

## ONE HUNDRED THIRD DAY

St. Paul, Minnesota, Tuesday, April 17, 2012

The Senate met at 12:00 noon and was called to order by the President.

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rev. Craig Richter.

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

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

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

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communication was received.

March 30, 2012

The Honorable Michelle L. Fischbach  
President of the Senate

Dear Senator Fischbach:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

**BOARD OF TEACHING**

Erin Azer, 1329 Draper Ave., Roseville, in the county of Ramsey, effective April 4, 2012, for a term expiring on January 4, 2016.

(Referred to the Committee on Education.)

Sincerely,  
Mark Dayton, Governor

**MESSAGES FROM THE HOUSE**

Madam President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1492, 2360, 1599, 1620, 1875, 1964, 2114, 2060, 1689 and 2183.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 16, 2012

Madam President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 288:** A bill for an act relating to health; regulating dental laboratories; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 150A.

Senate File No. 288 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 16, 2012

Senator Howe moved that the Senate do not concur in the amendments by the House to S.F. No. 288, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Madam President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments

adopted by the House to the following Senate File:

**S.F. No. 2296:** A bill for an act relating to elections; modifying certificate on absentee ballot envelopes; amending Minnesota Statutes 2010, section 203B.21, subdivision 3.

There has been appointed as such committee on the part of the House:

Sanders, Daudt and Simon.

Senate File No. 2296 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 16, 2012

Madam President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2493:** A bill for an act relating to natural resources; appropriating money from the outdoor heritage fund; modifying requirements for outdoor heritage fund appropriations; appropriating money for clean water; appropriating money for an Aquatic Invasive Species Cooperative Research Center; modifying prior appropriations; modifying certain parks and trails grant program provisions; amending Minnesota Statutes 2010, sections 85.535, subdivision 3; 97A.056, by adding subdivisions; Laws 2009, chapter 172, article 3, section 3; Laws 2011, First Special Session chapter 2, article 3, section 2, subdivision 9; Laws 2011, First Special Session chapter 6, article 2, section 7.

There has been appointed as such committee on the part of the House:

Urdahl, McNamara and Lillie.

Senate File No. 2493 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 16, 2012

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2294:

**H.F. No. 2294:** A bill for an act relating to state government; making adjustments to health and human services appropriations; making changes to provisions related to health care, the Department of Health, children and family services, continuing care, chemical dependency, child support, background studies, homelessness, and vulnerable children and adults; providing for data sharing; requiring eligibility determinations; requiring the University of Minnesota to request funding for rural primary care training; providing for the release of medical assistance liens; requiring reporting

of potential welfare fraud; providing penalties; providing appointments; providing grants; requiring studies and reports; appropriating money; amending Minnesota Statutes 2010, sections 62D.02, subdivision 3; 62D.05, subdivision 6; 62D.12, subdivision 1; 62J.496, subdivision 2; 62Q.80; 62U.04, subdivisions 1, 2, 4, 5; 119B.13, subdivision 3a; 144.1222, by adding a subdivision; 144.292, subdivision 6; 144.293, subdivision 2; 144.298, subdivision 2; 144A.351; 144D.04, subdivision 2; 145.906; 245.697, subdivision 1; 245A.03, by adding a subdivision; 245A.10, by adding a subdivision; 245A.11, subdivision 7; 245B.07, subdivision 1; 245C.04, subdivision 6; 245C.05, subdivision 7; 252.27, subdivision 2a; 254A.19, by adding a subdivision; 256.01, by adding subdivisions; 256.9831, subdivision 2; 256B.056, subdivision 1a; 256B.0625, subdivisions 9, 28a, by adding subdivisions; 256B.0659, by adding a subdivision; 256B.0751, by adding a subdivision; 256B.0754, subdivision 2; 256B.0915, subdivision 3g; 256B.092, subdivisions 1b, 7, by adding subdivisions; 256B.0943, subdivision 9; 256B.431, subdivision 17e, by adding a subdivision; 256B.441, by adding a subdivision; 256B.49, by adding a subdivision; 256B.69, subdivision 9, by adding subdivisions; 256D.06, subdivision 1b; 256D.44, subdivision 5; 256E.37, subdivision 1; 256I.05, subdivision 1e; 256J.08, by adding a subdivision; 256J.26, subdivision 1, by adding a subdivision; 256J.45, subdivision 2; 256J.50, by adding a subdivision; 256J.521, subdivision 2; 256L.07, subdivision 3; 462A.29; 514.981, subdivision 5; 518A.40, subdivision 4; Minnesota Statutes 2011 Supplement, sections 62E.14, subdivision 4g; 62U.04, subdivisions 3, 9; 119B.13, subdivision 7; 245A.03, subdivision 7; 256.045, subdivision 3; 256.987, subdivisions 1, 2, by adding subdivisions; 256B.056, subdivision 3; 256B.057, subdivision 9; 256B.0625, subdivisions 8, 8a, 8b, 38; 256B.0911, subdivisions 3a, 3c; 256B.0915, subdivisions 3e, 3h; 256B.097, subdivision 3; 256B.49, subdivisions 14, 15, 23; 256B.5012, subdivision 13; 256B.69, subdivisions 5a, 5c; 256E.35, subdivisions 5, 6; 256I.05, subdivision 1a; 256J.49, subdivision 13; 256L.031, subdivisions 2, 3, 6; 256L.12, subdivision 9; 256M.40, subdivision 1; Laws 2010, chapter 374, section 1; Laws 2011, First Special Session chapter 9, article 7, sections 52; 54; article 9, section 18; article 10, section 3, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes, chapters 144; 256B; 626.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Abeler, Gottwalt, Kiffmeyer, Schomacker and Huntley have been appointed as such committee on the part of the House.

House File No. 2294 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 16, 2012

Senator Hann moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2294, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to

House File No. 2949:

**H.F. No. 2949:** A bill for an act relating to education; modifying certain early childhood and kindergarten through grade 12 policy and finance provisions; requiring reports; appropriating money; amending Minnesota Statutes 2010, sections 120B.13, subdivision 4; 124D.09, subdivisions 9, 10, 12, 24; 135A.101, subdivision 1; 471.975; Minnesota Statutes 2011 Supplement, sections 120B.07; 120B.08; 120B.09; 120B.36, subdivision 1; 124D.09, subdivision 5; 126C.126; 126C.40, subdivision 1; Laws 2011, First Special Session chapter 11, article 5, section 11; article 7, section 2, subdivision 8; repealing Minnesota Statutes 2010, section 124D.09, subdivision 23.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Garofalo; Anderson, P.; Erickson; Loon and Dittrich have been appointed as such committee on the part of the House.

House File No. 2949 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 16, 2012

Senator Olson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2949, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2705, 2861, 2614, 2627 and 2647.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 16, 2012

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 2705:** A bill for an act relating to commerce; regulating closing agents; exempting a licensed attorney and a direct employee of a licensed attorney from the licensing requirements for closing agents; amending Minnesota Statutes 2010, section 82.641, subdivision 6; Minnesota Statutes 2011 Supplement, section 82.641, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2340, now on General Orders.

**H.F. No. 2861:** A bill for an act relating to local government; authorizing municipalities to make grants to emergency medical services agencies; amending Minnesota Statutes 2010, section 465.037.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2466, now on General Orders.

**H.F. No. 2614:** A bill for an act relating to state government; changing the mandatory retirement age for administrative law judges and compensation judges; amending Minnesota Statutes 2010, section 14.48, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2227, now on General Orders.

**H.F. No. 2627:** A bill for an act relating to human services; changing a requirement for electronic claims and electronic transactions; making changes to health care and disability services provisions; providing for a supplemental agreement to a contract for community social services; making changes to family stabilization services provisions; requiring procedures to establish a reciprocal child support agreement with Bermuda; changing provisions for the public pool exemption; amending Minnesota Statutes 2010, sections 62J.497, subdivision 2; 62J.536, subdivision 1; 256.0112, by adding a subdivision; 256.962, by adding a subdivision; 256J.575, subdivisions 1, 2, 5, 6, 8; Minnesota Statutes 2011 Supplement, sections 144.1222, subdivision 5; 256B.0911, subdivision 3a; 256B.0915, subdivisions 3e, 3h.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2208, now on General Orders.

**H.F. No. 2647:** A bill for an act relating to education; clarifying the definition of public data relating to agreements involving payment of public money; amending Minnesota Statutes 2010, section 13.43, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2409.

## REPORTS OF COMMITTEES

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

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

**H.F. No. 682** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
682	451				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 682 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 682, the first engrossment; and insert the language after the enacting clause of S.F. No. 451, the first engrossment; further, delete the title of H.F. No. 682, the first engrossment; and insert the title of S.F. No. 451, the first engrossment.

