 available to registrants, manufacturers, distributors,  
23 retailers, and members of the public.

24 (c) On or before December 1, 2010, and every three years  
25 thereafter, the office must provide a report to the governor and  
26 the legislature on the implementation of this chapter. For each  
27 of the preceding three program years, the report must discuss  
28 the total weight of video display devices received by all  
29 registrants from intermediate consolidation points, the total  
30 weight of video display devices received by each registrant from  
31 intermediate consolidation points, the total weight of video  
32 display devices that the registrant has received from households  
33 through other methods during the preceding year and which the  
34 registrant has used to satisfy all or a portion of its pro rata  
35 share responsibility during the preceding year, and a summary of  
36 information in the report submitted by registrants pursuant to

1 section 116H.60, paragraph (l). The report must also discuss  
2 the various collection programs used to collect video display  
3 devices and information received by the office regarding video  
4 display devices that are not being collected by the  
5 registrants. The report must include a description of  
6 enforcement actions under this chapter and information about  
7 video display devices, if any, being disposed of in landfills in  
8 this state. The office may include in its report other  
9 information received by the office regarding the implementation  
10 of the chapter.

11 (d) The office must administer the intermediate  
12 consolidation point program.

13 (e) The office must calculate pro rata shares for video  
14 display devices on an annual program year basis for each  
15 registrant. Pro rata shares for the first program year must be  
16 determined by the office by May 1, 2006, using the Hennepin  
17 County study. For each subsequent year, pro rata shares must be  
18 determined by May 1 of the preceding year based upon an annual  
19 sampling survey conducted by the office at intermediate  
20 consolidation points during that preceding year. The sampling  
21 survey must identify televisions and computer monitors  
22 separately, and calculate the weight of televisions and computer  
23 monitors separately. The office may provide registrants with  
24 projections or estimates of the amount by weight of video  
25 display devices for which the registrant may be responsible  
26 during a given program year.

27 (f) The office must establish under section 116H.60,  
28 paragraph (g), a system to coordinate among registrants pickups  
29 from intermediate consolidation points after an intermediate  
30 consolidation point has notified the office that a full  
31 truckload of video display devices from households has been  
32 consolidated. The office must provide a program year accounting  
33 of the extent to which each registrant met its pro rata share  
34 responsibility as established pursuant to section 116H.60,  
35 paragraph (n), and methods for addressing amounts greater than  
36 or less than a registrant's pro rata share responsibility that

1 were picked up and recycled by a registrant during the program  
2 year.

3 (g) By February 1, 2006, the office must receive  
4 applications for the establishment of intermediate consolidation  
5 points. The director must seek to receive at least 15  
6 applications with at least ten of the applications from outside  
7 the metropolitan area. By April 30, 2006, the office must  
8 establish a list of approved intermediate consolidation points  
9 and must provide the list on its Web site. Manufacturers and  
10 registrants have no responsibility for any costs of the  
11 intermediate consolidation points. Applications for the  
12 establishment of intermediate consolidation points must specify  
13 any method that will be used to ensure that video display  
14 devices will be collected only from households or that video  
15 display devices from households will be segregated from other  
16 video display devices.

17 (h) The Pollution Control Agency must establish a  
18 multistakeholder Oversight and Advisory Committee within one  
19 year following enactment of this chapter for the purpose of  
20 overseeing producer electronic waste recycling program plan  
21 implementation, reviewing producer plan annual reports and  
22 identifying and recommending additional products to be included  
23 as electronic waste. An annual report consistent with this  
24 section must be submitted to the chairs of the senate and house  
25 environmental policy committees commencing in February 2006.

26 Sec. 115. [116H.75] [REQUIREMENTS FOR PURCHASES BY STATE  
27 AGENCIES.]

28 (a) The Department of Administration must ensure that  
29 acquisitions of video display devices under chapter 16C are  
30 certified by the vendor to be in compliance with section 116H.60.

31 (b) The bid solicitation documents must specify that the  
32 prospective bidder is required to cooperate fully in providing  
33 reasonable access to its records and documents that evidence  
34 compliance with paragraph (a) and section 116H.60.

35 (c) Any person awarded a contract under chapter 16C for  
36 purchase or lease of video display devices that is found to be

1 in violation of paragraph (a) or section 116H.60 is subject to  
2 the following sanctions:

- 3 (1) the contract must be voided;  
4 (2) the contractor is ineligible to bid on any state  
5 contract for a period of three years; and  
6 (3) if the attorney general establishes that any money,  
7 property, or benefit was obtained by a contractor as a result of  
8 violating paragraph (a) or section 116H.60, the court may, in  
9 addition to any other remedy, order the disgorgement of the  
10 unlawfully obtained money, property, or benefit.

11 Sec. 116. [116H.80] [REGULATION OF CRT DEVICES.]

12 If the United States Environmental Protection Agency adopts  
13 regulations under the Resource Conservation and Recovery Act  
14 regarding the handling, storage, or treatment of cathode ray  
15 tube devices or video display devices being recycled, those  
16 regulations are automatically effective in this state on the  
17 same date and supersede any rules previously adopted by the  
18 office or the Pollution Control Agency regarding the handling,  
19 storage, or treatment of cathode ray tube devices or video  
20 display devices being recycled.

21 Sec. 117. [116H.85] [ENFORCEMENT.]

22 This chapter shall be enforced in the manner provided by  
23 sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072.

24 Sec. 118. [116H.90] [LIMITATIONS.]

25 This chapter expires if a federal law, or combination of  
26 federal laws, takes effect that is applicable to all video  
27 display devices sold in the United States and establishes a  
28 program for the collection and recycling or reuse of video  
29 display devices that is applicable to all video display devices  
30 discarded by households.

31 Sec. 119. Minnesota Statutes 2004, section 1160.09,  
32 subdivision 1a, is amended to read:

33 Subd. 1a. [BOARD OF DIRECTORS.] The board of directors of  
34 the Agricultural Utilization Research Institute is comprised of:

- 35 (1) the chairs of the senate and the house of  
36 representatives standing committees with jurisdiction over

1 agriculture finance or the chair's designee;

2 (2) two representatives of statewide farm organizations;

3 (3) two representatives of agribusiness; and

4 (4) three representatives of the commodity promotion  
5 councils.

6 ~~A member of the board of directors under clauses (2) to~~  
7 ~~(4), including a member serving on July 1, 2003, may serve for a~~  
8 ~~maximum of two three-year terms. The board's compensation is~~  
9 ~~governed by section 15.0575, subdivision 3.~~

10 Sec. 120. Minnesota Statutes 2004, section 116P.05,  
11 subdivision 2, is amended to read:

12 Subd. 2. [DUTIES.] (a) The commission shall recommend a  
13 budget plan for expenditures from the environment and natural  
14 resources trust fund and shall adopt a strategic plan as  
15 provided in section 116P.08.

16 (b) The commission shall recommend expenditures to the  
17 legislature from the state land and water conservation account  
18 in the natural resources fund.

19 (c) It is a condition of acceptance of the appropriations  
20 made from the Minnesota environment and natural resources trust  
21 fund, and oil overcharge money under section 4.071, subdivision  
22 2, that the agency or entity receiving the appropriation must  
23 submit a work program and semiannual progress reports in the  
24 form determined by the Legislative Commission on Minnesota  
25 Resources, and comply with applicable reporting requirements  
26 under section 116P.16. None of the money provided may be spent  
27 unless the commission has approved the pertinent work program.

28 (d) The peer review panel created under section 116P.08  
29 must also review, comment, and report to the commission on  
30 research proposals applying for an appropriation from the oil  
31 overcharge money under section 4.071, subdivision 2.

32 (e) The commission may adopt operating procedures to  
33 fulfill its duties under chapter 116P.

34 [EFFECTIVE DATE.] This section is effective for interests  
35 in land acquired after June 30, 2005.

36 Sec. 121. [116P.16] [REAL PROPERTY INTEREST REPORT.]

1 By December 1 each year, a recipient of an appropriation  
2 from the trust fund, that is used for the acquisition of an  
3 interest in real property, must submit annual reports on the  
4 status of the real property to the Legislative Commission on  
5 Minnesota Resources in a form determined by the commission. The  
6 responsibility for reporting under this section may be  
7 transferred by the recipient of the appropriation to another  
8 person who holds the interest in the real property. To complete  
9 the transfer of reporting responsibility, the recipient of the  
10 appropriation must:

11 (1) inform the person to whom the responsibility is  
12 transferred of that person's reporting responsibility;

13 (2) inform the person to whom the responsibility is  
14 transferred of the property restrictions under section 116P.15;  
15 and

16 (3) provide written notice to the commission of the  
17 transfer of reporting responsibility, including contact  
18 information for the person to whom the responsibility is  
19 transferred.

20 After the transfer, the person who holds the interest in the  
21 real property is responsible for reporting requirements under  
22 this section.

23 [EFFECTIVE DATE.] This section is effective for interests  
24 in land acquired after June 30, 2005.

25 Sec. 122. Minnesota Statutes 2004, section 160.232, is  
26 amended to read:

27 160.232 [MOWING DITCHES OUTSIDE CITIES.]

28 (a) To provide enhanced roadside habitat for nesting birds  
29 and other small wildlife, road authorities may not mow or till  
30 the right-of-way of a highway located outside of a home rule  
31 charter or statutory city except as allowed in this section and  
32 section 160.23.

33 (b) On any highway, the first eight feet away from the road  
34 surface, or shoulder if one exists, may be mowed at any time.

35 (c) An entire right-of-way may be mowed after July 31.

36 From August 31 to the following July 31, the entire right-of-way

1 may only be mowed if necessary for safety reasons, and but may  
2 not be mowed to a height of less than 12 inches.

3 (d) A right-of-way may be mowed as necessary to maintain  
4 sight distance for safety and may be mowed at other times under  
5 rules of the commissioner, or by ordinance of a local road  
6 authority not conflicting with the rules of the commissioner.

7 (e) A right-of-way may be mowed, burned, or tilled to  
8 prepare the right-of-way for the establishment of permanent  
9 vegetative cover or for prairie vegetation management.

10 (f) When feasible, road authorities are encouraged to  
11 utilize low maintenance, native vegetation that reduces the need  
12 to mow, provides wildlife habitat, and maintains public safety.

13 (g) The commissioner of natural resources shall cooperate  
14 with the commissioner of transportation to provide enhanced  
15 roadside habitat for nesting birds and other small wildlife.

16 Sec. 123. Minnesota Statutes 2004, section 168.1296,  
17 subdivision 1, is amended to read:

18 Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] (a)  
19 The registrar shall issue special critical habitat license  
20 plates to an applicant who:

21 (1) is an owner or joint owner of a passenger automobile,  
22 pickup truck, ~~or~~ van, or recreational equipment;

23 (2) pays a fee of \$10 to cover the costs of handling and  
24 manufacturing the plates;

25 (3) pays the registration tax required under section  
26 168.013;

27 (4) pays the fees required under this chapter;

28 (5) contributes a minimum of \$30 annually to the Minnesota  
29 critical habitat private sector matching account established in  
30 section 84.943; and

31 (6) complies with laws and rules governing registration and  
32 licensing of vehicles and drivers.

33 (b) The critical habitat license application form must  
34 clearly indicate that the annual contribution specified under  
35 paragraph (a), clause (5), is a minimum contribution to receive  
36 the license plate and that the applicant may make an additional

1 contribution to the account.

2 (c) Owners of recreational equipment under paragraph (a),  
3 clause (1), are eligible only for special critical habitat  
4 license plates for which the designs are selected under  
5 subdivision 2, on or after January 1, 2006.

6 (d) Special critical habitat license plates, the designs  
7 for which are selected under subdivision 2, on or after January  
8 1, 2006, may be personalized according to section 168.12,  
9 subdivision 2a.

10 Sec. 124. Minnesota Statutes 2004, section 223.17,  
11 subdivision 3, is amended to read:

12 Subd. 3. [GRAIN BUYERS AND STORAGE ACCOUNT; FEES.] The  
13 commissioner shall set the fees for inspections under sections  
14 223.15 to 223.22 at levels necessary to pay the expenses of  
15 administering and enforcing sections 223.15 to 223.22.

16 The fee for any license issued or renewed after June 30,  
17 ~~2004~~ 2005, shall be set according to the following schedule:

18 (a) ~~\$125~~ \$140 plus ~~\$100~~ \$110 for each additional location  
19 for grain buyers whose gross annual purchases are less than  
20 \$100,000;

21 (b) ~~\$250~~ \$275 plus ~~\$100~~ \$110 for each additional location  
22 for grain buyers whose gross annual purchases are at least  
23 \$100,000, but not more than \$750,000;

24 (c) ~~\$375~~ \$415 plus ~~\$200~~ \$220 for each additional location  
25 for grain buyers whose gross annual purchases are more than  
26 \$750,000 but not more than \$1,500,000;

27 (d) ~~\$500~~ \$550 plus ~~\$200~~ \$220 for each additional location  
28 for grain buyers whose gross annual purchases are more than  
29 \$1,500,000 but not more than \$3,000,000; and

30 (e) ~~\$625~~ \$700 plus ~~\$200~~ \$220 for each additional location  
31 for grain buyers whose gross annual purchases are more than  
32 \$3,000,000.

33 A penalty amount not to exceed ten percent of the fees due  
34 may be imposed by the commissioner for each month for which the  
35 fees are delinquent.

36 There is created the grain buyers and storage account in

1 the agricultural fund. Money collected pursuant to sections  
 2 223.15 to 223.19 shall be paid into the state treasury and  
 3 credited to the grain buyers and storage account and is  
 4 appropriated to the commissioner for the administration and  
 5 enforcement of sections 223.15 to 223.22.

6 Sec. 125. Minnesota Statutes 2004, section 231.16, is  
 7 amended to read:

8 231.16 [WAREHOUSE OPERATOR OR HOUSEHOLD GOODS WAREHOUSE  
 9 OPERATOR TO OBTAIN LICENSE.]

10 A warehouse operator or household goods warehouse operator  
 11 must be licensed annually by the department. The department  
 12 shall prescribe the form of the written application. If the  
 13 department approves the license application and the applicant  
 14 files with the department the necessary bond, in the case of  
 15 household goods warehouse operators, or proof of warehouse  
 16 operators legal liability insurance coverage in an amount of  
 17 \$50,000 or more, as provided for in this chapter, the department  
 18 shall issue the license upon payment of the license fee required  
 19 in this section. A warehouse operator or household goods  
 20 warehouse operator to whom a license is issued shall pay a fee  
 21 as follows:

22 Building square footage used for public storage

23	(1) 5,000 or less	\$ <del>100</del> <u>\$110</u>
24	(2) 5,001 to 10,000	\$ <del>200</del> <u>\$220</u>
25	(3) 10,001 to 20,000	\$ <del>300</del> <u>\$330</u>
26	(4) 20,001 to 100,000	\$ <del>400</del> <u>\$440</u>
27	(5) 100,001 to 200,000	\$ <del>500</del> <u>\$550</u>
28	(6) over 200,000	\$600 <u>\$660</u>

29 A penalty amount not to exceed ten percent of the fees due  
 30 may be imposed by the commissioner for each month for which the  
 31 fees are delinquent.

32 Fees collected under this chapter must be paid into the  
 33 grain buyers and storage account established in section 232.22.

34 The license must be renewed annually on or before July 1,  
 35 and always upon payment of the full license fee required in this  
 36 section. No license shall be issued for any portion of a year

1 for less than the full amount of the license fee required in  
2 this section. Each license obtained under this chapter must be  
3 publicly displayed in the main office of the place of business  
4 of the warehouse operator or household goods warehouse operator  
5 to whom it is issued. The license authorizes the warehouse  
6 operator or household goods warehouse operator to carry on the  
7 business of warehousing only in the one city or town named in  
8 the application and in the buildings therein described. The  
9 department, without requiring an additional bond and license,  
10 may issue permits from time to time to any warehouse operator  
11 already duly licensed under the provisions of this chapter to  
12 operate an additional warehouse in the same city or town for  
13 which the original license was issued during the term thereof,  
14 upon the filing an application for a permit in the form  
15 prescribed by the department.

16 A license may be refused for good cause shown and revoked  
17 by the department for violation of law or of any rule adopted by  
18 the department, upon notice and after hearing.

19 Sec. 126. Minnesota Statutes 2004, section 232.22,  
20 subdivision 3, is amended to read:

21 Subd. 3. [FEES; GRAIN BUYERS AND STORAGE ACCOUNT.] There  
22 is created in the agricultural fund an account known as the  
23 grain buyers and storage account. The commissioner shall set  
24 the fees for inspections, certifications and licenses under  
25 sections 232.20 to 232.25 at levels necessary to pay the costs  
26 of administering and enforcing sections 232.20 to 232.25. All  
27 money collected pursuant to sections 232.20 to 232.25 and  
28 chapters 233 and 236 shall be paid by the commissioner into the  
29 state treasury and credited to the grain buyers and storage  
30 account and is appropriated to the commissioner for the  
31 administration and enforcement of sections 232.20 to 232.25 and  
32 chapters 233 and 236. All money collected pursuant to chapter  
33 231 shall be paid by the commissioner into the grain buyers and  
34 storage account and is appropriated to the commissioner for the  
35 administration and enforcement of chapter 231.

36 The fees for a license to store grain are as follows:

1       (a) For a license to store grain, \$110 for each home rule  
 2 charter or statutory city or town in which a public grain  
 3 warehouse is operated.

4       (b) A person with a license to store grain in a public  
 5 grain warehouse is subject to an examination fee for each  
 6 licensed location, based on the following schedule for one  
 7 examination:

<u>Bushel Capacity</u>	<u>Examination Fee</u>
9 <u>Less than 150,001</u>	<u>\$300</u>
10 <u>150,001 to 250,000</u>	<u>\$425</u>
11 <u>250,001 to 500,000</u>	<u>\$545</u>
12 <u>500,001 to 750,000</u>	<u>\$700</u>
13 <u>750,001 to 1,000,000</u>	<u>\$865</u>
14 <u>1,000,001 to 1,200,000</u>	<u>\$1,040</u>
15 <u>1,200,001 to 1,500,000</u>	<u>\$1,205</u>
16 <u>1,500,001 to 2,000,000</u>	<u>\$1,380</u>
17 <u>More than 2,000,000</u>	<u>\$1,555</u>

18       (c) The fee for the second examination is \$55 per hour per  
 19 examiner for warehouse operators who choose to have it performed  
 20 by the commissioner.

21       (d) A penalty amount not to exceed ten percent of the fees  
 22 due may be imposed by the commissioner for each month for which  
 23 the fees are delinquent.

24       Sec. 127. Minnesota Statutes 2004, section 236.02,  
 25 subdivision 4, is amended to read:

26       Subd. 4. [FEES.] The license fee is \$140 for each home  
 27 rule charter or statutory city or town in which a private grain  
 28 warehouse is operated and which will be used to operate a grain  
 29 bank. A penalty amount not to exceed ten percent of the fees  
 30 due may be imposed by the commissioner for each month for which  
 31 the fees are delinquent. The license fee must be set by the  
 32 commissioner in an amount sufficient to cover the costs of  
 33 administering and enforcing this chapter. Fees collected under  
 34 this chapter must be paid into the grain buyers and storage  
 35 account established in section 232.22.

36       Sec. 128. Minnesota Statutes 2004, section 282.08, is

1 amended to read:

2 282.08 [APPORTIONMENT OF PROCEEDS TO TAXING DISTRICTS.]

3 The net proceeds from the sale or rental of any parcel of  
4 forfeited land, or from the sale of products from the forfeited  
5 land, must be apportioned by the county auditor to the taxing  
6 districts interested in the land, as follows:

7 (1) the amounts necessary to pay the state general tax levy  
8 against the parcel for taxes payable in the year for which the  
9 tax judgment was entered, and for each subsequent payable year  
10 up to and including the year of forfeiture, must be apportioned  
11 to the state;

12 (2) the portion required to pay any amounts included in the  
13 appraised value under section 282.01, subdivision 3, as  
14 representing increased value due to any public improvement made  
15 after forfeiture of the parcel to the state, but not exceeding  
16 the amount certified by the clerk of the municipality must be  
17 apportioned to the municipal subdivision entitled to it;

18 (3) the portion required to pay any amount included in the  
19 appraised value under section 282.019, subdivision 5,  
20 representing increased value due to response actions taken after  
21 forfeiture of the parcel to the state, but not exceeding the  
22 amount of expenses certified by the Pollution Control Agency or  
23 the commissioner of agriculture, must be apportioned to the  
24 agency or the commissioner of agriculture and deposited in the  
25 fund from which the expenses were paid;

26 (4) the portion of the remainder required to discharge any  
27 special assessment chargeable against the parcel for drainage or  
28 other purpose whether due or deferred at the time of forfeiture,  
29 must be apportioned to the municipal subdivision entitled to it;  
30 and

31 (5) any balance must be apportioned as follows:

32 (i) The county board may annually by resolution set aside  
33 no more than 30 percent of the receipts remaining to be used for  
34 ~~timber~~ forest development on tax-forfeited land and dedicated  
35 memorial forests, to be expended under the supervision of the  
36 county board. It must be expended only on projects ~~approved-by~~

1 ~~the-commissioner-of-natural-resources~~ improving the health and  
2 management of the forest resource.

3 (ii) The county board may annually by resolution set aside  
4 no more than 20 percent of the receipts remaining to be used for  
5 the acquisition and maintenance of county parks or recreational  
6 areas as defined in sections 398.31 to 398.36, to be expended  
7 under the supervision of the county board.

8 (iii) Any balance remaining must be apportioned as  
9 follows: county, 40 percent; town or city, 20 percent; and  
10 school district, 40 percent, provided, however, that in  
11 unorganized territory that portion which would have accrued to  
12 the township must be administered by the county board of  
13 commissioners.

14 Sec. 129. Minnesota Statutes 2004, section 282.38,  
15 subdivision 1, is amended to read:

16 Subdivision 1. [DEVELOPMENT.] In any county where the  
17 county board by proper resolution sets aside funds for ~~timber~~  
18 forest development pursuant to section 282.08,  
19 clause ~~(3)(a)~~ (5), item (i), or section 459.06, subdivision 2,  
20 the ~~Commissioner~~ commissioner of Iron Range resources and  
21 rehabilitation with the approval of the board may upon request  
22 of the county board assist said county in carrying out any  
23 project for the long range development of its ~~timber forest~~  
24 resources through matching of funds or otherwise, ~~provided that~~  
25 ~~any such project shall first be approved by the commissioner of~~  
26 ~~natural resources.~~

27 Sec. 130. Minnesota Statutes 2004, section 296A.18,  
28 subdivision 2, is amended to read:

29 Subd. 2. [MOTORBOAT.] Approximately 1-1/2 percent of all  
30 gasoline received in this state and 1-1/2 percent of all  
31 gasoline produced or brought into this state, except gasoline  
32 used for aviation purposes, is being used as fuel for the  
33 operation of motorboats on the waters of this state and of the  
34 total revenue derived from the imposition of the gasoline fuel  
35 tax for uses other than for aviation purposes, 1-1/2 percent of  
36 ~~such revenues~~ the revenue is the amount of tax on fuel used in

1 motorboats operated on the waters of this state. The amount of  
2 unrefunded tax paid on gasoline used for motor boat purposes as  
3 computed in this chapter shall be paid into the state treasury  
4 and credited to a water recreation account in the special  
5 revenue fund for acquisition, development, maintenance, and  
6 rehabilitation of sites for public access and boating facilities  
7 on public waters; lake and river improvement; ~~state-park~~  
8 ~~development~~; and boat and water safety.

9 Sec. 131. Minnesota Statutes 2004, section 462.357,  
10 subdivision 1e, is amended to read:

11 Subd. 1e. [NONCONFORMITIES.] (a) Any nonconformity,  
12 including the lawful use or occupation of land or premises  
13 existing at the time of the adoption of an additional control  
14 under this chapter, may be continued, including through repair,  
15 replacement, restoration, maintenance, or improvement, but not  
16 including expansion, unless:

17 (1) the nonconformity or occupancy is discontinued for a  
18 period of more than one year; or

19 (2) any nonconforming use is destroyed by fire or other  
20 peril to the extent of greater than 50 percent of its market  
21 value, and no building permit has been applied for within 180  
22 days of when the property is damaged. In this case, a  
23 municipality may impose reasonable conditions upon a building  
24 permit in order to mitigate any newly created impact on adjacent  
25 property.

26 (b) Any subsequent use or occupancy of the land or premises  
27 shall be a conforming use or occupancy. A municipality may, by  
28 ordinance, permit an expansion or impose upon nonconformities  
29 reasonable regulations to prevent and abate nuisances and to  
30 protect the public health, welfare, or safety. This subdivision  
31 does not prohibit a municipality from enforcing an ordinance  
32 that applies to adults-only bookstores, adults-only theaters, or  
33 similar adults-only businesses, as defined by ordinance.

34 (c) Notwithstanding paragraph (a), a municipality shall  
35 regulate the repair, replacement, maintenance, improvement, or  
36 expansion of nonconforming uses and structures in floodplain

1 areas to the extent necessary to maintain eligibility in the  
2 National Flood Insurance Program and not increase flood damage  
3 potential or increase the degree of obstruction to flood flows  
4 in the floodway.

5 Sec. 132. [473.1565] [METROPOLITAN AREA WATER SUPPLY  
6 PLANNING ACTIVITIES; ADVISORY COMMITTEE.]

7 Subdivision 1. [PLANNING ACTIVITIES.] (a) The Metropolitan  
8 Council must carry out planning activities addressing the water  
9 supply needs of the metropolitan area as defined in section  
10 473.121, subdivision 2. The planning activities must include,  
11 at a minimum:

12 (1) development and maintenance of a base of technical  
13 information needed for sound water supply decisions including  
14 surface and groundwater availability analyses, water demand  
15 projections, water withdrawal and use impact analyses, modeling,  
16 and similar studies;

17 (2) development and periodic update of a metropolitan area  
18 master water supply plan that:

19 (i) provides guidance for local water supply systems and  
20 future regional investments;

21 (ii) emphasizes conservation, interjurisdictional  
22 cooperation, and long-term sustainability; and

23 (iii) addresses the reliability, security, and  
24 cost-effectiveness of the metropolitan area water supply system  
25 and its local and subregional components;

26 (3) recommendations for clarifying the appropriate roles  
27 and responsibilities of local, regional, and state government in  
28 metropolitan area water supply;

29 (4) recommendations for streamlining and consolidating  
30 metropolitan area water supply decision-making and approval  
31 processes; and

32 (5) recommendations for the ongoing and long-term funding  
33 of metropolitan area water supply planning activities and  
34 capital investments.

35 (b) The council must carry out the planning activities in  
36 this subdivision in consultation with the metropolitan area

1 water supply advisory committee established in subdivision 2.

2 Subd. 2. [ADVISORY COMMITTEE.] (a) A metropolitan area  
3 water supply advisory committee is established to assist the  
4 council in its planning activities in subdivision 1. The  
5 advisory committee has the following membership:

6 (1) the commissioner of agriculture or the commissioner's  
7 designee;

8 (2) the commissioner of health or the commissioner's  
9 designee;

10 (3) the commissioner of natural resources or the  
11 commissioner's designee;

12 (4) the commissioner of the pollution control agency or the  
13 commissioner's designee;

14 (5) two officials of counties that are located in the  
15 metropolitan area, appointed by the governor;

16 (6) six officials of noncounty local governmental units  
17 that are located in the metropolitan area, appointed by the  
18 governor; and

19 (7) the chair of the Metropolitan Council or the chair's  
20 designee, who is chair of the advisory committee.

21 (b) Members of the advisory committee appointed by the  
22 governor serve at the pleasure of the governor and their terms  
23 end with the term of the governor. Members of the advisory  
24 committee serve without compensation but may be reimbursed for  
25 their reasonable expenses as determined by the Metropolitan  
26 Council. The advisory committee does not expire until repealed  
27 by law.

28 Subd. 3. [REPORTS TO LEGISLATURE.] The council must submit  
29 reports to the legislature regarding its continuing planning  
30 activities under subdivision 1. The first report must be  
31 submitted to the legislature by the date the legislature  
32 convenes in 2007 and subsequent reports must be submitted by  
33 such date every five years thereafter.

34 [EFFECTIVE DATE.] This section is effective the day  
35 following final enactment.

36 Sec. 133. Minnesota Statutes 2004, section 473.197,

1 subdivision 4, is amended to read:

2 Subd. 4. [DEBT RESERVE; LEVY.] To provide money to pay  
3 debt service on bonds issued under the credit enhancement  
4 program ~~if pledged revenues are insufficient to pay debt service~~  
5 in repealed subdivision 1 of Minnesota Statutes 2004, section  
6 473.197, the council must maintain a debt reserve fund in the  
7 ~~manner and with the effect provided by section 118A.04 for~~  
8 ~~public funds~~ until the reserve is no longer pledged or otherwise  
9 needed to pay debt service on such bonds. To provide funds for  
10 ~~the debt reserve fund, the council may use up to \$3,000,000 of~~  
11 ~~the proceeds of solid waste bonds issued by the council under~~  
12 ~~section 473.831 before its repeal. To provide additional funds~~  
13 ~~for the debt reserve fund, the council may levy a tax on all~~  
14 ~~taxable property in the metropolitan area and must levy the tax~~  
15 If sums in the debt reserve fund are insufficient to cure any  
16 deficiency in the debt service fund established for the bonds,  
17 the council must levy a tax on all taxable property in the  
18 metropolitan area in the amount needed to liquidate the  
19 deficiency. The tax authorized by this section does not affect  
20 the amount or rate of taxes that may be levied by the council  
21 for other purposes and is not subject to limit as to rate or  
22 amount.

23 [EFFECTIVE DATE.] This section is effective the day  
24 following final enactment.

25 Sec. 134. Laws 2003, chapter 128, article 1, section 9,  
26 subdivision 6, is amended to read:

27 Subd. 6. Recreation 7,622,000 5,870,000

28 Summary by Fund

29 Trust Fund 5,622,000 5,870,000

30 State Land and Conservation  
31 Account (LAWCON) 2,000,000

32 (a) State Park and Recreation Area Land  
33 Acquisition

34 \$750,000 the first year and \$750,000  
35 the second year are from the trust fund  
36 to the commissioner of natural  
37 resources to acquire in-holdings for  
38 state park and recreation areas. Land  
39 acquired with this appropriation must  
40 be sufficiently improved to meet at

1 least minimum management standards as  
2 determined by the commissioner of  
3 natural resources. This appropriation  
4 is available until June 30, 2006, at  
5 which time the project must be  
6 completed and final products delivered,  
7 unless an earlier date is specified in  
8 the work program.

9 (b) LAWCON Federal Reimbursements

10 \$2,000,000 is from the state land and  
11 water conservation account (LAWCON) in  
12 the natural resources fund to the  
13 commissioner of natural resources for  
14 eligible state projects and  
15 administrative and planning activities  
16 consistent with Minnesota Statutes,  
17 section 116P.14, and the federal Land  
18 and Water Conservation Fund Act. This  
19 appropriation is contingent upon  
20 receipt of the federal obligation and  
21 remains available until June 30, 2006,  
22 at which time the project must be  
23 completed and final products delivered,  
24 unless an earlier date is specified in  
25 the work program.

26 (c) Local Initiative Grants-Parks and  
27 Natural Areas

28 \$1,290,000 the first year and  
29 \$1,289,000 the second year are from the  
30 trust fund to the commissioner of  
31 natural resources for matching grants  
32 to local governments for acquisition  
33 and development of natural and scenic  
34 areas and local parks as provided in  
35 Minnesota Statutes, section 85.019,  
36 subdivisions 2 and 4a, and regional  
37 parks outside of the metropolitan  
38 area. Grants may provide up to 50  
39 percent of the nonfederal share of the  
40 project cost, except nonmetropolitan  
41 regional park grants may provide up to  
42 60 percent of the nonfederal share of  
43 the project cost. The commission will  
44 monitor the grants for approximate  
45 balance over extended periods of time  
46 between the metropolitan area, under  
47 Minnesota Statutes, section 473.121,  
48 subdivision 2, and the nonmetropolitan  
49 area through work program oversight and  
50 periodic allocation decisions. For the  
51 purposes of this paragraph, the match  
52 must be a nonstate contribution, but  
53 may be either cash or qualifying  
54 in-kind. Recipients may receive  
55 funding for more than one project in  
56 any given grant period. This  
57 appropriation is available until June  
58 30, 2006, at which time the project  
59 must be completed and final products  
60 delivered.

61 (d) Metropolitan Regional Parks  
62 Acquisition, Rehabilitation, and  
63 Development

64 \$1,670,000 the first year and  
65 \$1,669,000 the second year are from the

1 trust fund to the commissioner of  
2 natural resources for an agreement with  
3 the metropolitan council for subgrants  
4 for the acquisition, development, and  
5 rehabilitation in the metropolitan  
6 regional park system, consistent with  
7 the metropolitan council regional  
8 recreation open space capital  
9 improvement plan. This appropriation  
10 may not be used for the purchase of  
11 residential structures. This  
12 appropriation may be used to reimburse  
13 implementing agencies for acquisition  
14 of nonresidential property as expressly  
15 approved in the work program. This  
16 appropriation is available until June  
17 30, 2006, at which time the project  
18 must be completed and final products  
19 delivered, unless an earlier date is  
20 specified in the work program. In  
21 addition, if a project financed under  
22 this program receives a federal grant,  
23 the availability of the financing from  
24 this paragraph for that project is  
25 extended to equal the period of the  
26 federal grant.

27 (e) Local and Regional Trail Grant  
28 Initiative Program

29 \$160,000 the first year and \$160,000  
30 the second year are from the trust fund  
31 to the commissioner of natural  
32 resources to provide matching grants to  
33 local units of government for the cost  
34 of acquisition, development,  
35 engineering services, and enhancement  
36 of existing and new trail facilities.  
37 This appropriation is available until  
38 June 30, 2006, at which time the  
39 project must be completed and final  
40 products delivered, unless an earlier  
41 date is specified in the work program.  
42 In addition, if a project financed  
43 under this program receives a federal  
44 grant, the availability of the  
45 financing from this paragraph for that  
46 project is extended to equal the period  
47 of the federal grant.

48 (f) Gitchi-Gami State Trail

49 \$650,000 the first year and \$650,000  
50 the second year are from the trust fund  
51 to the commissioner of natural  
52 resources, in cooperation with the  
53 Gitchi-Gami Trail Association, for the  
54 third biennium, to design and construct  
55 approximately five miles of Gitchi-Gami  
56 state trail segments. This  
57 appropriation must be matched by at  
58 least \$400,000 of nonstate money. The  
59 availability of the financing from this  
60 paragraph is extended to equal the  
61 period of any federal money received.

62 (g) Water Recreation: Boat Access,  
63 Fishing Piers, and Shore-fishing

64 \$450,000 the first year and \$700,000  
65 the second year are from the trust fund

1 to the commissioner of natural  
2 resources to acquire and develop public  
3 water access sites statewide, construct  
4 shore-fishing and pier sites, and  
5 restore shorelands at public accesses.  
6 This appropriation is available until  
7 June 30, 2006, at which time the  
8 project must be completed and final  
9 products delivered, unless an earlier  
10 date is specified in the work program.

11 (h) Mesabi Trail

12 \$190,000 the first year and \$190,000  
13 the second year are from the trust fund  
14 to the commissioner of natural  
15 resources for an agreement with St.  
16 Louis and Lake Counties Regional Rail  
17 Authority for the sixth biennium to  
18 acquire and develop segments of the  
19 Mesabi trail. If a federal grant is  
20 received, the availability of the  
21 financing from this paragraph is  
22 extended to equal the period of the  
23 federal grant.

24 (i) Linking Communities Design,  
25 Technology, and DNR Trail Resources

26 \$92,000 the first year and \$92,000 the  
27 second year are from the trust fund to  
28 the commissioner of natural resources  
29 for an agreement with the University of  
30 Minnesota to provide designs for up to  
31 three state trails incorporating  
32 recreation, natural, and cultural  
33 features.

34 (j) Ft. Ridgley Historic Site  
35 Interpretive Trail

36 \$75,000 the first year and \$75,000 the  
37 second year are from the trust fund to  
38 the Minnesota historical society to  
39 construct a trail through the original  
40 fort site and install interpretive  
41 markers. This appropriation is  
42 available until June 30, 2006, at which  
43 time the project must be completed and  
44 final products delivered, unless an  
45 earlier date is specified in the work  
46 program.

47 (k) Development and Rehabilitation of  
48 Minnesota Shooting Ranges

49 \$120,000 the first year and \$120,000  
50 the second year are from the trust fund  
51 to the commissioner of natural  
52 resources to provide technical  
53 assistance and matching cost-share  
54 grants to local recreational shooting  
55 and archery clubs for the purpose of  
56 developing or rehabilitating shooting  
57 and archery facilities for public use.  
58 Recipient facilities must be open to  
59 the general public at reasonable times  
60 and for a reasonable fee on a walk-in  
61 basis. This appropriation is available  
62 until June 30, 2006, at which time the  
63 project must be completed and final

1 products delivered, unless an earlier  
2 date is specified in the work program.

3 (1) Land Acquisition, Minnesota  
4 Landscape Arboretum

5 \$175,000 the first year and \$175,000  
6 the second year are from the trust fund  
7 to the University of Minnesota for an  
8 agreement with the University of  
9 Minnesota Landscape Arboretum  
10 Foundation for the fifth biennium to  
11 ~~acquire in-holdings-within-the~~  
12 ~~arboretum's-boundary~~ land from willing  
13 sellers. This appropriation must be  
14 matched by an equal amount of nonstate  
15 money. This appropriation is available  
16 until June 30, 2006, at which time the  
17 project must be completed and final  
18 products delivered, unless an earlier  
19 date is specified in the work program.

20 Sec. 135. [CONTINUATION OF AGREEMENTS.]

21 An agreement entered into between the Metropolitan Council  
22 and a participant in the credit enhancement program under  
23 Minnesota Statutes 2004, section 473.197, subdivision 5, with  
24 respect to bonds issued prior to the effective date of this act,  
25 shall continue in effect in accordance with its terms; provided  
26 that no provision in the agreement shall be construed to require  
27 or allow the council to pledge its full faith and credit and  
28 taxing powers to the payment of additional bonds issued after  
29 the effective date of this act.

30 [EFFECTIVE DATE.] This section is effective the day  
31 following final enactment.

32 Sec. 136. [USE OF CREDIT ENHANCEMENT PROGRAM FUNDS.]

33 The Metropolitan Council must transfer any funds  
34 originating from the proceeds of solid waste bonds and available  
35 for the credit enhancement program under Minnesota Statutes  
36 2004, section 473.197, subdivision 4, to the council's general  
37 fund to the extent that the funds are no longer pledged or  
38 otherwise needed by the council to maintain a debt reserve fund  
39 as provided for in ongoing Minnesota Statutes, section 473.197,  
40 subdivision 4. The council must first use the transferred funds  
41 for carrying out the metropolitan area water supply planning  
42 activities required by section 1, for staff support of the  
43 advisory committee established under that section, and for  
44 related purposes. If the council determines that the

1 transferred funds are no longer needed for those purposes, the  
 2 council may use any of the funds for any general purposes of the  
 3 council.

4 [EFFECTIVE DATE.] This section is effective the day  
 5 following final enactment.

6 Sec. 137. [TRANSFER OF FUNDS; DEPOSIT OF REPAYMENTS.]

7 The remaining balances in the revolving accounts in  
 8 Minnesota Statutes, sections 41B.046 and 41B.049, that are  
 9 dedicated to rural finance authority loan programs under those  
 10 sections, are transferred to the revolving loan account  
 11 established in Minnesota Statutes, section 41B.06, on the  
 12 effective date of this section. All future receipts from  
 13 value-added agricultural product loans and methane digester  
 14 loans originated under Minnesota Statutes, sections 41B.046 and  
 15 41B.049, must be deposited in the revolving loan account  
 16 established in Minnesota Statutes, section 41B.06.

17 Sec. 138. [REPEALER.]

18 (a) Minnesota Statutes 2004, sections 18B.065, subdivision  
 19 5; 19.64, subdivision 4a; 41B.046, subdivision 3; 84.901; and  
 20 115B.49, subdivision 4a, are repealed.

21 (b) Minnesota Statutes 2004, sections 473.156 and 473.197,  
 22 subdivisions 1, 2, 3, and 5, are repealed, effective the day  
 23 following final enactment.

## ARTICLE 2

### ECONOMIC DEVELOPMENT

26 Section 1. [ECONOMIC DEVELOPMENT APPROPRIATIONS.]

27 The sums in the columns marked "APPROPRIATIONS" are added  
 28 to, or, if shown in parentheses, are subtracted from the  
 29 appropriations to the specified agencies in 2005 S.F. No. 1879,  
 30 article 5, if enacted. The appropriations are from the general  
 31 fund, unless another fund is named, and are available for the  
 32 fiscal year indicated for each purpose. The figures "2006" and  
 33 "2007," where used in this article, mean that the additions to  
 34 or subtractions from the appropriations listed under them are  
 35 for the fiscal year ending June 30, 2006, or June 30, 2007,  
 36 respectively. The "first year" is fiscal year 2006. The

1 "second year" is fiscal year 2007. The "biennium" is fiscal  
2 years 2006 and 2007.

3 SUMMARY BY FUND

4	2006	2007	TOTAL
5 General	\$ 9,213,000	\$ 2,738,000	\$ 11,951,000
6 Workers'			
7 Compensation	25,000	25,000	50,000
8 Workforce			
9 Development	5,000,000	7,950,000	12,950,000
10 Special Revenue	643,000	848,000	1,491,000
11 TOTAL	\$ 14,881,000	\$ 11,561,000	\$ 26,442,000

12 APPROPRIATIONS  
13 Available for the Year  
14 Ending June 30  
15 2006 2007

16 Sec. 2. EMPLOYMENT AND  
17 ECONOMIC DEVELOPMENT

18 Subdivision 1. Total  
19 Appropriation \$ 12,078,000 \$ 6,558,000

20 Summary by Fund

21 General	7,935,000	460,000
22 Workforce		
23 Development	2,750,000	4,500,000
24 Special		
25 Revenue	643,000	848,000

26 The amounts that may be spent from this  
27 appropriation for each program are  
28 specified in the following subdivisions.

29 Subd. 2. Business and Community  
30 Development

31 7,930,000 455,000

32 \$7,000,000 the first year is for the  
33 direct and indirect expenses of the  
34 collaborative research partnership  
35 between the University of Minnesota and  
36 the Mayo Foundation for research in  
37 biotechnology and medical genomics.  
38 This is a onetime appropriation. An  
39 annual report on the expenditure of  
40 this appropriation must be submitted to  
41 the governor and the chairs of the  
42 senate Higher Education Budget  
43 Division, the house of representatives  
44 Higher Education Finance Committee, the  
45 senate Environment, Agriculture, and  
46 Economic Development Budget Division,  
47 and the house of representatives Jobs  
48 and Economic Opportunity Policy and  
49 Finance Committee, by June 30 of each  
50 fiscal year until the appropriation is  
51 expended. This appropriation is  
52 available until expended.

1 \$100,000 the first year and \$100,000  
2 the second year are to help small  
3 businesses access federal funds through  
4 the federal Small Business Innovation  
5 Research Program and the federal Small  
6 Business Technology Transfer Program.  
7 Department services must include  
8 maintaining connections to 11 federal  
9 programs, assessment of specific  
10 funding opportunities, review of  
11 funding proposals, referral to specific  
12 consulting services, and training  
13 workshops throughout the state. The  
14 appropriation is added to the agency's  
15 base. The department must implement  
16 fees for services that help companies  
17 seek federal Phase II Small Business  
18 Innovation Research grants. The  
19 recommended fee schedule must be  
20 reported to the chairs of the house of  
21 representatives finance committee and  
22 senate budget division with  
23 jurisdiction over economic development  
24 by February 1, 2006.

25 \$50,000 the first year and \$50,000 the  
26 second year are for a grant to the  
27 Minnesota Inventors Congress.

28 \$250,000 the first year and \$250,000  
29 the second year are to establish a  
30 methamphetamine laboratory cleanup  
31 revolving loan fund pursuant to  
32 proposed Minnesota Statutes, section  
33 446A.083. This appropriation is  
34 available until spent.

35 \$125,000 the first year is for a grant  
36 to the Northwest Regional Development  
37 Commission at Warren to do field  
38 research on the planting and production  
39 of cold-hardy grape cultivars. This is  
40 a onetime appropriation and is  
41 available until expended.

42 This vineyard production research  
43 project is to select cold-hardy  
44 cultivars and cultural practices that  
45 can diversify the agricultural  
46 landscape of Minnesota and stimulate  
47 economic development with subsequent  
48 expansion into value-added businesses  
49 and the winery industry. Treatments  
50 used in this research project must  
51 focus on development of cultural and  
52 management practices that include  
53 trials on planting depths, vine root  
54 care, cultivation techniques, mulching,  
55 and other methods that will enhance  
56 productivity and winter survival in  
57 subzero temperatures.

58 An annual report is required, including  
59 an economic assessment that compares  
60 the input requirements and feasibility  
61 of each overwintering technique and its  
62 contribution to the success of the  
63 vines. The report must be submitted to  
64 the chairs of the house of  
65 representatives and senate policy  
66 committees with jurisdiction over

1 agriculture. The Northwest Regional  
 2 Development Commission is encouraged to  
 3 work with the University of Minnesota  
 4 and the North Dakota State University  
 5 experiment stations and on-farm sites  
 6 to evaluate the suitability of  
 7 regionally developed grape cultivars in  
 8 areas of harsh winters and short  
 9 growing seasons.

10 \$55,000 the first year and \$55,000 the  
 11 second year are for a grant to the  
 12 Metropolitan Economic Development  
 13 Association for continuing minority  
 14 business development programs in the  
 15 metropolitan area. These programs  
 16 include one-on-one business consulting,  
 17 marketing assistance, providing and  
 18 arranging financing, and training and  
 19 leadership development. These  
 20 appropriations are part of the  
 21 department's budget base.