And when so amended H.F. No. 682 will be identical to S.F. No. 451, and further recommends that H.F. No. 682 be given its second reading and substituted for S.F. No. 451, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 1236** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1236	973				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1236 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1236, the second engrossment; and insert the language after the enacting clause of S.F. No. 973, the first engrossment; further, delete the title of H.F. No. 1236, the second engrossment; and insert the title of S.F. No. 973, the first engrossment.

And when so amended H.F. No. 1236 will be identical to S.F. No. 973, and further recommends that H.F. No. 1236 be given its second reading and substituted for S.F. No. 973, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 2164** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2164	1830				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2164 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2164, the third engrossment; and

insert the language after the enacting clause of S.F. No. 1830, the second engrossment; further, delete the title of H.F. No. 2164, the third engrossment; and insert the title of S.F. No. 1830, the second engrossment.

And when so amended H.F. No. 2164 will be identical to S.F. No. 1830, and further recommends that H.F. No. 2164 be given its second reading and substituted for S.F. No. 1830, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 2731** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2731	2216				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2731 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2731, the first engrossment; and insert the language after the enacting clause of S.F. No. 2216, the second engrossment; further, delete the title of H.F. No. 2731, the first engrossment; and insert the title of S.F. No. 2216, the second engrossment.

And when so amended H.F. No. 2731 will be identical to S.F. No. 2216, and further recommends that H.F. No. 2731 be given its second reading and substituted for S.F. No. 2216, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 2276** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2276	1811		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on



behalf of the Committee on Rules and Administration. Report adopted.

### SECOND READING OF HOUSE BILLS

H.F. Nos. 682, 1236, 2164, 2731 and 2276 were read the second time.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

#### **Senator Bakk introduced—**

**S.F. No. 2600:** A bill for an act relating to local governments; prohibiting criminalization and restriction on sale of motor fuel; proposing coding for new law in Minnesota Statutes, chapter 415.

Referred to the Committee on Transportation.

### MOTIONS AND RESOLUTIONS

Senator Skoe moved that his name be stricken as a co-author to S.F. No. 1628. The motion prevailed.

Senator Skoe moved that his name be stricken as a co-author to S.F. No. 1945. The motion prevailed.

#### **Senators Dibble and Hayden introduced –**

**Senate Resolution No. 149:** A Senate resolution congratulating the Minneapolis Washburn High School boys basketball team on being the runner-up in the 2012 State High School Class AAA boys basketball tournament.

Referred to the Committee on Rules and Administration.

#### **Senators Sheran and Rosen introduced –**

**Senate Resolution No. 150:** A Senate resolution recognizing April 16, 2012, as Drug Court Day in Minnesota.

Referred to the Committee on Rules and Administration.

Senator Senjem moved that S.F. No. 2409 be taken from the table, and re-referred to the Committee on Rules and Administration for comparison with H.F. No. 2647. The motion prevailed.

### RECONSIDERATION

Having voted on the prevailing side, Senator Gimse moved that the vote whereby S.F. No. 2571 was passed by the Senate on April 16, 2012, be now reconsidered. The motion prevailed. So the

vote was reconsidered.

**S.F. No. 2571:** A bill for an act relating to transportation capital improvements; authorizing spending to acquire and better public land and buildings for trunk highway purposes; authorizing the sale and issuance of trunk highway bonds; appropriating money.

Senator Gimse moved that S.F. No. 2571 be laid on the table. The motion prevailed.

### SPECIAL ORDERS

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

S.F. Nos. 1573, 1597, H.F. Nos. 1813 and 1976.

### SPECIAL ORDER

**S.F. No. 1573:** A bill for an act relating to higher education; requiring the provision of textbook information to certain students; providing for the continued operation of Minnesota State Colleges and Universities in certain circumstances; increasing Minnesota State Colleges and Universities system revenue bond authority; prescribing uses of the permanent university fund; providing a graduate study benefit to certain safety officer survivors; making miscellaneous technical changes; amending Minnesota Statutes 2010, sections 135A.25, subdivision 5; 136F.58, subdivision 3, by adding a subdivision; 136F.71, subdivision 3, by adding a subdivision; 136F.98, subdivision 1; 136G.03, subdivision 7; 137.022, subdivision 4; 141.35; 299A.45, subdivisions 1, 2.

Senator Eaton moved to amend S.F. No. 1573 as follows:

Page 1, after line 12, insert:

"Section 1. [116L.99] MINNESOTA FASTTRAC ADULT CAREER PATHWAY PROGRAM.

Subdivision 1. **Creation.** There is created the Minnesota fast training, resources, and credentialing adult career pathway program, hereafter referred to as FastTRAC.

Subd. 2. **Purpose.** FastTRAC is an interagency adult career pathway initiative to increase the number of adults with postsecondary credentials in high-demand occupations that lead to liveable wages. This career pathway initiative is a series of connected education and training programs and support services, the purpose of which is to enable individuals to secure employment within a specific industry or occupational sector, and to advance over time to successively higher levels of education and employment in that sector. Each step on a career pathway is explicitly designed to prepare for the next level of employment and education.

Subd. 3. **Administration; leadership committee.** The commissioner shall provide administration and oversight of FastTRAC. The commissioner shall establish a FastTRAC leadership committee which must include the department, Department of Education-Adult Basic Education, Minnesota State Colleges and Universities System Office (MnSCU), Office of Higher Education, Department of Human Services, Department of Labor and Industry, state and local

partners, and employers deemed necessary by the commissioner. The leadership committee must develop and maintain interagency collaboration activities and provide advice and program guidelines to the commissioner and the local program partners.

Subd. 4. **Program design.** FastTRAC is designed to use an adult career pathways framework for delivering education, training, and employment services to participants. This framework requires programming and policy alignment across the Department of Education-Adult Basic Education, WorkForce Center System, MnSCU, and other programs operated through the Department of Human Services and other state agencies and offices that have related programming. FastTRAC local program partners must also collaborate with employers, business and industry organizations, and community-based organizations that provide training and employment services.

Subd. 5. **Program implementation.** The leadership committee must ensure that FastTRAC programs become standard options offered through state education and training systems by assisting local program partners to overcome policy and other barriers to FastTRAC program approval and delivery. Local program partners must utilize all available integrated data capabilities and provide this data to the leadership committee to follow participant progress and outcomes across education and employment programs.

Subd. 6. **Required local program partner.** (a) For the purpose of this section, a local program partner is defined as the organization that performs the service functions under this section and is responsible for the delivery of outcomes under this section. A local program partner may have relationships with other organizations that provide assistance, but the local program partner remains solely accountable for outcomes.

(b) A local program partner must include representatives from all of the following:

(1) the Department of Education-Adult Basic Education;

(2) employers;

(3) MnSCU two-year institutions; and

(4) workforce development system partners, including community-based organizations, workforce investment boards, tribal nonprofit organizations, and the department.

(c) A local program partner may be formed to address any of the program guidelines established by the leadership committee. The leadership committee shall provide a standard form that local partners must use to apply for FastTRAC funding and assistance.

Subd. 7. **Services provided.** (a) A FastTRAC local program partner must provide three service components to participants:

(1) contextualized instruction;

(2) career development; and

(3) support services tailored to adults and delivered through collaboration of partners and in a manner appropriate for the needs and circumstances of the participant.

(b) Contextualized instruction must be provided that integrates industry and occupational knowledge with basic reading, math, and language skills by having Department of Education-Adult

Basic Education instructors and MnSCU postsecondary career and technical education instructors provide integrated instruction, including any bridge curricula needed to enroll in a postsecondary program.

(c) Workforce development system partners must provide career development services that include work culture, exploration, and planning within a career area, job placement, and job retention services.

(d) Other support services must be provided by WorkForce Center System, and must be tailored to each participant and provide the participant with the information and wraparound assistance needed to transition across education and training programs and achieve stable career pathway employment with a liveable wage. Examples of support service include, but are not limited to, assisting participants with finding eligible public assistance programs, gas cards, bus cards, or child care. Whenever possible the local program partners shall ensure that existing funding streams such as MFIP are used to provide any services under this section.

Subd. 8. **Participant eligibility.** (a) An eligible FastTRAC participant must meet the requirements of the Department of Education-Adult Basic Education program under section 124D.52.

(b) In addition to the requirement in paragraph (a), an eligible participant must be assessed, using a nationally recognized assessment, and found to have either insufficient college readiness or work readiness.

(c) Participants must enroll in the FastTRAC program using a form supplied by the local program partner.

Subd. 9. **Accountability and outcome measures.** (a) All FastTRAC local program partners must administer assessments consistent with program requirements to place participants into the appropriate courses and to measure progress. All local program partners must coordinate with state management information systems to analyze key information about FastTRAC participants and graduates. This information must be provided to the leadership committee for review under paragraph (c).

(b) State systems, in partnership with Local program partners, must evaluate participants on all of the measures in this paragraph.

(1) Basic skills acquisition: Whether a participant has attained a NRS educational functioning level (EFL) gain as adopted by the Department of Education-Adult Basic Education.

(2) Program retention: Whether the participant partook in the duration of the program, including information on attrition, identification of program challenges, or other barriers to program retention.

(3) Credential attainment: Whether the participant attained an industry-recognized certification, not to include a work readiness certificate, but including a certificate, diploma, or degree with academic credit from a MnSCU institution.

(4) Job placement in career field: Whether the participant obtained employment in an occupation related to FastTRAC education and training.

(5) Job retention: Whether the participant maintained employment for 12 months after job

placement.

(6) Wage progression: Preprogram and postprogram completion of a survey, annual report, or data match, that indicates increased earnings after job placement.

(7) Continuation of career pathway training: Whether the participant enrolls in next level of career pathway coursework.

(8) Attachment to funding stream: Whether the local program partner is able to follow participants through publicly funded programming, such as MFIP, state dislocated worker assistance, and food support.

(9) Participant satisfaction and other process goals as defined by the local program partner.

(10) Employer involvement and feedback at the local level.

(c) If the leadership committee determines that the evaluation criteria in paragraph (b) are not sufficiently met, it retains the authority to reconsider funding opportunities to the local program partner."

Page 8, after line 8, insert:

**"Sec. 14. APPROPRIATION; MINNESOTA FASTTRAC ADULT CAREER PATHWAY PROGRAM.**

\$4,500,000 is appropriated in fiscal year 2013 from the general fund to the commissioner of employment and economic development for the FastTRAC program under Minnesota Statutes, section 116L.99. Up to ten percent of the appropriation may be used by the leadership committee to provide FastTRAC leadership, oversight, and technical assistance to the FastTRAC program, including:

- (1) guidelines and local requirements establishment;
- (2) local program review and approval;
- (3) technical assistance and staff development;
- (4) program evaluation and fiscal monitoring;
- (5) resource identification and development;
- (6) state agency collaboration and alignment; and
- (7) other duties as established by the commissioner."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 7.4, Senator Fischbach questioned whether the Eaton amendment was in order. The President ruled the amendment was not in order.

Senator Pappas moved to amend S.F. No. 1573 as follows:

Page 5, after line 3, insert:

"Sec. 9. Minnesota Statutes 2010, section 137.023, is amended to read:

**137.023 UNIVERSITY STUDENT ON BOARD OF REGENTS.**

In electing members of the Board of Regents pursuant to article 13, section 3, of the Constitution of the state of Minnesota, and Territorial Laws 1851, chapter 3, section 5, ~~one member~~ two members of the Board of Regents of the university shall be a ~~person~~ persons who at the time of election to the board ~~is a student~~ are students who ~~is~~ are enrolled in a degree program at the university. ~~This person shall represent the state at large.~~ A regent elected under this section may represent the state at large or a congressional district under section 137.024. Upon expiration of the term or in the event of a vacancy in the office, ~~one~~ either position shall be filled by a person having the same qualifications."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

S.F. No. 1573 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 1597:** A bill for an act relating to veterans; changing the small business set-aside program for veteran-owned small businesses; authorizing county set-aside programs for veteran-owned small businesses; changing the award to veteran-owned businesses in state procurement biddings; adding veterans to special emphasis in state job recruitment; increasing credits for veterans in examination ratings in hiring; providing civil actions; amending Minnesota Statutes 2010, sections 1.05, by adding a subdivision; 16C.16, subdivision 6a; 43A.09; 161.321, subdivisions 2, 5, by adding subdivisions; 197.455, subdivisions 4, 5; proposing coding for new law in Minnesota Statutes, chapter 375.

Senator Miller moved to amend S.F. No. 1597 as follows:

Page 7, after line 13, insert:

**"ARTICLE 5**

**AMENDED PAY DIFFERENTIAL LAW FOR SCHOOL DISTRICT EMPLOYEES WHO  
ARE MEMBERS OF THE NATIONAL GUARD OR RESERVES**

Section 1. Minnesota Statutes 2010, section 471.975, is amended to read:

**471.975 MAY PAY DIFFERENTIAL OF RESERVE ON ACTIVE DUTY.**

(a) Except as provided in paragraph (b), a statutory or home rule charter city, county, town, or other political subdivision may pay to each eligible member of the National Guard or other reserve component of the armed forces of the United States an amount equal to the difference between the member's base active duty military salary and the salary the member would be paid as an active political subdivision employee, including any adjustments the member would have received if not on leave of absence. This payment may be made only to a person whose base active duty military salary is less than the salary the person would be paid as an active political subdivision employee. Back pay authorized by this section may be paid in a lump sum. Payment under this section must not extend beyond four years from the date the employee reported for active service, plus any additional time the employee may be legally required to serve.

(b) Subject to the limits under paragraph (g), each school district shall pay to each eligible member of the National Guard or other reserve component of the armed forces of the United States an amount equal to the difference between the member's base active duty military salary and the salary the member would be paid as an active school district employee, including any adjustments the member would have received if not on leave of absence. The pay differential must be based on a comparison between the member's daily base rate of active duty pay, calculated by dividing the member's base military monthly salary by the number of paid days in the month, and the member's daily rate of pay for the member's school district salary, calculated by dividing the member's total school district salary by the number of contract days. The member's salary as a school district employee must include the member's basic salary and any additional salary the member earns from the school district for cocurricular and extracurricular activities. The differential payment under this paragraph must be the difference between the daily base rates of military pay times the number of school district contract days the member misses because of military active duty. This payment may be made only to a person whose daily base rate of active duty pay is less than the person's daily rate of pay as an active school district employee. Payments may be made at the intervals at which the member received pay as a school district employee. Payment under this section must not extend beyond four years from the date the employee reported for active service, plus any additional time the employee may be legally required to serve.

(c) An eligible member of the reserve components of the armed forces of the United States is a reservist or National Guard member who was an employee of a political subdivision at the time the member reported for active service on or after May 29, 2003, or who is on active service on May 29, 2003.

(d) Except as provided in paragraph (e) and elsewhere in Minnesota Statutes, a statutory or home rule charter city, county, town, or other political subdivision has total discretion regarding employee benefit continuation for a member who reports for active service and the terms and conditions of any benefit.

(e) A school district must continue the employee's enrollment in health and dental coverage, and the employer contribution toward that coverage, until the employee is covered by health and dental coverage provided by the armed forces. If the employee had elected dependent coverage for health or dental coverage as of the time that the employee reported for active service, a school district must offer the employee the option to continue the dependent coverage at the employee's own expense. A school district must permit the employee to continue participating in any pretax account in which the employee participated when the employee reported for active service, to the extent of employee pay available for that purpose.

(f) For purposes of this section, "active service" has the meaning given in section 190.05, subdivision 5, but excludes service performed exclusively for purposes of:

(1) basic combat training, advanced individual training, annual training, and periodic inactive duty training;

(2) special training periodically made available to reserve members; and

(3) service performed in accordance with section 190.08, subdivision 3.

~~(g) A school district making payments under paragraph (b) shall place a sum equal to any difference between the amount of salary that would have been paid to the employee who is receiving the payments and the amount of salary being paid to substitutes for that employee into a special fund that must be used to pay or partially pay the deployed employee's payments under paragraph (b). A school district is required to pay only this amount to the deployed school district employee. When an employee of a school district who as a member of the National Guard or any other reserve unit of the United States armed forces, reports for active service as defined in section 190.05, subdivision 5, the district must place into a special service members' aggregate salary savings account a sum equal to the positive difference between the amount of salary the district would have paid to the employee and the amount of salary paid to any substitute for the employee's position during the employee's leave for military service. The district must use the combined proceeds in the account only to fully pay the salary differentials of all eligible deployed employees in the district, as determined under paragraph (b). A school district's obligation to make payments under this section is limited to the amount of money in the account in any fiscal year.~~

**EFFECTIVE DATE.** This section is effective July 1, 2012, for school district employees serving in active military duty on or after that date."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1597 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Bakk	Carlson	DeKruif	Fischbach	Goodwin
Benson	Chamberlain	Dibble	Gazelka	Hall
Bonoff	Dahms	Dziedzic	Gerlach	Hann
Brown	Daley	Eaton	Gimse	Harrington



Hayden	Langseth	Michel	Pederson	Sparks
Higgins	Latz	Miller	Reinert	Stumpf
Hoffman	Lillie	Nelson	Rest	Thompson
Howe	Limmer	Newman	Robling	Tomassoni
Ingebrigtsen	Lourey	Nienow	Rosen	Torres Ray
Jungbauer	Magnus	Olson	Saxhaug	Vanderveer
Kelash	Marty	Ortman	Senjem	Wiger
Koch	McGuire	Pappas	Sieben	Wolf
Kruse	Metzen	Parry	Skoe	