22 \$250,000 the first year is for a grant  
 23 to the Blandin Foundation for the "get  
 24 broadband" program. This appropriation  
 25 must be matched equally by nonstate  
 26 funds and is available until expended.  
 27 Expenditures made by the Blandin  
 28 Foundation beginning December 1, 2004,  
 29 may be used as match for this  
 30 appropriation. The "get broadband"  
 31 program must be designed to increase  
 32 the use of broadband-based technologies  
 33 by businesses, schools, health care  
 34 organizations, government  
 35 organizations, and the general public.

36 \$100,000 the first year is for a grant  
 37 to the Children's Discovery Museum for  
 38 furnishing and equipping the new  
 39 Children's Discovery Museum in Grand  
 40 Rapids.

41 Subd. 3. Workforce Partnerships

42           3,398,000           5,353,000

43                           Summary by Fund

44 General	5,000	5,000
45 Workforce		
46 Development	2,750,000	4,500,000
47 Special Revenue	643,000	848,000

48 \$1,000,000 the first year and  
 49 \$2,000,000 the second year are from the  
 50 workforce development fund for a grant  
 51 to the Minnesota Alliance of Boys and  
 52 Girls Clubs to administer a statewide  
 53 project of youth job skills  
 54 development. This project, which may  
 55 have career guidance components, is to  
 56 encourage, train, and assist youth in  
 57 job-seeking skills, workplace  
 58 orientation, and job-site knowledge  
 59 through coaching. This grant requires  
 60 a 25 percent match from nonstate  
 61 resources.

1 \$5,000 the first year and \$5,000 the  
2 second year are for a grant to the  
3 Northwest Regional Curfew Center under  
4 the youth intervention program in  
5 Minnesota Statutes, section 116L.30.

6 \$500,000 the first year and \$500,000  
7 the second year are from the workforce  
8 development fund for a grant to the  
9 Minnesota Opportunities  
10 Industrialization Centers State  
11 Council. The grant shall be used by  
12 the American Indian Opportunities  
13 Industrialization Centers of  
14 Minneapolis, and the Northwestern  
15 Opportunities Industrialization Centers  
16 of Bemidji, to provide training to  
17 American Indians on personal financial  
18 management and investment and to become  
19 small businesspersons. The  
20 opportunities industrialization centers  
21 may contract with any accredited state  
22 or private educational institution to  
23 deliver training. This appropriation  
24 is in addition to the base level  
25 funding and shall become part of the  
26 agency's budget base.

27 \$500,000 the first year and \$1,000,000  
28 the second year are from the workforce  
29 development fund for a grant to the  
30 Minnesota OIC State Council. The grant  
31 shall be used to initiate and expand  
32 health occupation training at Minnesota  
33 Opportunity Industrialization Centers.  
34 The grant shall be distributed evenly  
35 among those Minnesota Opportunity  
36 Industrialization Centers that have  
37 plans to either initiate or expand  
38 health occupations and career ladder  
39 training programs for individuals  
40 seeking employment as nurses, nursing  
41 assistants, home health aides,  
42 phlebotomists, or in the field of  
43 medical coding. This appropriation is  
44 in addition to the base level funding  
45 and shall become part of the agency's  
46 budget base.

47 Notwithstanding 2005 S.F. No. 1879,  
48 article 7, section 2, subdivision 3,  
49 paragraph (d), if enacted, of the total  
50 appropriations in these subdivisions,  
51 \$843,000 the first year and \$1,048,000  
52 the second year are for displaced  
53 homemaker programs under Minnesota  
54 Statutes, section 116L.96. These  
55 appropriations are from the special  
56 revenue fund and are part of agency  
57 budget base. The commissioner of  
58 economic security shall report to the  
59 legislature by February 15, 2007, on  
60 the outcome of grants under this  
61 paragraph.

62 \$750,000 the first year is from the  
63 workforce development fund for a grant  
64 to provide training to implement the  
65 Ford Motor Company Ford Production  
66 System at the Twin Cities Ford Assembly  
67 Plant.

1 \$500,000 the first year and \$1,500,000  
 2 the second year are from the workforce  
 3 development fund for youth intervention  
 4 programs under Minnesota Statutes,  
 5 section 116L.30. This funding must be  
 6 used to help existing programs serve  
 7 unmet needs in their communities, and  
 8 to create new programs in underserved  
 9 areas of the state. This appropriation  
 10 is part of the department's budget  
 11 base. The appropriations are available  
 12 until expended.

13 \$8,500 in the first year and \$8,500 in  
 14 the second year are from the  
 15 department's base for a grant to the  
 16 Twin Cities Community Voice Mail to  
 17 maintain the toll-free telephone number  
 18 for the Greater Minnesota Project. The  
 19 commissioner must ensure that the  
 20 telephone number is not changed for the  
 21 2006-2007 biennium.

22 \$250,000 the first year and \$250,000  
 23 the second year are from the workforce  
 24 development fund for a grant to  
 25 Lifetrack Resources for its  
 26 immigrant/refugee collaborative  
 27 programs, including those related to  
 28 job-seeking skills and workplace  
 29 orientation, intensive job development,  
 30 functional work English, and on-site  
 31 job coaching.

32 Subd. 4. Workforce Services

33           750,000           750,000

34 \$400,000 the first year and \$400,000  
 35 the second year are from the workforce  
 36 development fund for extended  
 37 employment services for persons with  
 38 severe disabilities or related  
 39 conditions under Minnesota Statutes,  
 40 section 268A.15.

41 \$150,000 the first year and \$150,000  
 42 the second year are from the workforce  
 43 development fund for grants to the  
 44 Minnesota Employment Center for people  
 45 who are deaf or hard-of-hearing. Money  
 46 not expended the first year is  
 47 available the second year.

48 \$200,000 the first year and \$200,000  
 49 the second year are from the workforce  
 50 development fund for grants for  
 51 programs that provide employment  
 52 support services to persons with mental  
 53 illness under Minnesota Statutes,  
 54 sections 268A.13 and 268A.14. Of the  
 55 total appropriations for this program,  
 56 up to \$84,000 each year may be used for  
 57 administrative and salary expenses.

58 Sec. 3. MINNESOTA CONSERVATION CORPS   1,200,000       2,400,000

59 This appropriation is from the  
 60 workforce development fund for the  
 61 purposes of Minnesota Statutes, section  
 62 84.991.

1 Sec. 4. EXPLORE MINNESOTA TOURISM 125,000 1,125,000

2 Notwithstanding 2005 S.F. No. 1879,  
3 article 7, section 3, if enacted, the  
4 appropriation in that section, plus the  
5 appropriation in this section, must be  
6 spent as provided in this section.

7 \$1,000,000 in the second year is to  
8 enhance the public/private funding  
9 partnership. To develop maximum  
10 private sector involvement in tourism,  
11 \$4,000,000 the first year and  
12 \$4,000,000 the second year of the  
13 amounts appropriated for marketing  
14 activities are contingent upon receipt  
15 of an equal contribution from nonstate  
16 sources that have been certified by the  
17 director. Up to one-half of the match  
18 may be given in in-kind contributions.

19 In order to maximize marketing grant  
20 benefits, the director must give  
21 priority for joint venture marketing  
22 grants to organizations with year-round  
23 sustained tourism activities. For  
24 programs and projects submitted, the  
25 director must give priority to those  
26 that encompass two or more areas or  
27 that attract nonresident travelers to  
28 the state.

29 If an appropriation for either year for  
30 grants is not sufficient, the  
31 appropriation for the other year is  
32 available for it.

33 The director may use grant dollars or  
34 the value of in-kind services to  
35 provide the state contribution for the  
36 partnership program.

37 Any unexpended money from general fund  
38 appropriations governed by this section  
39 does not cancel but must be placed in a  
40 special advertising account for use by  
41 Explore Minnesota Tourism to purchase  
42 additional media.

43 \$125,000 the first year and \$125,000  
44 the second year of the appropriation in  
45 this section are for the Minnesota Film  
46 Board. The appropriation in each year  
47 is available only upon receipt by the  
48 board of \$1 in matching contributions  
49 of money or in kind from nonstate  
50 sources for every \$3 provided by this  
51 appropriation.

52 Sec. 5. HOUSING FINANCE AGENCY

53 As provided in Minnesota Statutes,  
54 section 462A.20, subdivision 3, the  
55 agency may transfer unencumbered  
56 balances from one appropriated account  
57 to another as necessary to implement  
58 the business plan of the working group  
59 on long-term homelessness established  
60 in Laws 2003, chapter 128, article 15,  
61 section 9.

1 The agency shall establish a priority  
 2 for supportive housing projects that  
 3 provide employment support and housing  
 4 for offenders who are discharged from a  
 5 correctional or detention facility. Up  
 6 to \$1,400,000 of the appropriation to  
 7 the housing trust fund in 2005 S.F. No.  
 8 1879, if enacted, shall be awarded to  
 9 projects that address this priority and  
 10 the greatest number of priorities  
 11 established under the rules governing  
 12 the housing trust fund program.

13 Sec. 6. LABOR AND INDUSTRY

14 Subdivision 1. Total  
 15 Appropriation 703,000 703,000

16 Summary by Fund

17 General	378,000	378,000
18 Workers'		
19 Compensation	25,000	25,000
20 Workforce		
21 Development	300,000	300,000

22 The amounts that may be spent from this  
 23 appropriation for each program are  
 24 specified in the following subdivisions.

25 Subd. 2. Workers' Compensation

26 25,000 25,000

27 This appropriation is from the workers'  
 28 compensation fund for grants to the  
 29 Vinland Center for rehabilitation  
 30 service. These grants include the  
 31 Vinland employment program and must  
 32 address multiple barriers to  
 33 employment, a self-sufficiency  
 34 lifestyle, and physical, mental,  
 35 emotional, or cognitive work injuries  
 36 or disabilities. This appropriation is  
 37 part of the budget base for the  
 38 Department of Labor and Industry.

39 Subd. 3. Workplace Services

40 678,000 678,000

41 Summary by Fund

42 General	378,000	378,000
43 Workforce		
44 Development	300,000	300,000

45 \$378,000 the first year and \$378,000  
 46 the second year are to improve the  
 47 regulatory enforcement and safety of  
 48 boilers and high-pressure-piping  
 49 systems.

50 \$300,000 each year is from the  
 51 workforce development fund for the  
 52 apprenticeship program under Minnesota  
 53 Statutes, chapter 178.

1 The annual license fees authorized  
 2 under Minnesota Statutes, section  
 3 326.48, and detailed in Minnesota  
 4 Rules, part 5230.0100, subpart 3, shall  
 5 increase \$20 for a journeyman  
 6 high-pressure piping pipefitter  
 7 license, \$20 for a high-pressure piping  
 8 contracting pipefitter, \$10 for an  
 9 inactive license, and \$100 for a  
 10 high-pressure pipefitting business  
 11 license.

12 The permit filing and inspection fees  
 13 authorized under Minnesota Statutes,  
 14 section 326.47, and detailed in  
 15 Minnesota Rules, part 5230.0100,  
 16 subpart 4, shall be increased as  
 17 follows: the filing of a permit  
 18 application shall be increased \$50, the  
 19 minimum high-pressure piping inspection  
 20 fee shall be increased \$50, and the  
 21 schedule of inspection fee rates shall  
 22 be increased by ten percent.

23 Subd. 4. General Support

24 The commissioner of labor and industry  
 25 shall report to the 2006 legislature on  
 26 the safety and education program for  
 27 Minnesota loggers under Minnesota  
 28 Statutes, section 176.130.

29 Sec. 7. MINNESOTA HISTORICAL  
 30 SOCIETY

775,000

775,000

31 \$75,000 the first year and \$75,000 the  
 32 second year are to assist the Minnesota  
 33 Sesquicentennial Commission for  
 34 planning and support of its mission.  
 35 This is a onetime appropriation and is  
 36 available until January 30, 2009.

37 \$700,000 the first year and \$700,000  
 38 the second year are to operate historic  
 39 sites including: Kelley Farm, Hill  
 40 House, Lower Sioux Agency, Fort  
 41 Ridgely, Historic Forestville, the  
 42 Forest History Center, and the Comstock  
 43 House. Funding for these sites must be  
 44 matched on a \$1 of nonstate money to \$1  
 45 of state money basis. This  
 46 appropriation is in addition to any  
 47 other appropriation and is part of the  
 48 Minnesota Historical Society's budget  
 49 base.

50 Sec. 8. Minnesota Statutes 2004, section 11A.24,  
 51 subdivision 6, is amended to read:

52 Subd. 6. [OTHER INVESTMENTS.] (a) In addition to the  
 53 investments authorized in subdivisions 1 to 5, and subject to  
 54 the provisions in paragraph (b), the state board may invest  
 55 funds in:

56 (1) venture capital investment businesses through  
 57 participation in limited partnerships, trusts, private

1 placements, limited liability corporations, limited liability  
2 companies, limited liability partnerships, and corporations;

3 (2) real estate ownership interests or loans secured by  
4 mortgages or deeds of trust or shares of real estate investment  
5 trusts through investment in limited partnerships, bank  
6 sponsored collective funds, trusts, mortgage participation  
7 agreements, and insurance company commingled accounts, including  
8 separate accounts;

9 (3) regional and mutual funds through bank sponsored  
10 collective funds and open-end investment companies registered  
11 under the Federal Investment Company Act of 1940, and closed-end  
12 mutual funds listed on an exchange regulated by a governmental  
13 agency;

14 (4) resource investments through limited partnerships,  
15 trusts, private placements, limited liability corporations,  
16 limited liability companies, limited liability partnerships, and  
17 corporations; and

18 (5) international securities.

19 (b) The investments authorized in paragraph (a) must  
20 conform to the following provisions:

21 (1) the aggregate value of all investments made according  
22 to paragraph (a), clauses (1) to (4), may not exceed 35 percent  
23 of the market value of the fund for which the state board is  
24 investing;

25 (2) there must be at least four unrelated owners of the  
26 investment other than the state board for investments made under  
27 paragraph (a), clause (1), (2), (3), or (4);

28 (3) state board participation in an investment vehicle is  
29 limited to 20 percent thereof for investments made under  
30 paragraph (a), clause (1), (2), (3), or (4); and

31 (4) state board participation in a limited partnership does  
32 not include a general partnership interest or other interest  
33 involving general liability. The state board may not engage in  
34 any activity as a limited partner which creates general  
35 liability.

36 (c) All financial or proprietary data received, prepared,

1 used, or retained by the state board in connection with  
 2 investments authorized by paragraph (a), clause (1), (2), or  
 3 (4), are nonpublic data under section 13.02, subdivision 9. As  
 4 used in this paragraph, "financial or proprietary data" means  
 5 information, as determined by the executive director, that is of  
 6 a financial or proprietary nature, the release of which could  
 7 cause competitive harm to the state board, the legal entity in  
 8 which the state board has invested or has considered an  
 9 investment, the managing entity of an investment, or a portfolio  
 10 company in which the legal entity holds an interest. Regardless  
 11 of whether they could be considered financial or proprietary  
 12 data, the following data received, prepared, used, or retained  
 13 by the state board in connection with investments authorized by  
 14 paragraph (a), clause (1), (2), or (4), are public at all times:

15 (1) the name and industry group classification of the legal  
 16 entity in which the state board has invested or in which the  
 17 state board has considered an investment;

18 (2) the state board commitment amount, if any;

19 (3) the funded amount of the state board's commitment to  
 20 date, if any;

21 (4) the market value of the investment by the state board;

22 (5) the state board's internal rate of return for the  
 23 investment, including expenditures and receipts used in the  
 24 calculation of the investment's internal rate of return; and

25 (6) the age of the investment in years.

26 Sec. 9. Minnesota Statutes 2004, section 13.635, is  
 27 amended by adding a subdivision to read:

28 Subd. 1a. [STATE BOARD OF INVESTMENT.] Certain government  
 29 data of the State Board of Investment related to venture capital  
 30 investments are classified under section 11A.24, subdivision 6.

31 Sec. 10. Minnesota Statutes 2004, section 16B.61,  
 32 subdivision 1, is amended to read:

33 Subdivision 1. [ADOPTION OF CODE.] Subject to sections  
 34 16B.59 to ~~16B.75~~ 16B.77, the commissioner shall by rule  
 35 establish a code of standards for the construction,  
 36 reconstruction, alteration, and repair of buildings, governing

1 matters of structural materials, design and construction, fire  
2 protection, health, sanitation, and safety, including design and  
3 construction standards regarding heat loss control,  
4 illumination, and climate control. The code must also include  
5 duties and responsibilities for code administration, including  
6 procedures for administrative action, penalties, and suspension  
7 and revocation of certification. The code must conform insofar  
8 as practicable to model building codes generally accepted and in  
9 use throughout the United States, including a code for building  
10 conservation. In the preparation of the code, consideration  
11 must be given to the existing statewide specialty codes  
12 presently in use in the state. Model codes with necessary  
13 modifications and statewide specialty codes may be adopted by  
14 reference. The code must be based on the application of  
15 scientific principles, approved tests, and professional  
16 judgment. To the extent possible, the code must be adopted in  
17 terms of desired results instead of the means of achieving those  
18 results, avoiding wherever possible the incorporation of  
19 specifications of particular methods or materials. To that end  
20 the code must encourage the use of new methods and new  
21 materials. Except as otherwise provided in sections 16B.59 to  
22 ~~16B.75~~ 16B.77, the commissioner shall administer and enforce the  
23 provisions of those sections.

24 The commissioner shall develop rules addressing the plan  
25 review fee assessed to similar buildings without significant  
26 modifications including provisions for use of building systems  
27 as specified in the industrial/modular program specified in  
28 section 16B.75. Additional plan review fees associated with  
29 similar plans must be based on costs commensurate with the  
30 direct and indirect costs of the service.

31 Sec. 11. Minnesota Statutes 2004, section 16B.70,  
32 subdivision 2, is amended to read:

33 Subd. 2. [COLLECTION AND REPORTS.] All permit surcharges  
34 must be collected by each municipality and a portion of them  
35 remitted to the state. Each municipality having a population  
36 greater than 20,000 people shall prepare and submit to the

1 commissioner once a month a report of fees and surcharges on  
2 fees collected during the previous month but shall retain the  
3 greater of two percent or that amount collected up to \$25 to  
4 apply against the administrative expenses the municipality  
5 incurs in collecting the surcharges. All other municipalities  
6 shall submit the report and surcharges on fees once a quarter  
7 but shall retain the greater of four percent or that amount  
8 collected up to \$25 to apply against the administrative expenses  
9 the municipalities incur in collecting the surcharges. The  
10 report, which must be in a form prescribed by the commissioner,  
11 must be submitted together with a remittance covering the  
12 surcharges collected by the 15th day following the month or  
13 quarter in which the surcharges are collected. All money  
14 collected by the commissioner under subdivision 1 for mechanical  
15 systems permits is appropriated to the Board of Mechanical  
16 Systems for the purposes of section 16B.77. \$135,250 of the  
17 money collected by the commissioner through surcharges and other  
18 fees prescribed by sections 16B.59 to ~~16B.75~~ 16B.77 shall be  
19 deposited in the state government special revenue fund and is  
20 appropriated to the Board of Mechanical Systems for the purposes  
21 of section 16B.77. The remainder is appropriated to the  
22 commissioner for the purpose of administering and enforcing  
23 the remaining portions of the State Building Code under sections  
24 16B.59 to ~~16B.75~~ 16B.77.

25 Sec. 12. Minnesota Statutes 2004, section 16B.70,  
26 subdivision 3, is amended to read:

27 Subd. 3. [REVENUE TO EQUAL COSTS.] Revenue received from  
28 the surcharge imposed in subdivision 1 should approximately  
29 equal the cost, including the overhead cost, of administering  
30 sections 16B.59 to ~~16B.75~~ 16B.77. By November 30 each year, the  
31 commissioner must report to the commissioner of finance and to  
32 the legislature on changes in the surcharge imposed in  
33 subdivision 1 needed to comply with this policy. In making this  
34 report, the commissioner must assume that the services  
35 associated with administering sections 16B.59 to ~~16B.75~~ 16B.77  
36 will continue to be provided at the same level provided during

1 the fiscal year in which the report is made.

2 Sec. 13. [16B.77] [BOARD OF MECHANICAL SYSTEMS.]

3 Subdivision 1. [MEMBERSHIP.] (a) The Board of Mechanical  
4 Systems consists of the following members appointed by the  
5 governor as provided under section 15.0575:

6 (1) two journeymen and two contractors in the fuel systems  
7 discipline;

8 (2) two journeymen and two contractors in the sheet metal  
9 and ventilation systems discipline;

10 (3) two journeymen and two contractors in the refrigeration  
11 systems discipline;

12 (4) two journeymen, two contractors, and two  
13 representatives of utilities in the piping systems discipline;

14 (5) two journeymen and two contractors in the medical and  
15 nonmedical gas systems discipline;

16 (6) one mechanical engineer; and

17 (7) two members of the public, as defined in section 214.02.

18 (b) For purposes of this section, "journeyman" means a  
19 person with at least five years of verifiable experience in the  
20 relevant discipline, and "contractor" means a person with at  
21 least five years of experience operating a business that is  
22 primarily engaged in the discipline who remains active in the  
23 discipline during their term on the board.

24 (c) The board must adopt a new mechanical code no later  
25 than four months after convening.

26 (d) Section 15.0575, subdivision 3, does not apply to the  
27 board.

28 Subd. 2. [ORGANIZATION AND MEETINGS.] (a) The board must  
29 meet at least once in each quarter of the calendar year.

30 (b) The board must establish subcommittees in each of the  
31 disciplines listed in subdivision 1. No member who is a  
32 contractor or journeyman may serve on more than one  
33 subcommittee, and the engineer appointed under subdivision 1,  
34 clause (6), must serve on all of the subcommittees. Each  
35 subcommittee must elect a chairperson. The subcommittee must  
36 meet at the call of the chairperson.

1        Subd. 3. [POWERS OF THE BOARD; MECHANICAL CODE.] The board  
2 has the powers of the commissioner under sections 16B.59 to  
3 16B.77 regarding all mechanical code issues, including, but not  
4 limited to, rulemaking, interpretation, administration, and  
5 enforcement, including appeals from local units of government.  
6 No appeal from a decision of the board may be made to the  
7 commissioner.

8        Subd. 4. [SUPPORT.] The board may use the funds  
9 appropriated to it to hire the staff necessary to conduct its  
10 functions.

11        Sec. 14. Minnesota Statutes 2004, section 41A.09,  
12 subdivision 2a, is amended to read:

13        Subd. 2a. [DEFINITIONS.] For the purposes of this section,  
14 the terms defined in this subdivision have the meanings given  
15 them.

16        (a) "Ethanol" means fermentation ethyl alcohol derived from  
17 agricultural products, including potatoes, cereal grains, cheese  
18 whey, and sugar beets; forest products; or other renewable  
19 resources, including residue and waste generated from the  
20 production, processing, and marketing of agricultural products,  
21 forest products, and other renewable resources, that:

22        (1) meets all of the specifications in ASTM specification  
23 ~~D4806-01~~ D4806-04a; and

24        (2) is denatured as specified in Code of Federal  
25 Regulations, title 27, parts 20 and 21.

26        (b) "Ethanol plant" means a plant at which ethanol is  
27 produced.

28        (c) "Commissioner" means the commissioner of agriculture.

29        Sec. 15. [45.22] [LICENSE EDUCATION.]

30        The following fees must be paid to the commissioner:

31        (1) initial course approval, \$10 for each hour or fraction  
32 of one hour of education course approval sought. Initial course  
33 approval expires on the last day of the 24th month after the  
34 course is approved;

35        (2) renewal of course approval, \$10 per course. Renewal of  
36 course approval expires on the last day of the 24th month after

1 the course is renewed;

2 (3) initial coordinator approval, \$100. Initial  
3 coordinator approval expires on the last day of the 24th month  
4 after the coordinator is approved; and

5 (4) renewal of coordinator approval, \$10. Renewal of  
6 coordinator approval expires on the last day of the 24th month  
7 after the coordinator is renewed.

8 Sec. 16. Minnesota Statutes 2004, section 60A.14,  
9 subdivision 1, is amended to read:

10 Subdivision 1. [FEES OTHER THAN EXAMINATION FEES.] In  
11 addition to the fees and charges provided for examinations, the  
12 following fees must be paid to the commissioner for deposit in  
13 the general fund:

14 (a) by township mutual fire insurance companies;

15 (1) for filing certificate of incorporation \$25 and  
16 amendments thereto, \$10;

17 (2) for filing annual statements, \$15;

18 (3) for each annual certificate of authority, \$15;

19 (4) for filing bylaws \$25 and amendments thereto, \$10;

20 (b) by other domestic and foreign companies including  
21 fraternal and reciprocal exchanges;

22 (1) for filing an application for an initial certification  
23 of authority to be admitted to transact business in this state,  
24 \$1,500;

25 (2) for filing certified copy of certificate of articles of  
26 incorporation, \$100;

27 ~~(2)~~ (3) for filing annual statement, \$225;

28 ~~(3)~~ (4) for filing certified copy of amendment to  
29 certificate or articles of incorporation, \$100;

30 ~~(4)~~ (5) for filing bylaws, \$75 or amendments thereto, \$75;

31 ~~(5)~~ (6) for each company's certificate of authority, \$575,  
32 annually;

33 (c) the following general fees apply:

34 (1) for each certificate, including certified copy of  
35 certificate of authority, renewal, valuation of life policies,  
36 corporate condition or qualification, \$25;

1 (2) for each copy of paper on file in the commissioner's  
2 office 50 cents per page, and \$2.50 for certifying the same;

3 (3) for license to procure insurance in unadmitted foreign  
4 companies, \$575;

5 (4) for valuing the policies of life insurance companies,  
6 one cent per \$1,000 of insurance so valued, provided that the  
7 fee shall not exceed \$13,000 per year for any company. The  
8 commissioner may, in lieu of a valuation of the policies of any  
9 foreign life insurance company admitted, or applying for  
10 admission, to do business in this state, accept a certificate of  
11 valuation from the company's own actuary or from the  
12 commissioner of insurance of the state or territory in which the  
13 company is domiciled;

14 (5) for receiving and filing certificates of policies by  
15 the company's actuary, or by the commissioner of insurance of  
16 any other state or territory, \$50;

17 (6) for each appointment of an agent filed with the  
18 commissioner, \$10;

19 (7) for filing forms and rates, \$75 per filing, which may  
20 be paid on a quarterly basis in response to an invoice. Billing  
21 and payment may be made electronically;

22 (8) for annual renewal of surplus lines insurer license,  
23 \$300;

24 (9) \$250 filing fee for a large risk alternative rating  
25 option plan that meets the \$250,000 threshold requirement.

26 The commissioner shall adopt rules to define filings that  
27 are subject to a fee.

28 Sec. 17. Minnesota Statutes 2004, section 60K.55,  
29 subdivision 2, is amended to read:

30 Subd. 2. [LICENSING FEES.] (a) In addition to fees  
31 provided for examinations, each insurance producer licensed  
32 under this chapter shall pay to the commissioner a fee of:

33 (1) ~~\$40~~ \$50 for an initial life, accident and health,  
34 property, or casualty license issued to an individual insurance  
35 producer, and a fee of ~~\$40~~ \$50 for each renewal;

36 (2) ~~\$75~~ \$50 for an initial variable life and variable

1 annuity license issued to an individual insurance producer, and  
2 a fee of \$50 for each renewal;

3 (3) ~~\$80~~ \$50 for an initial personal lines license issued to  
4 an individual insurance producer, and a fee of ~~\$80~~ \$50 for each  
5 renewal;

6 (4) ~~\$80~~ \$50 for an initial limited lines license issued to  
7 an individual insurance producer, and a fee of ~~\$80~~ \$50 for each  
8 renewal;

9 (5) \$200 for an initial license issued to a business  
10 entity, and a fee of ~~\$150~~ \$200 for each renewal; and

11 (6) \$500 for an initial surplus lines license, and a fee of  
12 \$500 for each renewal.

13 (b) Initial licenses issued under this chapter are valid  
14 for a period not to exceed 24 months and expire on October 31 of  
15 the renewal year assigned by the commissioner. Each renewal  
16 insurance producer license is valid for a period of 24 months.  
17 Licensees who submit renewal applications postmarked or  
18 delivered on or before October 15 of the renewal year may  
19 continue to transact business whether or not the renewal license  
20 has been received by November 1. Licensees who submit  
21 applications postmarked or delivered after October 15 of the  
22 renewal year must not transact business after the expiration  
23 date of the license until the renewal license has been received.

24 (c) All fees are nonreturnable, except that an overpayment  
25 of any fee may be refunded upon proper application.

26 Sec. 18. Minnesota Statutes 2004, section 72B.04,  
27 subdivision 10, is amended to read:

28 Subd. 10. [FEES.] A fee of ~~\$80~~ \$50 is imposed for each  
29 initial license or temporary permit and ~~\$80~~ \$50 for each renewal  
30 thereof or amendment thereto. A fee of \$20 is imposed for the  
31 registration of each nonlicensed adjuster who is required to  
32 register under section 72B.06. All fees shall be transmitted to  
33 the commissioner and shall be payable to the Department of  
34 Commerce.

35 Sec. 19. Minnesota Statutes 2004, section 82B.09,  
36 subdivision 1, is amended to read:

1 Subdivision 1. [AMOUNTS.] The following fees must be paid  
2 to the commissioner:

3 (1) \$150 for each initial individual real estate  
4 appraiser's license: ~~---\$150-if-the-license-expires-more-than-12~~  
5 ~~months-after-issuance, \$100-if-the-license-expires-less-than-12~~  
6 ~~months-after-issuance;~~ and a fee of

7 (2) \$100 for each renewal.

8 Sec. 20. Minnesota Statutes 2004, section 115C.07,  
9 subdivision 3, is amended to read:

10 Subd. 3. [RULES.] (a) The board shall adopt rules  
11 regarding its practices and procedures, the form and procedure  
12 for applications for compensation from the fund, procedures for  
13 investigation of claims and specifying the costs that are  
14 eligible for reimbursement from the fund.

15 (b) The board may adopt rules requiring certification of  
16 environmental consultants.

17 (c) The board may adopt other rules necessary to implement  
18 this chapter.

19 (d) The board may use section 14.389 to adopt rules  
20 specifying the competitive bidding requirements for consultant  
21 services proposals.

22 (e) The board may use section 14.389 to adopt rules  
23 specifying the written proposal and invoice requirements for  
24 consultant services.

25 Sec. 21. Minnesota Statutes 2004, section 115C.09,  
26 subdivision 3h, is amended to read:

27 Subd. 3h. [REIMBURSEMENT; ABOVEGROUND TANKS IN BULK  
28 PLANTS.] (a) As used in this subdivision, "bulk plant" means an  
29 aboveground or underground tank facility with a storage capacity  
30 of more than 1,100 gallons but less than 1,000,000 gallons that  
31 is used to dispense petroleum into cargo tanks for  
32 transportation and sale at another location.

33 (b) Notwithstanding any other provision in this chapter and  
34 any rules adopted pursuant to this chapter, the board shall  
35 reimburse 90 percent of an applicant's cost for bulk plant  
36 upgrades or closures completed between June 1, 1998, and

1 November 1, 2003, to comply with Minnesota Rules, chapter 7151,  
2 provided that the board determines the costs were incurred and  
3 reasonable. The reimbursement may not exceed \$10,000 per bulk  
4 plant. The board may provide reimbursement under this paragraph  
5 for work completed after November 1, 2003, if the work was  
6 contracted for prior to that date and was not completed by that  
7 date as a result of an unanticipated situation, provided that an  
8 application for reimbursement under this sentence, which may be  
9 a renewal of an application previously denied, is submitted  
10 prior to December 31, 2005.

11 (c) For corrective action at a bulk plant located on what  
12 is or was railroad right-of-way, the board shall reimburse 90  
13 percent of total reimbursable costs on the first \$40,000 of  
14 reimbursable costs and 100 percent of any remaining reimbursable  
15 costs when the applicant can document that more than one bulk  
16 plant was operated on the same section of right-of-way, as  
17 determined by the commissioner of commerce.

18 Sec. 22. Minnesota Statutes 2004, section 115C.09,  
19 subdivision 3j, is amended to read:

20 Subd. 3j. [RETAIL LOCATIONS AND TRANSPORT VEHICLES.] (a)  
21 As used in this subdivision, "retail location" means a facility  
22 located in the metropolitan area as defined in section 473.121,  
23 subdivision 2, where gasoline is offered for sale to the general  
24 public for use in automobiles and trucks. "Transport vehicle"  
25 means a liquid fuel cargo tank used to deliver gasoline into  
26 underground storage tanks during 2002 and 2003 at a retail  
27 location.

28 (b) Notwithstanding any other provision in this chapter,  
29 and any rules adopted under this chapter, the board shall  
30 reimburse 90 percent of an applicant's cost for retrofits of  
31 retail locations and transport vehicles completed between  
32 January 1, 2001, and January 1, 2006, to comply with section  
33 116.49, subdivisions 3 and 4, provided that the board determines  
34 the costs were incurred and reasonable. The reimbursement may  
35 not exceed \$3,000 per retail location and \$3,000 per transport  
36 vehicle.

1           Sec. 23. Minnesota Statutes 2004, section 115C.13, is  
2 amended to read:

3           115C.13 [REPEALER.]

4           Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04,  
5 115C.045, 115C.05, 115C.06, 115C.065, 115C.07, 115C.08, 115C.09,  
6 115C.093, 115C.094, 115C.10, 115C.11, 115C.111, 115C.112,  
7 115C.113, 115C.12, and 115C.13, are repealed effective June 30,  
8 ~~2007~~ 2012.

9           Sec. 24. Minnesota Statutes 2004, section 116J.571, is  
10 amended to read:

11           116J.571 [CREATION OF ACCOUNTS.]

12           Two ~~greater-Minnesota~~ redevelopment accounts are created,  
13 one in the general fund and one in the bond proceeds fund.  
14 Money in the accounts may be used to make grants as provided in  
15 section 116J.575. ~~---Money-in-the-bond-proceeds-fund-may-only-be~~  
16 ~~used-for-eligible-costs-for-publicly-owned-property---Money-in~~  
17 ~~the-general-fund-may-be-used~~ and to pay for the commissioner's  
18 costs in reviewing ~~the~~ applications and making grants.

19           Sec. 25. Minnesota Statutes 2004, section 116J.572, is  
20 amended to read:

21           116J.572 [DEFINITIONS.]

22           Subdivision 1. [SCOPE OF APPLICATION.] For purposes of  
23 sections 116J.571 to 116J.575, the terms in this section have  
24 the meanings given.

25           Subd. 2. [DEVELOPMENT AUTHORITY.] "Development authority"  
26 includes a statutory or home rule charter city, county, housing  
27 and redevelopment authority, economic development authority, or  
28 port authority ~~located-outside~~.

29           Subd. 2a. [METROPOLITAN AREA.] "Metropolitan area" means  
30 the seven-county metropolitan area, as defined in section  
31 473.121, subdivision 2.

32           Subd. 2b. [MUNICIPALITY.] "Municipality" means the  
33 statutory or home rule charter city, town, or, in the case of  
34 unorganized territory, county in which the redevelopment is  
35 located.

36           Subd. 3. [~~ELIGIBLE~~ REDEVELOPMENT COSTS OR COSTS.]

1 "~~Eligible~~ Redevelopment costs" or "costs" means the costs of  
 2 land acquisition, stabilizing unstable soils when infill is  
 3 required, demolition, infrastructure improvements, and ponding  
 4 or other environmental infrastructure, ~~building construction,~~  
 5 ~~design and engineering,~~ and costs necessary for adaptive reuse  
 6 of buildings, including remedial activities. ~~Eligible costs do~~  
 7 ~~not include project administration and legal fees.~~

8 ~~Subd. 4. [REDEVELOPMENT.] "Redevelopment" means recycling~~  
 9 ~~obsolete, abandoned, or underutilized properties for new~~  
 10 ~~industrial, commercial, or residential uses.~~

11 Sec. 26. Minnesota Statutes 2004, section 116J.574, is  
 12 amended to read:

13 116J.574 [GRANT APPLICATIONS.]

14 Subdivision 1. [APPLICATION REQUIRED.] To obtain a  
 15 redevelopment grant, a development authority shall apply to the  
 16 commissioner. The governing body of the municipality must  
 17 approve the application by resolution.

18 Subd. 2. [REQUIRED CONTENT.] The commissioner shall  
 19 prescribe and provide the application form. The application  
 20 must include at least the following information:

- 21 (1) identification of the site;
- 22 (2) a redevelopment plan for the site;
- 23 (3) a detailed budget estimate, including along with  
 24 necessary supporting evidence, of the total redevelopment costs  
 25 for the site including the total eligible redevelopment costs;  
 26 ~~(3) a complete~~ (4) an assessment of the development  
 27 potential or likely use of the site after completion of the  
 28 redevelopment plan, including any specific commitments from  
 29 third parties to construct improvements on the site;
- 30 ~~(4) a complete financing plan, including~~ (5) the manner in  
 31 which the development authority uses innovative financial  
 32 partnerships between government, private for profit, and  
 33 nonprofit sectors municipality will meet the local match  
 34 requirement; and
- 35 ~~(5)~~ (6) any additional information or material that the  
 36 commissioner prescribes.

1           Sec. 27. Minnesota Statutes 2004, section 116J.575, is  
2 amended to read:

3           116J.575 [GRANTS.]

4           Subdivision 1. [COMMISSIONER DISCRETION.] The commissioner  
5 may make a grant for up to 50 percent of the eligible costs of a  
6 project. The determination of whether to make a grant for a  
7 site is within the discretion of the commissioner, subject to  
8 this section and sections 116J.571 to 116J.574 and available  
9 unencumbered money in the ~~greater-Minnesota~~ redevelopment  
10 account. The commissioner's decisions and application of the  
11 priorities under this section are not subject to judicial  
12 review, except for abuse of discretion.

13           Subd. 1a. [PRIORITIES.] (a) If applications for grants  
14 exceed the available appropriations, grants shall be made for  
15 sites that, in the commissioner's judgment, provide the highest  
16 return in public benefits for the public costs incurred.  
17 "Public benefits" include job creation, bioscience development,  
18 environmental benefits to the state and region, efficient use of  
19 public transportation, efficient use of existing infrastructure,  
20 provision of affordable housing, multiuse development that  
21 constitutes community rebuilding rather than single-use  
22 development, crime reduction, blight reduction, community  
23 stabilization, and property tax base maintenance or  
24 improvement. In making this judgment, the commissioner shall  
25 give priority to redevelopment projects with one or more of the  
26 following characteristics:

27           (1) the need for redevelopment in conjunction with  
28 contamination remediation needs;

29           (2) the redevelopment project meets current tax increment  
30 financing requirements for a redevelopment district and tax  
31 increments will contribute to the project;

32           (3) the redevelopment potential within the municipality;

33           (4) proximity to public transit if located in the  
34 metropolitan area; and

35           (5) multijurisdictional projects that take into account the  
36 need for affordable housing, transportation, and environmental

1 impact.

2 (b) The factors in paragraph (a) are not listed in a rank  
3 order of priority; rather, the commissioner may weigh each  
4 factor, depending upon the facts and circumstances, as the  
5 commissioner considers appropriate.

6 Subd. 2. [APPLICATION CYCLES.] In making grants, the  
7 commissioner shall establish semiannual application deadlines in  
8 which grants will be authorized from all or part of the  
9 available money in the account.

10 Subd. 3. [MATCH REQUIRED.] In order to qualify for a grant  
11 under sections 116J.571 to 116J.575, the municipality must pay  
12 for at least one-half of the redevelopment costs as a local  
13 match from any money available to the municipality.

14 Sec. 28. Minnesota Statutes 2004, section 116L.20,  
15 subdivision 1, is amended to read:

16 Subdivision 1. [DETERMINATION AND COLLECTION OF SPECIAL  
17 ASSESSMENT.] (a) In addition to amounts due from an employer  
18 under the Minnesota unemployment insurance program, each  
19 employer, except an employer making reimbursements is liable for  
20 a special assessment levied at the rate of ~~seven-hundredths~~  
21 one-tenth of one percent per year on all taxable wages, as  
22 defined in section 268.035, subdivision 24. If the commissioner  
23 of trade and economic development determines that the need for  
24 services under the dislocated worker program substantially  
25 exceeds the resources that will be available for that program,  
26 the commissioner may increase the fee to no more than  
27 twelve-hundredths of one percent of taxable wages. The  
28 assessment shall become due and be paid by each employer on the  
29 same schedule and in the same manner as other amounts due from  
30 an employer under section 268.051, subdivision 1.

31 (b) The special assessment levied under this section shall  
32 be subject to the same requirements and collection procedures as  
33 any amounts due from an employer under the Minnesota  
34 unemployment insurance program.

35 [EFFECTIVE DATE.] This section is effective January 1, 2006.

36 Sec. 29. Minnesota Statutes 2004, section 116L.30,

1 subdivision 1, is amended to read:

2 Subdivision 1. [GRANTS.] The commissioner may make grants  
3 to nonprofit agencies administering youth intervention programs  
4 in communities where the programs are or may be established.

5 "Youth intervention program" means a nonresidential  
6 community-based program providing advocacy, education,  
7 counseling, mentoring, and referral services to youth and their  
8 families experiencing personal, familial, school, legal, or  
9 chemical problems with the goal of resolving the present  
10 problems and preventing the occurrence of the problems in the  
11 future. The purpose of the youth intervention program is to  
12 provide an ongoing, stable funding source to community-based  
13 early intervention programs for youth. Program design may be  
14 different for the grantees depending on youth needs in the  
15 communities being served.

16 Sec. 30. Minnesota Statutes 2004, section 116L.30,  
17 subdivision 2, is amended to read:

18 Subd. 2. [APPLICATIONS.] Applications for a grant-in-aid  
19 shall be made by the administering agency to the commissioner.  
20 The grant-in-aid is contingent upon the agency having obtained  
21 from the community in which the youth intervention program is  
22 established local matching money two times the amount of the  
23 grant that is sought. The purpose of the matching requirement  
24 is to leverage the investment of state and community dollars in  
25 supporting the efforts of the grantees to provide early  
26 intervention services to youth and their families.

27 The commissioner shall provide the application form,  
28 procedures for making ~~application-form~~ applications, criteria  
29 for review of the application, and kinds of contributions in  
30 addition to cash that qualify as local matching money. No grant  
31 to any agency may exceed \$50,000.

32 Sec. 31. Minnesota Statutes 2004, section 116L.30, is  
33 amended by adding a subdivision to read:

34 Subd. 3. [GRANT ALLOCATION FORMULA.] Up to one percent of  
35 the appropriations to the grants-in-aid to the youth  
36 intervention program may be used for a grant to the Minnesota

1 Youth Intervention Programs Association for expenses in  
2 providing collaborative training and technical assistance to  
3 community-based grantees.

4 Sec. 32. Minnesota Statutes 2004, section 116L.30, is  
5 amended by adding a subdivision to read:

6 Subd. 4. [ADMINISTRATIVE COSTS.] The commissioner may use  
7 up to two percent of the biennial appropriation for  
8 grants-in-aid to the youth intervention program to pay costs  
9 incurred by the department in administering the grants.

10 Sec. 33. [116P.081] [MINNESOTA EARLY STAGE VENTURE CAPITAL  
11 INVESTMENTS.]

12 (a) For purposes of this section, "Minnesota early stage  
13 company" means an early stage company with its headquarters and  
14 principal place of business located in this state.

15 (b) Until June 30, 2019, the State Board of Investment must  
16 invest at least \$25,000,000 of the principal of the Minnesota  
17 environmental and natural resources trust fund in early stage  
18 venture capital investments, subject to the following conditions:

19 (1) the board may not make initial investments of more than  
20 a total of \$50,000,000 under this section;

21 (2) each separate investment vehicle must commit 50 percent  
22 or more of its assets to investments in Minnesota early stage  
23 companies;

24 (3) the board's investment may not exceed 50 percent of the  
25 total investment in an investment vehicle;

26 (4) no new investment vehicles may be purchased after June  
27 30, 2008; and

28 (5) the board may reinvest returns from investments made  
29 under this section.

30 The board may set evaluation criteria for investment  
31 vehicles and fund managers of investments under this section  
32 different from those it uses for other investments.

33 (c) This section expires August 1, 2019.

34 [EFFECTIVE DATE.] This section is effective the day  
35 following final enactment.

36 Sec. 34. Minnesota Statutes 2004, section 120A.40, is

1 amended to read:

2 120A.40 [SCHOOL CALENDAR.]

3 (a) Except for learning programs during summer, flexible  
4 learning year programs authorized under sections 124D.12 to  
5 124D.127, and learning year programs under section 124D.128, a  
6 district must not commence an elementary or secondary school  
7 year before ~~September-~~ Labor Day, except as provided under  
8 paragraph (b). Days devoted to teachers' workshops may be held  
9 before ~~September-~~ Labor Day. Districts that enter into  
10 cooperative agreements are encouraged to adopt similar school  
11 calendars.

12 (b) A district may begin the school year on any day before  
13 ~~September-~~ Labor Day to accommodate a construction or  
14 remodeling project of \$400,000 or more affecting a district  
15 school facility.

16 Sec. 35. Minnesota Statutes 2004, section 129D.02,  
17 subdivision 3, is amended to read:

18 Subd. 3. [COMPENSATION.] Members shall be compensated at  
19 ~~the rate of \$35 per day spent on board activities. In addition,~~  
20 ~~members shall receive reimbursement for expenses in the same~~  
21 ~~manner and amount as state employees. Employees of the state or~~  
22 ~~its political subdivisions shall not be entitled to the per~~  
23 ~~diem, but they shall suffer no loss in compensation or benefits~~  
24 ~~as a result of service on the board. Members not entitled to~~  
25 ~~the per diem shall receive expenses as provided in this~~  
26 ~~subdivision unless the expenses are reimbursed from another~~  
27 source as provided in section 15.0575, subdivision 3.