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

### SPECIAL ORDER

**H.F. No. 1813:** A bill for an act relating to state government; providing for availability of contractors to assist state agencies in certain reorganization.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 19, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Langseth	Nienow	Senjem
Bonoff	Gerlach	Lillie	Olson	Sheran
Brown	Gimse	Limmer	Ortman	Sieben
Carlson	Hann	Magnus	Parry	Skoe
Chamberlain	Howe	Metzen	Pederson	Sparks
Dahms	Ingebrigtsen	Michel	Rest	Stumpf
Daley	Jungbauer	Miller	Robling	Thompson
DeKruif	Koch	Nelson	Rosen	Vanderveer
Fischbach	Kruse	Newman	Saxhaug	Wolf

Those who voted in the negative were:

Bakk	Eaton	Higgins	Marty	Tomassoni
Cohen	Goodwin	Kelash	McGuire	Torres Ray
Dibble	Harrington	Latz	Pappas	Wiger
Dziedzic	Hayden	Lourey	Reinert	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 1976:** A bill for an act relating to state government; requiring state appointing authorities to use the federal E-Verify program; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 27, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bakk	Harrington	Lourey	Rosen	Tomassoni
Cohen	Hayden	Marty	Saxhaug	Torres Ray
Dibble	Higgins	McGuire	Sheran	Wiger
Dziedzic	Kelash	Metzen	Sieben	
Eaton	Langseth	Pappas	Skoe	
Goodwin	Latz	Reinert	Stumpf	

So the bill passed and its title was agreed to.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12.5, Senator Nelson moved that the following members be excused for a Conference Committee on S.F. No. 1528 at 1:20 p.m.:

Senators Nelson, Olson and Stumpf. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Senjem moved that H.F. No. 2171 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Senjem, Chair of the Committee on Rules and Administration, designated H.F. No. 2171 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 2171:** A bill for an act relating to natural resources; modifying game and fish license provisions; providing for taking wolf; modifying requirements to take and transport wild animals; modifying department authority and duties; creating walk-in access program; modifying predator control program; modifying deer baiting restrictions; modifying authority to remove beavers; providing for disposition of certain receipts; eliminating venison donation program; modifying snowmobile registration and trail sticker requirements; modifying snowmobile operation provisions; modifying watercraft license fees; modifying shooting range provisions; modifying temporary drawdown of public waters provisions; modifying 2012 fishing opener date; requiring rulemaking; providing civil penalties; appropriating money; amending Minnesota Statutes 2010, sections 84.027, subdivisions 14, 15; 84.82, subdivisions 2, 3; 84.8205, subdivision 1; 84.83, subdivisions 2, 3; 84.86, subdivision 1; 84.8712, subdivision 1; 86B.301, subdivision 2; 86B.415, subdivisions 1, 2, by adding a subdivision; 87A.01, subdivision 4; 87A.02, subdivision 2; 97A.015, subdivisions 3a, 53; 97A.065, subdivision 6; 97A.085, by adding a subdivision; 97A.095, subdivisions 1, 2; 97A.137, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.421, subdivision 3; 97A.441, subdivision 7; 97A.451, subdivisions 3, 4, by adding a

subdivision; 97A.473, subdivisions 3, 5, 5a; 97A.475, subdivisions 2, 3, 3a, 4, 20, 44; 97A.482; 97B.001, subdivision 7; 97B.031, subdivisions 1, 2; 97B.035, subdivision 1a; 97B.071; 97B.085, subdivision 3; 97B.328; 97B.601, subdivisions 3a, 4; 97B.603; 97B.605; 97B.671, subdivisions 3, 4; 97B.711, subdivision 1; 97B.805, subdivision 1; 97B.901; 97C.355, subdivision 1, by adding a subdivision; 97C.395, subdivision 1; 97C.515, subdivisions 2, 4, 5; 103G.005, by adding a subdivision; 103G.408; Minnesota Statutes 2011 Supplement, sections 97A.075, subdivision 1, by adding a subdivision; 97B.075; 97B.645, subdivision 9; 97B.667; proposing coding for new law in Minnesota Statutes, chapters 31; 87A; 97A; 97B; repealing Minnesota Statutes 2010, sections 17.035; 17.4993, subdivision 2; 87A.02, subdivision 1; 97A.045, subdivisions 8, 13; 97A.065, subdivision 1; 97A.095, subdivision 3; 97A.331, subdivision 7; 97A.485, subdivision 12; 97A.552; 97B.303; 97B.645, subdivision 2; 97C.031.

Senator Ingebrigtsen moved to amend H.F. No. 2171 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 2171, and insert the language after the enacting clause, and the title, of S.F. No. 1943, the second engrossment.

The motion prevailed. So the amendment was adopted.

Senator Ingebrigtsen moved to amend H.F. No. 2171, as amended pursuant to Rule 45, adopted by the Senate April 17, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 1943.)

Page 1, after line 18, insert:

## "ARTICLE 1

### GAME AND FISH POLICY"

Page 6, line 5, after "taken" insert "in zone three"

Page 9, line 20, delete "\$26" and insert "\$30"

Page 10, line 16, delete "\$26" and insert "\$30"

Page 18, delete section 41 and insert:

"Sec. 41. Minnesota Statutes 2011 Supplement, section 97B.667, is amended to read:

#### **97B.667 REMOVAL OF BEAVERS, BEAVER DAMS, AND LODGES BY ROAD AUTHORITIES AND LOCAL GOVERNMENT UNITS.**

Subdivision 1. **Road authorities.** (a) When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 25, may remove the impairment and any associated beaver lodge within 300 feet of the road. ~~Notwithstanding any law to the contrary,~~

(b) ~~The road authority may kill or~~ The road authority may kill or damage in any manner, except by poison or artificial lights.

(c) ~~The road authority may arrange to have killed by any lawful means~~ The road authority may arrange to have killed by any lawful means a beaver associated with the lodge by trapping through a third-party, contract, or under subdivision 4.

Subd. 2. **Local government units.** (a) Local government units may, as provided in this section, kill or arrange to have killed beaver that are causing damage, including silvicultural projects and drainage ditches, on property owned or managed by the local government unit. Removal or destruction of any associated beaver lodge is subject to section 97A.401, subdivision 5.

(b) The local government unit may kill beaver associated with the lodge or damage in any manner, except by poison or artificial lights.

(c) The local government unit may arrange to have killed any beaver associated with the lodge or damage by trapping through a third-party, contract, or under subdivision 4.

Subd. 3. **Permits and notice; requirements.** (a) Before killing or arranging to kill a beaver under this section, the road authority or local government unit must contact a conservation officer for a special beaver permit. The conservation officer must issue the permit for any beaver subject to this section.

(b) A road authority or local government unit that kills or arranges to have killed a beaver under this section must notify a conservation officer or the officer's designee as specified in the permit employee of the Wildlife Division within ten days after the animal is killed.

Subd. 4. **Local beaver control programs.** A road authority or local government unit may, after consultation with the Wildlife Division and the Board of Water and Soil Resources, implement a local beaver control program designed to reduce the number of incidents of beaver:

(1) interfering with or damaging a public road; or

(2) causing damage, including silvicultural projects and drainage ditches, on property owned or managed by the local government unit.

The local control program may include the offering of a bounty for the lawful taking of beaver."

Page 23, after line 20, insert:

## "ARTICLE 2

### GAME AND FISH LICENSE FEES

Section 1. Minnesota Statutes 2011 Supplement, section 97A.075, subdivision 1, is amended to read:

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

(b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer management account and is appropriated to the commissioner for deer habitat improvement or deer management programs.

(c) \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under

section 97A.473, subdivision 4, shall be credited to the deer and bear management account and is appropriated to the commissioner for deer and bear management programs, including a computerized licensing system.

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild cervidae health management account and is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended. The commissioner must inform the legislative chairs of the natural resources finance committees every two years on how the money for emergency deer feeding and wild cervidae health management has been spent.

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

## Sec. 2. 97A.126 WALK-IN ACCESS PROGRAM.

Subdivision 1. **Establishment.** A walk-in access program is established to provide public access to wildlife habitat on private land for hunting, excluding trapping, as provided under this section. The commissioner may enter into agreements with other units of government and landowners to provide private land hunting access.

Subd. 2. **Use of enrolled lands.** (a) From September 1 to May 31, a person must have a walk-in access hunter validation in possession to hunt on private lands, including agricultural lands, that are posted as being enrolled in the walk-in access program.

(b) Hunting on private lands that are posted as enrolled in the walk-in access program is allowed from one-half hour before sunrise to one-half hour after sunset.

(c) Hunter access on private lands that are posted as enrolled in the walk-in access program is restricted to nonmotorized use, except by hunters with disabilities operating motor vehicles on established trails or field roads who possess a valid permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.

(d) The general provisions for use of wildlife management areas adopted under sections 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats, firearms and target shooting, hunting stands, abandonment of trash and property, destruction or removal of property, introduction of plants or animals, and animal trespass, apply to hunters on lands enrolled in the walk-in access program.

(e) Any use of enrolled lands other than hunting according to this section is prohibited, including:

(1) harvesting bait, including minnows, leeches, and other live bait;

(2) training dogs or using dogs for activities other than hunting; and

(3) constructing or maintaining any building, dock, fence, billboard, sign, hunting blind, or other structure, unless constructed or maintained by the landowner.

Subd. 3. **Walk-in access hunter validation; fee; appropriation.** The fee for a walk-in access hunter validation for residents 18 and older and nonresidents is \$15. The fee for residents age

16 and 17 is \$7.50. Residents under age 16 must obtain a free validation. The walk-in access hunter validation is valid for one license year. An additional commission may not be assessed on validations issued under this subdivision. Revenue collected under this section is appropriated to the commissioner for the walk-in access program.

Sec. 3. Minnesota Statutes 2010, section 97A.411, subdivision 1, is amended to read:

Subdivision 1. **License period.** (a) Except as provided in paragraphs (b), (d), ~~and (e), and (f)~~, a license is valid during the lawful time within the license year that the licensed activity may be performed. Except as provided in ~~paragraph~~ paragraphs (c) and (f), a license year begins on the first day of March and ends on the last day of February.

(b) A short-term license issued under section 97A.475, ~~subdivision 6, clause (5), 97A.475, subdivision 7, clause (2), (3), (5), or (6), or 97A.475, subdivision 12, clause (2),~~ that is limited by the number of days or hours under section 97A.475, is valid for the full license period even if this period extends into the next license year, provided that the license period selected by the licensee begins at the time of issuance.

(c) The license year for ~~resident fishing, the angling portion of a sporting license, nonresident fishing,~~ resident fish house, resident dark house, and nonresident fish house begins on March 1 and ends on April 30 of the following year.

(d) A lifetime license issued under section 97A.473 or 97A.474 is valid during the lawful time within the license year that the licensed activity may be performed for the lifetime of the licensee.

(e) A three-year fish house or dark house license is valid during the license year that it is purchased and the two succeeding license years.

(f) A three-year individual angling license is valid during the license year in which it is purchased and the two succeeding license years.

Sec. 4. Minnesota Statutes 2010, section 97A.411, is amended by adding a subdivision to read:

Subd. 4. **Validity of license when age or residency status changes.** A license to take wild animals that was lawfully obtained continues to be valid for the balance of the license period if the licensee's age, residency, or student qualification status changes.

Sec. 5. Minnesota Statutes 2010, section 97A.435, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** Persons eligible for a turkey license shall be determined by this section and commissioner's rule. ~~A person is eligible for a turkey license only if the person is at least age 16 before the season opens, possesses a firearms safety certificate, or, if under age 12, is accompanied by a parent or guardian.~~

Sec. 6. Minnesota Statutes 2010, section 97A.451, subdivision 3, is amended to read:

Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 ~~must may not obtain a small game license in order to~~ but may take small game by firearms or bow and arrow without ~~paying the applicable fees under section 97A.475, subdivisions 2, 4, and 5,~~ a license if the resident is:

(1) age 14 or 15 and possesses a firearms safety certificate;

(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;

(3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a small game license that was not obtained using an apprentice hunter validation; or

(4) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license, but may not register fisher, otter, bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat, or pine marten taken by a resident under age five must be included in the limit of the accompanying parent or guardian.

(c) A resident under age 12 ~~may apply for a turkey license~~ 13 must obtain a free turkey license to take turkey and may take a turkey without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

(d) A resident under age ~~12~~ 13 may apply for a prairie chicken license and may take a prairie chicken without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

Sec. 7. Minnesota Statutes 2010, section 97A.451, is amended by adding a subdivision to read:

Subd. 3b. **Nonresidents under age 18; small game.** (a) A nonresident age 16 or over and under age 18 may take small game by firearms or archery and may obtain a small game license at the resident youth fee under section 97A.475, subdivision 2, clause (17), if the nonresident possesses a firearms safety certificate.

(b) A nonresident under age 16 may take small game by firearms or archery and may obtain a small game license without paying the applicable fees under section 97A.475, subdivisions 3, 4, and 5, if the nonresident is:

(1) age 14 or 15 and possesses a firearms safety certificate;

(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian; or

(3) age 12 or under and is accompanied by a parent or guardian.

Sec. 8. Minnesota Statutes 2010, section 97A.451, subdivision 4, is amended to read:

Subd. 4. **Persons under age 16 13; big game.** (a) A person age 12, 13, 14, or 15 may not obtain a license to take big game unless the person possesses a firearms safety certificate. A person age 12 or 13 must be accompanied by a parent or guardian to hunt big game.

(b) A person age 10 or 11 ten or over and under age 13 may take big game, provided the person is under the direct supervision of a parent or guardian where the parent or guardian is within immediate reach. Until March 1, 2009, a person age 10 or 11 may take big game under a parent or guardian's license. Beginning March 1, 2009, A person age 10 or 11 ten or over and under age 13 must obtain a license in order to take big game and may obtain the license without paying the fee required under section 97A.475, subdivision 2.

Sec. 9. Minnesota Statutes 2010, section 97A.451, subdivision 5, is amended to read:

Subd. 5. ~~Nonresidents under age 16~~ **Nonresident youth; angling.** (a) A nonresident under the age of 16 may:

(1) take fish by angling without a license if a parent or guardian has a fishing license. Fish taken by a nonresident under the age of 16 without a license must be included in the limit of the parent or guardian;

~~(b) A nonresident under age 16 may~~ (2) purchase a youth fishing license at the resident fee under section 97A.475, subdivision 7, paragraph (a), clause (8), and possess a limit of fish; or

(3) be included under a nonresident family angling license, ~~take fish by angling,~~ and possess a limit of fish.

~~(b) A nonresident age 16 or over and under age 18 must purchase a youth license to angle under section 97A.475, subdivision 7, paragraph (a), clause (8).~~

Sec. 10. Minnesota Statutes 2010, section 97A.473, subdivision 2, is amended to read:

Subd. 2. **Lifetime angling license; fee.** (a) A resident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual resident angling license. The license does not include a trout and salmon stamp validation, a walleye stamp validation, or other stamps required by law.

(b) The fees for a resident lifetime angling license are:

(1) age 3 and under, ~~\$227~~ \$304;

(2) age 4 to age 15, ~~\$300~~ \$415;

(3) age 16 to age 50, ~~\$383~~ \$508; and

(4) age 51 and over, ~~\$203~~ \$335.

Sec. 11. Minnesota Statutes 2010, section 97A.473, subdivision 2b, is amended to read:

Subd. 2b. **Lifetime angling and spearing license; fee.** (a) A resident lifetime angling and spearing license authorizes a person to take fish by angling or spearing in the state. The license authorizes those activities authorized by the annual resident angling and spearing licenses.

(b) The fees for a resident lifetime angling and spearing license are:

(1) age 3 and under, ~~\$485~~ \$380;

(2) age 4 to age 15, ~~\$620~~ \$509;

(3) age 16 to age 50, ~~\$755~~ \$617; and

(4) age 51 and over, ~~\$376~~ \$386.

Sec. 12. Minnesota Statutes 2010, section 97A.473, subdivision 3, is amended to read:

Subd. 3. **Lifetime small game hunting license; fee.** (a) A resident lifetime small game hunting license authorizes a person to hunt and trap small game in the state. The license authorizes those



hunting and trapping activities authorized by the annual resident small game hunting and trapping licenses. The license does not include a turkey stamp validation or any other hunting stamps required by law.

(b) The fees for a resident lifetime small game hunting license are:

- (1) age 3 and under, ~~\$217~~ \$223;
- (2) age 4 to age 15, ~~\$290~~ \$301;
- (3) age 16 to age 50, ~~\$363~~ \$430; and
- (4) age 51 and over, ~~\$213~~ \$274.

Sec. 13. Minnesota Statutes 2010, section 97A.473, subdivision 4, is amended to read:

Subd. 4. **Lifetime deer hunting license; fee.** (a) A resident lifetime deer hunting license authorizes a person to take deer with firearms or by archery in the state. The license authorizes those activities authorized by the annual resident firearm deer hunting license or the annual resident archery deer hunting license. The licensee must register and receive tags each year that the license is used. The tags shall be issued at no charge to the licensee.

(b) The fees for a resident lifetime firearm or archery deer hunting license are:

- (1) age 3 and under, ~~\$337~~ \$406;
- (2) age 4 to age 15, ~~\$450~~ \$538;
- (3) age 16 to age 50, ~~\$573~~ \$656; and
- (4) age 51 and over, ~~\$383~~ \$468.

Sec. 14. Minnesota Statutes 2010, section 97A.473, subdivision 5, is amended to read:

Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt and trap small game in the state. The license authorizes those activities authorized by the annual resident angling, resident small game hunting, and resident trapping licenses. The license does not include a trout and salmon stamp validation, a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required by law.