28 Sec. 36. Minnesota Statutes 2004, section 176.136,  
29 subdivision 1a, is amended to read:

30 Subd. 1a. [RELATIVE VALUE FEE SCHEDULE.] The liability of  
31 an employer for services included in the medical fee schedule is  
32 limited to the maximum fee allowed by the schedule in effect on  
33 the date of the medical service, or the provider's actual fee,  
34 whichever is lower. The medical fee schedule effective on  
35 October 1, 1991, remains in effect until the commissioner adopts  
36 a new schedule by permanent rule. The commissioner shall adopt

1 permanent rules regulating fees allowable for medical,  
2 chiropractic, podiatric, surgical, and other health care  
3 provider treatment or service, including those provided to  
4 hospital outpatients, by implementing a relative value fee  
5 schedule to be effective on October 1, 1993. The commissioner  
6 may adopt by reference the relative value fee schedule adopted  
7 for the federal Medicare program or a relative value fee  
8 schedule adopted by other federal or state agencies. The  
9 relative value fee schedule ~~must~~ may contain reasonable  
10 classifications including, but not limited to, classifications  
11 that differentiate among health care provider disciplines. The  
12 ~~conversion-factors-for-the-original-relative-value-fee-schedule~~  
13 ~~must-reasonably-reflect-a-15-percent-overall-reduction-from-the~~  
14 ~~medical-fee-schedule-most-recently-in-effect.--The-reduction~~  
15 ~~need-not-be-applied-equally-to-all-treatment-or-services,-but~~  
16 ~~must-represent-a-gross-15-percent-reduction~~ The rules must  
17 provide that chiropractors and physical therapists have the same  
18 provider group designation as medical physicians and have the  
19 same maximum fee allowed as medical physicians for the same  
20 patient interventions.

21 After permanent rules have been adopted to implement this  
22 section, the conversion factors must be adjusted annually on  
23 October 1 by no more than the percentage change computed under  
24 section 176.645, but without the annual cap provided by that  
25 section. The commissioner shall annually give notice in the  
26 State Register of the adjusted conversion factors and may also  
27 give annual notice of any additions, deletions, or changes to  
28 the relative value units or service codes adopted by the federal  
29 Medicare program. The relative value units may be statistically  
30 adjusted in the same manner as for the original workers'  
31 compensation relative value fee schedule. The notices of the  
32 adjusted conversion factors and additions, deletions, or changes  
33 to the relative value units and service codes is in lieu of the  
34 requirements of chapter 14. The commissioner shall follow the  
35 requirements of section 14.386, paragraph (a). The annual  
36 adjustments to the conversion factors and the medical fee

1 schedules adopted under this section, including all previous fee  
2 schedules, are not subject to expiration under section 14.386,  
3 paragraph (b).

4 Sec. 37. [181.722] [MISREPRESENTATION OF EMPLOYMENT  
5 RELATIONSHIP PROHIBITED.]

6 Subdivision 1. [PROHIBITION.] No employer shall  
7 misrepresent the nature of its employment relationship with its  
8 employees to any federal, state, or local government unit, to  
9 other employers or to its employees. An employer misrepresents  
10 the nature of its employment relationship with its employees if  
11 it makes any statement regarding the nature of the relationship  
12 that the employer knows or has reason to know is untrue and if  
13 it fails to report individuals as employees when legally  
14 required to do so.

15 Subd. 2. [AGREEMENTS TO MISCLASSIFY PROHIBITED.] No  
16 employer shall require or request any employee to enter into any  
17 agreement, or sign any document, that results in  
18 misclassification of the employee as an independent contractor  
19 or otherwise does not accurately reflect the employment  
20 relationship with the employer.

21 Subd. 3. [DETERMINATION OF EMPLOYMENT RELATIONSHIP.] For  
22 purposes of this section, the nature of an employment  
23 relationship is determined using the same tests and in the same  
24 manner as employee status is determined under the applicable  
25 workers' compensation and unemployment insurance program laws  
26 and rules.

27 Subd. 4. [REPORTING OF VIOLATIONS.] Any court finding that  
28 a violation of this section has occurred shall transmit a copy  
29 of the documentation of the finding to the commissioner of labor  
30 and industry. The commissioner of labor and industry shall  
31 report the finding to relevant state and federal agencies,  
32 including at least the commissioner of commerce, the  
33 commissioner of employment and economic development, the  
34 commissioner of revenue, the federal Internal Revenue Service,  
35 and the United States Department of Labor.

36 Subd. 5. [CIVIL REMEDY.] An individual not a contractor

1 injured by a violation of this section may bring an action for  
2 damages against the violator. The court may award attorney  
3 fees, costs, and disbursements to a party recovering under this  
4 section. If the individual injured is an employee of the  
5 violator of this section, the employee's representative, as  
6 defined in section 179.01, subdivision 5, may bring an action  
7 for damages against the violator on behalf of the employee.

8 Sec. 38. Minnesota Statutes 2004, section 183.41, is  
9 amended by adding a subdivision to read:

10 Subd. 4. [ANNUAL PERMIT.] The commissioner shall issue an  
11 annual permit to a boat for the purpose of carrying passengers  
12 for hire on the inland waters of the state provided the boat  
13 satisfies the inspection requirements of this section. A boat  
14 subject to inspection under this chapter shall be registered  
15 with the Division of Boiler Inspection and shall be inspected  
16 before a permit may be issued.

17 Sec. 39. Minnesota Statutes 2004, section 183.411,  
18 subdivision 2a, is amended to read:

19 Subd. 2a. [INSPECTION FEES.] The commissioner may set fees  
20 fee for inspecting traction engines, show boilers, and show  
21 engines shall be the hourly rate pursuant to section  
22 ~~16A-1285~~ 183.545, subdivision 3a.

23 Sec. 40. Minnesota Statutes 2004, section 183.411,  
24 subdivision 3, is amended to read:

25 Subd. 3. [LICENSES.] A license to operate steam farm  
26 traction engines, portable and stationary show engines and  
27 portable and stationary show boilers shall be issued to an  
28 applicant who:

29 {a} (1) is 18 years of age or older;

30 {b} (2) has a licensed second class or higher class  
31 engineer or steam traction (hobby) engineer sign the affidavit  
32 attesting to the applicant's competence in operating said  
33 devices;

34 {c} (3) passes a written test for competence in operating  
35 said devices;

36 {d} (4) has at least 25 hours of actual operating

1 experience on said devices; and

2 ~~(e)~~ (5) pays the required fee.

3 A license shall be valid for the lifetime of the licensee.

4 A onetime fee ~~set-by-the-commissioner~~ pursuant to section

5 ~~16A-1285~~ 183.545, subdivision 4, shall be charged for the

6 license.

7 Sec. 41. Minnesota Statutes 2004, section 183.42, is

8 amended to read:

9 183.42 [INSPECTION EACH-YEAR AND REGISTRATION.]

10 Subdivision 1. [INSPECTION.] Every owner, lessee, or other

11 person having charge of boilers, or pressure vessels, or any

12 boat subject to inspection under this chapter shall cause them

13 to be inspected by the Division of Boiler Inspection.

14 Boilers and boats subject to inspection under this chapter must

15 be inspected at least annually and pressure vessels inspected at

16 least every two years except as provided under section

17 183.45. A person who fails to have the inspection required by

18 this section shall pay to the commissioner a penalty in the

19 amount of the cost of inspection up to a maximum of \$1,000. The

20 commissioner shall assess a \$250 penalty per applicable boiler

21 or pressure vessel for failure to have the inspection required

22 by this section and may seal the boiler or pressure vessel for

23 refusal to allow an inspection as required by this section.

24 Subd. 2. [REGISTRATION.] Every owner, lessee, or other

25 person having charge of boilers or pressure vessels subject to

26 inspection under this chapter shall register said objects with

27 the Division of Boiler Inspection. The registration shall be

28 renewed annually and is applicable to each object separately.

29 The fee for registration of a boiler or pressure vessel shall be

30 pursuant to section 183.545, subdivision 10. The Division of

31 Boiler Inspection may issue a billing statement for each boiler

32 and pressure vessel on record with the division, and may

33 determine a monthly schedule of billings to be followed for

34 owners, lessees, or other persons having charge of a boiler or

35 pressure vessel subject to inspection under this chapter.

36 Subd. 3. [CERTIFICATE OF REGISTRATION.] The Division of

1 Boiler Inspection shall issue a certificate of registration that  
 2 lists the boilers and pressure vessels at the location,  
 3 expiration date of the certificate of registration, last  
 4 inspection date of each boiler and pressure vessel, and maximum  
 5 allowable working pressure for each boiler and pressure vessel.  
 6 The commissioner may make an electronic certificate of  
 7 registration available to be printed by the owner, lessee, or  
 8 other person having charge of the boiler or pressure vessel.

9       Sec. 42. Minnesota Statutes 2004, section 183.44,  
 10 subdivision 1, is amended to read:

11       Subdivision 1. [MASTERS AND PILOTS.] ~~The Division of~~  
 12 ~~Boiler-Inspection~~ commissioner or the commissioner's designee  
 13 shall examine all masters and pilots of boats and vessels  
 14 carrying passengers for hire on the inland waters of the state  
 15 as to their qualifications and fitness. If found trustworthy  
 16 qualified and competent to perform their duties as a master or  
 17 pilot of a boat carrying passengers for hire, they shall be  
 18 given issued a certificate license authorizing them to act as  
 19 such on the inland waters of the state. The license shall be  
 20 renewed annually. Fees for the original issue and renewal of  
 21 the license authorized under this section shall be pursuant to  
 22 section 183.545, subdivision 2.

23       Sec. 43. Minnesota Statutes 2004, section 183.51,  
 24 subdivision 2, is amended to read:

25       Subd. 2. [APPLICATIONS.] Any person who desires an  
 26 engineer's license shall make submit a written application, on  
 27 blanks furnished by the ~~inspector.---The person shall also~~  
 28 ~~successfully pass a written examination for such grade of~~  
 29 ~~license applied for~~ commissioner or designee, at least 15 days  
 30 before the requested exam date. The application is valid for  
 31 one year from the date the commissioner or designee received the  
 32 application.

33       Sec. 44. Minnesota Statutes 2004, section 183.51, is  
 34 amended by adding a subdivision to read:

35       Subd. 2a. [EXAMINATIONS.] Each applicant for a license  
 36 must pass an examination approved by the commissioner. The

1 examinations shall be of sufficient scope to establish the  
 2 competency of the applicant to operate a boiler of the  
 3 applicable license class and grade.

4 Sec. 45. Minnesota Statutes 2004, section 183.545, is  
 5 amended to read:

6 183.545 [FEES FOR INSPECTION.]

7 Subdivision 1. [FEE AMOUNT; VESSELS OPERATED ON INLAND  
 8 WATERS.] The fees for the inspection of the hull, boiler,  
 9 machinery, and equipments of vessels ~~are to be set by the~~  
 10 ~~commissioner pursuant to section 16A.1285, for vessels of 50~~  
 11 ~~tons burden or over and vessels of less than 50 tons~~  
 12 ~~burden.~~ operated on inland waters and that carry passengers for  
 13 hire are as follows:

14 (1) annual operating permit and safety inspections shall be  
 15 \$200; and

16 (2) other inspections, including dry-dock inspections, boat  
 17 stability tests, and plan reviews, are billed at the hourly rate  
 18 set in subdivision 3a.

19 Subd. 2. [FEE AMOUNTS; MASTERS AND PILOTS.] The  
 20 ~~commissioner shall, pursuant to section 16A.1285, set~~  
 21 ~~the~~ license and application fee for an examination of an  
 22 ~~applicant for a master's or pilot's license is \$50, for an or~~  
 23 \$20 if the applicant possesses a valid, unlimited, current  
 24 United States Coast Guard master's or pilot's license. The  
 25 annual renewal of a master's or a pilot's license, and for an is  
 26 \$20. The annual renewal if paid later than ten 30 days after  
 27 expiration is \$35. The fee for replacement of a current, valid  
 28 license is \$20.

29 Subd. 3. [BOILER AND PRESSURE VESSEL INSPECTION FEES.] The  
 30 fees for the annual inspection of boilers and biennial  
 31 inspection of pressure vessels are ~~to be set by the commissioner~~  
 32 ~~pursuant to section 16A.1285, for~~ as follows:

33 (a) (1) boiler inaccessible for internal inspection, \$55;

34 (b) (2) boiler accessible for internal inspection, \$55;

35 (c) (3) boiler internal inspection over 2,000 square feet  
 36 heating surface shall be billed at the hourly rate set in

1 subdivision 3a;

2 ~~(d) (4) boiler-internal-inspection-over-4,000-square-feet~~  
3 ~~heating-surface;~~

4 ~~(e)-boiler-internal-inspection-over-10,000-square-feet~~  
5 ~~heating-surface;~~

6 (f) boiler accessible for internal inspection requiring  
7 one-half day or more of inspection time shall be billed at the  
8 ~~established-shop-inspection-fee~~ hourly rate set in subdivision  
9 3a;

10 (g) (5) pressure vessel for internal inspection via manhole  
11 , \$35; and

12 (h) (6) pressure vessel inaccessible for internal  
13 inspection, \$35.

14 ~~An-additional-fee-based-on-the-scale-of-fees-applicable-to~~  
15 ~~an-inspection-shall-be-charged-when-it-is-necessary-to-make-a~~  
16 ~~special-trip-for-a-hydrostatic-test-of-a-boiler-or-pressure~~  
17 ~~vessel.~~

18 Subd. 3a. [HOURLY RATE.] The commissioner shall, pursuant  
19 to section 16A-1285, set shop inspection fees hourly rate for an  
20 inspection not set elsewhere in this chapter is \$80 per hour.

21 Inspection time includes all time related to the shop  
22 inspection. Travel time, billed at the hourly rate, and travel  
23 expenses shall be billed for shop inspections, triennial audits,  
24 boat stability tests, hydrostatic tests of a boiler or pressure  
25 vessel, or any other inspection or consultation requiring a  
26 special trip.

27 Subd. 4. [APPLICANTS BOILER ENGINEER LICENSE FEES.] The  
28 commissioner shall, pursuant to section 16A-1285, set the fee  
29 for an examination of an applicant For the following licenses,  
30 the nonrefundable license and application fee is:

31 (a) (1) chief engineer's license, \$50;

32 (b) (2) first class engineer's license, \$50;

33 (c) (3) second class engineer's license, \$50;

34 (d) (4) special engineer's license, \$20; and

35 (e) (5) traction or hobby boiler engineer's license, and,  
36 \$50.

1       ~~{f}-pilot's-license-~~  
 2       ~~If-an-applicant,-after-an-examination,-is-entitled-to~~  
 3 ~~receive-a-license,-it-shall-be-issued-without-the-payment-of-any~~  
 4 ~~additional-charge.--Any-license-so-issued-expires-one-year-after~~  
 5 ~~the-date-of-its-issuance.~~ An engineer's license may be renewed  
 6 upon application therefor and the payment of an annual renewal  
 7 fee ~~as-set-by-the-commissioner-pursuant-to-section-16A-1285~~ of  
 8 \$20. The annual renewal, if paid later than 30 days after  
 9 expiration, is \$35. The fee for replacement of a current, valid  
 10 license is \$20.

11       Subd. 6. [NATIONAL BOARD INSPECTORS.] The fee for an  
 12 examination of an applicant for a National Board of Boiler and  
 13 Pressure Vessels Inspectors commission ~~shall-be-set-by-the~~  
 14 ~~commissioner-pursuant-to-section-16A-1285~~ is \$100.

15       Subd. 7. [NUCLEAR ENDORSEMENT.] The fee for each  
 16 examination of an applicant for a National Board of Boiler and  
 17 Pressure Vessels commissioned inspectors nuclear endorsement  
 18 ~~shall-be-set-by-the-commissioner-pursuant-to-section-16A-1285~~ is  
 19 \$100.

20       Subd. 8. [CERTIFICATE OF COMPETENCY.] The fee for issuance  
 21 of the original state of Minnesota certificate of competency for  
 22 inspectors ~~shall-be-set-by-the-commissioner-pursuant-to-section~~  
 23 ~~16A-1285~~ is \$50. This fee is waived for inspectors who paid the  
 24 examination fee. The fee for an annual renewal of the state of  
 25 Minnesota certificate of competency ~~shall-be-set-by-the~~  
 26 ~~commissioner-pursuant-to-section-16A-1285~~ is \$35, and is due  
 27 January 1 of each year. The fee for replacement of a current,  
 28 valid license is \$35.

29       Subd. 9. [DEPOSIT OF FEES.] Fees received under this  
 30 section ~~and-section-183.57~~ must be deposited in the state  
 31 treasury and credited to the general fund.

32       Subd. 10. [BOILER AND PRESSURE VESSEL REGISTRATION  
 33 FEE.] The annual registration fee for boilers and pressure  
 34 vessels in use and required to be inspected per section 183.42  
 35 shall be \$10 per boiler and pressure vessel.

36       Sec. 46. Minnesota Statutes 2004, section 183.57, is

1 amended to read:

2 183.57 [REPORT OF INSURER; EXEMPTION FROM INSPECTION.]

3 Subdivision 1. [REPORT REQUIRED.] Any insurance company  
4 insuring boilers and pressure vessels in this state shall make-a  
5 written file a report thereof showing the date of inspection,  
6 the name of the person making the inspection, the condition of  
7 the boiler or pressure vessel as disclosed by the inspection,  
8 whether the same-is boiler was operated by a properly licensed  
9 engineer, and whether a policy of insurance has been issued by  
10 the company with reference to the boiler or pressure vessel, and  
11 other information as directed by the chief boiler inspector.

12 Within ~~±5~~ 21 days after the inspection, the insurance company  
13 shall ~~mail-a-copy-of~~ file the report ~~to~~ with the chief boiler  
14 inspector ~~and~~ or designee. The insurer shall provide a copy of  
15 the report to the person, firm, or corporation owning or  
16 operating the inspected boiler or pressure vessel inspected.  
17 Such report shall be made annually for boilers and biennially  
18 for pressure vessels.

19 Subd. 2. [EXEMPTION.] Every boiler or pressure vessel as  
20 to which any insurance company authorized to do business in this  
21 state has issued a policy of insurance, after the inspection  
22 thereof, is exempt from inspection by the department made under  
23 sections 183.375 to 183.62, while the same continues to be  
24 insured and provided it continues to be inspected in accordance  
25 with the inspection schedule set forth in sections 183.42 and  
26 183.45, and the person, firm, or corporation owning or operating  
27 the same has an unexpired certificate of ~~exemption-from~~  
28 ~~inspection, issued-by-the-chief-boiler~~  
29 ~~inspector~~ registration. ~~The-fee-set-by-the-commissioner~~  
30 ~~pursuant-to-section-16A-1285, on-the-first-object-inspected-and~~  
31 ~~on-each-object-thereafter-shall-apply-to-each-exempt-object.--A~~  
32 ~~certificate-of-exemption-expires-one-year-from-date-of-issue.~~  
33 ~~The-certificate-of-exemption-shall-be-posted-in-a-conspicuous~~  
34 ~~place-near-the-boiler-or-pressure-vessel-or-in-the-plant-office~~  
35 ~~or-boiler-room-described-therein-and-to-which-it-relates.--Every~~  
36 ~~insurance-company-shall-give-written-notice-to-the-chief-boiler~~

1 ~~inspector-of-the-cancellation-or-expiration-of-every-policy-of~~  
2 ~~insurance-issued-by-it-with-reference-to-policies-in-this-state,~~  
3 ~~and-the-cause-or-reason-for-the-cancellation-or-expiration-~~  
4 ~~These-notices-of-cancellation-or-expiration-shall-show-the-date~~  
5 ~~of-the-policy-and-the-date-when-the-cancellation-has-or-will~~  
6 ~~become-effective.~~

7 ~~Subd. 4. [CERTIFICATE OF EXEMPTION.] The Division of~~  
8 ~~Boiler Inspection may issue a billing and exemption certificate~~  
9 ~~for each boiler and pressure vessel which the division records~~  
10 ~~indicate shall be or has been inspected by an insurance company~~  
11 ~~which is providing coverage for the boilers and pressure~~  
12 ~~vessels. The division may determine the monthly schedule of the~~  
13 ~~billings to be followed for each business insured.~~

14 Subd. 5. [NOTICE OF INSURANCE COVERAGE.] The insurer shall  
15 notify the commissioner or designee in writing of its policy to  
16 insure and inspect boilers and pressure vessels at a location  
17 within 30 days of the effective date of insurance coverage,  
18 including binders. The insurer must also provide a duplicate of  
19 the notification to the insured.

20 Subd. 6. [NOTICE OF DISCONTINUED COVERAGE.] The insurer  
21 shall notify the commissioner or designee in writing, within 30  
22 days of the effective date, of the discontinuation of insurance  
23 coverage of the boilers and pressure vessels at a location and  
24 the cause or reason for the discontinuation. This notice shall  
25 show the effective date when the discontinued policy takes  
26 effect.

27 Subd. 7. [PENALTIES.] The commissioner shall assess upon  
28 the insurer a \$50 penalty, per applicable boiler and pressure  
29 vessel, for failing to submit an inspection report or notify the  
30 commissioner of insurance coverage or discontinuation of  
31 insurance coverage as set forth in this section. The  
32 commissioner shall assess upon the insurer a penalty of \$100,  
33 per applicable boiler and pressure vessel, for failing to  
34 conduct the required in-service inspection within 120 days after  
35 the inspection was due in accordance with section 183.42.

36 Sec. 47. Minnesota Statutes 2004, section 216B.2424,

1 subdivision 1, is amended to read:

2 Subdivision 1. [FARM-GROWN CLOSED-LOOP BIOMASS.] (a) For  
3 the purposes of this section, "farm-grown closed-loop biomass"  
4 means biomass, as defined in section 216C.051, subdivision 7,  
5 that:

6 (1) is intentionally cultivated, harvested, and prepared  
7 for use, in whole or in part, as a fuel for the generation of  
8 electricity;

9 (2) when combusted, releases an amount of carbon dioxide  
10 that is less than or approximately equal to the carbon dioxide  
11 absorbed by the biomass fuel during its growing cycle; and

12 (3) is fired in a new or substantially retrofitted electric  
13 generating facility that is:

14 (i) located within 400 miles of the site of the biomass  
15 production; and

16 (ii) designed to use biomass to meet at least 75 percent of  
17 its fuel requirements.

18 (b) The legislature finds that the negative environmental  
19 impacts within 400 miles of the facility resulting from  
20 transporting and combusting the biomass are offset in that  
21 region by the environmental benefits to air, soil, and water of  
22 the biomass production.

23 (c) Among the biomass fuel sources that meet the  
24 requirements of paragraph (a), ~~elase~~ clauses (1) and (2) are  
25 poplar, aspen, willow, switch grass, sorghum, alfalfa, and  
26 cultivated prairie grass and sustainably managed woody biomass.

27 (d) For the purpose of this section, "sustainably managed  
28 woody biomass" means:

29 (1) brush, trees, and other biomass harvested from within  
30 designated utility, railroad, and road rights-of-way;

31 (2) upland and lowland brush harvested from lands  
32 incorporated into brushland habitat management activities of the  
33 Minnesota Department of Natural Resources;

34 (3) upland and lowland brush harvested from lands managed  
35 in accordance with Minnesota Department of Natural Resources  
36 "Best Management Practices for Managing Brushlands";

1       (4) logging slash or waste wood that is created by harvest,  
2 precommercial timber stand improvement to meet silvicultural  
3 objectives, or by fire, disease, or insect control treatments,  
4 and that is managed in compliance with the Minnesota Forest  
5 Resources Council's "Sustaining Minnesota Forest Resources:  
6 Voluntary Site-Level Forest Management Guidelines for  
7 Landowners, Loggers and Resource Managers" as modified by the  
8 requirement of this subdivision; and

9       (5) trees or parts of trees that do not meet the  
10 utilization standards for pulpwood, posts, bolts, or sawtimber  
11 as described in the Minnesota Department of Natural Resources  
12 Division of Forestry Timber Sales Manual, 1998, as amended as of  
13 May 1, 2005, and the Minnesota Department of Natural Resources  
14 Timber Scaling Manual, 1981, as amended as of May 1, 2005,  
15 except as provided in paragraph (a), clause (1), and this  
16 paragraph, clauses (1) to (3).

17       Sec. 48. Minnesota Statutes 2004, section 216B.2424, is  
18 amended by adding a subdivision to read:

19       Subd. 1a. [MUNICIPAL WASTE-TO-ENERGY PROJECT.] (a) This  
20 subdivision applies only to a biomass project owned or  
21 controlled, directly or indirectly, by two municipal utilities  
22 as described in subdivision 5a, paragraph (b).

23       (b) Woody biomass from state-owned land must be harvested  
24 in compliance with an adopted management plan and a program of  
25 ecologically based third-party certification.

26       (c) The project must prepare a fuel plan on an annual basis  
27 after commercial operation of the project as described in the  
28 power contract between the project and the public utility, and  
29 must also prepare annually certificates reflecting the types of  
30 fuel used in the preceding year by the project, as described in  
31 the power contract. The fuel plans and certificates shall also  
32 be filed with the Minnesota Department of Natural Resources and  
33 the Minnesota Department of Commerce within 30 days after being  
34 provided to the public utility, as provided by the power  
35 contract. Any person who believes the fuel plans, as amended,  
36 and certificates show that the project does not or will not

1 comply with the fuel requirements of this subdivision may file a  
2 petition with the commission seeking such a determination.

3 (d) The wood procurement process must utilize third-party  
4 audit certification systems to verify that applicable best  
5 management practices were utilized in the procurement of the  
6 sustainably managed biomass. If there is a failure to so verify  
7 in any two consecutive years during the original contract term,  
8 the farm-grown closed-loop biomass requirements of subdivision 2  
9 must be increased to 50 percent for the remaining contract term  
10 period; however, if in two consecutive subsequent years after  
11 the increase has been implemented, it is verified that the  
12 conditions in this subdivision have been met, then for the  
13 remaining original contract term the closed-loop biomass mandate  
14 reverts to 25 percent. If there is a subsequent failure to  
15 verify in a year after the first failure and implementation of  
16 the 50 percent requirement, then the closed-loop percentage  
17 shall remain at 50 percent for each remaining year of the  
18 contract term.

19 (e) In the closed-loop plantation, no transgenic plants may  
20 be used.

21 (f) No wood may be harvested from any lands identified by  
22 the final or preliminary Minnesota County Biological Survey as  
23 having statewide significance as native plant communities, large  
24 populations or concentrations of rare species, or critical  
25 animal habitat.

26 (g) A wood procurement plan must be prepared every five  
27 years and public meetings must be held and written comments  
28 taken on the plan and documentation must be provided on why or  
29 why not the public inputs were used.

30 (h) Guidelines or best management practices for sustainably  
31 managed woody biomass must be adopted by:

32 (1) the Minnesota Department of Natural Resources for  
33 managing and maintaining brushland and open land habitat on  
34 public and private lands, including, but not limited to,  
35 provisions of sections 84.941, 84.942, and 97A.125; and

36 (2) the Minnesota Forest Resources Council for logging

1 slash, using the most recent available scientific information  
2 regarding the removal of woody biomass from forest lands, to  
3 sustain the management of forest resources as defined by section  
4 89.001, subdivisions 8 and 9, with particular attention to soil  
5 productivity, biological diversity as defined by section 89A.01,  
6 subdivision 3, and wildlife habitat.

7 These guidelines must be completed by July 1, 2007, and the  
8 process of developing them must incorporate public notification  
9 and comment.

10 (i) The University of Minnesota Initiative for Renewable  
11 Energy and the Environment is encouraged to solicit and fund  
12 high-quality research projects to develop and consolidate  
13 scientific information regarding the removal of woody biomass  
14 from forest and brush lands, with particular attention to the  
15 environmental impacts on soil productivity, biological  
16 diversity, and sequestration of carbon. The results of this  
17 research shall be made available to the public.

18 (j) The two utilities owning or controlling, directly or  
19 indirectly, the biomass project described in subdivision 5a,  
20 paragraph (b), shall fund or obtain funding from nonstate  
21 sources of up to \$150,000 to complete the guidelines or best  
22 management practices described in paragraph (h). The  
23 expenditures to be funded under this paragraph do not include  
24 any of the expenditures to be funded under paragraph (i).

25 Sec. 49. Minnesota Statutes 2004, section 216B.2424,  
26 subdivision 2, is amended to read:

27 Subd. 2. [INTERIM EXEMPTION.] (a) A biomass project  
28 proposing to use, as its primary fuel over the life of the  
29 project, short-rotation woody crops, may use as an interim fuel  
30 agricultural waste and other biomass which is not farm-grown  
31 closed-loop biomass for up to six years after the project's  
32 electric generating facility becomes operational; provided, the  
33 project developer demonstrates the project will use the  
34 designated short-rotation woody crops as its primary fuel after  
35 the interim period and provided the location of the interim fuel  
36 production meets the requirements of subdivision 1, paragraph

1 (a), clause (3).

2 (b) A biomass project proposing to use, as its primary fuel  
3 over the life of the project, short-rotation woody crops, may  
4 use as an interim fuel agricultural waste and other biomass  
5 which is not farm-grown closed-loop biomass for up to three  
6 years after the project's electric generating facility becomes  
7 operational; provided, the project developer demonstrates the  
8 project will use the designated short-rotation woody crops as  
9 its primary fuel after the interim period.

10 (c) A biomass project that uses an interim fuel under the  
11 terms of paragraph (b) may, in addition, use an interim fuel  
12 under the terms of paragraph (a) for six years less the number  
13 of years that an interim fuel was used under paragraph (b).

14 (d) A project developer proposing to use an exempt interim  
15 fuel under paragraphs (a) and (b) must demonstrate to the public  
16 utility that the project will have an adequate supply of  
17 short-rotation woody crops which meet the requirements of  
18 subdivision 1 to fuel the project after the interim period.

19 (e) If a biomass project using an interim fuel under this  
20 subdivision is or becomes owned or controlled, directly or  
21 indirectly, by two municipal utilities as described in  
22 subdivision 5a, paragraph (b), the project is deemed to comply  
23 with the requirement under this subdivision to use farm-grown  
24 closed-loop biomass as its primary fuel if farm-grown  
25 closed-loop biomass comprises no less than 25 percent of the  
26 fuel used over the life of the project. For purposes of this  
27 subdivision, "life of the project" means 20 years from the date  
28 the project becomes operational or the term of the applicable  
29 power purchase agreement between the project owner and the  
30 public utility, whichever is longer.

31 Sec. 50. Minnesota Statutes 2004, section 216B.2424,  
32 subdivision 5a, is amended to read:

33 Subd. 5a. [REDUCTION OF BIOMASS MANDATE.] (a)  
34 Notwithstanding subdivision 5, the biomass electric energy  
35 mandate ~~shall~~ must be reduced from 125 megawatts to 110  
36 megawatts.

1 (b) The Public Utilities Commission shall approve a request  
2 pending before the ~~Public-Utilities~~ commission as of May 15,  
3 2003, for ~~an-amendment~~ amendments to and assignment of a  
4 ~~contract-for-power-from~~ power purchase agreement with the owner  
5 of a facility that uses short-rotation, woody crops as its  
6 primary fuel previously approved to satisfy a portion of the  
7 biomass mandate if the ~~developer~~ owner of the project agrees to  
8 reduce the size of its project from 50 megawatts to 35  
9 megawatts, while maintaining a an average price for energy ~~at-or~~  
10 below-the-current-contract-price- in nominal dollars measured  
11 over the term of the power purchase agreement at or below \$104  
12 per megawatt-hour, exclusive of any price adjustments that may  
13 take effect subsequent to commission approval of the power  
14 purchase agreement, as amended. The commission shall also  
15 approve, as necessary, any subsequent assignment or sale of the  
16 power purchase agreement or ownership of the project to an  
17 entity owned or controlled, directly or indirectly, by two  
18 municipal utilities located north of Constitutional Route No. 8,  
19 as described in section 161.114, which currently own electric  
20 and steam generation facilities using coal as a fuel and which  
21 propose to retrofit their existing municipal electrical  
22 generating facilities to utilize biomass fuels in order to  
23 perform the power purchase agreement.

24 (c) If the power purchase agreement described in paragraph  
25 (b) is assigned to an entity that is, or becomes, owned or  
26 controlled, directly or indirectly, by two municipal entities as  
27 described in paragraph (b), and the power purchase agreement  
28 meets the price requirements of paragraph (b), the commission  
29 shall approve any amendments to the power purchase agreement  
30 necessary to reflect the changes in project location and  
31 ownership and any other amendments made necessary by those  
32 changes. The commission shall also specifically find that:

33 (1) the power purchase agreement complies with and fully  
34 satisfies the provisions of this section to the full extent of  
35 its 35-megawatt capacity;

36 (2) all costs incurred by the public utility and all

1 amounts to be paid by the public utility to the project owner  
2 under the terms of the power purchase agreement are fully  
3 recoverable pursuant to section 216B.1645;

4 (3) subject to prudence review by the commission, the  
5 public utility may recover from its Minnesota retail customers  
6 the Minnesota jurisdictional portion of the amounts that may be  
7 incurred and paid by the public utility during the full term of  
8 the power purchase agreement; and

9 (4) if the purchase power agreement meets the requirements  
10 of this subdivision, it is reasonable and in the public interest.

11 (d) The commission shall specifically approve recovery by  
12 the public utility of any and all Minnesota jurisdictional costs  
13 incurred by the public utility to improve, construct, install,  
14 or upgrade transmission, distribution, or other electrical  
15 facilities owned by the public utility or other persons in order  
16 to permit interconnection of the retrofitted biomass-fueled  
17 generating facilities or to obtain transmission service for the  
18 energy provided by the facilities to the public utility pursuant  
19 to section 216B.1645, and shall disapprove any provision in the  
20 power purchase agreement that requires the developer or owner of  
21 the project to pay the jurisdictional costs or that permit the  
22 public utility to terminate the power purchase agreement as a  
23 result of the existence of those costs or the public utility's  
24 obligation to pay any or all of those costs.

25 Sec. 51. Minnesota Statutes 2004, section 216B.2424,  
26 subdivision 6, is amended to read:

27 Subd. 6. [REMAINING MEGAWATT COMPLIANCE PROCESS.] (a) If  
28 there remain megawatts of biomass power generating capacity to  
29 fulfill the mandate in subdivision 5 after the commission has  
30 taken final action on all contracts filed by September 1, 2000,  
31 by a public utility, as amended and assigned, this subdivision  
32 governs final compliance with the biomass energy mandate in  
33 subdivision 5 subject to the requirements of subdivisions 7 and  
34 8.

35 (b) To the extent not inconsistent with this subdivision,  
36 the provisions of subdivisions 2, 3, 4, and 5 apply to proposals

1 subject to this subdivision.

2 (c) A public utility must submit proposals to the  
3 commission to complete the biomass mandate. The commission  
4 shall require a public utility subject to this section to issue  
5 a request for competitive proposals for projects for electric  
6 generation utilizing biomass as defined in paragraph (f) of this  
7 subdivision to provide the remaining megawatts of the mandate.  
8 The commission shall set an expedited schedule for submission of  
9 proposals to the utility, selection by the utility of proposals  
10 or projects, negotiation of contracts, and review by the  
11 commission of the contracts or projects submitted by the utility  
12 to the commission.

13 (d) Notwithstanding the provisions of subdivisions 1 to 5  
14 but subject to the provisions of subdivisions 7 and 8, a new or  
15 existing facility proposed under this subdivision that is fueled  
16 either by biomass or by co-firing biomass with nonbiomass may  
17 satisfy the mandate in this section. Such a facility need not  
18 use biomass that complies with the definition in subdivision 1  
19 if it uses biomass as defined in paragraph (f) of this  
20 subdivision. Generating capacity produced by co-firing of  
21 biomass that is operational as of April 25, 2000, does not meet  
22 the requirements of the mandate, except that additional  
23 co-firing capacity added at an existing facility after April 25,  
24 2000, may be used to satisfy this mandate. Only the number of  
25 megawatts of capacity at a facility which co-fires biomass that  
26 are directly attributable to the biomass and that become  
27 operational after April 25, 2000, count toward meeting the  
28 biomass mandate in this section.

29 (e) Nothing in this subdivision precludes a facility  
30 proposed and approved under this subdivision from using fuel  
31 sources that are not biomass in compliance with subdivision 3.

32 (f) Notwithstanding the provisions of subdivision 1, for  
33 proposals subject to this subdivision, "biomass" includes  
34 farm-grown closed-loop biomass; agricultural wastes, including  
35 animal, poultry, and plant wastes; and waste wood, including  
36 chipped wood, bark, brush, residue wood, and sawdust.

1 (g) Nothing in this subdivision affects in any way  
2 contracts entered into as of April 25, 2000, to satisfy the  
3 mandate in subdivision 5.

4 (h) Nothing in this subdivision requires a public utility  
5 to retrofit its own power plants for the purpose of co-firing  
6 biomass fuel, nor is a utility prohibited from retrofitting its  
7 own power plants for the purpose of co-firing biomass fuel to  
8 meet the requirements of this subdivision.

9 Sec. 52. Minnesota Statutes 2004, section 216B.2424,  
10 subdivision 8, is amended to read:

11 Subd. 8. [AGRICULTURAL BIOMASS REQUIREMENT.] Of the 125  
12 megawatts mandated in subdivision 5, or 110 megawatts mandated  
13 in subdivision 5a, at least 75 megawatts of the generating  
14 capacity must be generated by facilities that use agricultural  
15 biomass as the principal fuel source. For purposes of this  
16 subdivision, agricultural biomass includes only farm-grown  
17 closed-loop biomass and agricultural waste, including animal,  
18 poultry, and plant wastes. For purposes of this subdivision,  
19 "principal fuel source" means a fuel source that satisfies at  
20 least 75 percent of the fuel requirements of an electric power  
21 generating facility. Nothing in this subdivision is intended to  
22 expand the fuel source requirements of subdivision 5.

23 Sec. 53. [219.552] [OBSTRUCTING TREATMENT OF INJURED  
24 WORKER.]

25 It is unlawful for a railroad company or person employed by  
26 a railroad company to:

27 (1) deny, delay, or interfere with medical treatment or  
28 first aid treatment to an employee of a railroad who has been  
29 injured during employment; or

30 (2) discipline or threaten to discipline an employee who  
31 has been injured during employment for requesting medical  
32 treatment or first aid treatment.

33 Sec. 54. [219.553] [ENFORCEMENT.]

34 Subdivision 1. [PENALTY.] A person who believes that the  
35 person has been affected by a violation of section 1 may file a  
36 complaint with the commissioner of labor and industry who shall

1 refer it to the Office of Administrative Hearings for  
2 consideration as a contested case. Upon finding a violation,  
3 the administrative law judge may assess a penalty to the  
4 violating railroad company of up to \$10,000 for a violation of  
5 section 219.552. In determining the amount of the penalty, the  
6 administrative law judge shall consider those factors that must  
7 be considered in determining a monetary penalty under section  
8 221.036, subdivision 3. The contents of the order must include  
9 the provisions specified in section 221.036, subdivision 4.

10 Subd. 2. [ADMINISTRATIVE HEARING OR JUDICIAL REVIEW.] A  
11 railroad company against which a penalty is imposed under  
12 subdivision 1 may request judicial review in district court.  
13 Judicial review under this subdivision is as provided in section  
14 221.036, subdivision 8.

15 Subd. 3. [ENFORCEMENT OF PENALTY.] A penalty ordered under  
16 subdivision 1 and due and payable under this section may be  
17 enforced by the attorney general in the manner provided under  
18 section 221.036, subdivision 11.

19 Sec. 55. Minnesota Statutes 2004, section 237.11, is  
20 amended to read:

21 237.11 [INSPECTING RECORDS AND PROPERTY; REPORTS REQUIRED.]

22 Every telephone company subject to the provisions of this  
23 chapter, wherever organized, shall keep an office in this state,  
24 and make such reports to the department as it shall from time to  
25 time require. All books, records, and files, whether they  
26 relate to competitive or noncompetitive services, and all of its  
27 property shall be at all times subject to inspection by the  
28 commission and the department. It shall close its accounts and  
29 take therefrom a balance sheet on December 31 of each year, and  
30 on or before May 1 following, such balance sheet, together with  
31 such other information as the department shall require, verified  
32 by an officer of the telephone company, shall be filed with the  
33 commission and the department, except that a telephone company,  
34 competitive local exchange carrier, or independent telephone  
35 company is only required to file an annual report that includes  
36 the company's name, contact person, annual revenue, and status

1 of it 911 update plan.

2 In the event that any telephone company shall fail to file  
3 its annual report, as provided by this section, the department  
4 is authorized to make such an examination of the books, records,  
5 and vouchers of the company as is necessary to procure the  
6 necessary data for the annual report and cause the same to be  
7 prepared. The expense of procuring this data and preparing this  
8 report shall be paid by the telephone company failing to report,  
9 and the amount paid shall be credited by the commissioner of  
10 finance to funds appropriated for the expense of the department.

11 The department is authorized to force collection of such  
12 sum by an action at law in the name of the department.

13 Sec. 56. Minnesota Statutes 2004, section 237.295,  
14 subdivision 1, is amended to read:

15 Subdivision 1. [~~PAYMENT-FOR-INVESTIGATION FILING FEE FOR~~  
16 ~~NEW AUTHORITY.~~] (a)-Whenever-the-department-or-commissioner,-in-a  
17 proceeding-upon-its-own-motion,-on-complaint,-or-upon-an  
18 application-to-it,-considers-it-necessary,-in-order-to-carry-out  
19 the-duties-imposed-on-it,-to-investigate-the-books,-accounts,  
20 practices,-and-activities-of-any-company,-parties-to-the  
21 proceeding-shall-pay-the-expenses-reasonably-attributable-to-the  
22 proceeding.--The-department-and-commissioner-shall-ascertain-the  
23 expenses,-and-the-department-shall-render-a-bill-for-these  
24 expenses-to-the-parties,-at-the-conclusion-of-the-proceeding.  
25 The-department-is-authorized-to-submit-billings-to-parties-at  
26 intervals-selected-by-the-department-during-the-course-of-a  
27 proceeding.

28 (b)-The-allocation-of-costs-may-be-adjusted-for-cause-by  
29 the-commissioner-during-the-course-of-the-proceeding,-or-upon-the  
30 closing-of-the-docket-and-issuance-of-an-order.--In-addition-to  
31 the-rights-granted-in-subdivision-3,-parties-to-a-proceeding-may  
32 object-to-the-allocation-at-any-time-during-the-proceeding.  
33 Withdrawal-by-a-party-to-a-proceeding-does-not-absolve-the-party  
34 from-paying-allocated-costs-as-determined-by-the-commissioner.  
35 The-commissioner-may-decide-that-a-party-should-not-pay-any  
36 allocated-costs-of-the-proceeding.

1       ~~(c)-The bill constitutes notice of the assessment and a~~  
2 ~~demand for payment. The amount of the bills assessed by the~~  
3 ~~department under this subdivision must be paid by the parties~~  
4 ~~into the state treasury within 30 days from the date of~~  
5 ~~assessment. The total amount, in a calendar year, for which a~~  
6 ~~telephone company may become liable, by reason of costs incurred~~  
7 ~~by the department and commission within that calendar year, may~~  
8 ~~not exceed two fifths of one percent of the gross jurisdictional~~  
9 ~~operating revenue of the telephone company in the last preceding~~  
10 ~~calendar year. Direct charges may be assessed without regard to~~  
11 ~~this limitation until the gross jurisdictional operating revenue~~  
12 ~~of the telephone company for the preceding calendar year has~~  
13 ~~been reported for the first time. Where, under this~~  
14 ~~subdivision, costs are incurred within a calendar year that are~~  
15 ~~in excess of two fifths of one percent of the gross~~  
16 ~~jurisdictional operating revenues, the excess costs are not~~  
17 ~~chargeable as part of the remainder under subdivision 2.~~

18       ~~(d)-Except as otherwise provided in paragraph (c), for~~  
19 ~~purposes of assessing the cost of a proceeding to a party,~~  
20 ~~"party" means any entity or group subject to the laws and rules~~  
21 ~~of this state, however organized, whether public or private,~~  
22 ~~whether domestic or foreign, whether for profit or nonprofit,~~  
23 ~~and whether natural, corporate, or political, such as a business~~  
24 ~~or commercial enterprise organized as any type or combination of~~  
25 ~~corporation, limited liability company, partnership, limited~~  
26 ~~liability partnership, proprietorship, association, cooperative,~~  
27 ~~joint venture, carrier, or utility, and any successor or~~  
28 ~~assignee of any of them, a social or charitable organization,~~  
29 ~~and any type or combination of political subdivision, which~~  
30 ~~includes the executive, judicial, or legislative branch of the~~  
31 ~~state, a local government unit, an agency of the state or a~~  
32 ~~local government unit, or a combination of any of them.~~

33       ~~(e)-For assessment and billing purposes, "party" does not~~  
34 ~~include the Department of Commerce or the Residential Utilities~~  
35 ~~Division of the Office of Attorney General, any entity or group~~  
36 ~~instituted primarily for the purpose of mutual help and not~~

~~1 conducted-for-profit,-intervenor-awarded-compensation-under~~  
~~2 section-237.075,-subdivision-10,-or-any-individual-or-group-or~~  
~~3 counsel-for-the-individual-or-group-representing-the-interests~~  
~~4 of-end-users-or-classes-of-end-users-of-services-provided-by~~  
~~5 telephone-companies-or-telecommunications-carriers,-as~~  
6 determined-by-the-commission An application for a new authority  
7 must be accompanied by a payment not to exceed \$2,000 as  
8 determined by the Public Utilities Commission. This fee will be  
9 reviewed annually and adjusted accordingly.