(b) The fees for a resident lifetime sporting license are:

- (1) age 3 and under, ~~\$357~~ \$528;
- (2) age 4 to age 15, ~~\$480~~ \$728;
- (3) age 16 to age 50, ~~\$613~~ \$861; and
- (4) age 51 and over, ~~\$413~~ \$602.

Sec. 15. Minnesota Statutes 2010, section 97A.474, subdivision 2, is amended to read:

Subd. 2. **Nonresident lifetime angling license; fee.** (a) A nonresident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual nonresident angling license. The license does not include a trout and

salmon stamp validation, a walleye stamp validation, or other stamps required by law.

(b) The fees for a nonresident lifetime angling license are:

- (1) age 3 and under, ~~\$447~~ \$726;
- (2) age 4 to age 15, ~~\$600~~ \$925;
- (3) age 16 to age 50, ~~\$773~~ \$1,054; and
- (4) age 51 and over, ~~\$513~~ \$702.

Sec. 16. Minnesota Statutes 2010, section 97A.475, subdivision 2, is amended to read:

Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents only, are:

- (1) for persons age 18 or over and under age 65 to take small game, ~~\$12.50~~ \$15.50;
- (2) for persons ~~ages 16 and 17 and~~ age 65 or over, ~~\$6~~ \$7 to take small game;
- (3) for persons age 18 or over to take turkey, ~~\$23~~ \$26;
- (4) for persons ~~under~~ age 13 or over and under age 18 to take turkey, ~~\$12~~ \$13;
- (5) for persons age 18 or over to take deer with firearms during the regular firearms season, ~~\$26~~ \$30;
- (6) for persons age 18 or over to take deer by archery, ~~\$26~~ \$30;
- (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, ~~\$26~~ \$30;
- (8) to take moose, for a party of not more than six persons, ~~\$310~~ \$356;
- (9) to take bear, ~~\$38~~ \$44;
- (10) to take elk, for a party of not more than two persons, ~~\$250~~ \$287;
- (11) to take Canada geese during a special season, \$4;
- (12) to take prairie chickens, ~~\$20~~ \$23;
- (13) for persons age 13 or over and under age 18 to take deer with firearms during the regular firearms season, ~~\$13~~ \$15;
- (14) for persons age 13 or over and under age 18 to take deer by archery, ~~\$13; and~~ \$15;
- (15) for persons age 13 or over and under age 18 to take deer by muzzleloader during the muzzleloader season, ~~\$13; \$15~~;
- (16) for persons age 18 or over to take small game for a consecutive 72-hour period selected by the licensee, \$19, of which an amount equal to: one-half of the fee for the migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the pheasant habitat improvement account under section 97A.075,

subdivision 4; and one-half of the small game surcharge under subdivision 4, shall be deposited in the wildlife acquisition account; and

(17) for persons age 16 or over and under age 18 to take small game, \$5.

Sec. 17. Minnesota Statutes 2010, section 97A.475, subdivision 3, is amended to read:

Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued to nonresidents, are:

(1) for persons age 18 or over to take small game, ~~\$73~~ \$90.50;

(2) for persons age 18 or over to take deer with firearms during the regular firearms season, ~~\$135~~ \$160;

(3) for persons age 18 or over to take deer by archery, ~~\$135~~ \$160;

(4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, ~~\$135~~ \$160;

(5) to take bear, ~~\$195~~ \$225;

(6) for persons age 18 ~~and older~~ or over to take turkey, ~~\$78~~ \$91;

(7) for persons age 13 or over and under age 18 to take turkey, ~~\$12~~ \$13;

(8) to take raccoon or bobcat, ~~\$155~~ \$178;

(9) to take Canada geese during a special season, \$4;

(10) for persons age 13 or over and under age 18 to take deer with firearms during the regular firearms season in any open season option or time period, ~~\$13~~ \$15;

(11) for persons age 13 or over and under age 18 to take deer by archery, ~~\$13~~; and \$15;

(12) for persons age 13 or over and under age 18 to take deer during the muzzleloader season, ~~\$13~~; \$15; and

(13) for persons age 18 or over to take small game for a consecutive 72-hour period selected by the licensee, \$75, of which an amount equal to: one-half of the fee for the migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half of the small game surcharge under subdivision 4, shall be deposited into the wildlife acquisition account.

(b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph (a), clauses (1) to (6) and (8). An additional commission may not be assessed on this surcharge.

Sec. 18. Minnesota Statutes 2010, section 97A.475, subdivision 4, is amended to read:

Subd. 4. **Small game surcharge.** Fees for annual licenses to take small game must be increased by a surcharge of \$6.50, except licenses under subdivisions 2, clauses (16) and (17); and 3, paragraph (a), clause (13). An additional commission may not be assessed on the surcharge and the following

statement must be included in the annual small game hunting regulations: "This \$6.50 surcharge is being paid by hunters for the acquisition and development of wildlife lands."

Sec. 19. Minnesota Statutes 2010, section 97A.475, subdivision 6, is amended to read:

Subd. 6. **Resident fishing.** Fees for the following licenses, to be issued to residents only, are:

- (1) for persons age 18 or over to take fish by angling, \$17 ~~\$22~~;
- (2) for persons age 18 or over to take fish by angling, for a combined license for a married couple, \$25 ~~\$35~~;
- (3) for persons age 18 or over to take fish by spearing from a dark house, \$17; and \$5, and the person must possess an angling license;
- (4) for persons age 18 or over to take fish by angling for a 24-hour period selected by the licensee, \$8.50- ~~\$10~~;
- (5) for persons age 18 or over to take fish by angling for a consecutive 72-hour period selected by the licensee, \$12;
- (6) for persons age 18 or over to take fish by angling for three consecutive years, \$63; and
- (7) for persons age 16 or over and under age 18 to take fish by angling, \$5.

Sec. 20. Minnesota Statutes 2011 Supplement, section 97A.475, subdivision 7, is amended to read:

Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to nonresidents, are:

- (1) for persons age 18 or over to take fish by angling, \$37.50 ~~\$39~~;
  - (2) for persons age 18 or over to take fish by angling limited to seven consecutive days selected by the licensee, \$26.50 ~~\$33~~;
  - (3) for persons age 18 or over to take fish by angling for a consecutive 72-hour period selected by the licensee, \$22 ~~\$27~~;
  - (4) for persons age 18 or over to take fish by angling for a combined license for a family for one or both parents and dependent children under the age of 16, \$50.50 ~~\$53~~;
  - (5) for persons age 18 or over to take fish by angling for a 24-hour period selected by the licensee, \$8.50 ~~\$12~~;
  - (6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$38.50; and \$43;
  - (7) for persons age 18 or over to take fish by spearing from a dark house, \$37.50- ~~\$10~~, and the person must possess an angling license; and
  - (8) for persons age 16 or over and under age 18 to take fish by angling, \$5.
- (b) A ~~\$2~~ \$5 surcharge shall be added to all nonresident fishing licenses, except licenses issued

under paragraph (a), ~~clause clauses (5), and licenses purchased at the resident fee by nonresidents under age 16 under section 97A.451, subdivision 5, paragraph (b) and (8).~~ An additional commission may not be assessed on this surcharge.

Sec. 21. Minnesota Statutes 2010, section 97A.475, subdivision 8, is amended to read:

Subd. 8. **Minnesota sporting; super sports.** (a) The commissioner shall issue Minnesota sporting licenses to residents only. The licensee may take fish by angling and small game. The fee for the license is:

(1) for an individual, ~~\$23~~ \$31.50; and

(2) for a combined license for a married couple to take fish and for one spouse to take small game, ~~\$32~~ \$45.50.

(b) The commissioner shall issue Minnesota super sports licenses to residents only. The licensee may take fish by angling, including trout; small game, including pheasant and waterfowl; and deer by firearms or muzzleloader or by archery. The fee for the super sports license, including all required stamp validations is:

(1) for an individual age 18 or over, \$92.50; and

(2) for a combined license for a married couple to take fish, including the trout and salmon stamp validation, and for one spouse to take small game, including pheasant and waterfowl, and deer, \$118.50.

(c) Revenue for the stamp endorsements under paragraph (b) shall be deposited according to section 97A.075, subdivisions 2, 3, and 4.

(d) Revenue for the deer license endorsement under paragraph (b) shall be deposited according to section 97A.075, subdivision 1.

Sec. 22. Minnesota Statutes 2010, section 97A.475, subdivision 11, is amended to read:

Subd. 11. **Fish houses, dark houses, and shelters; residents.** Fees for the following licenses are:

(1) annual for a fish house, dark house, or shelter that is not rented, ~~\$11.50~~ \$15;

(2) annual for a fish house, dark house, or shelter that is rented, ~~\$26~~ \$30;

(3) three-year for a fish house, dark house, or shelter that is not rented, ~~\$34.50~~ \$42; and

(4) three-year for a fish house, dark house, or shelter that is rented, ~~\$78~~ \$87.

Sec. 23. Minnesota Statutes 2010, section 97A.475, subdivision 12, is amended to read:

Subd. 12. **Fish houses, dark houses, and shelters; nonresident.** Fees for fish house, dark house, and shelter licenses for a nonresident are:

(1) annual, ~~\$33~~ \$37;

(2) seven consecutive days selected by the licensee, ~~\$19~~ \$21; and

(3) three-year, ~~\$99~~ \$111.

Sec. 24. Minnesota Statutes 2010, section 97A.475, subdivision 20, is amended to read:

Subd. 20. **Trapping license.** The fee for a license to trap fur-bearing animals is:

(1) for residents over age 13 and under age 18, ~~\$6~~ \$7;

(2) for residents age 18 or over and under age 65, ~~\$20~~ \$23;

(3) for residents age 65 or over, ~~\$10~~ \$11.50; and

(4) for nonresidents, ~~\$73~~ \$84.

Sec. 25. Minnesota Statutes 2010, section 97A.475, subdivision 43, is amended to read:

Subd. 43. **Duplicate licenses.** The fees for duplicate licenses are:

(1) for licenses to take big game, \$5, except licenses issued under subdivision 8, paragraph (b);  
and

(2) for other licenses, \$2.

Sec. 26. Minnesota Statutes 2010, section 97A.475, subdivision 44, is amended to read:

Subd. 44. **Replacement licenses.** The fee for a replacement firearms deer license is \$5, except there is no fee for replacing a deer license issued under subdivision 8, paragraph (b).

Sec. 27. Minnesota Statutes 2010, section 97A.475, subdivision 45, is amended to read:

Subd. 45. **Camp Ripley archery deer hunt.** The application fee for the Camp Ripley archery deer hunt is ~~\$8~~ \$12.

Sec. 28. Minnesota Statutes 2010, section 97A.485, subdivision 7, is amended to read:

Subd. 7. **Electronic licensing system commission.** The commissioner shall retain for the operation of the electronic licensing system the commission established under section 84.027, subdivision 15, and issuing fees collected by the commissioner on all license fees ~~collected, excluding:~~

~~(1) the small game surcharge;~~

~~(2) the deer license surcharges or donations under section 97A.475, subdivisions 3, paragraph (b), and 3a; and~~

~~(3) \$2.50 of the license fee for the licenses in section 97A.475, subdivisions 6, clauses (1), (2), and (4), 7, 8, 12, and 13.~~

Sec. 29. Minnesota Statutes 2010, section 97B.020, is amended to read:

**97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.**

(a) Except as provided in this section and section 97A.451, ~~subdivision 3a~~ subdivisions 3 and 3b, a person born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has:

- (1) a firearms safety certificate or equivalent certificate;
- (2) a driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13;
- (3) a previous hunting license with a valid firearms safety qualification indicator;
- (4) an apprentice hunter validation issued under section 97B.022; or
- (5) other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement or certified by the department as substantially similar.

(b) A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or National Guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

(c) A person born after December 31, 1979, may not use a lifetime license to take wild animals by firearms, unless the person meets the requirements for obtaining an annual license under paragraph (a) or (b).

Sec. 30. Minnesota Statutes 2010, section 97B.715, subdivision 1, is amended to read:

Subdivision 1. **Stamp required.** (a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person required to possess a small game license may not hunt pheasants without a pheasant stamp validation.

(b) The following persons are exempt from this subdivision:

- (1) residents and nonresidents under age 18 ~~or~~ and residents over age 65;
- (2) persons hunting on licensed commercial shooting preserves; ~~and~~
- (3) resident disabled veterans with a license issued under section 97A.441, subdivision 6a; and
- (4) residents and nonresidents hunting on licenses issued under section 97A.475, subdivision 2, clause (16); or 3, paragraph (a), clause (13).

Sec. 31. Minnesota Statutes 2010, section 97B.801, is amended to read:

**97B.801 MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.**

(a) Except as provided in this section or section 97A.405, subdivision 2, a person required to possess a small game license may not take migratory waterfowl without a migratory waterfowl stamp validation.

(b) Residents under age 18 or over age 65; resident disabled veterans with a license issued under section 97A.441, subdivision 6a; and persons hunting on their own property are not required to possess a stamp validation under this section.

(c) Residents and nonresidents with licenses issued under section 97A.475, subdivision 2, clause (16); or 3, paragraph (a), clause (13), are not required to possess a stamp validation under this section.

Sec. 32. Minnesota Statutes 2010, section 97C.305, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** Except as provided in subdivision 2 or section 97A.405, subdivision 2, a person over age ~~16~~ 18 and under age 65 required to possess an angling license must have a trout and salmon stamp validation to:

- (1) take fish by angling in:
  - (i) a stream designated by the commissioner as a trout stream;
  - (ii) a lake designated by the commissioner as a trout lake; or
  - (iii) Lake Superior; or
- (2) possess trout or salmon taken in the state by angling.

Sec. 33. Minnesota Statutes 2010, section 97C.305, subdivision 2, is amended to read:

Subd. 2. **Exception.** A trout and salmon stamp validation is not required to take fish by angling or to possess trout and salmon if:

- (1) the person:
  - (i) possesses a license to take fish by angling for a period of 24 hours or 72 hours from the time of issuance under section 97A.475, subdivision 6, clause (4) or (5);~~2~~; or ~~subdivision 7, paragraph (a), clause (3) or (5), and~~
  - (ii) is taking fish by angling, or the trout or salmon were taken by the person, during the period the license is valid;
- (2) the person is taking fish, or the trout or salmon were taken by the person, as authorized under section 97C.035; or
- (3) the person has a valid license issued under section 97A.441, subdivision 1, 2, 3, 4, or 5.

Sec. 34. **TRANSFER.**

In fiscal year 2013, the commissioner of management and budget shall transfer \$500,000 from the game and fish fund to the invasive species account created in Minnesota Statutes, section 84D.15. This is in addition to the transfer specified in Minnesota Statutes, section 84D.15, subdivision 2.

Sec. 35. **APPROPRIATION.**

\$1,000,000 in fiscal year 2013 from the invasive species account is added to the appropriation in Laws 2011, First Special Session chapter 2, article 1, section 4, subdivision 3, for invasive species activities. This is a onetime appropriation.

Sec. 36. **REPEALER.**

Minnesota Statutes 2010, sections 97A.451, subdivisions 3a and 7; and 97C.303, are repealed.

Sec. 37. **EFFECTIVE DATE.**

Sections 1 to 33 and 36 are effective March 1, 2013."

Amend the title accordingly



Senator Gazelka moved to amend the Ingebrigtsen amendment to H.F. No. 2171 as follows:

Page 3, after line 11, insert:

"Sec. 2. Minnesota Statutes 2011 Supplement, section 97A.075, subdivision 6, is amended to read:

Subd. 6. **Walleye stamp.** Revenue from walleye stamps and \$1 annually from each license issued under sections 97A.473, subdivisions 2, 2a, 2b, 5, and 5a; 97A.474, subdivision 2; and 97A.475, subdivisions 6, 7, and 8, must be credited to the walleye stamp account and is appropriated to the commissioner only for stocking walleyes purchased from the private sector in waters of the state.

**EFFECTIVE DATE.** This section is effective March 1, 2014."

Renumber the sections in sequence and correct the internal references

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Ingebrigtsen amendment, as amended.

The roll was called, and there were yeas 27 and nays 39, as follows:

Those who voted in the affirmative were:

Bonoff	Gazelka	Magnus	Olson	Senjem
Carlson	Gimse	Michel	Pederson	Sheran
Chamberlain	Higgins	Miller	Rest	Wolf
Dahms	Howe	Nelson	Robling	
Dziedzic	Ingebrigtsen	Newman	Rosen	
Fischbach	Lourey	Nienow	Saxhaug	

Those who voted in the negative were:

Bakk	Gerlach	Kelash	McGuire	Sparks
Benson	Goodwin	Koch	Metzen	Stumpf
Brown	Hall	Kruse	Ortman	Thompson
Cohen	Hann	Langseth	Pappas	Tomassoni
Daley	Harrington	Latz	Parry	Torres Ray
DeKruif	Hayden	Lillie	Reinert	Vandever
Dibble	Hoffman	Limmer	Sieben	Wiger
Eaton	Jungbauer	Marty	Skoe	

The motion did not prevail. So the Ingebrigtsen amendment, as amended, was not adopted.

Senator Ingebrigtsen moved that H.F. No. 2171 be laid on the table. The motion prevailed.

### RECESS

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

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

### CALL OF THE SENATE

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

**APPOINTMENTS**

Senator Senjem from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2294: Senators Hann, Rosen, Benson, Nienow and Lourey.

H.F. No. 2949: Senators Olson, Hann, Chamberlain, Stumpf and Bonoff.

S.F. No. 288: Senators Howe, Pederson and Sieben.