10 Sec. 57. Minnesota Statutes 2004, section 237.295,  
11 subdivision 2, is amended to read:

12 Subd. 2. [ASSESSMENT OF COSTS.] The department and  
13 commission shall quarterly, at least 30 days before the start of  
14 each quarter, estimate the total of their expenditures in the  
15 performance of their duties relating to telephone companies,  
16 other than amounts chargeable to telephone companies under  
17 subdivision 1, 5, or 6. The remainder must be assessed by the  
18 department to the telephone companies operating in this state in  
19 proportion to their respective gross jurisdictional operating  
20 revenues during the last calendar year. The assessment must be  
21 paid into the state treasury within 30 days after the bill has  
22 been mailed to the telephone companies. The bill constitutes  
23 notice of the assessment and demand of payment. The total  
24 amount that may be assessed to the telephone companies under  
25 this subdivision may not exceed ~~one-eighth~~ three-eighths of one  
26 percent of the total gross jurisdictional operating revenues  
27 during the calendar year. The assessment for the third quarter  
28 of each fiscal year must be adjusted to compensate for the  
29 amount by which actual expenditures by the commission and  
30 department for the preceding fiscal year were more or less than  
31 the estimated expenditures previously assessed. A telephone  
32 company with gross jurisdictional operating revenues of less  
33 than \$5,000 is exempt from assessments under this subdivision.

34 Sec. 58. [237.491] [COMBINED PER NUMBER FEE.]

35 Subdivision 1. [DEFINITIONS.] (a) The definitions in this  
36 subdivision apply to this section.

1 (b) "911 emergency and public safety communications program"  
2 means the program governed by chapter 403.

3 (c) "Minnesota telephone number" means a ten-digit  
4 telephone number being used to connect to the public switched  
5 telephone network and starting with area code 218, 320, 507,  
6 612, 651, 763, or 952, or any subsequent area code assigned to  
7 this state.

8 (d) "Service provider" means a provider doing business in  
9 this state who provides real time, two-way voice service with a  
10 Minnesota telephone number.

11 (e) "Telecommunications access Minnesota program" means the  
12 program governed by sections 237.50 to 237.55.

13 (f) "Telephone assistance program" means the program  
14 governed by sections 237.69 to 237.711.

15 Subd. 2. [PER NUMBER FEE.] (a) By January 15, 2006, the  
16 commissioner of commerce shall report to the legislature and to  
17 the senate Committee on Jobs, Energy, and Community Development  
18 and the house Committee on Regulated Industries, recommendations  
19 for the amount of and method for assessing a fee that would  
20 apply to each service provider based upon the number of  
21 Minnesota telephone numbers in use by current customers of the  
22 service provider. The fee would be set at a level calculated to  
23 generate only the amount of revenue necessary to fund:

24 (1) the telephone assistance program and the  
25 telecommunications access Minnesota program at the levels  
26 established by the commission under sections 237.52, subdivision  
27 2, and 237.70; and

28 (2) the 911 emergency and public safety communications  
29 program at the levels appropriated by law to the commissioner of  
30 public safety and the commissioner of finance for purposes of  
31 sections 403.11, 403.113, 403.27, 403.30, and 403.31 for each  
32 fiscal year.

33 (b) The recommendations must include any changes to  
34 Minnesota Statutes necessary to establish the procedures whereby  
35 each service provider, to the extent allowed under federal law,  
36 would collect and remit the fee proceeds to the commissioner of

1 revenue. The commissioner of revenue would allocate the fee  
2 proceeds to the three funding areas in paragraph (a) and credit  
3 the allocations to the appropriate accounts.

4 (c) The recommendations must be designed to allow the  
5 combined per telephone number fee to be collected beginning July  
6 1, 2006. The per access line fee used to collect revenues to  
7 support the TAP, TAM, and 911 programs remains in effect until  
8 the statutory changes necessary to implement the per telephone  
9 number fee have become effective.

10 (d) As part of the process of developing the  
11 recommendations and preparing the report to the legislature  
12 required under paragraph (a), the commissioner of commerce must,  
13 at a minimum, consult regularly with the Departments of Public  
14 Safety, Finance, and Administration, the Public Utilities  
15 Commission, service providers, the chairs and ranking minority  
16 members of the senate and house committees, subcommittees, and  
17 divisions having jurisdiction over telecommunications and public  
18 safety, and other affected parties.

19 Sec. 59. Minnesota Statutes 2004, section 237.701,  
20 subdivision 1, is amended to read:

21 Subdivision 1. [FUND CREATED; AUTHORIZED EXPENDITURES.]  
22 The telephone assistance fund is created as a separate account  
23 in the state treasury to consist of amounts received by the  
24 commissioner of public safety representing the surcharge  
25 authorized by section 237.70, subdivision 6, and amounts earned  
26 on the fund assets. Money in the fund may be used only for:

27 (1) reimbursement to local service providers for expenses  
28 and credits allowed in section 237.70, subdivision 7, paragraph  
29 (d), clause (5);

30 (2) reimbursement of the reasonable administrative expenses  
31 of the commission ~~not to exceed \$25,000 annually~~, a portion of  
32 which may be used for periodic promotional activities,  
33 including, but not limited to, radio or newspaper  
34 advertisements, to inform eligible households of the  
35 availability of the telephone assistance program; and

36 (3) reimbursement of the statewide indirect cost of the

1 commission.

2 Sec. 60. Minnesota Statutes 2004, section 239.011,  
3 subdivision 2, is amended to read:

4 Subd. 2. [DUTIES AND POWERS.] To carry out the  
5 responsibilities in section 239.01 and subdivision 1, the  
6 director:

7 (1) shall take charge of, keep, and maintain in good order  
8 the standard of weights and measures of the state and keep a  
9 seal so formed as to impress, when appropriate, the letters  
10 "MINN" and the date of sealing upon the weights and measures  
11 that are sealed;

12 (2) has general supervision of the weights, measures, and  
13 weighing and measuring devices offered for sale, sold, or in use  
14 in the state;

15 (3) shall maintain traceability of the state standards to  
16 the national standards of the National Institute of Standards  
17 and Technology;

18 (4) shall enforce this chapter;

19 (5) shall grant variances from department rules, within the  
20 limits set by rule, when appropriate to maintain good commercial  
21 practices or when enforcement of the rules would cause undue  
22 hardship;

23 (6) shall conduct investigations to ensure compliance with  
24 this chapter;

25 (7) may delegate to division personnel the  
26 responsibilities, duties, and powers contained in this section;

27 (8) shall test annually, and approve when found to be  
28 correct, the standards of weights and measures used by the  
29 division, by a town, statutory or home rule charter city, or  
30 county within the state, or by a person using standards to  
31 repair, adjust, or calibrate commercial weights and measures;

32 (9) shall inspect and test weights and measures kept,  
33 offered, or exposed for sale;

34 (10) shall inspect and test, to ascertain if they are  
35 correct, weights and measures commercially used to:

36 (i) determine the weight, measure, or count of commodities

1 or things sold, offered, or exposed for sale, on the basis of  
2 weight, measure, or count; and

3 (ii) compute the basic charge or payment for services  
4 rendered on the basis of weight, measure, or count;

5 (11) shall approve for use and mark weights and measures  
6 that are found to be correct;

7 (12) shall reject, and mark as rejected, weights and  
8 measures that are found to be incorrect and may seize them if  
9 those weights and measures:

10 (i) are not corrected within the time specified by the  
11 director;

12 (ii) are used or disposed of in a manner not specifically  
13 authorized by the director; or

14 (iii) are found to be both incorrect and not capable of  
15 being made correct, in which case the director shall condemn  
16 those weights and measures;

17 (13) shall weigh, measure, or inspect packaged commodities  
18 kept, offered, or exposed for sale, sold, or in the process of  
19 delivery, to determine whether they contain the amount  
20 represented and whether they are kept, offered, or exposed for  
21 sale in accordance with this chapter and department rules. In  
22 carrying out this section, the director must employ recognized  
23 sampling procedures, such as those contained in National  
24 Institute of Standards and Technology Handbook 133, "Checking  
25 the Net Contents of Packaged Goods";

26 (14) shall prescribe the appropriate term or unit of weight  
27 or measure to be used for a specific commodity when an existing  
28 term or declaration of quantity does not facilitate value  
29 comparisons by consumers, or creates an opportunity for consumer  
30 confusion;

31 (15) shall allow reasonable variations from the stated  
32 quantity of contents, including variations caused by loss or  
33 gain of moisture during the course of good distribution practice  
34 or by unavoidable deviations in good manufacturing practice,  
35 only after the commodity has entered commerce within the state;

36 (16) shall inspect and test petroleum products in

1 accordance with this chapter and chapter 296A;

2 (17) shall distribute and post notices for used motor oil  
3 and used motor oil filters and lead acid battery recycling in  
4 accordance with sections 239.54, 325E.11, and 325E.115;

5 (18) shall collect inspection fees in accordance with  
6 sections 239.10 and 239.101; and

7 (19) shall provide metrological services and support to  
8 businesses and individuals in the United States who wish to  
9 market products and services in the member nations of the  
10 European Economic Community, and other nations outside of the  
11 United States by:

12 (i) meeting, to the extent practicable, the measurement  
13 quality assurance standards described in the International  
14 Standards Organization ISO 90007-Guide-25 17025;

15 (ii) maintaining, to the extent practicable, certification  
16 of the metrology laboratory by ~~a governing body appointed by the~~  
17 ~~European Economic Community~~ an internationally accepted  
18 accrediting body such as the National Voluntary Laboratory  
19 Accreditation Program (NVLAP); and

20 (iii) providing calibration and consultation services to  
21 metrology laboratories in government and private industry in the  
22 United States.

23 Sec. 61. Minnesota Statutes 2004, section 239.05, is  
24 amended by adding a subdivision to read:

25 Subd. 3a. [AUTOMOTIVE FUEL.] For the purpose of enforcing  
26 the gasoline octane requirements in section 239.792, "automotive  
27 fuel" has the meaning given it in Code of Federal Regulations,  
28 title 16, section 306.0.

29 Sec. 62. Minnesota Statutes 2004, section 239.05,  
30 subdivision 10b, is amended to read:

31 Subd. 10b. [OXYGENATE ETHANOL BLENDER.] "Oxygenate Ethanol  
32 blender" means a person who has-registered-with-the-division-to  
33 blend-and-distribute,-transport,-sell,-or-offer blends and  
34 distributes, transports, sells, or offers to sell gasoline  
35 containing a-minimum-of-2.0-percent,-and-an-average-of-2.7 ten  
36 percent oxygen ethanol by weight volume.

1           Sec. 63. Minnesota Statutes 2004, section 239.09, is  
2 amended to read:

3           239.09 [SPECIAL POLICE POWERS.]

4           When necessary to enforce this chapter or rules adopted  
5 under the authority granted by section 239.06, the director is:

6           (1) authorized and empowered to arrest, without formal  
7 warrant, any violator of sections 325E.11 and 325E.115 or of the  
8 statute in relation to weights and measures;

9           (2) empowered to seize for use as evidence and without  
10 formal warrant, any false weight, measure, weighing or measuring  
11 device, package, or commodity found to be used, retained, or  
12 offered or exposed for sale or sold in violation of law;

13           (3) during normal business hours, authorized to enter  
14 commercial premises;

15           (4) if the premises are not open to the public, authorized  
16 to enter commercial premises only after presenting credentials  
17 and obtaining consent or after obtaining a search warrant;

18           (5) empowered to issue stop-use, hold, and removal orders  
19 with respect to weights and measures commercially used, and  
20 packaged commodities or bulk commodities kept, offered, or  
21 exposed for sale, that do not comply with the weights and  
22 measures laws; and

23           (6) empowered, upon reasonable suspicion of a violation of  
24 the weights and measures laws, to stop a commercial vehicle and,  
25 after presentation of credentials, inspect the contents of the  
26 vehicle, require that the person in charge of the vehicle  
27 produce documents concerning the contents, and require the  
28 person to proceed with the vehicle to some specified place for  
29 inspection; and

30           (7) empowered, after written warning, to issue citations of  
31 not less than \$100 and not more than \$500 to a person who  
32 violates any provision of this chapter, any provision of the  
33 rules adopted under the authority contained in this chapter, or  
34 any provision of statutes enforced by the division of weights  
35 and measures.

36           Sec. 64. Minnesota Statutes 2004, section 239.101,

1 subdivision 3, is amended to read:

2 Subd. 3. [PETROLEUM INSPECTION FEE.] (a) An inspection fee  
3 is imposed (1) on petroleum products when received by the first  
4 licensed distributor, and (2) on petroleum products received and  
5 held for sale or use by any person when the petroleum products  
6 have not previously been received by a licensed distributor.  
7 The petroleum inspection fee is \$1 for every 1,000 gallons  
8 received. The commissioner of revenue shall collect the fee.  
9 The revenue from 81 cents of the fee must-first-be-applied-to  
10 ~~cover-the-amounts-appropriated.--Fifteen-cents-of-the-inspection~~  
11 ~~fee-must-be-deposited-in-an-account-in-the-special-revenue-fund~~  
12 and is appropriated to the commissioner of commerce for the cost  
13 of ~~petroleum-product-quality-inspection-expenses-and-for-the~~  
14 ~~inspection-and-testing-of-petroleum-product-measuring~~  
15 equipment operations of the Division of Weights and Measures,  
16 petroleum supply monitoring, and the oil burner retrofit  
17 program. The remainder of the fee must be deposited in the  
18 general fund.

19 The commissioner of revenue shall ~~erect~~ credit a person for  
20 inspection fees previously paid in error or for any material  
21 exported or sold for export from the state upon filing of a  
22 report as prescribed by the commissioner of revenue.

23 (c) The commissioner of revenue may collect the inspection  
24 fee along with any taxes due under chapter 296A.

25 Sec. 65. Minnesota Statutes 2004, section 239.75,  
26 subdivision 1, is amended to read:

27 Subdivision 1. [INSPECTION TO BE MADE.] The director shall:

28 (1) take samples, free of charge, of petroleum products  
29 wherever processed, blended, held, stored, imported,  
30 transferred, offered for sale or use, or sold in Minnesota,  
31 limiting each sample to+

32 ~~{i}-two-tenths-of-one~~ one-half gallon, ~~except-when-an~~  
33 ~~octane-test-is-planned, or~~

34 ~~{ii}-seven-tenths-of-one-gallon-for-an-octane-test;~~

35 (2) inspect and test petroleum product samples according to  
36 the methods of ASTM or other valid test methods adopted by rule,

1 to determine whether the products comply with the specifications  
2 in section 239.761;

3 (3) inspect petroleum product storage tanks to ensure that  
4 the products are free from water and impurities;

5 (4) inspect and test samples submitted to the department by  
6 a licensed distributor, making the test results available to the  
7 distributor;

8 (5) inspect the labeling, price posting, and price  
9 advertising of petroleum product dispensers and advertising  
10 signs at businesses or locations where petroleum products are  
11 sold, offered for sale or use, or dispensed into motor vehicles;

12 (6) maintain records of all inspections and tests according  
13 to the records retention policies of the Department of  
14 Administration;

15 (7) delegate to division personnel, at the director's  
16 discretion, any or all of the responsibilities, duties, and  
17 powers in sections 239.75 to 239.80;

18 (8) publish octane test data and information to assist  
19 persons who use, produce and, distribute, or sell gasoline-and  
20 gasoline-oxygenate-blends petroleum-based heating and engine  
21 fuels;

22 ~~(9) register-gasoline-oxygenate-blenders-according-to-the~~  
23 ~~requirements-of-the-EPA;~~

24 ~~(10)~~ audit the records of any person responsible for the  
25 product to determine compliance with sections 239.75 to 239.792;

26 ~~(11)~~ (10) after consulting with the commissioner of-the  
27 ~~Pollution-Control-Agency,~~ grant a temporary exemption from the  
28 ~~oxygenated-gasoline~~ gasoline-ethanol blending requirements in  
29 section 239.791 if the supply of oxygenate ethanol is  
30 insufficient to produce ~~gasoline-oxygenate~~ gasoline-ethanol  
31 ~~blends during-an-EPA-designated-carbon-monoxide-control-period;~~  
32 and

33 ~~(12)~~ (11) adopt, as an enforcement policy for the division,  
34 reasonable margins of uncertainty for the tests used to  
35 determine compliance with the specifications in section 239.761,  
36 the oxygen percentages in section 239.791, and the octane

1 requirements in section 239.792 and apply the margins of  
2 uncertainty to only tests performed by the division, not by  
3 adding the margins to uncertainties in tests performed by any  
4 person responsible for the product.

5 Sec. 66. Minnesota Statutes 2004, section 239.75,  
6 subdivision 5, is amended to read:

7 Subd. 5. [PRODUCT QUALITY, RESPONSIBILITY.] After a  
8 ~~gasoline-product~~ petroleum-based engine fuel is purchased,  
9 transferred, or otherwise removed from a refinery or terminal,  
10 the person responsible for the product shall:

11 (1) keep the product free from contamination with water and  
12 impurities;

13 (2) not blend the product with dissimilar petroleum  
14 products, for example, gasoline must not be blended with diesel  
15 fuel;

16 (3) not blend the product with any contaminant, dye,  
17 chemical, or additive, except:

18 (i) agriculturally derived, denatured ethanol that complies  
19 with the specifications in this chapter;

20 (ii) an antiknock additive, or an additive designed to  
21 replace tetra-ethyl lead, that is registered by the EPA; or

22 (iii) a dye to distinguish heating fuel from low sulfur  
23 diesel fuel; ~~and~~ or

24 (iv) biodiesel fuel that complies with the specifications  
25 in this chapter; and

26 (4) maintain a record of the name or chemical composition  
27 of the additive, with the product shipping manifest or bill of  
28 lading for one year after the date of the manifest or bill.

29 Sec. 67. Minnesota Statutes 2004, section 239.761, is  
30 amended to read:

31 239.761 [PETROLEUM PRODUCT SPECIFICATIONS.]

32 Subdivision 1. [APPLICABILITY.] A person responsible for  
33 the product must meet the specifications in this section. The  
34 specifications apply to petroleum products processed, held,  
35 stored, imported, transferred, distributed, offered for  
36 distribution, offered for sale or use, or sold in Minnesota.

1 Subd. 2. [COORDINATION WITH DEPARTMENTS OF REVENUE AND  
2 AGRICULTURE.] The petroleum product specifications in this  
3 section are intended to match the definitions and specifications  
4 in sections 41A.09 and 296A.01. Petroleum products named in  
5 this section are defined in section 296A.01.

6 Subd. 3. [GASOLINE.] (a) Gasoline that is not blended with  
7 ethanol must not be contaminated with water or other impurities  
8 and must comply with ASTM specification ~~D4814-01~~ D4814-04a.  
9 Gasoline that is not blended with ethanol must also comply with  
10 the volatility requirements in Code of Federal Regulations,  
11 title 40, part 80.

12 (b) After gasoline is sold, transferred, or otherwise  
13 removed from a refinery or terminal, a person responsible for  
14 the product:

15 (1) may blend the gasoline with agriculturally derived  
16 ethanol as provided in subdivision 4;

17 (2) shall not blend the gasoline with any oxygenate other  
18 than denatured, agriculturally derived ethanol;

19 (3) shall not blend the gasoline with other petroleum  
20 products that are not gasoline or denatured, agriculturally  
21 derived ethanol;

22 (4) shall not blend the gasoline with products commonly and  
23 commercially known as casinghead gasoline, absorption gasoline,  
24 condensation gasoline, drip gasoline, or natural gasoline; and

25 (5) may blend the gasoline with a detergent additive, an  
26 antiknock additive, or an additive designed to replace  
27 tetra-ethyl lead, that is registered by the EPA.

28 Subd. 4. [GASOLINE BLENDED WITH ETHANOL.] (a) Gasoline may  
29 be blended with up to ten percent, by volume, agriculturally  
30 derived, denatured ethanol that complies with the requirements  
31 of subdivision 5.

32 (b) A gasoline-ethanol blend must:

33 (1) comply with the volatility requirements in Code of  
34 Federal Regulations, title 40, part 80;

35 (2) comply with ASTM specification ~~D4814-01~~ D4814-04a, or  
36 the gasoline base stock from which a gasoline-ethanol blend was

1 produced must comply with ASTM specification ~~D4814-01~~ D4814-04a;  
2 and

3 (3) not be blended with casinghead gasoline, absorption  
4 gasoline, condensation gasoline, drip gasoline, or natural  
5 gasoline after the gasoline-ethanol blend has been sold,  
6 transferred, or otherwise removed from a refinery or terminal.

7 Subd. 5. [DENATURED ETHANOL.] Denatured ethanol that is to  
8 be blended with gasoline must be agriculturally derived and must  
9 comply with ASTM specification ~~D4806-01~~ D4806-04a. This  
10 includes the requirement that ethanol may be denatured only as  
11 specified in Code of Federal Regulations, title 27, parts 20 and  
12 21.

13 Subd. 6. [GASOLINE BLENDED WITH NONETHANOL OXYGENATE.] (a)  
14 A person responsible for the product shall comply with the  
15 following requirements:

16 (1) after July 1, 2000, gasoline containing in excess of  
17 one-third of one percent, in total, of nonethanol oxygenates  
18 listed in paragraph (b) must not be sold or offered for sale at  
19 any time in this state; and

20 (2) after July 1, 2005, gasoline containing any of the  
21 nonethanol oxygenates listed in paragraph (b) must not be sold  
22 or offered for sale in this state.

23 (b) The oxygenates prohibited under paragraph (a) are:

24 (1) methyl tertiary butyl ether, as defined in section  
25 296A.01, subdivision 34;

26 (2) ethyl tertiary butyl ether, as defined in section  
27 296A.01, subdivision 18; or

28 (3) tertiary amyl methyl ether.

29 (c) Gasoline that is blended with a nonethanol oxygenate  
30 must comply with ASTM specification ~~D4814-01~~ D4814-04a.

31 Nonethanol oxygenates must not be blended into gasoline after  
32 the gasoline has been sold, transferred, or otherwise removed  
33 from a refinery or terminal.

34 Subd. 7. [HEATING FUEL OIL.] Heating fuel oil must comply  
35 with ASTM specification ~~D396-01~~ D396-02a.

36 Subd. 8. [DIESEL FUEL OIL.] Diesel fuel oil must comply

1 with ASTM specification D975-01a D975-04b, except that diesel  
2 fuel oil is not required to meet the diesel lubricity standard  
3 until the date that the biodiesel fuel requirement in section  
4 239.77, subdivision 2, becomes effective or December 31, 2005,  
5 whichever comes first.

6 Subd. 9. [KEROSENE.] Kerosene must comply with ASTM  
7 specification D3699-01 D3699-03.

8 Subd. 10. [AVIATION GASOLINE.] Aviation gasoline must  
9 comply with ASTM specification D910-00 D910-04.

10 Subd. 11. [AVIATION TURBINE FUEL, JET FUEL.] Aviation  
11 turbine fuel and jet fuel must comply with ASTM specification  
12 D1655-01 D1655-04.

13 Subd. 12. [GAS TURBINE FUEL OIL.] Fuel oil for use in  
14 nonaviation gas turbine engines must comply with ASTM  
15 specification D2880-00 D2880-03.

16 Subd. 13. [E85.] A blend of ethanol and gasoline,  
17 containing at least 60 percent ethanol and not more than 85  
18 percent ethanol, produced for use as a motor fuel in alternative  
19 fuel vehicles as defined in section 296A.01, subdivision 5, must  
20 comply with ASTM specification D5798-99 (2004).

21 Subd. 14. [M85.] A blend of methanol and gasoline,  
22 containing at least 85 percent methanol, produced for use as a  
23 motor fuel in alternative fuel vehicles as defined in section  
24 296A.01, subdivision 5, must comply with ASTM specification  
25 D5797-96.

26 Sec. 68. Minnesota Statutes 2004, section 239.77, is  
27 amended by adding a subdivision to read:

28 Subd. 4. [DISCLOSURE.] A refinery or terminal shall  
29 provide, at the time diesel fuel is sold or transferred from the  
30 refinery or terminal, a bill of lading or shipping manifest to  
31 the person who receives the fuel. For biodiesel-blended  
32 product, the bill of lading or shipping manifest must disclose  
33 biodiesel content, stating volume percentage, or gallons of  
34 biodiesel per gallons of petroleum diesel base-stock, or an ASTM  
35 "Bxx" designation where "xx" denotes the volume percent  
36 biodiesel included in the blended product. This subdivision

1 does not apply to sales or transfers of biodiesel blend stock  
2 between refineries, between terminals, or between a refinery and  
3 a terminal.

4 Sec. 69. Minnesota Statutes 2004, section 239.79,  
5 subdivision 4, is amended to read:

6 Subd. 4. [SALE OF CERTAIN PETROLEUM PRODUCTS ON GROSS  
7 VOLUME BASIS.] A person responsible for the products listed in  
8 this subdivision shall transfer, ship, distribute, offer for  
9 distribution, sell, or offer to sell the products by volume.  
10 Volumetric measurement of the product must not be temperature  
11 compensated, or adjusted by any other factor. This subdivision  
12 applies to gasoline, number one and number two diesel fuel oils,  
13 number one and number two heating fuel oils, kerosene, denatured  
14 ethanol ~~that-is-to-be-blended-into-gasoline,-and-an-oxygenate~~  
15 ~~that-is-to-be-blended-into-gasoline,~~ and biodiesel. This  
16 subdivision does not apply to the measurement of petroleum  
17 products transferred, sold, or traded between refineries,  
18 between refineries and terminals, or between terminals.

19 Sec. 70. Minnesota Statutes 2004, section 239.791,  
20 subdivision 1, is amended to read:

21 Subdivision 1. [MINIMUM ETHANOL CONTENT REQUIRED.] (a)  
22 Except as provided in subdivisions 10 to 14, a person  
23 responsible for the product shall ensure that all gasoline sold  
24 or offered for sale in Minnesota must contain at least 10.0  
25 percent denatured ethanol by volume.

26 (b) For purposes of enforcing the minimum ethanol  
27 requirement of paragraph (a), a gasoline/ethanol blend will be  
28 construed to be in compliance if the ethanol content, exclusive  
29 of denaturants and permitted contaminants, comprises not less  
30 than 9.2 percent by volume and not more than 10.0 percent by  
31 volume of the blend as determined by an appropriate United  
32 States Environmental Protection Agency or American Society of  
33 Testing Materials standard method of analysis of alcohol/ether  
34 content in ~~motor~~ engine fuels.

35 Sec. 71. Minnesota Statutes 2004, section 239.791,  
36 subdivision 7, is amended to read:

1 Subd. 7. [~~OXYGENATE~~ ETHANOL RECORDS; STATE AUDIT.] The  
2 director shall audit the records of registered ~~oxygenate~~ ethanol  
3 blenders to ensure that each blender has met all requirements in  
4 this chapter. Specific information or data relating to sales  
5 figures or to processes or methods of production unique to the  
6 blender or that would tend to adversely affect the competitive  
7 position of the blender must be only for the confidential use of  
8 the director, unless otherwise specifically authorized by the  
9 registered blender.

10 Sec. 72. Minnesota Statutes 2004, section 239.791,  
11 subdivision 8, is amended to read:

12 Subd. 8. [DISCLOSURE.] A refinery or terminal, shall  
13 provide, at the time gasoline is sold or transferred from the  
14 refinery or terminal, a bill of lading or shipping manifest to  
15 the person who receives the gasoline. For oxygenated gasoline,  
16 the bill of lading or shipping manifest must include the  
17 identity and the volume percentage or gallons of oxygenate  
18 included in the gasoline, and it must state: "This fuel  
19 contains an oxygenate. Do not blend this fuel with ethanol or  
20 with any other oxygenate." ~~For nonoxygenated gasoline sold or~~  
21 ~~transferred before October 17, 1997, the bill or manifest must~~  
22 ~~state:--"This fuel must not be sold at retail in a carbon~~  
23 ~~monoxide control area."~~ For nonoxygenated gasoline sold or  
24 transferred after September 30, 1997, the bill or manifest must  
25 state: "This fuel is not oxygenated. It must not be sold at  
26 retail in Minnesota." This subdivision does not apply to sales  
27 or transfers of gasoline between refineries, between terminals,  
28 or between a refinery and a terminal.

29 Sec. 73. Minnesota Statutes 2004, section 239.791,  
30 subdivision 15, is amended to read:

31 Subd. 15. [EXEMPTION FOR CERTAIN BLEND PUMPS.] (a) A  
32 person responsible for the product, who offers for sale, sells,  
33 or dispenses nonoxygenated premium gasoline under one or more of  
34 the exemptions in subdivisions 10 to 14, may sell, offer for  
35 sale, or dispense oxygenated gasoline that contains less than  
36 the minimum amount of ethanol required under subdivision 1 if

1 all of the following conditions are met:

2 (1) the blended gasoline has an octane rating of 88 or  
3 greater;

4 (2) the gasoline is a blend of oxygenated gasoline meeting  
5 the requirements of subdivision 1 with nonoxygenated premium  
6 gasoline;

7 (3) the blended gasoline contains not more than ten percent  
8 nonoxygenated premium gasoline;

9 (4) the blending of oxygenated gasoline with nonoxygenated  
10 gasoline occurs within the gasoline dispenser; and

11 (5) the gasoline station at which the gasoline is sold,  
12 offered for sale, or delivered is equipped to store gasoline in  
13 not more than two storage tanks.

14 (b) This subdivision applies only to those persons who meet  
15 the conditions in paragraph (a), clauses (1) through (5), on the  
16 ~~effective-date-of-this-aet~~ August 1, 2004, and have registered  
17 with the director within three months of ~~the-effective~~ that date  
18 ~~of-this-aet~~.

19 Sec. 74. Minnesota Statutes 2004, section 239.792, is  
20 amended to read:

21 239.792 [~~GASOLINE-OCTANE~~ AUTOMOTIVE FUEL RATINGS,  
22 CERTIFICATION, AND POSTING.]

23 Subdivision 1. [~~DISCLOSURE~~ DUTIES OF REFINERS, IMPORTERS,  
24 AND PRODUCERS.] A ~~manufacturer, hauler, blender, agent, jobber,~~  
25 ~~consignment-agent~~ refiner, importer, or ~~distributor-who-sells,~~  
26 ~~delivers, or distributes gasoline or gasoline-oxygenate blends,~~  
27 ~~shall provide, at the time of delivery, a bill of lading or~~  
28 ~~shipping manifest to the person who receives the gasoline. The~~  
29 ~~bill or manifest must state the minimum octane of the gasoline~~  
30 ~~delivered. The stated octane number must be the average of the~~  
31 ~~"motor method" octane number and the "research method" octane~~  
32 ~~number as determined by the test methods in ASTM specification~~  
33 ~~D4814-01, or by a test method adopted by department~~  
34 rule producer of automotive fuel must comply with the automotive  
35 fuel rating, certification, and record-keeping requirements of  
36 Code of Federal Regulations, title 16, sections 306.5 to 306.7.

1           Subd. 2. [DISPENSER-LABELING DUTIES OF DISTRIBUTORS.] A  
2 ~~person-responsible-for-the-product-shall-clearly,conspicuously,~~  
3 ~~and-permanently-label-each-gasoline-dispenser-that-is-used-to~~  
4 ~~sell-gasoline-or-gasoline-oxygenate-blends-at-retail-or-to~~  
5 ~~dispense-gasoline-or-gasoline-oxygenate-blends-into-the-fuel~~  
6 ~~supply-tanks-of-motor-vehicles,-with-the-minimum-octane-of-the~~  
7 ~~gasoline-dispensed.--The-label-must-meet-the-following~~  
8 ~~requirements:~~

9           ~~{a}-The-octane-number-displayed-on-the-label-must-represent~~  
10 ~~the-average-of-the-"motor-method"-octane-number-and-the~~  
11 ~~"research-method"-octane-number-as-determined-by-the-test~~  
12 ~~methods-in-ASTM-specification-D4814-01,-or-by-a-test-method~~  
13 ~~adopted-by-department-rule.~~

14           ~~{b}-The-label-must-be-at-least-2-1/2-inches-high-and-three~~  
15 ~~inches-wide,-with-a-yellow-background,-black-border,-and-black~~  
16 ~~figures-and-letters.~~

17           ~~{c}-The-number-representing-the-octane-of-the-gasoline-must~~  
18 ~~be-at-least-one-inch-high.~~

19           ~~{d}-The-label-must-include-the-words-"minimum-octane"-and~~  
20 ~~the-term-"(R+M)/2"-or-"(RON+MON)/2."~~ A licensed distributor of  
21 automotive fuel must comply with the certification and  
22 record-keeping provisions of Code of Federal Regulations, title  
23 16, sections 306.8 and 306.9.

24           Subd. 3. [DUTIES OF RETAILERS.] A person responsible for  
25 the product who sells or transfers automotive fuel to a consumer  
26 must comply with the automotive fuel rating posting and  
27 record-keeping requirements, and the label specifications of  
28 Code of Federal Regulations, title 16, sections 306.10 to 306.12.

29           Subd. 4. [DUTIES OF DIRECTOR.] Upon request, the director  
30 shall provide any person with a copy of Code of Federal  
31 Regulations, title 16, part 306. Upon request, the director  
32 shall provide any distributor, retailer, or organization of  
33 distributors or retailers with the label specifications in Code  
34 of Federal Regulations, title 16, section 306.12.

35           Sec. 75. Minnesota Statutes 2004, section 296A.01,  
36 subdivision 2, is amended to read:

1 Subd. 2. [AGRICULTURAL ALCOHOL GASOLINE.] "Agricultural  
2 alcohol gasoline" means a gasoline-ethanol blend of up to ten  
3 percent agriculturally derived fermentation ethanol derived from  
4 agricultural products, such as potatoes, cereal, grains, cheese  
5 whey, sugar beets, forest products, or other renewable  
6 resources, that:

7 (1) meets the specifications in ASTM specification ~~D4806-01~~  
8 D4806-04a; and

9 (2) is denatured as specified in Code of Federal  
10 Regulations, title 27, parts 20 and 21.

11 Sec. 76. Minnesota Statutes 2004, section 296A.01,  
12 subdivision 7, is amended to read:

13 Subd. 7. [AVIATION GASOLINE.] "Aviation gasoline" means  
14 any gasoline that is capable of use for the purpose of producing  
15 or generating power for propelling internal combustion engine  
16 aircraft, that meets the specifications in ASTM  
17 specification ~~D910-00~~ D910-04, and that either:

18 (1) is invoiced and billed by a producer, manufacturer,  
19 refiner, or blender to a distributor or dealer, by a distributor  
20 to a dealer or consumer, or by a dealer to consumer, as  
21 "aviation gasoline"; or

22 (2) whether or not invoiced and billed as provided in  
23 clause (1), is received, sold, stored, or withdrawn from storage  
24 by any person, to be used for the purpose of producing or  
25 generating power for propelling internal combustion engine  
26 aircraft.

27 Sec. 77. Minnesota Statutes 2004, section 296A.01,  
28 subdivision 8, is amended to read:

29 Subd. 8. [AVIATION TURBINE FUEL AND JET FUEL.] "Aviation  
30 turbine fuel" and "jet fuel" mean blends of hydrocarbons derived  
31 from crude petroleum, natural gasoline, and synthetic  
32 hydrocarbons, intended for use in aviation turbine engines, and  
33 that meet the specifications in ASTM specification  
34 ~~D1655-01~~ D1655.04.

35 Sec. 78. Minnesota Statutes 2004, section 296A.01,  
36 subdivision 14, is amended to read:

1 Subd. 14. [DIESEL FUEL OIL.] "Diesel fuel oil" means a  
2 petroleum distillate or blend of petroleum distillate and  
3 residual fuels, intended for use as a motor fuel in internal  
4 combustion diesel engines, that meets the specifications in ASTM  
5 specification ~~B975-01A~~ D975-04b, except that diesel fuel oil is  
6 not required to meet the diesel lubricity standard until the  
7 date that the biodiesel fuel requirement in section 239.77,  
8 subdivision 2, becomes effective or December 31, 2005, whichever  
9 comes first. Diesel fuel includes number 1 and number 2 fuel  
10 oils. K-1 kerosene is not diesel fuel unless it is blended with  
11 diesel fuel for use in motor vehicles.

12 Sec. 79. Minnesota Statutes 2004, section 296A.01,  
13 subdivision 19, is amended to read:

14 Subd. 19. [E85.] "E85" means a petroleum product that is a  
15 blend of agriculturally derived denatured ethanol and gasoline  
16 or natural gasoline that typically contains 85 percent ethanol  
17 by volume, but at a minimum must contain 60 percent ethanol by  
18 volume. For the purposes of this chapter, the energy content of  
19 E85 will be considered to be 82,000 BTUs per gallon. E85  
20 produced for use as a motor fuel in alternative fuel vehicles as  
21 defined in subdivision 5 must comply with ASTM specification  
22 D5798-99 (2004).

23 Sec. 80. Minnesota Statutes 2004, section 296A.01,  
24 subdivision 20, is amended to read:

25 Subd. 20. [ETHANOL, DENATURED.] "Ethanol, denatured" means  
26 ethanol that is to be blended with gasoline, has been  
27 agriculturally derived, and complies with ASTM specification  
28 ~~B4806-01~~ D4806-04a. This includes the requirement that ethanol  
29 may be denatured only as specified in Code of Federal  
30 Regulations, title 27, parts 20 and 21.

31 Sec. 81. Minnesota Statutes 2004, section 296A.01,  
32 subdivision 22, is amended to read:

33 Subd. 22. [GAS TURBINE FUEL OIL.] "Gas turbine fuel oil"  
34 means fuel that contains mixtures of hydrocarbon oils free of  
35 inorganic acid and excessive amounts of solid or fibrous foreign  
36 matter, intended for use in nonaviation gas turbine engines, and

1 that meets the specifications in ASTM specification  
2 ~~D2880-00~~ D2880-03.

3 Sec. 82. Minnesota Statutes 2004, section 296A.01,  
4 subdivision 23, is amended to read:

5 Subd. 23. [GASOLINE.] (a) "Gasoline" means:

6 (1) all products commonly or commercially known or sold as  
7 gasoline regardless of their classification or uses, except  
8 casinghead gasoline, absorption gasoline, condensation gasoline,  
9 drip gasoline, or natural gasoline that under the requirements  
10 of section 239.761, subdivision 3, must not be blended with  
11 gasoline that has been sold, transferred, or otherwise removed  
12 from a refinery or terminal; and

13 (2) any liquid prepared, advertised, offered for sale or  
14 sold for use as, or commonly and commercially used as, a fuel in  
15 spark-ignition, internal combustion engines, and that when  
16 tested by the Weights and Measures Division meets the  
17 specifications in ASTM specification ~~D4814-01~~ D4814-04a.

18 (b) Gasoline that is not blended with ethanol must not be  
19 contaminated with water or other impurities and must comply with  
20 both ASTM specification ~~D4814-01~~ D4814-04a and the volatility  
21 requirements in Code of Federal Regulations, title 40, part 80.

22 (c) After gasoline is sold, transferred, or otherwise  
23 removed from a refinery or terminal, a person responsible for  
24 the product:

25 (1) may blend the gasoline with agriculturally derived  
26 ethanol, as provided in subdivision 24;

27 (2) must not blend the gasoline with any oxygenate other  
28 than denatured, agriculturally derived ethanol;

29 (3) must not blend the gasoline with other petroleum  
30 products that are not gasoline or denatured, agriculturally  
31 derived ethanol;

32 (4) must not blend the gasoline with products commonly and  
33 commercially known as casinghead gasoline, absorption gasoline,  
34 condensation gasoline, drip gasoline, or natural gasoline; and

35 (5) may blend the gasoline with a detergent additive, an  
36 antiknock additive, or an additive designed to replace

1 tetra-ethyl lead, that is registered by the EPA.

2 Sec. 83. Minnesota Statutes 2004, section 296A.01,  
3 subdivision 24, is amended to read:

4 Subd. 24. [GASOLINE BLENDED WITH NONETHANOL OXYGENATE.]  
5 "Gasoline blended with nonethanol oxygenate" means gasoline  
6 blended with ETBE, MTBE, or other alcohol or ether, except  
7 denatured ethanol, that is approved as an oxygenate by the EPA,  
8 and that complies with ASTM specification ~~D4814-01~~ D4814-04a.  
9 Oxygenates, other than denatured ethanol, must not be blended  
10 into gasoline after the gasoline has been sold, transferred, or  
11 otherwise removed from a refinery or terminal.

12 Sec. 84. Minnesota Statutes 2004, section 296A.01,  
13 subdivision 25, is amended to read:

14 Subd. 25. [GASOLINE BLENDED WITH ETHANOL.] "Gasoline  
15 blended with ethanol" means gasoline blended with up to ten  
16 percent, by volume, agriculturally derived, denatured ethanol.  
17 The blend must comply with the volatility requirements in Code  
18 of Federal Regulations, title 40, part 80. The blend must also  
19 comply with ASTM specification ~~D4814-01~~ D4814-04a, or the  
20 gasoline base stock from which a gasoline-ethanol blend was  
21 produced must comply with ASTM specification ~~D4814-01~~ D4814-04a;  
22 and the gasoline-ethanol blend must not be blended with  
23 casinghead gasoline, absorption gasoline, condensation gasoline,  
24 drip gasoline, or natural gasoline after the gasoline-ethanol  
25 blend has been sold, transferred, or otherwise removed from a  
26 refinery or terminal. The blend need not comply with ASTM  
27 specification ~~D4814-01~~ D4814-04a if it is subjected to a  
28 standard distillation test. For a distillation test, a  
29 gasoline-ethanol blend is not required to comply with the  
30 temperature specification at the 50 percent liquid recovery  
31 point, if the gasoline from which the gasoline-ethanol blend was  
32 produced complies with all of the distillation specifications.

33 Sec. 85. Minnesota Statutes 2004, section 296A.01,  
34 subdivision 26, is amended to read:

35 Subd. 26. [HEATING FUEL OIL.] "Heating fuel oil" means a  
36 petroleum distillate, blend of petroleum distillates and

1 residuals, or petroleum residual heating fuel that meets the  
2 specifications in ASTM specification ~~D396-01~~ D396-02a.

3 Sec. 86. Minnesota Statutes 2004, section 296A.01,  
4 subdivision 28, is amended to read:

5 Subd. 28. [KEROSENE.] "Kerosene" means a refined petroleum  
6 distillate consisting of a homogeneous mixture of hydrocarbons  
7 essentially free of water, inorganic acidic and basic compounds,  
8 and excessive amounts of particulate contaminants and that meets  
9 the specifications in ASTM specification ~~D3699-01~~ D3699-03.

10 Sec. 87. Minnesota Statutes 2004, section 298.22, is  
11 amended by adding a subdivision to read:

12 Subd. 9. [SALE OR PRIVATIZATION OF FUNCTIONS.] The  
13 commissioner of Iron Range resources and rehabilitation may not  
14 sell or privatize any project area or function of the agency  
15 without prior approval by a majority vote of the board.

16 Sec. 88. [325F.991] [911 EMERGENCY PHONE SERVICE  
17 REPRESENTATIONS.]

18 Subdivision 1. [DEFINITIONS.] For purposes of this  
19 section, the terms defined in this subdivision have the meanings  
20 given them.

21 (a) "911 emergency telecommunications system" means a  
22 dedicated emergency telecommunications system required by  
23 section 403.025.

24 (b) "Person" means an individual, corporation, firm, or  
25 other legal entity.

26 (c) "Service provider" means a person doing business in  
27 Minnesota who provides real time, two-way voice service  
28 interconnected with the public switched telephone network using  
29 numbers allocated for Minnesota by the North American Numbering  
30 Plan Administration.

31 Subd. 2. [REPRESENTATIONS OF 911 SERVICE.] A person shall  
32 not advertise, market, or otherwise represent that the person  
33 furnishes a service capable of providing access to emergency  
34 services by dialing 911 unless the person provides a service  
35 that routes 911 calls through the 911 emergency  
36 telecommunications system.

1        Subd. 3. [DISCLOSURE.] A service provider that does not  
2 provide 911 dialing that routes 911 calls through the 911  
3 emergency telecommunications system must disclose that fact in  
4 all advertisements, marketing materials, and contracts. The  
5 disclosure must be in capital letters, in 12-point font, and on  
6 the front page of the advertisement, marketing materials, and  
7 contracts. The disclosure must state: "THIS SERVICE DOES NOT  
8 ROUTE 911 CALLS THROUGH THE 911 EMERGENCY SYSTEM."

9        Subd. 4. [CERTAIN CALLS NOT 911 CALLS.] For purposes of  
10 this section, 911 calls routed to the general access number at a  
11 public safety answering point do not qualify as being routed  
12 through a 911 emergency telecommunications system.

13        Sec. 89. [354B.33] [IRON RANGE RESOURCES AND  
14 REHABILITATION; EARLY SEPARATION INCENTIVE PROGRAM  
15 AUTHORIZATION.]

16        (a) Notwithstanding any law to the contrary, the  
17 commissioner of Iron Range resources and rehabilitation, in  
18 consultation with the commissioner of employee relations, may  
19 offer a targeted early separation incentive program for  
20 employees of the commissioner who have attained the age of 60  
21 years and have at least five years of allowable service credit  
22 under chapter 352, or who have received credit for at least 30  
23 years of allowable service under the provisions of chapter 352.

24        (b) The early separation incentive program may include one  
25 or more of the following:

26        (1) employer-paid postseparation health, medical, and  
27 dental insurance until age 65; and

28        (2) cash incentives that may, but are not required to be,  
29 used to purchase additional years of service credit through the  
30 Minnesota State Retirement System, to the extent that the  
31 purchases are otherwise authorized by law.

32        (c) The commissioner of Iron Range resources and  
33 rehabilitation shall establish eligibility requirements for  
34 employees to receive an incentive.

35        (d) The commissioner of Iron Range Resources and  
36 Rehabilitation, consistent with the established program

1 provisions under paragraph (b), and with the eligibility  
2 requirements under paragraph (c), may designate specific  
3 programs or employees as eligible to be offered the incentive  
4 program.

5 (e) Acceptance of the offered incentive must be voluntary  
6 on the part of the employee and must be in writing. The  
7 incentive may only be offered at the sole discretion of the  
8 commissioner of Iron Range resources and rehabilitation.

9 (f) The cost of the incentive is payable solely by funds  
10 made available to the commissioner of Iron Range resources and  
11 rehabilitation by law, but only on prior approval of the  
12 expenditures by a majority of the Iron Range Resources and  
13 Rehabilitation Board.

14 (g) This section expires June 30, 2006.

15 [EFFECTIVE DATE.] This section is effective the day  
16 following final enactment.

17 Sec. 90. Minnesota Statutes 2004, section 357.021,  
18 subdivision 1a, is amended to read:

19 Subd. 1a. [TRANSMITTAL OF FEES TO COMMISSIONER OF  
20 FINANCE.] (a) Every person, including the state of Minnesota and  
21 all bodies politic and corporate, who shall transact any  
22 business in the district court, shall pay to the court  
23 administrator of said court the sundry fees prescribed in  
24 subdivision 2. Except as provided in paragraph (d), the court  
25 administrator shall transmit the fees monthly to the  
26 commissioner of finance for deposit in the state treasury and  
27 credit to the general fund. \$30 of each fee collected in a  
28 dissolution action under subdivision 2, clause (1), must be  
29 deposited by the commissioner of finance in the special revenue  
30 fund to be appropriated to the commissioner of employment and  
31 economic development for the displaced homemaker program under  
32 section 116L.96.

33 (b) In a county which has a screener-collector position,  
34 fees paid by a county pursuant to this subdivision shall be  
35 transmitted monthly to the county treasurer, who shall apply the  
36 fees first to reimburse the county for the amount of the salary

1 paid for the screener-collector position. The balance of the  
2 fees collected shall then be forwarded to the commissioner of  
3 finance for deposit in the state treasury and credited to the  
4 general fund. In a county in a judicial district under section  
5 480.181, subdivision 1, paragraph (b), which has a  
6 screener-collector position, the fees paid by a county shall be  
7 transmitted monthly to the commissioner of finance for deposit  
8 in the state treasury and credited to the general fund. A  
9 screener-collector position for purposes of this paragraph is an  
10 employee whose function is to increase the collection of fines  
11 and to review the incomes of potential clients of the public  
12 defender, in order to verify eligibility for that service.

13 (c) No fee is required under this section from the public  
14 authority or the party the public authority represents in an  
15 action for:

16 (1) child support enforcement or modification, medical  
17 assistance enforcement, or establishment of parentage in the  
18 district court, or in a proceeding under section 484.702;

19 (2) civil commitment under chapter 253B;

20 (3) the appointment of a public conservator or public  
21 guardian or any other action under chapters 252A and 525;

22 (4) wrongfully obtaining public assistance under section  
23 256.98 or 256D.07, or recovery of overpayments of public  
24 assistance;

25 (5) court relief under chapter 260;

26 (6) forfeiture of property under sections 169A.63 and  
27 609.531 to 609.5317;

28 (7) recovery of amounts issued by political subdivisions or  
29 public institutions under sections 246.52, 252.27, 256.045,  
30 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, 260B.331,  
31 and 260C.331, or other sections referring to other forms of  
32 public assistance;

33 (8) restitution under section 611A.04; or

34 (9) actions seeking monetary relief in favor of the state  
35 pursuant to section 16D.14, subdivision 5.

36 (d) The fees collected for child support modifications

1 under subdivision 2, clause (13), must be transmitted to the  
2 county treasurer for deposit in the county general fund. The  
3 fees must be used by the county to pay for child support  
4 enforcement efforts by county attorneys.

5 Sec. 91. Minnesota Statutes 2004, section 357.021,  
6 subdivision 2, is amended to read:

7 Subd. 2. [FEE AMOUNTS.] The fees to be charged and  
8 collected by the court administrator shall be as follows:

9 (1) In every civil action or proceeding in said court,  
10 including any case arising under the tax laws of the state that  
11 could be transferred or appealed to the Tax Court, the  
12 plaintiff, petitioner, or other moving party shall pay, when the  
13 first paper is filed for that party in said action, a fee of  
14 \$235, except in marriage dissolution actions the fee is \$265.

15 The defendant or other adverse or intervening party, or any  
16 one or more of several defendants or other adverse or  
17 intervening parties appearing separately from the others, shall  
18 pay, when the first paper is filed for that party in said  
19 action, a fee of \$235, except in marriage dissolution actions  
20 the fee is \$265.

21 The party requesting a trial by jury shall pay \$75.

22 The fees above stated shall be the full trial fee  
23 chargeable to said parties irrespective of whether trial be to  
24 the court alone, to the court and jury, or disposed of without  
25 trial, and shall include the entry of judgment in the action,  
26 but does not include copies or certified copies of any papers so  
27 filed or proceedings under chapter 103E, except the provisions  
28 therein as to appeals.

29 (2) Certified copy of any instrument from a civil or  
30 criminal proceeding, \$10, and \$5 for an uncertified copy.

31 (3) Issuing a subpoena, \$12 for each name.

32 (4) Filing a motion or response to a motion in civil,  
33 family, excluding child support, and guardianship cases, \$55.

34 (5) Issuing an execution and filing the return thereof;  
35 issuing a writ of attachment, injunction, habeas corpus,  
36 mandamus, quo warranto, certiorari, or other writs not

1 specifically mentioned, \$40.

2 (6) Issuing a transcript of judgment, or for filing and  
3 docketing a transcript of judgment from another court, \$30.

4 (7) Filing and entering a satisfaction of judgment, partial  
5 satisfaction, or assignment of judgment, \$5.

6 (8) Certificate as to existence or nonexistence of  
7 judgments docketed, \$5 for each name certified to.

8 (9) Filing and indexing trade name; or recording basic  
9 science certificate; or recording certificate of physicians,  
10 osteopaths, chiropractors, veterinarians, or optometrists, \$5.

11 (10) For the filing of each partial, final, or annual  
12 account in all trusteeships, \$40.

13 (11) For the deposit of a will, \$20.

14 (12) For recording notary commission, \$100, of which,  
15 notwithstanding subdivision 1a, paragraph (b), \$80 must be  
16 forwarded to the commissioner of finance to be deposited in the  
17 state treasury and credited to the general fund.

18 (13) Filing a motion or response to a motion for  
19 modification of child support, a fee fixed by rule or order of  
20 the Supreme Court.

21 (14) All other services required by law for which no fee is  
22 provided, such fee as compares favorably with those herein  
23 provided, or such as may be fixed by rule or order of the court.

24 (15) In addition to any other filing fees under this  
25 chapter, a surcharge in the amount of \$75 must be assessed in  
26 accordance with section 259.52, subdivision 14, for each  
27 adoption petition filed in district court to fund the fathers'  
28 adoption registry under section 259.52.

29 The fees in clauses (3) and (5) need not be paid by a  
30 public authority or the party the public authority represents.

31 Sec. 92. [446A.083] [METHAMPHETAMINE LABORATORY CLEANUP  
32 REVOLVING FUND.]

33 Subdivision 1. [DEFINITIONS.] As used in this section:

34 (1) "clandestine lab site" has the meaning given in section  
35 152.0275, subdivision 1, paragraph (a);

36 (2) "property" has the meaning given in section 152.0275,

1 subdivision 2, paragraph (a), but does not include motor  
2 vehicles; and

3 (3) "remediate" has the meaning given to remediation in  
4 section 152.0275, subdivision 1, paragraph (a).

5 Subd. 2. [FUND ESTABLISHED.] The authority shall establish  
6 a methamphetamine laboratory cleanup revolving fund to provide  
7 loans to counties and cities to remediate clandestine lab  
8 sites. The fund must be credited with repayments.

9 Subd. 3. [APPLICATIONS.] Applications by a county or city  
10 for a loan from the fund must be made to the authority on the  
11 forms prescribed by the authority. The application must  
12 include, but is not limited to:

13 (1) the amount of the loan requested and the proposed use  
14 of the loan proceeds;

15 (2) the source of revenues to repay the loan; and

16 (3) certification by the county or city that it meets the  
17 loan eligibility requirements of subdivision 4.

18 Subd. 4. [LOAN ELIGIBILITY.] A county or city is eligible  
19 for a loan under this section if the county or city:

20 (1) identifies a site or sites designated by a local public  
21 health department or law enforcement as a clandestine lab site;

22 (2) has required the site's property owner to remediate the  
23 site at cost, under a local public health nuisance ordinance  
24 that addresses clandestine lab remediation;

25 (3) certifies that the property owner cannot pay for the  
26 remediation immediately;

27 (4) certifies that the property owner has not properly  
28 remediated the site; and

29 (5) issues a revenue bond payable to the authority to  
30 secure the loan.

31 Subd. 5. [USE OF LOAN PROCEEDS; REIMBURSEMENT BY PROPERTY  
32 OWNER.] (a) A loan recipient shall use the loan to remediate the  
33 clandestine lab site or if this has already been done to  
34 reimburse the applicable county or city fund for costs paid by  
35 the recipient to remediate the clandestine lab site.

36 (b) A loan recipient shall seek reimbursement from the

1 owner of the property containing the clandestine lab site for  
2 the costs of the remediation. In addition to other lawful means  
3 of seeking reimbursement, the loan recipient may recover its  
4 costs through a property tax assessment by following the  
5 procedures specified in section 145A.08, subdivision 2,  
6 paragraph (c).

7 Subd. 6. [AWARD AND DISBURSEMENT OF FUNDS.] The authority  
8 shall award loans to recipients on a first-come, first-served  
9 basis, provided that the recipient is able to comply with the  
10 terms and conditions of the authority loan, which must be in  
11 conformance with this section. The authority shall make a  
12 single disbursement of the loan upon receipt of a payment  
13 request that includes a list of remediation expenses and  
14 evidence that a second-party sampling was undertaken to ensure  
15 that the remediation work was successful or a guarantee that  
16 such a sampling will be undertaken.

17 Subd. 7. [LOAN CONDITIONS AND TERMS.] (a) When making  
18 loans from the revolving fund, the authority shall comply with  
19 the criteria in paragraphs (b) to (e).

20 (b) Loans must be made at a two percent per annum interest  
21 rate for terms not to exceed ten years unless the recipient  
22 requests a 20-year term due to financial hardship.

23 (c) The annual principal and interest payments must begin  
24 no later than one year after completion of the clean up. Loans  
25 must be amortized no later than 20 years after completion of the  
26 clean up.

27 (d) A loan recipient must identify and establish a source  
28 of revenue for repayment of the loan and must undertake whatever  
29 steps are necessary to collect payments within one year of  
30 receipt of funds from the authority.

31 (e) The fund must be credited with all payments of  
32 principal and interest on all loans, except the costs as  
33 permitted under section 446A.04, subdivision 5, paragraph (a).

34 (f) Loans must be made only to recipients with a local  
35 public health nuisance ordinance that addresses clandestine lab  
36 remediation.

1        Subd. 8. [AUTHORITY TO INCUR DEBT.] Counties and cities  
2 may incur debt under this section by resolution of the board or  
3 council authorizing issuance of a revenue bond to the authority.

4        [EFFECTIVE DATE.] This section is effective July 1, 2005.

5        Sec. 93. Minnesota Statutes 2004, section 469.050,  
6 subdivision 5, is amended to read:

7        Subd. 5. [PAY.] A commissioner, including the president,  
8 must be paid \$35 \$55 for each regular or special port authority  
9 meeting attended and shall receive reimbursement for expenses  
10 incurred while performing duties. The advisory members of the  
11 Duluth authority from the legislature must not be paid for their  
12 service to the authority.

13        Sec. 94. Minnesota Statutes 2004, section 469.1082,  
14 subdivision 1, is amended to read:

15        Subdivision 1. [AUTHORITY TO CREATE.] A county ~~located~~  
16 ~~outside-the-metropolitan-area~~ may form a county economic  
17 development authority or grant a housing and redevelopment  
18 authority the powers specified in subdivision 4, clause (2), if  
19 it receives a recommendation to do so from a committee formed  
20 under subdivision 2. An economic development authority  
21 established under this section has all the powers and rights of  
22 an authority under sections 469.090 to 469.1081, except the  
23 authority granted under section 469.094 if so limited under  
24 subdivision 4. This section is in addition to any other  
25 authority to create a county economic development authority or  
26 service provider.

27        Sec. 95. Minnesota Statutes 2004, section 469.310,  
28 subdivision 11, is amended to read:

29        Subd. 11. [QUALIFIED BUSINESS.] (a) "~~Qualified-business~~"  
30 means A person carrying on a trade or business at a place of  
31 business located within a job opportunity building zone is a  
32 qualified business for the purposes of sections 469.310 to  
33 469.320 according to the criteria in paragraphs (b) to (f).

34        (b) A person is a qualified business only on those parcels  
35 of land for which the person has entered into a business subsidy  
36 agreement, as required under section 469.313, with the

1 appropriate local government unit in which the parcels are  
 2 located.

3 (c) Prior to execution of the business subsidy agreement,  
 4 the local government unit must consider the following factors:

5 (1) how wages compare to the regional industry average;

6 (2) the number of jobs that will be provided relative to  
 7 overall employment in the community;

8 (3) the economic outlook for the industry the business will  
 9 engage in;

10 (4) sales that will be generated from outside the state of  
 11 Minnesota;

12 (5) how the business will build on existing regional  
 13 strengths or diversify the regional economy;

14 (6) how the business will increase capital investment in  
 15 the zone; and

16 (7) any other criteria the commissioner deems necessary.

17 ~~(b)~~ (d) A person that relocates a trade or business from  
 18 outside a job opportunity building zone into a zone is not a  
 19 qualified business, unless the business meets all of the  
 20 requirements of paragraphs (b) and (c) and:

21 (1) ~~(i)~~ increases full-time employment in the first full  
 22 year of operation within the job opportunity building zone by at  
 23 least a minimum of five jobs or 20 percent, whichever is  
 24 greater, measured relative to the operations that were relocated  
 25 and maintains the required level of employment for each year the  
 26 zone designation applies; or

27 ~~(ii)-makes-a-capital-investment-in-the-property-located~~  
 28 ~~within-a-zone-equivalent-to-ten-percent-of-the-gross-revenues-of~~  
 29 ~~operation-that-were-relocated-in-the-immediately-preceding~~  
 30 ~~taxable-year, and~~

31 (2) enters a binding written agreement with the  
 32 commissioner that:

33 (i) pledges the business will meet the requirements of  
 34 clause (1);

35 (ii) provides for repayment of all tax benefits enumerated  
 36 under section 469.315 to the business under the procedures in

1 section 469.319, if the requirements of clause (1) are not met  
2 for the taxable year or for taxes payable during the year in  
3 which the requirements were not met; and

4 (iii) contains any other terms the commissioner determines  
5 appropriate.

6 (e) The commissioner may waive the requirements under  
7 paragraph (d), clause (1), if the commissioner determines that  
8 the qualified business will substantially achieve the factors  
9 under this subdivision.

10 (f) A business is not a qualified business if, at its  
11 location or locations in the zone, the business is primarily  
12 engaged in making retail sales to purchasers who are physically  
13 present at the business's zone location.

14 (g) A qualifying business must pay each employee  
15 compensation, including benefits not mandated by law, that on an  
16 annualized basis is equal to at least 110 percent of the federal  
17 poverty level for a family of four.

18 [EFFECTIVE DATE.] This section is effective the day  
19 following final enactment and applies to any business entering a  
20 business subsidy agreement for a job opportunity development  
21 zone after that date, except that paragraph (b) is effective  
22 retroactively from June 9, 2003.

23 Sec. 96. Minnesota Statutes 2004, section 469.319,  
24 subdivision 1, is amended to read:

25 Subdivision 1. [REPAYMENT OBLIGATION.] A business must  
26 repay the amount of the total tax reduction listed in section  
27 469.315 and any refund under section 469.318 in excess of tax  
28 liability, received during the two years immediately before it  
29 ceased to operate in the zone, if the business:

30 (1) received tax reductions authorized by section 469.315;  
31 and

32 (2) (i) did not meet the goals specified in an agreement  
33 entered into with the applicant that states any obligation the  
34 qualified business must fulfill in order to be eligible for tax  
35 benefits. The commissioner of employment and economic  
36 development may extend for up to one year the period for meeting

1 any goals provided in an agreement. The applicant may extend  
2 the period for meeting other goals by documenting in writing the  
3 reason for the extension and attaching a copy of the document to  
4 its next annual report to the commissioner of employment and  
5 economic development; or

6 (ii) ceased to operate its facility located within the job  
7 opportunity building zone or otherwise ceases to be or is not a  
8 qualified business.

9 [EFFECTIVE DATE.] This section is effective the day  
10 following final enactment.

11 Sec. 97. Minnesota Statutes 2004, section 469.319, is  
12 amended by adding a subdivision to read:

13 Subd. 6. [RECONCILIATION.] Where this section is  
14 inconsistent with section 116J.994, subdivision 3, paragraph  
15 (e), or 6, or any other provisions of sections 116J.993 to  
16 116J.995, this section prevails.

17 [EFFECTIVE DATE.] This section is effective the day  
18 following final enactment.

19 Sec. 98. Minnesota Statutes 2004, section 469.320,  
20 subdivision 3, is amended to read:

21 Subd. 3. [REMEDIES.] If the commissioner determines, based  
22 on a report filed under subdivision 1 or other available  
23 information, that a zone or subzone is failing to meet its  
24 performance goals, the commissioner may take any actions the  
25 commissioner determines appropriate, including modification of  
26 the boundaries of the zone or a subzone or termination of the  
27 zone or a subzone. Before taking any action, the commissioner  
28 shall consult with the applicant and the affected local  
29 government units, including notifying them of the proposed  
30 actions to be taken. ~~The commissioner shall publish any order~~  
31 ~~modifying a zone in the State Register and on the Internet.~~ The  
32 applicant may appeal the commissioner's order under the  
33 contested case procedures of chapter 14.

34 [EFFECTIVE DATE.] This section is effective the day  
35 following final enactment.

36 Sec. 99. Minnesota Statutes 2004, section 469.330,

1 subdivision 11, is amended to read:

2 Subd. 11. [QUALIFIED BUSINESS.] (a) "Qualified business"  
3 means a person carrying on a trade or business at a  
4 biotechnology and health sciences industry facility located  
5 within a biotechnology and health sciences industry zone. A  
6 person is a qualified business only on those parcels of land for  
7 which it has entered into a business subsidy agreement, as  
8 required under section 469.333, with the appropriate local  
9 government unit in which the parcels are located.

10 (b) A person that relocates a biotechnology and health  
11 sciences industry facility from outside a biotechnology and  
12 health sciences industry zone into a zone is not a qualified  
13 business, unless the business:

14 (1)(i) increases full-time employment in the first full  
15 year of operation within the biotechnology and health sciences  
16 industry zone by at least 20 percent measured relative to the  
17 operations that were relocated and maintains the required level  
18 of employment for each year the zone designation applies; or

19 (ii) makes a capital investment in the property located  
20 within a zone equivalent to ten percent of the gross revenues of  
21 operation that were relocated in the immediately preceding  
22 taxable year; and

23 (2) enters a binding written agreement with the  
24 commissioner that:

25 (i) pledges the business will meet the requirements of  
26 clause (1);

27 (ii) provides for repayment of all tax benefits enumerated  
28 under section 469.336 to the business under the procedures in  
29 section 469.340, if the requirements of clause (1) are not met;  
30 and

31 (iii) contains any other terms the commissioner determines  
32 appropriate.

33 [EFFECTIVE DATE.] This section is effective retroactively  
34 from June 9, 2003.

35 Sec. 100. Minnesota Statutes 2004, section 469.340,  
36 subdivision 1, is amended to read:

1           Subdivision 1. [REPAYMENT OBLIGATION.] A business must  
2 repay the amount of the tax reduction listed in section 469.336  
3 and any refunds under sections 469.338 and 469.339 in excess of  
4 tax liability, received during the two years immediately before  
5 it ceased to operate in the zone, if the business:

6           (1) received tax reductions authorized by section 469.336;  
7 and

8           (2)(i) did not meet the goals specified in an agreement  
9 entered into with the applicant that states any obligation the  
10 qualified business must fulfill in order to be eligible for tax  
11 benefits. The commissioner of employment and economic  
12 development may extend for up to one year the period for meeting  
13 any goals provided in an agreement. The applicant may extend  
14 the period for meeting other goals by documenting in writing the  
15 reason for the extension and attaching a copy of the document to  
16 its next annual report to the commissioner of employment and  
17 economic development; or

18           (ii) ceased to operate its facility located within the  
19 biotechnology and health sciences industry zone or otherwise  
20 ceases to be or is not a qualified business.

21           **[EFFECTIVE DATE.]** This section is effective the day  
22 following final enactment.

23           Sec. 101. Minnesota Statutes 2004, section 517.08,  
24 subdivision 1b, is amended to read:

25           Subd. 1b. [TERM OF LICENSE; FEE; PREMARITAL EDUCATION.]

26           (a) The local registrar shall examine upon oath the party  
27 applying for a license relative to the legality of the  
28 contemplated marriage. If at the expiration of a five-day  
29 period, on being satisfied that there is no legal impediment to  
30 it, including the restriction contained in section 259.13, the  
31 local registrar shall issue the license, containing the full  
32 names of the parties before and after marriage, and county and  
33 state of residence, with the county seal attached, and make a  
34 record of the date of issuance. The license shall be valid for  
35 a period of six months. In case of emergency or extraordinary  
36 circumstances, a judge of the district court of the county in

1 which the application is made, may authorize the license to be  
2 issued at any time before the expiration of the five days.  
3 Except as provided in paragraph (b), the local registrar shall  
4 collect from the applicant a fee of ~~\$85~~ \$100 for administering  
5 the oath, issuing, recording, and filing all papers required,  
6 and preparing and transmitting to the state registrar of vital  
7 statistics the reports of marriage required by this section. If  
8 the license should not be used within the period of six months  
9 due to illness or other extenuating circumstances, it may be  
10 surrendered to the local registrar for cancellation, and in that  
11 case a new license shall issue upon request of the parties of  
12 the original license without fee. A local registrar who  
13 knowingly issues or signs a marriage license in any manner other  
14 than as provided in this section shall pay to the parties  
15 aggrieved an amount not to exceed \$1,000.

16 (b) The marriage license fee for parties who have completed  
17 at least 12 hours of premarital education is ~~\$20~~ \$35. In order  
18 to qualify for the reduced fee, the parties must submit a signed  
19 and dated statement from the person who provided the premarital  
20 education confirming that it was received. The premarital  
21 education must be provided by a licensed or ordained minister or  
22 the minister's designee, a person authorized to solemnize  
23 marriages under section 517.18, or a person authorized to  
24 practice marriage and family therapy under section 148B.33. The  
25 education must include the use of a premarital inventory and the  
26 teaching of communication and conflict management skills.

27 (c) The statement from the person who provided the  
28 premarital education under paragraph (b) must be in the  
29 following form:

30 "I, (name of educator), confirm that (names of both  
31 parties) received at least 12 hours of premarital education that  
32 included the use of a premarital inventory and the teaching of  
33 communication and conflict management skills. I am a licensed  
34 or ordained minister, a person authorized to solemnize marriages  
35 under Minnesota Statutes, section 517.18, or a person licensed  
36 to practice marriage and family therapy under Minnesota

1 Statutes, section 148B.33."

2 The names of the parties in the educator's statement must  
3 be identical to the legal names of the parties as they appear in  
4 the marriage license application. Notwithstanding section  
5 138.17, the educator's statement must be retained for seven  
6 years, after which time it may be destroyed.

7 (d) If section 259.13 applies to the request for a marriage  
8 license, the local registrar shall grant the marriage license  
9 without the requested name change. Alternatively, the local  
10 registrar may delay the granting of the marriage license until  
11 the party with the conviction:

12 (1) certifies under oath that 30 days have passed since  
13 service of the notice for a name change upon the prosecuting  
14 authority and, if applicable, the attorney general and no  
15 objection has been filed under section 259.13; or

16 (2) provides a certified copy of the court order granting  
17 it. The parties seeking the marriage license shall have the  
18 right to choose to have the license granted without the name  
19 change or to delay its granting pending further action on the  
20 name change request.

21 Sec. 102. Minnesota Statutes 2004, section 517.08,  
22 subdivision 1c, is amended to read:

23 Subd. 1c. [DISPOSITION OF LICENSE FEE.] (a) Of the  
24 marriage license fee collected pursuant to subdivision 1b,  
25 paragraph (a), \$15 must be retained by the county. The local  
26 registrar must pay ~~\$70~~ \$85 to the commissioner of finance to be  
27 deposited as follows:

28 (1) \$50 in the general fund;

29 (2) \$3 in the special revenue fund to be appropriated to  
30 the commissioner of education for parenting time centers under  
31 section 119A.37;

32 (3) \$2 in the special revenue fund to be appropriated to  
33 the commissioner of health for developing and implementing the  
34 MN ENABL program under section 145.9255;

35 (4) ~~\$10~~ \$25 in the special revenue fund to be appropriated  
36 to the commissioner of employment and economic development for

1 the displaced homemaker program under section 116L.96; and

2 (5) \$5 in the special revenue fund to be appropriated to  
3 the commissioner of human services for the Minnesota Healthy  
4 Marriage and Responsible Fatherhood Initiative under section  
5 256.742.

6 (b) Of the ~~\$20~~ \$35 fee under subdivision 1b, paragraph (b),  
7 \$15 must be retained by the county. The local registrar must  
8 pay ~~\$5~~ \$20 to the commissioner of finance to be ~~distributed~~  
9 deposited as follows:

10 (1) \$5 as provided in paragraph (a), clauses (2) and (3);  
11 and

12 (2) \$15 in the special revenue fund to be appropriated to  
13 the commissioner of employment and economic development for the  
14 displaced homemaker program under section 116L.96.

15 (c) The increase in the marriage license fee under  
16 paragraph (a) provided for in Laws 2004, chapter 273, and  
17 disbursement of the increase in that fee to the special fund for  
18 the Minnesota Healthy Marriage and Responsible Fatherhood  
19 Initiative under paragraph (a), clause (5), is contingent upon  
20 the receipt of federal funding under United States Code, title  
21 42, section 1315, for purposes of the initiative.

22 Sec. 103. Laws 1999, chapter 224, section 7, as amended by  
23 Laws 2004, chapter 261, article 6, section 3, is amended to read:

24 Sec. 7. [SUNSET.]

25 Sections 2 and 4 expire on August 1, ~~2005~~ 2006, and  
26 Minnesota Statutes 1998, sections 237.63, 237.65, and 237.68,  
27 expire on December 31, 2004.

28 [EFFECTIVE DATE.] This section is effective the day  
29 following final enactment.

30 Sec. 104. Laws 2003, chapter 128, article 1, section 172,  
31 is amended to read:

32 Sec. 172. [TEMPORARY PETROFUND FEE EXEMPTION FOR MINNESOTA  
33 COMMERCIAL AIRLINES.]

34 (a) ~~A-commercial~~ An airline providing-regularly-scheduled  
35 ~~jet-service-and-with-its-corporate-headquarters-in-Minnesota-is~~  
36 as defined under Minnesota Statutes, section 270.071,

1 subdivision 4, is exempt from the fee established in Minnesota  
2 Statutes, section 115C.08, subdivision 3, until July 1, 2005  
3 2007, provided the airline develops a plan approved by the  
4 commissioner of commerce demonstrating that the savings from  
5 this exemption will go towards minimizing job losses in  
6 Minnesota, and to support the airline's efforts to avoid filing  
7 for federal bankruptcy protections.

8 (b) ~~A-commercial~~ An airline exempted from the fee is  
9 ineligible to receive reimbursement under Minnesota Statutes,  
10 chapter 115C, until July 1, 2005 2007. ~~A-commercial~~ An airline  
11 that has a release during the fee exemption period is ineligible  
12 to receive reimbursement under Minnesota Statutes, chapter 115C,  
13 for the costs incurred in response to that release.

14 Sec. 105. [TRANSITION PERIOD FOR CHIROPRACTOR AND PHYSICAL  
15 THERAPIST WORKERS' COMPENSATION FEE MAXIMUMS.]

16 The requirement that the maximum fees for chiropractors and  
17 physical therapists under Minnesota Statutes, section 176.136,  
18 subdivision 1a, be the same as for medical physicians must be  
19 phased in over three years commencing January 1, 2006. On  
20 January 1, 2006, the difference in those maximum fees must be  
21 reduced by one-third, on January 1, 2007, by another one-third,  
22 and on January 1, 2008, the difference must be eliminated and  
23 the maximum fees made the same.

24 To ensure that the fee adjustments mandated by this section  
25 do not increase costs to the workers' compensation system, the  
26 commissioner of labor and industry shall on October 1, 2005,  
27 2006, and 2007, reduce the annual adjustment in the conversion  
28 factors under Minnesota Statutes, section 176.136, subdivision  
29 1a, so that savings in medical fee costs caused by the reduction  
30 approximately equal the increase in costs caused by the  
31 increased maximum fees provided by this section. The actual  
32 fees shall be determined without application of any scaling  
33 factors, but shall not exceed the provider's uniform, customary,  
34 and reasonable fee.

35 Sec. 106. [SESQUICENTENNIAL COMMISSION.]

36 Subdivision 1. [COMMISSION; PURPOSE.] The Minnesota

1 Sesquicentennial Commission is established to plan for  
2 activities relating to Minnesota's 150th anniversary of  
3 statehood. The commission shall create a plan for capital  
4 improvements, celebratory activities, and public engagement in  
5 every county in the state of Minnesota.

6 Subd. 2. [MEMBERSHIP.] The commission shall consist of 17  
7 members who shall serve until the completion of the  
8 sesquicentennial year of statehood, appointed as follows:

9 (1) nine members appointed by the governor, representing  
10 major corporate, nonprofit, and public sectors of the state,  
11 selected from all parts of the state;

12 (2) two members appointed by the speaker of the house of  
13 representatives;

14 (3) two members appointed by the minority leader of the  
15 house of representatives;

16 (4) two members from the majority party in the senate,  
17 appointed by the Subcommittee on Committees; and

18 (5) two members from the minority party in the senate,  
19 appointed by the Subcommittee on Committees.

20 Subd. 3. [COMPENSATION; OPERATION.] The governor shall  
21 appoint a chair from the membership of the commission. The  
22 chair shall convene the first meeting and set the agenda for the  
23 commission. The Minnesota Historical Society shall provide  
24 office space and staff support for the commission, and shall  
25 cooperate with the University of Minnesota and Minnesota State  
26 Colleges and Universities to support the programs of the  
27 commission. Meetings shall be at the call of the chair and must  
28 be convened at least quarterly. The commission may appoint an  
29 advisory council to advise and assist the commission with its  
30 duties. Members shall receive no compensation for service on  
31 the Sesquicentennial Commission. Members appointed by the  
32 governor may be reimbursed for expenses under Minnesota  
33 Statutes, section 15.059, subdivision 3.

34 Subd. 4. [DUTIES.] The commission shall have the following  
35 duties:

36 (1) to present to the governor, senate and house of

1 representatives committees with jurisdiction over the Minnesota  
2 Historical Society, and the Minnesota Historical Society a plan  
3 for grants to pay for capital improvements on Minnesota's  
4 historic public and private buildings, to be known as  
5 sesquicentennial grants;

6 (2) to seek funding for activities to celebrate the 150th  
7 anniversary of statehood, and to form partnerships with private  
8 parties to further this mission; and

9 (3) to present an annual report to the governor,  
10 legislative committees identified in clause (1), and the  
11 Minnesota Historical Society outlining progress made towards the  
12 celebration of the sesquicentennial.

13 Subd. 5. [EXPIRATION.] The commission shall continue to  
14 operate until January 30, 2009, at which time it shall expire.

15 [EFFECTIVE DATE.] This section is effective the day  
16 following final enactment.

17 Sec. 107. [MINNESOTA REDEVELOPMENT ACCOUNTS.]

18 Applications for the Minnesota redevelopment accounts grant  
19 program under Minnesota Statutes, section 116J.573, must be  
20 submitted to the commissioner of employment and economic  
21 development by August 1, 2005.

22 By October 1, 2005, the commissioner shall have awarded  
23 grants for qualified redevelopment projects from greater  
24 Minnesota.

25 By November 1, 2005, the commissioner shall have awarded  
26 grants for qualified redevelopment projects in the seven-county  
27 metropolitan area.

28 Sec. 108. [EXTENDED EMPLOYMENT PROGRAM WAGE RATES.]

29 The commissioner of employment and economic development  
30 must study the issue of the appropriate level of wages to be  
31 paid to participants in extended employment programs under  
32 Minnesota Statutes, chapter 268A. The commissioner must consult  
33 with employers, rehabilitation facilities, program participants  
34 and their parents or legal guardians, advocacy groups, other  
35 involved government agencies, and others the commissioner  
36 determines necessary. The commissioner shall report the results

1 of the study along with any recommendations by February 1, 2006,  
2 to the chairs of the legislative committees with fiscal or  
3 policy jurisdiction over those extended employment programs.

4 Sec. 109. [REVISOR'S INSTRUCTION.]

5 (a) The revisor of statutes shall insert a first grade  
6 headnote prior to Minnesota Statutes, section 181.722, that  
7 reads "MISREPRESENTATION OF EMPLOYMENT RELATIONSHIPS."

8 (b) The revisor of statutes shall renumber Minnesota  
9 Statutes, section 239.05, as section 239.051, alphabetize the  
10 definitions, and correct any cross-references to that section  
11 accordingly.

12 Sec. 110. [REPEALER.]

13 (a) Minnesota Statutes 2004, sections 116J.573; 178.12; and  
14 239.05, subdivisions 6a and 6b, are repealed.

15 (b) Laws 1999, chapter 125, section 4, as amended by Laws  
16 2002, chapter 398, section 7, is repealed.

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and Fiscal Analysis**

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# Senate

State of Minnesota

## **S.C. No. 4100 - 2005 Supplemental Environment, Natural Resources, Agriculture, and Economic Development Appropriations**

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**Date:** April 26, 2005

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### **ARTICLE 1 ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE**

**Section 1 [Environment and Natural Resources Appropriations and Reductions]** specifies that the appropriation additions and reductions in this article are from the appropriations in S.F. No. 1879, Article 6, if enacted, and provides a summary by fund.

**Section 2 [Pollution Control Agency]** cuts over \$4 million in the general fund for the water program to the PCA and appropriates an additional \$16.8 million from the environmental fund for the water program. Another \$800,000 in the general fund for administrative support is cut and almost \$1.4 million is appropriated from the environmental fund for the air program. This section also specifies that \$6.8 million from the remediation fund must be spent on superfund cleanup of specific sites, and provides for a report on a comparison of environmental review and permitting requirements in Minnesota with other states and countries.

**Section 3 [Office of Environmental Assistance]** prohibits the reorganization of the OEA for the biennium.

**Section 4 [Minnesota Zoo]** appropriates the additional \$18,000 from lottery in lieu money that is available for the Minnesota Zoo.

**Section 5 [Department of Natural Resources]** appropriates an overall net increase of just under \$17.5 million to the DNR, including approximately \$4.7 reduction in the general fund, an increase of \$15.7 million from the natural resources fund, an increase of approximately \$6.4 million from the game and fish fund, and an increase of \$100,000 from the permanent school fund. Included in the changes are:

- \$100,000 to identify, evaluate, and lease construction aggregate on school trust lands from S.F. No. 712 (Stumpf);
- \$250,000 for a grant to the U of M to drill a bore hole in the Tower-Soudan mine complex from S.F. No. 1643 (Bakk);
- \$7.6 million from the forest management investment account;
- \$400,000 for grants to the Natural Resources Research Institute for silvicultural research from S.F. No. 875 (Solon);
- \$1 million from the snowmobile account money to acquire easements for permanent snowmobile trails, and \$1 million from the snowmobile account for additional snowmobile grants-in-aid from S.F. No.1534 (Bakk);
- \$75,000 from the ATV account for an ATV gas tax study from S.F. No.1248 (Dille);
- \$100,000 for a grant to the Duluth Port Authority to determine the cause of freshwater corrosion from S.F. No. 33 (Solon);
- \$300,000 for a grant to the St. Louis and Lake Counties Regional Railroad Authority for the Mesabi Station with the updated site description (this was part of the bonding bill with a site description that will not work);
- additional spending from the stamp and surcharge accounts in the game and fish fund that were recommended by the Governor;
- \$200,000 for the roadsides for wildlife program from S.F. No. 1937 (Chaudhary);
- \$325,000 for a grant to "Let's Go Fishing" from S.F. No. 665 (Johnson, D.E.);
- \$200,000 from the nongame wildlife management account for nongame information, education, and promotion from S.F. No. 1248 (Dille);
- \$740,000 for an aquatic species cost-share program from S.F. No. 1434 (Olson);

- \$400,000 in additional general fund appropriations and \$564,000 in lottery in lieu money for state parks;
- \$40,000 from lottery in lieu money that is available for the Como and Duluth Zoos; and
- approximately \$20.8 million in operations support reallocations to the program areas of the DNR.

**Section 6 [Board of Water and Soil Resources]** appropriates an additional \$279,000 to BOWSER from the general fund for:

- \$70,000 for a grant for Area 2 flood reduction programs from S.F. No. 405 (Vickerman);
- \$109,000 for drainage system buffer assessment from S.F. No. 876 (Hottinger); and
- \$100,000 for beaver damage control grants from S.F. No. 1418 (Skoe).

**Section 7 [Metropolitan Council]** appropriates almost \$1.1 million for metropolitan parks. Of this amount, \$400,000 is a general fund increase, and \$676,000 is an increase in lottery in lieu money.

**Section 8 [Agriculture]** appropriates almost \$25.1 million to the Department of Agriculture. Included in the changes are:

- \$70,000 for an increase in the Superfund program for agricultural chemicals from S.F. No. 1248 (Dille);
- \$500,000 for grants for E85 pumps from S.F. No. 1213 (Sams);
- \$200,000 for ethanol combustion efficiency research from S.F. No. 1893 (Murphy);
- \$85,000 for a rail container load out facility feasibility study from S.F. No. 787 (Johnson, D.E.) and S.F. No. 1730 (Kubly);
- \$200,000 for transfer to MNSCU for mental health counseling support for farmers from S.F. No. 691 (Sams);
- \$70,000 for grants to the Minnesota Horticultural Society from S.F. No. 1357 (Kubly);
- \$150,000 for forage and turf seed grants from S.F. No. 1754 (Stumpf);

- \$200,000 for local training and technical assistance related to livestock facilities from S.F. No. 1629 (Dille);
- \$220,000 for a contract with the U of M on livestock odor and air quality management from S.F. No. 1629 (Dille);
- \$650,000 for grants to Second Harvest food banks for milk purchases from S.F. No. 1202 (Dille);
- \$18 million in bond proceeds for Rural Finance Authority loan programs; and
- Over \$4.7 million from the general fund for new building lease costs from S.F. No. 1248 (Dille).

**Section 9 [Bond Sale]** provides for the sale of \$18 million in general obligation bonds that are appropriated in section 9 for Rural Finance Authority programs.

**Section 10 [Board of Animal Health]** appropriates \$914,000 to the Board of Animal Health:

- \$600,000 for a grant to the Veterinary Diagnostic Laboratory from S.F. No. 1413 (Dille); and
- \$314,000 for new building lease costs from S.F. No. 1248 (Dille).

**Section 11 [Minnesota Resources]** appropriates almost \$37.7 million from the environment and natural resources trust fund, \$1.6 million from the land and water conservation account, and \$28,000 from the Great Lakes protection account as recommended by the LCMR.

**Sections 12 and 87 [Forest Trust Lands]** place the amounts certified for forest management, forest improvement, and road improvement on school trust lands in the forest management investment account. This is from S.F. No. 790 (Saxhaug).

**Sections 13 to 30 [Agricultural Fees and Related Changes]** provide for agricultural fee increases and related changes from budget recommendations of the administration, as contained in S.F. No. 1248 (Dille).

**Section 13** modifies the date for the reports on the agricultural fund to coincide with the budget forecasts.

**Section 14** establishes a \$50 nonrefundable application fee on agricultural BMP loans to pay for administrative expenses of the program.

**Section 15** allows the Commissioner of Agriculture to establish fees for scale testing at export grain locations.

**Section 16** clarifies that waste pesticide program assessments will be deposited in the pesticide regulatory account.

**Section 17** increases the chemigation permit fee to \$250 from \$50.

**Section 18** establishes a late fee penalty of \$100 per pesticide registration.

**Section 19** increases the pesticide dealer license to \$150 from \$50.

**Section 20** increases the aquatic pest control license fee for a business to \$200 from \$100.

**Section 21** increases the structural pest control license fee for a business to \$200 from \$100.

**Section 22** increases the late fee for a commercial pesticide applicator to 50 percent of the license fee from \$10.

**Section 23** increases the late fee for a noncommercial pesticide applicator to 50 percent of the license fee from \$10. This section also contains a change recommended by the Minnesota Conservation Corps (MCC) that reduces the application fee for an MCC employee to \$10 from \$50.

**Section 24** clarifies that the soil and manure certification programs are voluntary.

**Section 25** clarifies that soil and manure testing laboratory recommendations are for use in Minnesota.

**Section 26** specifies that the Commissioner of Agriculture must charge for the actual cost of the soil and manure laboratory certification and allows for the acceptance of donations for the programs.

**Section 27** increases the fertilizer inspection fee to 30 cents per ton from 15 cents per ton.

**Section 28** increases the amount allowed for administrative costs of the Agricultural Chemical Response and Reimbursement Board from the agricultural chemical response and reimbursement account (ACRRA) to \$225,000 per year from \$175,000 per year.

**Section 29** clarifies that the Commissioner of Agriculture must charge a fee to recover costs for laboratory or technical analysis for phytosanitary or export certificates.

**Section 30** eliminates language allowing the Commissioner of Agriculture to collect fees for supplemental permits or certificates.

**Sections 31 to 40 [Shade Tree Disease Program]** updates language for the shade tree disease program. This is from S.F. No. 1580 (Higgins), as amended by Division.

**Sections 41 to 43 [Nursery Stock Grower and Dealer Fees]** update the nursery stock grower and dealer fees beginning January 1, 2006. The changes reduce the gross sales levels for each category of a nursery stock certificate and provide a maximum late fee of 30 percent. This is from budget recommendations of the Governor, as contained in S.F. No. 1248 (Dille).

**Section 44 [Beekeeper Fees]** increases the beekeeper fee to \$25 for beekeepers with less than 50 colonies and \$50 for beekeepers with more than 50 colonies. The current fee is a minimum of \$10. This section also directs the Department of Agriculture to provide information on bee colony locations. This is from budget recommendations of the Governor, as contained in S.F. No. 1248 (Dille), as amended by Division.

**Sections 45 to 48 [Commercial Feed Fees and Related Changes]** provide for commercial feed fee increases and related changes from budget recommendations of the Governor, as contained in S.F. No. 1248 (Dille).

**Section 45** provides that commercial feed licenses are not transferable. This section also provides that anyone who is required to have a commercial feed license and does not obtain the license must pay the \$50 late fee.

**Section 46** establishes a \$25 fee for free sale certificates on commercial feed. If a label is submitted for review the fee is \$50.

**Section 47** eliminates the commercial feed inspection fee exemption for commercial feeds that are used as an ingredient and the fee was paid by the previous distributor. This section also provides that only commercial feed distributors with greater than 50 percent distribution outside Minnesota are exempt from the inspection fee and establishes a commercial feed distributor location fee of \$100.

**Section 48** is technical.

**Sections 49 to 50 [Rural Economic Infrastructure; Ethanol Payment Transfer Prohibition]** provide for the ability of the Commissioner of Agriculture to provide grants for rural economic infrastructure with any excess ethanol producer payment appropriations. This is from S.F. No. 1150 (Sams). These sections also include a prohibition on the transfer of ethanol producer payments to a new location.

**Section 51 to 52 [Ethanol Combustion Efficiency]** directs the Commissioner of Agriculture to make up to two grants each year not to exceed \$50,000 for research on ethanol combustion efficiency. This is from S.F. No. 1893 (Murphy).

**Sections 53 to 56 and 137 [Livestock Equipment Pilot Loan Program; Account Consolidation]** establish a livestock equipment pilot loan program and consolidates the financing of several agricultural finance programs. This is from S.F. No. 1629 (Dille).

**Section 53** provides that value-added agricultural product stock loans will be made from the new consolidated account.

**Section 54** places repayments from manure digester loans in the new consolidated account.

**Section 55** establishes the livestock equipment pilot loan program to help finance the purchase of livestock-related equipment and facility improvements. The loans are limited to a state participation on the loan of 45 percent or \$40,000, whichever is less.

**Section 56** establishes a Rural Finance Authority (RFA) revolving account for making loans for livestock equipment, methane digesters, and value-added agricultural product loans.

**Section 137** transfers the remaining balances in the value-added agricultural product stock and manure digester loan accounts to the new RFA revolving account.

**Sections 57, 79, and 81 [State Parks Bill]** are from the state parks bill requested by the administration, S.F. No. 956 (Frederickson).

**Section 57** increases the value of items that may be given away by the Commissioner of Natural Resources to \$50 from \$10.

**Section 79** allows flexibility in establishing state park open house days.

**Section 81** allows the Commissioner of Natural Resources to waive or reduce state park entrance fees.

**Sections 58 to 60, 62 to 67, 69 to 71, 74 to 77, 83 to 84, 86, 88, 95, 97 to 98, and 123 [Electronic Licensing System; OHV, Snowmobile Registration and Watercraft Licensing]** contain the changes requested by the administration for the electronic licensing system (ELS) and certain recreational vehicle registration. The changes are from S.F. No. 788 (Saxhaug) and S.F. No. 1626 (Saxhaug), as amended by Division.

**Section 61 [OHV Safety and Conservation Grant Program]** creates an off-highway vehicle safety and conservation grant program to provide grants to off-highway vehicle

clubs to assist the DNR in OHV safety and conservation regarding OHVs this is from S.F. No. 1248 (Dille).

**Section 68 [State Snowmobile Trail Sticker]** extends the snowmobile state trail sticker requirement (\$15/year) to residents who operate on a state or state grant-in aid snowmobile trails. A person may purchase a three-year sticker at the time of snowmobile registration for \$30. Anyone caught on a state or grant-in-aid trail without a sticker is required to purchase a one-year sticker for \$30. This is from S.F. No. 1534 (Bakk), as amended by Division. This section also makes technical changes relating to the ELS system from S.F. No. 1626 (Saxhaug).

**Sections 72 and 73 [Snowmobile Ice Trails]** adds specific lakes in northern Minnesota to provisions allowing snowmobile grants-in-aid for ice trails and provide the grant-in-aid recipients for the ice trails with immunity from liability for the trails. The addition of the lakes is from S.F. No. 610 (Bakk). The liability provisions are from the 2004 Senate budget bill.

**Sections 78, 80, 85, 90, 93, 106, and 128 to 131 [DNR Technical Bill]** contain a number of changes requested by the administration. This is from S.F. No. 1098 (Dibble), as amended by Division.

**Section 78** makes mostly technical changes to commercial fishing restrictions on infested and noninfested waters.

**Section 80** provides that a state park permit is not needed for cars parked in a specific parking lot within Big Bog State Recreation Area.

**Section 85** provides statutory language clarifying the water recreation account and adds the fee revenue from aquatic plant control permits to the account.

**Section 90** extends the game and fish fund citizen oversight committees to June 30, 2010.

**Section 93** eliminates the requirement for specific project information on projects funded by lifetime game and fish license revenue.

**Section 106** places the fee revenue from aquatic control permits in the water recreation account.

**Section 128** eliminates the need for approval by the Commissioner of Natural Resources for county forest development expenditures from tax-forfeited land revenue.

**Section 129** eliminates the need for approval by the Commissioner of Natural Resources for the IRRA to assist counties with county forest development expenditures from tax-forfeited land revenue.

**Section 130** eliminates state park development from the uses of money in the water recreation account.

**Section 131** specifies that municipalities must regulate nonconforming uses and structure in floodplain areas to maintain flood insurance eligibility and not increase flood damage potential.

**Section 88 [Tree Seedling Surcharge]** adds a 2.5 cent surcharge on tree seedlings sold by the DNR to be used for forestry education and technical assistance.

**Section 89 [Fuel Wood Permits]** directs the Commissioner of Natural Resources to recover the cost of issuing fuel wood permits, not to exceed the current market value of the fuel wood. This is from S.F. No. 802 (Bakk).

**Section 91 [Payments in Lieu of Taxes; Camp Ripley]** provides for the payment in lieu of taxes for lands in Camp Ripley of 50 percent of the regular in lieu payments. The payments begin after July 1, 2007. This is from S.F. No. 667 (Koering).

**Section 92 [Trout and Salmon Stamp]** expands the use of the trout and salmon stamp revenue. This is from S.F. No. 789 (Saxhaug).

**Section 94 [Social Security Numbers on Game and Fish License Applications]** directs the Commissioners of Human Services and Natural Resources to request a waiver from federal requirements for social security numbers on game and fish license application for persons under the age of 16. The requirement for persons under the age of 16 is to be amended on the later of January 1, 2006, or when the waiver is granted. This is from the 2004 Senate budget bill.

**Sections 96 and 99 to 100 [Special Fish Management Tags]** allow the Commissioner of Natural Resources to issue special fish management tags and charge a \$5 application fee for the tags.

**Section 101 to 102 [Planting Trees over Drainage Tile]** prohibits the planting of trees over drain tile without permission. This is from 2004 legislation that passed the Senate, S.F. No. 2068 (Dille)

**Section 103 [Beaver Damage Control Grants]** reestablishes the beaver damage control grant program in the Board of Water and Soil Resources. This is from S.F. No. 1418 (Skoe).

**Sections 104 to 105 [DNR Water Fees]** increase certain DNR water fees as recommended by the administration. This is from S.F. No. 1248 (Dille).

**Section 104** increases water appropriation fees for once-through cooling and summer water use.

**Section 105** increase the application fees water appropriations and public waters work permits.

**Section 107 [Underground Storage Permit Fees]** provides a statutory appropriation of underground storage fees to the DNR for costs related to the permit. This is from S.F. No. 1248 (Dille)

**Section 108 [401 Certification; Wetlands]** establishes a fee for federal certification of individual permits by the PCA. The fee is \$350 per certification and an additional fee of \$200 for each acre of wetland or surface water subject to the certification. The fee revenue will be used to provide professional review of federal individual permits by the PCA. This is from S.F. No. 1123 (Hottinger).

**Section 109 [ISTS Tank Fee]** specifies that the individual sewage treatment system (ISTS) tank fee is \$25 per household for a multiple tank, performance-based ISTS system. This is from S.F. No. 748 (Bakk).

**Sections 110 to 111 [Dry Cleaner Fees]** clarify that an owner is always considered one full-time equivalent regardless of the hours worked and allows for a fee adjustment on the drycleaners fees to raise \$650,000 per year. This is from S.F. No. 1424 (Sams), as amended by Division.

**Sections 112 to 118 [Waste Electronics Recycling]** provide for producer responsibility for recycling of household televisions and computer monitors with a diagonal measure of eight inches or greater. This is from S.F. No. 1298 (Higgins), as amended by Division.

**Section 119 [AURI Board of Directors]** eliminates the 2003 changes that limited the Agricultural Utilization Research Institute (AURI) board members terms and provided that the compensation of board members must follow state agency guidelines. This was a Division amendment (Sams).

**Sections 120 to 121 [LCMR Real Property Interest Report]** requires reporting of the current status of an interest in real property that was obtained with an appropriation from the environment and natural resources trust fund. This is from S.F. No. 469 (Vickerman).

**Section 122 [Roadsides for Wildlife]** encourages road authorities to utilize native vegetation that reduces the need to mow on roadsides and directs cooperation between DNR and MnDOT to provide enhanced roadside habitat. This is from S.F. No. 1937 (Chaudhary).

**Sections 124 to 127 [Warehouse and Grain Buyers Fees]** provide for warehouse and grain buyer fee increases and related changes from budget recommendations of the administration, as contained in S.F. No. 1248 (Dille).

**Section 124** increases the grain buyers and storage inspection fees by approximately ten percent and allows for charging delinquent fees.

**Section 125** increases the warehouse inspection fees by ten percent and allows for charging delinquent fees.

**Section 126** provides for grain storage fees and allows for charging delinquent fees.

**Section 127** establishes a grain bank license fee of \$140, and allows for charging delinquent fees.

**Sections 132,133 and 135 to 137 [Metropolitan Area Water Supply Planning]** directs the Metropolitan Council to carry out planning activities addressing water supply needs of the seven-county metropolitan area. Money for the planning is from housing bond credit enhancement program funds. This is from S.F. No. 1071 (Higgins).

**Section 134 [2003 LCMR Change]** modifies the purpose of a 2003 environment and natural resource fund appropriation for the Minnesota Landscape Arboretum. This is from S.F. No. 469 (Vickerman).

**Section 138 [Repealers]** repeals Minnesota Statutes, sections:

18B.065, subdivision 5 – Waste pesticide collection account from S.F. No. 1248 (Dille);

19.64, subdivision 4a – Bee inspection fees from S.F. No. 1248 (Dille);

41B.046, subdivision 3 – Value-added agricultural product stock revolving account from S.F. No. 1629 (Dille);

84.901 – OHV safety and conservation program from S.F. No. 1248 (Dille);

115B.49, subdivision 4a – obsolete interim dry cleaner fees from S.F. No. 1424 (Sams);

473.156 – Metropolitan water use and supply plan from S.F. No. 1071 (Higgins); and

473.197, subdivisions 1 to 3 and 5 – Housing bond credit enhancement program from S.F. No. 1071 (Higgins).

## **Article 2 Economic Development**

**Sections 1 to 7 (see spreadsheet)**

**Sections 8 and 9 [Other Investments.]** classify data related to certain venture capital investments.

**Sections 10 to 12** make technical changes related to the Board of Mechanical Systems created in section 13, and also appropriates \$135,000 to that board.

**Section 13 [Board of Mechanical Systems.]** creates a 25-member board which has the powers of the commissioner of administration with regard to all mechanical code issues.

**Section 14** updates ASTM standard specifications.

**Section 15 [License Education.]** establishes fees for annual renewal of continuing education courses and coordinators in the insurance business.

**Sections 16 to 19** adjust various fees related to the insurance business and individual real estate appraisers licenses.

**Section 20** permits the Petroleum Tank Release Compensation Board to use the expedited process to adopt rules for consultant services.

**Section 21 [Reimbursement; Above-Ground Tanks in Bulk Plants.]** allows the board to reimburse work completed after November 1, 2003, if the work was contracted for before that date and was not completed because of an unanticipated situation.

**Section 22 [Retail Locations and Transport Vehicles.]** allows transport vehicles used to deliver gasoline into underground storage tanks during 2002 and 2003 to be reimbursed for retrofits.

**Section 23** delays the repeal of petroleum tank release cleanup provisions.

**Sections 24 to 26** makes technical and clarifying changes in Minnesota redevelopment accounts.

**Section 27** provides priority criteria for awarding redevelopment grants, and requires a one-to-one match for the grant amount.

**Section 28 [Determination and Collection of Special Assessment]** raises the special assessment under the Minnesota Unemployment Insurance Program from 7/100th's of one percent per year on taxable wages to 1/10th of one percent. It allows the Commissioner of Trade and Economic Development to increase the fee if the need for services under the Dislocated Worker Program substantially exceeds the resources available for that program.

**Sections 29 to 32** make clarifying changes to the Youth Intervention Program. It allows up to one percent of the appropriation to be used for a grant to provide collaborative

training and technical assistance to community-based grantees. It allows the Commissioner to use up to two percent of the appropriation for administration costs.

**Section 33 [Minnesota Early Stage Venture Capital Investments.]** authorizes venture capital investments using the environmental and natural resources trust fund.

**Section 34 [School Calendar.]** prohibits school districts from starting school before Labor Day.

**Section 35 [Compensation.]** changes the per diem for the Arts Board by referencing the standard per diem language for state boards.

**Section 36 [Relative Value Fee Schedule.]** modifies the medical fee schedule under the workers' compensation chapter to provide that chiropractors and physical therapists have the same provider group designation and the same maximum fee allowed as medical physicians for the same patient interventions.

**Section 37 [Unlawful Trade Practices.]** prohibits false reporting by employers about the status of employees and requires reports of violations to state and federal labor and other authorities. It allows injured parties to bring a civil action.

**Sections 38 to 46 [Fees.]** increase license, permit, penalty, and inspection fees related to regulatory enforcement and safety of boilers, pressure vessels, hobby boilers, boats-for-hire, and high-pressure piping systems.

**Section 47 [Farm-Grown Closed-Loop Biomass.]** expands the list of fuel sources that meet one of the statutory requirements of farm-grown closed-loop biomass within the biomass power mandate to include brush, trees, and other biomass harvested from utility, rail, and road rights-of-way; brush harvested from lands managed by the Minnesota Department of Natural Resources in accordance with best practices for managing brushland; and slash, timber, and trees harvested in compliance with the Minnesota Forest Resources Council guidelines.

**Section 48 [Municipal Waste-to-Energy Project.]** requires the municipal utilities of Virginia and Hibbing to comply with certain management plans, third-party certifications, and fuel plans and wood procurement plan. It requires the Minnesota Department of Natural Resources and the Minnesota Forest Resources Council to adopt best-management practices for sustainably managed woody biomass. It requires the two utilities to obtain funding from nonstate sources of up to \$150,000 to complete the best-management practices.

**Section 49 [Interim Exemption.]** deems that a biomass project owned or controlled by the municipal utilities of Virginia and Hibbing meets the interim fuel exemption if the statutorily defined primary fuel comprises no less than 25 percent of the fuel used over the 20-year life of the project.

**Section 50 [Reduction of Biomass Mandate.]** changes the terms of ownership, price for energy, and cost recovery under which the Public Utilities Commission must approve a biomass energy project owned or controlled by the municipal utilities of Virginia and Hibbing.

**Sections 51 and 52** make conforming changes.

**Section 53 [Obstructing Treatment of Injured Worker.]** makes it unlawful for a railroad to delay treatment of an injured employee or to discipline an employee for requesting medical treatment.

**Section 54 [Enforcement.]** allows an administrative law judge to impose a fine up to \$10,000 for a violation and provides for administrative and judicial hearings and enforcement by the Attorney General.

**Section 55 [Inspecting Records and Property; Reports Required.]** allows a telephone company, competitive local exchange carrier, or independent telephone company to file an annual report that includes only the company's name, contact person, annual revenue, and status of its 911-update plan to the Commissioner of Commerce.

**Section 56 [Filing Fee for New Authority.]** allows the Public Utilities Commission to establish an application fee for a new telephone company not to exceed \$2,000.

**Section 57 [Assessment of Costs.]** raises the amount that may be assessed to telephone companies from one-eighth to three-eighths of one percent of the total gross jurisdictional operating revenues during a calendar year.

**Section 58 [Combined Per Number Fee.]** requires the PUC to establish, by July 1, 2006, a fee that applies to each service provider based upon the amount of numbers allocated for Minnesota in use by the provider. The fee must be calculated to generate sufficient revenue necessary to fund the telephone assistance program, the telecommunications access Minnesota program, and the 911 emergency and public safety communications program.

**Sections 59** allows the Commissioner of Public Safety to use reasonable amounts of money for periodic promotional activities, including informing eligible households of the availability of the telephone assistance program.

**Section 60** updates an ISO standard concerning the general requirements for the competence of calibration and testing laboratories, and amends a reference to the body certifying meteorology laboratories in the Division of Weights and Measures.

**Section 61** specifies the federal code used for enforcing gasoline octane requirements.

**Section 62** amends the section of law regulating blenders of gasoline to specify its application to those who use ten percent ethanol by volume.

**Section 63** empowers the Director of the Division of Weights and Measures to issue citations of between \$100 and \$500 for violations of any provision in the chapter on weights and measures.

**Section 64** appropriates 81 cents of the petroleum inspection fee to the Commissioner of Commerce for the cost of operating the Division of Weights and Measures, petroleum supply monitoring, and the oil burner retrofit program.

**Section 65** increases the size of samples of gasoline which may be taken for testing purposes to one-half gallon, and makes other clarifying changes related to petroleum products.

**Section 66** contains clarifying changes related to petroleum products.

**Sections 67, 75 to 77, and 80 to 86** update superseded ASTM standard specifications.

**Section 68** requires disclosure of biodiesel volume percentages.

**Section 69** adds biodiesel to the list of products sold by volume.

**Sections 70, 71, and 79** contain clarifying changes related to ethanol.

**Section 72** deletes obsolete language concerning oxygenated gasoline sold before 1997.

**Section 73** makes conforming changes.

**Section 74** updates the disclosure requirement for ethanol and the duties of ethanol distributors. Imposes a duty upon the Director of the Division of Weights and Measures to furnish, upon request, the requirements of federal code.

**Section 78** updates an ASTM standard for biodiesel and clarifies that the standard is not in effect until the biodiesel requirement in statute becomes effective.

**Section 87** requires approval by a majority vote of the Iron Range Resources and Rehabilitation Board for the Commissioner to sell or privatize any project area or function of the agency.

**Section 88** restricts marketing representations of a 911 service and requires certain disclosures.

**Section 89 [Iron Range Resources and Rehabilitation Board; Early Separation Incentive Program Authorization.]** allows the IRRRB to offer an early separation incentive program, which will expire on June 30, 2006.

**Section 90** requires \$30 of each fee collected in a marriage dissolution action to be appropriated to the Commissioner of Employment and Economic Development for the Displaced Homemaker Program.

**Section 91 [Fee Amounts.]** raises the court filing fee in marriage dissolution actions by \$30.

**Section 92 [Methamphetamine Laboratory Clean-Up Revolving Fund.]** requires the Public Facilities Authority to establish a methamphetamine laboratory cleanup revolving fund. The purpose of the fund is to provide low-interest loans to counties and cities to remediate clandestine lab sites. Specifies the criteria for awarding loans, the loan application process, the eligibility requirements for loans, the loan conditions and terms, etc. Defines key terms.

**Section 93 [Pay.]** raises the per diem for commissioners attending a port authority meeting.

**Section 94** makes conforming changes.

**Sections 95 and 99 [Qualified Business.]** clarify that a business is eligible for tax benefits only if it has signed a business subsidy agreement with the local government unit. It also requires the local government unit to consider various factors to evaluate the appropriateness of allowing a business to receive JOBZ benefits.

**Sections 96, 97, and 100** make changes to the JOBZ claw-back provisions.

**Section 98** eliminates the requirement that the Commissioner of Employment and Economic Development publish all JOBZ zone modifications in the State Register and on the Internet.

**Section 101** raises the marriage fee from \$85 to \$100, and for parties who have completed at least 12 hours of premarital education, the marriage license fee is raised from \$20 to \$35.

**Section 102** specifies that a portion of the marriage license fee collected shall be appropriated to the Commissioner of Employment and Economic Development for the displaced homemaker program.

**Section 103** sunsets sections 56 and 57 of the bill on August 1, 2006.

**Section 104** extends a temporary petrofund fee exemption for Minnesota commercial airlines until July 1, 2007.

**Section 105** phases in the requirement for equality in medical fees for chiropractors and physical therapists over three years.

**Section 106 [Sesquicentennial Commission.]** establishes a commission to plan for activities relating to Minnesota's 150<sup>th</sup> anniversary of statehood.

**Section 107 [Minnesota Redevelopment Accounts.]** establishes dates by which the Commissioner of Employment and Economic Opportunity shall have awarded grants for redevelopment projects.

**Section 108** extends employment program wage rates; requires the Commissioner of Employment and Economic Opportunity to study the issue of the appropriate level of wages to be paid to participants in extended employment programs.

**Section 109** gives technical instructions to the Revisor.

**Section 110** repeals criteria for use of the accounts in the Minnesota Redevelopment Account, the \$30 apprenticeship registration fee, and two subdivisions relating to federal Environmental Protection Agency control of carbon monoxide.

CEB:rdr

**2005 Session - Ag, Env & Econ Dev**

Spending Proposals - General Fund

4/25/2005

(ooo omitted)

FY06 FY07 FY06 & 07

**Econ Dev:**

Spending - not in SF1879

Meth Lab Revolving Fund	250	250	500
Inspection & Code Enforcement	378	378	756
Firm Board	125	125	250
Tourism		1,000	1,000
<b>Subtotal</b>	<b>753</b>	<b>1,753</b>	<b>2,506</b>

Spending by Bills

251 Children's Discovery Museum-Grand Rapids	100		100
677 Historical Sites	700	700	1,400
980 MEDA	55	55	110
1120 Broadband	250		250
1309 UoM/Mayo Biotech/Medical/Genomics	7,000		7,000
1627 Minn Inventors Congress	50	50	100
1714 NW Regional Curfew	5	5	10
1951 Cold Weather Vineyard Research	125		125
2011 Sesquicentennial Project	50	50	100
2164 Fed Contract Procurement-DEED	100	100	200
<b>Subtotal</b>	<b>8,435</b>	<b>960</b>	<b>9,395</b>

Revenues:

Commerce Licensing Changes	752	752	1,504
Labor & Industry Code Enforcement	810	810	1,620
<b>Subtotal</b>	<b>1,562</b>	<b>1,562</b>	<b>3,124</b>

Spending Less Revenues:

8,777

**Ag & Env:**

Spending not in SF1879 - Net

(888)

Revenues - Net

6,145

**Subtotal**

**5,257**

**Total - General Fund Spending**

14,034

Target for Division Spending less Revenues

14,000

**Over or (Under) Target**

**34**

**Workforce Development Fund:**

Displaced Homemaker Adjustment	(750)	(750)	(1,500)
Apprenticeship Fee Adjustment	300	300	600
450 Job Skills - Boys & Girls Clubs	1,000	2,000	3,000
771 Mn Conservation Corps	1,200	2,400	3,600
937 Youth Intervention Program	500	1,500	2,000
1393 Lifetrack Resources	250	250	500
1618 Nurses Training - OICs	500	1,000	1,500
2095 Entrepreneur/Business - OICs	500	500	1,000
2212 Educational Program - Ford Plant	750		750
866 EE-Services for MI Increase	200	200	400
1133 EE-Provider Funding Increase	400	400	800
1334 Deaf & Hard of Hearing	150	150	300
<b>Subtotal</b>	<b>5,000</b>	<b>7,950</b>	<b>12,950</b>

**Workers Compensation Fund**

958 Vinland Center-Rehab	25	25	50
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**Env and Ag Area: Gen Fund Detail Changes**

**Senate Changes in SF1879**

Gen Fund Forecast Base	416,193
DNR: Minerals Management Fee	(3,052)
DNR: Gen Fund Reduction	(6,342)
DNR: Debt Service for Tankers	(2,292)
<u>BWSR: Reallocations</u>	<u>(600)</u>
<b>Base after SF1879</b>	<b>403,907</b>

**Gov Cuts NOT Adopted in SF1879**

PCA Gen Fund Reduction	(4,808)
DNR: Freeze PILT Payments	(3,000)
MN Cons Corps Cut	(700)
BWSR: Area II Joint Powers Cut	(210)
	<b>(8,718)</b>

**Proposed Appropriation Changes in Phase II**

PCA: Gen Fund Reduction (Gov Rec)	(4,808)	
DNR: Water Permit Fee Increase (expense) (Gov Rec)	20	
DNR: Invasive Species Prevention (SF1434-Olson)	308	
DNR: Trust Land Management Costs (Gov Rec)	(7,000)	shift cost to Nat Res Fund
DNR: Duluth Port Authority (SF33-Solon)	100	
DNR: Lets Go Fishing Promotion (SF665-Johnson)	325	
DNR: Silviculture-Timber Fiber Quality (SF875-Solon)	400	
DNR: Roadside Habitat (SF1937-Chaudhary)	200	
DNR: Tower-Soudan Mine Drilling (SF1642-Bakk)	250	
DNR: Mesaba State Trail Facility (Tomassoni)	300	
DNR: State Parks Increase (Senate)	400	
Met Council: Metro Parks Increase (Senate)	400	
BWSR:Additional Floodplain Management (SF405-Vickerman)	70	
BWSR:Beaver Damage Control Grants (SF1418-Skoe)	100	
BWSR:Public Drainage Sysytem Buffer (SF876-Hottinger)	109	
Ag:Rail Studies for Willmar & Clara City(Johnson & Kubly)	85	
Ag:Livestock Siting Asstance and Training (Gov Rec)	200	
Ag:Livestock Odor and Air Research (Gov Rec)	220	
Ag:MN Horticulture Society (SF1357-Kubly)	70	
Ag:Cold Climate Research (SF1754-Stumpf)	150	
Ag:Mental Health Grants (SF691-Sams)	200	
Ag:Second Harvest Food Banks (SF1202-Dille)	650	
Ag:New Building Lease Costs (Gov Rec)	4,749	
Ag: E85 Pump Grants (SF1213-Sams)	500	
Ag: Ethanol Efficiency Grants (SF1893-Murphy)	200	
Ag:Veterinary Diagnostic Lab @ U of MN (SF1413-Dille)	600	
<u>Animal Health Brd:New Building Lease Costs (Gov Rec)</u>	<u>314</u>	
<b>Net Gen Fund Appropriation Changes-Phase II</b>	<b>(888)</b>	

**Revenue Changes Phase II**

DNR: Minerals Management Fee from SF1879	(249)	missed lost revenue from SF1879
DNR: Trust Land Management Costs (Gov Rec)	(7,000)	shift revenue to Nat Res Fund
DNR: Surcharge on Summer Water (Gov Rec)	660	new revenue
DNR: Summer Water Permit Fee (Gov Rec)	426	new revenue
<u>Ag: Apiary Fee Increase (Gov Rec)</u>	<u>18</u>	new revenue, adjusted by Dept. of Ag
<b>Net Gen Fund Revenue Changes-Phase II</b>	<b>(6,145)</b>	

<b>Ag &amp; Env Phase II Spending Less Revenues</b>	<b>5,257</b>
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# ECONOMIC DEVELOPMENT(Ag, Env & Econ Dev)

2005 Session - dollars in thousands

S.F. xxxx / H.F. xxx

4/25/2005

SF1879

Senate - Balanced Budget Bill

Senate

Senate

Governor's Recs-Biennial Budget

2/28/05 Base With Adjustments

Adjustments to SF1879

SF1879 Plus Adjustments

Agency/Program/ Initiative	Fund	Governor's Recs-Biennial Budget			2/28/05 Base With Adjustments			Senate			Senate		
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07
1 Trade and Economic Development													
2 Busines & Community Development													
3 Direct	GF	8,233	8,233	16,466	8,233	8,233	16,466				8,233	8,233	16,466
4 Minnesota Investment Fund	GF	(1,203)	(1,203)	(2,406)	0	0	0				0	0	0
5 Methamphetamine Cleanup Fund	GF	250	250	500	0	0	0	250	250	500	250	250	500
6 Reduce Program Costs	GF	(329)	(329)	(658)	(329)	(329)	(658)				(329)	(329)	(658)
7 UoM/Mayo Biotech/Medical Reseach	GF							7,000		7,000	7,000		7,000
8 SBIR-Access to Federal Contracts	GF							100	100	200	100	100	200
9 Minnesota Inventors Congres-Grant	GF							50	50	100	50	50	100
10 NWRDC Cold-Hardy Vineyard Researh	GF							125	0	125	125	0	125
11 MEDA-Grant	GF							55	55	110	55	55	110
12 Get Broadband Grant-Blandin Fd	GF							250	0	250	250	0	250
13 Children's Discovery Museum	GF							100		100	100	0	100
14 Open & Standing - Base	GF-O	250	250	500	250	250	500				250	250	500
15 Eliminate Mortgage Credit Program	GF-O	(250)	(250)	(500)	(250)	(250)	(500)				(250)	(250)	(500)
16 Remediation	REM	700	700	1,400	700	700	1,400				700	700	1,400
17 Statutory	SR		29	29		0	0			29	29		29
18 Program Totals	GF	6,951	6,951	13,902	7,904	7,904	15,808	7,930	455	8,385	15,834	8,359	24,193
19	GF-O	0	0	0	0	0	0	0	0	0	0	0	0
20	REM	700	700	1,400	700	700	1,400	0	0	0	700	700	1,400
21	ALL	7,651	7,651	15,302	8,604	8,604	17,208	7,930	455	8,385	16,534	9,059	25,593
22													
23 Workforce Partnerships													
24 Direct	GF	13,617	13,617	27,234	13,617	13,617	27,234				13,617	13,617	27,234
25 Eliminate Youthbuild	GF	(757)	(757)	(1,514)	0	0	0				0	0	0
26 Eliminate MN Youth Program	GF	(4,190)	(4,190)	(8,380)	0	0	0				0	0	0
27 Eliminate Learn-To-Earn Program	GF	(183)	(183)	(366)	0	0	0				0	0	0
28 Transfer Youth Inter to Public Safety	GF	(1,452)	(1,452)	(2,904)	0	0	0				0	0	0
29 NW Regional Curfew Center-Grant	GF							5	5	10	5	5	10
30 Twin Cities Comunity Voice Mail(Base)	GF							[8.5]	[8.5]	[17.0]	[8.5]	[8.5]	[17.0]
31 Direct	WKDF	1,725	1,725	3,450	1,725	1,725	3,450				1,725	1,725	3,450
32 Eliminate Displaced Homemaker Prog	WKDF	(750)	(750)	(1,500)	0	0	0	(750)	(750)	(1,500)	(750)	(750)	(1,500)
33 Eliminate Lifetrack Resources(1 time)	WKDF	(100)	(100)	(200)	(100)	(100)	(200)				(100)	(100)	(200)
34 Lifetrack Resources	WKDF							250	250	500	250	250	500
35 Job Skills - Boys and Girls Alliance	WKDF							1,000	2,000	3,000	1,000	2,000	3,000
36 OICs Indian Businesspersons	WKDF							500	500	1,000	500	500	1,000
37 OICs Nurses Training	WKDF							500	1,000	1,500	500	1,000	1,500
38 Educational Program-Ford Plant	WKDF							750	0	750	750	0	750
39 Youth Intervention Program	WKDF							500	1,500	2,000	500	1,500	2,000
40 Statutory													
41 Workforce Development Fund	WKDF	750	750	1,500	750	750	1,500				750	750	1,500
42 Statutory													
43 Displaced Homemaker Program	SR	200	200	400				643	848	1,491	643	848	1,491
44 Eliminate Displaced Homemaker Prog	SR	(200)	(200)	(400)	200	200	400				200	200	400
45 Program Totals	GF	7,035	7,035	14,070	13,617	13,617	27,234	5	5	10	13,622	13,622	27,244
46	SR	0	0	0	200	200	400	643	848	1,491	843	1,048	1,891
47	WKDF	875	875	1,750	1,625	1,625	3,250	2,750	4,500	7,250	4,375	6,125	10,500
48	ALL	7,910	7,910	15,820	15,442	15,442	30,884	3,398	5,353	8,751	18,840	20,795	39,635

**ECONOMIC DEVELOPMENT(Ag, Env & Econ Dev)**

2005 Session - dollars in thousands

S.F. xxxx / H.F. xxx

4/25/2005

SF1879

Senate - Balanced Budget Bill

Senate

Senate

Governor's Recs-Biennial Budget

2/28/05 Base With Adjustments

Adjustments to SF1879

SF1879 Plus Adjustments

Agency/Program/ Initiative	Fund	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07
49 Workforce Services													
50 Direct	GF	20,165	20,165	40,330	20,165	20,165	40,330				20,165	20,165	40,330
51 Direct	WKDF	6,945	6,945	13,890	6,945	6,945	13,890				6,945	6,945	13,890
52 EE-Services for MI Increase	WKDF							200	200	400	200	200	400
53 EE-Provider Funding Increase	WKDF							400	400	800	400	400	800
54 Deaf & Hard of Hearing	WKDF							150	150	300	150	150	300
55 Program Totals	GF	20,165	20,165	40,330	20,165	20,165	40,330	0	0	0	20,165	20,165	40,330
56	WKDF	6,945	6,945	13,890	6,945	6,945	13,890	750	750	1,500	7,695	7,695	15,390
57	ALL	27,110	27,110	54,220	27,110	27,110	54,220	750	750	1,500	27,860	27,860	55,720
58 State Funded Administration													
59 Direct	GF	3,721	3,721	7,442	3,721	3,721	7,442				3,721	3,721	7,442
60 Reduce Administrative Costs	GF	(444)	(444)	(888)	(444)	(444)	(888)				(444)	(444)	(888)
61 Statutory	SR	20	20	40	20	20	40				20	20	40
62 Program Totals	GF	3,277	3,277	6,554	3,277	3,277	6,554				3,277	3,277	6,554
63													
64 Agency Totals	GF	37,428	37,428	74,856	44,963	44,963	89,926	7,935	460	8,395	52,898	45,423	98,321
65	GF-O	0	0	0	0	0	0	0	0	0	0	0	0
66	SR	0	0	0	200	200	400	643	848	1,491	843	1,048	1,891
67	REM	700	700	1,400	700	700	1,400	0	0	0	700	700	1,400
68	WKDF	7,820	7,820	15,640	8,570	8,570	17,140	3,500	5,250	8,750	12,070	13,820	25,890
69	ALL	45,948	45,948	91,896	54,433	54,433	108,866	12,078	6,558	18,636	66,511	60,991	127,502
70 Minnesota Conservation Corps													
71 Job Skills and Training Grant	WKDF							1,200	2,400	3,600	1,200	2,400	3,600
72 Agency Total	WKDF							1,200	2,400	3,600	1,200	2,400	3,600
73													
74 Explore Minnesota Tourism													
75 Direct	GF	8,626	8,626	17,252	8,626	8,626	17,252				8,626	8,626	17,252
76 Base Reduction	GF	(1,000)	(1,000)	(2,000)	0	0	0				0	0	0
77 Film Board Funding Increase	GF							125	125	250	125	125	250
78 Public/Private Funding Enhancement	GF		1,000	1,000	0	0	0	0	1,000	1,000	0	0	1,000
79 Agency Total	GF	7,626	8,626	16,252	8,626	8,626	17,252	125	1,125	1,250	8,751	8,751	18,502
80 Housing Finance Agency													
81 Direct	GF	34,885	34,885	69,770			0				34,885	34,885	69,770
82 Current Law Base Change-HAF	GF	885	885	1,770			0				885	885	1,770
83 Affordable Rental Investment-Preserv	GF	(742)	(742)	(1,484)	9,273	9,273	18,546				0	0	0
84 Family Homeless Prevention	GF	0	0	0	3,715	3,715	7,430				0	0	0
85 Housing Challenge Program	GF	(5,215)	(5,215)	(10,430)	9,622	9,622	19,244				0	0	0
86 Rental Assistance for Mentally Ill	GF	0	0	0	1,638	1,638	3,276				0	0	0
87 Homeownership, Ed, Counseling & Tr	GF	0	0	0	770	770	1,540				0	0	0
88 Rehabilitation Loan Program	GF	(1,318)	(1,318)	(2,636)	3,972	3,972	7,944				0	0	0
89 Homeownership Assistance Fund	GF	(885)	(885)	(1,770)	885	885	1,770				0	0	0
90 Non-Profit Capacity Building Program	GF	(55)	(55)	(110)	305	305	610				0	0	0
91 Tribal Indian Housing Program	GF	(1,105)	(1,105)	(2,210)	1,105	1,105	2,210				0	0	0
92 Urban Indian Housing Program	GF	(180)	(180)	(360)	180	180	360				0	0	0
93 Housing Trust Fund	GF				4,305	4,305	8,610	(1,400)	0	(1,400)	(1,400)	0	(1,400)
94 Correctional/Dentention-Housing-HTF	GF						0	1,400	0	1,400	1,400	0	1,400
95 Ending Long-Term Homeless - HTF	GF	2,000	2,000	4,000	0	0	0				0	0	0
96 Agency Total	GF	28,270	28,270	56,540	35,770	35,770	71,540	0	0	0	35,770	35,770	71,540

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SF1879

Senate - Balanced Budget Bill

Senate

Senate

Governor's Recs-Biennial Budget

2/28/05 Base With Adjustments

Adjustments to SF1879

SF1879 Plus Adjustments

Agency/Program/ Initiative	Fund	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07
97													
98													
99													
100 Commerce													
101 Financial Examinations													
102 Direct Base	GF	5,994	5,994	11,988	5,994	5,994	11,988				5,994	5,994	11,988
103 Program Total	GF	5,994	5,994	11,988	5,994	5,994	11,988				5,994	5,994	11,988
104													
105 Petroleum Tank Release Cleanup													
106 Direct Base	Petro	1,084	1,084	2,168	1,084	1,084	2,168				1,084	1,084	2,168
107 Program Total	Petro	1,084	1,084	2,168	1,084	1,084	2,168				1,084	1,084	2,168
108													
109													
110 Administrative Services													
111 Direct Base	GF	5,418	5,418	10,836	5,418	5,418	10,836				5,418	5,418	10,836
112 Program Total	GF	5,418	5,418	10,836	5,418	5,418	10,836				5,418	5,418	10,836
113													
114 Market Assurance													
115 Direct Base	GF	4,912	4,912	9,824	4,912	4,912	9,824				4,912	4,912	9,824
116 Reallocation of Contractor Admin FD	GF	(100)	(100)	(200)	(100)	(100)	(200)				(100)	(100)	(200)
117 Statutory	SR	100	100	200	100	100	200				100	100	200
118 Direct Base	WCFSF	835	835	1,670	835	835	1,670				835	835	1,670
119 Program Totals	GF	4,812	4,812	9,624	4,812	4,812	9,624				4,812	4,812	9,624
120	WCFSF	835	835	1,670	835	835	1,670				835	835	1,670
121	All	5,647	5,647	11,294	5,647	5,647	11,294				5,647	5,647	11,294
122													
123 Energy & Telecommunications													
124 Direct Base	GF	4,349	4,349	8,698	4,349	4,349	8,698				4,349	4,349	8,698
125 Division Expenses Reduction	GF	(125)	(125)	(250)	(125)	(125)	(250)				(125)	(125)	(250)
126 Open Appropriation - Base	GF-O	4,838	4,838	9,676	4,838	4,838	9,676				4,838	4,838	9,676
127 Shift Costs to Renewable Energy Fd	GF-O	(4,538)	(4,538)	(9,076)	0	0	0				0	0	0
128 Statutory													
129 Renewable Energy Incentive-Paymts	RDF	4,538	4,538	9,076	0	0	0				0	0	0
130 Program Totals	GF	4,224	4,224	8,448	4,224	4,224	8,448				4,224	4,224	8,448
131	GF-O	300	300	600	4,838	4,838	9,676				4,838	4,838	9,676
132 Weights & Measures													
133 Direct Base	GF	2,507	2,507	5,014	2,507	2,507	5,014				2,507	2,507	5,014
134 Program Total	GF	2,507	2,507	5,014	2,507	2,507	5,014				2,507	2,507	5,014
135													
136 Agency Totals	GF	22,955	22,955	45,910	22,955	22,955	45,910				22,955	22,955	45,910
137	Petro	1,084	1,084	2,168	1,084	1,084	2,168				1,084	1,084	2,168
138	WCFSF	835	835	1,670	835	835	1,670				835	835	1,670
139	ALL	24,874	24,874	49,748	24,874	24,874	49,748				24,874	24,874	49,748
140	GF-O	300	300	600	4,838	4,838	9,676				4,838	4,838	9,676
141													
142													

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Agency/Program/ Initiative	Fund	SF1879											
		Governor's Recs-Biennial Budget			Senate - Balanced Budget Bill 2/28/05 Base With Adjustments			Senate Adjustments to SF1879			Senate SF1879 Plus Adjustments		
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07
<b>143 Accountancy Board</b>													
144 Direct Base	GF	577	577	1,154	577	577	1,154				577	577	1,154
145 Consolid Admin with Arch & Engineer Bd	GF	(90)	(90)	(180)	(90)	(90)	(180)				(90)	(90)	(180)
<b>146 Agency Total</b>	<b>GF</b>	<b>487</b>	<b>487</b>	<b>974</b>	<b>487</b>	<b>487</b>	<b>974</b>				<b>487</b>	<b>487</b>	<b>974</b>
147													
148													
<b>149 Arch, Eng, Surveying, Landscape, Geoscience &amp; Interior Design</b>													
150 Direct Base	GF	785	785	1,570	785	785	1,570				785	785	1,570
<b>151 Agency Total</b>	<b>GF</b>	<b>785</b>	<b>785</b>	<b>1,570</b>	<b>785</b>	<b>785</b>	<b>1,570</b>				<b>785</b>	<b>785</b>	<b>1,570</b>
152													
153													
<b>154 Barbers &amp; Cosmetologists Examiners</b>													
155 Direct Base	GF	699	699	1,398	699	699	1,398				699	699	1,398
<b>156 Agency Total</b>	<b>GF</b>	<b>699</b>	<b>699</b>	<b>1,398</b>	<b>699</b>	<b>699</b>	<b>1,398</b>				<b>699</b>	<b>699</b>	<b>1,398</b>
157													
158													
<b>159 Labor &amp; Industry</b>													
160 Workers Compensation Division													
161 Direct Base	WCSF	10,346	10,346	20,692	10,346	10,346	20,692				10,346	10,346	20,692
162 Vinland Center-Rehab Services	WCSF							25	25	50	25	25	50
<b>163 Program Total</b>	<b>WCSF</b>	<b>10,346</b>	<b>10,346</b>	<b>20,692</b>	<b>10,346</b>	<b>10,346</b>	<b>20,692</b>	<b>25</b>	<b>25</b>	<b>50</b>	<b>10,371</b>	<b>10,371</b>	<b>20,742</b>
164													
165 Workplace Services Division													
166 Direct Base	GF	2,494	2,494	4,988	2,494	2,494	4,988				2,494	2,494	4,988
167 Code Enforcement Increase	GF	378	378	756	0	0	0	378	378	756	378	378	756
168 Direct Base	WKDF	450	450	900	450	450	900				450	450	900
169 Apprenticeship Fee - Replacement	WKDF							300	300	600	300	300	600
170 Direct Base	SR							300	300	600	300	300	600
171 Apprenticeship Fee - Reduction	SR							(300)	(300)	(600)	(300)	(300)	(600)
172 Direct Base	WCSF	3,639	3,639	7,278	3,639	3,639	7,278				3,639	3,639	7,278
<b>173 Program Totals</b>	<b>GF</b>	<b>2,872</b>	<b>2,872</b>	<b>5,744</b>	<b>2,494</b>	<b>2,494</b>	<b>4,988</b>	<b>378</b>	<b>378</b>	<b>756</b>	<b>2,872</b>	<b>2,872</b>	<b>5,744</b>
174	WKDF	450	450	900	450	450	900	300	300	600	750	750	1,500
175	WCSF	3,639	3,639	7,278	3,639	3,639	7,278	0	0	0	3,639	3,639	7,278
176	ALL	6,961	6,961	13,922	6,583	6,583	13,166	678	678	1,356	7,261	7,261	14,522
177													
178 General Support Division													
179 Direct Base	WCSF	5,287	5,287	10,574	5,287	5,287	10,574				5,287	5,287	10,574
<b>180 Program Total</b>	<b>WCSF</b>	<b>5,287</b>	<b>5,287</b>	<b>10,574</b>	<b>5,287</b>	<b>5,287</b>	<b>10,574</b>				<b>5,287</b>	<b>5,287</b>	<b>10,574</b>
181													
<b>182 Agency Totals</b>	<b>GF</b>	<b>2,872</b>	<b>2,872</b>	<b>5,744</b>	<b>2,494</b>	<b>2,494</b>	<b>4,988</b>	<b>378</b>	<b>378</b>	<b>756</b>	<b>2,872</b>	<b>2,872</b>	<b>5,744</b>
183	WKDF	450	450	900	450	450	900	300	300	600	750	750	1,500
184	WCSF	19,272	19,272	38,544	19,272	19,272	38,544	25	25	50	19,297	19,297	38,594
185	ALL	22,594	22,594	45,188	22,216	22,216	44,432	703	703	1,406	22,919	22,919	45,838
186													
187													
<b>188 Mediation Services Bureau</b>													
189 Direct Base	GF	1,773	1,773	3,546	1,773	1,773	3,546				1,773	1,773	3,546
<b>190 Agency Total</b>	<b>GF</b>	<b>1,773</b>	<b>1,773</b>	<b>3,546</b>	<b>1,773</b>	<b>1,773</b>	<b>3,546</b>				<b>1,773</b>	<b>1,773</b>	<b>3,546</b>

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Agency/Program/ Initiative	Fund	Governor's Recs-Biennial Budget			SF1879 Senate - Balanced Budget Bill 2/28/05 Base With Adjustments			Senate Adjustments to SF1879			Senate SF1879 Plus Adjustments		
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07
191													
192													
193 <b>Workers Comp Court of Appeals</b>													
194 Direct Base	WCSF	1,618	1,618	3,236	1,618	1,618	3,236				1,618	1,618	3,236
195 <b>Agency Total</b>	WCSF	1,618	1,618	3,236	1,618	1,618	3,236				1,618	1,618	3,236
196													
197													
198 <b>Public Utilities Commission</b>													
199 Direct Base	GF	4,163	4,163	8,326	4,163	4,163	8,326				4,163	4,163	8,326
200 <b>Agency Total</b>	GF	4,163	4,163	8,326	4,163	4,163	8,326				4,163	4,163	8,326
201													
202													
203 <b>Historical Society</b>													
204 Education and Outreach													
205 Direct Base	GF	12,381	12,381	24,762	12,381	12,381	24,762				12,381	12,381	24,762
206 Budget Reduction	GF	(557)	(557)	(1,114)	0	0	0				0	0	0
207 Sesquicentennial Project	GF							75	75	150	75	75	150
208 Historical Sites	GF							700	700	1,400	700	700	1,400
209 <b>Program Total</b>	GF	11,824	11,824	23,648	12,381	12,381	24,762	775	775	1,550	13,156	13,156	26,312
210													
211 <b>Preservation &amp; Access</b>													
212 Direct Base	GF	9,772	9,772	19,544	9,772	9,772	19,544				9,772	9,772	19,544
213 <b>Program Total</b>	GF	9,772	9,772	19,544	9,772	9,772	19,544				9,772	9,772	19,544
214													
215 <b>Pass Through Grants</b>													
216 Direct Base													
217 MN International Center	GF	43	42	85	43	42	85				43	42	85
218 MN Air National Guard Museum	GF	16		16	16		16				16		16
219 MN Military Museum	GF	67		67	67		67				67		67
220 Farmamerica	GF	128	85	213	128	85	213				128	85	213
221 <b>Program Total</b>	GF	254	127	381	254	127	381	0	0	0	254	127	381
222													
223 <b>Agency Total</b>		21,850	21,723	43,573	22,407	22,280	44,687	775	775	1,550	23,182	23,055	46,237
224													
225 <b>Arts Board</b>													
226 Operation & Services													
227 Direct Base	GF	404	404	808	404	404	808				404	404	808
228 <b>Program Total</b>	GF	404	404	808	404	404	808				404	404	808
229													
230 <b>Grant Programs</b>													
231 Direct Base	GF	5,767	5,767	11,534	5,767	5,767	11,534				5,767	5,767	11,534
232 <b>Program Total</b>	GF	5,767	5,767	11,534	5,767	5,767	11,534				5,767	5,767	11,534
233													
234 <b>Regional Arts Councils</b>													
235 Direct Base	GF	2,422	2,422	4,844	2,422	2,422	4,844				2,422	2,422	4,844
236 <b>Program Total</b>	GF	2,422	2,422	4,844	2,422	2,422	4,844				2,422	2,422	4,844
237													
238 <b>Agency Total</b>	GF	8,593	8,593	17,186	8,593	8,593	17,186				8,593	8,593	17,186

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SF1879

Senate - Balanced Budget Bill

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Senate

Governor's Recs-Biennial Budget

2/28/05 Base With Adjustments

Adjustments to SF1879

SF1879 Plus Adjustments

Agency/Program/ Initiative	Fund	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	
239														
240														
241	<b>Electricity Board</b>													
242	Statutory	SR	11,046	11,046	22,092	11,046	11,046	22,092			11,046	11,046	22,092	
243	<b>Agency Total</b>	SR	11,046	11,046	22,092	11,046	11,046	22,092			11,046	11,046	22,092	
244														
245														
246	<b>Iron Range Resources &amp; Rehabilitation</b>													
247	Region - Occupation Tax	GF-0	468	468	936	468	468	936			468	468	936	
248	Statutory	IRRRB	21,338	23,239	44,577	21,338	23,239	44,577			21,338	23,239	44,577	
249	Statutory	GRG&SR	5,874	5,874	11,748	5,874	5,874	11,748			5,874	5,874	11,748	
250	Statutory	NMEP	4,381	2,580	6,961	4,381	2,580	6,961			4,381	2,580	6,961	
251	<b>Agency Total</b>	GF-0	468	468	936	468	468	936			468	468	936	
252	Statutory		31,593	31,693	63,286	31,593	31,693	63,286			31,593	31,693	63,286	
253	ALL		32,061	32,161	64,222	32,061	32,161	64,222			32,061	32,161	64,222	
254														
255														
256														
257														
258														
259	Totals for all agencies	GF	137,501	138,374	275,875	153,715	153,588	307,303	9,213	2,738	11,951	162,928	155,326	319,254
260		GF-O	768	768	1,536	5,306	5,306	10,612	0	0	0	5,306	5,306	10,612
261		SR	0	0	0	200	200	400	643	848	1,491	843	1,048	1,891
262		REM	700	700	1,400	700	700	1,400	0	0	0	700	700	1,400
263		Petro	1,084	1,084	2,168	1,084	1,084	2,168	0	0	0	1,084	1,084	2,168
264		WCSEF	21,725	21,725	43,450	21,725	21,725	43,450	25	25	50	21,750	21,750	43,500
265		WKDF	8,270	8,270	16,540	9,020	9,020	18,040	5,000	7,950	12,950	14,020	16,970	30,990
266		ALL	170,048	170,921	340,969	191,750	191,623	383,373	14,881	11,561	26,442	206,631	202,184	409,815
267														
268	Total Direct Appropriations		170,048	170,921	340,969	191,750	191,623	383,373	14,881	11,561	26,442	206,631	202,184	409,815
269	Less General Fund Open		(768)	(768)	(1,536)	(5,306)	(5,306)	(10,612)	0	0	0	(5,306)	(5,306)	(10,612)
270	Total Appropriations in Bill		169,280	170,153	339,433	186,444	186,317	372,761	14,881	11,561	26,442	201,325	196,878	399,203
271														
272														
273	<b>General Fund Revenue</b>													
274	Commerce-Unclaimed Property Sale		25,000	5,000	30,000	25,000	5,000	30,000				25,000	5,000	30,000
275	Commerce-License Fee Change		734	734	1,468	0	0	0	734	734	1,468	734	734	1,468
276	Commerce-Insurance Certificate of Authority Fee		18	18	36	0	0	0	18	18	36	18	18	36
277	Labor & Industry-Boiler Inspection Fees &		810	810	1,620	0	0	0	810	810	1,620	810	810	1,620
278	Electricity Board Transfer		4,000		4,000	0	0	0				0	0	0
279	<b>Total General Fund Revenue</b>		30,562	6,562	37,124	25,000	5,000	30,000	1,562	1,562	3,124	26,562	6,562	33,124
280														
281														

**ECONOMIC DEVELOPMENT(Ag, Env & Econ Dev)**

2005 Session - dollars in thousands

S.F. xxxx / H.F. xxx

4/25/2005

Agency/Program/ Initiative	Fund	Governor's Recs-Biennial Budget			SF1879 Senate - Balanced Budget Bill 2/28/05 Base With Adjustments			Senate Adjustments to SF1879			Senate SF1879 Plus Adjustments		
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07
282													
283													
284	<b>Non-General Fund Revenue</b>												
285	DEED-Meth Lab Cleanup Revolving Loan SR		29	29	0	0	0		29	29	55	55	110
286	DEED- Mn Investment Fund-Repayment SR	350	350	700	0	0	0				0	0	0
287	DEED-Promotional & Marketing Rev Fd SR	20	20	40	0	0	0	20	20	40	20	20	40
288	DEED-\$10 Marriage Fee Reduction-DHP SR	(200)	(200)	(400)	0	0	0						
289	DEED-Marriage, Dissolution, Education Fees				200	200	400	643	848	1,491	843	1,048	1,891
290	Mn Tourism Public Private Enhancement SR	1,500	1,500	3,000	0	0	0				1,500	1,500	3,000
291	<b>Total Non-General Fund Revenue</b>	<b>1,670</b>	<b>1,699</b>	<b>3,369</b>	<b>200</b>	<b>200</b>	<b>400</b>	<b>663</b>	<b>897</b>	<b>1,560</b>	<b>2,418</b>	<b>2,623</b>	<b>5,041</b>
292													
293													
294	<b>NET GENERAL FUND(Negatives are gains: Positives are Losses)</b>												
295	Direct Appropriations	137,501	138,374	275,875	153,715	153,588	307,303	9,213	2,738	11,951	162,928	155,326	319,254
296	Plus Open & Standing	768	768	1,536	5,306	5,306	10,612	0	0	0	5,306	5,306	10,612
297	Less General Fund Revenues	(30,562)	(6,562)	(37,124)	(25,000)	(5,000)	(30,000)	(1,562)	(1,562)	(3,124)	(26,562)	(6,562)	(33,124)
298	<b>Total Impact on General Fund</b>	<b>107,707</b>	<b>132,580</b>	<b>240,287</b>	<b>134,021</b>	<b>153,894</b>	<b>287,915</b>	<b>7,651</b>	<b>1,176</b>	<b>8,827</b>	<b>141,672</b>	<b>154,070</b>	<b>296,742</b>
299													
300	<b>Balanced Budget Bill - Difference from Gov Rec</b>							<b>47,628</b>					<b>56,455</b>
301													

ENVIRONMENT, NATURAL RESOURCES and AGRICULTURE 2006-2007 BUDGET (\$thousands)

line	Summary Division Changes		FY	SENATE			+ / (-)    Sen-Base	+ / (-)    Sen-Gov
				FY 2006	FY 2007	2006-07		
3								
4	Agency by Fund	Fund Type						
6	<b>POLLUTION CONTROL AGENCY; Direct after SF1879</b>							
7	General	GEN dir		14,715	14,715	29,430	-	
8	State Government Special Revenue	SGSR dir		48	48	96	-	
9	Environmental	ENV dir		26,812	26,812	53,624	-	
10	Remediation	REM dir		11,404	11,404	22,808	-	
11	<b>PCA - total direct after SF1879</b>			<b>52,979</b>	<b>52,979</b>	<b>105,958</b>	-	
12								
13	<b>Change Items:</b>							
14	<b>PCA - Water Div</b>							
15	General Fund Reduction	GEN dir		(2,004)	(2,004)	(4,008)	1,092	
16	Transfer from Remediation Fund (Land)	ENV dir		8,300	8,300	16,600	(18,509)	
17	Clean Water Sec 401 Waivers (SF1123-Hottinger)	ENV stat		140	140	280	280	
18	<b>PCA - Air Div</b>							
19	Air Fee Increase	ENV dir		532	839	1,371	-	
20	<b>PCA - Land Div</b>							
21	Transfer to ENV Fund	REM stat		(11,700)	(11,700)	(23,400)	-	
22	Remain in Land Program for Superfund Sites	REM stat		3,400	3,400	6,800	6,800	
23	<b>PCA - Admin</b>							
24	General Fund Reduction	GEN dir		(400)	(400)	(800)	-	
25								
26								
27	<b>Total Change Items:</b>			<b>(2,404)</b>	<b>(2,404)</b>	<b>(4,808)</b>		
28		ENV dir		8,832	9,139	17,971		
29		ENV stat		140	140	280		
30		REM stat		(8,300)	(8,300)	(16,600)		
31	<b>Total Change Items:</b>			<b>(1,732)</b>	<b>(1,425)</b>	<b>(3,157)</b>		
32								
33	<b>POLLUTION CONTROL AGENCY; Direct all</b>							
34	General	GEN dir		12,311	12,311	24,622	(4,808)	
35	State Government Special Revenue	SGSR dir		48	48	96	-	
36	Environmental	ENV dir		35,644	35,951	71,595	17,971	
37	Remediation	REM dir		11,404	11,404	22,808	-	
38	<b>PCA - total direct all</b>			<b>59,407</b>	<b>59,714</b>	<b>119,121</b>	<b>13,163</b>	
39								
40								
41	<b>OFFICE OF ENV ASSISTANCE; Direct after SF1879</b>							
42	General	GEN dir		11,760	11,760	23,520	-	
43	Environmental	ENV dir		7,994	7,994	15,988	-	
44	<b>OEA- total direct after SF1879</b>			<b>19,754</b>	<b>19,754</b>	<b>39,508</b>	-	
45								
46	<b>Change Items:</b>							
47	none							
48								
49								
50	<b>MINNESOTA ZOO; Direct after SF1879</b>							
51	General	GEN dir		6,557	6,557	13,114	-	
52	Natural Resources	NRF dir		124	124	248	248	
53	<b>MN Zoo - total direct after SF1879</b>			<b>6,681</b>	<b>6,681</b>	<b>13,362</b>	<b>248</b>	
54								
55	<b>Change Items:</b>							
56	Lottery in Lieu - MN Zoo Forecast Adjustment	NRF dir		8	10	18	18	
57								
58	<b>MINNESOTA ZOO; Direct all</b>							
59	General	GEN dir		6,557	6,557	13,114	13,114	
60	Natural Resources	NRF dir		132	134	266	266	
61	<b>MN Zoo - total direct all</b>			<b>6,689</b>	<b>6,691</b>	<b>13,380</b>	<b>13,380</b>	

**ENVIRONMENT, NATURAL RESOURCES and AGRICULTURE 2006-2007 BUDGET (\$thousands)**

line	Summary Division Changes		FY	SENATE			+ / (-) Sen-Base	+ / (-) Sen-Gov
				FY 2006	FY 2007	2006-07		
3								
4	<b>Agency by Fund</b>	<b>Fund Type</b>						
64	<b>DEPT OF NATURAL RESOURCES; Direct after SF1879</b>							
65	General	GEN dir		77,941	77,941	155,882	(9,394)	
66	Natural Resources	NRF dir		52,067	52,067	104,134	3,892	
67	Game and Fish	G&F dir		82,050	82,050	164,100	-	
68	Permanent School	PS dir		-	-	-	-	
69	Remediation	REM dir		100	100	200	-	
70	<b>DNR- total direct after SF1879</b>			<b>212,158</b>	<b>212,158</b>	<b>424,316</b>	<b>(5,502)</b>	
71								
72	<b>Change Items:</b>							
73	<b>DNR - Lands &amp; Minerals</b>							
74	Operations Support Reallocation	GEN dir		343	343	686	-	
75	Tower-Soudan Mine Drilling (Bakk)	GEN dir		250	-	250	250	
76	Operations Support Reallocation	NRF dir		20	20	40	-	
77	Operations Support Reallocation	G&F dir		74	74	148	-	
78	Aggregate Inventory on School Trust Land	PS dir		50	50	100	-	
79	<b>DNR - Water Resources</b>							
80	Operations Support Reallocation	GEN dir		398	398	796	-	
81	Water Permit Fee Increase	GEN dir		10	10	20	-	
82	<b>DNR-Forest Management</b>							
83	Operations Support Reallocation	GEN dir		1,789	1,789	3,578	-	
84	Trust Land Management Costs (SF790-Saxhaug)	GEN dir		(3,500)	(3,500)	(7,000)	-	
85	Reallocation from Enforcement (Senate)	GEN dir		250	250	500	500	
86	Silviculture-Timber Fiber Quality (SF875-Solon)	GEN dir		200	200	400	400	
87	Trust Land Management Costs (SF790-Saxhaug)	NRF dir		3,500	3,500	7,000	-	
88	Appropriation from Forestry Mgmt Investment Acct (Senate)	NRF dir		300	300	600	600	
89	State Forestry Nursery Stock Surcharge (SF710-Bakk)	SR stat		250	250	500	-	
90	Heritage Enhancement	G&F dir		250	250	500	-	
91	<b>DNR-Parks &amp; Recreation</b>							
92	Operations Support Reallocation	GEN dir		3,068	3,068	6,136	-	
93	Gen Fund Reallocation from Ecological Services (Senate)	GEN dir		250	250	500	500	
94	Increase State Parks Funding (Senate)	GEN dir		200	200	400	400	
95	Lottery in-Lieu Sales Tax adjustment	NRF dir		246	318	564	9)	
96	<b>DNR-Trails &amp; Waterways</b>							
97	Operations Support Reallocation	GEN dir		50	50	100	-	
98	Duluth Port Authority (SF33-Solon)	GEN dir		100	-	100	100	
99	Mesaba Trail Facilities (Tomassoni)	GEN dir		300	-	300	300	
100	Lottery in-Lieu Sales Tax adjustment	NRF dir		1,332	1,357	2,689	(90)	
101	Operations Support Reallocation	NRF dir		866	866	1,732	-	
102	Water Recreation Funding	NRF dir		650	650	1,300	-	
103	Fishing Pier Adjustments	NRF dir		(154)	(154)	(308)	-	
104	Off-Highway Vehicle	NRF dir		(100)	(100)	(200)	-	
105	ATV Gas Tax Study	NRF dir		75	-	75	-	
106	Expansion Snowmobile Trail Acct (SF610-Bakk)	NRF dir		57	57	114	114	
107	Increased Snowmobile Grants-in-aid (SF1534-Bakk)	NRF dir		500	500	1,000	1,000	
108	Snowmobile Sticker/Easement & New Position (SF1534-Bakk)	NRF dir		500	500	1,000	1,000	
109	Extend OHV Damage Account (Dibble Amendment)	NRF stat		200	-	200	200	
110	Fishing Pier Adjustments	G&F dir		154	154	308	-	
111	Wallop-Breaux Water Access Funding	G&F dir		253	249	502	-	
112	<b>DNR-Fish &amp; Wildlife</b>							
113	Lets Go Fishing Promotion (SF665-Johnson)	GEN dir		325	-	325	325	
114	Roadside Habitat (SF1937-Chaudhary)	GEN dir		100	100	200	200	
115	Water Recreation Funding	NRF dir		348	348	696	-	
116	Operations Support Reallocation	G&F dir		2,719	2,719	5,438	-	
117	Water Recreation Funding	G&F dir		(348)	(348)	(696)	-	
118	Red Lake Fish Management	G&F dir		100	100	200	-	
119	Comprehensive Lakes Management	G&F dir		85	85	170	-	
120	Shoreland Habitat Management Program	G&F dir		200	200	400	-	
121	Sturgeon Tagging	G&F dir		25	28	53	-	
122	Increase Stamp Acct Spending	G&F dir		1,591	1,441	3,032	-	
123	Heritage Enhancement-Wolf Delisting	G&F dir		75	75	150	-	
124	Heritage: Prairie Wetland Complexes & Monitoring	G&F dir		600	600	1,200	-	
125	Statewide Electronic Registration	G&F stat		312	312	624	-	
126	Full Funding ELS Costs	G&F stat		75	75	150	-	
127	Expand Critical Habitat Plate Sales	RIM stat		111	111	222	-	
128	<b>DNR-Ecological Services</b>							
129	General Fund Reallocation to Parks (Senate)	GEN dir		(250)	(250)	(500)	(500)	
130	Operations Support Reallocation	GEN dir		171	171	342	-	

ENVIRONMENT, NATURAL RESOURCES and AGRICULTURE 2006-2007 BUDGET (\$thousands)

line	Summary Division Changes		FY	SENATE			+ / (-)    Sen-Base	+ / (-)    Sen-Gov
				FY 2006	FY 2007	2006-07		
3								
4	<b>Agency by Fund</b>		<b>Fund Type</b>					
131	Invasive Species Prevention (SF1434-Olson)		GEN dir	154	154	308	308	
132	Operations Support Reallocation		NRF dir	60	60	120	-	
133	Water Recreation Funding (includes invasive species)		NRF dir	266	266	532	-	
134	Nongame Wildlife Ed., Info. & Promo. (one time)		NRF dir	100	100	200	-	
135	Operations Support Reallocation		G&F dir	111	111	222	-	
136	Water Recreation Funding		G&F dir	(112)	(112)	(224)	-	
137	Heritage: Prairie Wetland Complexes & Monitoring		G&F dir	325	325	650	-	
38	Stream Restoration		G&F dir	64	64	128	-	
.39	<b>DNR-Enforcement</b>							
140	Operations Support Reallocation		GEN dir	10	10	20	-	
141	Gen Fund Reallocation to Forest Div (Senate)		GEN dir	(250)	(250)	(500)	(500)	
142	Operations Support Reallocation		NRF dir	147	147	294	-	
143	OHV Funding Levels		NRF dir	200	200	400	-	
144	Operations Support Reallocation		G&F dir	628	628	1,256	-	
145	<b>DNR-Operations</b>							
146	Operations Support Reallocation		GEN dir	(5,829)	(5,829)	(11,658)	-	
147	Operations Support Reallocation		NRF dir	(1,093)	(1,093)	(2,186)	-	
148	Lottery in-Lieu Sales Tax adjustment, zoos		NRF dir	18	22	40	40	
149	Operations Support Reallocation		G&F dir	(3,532)	(3,532)	(7,064)	-	
150			9,289					
151	<b>Total Change Items:</b>		GEN dir	(1,861)	(2,836)	(4,697)		
152			NRF dir	7,838	7,864	15,702		
153			G&F dir	3,262	3,111	6,373		
154			PS dir	50	50	100		
155			NRF stat	200	-	200		
156			SR stat	250	250	500		
157			G&F stat	387	387	774		
158			RIM stat	111	111	222		
159	<b>Total Change Items:</b>			10,237	8,937	19,174		
160								
161	<b>DEPT OF NATURAL RESOURCES; Direct all</b>							
162	General		GEN dir	76,080	75,105	151,185	(14,091)	
163	Natural Resources		NRF dir	59,905	59,931	119,836	19,594	
164	Game and Fish		G&F dir	85,312	85,161	170,473	6,373	
165	Permanent School		PS dir	50	50	100	100	
166	Remediation		REM dir	100	100	200	-	
167	<b>DNR- total direct all</b>			<b>221,447</b>	<b>220,347</b>	<b>441,794</b>	<b>11,976</b>	
168								
169								
170	<b>MET COUNCIL-REGIONAL PARKS; Direct after SF1879</b>							
171	General		GEN dir	3,300	3,300	6,600	-	
172	Natural Resources		NRF dir	4,152	4,152	8,304	(676)	
173	<b>Met Council Regional Parks - total direct after SF1879</b>			<b>7,452</b>	<b>7,452</b>	<b>14,904</b>	<b>(676)</b>	
174								
175	<b>Change Items:</b>							
176	Increase Metro Parks Funding		GEN dir	200	200	400	400	
177	Forecast Adjustment		NRF dir	295	381	676	676	
178								
179	<b>MET COUNCIL-REGIONAL PARKS; Direct all</b>							
180	General		GEN dir	3,500	3,500	7,000	400	
181	Natural Resources		NRF dir	4,447	4,533	8,980	-	
182	<b>Met Council Regional Parks - total direct all</b>			<b>7,947</b>	<b>8,033</b>	<b>15,980</b>	<b>400</b>	
183								
184								
185	<b>MN CONSERVATION CORPS; Direct after SF1879</b>							
186	General		GEN dir	350	350	700	-	
37	Natural Resources		NRF dir	490	490	980	-	
.8	<b>MN Conservation Corps - total direct after SF1879</b>			<b>840</b>	<b>840</b>	<b>1,680</b>	<b>-</b>	
189								
190	<b>Change Items:</b>							
191	none							
192								

ENVIRONMENT, NATURAL RESOURCES and AGRICULTURE 2006-2007 BUDGET (\$thousands)

line	Summary Division Changes		FY	SENATE			+ / (-)	+ / (-)
				FY 2006	FY 2007	2006-07		
3								
4	Agency by Fund	Fund Type						
193	<b>BRD. OF WATER &amp; SOIL RES; Direct after SF1879</b>							
194	General	GEN dir		15,131	15,131	30,262	(600)	
195	BWSR- total direct after SF1879			15,131	15,131	30,262	(600)	
196	<b>Change Items:</b>							
197								
198	<b>Change Items:</b>							
199	Additional Floodplain Management (SF405-Vickerman)	GEN dir		35	35	70		70
200	Beaver Damage Control Grants (SF1418-Skoe)	GEN dir		50	50	100		7
201	Public Drainage System Buffer Study (SF876-Hottinger)	GEN dir		109	-	109		3
202								
203	<b>BRD. OF WATER &amp; SOIL RES; Direct all</b>							
204	General	GEN dir		15,325	15,216	30,541	(321)	
205	BWSR- total direct all			15,325	15,216	30,541	(321)	
206								
207								
208	<b>SCIENCE MUSEUM; Direct after SF1879</b>							
209	General	GEN dir		750	750	1,500	-	
210	Science Museum- total direct after SF1879			750	750	1,500	-	
211								
212	<b>Change Items:</b>							
213	none							
214								
215								
216	<b>AGRICULTURE DEPARTMENT; Direct after SF1879</b>							
217	General	GEN dir		37,511	34,034	71,545	-	
218	Remediation	REM dir		353	353	706	-	
219	Agriculture- total direct after SF1879			37,864	34,387	72,251	-	
220								
221	<b>Change Items:</b>							
222	<b>AG-Protection Services</b>							
223	Agronomy Program Fees	AG stat		437	449	886	-	
224	Nursery and Phytosanitary Fees	AG stat		152	152	304	-	
225	ACRRA Administration	AG stat		50	50	100	-	
226	MERLA Administration	REM dir		35	35	70	-	
227	<b>AG-Promotion and Marketing</b>							
228	Grain Buyer and Storage Fees	AG stat		55	55	110	-	
229	<b>AG-Ethanol</b>							
230	E85 Pump Grant Program (SF1213-Sams)	GEN dir		500	-	500		500
231	Ethanol Efficiency Grants (SF1893-Murphy)	GEN dir		100	100	200		200
232	<b>AG-Admin Services</b>							
233	Ag BMP Loan Application Fees	AG stat		9	11	20	-	
234	New Building Lease Costs	GEN dir		1,815	2,934	4,749	-	
235	Rail Studies (Wilmar & Clara City)	GEN dir		85	-	85		85
236	Cold Climate Research (SF1754-Stumpf)	GEN dir		75	75	150		150
237	Livestock Siting Assistance and Training (Dille)	GEN dir		100	100	200		-
238	Livestock Odor and Air Research (Dille)	GEN dir		220	-	220		-
239	MN Horticulture Society (SF1357-Kubly)	GEN dir		35	35	70		70
240	Mental Health Grants (SF691-Sams)	GEN dir		100	100	200		200
241	Second Harvest Food Banks Milk Program (SF1202-Dille)	GEN dir		325	325	650		650
242	Rural Finance Authority Bonds	RFA bond		18,000	-	18,000		18,000
243								
244	<b>Total Change Items:</b>			3,355	3,669	7,024		
245		REM dir		35	35	70		
246		RFA bond		18,000	-	18,000		
247		AG stat		703	717	1,420		
248	<b>Total Change Items:</b>			22,093	4,421	26,514		
249								
250	<b>AGRICULTURE DEPARTMENT; Direct all</b>							
251	General	GEN dir		40,866	37,703	78,569	7,024	
252	Remediation	REM dir		388	388	776	70	
253	Rural Finance Authority; Bonds	RFA bond		18,000	-	18,000	18,000	
254	Agriculture- total direct all			59,254	38,091	97,345	25,094	
255								
256								

ENVIRONMENT, NATURAL RESOURCES and AGRICULTURE 2006-2007 BUDGET (\$thousands)

line	Summary Division Changes		FY	SENATE			+ / (-)    Sen-Base	+ / (-)    Sen-Gov
				FY 2006	FY 2007	2006-07		
3								
4	Agency by Fund	Fund Type						
257	<b>ANIMAL HEALTH BOARD; Direct after SF1879</b>							
258	General	GEN dir		2,803	2,803	5,606	-	
259	<b>AHB- total direct after SF1879</b>			<b>2,803</b>	<b>2,803</b>	<b>5,606</b>	-	
260								
261	<b>Change Items:</b>							
262	New Building Lease Costs	GEN dir		156	158	314	-	
263	Veterinary Diagnostic Lab @ U of MN (SF1413-Dille)	GEN dir		300	300	600	600	
264								
265	<b>ANIMAL HEALTH BOARD; Direct all</b>							
266	General	GEN dir		3,259	3,261	6,520	914	
267	<b>AHB- total direct all</b>			<b>3,259</b>	<b>3,261</b>	<b>6,520</b>	<b>914</b>	
268								
269								
270	<b>AG. UTILIZATION RESEARCH; Direct after SF1879</b>							
271	General	GEN dir		1,600	1,600	3,200	-	
272	<b>AURI- total direct SF1879</b>			<b>1,600</b>	<b>1,600</b>	<b>3,200</b>	-	
273								
274	<b>Change Items:</b>							
275	none							
276								
277								
278	<b>LCMR; Direct after SF1879</b>							
279	LAWCON Acct	NRF dir		-	-	-		
280	Env & Nat Res Trust Fund	TF dir		-	-	-		
281	Great Lakes Protection Acct	GLP dir		-	-	-		
282	<b>LCMR- total direct after SF1879</b>			<b>-</b>	<b>-</b>	<b>-</b>		
283								
284	<b>Change Items:</b>							
285	LAWCON Acct	NRF dir		1,600	-	1,600		
286	Env & Nat Res Trust Fund	TF dir		18,829	18,829	37,658		
287	Great Lakes Protection Acct	GLP dir		28	-	28		
288								
289	<b>LCMR- total direct</b>			<b>20,457</b>	<b>18,829</b>	<b>39,286</b>		
290								
291	<b>TOTAL DIRECT APPROPRIATIONS; ALL AGENCIES</b>							
292								
293	<b>All Direct Appropriations - Division Changes</b>							
294	General	GEN dir		(60)	(828)	(888)		
295	Environmental	ENV dir		8,832	9,139	17,971		
296	Env & Nat Res Trust Fund	TF dir		18,829	18,829	37,658		
297	Natural Resources	NRF dir		9,741	8,255	17,996		
298	Game and Fish	G&F dir		3,262	3,111	6,373		
299	Permanent School	PS dir		50	50	100		
300	Rural Finance Authority Bonds	RFA bond		18,000	-	18,000		
301	Great Lakes Protection Acct	GLP dir		28	-	28		
302	Remediation	REM dir		35	35	70		
303	<b>Environment &amp; Natural Resources - total direct</b>			<b>58,717</b>	<b>38,591</b>	<b>97,308</b>		

ENVIRONMENT, NATURAL RESOURCES and AGRICULTURE 2006-2007 BUDGET (\$thousands)

line	agency	GOVERNOR'S BUDGET			SENATE-ALL			Sen - Gov	
		FY 2006	FY 2007	2006-07	FY 2006	FY 2007	2006-07		
3		<b>REVENUES, REDIRECTIONS, TRANSFERS</b>							
4									
5		<b>General Fund *</b>							
6	Apiary (Beekeepers) Fee Increase	AG	29	29	58	9	9	18	(40)
7	Administrative Penalty Order	DNR	2	5	7	-	-	-	(7)
8	Surcharge on Summer Water Use	DNR	330	330	660	330	330	660	-
9	Water Permit Fee Increase	DNR	261	261	522	213	213	426	(96)
10	Minerals Management Fee (transfer)	DNR	(137)	(112)	(249)	(137)	(112)	(249)	-
11	Trust Land Management Costs (transfer)	DNR	(3,500)	(3,500)	(7,000)	(3,500)	(3,500)	(7,000)	-
12	Create Dept. Env. Assistance	PCA	40	40	80	-	-	-	(80)
13	Create Dept. Env. Assistance	OEA	(40)	(40)	(80)	-	-	-	80
14	Solid Waste Tax Change	PCA	(12,171)	(12,442)	(24,613)	-	-	-	,613
15	Cancel ENV Fund to General Fund (no inflation)	PCA	-	-	-	-	-	-	-
16									
17									
18		General Fund- total	(15,186)	(15,429)	(30,615)	(3,085)	(3,060)	(6,145)	24,470
19									
20									
21		<b>Environmental Fund*</b>							
22	Air Fee Increase	PCA	532	839	1,371	532	839	1,371	-
23	Solid Waste Tax Change	PCA	12,171	12,442	24,613	-	-	-	(24,613)
24	Clean Water Sec 401 Waivers (SF1123-Hottinger)	PCA	-	-	-	140	140	280	280
25	Limiting Fees for Performance-Based (SF748-Bakk)	PCA	-	-	-	(8)	(8)	(16)	(16)
26	Create Dept. Env. Assistance	PCA	1,281	1,281	2,562	-	-	-	(2,562)
27	Create Dept. Env. Assistance	OEA	(1,281)	(1,281)	(2,562)	-	-	-	2,562
28									
29		Environmental Fund- total	12,703	13,281	25,984	664	971	1,635	(24,349)
30									
31									
32		<b>Special Revenue / SGSR Fund</b>							
33	Special Fuelwood Permits Fee Increase	DNR	1	1	2	1	1	2	-
34	State Forestry Nursery Stock Surcharge	DNR	250	250	500	250	250	500	-
35	Create Dept. Env. Assistance	PCA	128	128	256	-	-	-	(256)
36	Create Dept. Env. Assistance	OEA	(128)	(128)	(256)	-	-	-	256
37									
38		Special Revenue Fund- total	251	251	502	251	251	502	-
39									
40									
41		<b>Permanent University Fund</b>							
42	Minerals Mgmt Fee (transfer)	DNR	(1,134)	(1,389)	(2,523)	(1,134)	(1,389)	(2,523)	-
43									
44									
45		Misc Agency Fund- total	(1,134)	(1,389)	(2,523)	(1,134)	(1,389)	(2,523)	-
46									
47									
48		<b>Game and Fish Fund</b>							
49	Sturgeon Tagging	DNR	25	28	53	25	28	53	-
50	Aquatic Plant Management (SF1098-Dibble)	DNR	(260)	(260)	(520)	(260)	(260)	(520)	-
51									
52		Game and Fish Fund- total	(235)	(232)	(467)	(235)	(232)	(467)	-
53									
54									
55		<b>Natural Resources Fund</b>							
56	Cross-Country Ski Pass Increase	DNR	140	140	280	-	-	-	(280)
57	Electronic Open Burning Permits	DNR	80	80	160	-	-	-	(160)
58	Special Fuelwood Permits Fee Increase	DNR	2	2	4	2	2	4	-
59	Road Easement Application Fee	DNR	20	20	40	-	-	-	(40)
60	Sale of Tax-forfeited Riparian Lands	DNR	500	500	1,000	-	-	-	(1,000)
61	Minerals Mgmt Fee (transfer)	DNR	3,112	3,644	6,756	3,112	3,644	6,756	-
62	Trust Land Management Costs (transfer)	DNR	3,500	3,500	7,000	3,500	3,500	7,000	-
63	Snowmobile Sticker/Easement & New Position (SF153)	DNR	-	-	-	1,000	1,000	2,000	2,000
64	Aquatic Plant Management (SF1098-Dibble)	DNR	260	260	520	260	260	520	-
65									
66		Natural Resources Fund- total	7,614	8,146	15,760	7,874	8,406	16,280	520
67									

ENVIRONMENT, NATURAL RESOURCES and AGRICULTURE 2006-2007 BUDGET (\$thousands)

line	agency	GOVERNOR'S BUDGET			SENATE-ALL			Sen - Gov
		FY 2006	FY 2007	2006-07	FY 2006	FY 2007	2006-07	
68								
69		<b>Agricultural Fund</b>						
70	AG	437	449	886	437	449	886	-
71	AG	152	152	304	152	152	304	-
72	AG	55	55	110	55	55	110	-
73	AG	9	11	20	9	11	20	-
74								-
75								-
76		<b>Agricultural Fund- total</b>			<b>653</b>	<b>667</b>	<b>1,320</b>	-
77								
78								
79		<b>Reinvest in Minnesota</b>						
80	DNR	111	111	222	111	111	222	-
81				-			-	-
82				-			-	-
83		<b>Reinvest in Minnesota Fund- total</b>			<b>111</b>	<b>111</b>	<b>222</b>	-
84								
85								
86		<b>Permanent School Fund</b>						
87	DNR	3	3	6	3	3	6	-
88	DNR	-	200	200	-	-	-	(200)
89	DNR	(1,841)	(2,143)	(3,984)	(1,841)	(2,143)	(3,984)	-
90				-			-	-
91				-			-	-
92		<b>Permanent School Fund - total</b>			<b>(1,838)</b>	<b>(1,940)</b>	<b>(3,778)</b>	(200)
93								
94								
95		<b>Gift Fund</b>						
96	OEA	(11)	(11)	(22)				22
97	PCA	11	11	22				(22)
98				-			-	-
99				-			-	-
100								
101								
102								
103		<b>TOTAL FUNDING CHANGES</b>			<b>2,939</b>	<b>3,466</b>	<b>6,405</b>	<b>441</b>

2005 LCMR Recommendations						
Subd. #	Title	LCMR Funding Recommendations	TF Year 1 - FY 2005 July 1, 2005 - June 30, 2006	TF Year 2 - FY 2006, July 1 2006 - June 30, 2007	LAWCON Year 1 - FY 2005	GLPA Year 1 - FY 2005
<b>Subd. 3 - Administration</b>						
03a	LCMR Administrative Budget	899,000	449,000	450,000		
03b	Contract Administration	150,000	75,000	75,000		
	<b>SUBTOTAL</b>	<b>1,049,000</b>	<b>524,000</b>	<b>525,000</b>		
<b>Subd. 4 - Advisory Committee</b>						
4	Citizen Advisory Committee	20,000	10,000	10,000		
	<b>SUBTOTAL</b>	<b>20,000</b>	<b>10,000</b>	<b>10,000</b>		
<b>Subd. 5 - Fish &amp; Wildlife Habitat</b>						
05a	Restoring Minnesota's Fish and Wildlife Habitat Corridors - Phase III	4,062,000	2,031,000	2,031,000		
05b	Metropolitan Area Wildlife Corridors- Phase II	3,530,000	1,765,000	1,765,000		
05c	Development of Scientific & Natural Areas	134,000	67,000	67,000		
05d	Prairie Stewardship of Private Lands	100,000	50,000	50,000		
05e	Local Initiative Grants -Conservation Partners & Environmental Partnerships	500,000	250,000	250,000		
05f	Minnesota ReLeaf Community Forest Development and Protection	500,000	250,000	250,000		
05g	Integrated and Pheromonal Control of Carp	550,000	275,000	275,000		
05h	Biological Control of European Buckthorn and Garlic Mustard	200,000	100,000	100,000		
05i	Land Exchange Revolving Fund for Aitkin, Cass, and Crow Wing Counties	500,000	250,000	250,000		
	<b>SUBTOTAL</b>	<b>10,076,000</b>	<b>5,038,000</b>	<b>5,038,000</b>		
<b>Subd. 6 - Recreation</b>						
06a	State Park and Recreation Area Land Acquisition	2,000,000	1,000,000	1,000,000		
06b	LAWCON Federal Reimbursements	1,600,000	0	0	1,600,000	
06c	State Park and Recreation Area Revenue-Enhancing Development	200,000	100,000	100,000		
06d	Best Management Practices for Parks and Outdoor Recreation	200,000	100,000	100,000		
06e	Metropolitan Regional Parks Acquisition, Rehabilitation and Development	2,000,000	1,000,000	1,000,000		
06f	Gitche-Gami State Trail	500,000	250,000	250,000		
06g	Casey Jones State Trail	1,200,000	600,000	600,000		
06h	Paul Bunyan State Trail Connection	400,000	200,000	200,000		
06i	Minnesota River Trail Planning	200,000	100,000	100,000		
06j	Local Initiative Grants -Parks and Natural Areas	1,200,000	600,000	600,000		
06k	Regional Park Planning for NonMetropolitan Urban Areas	86,000	43,000	43,000		
06l	Local and Regional Trail Grant Initiative Program	700,000	350,000	350,000		
06m	Mesabi Trail	1,000,000	500,000	500,000		
06n	Cannon Valley Trail Belle Creek Bridge Replacement	300,000	150,000	150,000		

Subd. #	Title	LCMR Funding Recommendations	TF Year 1 - FY 2005 July 1, 2005 - June 30, 2006	TF Year 2 - FY 2006, July 1 2006 - June 30, 2007	LAWCON Year 1 - FY 2005	GLPA Year 1 - FY 2005
06o	Arrowhead Regional Bike Trail Connections Plan	83,000	42,000	41,000		
06p	Land Acquisition, Minnesota Landscape Arboretum	650,000	325,000	325,000		
06q	Development and Rehabilitation of Recreational Shooting Ranges	300,000	150,000	150,000		
06r	Birding Maps	100,000	50,000	50,000		
	<b>SUBTOTAL</b>	<b>12,719,000</b>	<b>5,560,000</b>	<b>5,559,000</b>	<b>1,600,000</b>	

**Subd. 7 - Water Resources**

07a	Local Water Management Matching Challenge Grants	1,000,000	500,000	500,000		
07b	Accelerating and Enhancing Surface Water Monitoring for Lakes and Streams	600,000	300,000	300,000		
07c	Effects of Land Retirements on the Minnesota River	300,000	150,000	150,000		
07d	Recycling Treated Municipal Wastewater for Industrial Water Use	300,000	150,000	150,000		
07e	Unwanted Hormone Therapy: Protecting Water and Public Health	300,000	150,000	150,000		
07f	Climate Change Impacts on Minnesota's Aquatic Resources	250,000	125,000	125,000		
07g	Green Roof Cost Share and Monitoring	350,000	175,000	175,000		
07h	Woodchip Biofilter Treatment of Feedlot Runoff	270,000	135,000	135,000		
07i	Improving Water Quality on the Central Sands	587,000	294,000	293,000		
07j	Improving Impaired Watersheds: Conservation Drainage Research	300,000	150,000	150,000		
07k	Hydrology, Habitat and Energy Potential of Mine Lakes	500,000	250,000	250,000		
	Hennepin County Beach Water Quality Monitoring Project	100,000	50,000	50,000		
07m	Southwest Minnesota Floodwater Retention Projects	500,000	250,000	250,000		
07n	Upgrades to Blue Heron Research Vessel	295,000	133,000	134,000		28,000
07o	Bassett Creek Valley Channel Restoration	175,000	87,000	88,000		
07p	Restoration of Indian Lake	200,000	100,000	100,000		
	<b>SUBTOTAL</b>	<b>6,027,000</b>	<b>2,999,000</b>	<b>3,000,000</b>		<b>28,000</b>

**Subd. 8 - Land Use and Natural Resource Information**

08a	Minnesota County Biological Survey	1,000,000	500,000	500,000		
08b	Soil Survey	500,000	250,000	250,000		
08c	Land Cover Mapping for Natural Resource Protection	250,000	125,000	125,000		
08d	Open Space Planning and Protection	250,000	125,000	125,000		
	<b>SUBTOTAL</b>	<b>2,000,000</b>	<b>1,000,000</b>	<b>1,000,000</b>		

**Subd. 9 - Agriculture & Natural Resource Industries**

09a	Completing Third-Party Certification of DNR Forest Lands	250,000	125,000	125,000		
09b	Third-Party Certification of Private Woodlands	376,000	188,000	188,000		
09c	Sustainable Management of Private Forest Lands	874,000	437,000	437,000		
09d	Evaluating Riparian Timber Harvesting Guidelines: Phase 2	333,000	167,000	166,000		

Subd. #	Title	LCMR Funding Recommendations	TF Year 1 - FY 2005 July 1, 2005 - June 30, 2006	TF Year 2 - FY 2006, July 1 2006 - June 30, 2007	LAWCON Year 1 - FY 2005	GLPA Year 1 - FY 2005
09e	Third Crops for Water Quality - Phase 2	500,000	250,000	250,000		
09f	Bioconversion of Potato Waste into Marketable Biopolymers	350,000	175,000	175,000		
	<b>SUBTOTAL</b>	<b>2,683,000</b>	<b>1,342,000</b>	<b>1,341,000</b>		
<b>Subd. 10 - Energy</b>						
10a	Clean Energy Resource Teams and Community Wind Energy Rebate Program	700,000	350,000	350,000		
10b	Planning for Economic Development via Energy Independence	240,000	120,000	120,000		
10c	Manure Methane Digester Compatible Wastes and Electrical Generation	100,000	50,000	50,000		
10d	Dairy Farm Digesters	336,000	168,000	168,000		
10e	Wind to Hydrogen Demonstration	800,000	400,000	400,000		
10f	Natural Gas Production from Agricultural Biomass	100,000	50,000	50,000		
10g	Biomass-Derived Oils for Generating Electricity and Reducing Emissions	150,000	75,000	75,000		
10h	Phillips Biomass Community Energy System	900,000	450,000	450,000		
10i	Laurentian Energy Authority Biomass Project	466,000	233,000	233,000		
	<b>SUBTOTAL</b>	<b>3,792,000</b>	<b>1,896,000</b>	<b>1,896,000</b>		
<b>Subd. 11 - Environmental Education</b>						
11a	Enhancing Civic Understanding of Groundwater	150,000	75,000	75,000		
11b	Cedar Creek Natural History Area Interpretive Center and Restoration	400,000	200,000	200,000		
11c	Environmental Problem-Solving Model for Twin Cities Schools	75,000	38,000	37,000		
11d	Tamarack Nature Center Exhibits	95,000	47,000	48,000		
	<b>SUBTOTAL</b>	<b>720,000</b>	<b>360,000</b>	<b>360,000</b>		
<b>Subd. 12 - Children's Environmental Health</b>						
12a	Minnesota Children's Pesticide Exposure Reduction Initiative	200,000	100,000	100,000		
	<b>SUBTOTAL</b>	<b>200,000</b>	<b>100,000</b>	<b>100,000</b>		
	<b>Total Requested</b>	<b>0</b>	<b>18,829,000</b>	<b>18,829,000</b>	<b>1,600,000</b>	<b>28,000</b>
	<b>Total Recommended Funding</b>	<b>39,286,000</b>				

1 Senator ..... moves to amend S.F. No. .... (SC4100) as  
2 follows:

3 Page 3, delete line 4 and insert:

4 "General \$ (77,000)\$ (845,000)\$ (922,000)"

5 Page 3, line 7, delete "9,541,000" and insert "9,741,000"

6 Page 3, delete line 16 and insert:

7 "Total 58,700,000 38,574,000 97,274,000"

8 Page 9, after line 13, insert:

9 "Notwithstanding Minnesota Statutes,  
10 section 16A.28, the appropriations  
11 encumbered under contract on or before  
12 June 30, 2007, for aquatic restoration  
13 grants and wildlife habitat grants in  
14 S.F. No. 1879, article 6, section 5,  
15 subdivision 7, if enacted, are  
16 available until June 30, 2008."

17 Page 11, delete line 22 and insert:

18 "Appropriation 21,373,000 3,687,000"

19 Page 11, delete line 24 and insert:

20 "General 3,338,000 3,652,000"

21 Page 12, delete line 8 and insert:

22 "20,738,000 3,552,000"

23 Page 12, delete line 10 and insert:

24 "General 2,738,000 3,552,000"

25 Page 63, after line 17, insert:

26 "Sec. 58. Minnesota Statutes 2004, section 84.027,

27 subdivision 13, is amended to read:

28 Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of  
29 natural resources may adopt rules under sections 97A.0451 to  
30 97A.0459 and this subdivision that are authorized under:

31 (1) chapters 97A, 97B, and 97C to set open seasons and  
32 areas, to close seasons and areas, to select hunters for areas,  
33 to provide for tagging and registration of game and fish, to  
34 prohibit or allow taking of wild animals to protect a species,  
35 to prevent or control wildlife disease, and to prohibit or allow  
36 importation, transportation, or possession of a wild animal;

37 (2) sections 84.093, 84.15, and 84.152 to set seasons for  
38 harvesting wild ginseng roots and wild rice and to restrict or  
39 prohibit harvesting in designated areas; and

40 (3) section 84D.12 to designate prohibited invasive

1 species, regulated invasive species, unregulated nonnative  
2 species, and infested waters.

3 (b) If conditions exist that do not allow the commissioner  
4 to comply with sections 97A.0451 to 97A.0459, the commissioner  
5 may adopt a rule under this subdivision by submitting the rule  
6 to the attorney general for review under section 97A.0455,  
7 publishing a notice in the State Register and filing the rule  
8 with the secretary of state and the Legislative Coordinating  
9 Commission, and complying with section 97A.0459, and including a  
10 statement of the emergency conditions and a copy of the rule in  
11 the notice. The notice may be published after it is received  
12 from the attorney general or five business days after it is  
13 submitted to the attorney general, whichever is earlier.

14 (c) Rules adopted under paragraph (b) are effective upon  
15 publishing in the State Register and may be effective up to  
16 seven days before publishing and filing under paragraph (b), if:

17 (1) the commissioner of natural resources determines that  
18 an emergency exists;

19 (2) the attorney general approves the rule; and

20 (3) for a rule that affects more than three counties the  
21 commissioner publishes the rule once in a legal newspaper  
22 published in Minneapolis, St. Paul, and Duluth, or for a rule  
23 that affects three or fewer counties the commissioner publishes  
24 the rule once in a legal newspaper in each of the affected  
25 counties.

26 (d) Except as provided in paragraph (e), a rule published  
27 under paragraph (c), clause (3), may not be effective earlier  
28 than seven days after publication.

29 (e) A rule published under paragraph (c), clause (3), may  
30 be effective the day the rule is published if the commissioner  
31 gives notice and holds a public hearing on the rule within 15  
32 days before publication.

33 (f) The commissioner shall attempt to notify persons or  
34 groups of persons affected by rules adopted under paragraphs (b)  
35 and (c) by public announcements, posting, and other appropriate  
36 means as determined by the commissioner.

1 (g) Notwithstanding section 97A.0458, a rule adopted under  
2 this subdivision is effective for the period stated in the  
3 notice but not longer than 18 months after the rule is adopted."

4 Renumber the sections in sequence and correct the internal  
5 references

6 Amend the title accordingly

7 Correct the subdivision and section totals and the  
8 summaries by fund

1 Senator ..... moves to amend S.F. No. .... (SC4100) as  
2 follows:

3 Page 211, after line 22, insert:

4 "Sec. 101. Minnesota Statutes 2004, section 474A.061,  
5 subdivision 2c, is amended to read:

6 Subd. 2c. [PUBLIC FACILITIES POOL ALLOCATION.] From the  
7 beginning of the calendar year and continuing for a period of  
8 120 days, the commissioner shall reserve ~~\$3,000,000~~ \$5,000,000  
9 of the available bonding authority from the public facilities  
10 pool for applications for public facilities projects to be  
11 financed by the Western Lake Superior Sanitary District.  
12 Commencing on the second Tuesday in January and continuing on  
13 each Monday through the last Monday in July, the commissioner  
14 shall allocate available bonding authority from the public  
15 facilities pool to applications for eligible public facilities  
16 projects received on or before the Monday of the preceding  
17 week. If there are two or more applications for public  
18 facilities projects from the pool and there is insufficient  
19 available bonding authority to provide allocations for all  
20 projects in any one week, the available bonding authority shall  
21 be awarded by lot unless otherwise agreed to by the respective  
22 issuers."

23 Renumber the sections in sequence and correct the internal  
24 references

25 Amend the title accordingly

1 Senator ..... moves to amend SC4100 as follows:

2 Page 13, line 10, delete "\$220,000" and insert "\$120,000"

3 Page 13, after line 14, insert:

4 "\$100,000 the first year is for  
5 transfer to the regents of the  
6 University of Minnesota for the  
7 Minnesota Institute for Sustainable  
8 Agriculture to support the Alternative  
9 Swine Task Force and to develop  
10 alternative dairy and other livestock  
11 programs."

*Not adopted.*

1           Senator ..... moves to amend S.F. No. .... (SC4100) as  
2 follows:

3           Page 217, delete section 107

4           Renumber the sections in sequence and correct the internal  
5 references

6           Amend the title accordingly

1 Senator ..... moves to amend S.F. No. .... (SC4100) as  
2 follows:

3 Page 143, after line 7, insert:

4 "Sec. 16. [59B.01] [SCOPE AND PURPOSE.]

5 (a) The purpose of this chapter is to create a legal  
6 framework within which service contracts may be sold in this  
7 state.

8 (b) The following are exempt from this chapter:

9 (1) warranties;

10 (2) maintenance agreements;

11 (3) warranties, service contracts, or maintenance  
12 agreements offered by public utilities, as defined in section  
13 216B.02, subdivision 4, or an entity or operating unit owned by  
14 or under common control with a public utility;

15 (4) service contracts sold or offered for sale to persons  
16 other than consumers;

17 (5) service contracts on tangible property where the  
18 tangible property for which the service contract is sold has a  
19 purchase price of \$250 or less exclusive of sales tax;

20 (6) motor vehicle service contracts as defined in section  
21 65B.29, subdivision 1, paragraph (1);

22 (7) service contracts for home security equipment installed  
23 by a licensed technology systems contractor; and

24 (8) motor club membership contracts that typically provide  
25 roadside assistance services to motorists stranded for reasons  
26 that include, but are not limited to, mechanical breakdown or  
27 adverse road conditions.

28 (c) The types of agreements referred to in paragraph (b)  
29 are not subject to chapters 60A to 79A, except as otherwise  
30 specifically provided by law.

31 Sec. 17. [59B.02] [DEFINITIONS.]

32 Subdivision 1. [TERMS.] For the purposes of this chapter,  
33 the terms defined in this section have the meanings given them.

34 Subd. 2. [ADMINISTRATOR.] "Administrator" means the person  
35 who is responsible for the administration of the service  
36 contracts or the service contracts plan or who is responsible

1 for any filings required by this chapter.

2 Subd. 3. [COMMISSIONER.] "Commissioner" means the  
3 commissioner of commerce.

4 Subd. 4. [CONSUMER.] "Consumer" means a natural person who  
5 buys, other than for purposes of resale, any tangible personal  
6 property that is distributed in commerce and that is normally  
7 used for personal, family, or household purposes and not for  
8 business or research purposes.

9 Subd. 5. [MAINTENANCE AGREEMENT.] "Maintenance agreement"  
10 means a contract of limited duration that provides for scheduled  
11 maintenance only.

12 Subd. 6. [PERSON.] "Person" means an individual,  
13 partnership, corporation, incorporated or unincorporated  
14 association, joint stock company, reciprocal, syndicate, or any  
15 similar entity or combination of entities acting in concert.

16 Subd. 7. [PREMIUM.] "Premium" means the consideration paid  
17 to an insurer for a reimbursement insurance policy.

18 Subd. 8. [PROVIDER.] "Provider" means a person who is  
19 contractually obligated to the service contract holder under the  
20 terms of the service contract.

21 Subd. 9. [PROVIDER FEE.] "Provider fee" means the  
22 consideration paid for a service contract.

23 Subd. 10. [REIMBURSEMENT INSURANCE POLICY.] "Reimbursement  
24 insurance policy" means a policy of insurance issued to a  
25 provider to either provide reimbursement to the provider under  
26 the terms of the insured service contracts issued or sold by the  
27 provider or, in the event of the provider's nonperformance, to  
28 pay on behalf of the provider all covered contractual  
29 obligations incurred by the provider under the terms of the  
30 insured service contracts issued or sold by the provider.

31 Subd. 11. [SERVICE CONTRACT.] "Service contract" means a  
32 contract or agreement for a separately stated consideration for  
33 a specific duration to perform the repair, replacement, or  
34 maintenance of property or indemnification for repair,  
35 replacement, or maintenance, for the operational or structural  
36 failure due to a defect in materials, workmanship, or normal

1 wear and tear, with or without additional provisions for  
2 incidental payment of indemnity under limited circumstances.  
3 Service contracts may provide for the repair, replacement, or  
4 maintenance of property for damage resulting from power surges  
5 and accidental damage from handling.

6 Subd. 12. [SERVICE CONTRACT HOLDER OR CONTRACT  
7 HOLDER.] "Service contract holder" or "contract holder" means a  
8 person who is the purchaser or holder of a service contract.

9 Subd. 13. [WARRANTY.] "Warranty" means a warranty made  
10 solely by the manufacturer, importer, or seller of property or  
11 services without consideration, that is not negotiated or  
12 separated from the sale of the product, and is incidental to the  
13 sale of the product, that guarantees indemnity for defective  
14 parts, mechanical or electrical breakdown, labor, or other  
15 remedial measures, such as repair or replacement of the property  
16 or repetition of services.

17 Sec. 18. [59B.03] [REQUIREMENTS FOR TRANSACTING BUSINESS.]

18 Subdivision 1. [APPOINTMENT OF ADMINISTRATOR.] A provider  
19 may, but is not required to, appoint an administrator or other  
20 designee to be responsible for any or all of the administration  
21 of service contracts and compliance with this chapter.

22 Subd. 2. [CONTRACT COPIES AND RECEIPTS.] Service contracts  
23 must not be issued, sold, or offered for sale in this state  
24 unless the provider has:

25 (1) provided a receipt for, or other written evidence of,  
26 the purchase of the service contract to the contract holder;

27 (2) provided a copy of the service contract to the service  
28 contract holder within a reasonable period of time from the date  
29 of purchase; and

30 (3) complied with this chapter.

31 Subd. 3. [REGISTRATION.] Each provider of service  
32 contracts sold in this state shall file a registration with the  
33 commissioner on a form prescribed by the commissioner. Each  
34 provider shall pay to the commissioner a fee in the amount of  
35 \$200 annually.

36 Subd. 4. [FINANCIAL REQUIREMENTS.] In order to ensure the

1 faithful performance of a provider's obligations to its contract  
2 holders, each provider is responsible for complying with the  
3 requirements of one of the following:

4 (1) insure all service contracts under a reimbursement  
5 insurance policy issued by an insurer authorized to transact  
6 insurance in this state, a risk retention group, as that term is  
7 defined in United States Code, title 15, section 3901(A)(4), as  
8 long as that risk retention group is registered pursuant to  
9 section 60E.03 or 60E.04 as applicable, and is in full  
10 compliance with the federal Liability Risk Retention Act of  
11 1986, United States Code, title 15, section 3901, et al., or  
12 issued pursuant to sections 60A.195 to 60A.209, and either:

13 (i) the insurer or risk retention group shall, at the time  
14 the policy is filed with the commissioner, and continuously  
15 thereafter, maintain surplus as to policyholders and paid-in  
16 capital of at least \$15,000,000, and annually file audited  
17 financial statements with the commissioner; or

18 (ii) the commissioner may authorize an insurer or risk  
19 retention group that has surplus as to policyholders and paid-in  
20 capital of less than \$15,000,000 but at least equal to  
21 \$10,000,000 to issue the insurance required by this section if  
22 the insurer or risk retention group demonstrates to the  
23 satisfaction of the commissioner that the company maintains a  
24 ratio of direct written premiums, wherever written, to surplus  
25 as to policyholders and paid-in capital of not greater than 3 to  
26 1; or

27 (2)(i) maintain a funded reserve account for obligations  
28 under contracts issued and outstanding in this state. The  
29 reserves must not be less than 40 percent of gross consideration  
30 received, less claims paid, on the sale of the service contract  
31 for all in-force contracts. The reserve account is subject to  
32 examination and review by the commissioner; and

33 (ii) place in trust with the commissioner a financial  
34 security deposit, having a value of not less than five percent  
35 of the gross consideration received, less claims paid, on the  
36 sale of the service contract for all service contracts issued

1 and in force, but not less than \$25,000, consisting of one of  
2 the following:

3 (A) a surety bond issued by an authorized surety;

4 (B) securities of the type eligible for deposit by  
5 authorized insurers in this state;

6 (C) cash;

7 (D) a letter of credit issued by a qualified financial  
8 institution containing an evergreen clause which prevents the  
9 expiration of the letter without due notice from the issuer; or

10 (E) another form of security prescribed by rules of the  
11 commissioner; or

12 (3) (i) maintain, or its parent company maintain, a net  
13 worth or stockholders' equity of \$100,000,000; and

14 (ii) upon request, provide the commissioner with a copy of  
15 the provider's or the provider's parent company's most recent  
16 Form 10-K or Form 20-F filed with the Securities and Exchange  
17 Commission (SEC) within the last calendar year, or if the  
18 company does not file with the SEC, a copy of the company's  
19 audited financial statements, which shows a net worth of the  
20 provider or its parent company of at least \$100,000,000. If the  
21 provider's parent company's Form 10-K, Form 20-F, or audited  
22 financial statements are filed to meet the provider's financial  
23 stability requirement, then the parent company shall agree to  
24 guarantee the obligations of the provider relating to service  
25 contracts sold by the provider in this state.

26 Subd. 5. [RIGHT OF RETURN.] Service contracts must require  
27 the provider to permit the service contract holder to return the  
28 service contract within 20 days of the date the service contract  
29 was mailed to the service contract holder or within ten days of  
30 delivery if the service contract is delivered to the service  
31 contract holder at the time of sale or within a longer time  
32 period permitted under the service contract. Upon return of the  
33 service contract to the provider within the applicable time  
34 period, if no claim has been made under the service contract  
35 before its return to the provider, the service contract is void  
36 and the provider shall refund to the service contract holder, or

1 credit the account of the service contract holder, with the full  
2 purchase price of the service contract. The right to void the  
3 service contract provided in this paragraph is not transferable  
4 and applies only to the original service contract purchaser, and  
5 only if no claim has been made before its return to the  
6 provider. A ten percent penalty per month must be added to a  
7 refund that is not paid or credited within 45 days after return  
8 of the service contract to the provider.

9 Subd. 6. [PREMIUM TAXES.] (a) Provider fees collected on  
10 service contracts are not subject to premium taxes.

11 (b) Premiums for reimbursement insurance policies are  
12 subject to applicable taxes.

13 Subd. 7. [LICENSING EXEMPTION.] Except for the  
14 registration requirements in subdivision 3, providers and  
15 related service contract sellers, administrators, and other  
16 persons marketing, selling, or offering to sell service  
17 contracts are exempt from any licensing requirements of this  
18 state.

19 Subd. 8. [INSURANCE EXEMPTION.] The marketing, sale,  
20 offering for sale, issuance, making, proposing to make, and  
21 administration of service contracts by providers and related  
22 service contract sellers, administrators, and other persons are  
23 exempt from all other provisions of the insurance laws of this  
24 state, except as provided in section 72A.20, subdivision 38.

25 Sec. 19. [59B.04] [REQUIRED DISCLOSURES; REIMBURSEMENT  
26 INSURANCE POLICY.]

27 Subdivision 1. [RIGHT TO PAYMENT OR  
28 REIMBURSEMENT.] Reimbursement insurance policies insuring  
29 service contracts issued, sold, or offered for sale in this  
30 state shall state that the insurer that issued the reimbursement  
31 insurance policy shall either reimburse or pay on behalf of the  
32 provider any covered sums the provider is legally obligated to  
33 pay or, in the event of the provider's nonperformance, shall  
34 provide the service which the provider is legally obligated to  
35 perform according to the provider's contractual obligations  
36 under the service contracts issued or sold by the provider.

1        Subd. 2. [RIGHT TO APPLY TO COMPANY.] In the event covered  
2 service is not provided by the service contract provider within  
3 60 days of proof of loss by the service contract holder, the  
4 contract holder is entitled to apply directly to the  
5 reimbursement insurance company.

6        Sec. 20. [59B.05] [REQUIRED DISCLOSURE; SERVICE  
7 CONTRACTS.]

8        Subdivision 1. [READABILITY AND GENERAL  
9 DISCLOSURE.] Service contracts marketed, sold, offered for sale,  
10 issued, made, proposed to be made, or administered in this state  
11 must be written, printed, or typed in clear, understandable  
12 language that is easy to read and must disclose the requirements  
13 set forth in this section, as applicable.

14        Subd. 2. [IDENTITIES OF PARTIES.] Service contracts must  
15 state the name and address of the provider, and must identify  
16 any administrator if different from the provider, the service  
17 contract seller, and the service contract holder to the extent  
18 that the name of the service contract holder has been furnished  
19 by the service contract holder. The identities of the parties  
20 are not required to be preprinted on the service contract and  
21 may be added to the service contract at the time of sale.

22        Subd. 3. [TOTAL PURCHASE PRICE AND SALES TERMS.] Service  
23 contracts must state the total purchase price and the terms  
24 under which the service contract is sold. The purchase price is  
25 not required to be preprinted on the service contract and may be  
26 negotiated at the time of sale with the service contract holder.

27        Subd. 4. [DEDUCTIBLES.] Service contracts must state the  
28 existence of any deductible amount, if applicable.

29        Subd. 5. [COVERAGES, LIMITATIONS, AND EXCLUSIONS.] No  
30 particular causes of loss or property are required to be  
31 covered, but service contracts must specify the merchandise and  
32 services to be provided and, with equal prominence, any  
33 limitations, exceptions, or exclusions including, but not  
34 limited to, any damage or breakdown not covered by the service  
35 contract.

36        Subd. 6. [RESTRICTIONS ON TRANSFERABILITY.] Service

1 contracts must state any restrictions governing the  
2 transferability of the service contract, if applicable.

3 Subd. 7. [CANCELLATION TERMS.] Service contracts must  
4 state the terms, restrictions, or conditions governing  
5 cancellation of the service contract prior to the termination or  
6 expiration date of the service contract by either the provider  
7 or the service contract holder. The provider of the service  
8 contract shall mail a written notice to the contract holder at  
9 the last known address of the service contract holder contained  
10 in the records of the provider at least 15 days before  
11 cancellation by the provider. Five days' notice is required if  
12 the reason for cancellation is nonpayment of the provider fee, a  
13 material misrepresentation by the service contract holder to the  
14 provider, or a substantial breach of duties by the service  
15 contract holder relating to the covered product or its use. The  
16 notice must state the effective date of the cancellation and the  
17 reason for the cancellation.

18 Subd. 8. [DUTIES OF CONTRACT HOLDER.] Service contracts  
19 must set forth all of the obligations and duties of the service  
20 contract holder, such as the duty to protect against any further  
21 damage and any requirement to follow the owner's manual.

22 Subd. 9. [EXCLUSIONS; CONSEQUENTIAL DAMAGES AND  
23 PREEXISTING CONDITIONS.] Service contracts may exclude coverage  
24 for consequential damages or preexisting conditions. These  
25 exclusions, if applicable, must be stated in the contract.

26 Sec. 21. [59B.06] [ADDITIONAL REQUIRED DISCLOSURE; SERVICE  
27 CONTRACTS.]

28 Subdivision 1. [INSURANCE DISCLOSURE.] Service contracts  
29 insured under a reimbursement insurance policy pursuant to  
30 section 59B.03, subdivision 4, clause (1), must contain a  
31 statement in substantially the following form: "Obligations of  
32 the provider under this service contract are insured under a  
33 service contract reimbursement insurance policy." The service  
34 contract must also state the name and address of the insurer.

35 Subd. 2. [DISCLOSURE OF NO INSURANCE.] Service contracts  
36 not insured under a reimbursement insurance policy pursuant to

1 section 59B.03, subdivision 4, clause (1), must contain a  
2 statement in substantially the following form: "Obligations of  
3 the provider under this service contract are backed by the full  
4 faith and credit of the provider."

5 Sec. 22. [59B.07] [PROHIBITED ACTS.]

6 Subdivision 1. [DECEPTIVE NAMES.] A provider shall not use  
7 in its name the words insurance, casualty, surety, mutual, or  
8 any other words descriptive of the insurance, casualty, or  
9 surety business; or a name deceptively similar to the name or  
10 description of any insurance or surety corporation, or to the  
11 name of any other provider. The word "guaranty" or similar word  
12 may be used by a provider. This section does not apply to a  
13 company that was using any of the prohibited language in its  
14 name before the effective date of this chapter. However, a  
15 company using the prohibited language in its name shall include  
16 in its service contracts a statement in substantially the  
17 following form: "This agreement is not an insurance contract."

18 Subd. 2. [FALSE OR MISLEADING STATEMENTS.] A provider or  
19 its representative shall not in its service contracts,  
20 literature, or otherwise make, permit, or cause to be made any  
21 false or misleading statement or omit any material statement  
22 that would be considered misleading if omitted.

23 Subd. 3. [REQUIRED PURCHASE.] A person, such as a bank,  
24 savings association, lending institution, manufacturer, or  
25 seller of any product shall not require the purchase of a  
26 service contract as a condition of a loan or a condition for the  
27 sale of any property.

28 Sec. 23. [59B.08] [RECORD-KEEPING REQUIREMENTS.]

29 Subdivision 1. [GENERALLY.] The provider shall keep  
30 accurate accounts, books, and records concerning transactions  
31 regulated under this chapter.

32 The provider's accounts, books, and records include the  
33 following:

- 34 (1) copies of each type of service contracts sold;  
35 (2) the name and address of each service contract holder to  
36 the extent that the name and address have been furnished by the

1 service contract holder;

2 (3) a list of the locations where service contracts are  
3 marketed, sold, or offered for sale; and

4 (4) written claims files which shall contain information  
5 regarding the services provided or claims payments for contracts  
6 that provide for payments or reimbursement, including at least  
7 the dates and description of claims related to the service  
8 contracts.

9 Subd. 2. [RETENTION.] (a) Except as provided in paragraph  
10 (b), the provider shall retain all records required to be  
11 maintained by this section for at least three years after the  
12 specified period of coverage has expired.

13 (b) A provider discontinuing business in this state shall  
14 maintain its records until it furnishes the commissioner  
15 satisfactory proof that it has discharged all obligations to  
16 contract holders in this state.

17 Subd. 3. [MEDIUM.] The records required by this chapter  
18 may be, but are not required to be, maintained on a computer  
19 disk or other record-keeping technology. If the records are  
20 maintained in other than hard copy, the records must be capable  
21 of duplication to legible hard copy at the request of the  
22 commissioner.

23 Sec. 24. [59B.09] [TERMINATION OF REIMBURSEMENT INSURANCE  
24 POLICY.]

25 An insurer that issued a reimbursement insurance policy may  
26 not terminate the policy unless the insurer mails or delivers  
27 written notice of the termination to the commissioner at least  
28 30 days before the effective date of termination. The  
29 termination of a reimbursement insurance policy does not reduce  
30 the issuer's responsibility for service contracts issued by  
31 providers before the date of the termination.

32 Sec. 25. [59B.10] [OBLIGATION OF REIMBURSEMENT INSURANCE  
33 POLICY INSURERS.]

34 Insurers issuing reimbursement insurance to providers are  
35 deemed to have received the premiums for the insurance upon the  
36 payment of provider fees by consumers for service contracts

1 issued by the insured providers.

2 Nothing in this chapter prevents or limits the right of an  
3 insurer which issued a reimbursement insurance policy to seek  
4 indemnification or subrogation against a provider if the issuer  
5 pays or is obligated to pay the service contract holder sums  
6 that the provider was obligated to pay pursuant to the  
7 provisions of the service contract.

8 Sec. 26. [59B.11] [SEVERABILITY PROVISION.]

9 If any provision of this chapter or the application of the  
10 provision to any person or circumstances are held invalid, the  
11 remainder of this chapter and the application of the provision  
12 to person or circumstances other than those as to which it is  
13 held invalid, must not be affected."

14 Page 145, after line 25, insert:

15 "Sec. 28. Minnesota Statutes 2004, section 72A.20, is  
16 amended by adding a subdivision to read:

17 Subd. 38. [UNFAIR CLAIMS SERVICE; SERVICE CONTRACTS.] No  
18 person shall, in connection with a service contract regulated  
19 under chapter 59B:

20 (1) attempt to settle claims on the basis of an application  
21 or any other material document which was altered without notice  
22 to, or knowledge or consent of, the service contract holder;

23 (2) make a material misrepresentation to the service  
24 contract holder for the purpose and with the intent of effecting  
25 settlement of the claims, loss, or damage under the contract on  
26 less favorable terms than those provided in, and contemplated  
27 by, the contract; or

28 (3) commit or perform with such frequency as to indicate a  
29 general business practice any of the following practices:

30 (i) failure to properly investigate claims;

31 (ii) misrepresentation of pertinent facts or contract  
32 provisions relating to coverages at issue;

33 (iii) failure to acknowledge and act upon communications  
34 within a reasonable time with respect to claims;

35 (iv) denial of claims without conducting reasonable  
36 investigations based upon available information;

1       (v) failure to affirm or deny coverage of claims upon  
2 written request of the service contract holder within a  
3 reasonable time after proof-of-loss statements have been  
4 completed; or

5       (vi) failure to timely provide a reasonable explanation to  
6 the service contract holder of the basis in the contract in  
7 relation to the facts or applicable law for denial of a claim or  
8 for the offer of a compromise settlement."

9       Page 218, after line 16, insert:

10       "Sec. 122. [EFFECTIVE DATE.]

11       Sections 16 to 26 and 28 are effective January 1, 2006, and  
12 apply to service contracts issued on or after that date. A  
13 provider transacting business in this state on or before the  
14 date of the enactment of this chapter, which submits an  
15 application for registration as a provider under Minnesota  
16 Statutes, section 59B.03, subdivision 3, within 30 days after  
17 the commissioner makes the application available, may continue  
18 to transact business in this state until final agency action is  
19 taken by the commissioner regarding the registration application  
20 and all rights to administrative and judicial review related to  
21 that final agency action have been exhausted or have expired."

22       Renumber the sections in sequence and correct the internal  
23 references

24       Amend the title accordingly

# BOMA Minnesota

Building Owners and Managers Association of Minnesota

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### Kent Warden

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## Owners of 60 Million Square Feet of Commercial and Corporate Office Space in Minnesota OPPOSE Hijacking of The Minnesota Mechanical Code

### FACTS

- SF 1884, now incorporated in Omnibus Environment, Agriculture and Economic Development Bill, would undo three years of intensive analysis and negotiation that resulted in adopting the International Mechanical Code in 2004 through an *open and fair* rulemaking process.
- The International Mechanical Code is preferred by owners, developers, architects, engineers, professional code officials and the U.S. GSA because it is fully coordinated with an International “family” of codes and encourages use of modern materials and methods. Minnesota has also adopted the International Building, Fire and Residential Codes with little controversy and no adverse results, and all states bordering Minnesota have adopted the International Mechanical Code.
- With no recourse by the above stakeholder group, this bill would mandate return to the obsolete 1991 version of the Uniform Mechanical Code favored by pipe trades and mechanical contractors who directly benefit by its features and development process.
- This bill also establishes a 25 member “*Board of Mechanical Systems*”, 22 of whom are employed in the pipe trades or by mechanical contractors, with absolute authority to adopt, administer, interpret and enforce the mechanical code with no further appeal allowed. It also diverts all State revenue from mechanical permits to the Board with no apparent accountability or oversight governing its use.
- It moves Minnesota backward at a time that global competition intensifies the need to assure that construction regulatory processes for development in Minnesota encourage investment and business expansion in our State.

We respectfully urge the Senate Finance Committee to reject this attempt to thwart sound rulemaking that adopted the International Mechanical Code in Minnesota by this end run of the system that will result in greater cost to businesses and State and local government in favor of narrow self interest by few.

### Contact:

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## League of Minnesota Cities

145 University Avenue West, St. Paul, MN 55103-2044

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www.lmnc.org

April 26, 2005

Senator Dick Cohen, Chair  
Senate Finance Committee  
121 State Capitol  
Saint Paul, MN 55155

Dear Senator Cohen:

The League of Minnesota Cities would like to register our concerns with a provision in the Senate Environment, Agriculture and Economic Development budget bill. This policy provision, which was offered as an amendment in the budget division, would hand over complete control of the state mechanical code to a new Board of Mechanical Systems. This proposal is an offshoot of legislation (SF 1884/HF 2328) introduced this year that would have repealed the International Mechanical Code (IMC) and reverted to the 1991 Uniform Mechanical Code (UMC).

Under the amendment, the Board of Mechanical Systems would have the authority to administer, interpret and enforce all mechanical code issues. This new board, which is dominated by industry representatives, is required to adopt a new mechanical code within four months of convening. This proposal is a significant change in the code development process that threatens to undermine the recently adopted IMC.

The League of Minnesota Cities is concerned that this proposal will undercut efforts to adopt a single set of compatible codes, which help provide for more efficient compliance, administration and enforcement of construction regulations. Many states, including neighboring Wisconsin, South Dakota, North Dakota, and Iowa use the IMC. Abandoning it now will create confusion among contractors and designers that work across these state borders and in border communities in Minnesota. Finally, cities have already expended a significant amount of time and money training in the ICC family of codes, and to discard the IMC for another code at this time would be a waste of this public investment.

The League urges you and the members of the Senate Finance Committee to remove the policy provisions relating to the mechanical code from the Omnibus Environment, Agriculture and Economic Development budget bill. Thank you.

Sincerely,

Jim Miller  
League of Minnesota Cities

CC: Members, Senate Finance Committee  
Senator Linda Higgins  
Representative Joe Mullery

## **In Opposition to SF1884/HF2328**

### **STATUS OF SF1884 (Higgins) / HF2328 (Mullery)**

Without any opportunity for opposition testimony, an amendment that would hand over complete control of the state mechanical code to a new Board of Mechanical Systems was adopted as a provision in the Senate Environment, Agriculture and Economic Development appropriations bill. This amendment is a spin-off of legislation (SF1884/HF2328) introduced earlier this year that would have repealed the International Mechanical Code (IMC) and directed the Department of Administration to amend state mechanical code rules by incorporating references to the 1991 Uniform Mechanical Code (UMC). There is no comparable provision in the House Jobs and Economic Opportunity appropriations bill.

### **WHAT THE AMENDMENT DOES**

Under the amendment, the Board of Mechanical Systems would have the authority to administer, interpret and enforce all mechanical code issues. This new board would be dominated by industry representatives opposed to the IMC and does not include any local government or state regulatory representation. In addition, the board is required to adopt a new mechanical code no later than four months after convening, which in all likelihood would be the UMC. This bill threatens to undermine the recently adopted IMC and is an end-run around the administrative process.

### **PLEASE REMOVE THE UNDERMINING LANGUAGE FROM THE SENATE ENVIRONMENT AG AND ECONOMIC DEVELOPMENT BILL**

The following organizations are seriously concerned that this proposal will undercut efforts to adopt a single set of compatible codes, which help provide for more efficient compliance, administration and enforcement of construction regulations.

In addition, many states, including Wisconsin, South Dakota, North Dakota, and Iowa use the International Mechanical Code. Abandoning it now will create confusion among contractors and designers that work across these state borders and in border communities in Minnesota.

Finally, the State of Minnesota, cities and industry have already expended a significant amount of time and money adapting to the ICC family of codes, and to discard the IMC for another code based upon a narrow self interest would be a waste of public and private investments.

**American Council of Engineering  
Companies of MN**

**American Institute of Architects - MN**

**Aquila, Inc.**

**Associated Builders and Contractors, Inc.**

**Association of MN Building Officials**

**Builders Association of MN**

**Builders Association of the Twin Cities**

**CenterPoint Energy**

**General Mills, Inc.**

**Greater Minneapolis BOMA**

**League of Minnesota Cities**

**Minnesota Association of Small Cities**

**Minnesota Chamber of Commerce**

**Saint Paul BOMA**

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**Minnesota Association of Small Cities**

**Minnesota BOMA**

**Minnesota Chamber of Commerce**

**Minnesotans for an Energy Efficient  
Economy (ME3)**

**Sierra Club – Northstar Chapter**

1 Senator ..... moves to amend S.F. No. .... (SC4100) as  
2 follows:

3 Page 6, delete line 38 and insert:

4 "6,383,000 5,929,000"

5 Page 6, delete line 41 and insert:

6 "Natural Resources 5,526,000 5,476,000"

7 Page 7, after line 22, insert:

8 "\$1,800,000 the first year and  
9 \$1,800,000 the second year is from the  
10 water recreation account in the natural  
11 resources fund for the purposes  
12 specified in new Minnesota Statutes,  
13 section 86B.706, subdivision 3."

14 Page 82, after line 14, insert:

15 "Sec. 84. Minnesota Statutes 2004, section 86B.401,  
16 subdivision 5, is amended to read:

17 Subd. 5. [LICENSE PERIOD.] A watercraft license is valid  
18 for ~~three~~ two calendar years or a portion of the ~~three-year~~  
19 two-year period beginning in the calendar year the license is  
20 issued. The watercraft license expires on December 31 of the  
21 last calendar year of the license period."

22 Renumber the sections in sequence and correct the internal  
23 references

24 Amend the title accordingly

25 Correct the subdivision and section totals and the  
26 summaries by fund

*Not adopted.*

1 Senator ..... moves to amend S.F. No. .... (SC4100) as  
2 follows:

3 Page 84, after line 2, insert:

4 "Sec. 86. [87A.01] [DEFINITIONS.]

5 Subdivision 1. [APPLICABILITY.] The definitions in this  
6 section apply to sections 87A.01 to 87A.08.

7 Subd. 2. [PERSON.] "Person" means an individual,  
8 association, proprietorship, partnership, corporation, club,  
9 political subdivision, or other legal entity.

10 Subd. 3. [SHOOTING RANGE OR RANGE.] "Shooting range" or  
11 "range" means an area or facility designated or operated  
12 primarily for the use of firearms, as defined in section  
13 97A.015, subdivision 19, or archery, and includes shooting  
14 preserves as described in section 97A.115 or any other Minnesota  
15 law.

16 Subd. 4. [SHOOTING RANGE PERFORMANCE STANDARDS.] "Shooting  
17 range performance standards" means those rules adopted by the  
18 commissioner of natural resources under section 87A.02 for the  
19 safe operation of shooting ranges.

20 Subd. 5. [LOCAL UNIT OF GOVERNMENT.] "Local unit of  
21 government" means a home rule charter or statutory city, county,  
22 town, or other political subdivision.

23 [EFFECTIVE DATE.] This section is effective the day  
24 following final enactment.

25 Sec. 87. [87A.02] [SHOOTING RANGE PERFORMANCE STANDARDS.]

26 Subdivision 1. [ADOPTION OF STANDARDS; REVIEW.] (a) The  
27 commissioner of natural resources must develop and adopt  
28 shooting range performance standards, according to the expedited  
29 rulemaking process under section 14.389. The shooting range  
30 performance standards must provide for compliance with  
31 applicable noise standards under section 87A.05 and for the safe  
32 use of shooting ranges within their boundaries, including the  
33 containment of projectiles.

34 (b) The shooting range performance standards must provide  
35 for the operation of shooting preserves within the boundaries of  
36 the preserve, including an exemption from any discharge distance

1 limitations generally applicable to hunting on other land, when  
2 the shooting preserve is in compliance with all other applicable  
3 laws and is in operation on or before the effective date of the  
4 performance standards adopted under this section or prior to the  
5 development of any structure that would cause the preserve to be  
6 out of compliance with the discharge distance.

7 (c) The commissioner must review the shooting range  
8 performance standards at least once every five years and revise  
9 them if necessary for the safe operation of shooting ranges.

10 (d) In the adoption of any amendments to the shooting range  
11 performance standards adopted under paragraph (a), the  
12 commissioner shall follow all notice and public hearing  
13 requirements for the regular rule adoption process under  
14 sections 14.001 to 14.28.

15 Subd. 2. [INTERIM STANDARDS.] Until the commissioner of  
16 natural resources adopts the shooting range performance  
17 standards under subdivision 1, paragraph (a), the November 1999  
18 revised edition of the National Rifle Association's Range Source  
19 Book: A Guide to Planning and Construction shall serve as the  
20 interim shooting range performance standards, having the full  
21 effect of the shooting range performance standards for purposes  
22 of this chapter. The interim shooting range performance  
23 standards sunset and have no further effect under this chapter  
24 upon the effective date of the shooting range performance  
25 standards adopted under subdivision 1, paragraph (a).

26 [EFFECTIVE DATE.] This section is effective the day  
27 following final enactment.

28 Sec. 88. [87A.03] [COMPLIANT RANGES; AUTHORIZED  
29 ACTIVITIES.]

30 Subdivision 1. [AUTHORIZED ACTIVITIES.] A shooting range  
31 that operates in compliance with the shooting range performance  
32 standards must be permitted to do all of the following within  
33 its geographic boundaries, under the same or different ownership  
34 or occupancy, if done in accordance with shooting range  
35 performance standards:

36 (1) operate the range and conduct activities involving the

1 discharge of firearms;

2 (2) expand or increase its membership or opportunities for  
3 public participation related to the primary activity as a  
4 shooting range;

5 (3) make those repairs or improvements desirable to meet or  
6 exceed requirements of shooting range performance standards;

7 (4) increase events and activities related to the primary  
8 activity as a shooting range;

9 (5) conduct shooting activities and discharge firearms  
10 daily between 7:00 a.m. and 10:00 p.m. A local unit of  
11 government with zoning jurisdiction over a shooting range may  
12 extend the hours of operation by the issuance of a special or  
13 conditional use permit; and

14 (6) acquire additional lands to be used for buffer zones or  
15 noise mitigation efforts or to otherwise comply with this  
16 chapter.

17 Subd. 2. [NONCONFORMING USE.] A shooting range that is a  
18 nonconforming use shall be allowed to conduct additional  
19 shooting activities within the range's lawful property  
20 boundaries as of the date the range became a nonconforming use,  
21 provided the shooting range remains in compliance with noise and  
22 shooting range performance standards under this chapter.

23 Subd. 3. [COMPLIANCE WITH OTHER LAW.] Nothing in this  
24 section exempts any newly constructed or remodeled building on a  
25 shooting range from compliance with fire safety, handicapped  
26 accessibility, elevator safety, bleacher safety, or other  
27 provisions of the State Building Code that have mandatory  
28 statewide application.

29 [EFFECTIVE DATE.] This section is effective the day  
30 following final enactment.

31 Sec. 89. [87A.04] [MITIGATION AREA.]

32 (a) Except for those uses, developments, and structures in  
33 existence or for which approval has been granted by October 1,  
34 2005, no change in use, new development, or construction of a  
35 structure shall be approved for any portion of property within  
36 750 feet of the perimeter property line of an outdoor shooting

1 range if the change in use, development, or construction would  
2 cause a preexisting outdoor shooting range in compliance with  
3 this chapter to become out of compliance.

4 (b) A change in use, new development, or construction of a  
5 structure may be approved under this section if the person  
6 seeking approval agrees to provide any mitigation required to  
7 keep the range in compliance with this chapter. The approving  
8 authority, instead of the person requesting the change in use,  
9 new development, or construction of a structure may provide any  
10 mitigation required under this section. The person requesting  
11 approval under this section is responsible for providing  
12 documentation if no mitigation is required under this section.  
13 Failure to provide the documentation or any mitigation required  
14 under this section exempts the range from being out of  
15 compliance with the shooting range performance and noise  
16 standards of this chapter with regard to the property  
17 responsible for the mitigation. Any action brought by the owner  
18 of the property against the range is subject to section 87A.06.  
19 With the permission of the range operator, any mitigation  
20 required under this section may be provided on the range  
21 property.

22 [EFFECTIVE DATE.] This section is effective the day  
23 following final enactment.

24 Sec. 90. [87A.05] [NOISE STANDARDS.]

25 Allowable noise levels for the operation of a shooting  
26 range are the levels determined by replacing the steady state  
27 noise L10 and L50 state standards for each period of time within  
28 each noise area's classification with a single Leq(h) standard  
29 for impulsive noise that is two dBA lower than that of the L10  
30 level for steady state noise. The noise level shall be measured  
31 outside of the range property at the location of the receiver's  
32 activity according to Minnesota Rules, parts 7030.0010 to  
33 7030.0080. For purposes of this section, "Leq(h)" means the  
34 energy level that is equivalent to a steady state level that  
35 contains the same amount of sound energy as the time varying  
36 sound level for a 60-minute time period.

1        [EFFECTIVE DATE.] This section is effective the day  
2 following final enactment.

3        Sec. 91. [87A.06] [NUISANCE ACTIONS; COMPLIANCE WITH  
4 SHOOTING RANGE PERFORMANCE STANDARDS.]

5        A person who owns, operates, or uses a shooting range in  
6 this state that is in compliance with shooting range performance  
7 standards is not subject to any nuisance action based on noise  
8 or other matters regulated by the shooting range performance  
9 standards. This section does not prohibit an action that seeks  
10 damages for personal physical injury or tangible damage to  
11 property caused by acts or omissions involving the operation of  
12 the range or by a person using the range.

13        [EFFECTIVE DATE.] This section is effective the day  
14 following final enactment.

15        Sec. 92. [87A.07] [CLOSURE OF SHOOTING RANGES.]

16        Subdivision 1. [CLOSURE.] Except as otherwise provided in  
17 sections 87A.01 to 87A.08, a shooting range that is in  
18 compliance with shooting range performance standards and the  
19 requirements of sections 87A.01 to 87A.08 shall not be forced to  
20 permanently close or permanently cease any activity related to  
21 the primary use of the shooting range unless the range or  
22 activity is found to be a clear and immediate safety hazard. In  
23 any action brought to compel the permanent closure of any range  
24 in compliance with shooting range performance standards and this  
25 chapter, or to permanently cease any activity related to the  
26 primary use of the shooting range, there is a rebuttable  
27 presumption that the range or activity is not a clear and  
28 immediate safety hazard. If the shooting range provides  
29 evidence that the cause of a proven safety hazard can be  
30 mitigated so as to eliminate the safety hazard, the court shall  
31 not order the permanent closure of the range, or permanent  
32 ceasing of the activity found to be a clear and immediate safety  
33 hazard, unless the range operator fails to implement the  
34 necessary mitigation to remove the safety hazard by the date  
35 that is determined reasonable by the court.

36        Subd. 2. [PRELIMINARY INJUNCTIONS.] Nothing in this

1 section prohibits a court from granting a preliminary injunction  
2 against any activity determined to be a probable clear and  
3 immediate safety hazard, or against any individual determined to  
4 be the probable cause of an alleged clear and immediate safety  
5 hazard, pending the final determination of the existence of the  
6 safety hazard.

7 Subd. 3. [PERMANENT INJUNCTIONS.] A court may grant a  
8 permanent injunction only against a particular activity or  
9 person instead of permanently closing the range unless the court  
10 finds that the remaining operations also pose a safety hazard  
11 under this section.

12 [EFFECTIVE DATE.] This section is effective the day  
13 following final enactment.

14 Sec. 93. [87A.08] [APPLICABILITY OF OTHER LAWS.]

15 Subdivision 1. [PUBLIC SAFETY LAWS; ZONING.] (a) Nothing  
16 in this chapter prohibits enforcement of any federal law. To  
17 the extent consistent with this chapter, other state laws  
18 regarding the health, safety, and welfare of the public may be  
19 enforced. To the extent consistent with this chapter, a local  
20 unit of government with zoning authority jurisdiction over a  
21 shooting range may enforce its applicable ordinances and permits.

22 (b) If the operator of the shooting range shows evidence  
23 that the range can be brought into compliance with the  
24 applicable state law, local ordinance, or permit, the range may  
25 not be permanently closed unless the range operator fails to  
26 bring the range into compliance with the applicable law,  
27 ordinance, or permit under this section by the date that the  
28 court determines reasonable. Nothing in this section prohibits  
29 a court from granting a preliminary injunction against any  
30 activity determined to be a violation of a law, ordinance, or  
31 permit under this section or against any individual determined  
32 to be causing an alleged violation, pending the final  
33 determination of the existence of the violation.

34 Subd. 2. [PERMANENT INJUNCTIONS.] A court may grant a  
35 permanent injunction only against a particular activity or  
36 person instead of permanently closing the range unless the court

1 finds that the remaining operations also create a violation  
2 under this section.

3 [EFFECTIVE DATE.] This section is effective the day  
4 following final enactment."

5 Renumber the sections in sequence and correct the internal  
6 references

7 Amend the title accordingly

## Roll Call Vote

Committee: Finance

Bill/Amendment: Hottinger oral amendment re: Labor Day

Date: 4/26/05 starts

Action: Motion failed

Member	Aye	Nay	Pass
Cohen		X	
Berglin	X		
Chaudhary		X	
Dille		X	
Fischbach			
Frederickson	X		
Gerlach		X	
Hottinger	X		
Kierlin	X		
Kiscaden	X		
Langseth		X	
Larson		X	
Metzen		X	
Murphy			
Neuville	X		
Nienow			
Olson			
Ourada			
Pappas	X		
Pariseau			
Ranum	X		
Sams		X	
Stumpf		X	
Wiger		X	
Results:	8	10	

# Schools cannot do this alone

BY JAMIE VOLLMER

America's public schools can be traced back to the year 1640. The Massachusetts Puritans established schools to:

1. Teach basic reading, writing, and arithmetic skills, and
2. Cultivate values that serve a democratic society (some history and civics implied).

The creators of these first schools assumed that families and churches bore the major responsibility for raising a child. The responsibility of the school was limited and focused.

---

## From 1900 to 1910, we added

- ◆ nutrition
- ◆ immunization, and
- ◆ health to the list of school responsibilities.

## From 1920 to 1940, we added

- ◆ vocational education
- ◆ the practical arts
- ◆ business education
- ◆ speech and drama
- ◆ half day kindergarten
- ◆ Phys. Ed. Including organized athletics, and
- ◆ school lunch programs (We take this for granted today. It was, however, a significant step to shift to the schools the job of feeding America's children 1/3 of their daily meals.

## In the 1950's, we added

- ◆ safety education
- ◆ driver's education
- ◆ expanded music and art education
- ◆ foreign language requirements are strengthened, and
- ◆ sex education introduced (topics escalate through 1990's)

## In the 1960's, we added

- ◆ Advanced Placement programs
- ◆ consumer education
- ◆ career education
- ◆ peace education
- ◆ leisure education, and
- ◆ recreation education

## In the 1970's, the breakup of the American family accelerated, and we added

- ◆ special education (mandated by federal government)
  - ◆ Title IX programs (greatly expanded athletic programs for girls)
  - ◆ drug and alcohol abuse education
  - ◆ Head Start
  - ◆ parent education
  - ◆ behavior adjustment classes
  - ◆ character education
  - ◆ environment education, and
-

◆ school breakfast programs appear (Now, some schools are feeding America's children 2/3 of their daily meals. Sadly, these are the only decent meals some children receive.)

---

**In the 1980's, the floodgates open, and we add**

- ◆ keyboarding and computer education
- ◆ global education
- ◆ ethnic education
- ◆ multicultural/ non-sexist education
- ◆ English-as-a-second-language, and bilingual education
- ◆ early childhood education
- ◆ Jump Start, Early Start, Even Start, and Prime Start
- ◆ full day kindergarten
- ◆ pre-school programs for children at-risk
- ◆ after school programs for children of working parents
- ◆ alternative education in all its forms
- ◆ stranger/danger education
- ◆ anti-smoking education
- ◆ sexual abuse prevention education
- ◆ health and psychological services are expanded, and
- ◆ child abuse monitoring becomes a legal requirement for all teachers

**And finally, in the 1990's, we have added**

- ◆ HIV/AIDS education
- ◆ death education
- ◆ expanded computer and Internet education
- ◆ inclusion
- ◆ Tech Prep and School to work programs
- ◆ gang education (in urban centers)
- ◆ bus safety education
- ◆ bicycle safety education
- ◆ gun safety education

**And in most states we have not added a single minute to the school calendar in five decades!**

All of the items added to the list have merit, and all have their ardent supporters. They cannot, however, all be assigned to the schools.

---

**The people of each community must come together to answer two essential questions: What do they want their children to know and be able to do when they graduate, and how can the entire community be organized to ensure that all children reach the stated goals.**

**The bottom line: schools cannot do it all. Schools cannot raise America's children.**

To invite Jamie to speak in your schools and community, please call 641-472-1558 or e-mail [jamie@jamievollmer.com](mailto:jamie@jamievollmer.com)