Senator Senjem moved that the foregoing appointments be approved. The motion prevailed.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Pursuant to Rule 26, Senator Senjem, Chair of the Committee on Rules and Administration, designated S.F. No. 1694 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 1694:** A bill for an act relating to public safety; regulating the manufacture, sale, and use of fireworks; amending Minnesota Statutes 2010, section 624.20, subdivision 1.

Senator Jungbauer moved to amend S.F. No. 1694 as follows:

Page 1, line 16, after "public" insert a comma and delete "Sections" and insert "sections"

Page 1, line 18 delete everything after "device" and insert a semicolon

Page 1, delete lines 19 to 23

Page 2, delete lines 1 to 5

Page 3, after line 32, insert:

"(d) For the purposes of regulating the conditions of use for aerial and audible devices, display fireworks, sparkling devices, and novelties, a county has the same authority and power granted to a statutory city by chapter 412."

The motion prevailed. So the amendment was adopted.

Senator Nelson moved to amend S.F. No. 1694 as follows:

Page 3, after line 13, insert:

"(c) A person may not use, possess, or purchase an aerial and audible device under sections 624.20 to 624.25 unless the person has obtained a user's permit as described in this paragraph. A local unit of government may issue a user's permit under this paragraph that complies with the following:

(1) the permit must be valid only within the jurisdiction of the issuing authority;

(2) the permit must specify the type and the approximate quantity of the aerial and audible devices authorized;

(3) the permit must specify the time period within which the devices may be used, possessed, or purchased;

(4) the permit must specify the locations at which the devices may be used or possessed; and

(5) the permit may contain other restrictions relating to the use or possession of these devices.

The issuing authority may: (1) require a person seeking a permit to post a bond or insurance policy indemnifying the local unit of government for any damages that may result from the use or possession of the authorized devices; and (2) charge a reasonable fee to a person applying for a permit. No one may sell an aerial and audible device to a person who does not possess a valid permit under this paragraph. A person who has legally purchased an aerial and audible device may use and possess the device pursuant to the permit and sections 624.20 to 624.25. A permit holder who legally purchases an aerial and audible device under the terms of a permit may transport the device during a period not to exceed 12 hours directly to a location where the person may legally use or possess it. This paragraph does not apply to fireworks displays under section 624.22."

Page 3, line 14, reinstate the stricken language and delete the new language

Page 3, after line 33, insert:

"Sec. 2. Minnesota Statutes 2010, section 624.21, is amended to read:

**624.21 SALE, POSSESSION, AND USE OF FIREWORKS PROHIBITED.**

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any fireworks or aerial and audible devices. This section shall not be construed to prohibit the possession, use, or explosion of fireworks by an engineer licensed pursuant to sections 326.02 and 326.03 or a person under the engineer's direct supervision when undertaking acoustical testing; or sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the state; or sales outside the state or sales to licensed professional engineers for acoustical testing purposes only.

**EFFECTIVE DATE.** This section is effective June 1, 2012, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2010, section 624.25, is amended to read:

**624.25 VIOLATION.**

Any person violating the provisions of sections 624.20 to 624.24 may be sentenced as follows:

(1) if the violation involves explosive fireworks in an amount of 35 pounds gross container weight or more, to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both;

(2) if the violation involves explosive fireworks in an amount of less than 35 pounds gross container weight, to imprisonment for not more than 90 days, or to payment of a fine of not more

than \$1,000, or both; and

(3) if the violation involves: (i) any amount of fireworks other than explosive fireworks, or (ii) the possession, use, purchase, or sale of aerial and audible devices unless authorized under a valid user's permit under section 624.20, subdivision 1, paragraph (c), to imprisonment for not more than 90 days, or to payment of a fine of not more than \$1,000, or both.

**EFFECTIVE DATE.** This section is effective June 1, 2012, and applies to crimes committed on or after that date."

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Bonoff	Gerlach	Kelash	Nelson	Sieben
Dahms	Goodwin	Latz	Nienow	Sparks
Daley	Harrington	Marty	Pappas	Torres Ray
Dibble	Hayden	McGuire	Pederson	Wiger
Dziedzic	Higgins	Metzen	Rest	Wolf
Fischbach	Howe	Miller	Rosen	

Those who voted in the negative were:

Bakk	Gimse	Kruse	Newman	Sheran
Brown	Hall	Langseth	Olson	Skoe
Carlson	Hann	Lillie	Ortman	Stumpf
Chamberlain	Hoffman	Limmer	Parry	Thompson
DeKruif	Ingebrigtsen	Lourey	Robling	Tomassoni
Eaton	Jungbauer	Magnus	Saxhaug	Vandever
Gazelka	Koch	Michel	Senjem	

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

S.F. No. 1694 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 41 and nays 22, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Langseth	Olson	Sparks
Brown	Gimse	Lillie	Ortman	Stumpf
Carlson	Hann	Limmer	Parry	Thompson
Chamberlain	Hoffman	Magnus	Pederson	Tomassoni
Daley	Howe	Metzen	Robling	Vandever
DeKruif	Ingebrigtsen	Michel	Rosen	
Eaton	Jungbauer	Miller	Saxhaug	
Fischbach	Koch	Newman	Senjem	
Gazelka	Kruse	Nienow	Sheran	

Those who voted in the negative were:

Bonoff	Goodwin	Kelash	Pappas	Wiger
Cohen	Hall	Latz	Rest	Wolf
Dahms	Harrington	Marty	Sieben	
Dibble	Hayden	McGuire	Skoe	
Dziedzic	Higgins	Nelson	Torres Ray	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

#### CONFIRMATION

Senator Fischbach moved that the report from the Committee on Higher Education, reported March 3, 2011, pertaining to appointments to the Board of Trustees of the Minnesota State Colleges and Universities, be taken from the table. The motion prevailed.

Senator Fischbach moved that the foregoing report be now adopted. The motion prevailed.

Senator Fischbach moved that in accordance with the report from the Committee on Higher Education, reported March 3, 2011, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES

Duane Benson, 33053 Grit Rd., Lanesboro, Fillmore County, effective July 1, 2010, for a term expiring on June 30, 2016.

Philip Krinkie, 4471 Harbor Place Dr., Shoreview, Ramsey County, effective July 1, 2010, for a term expiring on June 30, 2016.

Alfredo Oliveira, 16019 Evans Ave. N.W., Clearwater, Wright County, effective July 1, 2010, for a term expiring on June 30, 2012.

Thomas S. Renier, 2909 Greysolon Rd., Duluth, Saint Louis County, effective July 1, 2010, for a term expiring on June 30, 2016.

Michael M. Vekich, 3924 Natchez Ave. S., Saint Louis Park, Hennepin County, effective July 1, 2010, for a term expiring on June 30, 2016.

Senator Pappas requested the name of Philip Krinkie be divided out.

The question was taken on the remainder of the appointments. The motion prevailed. So the appointments were confirmed.

The question was taken on the adoption of the Fischbach motion to consent to and confirm the appointment of Philip Krinkie

The roll was called, and there were yeas 44 and nays 11, as follows:

Those who voted in the affirmative were:

Bakk	Fischbach	Koch	Newman	Sieben
Bonoff	Gazelka	Kruse	Nienow	Skoe
Brown	Gerlach	Latz	Ortman	Sparks
Carlson	Hall	Lillie	Parry	Stumpf
Chamberlain	Hann	Limmer	Pederson	Thompson
Dahms	Higgins	Magnus	Rest	Vanderveer
Daley	Hoffman	Metzen	Saxhaug	Wiger
DeKruif	Howe	Michel	Senjem	Wolf
Dziedzic	Ingebrigtsen	Miller	Sheran	

Those who voted in the negative were:

Dibble  
Eaton  
Goodwin

Harrington  
Hayden  
Kelash

Langseth  
McGuire  
Pappas

Tomassoni  
Torres Ray

The motion prevailed. So the appointment was confirmed.

#### **CONFIRMATION**

Senator Fischbach moved that the report from the Committee on Higher Education, reported May 9, 2011, pertaining to appointments to the Board of Trustees of the Minnesota State Colleges and Universities, be taken from the table. The motion prevailed.

Senator Fischbach moved that the foregoing report be now adopted. The motion prevailed.

Senator Fischbach moved that in accordance with the report from the Committee on Higher Education, reported May 9, 2011, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### **BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES**

Jacob Englund, 5275 Grandview Sq., Edina, Hennepin County, effective July 1, 2010, for a term expiring on June 30, 2012.

The motion prevailed. So the appointment was confirmed.

#### **MEMBERS EXCUSED**

Senator Sheran was excused from the Session of today from 12:00 noon to 1:10 p.m. Senator Reinert was excused from the Session of today at 4:15 p.m. Senator Lourey was excused from the Session of today at 4:55 p.m. Senator Jungbauer was excused from the Session of today at 5:05 p.m.

#### **ADJOURNMENT**

Senator Senjem moved that the Senate do now adjourn until 11:00 a.m., Wednesday, April 18, 2012. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate